

JANUARY 21, 2010 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date, as publicly advertised, at 7:00 p.m. in the meeting room of the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA 17325 with Board Chairman Robert Rhodes presiding via conference call. Mr. Rhodes then turned the meeting over to Vice-Chairman John Gormont. Others in attendance were: Supervisor David Updyke; Solicitor Susan J. Smith; Secretary/Treasurer Victoria Behnke.

See Appendix A for a complete list of attendees.

The Township meeting was recorded.

Board Vice-Chairman Gormont led everyone with the Pledge to the Flag.

Appointment of Supervisors:

Mr. Updyke motioned, seconded by Mr. Gormont, to appoint Gilbert M. Clark as Township Supervisor, replacing Sam Dayhoff, effective immediately with term expiring January 2, 2012. Motion carried unanimously.

Mr. Updyke motioned, seconded by Mr. Gormont, to appoint Michael Gearhart as Township Supervisor, replacing William Chantelau, effective immediately with term expiring January 2, 2012. Motion carried unanimously.

Swearing-In of Supervisors:

Mr. George Lambert, Notary Public, of 2104 Taneytown Road, Gettysburg, PA, administered the oath of office to Mr. Clark and Mr. Gearhart. Mr. Clark and Mr. Gearhart signed their oaths of office. Mr. Gormont and Mr. Updyke both welcomed them to the board.

Approval of Minutes:

Mr. Updyke moved, seconded by Mr. Rhodes, to approve the December 17, 2009 minutes as presented. Motion carried unanimously.

Mr. Updyke moved, seconded by Mr. Rhodes, to approve the December 29, 2009 Special Meeting minutes as presented. Motion carried unanimously.

Mr. Updyke moved, seconded by Mr. Rhodes, to approve the January 4, 2010 Reorganization Meeting minutes as presented. Motion carried unanimously.

Chairman's Statement:

There was no statement.

Solicitor's Report:

Solicitor Susan J. Smith presented her report. She noted that legal advice was provided to Board members regarding Right-To-Know requests, Intergovernmental Agreement of Cooperation (recreational lands and facilities), Adams County Bylaws for Act 32 Tax Collection Committee, Agricultural Lands Preservation

Bond renewal, Transportation Impact Fees, Recreation impact fees, Vehicle loan, Quorums and appointments to vacancies, and contribution of volunteer services from Township residents. Legal advice was provided to Staff regarding Right-To-Know requests, Land Use permits, and the Township Seal. Ms. Smith spoke to current Open Records Office Determinations regarding the Right-To-Know law and noted that requests must be for a record and not for information alone, and you must produce the record as it exists. She also reported on pending or enacted laws with regard to the Chesapeake Bay Initiative; Section 102 (Erosion and Sediment Control) regulations; Storm water Management regulations; NPDES permit terms being shortened from five years to two years; and Environmental Hearing Board decisions on-lot septic systems as a discharge to a body of water.

Mr. Clark moved, seconded by Mr. Updyke, to accept the Solicitor's Report. The motion carried unanimously.

Public Comment:

1. Matt Sentz, representing the Barlow Volunteer Fire Department, presented a year-end report for Emergency Service Calls in 2009 for Cumberland and Mt. Joy Townships.
2. Roger Steele asked for an introduction to the two new Supervisors Clark and Gearhart. Gerald Royals asked if the newspaper articles written on January 5th and 6th by Mr. Pitzer and Mr. Stonesifer an accurate account of what happened with the hiring of the new Secretary/Treasurer. Mr. Gormont responded that the board's job is to move forward and manage and run the township in the manner that they are expected to do.
3. Marcia Brown asked if the first quarter payroll taxes and year-end financial reports were being processed.
4. Joe Richards asked about an article in the Gettysburg Times claiming that the Treasurer and Secretary were fired due to fiscal mismanagement, and if there's information from the current audit of 2009 records that shows there was mismanagement. Mr. Gormont stated that the Secretary and Treasurer were not re-appointed, and that the audit of the 2009 financial records has not been completed. The auditors will provide their report to the Township in the beginning of April. Solicitor Smith stated that at the reorganization meeting the Board of Supervisors chooses to appoint the Secretary and Treasurer, and that they are not under any legal obligation to appoint the current staff.
5. Art Honeycutt stated that the media is blowing the staff appointment issue out of proportion. The supervisors were elected by a majority and the residents should give them a chance to do their job.
6. Fred Krause asked if the previous board knew of the search selection process for the Secretary/Treasurer. Mr. Gormont responded that there was no dialogue between the previous board and the new supervisors. Mr. Gormont also stated that a search was made and that the best person for the job was selected. Ms. Smith stated that the second class township code provides for a Secretary position and a Treasurer position. It does not call for a manager's position. The Board eliminated the Manager position and selected a Secretary/Treasurer position and by law can appoint one person to fill that position.
7. John Phelps asked if the Board was going to continue with the Agricultural Land Preservation program. Mr. Gormont stated that the Board has nothing against the preservation program. The Board is concerned with funding the program with additional debt that the tax base cannot afford.
8. Carol Holtz commended the Board for it's professionalism in not choosing to respond to the negative letters to the editor.

