

## **JULY 17, 2008 SUPERVISORS' MEETING:**

The Mount Joy Township Board of Supervisors met this date, as publicly advertised, at 7:30 p.m. in the meeting room of the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA 17325 with Board Chairman James W. Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Samuel Dayhoff, and Robert Rhodes; Solicitor Walton V. Davis; Zoning Officer Dave Crouse; Treasurer Robin Crushong; and Secretary Brenda J. Constable.

Others in attendance were: News Reporter Aaron Young (*Gettysburg Times*); Matt Sentz representing Barlow Fire Company; Steven Bitzel and Dave Evans representing Germany Township Supervisors; Tom Dunchack and Audrey Weiland representing the Planning Commission; Jerry Maloney; Matt Verdiramo; Eileen T. Holmes; Carol E. Holtz; Lloyd Midgett, Steve Wolf, Bob Sharrah, and Wendy Beauchat representing Shipley Stores; and Bob Gitt.

Board Chairman Waybright led everyone with the Pledge to the Flag.  
The meeting was being recorded by the Township.

### **Minutes:**

Mr. Scott moved, seconded by Mr. Dayhoff, to approve the minutes of the June 19, 2008 meeting as presented. Motion carried with Mr. Chantelau abstaining.

### **Public Comments:**

1. Steve Alexander: complained that the road crew mowed along his property yesterday and mowed about six feet onto his property. He stated that this was the third time this has happened, he will send pictures to the Township, and if it happens again he threatened the Supervisors that he will take the matter to court. He gestured by pointing a finger that, "I will sue him" [Mr. Dayhoff, Road Superintendent], "whoever is driving" [the mower], "and I'm going to get you guys" [meaning the Supervisors]. He stated "do not come on my property. Understand? I mean you can do what ever you want but that's what I want this record to show; do not come on my property without saying something to me. Do not mow on my property. You clear?" Mr. Alexander left the meeting shortly after his comments.
2. Carol Holtz: relative to discussion from last month, asked for more specific information as to when shadow vehicles are, or are not needed for mowing. Mr. Davis responded that in reading the Uniform Traffic Control Devices as promulgated by the Federal Highway Administration, it's clear that on heavily traveled and high speed roads, if the mower is on the roadway itself, then a shadow vehicle is recommended. But in another subsection it seemed to apply to the Township's situation where we have rural roads that aren't multi-lane highways with wide travel lanes and that the warning device on the mower vehicle itself would be sufficient. His opinion letter from last meeting set forth the different stages and how he felt this subsection was applicable. Ms. Holtz was wondering because on White Church Road with hills and curves was there a sign out at the end of the road so someone coming from Route 97 would know that the mower was ahead? Mr. Dayhoff responded that they don't place signs when mowing; they would spend more time moving the signs because it goes fairly fast. They did try the shadow vehicle and it is actually more dangerous because the vehicles have two pieces of equipment to go around.

### **Persons Requesting Time:**

1. Barlow Fire Company: Matt Sentz, Vice-President, presented a statistical report for the first six months of 2008 for Barlow Fire Company. They had 55 calls during this period, 15 of which were in Mount Joy Township. He gave an overview of other stats included in the report. He also presented a news release, which will also be distributed to Cumberland Township Supervisors, explaining what Barlow Fire Company plans to do with their new piece of land recently purchased. This release was presented to squash rumors implying that they were going to build a new fire station. For the time being, they will clear the land and use it for agricultural purposes. Eventually, they would like to build a new fire station, but it will not be for quite a number of years. The Supervisors thanked Matt for the service Barlow gives to Mount Joy Township and announced that the Barlow Firemen's' carnival is going on this week and encouraged everyone to go out and support them.
2. SPCA: Lisa Conklin, Development Director of the SPCA. Thanked Mount Joy Township for their past donations, commenting that we donate quite nicely. In 2007 the Township gave \$2,500 and in 2008 gave \$1,250, where other townships give nothing. She presented a Request for Funding letter to the Supervisors. They are asking for \$1.00 per capita, 3,895 for Mount Joy Township. The County gives \$11,000 through a block grant which is state and federal dollars, not county dollars. They have a \$500,000 annual operating budget. She elaborated on all the services they provide. She asked the Township to think about an Animal Services Contract for 2009. She also announced that SPCA is getting a new trailer for "Neuter 4 Life" and are seeking donations. They hope to have it running very soon, will be spaying and neutering their own animals, and will offer low discount clinics to the public, regardless of income. The Supervisors thanked Lisa for the information and for the work SPCA does.

