

**Mount Joy Township Supervisors’
Supervisors’ Regular Meeting
March 19, 2015**

Meeting Minutes

Present: John Gormont, Chairman; David Updyke, Vice-Chair; Dennis Bowman, Gil Clark; Bradley Trostle; Susan Smith, Solicitor; Sheri Moyer, Secretary

The Mount Joy Township Board of Supervisors met this date, as publicly advertised, at the Mount Joy Township Building located at 902 Hoffman Home Rd., Gettysburg, Pennsylvania.

Call to Order: John Gormont, presiding.

Starting Time: 7:00 p.m.

Pledge of Allegiance

Public Comments: None.

Approval of Minutes:

- Supervisors’ Regular Meeting Minutes, February 19, 2015. Mr. Updyke moved, seconded by Mr. Trostle, to accept Minutes as presented. Motion carried unanimously.
- Supervisors’ Workshop Meeting Minutes, March 5, 2015 - Cancelled.

Chairman’s Comments: None.

Solicitor’s Report: Mr. Updyke moved, seconded by Mr. Clark, to accept the report as presented. Motion carried unanimously.

Persons Requesting Time on Agenda: None.

Announcements: Mr. Gormont announced that the Supervisors held an executive session on March 19, 2015 beginning at 4:30 p.m. ending at 5:40 p.m. to discuss the Links/Fryer Conditional Use modification requests.

Treasurer’s Reports:

- Approval of Monthly Finance Report. Mr. Updyke moved, seconded by Mr. Trostle, to accept the report as presented. Motion carried unanimously.
- Approval Bills Paid Report. Mr. Updyke moved, seconded by Mr. Trostle, to accept the report as presented. Motion carried unanimously.

- **Road Report:** Mr. Updyke moved, seconded by Mr. Trostle, to accept the report as presented. Motion carried unanimously.

Subdivision and Land Dev.:

- Mason – Minor Subdivision: Mr. Vranich spoke about the plan explaining that last month the Board approved the Non-Building Waiver which has subsequently been sent to DEP. Mr. Vranich indicated that they have not received any revised plan but since it is a minor subdivision plan the Board will need to take action. Mr. Vranich indicated we have received comments from both the County and Zoning Officer. Mr. Vranich

indicated that the County and Zoning Officer had no recommendations and indicated that from the engineering standpoint there were only some minor housekeeping items which should not alter the layout of the lots. Mr. Vranich indicated he had no objections to the Board conditionally approving the plan. Mr. Updyke moved, seconded by Mr. Clark to conditionally accept the plan subject to the conditions 2 – 7 and 9 and 10 as appearing on the engineer’s letter dated February 17, 2015. Motion carried unanimously.

- **Yingling – DEP Form:** Mr. Vranich indicated that currently there is a plan for review before the Planning Commission for subdivision of the property. Associated with that they have to do a Sewage Planning Module Exemption form. In order for the Township to act on that the Township needs to receive a letter from the authority stating they are willing to serve that property. The letter was received by the Township today. If the Board wishes to action on the exemption it then can be sent to DEP for approval. Ms. Smith stated the Board needs to acknowledge receipt of the letter from the authority and then, by motion, approve authorizing the signature of the Board. Mr. Clark moved, seconded by Mr. Updyke to authorize signatures to the Sewage Planning Module Exemption form. Motion carried unanimously.

Engineering Report: Mr. Updyke moved, seconded by Mr. Trostle, to accept the report as presented. Motion carried unanimously.

Zoning & Code Enforcement Officer’s Report: No report submitted.

Land and Sea Services, LLC, Building Inspections: Mr. Updyke moved, seconded by Mr. Trostle, to accept the report as presented. Motion carried unanimously.

Open Records Officer Report:

- Amanda Wheeler - Construction Journal requesting Uniform Code Inspection Services list of contract award – Denied

Fire Company Reports:

	MJT Calls per month	YTD Calls in MJT
1. Alpha Fire Company	1	8
2. Barlow Fire Company	3	7
3. Bonneauville Fire Co.	3	7
4. Gettysburg Fire Co.	2	7

Mr. Bowman moved, seconded by Mr. Clark, to accept the report as presented. Motion carried unanimously.

