

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 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 William Hill.

Others in attendance were: Lawrence & Sandra Martin; Aaron J. Spangler; Bob Spangler; Paul Smith; Gerald Black; Martin Munoz; Susan Munoz; Skip Strayer; Tom Eyler; Joe Green; Bill Finch; Crissy Redding; Bob Sharrah, Sharrah Design Group, Inc.; Marcie Kammerer; Jay Carlis; Pam Redding; Fred Horak; Kim Guise; and Brian J. Redding.

Board Chair Tony 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 January 6, 2020; Planning Commission meeting on December 18, 2019; Recreation Board meeting on January 21, 2020. There was an executive session on November 18, 2019 to discuss personnel matters and a workshop on November 20, 2019 with TKC and Royal Farms.

### **Public Comment:**

**Skip Strayer, 1090 Hoffman Road, Gettysburg, PA 17325** – Mr. Strayer handed out to the Board members a copy of an article in the Lancaster Farming paper from Saturday, November 9, 2019 under the Ag Science News entitled "Solar and Wind Energy Preserve Groundwater for Drought, Agriculture" indicating that there are benefits of solar and wind systems. He thanked the Planning Commission for their thorough research and study of the land development plan for Adams Solar. He also stated that Community/Adams Solar, LLC had done due diligence to provide everything requested. This is a long-term preservation of open space. Portions of their property are included in this plan, an opportunity provide by the township.

**Brian Redding, owns property in the township** – Mr. Redding has had interactions with Community/Adams Solar and they do what they say they will do. This is a positive impact, being long-term leases, not a one and done deal. Land preservation of 850 acres of which only 123 acres has panels. Everyone will benefit. Mr. Redding requested that the Board of Supervisors pass the Land Development plan for Adams Solar tonight.

### **Minutes:**

Mr. Kammerer moved, seconded by Ms. Hamm, to approve the November 4, 2019 meeting minutes as presented. Motion carried unanimously.

**Approve Bills:**

Ms. Hamm moved, seconded by Mr. Kammerer, to approve the November 14, 2019 and November 30, 2019 bills for payment. Motion carried unanimously.

**Reports:**

Bill Hill, Township Engineer – Amblebrook Public Water Supply (PWS) Application (Elevated Water Tank) – Mr. Hill received, and the township office received, an email dated November 21, 2019 from Joe McDowell at Martin and Martin, Inc. indicating that no SSPC Certifications will be provided and Cathodic Protection is not necessary for the facility. Mr. Hill stated that these tanks have a typical life expectancy of fifty (50) years, however the tank supplier has only offered a one year warranty. Some tank suppliers offer a five (5) year warranty. Mr. Kammerer asked if this would fall back on York Water or the residents. Mr. Hill indicated that it would be York Water. Ms. Hamm asked if these issues are compliant with the original agreement. Mr. Hill indicated that they are not compliant with the original agreement. Mr. Hill suggested that the township send a letter to PA Department of Environmental Protection (PADEP) requesting compliance with original PWS Application dated May, 2005. **Ms. Hamm moved, seconded by Mr. Kammerer to authorize a letter on township letterhead be sent to PA Department of Environmental Protection (PADEP) requesting that the developer of Amblebrook be required to provide cathodic protection and certifications for the steel surface preparations and the interior and exterior coating systems for the proposed water tank since the original PWS Application dated May, 2005 referenced such. Motion carried unanimously.**

**Correspondence:**

Ms. Crushong announced the following:

- Minutes of the Gettysburg Municipal Authority Board of Directors meeting held on October 21, 2019.
- Minutes of the White Run Regional Municipal Authority Board meeting held on October 16, 2019

**Appearance:**

Martin Munoz – 1020 Hunterstown-Hampton Road

Mr. Munoz protested and voiced concerns of the solar project. He does not approve the motion. He stated all laws are not all good. There is legalized marijuana, homosexuals, etc. Just because they have approved it does not mean it is good. Mr. Munoz stated that at the Oct. 23 meeting Mr. Wiser indicated that porno/strip clubs are ok in the township and need to

go somewhere and are like solar panels (*this date is incorrect because Mr. Wiser does not attend the Planning Commission meetings*). Mr. Sanders interrupted Mr. Munoz and asked him to keep his comments to that related to "new" solar concern information. Mr. Sanders also explained that the township MUST allow all uses somewhere in the township. If not, anyone can come into the township and if it is not specified as a permitted/special exception in the township, that use can go where ever that individual wants to put it. Mr. Munoz continued with protest of the Minutes. He stated that what Mr. Wiser said was not in the Minutes. He protested solar panels because of property values being affected. People think it is good environmentally. The energy is going to the grid but destined to Philadelphia not local. Ms. Hamm told Mr. Munoz that when he purchased his property that he should have done due diligence. He bought his property in 2013. It is your responsibility as a resident of the township to follow the advertisements and business of the township. Solar panels have been a permitted use for over 10 years.

