

## **JUNE 19, 2008 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 George Scott, Samuel Dayhoff, and Robert Rhodes; Solicitor Walton V. Davis; Zoning Officer Dave Crouse; Treasurer Robin Crushong; and Secretary Brenda J. Constable. Supervisor William Chantelau was not present.

Others in attendance were: Louis Shuba representing the Recreation Board; Robert Staley and Harold Kirschner representing the Township Auditors; Sally Alexander; Eileen T. Holmes; Carol E. Holtz; Tim Cooper; Jerry Maloney; Audrey Weiland representing the Planning Commission; and Franz Martin.

Board Chairman Waybright led everyone with the Pledge to the Flag.  
The meeting was being recorded by the Township.

### **Minutes:**

Mr. Dayhoff moved, seconded by Mr. Scott, to approve the minutes of the May 15, 2008 meeting as presented. Motion carried unanimously.

### **Chairman's Comments:**

Mr. Waybright announced that the Adams County Transportation Planning Organization (ACTPO), in coordination with PennDOT, is in the process of preparing the 2009-2012 Transportation Improvement Program (TIP) for Adams County. On Monday, June 16, 2008, two public meetings were held at 1:00 p.m. and 7:00 p.m. to accept public comment on the proposed projects. The projects are highway, bridge, transit, and enhancement projects for the period of October 1, 2008 through September 30, 2012. A public comment period is also extended from May 30, 2008 to June 30, 2008 in which citizens can review the proposals at the Township Office or at the County Office. Comments can be submitted to the County Planning Office until June 30, 2008. Mr. Waybright noted that he and Phillip Hileman, General Manager of The Outlet Shoppes at Gettysburg, attended the 1:00 p.m. meeting to comment on the transit portion of the project. Three routes are planned with one of the routes scheduled for busses to go from Gettysburg to the new Visitors' Center. Mr. Waybright requested that the busses come further south on Route 97 to The Outlet Shoppes, and also to the Lake Heritage community.

**Public Comment:** None given.

### **Announcements:**

Ms. Constable announced the following:

- Fireworks at The Links of Gettysburg on June 28, July 5, and July 6, 2008.
- 2009-2012 County Transportation Improvement Program - public comment and review period until June 30, 2008.
- PennDOT bridge replacement on Two Taverns Road in Mt. Pleasant Township at the border with Mount Joy Township. Detour route is planned for Hickory Road. The Township sent a letter notifying them of any farmers and businesses that might be affected by the project and the detour.

## **Treasurer:**

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

Mr. Scott moved, seconded by Mr. Rhodes, to approve the bills to be paid as presented. Motion carried unanimously.

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

1. Westminster-Keystone Custom Homes: proposed 204-lot subdivision on White Church and Goulden Roads. Supervisors extension is through July 31, 2008. Applicant requested a 60-day extension last month and the request was tabled. It was noted that Keystone's engineer sent a status report with regard to obtaining water. The Supervisors sent Keystone a letter from last month's action and noted that they have not received any response as of yet. The Supervisors instructed the solicitor and township engineer to start preparing information towards a possible denial of the plan at next month's meeting and to have Mr. Davis write a letter informing them that if the Township gets no indication of an answer to the first letter, that in fact, the Supervisors will deny the plan at the July 2008 meeting.
2. Cooper, Timothy K.: proposed 3-lot subdivision at 100 Crouse Road. (90 days end 8/22/08). Mr. Cooper was present to review the plan. It was noted that the Planning Commission recommends approval as a Preliminary/Final with contingencies, and recommends approval of a Sewage Facilities Planning Module. The Supervisors reviewed County and KPI comments. Mr. Dayhoff moved, seconded by Mr. Scott, to approve a waiver of preliminary review and approve as a Preliminary/Final plan, contingent on satisfying all County and KPI comments. Motion carried unanimously. Mr. Scott moved, seconded by Mr. Dayhoff, to approve the Sewage Facilities Planning Module as presented. Motion carried unanimously.

## **Road Report:**

Mr. Scott moved, seconded by Mr. Rhodes, to approve the Road Report as presented. Motion carried unanimously. Mr. Scott noted the damage to Straley's Road by a farmer who pulled out of a field and didn't lift the disk. He asked how this is reimbursed to the Township. Mr. Dayhoff stated that he keeps track of the cost to repair the road, and then bills the landowner. The landowner could then bill the farmer if he/she desires.

