

Minutes of the March 11, 2003 Meeting

The meeting was called to order at 7:30 p.m. by Chairman Waybright. Present were all Supervisors, Ron Horton, Henry Heiser, Chief Sease, Carol Merryman, Mike Galassi, Leo Goulden, Rich Eckert, Drew Plunkert, and a reporters from THE GETTYSBURG TIMES and EVENING SUN. The meeting was tape recorded.

The Minutes of the previous meeting were approved by motion of Mr. Gregor, seconded by Mr. Weikert and carried.

Chief Sease presented a written and oral report of police activities for the month of February consisting of 122 complaints, 46 arrests and 9 incidents.

Mr. Mike Galassi stated that he would like to see the Township's ordinances enforced uniformly and held to because there have been a lot of lawyers coming in and threatening litigation and a lot of meetings going on outside of the public meetings. Chairman Waybright explained that the Township is in a transition period with some new ordinances and some of the developers are stuck in the middle and the Board is trying to do things more uniformly.

The **Patriots Choice request for SALDO modifications** was postponed until Mr. Sharrah arrived at the meeting.

Chairman Waybright stated that the Township has received a request from the Gettysburg YWCA for a Special Event permit for their annual 5K Run. The YWCA is requesting two waivers from strict compliance with the ordinance. The first is for the insurance requirement of \$5 million dollars and the second is for the cash bond required for possible damage to township roads. The event does not use any Township roads, and would not likely do damage, even if they did. The YWCA does carry \$3 million dollars in liability insurance. The application has been reviewed by the Zoning Officer and Chief of Police. **Mr. Weikert made a motion to approve the YWCA's application for a Special Event permit for their annual 5K Run, with the requested waivers, seconded by Mr. Gregor and carried.**

The next item on the agenda was a request from Mr. Shealer, Superintendent of Roads, to dispose of some un-needed equipment through an auction house within the Township (Redding's Auction). The maximum fee would be 11% depending on how the sale went, possibly less. Mr. Shealer felt that it would be time consuming and costly to try to get other Townships to try to go together to have an equipment sale. **Mr. Gregor made a motion that the equipment listed on Mr. Shealer's memo dated January 28, 2003 be placed at auction and for Mr. Shealer to be allowed to proceed, seconded by Mr. Weikert and carried. Mr. Bowling abstained.**

Mr. Sharrah arrived at the meeting and the **Patriots Choice request for modifications from the SALDO** were discussed. Mr. Horton presented a memo dated March 11, 2003 which speaks to the 15 waivers being requested. Mr. Weikert asked Mr. Sharrah what the Township's advantage is in granting these waivers that may become problems during a 100 year storm event and is there some hardship in following the SALDO as written. Mr. Sharrah stated that the ordinance causes storm water basins to be way too big and the State law only requires "storm to storm" which is what they are requesting. He added that the basins will have wetlands bottoms to enhance the water quality as required by the Monocacy Study. Mr. Sharrah stated that he does have a problem with Mr. Horton's comments on request numbers 9, 11, 13 and 14 which suggest that the Township be given permanent financial security that increases every year. He added that he is not sure how such a security would be managed. Mr. Sharrah confirmed with Mr. Plunkert that the developer will provide the Township with whatever tests that are necessary while the basins are being constructed. Mr. Sharrah stated

