

**MOUNT JOY TOWNSHIP SUPERVISORS
MINUTES
APRIL 21, 2022 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; Dr. Judy Morley; Todd McCauslin, Christine Demas

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

Announcement: There was an executive session on April 7, 2022 from 9:14pm-9:40pm on Brookview litigation. There was an executive session on April 13, 2022 from 9:10pm-10:22pm on threatened litigation.

Chairman/Vice-Chairman Comments: Chairman Mazer announced that the Board is attempting to streamline the meetings. Chairman Mazer explained the Resolution Supporting the Pennsylvania Commission for the United States Semi quincentennial that is to be acted on later in the meeting.

Vice-Chairman Comments: Vice-Chairman Scholle announced that Met-Ed would have a helicopter checking transmission lines; Adams County is having a tire collection; and PennDOT would be doing work on Hickory Rd on April 25th & 26th and on Baltimore Pike April 25th-April 29th.

Public Comment.

Tom Newhart 720 Plunkert Rd-Support Board of Supervisors
Steve Yerger 175 Bulk Plant Rd- Support Board of Supervisors; MPC 603
Sandy Yerger 175 Bulk Plant Rd.-Planning Commission nominations
Omar Hottenstein 220 Spangler School Rd-Solar plans
Barbara Steele 456 Mud College Rd-Stormwater management & NextEra plan (written comment)
Ann DeGeorge 400 Miller Rd-Stormwater Management (written comment)

Approval of Minutes

Supervisor Scholle moved, seconded by Supervisor Morley to approve by omnibus motion the meeting minutes for March 17 2022, April 7, 2022 and April 13, 2022. Motion carried, unanimously.

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

Engineer's Report. Engineer Vranich presented his report. Supervisor Morley moved, seconded by Supervisor McCauslin to accept the Engineer's Report for March 2022. Motion carried, unanimously.

Roadmaster's Report. Supervisor Morley moved, seconded by Supervisor McCauslin to accept the Roadmaster's written report for March 2022. Motion carried, unanimously.

Treasurer, Police, Zoning Officer and Code Enforcement Officer, Planning Commission, Land & Sea, Open Records Office, Fire Companies Reports

Supervisor Scholle moved, seconded by Supervisor McCauslin to accept by omnibus motions the March Treasurer, Zoning & Code Enforcement, Planning Commission, Land and Sea, Open Records Officer and Fire reports. Motion carried, unanimously.

Supervisor Morley moved, seconded by Supervisor Scholle to accept the first quarter final reports for Alpha, Barlow, Gettysburg and United Hook & Ladder and disburse the funds. Motion carried, unanimously.

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 Vranich said that revised plans for Wade Run were submitted but have not yet been reviewed by himself and the Zoning Officer. Therefore, the applicant requested a 90-day extension (third request) which would extend the action deadline to August 10, 2022. Supervisor Morley moved, seconded by Supervisor McCauslin to grant the 90-day extension to August 10, 2022. Motion carried, unanimously.
- Brookview Solar I, LLC-Solar Project Preliminary Land Development Plan. Township Engineer Vranich said that revised plans for Brookview were submitted but have not yet been reviewed by himself and the Zoning Officer. Therefore, the applicant requested a 90-day extension (second request) which would extend the action deadline to July 28, 2022. Attorney Minnich brought up the recusal of two of the Board members. He asked that Brookview be treated fairly and the same as other applicants like the Links. He mentioned Section 1983 litigation and discovery which would allow parties to find out things that happened. Supervisor Demas moved, seconded by Supervisor Scholle to grant the 90-day extension to July 28, 2022. Motion carried, unanimously.

Committee Reports

- Personnel: (Mazer and Morley). No report
- Finance: (Scholle and Demas) Supervisor Demas said that she created templates to use to determine the Township's 5-year plan. It would also help to gather ideas for the ARPA funds.
- American Rescue Plan Act: (McCauslin). Supervisor McCauslin reported on ARPA, saying that he recommends that the Township take the standard allowance.