### **Announcements:**

Ms. Constable announced the following:

- Fireworks at The Links of Gettysburg on July 26, August 9
- Mud College School House – Open House August 16 and 17 from 2:00 – 4:00
- Conditional Use Workshop for Horizon Group Properties – July 24, 2008 at 7:00 p.m.
- Vacancy on Planning Commission – runs through December 31, 2010

### **Treasurer's Report:**

Mr. Chantelau moved, seconded by Mr. Scott, to approve the Treasurer's Report as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Scott, to approve the bills to be paid as presented. Motion carried unanimously.

### **Subdivision/Land Development Plans:**

1. Cooper, Timothy K.: proposed 3-lot subdivision at 100 Crouse Road approved last month. A condition for approval was to provide a water quality test. Mr. Cooper provided the test results and it was found that they were unsatisfactory. The results were sent to DEP. Mr. Chantelau moved, seconded by Mr. Rhodes, to place a note on the plan indicating that an unsatisfactory drinking water report dated June 19, 2008 has been received for Lot #2 and Lot #3. Discussion: if the note is not added to the plan,

then the Supervisors will not sign the plan. A time line is not applicable here because the Supervisors already approved the plan last month with conditions. Motion carried unanimously.

2. Shipley Stores, Inc.: proposed land development plan for a 962 sq. ft. addition to the existing Tom's Store at 1910 Baltimore Pike. Mr. Bob Sharrah was present to review this plan. They are requesting a waiver for a full land development plan. He spoke with Eric Mains, Township Engineer, concerning stormwater management and will be providing stormwater management for the entire roof; there is no stormwater management on this property now. Gil Picarelli, SEO, has already issued the septic system alteration permit; Labor & Industry has already approved the architectural plan. Planning Commission recommends approval of waiver. Mr. Chantelau moved, seconded by Mr. Scott, to approve the waiver of a full land development plan. Discussion: the water is being monitored with a quarterly report sent to the Township. The wells in the area are being tested periodically. According to the last report, the wells are good. Mr. Chantelau moved, seconded by Mr. Scott, to amend the motion to approve the waiver contingent on KPI approval. Motion carried unanimously.
  
3. Westminster-Keystone Custom Homes: proposed 204-lot subdivision on White church and Goulden Roads. Extension granted through July 31, 2008 and request for proof that Keystone still holds an equitable interest in the property. On the table is Keystone's request for an extension through September 30, 2008. Planning Commission had previously recommended approval of the extension through September 30, 2008. Since then, Keystone revised their request for extension through August 21, 2008. Mr. Chantelau moved, seconded by Mr. Scott, to remove from the table. Mr. Dayhoff moved, seconded by Mr. Chantelau, to deny the 60-day extension request. Discussion: denial is based on a letter dated 7/8/08 from John Mahoney, Esq. representing Keystone Custom Homes, where he has had sufficient time to secure the substantiation of equitable interest in the subject property. They have not been able to do that within the last 60 days and it appears they will not be able to do that; it is not the Township's responsibility to help them accomplish this. Mr. Scott added that the letter is an admission that they [Keystone] do not have an equitable interest. Mr. Davis added that as of this afternoon, that had been confirmed. It was acknowledged that no representatives of Keystone Custom Homes or Meadow Brook Golf Course were present at the meeting. Mr. Dayhoff stated that he does not see how the Township could grant an extension to someone on a piece of property who has no interest in it. With no further discussion, the motion carried unanimously.  
Second request was for an extension through August 21, 2008. Mr. Chantelau moved, seconded by Mr. Rhodes, to deny the extension through August 21, 2008. Motion carried unanimously.  
Preliminary Subdivision Plan: Mr. Davis has reviewed a memo from the Township's engineer relative to this plan and prepared a letter which indicates that if there were an applicant in existence at this time there are three problems with the plan:
  - a. The sewage planning module does not meet the requirements; no statement from WRRMA has been received committing the service to this project as a stand alone project;
  - b. A natural gas utility easement across this property and we have never received a letter from the utility easement owner or a copy of the recorded easement indicating what type of encroachments they could have on this easement;
  - c. If they were to hook up with York Water Company if that were to ever happen, which is very much in question now, the plan does not show this. The plan shows an on-site community water system and Keystone has not give sufficient information to enable the engineer to review that at this stage to move forward to the next stage of final plans.

