

## Minutes of the August 10, 2004 Meeting

The meeting was called to order at 7:30 p.m. by Chairman Waybright. Present were Supervisors Shealer, Weikert and Bowling, Carol Merryman, Henry Heiser, Chief Sease, Flo McLeish, Riley Hollingsworth, Ed Gastley, Fred Martin, Commissioner Glenn Snyder, Commissioner Lucy Lott and reporters from the GETTYSBURG TIMES and EVENING SUN. Mr. Gregor was absent. The meeting was tape recorded.

Chairman Waybright introduced, and welcomed, Florence (Flo) McLeish, new township Manager. He reported that Ms. McLeish will start work on August 16, 2004 and the Board is very anxious for her to come on board.

**Mr. Weikert made a motion, seconded by Mr. Shealer and carried to approve the Minutes of the July 23 special meeting and the July 27 regular meeting. Mr. Bowling abstained.**

Chief Sease presented a written and oral report of police activities for the month of July including: 165 complaints, 194 arrests and 17 incidents. Chief Sease independently spoke to Ed Gastley and Fred Martin about a problem they are having in their neighborhood.

Chairman Waybright introduced, and welcomed, County Commissioners Glenn Snyder and Lucy Lott. Commissioner Snyder reported that they are visiting all of the municipalities to promote a dialogue and offered to answer any questions that the Board had. Mr. Shealer asked about the status of the Belmont Road bridge. Commissioner Lott reported that the process had to start over because so much time had elapsed since they had the appraisals done. She reported that letters are going out to the property owners and appraisals are being done next week. Commissioner Snyder reported that Pennoni was out to do an interim inspection, but they have not received the report back from them yet. Commissioner Snyder added that nothing will happen this year, but they are hoping that it will be on with PennDOT for next year. Mr. Weikert asked if there is anything that the County can do to help the municipalities control all of the growth. Commissioner Snyder stated that all of the power belongs to the municipalities, but they are encouraging regional planning and there are several places where this is happening. Commissioner Lott reported that they have been asked to have a "growth summit" and that is something that they are considering. Mr. Weikert stated that he feels that it would be good for the Commissioners to make a statement about their feelings on the growth. Commissioner Snyder reported that they are trying to get the municipalities to understand that the decisions that they make affect everyone in the county. Commissioner Snyder concluded by stating that their door is always open and they are willing to help in anyway that they can.

Mary Kay Hall, representing **Adams County Crime Stoppers**, asked the Board to consider placing signs around the township with their name and telephone number to promote their service. She reported that the signs would cost about \$15.00 each and they are asking that they be installed by the township's Road Department. She reported that the number is answered by someone at the State Police office and 90% of the time you will get an answering machine, and the calls are anonymous. She stated that in some cases, a reward is paid if the information is used to solve a crime, and the organization has been around for many years, but they have not been very visible, and that is what they are trying to work on with the signs. Chief Sease reported that they use the program quite often and he feels that it is worthwhile. She asked the Supervisors to consider her request and let her know their decision at a later date.

Chairman Waybright reported that they have received a request from **Highland Township to perform a traffic study** for their township roads. He added that the Board met with Chief Sease and Gil Pringle, Highland Supervisor, and the chief was asked to prepare a proposal. Mr. Shealer asked if Cumberland Township could incur any liability if Highland accepted the chief's recommendations and put them in place.

