

## **JANUARY 15, 2004 SUPERVISORS' MEETING:**

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:00 p.m. in the Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA, with Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, William Rogers, and Harold Kirschner; Solicitor Walton V. Davis; News Reporter Staci George (*The Gettysburg Times*); Sam Dayhoff, Building & Grounds Coordinator; and Secretary Brenda Constable.

Others in attendance were: Jerry Althoff representing the Planning Commission; Chad Yingling; Craig Yingling; Brian Burger representing Adelphia Communications; Paul Gunder representing Suzy Reingold; Mike Danner; John McAlister; and Rick Klein representing The Links.

Chairman Waybright led everyone with the Pledge to the Flag.

### **Minutes:**

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the minutes of the December 18, 2003 meeting as presented. Motion carried unanimously. Mr. Chantelau referenced the discussion of House Bill 1222 and noted that the Governor vetoed this piece of legislation, however, the issue is not dead yet.

Mr. Scott moved, seconded by Mr. Rogers, to approve the minutes of the January 5, 2004 Reorganization Meeting as presented. Motion carried unanimously.

**Public Comments:** None were given.

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

Mr. Rogers moved, seconded by Mr. Chantelau, to approve the monthly Treasurer's Report for December and part of January as presented. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Kirschner, to approve the bills to be paid for December and part of January as presented. Motion carried unanimously.

**Executive Session:** Board Chairman Waybright called for an Executive Session at 7:05 p.m.

### **Meeting Reconvened:**

Board Chairman reconvened the Supervisors' Meeting at 7:30 p.m. this date with all in attendance as mentioned above.

Mr. Davis explained that during the Executive Session the Board met with some folks concerning probable litigation on a construction project. No action is needed at this time.

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

1. Kehr, Marvin G.: proposed land development plan for 2,304 sq. ft. pole building at 352 Fish & Game Road. Mr. Kehr is requesting a waiver for a full LDP. Mr. Waybright recused himself from this discussion and action due to Mr. Kehr being his brother-in-law. Mr. Chantelau presided over this portion of the meeting. The Supervisors noted that the Planning Commission recommends approval of the waiver. Mr. Althoff, representing the Planning Commission, gave an overview of this sketch plan. He noted that the only issue the Planning Commission had was the setbacks on the property. He noted that the Zoning Officer had

clarified the lot as a unique lot and per Chapter 110-20 and Chapter 86-22 this lot is in compliance. Mr. Scott commented that he had no problems with this proposal; he is familiar with the area. He added that there are no drainage issues because this property has plenty of area for natural drains. With no further discussion, Mr. Kirschner moved, seconded by Mr. Scott, to grant a waiver for a full Land Development Plan. Motion carried unanimously.

2. Reingold, Suzy A.: proposed subdivision (lot addition) of two (2) lots along Taneytown Road. Mr. Paul Gunder, Realtor, was present to represent Ms. Reingold. The Supervisors noted that the Planning Commission recommends approval as a Preliminary/final with contingencies. Mr. Althoff gave an overview of this proposal. He noted that the parent tract is in Mount Joy Township and the lot addition is in Cumberland Township. Due to engineer comments, waiver requests are needed for the requirement of a Resource Map, 2' contour lines to be shown, and for preliminary procedures. Mr. Althoff also noted that the Planning Commission also requests a Form B Waiver for a sewage planning module. Mr. Scott noted that the Supervisors could grant the waivers with the exception of the Form B Waiver, which would need to be prepared by Adams County Surveyors and the SEO.  
With no further discussion, Mr. Scott moved, seconded by Mr. Rogers, to approve waivers for preliminary procedure and accept as a Preliminary/Final, for the Existing Resources and Site Analysis Map, for 2-foot contours, and contingent upon submitting a Form B Waiver for Sewage Module, and additional notes are to be placed on the plan referencing [per 110-26.B(3)e & f and 110-26.B(3)m] this lot to remain agriculture and not a stand alone lot, being merged to the adjoining property owner, Joel Waybright. Motion carried unanimously.
3. Danner, Michael: proposed subdivision of two (2) lots along Long Road. The Supervisors noted that the Planning Commission recommends approval as a Preliminary/Final contingent on receiving favorable comments from County Planning. Mr. Danner and Mr. Chad Yingling (interested buyer) were present to discuss this plan. Mr. Althoff gave an overview of this proposal, noting the only concern from County comments was with regard to whether Long Road is a Township road or not. Mr. Scott stated that the Township can't prove that Long Road is not a Township Road so that makes it a Township Road, therefore the concern is mute.  
Mr. Scott moved, seconded by Mr. Kirschner, to grant a waiver for preliminary procedures and accept as a Preliminary/Final plan. Motion carried unanimously.
4. Bartlett, John: proposed Land Development plan for a 3,195 sq. ft. greenhouse at 381 Long Road. Mr. Bartlett is requesting a waiver for a full Land Development Plan. The Supervisors noted that the Planning Commission recommends approval of the waiver. Mr. Althoff gave an overview of the plan, noting that there were no issues with it; it is a fairly simple plan. Mr. Bartlett has 34 acres and drainage is no concern; it goes into ponds. Mr. Chantelau questioned if there was enough parking available. Mr. Bartlett stated that he would be using the same parking lot as what was always used and no change or additions would be needed. With no further discussion, Mr. Rogers moved, seconded by Mr. Chantelau, to approve a waiver for a full Land Development Plan. Motion carried unanimously.

