

**MOUNT JOY TOWNSHIP SUPERVISORS
MINUTES
March 16, 2023 REGULAR MEETING**

The meeting was an open meeting, also conducted as a remote meeting through the ZOOM platform. Attendance and votes were taken by roll call.

Present: Bernie Mazer, Chairman; Terry Scholle, Vice Chairman; Gil Clark; Todd McCauslin, Christine Demas

Also Present: Susan Smith, Solicitor; Shannon Hare, Secretary and Zoning Officer and Code Enforcement Officer; Mitz Whatley, Assistant Treasurer and Assistant Administrator

Roll call

Chairman/Vice-Chairman Comments: Chairman Mazer asked that everyone make sure that they signed in. He also announced that the meeting would be using a meeting owl to conduct the meeting.

Vice-Chairman Comments: Vice-Chairman Scholle had no comments.

Public Comment.

Steven Yerger 175 Bulk Plant Rd-Double standard of economic quality of life between the Links and Brookview

Approval of Minutes

Regular Meeting Minutes for February 14, 2023 and Workshop Meeting Minutes for March 2, 2023 were approved by consent.

Solicitor's Report. Solicitor Smith presented her report for the period following the February regular meeting. Supervisor Scholle moved, seconded by Supervisor McCauslin to accept the Solicitor's Report. Motion carried, unanimously.

Solicitor Smith reported on the recently announced federal definition of "waters of the United States" which relates to wetland regulation determined by applying a two-part standard.

Solicitor Smith indicated that the Commonwealth Court had released an opinion rejecting an exclusionary challenge to a zoning ordinance for failure to provide expressly for a "wedding barn" use, upon concluding that a "wedding barn" is a type of special event conducted at a venue in the form of a barn, and not a discrete use and that the municipality had provided for such activity to be conducted at restaurant, hotel and other uses provided for in the ordinance. She explained that the Mount Joy Zoning Ordinance provisions, which similarly provide for such activities at provided for hotel, restaurant and church uses, are consistent with the Court opinion.

Solicitor Smith announced the Office of Open Records put out its annual report. They reported last year as the third busiest year with nearly 3,000 appeals.

Solicitor Smith noted a pending bill proposing to amend the RTKL for requests submitted by commercial entities for commercial purposes.

Engineer's Report. Engineer Vranich presented his report for the period following the February regular meeting. Supervisor Demas moved, seconded by Supervisor Clark to accept the Township Engineer's written February report. Motion carried, unanimously.

Township Engineer Erik Vranich asked the Board for direction on how to bill for a sketch plan submission/technical review. The Board authorized reimbursement by consent.

Omnibus Motion to Accept the Following. Supervisor Clark moved, seconded by Supervisor Scholle to approve Roadmaster, Treasurer, Police, Zoning Officer and Code Enforcement Officer, Planning Commission, Land & Sea, Open Records Office reports and Fire Companies' Reports.

Supervisor Demas asked if the financial reports for budget vs actual profit and loss can be broken down. Treasurer Bruce Hartman said he would do that going forward.

Correspondence- Correspondence listed on the agenda was acknowledged.

Subdivision/Land Development Plans

- The Links at Gettysburg Planned Golf Community Preliminary Subdivision Plan for Wade Run Community. Township Engineer Erik Vranich updated the Board by saying that the applicant had obtained and provided to the Township the NPDES permit and letters from Aqua water and sewer companies stating willingness to serve. The traffic impact study for proposed Phase I was received by the Township's Traffic Engineer Nick Schaffer late the day before the meeting. The HOP that was submitted needs to be revised. Mr. Klein stated that he would be meeting with both his and the Township's traffic engineers next Friday. He said that he was before the Board tonight seeking conditional approval subject to the approval of the Traffic Impact Study by the Township Traffic Engineer. Township Engineer Vranich said that the TIS submitted includes intersection studies and level of service which is how long of a delay at the intersection. Supervisor Clark said that he does not care about the TIS, he cares about the HOP. If the HOP is not granted, there is a big problem on Bridge Valley Rd. Supervisor Clark said that he would be ok with Mr. Klein starting infrastructure since that would probably take about 6-months. Township Engineer Vranich reminded the Board that the preliminary plan is for 99 units with 38 units in phase one. He explained the SALDO preliminary plan requirement for the HOP and that the applicant is asking for a waiver to get the HOP later, noting that there will be a final plan for phase one in the future and that no home construction can be done until the final plan is approved, signed, and bond as been set. Mr. Klein said that the perfect ask is approval of the preliminary plan with the condition that the Township Traffic Engineer is satisfied with the TIS. Township Engineer Vranich said that the Board could either act on the waiver of the HOP and the preliminary plan with the condition that TIS is ok and pending Township Engineer and Zoning Officer comments are satisfied or table the preliminary plan which would require an extension letter. Supervisor McCauslin asked if they could make a condition that the HOP needs to

