

The Straban Township Board of Supervisors met this date, as publicly advertised, at 7:00 p.m. in the meeting room of the Straban Township Municipal Building, 1745 Granite Station Road, Gettysburg, PA 17325 with Board Chair Tony M. Sanders presiding. Others in attendance were: Vice-Chair Fred Kammerer; Supervisor Sharon Hamm; Office Manager/Secretary-Treasurer Robin Crushong; Zoning Enforcement Officer David Clapsaddle; Solicitor Sam Wiser and Township Engineer Bill Hill.

Others in attendance were: Lawrence & Sandra Martin; Bob Spangler; John Matthews; Gil Picarelli, KPI Technologies; Bryan and Abby Avery; Lawrence D. Folkemer; Hans Schreiber, Wyndham Gettysburg; Crissy Redding; Gerald Black; John Eckert; Dave Gulden; Jeff Hines, The York Water Company; Rich Himes; Alan Zepp; Mark Mitchell; Norris Flowers; Ariel Higgins; Tom Eyer, Heidlersburg Fire Company; Paul Smith; Skip Strayer; Gerald Black; Peter Martin; Bob Sharrah, Sharrah Design Group; Fred and Joan Horak; and Mary Grace Keller, *Gettysburg Times*.

Board Chair Tony M. Sanders led everyone with the Pledge to the Flag.

- Mr. Sanders informed the residents present of the next scheduled meetings: Board of Supervisors meeting on June 3, 2019; Planning Commission meeting on May 22, 2019; Recreation Board meeting on May 20, 2019. There was a workshop with Gettysburg Municipal Authority (GMA) on May 2, 2019.

Public Comment:

None.

Minutes:

Mr. Kammerer moved, seconded by Ms. Hamm, to approve the April 1, 2019 meeting minutes as presented. Motion carried unanimously.

Approve Bills:

Ms. Hamm moved, seconded by Mr. Kammerer, to approve the April 11, 2019 and April 30, 2019 bills for payment. Motion carried unanimously.

Reports:

David Clapsaddle, Zoning Enforcement Officer – Mr. Clapsaddle reported that thirty (30) Land Use Permits; six (6) sign permits; two (2) well permit; twelve (12) vendor permits; one

(1) demolition permit; six (6) special events permit; two (2) driveway permits; and two (2) Temporary Occupancy Permits were issued this month.

Correspondence:

Ms. Crushong announced the following:

- United Hook & Ladder Company #33 report for March 2019
- Adams Regional EMS, Inc. reports for March and April 2019
- Compliance Audit for Gettysburg Fire Department Firemen's Relief Association for the period January 1, 2015 to December 31, 2017
- Thank you note from Adams County SPCA for the annual donation
- Thank you letter from Adams County Office For Aging, Inc. for the annual donation
- Attestation Engagement for the Township's Liquid Fuels Tax Fund for the period January 1, 2018 to December 31, 2018
- Minutes of the Gettysburg Municipal Authority Board of Directors meeting held on March 18, 2019
- Minutes of the White Run Regional Municipal Authority Board meeting held on March 20, 2019
- GASB report for the calendar years ending December 31, 2018

Appearance:

1. Jeff Hines, President of The York Water Company – Introduced The York Water Company as the company that will own and operate the water and sewer operations at Amblebrook Development as a "satellite system" and would not physically be connected into York Water's other facilities. An agreement was entered into on March 9, 2019 by The York Water Company and CCD Rock Creek LLC to transfer water and sewer assets and operations to The York Water Company. This agreement is contingent upon approval of a charter area expansion from the Pennsylvania Public Utility Commission (PUC) and the transfer of DEP permits and approvals to York Water. York Water will construct and operate the Amblebrook system as it is currently designed. The York Water Company is submitting a request to the Pennsylvania Public Utility Commission (PUC) to expand its charter area to portions of Straban Township to provide water and wastewater service to the Amblebrook development area. Based on past experience it is expected that PUC's review of this expansion and anticipated approval will take about 2-4 months. Mr. Hines indicated that York Water would honor the additional 30,000 gal. of sewer and that the township would need to determine the charter area it would like.

2. Hans Schreiber, Area Director of Sales & Marketing for Wyndham Gettysburg – Mr. Schreiber informed the Board that he attended a Zoning Hearing for five (5) special events that will be held at the Wyndham Gettysburg this year. He believes that three (3) of the five

(5) should not have come before the Zoning Hearing Board. If you read the definition for SPECIAL EVENT in Section 140-5 of the Straban Township Code, it says the following *"Excluded from the definition are events such as wedding receptions, company conventions, funerals or other assemblies which are scheduled to take place in structures built for such events in the normal course of business (examples of such structures include but are not limited to hotels/restaurants, convention centers, funeral homes, churches and ballrooms."* In light of this definition, Mr. Schreiber feels he should have been exempt. There were two (2) car clubs and Gettysburg Battlefield Bash are all conventions booked at the Wyndham Gettysburg and/or Courtyard Marriott Gettysburg. Events such as these while they contain indoor and outdoor components are in the normal course of our business. The requirements of a special event places undue and significant burden upon the groups and can be a significant deterrent to attracting new groups to our area. We request that for future consideration of new events for 2019 and beyond that the code be modified for increased clarification so that hotel affiliated events such as the three outlined be exempt from special event permits as written in the code.

