

DECEMBER 20, 2001 SUPERVISORS' MEE11NG:

The Mount Joy Township Supervisors met this date in regularly scheduled session at 7:30 p.m. in the Township Building, 902 Hoffman Home Road, Gettysburg, PA, with Chairman Samuel Dayhoff presiding. Others in attendance were: Supervisors James Waybright, William Chantelau, William Rogers and George Scott; Solicitor Walton V. Davis; News Reporters John Lembo (*The Evening Sun*); Kami Masemer and Alex Gayhart (*The Gettysburg Times*); and Secretary Brenda J. Constable.

Citizens in attendance were: Eileen Holmes; John A. Leino; Ralph H. Taylor representing the LHPOA; Henry C. Reaver, Jr.; Jerry Maloney; Phil and Barbara Plotica Jim and Gerri Pruitt John McAlister; Ivan and Marlene Lufriu; Harold Kirschner; Ed Zimmer; and Lyman D. Schwartz.

Chairman Dayhoff led everyone with the Pledge to the Flag.

Minutes:

Chantelau moved, seconded by Rogers, to approve the minutes of the November 15, 2001 Public Hearing as presented. Motion carried unanimously.

Waybright moved, seconded by Chantelau, to approve the minutes of the November 15, 2001 regular meeting as presented. It was noted that under "citizens in attendance" the name of Donald A. "Gait" should be "Gantz". Waybright's motion was amended to note the correction, Chantelau seconded and the motion carried unanimously.

Chairman's Statement:

Chairman Dayhoff informed everyone of the status of the supervisor position from the November 6, 2001 Election. A recount by the County Election Board remained a tie between himself and candidate Harold Kirschner. A drawing was then held to determine the winner and Mr. Kirschner won. He then filed an appeal to the Court of Com. Pleas who just recently issued a stay, leaving the seat for supervisor vacant as of January 7, 2002 when the Board of Supervisors must organize for 2002. Until the seat is filled, the Board will conduct township business with only four supervisors.

In the event that this is his last meeting as supervisor, Dayhoff gave comments to all, noting that this job has been a rewarding one, he has learned a lot about the workings of the township, has met a lot of nice people and made many friends over the years, and that he has no regrets in ever running for supervisor.

Public Comments:

1. Eileen Holmes — asked that additional copies of department reports be available for the public.
 2. John Leino — asked to have public comment when the proposed 2002 budget is discussed.
- Chairman Dayhoff stated that he would recognize him at that time.

Treasurer's Report:

Chantelau moved, seconded by Scott, to approve the Treasurer's Report for November and December as presented. Motion carried unanimously.

Treasurer's Report continued:

Scott moved, seconded by Chantelau, to approve payment of the bills for the months of November and December as presented. Motion carried unanimously.

Subdivision and Land Development Plans:

1. Sally Alexander - preliminary subdivision plan of one (1) lot into two (2) lots along Barlow-Two Taverns Road. Scott noted the Planning Commission recommended that the plan show the entire parent tract since it will be put on one deed. In addition, the sewage system should be shown on the plan and all of HRG's comments (letter dated December 12, 2001) must be satisfied. Scott moved, seconded by Waybright, to approve this as a preliminary plan with the condition that all of HRG comments be satisfied, and the parent tract and septic system must be shown on the plan. Motion carried unanimously.

Chantelau moved, seconded by Scott, to approve the Form B Sewage Module. Motion carried unanimously.

Road Report:

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

Resolution - Removal of Trees:

Anthony Graham, Township Road Superintendent, requested that the Supervisors consider adopting a resolution to remove trees from Township right-of-ways that may cause hazardous or dangerous conditions or interfere with the maintenance of roads. Presently, trees need to be removed on Maryland Line Road, Study Road and Mud College Road. Solicitor Davis explained that a resolution is needed to do this because it gives a form of notice to the abutting property owners that this removal of trees is needed. However, the removal can only occur when the Supervisors deems such as a hazardous or dangerous use of the highway.

Chantelau moved, seconded by Scott, to adopt the following Resolution. Chantelau requested that with regard to the section of the letter to property owners pertaining to them notifying the Township if they want to keep the cuttings, paragraph three (3), line three (3), that "two days" be amended to read "two business days" because of the Township being closed on Friday. Since an answering machine is available for the property owners to leave a message on Friday, Saturday and Sunday, it was the consensus of the Board to keep the language as is. Motion carried unanimously.

