

1 Re: Conewago Township, Adams County, PA
2 Public Hearing on Proposed Ordinance No. 2020-C

3
4 Transcript of the testimony at the
5 hearing held Monday, July 27, 2020
6 at 6:38 p.m.
7 (Via Zoom Telemeeting)

8
9 BEFORE

10 CONEWAGO TOWNSHIP BOARD OF SUPERVISORS

11 Charlotte Shaffer, Chair
12 Thomas Weaver, Vice Chair
13 Louann Boyer, Supervisor
14 Don Knight, Supervisor
15 Thomas Klunk, Supervisor
16 David W. Arndt, Jr., Code Enforcement Officer

17 APPEARANCES:

18 SAMUEL WISER, ESQUIRE
19 KURT WILLIAMS, ESQUIRE
20 TIMOTHY SHULTIS, ESQUIRE
21 SALZMANN HUGHES, P.C.
22 112 Baltimore Street
23 Gettysburg, PA 17325
24 Solicitor for the Board

25 CORRIE L. ONDRIZEK, RPR
OFFICIAL COURT REPORTER
111-117 Baltimore Street
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1 (Beginning at 6:38 p.m.)

2 ATTORNEY WISER: I am going to admit all of our
3 guests. All right. Ladies and gentlemen, our guests are
4 joining us. We'll give the folks who are currently connecting
5 to audio a moment to do so. Just bear with us everyone.

6 All right. As I said earlier, we've got folks that
7 are joining us that are connecting to audio. Just bear with us
8 as we do that. We will get started momentarily. We will make
9 sure that everyone can hear us and that we can hear you before
10 we start with the substance of the meeting this evening.

11 All right. We've still got, it looks like, still
12 one person that's connecting to audio and we'll give them a
13 moment to complete that before we begin this evening.

14 CHAIRWOMAN SHAFFER: Okay.

15 ATTORNEY WISER: Madam Chair, I see we've got one
16 individual that's still connecting to audio, but I'm not sure
17 what type of technical difficulties they may be having. We
18 could go ahead and proceed. Then in the event they
19 successfully make connection, we will reiterate some of the
20 ground rules for participation this evening whenever they are
21 able to join us. So with that said, Madam Chair, I turn it
22 over to you to begin the meeting this evening.

23 CHAIRWOMAN SHAFFER: Thank you. Good evening,
24 everyone. I call the July 27, 2020 Public Hearing to order.
25 Welcome to the Conewago Township Public Hearing conducted via

1 telemeeting. We appreciate your patience with this virtual
2 forum. Before we get started, I'm going to ask a member of the
3 Solicitor's office to review best practices and decorum
4 considerations for the telemeeting.

5 ATTORNEY WISER: Good evening and thank you, Madam
6 Chair. My name is Sam Wiser. I will be facilitating the Zoom
7 meeting this evening. In addition to the Board members and the
8 staff participation, we've also provided information to persons
9 who requested to participate in this virtual public hearing
10 this evening as we can see from the volume of folks who have
11 joined us here. In addition, the opportunity for written
12 public comment has been invited and we have received responses
13 that will be acknowledged during the hearing this evening.

14 To minimize background noise participants who are not
15 Board members should mute their microphones until the time for
16 public comment. That will make this experience much more
17 enjoyable for all of us. Participants will be automatically
18 muted by the host, if necessary, to reduce background noise.

19 If a member of the public desires to offer comment
20 during the public comment period and they are participating via
21 computer, you can request to do so by virtually raising your
22 hands. Now, this can be accomplished by clicking on the icon
23 labeled participants at the bottom of your screen and at the
24 bottom of the window on the right side of the screen you would
25 click the button label raise hand and then your virtual hand

1 would come up on the screen and we should be able to see that.
2 The virtual hand can also be lowered using the same buttons,
3 but we ask you not to virtually raise your hand until the floor
4 is open for public comment and that opportunity will come a
5 little later this evening as we go through some of the
6 background information.

7 If you are participating via telephone, you are able
8 to unmute yourself by pressing star six on the phone keypad.
9 Again, if you're participating via telephone, you can unmute
10 yourself by pressing star six on the telephone keypad. Once
11 you've concluded your comments, you can again press star six to
12 mute yourself and I may assist with muting and unmuting
13 participants to try and facilitate orderly participation, but
14 if you have muted yourself on your end, I am not able to unmute
15 you. You would have to do that on your end as well.

16 At this time I'm going to ask for each participant to
17 identify themselves and then I will note the participant in the
18 way their identity appears by displaying your name as opposed
19 to just a generic screen name or a telephone number. So this
20 will allow everybody who's participating to see who's
21 participating and who is offering public comment.

22 So I will go through the list and see if I can get
23 folks to identify themselves. First, I'm going to go to
24 call-in user one is the designation, if you could give us your
25 name and I will enter that onto the screen.

1 A VOICE: Is that me?

2 ATTORNEY WISER: Let me try that again. Say
3 something, Tom, and I can see if that's you. Tom, I'm not --
4 I'm not -- if you can unmute yourself from your end.

5 A VOICE: Oh, okay. You want me to -- I'm -- I'm --
6 -- my voice should be heard now.

7 ATTORNEY WISER: We can hear you. So I believe that
8 call-in user one is Supervisor Klunk. So I will label that as
9 such.

10 SUPERVISOR KLUNK: Great. Thank you. Do you want me
11 to mute myself?

12 ATTORNEY WISER: That's up to you, Supervisor Klunk.
13 It may be easiest to do so until you'd like to offer any
14 comment.

15 Next appearing on my screen is somebody who is
16 familiar to me and that's John Andrews and I can see his face.
17 So we see you, John. I just want to make sure we can hear you.

18 ATTORNEY ANDREWS: Thank you, Sam. Can you hear me?

19 ATTORNEY WISER: We can hear you.

20 ATTORNEY ANDREWS: Thank you.

21 ATTORNEY WISER: Thank you. Next appearing on my
22 screen is Ernie Hess. Ernie, could you unmute yourself and
23 make sure we can hear you?

24 MR. HESS: Can you hear me now?

25 ATTORNEY WISER: We can hear you now. Thank you,

1 Mr. Hess.

2 MR. HESS: You're quite welcome.

3 ATTORNEY WISER: All right. Next we have another
4 individual who the name is familiar to me, but we have no video
5 feed. That's Michael Cooper White. Michael, can you unmute
6 your feed so that we can hear you? Michael, can you unmute
7 your feed so that we can hear you? Michael, we're going to --
8 we're going to move on. I'm assuming that you're appearing
9 tonight as a member of the press and we will come back to you
10 if need be.

11 The next individual I will ask to identify themselves
12 is the person who's identified as Virginia. Could you please
13 unmute your feed and identify yourself.

14 A VOICE: Hi, everyone. This is Virginia Thornton
15 with Gannett Fleming.

16 ATTORNEY WISER: Okay. And is that T-H-O-R-T-O-N?

17 MS. THORNTON: T-H-O-R-N-T-O-N.

18 ATTORNEY WISER: Great. Thank you, Virginia. We can
19 hear you.

20 The next individual is Mark Livelsberger. Mark, can
21 you unmute your feed so that we're sure we can hear you.

22 MR. LIVELSBERGER: Yes. Good evening. Mark
23 Livelsberger. I'm President of S.A.V.E.S. Fire Department.

24 ATTORNEY WISER: Good evening, Mark. We can hear
25 you. Thank you for joining us.

1 The next individual I'll ask to confirm their
2 identity is Barb Carbaugh. Barb, can you unmute yourself so
3 that we're sure we can hear you.

4 MS. CARBAUGH: Testing one, two, three. Barb
5 Carbaugh with Bare Development.

6 ATTORNEY WISER: We hear you loud and clear, Barb.
7 Thank you.

8 MS. CARBAUGH: Welcome.

9 ATTORNEY WISER: The next individual I will ask to
10 identify themselves is Kathleen Murren. Kathleen, can you
11 unmute your feed so that we're sure we can hear you?

