

**Mount Joy Township Supervisors’  
Supervisors’ Regular Meeting  
April 16, 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:** Steve Kelley, Clapsaddle Road, regarding an explosion that happened at 4:10 p.m. on Tuesday, April 7, 2015 at the old Gettysburg Granite quarry.

**Approval of Minutes:**

- Supervisors’ Regular Meeting Minutes, March 19, 2015. Mr. Updyke moved, seconded by Mr. Trostle, to accept the minutes as presented. Motion carried unanimously.
- Supervisors’ Workshop Meeting Minutes, April 2, 2015. Mr. Bowman moved, seconded by Mr. Updyke, to accept the minutes as presented. Motion carried unanimously.

**Chairman’s Comments:** None.

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

**Persons Requesting Time on Agenda:** None.

**Announcements:** None.

**Treasurer’s Reports:**

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

- Keith Yingling Subdivision Plan: Mr. Sharrah stated that Freedom Valley Church, current occupant and lessee, wishes to purchase what is depicted on the plan as Lot 1 and Lot 3 immediately. The long term plan is to have them purchase Lot 4. They have no intention on building anything presently but, that could change.

The sewage exemption approval letter from DEP was received. The following waivers/modifications have been requested:

SALDO 86-13.C(17) and 86-28.B(1) The development is located within 1,000 feet of a public water service main and therefore documentation must be provided that the proposed lots can be served by the public water supply system. Mr. Sharrah stated that he believes this has been completed and presented a copy of an agreement to Ms. Smith for approval. Following Ms. Smith's review of the document she stated that there is a provision that the system will have sufficient water to supply Lake Heritage and the Yingling Auction building and proposed gas and convenience store and additionally future potential uses up to 20,000 gallons of water per day. Ms. Smith went on to say that this agreement is a complete indication of an intent to serve. Mr. Sharrah will provide a copy of the agreement to the Township and Mr. Vranich.

SALDO 86-17.I(1) this section required street trees to be planted along the road right-of-way. A modification of this section has been requested for Lot 3. Mr. Bowman moved, seconded by Mr. Clark, to approve modification of SALDO 86-17.I(1) to defer landscaping on Lot 3 until future development. Motion carried unanimously.

SALDO 86-20.B(6) No access drive shall be located within 5 feet of a property line. The applicant has requested a modification of this section allow for this item to be addressed during future development of Lots 3 and 4. Mr. Bowman moved, seconded by Mr. Updyke, to approve modification of SALDO 86-20.B(6) to defer action until future development. Motion carried unanimously.

SALDO 86-24.A this section requires the installation of property line markers. A modification has been requested to allow 5/8" x 30" long markers. Mr. Clark moved, seconded by Mr. Bowman, to SALDO 86-24.A for modification to allow 5/8"x30" markers. Motion carried unanimously.

SALDO 86-27 this section establishes the requirements for installation of sidewalk where any subdivision is immediately adjacent to or within 1,000 feet of any existing subdivision having sidewalks. A modification of this section has been requested to defer the construction of sidewalk on Lot 3 until the lot is further developed in the future. Mr. Bowman moved, seconded by Mr. Clark to approve modification of SALDO 86-27 to defer the installation of sidewalks on Lot 3 until future development. Motion carried unanimously.

Mr. Vranich indicated that there are three remaining land development issues. Those being; (1) SALDO 86-13.B(20) Resolution of cross access easements. The agreement should provide for, or clarify, any cross access through Lot 1 to reach the existing southern entrance to Heritage Drive and the Sheetz property access along with the responsible party for maintaining the access. Mr. Sharrah stated that Monday there is a meeting between the counsel for the buyer of Lot 1 and counsel for the seller. Mr. Sharrah stated that they will discuss and draw up an agreement. He will get a draft of the agreement to Ms. Smith for review and approval. (2) SALDO 86-39 Financial security for public improvements. The proposed sidewalk on Lot 1 must be installed prior to signature of the Plan or financial security posted for the installation of the sidewalk. Mr. Sharrah indicated that the sidewalk will be installed prior to signature of the plan so no financial security needs to be posted. (3) Signatures which are a standard condition. Mr. Sharrah stated the Mylar's that were dropped off to the Township have the signatures.

Mr. Bowman moved, seconded by Mr. Trostle, to conditionally approve the plan subject to resolution of SALDO 86-13.B(20) the cross access easements and SALDO 86-39 either installation of the sidewalk or posting financial security for the sidewalks. Motion carried unanimously.