The Supervisors instructed Solicitor Davis to send a letter to the Road Superintendent explaining the process he must follow. They also recommended that the members of the Road Committee accompany the Road Superintendent to the site to determine if the removal of trees is needed or not

RESOLUTION #2001 -09

A RESOLUTION OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA, ESTABLISHING THE FORM OF NOTICE TO BE GIVEN TO ABUTTING PROPERTY OWNERS WHEN TREES WITH TRUNK DIAMETERS IN EXCESS OF SIX INCHES ARE TO BE REMOVED FROM ROAD RIGHTS OF WAY.

BE IT RESOLVED, by the Board of Supervisors of the Township of Mount Joy, Adams County, Pennsylvania, that the following form of notice be, and hereby is, adopted as the notice to be provided to abutting property owners when trees with trunk diameters in excess of six inches are to be removed from road rights of way. The Secretary and/or the Road Superintendent are authorized to modify the form of notice where such notice is not appropriate to the circumstances of any particular case.

[TOWNSHIP LETTERHEAD]

[DATE]

[name or names of abutting property owners]
[number and street]
[mailing city, state and zip code]

In re: removal of trees from road right of way

Dear [name or names of abutting property owners]:

It has been determined by Mount Joy Township that certain trees which have a trunk diameter of 6" or more are within the road right of way of [name of street or road]. It has also been determined that removal of such trees is appropriate to prevent a hazardous or dangerous condition, or to facilitate the maintenance of the street or road.

This notice is given to you to inform you that removal of the trees is expected to occur on or about [insert date on or after which, but not before, removal shall occur]. Pursuant to the Second Class Township Code of the Commonwealth of Pennsylvania, Mount Joy Township is obligated to leave the cuttings of the trees with you. Unless you choose not to retain this wood, it will be deposited on your property outside of the road right of way.

Some people do not have a use for such cuttings, and the Township is willing to remove the wood for you. If you do not want to keep the cuttings, please contact the Township Office at least two days before the time scheduled for the removal of the trees to let the staff know that you want the cuttings removed, You may make your request known to the Township by calling the phone number, or writing to the address, printed at the top of this notice.

If you have any other questions about the tree removal, please contact the Township. Office hours are [insert prevailing office hours and days of operation].

Yours truly,
[signature]
[Road Superintendent or Secretary]

cc: township file

Such notice shall be given to the legal title owners of the property listed as owners of the abutting property in the Adams County Tax Mapping Department and Office of the Chief Assessor of the County of Adams, Pennsylvania. The address to which such notice shall be sent is the address of the property, and the address of the legal title owner if different from the property address as revealed in records of the said Chief Assessor.

Nothing in this Resolution shall be deemed to require a written notice to abuthng property owners when trees smaller than six inches in diameter, brush, bushes, shrubs, and/or refuse are to be removed from a road right of way.

ADOPTED THIS 20th day of December 2001.

TOWNSHIP OF MOUNT JOY

Attest:

/s/
Samuel L. Dayhoff, Chairman

2001, Lieutenant Patrick B. Gebhart has assumed command of the PSP, Troop H, Gettysburg Station and that he is looking forward to meeting and working with everyone here at the Township. The Supervisors instructed the Secretary to send a letter to him inviting him to the February 2002 meeting.

Committee Reports:

Personnel: Chantelau noted that the Personnel Committee recently met with Brenda Constable, Secretary, for a six (6) month employment review. Chantelau moved, seconded by Waybright, to approve a \$1.00 per hour increase for Constable, effective retroactive to the pay period beginning November 29, 2001 which includes her anniversary date. Motion carried unanimously.

Finance: Nothing to report at this time.

Planning Commission: Scott noted that the Township is still moving forward and making progress with the Comprehensive Plan and Act 537 Plan. He gave an overview of the past Comp Plan Meeting, noting that a Public Hearing should be sometime around February 2002. He encouraged all citizens to attend the Hearing if at all possible, noting that this is where the Plan comes into conformance as to where it should be.

Land Use & Zoning: Nothing to report at this time.

Building & Grounds: Scott noted that the new building has come together nicely and is effectively being used. Labor & Industry has inspected it and it passed. He also noted that the Township would be getting a new flagpole soon.

Roads: Nothing to report at this time.

Public Safety: Nothing to report at this time.

Mud College: Dayhoff noted that the new shutters have been installed and offers better security to the building. Citizen Bob Gift asked for public comment, expressing his disappointment on the design of the shutters. He felt that they are not in the same time period of the 1800s. Dayhoff stated that they are designed from the 1700 era, noting that 1800 era would have to paneled shutters and would have been much more expensive. Scott and Dayhoff both mentioned that the Mud College Committee has been meeting every month during 2001 and this issue has been discussed many times. The public is always welcome to attend these meetings and give any suggestions that they may have during this time.

