

**Minutes of the January 10, 2006  
Regular Monthly Meeting  
Town of Myersville**

Mayor Wayne Creadick called the regular Town monthly meeting to order with the opening of the Pledge of Allegiance. Councilmembers Mark Hinkle, Judy Boone, Kevin Self and Jeff Woods were present. Gary DeMoss arrived later on in the meeting.

A motion was made by Kevin Self and second by Judy Boone to accept the December 13, 2005 minutes of the Regular Town Meeting as presented. Motion carried.

**TREASURER'S REPORT:**

Ray Hinkle gave the Treasurer's Report.

Mayor Wayne Creadick announced that he would be going to the Public Hearing that will be held January 17, 2006 for the County yard waste.

**DEPUTY'S REPORT:**

Myersville's Community Deputy Jim Harris gave the December Deputy's Report. A copy is on file for Public Review.

Deputy Harris reported that he caught a local juvenile spray painting the Town Hall. The juvenile along with his parents has spoken to Ray Hinkle. The juvenile will be removing the graffiti that he put on the building along with sending an apology letter to the Mayor and Council.

**PLANNING REPORT:**

Mark Etheridge, Planning Chairman gave the January 3, 2006 planning report. A copy is on file for public review.

**ZONING REPORT**

Kristin Aleshire gave the planning report.

- He had reports of an abandon car in the Ashley development. Sheriffs department has been called and they will tag the car and have it towed if necessary.
- Comprehensive Plan Books are available. Please take one of you do not have one already.
- Code books – if you have one you need to update it. Take note of the number of the book and pick the packet accordingly.
- CWA amendment to Comprehensive Plan was introduced and a Public Hearing needs to be set. Will talk about later on in Old Business.

**Open Space Project Report:**

- Electric work is ready for inspection. At this time Dick Kline was not able to do the base of the flag pole until they dig a trench. He also needs to talk to Allegheny Power.

## **MUNICIPAL BUILDING REPORT:**

Mark Hinkle gave the Municipal Building Report.

- Bays and offices on the fire side have moved in to the new building.
- The demolition of the old building which housed the fire equipment in the back will be taken down.
- The gas lines and sewer lines needs to be buried.
- Footers for the Town Hall will be in by January 11, 2006. Erecting of the steel and the masonry work will start soon there after.
- Resident Connie Guy asked about the lights on the building. They have her back yard lit up. She asked if they would be on all the time. Mark stated that they will be on a fair amount time for security. He added that he will look into seeing what he can do to resolve the problem.

## **PARK AND RECREATION COMMITTEE:**

Kevin Self asked if the Mayor talked to Alec Schumacher about baseball at Harp Field. Mayor Creadick stated that he hasn't spoken with him yet.

Mayor Creadick asked about the Rec. Center. Kevin stated that Nena will be starting it back up in the spring.

## **WATER SOURCE PROTECTION:**

Earle Villarreal, MES Systems Supervisor presented the Town with the Monthly Water Report, which was read by Mayor Creadick. A copy of this report is on file for public review.

After hearing the report, Kevin Self asked how many pumps does the Town has? It seems like we have been repairing a lot in the past few months/year.

Ray Hinkle responded that McDonalds has an old pump. Brethren Church Road has been checked out and pulled for preventive maintenance.

Mayor Creadick stated that the M80 sensor was put in at Ashley. There is a single home at Ashley that is at a low point where the manhole is outside their resident. The system backed up and went into the house. The M80 sensor was put in to alert MES when it reaches a certain level. Hopefully that particular line will not get back up with sewage and come into this resident's house again.

Ray Hinkle added that the sensor was put down in as low as they could. Hopefully we should be safe.

## **MAYORS UPDATES ON PROJECTS:**

Mayor Creadick stated that he had nothing to report at this time.

## **OLD BUSINESS:**

A Public Hearing was set for the CWAHA amendment to the Comprehensive Plan for February 14, 2006 at 7 PM.

Major Access Special Exception Text Amendment was read by Mayor Creadick. A motion was made by Gary DeMoss to accept the Special Exception Text Amendment and second by Kevin Self. Motion carried 5 to 0. This will be known as Ordinance 2005-10 and will be effective January 30, 2006.

