

**Mount Joy Township Supervisors’  
Supervisors’ Regular Meeting & Public Hearing Meeting  
April 16, 2020**

**Meeting Minutes**

**Present:** John Gormont, Chairman; David Updyke, Vice-Chairman; Bernie Mazer; Jeffrey Patterson; Terry Scholle

Also Present: Susan Smith, Solicitor; Melissa Zirkle, Assistant Treasurer; Shannon Hare, Zoning Officer and Code Enforcement Officer

**Absent:** Sheri Moyer, Secretary; Erik Vranich, Township Engineer,

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 HEARING**

**Call to Order:** Public Hearing Meeting, duly advertised, opened at 7:40 p.m.  
Chairman, John Gormont presiding.

The purpose of the meeting is to receive public comment on a proposed ordinance for certain tax filing, tax payment and interest and penalties relief for real estate, earned income and per capita taxes in response to the Covid-19 pandemic.

**Public Comment:** There were no verbal, email or written comments.

With no further public comments, Mr. Gormont closed the public hearing.

Mr. Updyke moved, seconded by Mr. Scholle, to close the public hearing. Motion carried unanimously.

**Closed Public Hearing:** 7:09 p.m.

Supervisors' meeting reconvened at 7:10 p.m.

Mr. Updyke moved, seconded by Mr. Patterson, to adopt ordinance No 2 of 2020 enacting the tax relief and extension to July 16, 2020. Motion carried unanimously.

**Public Comments:** Nathan Wolf – regarding whether the Board would be addressing the future Brookview meetings as an agenda item?

**Approval of Minutes:**

- Supervisors’ Regular Meeting Minutes, March 19, 2020: Mr. Mazer moved, seconded by Mr. Updyke, to approve Minutes as presented. Motion carried unanimously.
- Supervisors’ Workshop Meeting Minutes, April 2, 2020: No Meeting.

**Solicitor’s Report:** Mr. Patterson moved, seconded by Mr. Scholle, to accept the April Solicitor’s report. Motion carried unanimously.

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

**Treasurer’s Reports:**

- Approval of Monthly Finance Report. Mr. Updyke moved, seconded by Mr. Mazer, to accept the monthly financial report. Motion carried unanimously.
- Approval of Bills Paid Report. Mr. Patterson moved, seconded by Mr. Mazer, to accept the bills paid report. Motion carried unanimously.

**Police Report:** Mr. Gormont reported there was a total of 128 calls for the month of March, four (4) criminal, eighteen (18) traffic (either an accident or traffic stop), one hundred one (101) service/general calls and five (5) calls where no response was required. Mr. Updyke moved, seconded by Mr. Patterson to accept the Police report. Motion carried unanimously.

**Road Report:** Mr. Updyke moved, seconded by Mr. Scholle, to accept the road report. Motion carried unanimously.

**Planning Commission Report:** None

**Subdivision and Land Dev.:** None

**Engineering Report:** Mr. Mazer moved, seconded by Mr. Scholle, to accept the Engineer’s report. Motion carried unanimously.

**Zoning & Code Enforcement Officer’s Report:** Mr. Updyke moved, seconded by Mr. Patterson, to accept the Zoning & Code Enforcement Officer’s report for March. Motion carried unanimously.

**Land and Sea Services, LLC, Building Inspections:** Mr. Updyke moved, seconded by Mr. Patterson, to accept Land and Sea’s building report. Motion carried unanimously.

**Open Records Officer Report:**

- Van Valencia with Construction Connect requesting bids results/tabulation for seal coat project - granted.

**Fire Company Reports:**

|                                  | <b>MJT Calls per month</b> | <b>YTD Calls in MJT</b> |
|----------------------------------|----------------------------|-------------------------|
| 1. Alpha Fire Company            | 3                          | 5                       |
| 2. Barlow Fire Company           | 5                          | 9                       |
| 3. Gettysburg Fire Co.           | 2                          | 5                       |
| 4. United Hook & Ladder No. 33-3 | 2                          | 3                       |

- 2020 First Quarter Financials for Gettysburg and Alpha: Mr. Updyke moved, seconded by Mr. Scholle, to accept the first quarter financials for both the Gettysburg and Alpha fire companies and, along with that, the disbursement of funds. Motion carried unanimously.