Announcements:

1. Received notice of application for a NPDES Permit to DEP for the Blue and Grey subdivision.
2. Received notice from Cannon Cleaning Service of a rate increase for 2002, noting that floor maintenance will increase \$5.00 for a total of \$60.00 per month and a \$5.00 increase for carpet maintenance, for a total of \$65.00 per month.
3. Received HRG's Traffic Study for the Route 97/15 corridor. The Supervisors instructed the Secretary to forward this Study to Charlie Schmehl at URDC for any changes that may be needed in the Comprehensive Plan.
4. Announced that the Township Office will be closed on Monday, December 24, Tuesday December 25, 2001 and Tuesday January 1, 2002.
5. Announced that the County Fire Marshal has lifted the burning ban that has been in effect for the

past few months.

Other Business:

2002 Budget:

Public Comment: John Leino read and submitted a written statement voicing his concerns regarding the proposed 2002 budget which reflects expenditures exceeding revenues. Clarification was then given by the Supervisors, noting the following:

- a) Under revenues, \$300,000 for Ag Land Preservation is listed in error. This should be in expenditures only.
- b) Reserves will be used to cover the difference (there is \$1.4 million in reserves including State revenues)
- c) Building projects of \$110,000 for improvements is considered an investment for the Township. It is only a one-time expenditure and will not be this much in future years.
- d) Comp Plan expenditure is not entirely spent yet and that is a one-time expense.
- e) In the past, roadwork was contracted out but now we participate with Penn DOT Agility Program which saves us money.

Leino asked what the Ag Land program would do for the Township. Dayhoff explained that it will help stop development and preserve open space. This would be the Township's own program, not a state program and further explained how the process would work for our Township. He further added that this is a result of a survey and direction from the citizens over the past ten years who made it clear that they want to preserve open space. Scott explained that in order for the Supervisors to even consider doing this, that it must be included in the budget. However, a plan of how the program will operate needs to be developed, public meetings will need to take place, etc. Waybright explained that the money for Ag Land is coming from the reserve funds, and this is just the type of project that reserve funds are reserved for! Chantelau added that the Township would be seeding the program with reserves. The Supervisors would be looking at a bond issue to fund the project if needed.

Ralph Taylor commented that in the past year, Governor Ridge allocated \$50 million of state funds to stop development. Waybright questioned if the citizens would not want the Township to address this issue and just let the state handle it instead. Rather than wait around for the State to do something and then it be too late, the Supervisors feel that they need to be proactive and operate as a soundboard, making wise decisions to do what is best for the Township and address the citizen's wishes. Dayhoff made it clear to everyone that he has nothing to gain by starting this program. He has two (2) farms and they are already preserved through the County program. Dayhoff further noted that the Supervisors are not raising taxes for this. It is an investment for the Township and it is the only tool that we can use to stop development.

With no further discussion, Chantelau moved to approve the 2002 Budget as presented and with the amendments as noted above, Rogers seconded the motion and the motion carried unanimously.

New Business:

Resolution For Agricultural Security Area #1:

With recommendation from Jay D. Little, Zoning Officer, Waybright moved, seconded by Scott, to adopt the following Resolution. Motion carried unanimously.

RESOLUTION NO. 2001 -10
RESOLUTION OF THE MOUNT JOY TOWNSHIP BOARD OF SUPERVISORS ADOPTING AND APPROVING MOUNT JOY TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA AGRICULTURAL SECURITY AREA #1 PROPOSAL WITH ADDITIIONS AND MODIFICATIONS

WHEREAS, a proposal has been submitted to the Mount Joy Township Board of

Supervisors for the review of Mount Joy Township, Adams County, Pennsylvania Agricultural Security Area # 1, in accordance with the provisions of the "Agricultural Area Security Law", Act of June 30, 1981, P.L. 128, No. 43, § 2, as amended by the Act of December 14, 1988, P.L. 1202, No. 149 § 1(3 P.S. §901-915) (the "Act"), a true and correct copy of which is attached hereto and made part hereof (the "Proposal"); and

WHEREAS, in response to the Proposal, the Township Board of Supervisors has complied with and completed the procedures and considerations prescribed in Sections 5, 6 and 7 of the Act and

WHEREAS, the Proposal includes the following owners, parcels, and acreage within Mount Joy Township, Adams County, Pennsylvania

<u>Name(s) of Owner(s)</u>	<u>i---INo.</u>	<u>No. of Acres Parcel</u>
Edward & Susan E Sanders	Hi 6-0081	98.7
Mary C Fredrick	H 16-0094	79.07
Barton L Breighner	H15-0045	61.73
Everett L & Jane C Ramsburg	G16-0025	134
William B Yowell Jr	H16-0012	28
Michael D & Dorinda L Danner	G16-0034	159.6
Larry L Cool	HI 6-0067	42
Arnold O & Georgia D Freas	F17-0017	40
Annabelle V Bali	HI 7-0027	53.5
Everett L & Jane S Ramsburg	G16-13A	38.42

WHEREAS, after duly advertised public hearing and after consideration of the factors mentioned in Section 7 of the Act, the Mount Joy Township Board of Supervisors desire to approve and adopt the review, modifications, additions and deletions to the Mount Joy Township, Adams County, Pennsylvania Agricultural Security Area # 1.