Mr. Heiser noted that there should be a contract with Highland that included that Cumberland Township would be held harmless from any liability that might result. Mr. Bowling asked if Chief Sease has the time to do the study and stated that he has a problem with it for liability reasons. Chief Sease stated that this is to help a neighbor and it will be done as they can fit it in their schedule and what they have to do here comes first. He added that he has a letter from PennDOT's chief counsel that clearly states that the police departments are authorized to do this for another municipality. Mr. Weikert reported that Highland has been trying to get an engineering firm to do this for about a year and a half. **Mr. Weikert made a motion to present the proposal to Highland Township, in the amount of \$1,592.00 to prepare the study, and that the communication regarding the study be between the Chairmans of the two townships, not with the police chief, seconded by Mr. Shealer and carried.**

Chairman Waybright reported that he spoke to Mr. Knoebel on Friday and he has not prepared the written responses to the comments received on the **Act 537 Study for the Greenmount Area. Mr. Weikert made a motion to table action on the Act 537 Study until after the next Supervisor's workshop, seconded by Mr. Shealer and carried.**

Mr. Weikert stated that the Land Use Survey did show that the residents are concerned about the growth and development in the township and the loss of open and green space, but they were not sure how to pay for some of those issues. He added that he believes that the first thing that the township has to do is come up with a plan. Ms. McLeish reported that she knows that there is money available for the township, but once she starts to work, she will get more information. She stated that having an Open Space Plan would open the door for obtaining grants, and you have no chance for grants without a plan. She added that she is familiar with preparing plans, applying for grants and has contacts that will be helpful. The Board agreed to leave the **Open Space Plan** on the agenda until they have had a chance to speak with the manager about this further

The Board agreed to meet with Ms. McLeish at the Friday, August 20 workshop to discuss her position and asked that all Supervisors be present, if possible.

Chairman Waybright reported that the township has to appoint someone to perform the building inspections and they have been approached by Middle Department Inspection Agency (MDIA) and Wilbur Slothour. Mr. Heiser reported that he is aware of the contract that MDIA sent to most of the townships and he knows of two that have contracted with them. He also reported that he changed paragraph two of the contract to include language that makes it clear that their employees are not employees of the township and that the township shall be held harmless from and against all claims resulting from any negligence on their part. Mr. Heiser stated that he is not sure about appointing two different inspectors and or agencies. **Mr. Shealer made a motion to accept the agreement from MDIA, as modified by Mr. Heiser, seconded by Mr. Weikert and carried.**

Chairman Waybright reported that the township received a request for release of funds being held in an escrow account for Boyds Bears as financial security for construction of an overflow parking lot at their facility on Cunningham Road. He added that Messrs. Shealer and Knoebel inspected the improvements and the work has been completed in accordance with the approved land development plan. **Mr. Shealer made a motion to release the escrow account, in the amount of \$22, 518.00 plus interest, seconded by Mr. Weikert and carried.**

The township received a request from Dan Wagner, William F. Hill and Associates, on behalf of the **Greenmount Creamery**, for a sixty-day time extension for approval of their Land Development Plan until October 2, 2004. **Mr. Weikert made a motion to approve the request for extension, seconded by Mr. Bowling and carried.**

The township also received three requests for waivers from strict compliance with the Subdivision Ordinance on the **Greenmount Creamery Plan**. The first request was from Section 404.12.F which requires that a clear sight triangle be placed on the plan and the request explains that this is an existing historic building which is within the clear sight triangle. The request also states that the only way that they could comply with the ordinance is to demolish the existing building and build a new one. **Mr. Weikert made a motion to approve the request for waiver provided that a Stop sign is placed as shown on the plan and that they have an approved PennDOT driveway permit, seconded by Mr. Shealer and carried.** The second request was also from Section 404.12.F which requires that the access drive not exceed 5% slope within 25 ft. of the right-of-way. The request explains that they cannot meet this requirement due to the existing topography, and they can meet a 9% slope. Mr. Weikert noted that he did not feel that Mr. Knoebel had a problem with the 9% slope. Mr. Shealer added that 9% slope is not overly steep, in his opinion, and to keep in mind that everything is existing. **Mr. Shealer made a motion to grant the waiver to allow a 9% slope on the access driveway, seconded by Mr. Weikert and carried.** The third and final request was from Section 504.3.C.2.a.1 and 2 which controls stormwater flow rates to a degree greater than existed prior to development. Mr. Shealer noted that the applicant asked for a waiver or modification and he is not sure which they are asking for. **Mr. Shealer made a motion to table the request for waiver for the post development flow rates for clarification from the township's engineer, seconded by Mr. Weikert and carried.**

