

**MOUNT JOY TOWNSHIP SUPERVISORS
MINUTES
MARCH 17, 2022 REGULAR MEETING**

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

Present: Bernie Mazer, Chairman; Terry Scholle, Vice Chairman; Todd McCauslin, Christine Demas
Absent: Judy Morley

Also Present: Susan Smith, Solicitor; Melissa Zirkle, Administrative Assistant; Shane Wise, Roadmaster; Shannon Hare, Secretary and Zoning Officer and Code Enforcement Officer

Public Hearings

Public hearings opened at 7:02pm.

An Ordinance amending the code of the Township of Mount Joy, Adams County, Pennsylvania, Chapter 110, Zoning, Article VI Off-Street Parking and Loading, Section 110-602.F.(2) to limit the grandfathered deficit allowance and Section 110-605.A.(3) to exclude a dwelling with certain parking improvements from a prohibition of stacked parking spaces.

Public comment:

Sandy Yerger 175 Bulk Plant Rd-county and planning commission comments

An Ordinance amending the code of the Township of Mount Joy, Adams County, Pennsylvania, Chapter 110, Zoning, to amend the definition of accessory use, add definitions for community solar facility, solar energy system accessory use, solar energy system principal use, solar panel, and solar related equipment; amend the table of uses to provide for the defined principal and conditional uses; and to amend Section 402 specific requirements for community solar facility and solar energy accessory uses and solar energy system principal use.

Public comment:

Tom Newhart-720 Plunkert Rd-in favor of solar amendments

Walter Tilly-Represents Steve, Christine, Clayton, and Corbin Wood, David Updyke, & Ken Hilbert; introduced professional engineers John Klinedinst and Tommy Cleveland; ordinance is exclusionary

John Klinedinst-CS Davidson Inc.- no parcels meet the proposed requirements for solar energy as a principal use

Tommy Cleveland, Advanced Energy—infeasibility of utility-scale solar development with proposed amendments

Glenda Gerrick-663 Plunkert Rd-plummeting property values

Carol Newhart-720 Plunkert Rd-in favor of solar amendments

Joe Hufman-217 Mud College Rd-decommissioning

Cindy Hunt-452 Mud College Rd-questioned Tommy Cleveland

Sandy Yerger-175 Bulk Plant Rd-in favor of solar amendment

Nick Demas-71 Miller Rd-in favor of solar amendment

Regular Meeting reconvened at 7:42 pm.

Announcement: There was an executive session on February 17, 2022, from 9:55-10:46 p.m. on potential litigation.

Chairman/Vice-Chairman Comments: Chairman Mazer opens the meeting with 100,000 welcomes. He explained there are rules the Board must follow. The Board is responsible for ordinances and resolutions, finances, personnel, approving subdivision and land development plans, budget, and conditional use applications. Chairman Mazer said that he is grateful for the solicitor in helping him and others on the Board for providing dispassionate and excellent advice on the latest changes in law and on courses of action, that are bound by law and cases. With her help, the Township can and will act within the law. The Board acts for the Township. The creation of the Historic Task Force will help the history of the Township. There are two new businesses in the Township: Fiesta Mexican Restaurant at the Outlets and Brandenburg & Stein Funeral Home located at 3045 Baltimore Pike. The new name of the related cemetery is Two Taverns Cemetery. Chairman Mazer ended by saying that during the meeting the attendees should respect each other and act for the common good followed by a St. Patrick's Day Blessing.

Vice-Chairman Comments: Vice-Chairman Scholle announced the Adams Count Agricultural Land Preservation Board informational meetings on Tuesday April 5, 2022 at 1pm and 7pm. on the new round of preserved farm applications. Applications will be accepted from April 4, 2022 until June 3, 2022.

Public Comment.

Sandy Yerger-175 Bulk Plant Rd- prior zoning complaint
Carol Newhart-720 Plunkert Rd- agricultural preservation
Dean Shultz-1610 Baltimore Pike-PA Land Conservancy annual meeting and solar uses
Tom Newhart-720 Plunkert Rd-Penn State Program on solar development
Nick Demas-71 Miller Rd-American Rescue Plan Act update

Approval of Minutes

- Regular Meeting Minutes, February 17, 2022. Supervisor Demas moved, seconded by Supervisor McCauslin to approve the minutes. Motion carried, unanimously.