12 A VOICE: Yes, we can hear you. And this is John
13 Murren sitting with Michael Murren and Kathleen Murren.

14 ATTORNEY WISER: Okay. I will add John and Michael
15 to the screen identification just so we are sure who is
16 speaking and when we get to the point of any public comment
17 where you got multiple participants on your end, there is a
18 Court Reporter here this evening so we ask that you identify
19 who is speaking whenever you are offering comment so that
20 Corrie has a much easier job with the transcription, but thank
21 you. We can hear you loud and clear, John, Michael, and
22 Kathleen.

23 Ben Myers, if you could please unmute yourself so
24 that we're sure that we can hear you. Ben, are you able to
25 unmute your audio feed?

1 MR. MYERS: Yes. Can you hear me now?

2 ATTORNEY WISER: We can hear you now, Ben.

3 MR. MYERS: Thank you.

4 ATTORNEY WISER: Yep, thank you.

5 Move onto screen identity that says Joan's iPad. If
6 you could unmute your feed at your end and give us your full
7 name? Joan, can you hear us? Joan, it appears that you have
8 unmuted your feed. If you could say something to see whether
9 or not you're able to communicate with us. What we'll do at
10 this time, Joan, we'll skip to the next person and if you can
11 get the technical issues worked out on your end, we'll come
12 back to you.

13 There is a -- someone who is identified just as Ryan
14 on the screen. Could you please unmute your feed and identify
15 yourself?

16 A VOICE: Hi, folks. Ellen Ryan, William Popovich,
17 and Brad Wilke.

18 ATTORNEY WISER: So let me make sure I got everyone.
19 We've got Ellen Ryan. Who was the second participant at that
20 location?

21 A VOICE: Popovich.

22 ATTORNEY WISER: Can you spell that for me, please?

23 A VOICE: P-O-P-O-V-I-C-H.

24 ATTORNEY WISER: And what was the first name there?

25 A VOICE: Bill.

1 ATTORNEY WISER: Is that E-L-L-E?

2 A VOICE: Bill, B-I-L-L.

3 ATTORNEY WISER: Oh, B-I-L-L, I'm sorry, thank you,
4 Bill Popovich, and the last participant at your location is?

5 A VOICE: Brad Wilke, W-I-L-K-E.

6 ATTORNEY WISER: W-I-L-K-E. So we've got Ellen Ryan,
7 Bill Popovich, and Brad Wilke participating as well this
8 evening?

9 A VOICE: It's Fred, F-R-E-D, Wilke.

10 ATTORNEY WISER: Okay. Great. Let me -- let me make
11 that correction. What was the name of Mr. Popovich? Was it
12 Bill?

13 A VOICE: Yes, sir.

14 ATTORNEY WISER: Great. I think -- I think I've got
15 you now. We've got Ellen, Fred, and Bill, and we can hear you
16 loud and clear on our end.

17 The next individual that I will move onto is someone
18 who has a G8thinQ designation. If you could identify
19 yourselves?

20 A VOICE: It's Jeff and Bill Rittase.

21 ATTORNEY WISER: All right. I will make that
22 designation. How do you spell your last name?

23 A VOICE: R-I-T-T-A-S-E.

24 ATTORNEY WISER: Got it, and we can hear you loud and
25 clear.

1 The next person I will ask to identify themselves is
2 someone designated as Julie. Could you tell us your name?

3 A VOICE: Hi. Good evening, Julie Wherley.

4 ATTORNEY WISER: Julie, how do you spell your last
5 name?

6 A VOICE: W-H-E-R-L-E-Y.

7 ATTORNEY WISER: Great. We can hear you loud and
8 clear. Thank you very much.

9 MS. WHERLEY: Thank you.

10 ATTORNEY WISER: Robert Miller, could you please
11 confirm your identify and we can confirm we can hear you?

12 A VOICE: Yes. This is Robert Miller, resident of
13 the Township.

14 ATTORNEY WISER: Great. Robert, we can hear you.
15 You cut out a little bit at the very end there. Maybe say
16 something else to see if we got a clear connection?

17 MR. MILLER: Yes, I'm -- inaudible -- location. So
18 it might be a little sporadic.

19 ATTORNEY WISER: Yeah, it is a little sporadic,
20 Robert. If you could try and maximize your connection there
21 whenever it's time for public comment, that would be very
22 helpful.

23 MR. MILLER: Thank you.

24 ATTORNEY WISER: Thank you.

25 Moving back to Joan's iPad, if you could identify

1 yourself for us?

2 A VOICE: Joan Mcanall, Bare Development.

3 ATTORNEY WISER: Great. And how do you spell your
4 last name?

5 MS. MCANALL: It's M-C-A-N-A-L-L.

6 ATTORNEY WISER: Great. And we can hear you loud and
7 clear, Joan.

8 MS. MCANALL: Great.

9 ATTORNEY WISER: I am going to move on to Angie.
10 Angie, if you could unmute yourself and identify yourself for
11 us, please.

12 A VOICE: Hello?

13 ATTORNEY WISER: Yes. Angie, can you please identify
14 yourself?

15 A VOICE: Yes, Angela Pabon, Secretary/Treasurer for
16 Conewago Township and it's P-A-B-O-N.

17 ATTORNEY WISER: Great, thank you. We can hear you.
18 It was a little bit spotty, but we could hear you.

19 All right. I've got the next participant who has a
20 designation of iPhone. If you could identify yourself, please.
21 Could you tell us your name, please.

22 SUPERVISOR BOYER: That might be me. I have my
23 iPhone as well as the Township phone. This is Louann Boyer.

24 ATTORNEY WISER: Okay. Great. I will make that
25 designation then and then moving on to MCOOP, could you please

1 identify yourself? Could you give us your name, please, MCOOP?
2 It appears that you unmuted yourself on your end, but we're not
3 able to hear you if you are attempting to talk. MCOOP, we are
4 unable to hear you. Perhaps you can see if there's a setting
5 on your end that has prevented us from hearing you. While
6 you're doing that, I will move on to the next participant.
7 There is a participant with a 465-5102 telephone number. Can
8 you identify yourself?

9 A VOICE: That would be Sandy Long.

10 ATTORNEY WISER: All right. Let me make sure I've
11 got your name in here, Sandy, and is that L-O-N-G?

12 MS. LONG: Yes, it is.

13 ATTORNEY WISER: Great. You might not be able to see
14 it, but I've entered your name onto the screen so we know who
15 you are when we get to the public comment portion.

16 I'm going to -- Sandy, I'm going to mute your feed
17 now until we get to the time of public comment and we'll make
18 sure you have a chance to speak at that point, okay?

19 MS. LONG: Thank you.

20 ATTORNEY WISER: You're welcome. I'm going to go
21 back to MCOOP. Are you able to speak to us so that we can
22 confirm that we can hear you?

23 VICE CHAIRMAN WEAVER: Sam, that's Michael Cooper
24 White. You put that in the chat.

25 ATTORNEY WISER: Okay. Thank you. Michael, I've got

1 you listed here and my apologies. I didn't see the chat
2 message until that was just identified by the Supervisor. So
3 thank you.

4 I believe that we have identified all of the
5 participants and I can confirm that there was no one in the
6 waiting room. So with that, I'll quickly review the rules of
7 decorum that we would ask all participants to abide by for this
8 telemeeting.

9 The first is that all public comments should be
10 directed to the Board and then the Board may elect whether to
11 respond or not to respond to that comment. Public comment time
12 is an opportunity for the public to provide their comments to
13 the Board, not a time which the Board or staff is required to
14 engage in dialogue with commenters, but in the event the Board
15 desires to respond in some manner to the comments offered, the
16 Chair may designate who will provide response or recognize
17 persons to offer a response as may be appropriate.

18 Number two, the public and members of the Board are
19 at all times to demonstrate mutual respect and decorum.
20 Members of the public are asked not to speak out audibly or
21 through text outside of the public comment period or engage one
22 another in argument. The caveat I would add to that is just as
23 Mr. White has done with notifying us of an issue on his end, if
24 you do have an issue at any time in hearing or participating
25 throughout the meeting, feel free to send the chat message that

1 way.