Included in the letter is the fact that Keystone Custom Homes is not in a position to claim themselves as an applicant anymore because it has no interest in this particular piece of property.

Mr. Chantelau moved, seconded by Mr. Dayhoff, to deny the plan based on Mr. Davis's letter stating the reasons for denial. Discussion: Mr. Chantelau commented that the Township has been more than generous with Keystone Custom Homes in all the discussions and extensions given since 2005, and was disappointed in that the Township had to find out for itself that Keystone had no equitable interest in the property rather than Keystone coming forth with the information. In addition, it's the Township's understanding that they have not held any interest for at least five months. Mr. Dayhoff stated that the ordinances were in place and this was an opportunity to see the Township have over 1,000 acres preserved through the TDR program. If this development had gone in, the Township and residents would have gotten a large amount of preserved land in exchange for the developed area. The Township had changed the zoning in 2005 where this piece of property went from RR to AC; however Keystone development was grandfathered in. But now with a denial of the plan and that property being AC, this type of development will not be allowed to be in the AC district. Mr. Chantelau noted that the land owner is fully aware of this implication. With no further discussion, the motion carried unanimously.

Mr. Scott commented that the folks who had TDR contracts with this developer were open ended and they should be made aware of this action. It was made clear that the TDR contract is a private contract between the land owner and the developer and has nothing to do with the Township. However, as a courtesy to the land owner, they should be notified that they may want to contact the developer to find out if the developer is going to move forward with another project or release them from the contract so if another developer comes along the land owner can discuss a contract with the new developer. The Township wants the TDR program to work. Mr. Scott moved, seconded by Mr. Chantelau, to authorize Mr. Davis to write a letter and have the Township send it out to all TDR contract holders. Motion carried unanimously.

Mr. Matthew Verdirame, citizen, questioned the AC zoning and how or what could be done with the property. Supervisors responded that it would have to meet the requirements of the AC zoning per the Township ordinance. It could be subdivided per AC requirements, could do a Conservation by Design with 20% developed and 80% preserved, or could sell TDRs.

### **Road Report:**

Mr. Scott moved, seconded by Mr. Chantelau, to approve the Road Report as presented. Motion carried unanimously.

### **Zoning Officer's Report:**

Mr. Chantelau moved, seconded by Mr. Scott, to approve the Zoning Officer's Report as presented. Discussion: Mr. Chantelau liked the notation of how many permits were issued for new single family homes and suggested that the report each month continue to show this info. Motion carried unanimously.

### **Correspondence:**

Ms. Constable noted receiving the following correspondence:

- SPCA request for donation and announcement of a new trailer for "Neuter 4 Life"
- ACTA regarding service to The Outlets (discussion under New Business)
- WRRMA minutes of June 18, 2008

## **Committee Reports:**

Personnel: Nothing to report.

Finance: Mr. Scott noted that Cumberland Township had gone with Centax for collection of earned income tax and for each employee who does not live in Cumberland Township, an employer could have different rates for each employee and they would have to pay Centax a borough and school district amount, each one different, and then track all of this. Mount Joy Township saved the employers of Mount Joy Township a lot of grief by staying with YATB.

Planning, Land & Development: Nothing to report.

Building & Grounds: Nothing to report.

Roads: All roads in the Township have been mowed within the right-of-way.