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

Treasurer

- Approval of Monthly Finance Report. Supervisor Scholle moved, seconded by Supervisor McCauslin to approve the Monthly Finance Report for February 2022. Motion carried, unanimously.
- Approval of Bills Paid Report. Supervisor Demas moved, seconded by Supervisor McCauslin to approve the Bills Paid Report for February 2022. Motion carried, unanimously.

Police Report. Supervisor McCauslin moved, seconded by Supervisor Scholle to accept the February 2022 Police Report. Motion carried, unanimously.

Roadmaster's Report. Roadmaster Shane Wise reported on shop work that was completed during the month of February. The bollards were painted. Hoses were replaced on the grater. The bins out back were

labelled. They also cleaned up trees from a windstorm and an ice storm. They boom-mowed Dague Rd and put up watch children signs throughout the Township.

Supervisor Scholle moved, seconded by Supervisor Demas to accept the Roadmaster's report for February 2022. Motion carried, unanimously.

Engineer's Report. Supervisor Demas moved, seconded by Supervisor McCauslin to accept the Engineer's Report for February 2022. Motion carried, unanimously.

Zoning Officer and Code Enforcement Officer's Report. Supervisor McCauslin moved, seconded by Supervisor Scholle to accept the Zoning and Code Enforcement Officer's Report for February 2022. Motion carried, unanimously.

Planning Commission's Report. Supervisor Scholle moved, seconded by Supervisor McCauslin to accept the Planning Commission Report for March 2022. Motion carried, unanimously.

Land and Sea Report. Supervisor Demas moved, seconded by Supervisor McCauslin to accept Land and Sea's Permits and Inspections Report for February 2022. Motion carried, unanimously.

Open Records Officer's Report- There were a number of Right-To-Know Requests received by the Township. The requests and disposition were reported-on the agenda.

Fire Company Reports-Supervisor McCauslin moved, seconded by Supervisor Scholle to accept Fire Companies' reports for February 2022. Motion carried, unanimously.

Correspondence

The following correspondence was acknowledged:

- Wm. F. Hill sent White Run Regional Municipal Authority's annual operational report for 2021
- Letter from Adams County Association of Township Officials (ACATO) requesting dues and announcing date of 2022 Convention.
- Realtors Association of York and Adams Counties 2021 Adams County Real Estate Market Report
- Notice of Liquid Fuels Tax Fund Payment
- Notice of Road Turnback Annual Maintenance Payment
- Letter from Lake Heritage notifying the Township of the firing of a cannon Sunday May 29, 2022 for Memorial Day
- Email from Adams County regarding a Do Not Consume Water Advisory for 1845, 1849, and 1855 Baltimore Pike
- Letter from Pennsylvania Department of Labor & Industry regarding the Uniform Construction Code five-year audit review
- Adams County Conservation District 2021 Annual Report
- Letter from the Pennsylvania Department of Environmental Protection regarding tick-borne diseases.
- Letter from Adams County Board of Assessment Appeals regarding Clean and Green Status of 2430 Baltimore Pike
- Letter from Hockley & O'Donnell Insurance Agency regarding merger with Adams County National Bank (ACNB) Insurance Services.
- Letter from Comcast regarding increased internet speeds for customers from Maine through Virginia.

Subdivision/Land Development Plans- Final Minor Subdivision Plat for Donald G. Titus. Robert Sharrah explained the plan which proposed a transfer of 0.826 acres from the Titus property to the Laudeman property. Supervisor Scholle moved, seconded by Supervisor Demas to approve the signing of

the Planning Waiver and Non-Building Declaration. Motion carried, unanimously. Solicitor Smith indicated that she had reviewed the draft lot merger deed and accepted it as to form. She noted it would need to be recorded concurrent with the recording of the Plan. Supervisor Scholle moved, seconded by Supervisor Demas to approve the plan with condition that review comments from the Township Engineer and Zoning Officer dated March 10, 2022 be satisfied. Motion carried, unanimously.

Committee Reports

- Personnel: (Mazer and Morley). No report
- Finance: (Scholle and Demas) No report
- American Rescue Plan Act: (McCauslin). Supervisor McCauslin reported on ARPA, saying that more updates are due by April 1, 2022. The first report is due April 30, 2022. Solicitor Smith recommends that no allocations be made before the April 30, 2022 report deadline so that the report is simple, only reporting that money was received, and thereafter the Board has opportunity to fully consider allocation options.

