

APRIL 21, 2005 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:30 p.m. in the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, Pennsylvania, with Board Chairman James W. Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Harold Kirschner, and Samuel Dayhoff; Solicitor Walton V. Davis; Treasurer Robin Crushong; Zoning Officer Fran Lorenzo; News Reporter Charles Schillinger (*The Evening Sun*); Jarred Hedes (*Gettysburg Times*); and Brenda Constable, Secretary.

Citizens in attendance were: Stephen C. Alexander; Elsie D. Morey; Gil Picarelli, S.E.O.; Jerry Althoff representing the Planning Commission; Jerry Maloney; Jack McLatchy; John McAlister; Eileen Holmes; Linda Cubero; Rick Klein representing The Links At Gettysburg; and Marie Chantelau.

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

Minutes:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the minutes of the March 17, 2005 meeting as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Scott, to approve the minutes both March 17, 2005 Public Hearings as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the minutes of the April 1, 2005 Special Meeting as presented. Motion carried unanimously.

Chairman's Statement: Mr. Waybright noted that an additional item would be added to the agenda under Subdivision and Land Development Plans for Audrey & Gary Weiland.

Public Comment:

Mr. Steve Kelly questioned when a road study would be performed on Clapsaddle Road. Mr. Waybright responded that this issue would be addressed later in the meeting.

Sewage Enforcement Officer Report:

Mr. Gil Picarelli, S.E.O. submitted and reviewed the 2004 Activity Report, noting the reimbursable and non-reimbursable expenses.

Treasurer's Report:

Mr. Scott moved, seconded by Mr. Dayhoff, to approve the Treasurer's Report for the month of March and part of April as presented. Motion carried unanimously.

Mr. Kirschner moved, seconded by Mr. Scott, to approve the bills to be paid for the month of March and part of April as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

1. Cubero, Linda: requesting a waiver for a land development plan for a 1,620 sq. ft. addition to an existing storage shed. The Planning Commission recommends approval of the waiver. Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve a waiver for a land development plan. Motion carried unanimously.
2. DeFoe, Gary & Sandy: proposed subdivision of two (2) lots at 929 White church Road. Planning Commission recommends approval of a Preliminary Plan contingent on satisfying all comments from HRG per letter dated April 12, 2005; County Planning Commission comments dated March 30, 2005; County Conservation District comments dated March 18, 2005; and Zoning Officer comments dated April 13, 2005. Planning Commission also recommends approval of the Sewage Facilities Planning Module.

The Supervisors reviewed all comments and discussed the type of septic system being proposed for the new lot; Type AB, a system approved by DEP. Mr. Picarelli stated that he has not seen one of these systems in the Township, and is not aware of any in the County. The Supervisors stated that an operation and maintenance agreement would be needed prior to approval of the Sewage Facilities Planning Module. Mr. Scott moved, seconded by Mr. Chantelau, to table action on the Sewage Facilities Planning Module until May with the applicant to provide a draft operation and maintenance agreement that would meet DEP and Solicitor approval, and to have a note placed on the Planning Module indicating what type of septic system is proposed for this lot. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Chantelau, to instruct the applicant to add Note 6 on the subdivision plan disclosing the type of septic system being used and that an operation and maintenance agreement for this system is in place with the Township, and Note 7 for the addition of the Agricultural Disclaimer. Motion carried unanimously.

Mr. Dayhoff moved, seconded by Mr. Chantelau, to table action on this Preliminary Plan until May. Motion carried unanimously.

3. Weiland, Gary & Audrey: request for a 90-day extension of Preliminary Plan review period from June 9, 2005 to September 9, 2005. Motion carried unanimously.
4. The Links At Gettysburg – Phase IC: Final subdivision plan for Phase IC of the Courtyard Community, consisting of 19 lots in Lookout development, and 28 lots in Roundtop development. The Planning Commission recommends approval. It was noted that the County Planning Commission and HRG had no new comments; all issues were addressed during the preliminary process. Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve as a Final Plan for Phase IC. Discussion: Mr. Waybright asked about the infrastructure. Mr. Klein stated that he spoke with Mark Lewis, Engineer, who has checked the area and has given the okay to proceed. Mr. Chantelau asked about the mud on the roads. Mr. Klein stated that he would like to be notified immediately if the Township receives any complaints about mud on the road so that he can address it; he has someone who would take care of this. With no further discussion, the motion carried unanimously.

