

Minutes of the July 23, 2002 Meeting

The meeting was called to order at 7:30 p.m. by Chairman Waybright. Present were Supervisors Weikert, Gregor and Bowling. Mr. Shealer was absent for personal reasons. Also present were Ron Horton, Henry Heiser, Carol Merryman, Norma Calhoun, Wayne Belt, Mike Galassi, Jim Paddock, Gordon Walker, Steve Niebler, Mark Purdy, Thom Conley, Chris Bell, Charlie Courtney, John Madden and reporters from THE GETTYSBURG TIMES and EVENING SUN. The meeting was tape recorded.

As advertised, bids for the 2002 road projects were opened and read as follows:

	Hammaker, East, Ltd.	Wilson Paving
1. 3,400 tons - 2" FB-1 binder with double seal coat	\$29.10- \$98,940.00	\$38.75-
	\$131,750.00	
2. 400 tons - 3" FB-1 binder with double seal coat	\$29.10- \$11,640.00	\$35.75- \$
	14,300.00	
3. 42,000 sq. yds. double seal coat	\$ 1.00- \$42,000.00	\$ 1.09- \$
	45,780.00	
TOTALS	\$152,580.00	\$191,830.00

Mr. Horton reported that both bids included bid bonds. He also reported that Valley Quarries has submitted a proposal to do the work using hot mix instead of FB-1 binder. The Board did not feel they could consider this proposal unless there were new bids made. Mr. Bowling asked how much was budgeted for the road projects. Mr. Weikert stated that there is a balance of \$265,000.00 in the Liquid Fuels Account that was to be spent on the road projects. **Mr. Weikert made a motion to accept the low bid from Hammaker East, Ltd., seconded by Mr. Gregor and carried.**

Mr. Gregor made a motion to approve the Minutes of the previous meeting, seconded by Mr. Bowling and carried.

Ms. Norma Calhoun, 390 Schriver Road, expressed her concerns about the Boyds Collection project on Cunningham Road including: hours of operations, obtrusive lighting, traffic and noise control and additional activities at the site. She asked if they would need a Special Event permit for the additional activities. She pointed out that Boyds' website is already advertising late night operations during their Grand Opening.

Mr. Heiser reported that the proposed "Environmental Right-to-Know Ordinance" is deficient and could not be enforced. He added that he has never seen an ordinance like this before and he feels that State Law preempts these issues and they are not local issues. He suggested that the Township could speak to PaDEP and possibly get courtesy copies from them, but he doesn't feel that residents could be required to submit copies to the township. Mr. Heiser recommended that the proposed ordinance not be adopted as written and expressed concerns even if it is re-written. **Mr. Weikert made a motion to table approval of the proposed ordinance, seconded by Mr. Gregor and carried.**

Mr. Gregor made a motion, seconded by Mr. Weikert and carried to support the YWCA's Tween Time Program by displaying their pamphlets, but to not sign the Contract Agreement as requested.

Mr. Gordon Walker, on behalf of the Cumberland Township Authority, reported that the Township guaranteed a \$5,000,000.000 loan for the Authority in 2000 for the expansion of the North and South Wastewater Treatment Plants. Due to inflation and change orders, the Authority needs to borrow an additional

\$2,000,000.00 to complete the project and the township would also need to guarantee this loan. He reported that the first loan was with Bank of Hanover and they fixed the interest rate for twenty years. When they spoke to Bank of Hanover about this additional loan, they would only fix the interest rate for seven years. They have decided to acquire the loan through the Delaware Valley Regional Finance Authority which offers very unique features at a very low cost (total fee of \$8,000.00). They do the legal work for this fee and the rate can be a combination of fixed and variable rates. The loan will start out at a fixed rate (4.75%) and then go to variable (3% - 10 year avg.). He added that with a variable rate, if there is money left over, it can be retired with 30 days notice. The schedule is for the Authority to adopt their Resolution at their meeting on August 12, 2002 and for the Township to adopt their Ordinance for the guarantee at their meeting on August 13, 2002. Mr. Walker stated that the Authority is required to keep rates and charges to pay off their debt service and he does not recall, in the past thirty years, a township or borough ever having to make good on a guarantee. He added that the debt will not show on the township's debt statement because the Authority is a self liquidating enterprise. Mr. Heiser stated that he knows the Authority is very satisfied with this proposal and the pledge of the taxing authority is needed for these types of loans. Mr. Walker reported that DelVal will do the advertising at least three days prior to the Township's meeting and Mr. Heiser verified that three days notice is adequate. **Mr. Weikert made a motion to advertise the ordinance for action on August 13, 2002, seconded by Mr. Gregor and carried. Mr. Bowling abstained.**

Chairman Waybright reported that a request has been received from Bob Sharrah, on behalf of Patriot's Choice, for a modification to the street width requirement from 32' to 28'. **Mr. Gregor made a motion to table the request until a sketch plan is submitted for the project, seconded by Mr. Weikert and carried.**