Public Safety: Mr. Waybright noted that Germany Township has been dealing with Kingsdale Fire Company's ability to serve them and Mount Joy Township and they have made a motion to rescind an ordinance, and then took it back, and now will be addressing it again. At this point, the status is the way it has been. Kingsdale's service to Mount Joy Township has not changed. This Committee has been monitoring this situation and if Germany eliminates Kingsdale from its area, the Safety Committee would then have a recommendation for the Supervisors as to how they feel it should be dealt with. Mr. Dayhoff added that if Germany Township were to deny Kingsdale service into their area, it is the understanding from County Emergency Services Director John Eline, that the next due company would be the first responder until other box alarms are reassigned; there would be no interruption of service to any residents.

## **Agricultural Land Preservation:**

1. Noted receiving the monthly report. The report noted that five applications were submitted from Round V.
2. The Ag Land Board recommended approving appraisals on all five farms, or appraisals for farms based on their ranking order. Mr. Chantelau moved, seconded by Mr. Dayhoff, to approve the first two farms in ranking order. Discussion: Mr. Chantelau stated that he thinks it is not financially prudent for the Township, at this time, to invest in appraisals of all five farms and to take the "go slow" approach; see how much these two farms appraise out and how much money the Township wants to expend in this effort now. The Finance Committee will be meeting to review the entire financial picture of the Township and these two issues are inter-related. The Ag Land Preservation program is fully supported by the Supervisors and does not want to stop it, but should just go with the top two farms for now. After reviewing the finances, they can always go back and appraise more farms in their ranking order. Mr. Scott agrees with this and added that this is what the Finance Committee had already informed the Ag Land Board that they would address it this way, step by step, as finances develop through the year. With no further discussion, the Motion carried unanimously.
3. With recommendation from the Ag Land Board, Mr. Chantelau moved, seconded by Mr. Dayhoff, to make an administrative correction to the program guidelines in section "Working Farm Potential" criteria

adding under "Acreage of tract offered: 35-49 acres with 25 points." Discussion: Mr. Chantelau noted that this came about from a previous action to lower the acreage to 35 from 50 and was just missed. Motion carried unanimously.

### **Recreation Board:**

1. With recommendation from the Rec Board, Mr. Scott moved, seconded by Mr. Chantelau, to use recreation fees to purchase the required DCNR sign to be placed on the Hartlaub property after the Township settles on the purchase. Discussion: it is estimated the cost would be between \$200 - \$300. Motion carried unanimously.
2. The Recreation Board recommends using remaining fees that mature in 2008 to purchase benches and picnic tables for the Mud College Schoolhouse property. Mr. Chantelau moved, seconded by Mr. Scott, to not accept the recommendation from the Recreation Board to purchase benches and picnic tables for the MCSH property based on a memo from the MCSH Committee that does not favor this. Discussion: The MCSH Committee met after the Rec Board meeting and then submitted their memo to the Supervisors. The Rec Board is not yet aware of the MCSH comments. The MCSH memo was very clear in their reasoning as to why they do not favor it. It was noted that the money could be donated to other recreation programs in the County, or it would be returned to the developers who paid the fee. With no further discussion on the motion, the motion carried unanimously. Mr. Dayhoff moved, seconded by Mr. Scott, to use the remaining fees (after purchase of the DCNR sign) to be split equally, 50%-50% between Littlestown and Gettysburg recreation programs. Discussion: Mr. Davis advised the Township to notify both recreation programs that the fees must be used for the acquisition of facilities or equipment only. Mount Joy Township should have confirmation from each stating what they used the monies for. With no further discussion, the motion carried unanimously.

### **Other Business:**

Hartlaub Property Agreement of Sale: Mr. Chantelau moved, seconded by Mr. Scott, to approve an Addendum to the Agreement of Sale for the Hartlaub property for a 60-day extension. Discussion: Mr. Rhodes asked why the extension. Mr. Dayhoff stated that when the land was originally transferred from Zeigler to Hartlaub, it was done as a lot addition. The Township needs time to get the legal description corrected before settlement. Motion carried unanimously.

