

JULY 15, 2004 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:00 p.m. in the Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA with Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Harold Kirschner, and Samuel Dayhoff; Solicitor Walton V. Davis; News Reporter Alex Gayhart and Scot Pitzer (*The Gettysburg Times*); Erin Negley (*The Evening Sun*); and Acting Secretary Robin Crushong.

Others in attendance were: Denise Shelleman, Nancy Brown, Andrew Kleeman, and Wendy Beauchat, Esquire, representing AMC Delancey Associates/Gettysburg Village Factory Stores; Elsie D. Morey; Eileen Holmes; John McAlister; Jim Wiltgen, representing the Planning Commission; and Stephen and Paula Spatz.

Chairman Waybright led everyone with the Pledge to the Flag.

Minutes:

Mr. Chantelau moved, seconded by Mr. Scott to approve the minutes of June 17, 2004 meeting as presented. Motion carried unanimously.

Public Comments:

1. Mr. Harold Beebe of 30 Long Road, wanted to inform the Supervisors of a situation across the street from the Township Municipal Building. The owner of this property, Jim Hurley, has about 30 vehicles sitting on the property that are not tagged. There is a mobile home on the property and he believes a person is living in it. He is not using the property as its intended purpose. The Supervisors will inform Jay Little, Zoning Officer, to contact Mr. Beebe concerning this issue.
2. Mr. Spatz of 75 Spring Creek Circle, expressed his concern about the noise that his neighbors and he are encountering from the Gettysburg Village Factory Stores. He stated that he contacted his Congressman and State Representative Stephen R. Maitland about the issue. He was told to contact the Supervisors, which he did. He sent two (2) e-mails to Mr. Chantelau, but did not get any response back. Mr. Chantelau acknowledged receiving the e-mail and informed Mr. Spatz that he was prepared to bring the matter up this evening to the other Supervisors. Mr. Chantelau apologized for not returning a response to Mr. Spatz earlier. Mr. Spatz requested that the Supervisors consider a sound barrier on Route 97 to accommodate for the noise. Mr. Spatz had contacted PennDOT and was informed that a sound barrier could cost about \$1,000,000.00 per mile. Mr. Spatz said that the sound barrier would only be needed for about 1/10th of a mile from the exit of White Road to the traffic lights on Route 97. A suggestion was made that the Township and the Gettysburg Village Factory Stores could work together on getting this matter resolved. Mr. Chantelau informed Mr. Spatz that PennDOT would not be putting a sound barrier on Route 97 and that there was no work scheduled to be done by PennDOT. Mr. Chantelau asked Mr. Spatz when he built his house. Mr. Spatz built his house August 2001, after the Gettysburg Village Factory Stores was built. There were only two (2) houses built after the Factory Stores was built. It was pointed out that all but two (2) of the property owners had input at the time of discussions of the Factory Stores. Mr. Spatz stated that now the proposed theater will add more noise.
3. Mr. Spatz also had a concern about Heritage Drive/White Drive being flooded every time it rains. Mr. Dayhoff informed him that there are engineering flaws and the Township is looking at different options.

Meeting Recessed:

Board Chairman Waybright recessed the meeting at this time in order to convene a Public Hearing, as publicly advertised, to accept comment with regard to proposed Ordinance No. 2004-03, Adding Regulations For Signage in the Specialized Village Shopping Center, Chapter 110-135(K); and amend Chapter 110-83(H) relative to square footage for a movie theater.

Public Hearing:

Board Chairman Waybright convened a Public Hearing at this time for the purpose of accepting comment, written or oral, from the public concerning the amendments for proposed Ordinance No. 2004-03, Adding Regulations For Signage in the Specialized Village Shopping Center, Chapter 110-135(K); and amends Chapter 110-83(H) relative to square footage for a movie theater. Mr. Waybright turned the Hearing over to Solicitor Davis. He asked Acting Secretary Crushong if the Proof of Publications were received on this advertisement. She indicated that both were received from *The Gettysburg Times* and *The Evening Sun*. Solicitor Davis introduced Wendy Beauchat as the Attorney representing AMC Delancey/Gettysburg Village Factory Stores (GVFS) and stated that they could answer any questions the public has.

Ms. Holmes questioned the size of the sign and suggested that it be explained in detail how high and wide the sign would be. Attorney Beauchat stated that it was GVFS's intent to comply with the Township Ordinance.

Mr. Jim Wiltgen of 987 Johnson Drive, feels the theatre would be a good idea and he has no objections to it.

Mr. Spatz of 75 Spring Creek Circle voiced his concern again about the noise and added that with the addition of a movie theatre there would be additional noise. He would like to see the Township and the GVFS work together and install a sound barrier beginning at the exit of White Road to approximately the traffic light which would be about 1/10th of a mile. He is concerned about the affect this would have on the resale value of the homes in this development.