Ms. Smith stated there is an agreement between Lake Heritage Homeowners Association and Yingling dated June 5, 2014. That agreement was to address the allowance for the provision of water service to the Sheetz lot and the Yingling Auction House. That is what it specifically provides for. In the agreement it has a couple of terms that satisfy the will serve commitment from Pennsylvania American Water Company (PAWC). First, in the “Whereas” clause paragraph 8, the agreement states that PAWC is entering into this agreement with the understanding that it is willing to serve all of the Yingling property up to 20,000 gallons per day. This would include the Sheetz lot, the Yingling Auction house and the remaining area of the 35 acres. Paragraph 2, which is also a whereas clause states that the Public Utility Commission (PUC) has granted a certificate of public convenience to PAWC to extend its service territory to include the Auction house and the Sheetz property but not the remainder of the Yingling property. What is significant is that the PUC has not said PAWC you have authority by the state agency to serve the remainder. However, paragraph 3 of the agreement goes on to say that PAWC will make application to the PUC to extend its service territory for the remainder of the property when the time comes. Ms. Smith said we have a commitment, a will serve commitment and a process that everybody understands will be engaged in to accomplish this.

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

**Open Records Officer Report:**

- Arthur Linck – requesting a copy of his handwritten notes (questions) given to Cindy Smith around January 7, 2015 - Granted

**Fire Company Reports:**

	<b>MJT Calls per month</b>	<b>YTD Calls in MJT</b>
1. Alpha Fire Company	4	11
2. Barlow Fire Company	5	12
3. Bonneauville Fire Co.	4	11
4. Gettysburg Fire Co.	5	10

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

**Correspondence**

- Letter dated March 19, 2015 from York Materials Group re: Tipping Fees
- Letter dated March 24, 2015 from Advantage Engineers re: proposed monopole facility (cell tower) near Lake Heritage
- Letter dated March 30, 2015 from ISO re: Public Protection Classification
- Letter dated March 31, 2015 from Adams County Conservation District re: Compliance Notice
- Letter dated April 2, 2015 from Wellspan Health re: ALS Service
- Letter dated April 2, 2015 from Commonwealth Code Inspection Service re: administration of the UCC
- Letter dated April 6, 2015 from Adams County Conservation District re: Olswski tract technical deficiency letter
- Letter from DEP enclosing copies of the department’s enforcement actions (Administrative Revocation Order and Consent Assessment of Civil Penalty) Mr. Gormont read sections of both the Administrative Supervisors’ Regular Meeting, April 16, 2015

Revocation Order and Consent Assessment of Civil Penalty which related directly to the Township. Reading from under the Title Unlawful Disposal...“ Herrick submitted annual reports for the years 2011 and 2012 representing that he did not land apply biosolids at the School Road site. Herrick did not submit an annual report for the year 2013. At all times relevant, Herrick continued to operate his septage business under the name of Herrick Septic and Excavating. Herrick Septic and Excavating is a fictitious name registered with the Pennsylvania Department of State. Herrick represents himself as the owner/operator of Herrick Septic and Excavating. Department of State registration identifies the owner as Laurel A. Catchings, an adult individual with a mailing address of 1685 White Hall Road, Littlestown, Pennsylvania 17340. On April 4, 2014, in response to a citizen complaint, the Department inspected Herrick’s business property at 3772 Baltimore Pike, Littlestown, Pennsylvania 17340. On that date, Department personnel observed septic waste on the ground under the septic truce, and along the tree line of the business property. Department personnel observed septic waste entering a drainage ditch that flows into the unnamed tributary of Littles Run, a waterway of the Commonwealth. On April 4, 2013 Department personnel asked Herrick about the missing 2013 annual report. Herrick stated that he did not land apply residential septage in 2013. He also stated that he did not pump much septage in 2013, and that the small amount of septage he pumped was transported for disposal at Penn Township Wastewater Treatment Plant (WWTP). The Department reviewed the septage records of Mount Joy Township, Adams County. The Department review documented that Herrick Septic and Excavating pumped approximately 61,450 gallons of septage from 51 septic tanks in Mount Joy Township from February 7, 2013 through December 20, 2013. In documents filed with Mount Joy Township, Herrick claimed in 49 of the documents, that he had disposed of the septage at the Penn Township WWTP. The Department reviewed the Penn WWTP records. Penn WWTP did not have any records of receiving Herrick’s residential septage from Mount Joy Township or from any located in Adams County in 2013. On May 2, 2014, the Department sent Herrick a letter, requesting an explanation for the Mount Joy Township records. In response, Herrick submitted a 2013 land application recordkeeping and reporting form, residential septage lime stabilization logs and biosolids daily operational records. Herrick represented to the Department that he had collected a total of 120,850 gallons of septage from Mount Joy Township and other Adams County municipalities, and that the septage was treated and applied to the School Road site under permit PAG-09-3551. The records he submitted to the Department include a certification statement and signature of the permit holder. Sean Herrick signed the records. Department personnel contacted Herrick about the discrepancies in the records. Herrick admitted to the Department that he had submitted false information to Mount Joy Township. He admitted that he had discharged all of the septage into a manure pit located at 1267 Littlestown Road, Union Township Adams County, Pennsylvania. Herrick admitted that he personally discharged the septage into the manure pit at the Littlestown Road site. Herrick admitted that normally at the end of the work day, an employee working under Herrick’s direction and control would park the septic truck at the Herrick business office and leave work for the day. After the employee left, Herrick would drive the septic truck to the Littlestown Road site and dump the septage into the manure pit. Herrick also admitted that on several occasions in 2013, he personally “directed his employee to transport the septage to the Littlestown Road site and discharge the septage into the manure pit.” Ms. Smith stated that what Mr. Gormont read were the findings of the Department for purposes of the Consent Assessment for which civil penalties were assessed. The findings are stated in the agreement and Herrick signed that he agrees that the findings, the ones that Mr. Gormont just read, are true and correct and he has agreed never to challenge them. Ms. Smith said what we know from this is that Herrick misrepresented where he was disposing of waste on the forms submitted to the Township. That he disposed of waste in an improper manner. The Board agreed that further discussion needs to take place regarding placing Herrick on the Approved Haulers List. .

