

## **JUNE 18, 2009 SUPERVISORS' MEETING:**

The Mount Joy Township Board of Supervisors met this date, as publicly advertised, at 7:30 p.m. in the meeting room of the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA 17325 with Board Chairman James W. Waybright presiding. Others in attendance were: Supervisors William Chantelau, Samuel Dayhoff, George Scott; and Robert Rhodes; Walton V. Davis, Solicitor; David Crouse, Zoning Officer; Robin Crushong, Treasurer; and Secretary Brenda Constable.

Others in attendance were: News Reporter Tim Stonesifer (*Evening Sun*), Bob Conover; Steve Buenzow; Jerry Althoff, Tom Dunchack, and Audrey Weiland representing the Planning Commission; Dave Updyke; John Gormont; John Roman; Vic Laytri; Bill Huffman; Brad Trostle; David Jeffcoat; James R. Reichart; Lori & O.D. Hottenstein; Elizabeth Ibox; Galen Shelly; Jerry Maloney; Eileen Holmes; LynnAnne Sukeena; and Bill Arney.

Board Chairman Waybright led everyone with the Pledge to the Flag.

### **Minutes:**

Mr. Chantelau moved, seconded by Mr. Scott, to approve the May 21, 2009 minutes as presented. Motion carried unanimously.

### **Public Comment:**

*Public comment related to a questionnaire in the June Newsletter relative to participation in joint municipal bidding for waste collection.*

1. Tom Dunchack, Mud College Road: urged the Township to not participate in joint bidding.
2. Bob Conover, Barlow-Two Taverns Road: wants options for hauler; do not participate in joint bidding.
3. John Gormont, Schwartz Road: wants to choose; do not participate in joint bidding. Relative to Mr. Chantelau's PSATS report at the May meeting regarding option for County to impose a 1% sales tax - Mr. Chantelau clarified what he reported and clarified there would be no sales tax increase now. The law would need to be changed if the County wanted to change it. It is not mandated.
4. O.D. Hottenstein: should be able to choose hauler.

### **Persons Requesting Time:**

Brad Trostle works at New Oxford High School as a Drop Out Prevention Specialist. He gave a report and some statistics on drug and gang related issues in the County and in our communities and educated everyone on what to look for if it is suspected gang related activities going on in the Township.

### **Announcements:**

Ms. Constable announced the following:

- ASA Advisory Committee vacancy; meets as needed; no term limits. Mr. Jerry Maloney volunteered to fill this vacancy.
- Fireworks at The Links At Gettysburg on July 11.
- Citizen's Recreation Study Group meeting June 30, 2009 at 7:00 p.m. and is open to the public.

### **Agricultural Security Area Appointment:**

Mr. Scott moved, seconded by Mr. Chantelau, to appoint Jerry Maloney to fill the vacant position on the ASA Advisory Committee, effective this date. Motion carried unanimously.

### **Treasurer's Report:**

Mr. Chantelau moved, seconded by Mr. Scott, to approve the Treasurer's Report as presented. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Chantelau, to approve the bills to be paid as presented. Motion carried with Mr. Dayhoff abstaining.

### **Subdivision/Land Development Plans:**

1. Buenzow, Stephen & Janine: waiver request for a full land development plan for a 2,400 sq. ft. storage building at 1901 Highland Avenue Road. Mr. Buenzow was present to review this plan. Planning Commission recommends approval of waiver. After review of the plan, Mr. Dayhoff moved, seconded by Mr. Scott, to approve a waiver for a full land development plan. Motion carried unanimously.
2. Reichart, James and Jeffcoat, David: proposed 2-lot subdivision (lot addition) off Bowers Road. Reichart land to Jeffcoat land in Mount Pleasant Township. Mr. Jeffcoat's property is preserved in the County Land Preservation Program and this additional acreage will be donated to preservation and remain agricultural. Mount Pleasant Township approves of this proposal. Planning Commission recommends approval as a Preliminary/Final Plan and approval of a Request for Planning Waiver & Non-Building Declaration. After review of the plan, Mr. Dayhoff moved, seconded by Mr. Scott, to approve the subdivision plan as a Preliminary/Final Plan. Motion carried unanimously. Mr. Chantelau moved, seconded by Mr. Scott, to approve a Request for Planning Waiver & Non-Building Declaration. Motion carried unanimously.
3. Shelly, Galen: proposed 2-lot subdivision (conveyance) at 537 California Road. Mr. Shelly was present to review this plan. Planning Commission recommends approval as a Preliminary/Final plan contingent on satisfying County & KPI comments and approval of a Request for Planning Waiver & Non-Building Declaration. Audrey Weiland of the Planning Commission noted that County comments recommend a deed correction from the original subdivision in 2000 prior to approving this proposed subdivision. After review and discussion, Mr. Davis confirmed that a deed of correction is needed prior to action on this proposal. Mr. Shelly requested a 65-day extension on the plan. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the 65-day extension to allow Mr. Shelly to do a deed correction. Motion carried unanimously.

