

Minutes of the July 26, 2005 Meeting

At 7:00 p.m., Chairman Waybright called the Public Hearing for a Conditional Use concerning Kevin W. Brown's application to order. Present were Supervisors: Tom Shealer, George Weikert, John Gregor and Barbara Underwood; Flo McLeish, and Deb Zepp – Stenographer, Please see the transcript for the record of this hearing.

The regular meeting was called to order at 7:37 p.m. by Chairman Waybright. Present were Supervisors: Tom Shealer, George Weikert, John Gregor, and Barbara Underwood; Flo McLeish, Tim Knoebel, Gail Jones, and Charles Schillinger from the Hanover-Sun. The meeting was tape-recorded.

Mr. Shealer made a motion, seconded by Mr. Gregor and carried, to approve the Minutes of the July 12, 2005 meeting, as written.

Chairman Waybright introduced agenda item A, an escrow release for Roselawn Subdivision. Tim Knoebel stated to the Board that he issued a report to the Board of Supervisors dated July 26, 2005. The engineer had inspected Roselawn of which the Township currently holds the letter of credit in the amount of \$37,840 and the developer has asked for a total release of the escrow. However, our tabulation indicates that we are recommending that \$11,880 remain in escrow to cover the items that are outstanding on the itemized tabulation. That translates in a reduction of the bond in the amount of \$25,960. Mr. Knoebel did speak with Mr. Wagner today about the release and Mr. Wagner was generally satisfied with that amount, however, he disagrees with a couple of the items listed. Mr. Knoebel advised him to gather all the information he has available to support his case on those items and the Board would reconsider further reduction at that time. Mr. Knoebel wanted to point out the sidewalk but the plans still show a section of sidewalk in Phase IV along the public right-of-way that has not been installed. Mr. Wagner claims that the particular sidewalk in question was not to be installed; however we have no formal records concerning that. Ms. McLeish stated that she had searched the minutes from the earliest approval of Roselawn to the present day and has found no motions or waivers granted eliminating that sidewalk and the sidewalk is still shown on the recorded plans. That being said, Tim stated that his recommendation to the Board is to release \$25,960 which would reduce the escrow amount to \$11,880. Mr. Weikert asked Mr. Knoebel if the road surface was tested and repaired to meet Township specifications. Mr. Knoebel responded that the pavement surface and base were repaired to meet Township specifications and that core samples were taken. **Mr. Gregor moved, seconded by Mr. Shealer and carried, to approve a \$25,960 reduction in the letter of credit for the Roselawn subdivision.**

Ms. McLeish stated to the Board that the Codification of the Township's Ordinances is ready for adoption. We have the proof of publication for the Board's intent to adopt the codification of Ordinances. **Mr. Gregor moved, seconded by Ms. Underwood and carried to adopt the Codified Ordinances.**

The next item on the agenda was the approval of the Resolution for Leroy Klinefelter's Final Subdivision Plan. Mr. Knoebel introduced the plan to the Board which is a simple 1 acre lot addition. The applicant has filed the non-building waiver and there were no comments other than the owners acknowledgement needs to be signed. **Mr. Gregor moved, seconded by Mr. Shealer and carried to approve the Leroy Klinefelter Final Subdivision Plan and Resolution.**

The next item on the agenda was a consideration to approve a 60 day extension to the YWCA Land Development Plan. The applicant needs the extra time to revise the plans per our engineer's comments. **Mr. Gregor moved, seconded by Mr. Weikert and carried to grant the 60 day extension to the YWCA for their Land development Plan.**

The next item on the agenda concerned Cumberland Village. Mr. Knoebel stated that the Cumberland Village Subdivision Plan is due for Board action by July 29, 2005. Mr. Bob Sharrah, plan designer indicated at the last planning commission meeting that he was going to send a letter to the Township requesting a ninety day extension. The Township had not received the request and therefore must act on the plans. It was suggested by Mr. Knoebel that the Board deny the plans based on the engineer's review letters dated February 10, March 4, March 18 and March 28 unless a written request for the 90 day extension was received at the Township office by close of business on July 28th. Mr. Knoebel believes that they will probably provide a request, but, it was an oversight on the part of the designer. However, the Board of Supervisors must act in order to prevent a "deemed approval." **Mr. Gregor moved, seconded by Mr. Weikert and carried to deny the preliminary plans for Cumberland Village based on the engineer's review letters of February 10, March 4, March 18 and March 28 unless a written request of 90 days is submitted to the Township by the close of business on July 28, 2005.**

The next item was the manager's report. Ms. McLeish updated the Board on the Adelphia Agreement. She has received an extension of the current franchise agreement until June 30, 2006. This will allow time for us to negotiate the new franchise agreement with Comcast. She is also awaiting further instruction from Dan Cohen

concerning the Form 394 Application which needs to be approved and signed by the Board of Supervisors within 120 days of receipt. The Form 394 is an FCC requirement that transfers the franchise agreements from Adelphia to Comcast. She also informed the Board that ACTPO has sent a letter to the Township advising them that the Belmont Road Bridge is still on the TIP. She placed a call to Adams County Planning Office to be sure that Belmont Bridge remain on the TIP as it is a priority for the Township to have the bridge replaced. She was told that ACTPO has the money available for the bridge construction once the County settles the issue of acquiring the right-of-ways. Sach's Mill Bridge Trail is proceeding and is currently in the design phase. Ms. McLeish reminded the Board that we have funding still available with the Park Service Grant and we will be sending them an invoice in September for reimbursement. Mr. Weikert asked if Ms. McLeish knew the balance of the Park and Recreation fund. She did not have those figures. She replied that the Meadows had paid their portion of the Park and Recreation fee.

Mr. Shealer reported to the Board about the request for the dry hydrant at Vista Largo. Adams Electric will supply most of the hardware and the Township would do the excavation, installation and purchase the pipe. The rough estimate is about \$100 worth of materials. Mr. Shealer wants the Board to decide whether or not they are interested in this. Ms. Underwood asked Mr. Shealer if he found out about liability issues. Mr. Shealer replied that in the Adams Electric packet, there is a sample construction agreement and a hold harmless agreement that Henry Heiser should review. It was recommended by Adams Electric that the Township sign the agreements. Mr. Weikert asked Mr. Shealer if he would have to dig through the breast of the dam and does the pond need to be drained. Mr. Shealer replied that where they are asking for it to be installed may be impossible to do because the road is lower than the water level. Mr. Shealer plans to contact Mr. Burkell about the location to make it work. Mr. Weikert believed it to be a good idea. Mr. Shealer contacted Gettysburg Fire Department to see if it met their needs and they are in support of it. Mr. Gregor agreed that this was a good idea as long as the Township had the signed construction agreement as well as the hold harmless agreement to protect us from future liability. **Ms. Underwood moved, seconded by Mr. Gregor and carried to grant Mr. Shealer the ability to continue with this project.**

Mr. Weikert made a motion to pay the bills; seconded by Mr. Mr. Gregor and carried. Expenditures for the meeting totaled \$41,644.63 from the General Fund.

There being no further business, the meeting was adjourned at 8:30 p.m. by motion of Mr. Shealer, seconded by Mr. Weikert and carried.

John P. Gregor, Secretary

_____)
_____)
_____) Supervisors
_____)
_____)