2 Number three, comments, displays, or texts that are
3 unrelated to the business of the Township or personal attacks
4 regarding any participant aren't permitted.

5 Number four, comments, displays, or text of a
6 patently offensive or sexually explicit nature shall not be
7 permitted.

8 And number five, all participants are welcome to
9 offer comment, but we ask members of the public to be cognizant
10 of the desire of other members of the public to provide
11 comment. We'll make sure that everyone has an opportunity to
12 provide the comment that they want to provide this evening.

13 With that, Madam Chair, I believe we can proceed with
14 the meeting.

15 CHAIRWOMAN SHAFFER: Thank you, Sam. Before we
16 begin, I do want to acknowledge that this matter is one of
17 great importance to all the participants. Based on the volume
18 of information that will be covered as well as the number of
19 participants who may wish to offer comment, we want to ensure
20 that the public is provided with adequate time to comment and
21 there is adequate time to digest the information provided.
22 Therefore, so as to not exhaust everyone this evening, we will
23 limit the meeting length this evening to an hour and a half.
24 We will then recess the meeting and reconvene at a future date
25 to continue the receipt of public comment.

1 At this time, I would like Mr. Williams to review
2 background information regarding the procedural requirements
3 and other information.

4 ATTORNEY WILLIAMS: Thank you, Madam Chair. This is
5 Kurt Williams from Salzman Hughes. I have been asked by the
6 Board of Supervisors to review the zoning information regarding
7 the proposed ordinance amendment.

8 First, I do want to make sure everyone on the call
9 knows who the Supervisors that are present are. The Chairwoman
10 is Charlotte Shaffer. The Vice Chair is Tom Weaver and
11 Supervisors Tom Klunk, Louann Boyer, and Don Knight.

12 Also with me tonight actually in my office is Tim
13 Shultis, the Township Solicitor and, of course, you have
14 already been hearing from our Zoom meeting facilitator, Sam
15 Wiser.

16 Bring up the map, the zoning amendment map.

17 ATTORNEY WISER: Yeah, give me one moment, Kurt, and
18 I will have that up.

19 ATTORNEY WILLIAMS: The purpose of tonight's public
20 hearing is to take public comment on Proposed Ordinance 2020-C.
21 This Proposed Ordinance, if enacted, will result in a change of
22 the zoning of five parcels of land generally located west of
23 McSherrystown Borough from their current zoning designation of
24 R-1 to the agricultural zone and the five parcels you can see
25 are outlined in the red boxes on the map that has just been put

1 up on your screen.

2 Thank you, Sam.

3 Originally this hearing was scheduled to be an
4 in-person hearing at the S.A.V.E.S. building. The reason we're
5 meeting virtually is that on July 15, 2020, Governor Wolf
6 announced a general prohibition on indoor gatherings of more
7 than 25 people. Thereafter, the Board promptly arranged for
8 this hearing to be held virtually, which is permitted by state
9 statute. The advertisement of the virtual hearing was posted
10 on the Township website and in the Gettysburg Times last week.

11 As Chairwoman Shaffer mentioned, our goal is to limit
12 tonight's hearing to no more than 90 minutes. We're going to
13 ask that each person giving public comment limit their comments
14 to five minutes per person.

15 A transcript is being made and before speaking for
16 the first time, please announce your name and thereafter should
17 you speak again after another person speaks, please be sure to
18 identify yourself.

19 Sam, if we could bring up the list of Township
20 Exhibits.

21 (Complies.)

22 ATTORNEY WILLIAMS: So I am going to have Sam scroll
23 down through the Township Exhibits that are important for
24 tonight's hearing.

25 The first is Township Exhibit A, which is the Proof

1 of Publication of the original in-person hearing scheduled for
2 July 27th at the S.A.V.E.S. building and that was published in
3 the Gettysburg Times on June 29th and July 6th.

4 Exhibit B is a cover letter sending the Proposed
5 Ordinance 2020-C to the Adams County Planning Commission. The
6 next page of Exhibit B is the same cover letter sending the
7 Ordinance to the Conewago Township Planning Commission. The
8 next page is an attested copy of the Ordinance being sent to
9 the Adams County Law Library. The next page is a full copy of
10 the Ordinance sent to the Gettysburg Times where the notice of
11 the hearing was published and then following those cover
12 letters is a copy of the Ordinance and map that was sent to
13 those organizations.

14 Exhibit C is the generic cover letter of the Proposed
15 Ordinance to all the affected property owners of the five
16 parcels that are involved and following that cover letter is,
17 again, a copy of the Ordinance and map that was sent to them.

18 ATTORNEY WISER: I apologize if the scrolling is
19 making you dizzy.

20 ATTORNEY WILLIAMS: No, that's great, Sam, thank you.

21 Exhibit D is a copy of a letter or a report dated
22 July 14, 2020 from Martin & Martin that will be discussed later
23 on in the agenda from Tim Cormany who has been hired by the
24 Township to review this Ordinance.

25 Exhibit E is a response from the Adams County Office

1 of Planning and Development regarding their review of Proposed
2 Ordinance 2020-C.

3 Exhibit F is a letter from the Conewago Township
4 Planning Commission addressed to the Board of Supervisors
5 regarding that Township Planning Commission's review of the
6 Proposed Ordinance.

7 And Exhibit G is the virtual meeting -- virtual
8 hearing notice that was published on the Township website in
9 advance of tonight's virtual hearing and the next page of
10 Exhibit G is a copy of it being shown posted on the Township
11 website on July 27th or as of July 27th.

12 Exhibit H I'm going to ask the Township Zoning
13 Officer, Dave Arndt, to unmute his microphone for a moment.
14 Exhibit H is the legal notice that was posted at the several
15 properties that are the subject of tonight's hearing and the
16 locations where that posting was made, which is the next page,
17 if you could scroll to that, Sam. Sorry for that post-it note.
18 Those are the locations where the postings were made.

19 Mr. Arndt, can you be sworn and advise the Board and
20 members of the public that these are the locations where you
21 posted the legal notice posting that is shown on Exhibit H?

22 MR. ARNDT: I can.

23
24 **DAVID ARNDT, JR.**, being called as a witness was duly
25 sworn.

1 **EXAMINATION**

2 BY ATTORNEY WILLIAMS:

3 Q Dave, this second page of Exhibit H, are these the
4 locations where you did the physical property postings of the
5 legal notice that's shown in Exhibit H?

6 A I am not seeing the exhibit.

7 Q Oh, you're on your phone?

8 A Yes.

9 Q Well, we can -- we'll have to follow-up on this.
10 Did you provide me a page -- a map that showed the locations
11 where you made the postings?

12 A I did. I provided you a map with 14 sign locations
13 that were posted.

14 Q Did you also provide me photos of those locations?

15 A I did.

16 ATTORNEY WILLIAMS: And, Sam, if you could keep
17 scrolling, the next three pages are those pictures, four pages
18 actually.

19 And, finally, Exhibit I is a copy of the Governor's
20 Order dated July 15, 2020 and Section III limits gatherings --
21 indoor gatherings of more than 25 persons. Actually it
22 prohibits indoor events and gatherings of more than 25 persons.

23 So that is the list of Township Exhibits A through I.

24 MR. ARNDT: Kurt. This is Dave Arndt. If you go
25 back to the exhibits, I did get them to come up. If you go

1 back to the map, I can verify.

2 ATTORNEY WILLIAMS: We'll go back to the first page
3 -- second page. There you go, Sam.

4 MR. ARNDT: Yes, that is the map I provided you.

5 ATTORNEY WILLIAMS: All right. Thank you. That's
6 the second page of Exhibit H. Appreciate that, Dave.

7 MR. ARNDT: Sure.

8 ATTORNEY WILLIAMS: Next I'd like to recognize Tim
9 Cormany who has been hired by the Township as a professional
10 planner to review Proposed Ordinance 2020-C and summarize his
11 report for the Board. Tim.