### **Road Report:**

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

Bid Opening – Seal Coat: Mr. Waybright announced a bid opening would be held at this time, as publicly advertised. The following bids were opened and read aloud for seal coat on various township roads:

VENDOR NAME 		Stewart & Tate, Inc. Includes 10% bid bond		Hammaker East Ltd. Includes 10% bid bond	
QTY Sq. Yd.	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
30,000	Single Bituminous Seal Coat	\$ .92	\$ 27,600	\$ .96	\$ 28,800
8,000	Single Bituminous Seal Coat	\$ .92	\$ 7,360	\$ .96	\$ 7,680
17,000	Single Bituminous Seal Coat	\$ .92	\$ 15,640	\$ .96	\$ 16,320
18,000	Single Bituminous Seal Coat	\$ .92	\$ 16,560	\$ .96	\$ 17,280
	<b>TOTAL</b>		<b>\$ 67,160</b>		<b>\$ 70,080</b>

Mr. Scott moved, seconded by Mr. Chantelau, to award the bid to Stewart & Tate, Inc. in the total bid amount of \$67,160. Motion carried unanimously.

Heritage Drive Project:

- a) Mr. Dayhoff requested approval of a staffing services agreement with Safe Zone Highway Solutions. After review by Mr. Davis, he had concerns with some of the language; it does not recognize 2<sup>nd</sup> Class Township Code. Mr. Scott moved, seconded by Mr. Chantelau, to approve the contract contingent upon changing it to satisfy the Township Solicitor and comply with the 2nd Class Township Code. Motion carried with Mr. Rhodes abstaining.
- b) With recommendation from Mr. Dayhoff, Road Superintendent, Mr. Chantelau moved, seconded by Mr. Scott, to approve the rental of a milling machine with Stephenson Equipment, with the cost to be split with Mount Pleasant Township. Motion carried unanimously.

PennDOT Sign Approval: With recommendation from Mr. Dayhoff, Mr. Chantelau moved, seconded by Mr. Scott, to send a letter to PennDOT requesting permission to place a “Watch Children” sign in the area of 295 Barlow-Two Taverns Road. Motion carried unanimously.

Hartlaub Sales Agreement Amendment: Relative to the privacy fence that is to be placed between the Mud College Schoolhouse and Francis Hartlaub properties, Mr. Hartlaub favors the option to place plantings along the fence rather than slats or boards. The plantings would be on the Township’s side of the fence. Mr. Scott moved, seconded by Mr. Rhodes, to approve and sign an Amendment to the Hartlaub Sales Agreement reflecting this change. Motion carried unanimously.

Zoning Report:

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

Junkyard Certificates: Mr. Scott moved, seconded by Mr. Chantelau, to approve 2009-2010 Junkyard Certificates for the following:

Frankie’s Used Cars (Frankie Hartlaub)	4110 Baltimore Pike
Sam Hartlaub	1475 Highland Avenue Road
Frankie’s Used Auto Parts (Frank Walls)	2665 Baltimore Pike

John McAlister III	2771 Baltimore Pike
John McAlister IV	3368 Baltimore Pike
Jeffrey Miller	691 Mud College Road
Moon's Auto (Richard Munshour)	1650 Baltimore Pike
Steve Zeigler	4002 Baltimore Pike
RS Used Auto Parts (Shane Decker)	2771 Baltimore Pike

Motion carried unanimously.