### **Road Report:**

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

### **Bucket Truck Quote:**

Anthony Graham, Road Superintendent, presented a quote for the purchase of a bucket truck. Three options were presented as follows: a) Used - at a price of approximately \$11,500; b) Auction – however, truck is sold as is so any problems would be ours to keep; and c) New - through City of Harrisburg contract at

approximately \$55,975. Mr. Scott questioned how many hours would a bucket truck be used and would like to see justification for this type of truck. He noted that Liquid Fuels could be used to purchase this truck however, that money could also be used elsewhere. Mr. Waybright stated that it could be tough to have written justification because we don't have one now, so the only records we would have is when we borrow from another municipality. If we had our own, we would have probably used it many more times. When we need one now, we have to schedule one and pay for it. Mr. Chantelau questioned if this need was urgent. He suggested that Mr. Graham sit down and discuss this with the Supervisors prior to having to make a decision. Mr. Waybright commented that safety is a big concern and he would rather see the Township purchase a new one rather than used. Mr. Chantelau and Mr. Rogers agreed that a new truck would be better than used, however, they would like to speak with Mr. Graham first. Mr. Dayhoff suggested that Adams Electric be contacted, since they have bucket trucks, to inquire what is required by OSHA with regard to inspections. Mr. Rogers questioned what would this do to workers compensation rates if we had such a truck.

Mr. Scott moved, seconded by Mr. Chantelau, to table this issue and have Mr. Graham come to the February meeting with information of how much money is in Liquid Fuels, what would workers compensation rates increase to, if any; and what is required with OSHA inspections, if any. Motion carried unanimously.

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

Mr. Rogers moved, seconded by Mr. Chantelau, to approve the Zoning Officer's Report as presented. Motion carried unanimously.

### **Policy For Delineating Lot Corners and Driveways:**

As recommended by the Planning Commission, Mr. Waybright moved, seconded by Mr. Chantelau, to adopt a Policy delineating the corners of lots and driveways with different colored flags. Discussion: Mr. Althoff explained the need for one color of flags for lot corners, and another for driveway entrances, etc., would be helpful for the engineer, zoning officer, planning commission members, or anyone who is required to visit a site prior to making a decision for a proposed plan. With no further discussion, the motion carried unanimously.

### **Building & Grounds Report:**

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the Building & Grounds Report as presented. Motion carried.

### **Correspondence:**

Mrs. Constable noted the following correspondence received:

- WRRMA November minutes
- Kingsdale Fire Company Annual Banquet on January 31, 2004

### **Committee Reports:**

Personnel:	Nothing to report.
Finance:	Nothing to report.
Planning, Land Use & Zoning:	Nothing to report.
Building & Grounds:	Nothing to report.
Roads:	Nothing to report.
Public Safety:	Nothing to report.

Agricultural Land Preservation: The Supervisors noted receiving the monthly report from the Ag Land Preservation Board.

On a recommendation from the Ag Land Board, Mr. Scott moved, seconded by Mr. Kirschner, to proceed with an appraisal for the third ranked farm. Motion carried unanimously.