Correspondence

- Letter from PennDOT regarding notice of Road Turnback Annual Maintenance payment of \$11,200.00
- Email from Comcast regarding the addition of Channel 118
- Letter dated February 3, 2015 from Adams County Office of Planning and Development regarding county wide road classification
- Memo dated March 5, 2015 from PSATS regarding Youth Award Contest
- Letter dated March 10, 2015 from Adams County Conservation District regarding Completeness Notification Letter for Gettysburg Outlet Center (Olswfski Tract)
- Email dated March 18, 2015 from Comcast regarding price increase for installation fees

Committee/Board Reports:

- Personnel (B. Trostle, D. Updyke): No Report
- Finance (J. Gormont, D. Updyke): No Report

- Planning Commission: Mr. Bowman moved, seconded by Mr. Updyke, to accept the report as presented. Motion carried unanimously.
- Planning, Land Use & Zoning (D. Bowman): No Report
- Building & Grounds (G. Clark): No Report
- Roads (J. Gormont): Mr. Gormont stated that the road crew has been busy plowing and probably will be back out over the weekend.
- Public Safety (G. Clark): No Report

Business

- Alpha Fire Co. – EMS Boxes: The Fire Chief for the department indicated there have been some changes with the box areas covered by the department. A letter is before the Board which needs to be approved/signed by the Township so the County can make the changes to the box area. Mr. Updyke moved, seconded by Mr. Bowman to approve the changes to the EMS boxes and to authorize the Chairman to sign the letter. Motion carried unanimously.
- Barlow Fire Co. – Form 990: The Board acknowledged receipt of Barlow’s 990 form.
- Links Modifications: PGC Expansion Modifications: Modification A: PGC Section 110-70.C.5.q. Relating to the requirement for a 200’ setback for principal buildings from the top of the primary creek or stream bank. The request is for dwelling units as denoted on the plans herein will be within 200 feet of Lousy Run. No units are located within the 100 year flood plan and all units shall have a floor elevation well above the 100 year flood level to ensure safety. Mr. Updyke questioned the definition of “well above the 100 year flood level”. What is “well above”? Mr. Bowman stated that in his mind elevation and not proximity is most important and the request indicates that the elevation is well above the 100 year flood level. Mr. Updyke again questioned what is “well above”? Mr. Clark indicated that in the case of the 100 year flood plan “above is above”. Mr. Clark stated he reviewed the 2015 Hazard Mitigation Plan and that within the plan it indicated that there is a 1% chance that the water could exceed the 100 year flood plan area. Mr. Bowman called for the question stating he personally did not see any reason for the modification not to be granted. Mr. Gormont stated the question has been called. Mr. Bowman moved, seconded by Mr. Trostle, to approve Modification A. regarding the 200’ setback from Lousy Run. Ayes – Mr. Bowman, Mr. Clark, Mr. Trostle. Nay - Mr. Gormont, Mr. Updyke. Motion carried.

Modification B: PGC Section 110-70.C.5.b relating to the requirement of a 50’ open space buffer. The request is for a mature stand of trees that exists on the north side of the Fryer Tract, owner proposes to maintain the mature stand of trees within a 25’ open space buffer in lieu of a 50’ open space buffer. Mr. Bowman questioned if a modification similar to this was approved for the existing PGC. Mr. Clark replied, “Yes. The example given was the back in the Retreat Villas section. The Keystone houses that back up to the Yingling property has a 15’ buffer.” Mr. Clark continued that the difference is that the distance between the buffer and the rear of the house is significantly greater than the situation presented to us with the new plan. Mr. Gormont said that the 15’ buffer you are looking at in the example is a green space buffer and not the setback buffer. There is a setback buffer along here that is 50’ which is not depicted on this example. Mr. Trostle questioned on the north side what is the setback buffer, is it 25’ or 50’? Mr. Updyke said it is 25’ to the building setback. So the entire area would have a 25’ buffer. The applicant’s counsel stated that while the request is to reduce the buffer from 50’ to 25’ the plantings within that buffer are in excess of what is required in the ordinance. Mr. Bowman wanted to know what the downside is. Mr. Trostle said that the property owner will have less of a back yard. Mr. Bowman said he could not see the downside and called for the question. Mr. Bowman moved, seconded by Mr. Trostle, to approve Modification B. reducing the 50’ buffer to 25’ on the north side of the Fryer Tract. Ayes – Mr. Bowman, Mr. Clark, Mr. Trostle. Nay - Mr. Gormont, Mr. Updyke. Motion carried.

Modification C: PGC Section 110-70.C.(5)(a) Relating to development of steep slope areas not incorporated into the preserved open space. The request is for development on steep slopes outside the preserved open space as noted on the plans shall be in accordance with Section 110-111.C. of the Mount Joy Township Ordinance. Mr. Updyke moved, seconded by Mr. Clark, to approve Modification C. relating to the development of steep slopes. Hearing no discussion Mr. Gormont put it to a vote. Motion carried unanimously.

