

Minutes of the March 25, 2003 Meeting

The meeting was called to order at 7:30 p.m. by Chairman Waybright. Present were Supervisors Shealer, Weikert and Gregor, Ron Horton, Henry Heiser, Carol Merryman, Mike Galassi, Donald and Georgia Doersom, William Aldridge, Bob Wagner and a reporter from THE GETTYSBURG TIMES. Mr. Bowling was absent. The meeting was tape recorded.

The Minutes of the previous meeting were approved by motion of Mr. Gregor, seconded by Mr. Weikert and carried.

Mr. Donald Doersom presented pictures to the Board of some recent ponding on his property during the thaw of the 20+ inches of snow and during a 1.7" rainfall. He also gave some background information about how the problem was created by the owner of the airport and about how for three years he has been coming to the Township for some help. He did state that there have been some things done to help the situation but, the pictures show that there is still a problem. Mr. Doersom stated that he would like this situation to come to a conclusion. Mr. Weikert verified that the pipe was full when the water is backed up. Mr. Doersom stated that it is and the pond was full. Mr. Doersom indicated that Mr. Bachert should have had a permit to move that much earth. Mr. Heiser indicated that this may be a problem between Mr. Doersom and Mr. Bachert, and not a township, or public, problem. He respectively suggested that Mr. Doersom talk to Mr. Bachert about the problem. Mr. Doersom stated that he has talked to Mr. Bachert and he had stated that he would do whatever the Township tells him to do to fix the problem. Mr. Horton stated that he thinks that Mr. Bachert stated that he would replace the crushed pipe, but this will not fix the problem because the pond and the outlet pipe for the pond are still there and are the limiting factor. Mr. Heiser indicated that he will sit down with Mr. Horton and some of the Supervisors and try to understand the problem and see if there is anything the Township can do and he will then advise the Board. Attorney Heiser reiterated that he is not promising that the Township will be able to resolve the problem. Mr. Weikert suggested that if it is a private matter, possibly the Township could act as a liaison between Mr. Doersom and Mr. Bachert.

Mr. William Aldridge, 35 Longview Blvd., also addressed the Board about a drainage problem that he has been having on his property. He explained that he did not have a problem until about two years ago when a new house was built beside him on the north side. He stated that when the new house was built, they raised the grade approximately five feet and water has been cascading into his yard ever since. He stated that he knows the Township can not do anything about the water coming down the side of the yard, but the water that cascades down the back goes toward Herr's Ridge Road and then down into his yard from that direction. This has made his backyard a swamp and he has spent over \$9,000.00 on re-seeding and regrading. He showed the Board some pictures of the yard and stated that you can not even walk in the yard. He stated that from 1987 until 2000, he never had a problem. He asked the Township to do something to prevent the drainage that comes from Herr's Ridge Road. He suggested the placement of a drain pipe to collect the water and take it down past his yard. He will put another pipe in his yard to carry away the water that comes from the side. Mr. Aldridge offered to pay a part of cost for the installation of the pipe or all of the cost if necessary. He asked that something be done very quickly. Chairman Waybright stated that the Township can only work in the right-of-way of the road and they will have the Township's engineer look at it. Mr. Shealer stated that they can take the grader and cut the side ditch but, they will get into the right-of-way of the railroad tracks and he is not sure if they can do anything in their right-of-way. Mr. Aldridge stated that he is on the Board of Directors of Norfolk Southern so he can deal with the railroad. Mr. Aldridge asked if he can put a pipe on his problem and the Board stated that he could as long as he doesn't cause a problem for the property downhill.

Mr. Bob Wagner stated that he would like to commend the Board and Planning Commission for allowing Roselawn to use Best Management Practices and he reported that the rain gardens are working well. He also reported that it is in the homeowners' declarations that there will be puddles after a heavy rain. He also

reported that he has provided the Letter of Credit for Roselawn, Phase III and he needs signed, approved plans for the utility companies to begin. Mr. Horton stated that he just reviewed the Letter of Credit. He stated that there is no provision for a thirty-day notification from the bank, to the Township, prior to the expiration of the Letter of Credit. Mr. Heiser also asked for clarification of some of the wording. He stated that it should say that the Letter of Credit is issued to ensure compliance with the Township's ordinances and final plan approval. This letter is keyed to the invitation to bid and Mr. Heiser has never seen that wording before. Mr. Horton asked that the plan be specifically referenced in the letter. Mr. Horton stated that he will provide Mr. Heiser with a copy of the revised Letter of Credit.