**Revised Land Use Permit Application:** Due to the new Pennsylvania Home Improvement Consumer Protection Act 132, which is effective July 1, 2009, all contractors who perform home improvements in PA for which the total cash value of the contractor's home improvements is \$5,000 or more per year must register with the State and shall include his/her registration number in all advertisements, contracts, estimates and proposals with consumers in the Commonwealth. With recommendation from Dave Crouse, Zoning Officer, Mr. Chantelau moved, seconded by Mr. Scott, to approve a revised Land Use Permit Application to include the contractor's PA registration number. Motion carried unanimously.

**Correspondence:**

Ms. Constable noted receiving the following correspondence:

- WRRMA May Minutes
- Commonwealth Court opinion regarding Stephen C. Alexander vs. Zoning Hearing Board
- Award of PennDOT Smart Transportation Grant application for \$30,000 for Rock Creek Corridor planning study.

Discussion was held on the Alexander court case. Mr. Davis noted that Mr. Alexander has now filed a Petition for Allocatur to the Supreme Court. Mr. Dayhoff moved, seconded by Mr. Scott, to authorize the Chairman to contact the Chairman of the Zoning Hearing Board and request that he contact the ZHB solicitor suggesting that he write a letter opposing the Petition. Motion carried unanimously.

**Committee Reports:**

Personnel:	Nothing to report.
Finance:	Nothing to report.
Planning, Land Use & Zoning:	Nothing to report.
Building & Grounds:	Nothing to report.
Roads:	Nothing to report.

Public Safety: Reported an RV fire on Route 97 and Speelman-Klingler Road, which fuel oil leaked and possibly ran into a nearby creek. EMC Mike Livelesberger was called and PEMA followed up with a visit to inspect the site. They found no contamination.

Council of Governments (COG): Mr. Chantelau noted the COG is ready to adopt its Ordinance forming the COG and its By-laws. Each municipality would share in the cost of the legal advertisement. Mr. Chantelau moved, seconded by Mr. Scott, to authorize Mount Joy Township to be included in the advertisement with the intent to adopt the Ordinance at the August 20, 2009 meeting. Motion carried unanimously.

Historical Committee: Supervisors noted receiving the monthly report.

**Agricultural Land Preservation:** did not meet this month.

**Recreation Board:**

Announced a Citizen's Recreation Study Group meeting on June 30, 2009 at 7:00 p.m. and is open to the public.

With recommendation from the Recreation Board, Mr. Dayhoff moved, seconded by Mr. Chantelau, to send recreation fees maturing in June and July in the amount of \$2,069.79 plus interest to Gettysburg and Littlestown Rec Departments. Discussion: Mr. Davis advised that both rec departments be instructed as to what the fees must be used for and also request proof from each as to what they spent the money on and when. Motion carried unanimously.

Relative to the amendment to the Hartlaub Sales Agreement (see Road Report), the Recreation Board recommended spending rec fees that mature in September and October for shrubbery. Mr. Chantelau moved, seconded by Mr. Scott, to approve using recreation fees in the amount of \$4,756.81 plus accrued interest that mature in September and October to purchase shrubbery for along the privacy fence on the Mud College Schoolhouse property. Motion carried unanimously.

Mr. Rhodes gave an update on the Peer-To-Peer Group activities, now known as the Gettysburg Area Recreation Study Committee.

**New Business:**

**Garbage Collection:** The summer issue of the Township Newsletter that was mailed out the beginning of June included a survey asking township residents if they preferred the Township to participate in joint municipal bidding with the County for waste collection. Discussion among the citizens and supervisors was held. Mr. Scott moved, seconded by Mr. Chantelau, to table action on notifying the County as to whether Mount Joy Township would participate or not, until next month allowing additional time for citizens to respond to the survey. Motion carried unanimously.

**On-Lot Sewage Disposal Systems (OLDS):** The summer Township Newsletter included an article about a proposed OLDS ordinance. This program would consider requiring landowners to have their septic tanks pumped every three years. Discussion was held among the Supervisors and citizens.

**Adjournment:**

Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the Supervisors' meeting at 9:55 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable  
Secretary