Road Report:

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

Invitation For Bid: With recommendation from Anthony Graham, Road Superintendent, Mr. Scott moved, seconded by Mr. Dayhoff, to authorize the advertisement of Invitation For Bid for aggregate, seal

coat, and FB-1 overlay, and to set the date of opening said bids for May 19, 2005. Motion carried unanimously.

Notice to Property Owners: Mr. Scott moved by resolution, seconded by Mr. Chantelau, to authorize the Road Superintendent to give written notice to property owners when removing any shrub or tree in excess of six inches, growing within the Township right-of-way. Motion carried unanimously.

Speed Limit Study: Mr. Dayhoff moved, seconded by Mr. Chantelau, to recommend that the Road Superintendent move ahead with contacting HRG to perform a speed study on Barlow-Two Taverns Road. Motion carried unanimously.

Zoning Officer's Report:

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

Building & Grounds Report:

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

Mr. Dayhoff noted Mud College Schoolhouse class schedule for April, May, and June.

Correspondence:

Ms. Constable noted receiving the following correspondence:

- Littlestown YMCA Annual Support Campaign "Every Kid Counts"
- Adams County Conservation District Stormwater Management survey
- WRRMA February minutes
- Notice of private WWII training/tactical scenario on June 25, 2005 on Civil War Lane

Executive Session:

Mr. Waybright called for an Executive Session at 8:15 p.m. this date.

Motion Reconvened:

Mr. Waybright reconvened the Supervisors meeting at 8:40 p.m. this date with the following others in attendance: Supervisors Chantelau, Scott, Kirschner, and Dayhoff; Solicitor Walton Davis; Zoning Officer Fran Lorenzo; Treasurer Robin Crushong; Secretary Brenda Constable; News Reporters Jarred Hedes and Charles Schillinger; Citizens Elsie Morey, Eileen Holmes, Steve Kelley, and Jerry Althoff.

Mr. Davis stated that during Executive Session, the Supervisors discussed a litigation issue; the status of the Golden Menu Building demolition, and the strategy for collection from Premier Construction for the faulty roof on the salt shed.

Mr. Davis also noted that Township residents have been receiving solicitation letters regarding Transfer Development Rights (TDRs) and that the solicitation was not given by this Board or the Township.

Anyone interested in TDRs as a result of this letter should get legal counsel. The wording in the letter is not the way the Township interprets the process for TDRs.

Committee Reports:

Personnel: Nothing to report.
Finance: Nothing to report.

Planning, Land Use & Zoning:

Mr. Chantelau moved, seconded by Mr. Scott, to recommend an amendment to the zoning map, increasing the Agricultural Conservation (AC) zoning district in the Township. Discussion: Mr. Chantelau noted that this proposed change reflects what is on the ground, to protect the citizens' money invested with the agricultural land preservation program, which needs to be reflected. Mr. Dayhoff noted that when the zoning map was originally drawn and approved in 2003, the Township did not have the ag land preservation program in place and there were at least 400 acres not preserved at that time. The Township needs to keep up with protecting what is now preserved, either through the Township's program, the County's, or the Land Conservancy. Mr. Althoff asked why more areas of the Township were not included. Mr. Dayhoff responded that the starting proposal is to focus around the preserved areas. With no further discussion, the motion carried unanimously.

Mr. Dayhoff moved, seconded by Mr. Chantelau, to instruct the Secretary to send the proposed map amendment to the Township and County Planning Commissions to begin their 30-day review period. Motion carried unanimously.

Mr. Kirschner moved, seconded by Mr. Scott, to set the date and time for a Public Hearing on the proposed zoning map amendment for Tuesday, May 31, 2005 at 7:30 p.m. Motion carried unanimously.

Zoning Hearing Fee Waiver: Mr. Dayhoff moved, seconded by Mr. Chantelau, to waive the \$400.00 zoning hearing application fee for Kenneth and Audrey Sanders. Motion carried unanimously.

Building & Grounds: Nothing to report.
Roads: Nothing to report.

Public Safety: Mr. Waybright noted that he and Mr. Dayhoff met with Dave Maring, Barlow Fire Company Chief, at the Gettysburg Village Factory Stores to follow up and address concerns mentioned in last month's meeting.

Agricultural Land Preservation: Noted receiving the monthly report.

With recommendation from the Ag Land Preservation Board, Mr. Scott moved, seconded by Mr. Chantelau, to send a thank you letter to Sidney Kuhn and the Land Conservancy of Adams County for their assistance on preparing and filing a recent federal application. Mr. Chantelau also noted the added support by the Lake Heritage Property Owners Association in preserving this adjoining farm. Motion carried unanimously.