### **Old/New Business:**

- 1. 2020 Budget – Ms. Hamm moved, seconded by Mr. Sanders to approve the 2020 Budget as presented. Motion carried unanimously.**
  
- 2. Re-organizational meetings – Mr. Sanders moved, seconded by Ms. Hamm to set the reorganizational meeting for the Board of Supervisors for Monday, January 6, 2020 at 6:30 p.m. and the Township Auditors for January 7, 2020 at 7:00 p.m. and authorize advertisement of these meetings. Motion carried unanimously.**
  
- 3. Intent to appoint CPA – Mr. Kammerer moved, seconded by Mr. Sanders to authorize the advertisement for the intent to appoint a certified or competent public accountant or firm to perform the 2019 Audit. Motion carried unanimously.**
  
- 4. Temporary Holding Tank at 276 Coleman Road – Ms. Hamm moved, seconded by Mr. Kammerer to approve the temporary holding tank for Egloff at 276 Coleman Road. Motion carried unanimously.**
  
- 5. Full-Time Floater Position – Mr. Sanders moved, seconded by Ms. Hamm to approve the establishment of a full-time floater position and the transfer into that position of a seasonal employee, Briana Crushong. Motion carried unanimously.**
  
- 6. Map Amendment Request – The Planning Commission recommended a map amendment to include surrounding parcels so as not to create an island. Mr. Kammerer**

**moved, seconded by Mr. Sanders to approve moving through the map amendment process to include surrounding parcels to eliminate donut hole. Motion carried unanimously.** Mr. Wisner indicated that this will be discussed at the next Planning Commission meeting as to who will prepare the draft map amendment.

**Land Use Reviews:**

***TKC CCXXX (Gettysburg Shopping Center) – Preliminary Land Development Plan (1530 York Road) - Must act by 01/16/20***

**Tabled.**

***Freedom Valley Worship Center – Freedom House – Preliminary/Final Land Development Plan (3140 York Road) – Must act by 12/06/19***

**Ms. Hamm moved, seconded by Mr. Kammerer to approve the time extension request to March 6, 2020. Motion carried unanimously.**

***Smiths Disposal Facility – Final Land Development Plan (660 Beaver Run Road) - Must act by 12/12/19***

Mr. Wisner indicated that a Developer's Agreement is being reviewed by the attorney for Smiths Disposal Facility to address the agricultural aspects of the food/waste disposal. Mr. Wisner suggested that the Board schedule a special meeting to give Smiths Disposal Facility time to review the Developer's Agreement prior to December 12, 2019. **Ms. Hamm moved, seconded by Mr. Sanders to authorize the advertisement for a special meeting to be scheduled for Wednesday, December 11, 2019 at 6:30 p.m. to take action on the Smiths Disposal Facility Final Land Development Plan and any other business to come before the Board. Motion carried unanimously.**

***Adams Solar LLC – Preliminary/Final Subdivision and Land Development Plan (Solar Electric Facility) – Must act by January 21, 2020***

Mr. Kammerer read into the record the following:

Pursuant to the Ethics Act, I am disclosing that I have a conflict of interest regarding the Adams Solar Land Development Plan presently before this Board. Specifically, I own real estate within the Township and have entered into a lease agreement with the Applicant to place solar facilities on my property. In compliance with Section 1103(j) of the Public Official and Employee Ethics Act, I am publicly disclosing my conflict of interest regarding the Land Development Plan and will provide a copy of this statement to the Township Secretary.

However, I am one of two members of the three-person Board of Supervisors who is publicly disclosing a conflict of interest with the Land Development Plan presently before this Board. The Second Class Township Code requires that in order for this Board to transact any business, an affirmative vote of the majority of the entire Board of Supervisors is necessary. Accordingly, a one-person Board of Supervisors has no authority to either approve or deny the Land Development Plan presently before this Board.

Thus, Section 1103(j) of the Ethics Act provides that whenever a board would be unable to take any action on a matter before it, because the number of members of the body required under the Act to abstain from voting makes the majority or other legally required vote of approval unattainable, then members with a voting conflict shall be permitted to vote if the appropriate disclosures are made as provided by the Act. As the Board is faced with that very situation, I am publicly disclosing my conflict of interest, filing a written memorandum regarding the same with the Township Secretary, and voting on the matter, as permitted by Section 1103(j) of the Public Official and Employee Ethics Act.