Mr. Chantelau asked in accordance with Mark Lewis's e-mail (Township Engineer), how far away until the traffic sees the sign. Ms. Brown stated that this study was done and was presented at one of the previous workshops.

Adjournment of Pubic Hearing:

With no further comment or discussion, the Public Hearing adjourned at 7:25 p.m. this date.

Public Hearing:

Board Chairman Waybright convened a Public Hearing at this time for the Application for Modification of a Conditional Use Decision, dated May 6, 1998, addressing hours of operation and security at the Gettysburg Village Factory Stores. Mr. Waybright turned the Hearing over to Solicitor Davis. He asked Acting Secretary Crushong if the Proof of Publications were received on this advertisement. She responded that both were received from *The Gettysburg Times* and *The Evening Sun*.

Mr. Andrew Kleeman, Vice President of Asset Management for GVFS was sworn in by the Stenographer and Attorney Beauchat questioned him. Mr. Stephen Spatz was sworn in by the Stenographer and cross-

examined Mr. Kleeman. Ms. Nancy Brown, representative of Gettysburg Village Factory Stores, at 1863 Gettysburg Village Shopping Center was sworn in by the Stenographer and examined by Attorney Beauchat and cross-examined by Mr. Spatz.

Application was submitted by GVFS.

Mr. Stephen Spatz gave his testimony. No cross-examination.

Attorney Beauchat re-cross-examined Mr. Kleeman who was also re-cross-examined by Mr. Spatz.

Public comments were taken.

(See transcript for complete details of public hearing)

Adjournment of Public Hearing:

With no further comment or discussion, the Public Hearing adjourned at 8:24 p.m. this date.

Meeting Reconvened:

Mr. Waybright reconvened the Supervisors' Meeting at 8:24 p.m. this date with all in attendance as listed above.

Treasurer's Report:

Mr. Chantelau moved, seconded by Mr. Scott to approve the Treasurer's Report for June and part of July as presented. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Chantelau , to approve the bills to be paid for June and part of July as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

1. Beyland, Inc. (Harry Ramage, President): Proposed subdivision of Deer Chase Lot 22. Mr. Todd Grim representing Mr. Ramage was present. He informed the Supervisors that Chris Hoover, Engineer, was to be present to give an update of the status but was under the weather this evening and could not attend. Mr. Grim said that he has been in contact with DEP and the permits are coming. Everything is pushed as far as it can be pushed to get finished by the final extension of September 16, 2004. Mr. Ramage plans to have everything needed by next Supervisors' meeting, August 19, 2004.

Road Report:

Mr. Kirschner moved, seconded by Mr. Scott, to approve the Road Report as presented. Motion carried unanimously.

Zoning Officer's Report:

Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve the Zoning Officer's Report as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Kirschner to approve and sign the Junkyard Certificates for the period July 1, 2004 through June 20, 2005. Motion carried unanimously.

Building and Grounds Report:

Mr. Kirschner moved, seconded by Mr. Scott to approve the Building & Grounds Report as presented. Motion carried unanimously.

Correspondence:

Acting Secretary Crushong stated that there was no correspondence received.

Committee Reports:

Personnel:	Nothing to report.
Finance:	Nothing to report.
Planning, Land Use & Zoning:	Nothing to report.
Building & Grounds:	Nothing to report.
Roads:	Speed study data was received from HRG on Heritage Drive & White Church Road. This will be discussed later under "Other Business".
Public Safety:	Mr. Waybright met with representatives from Barlow Fire Company and reviewed some ways to improve the service. This was a good meeting. Some issues will be addressed later under "Other Business".
Agricultural Land Preservation:	Noted receiving the monthly report. Mr. Scott moved, seconded by Mr. Chantelau to approve the Agricultural Land Preservation Report as presented. Discussion: Mr. Dayhoff noted that a Land Use Planning Workshop is scheduled for Wednesday, July 21, 2004 at 7:00 p.m. at the Littlestown VFW. It is sponsored by the American Farmland Trust, Union Township and Littlestown Borough. All Supervisors are welcomed to attend. It was asked if the \$50,000.00 from the County for 2004 had been received yet. Mr. Dayhoff informed the Supervisors that it has not been requested yet because of some issues on the third farm that need to be worked out and how the money could be split between the third and fourth farms. With no further discussion, the motion carried unanimously.

Announcements:

No announcements.