Hotel Tradeshow Exhibitors/Vendor – There is a significant difference of opinion with Code Enforcement Officer/Zoning Officer, David Clapsaddle on the interpretation with regard to what defines a VENDOR and what does not. Our hotel acknowledges that any outside vendor selling goods in an outdoor flea market, swap meet or similar event is subject to vendor permit requirements. However, David is alleging this code applies to our indoor vendors or what we call exhibitors. Our hotels host many meetings, conventions and other gatherings that include an indoor exhibit component as part of the overall meeting agenda. While the exhibit component is rarely the main purpose of the overall meetings, it is still important to the organization's overall impact of the meeting. Many of these exhibitors are non-profit entities promoting the difference they make in the community. None of our indoor exhibits include exhibitors actually selling or exchanging the currency for goods or services. The exhibitors are merely representing their company or organization to position for future consideration by exhibit show attendees. This is not a vendor and thus should not be subject to this permit requirement. The Wyndham agrees to continue to apply the requirement for vendor permits to our outdoor vendors where money is exchanging hands and commerce is happening. However, Straban Township's interpretation of the code to apply this to our indoor exhibits is not acceptable to the hotel. We request that the definition of a VENDOR in Section 94-2 be amended to exempt indoor hotel exhibitors.

Mr. Sanders indicated that because of the recent Zoning Hearing, the Board is willing to make some adjustments for both the special event and vendor definitions. Right now we have to wait to see what the Zoning Hearing Board comes back with. If Mr. Schreiber did not agree with Mr. Clapsaddle's interpretation of the definitions, he had a right to appeal the determination to the Zoning Hearing Board.

Old/New Business:

1. **Special Counsel on ATAPCO matters** – Solicitor Wisner informed the public that when Salzmann Hughes was hired by the township as its solicitor it was at that time representing a

current developer within the township. With this conflict there is a need for the township to hire special counsel. **Mr. Sanders moved, seconded by Mr. Kammerer to appoint Steven A. Stine as special counsel to handle matters involving ATAPCO. Motion carried unanimously.**

2. **Twin Oaks Project** – Mr. Sanders informed the public that work has not started on site for the pipe laying, however, GB Groft has purchased and has on site, materials for the job. That is what will be covered in the payment request. **Mr. Sanders moved, seconded by Mr. Kammerer to authorize Payment Request No. 1 to G. B. Groft, Inc. in the amount of \$53,049.65. Motion carried unanimously.**

3. **Settlement Agreement with TKC CCXXX, LLC** – Solicitor Wiser informed the public that TKC CCXXX, LLC filed two (2) litigation cases in 2018-2019 against the township's traffic impact fee ordinance concerning its property consisting of about 35-acres at Smith Road and Route 30. The Court had encouraged the parties to come to a settlement in the matters. In that regard, the Agreement before the Board tonight set the fee charged per trip at \$1,000.00 in exchange for no further challenges of the ordinance and the amendments thereto. **Mr. Kammerer moved, seconded by Ms. Hamm to authorize the Chairman to sign the Settlement Agreement and General Release for TKC CCXXX, LLC as presented. Motion carried 2-1 with Mr. Sanders opposed.**

4. **Resolution Opposing House Bill 349 of 2019 Uniform Construction Code** – Ms. Hamm explained that right now the municipalities can hire as many third-party agencies as it wants to enforce the Uniform Construction Code. Most municipalities choose to have one because it makes for better enforcement. The State is now forcing the municipalities to have two (2) or more third-party agencies appointed. **Ms. Hamm moved, second by Mr. Kammerer to adopt Resolution No. 2019-09 expressing its opposition to House Bill 349, and similar legislation, mandating municipalities to hire multiple third party agencies for uniform construction code services.** Mr. Kammerer stated that he has attended a lot of meetings concerning this matter and it could be a big problem for small townships. **Motion carried unanimously.**

5. **Box Cards for United Hook & Ladder** – Mr. Sanders stated that the changes being made are changing Hampton Company 10 units to United Hook & Ladder units as the Hampton Fire Company will be merging into United Hook & Ladder. **Mr. Kammerer moved, seconded by Ms. Hamm to approve the revision to the Box Cards for United Hook & Ladder changing Hampton Company 10 units to United Hook & Ladder units. Motion carried unanimously.**