12 MR. CORMANY: Good evening, everyone. Can you hear
13 me?

14 ATTORNEY WISER: Yes, we can hear you.

15 MR. CORMANY: Okay, fantastic. Well, good evening,
16 everyone. My name is Tim Cormany. I am a planner with Martin
17 & Martin in Chambersburg. Back in June I was contacted by
18 Conewago Township and asked to prepare a planning analysis
19 regarding the amendment that is before you tonight for public
20 hearing.

21 On July 14th, I issued a three-page letter that
22 summarized my findings and I'm gonna go over that with you this
23 evening. I would just add to that that I am a certified AICP
24 Planner since 1995. I have been practicing since 1987. So
25 we're coming up on 34 years of working in the planning

1 business. So zoning and planning is what I do. I work with a
2 lot of local municipalities in that regard. So it was my
3 pleasure to prepare this for you this evening.

4 My report talks about my findings from a site visit
5 and the review of a variety of planning documentation
6 associated with the amendment this evening. The properties
7 that were being looked at I will refer to, there are actually
8 five properties, however, they're identified as six different
9 tax parcels by the County. They're located along Hanover Road
10 and Race Horse Road. I refer to them as the Murren property,
11 the S.A.V.E.S. property, the Rittase property, the Race Horse
12 Road, LLC property, and the 150 Carlisle Street, LLC property.

13 As I said before, I did conduct a site visit that was
14 performed on the morning of July 1st. The intent of that site
15 visit was to view the affected properties and also the
16 surrounding area.

17 My site visit found the majority of the affected
18 properties to be in agricultural use mostly open fields with a
19 few farmstead homes and other agricultural outbuildings, on the
20 Murren, Rittase, and Race Horse Road properties. The
21 S.A.V.E.S. property has been developed with an emergency
22 services facility and the 150 Carlisle Street, LLC site
23 appeared to be undeveloped at this time.

24 The subject properties are surrounded by the
25 following uses: The properties are actually on the east and

1 south edges of what I refer to as the unincorporated Village of
2 Brushtown, which is a village consisting of mixed uses.
3 Additional farmlands exist to the east and the southeast of the
4 sites. To the east is also Plum Creek, which serves as the
5 boundary between the Township and McSherrystown Borough and
6 also to the west and the southwest is an established single
7 family residential neighborhood which borders the Murren
8 property and also borders Race Horse Road.

9 In addition to the site visit, I also reviewed quite
10 a few documents that exist regarding planning and zoning as
11 they pertain to Conewago Township and this property. The first
12 I'd like to discuss tonight is the current Conewago Township
13 Zoning Ordinance and when it comes to the agricultural zoning
14 district, I took note of four purposes that are irrated
15 (phonetic) in the Ordinance that I think apply to these
16 properties that we're discussing tonight.

17 The first is to promote the continuation and
18 preservation of agricultural activities in those areas most
19 suitable for such activities. Also to protect farms of
20 sufficient size to allow them to remain economically viable.
21 Third, to support the creation of agricultural security areas
22 and to promote the expansion of current ag security areas and,
23 finally, fourth, to serve as ascending area for the transfer of
24 development rights to voluntarily compensate landowners who
25 agree to the perpetual protection of agriculturally productive

1 or open lands by a conservation easement.

2 Now, in addition to those purposes, zoning district
3 for agricultural also includes several opportunities for ag
4 preservation in terms of design for residential development.
5 These include the incorporation of what I call the sliding
6 scale approach wherein properties have a limited number of
7 dwelling rights associated with them based on the original size
8 of the tract involved. In addition to that, the Ordinance also
9 prescribes a maximum lot size rather than a minimum lot size.
10 These requirements together help to promote the retention of
11 sufficiently viable agricultural tract sizes.

12 Now in addition to those, there are several other
13 planning and design objectives when combined with what I just
14 mentioned, they are established to minimize the loss of
15 valuable farmland, the disruption of farm operations, and the
16 length of common and potentially conflicting property
17 boundaries that are shared by farms and residential lots. So I
18 think it's fair to say that your Zoning Ordinance, when it
19 comes to agricultural zoning, takes the preservation and
20 conservation of ag areas seriously.

21 Also I think it's fair to say as you review
22 agricultural preservation techniques, we quite often are
23 looking at characteristics such as prime farmland soils,
24 inclusion in the Township's agricultural security area, and
25 also existing farming activity on the properties. These all

1 play a role in determining the suitability of a property for
2 this agricultural zoning and I just want to point out that when
3 I reviewed those specific three elements using United States
4 Department of Agriculture soils data, it appears that
5 91 percent of the subject parcels soils are classified as prime
6 farmland soils. These are what's known as the Clarksburg and
7 Conestoga classifications.

8 If you take a look at existing farm use of the
9 parcels, all of the parcels, with the exception of the
10 S.A.V.E.S. property, appear to be in some type of agricultural
11 use which equates to roughly 92 percent of the total acreage
12 and, finally, if we're discussing the agricultural security
13 area, the Township's ag security area currently includes the
14 S.A.V.E.S. property, the Murren property, and the Race Horse
15 Road, LLC property as participants and that is 91 percent,
16 again, of the total area under consideration for amendment. So
17 in all three cases, we have figures over 90 percent.

18 Now, moving beyond Township documents, I also want to
19 consider some County documents and there is a wealth of those
20 available to look at. The one that maybe stands out the
21 greatest is something referred to as the Adams County
22 Agricultural Preservation Priority Area Map. That's a
23 mouthful, but they actually abbreviate it as the PPA Map, and
24 this is a map that the County uses when they are assessing a
25 property's viability and scoring it for acceptance in the

1 County's Ag Preservation Program.

2 The data that they have used to compile this map
3 applies to soils, adjacent parcel characteristics, zoning,
4 comprehensive planning land use classification and, again,
5 participation in the Township's Ag Security Area. If you take
6 a look at the properties that we're discussing tonight against
7 that PPA map that I mentioned a moment ago, we can see that
8 that map has three different designations of priorities for ag
9 preservation. There is high priority, there is low priority,
10 and in the middle of that is something referred to as standard
11 priority.

12 When we are talking about high priority, nearly half
13 of the property involved, 48.5 percent, is classified as high
14 priority. Another 46.2 is classified as standard priority,
15 which brings us nearly to 95 percent, and if you do the math,
16 that essentially means that there's slightly over five percent
17 of the properties being discussed this evening would be
18 considered low priority.

19 The Township's Comprehensive Plan, which by the way
20 was last updated in 2009, which is 11 years ago now, also has a
21 number of goals and objectives that pertain to ag preservation
22 and they include safeguarding farmlands and undeveloped areas.
23 It includes keeping farmland and natural areas separate from
24 compactly arranged developed areas. It includes maintaining
25 prime agricultural lands for visual and spacial relief; also

1 controlling the expansion and extension of utilities for
2 balanced development. Fifth includes instituting strict zoning
3 regulations on agricultural lands to discourage residential
4 development. Sixth is conserving prime agricultural lands and
5 soils. And finally, the seventh one of these goals and
6 objectives is to limit development in karst environments and
7 when I use the term karst, I'm referring to what some people
8 would call carbonate geology or simply limestone geology.

9 Based on all these factors from the 2009
10 Comprehensive Plan for the Township, one of the maps that's put
11 together, which sort of serves in many cases as a precursor to
12 a zoning map is known as the Future Land Use Plan and that is
13 why the properties we're discussing tonight are classified
14 under the headings of agriculture or conservation and not for
15 development.

16 Now, a few minutes ago I mentioned the limestone
17 geology of the area. Moving on to a different county plan
18 that's available for review is it's the 2012 Adams County
19 Greenways Plan and within that plan limestone geology is noted
20 as a restrictive factor to Township development and the area
21 we're looking at tonight is under land by the Conestoga
22 formation, a limestone formation, and is therefore subject to
23 things such as high water table, the development of sinkholes,
24 and a greater potential to serve as a conduit for ground water
25 contamination. So you can see the geology is an important

1 factor when we consider development.

