

Minutes of the January 11, 2005 Meeting

The meeting was called to order at 7:30 p.m. by Chairman Waybright. Present were Supervisors Weikert, Gregor, Shealer and Bowling, Flo McLeish, Chief Barry Sease, Mike Galassi, Scott Milhimes, Frederick Smith, Barbara Scheeds, Judy Cartaz, THE GETTYSBURG TIMES and EVENING SUN. The meeting was tape recorded.

Mr. Gregor made a motion, seconded by Mr. Weikert and carried to approve the Minutes of the December 28, 2004 Meeting.

Mr. Gregor made a motion, seconded by Mr. Shealer and carried to approve the Minutes of the January 3, 2005 Reorganization Meeting.

The Police Report for the month of December was given by Chief Sease. It included: 118 complaints, 127 combined arrests, 17 new cases resulted from the 118 complaints. For the year, 2004, 1632 complaints resulted in 197 new cases, and 2086 combined arrests. Mr. Bowling asked the Chief a question concerning fines collected and what percentage does the Township net from those fines? Mr. Bowling thought that at an earlier meeting Chief Sease stated that the Township receives nothing from the fines collected. Chief Sease responded that the Township collects 50% of the dollar amount of the fines collected. However, Chief Sease explained that the Township does not receive anything for DUIs and the time spent on other cases which fall under the criminal court. Mr. Bowling suggested contacting Representative Maitland's office to see if we can get that changed. Chief Sease explained that the Chiefs of Police Association is having Representative Maitland speak to that issue at their March meeting. Chief Sease continued with another item of discussion concerning the speed limits on Business Rt. 15 and how they are irregular. Chief Sease contacted a PENNDOT engineer who advised that the Township write a letter to PENNDOT requesting a traffic survey be done. Mr. Gregor asked specifically where the irregularities were. Chief Sease replied heading south on Business 15 the speed limit from the Borough to the Codori farm is 25 mph, it then increases to 35 mph from the Codori Farm to Millerstown Rd, then increases to 40 mph. The 35 mph limit in the middle is seasonal in nature. When there are visitors, and the traffic gets congested on that portion of the roadway the traffic regulates itself. Chief Sease asked the Board for permission to have the 35 mph section of roadway increased to 40 mph. Chief Sease stated that a similar situation exists on Rt. 30 which we will attack at a later time. He and Mr. Gregor recalled a meeting with PENNDOT during a Board workshop discussing the request for a traffic study to be conducted along Rt. 30 but have not heard anything prior to the speed limit changes being implemented there. Getting back to Rt. 15, Mr. Shealer believed that it was a good idea to make the request to PENNDOT. In so doing, when the Board is questioned by the residents as to why that situation exists, we would have good, sound information to relay back to them. Mr. Bowling mentioned the fact that we have several such roads in the Township. He specifically mentioned Taneytown Road and the various speeds posted along a small length of roadway. Chief Sease updated the Board that he is working up the costs on the new police vehicle and it seems to be in the range of \$25,450. Final figures should be available at the next meeting. Mr. Bowling asked how much was budgeted for the new vehicle. Chief Sease responded that \$28,000 was budgeted for the new vehicle. Mr. Weikert inquired about an article he read about Ford discontinuing the Crown Victoria as a police fleet vehicle. Chief Sease had not heard anything about that. The last item Chief Sease had was to get the Ordinance that extends the 25 mph zone on Herr's Ridge Road changed to a 35 mph zone, therefore making all of Herr's Ridge Road a 35 mph road. Mr. Gregor asked Chief Sease what his recommendations were. Chief Sease replied 35 mph the entire length.