Other Business:

Adoption of Ordinance No. 2004-03:

Mr. Chantelau moved, seconded by Mr. Scott to adopt Ordinance No. 2004-03, Adding Regulations For Signage in the Specialized Village Shopping Center, Chapter 110-135(K); and amend Chapter 110-83(H) relative to square footage for a movie theater. Discussion: Mr. Dayhoff questioned if there was a possibility of the theater being included into Phase I rather than Phase II. Mr. Kleeman responded that theoretically it could go into Phase I but it has been designed for Phase II. Mr. Chantelau questioned what the progress was on the modification of the sign ordinance with the 7-11 owners. Mr. Kleeman stated that they came to an agreement but not committed yet. There are no discrepancies and the matter concerning the size of the sign has been taken care of. He added that there would be no expansion in any direction. Mr. Waybright stated that he met with Barlow Fire Company and they have two (2) issues that they would appreciate being looked into. First, what is being done about the

sprinkler areas in each store as the interior changes? The alarm is going off but it is not known exactly which store it is coming from. Ms. Brown said that the sprinkler system is up to code and she does need to get an updated system report to the Fire Company. She will do this in the near future. Second, the emergency access poles behind the 7-11 store need to be kept clean of snow and ice in the winter time. Sometimes the poles are not accessible because they are frozen. A breakaway gate is required there and it is believed that these are not breakaway poles. Ms. Brown will look into this issue and get it addressed. With no further discussion, the motion carried unanimously.

Summary of Speed Study for Heritage Drive/White Church Road from HRG:

The engineering study of Heritage Drive was completed and HRG recommends a posting of 35 mph per Pub 201, Section 201.31. For White Church Road, the next step in evaluating the warrant for a multi-way stop would be to field survey the available sight distances and roadway grades.

Mr. Scott moved, seconded by Mr. Chantelau to direct Solicitor Davis to prepare an Ordinance changing the speed limit on Heritage Drive to 35 mph per HRG's report, but not until a report is received from HRG concerning the field survey on White Church Road in connection with the stop signs. Discussion: The Board would like to do one (1) Ordinance for the speed limit on Heritage Drive and the stop signs on White Church Road. HRG needs to be directed to do the field survey and then have Solicitor Davis prepare the Ordinance. With no further discussion, motion carried unanimously.

Mr. Dayhoff moved, seconded by Mr. Scott to request HRG to do the field survey needed on White Church Road. Motion carried unanimously.

Inspection of the Golden Menu Building:

Mr. Waybright moved, seconded by Mr. Dayhoff to authorize and direct HRG Inspector and Jay Little, Township Code Enforcement Officer, to make an inspection of the Golden Menu building located at 1885 Baltimore Pike, setting the date for July 20, 2004 at 10:00 a.m. for said inspection, and to instruct the Solicitor to send a notice of the inspection to the property owner. Discussion: This inspection is requested to determine if the building is safe or if it presents a danger and hazard for the community. With no further discussion, motion carried unanimously.

New Business:

Relative to a proposed Well Ordinance, a recommendation from the Planning Commission to instruct Gil Picarelli, S.E.O. to review the characteristics that would fit the Township's needs, and ask the Solicitor to research the possibility of lowering the acceptable limit for nitrates. Mr. Chantelau questioned why the Township would want to leave DEP's requirements and select something different. Mr. Jim Wiltgen of the Planning Commission was present and stated that it was the Planning Commission's feeling that the nitrate levels for Mount Joy Township are not average and we need more stringent requirements if possible. Mr. Chantelau asked if the Supervisors have the authority to make the levels lower than DEP. He also questioned what our justification is for the number requested? These questions may need to be answered by someone with more experience than Mr. Picarelli like a geologist. Solicitor Davis will look into whether the standards could be lowered by the Supervisors.

Executive Session:

Mr. Waybright called for an Executive Session at 9:12 p.m. this date.

Meeting Reconvened:

Mr. Waybright reconvened the Supervisors meeting at 9:30 p.m. this date with the following others in attendance: Supervisors Chantelau, Dayhoff, Scott and Kirschner; Solicitor Davis; Acting Secretary Crushong; News Reporter Erin Negley (*The Evening Sun*).

Mr. Davis reported that during Executive Session, they discussed a Notice of Dismissal in the Mount Joy Township v. Daniel Yingling case. No action was taken on this matter at this time.

Final Comments:

It was agreed among the Supervisors that no action would be taken at this time on the hours of operation at the GVFS. There would be a deliberation time or a workshop scheduled to discuss the options. It was discourage by Solicitor Davis to have a workshop. It would be better to have a deliberation session and this can be done after the transcript is received but before next Supervisors' meeting.

Mr. Kirschner announced that he attended the Adams County Transportation Planning Organization meeting and shared a pamphlet containing interesting information with the Supervisors.

Adjournment:

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the Supervisors' Meeting at 9:40 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Robin K. Crushong
Acting Secretary