

**BERWICK TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES AUGUST 10, 2020**

CALL TO ORDER AND PLEDGE TO THE FLAG – The Berwick Township Board of Supervisors held their regular meeting on Monday, August 10, 2020 at 6:00 p.m. in the Municipal Building, 85 Municipal Road, Hanover. The meeting was called to order at 6:00 p.m. Present were Supervisors Pete Socks, Tom Danner, Earle Black, Scott Kennedy, Barry Cockley, Solicitor Tim Shultis, Engineer Tim Knoebel, Roadmaster Bill Scott, Zoning Officer Andrew Myers and Secretary Jean Hawbaker.

PUBLIC COMMENT (AGENDA ITEMS)

- 1) **Ronald Ruth – 198 Kinneman Road** – The culvert put in last year at the golf course side is clogged up. Something needs to be done. Mr. Knoebel stated he will check to make sure the inlet is hooked into the storm sewer. Mr. Ruth stated consideration should be given to reduce the speed limit on this road from 35 to 25.

APPROVE CONSENT AGENDA

Tom Danner made a motion to approve the consent agenda which consists of the minutes of July 13, 2020, bill lists, unpaid bill lists and balance sheets dated August 7, 2020, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes.** **Motion carried.**

ROADMASTER’S REPORT/EMC UPDATE - JULY

- Have been mowing the roads.
- Parking Lot is getting done.
- Waiting on pipe to replace a damaged one.
- All equipment ordered has come in.
- There is a safety concern on Race Track Road. Since motorists can't turn left off of Red Hill, they go to Race Track Road and turn around at the pump station. We need an arm with a lift gait and remove the chain. The arm with solar panel kit is \$650.00, and \$250.00 to switch the gaits out.

Earle Black made a motion to approve getting the arm with solar panel kit and switch the gaits out, seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes.** **Motion carried.**

- The stopping blocks for the parking lot will be in soon.
- Will be filling out a survey for Emergency Management.

UNFINISHED BUSINESS

- 1) **Floodplain Management Ordinance** – Leslie Rhoads previously directed the Board to watch a video on higher standards. The Board tabled until the next meeting.

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NEW BUSINESS

1) **Sell 2003 Trailer as per Resolution No. 10-038**

The Board tabled until the next meeting to give them a chance to look at it before setting a price.

STATE POLICE REPORT

No report received

AREMS REPORT

No report received

UNITED HOOK & LADDER REPORT

No report received

CODE ENFORCEMENT/PERMITS - JULY

- 13 permits and 1 violation issued in July
- 51 Progress Avenue – They will let me know start date on curb
- Updated vacant and abandoned report

Tom Danner asked how many are getting property improvement permits from the County. Mr. Myers stated he is making them aware they need one. They need the township permit before Adams County permit. Could attach the County application to the township's application.

ENGINEER'S REPORT

- 1) **Kinneman Road Storm Drainage Project with Abbottstown Borough** – As part of review of the shop drawings, we received comment back from the manufacturer of the inlet boxes that there was going to be difficulty with the storm drains as designed to fit into the boxes. I spent some time on this with Bob Sharrah and we are going to replace the oversized inlet boxes with standard boxes, which will reduce the cost. We will also lower the pipe size from 24" arch pipe to a 21" arch pipe, which will reduce the cost, however; they have to remove some curb to do this, which will be a net increase in price of \$3,046.00. Spoke to Tom Danner in this regard, and we felt in order to keep this project moving this is the best solution we had. We gave the contractor the go ahead to order the change in material, however; we do need to follow-up to authorize signature of the change order. This is all on Berwick's side.

Barry Cockley made a motion to authorize signature of the change order in the amount of \$3,046.00, seconded by Tom Danner. **Roll Call: Black – yes, Cockley – yes, Socks – yes,**

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- Danner – yes, Kennedy – yes. Motion carried.** Scott Kennedy made a motion to authorize up to \$8,500.00 in the event there are any future change orders and to keep the project moving, seconded by Pete Socks. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**
- 2) **Bermudian Keys request for release of financial security** – This work has been inspected and they have completed the punch list. The total to be released is \$184,647.00. Tom Danner made a motion to the release of financial security for DAK Properties, L.P. (Bermudian Keys) in the amount of \$184,647.00, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**
- 3) **Kinneman Holdings (Rich Krill) request for reduction of financial security** – Mr. Krill is refinancing and would like to post cash security instead of the Letter of Credit currently held by the township. Some items have been completed, but we never requested a reduction. We would like to terminate the Letter of Credit and just post cash security for the remaining items. Our plan is to complete the remaining items in August and September. The remaining amount of security would be \$17,556.00. Tim Knoebel stated he did not do any inspections yet on what's left to do. You might what to post the \$27,507.00 and finish the work and we will inspect at that time. Earle Black made a motion to approve the conversion of the Letter of Credit to cash in the amount of \$27,507.00, seconded by Barry Cockley. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**
- 4) **Douglas & Rebecca Smith – Final Subdivision Plan** – (64 High Rock Road West) – **Must act by 9/24/20** - Tim Knoebel explained they issued a comment letter on April 7, 2020, and since that time all of the notes and requirements have been added to the plan. The recommended financial security is \$264,987.53. Requested waivers have already been granted.