**Ms. Hamm read into the record as follows:**

Pursuant to the Ethics Act, I am disclosing that I have a conflict of interest regarding the Adams Solar Land Development Plan presently before this Board. Specifically, one of my siblings owns real estate within the Township and has entered into a lease agreement with the Applicant to place solar facilities on their property. I am not receiving any financial benefit from said arrangement. Regardless of there being no financial benefit to me, the law imputes a conflict. In compliance with Section 1103(j) of the Public Official and Employee Ethics Act, I am publicly disclosing my conflict of interest regarding the Land Development Plan and will provide a copy of this statement to the Township Secretary.

However, I am one of two members of the three-person Board of Supervisors who is publicly disclosing a conflict of interest with the Land Development Plan presently before this Board. The Second Class Township Code requires that in order for this Board to transact any business, an affirmative vote of the majority of the entire Board of Supervisors is necessary. Accordingly, a one-person Board of Supervisors has no authority to either approve or deny the Land Development Plan presently before this Board.

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Mr. Sanders indicated that updated comments were received late today from Adams County Office of Planning and Development dated December 2, 2019 and he had a few questions to ask before moving forward on this plan.

1. There is 850 acres in this solar project however, 123 acres have solar panels on them which will be within the fenced area. Will the landowner be able to continue farming the property on the outside of the fenced area (the open space)? Mr. Green indicated that the landowner can continue farming the portions of land outside the fenced area if landowner wishes.

2. Comment II.B: buffering and screening. Mr. Sanders said that this should be up to the landowner as long as it meets the township ordinance. Mr. Sanders asked Mr. Green if he had talked to the landowners about buffering. Mr. Green indicated that he has and all except one are a suitable fit with the environment and eliminating shading on the panels. They will be able to work with the one landowner to make that buffering work.

3. Comment II.E.1: shared driveways. Mr. Sanders asked who will maintain these during and after. Mr. Green indicated that this is something that could be addressed in the decommissioning agreement or landowner could do an agreement to maintain. Mr. Wisner suggested appropriate ownership and maintenance agreements be in place to ensure that the driveways will be maintained properly. This should be addressed prior to the 40 years.

Mr. Hill went through the letter of Wm. F. Hill & Assoc., Inc. dated November 27, 2019 and noted that all the conditions are outstanding. Mr. Hill indicated that the applicant was requesting a waiver from SALDO 117-41.C which establishes the requirements for sidewalk on non-residential developments.

**Mr. Sanders moved, seconded by Ms. Hamm to approve waiver request for SALDO 117-41.C depicted as No.10 in the Wm. F. Hill letter dated November 27, 2019 for the Adams Solar LLC Preliminary/Final Land Development Plan. The language to be put on the plan shall indicate the township could require the sidewalks to be put in at a later date. Motion carried unanimously.**

**Mr. Sanders moved, seconded by Ms. Hamm to conditionally approve the Adams Solar LLC Preliminary/Final Land Development Plan based on the review letter of Wm. F. Hill and Assoc., Inc. dated November 27, 2019 with the following numbered comments to be satisfied as follows:**

**1. ZO 140-21.D(9) – This section establishes the requirements for decommissioning of the facility. A decommissioning agreement must be prepared and approved by the Township solicitor and appropriate financial security for decommissioning provided to the Township. The decommissioning agreement must include the following in addition to decommissioning:**