Announcements:

Eileen Holmes noted that Elsie Morey gave a lecture on the Mud College Schoolhouse on April 5, 2005 at the Adams County Historical Society, with approximately 70 people attending. It was also noted that she would be a speaker at the Mother/Daughter banquet at Trinity Church in Gettysburg on May 9th.

Other Business:

Well Ordinance No. 2005-05:

Mr. Chantelau moved, seconded by Mr. Dayhoff, to adopt Ordinance No. 2005-05, as follows:

**MOUNT JOY TOWNSHIP ORDINANCE NO. 2005-05
AN ORDINANCE PROVIDING FOR THE REGISTRATION,
REGULATION AND CONTROL OF WELLS**

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Mount Joy Township, Adams County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

Section 1. Short Title.

This Ordinance shall be known as the "Well Ordinance"

Section 2. Purpose.

The purpose of this ordinance is to ensure and protect the quality and suitability of domestic water supply, and to secure and maintain the required isolation distances between water supplies and sewage disposal systems or other sources of contamination.

Section 3. Applicability and Implementation.

- A. This ordinance shall apply to all new wells, wells that have not been completed, or which are not being pumped or otherwise having water extracted at the time of passage of this ordinance.
- B. The Board of Supervisors may appoint such representatives and delegates, as it deems appropriate to carry out the implementation of this ordinance.
- C. This ordinance shall further apply to the reconstruction, major repair and other changes to existing wells, when, in the opinion of the Board's representative, such reconstruction, major repair and other changes may affect the quality and suitability of the water supply on the property upon which the well is constructed or on surrounding properties.

Section 4. Standards.

The following standards shall apply for water supplies:

- A. Drilled or driven wells:

Drilled or driven wells shall be located at a point free from flooding and at the following minimum distances to existing or possible future sources of pollution:

<u>Source of Pollution</u>	<u>Minimum Distance</u>
Storm drains	25 feet
Drains carrying domestic sewage or industrial wastes	50 feet
Septic or holding tanks	50 feet
Surface/subsurface sewage disposal fields	100 feet
Sewage seepage pits, cesspools	100 feet
Privies	50 feet
Fuel tanks	100 feet
Other water pathways or drainage features [ditches, streams, barnyards, rainwater pits, detention/retention basins etc.]	100 feet

Additional location restrictions:

Driveways	10 feet
Principal structure/dwelling	20 feet
Property lines *	10 feet

- (1) Only a well driller licensed by the Commonwealth of Pennsylvania shall construct wells.
- (2) All wells will be constructed in accordance with established standards as prescribed by the Commonwealth of Pennsylvania.
- (3) When the location of a property line or other feature is not ascertainable on the ground from monuments markers or other features, the burden shall be upon the applicant to prove the actual location of that line or feature.

B. Well Certification:

A report for each well shall be prepared by the driller and shall be submitted to the Township for evaluation and approval. The well report shall contain the following pertinent information:

Owner of property	Address & lot number
Date of completion	Depth of casing
Depth of well	Static water level
Well driller	Yield-gals/min
Type & size of casing	Grouting certificate
Type of test pump used	Pump output-gals/min

A certification that the well was constructed in accordance with established standards as prescribed by the Commonwealth of Pennsylvania.

- C. No new wells will be dug wells in Mount Joy Township.
- D. Abandoned water supplies. Wells, springs, cisterns and water storage tanks, which are no longer in use shall be removed, filled or otherwise maintained in a condition such as to prevent access by unauthorized persons or animals to prevent pollution of ground water. Abandoned wells shall be completely filled with cement or equivalent impervious material.
- E. **Water quality is the responsibility of the property owner.** Wells and springs shall not be used for the disposal of liquid, gaseous and/or solid wastes. It is recommended that your water quality be checked, periodically, for Total Coliform, Fecal Coliform & Nitrates/Nitrogen, hardness and iron by a certified laboratory.

Section 5. Permits.

- A. No construction, drilling, digging, reconstruction, major repair or other change of or for any well/water supply for the production of water for domestic purposes shall commence unless the property owner or his/her duly authorized agent, shall apply for and receive a permit from Mount Joy Township.
- B. Application for a well permit shall be made upon a form supplied by Mount Joy Township and shall be submitted to the Township for review and approval.
- C. The application shall set forth the following:
 - (1) Name(s) of property owner
 - (2) Address of location of property
 - (3) Sketch of premises, to scale, showing proposed location of well, building(s), boundary lines, and septic tank(s), absorption area(s) and drain field(s). The sketch must include the location of wells and other features (see §4.A. above) on abutting properties where the proposed well is less than 200 feet from all property lines of the lot or tract.
 - (4) Name and license number of the well driller

Section 6. Inspection and approval.