2 In that same Greenways Plan it should be pointed out
3 that a map of potential greenways includes something called the
4 Plum Creek Riparian Area Greenway. This appears on a map in
5 the plan and is a proposed passive feature along the eastern
6 ridge of the Race Horse Road, LLC property. Therefore, it is a
7 feature deserving of some type of protections.

8 Finally I want to point out in that same Greenways
9 Plan there is an area of the county referred to as the
10 Standardbred Horse Farms area and in that document, the
11 Greenways Plan, that Standardbred Horse Farms area is pointed
12 out in three different occasions as an important resource for
13 the county. It is identified as an agricultural landscape
14 area. It is also identified as a significant green space and,
15 finally, it is also recognized as a County Scenic Resource.

16 Now, portions of the properties that we're discussing
17 tonight appear to fall within that Standardbred Horse Farms
18 area. So while not the entire five properties can be
19 considered to be part of that, there is a significant portion
20 of it, which is part of that.

21 Another county plan that I brought out in my letter
22 that plays a part in this is the Adams County Stormwater
23 Management Plan and the subject properties we're discussing
24 tonight fall into two different watersheds. There is the Plum
25 Creek watershed that drains to the east of the sites and then

1 to the west some of the properties flow into what's called the
2 South Branch of the Conewago Creek Watershed.

3 In that Stormwater Management Plan both of those
4 creeks have been identified as the Pennsylvania Department of
5 Environmental Protection as impaired streams and one of the
6 sources of impairment is siltation due to urban runoff and it's
7 because of these impairments, that is at least one factor in
8 the Township's designation as an MS-4 permeate and it's a
9 critical component of that Program's Pollution Reduction Plan.

10 So we've talked about Township documents. We've
11 talked about County documents. I don't want to forget to talk
12 about the next level up which would be state planning and there
13 is a legislation referred to as the Pennsylvania Municipalities
14 Planning Code and it specifies what municipal zoning ordinances
15 should regulate and one of those things is that it shall
16 protect prime agricultural land and also that the provisions of
17 the Zoning Ordinance shall be designed to preserve prime
18 agricultural and farmland considering topography, soil type,
19 and present use.

20 So I think it's fair to say that we can see from the
21 Township planning documents, the County planning documents, and
22 the State Municipalities Planning Code there seems to be some
23 consistency in terms of the importance of agricultural
24 preservation.

25 Now, one of the final things I want to discuss with

1 you is at the time of the 2019 Zoning Map Amendment, the Adams
2 County Office of Planning and Development issued a review and
3 one statement they made in there caught my eye which indicated
4 the appropriate order for the planning process here would be
5 for the Township to complete the review and update the Township
6 Comprehensive Plan first. Updating the Zoning Ordinance and
7 map should occur only after the Comprehensive Plan has been
8 updated.

9 As I mentioned earlier, your comprehensive plan is
10 due for an update. It's now 11 years old and I would concur
11 with the County's statement in 2019 that the amendments at that
12 time represented a significant change to lands that certainly
13 appear from all angles to include valuable natural, scenic, and
14 agricultural resources identified in multiple planning
15 documents as important to both the local and regional
16 environment.

17 I completed my letter or analysis by indicating that
18 this report supports the proposal to amend the Zoning Ordinance
19 as advertised in Ordinance 2020-C. I believe it is based on
20 sound planning methodology. It's supported by facts and a
21 variety of established documentation and I would recommend that
22 the associated amendments be given due consideration by the
23 Board following all of the public comment and the other
24 outcomes of this public hearing that apparently will occur
25 today and maybe be continued in the future.

1 I do want to reiterate again that from a
2 comprehensive planning and zoning standpoint, I think this is
3 an important property or properties that we're talking about
4 and it should be given due consideration through proper
5 planning discourse to understand which portions of the Township
6 are suited for development, which are suited for agriculture
7 and how we can strike an appropriate balance, but it would take
8 a significant amount of discussion and planning to get to that
9 point and I think the Township is due for that discussion soon.

10 That's essentially the summary of my report.

11 Thank you.

12 ATTORNEY WILLIAMS: This is Kurt Williams. Thank
13 you, Tim, for the summary of your report. I forgot to mention
14 earlier that the Township Exhibits A through I that I reviewed
15 earlier, I ask the Chairman -- Chairwoman of the Board to have
16 those put on the Township website tomorrow so that they are
17 available to everyone in the public.

18 At this time, any cause for any questions or comments
19 from Supervisors? Don't forget to unmute yourself if you wish
20 to make a question or comment at this point in the hearing
21 process.

22 VICE CHAIRMAN WEAVER: Kurt, just I'm going to go
23 back to your housekeeping, the exhibits. Just for the record,
24 the notice to have the virtual hearing was posted on the 22nd,
25 not the 27th.

1 ATTORNEY WILLIAMS: You are, correct, Supervisor
2 Weaver. It was on the Township website on the 22nd. Thank
3 you. It was also -- I'll add it was also published in the
4 Gettysburg Times on July 23rd, but that proof of publication is
5 not available yet.

6 If there are no other comments --

7 VICE CHAIRMAN WEAVER: I just have one question for
8 Tim. Tim, just to be clear, the comment you made regarding the
9 Pollution Reduction Act and Plan, the -- that is addressed in
10 the Stormwater Management Plan, that land currently as it
11 exists there right now in agricultural use is very critical to
12 the Township's Stormwater Management Plan, is that a good
13 summary of that?

14 MR. CORMANY: I believe that's true, Tom.

15 VICE CHAIRMAN WEAVER: Okay. Thank you.

16 ATTORNEY WILLIAMS: Any other comments from
17 Supervisors at this point?

18 (No response.)

19 ATTORNEY WILLIAMS: Before we get into public --

20 ATTORNEY WISER: Kurt, this is Sam. We did have one
21 additional participant join us during the recent discussions
22 and I just wanted to take a moment to have them identify
23 themselves and make sure that we can hear them, if that's okay
24 with you.

25 ATTORNEY WILLIAMS: Yes, sorry, I forgot you wanted

1 to do that.

2 ATTORNEY WISER: That's okay. Steve Smith, if you
3 could just unmute your feed, confirm that you are indeed Steve
4 Smith and we want to make sure we can all hear you as well.
5 Steve, if you could unmute your feed and confirm your identity
6 and make sure that we can hear you. Mr. Smith, we're not able
7 to hear you if you are attempting to talk. If you could, while
8 we move on, if you could make an effort to resolve your
9 technical difficulty, we will come back to you to confirm that
10 you are able to communicate with us during this public meeting.

11 With that, Mr. Williams, I apologize for the
12 intrusion. I turn it back to you.

13 ATTORNEY WILLIAMS: No problem, Sam. Thank you. If
14 you could bring up the written public comments that we
15 received. Before we get to public comment from those
16 participating right now, we had invited members of the public
17 to e-mail or drop off to the Township any written public
18 comments that they have in advance of tonight's hearing. I'll
19 just quickly recognize that we received it and they will be
20 available or already have been made available to the
21 Supervisors.

22 The first is from Ellen Ryan and that's two pages
23 plus that cover e-mail page.

24 And the next is from John Murren and my response to
25 him advising him where the Proposed Ordinance was available.

1 The next is July 24, 2020 letter from John Andrews at
2 McNees addressed to the Board of Supervisors. That's six pages
3 long. We're including this letter also as public comment, a
4 July 13th letter from John Andrews of McNees addressed to the
5 Conewago Township Planning Commission. That's three pages.

6 Then we have a three-page letter from Bare
7 Development, L.P. dated July 8th. That's addressed to the
8 Board of Supervisors.

9 Next a July 20, 2020 letter from Ellen Ryan, two
10 pages.

11 Then a letter dated July 26th from Fred and Judy
12 Wilke, one page.

13 And lastly, one page dated or submitted today,
14 July 27th, from the Southeastern Adams Volunteer Emergency
15 Services folks. It's a duplicate of something that they had
16 submitted on May 20, 2019, but also submitted today.

17 Finally, not produced, because it's 39 pages long,
18 another letter with exhibits from John Andrews from McNees
19 dated July 27, 2020 addressed to the Board of Supervisors,
20 39 pages in total.