3
3

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved, that the present Resolution, the Proposal and a description of the subject Mount Joy Township, Adams County, Pennsylvania Agricultural Security Area # 1 review, modifications, additions and deletions, shall be filed forthwith in the Office of the Recorder of Deeds of Adams County, Pennsylvania, and with the Mount Joy Township, Adams County, Pennsylvania Planning Commission and the Adams County, Pennsylvania Planning Commission.

IN WITNESS WHEREOF, the present Resolution has been duly adopted by a unanimous vote of the Mount Joy Township Board of Supervisors in a public session duly convened this 20th day of December 2001.

ATTEST:

/s/
Brenda J. Constable, Secretary

Mount Joy Township, Adams County,
Pennsylvania
Mount Joy Township Board of Supervisors

/s/
Samuel L. Dayhoff, Chairman
/s/
James W. Waybright, Vice Chairman
/s/
William J. Chantelau
/s/
William C. Rogers
/s/
George L. Scott

Mud College Trust Account:

Scott moved, seconded by Waybright, to approve the Financial Information, Waiver, Receipt, Release and Agreement of Indemnity with PNC Bank with regard to the Trust Account Motion carried unanimously.

Scott moved, seconded by Rogers, to place the funds, when received, into PLGIT and to keep these funds as a separate line item in the budget Motion carried unanimously. Further discussion was held with regard to receipt of donations. Solicitor Davis stated that the donations could be placed into the same fund for a better return on the investment; however, a separate line item should be kept for donations as well.

Gettysburg National Military Park Advisory Commission:

Supervisors received notification from the U.S. Department of the Interior that the term of Gerald Bennett will expire January 29, 2002 as a member of the Gettysburg National Military Park Advisory Commission. Waybright moved, seconded by Rogers, to nominate Gerald Bennett for reappointment to the Commission for a three (3) year term. Motion carried unanimously.

2002 Supervisors' Organizational Meeting:

Scott moved, seconded by Waybright, to set the date and time of Monday, January 7, 2002 at 10:00 a.m. for the Organizational Meeting of the Supervisors and to authorize Secretary Constable to advertise said meeting. Motion carried unanimously.

2002 Auditors' Organizational Meeting:

Chantelau moved, seconded by Scott, to set the date and time of Tuesday, January 8, 2002 at 6:00 p.m. for the Organizational Meeting of the Township Auditors and to authorize Secretary Constable to advertise said meeting. Motion carried unanimously.

Executive Session:

Board Chairman Dayhoff called for an Executive Session at 9:10 p.m. this date.

Meeting Reconvened:

Board Chairman Dayhoff reconvened the Supervisors' Meeting at 9:17 p.m. this date with all members present as stated above.

Solicitor Davis stated that two (2) issues were discussed during Executive Session:

- a) He was authorized to attempt to negotiate a stipulation for final settlement with regard to the R. Edward Reichart et al subdivision.
- b) He was authorized to contact Attorney Tim Shullis (representing Plotica's) to point out where Long Road is and that it is an official Township road.

Final Comments:

Supervisor Chantelau noted that during the two (2) years that he has served as supervisors, he appreciates the leadership that Sam Dayhoff has given and that it has been a pleasure to serve with him. He further added that Sam has good long-term vision for the needs of the Township and will have a long lasting effect on the Township. Supervisor Waybright echoed Chantelau's comments and noted that during his four (4) years working with Sam, all that has been done has been sincere and in the best interest of the Township. Supervisors Scott and Rogers also thanked Sam for a job well done.

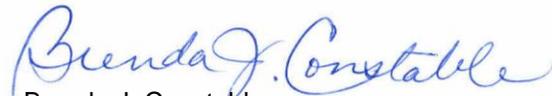
2002 Budget:

Waybright noted that a recent article in *The Gettysburg Times* stated that Mount Joy Township had not put in a line item for the County Emergency Training Facility. He corrected this statement by pointing out that the money is currently included in the line item of total contributions to the fire companies and was never reflected as a separate line item.

Adjournment:

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

Respectfully submitted,



Brenda J. Constable
Secretary