

Minutes of the July 13, 2004 Meeting

The meeting was called to order at 7:30 p.m. by Chairman Waybright. Present were Supervisors Weikert, Gregor and Bowling, Chief Sease, Carol Merryman, Mike Galassi, Drew Plunkert, Michael McGlaughlin, Ed Puhl, B & C Auto Menders and reporters from the GETTYSBURG TIMES and EVENING SUN. Mr. Shealer was absent. The meeting was tape recorded.

At 7:30 p.m., as advertised, the Supervisors considered adoption of an **amendment to the Traffic Ordinance**. Chairman Waybright explained that the amendment changes the speed limit on Old Mill Road, authorizes Stop signs at the intersection of Old Mill Road and Lakeview Drive and designates a primary towing service for the township.

Dr. McGlaughlin stated that he understands that this action resulted from a single complaint and does not reflect the feelings of the majority of the residents from that neighborhood. He noted that the intersection did not meet any of the criteria used in determining the need for a Stop sign and he feels that placing Stop signs at that intersection will create other traffic problems. He feels that people will use Park Ave. to avoid the Stop signs and use the very dangerous intersection at Park Ave and Rt. 116. He also noticed that as you come up the hill from Rt. 116 on Old Mill Road there is not much sight distance and little time for people to stop.

Chief Sease stated that the ordinance authorizes the township to place the signs, but does not specify a time frame for it to be done.

Mr. Ed Puhl, stated that he represents B & C Auto Menders and they, and other companies, want the opportunity to bid on the towing services for the township. He stated that he wrote a letter to Attorney Heiser dated July 8, 2004, in this regard. He asked the Supervisors to table action tonight until they hear from Attorney Heiser. Chief Sease stated that under Section 6109 of the Vehicle Code, the township is not required to bid for this service concerning the violations of driving without a license, driving under suspension, driving without a registration etc. Chief Sease explained that when a vehicle is brought here, the tower of record is notified and the vehicle is taken to his yard, he notifies the sheriff of Adams County and after six months, the vehicle is sold by the sheriff. Mr. Puhl stated that he disagrees with Chief Sease and stated that he feels that this falls under 53PS6802 and any contract work over \$4,000.00 requires telephone quotes and over \$10,000.00 requires bids. Chief Sease stated that they have not been in compliance until this point and he is aware of other townships that have appointed their towing service with no bids. Chief Sease stated that it does not apply to vehicle crashes and the driver has the right to ask for whatever towing service they choose. Mr. Puhl suggested that other townships have a list and use a rotating basis for towing services. Mr. Puhl asked that B & C be placed on the list. Chief Sease stated that he has reasons for not placing them on the list, but they can tow from accidents when they are requested. **Mr. Weikert made a motion to table adoption of the amendment to the Traffic Ordinance, seconded by Mr. Bowling and carried. Mr. Gregor voted no.** Mr. Bowling stated that Chief Sease should carry on as usual until this is decided. Mr. Gregor asked that the amendment be made in two parts, rather than one, because it is two separate issues.

Mr. Bowling made a motion to approve the Minutes of the previous meeting, seconded by Mr. Weikert and carried. Mr. Gregor abstained.

Chief Sease presented an oral and written report of police activities for the month of June, including 121 arrests, 119 complaints and 8 incidents.

Mr. Drew Plunkert, J. A. Myers presented a revised **Preliminary Plan for Patriot's Choice**. He presented a letter from Tim Knoebel with his comments on the revised plan. He explained that Tim's comment #1 lists all of the items that they have agreed to do during construction. He reported that a plan has been added for