6. **Fidler Road Project** – Mr. Sanders stated that Culp and Fidler Roads were advertised and a bid opening took place on March 27, 2019 and was tabled at the April 1, 2019 Board of Supervisors meeting because the price came in higher than anticipated. **Mr. Sanders moved, seconded by Mr. Kammerer to reject the bid received for Culp and Fidler Road and to advertise the bid for Fidler Road only. Motion carried unanimously.**

- 7. Resurfacing of Shealer Road** – Mr. Sanders stated that the road crew would like to do base repair on Shealer Road from Hull Drive to Hunterstown Road. Later this summer they would like to repave the area. **Mr. Sanders moved, seconded by Mr. Kammerer to authorize the resurfacing of Shealer Road. Motion carried unanimously.**
- 8. Refurbish old maintenance building** - **Mr. Sanders moved seconded by Mr. Kammerer to award Weaner Restoration to refurbish the old maintenance building at a price of \$20,135.00 by Weaner Restoration. Motion carried unanimously.**
- 9. Route 30 Signal Changes** – PennDOT will be repaving Route 30 from the bridge at the Gettysburg Borough limits out to Camp Letterman Drive. The traffic signals at Natural Springs Road, WalMart and Camp Letterman Drive have loops in the road that will need to be replaced. The township feels this would be a good time to look into changing over to radar instead of the loops. With the loops every time the road needs to be repaved the loops need to be replaced. If the difference between loops and radar and the cost of engineering is too high, the township will not change over to radar. **Mr. Sanders moved, seconded by Mr. Kammerer to authorize the township traffic engineer to proceed with the modified plans on Route 30 signals pending receipt of updated cost estimates. Motion carried unanimously.**
- 10. Members 1st Traffic Signal Agreement** – Solicitor Wisner stated that PennDOT requires the township to be the applicant to obtain the highway occupancy permits necessary for the timing and signalization on the traffic signals and the stormwater conveyance facilities that will connect to PennDOT stormwater management facilities. A Stormwater Connection Agreement was approved last month with all costs associated with this will be the responsibility of Members 1st. PennDOT requires form TE-160 be signed by the municipality for traffic signal approval. The township will enter into a Traffic Signal Agreement with Members 1st wherein Members 1st will be responsible for all costs associated with this project. By execution of the Agreement, Members 1st will provide to the township financial security to satisfy the initial construction obligations of Members 1st. **Mr. Kammerer moved, seconded by Ms. Hamm to authorize the execution of the Traffic Signal Agreement with Members 1st. Motion carried unanimously. Mr. Kammerer moved, seconded by Ms. Hamm to authorize the execution of forms TE-160 (Application for Traffic Signal Approval) M-950AA (Applicant’s Authorization for Agent to apply for Highway Occupancy Permit) and Resolution No. 2019-10. Motion carried unanimously.**
- 11. The York Water Company Act 14** – **Mr. Kammerer moved, seconded by Mr. Sanders to authorize a letter be sent concurring that York Water’s Act 14 application is consistent with the applicable comprehensive plans and zoning ordinances of the township. Motion carried unanimously.** The Board of Supervisors need to approve the established charter area. York Water Company first proposed the charter

area to be only areas that are included in the Amblebrook development. After discussion with the township at the workshop, York Water Company agreed to include the adjacent land of 1,500 feet as outlined in the Developer's Agreement for any properties that may have malfunctions. Ms. Hamm would like to stay within the Amblebrook development boundaries of State Roads. Mr. Kammerer stated that there is 30,000 gallons of reserved capacity in the Developer's Agreement for problematic areas. Solicitor Wisner asked Mr. Hines that if an area is established what is the process of amending that area. Mr. Hines stated that to extend the area would take a few months to go through the same process that they are going through now. **Mr. Sanders moved, seconded by Mr. Kammerer to approve the established charter area to include the 1,500 feet layover. Motion carried 2-1 with Ms. Hamm opposing.**

Land Use Reviews:

TKC CCXXX (Gettysburg Shopping Center) – Preliminary Land Development Plan (1530 York Road) - Must act by 05/15/19

Ms. Hamm stated that the Planning Commission recommended conditional approval and asked Mr. Hill what conditions from the letter dated April 11, 2019 have not been met to date. Mr. Hill said that all of the conditions are still to be met. It was decided not to go through the waiver/modifications nor to give conditional approval. There was a letter from PennTerra Engineering, Inc. dated May 2, 2019 requesting a time extension.

Ms. Hamm moved, seconded by Mr. Kammerer to approve the time extension request to July 15, 2019. Motion carried unanimously.