21 So those public comments, all of them have already
22 been made available to the Supervisors.

23 Now we come to the part of the hearing for public
24 comment. Again, please identify yourself for the Court
25 Reporter before speaking.

1 Sam, do you want to describe how you're going to let
2 or ask people to unmute themselves?

3 ATTORNEY WISER: Sure, I will go through the
4 participants as they are listed in the order on my screen. I
5 did want to take a moment and just confirm that the Court
6 Reporter is doing okay and her audio feed is good and that
7 there's nothing that we can do to improve this for her at this
8 point and I believe Corrie was nodding her head and we got a
9 thumbs up so I'll take that as affirmation we are in good
10 shape. So that's great.

11 With that said, we will move on to the public comment
12 portion of the meeting. The first guest appearing on my screen
13 is Sue Krom. Sue, if you would like to -- I've unmuted you, if
14 you would like to offer your public comment at this time. If
15 you would prior to speaking just identify yourself, again, for
16 the Court Reporter and also state your address if you would,
17 please.

18 MS. KROM: Okay. Sue Krom at 276 Johnson Drive,
19 McSherrystown, Pennsylvania. I am just on here because I am
20 against all the development and encroachment of all the
21 farmland that's much needed around here. Thank you.

22 ATTORNEY WISER: Ms. Krom, is that the entirety of
23 your public comment?

24 MS. KROM: Yes, it is.

25 ATTORNEY WISER: Okay. Thank you for your comments.

1 I will place you on mute again and we will move on to the next
2 participant. All right. I've placed Ms. Krom on mute.

3 The next participant that I see on my screen is
4 Attorney Andrews. Attorney Andrews, if you would like to
5 unmute yourself, you may proceed.

6 ATTORNEY ANDREWS: Thank you, Attorney Wiser. Good
7 evening Board Members. My name is John Andrews. I'm a land
8 use attorney with the firm of McNees, Wallace & Nurick of
9 Harrisburg. I'm here tonight on behalf of Race Horse Road,
10 LLC. With me from Race Horse Road is Mr. Ben Myers. He's on
11 this telemeeting as well.

12 I do want to note we are here to oppose the
13 amendment. I'll begin by reiterating objections as made to the
14 inadequate public notice that was provided for this public
15 hearing, failure to satisfy the procedural requirements of the
16 Municipal Planning Code and the Township Zoning Ordinance. So
17 I renew that objection.

18 I also would like, before I get into comment, to ask
19 for an opportunity to ask Mr. Cormany questions.

20 ATTORNEY WILLIAMS: Attorney Andrews, this is the
21 time for the Board to receive public comment. On behalf of
22 your client if you would like to make a comment, they're more
23 than willing to hear that.

24 ATTORNEY ANDREWS: Does that mean I will not be
25 afforded any opportunity to ask Mr. Cormany questions?

1 ATTORNEY WILLIAMS: This is not a trial and
2 Mr. Cormany has made his report, which it will be made
3 available to you tomorrow -- as early as tomorrow.

4 ATTORNEY ANDREWS: Thank you, Mr. Williams. I'll
5 note my objection to that procedure as well and the failure of
6 the Board to allow me to ask Mr. Cormany questions.

7 I'll get into Race Horse Road's property. It hasn't
8 been singled out from the five that are the subject of the
9 amendment, so let me tell you a little bit about Race Horse.
10 It's about 85 acres located on the south side of Hanover Road.
11 Some of you might know it referred to as the Klunk Farm and up
12 to August of last year, so just 11 months ago, it was zoned ag,
13 but in August after months of deliberations the Township
14 rezoned it to R-1, suburban residential. It made that decision
15 based on a recommendation from its Planning Commission to
16 rezone it to R-1 and it made that decision based on a
17 recommendation from the County Planning Commission to rezone it
18 to R-1.

19 So that's where we were in December when Race Horse
20 purchased the property and has proceeded to invest significant
21 money in designing a development plan for that property, a
22 development plan that was submitted by Race Horse in June of
23 this year, for the residential property of the Klunk Farm
24 property, about 89 lots.

25 I set forth a pretty detailed written comments today

1 that Attorney Williams alluded to, but they were too voluminous
2 to actually scan in and put up with the other written comments.
3 I'm just going to hit high level what's in my comments for you
4 rather than going through them in detail. I'll start with the
5 merits.

6 ATTORNEY WISER: Mr. Andrews, if I could, if you
7 would like to share anything on your screen for the
8 participants to see, that function is enabled. So if you feel
9 it necessary to bring any of your documents or exhibits up, you
10 can do that. I just wanted to reiterate that you are able to
11 do that.

12 ATTORNEY ANDREWS: All right. Thank you, Attorney
13 Wisser. I'll try to stay in the five-minute limit so I won't
14 bother sharing screens for that, but thank you.

15 I'll begin with the comprehensive planning. In
16 specific I'm going to begin with the Adams County Comprehensive
17 Plan, which is a planning document that Mr. Cormany did not
18 reference at all and specifically the future land use
19 designations of not just Race Horse's property, but all five
20 tracts that are the subject of this rezoning amendment and how
21 the County Comprehensive Plan treats them.

22 The County Comprehensive Plan identifies them as
23 appropriate for medium density residential development and
24 medium to low density residential development. The County
25 Comprehensive Plan does not identify them as agricultural

1 properties and the reason for that is the County Comprehensive
2 Plan recognizes that development is gonna happen, growth is
3 gonna happen in the Township. It's inevitable.

4 The appropriate approach is to look at where to put
5 it, how do we have smart development and smart growth and the
6 County says look at villages and boroughs. Well, you heard
7 Mr. Cormany testify, or we'll just say make statements earlier
8 where he said the tracts that are the subject of this rezoning
9 amendment are located between what he called Brushtown Village
10 and McSherrystown Borough. These five tracts are a link
11 directly between a village and a borough on a major state
12 highway that's an arterial road that's served by public sewer
13 and public water. This is exactly where you put growth. You
14 put it here where it belongs so that you're not faced with
15 pressure to put growth in other parts of the Township further
16 away from infrastructure, further away from utilities where it
17 puts pressure on more important agricultural resources.

18 So the County Comprehensive Plan in 2019 supported
19 the rezoning and the County Comprehensive Plan still today
20 supports the R-1 zoning classification, the one that's in
21 existence. So not the amendment that's before you tonight.

22 I'll turn to the Township Comprehensive Plan.
23 Mr. Cormany spent a lot of time talking about the goals in that
24 plan regarding ag preservation, but he spent no time mentioning
25 to you anything about that plan's goals for development and

1 growth; smart development, smart growth, where to allow it.
2 That plan has very similar language to the County Comprehensive
3 Plan about looking to direct growth around villages and
4 boroughs. Again, the properties we're talking about are the
5 link between Brushtown Village and McSherrystown Borough. This
6 is where growth belongs.

7 Mr. Cormany focused mainly on one document within
8 that County -- within the Township Comprehensive Plan and
9 that's the future land use map, but that single map is one page
10 in a 167-page document. If you look in the comments I provided
11 earlier today, you'll see that there is a plethora of reasons,
12 goals, objectives in that Township Comprehensive Plan that
13 support development of these properties so that relieves
14 pressure from development occurring further north or further
15 south than the Township. Again, the direct development where
16 it belongs along places served with infrastructure, sewer,
17 water, and roadways and you put it next to where development
18 already exists. These tracts are surrounded on three sides by
19 residential development. This is where it belongs.

20 I'm gonna turn to the planning agency's
21 recommendations. I don't have to spend a lot of time here,
22 because they're the same recommendations that were made just
23 11 months ago. The County, the Adams County Office of Planning
24 and Development, fully supports the R-1 zoning. In fact, they
25 don't see any reason why you would return this 11 months later

1 to ag zoning. They said this is directly adjacent to the
2 Borough core setting of McSherrystown. It borders existing
3 public sewer and water infrastructure and surrounded by
4 existing commercial residential development of three out of
5 four sides. The County concludes: This is prime location for
6 infield development.