Chairman Waybright moved into the visitors section on the agenda. He asked if there were visitors present who wished to make a comment. Fred Smith of 339 Buchanan Valley Road Ortanna, PA asked to speak to the Board concerning a waiver he needs for a well on his property. Ms. McLeish stated that his item for the discussion came in after the agenda was set, however, she asked Ron Bower to review Mr. Smith's request and write a memo to the Board concerning it. Mr. Smith is contemplating buying a piece of property on 11 White Oak Trail. The total area of the lot is approximately 1 acre and irregularly shaped. He had hired a dowser to find the best location of water for his well. Unfortunately, the best location for the well was 4'-10" from his property line. He was told by Mr. Bower that he would need to come before the Board and ask for a waiver of Section 104.1 requiring that a well needs to be a minimum of ten feet from the property line. The location is in a heavily wooded area and the lot itself is serviced by public sewer. Utilities would not be a problem either because utilities are run along the existing roadways. Mr. Gregor asked about whether the wooded area restrictions placed upon the surrounding lots are indeed an Association covenant? Mr. Smith replied that it was. Mr. Gregor asked how soon Mr. Smith would need a decision. Mr. Smith replied that he is tied to deadlines, so the sooner the better. Chairman Waybright commented that he believed the Board had granted such a waiver concerning the minimum distance from a house. Mr. Gregor asked Ms. McLeish if she had any comment. Ms. McLeish responded that she had spoken with Ron Bower on this issue and he told her that the Board has indeed granted waivers on this in the past. Ms. McLeish said given the location of the well, availability of public sewer and the surrounding properties are built, she did not see a problem with granting this waiver. Of course, this is a Board decision. Chairman Waybright asked for additional comments. **Mr. Gregor moved that the**

Board grant permission on this particular lot in order for Fred Smith to get the best chance of getting water within the location so described which would be a waiver of the Ordinance Section 104.1 seconded by Mr. Bowling and carried.

Chairman Waybright asked if any other visitors cared to speak. He then called on Judy Kartoz of 40 Windbriar Lane. Ms. Kartoz asked about the hearing scheduled for next week before the Zoning Hearing Board and the zoning changes that were made. She asked if the Board could tell her why this has become an issue and number two, what authority does the Zoning Board have if they make a decision counter the Board of Supervisor's decision. Mr. Gregor responded that any decision by the Zoning Hearing Board stands. He explained that the ZHB is a quasi-judicial Board. Ms. Kartoz asked why the applicant is challenging the decision. Chairman Waybright explained that the applicant was not satisfied with the decision of this Board and has decided to take this matter to the next step. Ms. Kartoz asked what irregularities in the procedure the applicant is challenging so that repeats of those irregularities don't happen in the future. Ms. McLeish stated that one of the points he is challenging is that the map was not published in the local paper. However, there are several legal arguments embedded in the challenge. Ms. McLeish explained the distinction between the two boards; the ZHB being one of a judicial nature and the Board of Supervisors being a legislative Board. Chairman Waybright explained that the Township has retained an attorney to represent their position in the hearing.

Chairman Waybright reported that Scott Milhimes' Land Development Plan was ready to be decided. Tim Knoebel, the Township Engineer was satisfied that the applicant met all the conditions set forth. Mr. Milhimes asked the Board when he would need to get the letter of credit to the Township. Ms. McLeish stated that he could do so at the time of his building permit issuance. However, the Board needed to decide on two waiver requests. The first waiver was from to allow slopes that exceed 10% within 20 feet of the property line; the second waiver was to manage runoff on a storm by storm basis. Mr. Gregor asked if Tim had any problems with the waivers. Ms. McLeish responded that he did not. **Mr. Gregor made a motion seconded by Mr. Shealer and carried to grant the two waivers as requested.**

Mr. Gregor moved and Mr. Shealer seconded and carried that the resolution for Scott Milhimes' Final Land Development Plan be approved.

Chairman Waybright opened discussion for the Special Event Application concerning the Gettysburg Reenactment to be held July 1, 2 and 3rd 2005 on the Dave Redding Farm on Table Rock Road. Mr. Gregor mentioned that this event has been at various locations and all the past events were run well. Mr. Gregor anticipated that this event would be smaller. Chairman Waybright mentioned that there were items discussed in Mr. Bower's memo, however, they were relatively minor comments and could be addressed. Mr. Shealer raised an issue that Mr. Redding is doing some work for a close family member and he would abstain from the vote if the Board saw it as a conflict. Seeing none, **Mr. Gregor moved the special event permit be allowed as requested with insurance concerns addressed prior to the permit being issued, seconded by Mr. Weikert and carried.**