Mr. John Madden presented a Land Development Plan for First Capital Distribution for approximately 100 storage shed units on their property located on Old Harrisburg Road. He stated that the sheds are wooden and they are not permanent. Revisions have been made to the plan, as requested by the engineer and Planning Commission. He added that the original 9x28 trailers, that first appeared on the property, have been removed from the plan. He reported that the Planning Commission approved the plan, but Mr. Horton explained that the Commission actually denied the plan. Mr. Madden stated that his coworker, who attended the Planning Commission meeting, did not tell him that. He added that the 100 Year Flood Plain is shown, as required. Mr. Gregor asked Mr. Horton if his comments had been addressed. Mr. Horton stated that they have and he summarized what they had been asked to revise. **Mr. Gregor stated that he is unclear with why the Planning Commission denied the plan, and he made a motion to table the plan until Mr. Horton and the Planning Commission review the latest changes that were made.** Mr. Paddock, Planning Commission member stated that he felt that it would be good for the Planning Commission to review the plan again, but the concern about flooding and the sheds floating down the creek has not changed. Mr. Weikert stated that he has the same concern and is also concerned about the people's possessions that would be lost because he knows that this property does flood. Mr. Madden stated that they have been to three Planning Commission meetings talking about the screening and flooding and they do currently comply with the requirements. He added that he understands the concerns, but other properties will flood too when significant rain events occur. Mr. Bowling stated that he has a concern about the flooding and does not want to see the property filled any more than it already has been filled. Mr. Heiser suggested that the plan go back to the Planning Commission since they did not approve it and it has been revised. Mr. Horton suggested that they have complied with the ordinances and that is all that can be asked of them. Mr. Paddock asked if the sheds could be anchored in some way to prevent them from floating away. **Mr. Weikert seconded the motion and it carried.**

A Certificate of Appropriateness for Artisans Design Build for a two-story brick single family dwelling on Palace Drive was approved by motion of Mr. Gregor, seconded by Mr. Weikert and carried. The application has been approved by HARB.

Mr. Thom Conley, on behalf of The Boyds Collection, Ltd., presented a Final Land Development Plan for their

project on Cunningham and Emmitsburg Roads. Mr. Horton gave a summary for this plan. He reported that in November 2001, a preliminary plan was approved with the following conditions: posting of financial security, DEP approval of the Planning Module, acquiring drainage easement on Anna Riley's property and the information on the impact to adjoining wells. These conditions have been met and the only issue that is outstanding is water system approval from PaDEP and this is a requirement for the Certificate of Occupancy, not the Land Development Plan. Mr. Horton stated that he has reviewed the file and an "Operations Agreement" may or may not be outstanding. Mr. Heiser asked if an "Operations Agreement" is a Land Development issue and suggested that it would instead be a Zoning issue. Mr. Courtney stated that he does not feel that hours of operation are addressed in the SALDO. Mr. Horton stated that as far as the ordinance goes, he has no further requirements. Mr. Weikert asked when the residents concerns could be addressed. Mr. Heiser stated that the residents may want to get legal counsel to help them with their concerns because he is not sure what the Board can do to help them. He stated that what is before the Supervisors tonight, does not deal with operations of the facility. Mr. Gregor stated that he felt operations issues are addressed by the Zoning Ordinance rather than the Land Development. Mr. Heiser stated that there maybe other ordinances too, such as the Nuisance Ordinance, that may be applicable. Mr. Weikert asked Mrs. Bell what the hours of operation will be. Mrs. Bell reported that they intend to be open from 10:00 a.m. to 6:00 p.m. seven days a week. There will be times when they will be open later for Special Events such as during their Grand Opening. She added that they might stay open until 8:00 p.m. on Friday and Saturday nights during the tourist season and possibly during the Christmas holidays. **Mr. Gregor stated that they have met all of the conditions for approval and the concerns, although valid, are not part of the land development approval process. Mr. Gregor made a motion to approve the Final Plan, seconded by Mr. Weikert and carried. Mr. Bowling abstained because this project was started before he came onto the Board.**

Chairman Waybright stated that there is an addition to the agenda and he read a letter from William F. Hill and Associates, on behalf of Adams County National Bank, requesting that their Land Development Plan be removed from any further consideration or discussion by the Township. **Mr. Weikert made a motion to approve the request, seconded by Mr. Gregor and carried.**

Mr. Gregor verified with Mr. Horton that the financial security for Twin Lakes West, Phase II was revised as requested. Mr. Horton stated that he did receive a revised bond.

The Manager/Engineer's Report was reviewed. Mr. Weikert asked if the reduced weight limit signs have been posted on the Belmont Road bridge. Mr. Horton stated that the Road Department was to install the signs just as soon as they were received. He added that he will be sending a letter to the County Commissioners and School District about the change. Mr. Weikert also asked if the bids for the repair work to the rental property were ready for advertisement. The advertisement did appear on Monday the 22nd and will appear again on Monday the 29th and Mrs. Merryman will fax the ad to any contractors that might be interested. The bids will be opened at the next regular meeting.

The Zoning Officer's Report was reviewed. Mr. Weikert asked if there was anything to report on the Borough's dump other than what was in the report. Mr. Horton reported that the Borough is going to have the property surveyed and then get back to he and Mr. Bower. The Borough officials were not quite sure where their property boundaries were.

The Assistant Secretary's Report was reviewed.

Mr. Gregor reported that the Zoning Update Committee met last night and will meet again when more information is received from the consultant. There is also another meeting scheduled with the Police Association next Wednesday and if all goes well, it may be the last.

Mr. Weikert stated that it appears that we have a local terrorist sabotaging the township's equipment that is left out on the job site. Damage is being done to the equipment and harm is being done to the Township employees. Extra surveillance will be done and the equipment will be secured. He asked that everyone keep a watchful eye on this situation. He also reported that the Ag Zoning Committee has been working on a draft Agricultural District for the Zoning Ordinance update and a map that has been presented to Mr. Gregor and his committee. There will be a joint meeting of both committees to discuss this information.

Mr. Bowling stated that there has been vandalism to the township's equipment over the years and he suggested that the equipment be parked near someone's house or barn to help this situation.

The bills were paid. Expenditures for this meeting totaled \$18,010.87 from the General Fund.

There being no further business, the meeting was adjourned at 9:25 p.m. by motion of Mr. Shealer, seconded by Mr. Gregor and carried.

Carol A. Merryman, Asst. Secretary

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