Person Requesting Time on the Agenda:

Elizabeth Ibex addressed the Board with information regarding the Comprehensive Recreation, Parks and Open Space Plan. She submitted a letter to the Board addressing the plan. She asked the Board not to approve this plan, but to revise it to suit the needs of the Mount Joy Township residents and Mount Joy Township's budget. Mr. Gormont thanked Ms. Ibex for her input.

Announcements:

1. The Agricultural Land Preservation Board has two vacancies; terms expire 12/31/2010 and 12/31/2011. Anyone interested please let the Board know.
2. The Zoning Hearing Board has one vacancy. MOTION: Mr. Updyke moved, seconded by Mr. Rhodes, to appoint Elsie Morey to that position. She is currently serving as the alternate to the Zoning Hearing Board. Motion carried unanimously. The open position is now the alternate position.
3. The Recreation Board has one vacancy which expires 12/31/2014. Several candidates have applied. MOTION: Mr. Gormont moved, seconded by Mr. Updyke, to postpone the appointment until the new Board members have had a chance to review the candidates. Motion carried unanimously.
4. The Planning Commission has two vacancies; terms expire 12/31/2011 and 12/31/2013. MOTION: Mr. Updyke moved, seconded by Mr. Rhodes, to nominate Will Rogers for the term expiring 12/31/2011. Motion carried unanimously. MOTION: Mr. Updyke moved, seconded by Mr. Rhodes, to nominate Budd Hallberg for the term expiring 12/31/2013. Motion carried unanimously.
5. The Historical Committee has three vacancies. MOTION: Mr. Gormont moved, seconded by Mr. Updyke, to postpone appointments for the vacancies until the new Board members have a chance to review the candidates. Motion carried unanimously.
6. The Ag Security Area Committee has one vacancy. MOTION: Mr. Gormont moved, seconded by Mr. Rhodes, to appoint David Updyke to that vacancy. Motion carried unanimously.
7. Secretary/Treasurer Behnke announced that the 2010 Census is going to begin and that census workers may be going door to door to gather information. There are brochures in the lobby.
8. The Adams County Conservation District is sponsoring a one-day conference on 2/10/2010 titled "Adams County State of the Waters". The deadline to register is 2/4/2010.
9. There will be a 2010 Municipal Road Maintenance and Safety Symposium April 18-21, 2010.
10. The Adams County Conservation District Tree Seedling Sale will take place April 9, 2010 between 10 a.m. and 7: p.m. There are brochures in the lobby.
11. Mt. Joy Township Workshop with the Legends at Gettysburg Outlet Shoppes will be held on January 28, 2010 at the Township Building to discuss Traffic Impact Fees.

Treasurer's Report:

Mr. Updyke moved, seconded by Mr. Rhodes, to approve the monthly Treasurer's Report as presented. Motion carried unanimously.

Mr. Updyke moved, seconded by Mr. Rhodes, to approve the monthly bills to be paid as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

No report.

Road Report:

Mr. Updyke, seconded by Mr. Rhodes, to approve the Road Report as presented. Motion carried unanimously.

Zoning Officer's Report:

Mr. Updyke moved, seconded by Mr. Rhodes, to approve the monthly Zoning Officer's Report as presented. Motion carried unanimously.

Correspondence:

Ms. Behnke received the following correspondence:

- Mr. John R. White wrote in a letter to the board dated January 11, 2010 that he respectfully declines his appointment as Mt. Joy Township Assistant Solicitor and noted that he was not previously Assistant Solicitor for 2009, but is willing and able to continue to serve as Solicitor to the Mount Joy Township Agricultural Land Preservation Program.