Tim Shultis stated there is still some work to do on the easement agreement and emergency access agreement, however; I think that the plan is in a position to approve conditionally.

Jerry Laughman and his attorney were satisfied.

Tom Danner made a motion to approve the Douglas & Rebecca Smith Final Subdivision Plan, which includes these conditions: 1) all of the outstanding items satisfied in KPI Technology's letter dated April 7, 2020, 2) the posting of financial security in the amount of \$264,987.53 in a form acceptable to the township, 3) fully executed easement agreement for the shared driveway in a form acceptable to the township, 4) fully executed emergency access agreement in a form acceptable to the township, 5) executed stormwater management agreement in a form acceptable to the township, 6) a draft deed of consolidation for lot 2-105 and parcels 102 and 102C in a form acceptable to the township, 7) a developer's agreement in a form acceptable to the township, seconded by Pete

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Socks. Mr. Smith agreed at this public meeting to the conditions as noted. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

- 5) **Cambrian Hills Phase 2 Sketch Plan** – Tim Knoebel discussed the changes made to the plan, which includes: a net increase in number of residential lots, existing residences will now use a right-of-way through additional Cambrian Hills residential lots, 2-panhandle lots are proposed, which must be 50-foot minimum and are not allowed in the LMU District, lot 67 will now share a driveway with the existing residences, a shared use and maintenance agreement will be required, Antietam Run is now proposed as a cul-de-sac, several lots are now smaller, Piedmont now stops at the intersection and does not go through to Hershey Heights Road. The pan handle lots will need to be removed or will need to go for a variance before the Zoning Hearing Board. The fire hydrants will be reviewed by the fire chief for placement.

Ted Decker of Group Hanover, Inc. asked the Board for guidance on proceeding with the cul-de-sac, and removing the connection out to Hershey Heights Road. If we pursue the panhandle lots, we would go before the Zoning Hearing Board. We would rather not submit a preliminary plan, but instead incorporate these changes into a preliminary/final plan. Will give a scope of agreement for work to be done now off of the current approved preliminary plan at their own risk.

Tom Danner stated the Planning Commission was not favorable of the panhandle lots.

It was noted that the fire hydrants within this development will be handled by the home owner's association or by J.A. Myers per Scott Felth, Project Manager.

- 6) **Hanover Retail Holdings, LLC (Harry McKean) – Potential modifications to the H-C Zoning District** - Harry McKean and Bob Sharrah were present asking for reasonable changes within the H-C Zoning District. The parcel we have off of Route 94 is the last remaining large parcel of Highway Commercial. We need quality users and should give flexibility. The ordinance should be brought into current situations on meeting what the demands are for some of the tenants. Things have changed since your ordinance was enacted years ago. Seeing a demand for more standalone units, for example; for a shopping center, your ordinance requires 8 units. Most tenants only want 1 or 2 users. Some of the parking requirement locations and amount of parking has changed quite drastically.

Tom Danner explained we have a Zoning Review Committee that has been working for over 3 years and we are prepared to send some things to the Board shortly. I think it would be appropriate to take a look at these proposed changes.

Pete Socks made a motion inviting Mr. McKean and Mr. Sharrah to present this to the next Zoning Review Committee meeting on September 2, 2020 at 3:30 p.m., seconded by Scott Kennedy. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

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SOLICITOR'S REPORT

- 1) **The Residence at the Bridges Right-of-Way Agreement** – The township needs a right-of-way for stormwater management facility through lot #1. There is an existing easement of 10 feet that will be owned by the Home Owners Association. The township is putting one adjacent to it, which will be its responsibility. Mr. Shultis prepared a draft and provided it to John Grim, which he signed. Will need to add the updated exhibit and the one change Bob Sharrah will be making.

Tom Danner made a motion to approve the Right-of-Way Agreement which will include the updated exhibit and the revision from Bob Sharrah, seconded by Pete Socks. **Roll Call: Black – yes, Cockley – yes, Socks – yes, Danner – yes, Kennedy – yes. Motion carried.**

- 2) **Intermunicipal Agreement and Resolutions between Berwick Township and Abbottstown Borough** – submitted to the Secretary for the township's records.

COMMENTS

Tom Danner mentioned that the Zoning Review Committee is prepared to send to the Board a copy of the wireless communication facility ordinance, wind turbine and accessory use ordinance, solar energy production facility ordinance, solar panels as accessory use ordinance, and outdoor wood fire boiler ordinance. Will have recommendations for changes to the sign ordinance and in sight from the Zoning Officer to start documenting all of the signs in the township and review their conforming or nonconforming use.

Bill Scott stated the existing drain pipe under Hershey Heights Road at Meadowbrook is not big enough to hold the flows. Tim Knoebel stated they need to contact us to schedule a site meeting before any work can be done on the road.

PUBLIC COMMENT (GENERAL) – None.

ADJOURNMENT

Barry Cockley made a motion to adjourn at 7:56 p.m., seconded by Scott Kennedy. Motion carried.

The next regularly scheduled meeting of the Berwick Township Board of Supervisors will be held on September 14, 2020, 6:00 p.m. in the Municipal Building, 85 Municipal Road, Hanover, PA 17331.

Respectfully submitted,

Jean A. Hawbaker
Secretary/Treasurer
**BERWICK TOWNSHIP
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