

**Minutes of the November 9, 2004 Public Hearing  
for Conditional Use for Scott Milhimes**

The hearing was called to order at 7:00 p.m. by Chairman Waybright. Present were all Supervisors, Henry Heiser, Ron Bower, Flo McLeish, Carol Merryman, Jan Bucher - stenographer, Mr. and Mrs. Scott Milhimes, Stan Clark and Albert Coscia. The hearing was tape and stenographically recorded.

Chairman Waybright turned the hearing over to Mr. Heiser.

Mr. Heiser stated that the hearing is regarding an application for Conditional Use approval made by Mr. Scott Milhimes, who wishes to operate an auto repair business on his property at 1155 Chambersburg Road. Mr. Heiser explained that Mr. Milhimes' property is zoned Mixed Use (MX) and in the MX zone, auto repair businesses are permitted as a Conditional Use.

Mr. Bower presented township exhibits including a copy of the legal notice that was published in THE GETTYSBURG TIMES, a copy of the certified letter that was sent to all adjoining property owners, a copy of the posting that was posted on the property and a list of the adjoining property owners, a copy of the application and the land development plan that is incorporated by reference. Mr. Bower stated, that in his opinion, the land development plan and application provides a complete submission to the township. He also feels that the plan, with a few revisions, will meet the criteria in the Zoning Ordinance. Mr. Bower also stated that he has not received any communication from anyone who is in opposition to what Mr. Milhimes is proposing to do.

Mr. Albert Coscia stated that he is in attendance, on behalf of his daughter and son, to see what was going on and they have no problem with what Mr. Milhimes wants to do.

Mr. Stan Clark, neighbor to Mr. Milhimes, stated that he thinks that Mr. Milhimes keeps his property very nice and that he is a hard worker. He also stated that he thinks that Mr. Milhimes should be allowed to operate his proposed business within the parameters of the Township's requirements.

Mr. Heiser asked anyone who wished to testify to be sworn in. Mr. Heiser swore in Mr. Bower and Mr. Milhimes.

Mr. Milhimes, applicant, stated that he would like to open an auto repair business on his property at 1155 Chambersburg Road, and he understands that it is a use permitted by Conditional Use. Mr. Milhimes reported that the property is currently used as his residence and there are numerous commercial uses around the property. Mr. Heiser clarified that this decision does not mean that the land development is also approved. Mr. Milhimes indicated that he does understand that.

Mr. Waybright asked Mr. Milhimes what his hours of operation will be. Mr. Milhimes stated that he will be open from 8:00 or 9:00 a.m. to 5:00 p.m. with no evening hours. Mr. Waybright also asked how long the vehicles will be left on the property. Mr. Milhimes stated that the vehicles should not be there more than a week. He also stated that no body work will be done there. Mr. Waybright asked if it would be a hardship if a condition is placed on the approval that a vehicle can not be on the property any longer than 30 days. Mr. Milhimes stated that it would not be a hardship.

Mr. Heiser stated that action on this request will be made at the December 14, 2004 meeting of the Board.

There being no further comments, the hearing was adjourned at 7:15 p.m.

## Minutes of the November 9, 2004 Meeting

The meeting was called to order at 7:30 p.m. by Chairman Waybright. Present were all Supervisors Flo McLeish, Carol Merryman, Chief Sease, Ron Bower, Mike Galassi, Mr. and Mrs. Diephaus and Carol Detweiler. The meeting was tape recorded.

**Mr. Shealer made a motion, seconded by Mr. Weikert and carried to approve the Minutes of the October 26 meeting. Mr. Gregor abstained.**

**Mr. Weikert made a motion, seconded by Mr. Shealer and carried to approve the Minutes of the October 26 Public Hearing. Mr. Gregor abstained.**

Chief Sease presented a written and oral report of police activities for the month of October including 168 complaints, 11 incidents and 317 arrests.

Mr. Mike Galassi expressed a concern about late night flights arriving and departing from the Gettysburg Airport. Chairman Waybright stated that they will look into this.

Chairman Waybright reported that the township received an application for **Conditional Use approval for Craig Tuckey** to replace his existing single-wide mobile home with a double-wide mobile home at 170 Chapel Road, Ext. He also reported that a Public Hearing was held on this matter on October 26, 2004. **Mr. Shealer made a motion, seconded by Mr. Bowling and carried to approve the Conditional Use application for Craig Tuckey. Mr. Gregor abstained.**

**Mr. Shealer made a motion, seconded by Mr. Weikert and carried to table action on a request from Realty Leasing and Management Co. for a partial release of escrow funds, in the amount of \$32,176.50, for Deatrick Drive road work, until an inspection can be made by the township's engineer.**

Chairman Waybright reported that the township has received a **letter of resignation from Steve Niebler**, Chairman of the Cumberland Township Authority, effective December 31, 2004. **Mr. Gregor made a motion to accept Mr. Niebler's resignation, seconded by Mr. Bowling and carried.** Mr. Shealer asked that a letter be sent to Mr. Niebler expressing the township's appreciation for his service on the Authority Board.