Chairman Waybright also reported that a request has been received from S & A Homes asking for a waiver on the slope around a house that they built at 400 Old Mill Road. Mr. Shealer reported that he did go to the site with Mr. Bower and the problem is on the west side of the house. He added that the slope is greater than 10%, but it is still mow-able, blends in well with the neighbor's property and there is no way to correct the problem. Chairman Waybright reported that he also looked at it and does not have a problem with it. **Mr. Shealer made a motion to grant the waiver on the grading for the Salim property at 400 Old Mill Road, seconded by Mr. Bowling and carried.**

Chairman Waybright reported that the township has received a subdivision plan for Carol Weir that is located in Freedom Township with a very small piece of the property across Marsh Creek in Cumberland Township. He added that Mrs. Weir had Freedom's approval and when she went to record the plan, they would not do it because it did not have Cumberland's signatures on it. Mr. Weikert asked if this subdivision involves William Kane because he had agreed to an easement on the Cumberland side and it does not show on the plan. Mrs. Merryman explained that she had requested several times for Riley Redding to survey the property on Cumberland's side and he simply did not ever do it. Mr. Shealer suggested that Mr. Knoebel be advised of the agreement for the easement and to have the plan reviewed by the Planning Commission and try to get the easement to help protect the stream. **Mr. Weikert made a motion to refer the Carol Weir subdivision plan to the Planning Commission, seconded by Mr. Shealer and carried.**

**Mr. Weikert made a motion, seconded by Mr. Shealer and carried to exonerate J. P. Harris for per capita tax in the amount of \$71.50.**

The Zoning Officer's report was reviewed.

Mr. Shealer reported that he and Mr. Knoebel met with Gettysburg Municipal Authority (GMA), Gannett Fleming and S & A Homes regarding the water pressure issue for Ridgeview and Cannon Ridge. He reported that it was a very positive meeting and things are progressing as far as getting this issue resolved. Chairman Waybright reported that Mr. Gregor met with the people from Ridgeview and the township prepared a letter to GMA that he signed and was sent. Mr. Shealer also reported that the paving has been completed on Old Mill Road and Belmont Road and he is getting prices for line striping. He added that they have sign upgrades

to do, including the Stop signs on Old Mill Road, and they have shoulder work to be completed as soon as possible. He also reported that CSX Railroad has completed the grade crossing on Herr's Ridge Road, and the township completed paving the approaches to the crossing this afternoon and the road is now open. Lastly, he reported that they will be picking the new dump truck up tomorrow. The Board agreed that the old truck should be put out for bids along with any other vehicles that need to go.

Mr. Bowling reported that he wants to see the township start charging the developers with impact fees to pay for the projects and slow down the development in the township. Ms. McLeish stated that she is familiar with different types of impact fees and they help take some of the pressure off of the taxpayers to pay for improvements needed because of the new developments. She added that the funds collected are definitely earmarked for certain things and can be adjusted for different circumstances.

Mrs. Merryman reported that the Zoning Hearing Board conducted three hearing in one evening and she only paid the members \$50.00 and that was questioned by the Chairman. Mr. Weikert stated that his recollection is that the \$50.00 is a stipend to pay for gas and preparation time for the hearings, rather than a per hearing pay. **Mr. Weikert made a motion, seconded by Mr. Bowling and carried to reaffirm that the Zoning Hearing Board members receive \$50.00 per evening.**

There will be a Town Meeting held at the Township Building on Monday, August 16, 2004 with Representative Maitland.

There will be a Public Hearing for the proposed amendments to the Zoning Ordinance on Tuesday, August 17, 2004.

The bills were paid. Expenditures for this meeting totaled \$13,924.99 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.**