**a. Stormwater management maintenance obligations should a landowner wish to keep the driveway areas.**

**b. Shared driveway responsibilities and easement if the driveways are to remain.**

- 2. ZO 140-21.D(10)(d) & 140-53 – These sections establish the signage criteria for solar electric facilities and overall signage within the Township. A signage plan must be provided that demonstrates compliance with these sections.**
- 3. All appropriate signatures on the plans must be provided prior to final plan approval, including:**
  - a. SALDO 117-27.B(8) – The seal and signatures of all professionals involved with the Plan**
  - b. SALDO 117-27.B(29) – Owner/Developer’s Acknowledgement – The landowner/applicant signature must be provided prior to Plan approval. Appropriate documentation (lease agreements, etc.) must be provided to the Township Solicitor that Adams Solar, LLC is authorized to sign the Plan on behalf of all landowners.**
  - c. The landowners’ signatures for the subdivision Plans must be provided.**
  - d. SALDO 117-60.C3(c) – Signature of a Registered Landscape Architect must be provided.**
- 4. SALDO 117-20.A – Appropriate Sewage Facilities Planning approval must be obtained prior to Plan approval for the proposed subdivisions.**
- 5. SALDO 117-20.B, 117-46, SWM 109-14.E – Submission of an NPDES Permit/Erosion and Sedimentation Control Plan and approval by the Adams County Conservation District is required.**
- 6. SALDO 117-20.K, 117-27.B(32), 117-52 – These sections establish the requirements for a Traffic Impact Study. The Township Traffic Engineer must be contacted to determine whether a study is needed for the proposed project.**
- 7. SALDO 117-26.D – A financial security estimate must be provided, approved, and bonded prior to Plan approval. Financial security should be provided for any and all improvements required by the Straban Township Ordinance.**
- 8. SALDO 117-29.F – PA DEP and/or USACOE approval must be obtained for all proposed wetland/stream impacts associated with this project prior to Plan approval. This would include all underground utility crossings and roadway access crossings.**

**Additionally, access to the rear solar field on the Zepp property appears to rely on the use of an existing stream ford. PA DEP must be contacted to confirm that this access point is acceptable since the traffic to this area will be increased.**
- 9. SALDO 117-32.B – The following items must be addressed regarding the proposed site accesses:**
  - a. Approval of the PennDOT Highway Occupancy Permits for the proposed access points onto PennDOT roadways must be obtained prior to Plan approval (117-32.B(4)).**

**b. Approval of the Township Road Occupancy Permits for each access point onto Township Roadway must be obtained prior to Land Use Permit issuance for each property.**

**11. This project may be subject to impact fees for transportation capital improvements. The Township Traffic Engineer must be contacted to determine if traffic impact fees will be required.**

**12. Approval of the crossing of the utility line under US-15 must be provided prior to signature of the Plan by the Board.**

**13. It is noted that several minor revisions were received digitally. These final revisions must be incorporated into the final plan set for signature by the Board.**

**14. 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. An exhibit must be provided with the recorded agreement that lists all properties to which the agreement applies.**

**Motion carried unanimously.**

**Public Comment:**

**Bob Spangler** – A corporation can walk in and ask how many people want to join. Mr. Spangler had them in his kitchen and looked out his window and said “no thank you”. He hopes that it can be worked out that the Munoz will not have to see the panels. He questioned why the Minutes did not reflect exact discussion. Mr. Wisner explained that the Minutes are to reflect the actual motions made, who motioned and who seconded. All other conversations are of a general nature.

**Tom Eyer** – Heidlersburg Fire Department - Asked the residents to remember to keep your Christmas trees watered. If you have not done so already, put new batteries in your smoke detectors. Be safe this holiday season.

**Paul Smith** – Wanted to know what was going on at the corner of Hunterstown Road near Wadells. Mr. Sanders indicated that the Environmental Protection Agency was out at the superfund site monitoring the site.

Mr. Sanders asked if he could have everyone’s attention for a few minutes before the adjournment of the meeting. As you may or may not know tonight’s Supervisors meeting will be Mrs. Sharon Hamm’s last of her twelve (12) year tenure as a Supervisor. I just wanted to thank her for her serve to this community. As an elected official you can be certain she

always put the residents first in any decision made. She has always had the best interest of the township first and foremost. As a young 33 year old Supervisor coming on board in 2011, she helped me along tremendously and absolutely had no qualms telling me if she thought I was out of line, which was greatly appreciated. She has also taught me to listen first, think about it, and gather all information you can, before making a decision. She and I absolutely did not see eye to eye on everything in front of us but being a Supervisor now for 8 years I see that is perfectly fine and as a matter of fact, the way it should be. Different minds, different opinions are what make boards great. I could drag this out for pages and pages, but I don't want to get in trouble for going over my 5 minute time limit, so in closing I'd like to personally say THANK YOU for your service and breaking me in as a new Supervisor. You will surely be missed by your colleagues and staff and we look forward to continue serving on the Planning Commission. With all that being said, I'd like to congratulate Alan Zepp on his successful run for Supervisor and look forward to working with him. The township staff and colleagues presented Mrs. Hamm with gift certificates of her liking.

**Questions from the Press:**

None.

**Adjournment:**

With no further business to come before the Board, Ms. Hamm moved, seconded by Mr. Sanders to adjourn the meeting at 8:00 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, January 6, 2020 at 7:00 p.m. with the re-organization starting at 6:30 p.m.**