### **Announcements:**

Lake Heritage Property Tax Refunds: Mrs. Constable announced that real estate tax refunds for the years 2001-2003 will be made available to the Mount Joy Township property owners in Lake Heritage at the Township office during regular business hours, through February 11, 2004 (*later changed to February 26*). The refund amount ranges from \$.06 to \$.19. This refund is a result of a Court Order relative to a Class Action suit filed by Lake Heritage and Lake Meade Property Owners Associations.

### **Other Business:**

Refusal of Written Comments: Mr. Waybright noted for the record that Mr. Dave Updyke gave public comment during the November Supervisors' Meeting and the Secretary asked for a copy of his comments. Mr. Updyke stated at that time, that he would send the written comments to the Township to be placed in the record. In December he announced that he was refusing to submit the written comments.

Adelphia Communications: Mr. Brian Burger, representative of Adelphia Communications, was present to discuss franchise agreement issues that the Township did not agree with. The franchise agreement expired in November, but due to some issues that were unacceptable to the Township, a six-month extension agreement was approved through June of 2004 in order to allow time to discuss, and hopefully resolve, the issues of concern. Mr. Burger gave an overview of the status of Adelphia, noting that when they come out of bankruptcy, they would be merging. A reorganization plan would be sent out in February. He noted that Mount Joy Township is in the Maryland District. Mr. Burger stated that he agrees with most of our concerns and fees that they could be worked out. However, there are some things that need discussion. It was decided that Mr. Burger would meet with Solicitor Davis to discuss these issues. Mr. Burger suggested a few things for the Township to consider prior to entering into the franchise agreement: the length of term, where free services (video) could be used such as libraries, schools, township, etc. He also noted that we [the Township] could get free internet access if requested. All of these options would be available in June after the merger. Mr. Chantelau questioned the fee increases. Mr. Burger stated that this is so they are able to offer more services, such as high speed internet, etc. He also noted that they are regulated by the FCC but the FCC does not regulate price increases.

Disposition of Township Records: Mr. Scott moved, seconded by Mr. Chantelau, to approve by Resolution, the disposal of miscellaneous Township files and records up to 1997, as authorized by the Pennsylvania Historical Museum and Commission, Records Retention. Motion carried unanimously.

### **New Business:**

#### The Links – Security Reduction #6:

A request from Rick Klein of the Links At Gettysburg, and recommendation from Mark Lewis, HRG Engineer, Mr. Chantelau moved, seconded by Mr. Kirschner, to authorize the release of Draw #6 Reduction of Security in the amount of \$108,621 for Phase IA at The Courtyards At The Links At Gettysburg. Motion carried unanimously.

Planning Commission Appointment:

Mr. Chantelau moved, seconded by Mr. Scott, to appoint Carol Newhart to the Planning Commission, filling the vacancy of George Scott, with a term to expire December 31, 2006. Motion carried unanimously.

Executive Session:

Mr. Waybright called for an Executive Session at 8:35 p.m. this date.

Meeting Reconvened:

Board Chairman Waybright reconvened the Supervisors' meeting at 8:48 p.m. this date with the following in attendance: Supervisors William Chantelau, William Rogers, George Scott, and Harold Kirschner; Solicitor Walton V. Davis; News Reporter Staci George (*The Gettysburg Times*); Sam Dayhoff, Building & Grounds Coordinator; and Secretary Brenda Constable. Citizens in attendance were: Rick Klein.

Mr. Davis explained that the Executive Session was held to discuss possible litigation. No action was taken at this time.

PSATS Annual Convention:

Mr. Chantelau announced that due to his work schedule, he would not be able to attend the PSATS Annual Convention in April. Mr. Kirschner stated that he was going and could serve as the Township's voting delegate. Mr. Rogers moved, seconded by Mr. Scott, to authorize Mr. Kirschner as the Township's voting delegate for the Annual Convention. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Scott, to authorize the staff to attend the Annual Convention as needed. Motion carried unanimously.

Final Public Comment:

Relative to the Lake Heritage tax refunds, Mr. Althoff asked if this is something that should be of our concern as it relates to open space and could the residents be taxed an additional amount for the open space. Mr. Davis responded no, and explained that the open space is not taxable if it is a common area in a Planned Community. Originally, this should have been part of the value of the assessment, however, the way the County did this, the Court considered it spot reassessment, which is illegal and why a refund is now being issued.

Adjournment:

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the Supervisors' meeting at 8:55 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable  
Secretary