7 This -- the Ordinance that you're considering tonight
8 would actually push future development further out into more
9 remote areas of the Township north and south. I don't think
10 that's what this Board's goal is. So, again, the County's
11 position is the same it was 11 months ago. The property should
12 be zoned R-1 and your Township's Planning Commission reached
13 the same conclusion earlier this month in a three to one vote.
14 Again, echoing the same conclusions it reached twice in 2019;
15 in February of 2019 and again in August of 2019.

16 The merits of this rezoning are clear. There are
17 none. The planning is in place. The analysis was done
18 11 months ago. R-1 is what this should be zoned. The
19 professionals say R-1 is what this should be zoned.

20 This is about motive. It's been about motive since
21 back in August of last year. There's one Supervisor who is
22 pushing an agenda on the other four. He's tried to prohibit
23 and restrict all forms of residential development throughout
24 the Township. He's tried to impose a 10-year moratorium on
25 residential development, which is illegal. When he couldn't do

1 that, he tried to get a number of different properties that had
2 been rezoned over the years zoned back to ag and when he
3 couldn't get support for that, he narrowed his crosshairs onto
4 these five tracts. There's no reason to turn around 11 months
5 later. The facts haven't changed. The planning documents
6 haven't changed. The law hasn't changed. Only the politics
7 have changed here. Race Horse opposes this rezone. Thank you.

8 ATTORNEY WISER: Thank you, Mr. Andrews, for your
9 comment. I will now move on to Mr. Smith. He somehow jumped
10 up in my screen next to Attorney Andrews. I believe I heard
11 you, Mr. Smith, say that you had the audio issue resolved on
12 your end. So if you could please confirm your identity and
13 make sure that we can hear you, then I'll give you a
14 opportunity to provide public comment. Mr. Smith, can you
15 unmute the feed on your end?

16 MR. SMITH: Now can you hear me?

17 ATTORNEY WISER: We can hear you now, Mr. Smith, if
18 you can identify yourself, state your address, and then you can
19 provide public comment.

20 MR. SMITH: My name is Steven Smith. I live on the
21 property of 509 Church Street in Hanover.

22 ATTORNEY WISER: Mr. Smith, if you have comment to
23 offer, you may do so at this juncture.

24 MR. SMITH: Well, thank you. Thank you very much.
25 My comments is I'm a farmer so I'm against any kind of

1 development on good agricultural land. I think what the zoning
2 should include are clearcut ag zones that have good soils which
3 as what I think was clearly reported. I believe in my heart
4 that, you know, this kind of development ruins our Township.
5 Thank you.

6 ATTORNEY WISER: Thank you, Mr. Smith. I will place
7 your feed on mute again. I will move on to the next person
8 that appears on my screen.

9 VICE CHAIRMAN WEAVER: Mr. Chairman, is there a time
10 for the Supervisors to ask questions of Mr. Andrews?

11 ATTORNEY WILLIAMS: This is Kurt Williams. Let's
12 wait until all the public comment has been completed.

13 VICE CHAIRMAN WEAVER: That's fine.

14 ATTORNEY WISER: I will move on then to the next
15 person that appears on my screen. That is Virginia Thornton.
16 Ms. Thornton, if you could unmute your audio feed and identify
17 yourself by name again as well as your address and then this is
18 your opportunity to offer public comment regarding the Proposed
19 Ordinance.

20 MS. THORNTON: Thank you, Sam. No public comment. I
21 am attending as the Township Engineer.

22 ATTORNEY WISER: Thank you, Ms. Thornton. I will
23 place your feed on mute and I will move on to the next name
24 that appears on my list, which is Mark Livelsberger.

25 Mr. Livelsberger, if you would unmute your feed on

1 your end, state your name as well as your address, and this is
2 your opportunity to provide public comment.

3 MR. LIVELSBERGER: Yes, good evening again, Mark
4 Livelsberger, the President of S.A.V.E.S. and S.A.V.E.S.
5 address is 5865 Hanover Road. We earlier this afternoon
6 provided a one-page testimony which is a repeat document from
7 what we provided last year when we moved -- discussion was to
8 move from ag to R-1 and now the discussion to move from R-1
9 back to ag.

10 We renew our request for the Township to review and
11 update the comprehensive plan first before making any decisions
12 and the other things involved within our testimony deal with
13 moving from R-1 to -- I'm sorry, from ag to R-1. To cut it
14 short, S.A.V.E.S. doesn't -- moving back to agricultural does
15 not impact our operations and we have no objection. That's
16 all.

17 ATTORNEY WISER: Thank you, Mr. Livelsberger. I see
18 that you've muted your feed. I will move next to Ms. Carbaugh.
19 If you could unmute your feed on your end. State your name as
20 well as your address and then this is your opportunity to
21 provide comment. Barb Carbaugh, if you could unmute your feed,
22 state your name and address, and provide your public comment.

23 MS. CARBAUGH: Okay. Sorry.

24 ATTORNEY WISER: That's okay.

25 MS. CARBAUGH: Barb Carbaugh from Bare Development.

1 I'm -- we're not sure why our letter is an exhibit in this
2 hearing. First of all, our letter was meant to correct
3 misstatements made at various Supervisor meetings. It was
4 hand-delivered before the hearing was advertised and we don't
5 think it's germane to this hearing.

6 ATTORNEY WILLIAMS: This is Kurt Williams. I'll
7 answer why it was included. It was included out of an
8 abundance of caution that even though the public hearing may
9 have been advertised after it was received, there was
10 discussion within the community about the Proposed Ordinance.
11 So forgive me if we included it in the public -- written public
12 comments out of an abundance of caution to be more inclusive.

13 MS. CARBAUGH: We respectfully request that our
14 letter be withdrawn from this.

15 ATTORNEY WILLIAMS: We can remove it from the public
16 comment list.

17 MS. CARBAUGH: Thank you.

18 ATTORNEY WISER: Ms. Carbaugh, do you have anything
19 else to offer during the public comment time period?

20 MS. CARBAUGH: No. No, thank you.

21 ATTORNEY WISER: Thank you, Ms. Carbaugh. I will
22 place you on mute again. I will move on to the next
23 participant that appear on my screen. That is John, Michael,
24 and Kathleen Murren. Again, I will unmute your feed if you
25 could unmute your feed at your end. I will ask you to each

1 identify yourselves as you participate and provide your
2 respective addresses. Thank you.

3 MICHAEL MURREN: Michael Murren. I own a farm at 110
4 Race Horse Road. My brothers and I own a farm. We never asked
5 to be put in R-1. I want to keep it agricultural because I
6 have it on clean and green tax -- inaudible. Keeping it in R-1
7 is gonna probably double my taxes. I don't want them --
8 inaudible -- keep it in agriculture. I never wanted it R-1.
9 They went and did it without my permission last year. I never
10 asked to go to R-1.

11 JOHN MURREN: This is John Murren, address is 125
12 Links Drive. Were you able to hear what my father had said,
13 Michael Murren?

14 ATTORNEY WISER: Yes, John, we were able to hear what
15 Mr. Murren did say.

16 JOHN MURREN: And I do want to thank the current
17 Township Supervisors and folks that did all this research and
18 study. Our family had done some of this research and study
19 also and we had made several public comments last summer and we
20 were kind of surprised in the August meeting when this R-1
21 zoning went through, because before all those meetings, it was
22 weighed upon the comprehensive plan very highly recommended by
23 other Township members, Supervisors, and Planning Commission
24 and we were not able to attend the August meeting and returned
25 to home to a letter that said that this was changed to R-1. So

1 I do want to thank this current batch of Supervisors for doing
2 their homework in this and taking the due diligence and making
3 sure that our Township is run properly. Thank you.

4 ATTORNEY WISER: John, do you have anything further
5 or does Kathleen have anything further to add?

6 JOHN MURREN: Not at this time, thank you.

7 ATTORNEY WISER: Thank you. I will place the Murrens
8 on mute. Thank you. You took care of that for me. I will
9 move on to the next name that appears on my screen, which is
10 Ben Myers.