### **New Business:**

1. PSATS Conference: Mr. Chantelau gave a report on the recent conference he attended. He stated that with everything going on at the local level, he was proud to find out that Mount Joy Township is doing things right. He noted that with many He highlighted some issues relative to the local services tax; the small farmer; and no Association dues increase for 2009.
2. County Assoc. Council of Government Health Insurance: Mr. Chantelau noted that this was an effort to see how a COG could possibly work together with multiple townships for medical insurance. After reviewing and meeting with representatives from other townships, it would cost Mount Joy Township more money to join a group insurance plan than if we remain with the insurance plan we currently have. In addition, we would get less coverage. Mr. Chantelau moved, seconded by Mr. Rhodes, to not join the group insurance program. Motion carried with Mr. Dayhoff abstaining.

3. Fairview Farms Surety Reduction Request #3: Mr. Dayhoff moved, seconded by Mr. Scott, to authorize KPI to do an inspection of the Fairview Farms development to consider a Surety Bond reduction. Mr. Scott asked if the problem with inspections by Conservation District have been resolved. Mr. Crouse noted that Conservation District met with the developer this week on what remedies are needed to solve the problem. With no further discussion, the motion carried unanimously.
4. Adams County Transit Authority (ACTA): Mr. Waybright noted that after the ACTPO hearing discussed last month relative to a transit service beyond the Gettysburg National Military Park further south to The Outlet Shoppes and Lake Heritage, ACTA states they could do that for \$168,000. This transit program is being funded mostly with grants. Rapid Transit, the company running this service, is very interested in what is being proposed and wants to be involved in discussions with the Park Service, Township, and ACTPO.
5. Gettysburg Fire Company Box Alarm Changes: The Public Safety Committee and Township EMC reviewed the changes and recommend approval. Mr. Chantelau moved, seconded by Mr. Scott, to approve the box card changes for Gettysburg Fire Company. Motion carried unanimously.
6. Waste Management Agreement Extension: Ms. Constable explained that the County Environmental Services has been meeting with the municipalities who participate in joint contracts for waste collection. The contracts run on a three year period and Mount Joy Township has participated in this for the last six years. Contracts are to expire the end of 2008 but Waste Management and IESI have agreed to offer a one year extension to all municipalities at no cost increase. This way the County will have an additional year to work on improved specifications for bidding in 2009. Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve a one-year extension on the Waste Management contract. Discussion: Mr. Scott asked if WM was surcharging individuals. No one was definitely sure. Ms. Constable noted that during the meetings, there was discussion of mandatory collection. Mount Joy Township does not have mandatory collection but per the contract, if a resident chooses to have collection, it is mandatory to use WM. However, that is not happening in Mount Joy Township and it will be an issue for discussion when the contract is up for renewal. Further discussion was held with the public regarding waste haulers. With no further discussion, the motion carried unanimously.

**Executive Session:** Mr. Waybright called for an Executive Session at 9:15 p.m. this date.

**Meeting Reconvened:** Mr. Waybright reconvened the Supervisors' Meeting at 9:50 p.m. this date with all Supervisors; Solicitor Walton Davis; Dave Crouse; Robin Crushong; and Secretary Brenda Constable. Others in attendance were: Carol Holtz; Eileen Holmes; and Jerry Maloney.

Mr. Davis stated two issues were discussed during Executive Session:

- Personnel items; and
- Litigation the Township has been involved in with Mr. Stephen Alexander and the result of the litigation; discussed strategy of whether to appeal or not and made no decision tonight.

### **Police Services:**

Mr. Dayhoff referenced a recent article in the *Gettysburg Times* relative to police service and possible regionalizing between Cumberland Township and Gettysburg Borough. He would like the Township to send a letter to Cumberland and Gettysburg Borough that if any talks take place about

regionalizing, that Mount Joy Township would like to be included in the discussions. This would be only in the event the Township sees in the distant future that a police force may be needed, at least the Township would be informed and part of the discussion. The Supervisors instructed the Secretary to send a letter to Gettysburg Borough informing them that Mount Joy Township wants to be included in discussions.

**Adjournment:**

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the meeting at 9:55 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable  
Secretary