be in hand in 6-months. Township Engineer Vranich said that his only concern is what recourse does the Township have if there is still no HOP after 6-months. Solicitor Smith said that the biggest issue is that approval is given for phase one of 38 units and there is never any approval for the rest. Township Engineer Vranich noted that the HOP is an ordinance requirement and if the Board holds firm and does not waive the requirement, there is no additional burden being placed on the applicant beyond what the ordinance says.

Public Comment

John Kravitz 67 Bridge Valley Rd-bylaws state two exits
Michelle Apple 16 Cottage-affect construction and traffic will have on current road
Mike Koziski 58 Brookside Lane-letter from Rick about using Bridge Valley Rd
Bob Stillwell 99 Garrison Falls Dr-provision to letter to include signs
Chad Yingling 875 Hoffman Home Rd-Supervisor Clark conflict of interest
Steven Yerger 175 Bulk Plant Rd- "not in my backyard"
Bob Stillwell-for Wade Run, but does not want it left unfinished
Debbie Lebo 75 Bridge Valley Rd-every plan had an exit on Taneytown Rd
Tom Karmosky 59 Bridge Valley Rd-if not through Bridge Valley, then through where
Paul Marmillion 90 Garrison Falls Dr.-who fights for HOP if 6-months and still no HOP
Craig Scheiner 35 Bridge Valley Rd-should consider that developer puts out all the money, developer risk

Chairman Mazer asked if the Board wanted an extension to April 6, 2023 to allow time for Township Traffic Engineer and applicant traffic engineer to meet to decrease the error of uncertainty. Mr. Klein provided the Township with a written 30-day extension. Solicitor Smith recommended that the Board, applicant and public bring firm proposals to address the HOP issue to the meeting on April 6, 2023.

Public comment

Jim Calder 75 Bridge Valley Rd-no qualitative aspects to the TIS

Supervisor Scholle moved, seconded by Supervisor Clark to accept the 30-day extension and to table the plan until the April 6, 2023 meeting. Motion carried, unanimously.

Business

- Amend the current administrative fee schedule to include reference to the UCC appeals. Solicitor Smith stated that the current fee schedule was established by resolution adopted at the organizational meeting The township entered into an agreement with other municipalities for the joint UCC Appeals Board. In 2020, the UCC Appeals Board's administrative body set appeals base fees at \$1,050 and mandated certain expenses (UCC Appeals Board Solicitor fee, member fee, administrative fee) and recognized required public hearing notice and stenographer expenses. Solicitor Smith stated that the base fee is not sufficient to cover the mandated and recognized expenses as well as the BCO administrative expenses. She

proposed an increase in the base fee to \$1,250. Supervisor Scholle moved, seconded by Supervisor Clark to approve a resolution amending the administrative fee schedule to include a UCC Appeals Board a base fee of \$1,250 and language providing for expense exceeding the base fee. Motion carried, unanimously. Resolution 12 of 2023.

- Request to waive pumping requirement for 940 Goulden Rd. Ms. Hare said that the owner of the property is deceased, and the property is currently vacant. The caretaker is requesting a waiver from the OLDS requirement. Supervisor McCauslin moved, seconded by Supervisor Demas to grant the request for waiver. Motion carried, unanimously. Supervisor Demas asked for a resolution addressing such requests without having to come before the Board.
- Server Options. Jeff Baum from Total Tech Solutions, LLC participated by ZOOM. He reminded the Board of their 2 options: The NAS which is about \$900 or a full-blown computer which is \$1,400-\$1,500. Supervisor Clark moved, seconded by Supervisor Scholle to select the NAS option. Motion carried, unanimously.

The Board announced its intention to enter into executive session to discuss personnel matters.

Adjournment. With no further business to be discussed by the Board, Supervisor Demas moved, seconded by Supervisor McCauslin to adjourn the meeting. Motion carried, unanimously. Meeting adjourned at 9:24 pm.

Respectfully submitted by,

Shannon M. Hare
Secretary