

**Mount Joy Township
Supervisors' Regular Meeting
May 21, 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: None.

Approval of Minutes:

- Supervisors' Regular Meeting Minutes, April 16, 2015. Mr. Bowman moved, seconded by Mr. Updyke to accept the minutes as presented. Motion carried unanimously.
- Public Hearing Meeting Minutes, April 27, 2015. Mr. Updyke moved, seconded by Mr. Bowman, to accept the minutes as presented. Motion carried unanimously.
- Supervisors' Workshop Meeting Minutes, May 7, 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. Trostle, 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. Trostle, 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. Bowman, to accept the report as presented. Motion carried unanimously.

Subdivision and Land Dev.:

- Arlene M. Justice – Minor Subdivision Plan and Non-Building Waiver: Mr. Vranich indicated that we have not received County comments so the Board cannot act on the plan tonight. He went on to explain that

this is a minor subdivision involving three lots located on Harney Road right on the Germany Township line. The subdivision is to square up the lot lines since the bridge was replaced to align the properties with the road. Arlene Justice owns two of the parcels. Mr. Mikesell owns one of the properties. Once the surveyor receives the County comments he will submit a revised plan for the Board to review. Since it is a minor subdivision plan we are under a time clock and do have to take action by May 30, 2015. Mr. Vranich spoke with the surveyor and verbally granted the Board of Supervisors an extension to extend the 30 days and will follow up with a written letter. Mr. Gormont stated that he believes the Township will be okay with accepting his verbal extension but that he will need to put it in writing. Mr. Bowman moved, seconded by Mr. Updyke, to except the 30 days extension pending written confirmation. Motion carried unanimously.

Mr. Vranich indicated that associated with the plan is a sewage facilities non-building waiver. Mr. Vranich indicated that because there are two owners there are two different waivers. One for Mr. Mikesell to Arlene Justice and one for Arlene Justice to Arlene Justice. Mr. Vranich stated the Sewage Enforcement Officer has approved and signed along with the Planning Commission. Mr. Clark moved, seconded by Mr. Trostle, to authorize the signatures to the two Sewage Planning Modules. Motion carried unanimously.

Neal D. Krichten – Minor Subdivision Plan and Non-Building Waiver: Mr. Vranich indicated this property is located south east of the Mikesell/Justice properties along Harney Road. Mr. Krichten owns a pie shaped piece of ground and also owns adjoining property. Mr. Krichten intends to take Lot 2 and add it to the pie shaped piece of ground to get it over the clean and green 10 acre requirements. This is simply moving the lot lines. Mr. Vranich indicated that they made a comment (No. 8) regarding a 50' driveway is a SALDO requirement that consideration should be given. The engineer made the comment that its only 20' long. Mr. Clark indicated that this is located in Germany Township why should Mt. Joy Township act on it? Ms. Smith indicated that since the lot will be a pan handle lot within the Township it must meet the Township SALDO requirements. Ms. Smith stated that what the Board could do would be to grant a modification from Mr. Vranich's comment No. 8. Mr. Clark moved, seconded by Mr. Trostle to grant a modification to No. 8 of the William F. Hill & Associates letter dated April 30, 2015. Motion carried unanimously.

Mr. Vranich indicated that before taking action on the plan the Board needs to authorize either the Chairman or Secretary's signature on the sewage planning module. Mr. Vranich indicated that the Sewage Enforcement Officer and Planning Commission have approved and signed the document. Mr. Clark moved, seconded by Mr. Trostle, to authorize the signature to the Sewage Planning Module. Motion carried unanimously.

Mr. Gormont stated that next we need a motion for approval of the plan with conditions as written in both the Zoning Officers letter, dated April 30, 2015, and the Engineer's letter, dated April 30, 2015, with the exception of conditional No. 8. Mr. Clark moved, seconded by Mr. Updyke, to approve the conditional approval of the plan per comments listed in the Zoning Officers letter, dated April 30, 2015, and the Engineer's letter, dated April 30, 2015, with the exception of conditional No. 8. Motion carried unanimously.