11 Ben, I will mute you on my end. You'll need to
12 unmute yourself on your end if you could identify yourself as
13 well as your address, this is your opportunity to offer public
14 comment. We'll give you a minute here, Ben, if you could
15 unmute yourself on your end.

16 MR. MYERS: Hello.

17 ATTORNEY WISER: There you go. We got you now, Ben.

18 MR. MYERS: Okay. Thank you for the opportunity to
19 speak and I do understand everyone's position in the matter. I
20 think this goes back to a -- for us anyway, a more important
21 issue of the zoning being changed to what it was, we made a
22 substantial investment in the property for a specific purpose
23 that the zoning was intended for. To turn around months later
24 and pull a switch-a-roo, change it back, say sorry, this is
25 tough luck for you, you know, that's just not right. It's not

1 ethical and it's not permissible by law in my opinion, my
2 attorney's opinion.

3 It just doesn't bode well for, you know, business
4 people in the area trying to keep hundreds of people employed
5 that support the community, support the tax base and support
6 growth, proper growth, in the proper areas. So I'll leave it
7 at that, but it's really disheartening to see that you can just
8 quick after somebody spent a substantial investment to switch
9 it around and change things on a dime. Thank you.

10 ATTORNEY WISER: Thank you, Ben, for your comment.

11 Madam Chair, you had stated at the outset that we
12 were going to try to constrain the time allocated tonight to no
13 more than 90 minutes. I believe we're a minute or so shy of
14 that. There are a number of participants left on the list.

15 Madam Chair or Mr. Williams, I'll leave it to you to
16 interject whether or not you wish to rest for this evening and
17 then reconvene at a future date to allow the balance of the
18 participants time for public comment.

19 CHAIRWOMAN SHAFFER: Mr. Williams, the Board did
20 agree to keep it to 90 minutes so we the Board and the public
21 could reconvene?

22 ATTORNEY WILLIAMS: Yeah, I would suggest given the
23 constraints of advertising for continuation of tonight's public
24 hearing that a date of Wednesday, August 12th at 6:30 p.m. we
25 continue this in a virtual telemeeting format to that date and

1 time.

2 That will give everyone on this call and others an
3 opportunity to review the index of Township Exhibits that will
4 be posted on the Township website tomorrow and come back to the
5 next hearing suggested for August 12th possibly with additional
6 comments to make at that time.

7 So that would be my suggestion to the Board to
8 continue this public hearing to Wednesday, August 12th at
9 6:30 p.m. in a telemeeting format. If the Board approves that,
10 we'll make those announcements and public notice as required.

11 CHAIRWOMAN SHAFFER: I would ask for a motion from
12 the Board for approval to reconvene the hearing on Wednesday,
13 August 12th at 6:30 p.m.

14 VICE CHAIRMAN WEAVER: A question on that before we
15 take action. This is Tom Weaver. When we -- we spent a half
16 hour tonight on housekeeping before we ever get into any
17 testimony. Will that have to be repeated again at the next
18 meeting?

19 ATTORNEY WILLIAMS: No. The housekeeping in terms of
20 making sure everyone can be heard and that the process, that
21 the Zoom call, is working, we will have to repeat that because
22 we might have new people that are signing on and part of the
23 requirements under the statute to have a telemeeting is that
24 everyone can be heard by the Board and the Board can speak to
25 them.

1 VICE CHAIRMAN WEAVER: Sure, but we wouldn't have to
2 roll through all the exhibits and all the legal notifications
3 and so on?

4 ATTORNEY WILLIAMS: We will likely go through just
5 the advertisement that was done for the next -- for the
6 continuation of this public hearing, but we will not have the
7 other exhibits that we already went through tonight.

8 VICE CHAIRMAN WEAVER: Okay. Madam Chair, I would so
9 move then that we recess the hearing until August the 12th at
10 6:30 p.m. to be continued by Zoom.

11 SUPERVISOR BOYER: I'll make a second to that motion.

12 CHAIRWOMAN SHAFFER: Thank you. There was a motion
13 on the floor with a second by Louann. Are there any
14 discussions?

15 ATTORNEY WISER: Madam Chair, this is Sam Wiser. If
16 you don't mind prior to action, I could call a roll call vote
17 for the ease of the stenographer to know who is voting and on
18 which motion they voted.

19 CHAIRWOMAN SHAFFER: Okay. That would be great.

20 JOHN MURREN: Sam, question, John Murren here. Can I
21 ask a question? Is the date -- is there any time limitation,
22 you know, of a meeting -- public meeting notice 30 days or
23 15 days, 20 days. The 12th would put you within the inside of
24 a 30-day notice. Is there any recommendation of being outside
25 of 30 days? Just a question for anyone new that would want on

1 board?

2 ATTORNEY WISER: Madam Chair, would you like
3 Mr. Williams to respond to that question?

4 CHAIRWOMAN SHAFFER: Yes. Could Attorney Williams
5 please respond.

6 ATTORNEY WILLIAMS: Thank you. We need to give two
7 public notices between 7 and 30 days. It's not more than
8 30 days. It's actually less than 30 days, but not less than
9 seven days. So we do have time if we begin the advertising
10 this week. We can have the advertisements done in order to
11 properly meet in a public hearing August 12th.

12 JOHN MURREN: Thank you.

13 ATTORNEY WILLIAMS: Thank you for the question.

14 ATTORNEY WISER: Madam Chair, is there -- prior to
15 calling the roll call, is there any more discussion amongst
16 Board members?

17 VICE CHAIRMAN WEAVER: Well, the only thing -- this
18 is Tom Weaver -- the only thing I would add for all those that
19 are listening that have interest in this, I think that it will
20 be my hope and I think the Board's intentions that we would
21 complete the hearing the evening of the 12th with the
22 intentions of taking action on the proposal at our meeting on
23 the 17th.

24 CHAIRWOMAN SHAFFER: The motion on the floor is to
25 reconvene the hearing on Wednesday, August 12th at 6:30 p.m. --

1 inaudible.

2 ATTORNEY WISER: Madam Chair, with that, I will call
3 the roll unless there is any further discussion amongst the
4 Board members.

5 ATTORNEY WISER: Supervisor Shaffer?

6 SUPERVISOR SHAFFER: Yes.

7 ATTORNEY WISER: Supervisor Weaver?

8 VICE CHAIRMAN WEAVER: Yes.

9 ATTORNEY WISER: Supervisor Boyer?

10 SUPERVISOR BOYER: Yes.

11 ATTORNEY WISER: Supervisor Knight?

12 SUPERVISOR KNIGHT: Yes.

13 ATTORNEY WISER: Supervisor Klunk?

14 SUPERVISOR KLUNK: Yes.

15 ATTORNEY WISER: Madam Chair, the motion passes
16 unanimously.

17 CHAIRWOMAN SHAFFER: Thank you. We will reconvene on
18 Wednesday, August 12th at 6:30 p.m. That will be advertised
19 with the on how to participate in the proceeding -- inaudible.

20 ATTORNEY WISER: Madam Chair, with that being said,
21 unless Mr. Williams has anything further, I would like to thank
22 the public for their patience and their participation this
23 evening. I know this is a new forum for many of the folks
24 involved so I do thank you for hanging in there with us as we
25 got rolling this evening.

1 CHAIRWOMAN SHAFFER: I'd also like to extend
2 gratitude to all participants.

3 ATTORNEY WILLIAMS: Thank you, Sam, Madam Chair,
4 members of the public. We will reconvene and continue this
5 public hearing on August 12th at 6:30 p.m. Watch the newspaper
6 and the Township website for the Zoom dial-in and join-in
7 instructions. Thank you. Everyone have a good evening.

8 ATTORNEY WISER: Goodbye.

9 (Concluded at 8:06 p.m.)

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1 I hereby certify that the proceedings and evidence
2 are contained fully and accurately in the notes taken by me on
3 the proceedings of the above cause and that this copy is a
4 correct transcript of the same.

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7
8 DATED: August 2, 2020

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10 Official Court Reporter
11 Adams County Courthouse
12 117 Baltimore Street, 4th Floor
13 Gettysburg, PA 17325

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