Upon receipt of an application for a well permit, the Township will within 15 working days perform an inspection of the premises upon which the well is to be constructed. Within three (3) working days after inspection, the application shall either be approved or shall be denied. A denial shall be accompanied with a statement detailing why the application was not approved. If no approval or denial is issued within three (3) working days after an inspection, the application shall be deemed to have been denied and the applicant shall have the right to a hearing before the Board of Supervisors in accordance with the Pennsylvania Local Agency Law. No other permits (such as a land use permit, driveway permit, etc.) will be issued where the property proposes a water supply by an on-site well regulated by this Ordinance until the well permit application has been approved.

Section 7. Filing fees.

All applications for a well permit shall be accompanied by a fee payable to Mount Joy Township in accordance with a schedule of fees established/revised from time to time by the Mount Joy Township Board of Supervisors.

Section 8. Duration of permit.

- A. All permits shall be in effect as of the date of issuance, and shall remain in effect for a period of 12 months. In the event that water supply construction under the permit has not been completed at the expiration of 12 months from the date of issuance, the permit shall expire and the validity of the permit shall cease and terminate.
- B. A request for an extension to a permit must be submitted to the Township in writing ten [10] days prior to the expiration date of the permit. Extensions are limited to ninety [90] days. Subsequent requests must be accompanied by an application for a new permit with appropriate fee.
- C. In the event a permit expires and construction has not begun, an application for a new permit must be submitted with appropriate fee.

Section 9. Violations.

- A. Any person who violates any of the provisions of this Ordinance shall, upon being found liable therefore in civil enforcement proceedings commenced by Mount Joy Township, in accordance with the Second Class Township Code §1601(c.1)(2); 53 P.S. §66601(c.1)(2).
- B. Upon discovery of any violation of this Ordinance, Mount Joy Township may, at its option, forgo any prosecution here-under, grant the owner a period of seven [7] calendar days to comply with the provisions of this Ordinance. Upon failure of the owner to effect such compliance, the Township may initiate prosecution as hereinabove set forth.

Section 10. Severability.

The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the validity of any of the remaining provisions of this Ordinance.

Section 11. Warning and disclaimer of liability.

No responsibility or liability for the construction of any well/water supply shall be deemed to be placed upon Mount Joy Township, or its officers, agents, employees, or the Township representative, by virtue of the terms of this Ordinance or otherwise.

Section 12. Repealer Clause.

All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED into law this 21st day of April, 2005.

ATTEST:

MOUNT JOY TOWNSHIP SUPERVISORS
Adams County, Pennsylvania

_____/s/
Brenda J. Constable
Secretary

_____/s/
James W. Waybright, Chairman

_____/s/
William J. Chantelau, Vice-Chairman

_____/s/
George L. Scott

_____/s/
Harold J. Kirschner

_____/s/
Samuel L. Dayhoff

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Motion carried unanimously.

Zoning Ordinance Proposed Amendment:

With recommendation from Adams County Surveyors, Mr. Waybright moved, seconded by Mr. Chantelau, to consider an amendment to the Zoning Ordinance for the Agricultural Conservation district with regard to a lot consolidation option and to have the Solicitor review it and discuss it at the May meeting. Motion carried unanimously.

Act 209 Traffic Impact Fee:

Mr. Dayhoff moved, seconded by Mr. Chantelau, to proceed and adopt Resolution #8 of 2005 as follows:

RESOLUTION #8 OF 2005

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA: APPOINTING MEMBERS OF AN IMPACT FEE ADVISORY COMMITTEE, PURSUANT TO ARTICLE V-A OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE (Municipal Capital Improvement); IDENTIFYING AREAS FOR STUDY BY THE COMMITTEE; ESTABLISHING AN INTERIM IMPACT FEE FOR TRANSPORTATION CAPITAL IMPROVEMENTS DURING THE PENDANCY OF THE MUNICIPAL IMPACT FEE ORDINANCE; ESTABLISHING THE AMOUNT OF THE FEE; AND, AUTHORIZING PUBLICATION OF NOTICE OF THE INTENTION TO ADOPT AN IMPACT FEE ORDINANCE FOR TRANSPORTATION CAPITAL IMPROVEMENTS.