Ms. Hare will send a letter notifying the applicant of the approval with conditions. Ms. Smith indicated that she will need to draft the letter referencing and attaching the review letters.

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

Zoning & Code Enforcement Officer's Report: Mr. Updyke moved, seconded by Mr. Clark, to accept the report as presented. Motion carried unanimously.

Land and Sea Services, LLC, Building Inspections: Mr. Updyke moved, seconded by Mr. Clark, to accept the report as presented. Motion carried unanimously.

Open Records Officer Report:

- Niko K. Kranias – requesting the subdivision plan for 115 and 291 Roberts Road – Granted
- Attorney John Wolfe – requesting a Chapter 110 Zoning – Granted
- Arthur Linck – requesting a copy of Mr. Vranich’s response that Attorney Smith referenced at the May 7th meeting – Granted in part/Denied in part

Fire Company Reports:

	MJT Calls per month	YTD Calls in MJT
1. Alpha Fire Company	3	14
2. Barlow Fire Company	2	14
3. Bonneauville Fire Co.	2	13
4. Gettysburg Fire Co.	1	11

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

Correspondence:

- Letter dated April 20, 2015 from Adams County Office of Planning & Development regarding 2015 Community Development Block Grant Application Requirements
- Letter dated April 20, 2015 from Adams County Conservation District to R. Terry Green regarding Co-Permitted Acknowledgement
- Letter dated April 29, 2015 from the Federal Communication Commission regarding Section 106 filing for Shenandoah Mobile, LLC
- Letter dated April 20, 2015 from Adams County Conservation District to Robert Wormald regarding Co-Permitted Acknowledgement
- Letter dated May 1, 2015 from Adams County Conservation District to Tom Rumptz regarding NPDES Permit for Stormwater Discharges (Olswfski Tract)

Committee/Board Reports:

- Personnel (B. Trostle, D. Updyke): Appointment of Nathan Hayhurst as part time Road Crew Laborer. Mr. Updyke moved, seconded by Mr. Trostle, to reaffirm the hiring of Nathan Hayhurst as part time, as needed, road crew laborer at the pay rate of \$12.00 per hour. Mr. Clark stated if this is a reaffirmation he had never heard about hiring this person before. Mr. Gormont stated that this happens if we hire someone in between meetings. Mr. Clark stated he always got a phone call. Mr. Clark questioned why every Supervisor was not called. Mr. Clark questioned Mr. Bowman who indicated he was not contacted. Mr. Trostle stated he was aware because he is on the Personnel Committee. Mr. Clark indicated that the Personnel Committee contacted Mr. Gormont but not himself or Mr. Bowman so they are not part of the process. Mr. Clark made it very clear that he is not happy with the way this person was hired. Mr. Gormont, Mr. Updyke, Mr. Trostle – ayes; Mr. Bowman and Mr. Clark abstained. Motion carried.

Mr. Updyke moved, seconded by Mr. Trostle, to approve a \$1.50 per hour pay raise for Shane Wise taking his rate from \$12.00 to \$13.50 per hour. Motion carried unanimously.

- 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): Mr. Gormont said he communicated with each member of the Board regarding the renting of a paver and wants to reaffirm that everyone approved. Mr. Gormont stated the cost of the rental is \$5,000.00. He would like to have a motion to reaffirm the acknowledgement to allow the Township to rent a paver to complete the road repairs this year. Mr. Updyke moved, seconded by Mr. Bowman, to reaffirm the rental of a paver for the month of June. Motion carried unanimously.

Mr. Updyke stated that roadside spraying has begun.

- Public Safety (G. Clark): Mr. Clark stated he received an email from Barlow Fire Company who would like to meet to discuss a few things. Mr. Clark and Mr. Bowman are going to meet with representatives from Barlow Fire Company on May 28th. At this time he does not have any knowledge of what they want to discuss.