Modification D: PGC Section 110-70C.5.K.2 relating to the minimum right-of-way width for a private street of 50'. The request is that private street within the PGC shall have a 40' right-of-way centered on the proposed private street consistent with existing private street rights-of-way which currently exist within the PGC. Mr. Clark moved, seconded by Mr. Updyke, to approve Modification D. relating to the minimum right-of-way width for private streets. Hearing no discussion Mr. Gormont put it to a vote. Motion carried unanimously.

Modification E: PGC Section 110-70.C.5.K.3 relating to a minimum cartway width of 24'. The request is that the developer shall maintain a minimum cartway width of 24 feet on all private streets except cartway shall be 20' minimum around landscaped courtyards to encourage a reduction in travel speed and to maximize the area of each courtyard. Mr. Updyke questioned if this would affect fire traffic at all. Mr. Clark indicated that it has not so far. Mr. Clark moved, seconded by Mr. Bowman, to approve Modification E. relating to a minimum cartway width of 24'. Motion carried unanimously.

Modification F: PGC Section 110-70.B. Relating to the maximum number of nine single family detached homes accessed from a courtyard. The maximum number of home is presently set at nine. The request is that to the extent necessary the developer proposes a modification to allow a maximum of twelve units to be accessed from a courtyard. Mr. Updyke moved, seconded by Mr. Gormont, to approve Modification F. relating to the maximum number of single family detached homes to allow a maximum of 12 units. Hearing no discussion Mr. Gormont put it to a vote. Motion carried unanimously.

Hotel Development Modifications: Modification A: PGC Section 110-70.C.3.b.10 relating to a 60' buffer yard separating commercial uses of PGC from existing or proposed public road and/or private street right of way and residential use. The request is that owner proposes a 30' buffer yard from commercial uses to provide adequate separation between single family dwellings and commercial uses, and a 50' buffer yard from commercial uses to provide adequate separation between the Tanneytown Road right-of-way and the commercial uses. Mr. Clark said this was modified subsequently to include elevation and provide enhanced vegetation. Mr. Trostle said that was his understanding. Mr. Clark questioned about the barn. The applicant's counsel indicated that the barn encroaches 4'. This was discussed in testimony. Ms. Smith stated that the Board should take it up as two separate items. Mr. Clark moved, seconded by Mr. Trostle, to approve the 30' buffer on the north and west side as modified with the vertical and enhanced vegetation. Ayes – Mr. Bowman, Mr. Clark, Mr. Gormont and Mr. Trostle. Nay – Mr. Updyke. Motion carried.

Mr. Updyke moved, seconded by Mr. Bowman, to allow the protrusion of the barn into the 60' buffer along Tanneytown Road. Motion carried unanimously.

Modification B: PGC Section 110-70.C.5.q. relating to the requirement for a 200' setback for principal buildings from the top of the primary creek or stream bank. Mr. Clark indicated that Modification B is no longer applicable.

- Treasurer Bond: The Board acknowledged receipt of Public Official Bond #B1154646 in the amount of \$100,000.00 effective 1/2/2015.

- 2015 Adams County Hazard Mitigation Plan Adoption - Resolution: Mr. Clark indicated that this plan needs to be updated every five years. He reviewed the document and indicated that this applies to every hazardous condition you could think of. Mr. Clark said that he learned we have about 1600 homes in the Township which are subject to potential flooding. He indicated that we live in a fairly safe Township. Mr. Clark indicated it concluded with a series of activities that each municipality could engage to educate the citizens to be on the alert for and how to respond. Mr. Clark recommended the Board support this document. Ms. Smith said the resolution calls for any entity that it relates to, to take the steps that are described in the document. She questioned Mr. Clark if there are any particular steps the Board needs to act on. Mr. Clark indicated there are about 100 steps and that he has not been able to read over them in detail. Some municipalities are excluded from some of the steps. For example, we are not in the wild fire area but we would be affected by potential drought. He did not see any obvious steps that the Township would have to take that would be in anyway burdensome. Mr. Clark moved, seconded by Mr. Updyke, to adopt Resolution 11-2015. Motion carried unanimously.

- UCC Opt In – status: Ms. Smith indicated there was no update.

- Zoning Ordinance – draft definitions discussion: Ms. Smith indicated that she is continuing to modify the definitions and questioned the Board for any further input. Each of the Board members indicated they did not have any comments or questions. The Board agreed to pass the definitions section on to the Planning Commission for their review and comments.