Scott Miller, Attorney for the Quail Run development was present at the meeting to talk about the water supply for Quail Run. He stated that he had questions with regard to the water supply and that the Planning Commission was reluctant to aid without the Mayor and Council input. Two (2) wells have been permitted with a drawl of 21.4 gallons per minutes which would equal to 61 dwelling units. Another well has been tested with 28 gpm. The combined three (3) wells would equal a total of 49.4 gpm, which would equal to 142 dwelling units. Quail Run has only 102 lots. The third well passed the 72 hours of required time by MDE. It performed and completed with a quality sample report. A permit package went to MDE to process, the process through MDE is projected for March 1, 2006. The development request proceeds administration approval process. Application was made with MDE for wet lands. Developer wants to continue process plans through the Town system. The projection is to move through process plans with Planning Commission. No physical activity occurred in February 6, 2000. They want to keep moving forward because at this time they can't record plats. At this time they are not asking to do this, they will ask when the final plat is done which should be around March 2006. They do have condition to record 30 lots, approved to 61 equivalent dwelling units. Record plats then we will be able to do dwelling, approved to do mass grading and review sub-division plat approvment plans to get to record lots. By the time we get to March we will have enough water through MDE to get approved lots that are required.

Kristin Aleshire stated that when the mass grading is approved and the grade site once approved then your are subject to the February deadline. Then you will have a grade site with water to build on site.

Scott Miller added with out wet lands we are not able to approve roads to build houses on. We are looking at March to receive the letter.

Kristin Aleshire responded then you are looking for clear directions on how long there will be water to serve as development as whole for 140 units. Are you looking at building a well house and hand it over to the Town? The Town will use it for their production. If Mr. Owens and Ed Smargia retains ownership for the lots of 105-142 they could use it anyway they see fit.

Scott Miller stated that the contract agreement is that reserved excess capacity on Quail Run, LLP goes as far as 108 taps. Quail Run will not go with others. Mr. Stroup will be able to obtain water through this.

Ray Hinkle asked what will happen with the farmhouse?

Kristin Aleshire stated that Mr. Smargia has water rights on that property, which may raise questions in PWA.

Mayor Creadick added that MDE approved 49.1 gpm which met the 104 homes that are planned.

Mark Etheridge, Chairman of Planning Commission added that they hesitate to move forward and that nothing has been concrete.

Scott Miller stated that record plats without allocating mass grading and site plans, that there is no risk with anybody other than to the developer. You get engineering and MDE to not approve the wells, developer could do just 61 homes. They would be willing to add notes to the plans with no problem putting the subject line on plans.

Mark Etheridge said that it is up to the Mayor and Council on letting the developer move forward with the capacity of water that is present.

Mayor Creadick stated that the first two (2) wells had impact to private homes in the area.

Kristin Aleshire stated that you could negotiate with the neighbors. He added that this could impact MDE and they will not give a permit. If it does impact MDE have workshops and Public Hearings and anyone can come.

Mark Etheridge added that this reduces the scope of plans to modify when water is allocated for townhouses. If this is any help in moving forward.

Mayor Creadick then asked the Council for their opinions.

Gary DeMoss asked why they aren't using plat requirements?

Kristin Aleshire stated that different towns do it differently. They stop at different stages.

Mark Etheridge stated that the further long you are in something the process is harder to stop.

Kristin Aleshire added philosophically the elected body decides on it.

Kevin Self stated there are two issues we can just wait until the 3<sup>rd</sup> well is approved.

Judy Boone asked if we approve this then how will we accept another developer?

Gary DeMoss stated that there is a pump issue. A small pump is expensive to maintain. 10 is the magic number arbitrarily. The number to bend to is 9 then this guy 7, next guy okay.

Ray Hinkle added that 21.4 does average to 10 gallons per well.

Gary DeMoss added throw out 9 gallons and 3<sup>rd</sup> pump.

Kevin Self response was don't approve 9 gallons wait they may have enough. Another issue is to give it to Stroup. Expectations are to wait until March to see if the wells get approved.

Scott Milled stated that marketing previously with the Town deemed to be expectable. At this time Mr. Owens is out of town for business.

Kristin Aleshire stated that our desire to have as much water as possible. Town house site plan, well house found on site abundance of water going to one well house at a central location. Water will be furnished which will minimize maintenance on the well house.

Ray Hinkle stated to consider the 9 gallons for a total of 70 gallons. This can be controlled as much as you want to.

Gary DeMoss added if it has its own well house.

Kristin Aleshire added that a treatment house ability for more houses.

Mayor Creadick added that whether or not we are hopeful that MDE will approve what is in front of them for March.

Scott Miller stated that if the yield drops Mr. Owens will have the decision to make if MDE doesn't approved.

Mayor Creadick added do 108 and he can continue to search for wells.

Scott Miller said we will not develop anything, mass grading or site plan until the improved plan meets criteria which will be after March 2006. We will get the mass grading permit once passed to date, then mass grading plan approved if going to develop. Development won't go without mass grading not knowing if MDE approved and PWA signed off. Lots can't be recorded. The risk is on the developer until the final plat is approved.

Ray Hinkle stated that PWA will express potable water and what kind of plant can be build.