Business

- Herrick Building & Excavating – Approved Haulers List: Mr. Gormont said the Township received a letter from Barley Snyder, Mr. Herrick’s attorney, requesting the Board place Mr. Herrick back on the 2015 Approved Septic Haulers list. Mr. Gormont spoke to Mr. Herrick asking him to address the Board as to why he believes he should be put back on the list at this time. Mr. Herrick stated that his understanding of the qualifications to be on the list are to be a DEP approved hauler and having a DEP approved area to dispose of the septic which he has. Mr. Herrick questioned what would be the reason for him not being approved to be on the list. Ms. Smith stated that this Township’s Ordinance requires that the hauler be in full compliance with applicable law, including state law. Mr. Herrick stated that what he did was dispose of septic in a farmer’s manure tank instead of disposing of it directly on the crops. This was done because the farmer was not ready to have it spread on the crops. He wanted to wait until the crops were harvested and then he would spread it. Mr. Gormont questioned Mr. Herrick about the forms submitted to Mount Joy Township, what location did he put on them? Mr. Herrick stated that he believed it went to Penn Township but it did not. Mr. Gormont questioned if he felt that was being honest with the Township? Mr. Herrick said no it was not. Mr. Herrick presented to the Board the York County Manifest Book. He indicated he is taking all of his septic to Springettsbury Township in York County. Since he is going to York County he also has to be licensed within the County. He must complete a manifest report for every septic that he pumps. Mr. Herrick indicated for every tank that he pumps in the Township he will need to complete the Township form and also submit the manifest report. The manifest reports will be reviewed weekly.

Mr. Clark questioned Ms. Smith, stating our ordinance states that to be an approved hauler in our Township you have to be in compliance with DEP rules and regulations. Yes? Ms. Smith answered, “Yes”. Mr. Clark asked “Anything else”? Ms. Smith stated it requires that they have a proper license, which Mr. Herrick does. The ordinance also requires that the waste be disposed of at an approved DEP site. It also requires that there be a reporting back to the Township, and the Township has a form and on the bottom of that form the hauler is to provide the location of where the septage was disposed of. Mr. Clark questioned, since Mr. Herrick has entered in to an agreement and has paid his fine, or will pay his fine and met all requirements imposed by the state, at that point what grounds does the Township have to bar him from being an approved hauler? Ms. Smith said if that Board has reason to believe that he had not been forthright in the past. The Township is holding out the person on the haulers list as being in compliance with the ordinance.

Mr. Clark addressed Mr. Herrick with his concern of having him back on the list. Specifically, he told the State that he was disposing of the septage at Penn Township, which he was not. He was bringing it to a farmer. Mr. Clark said that he assumes that is because you have to pay Penn Township and the farmer he wasn’t having to pay. That indicated to Mr. Clark that he is cheating and that he is concerned with having someone doing those types of things operating within the Township. He said that Mr. Herrick will have to alleviate his concerns.

Mr. Herrick said that he wanted the Board to know that the farmer was a DEP approved site, he attended classes to learn how to apply the septage, and he had the DEP disposal site number for the farm. It wasn't a situation where he just found a farm and disposed of the septage there. The problem was how the septage was stored on the farm which did not meet DEP's regulations. Mr. Gormont said DEP's report goes further than that stating that the septage disposed of was not screened and not treated.

Ms. Smith said that was not the issue here. The issue here is that Mr. Herrick indicated that he was disposing the septage at location X when he took it to Y. It is just as important to be accurate to the Township for its purposes as you are with DEP. DEP was not happy that you did not land apply and that you were disposing improperly but along with that you did not report properly.

Mr. Trostle questioned Mr. Herrick asking him what he thought the Board was looking for from him. Mr. Herrick said that he believes they want to know that he is going to take the septage to the disposal site he puts on the form and apologized for not putting the proper site before.

Mr. Bowman said that he would be inclined to reinstate him in September if there are no violations and that the fine is paid. Mr. Trostle said that he would not be opposed to reinstate him. He came before the Board in good faith. Mr. Trostle moved, seconded by Mr. Bowman, to place Herrick Septic and Excavating back on the approved list providing the Township with both the Township required form and the manifest form and he has no further violations.

Mr. Clark made a motion to amend, seconded by Mr. Updyke that the approval be subject to the June 15, 2015 payment. If he makes the payment and can show proof of payment.