Lincoln Commons – Final Land Development Plan (Lot 2B, Hull Drive/Shealer Road) - Must act by 05/28/19

Ms. Hamm stated that the Planning Commission recommended conditional approval on this plan. Mr. Hill indicated that from Erik Vranich (Wm. F. Hill & Assoc.) letter dated April 17, 2019 comment #5 (posting of financial security); #6 (Engineer's and Surveyors seal and signatures); #7 (Owners Signature (*Requires input from special counsel); #8 (GMA approval of the sewer extension); #9 (Traffic Impact Fee payment at time of building permit); and #13 (Stormwater Agreement signature and recording (*Requires input from special counsel).

Ms. Hamm moved, seconded by Mr. Kammerer to conditionally approve the plan based on the review letter of Wm. F. Hill & Assoc., Inc. dated April 17, 2019 to be satisfied as follows:

5. SALDO 117-26.D – A financial security estimate must be provided, approved, and bonded prior to Final Plan approval. Financial security should be provided for any and all

improvements required by the Straban Township Ordinance. An estimate has been provided for review.

6. SALDO 117-27.B(3&8) – The Engineer’s and Surveyor’s seals and signatures must be provided on the Plans.

7. SALDO 117-27.B(29) – The Owner’s signature, including the stormwater management acknowledgement, shall be added to the Final Plans prior to signature by the Supervisors. In the event that Gettysburg Crossings, L.P. cannot provide documentation that they are an equitable owner of the Klunk property, the Klunk property owner must sign the Plan.

8. SALDO 117-42 – This section establishes that, where practical, all properties must be connected to public sewer systems. Evidence must be provide that capacity within the GMA system has been purchased or otherwise reserved prior to approval of the Final Plan. All details related to the sewer connection must be in accordance with, and approved by, Gettysburg Municipal Authority, including the location of all sewer/water rights-of-way. *Mr. Vranich spoke to Mr. Guise at Gettysburg Municipal Authority and they are comfortable with what sewer capacity they have for this project.*

9. This project will be subject to impact fees for transportation capital improvements.

13. SWM 109-32.A – The Straban Township Stormwater Management Practices, Facilities, and Systems Maintenance and Monitoring Agreement must be signed and recorded prior to plan approval. This agreement must be appropriately modified and approved by the Township Solicitor to reflect the maintenance responsibilities for each lot owner and/or the property maintenance company.

Motion carried unanimously.

Public Comment:

John Matthews – 2330 Granite Station Road, Gettysburg, PA 17325 – Mr. Matthews has concern about the Amblebrook Development at the back side of his property making his property a catch basin. He is concerned about the elevations. Mr. Hill has a plan that he will go over with Mr. Matthews at the end of the meeting.

Lawrence Folkemer – 122 Artillery Drive, Gettysburg, PA 17325 – Mr. Folkemer thanked the township for helping to elevate the water property at the Twin Oaks development. Mr. Folkemer is concerned that the development behind his property (Hunters Crossing) did not put drainage in at the time when that development went in. Mr. Folkemer is concerned about all the water being drained to the roadways and having possible sink holes.

Bryan Avery, 1185 Hunterstown-Hampton Road, New Oxford, PA 17350 – Mr. Avery asked if any applications for solar have been filed. Mr. Clapsaddle indicated that no applications have been filed. The township has met with a few companies that are interested in this area but nothing has been officially filed with the township. The solar farms are a permitted use in the R-r and R-1 Districts and would have to go through a Land Development Plan review before the Planning Commission and the Board of Supervisors before getting approval.

Paul Smith, 70 Flickinger Road, Gettysburg, PA 17325 – There is a deck that went up on Route 30 without a permit. The zoning officer was going to follow up with Mr. Smith on this last month. Mr. Sanders told Mr. Smith to come into the township office during regular business hours and file a complaint so that Mr. Clapsaddle could go through the proper procedure of finding out if there is a code violation.

Tom Eyler, Heidlersburg Fire Company – Heidlersburg Fire Company had to deal with a new issue with a loss of life where property should have been condemned. Mr. Eyler suggested a sit down and talk to be proactive before things like what happened in Butler Township happens here. Mr. Sanders stated that the township is working on some changes to meet these concerns.

Questions from the Press:

In the Agreement with TKC, what is the fee per trip? Solicitor Wisner stated it is \$1,000.00 per trip.

Adjournment:

With no further business to come before the Board, Mr. Kammerer moved, seconded by Ms. Hamm to adjourn the meeting at 8:20 p.m. this date.

Respectfully submitted,

Robin K. Crushong
Office Manager/Secretary-Treasurer

The next regularly scheduled meeting for the Board of Supervisors of Straban Township will be held on Monday, June 3, 2019 at 7:00 p.m.