Mr. Gormont noted that the board will need to solicit candidates for the Township Assistant Solicitor position.

Committee Reports:

Personnel: No report.

Finance: Continuing to move forward with Smith Elliott Kearns & Company LLC as the auditor for 2009.

Planning, Land Use & Zoning: No report.

Building & Grounds: No report.

Roads: No report.

Public Safety: No report.

Council of Government: No report.

Historical Committee: Mr. Updyke moved, seconded by Mr. Rhodes, to accept the Historical Committee report as presented. Motion carried unanimously.

Ag Security Advisory Committee: No report.

Strategic Planning Committee: No report.

Agricultural Land Preservation:

Mr. Updyke moved, seconded by Mr. Gormont, to accept the Agricultural Land Preservation Board Report as presented. Motion carried unanimously.

Mr. Updyke moved, seconded by Mr. Gormont, to accept the Agricultural Land Preservation Board Minutes of November 10, 2009 as presented. Motion carried unanimously.

Mr. Updyke moved, seconded by Mr. Gormont, to accept the Agricultural Land Preservation Board Treasurer's Report as presented. Motion carried unanimously.

Recreation Board:

Mr. Updyke moved, seconded by Mr. Gormont, to approve the monthly Recreation Board report as presented. Motion carried unanimously.

Other Business:

- a. Victoria Behnke will attend the PSATS Basic Training for Municipal Secretaries on Sunday, April 18, 2010.
- b. John Gormont and David Updyke will attend the PSATS Annual Education Conference, April 18-21, 2010.
- c. There will be two supervisors attending the PSATS Newly Elected Township Officials Training on March 6 and 13, 2010.
- d. Mr. Gormont moved, seconded by Mr. Updyke, to approve the following resolution:

RESOLUTION NO. 14 of 2010

TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA

A Resolution indicating those individuals and their titles authorized to execute all documents necessary to effect such an agreement, including but not limited to, an Electronic Assess License Agreement ("EALA") on behalf of Mount Joy Township.

Whereas, that PennDOT and Mount Joy Township have agreed to use the dotGrants system to file the required Liquid Fuels forms annually, including but not limited to, the MS-965, MS-329, and MS-999.

Now, Therefore, Be It Resolved, by the Board of Supervisors of Mount Joy Township, in a lawfully constituted meeting this 21st day of January 2010, the following persons are lawfully elected or appointed officials of Mount Joy Township and are authorized to execute all documents necessary, including but not limited to, an Electronic Assess License Agreement ("EALA") on behalf of the Township.

Robert N. Rhodes	Supervisor	Chairman
Victoria Behnke	Secretary/Treasurer	

Further, be it resolved, this action will cancel any previous authorizations; and

Further, be it resolved this matter of financial authorization will be an agenda item at each January Reorganization Meeting of the Board of Supervisors.

RESOLVED this 21st day of January, 2010.

Motion carried unanimously.

- e. Adams County Act 32 Tax Collection Committee delegates are John Gormont and David Updyke. The Committee met accept the by-laws. They decided to remove the motion from table so that delegates could review the by-laws and provide input. John Gormont is on the by-laws committee.
- f. Mr. Gormont moved, seconded by Mr. Updyke, to increase the bond amount for Victoria Behnke from \$50,000 to \$1.2 million. Motion carried unanimously.

- g. Mr. Rhodes moved, seconded by Mr. Gormont, to remove the Recreation Plan from the table until next month. Discussion: Mr. Gormont stated that the Mount Joy Township residents voiced their concerns about the greenway trails, and that we need to discuss with YSM the removal of the greenway tributary trails from the map and to simplify the plan. Motion carried unanimously.
- h. Mr. Updyke moved, seconded by Mr. Rhodes, to approve the Adams County Board of Assessment Appeal deletions/exonerations from the Mt. Joy Township Tax Duplicate from 2009. Motion carried unanimously.