Additional Signage: Mr. Dayhoff noted he has had two requests from citizens who would like additional signage for a hidden driveway on Spangler School Road, and also on Harney Road including a tractor sign. Mr. Dayhoff inspected both areas and agreed that signage is needed. The request for Harney Road would need to be forwarded to PennDOT for approval but the Township would be required to install and maintain the signs. Mr. Scott moved, seconded by Mr. Rhodes, to approve a Hidden Driveway and tractor sign at 745/749 Harney Road and forward to PennDOT for approval. Motion carried unanimously. Mr. Rhodes moved, seconded by Mr. Scott, to approve a Hidden Driveway sign at 320 Spangler School Road. Motion carried unanimously.

Shadowing For Mowing Operations: A few months ago, the Supervisors approved shadowing for mowing operations on certain roads, per PennDOT requirements. After further review and research by the Solicitor, he found that the guidelines are very vague and has rendered a written legal opinion on certain circumstances where shadowing is not necessary. Mr. Scott moved, seconded by Mr. Rhodes, to accept Mr. Davis's letter into the record. Motion carried unanimously.

Bid Opening – White Church Road Repair: Mr. Waybright announced that a bid opening would be held at this time, as publicly advertised, for rubberized joint sealing and poly patch on White Church Road. One bid was received, was opened and read aloud as follows:

Stewart & Tate, Inc. 950 Smile Way York, PA 17404	10% bid bond included Phase I: 15,000 lbs. rubberized joint sealing 10,000 lbs. poly patch	\$25,500 <u>\$17,500</u> PHASE I TOTAL \$43,000
	Phase II: 10,700 lbs. rubberized joint sealing 5,000 lbs. poly patch	\$18,190 <u>\$ 8,750</u> PHASE II TOTAL \$26,940

Mr. Dayhoff, Road Superintendent, recommended accepting the bid for Phase I only, which is within the budget. Phase I is from Route 97 to the intersection of Patterson and Solomon Roads. Mr. Scott moved, seconded by Mr. Rhodes, to accept Phase I only in the total bid amount of \$43,000. Motion carried unanimously.

**Zoning Officer’s Report:**

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

Junkyard Certificates 2008-2009: With recommendation from Dave Crouse, Zoning Officer, Mr. Scott moved, seconded by Mr. Dayhoff, to approve junkyard certificates for the following, effective July 1, 2008 through June 30, 2009:

Francis Hartlaub	4110 Baltimore Pike
Samuel Hartlaub	1475 Highland Avenue Road
John McAlister, III	2771 Baltimore Pike
John McAlister, IV	3368 Baltimore Pike
Jeffery Miller	691 Mud College Road
Richard Munshour	1650 Baltimore Pike
Steve Zeigler	4002 Baltimore Pike
Shane Decker	2771 Baltimore Pike (Leases from John McAlister III)
Frank Walls	2665 Baltimore Pike

Motion carried unanimously.

**Correspondence:**

- Ms. Constable noted the following correspondence received:
- WRRMA minutes from April and May
  - WRRMA application for Water Quality Management Permit
  - East Brunswick Township, Schuylkill County, requesting support of sewage sludge ordinance
  - Letter from citizen on Orphanage Road questioning use of neighbor’s property
  - Thank you letters for donations from SPCA, Adams County Library, Adams County Transit Authority, Gettysburg Recreation, Littlestown YMCA, Littlestown Sr. Center, Gettysburg YWCA,.
  - Adams County Transit Authority request for continued donation

- DEP review and acceptance of WRRMA 2007 Annual Report
- DEP response to Township's objection letter regarding permit transfer of Clapsaddle to Gettysburg Granite
- Report from Tom Dunchack, Planning Commission member, from "Official Map" seminar he attended

**Committee Reports:**

Personnel: Nothing to report  
 Finance: Nothing to report

Planning, Land Use & Zoning: Mr. Rhodes noted that he and Mr. Chantelau recently met with Audrey Weiland, member of the Planning Commission, to review the Commission's recommendations for changes to the Table of Permitted Use included in the Township's zoning ordinance. The Committee made some revisions and submitted the recommendations to the Supervisors for review. The Supervisors instructed Mr. Davis to review the recommendations and then the Supervisors would follow up with a workshop in the future.

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

Public Safety: Mr. Dayhoff reminded everyone of the Bonneauville Fire Company annual carnival taking place this week and encouraged everyone to support their local fire company.