- Zoning Ordinance – distribution of draft sign ordinance: Ms. Smith distributed the draft sign article explaining that what is not in the draft is specific size requirements. She indicated that is because most of the sign matters will be included in the discussion of the Corridor District. Ms. Smith believes The Board will need to look at this comprehensively as that will be a mixed use district. Ms. Smith stated that she has incorporated in the draft the discussions the Board previously had regarding the off-premise directional sign program that the Township would be interested in facilitating. Allowing businesses to have off-premises directional signs so long as they pay the Township to have the signs constructed plus a small administrative fee and those would be grouped at intersections within the Township. The placement would be subject to approval by the Roadmaster to ensure the location is safe. Ms. Smith also spoke about billboards, which is another form of off-premise signage, otherwise the Township does not permit off-premise signs. Billboards are being contemplated as having a use of their own so if someone wants a billboard they will either have to have a separate lot or create a lot for the billboard so that there is not a mixed use. This section will have definitions because signage carries its own kinds of words unlike any other section. A Zoning Permit would have to be acquired with the exception of real estate signs, builders/construction signs, political signs and building/community (residential/non-residential) signs, example The Links Community so long as they meet the requirement. No signs can be within the sight triangles at intersections nor in the rights-of-way within Township, except for the directional signs. They also cannot be within the future right-of-way.

- Links Letter of Credit: Ms. Moyer stated that Rick Klein handed to her this evening a Letter of Credit issued by Howard Bank. She indicated that the Township currently is holding a letter of credit from Members 1st bank in the amount of \$121,212.98 for the Courtyards - Phase 1C; Garrison Falls Phase IIA; and Garrison Falls Phase IIB Immediate. Ms. Moyer said she confirmed the value with Mr. Vranich and Ms. Smith reviewed and approved the language of the letter of credit issued from Howard Bank. Mr. Updyke moved, seconded by Mr. Bowman, to approve the Howard Bank financial security agreement the Courtyards - Phase 1C; Garrison Falls Phase IIA; and Garrison Falls Phase IIB Immediate in the amount of \$121,212.98. Motion carried unanimously.

- Ms. Smith indicated she had one more issue for discussion. The Township has had requests from an individual who is having some difficulty understanding the process of development of a property within the Township. This person is not going to be unfamiliar to the Board. There has been written communication from the former Zoning Officer explaining the process. An application needs to be made showing compliance with the ordinance. To try to move it along, there was a meeting with the Interim Zoning Officer, Mr. Vranich and Ms. Smith reviewing the file to make sure we are on the same page for the process as this individual has gone from person to person making the same requests and demands. The letter sent to him explaining the process included the application and copies of the ordinances that would apply and the individual came back to the Township and at least once to Wm. F. Hill's office along with numerous phone calls. A question from the Interim Zoning Officer was would the Board consider any value of allowing a conference with the Interim Zoning Officer, Mr. Vranich and Ms. Smith to sit down with this particular individual to again lay out the Township's expectations at the applicant's cost. Ms. Smith stated a lot of time and effort has been made to explain to this person the process. The property involved is the abandoned Chinese Restaurant on Rte. 97 which has Nails on the front of the building. The individual is Mr. Linck. Mr. Clark indicated that if the feeling is this would put this matter into a more favorable position he would be in favor of it. Mr. Trostle is opposed to it. Mr. Gormont indicated that he feels there has been a lot of communication. Mr. Linck has been provided with direction and feels that Mr. Linck is seeking the Township to do the work rather than Mr. Linck getting his own engineer. Mr. Gormont said that he would not support another meeting. Mr. Vranich said the last discussion that was relayed to him is that he got a letter telling him to file an application, then the Township will respond. This same information is provided to Mr. Linck when he calls. Ms. Smith questioned should they have to continue taking his calls because it is the same conversation. Wm. F. Hill is a private firm doing private business as well as Township business. Mr. Vranich indicated this is happening a minimum of once a week and the message is not being received. The Board agreed that calls to Wm. F. Hill's office should be screened and that the Interim Zoning Officer does not need to respond to the calls. Ms. Smith questioned about Mr. Linck coming to the Township building. The Board agreed that Township personnel should provide a copy of the letter along with the application and the staff at the Township does not have the duty to engage in a protracted conversation with this individual when he walks in the door.

Executive Session: None.

Adjournment: With no further business to be discussed by the Board, Mr. Updyke moved, seconded by Mr. Gormont, to adjourn the meeting. Motion carried unanimously. Meeting adjourned 8:25 p.m.

Respectfully Submitted,

Sheri L. Moyer
Secretary