that, with a modest re-design, he could adhere to a 10 foot setback to the wetlands. There are places where streets and utility lines go through the wetlands and he can not comply in these areas, but he will comply where he can. He also reported that the bottoms of the basins will increase the amount of wetlands on the site. Mr. Sharrah stated that the Homeowner's Association (HOA) would be responsible for future maintenance and the Township could force them to resize the basins, if necessary. Mr. Sharrah explained the function of a cut-off trench which stops leakage in a pond that always has some water in it. Mr. Sharrah feels that the trench requirement is too large for ponds that will have very little water in them. Mr. Shealer suggested that the size of the cut-off trenches be modified because he feels the requirement is a little excessive, but there is a need for a cut-off trench. Mr. Sharrah stated that they could agree to something smaller. Mr. Horton stated that he does not have a problem with granting the waivers for the storm water basins as long as someone financially backs the basins because problems will occur 10 to 20 years from now and the HOA has dissolved or gone defunct. He added that the township will be the ones getting the phone calls and possibly correcting the problems, at their expense. Mr. Heiser stated that he doesn't know if someone's money can be tied up forever and he feels that the HOA handles these things. Mr. Heiser suggested that a note be put on the plan because it is impossible for the Township to track deeds in the Courthouse. Mr. Sharrah suggested that another mechanism (possibly a liability insurance policy) be found, rather than posting of money and trying to track that financial security in perpetuity. Mr. Heiser suggested the possibility of using a lien in connection with a judgement note against the HOA lots as a possible solution and this process has been used as financial security in the past. The HOA lots would have little value though, because they are mostly wetlands. Mr. Shealer asked what guarantee Mr. Sharrah can give that granting these modifications will not cause a problem at a later date. Mr. Sharrah stated that he could give the same guarantee as if he complied with the letter of the law; NONE. Mr. Shealer stated that he can not think of any storm water basins in the Township which have had any problems and feels that this is a testimony to the Township's ordinances. Mr. Sharrah stated that he has never gone through this litany of requests and there are probably examples in the Township of basins built with these same waivers that are functional today. Mr. Shealer stated that a good HOA document is needed so that the Township can go back to the HOA if repairs are needed. Mr. Weikert pointed out that the Township can make the repairs and bill the HOA, and if there is no HOA, the individual homeowners can be billed. Mr. Gregor asked if the financial security was taken away, where would they stand. Mr. Sharrah stated that there are some waivers that Mr. Horton does not agree with. The basin embankment slopes were discussed. Mr. Horton stated that he feels that the berms will fail, as proposed, because of the type of soil that they are being built on. He added that compaction is a key in building these berms. He also stated that maybe the permanent financial security's time has not come yet in this Township. Mr. Sharrah offered that an amount could be agreed upon and a fund could be started for the HOA to use in the future. He also offered to supply the Township with compaction tests during the construction. Mr. Heiser stated that not all problems are Township problems and should be referred to the HOA or solved through the legal process. Mr. Weikert asked Mr. Heiser to look into permanent financial security. Mr. Horton stated that there are other uses of permanent financial security out there. The Board agreed that there should be a note on the plan and Mr. Sharrah asked for guidance on what the Township wants the note to say. Mr. Heiser stated that he feels that the Board will feel comfortable once they see the HOA document. Mr. Sharrah agreed to put the trash racks on the outlet structures over 12" and he retracted that particular request. The requests were reviewed one by one. Mr. Sharrah agreed with comments 1, 2, 3, 4, 5 - Township will hold to their specifications, 6 - design for water quality as specified in the Monocacy Study and the addition of wetlands plants will be a revision, 7, 8, 9 - will supply compaction tests and will prove that anything that they provide will function better than rock rip-rap, 10 - can install something that works just as well as anti-seep collar, 11, 12 - ponds must dry out in 2 to 3 days because of the West Nile Virus threat, 13 - size of cut-off trench should be as wide and the pond is high and excavation should go down to the hard material (3x3 or to refusal), 14 and 15. The Board requested that a draft HOA document be provided for preliminary approval and Mr. Sharrah will try to provide that. **Mr. Gregor made a motion to grant the waivers, as discussed, seconded by Mr. Weikert and carried.** Mr. Shealer asked if the Supervisors and Planning Commission could walk the site and Mr. Plunkert did not feel that this would be a problem. Mr. Shealer also mentioned that he would like to have a conversation about how they will be tying into the existing

Township roads. Mr. Horton questioned the threshold for a Traffic Study and he cited what Deatrick Village had to go through. Mr. Heiser stated that off-site improvements can not be required, but it was suggested that the developer may wish to contribute to make his development more attractive.

The Manager/Engineer's report was reviewed. Mr. Weikert asked what expansion Boyds Bears is planning on doing. Mr. Horton reported that Mrs. Bell spoke to Ron Bower about adding a new section to the restaurant, gazebo and additional parking. He stated that he thinks that the additional parking is all they plan on doing this spring. Mr. Horton also reported that Roselawn needed another appraisal done to get the new financial security for Phases I, II and III so, in the interim, a 30 day extension was given on the original financial security that expired on March 8, 2003.

The Assistant Secretary's report was reviewed. Mrs. Merryman asked if anyone would like to be registered for the PSATS Convention. Mr. Horton will be attending one day and Mr. Weikert will check his schedule.

Mr. Shealer mentioned that there is new legislation regarding signing in work zones and there will be additional expense in purchasing these new signs. Mr. Horton suggested that maybe we could team up with a neighboring Township to share the signs.

Chairman Waybright reported that they are planning a meeting with the Agricultural community early in April to discuss the Ag Zoning. Mr. Weikert stated that he feels that it is time for all of the Supervisors to become involved and there is information in the TOWNSHIP NEWS. He added that there are people who will come and talk to and help the Township and he suggested that they meet as a Board with this group first. Mr. Weikert stated that it may be possible to have two levels of Ag zoning for those who want the more strict zoning. Mr. Gregor pointed out that the Board will have to decide if the Ag zoning is to be handled separately or if adoption of the draft ordinance is held until there is a complete package. Mr. Gregor suggested that a new committee be formed to work on the Ag Zoning that includes some of the Supervisors. The Board asked Mr. Horton to schedule the preliminary workshop for the Board.

Mr. Bowling asked Mr. Heiser about the status with Mr. Delaney. Mr. Heiser reported that a judgement is there, it just has to be enforced. Mr. Bowling also asked about the status of the police regionalization. Mr. Weikert reported that the study is underway and Chief Sease has been contacted, but they are behind schedule. He also asked if a meeting was ever held with the Township's police officers on this subject. Mr. Weikert reported that they are waiting to hear from the study group and will talk to the officers when they have some information. Mr. Weikert asked if Mr. Delaney can be fined. Mr. Heiser will have to check back with Mr. Bower about it.

The bills were paid. Expenditures for this meeting totaled \$35,698.56 from the General Fund.

There being no further business, the meeting was adjourned at 9:50 p.m. by motion of Mr. Shealer, seconded by Mr. Weikert and carried.

Carol A. Merryman, Asst. Secretary

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