Mr. Horton reported that the grant for the **Opticom devices** that allow the Fire Department to control the traffic signals expired in January 2002 and the money had to be returned. The ACEDC will be re-applying for the grant by July 2003 and Mr. Horton asked them to supply the Township with a copy of the application so he can clarify what the cost share for the Township will be. He added that the electrician's costs for Cumberland's lights is about double because the existing control panels do not work with the Opticom devices and will have to be replaced. Mr. Horton stated that he will bring this back to the table once he has received the information on the grant. Chairman Waybright asked if the Board has already approved the devices going on the lights and that will have to be researched. Mr. Weikert stated that he had a question back then and still has the same question. He asked who will be liable if the emergency vehicle changes the light at the intersection (going from green to red with no yellow) and there is an accident. Mr. Weikert stated that he would have to have that question answered before approving or funding the installation of the devices. Mr. Shealer asked who owns and maintains the devices. Mr. Weikert stated that he thinks that the Township is responsible for the maintenance.

Mrs. Merryman presented the **AG-385 Report** for Mr. Gregor, the Chief Administrative Officer of the Pension Plans, to sign. The AG-385 provides payroll information to the Department of the Auditor General, which they use to determine the amount of State Aid that the Township receives for their Pension Plans.

Mr. Gregor made a motion, seconded by Mr. Weikert and carried to approve three Certificates of Appropriateness for single family dwellings. Two of the approvals were for Roselawn, LLC for lots 15 and 16, 6 Rebel View and 9 Dinwiddie Tract, respectively. The third was for Artisan's Design, lot 5 in Gettysburg View at 75 Palace Drive. Mr. Wagner asked if there is a need to go through this process in Roselawn because the builder only offers four different house types and five different color choices, all of which are earth tones. The Board agreed that it is a formality that has to be done.

Mr. Weikert made a motion, seconded by Mr. Shealer and carried to approve a Final Plan and Form B Request for Non-Building Waiver for J. Thomas Soliday on Taneytown Road. The plan proposes the subdivision of a 2.058 acre tract which is improved with a dwelling, septic system and well, and will be purchased by Mr. Soliday's son, John Soliday. The Planning Commission had recommended approval of the plan.

Mr. Weikert asked Mr. Heiser for an update on James Delaney. Mr. Heiser reported that in October 2002, a default judgement was entered against Mr. Delaney, in the amount of \$535.75, and nothing has been done with that since. The judgement that was entered does not provide for the \$500.00 per day daily fine. He added that it has been in excess of 90 days since the judgement and Mr. Delaney is still not in compliance. He stated that the Township could file another complaint and ask for as much as \$45,000.00 (90 days X \$500.00 per day) in fines. Mr. Heiser stated that he could execute on the property to get the \$535.75 and he suggested that another complaint could be filed by Mr. Bower for the additional fine. Mr. Weikert stated that he wishes to keep this active and establish a fine from this point on. **Mr. Weikert made a motion to authorize Mr. Heiser to deal with Ron Bower to get a civil complaint filed, and if Mr. Delaney is not in compliance within fifteen days, a \$500.00 per day fine be imposed, seconded by Mr. Gregor and carried.**

The Manager/Engineer's report was reviewed. Mr. Horton reported that he will be meeting with Ruth Bishop, PaDEP, at the Foundry site on Thursday 3/27 at 10:00 a.m. He added that he helped make arrangements for the scrap metal to be picked up from the site by Mr. Wagaman and PaDEP's clean-up is scheduled for next Spring. He reported that he will be meeting with John Walter on Friday 3/28 at 10:00 a.m. to discuss a trail project on his property. He also reported that he met with Buzz and Joan Wherley regarding their spray irrigation system. He stated that it has been a tough winter and he feels that the Wherleys have made a good effort. He reported that he told them that after a few more tests, they could come back in to request that their agreement for testing be revised. Mr. Weikert asked for an update on the Marsh Creek project and Mr. Horton will contact Mr. Allen Musselman for an update.

Mr. Gregor reported that there will be a Zoning Update Committee meeting on Wednesday, March 26, 2003.

Mr. Horton reported that there will be a Park, Rec and Open Space Committee meeting on Thursday, March 27, 2003.

The bills were paid. Expenditures for this meeting totaled \$22,657.18 from the General Fund.

There being no further business, the meeting was adjourned at 9:10 p.m. by motion of Mr. Shealer, seconded by Mr. Weikert and carried.

Carol A. Merryman, Asst. Secretary

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