improvements to Boyds School Road and South Avenue, but are still trying to have a meeting with Mr. Knoebel, Mr. Shealer and Mr. Sharrah in this regard. He added that they will need assistance from the township for some off-site grading as part of improvements for Boyds School Road. They are working on their E&S/NPDES permits. They will comply with whatever Mr. Knoebel asks for on the subsurface drains. They met with the Authority last night and will work with them on the replacement of the pumping station. GMA is currently reviewing the project. They will address any grading problems and provide copies of all permits. He reported that they will be leaving a fifty-foot buffer along the railroad tracks. He stated that they understand that they will be starting construction at their own risk, will satisfy the preliminary plan items, except possibly for determining the responsibility on Boyds School Road, will provide the bond at final approval and will establish an escrow account for payment of inspections. The Supervisors agreed that they still need some time to discuss the items with Mr. Knoebel and can do that at their next workshop meeting. Mr. Plunkert reported that once they receive their NPDES and wetlands permits they are planning to start clearing the site. He added that they have a permit to timber the site and will be putting in a hauling road. Mr. Plunkert asked the Board for an amount for the escrow account and they will consult with Mr. Knoebel on that.

Chairman Waybright reported that the Board has a request from **Catoctin Developers for Conditional Use** approval to build single-family dwellings on a property in an "MX" Mixed Use district on Biglerville Road. A public hearing was held and the transcript has been received. There were no comments from residents, only from the applicant, and his engineer. Mrs. Merryman reported that the Supervisors have 45 days from the date of the public hearing, which was June 8, 2004, to make a decision. **Mr. Gregor made a motion to table action on the application from Catoctin Developers until the morning of the July 23, 2004 public workshop, seconded by Mr. Weikert and carried. Mr. Bowling abstained.**

Chairman Waybright reported that a second letter has been received from **Gettysburg Construction** requesting a modification to the Subdivision Ordinance that requires a driveway to be 5 ft. from the property line at the right-of-way line. The first request was to permit a thirty ft. wide driveway to serve a duplex in Twin Lakes West and the Supervisors thought that it would be better if there was a separation between the driveways. The plan has been revised to show a 5 ft. grass strip between the two driveways and a modification is needed to permit that. **Mr. Weikert made a motion to grant the modification from the Subdivision Ordinance and allow each driveway to be 2.5 feet from the property line at the right-of-way line, as requested in the June 28, 2004 letter, seconded by Mr. Gregor and carried.**

Chairman Waybright reported that we have received a request from William F. Hill and Associates, representative for the **Greenmount Creamery Land Development Plan**, for a letter to PennDOT acknowledging the receipt of the plan as part of their submission for a Low Volume Highway Occupancy Permit. The project is located on SR 3001, Emmitsburg Road. **Mr. Weikert made a motion to authorize the letter to PennDOT acknowledging the plan, seconded by Mr. Bowling and carried.**

Mr. Gregor made a motion, seconded by Mr. Weikert and carried to approve a Special Event permit for the Barlow Fire Company Carnival on July 15, 16 and 17, 2004.

Mr. Weikert made a motion, seconded by Mr. Gregor and carried to approve a Certificate of Appropriateness for Catherine Moles for a 12x16 deck at her property on Pin Oak Lane contingent upon the HARB secretary signing the certificate.

Mr. Weikert made a motion, seconded by Mr. Gregor and carried to approve a renewal of the Agility Agreement between the PA Department of Transportation and Cumberland Township. The agreement shall be effective for five years, unless terminated sooner for cause by either party, and has been reviewed by Mr. Shealer.

The Zoning Officer's Report was reviewed.

Mrs. Merryman reported that the new Manager, Flo McLeish, is interested in renting the house that the township owns at 1390 Fairfield Road and she has an appointment to go look at it on Thursday at 1:00 p.m. The Board asked that Mr. Shealer go through the house with her to see if any repairs are needed while the house is empty.

Chairman Waybright reported that the contract for the road work on Old Mill Road and Herr's Ridge Road had been approved several weeks ago, but the Notice to Proceed needs to be executed and that was done.

Mr. Bowling reported that there is an advertising sign at the intersection of Marsh Creek Road and Emmitsburg Road that is blocking the sight distance. The Board asked that Mr. Bower check on this.

Mr. Weikert asked that Mr. Bower attend the next workshop to discuss the UCC.

The bills were paid. Expenditures for this meeting totaled \$38,593.24 from the General Fund.

There being no further business, the meeting was adjourned at 9:20 p.m. by motion of Mr. Shealer, seconded by Mr. Weikert and carried.