Chairman Waybright reported that the township has received an **Unsafe Building Assessment** from Timothy Knoebel, township engineer, in conjunction with Jeffrey B. Fertich, structural engineer, indicating that the building located at 15 Willoughby Run Road, represents a danger, can not be reasonably repaired and should be demolished. Ms. McLeish asked that the Board authorize Mr. Heiser to draft a letter to the property owner, with a copy of this report attached, to get the building cleaned up. **Mr. Shealer made a motion to authorize Mr. Heiser to send a letter, and a copy of the report, to the property owner, seconded by Mr. Weikert and carried.**

Chairman Waybright reported that the **2005 budget** has been prepared and is ready for tentative adoption. He added that the budget is a little over \$1.5 million, is balanced and does not include any tax increases. Mr. Gregor also reported that the contributions to the various charitable organizations and the fire departments were increased by 10%. **Mr. Gregor made a motion to tentatively adopt the 2005 Budget, seconded by Mr. Bowling and carried.**

Chairman Waybright reported that a **request for extension** for subdivision approval has been received from **Tina Havens**. Mrs. Havens requests that the approval time frame be extended until January 1, 2005. **Mr. Shealer made a motion to accept the request for extension until January 1, 2005, seconded by Mr. Gregor and carried.**

Chairman Waybright reported that a **request for extension** for land development approval has been received from William F. Hill and Associates on behalf Paul Kellet for the **Greenmount Creamery Plan**. The request is for an additional 60 days. Mr. Weikert stated that this plan has been given several extensions and he feels that it needs to get completed. **Mr. Gregor made a motion to approve the request for a 60-day extension for the Greenmount Creamery, seconded by Mr. Shealer and carried.** Approval of this plan will be needed by January 29, 2005.

Chairman Waybright reported that a request for a **30-day extension has been received from Scott Milhimes** for approval of his land development plan. He added that Mr. Milhimes had a conditional use hearing earlier and there are only a few things that need to be addressed on his plan. **Mr. Gregor made a motion to approve a 30-day extension for Scott Milhimes' Land Development Plan, seconded by Mr. Weikert and carried.**

Chairman Waybright reported that there may not be a quorum at the next township meeting on November 23, 2004. He stated that he will be out of town, and Mr. Shealer and Mr. Gregor also noted that they may be out of town as well. The Board agreed to pay bills at the November 19, 2004 Workshop. **Mr. Shealer made a motion to cancel the regular meeting on November 23, 2004 and pay bills at the November 19, 2004 Workshop, seconded by Mr. Gregor and carried.**

Ms. McLeish reported that another joint meeting with the Authority is needed to discuss the Visitor's Center and Museum and that was scheduled for December 7, 2004 at 7:00 p.m. Ms. McLeish also reported that she met with Vicki Aycock from KPI and Marc Pratt from the Park Service to discuss the Sach's Mill Bridge Trail Project and the Park Service has determined that the historic road trace is Waterworks Road so the proposed trail has to be located within the existing right-of-way. KPI will be giving the township an estimate for the needed survey work. Ms. McLeish also reported that Mr. Heiser is reviewing the Developer Agreement that she prepared, the proposal for the Act 209 Study should be ready for review at the next workshop and she and Mr. Knoebel are working with Masonry Homes on a solution for the drainage problem on Mr. Williams' and Mr. Beauchat's properties. Lastly, Ms. McLeish reported that she visited a composting facility at South Middleton Township and there is a meeting scheduled for November 16 at the foundry site with officials from PaDEP for preliminary discussion on the issues with using the foundry site as a composting facility. She added that this project may be able to be done with very little out-of-pocket costs through the different grants that may be available and what the Borough will be contributing.

Mr. Bowling asked where and when the proposed composting facility was discussed because he was unaware of it until tonight, and does not recall it being in the Minutes. Ms. McLeish stated that it was discussed at a public meeting. Mr. Gregor stated that he remembers it being discussed at a Workshop meeting, which is a public meeting. Mr. Bowling reiterated that it should have been brought up at a regular meeting because he would like to be in on it. Mr. Shealer stated that the Manager is doing research and gathering information so the Board has the facts to make a decision. Chairman Waybright stated that the Township has not entered any agreement to go into the composting business or to buy any ground or equipment. He added that he feels that it was discussed at a regular meeting, but he would have to check the Minutes. Mr. Bowling stated that he feels that the workshops are being manipulated. Mr. Shealer indicated that Mr. Bowling could attend the workshops to see what goes on at them and that they are just for information gathering. Mr. Bowling stated that he works on Fridays and can not be at the workshops.

The Zoning Officer's report was reviewed.

Chairman Waybright stated that Mr. Richard Kellerman has expressed an interest in serving on the Sewer Authority and that there will be two vacancies to fill. He added that Mr. Kellerman is a township resident and his home is connected to public sewer and he is the manager of Battlefield Resorts on Emmitsburg Road, the next area slated for public sewer. He also reported that the Board spoke to Randy Phiel and Dave

Redding at the workshop on Friday regarding another possible reenactment on the Redding Farm in 2005.

The bills were paid. Expenditures for this meeting totaled \$18,068.95 from the General Fund.

**There being no further business, the meeting was adjourned at 8:40 p.m. by motion of Mr. Gregor, seconded by Mr. Shealer and carried.**

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Carol A. Merryman, Asst. Secretary

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