New Business:

- a. Mr. Gormont moved, seconded by Mr. Rhodes, to ratify the re-execution of the auditor's contract with Smith Elliott Kearns & Co LLC that was taken by polling the supervisors. Discussion: Mr. Gormont stated that representatives from Smith Elliott Kearns & Co LLC met with Mr. Gormont and said they were willing to delete the contract and return funds that were advanced to them in December if the new Board decided not to go ahead with the contract. Mr. Gormont assured them that Mount Joy wanted to proceed with the audit. Motion carried unanimously.
- b. Mr. Gormont moved, seconded by Mr. Updyke, to ratify the appointment of Dominic Picarrelli, from KPI, as the interim Mount Joy Township Zoning Officer that was taken by polling the supervisors. This appointment will last until the Township goes through the RFP process to determine a new Zoning Officer. Motion carried unanimously. Ms. Smith stated that current Mt. Joy Township permits are referred to as Land Use Permits, but it is more appropriate to refer to them as Zoning Permits. She would like to continue working with the Zoning Officer to prepare the appropriate documentation under his authority.
- c. Right-To-Know
- d. Mr. Updyke moved, seconded by Mr. Clark, to modify the appointment of the Solicitor to include the Meeting fee of \$135 per hour, the Special Meeting fee of \$150 per hour, the Out-of-Meeting fee of \$150 per hour, the Litigation fee of \$175 per hour, and the Paralegal fee of \$90 per hour. Motion carried unanimously.
- e. Ms. Behnke reported on the Right-To-Know requests that were submitted in January 2010. There were seven requests for records, and all were responded to within the five business day period.

Executive Session:

Executive session was convened at 8:25 p.m. for the purpose of receiving counsel for a pending litigation matter.

Meeting Reconvened: The Mount Joy Township Supervisor's meeting was reconvened at 8:35 p.m. this date with all Supervisor's and Solicitor in attendance including the Secretary and members of the audience (refer to Appendix A). Solicitor Smith stated that the Mount Joy Township Board of Supervisors were named as a party of record to the Land Use Appeal filed by Stephen C. Alexander (Alexander v. Zoning Hearing Board of Mt. Joy Township) in the Court of Common Pleas of Adams County. Mr. Clark moved, seconded by Mr. Updyke, that the Mt. Joy Township Board of Supervisors decline to become a party of record in the Land Use Appeal filed by Stephen C. Alexander. Motion Carried unanimously.

Adjournment:

With no further business to come before the Board, Mr. Updyke moved, seconded by Mr. Clark, that the meeting be adjourned at 8:37 p.m. this date. Motion carried unanimously

Respectfully submitted,

Victoria Behnke
Secretary/Treasurer
Mt. Joy Township
Board of Supervisors

Mt. Joy Township Board of Supervisors Meeting
January 21, 2010

Appendix A – Attendees

Bev Boyd	Leroy Basehoar	Larry Cool
Steve Kelley	Lyman Schwartz	Pam Roman
John Roman	Joan Jeffcoat	Audrey Sanders
Phil Jeffcoat	Kenny Adams	Brian Dayton
Mark Maginnis	Steve Felix	Jack Ketterman
Gerald E. Royals	Fred Krause	Scot Pitzer – Gettysburg Times
Robert Jonas	Art Honeycut	Joyce Honeycut
Barbara Keyton	Carol E. Holtz	Marlene Lufriu
Barb Steele	Roger Steele	Eleanor Dehoff
Jim Dehoff	Gwen Updyke	Tim Stonesifer- Evening Sun
Martina Lane	John M. Skiles	William Chantelau
Audrey Weiland	Gary Weiland	Tom Dunchack
Will Rogers	Don Coddington	O.D. Hottenstein
Marie Chantelau	Kevin Lanahan	John Phillips
John Klinedinst – C.S. Davidson	Brenda Dayhoff	Emily Dayhoff
Sam Dayhoff	Elsie Morey	Scott Wood
Kim Bieckhead	Paul Eicholtz	Ann Eicholtz
Marcia Brown	Tim Brown	Brenda Herring
Sharon Patterson	Gloria Weant	Phillip Hileman – Horizon Group
Bob Conover	Joe Richard	Karen Richard
Fred Schenker	Elizabeth Ibex	Bill Himmelrich
Matt Sentz	Harold Beebe	George Scott
Peggy Scott	Owen Freas	Happy Freas
Jerry Althoff	Jan Althoff	Sandi Cooper
Mike Gearhart	Chene Gearhart	Debbie Hilling
K. Stanley	Hannah Hottenstein	Betty Baker
Ray Herr	Cherry Herr	Sally Alexander
Marietta Witt	Jim Witt	Ellie Bennett
Jerry Bennett	Eileen Holmes	Robert Gitt
George (sp?)	Bernie (sp?)	