Business

- Reaffirm email poll authorizing Chairman on behalf of Board to sign the holding tank agreement for 2430 Baltimore Pike. Supervisor Morley moved, seconded by Supervisor Scholle to reaffirm the email poll authorizing the Chairman to sign the holding tank agreement for 2430 Baltimore Pike on behalf of the Board. Motion carried, unanimously.
- Appointment of Gil Clark to the Zoning Hearing Board. Chairman Mazer stated that Mr. Clark was a former Supervisor devoted to a lot of civil and charitable activities. He has a strong legal background. Supervisor Scholle moved, seconded by Supervisor McCauslin to appoint Gil Clark to the Zoning Hearing Board. Motion carried, unanimously. Mr. Clark will fill the unexpired term of a resigned Zoning Hearing Board. Mr. Clark's term will expire December 31, 2023.

- Appointment of Christopher Burne to the Planning Commission. Chairman Mazer stated that Mr. Burne was retired 3-star general from Air Force devoted to public service including mentoring young lawyers. Supervisor Morley moved, seconded by Supervisor Scholle to appoint Christopher Burne to the Planning Commission. Motion carried, unanimously. Mr. Burne will fill the unexpired term of a resigned commissioner. Mr. Burne's term will expire December 31, 2023.
- Resolution authorizing the Board Chairman to execute holding tank agreements without prior formal approval of the Board of Supervisors. Solicitor Smith explained that this would streamline the agreement process. The Chairman would sign the agreement after the Sewage Enforcement Officer makes the determination to approve the holding tank. The agreement provides for maintenance of the holding tank. Executed agreements are reported back to the Board at the next meeting following the signing. Supervisor Demas asked why these would not be seen by all, stating that the last one was done by poll in a day. Supervisor Morley said that she would not want the applicant to have to wait another month. Solicitor Smith explained that the poll vote/ratification process should be limited to time-exigent circumstances. Supervisor Morley moved, seconded by Supervisor Scholle to adopt the Resolution. Motion carried, unanimously. Resolution 11 of 2022.
- Resolution Supporting the Pennsylvania Commission for the United States Semi quinentennial. Chairman Mazer said that the 250-year anniversary of the founding of Pennsylvania is coming up soon and that this resolution supports the semi quinentennial. Supervisor Demas moved, seconded by Supervisor McCauslin to approve the Resolution. Motion carried, unanimously. Resolution 12 of 2022.
- Sale of Trailer on Municibid. Supervisor Scholle explained that the trailer that was purchased for the road crew is too big and does not meet their needs. It was listed on municibid with a reserve of \$17,150.00, the purchase price. The high bid fell short of the reserve price by \$150. Ms. Hare explained that one bidder Robert Bolea contacted the Township and said that they would be willing to pay the reserve price. She also asked the Board to okay selling the hitch that was purchased to use with the trailer if offered the price of the hitch of \$ 558.95. Supervisor Morley moved, seconded by Supervisor McCauslin to sell the trailer for the purchase price of \$17,150.00 to Robert Bolea and to sell the hitch for \$558.95. Motion carried, unanimously.
- Biological Solution to clean headstones. Chairman Mazer wants to buy enough of the biological solution to clean the headstones at the Pine Bank Cemetery. He said that the historic committee and/or the JROTC could use the solution to clean the headstones. Supervisor McCauslin moved, seconded by Supervisor Morley to purchase enough of the solution to clean the headstones at the Pine Bank Cemetery. Motion carried, unanimously.
- Shredder Event. Chairman Mazer would like to entertain the idea of renting a shredder to provide a shredding event to the Township. This would take place one day for a few hours. The residents would bring their documents to be shredded to the Township. The staff would help unload vehicles and get the documents to the shredder. Residents are asked to indicate their interest to the Township. The Board will follow up with this after they get a feel for interest. Supervisor Morley moved, seconded by Supervisor Scholle to find out more information including cost, date, and resident interest. Motion carried, unanimously.
- Request for Waiver from requirements of Section 86-22.E(2) for 341 Schwartz Rd. Section 86-22.E(2) prohibits flag lots or panhandle lots or unless no other reasonable method of providing access is available. There must be a minimum frontage of 50 feet. No shared driveway is permitted.