**Correspondence:**

- Letter dated March 19, 2020 from Wm. F. Hill & Assoc., Inc, on behalf of White Run Regional Municipal Authority, submitting two copies of the Annual Operational Report for 2019.
- Letter dated March 30, 2020 from PaDEP regarding remedial Action Completion Report Disapproval, Storage Tank System Release for Sunoco at 1910 Baltimore Pike.
- Letter dated April 1, 2020 from Pa Emergency Management Agency acknowledging appointment of Kim Birkhead as Mt. Joy Township Emergency Management Coordinator.
- Letter dated April 6, 2020 from Jeremy D. Frey at Barley Snyder granting an extension of the 45-day public hearing interval through April for continued Brookview Solar I, LLC's Conditional Use public hearing.
- Letter dated April 9, 2020 from Commonwealth of Pennsylvania Office of the Governor Harrisburg appointing Kim Kirckhead as the Emergency Management Coordinator for Mount Joy Township.

**Committee Reports:**

- Personnel: (Patterson and Updyke) Mr. Patterson said there was someone interested in the road crew job, who went back to their workplace and was offered him more money, so he is declined the position. There was another person interviewed. He contacted Mr. Patterson today. Thanking them for their time but he is no longer interested.
- Finance: (Gormont and Updyke) No report.
- Roads: (Gormont) No report.

**Business:**

- Reaffirm that the appointments of Shannon Hare as Secretary and Open Records Officer and John Gormont as Roadmaster will begin after the dates of resignation and retirement of current appointees: Mr. Updyke moved, seconded by Mr. Patterson to reaffirm that the appointments of Shannon Hare as Secretary and Open Records Officer and John Gormont as Roadmaster. Motion carried unanimously. Mr. Gormont abstained.
- Reaffirm John Gormont's salary at \$400/week set by the Board of Auditors and Shane Wise's raise to \$19.00/hr.: Mr. Mazer moved, seconded by Mr. Patterson to reaffirm the salary for John Gormont of \$400.00/week as set by the Board of Auditors and Shane Wise's raise to \$19.00/hr. Motion carried unanimously. Mr. Gormont abstained.

- Reaffirm poll authorizing John Gormont to sign Declaration of Disaster Emergency: Mr. Gormont moved, seconded by Mr. Patterson, to reaffirm poll authorizing John Gormont to sign the Declaration of Disaster Emergency. Motion carried unanimously. The Declaration was signed on April 2, 2020 and it was posted on both the website and door. Mr. Gormont stated the Declaration is in effect until it is rescinded.
- Reaffirm poll authorizing draft of Tax Relief Ordinance and setting April 16<sup>th</sup> as date of public hearing: Mr. Gormont moved, seconded by Mr. Scholle, to reaffirm poll authorizing draft of Tax Relief Ordinance and setting April 16<sup>th</sup> as date of public hearing. Motion carried unanimously.
- 2020 Municipal Box Alarm Card Review Form for Gettysburg Fire Company: Mr. Gormont read and explained the call box cards and said it requires three signatures. Mr. Scholle moved, seconded by Mr. Updyke, to approve the call box changes from Gettysburg Fire Company. Motion carried unanimously.
- Brookview Conditional Use-setting dates for future public hearings: Ms. Smith said the MPC required that public hearings be held every 45 days. Brookview gave an extension of time through April. Both Brookview and Attorney Wolf both are interested in continuing the public hearings. Ms. Smith has requested some dates for consideration; May 13<sup>th</sup> and 20<sup>th</sup> (both Wednesdays) also available should the Board consider Saturdays, May 9<sup>th</sup>, 16<sup>th</sup>, 23<sup>rd</sup> and 30<sup>th</sup>. For June the dates available for public hearing are Wednesday, June 17<sup>th</sup> and Saturday, June 27<sup>th</sup>. In July the dates available are Wednesday, July 8<sup>th</sup>, Thursday, July 9<sup>th</sup>, Wednesday, July 22<sup>nd</sup>, Thursday, July 23<sup>rd</sup>, Monday, July 27<sup>th</sup>, Tuesday, July 28<sup>th</sup> and Saturday, July 25<sup>th</sup>. The Board will have to decide how to handle the hearings. They can be a combination of live, in-person with remote participation but must comply with whatever mitigation measures are in play. Currently, the mitigation measures are no more than 10 people in a room and 6 feet apart. The Board will need to have a fully capable room available to hear all the witnesses, see written testimony and any power point or other type of presentations. The attorneys should also be present to assess the response of the board, to hear the testimony live, and to present their questions (live) to a witness. Represented parties have the benefit of their counsel. There are 18 unrepresented parties that will need to be able to hear and question the witnesses. The general public will want to hear and observe but do not offer comment to the proceeding at this time. At the end of the proceedings they will need to have an opportunity to give public comment. Now that there are dates presented to the Board they can proceed in how these hearings will be conducted.