- Letter dated April 14, 2015 from Arthur Linck re: zoning issues for property located at 1885 Baltimore Pike. The Board acknowledge receipt of the letter. Ms. Smith said that according to the letter, these questions have been asked and answered several times. It is not a matter before the Board, the Board is not the administrator of the Zoning Ordinance. The Zoning Officer is the individual who administrators the Zoning Ordinance. In this case, the file remains with the Interim Zoning Officer by the Boards decision and the Interim

Zoning Officer could not respond since it has already been responded to. He could attached the prior response to a letter but it is not properly before the Board to respond to.

**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): No Report
- Public Safety (G. Clark): No Report

**Business:**

- Acknowledge Barlow Fire Co. first quarter profit & loss statement: The Board acknowledged receipt of Barlow’s first quarter profit & loss statement.

- Acknowledge Gettysburg Fire Co. first quarter profit & loss statement: The Board acknowledged receipt of Barlow’s first quarter profit & loss statement.

- Executive Session and Public Meeting dates: Mr. Gormont stated that an executive session is scheduled for Friday April 17, 2015 at 4:00 p.m. and a public meeting is scheduled for Monday April 27, 2015 regarding the Links/Fryer Conditional Use Applications.

- Ramsburg - Holding Tank Agreement: Mr. Gormont read information received from Mr. Lees, the Township SEO where there was language that there will be a unisex bathroom and a small kitchen area within the building. Mr. Vranich stated that his understanding was that it was approved as a small retail establishment, not a restaurant. Mr. Vranich feels that the appropriate language would be a sink and wash area. Ms. Smith said the record should show there was a reference to a “kitchen area” which is of some concern. Mr. Bowman moved, seconded by Mr. Updyke, to authorize the Chairman of the Board to sign the holding tank agreement. Motion carried unanimously.

- Zoning Ordinance Amendment – set date for public hearing: Mr. Clark moved, seconded by Mr. Trostle to set the public hearing date for Thursday, May 7, 2015 at 7:05 p.m. Motion carried unanimously.

- Zoning Ordinance – draft sign ordinance discussion: Ms. Smith said that this document reflects compatibilities between what was originally proposed and what PennDOT sign regulations are. PennDOT’s regulations apply to US 15 which is considered part of the Interstate System and to Rte. 97 which is considered part of the Primary Road System. PennDOT’s regulations for signage clearly say that it applies to those categories of roads. Rte. 134 is not classified by the state in either of those categories. Mr. Gormont questioned if anyone had any additional comments. There were no comments. Mr. Gormont stated that this will be forwarded to the Planning Commission for their next meeting.

**Executive Session:** None.

**Adjournment:** With no further business to be discussed by the Board, Mr. Updyke moved, seconded by Mr. Trostle, to adjourn the meeting. Motion carried unanimously. Meeting adjourned 8:42 p.m.

Respectfully Submitted,

Sheri L. Moyer  
Secretary