Township Engineer Vranich explained that this amendment was made recently to the SALDO to address the prior prohibition of flag lots. Solicitor Smith explained that the Board was being asked to exercise their authority to give relief from the SALDO requirement and must state reasons for grant of such waiver. Stacy Ridinger explained the waiver is for the flag lot so that the lot can be subdivided for the two related families to live side by side on property that has been in the family for generations and who intend to provide housing and share care for the elder parents. Township Engineer Vranich explained that they are seeking waivers from the minimum frontage requirement and the prohibition on a shared driveway. Solicitor Smith noted that the property is a nonconforming lot because it does not have the required lot frontage. The Board decided to grant the waiver with the justification that the lot is already a nonconforming lot and in consideration of the historic family ownership of the lot and with the intent to keep the lot in the family and to provide housing for elder members of the family. Supervisor Morley moved, seconded by Supervisor Scholle to grant the waiver to allow the shared driveway and the waiver from the flag lot minimum frontage requirement provided they agree to a shared driveway maintenance agreement and agree there will be no further subdivision of the lot after the one proposed. Motion carried, unanimously.

- Transportation Impact Study (TIS) Determination and Scoping Meeting for Green Pallet, LLC. Township Engineer Vranich explained the Traffic Impact Study is needed in order for Green Pallet to obtain a PennDOT Highway Occupancy Permit (HOP). The question is whether the Board wants to be a party to the scoping meeting. Mr. Vranich and the traffic engineer would be present, and Mr. Vranich would send the application to the traffic engineer for review comment. Solicitor Smith explained that Township participation in the proceedings before PennDOT provides the Township with information and input into the determination of the intersections to be studied and, if found to be deficient, improved. Township Engineer Vranich noted that while PennDOT can require road improvements off site, the Township can only require improvements along the property frontage. Supervisor Morley moved, seconded by Supervisor McCauslin to authorize the Township Engineer and Traffic Engineer to participate in the scoping meeting and to request that the Barlow-Two Taverns/Two Taverns/Hoffman Roads intersections and the Speelman Klingler Road intersection be included in the scope of study. Motion carried, unanimously.
- Transportation Impact Study (TIS) for Wade Run. (Added to the agenda as an emergency matter under Act 65 due to timing). The Township Engineer reported that the Township received notice of the Wade Run project PennDOT HOP submission. There are around 1500 projected trips per day. The Township Traffic Engineer had already reviewed the conditional use traffic study. Supervisor Morley moved, seconded by Supervisor Scholle to amend the agenda because of timing concerns to include the Wade Run HOP application. Motion carried, unanimously. Supervisor Demas moved, seconded by Supervisor Morley to authorize the Township Traffic Engineer to review the submitted HOP for Wade Run. Motion carried, unanimously.
- Application of Aqua Pennsylvania. Solicitor Smith explained that that application was to obtain a certificate of public convenience from the PUC to provide water services to the Fryer Tract. The Board previously provided a letter of support which was made part of the application. The question is whether or not the Township wants to participate in the application process. There is some discrepancy in the application with the property description and with the demand described in the planning module Supervisor Scholle moved, seconded by Supervisor Demas to enter into the PUC application proceedings. Motion carried, unanimously.
- Historic Preservation Task Force. Supervisor Demas reported that she and Supervisor Morley met with Mary Tate on how to preserve land and economic growth. They invited Mary Tate to the June Board of Supervisors meeting.

- **ARPA Allocation.** Supervisor McCauslin recommended the standard allowance. He said that the Township has two years to spend the money. Solicitor Smith explained recent Department of Treasury guidelines allowing a municipality that did not experience a tax loss to select the tax loss eligibility category and the standard allowance. She also explained Treasury's April 15 response to the Assistant Treasurer Zirkle's inquiry indicating that the selection of the standard allowance was a one-time option that needed to be selected in the April 2022 report. She noted that Assistant Treasurer Zirkle was prepared to make the appropriate report submission. Supervisor Morley moved, seconded by Supervisor Demas to take the standard allowance for the entire \$391,672.20 and to authorize Assistant Treasurer Zirkle to submit the report electing the standard allowance by the end of April 2022. Motion carried, unanimously.
- **Adjournment.** With no further business to be discussed by the Board, Supervisor Morley moved, seconded by Supervisor Scholle to adjourn the meeting. Motion carried unanimously. Meeting adjourned 9:07 p.m.

Respectfully submitted by,

Shannon M. Hare
Secretary