Nathan Wolf stated one of the things the board should consider is that there is a bill in the senate getting presented to the Governor that specifically deals with time extensions for land development, deemed decisions, etc. and extending those until 30 days after the emergency. Obviously unless there is something in place to have real-time to hear and see what is going on in the proceedings, he would rather have the Board look toward dates that are further out. Mr. Wolfe stated he would like to have a clean hearing and decision that would not be appealed.

Ms. Smith said the bill has not been passed at this time, so the Board will need to proceed with scheduling dates once they can look into how/where to conduct the hearing. The Board said they would like to currently set May 20<sup>th</sup>, June 17<sup>th</sup>, July 8<sup>th</sup> and July 22<sup>nd</sup> as dates for the hearings contingent upon having a facility and the manner in which it will be conducted.

Ms. Smith said Brookview also is requesting the extending the time of the hearings. Possibly 6:00 p.m. (or earlier) to 10:00 p.m.

- Cynthia Keller FRPP Easement Monitoring: Mr. Gormont said that there is a property on Low Dutch Road that is preserved and is inspected by the Federal Government every 5 years and the Township is required to inspect it every year. Ms. Smith said for other inspections of farms for clean and green we have traditionally utilize a member of the board and someone from the staff. The Board appointed Mr. Updyke and Ms. Hare to conduct the inspections. Mr. Patterson moved, seconded by Mr. Scholle, that Mr. Updyke, Supervisor, and Ms. Hare conduct the FRPP easement monitoring at the Keller residence. Motion carried unanimously.
- Joint UCC Board of Appeals – Request from Solicitor Campbell: Ms. Smith stated back in 2004 a number of municipalities in Adams County determined to form a joint UCC Board of Appeals to avoid each municipality having a UCC Board. It is a technical board so the members have to have construction experience. She indicated that currently they are looking for members to serve on the board, and to set expenses and fees. The Executive Committee is to set the fees and to make sure the appeal board has the appropriate number of members. She said Attorney Campbell is requesting an individual from each municipality to participate in a meeting in the next 30 days. Mr. Gormont, after reading both letters from Attorney Campbell, sent an email to an individual to see if they would be willing to be the representative for the municipality. He said he would like to have Susan Smith represent the Township. Mr. Gormont moved, seconded by Mr. Patterson, to authorize Ms. Smith represent the Township in that meeting. Motion carried unanimously.

Ms. Smith said the other issue is the original written agreement set out procedures including having the application for appeal or extension of time go to the BCO and then it is the BCO's responsibility to pass it on to the municipality. Then there is an arrangement, provided in the agreement, which is to have someone contact the Board of Appeals members informing them of the appeal hearing. There was a municipal solicitor for many years who served as the administrative person for the entire Executive Committee and for all of the participating municipalities. He was the individual who met with the board members, made the arrangements for the location of the meeting, stenographer and also maintained the books. This individual is stepping down, so they are looking for someone to serve in that capacity. Ms. Smith said her feeling is that the municipality should be the entity who is setting up these hearings, or not, should the applicant state it can be handled completely in writing. If the Board agrees, she will discuss these issues during the meeting.

- Floodplain Management Ordinance-continued discussion of draft ordinance: Ms. Smith walked through the document speaking on the highlighted areas that have been approved by the legal representatives from FEMA. Ms. Smith said she wrote to the reviewer expressing her concerns regarding the third-party reviewer and directed her to the Second Class Township rules regarding a third party. She is requesting legal authority over this and if she does not get any response, she will contact DCED. She reviewed the other revisions that were highlighted.

#### **Other Business (not on agenda):**

- UCC Inspections during COVID-19: Ms. Smith said that the BCO is processing building permits and plan reviews which can be completed in his office. He is requesting, during this time, that they do no further inspections with two exceptions; (1) inspections for projects that are

complete and just need a final inspection and; (2) inspections for property damaged by fire, down trees, etc. Mr. Mazer moved, seconded by Mr. Patterson, for Land and Sea to continue the review process, but on-site inspections are only related to final inspections or structural damage. Motion carried unanimously. Ms. Smith will relay this to Land and Sea and also suggested that it be posted on the website.

- Identify how the public is connected for tonight's meeting: Ms. Smith said "for the record" the Board should identify how the public is connected to the meeting. Mr. Gormont stated that they are utilizing Smart Meeting software. Mr. Gormont thanked those individuals who attended remotely and thanked the board members and staff that are present. Ms. Smith said "for the record" the meeting is part live and also visual and individuals were able to participate via audio.

**Executive Session:** None.

**Adjournment:** With no further business to be discussed by the Board, Mr. Scholle moved, seconded by Mr. Updyke, to adjourn the meeting. Motion carried unanimously. Meeting adjourned 8:28 p.m.

Respectfully Submitted (*upon review of the meeting tape*),

Sheri L. Moyer  
Secretary