Mr. Trostle and Mr. Bowman were both willing to amend the motion. The new motion on the floor is following the payment of June 15, 2015. Motion carried unanimously.

Mr. Herrick questioned what kind of proof of payment the Board would accept. He indicated that payment will appear on the e-fax website but that it would not be current on June 16, 2015. Ms. Smith questioned how he makes the payment and Mr. Herrick stated by check. Mr. Clark said Mr. Herrick should provide the Board with a copy of the certified check or cashier check.

Ms. Smith summarized the discussion stating that the Board has agreed to reinstate Mr. Herrick as of the day after they have record of him making his June payment. Following that, for every tank pump within the Township Mr. Herrick will need to submit the form along with the green copy of the manifest.

- Links at Gettysburg – Conditional Use Decision Condition #4 Open Space Exhibit Plan: Mr. Gormont stated we have before us a determination from the Zoning Officer and Codes Enforcement Officer on the plan submitted. The plan meets the requirement for the site plan. It clearly identifies the first areas and describes the locations of the recreation facilities. The plan did not satisfy the requirement of depicting the improvements on the plan as there are no details indicating where picnic tables, play areas would be located. Ms. Smith stated the condition is in the letter that the Board attached to the approval of the Conditional Use. This plan was submitted with the desire to satisfy that condition. The Zoning Officer looked at the condition and what was submitted and has given you her determination that the condition has only been partially satisfied. Mr. Clark questioned if Mr. Klein brought anything in today? Ms. Hare indicated he did. Mr. Clark wanted to know why we are not looking at the new submission and if the Board was made aware of the submittal. Ms. Smith indicated she learned about it from Mr. Klein's attorney. Mr. Klein has 60 days to satisfy the requirement so they are not backed up to that deadline. Ms. Smith went on to say that submitting something on the day of a meeting does not give the Township staff opportunity to fairly review it. Mr. Clark stated that he believes the

ordinance calls for a one acre open free play area. Mr. Clark had a discussion with Mr. Klein advising him of that and he resubmitted a plan today that does show a one acre area. Ms. Smith said that the Zoning Officer's determination is that the plan submitted is showing an area. She did not give you a representation that it's adequate. That is for the Board to decide. Mr. Trostle questioned if the ordinance states that the one acre must be contiguous and does the Township code specify or give definition to the word "improvements"? Ms. Smith read section 110.70.C.(5)(s). In the language contiguous does not appear while one acre does. Improvements are not described either, other than it be a play and picnic area. Ms. Smith reminded the Board that the board attached this to the conditional use decision that said in order for you to have your approval you need to give us this information. The Board has to decide if what is provided is adequate. The Zoning Officer will review the newly submitted plan and will discuss this at the June workshop meeting. Ms. Smith said that the ultimate decision will be the Board's. The Board had retained the right to make that decision.

- Nancy Taylor: She is a resident of Lake Heritage and her land is adjacent to land that is not developed but if it does get developed the potential of flooding conditional could be created. She has requested the Township provide her with notice should that property be developed. Her concern is that the minutes reflected the Township would notify her for property within Lake Heritage. Ms. Taylor indicated that at one time there was a plan to develop the property but that was dropped. She is concerned that there is a flooding problem and she wants to be able to present her information. Ms. Smith explained that the "tickle file" does not go before the Board. What the MPC says is that this request allows you to be notified but only for a specific lot. Ms. Taylor stated that the lot she specified was the McNally property. Ms. Smith questioned Ms. Moyer what property had Ms. Taylor requested to be notified? Ms. Moyer indicated it is the McNally property. Ms. Smith told Ms. Taylor that she will be notified when any application is submitted to the Township. Ms. Smith said that she will be notified but that she must go before the Board to discuss her concerns.

Executive Session:

Start: 8:40 p.m.

Topic: Ramsburg Acre litigation

Meeting Reconvened: 8:51 p.m.

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 8:52 p.m.

Respectfully Submitted,

Sheri L. Moyer
Secretary