Scott Miller added that design chemical amount of water.

Kevin Self stated that history knowledge errors were made. Do we wait until approval of well.

Kristin Aleshire added pick line for steps.

Ray Hinkle responded MDE come and draw lines.

Kevin Self added first make sure wells are approved.

Ray Hinkle added that Canada Hill water approval on amount of work that needs to be done. Questions will be addressed to provide water that is necessary. Longer pumping time for substantial amount of water. Come March/April to see if amount is approved.

Scott Miller if we get 108 we will be happy.

Mayor Creadick asked the Council if they had any questions. Are you comfortable with what is going on?

Kevin Self stated that if Ray fells' okay going with it.

Judy Boone stated that she is reluctant to document how far they are to go.

Ray Hinkle stated remember 500 gallons of water per unit per day is enough water to run houses with cushion. There are places you can stop it. They have enough control to stop. If they don't have enough we can stop them. PWA will be specific on what we require.

Scott Miller added that the developer knows what they are up against when they go in. The developer is taking the risk. Where risk shift you be allow lots where water isn't available. Line has been drawn in the sand.

Mayor Creadick asked if a traffic study was done. If so were there any impact on Monument Road and Route 17?

Mark Eitheridge stated that Planning Commission made the suggestion that it be required.

Scott Miller said that he was not subject to say; however he stated not to have a light at Monument Road. If you have a light the road would need widening. He was not going to guess he would prefer if the county would review Monument Road.

Mark Etheridge asked if the Town is planning 108 to use Monument Road. Isn't the extension at Burger King to be in place? We were informed by our Town Attorney that we may need a traffic study. Then it maybe acceptable to the County.

John Mazelon stated that you could connect to Burger King and build part through the development and partner to the south and build the rest.

Mark Eitherridge stated that the road should be in place at Burger King before going forward with the final response. Review plans under the traffic and under Frederick County DPW. Planning Commission required to administer and beyond.

Kristin Aleshire added review comments through the agency.

Scott Miller added go through notes with authority of Planning Commission. On primary plans the town administration didn't go as far as Planning Commission to faze Monument Road/Route 17. The County reviews the complaints.

Mayor Creadick stated that water is taken care. Then we will work and discuss the roads. Council all stated yes.

Kristin Aleshire stated that Mr. Smargia will discuss with the Town his options. Mr. Smargia may drill since he has water rights. 60 taps are to be extended. Without PWA you pay treatment for residents. There will be issues when you own the well house and he owns the water.

Judy Boone asked if additional wells will be drilled to be put onto the well house.

Scott Miller stated that the property to Mr. Owens contractually Mr. Smargia reserved rights to the water. The Town and Smargia is a different discussion. Mr. Smargia dialog with the Council is not prepared to give an opinion on our side. The owners sub division right is to 108 and that is what he has.

A water/sewer workshop was held on January 4, 2006. Effective January 1, 2006 there will be a 10% rate increase. We will still be operating in a loss. A 10% increase will be faced in for the next 4 years 2006-2009. Even after 4 years we will not be breaking even. Tap fees will be set at \$5,000. Water - \$5,000. Sewer. The Town accountant, Mr. Pat Kline was at the workshop and he felt that our approach was in hand. A Public Hearing will be held on February 14, 2006 about the new water/sewer rate structure and tap fees.

A batting cage will be put along Harp side of the baseball field. It will be totally enclosed just like it is at Doub's Meadow Park. Donnie Poole will do a new swale around the tennis court and ball field.

Mayor Creadick talked about the Town's website. It is currently under new construction. It will be an improved website. All the information for contacts is currently listed while a new website is being constructed. From a budget perspective we could put out a proposal of \$2,000. This would cover just the basic minimum information that we need. Jeff Woods passed out information for using GovOffice as our new website vendor. The website would offer the ordinances, minutes, with the ability to update the town agenda, comp. plan, digital documents, pdf maps, water/sewer rates and tap fees. The projection for this plan to be in place is for March 30, 2006.

Replacement of Town entrance doors. At the present time the side doors are broken and the doors has been chained. Keys are at times working in the front door to get them open. Ray will be working on getting these operational again.

Lights on the outside of the Town Hall have been replaced as well as the sensors. Hopefully this will cut down on the graffiti that has been happening when there were no lights.

**HOUSEKEEPING:**

2/1/06 workshop at 7PM – Financials on Municipal Center

2/14/06 Public Hearing before the regular Town meeting at 7 PM. Voting on Water/Sewer rates and tap fees. Also vote on the CWA amendment to the Comprehensive Plan.

2/14/06 Town Meeting following the Public Hearing.

Adjournment for meeting Kevin Self, followed by everyone in favor.