Business

- Proposed SALDO Amendment to Parking Requirements. (A correction was made to the agenda which had incorrectly referred to this as a Zoning Ordinance amendment.) Supervisor Scholle moved, seconded by Supervisor McCauslin, to adopt the proposed ordinance. Motion carried, unanimously. Ordinance 2022-01
- Proposed Zoning Ordinance Amendment to solar energy systems use. (A correction was made to the agenda which had incorrectly repeated reference to parking requirements.) The Chairman announced an intent to enter into executive session. Following inquiry by the Solicitor, the purpose of the executive session was announced as pending (possible) litigation. The Board held executive session from 8:51-8:56pm Supervisor Demas moved, seconded by Supervisor McCauslin, to adopt the proposed ordinance. Motion carried, unanimously. Ordinance 2202-02
- Reaffirm and implement approved 2022 budget employee raises retroactive to January 6, 2022. Supervisor McCauslin moved, seconded by Supervisor Scholle to reaffirm and implement approved 2022 budget employee raises retroactive to January 6, 2022. Motion carried, unanimously.
- Quote for Salt Brine Upgrade. There were two quotes for the salt brine upgrade. The first quote was from GVM for \$2,481.81. The second on was from US Municipal for \$17,736.59. Supervisor Scholle moved, seconded by Supervisor Demas to accept the quote from GVM for the amount of \$2,481.81. Motion carried, unanimously.
- Consider and set date for public hearing on Brookview Preliminary Land Development Plan. Solicitor Smith explained this would be an administrative public hearing, and unlike the Brookview conditional use quasi-judicial public hearing. The public hearing is for the receipt of public comment on the plan. There will be no formal recognition of parties or “cross-examination.” Brookview can volunteer to answer questions. The decision is based on requirements of the SALDO. The plan is a preliminary plan. Supervisor Scholle moved, seconded by Supervisor Demas, to set the date for the public hearing on the Brookview Land Development plan for April 13, 2022 at 7pm. Motion carried, unanimously.
- Approve 2022 Septic Hauler List. Supervisor McCauslin moved, seconded by Supervisor Demas to approve the 2022 Septic Hauler List. Motion carried, unanimously.

- Amendment to the fee schedule to include Floodplain Management Permit administrative fee. Supervisor Demas moved, seconded by Supervisor McCauslin to amend the fee schedule to include Floodplain Management Permit administrative fee of \$250.00 and if accumulated fees for plan reviews or inspections surpass the initial fees collected, the applicant shall be responsible for payment of these fees in full as a condition of approval of the permit plan, prior to release of the plan for recording, or at any other time as directed by the Board of Supervisors. Motion carried, unanimously.
- Historic Preservation Task Force. Supervisor Demas said there was a good group of active citizens to take over the preservation of the rich history of the Township. They have broken into smaller groups involving cemeteries, commerce & industry, schools, and grants and marketing. The next meeting will be held April 6, 2022 at 1:00 pm. Solicitor Smith informed the Board that the Pennsylvania State Historic Preservation Office, a bureau of the Pennsylvania Historic and Museum Commission, is conducting a multiyear inventory of older and historic places that are underrepresented in the statewide inventory. Solicitor Smith noted that the Office had invited public input from a number of counties, not including Adams County, but that she expected that Office would be willing to speak to persons from other counties.
- Trucking/Storage/Distribution Uses proposed Zoning Ordinance amendment ordinance. Solicitor Smith received comments from two of five supervisors regarding the proposed ordinance on which the Board had conducted a public hearing on February 3. The Board considered all of the comments. The Board revised the proposed ordinance to provide for a 250 foot setback, to be enlarged to 500 feet from an adjacent lot improved with a dwelling, historic building, day-care center (children), recreation facility, or nursing home or an adjacent unimproved lot in a residential district. Solicitor Smith asked if the Board intended to apply the setback revision to all uses covered by the proposed ordinance (excepting the self-storage use); the Board unanimously indicated yes. The Board also revised reference to include both the Federal and State environmental agencies. Supervisor Scholle moved, seconded by Supervisor McCauslin, to adopt the proposed ordinance as revised. Supervisors McCauslin, Mazer, and Scholle voted yes, Supervisor Demas voted no. 2022-03.
- **Adjournment.** With no further business to be discussed by the Board, Supervisor Mazer moved, seconded by Supervisor Scholle to adjourn the meeting. Motion carried unanimously. Meeting adjourned 10:21 p.m.

Respectfully submitted by,

Shannon M. Hare
Secretary