The next item on the agenda concerned a memo outlining proposed 2005 road projects from Tom Shealer to the Board. The following projects are proposed: Surface treatment of Willoughby Run Road; Bank stabilization for Boyd's School Road; wearing course for Boyd's School Rd; and Boyd's School Road Extended, upgrade, pending agreement with Patriot's Choice. Mr. Gregor asked if Mr. Shealer had a ball park number on the projects. Mr. Shealer replied that he did not, that this was to get some feedback on whether these projects were acceptable to the Board before he researched the costs. Mr. Shealer also stated that we are in the process of negotiating Boyd's School Road Extended improvements with the developer of Patriot's Choice. Mr. Weikert asked if the bank stabilization was at the drop off area. Mr. Shealer stated that it was. **Mr. Weikert made a motion to approve the proposed road projects for the year 2005 seconded by Mr. Gregor and carried.**

Chairman Waybright reported that the township has received a request for a permit for the fireworks display during bike week to be held on July 9, 2005. Mr. Shealer inquired about last year's permit limiting the size of the charges. Mr. Gregor responded that was true and he added that the Township sent out letters to the neighbors and in particular the cattle farmers in the area informing them of the time of the fireworks. **Mr. Shealer made a motion to approve the fireworks with the same conditions placed in 2004, to be included with the 2005 request, seconded by Mr. Gregor and carried.**

Chairman Waybright reported that a letter was received requesting that the Board contact PENNDOT concerning a speed limit increase on Route 30 West. This was the same one that Barry was commenting on earlier. **Mr. Gregor moved in light of earlier comments, that the Board table this issue until Chief Sease reports back to the Board on that stretch of road; seconded by Mr. Shealer and carried.**

Chairman Waybright opened the discussion concerning the conveyance of three easements along the Fairfield Road at the intersection of Fairfield Rd. and Old Mill Road. Ms. McLeish stated that this is the final step in an agreement that was reached between PENNDOT and the Township during the time that Deatrick Village was proposed. There was an executed agreement on October 22, 2002 that was made until the Department of

General Services could prepare the easement conveyance which is before the Board tonight. Mr. Heiser has reviewed and approved the documents. Mr. Weikert asked Mr. Shealer if it was the Township's responsibility to maintain those drainage structures. He did not believe that there was anything the Township needed to do. **Mr. Weikert moved that the Board accept the agreements for the three areas as documented, seconded by Mr. Gregor and carried.**

Chairman Waybright opened discussion on the next item on the agenda; a survey by DCED of the financial condition of the Township. Mr. Weikert stated that it's nice to report that the Township is free of any debt. **Mr. Weikert made a motion to approve the survey seconded by Mr. Gregor and carried.**

Chairman Waybright introduced the Actual Use Report of State Funds with PENNDOT. This is a housekeeping issue concerning liquid fuels money. **Mr. Gregor moved that the report of State funds as presented be accepted, seconded by Mr. Weikert and carried.**

A memo requesting to schedule two conditional use hearings was discussed. The first hearing is for Mr. and Mrs. Karen Palmer to operate a bed and breakfast; the second hearing concerned a request from Realty Leasing to operate a gas station in the MX zone. Ms. McLeish suggested that the Board set a special date and schedule both of these hearings on one night. The Bed and Breakfast should be scheduled first with Realty Leasing going next. **It was decided that the Hearings would be scheduled for February 15, 2005 at 7:00 p.m.**

Chairman Waybright asked the Board about the open position on the Township Authority and whether or not the Board was ready to appoint Richard Kellerman. The Board understood that the Authority has someone in mind but he is away and will be returning shortly. Chairman Waybright concluded that the Board will wait pending a recommendation from the Authority Board.

Ms. McLeish gave her report.

The Zoning Officer's Report was read and reviewed.

Mr. Bowling asked Ms. McLeish to look into why the fire hydrant at 500 Boyd's School Road is inoperable. Ms. McLeish stated that she believed it was operational because they are routinely tested, however, she will gladly look into it and report back to the Board.

The bills were not paid as the Secretary has been ill and did not have them ready.

There being no further business, the meeting was adjourned at 8:45 p.m. by motion of Mr. Gregor, seconded by Mr. Weikert and carried.

Carol A. Merryman, Asst. Secretary

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