RECITALS

1. The Pennsylvania Municipalities Planning Code ("MPC") authorizes the appointment of an impact fee advisory committee when a municipality intends to adopt a transportation capital improvements plan and an impact fee ordinance.
2. Mount Joy Township is experiencing a number of applications for land development, which applications show that a substantial burden will be placed upon roads and highways in the Township on account of the proposed new development.
3. The Board of Supervisors believes that the general health, safety and welfare of the Township's existing and proposed new residents will be served if a means to fund the expected road and highway improvements is adopted whereby new development will bear the cost of those improvements required because of that development.
4. Pursuant to section 504-A. of the MPC, the Board of Supervisors believes that impact fee ordinance should be explored by an impact fee advisory committee and that members of that committee should be appointed forthwith.
5. Pursuant to section 505-A.(c)(2) of the MPC, the Board of Supervisors believes that an interim impact fee should be assessed, due to the number of development plans that have been proposed to be filed.

6. Pursuant to section 505-A.(c)(1) of the MPC, the Board of Supervisors believes that notice of the intent of the Township to adopt a Transportation Capital Improvements Impact Fee Ordinance should be published.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Township of Mount Joy, Adams County, Pennsylvania that:

Section 1. An impact fee advisory committee consisting of eight (8) members is hereby formed pursuant to Article V-A of the Pennsylvania Municipalities Planning Code. The committee members shall serve without compensation.

Section 2. The members of the Impact Fee Advisory Committee who are representatives of the real estate, commercial and residential development, and/or building industries are:

- a. Jerry Althoff;
- b. Newton Williams
- c. Louis Shuba; and,
- d. Petula Yingling.

Section 3. The other members of the Impact Fee Advisory Committee are:

- e. Roger Steele;
- f. Richard Owings
- g. Jim Wiltgen; and
- h. Carol Newhart.

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Section 4. The geographical areas of the Township for which the Impact Fee Advisory Committee shall conduct land use assumptions and conduct roadway sufficiency analyses (and which may entail multiple transportation districts) shall be those areas within two thousand five hundred (2,500) feet surrounding the intersections and roads identified on a list which is attached hereto, is labeled "Act 209 Impact Fee Identified Intersections and Road Segments", and is made a part hereof. In addition to the identified areas on the said attachment there shall also be included such other areas as the Board of Supervisors may designate from time to time by resolution.

Section 5. An interim impact fee is hereby established for all new development within two thousand five hundred (2,500) feet of any intersection or road identified pursuant to this Resolution, or any subsequent resolution of the Board of Supervisors identifying any additional study areas, in the amount of One Thousand Dollars (\$1,000.00) per peak hour trip, and as provided in the MPC, Article V-A. All interim impact fees collected shall be maintained in a separate account from other Township funds, or shall be subject to separate accounting. The source, date of payment, and amount paid shall be recorded. The funds need not be deposited in an interest bearing account.

Section 6. A notice of the intent of the Board of Supervisors to adopt a transportation capital improvements impact fee ordinance is hereby authorized and directed to be published in accord with section 505-A.(c)(1) of the Pennsylvania Municipalities Planning Code.

ADOPTED by the Board of Supervisors of Mount Joy Township this 21st day of April, 2005.

Attest:

_____/s/_____
Its Secretary

TOWNSHIP OF MOUNT JOY

_____/s/_____
Chairman

_____/s/_____
Supervisor

_____/s/_____
Supervisor

_____/s/_____
Supervisor

_____/s_____
Supervisor

Motion carried unanimously.

Transfer Development Rights (TDRs):

The Supervisors instructed the Zoning Officer and Solicitor to review the language in the Township Ordinance with regard to TDRs, and to make a recommendation to the Supervisors of any change that is needed.

New Business:

Assistant Engineer Appointment:

Mr. Dayhoff moved, seconded by Mr. Scott, to appoint KPI Technology as the Township's Assistant Engineer. Motion carried unanimously.

Agricultural Security Area Applications:

Mr. Dayhoff moved, seconded by Mr. Scott, to acknowledge receipt of three (3) applications for addition to the Township ASA from Galen Shelly, Marilyn Fay Shelly and Dorcas Shelly, and Paula Frey; and to authorize sending the applications to the Planning Commission for review. Motion carried unanimously.

Final Public Comment:

Mr. Steve Kelley of Clapsaddle Road, asked what the status was of the Phil Justice Granite Quarry. The Supervisors noted that the appeal period is over, the issue of berm placement is under the control of DEP but the Township's setbacks must be followed.

Adjournment:

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the Supervisors' Meeting at 9:25 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary

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