**Agricultural Land Preservation:**

With recommendation from the Agricultural Land Preservation Board:

- Mr. Dayhoff moved, seconded by Mr. Scott, to approve and sign the Agreement of Sale for the purchase of agricultural land preservation easement in the amount of Two Thousand Five Hundred Four Dollars and No Cents (\$2,504.00) per acre to purchase the improved real property located at and known as 244 Hoffman Home Road, Gettysburg, Mount Joy Township, Adams County, Pennsylvania 17325, and as described in Deed Book 4673 and Page 339, totaling 67.07 deeded acres, all of which acreage has been appraised for this price, owned by Craig L. and Connie L. Yingling. It was noted Mr. & Mrs. Yingling accepted the Board's offer of 80% of the appraised value. Motion carried unanimously.
- Mr. Scott moved, seconded by Mr. Dayhoff, to approve Adams County Surveyors to verify closure on the legal description of the Yingling farm; authorized the Ag Land Coordinator to submit settlement documents to John R. White, Solicitor; authorized the Township Treasurer to file a Requisition for the purchase of the Yingling easement; and authorized a request to the County Agricultural Land Preservation Program to prepare a Conservation and RMS plan for the Yingling farm. Motion carried unanimously.

**Recreation Board:**

Mr. Waybright moved, seconded by Mr. Scott, to approve the Recreation report as presented. Motion carried unanimously. Mr. Rhodes noted that the Study Committee is doing well so far. YSM, Consultants, formed a three member sub-committee of the Study Committee, that would look at the survey responses and

letters that will be going out to a percentage of the township citizens. The sub-committee consists of Bob Rhodes, Lou Shuba, and Robin Crushong. Mr. Lou Shuba was present and commented that YSM has offered very favorable comments about Mount Joy Township because we have done as much as possible within the law as to preserve land, control development, provide recreation, etc. With all the clients they have worked with, they put Mount Joy Township in the 99 percentile as to what is being done and are very complimentary of the township. He noted that they mentioned a survey that was done nation-wide concerning quality of life among all types of municipalities, and the number one item on the list was religion; the second was recreation, open space, and land preservation. Mr. Shuba wanted to point out that Mount Joy Township is right up there with what people are looking for with the quality of life.

### **Other Business:**

Auditors' Annual Report - Revised: Mr. Bob Staley and Mr. Harold Kirschner were present to discuss comments received from the Supervisors relative to the Auditor's 2007 Year End Report that was submitted at the April 17, 2008 Supervisors' Meeting. Mr. Staley spoke on behalf of the Chairman, John Leino, who could not attend. The Auditors submitted a Revised Report, dated June 19, 2008 for the record. Mr. Staley explained that with regard to all transfer of funds, they are requesting the approval to be in writing before the action is taken. They request this for the protection of the Treasurer and the Township. With regard to the request for an evaluation of a working supervisor, they are asking for a memo indicating that an evaluation was done based on the job description and whether it was satisfactory or whatever. The third item relating to impact fees; they admit they were mistaken on that issue and apologized for it.

Mr. Scott moved, seconded by Mr. Rhodes, to accept the revised Auditors' report dated June 19, 2008 as read into the record and authorized the Secretary to place a footnote in the April 17, 2008 minutes indicating that a revised report was submitted at the June 19, 2008 meeting. Motion carried unanimously. Mr. Dayhoff moved, seconded by Mr. Scott, to also have the Supervisors' letter dated April 21, 2008 signed by Mr. Waybright, to be attached to the Revised Audit Report and be made part of the record. Motion carried unanimously.

Hartlaub Land Acquisition: Mr. Scott moved, seconded by Mr. Dayhoff, to authorize Chairman Waybright to sign a User Questionnaire relative to the Environmental Study that is required with this acquisition, per DCNR. Motion carried unanimously.

Mr. Dayhoff moved, seconded by Mr. Scott, to approve and sign the County Green space Grant Agreement between the County and the Township. Motion carried unanimously.

Links At Gettysburg – Bond Establishments and Reductions: With recommendation from KPI, Engineer, the following actions were taken:

- a. Mr. Dayhoff moved, seconded by Mr. Scott, to approve bond reduction requests as follows:
  - 1) The Courtyards – Part of Lookout, Part of Roundtop – Phase IB: Reduction Request #3 - \$80,914.75. A new Bond with a remaining balance of \$73,065.88 is to be submitted to the Township.
  - 2) Garrison Falls – Phase IIA: Reduction Request #4 - \$799.70. A new Bond with a remaining balance of \$265,587.30 is to be submitted to the Township.
- b. Mr. Dayhoff moved, seconded by Mr. Scott, to establish bond amounts as follows:
  - 1) Establish a total Financial Security in the amount of \$660,872.30: The Courtyards – Remainder of Lookout and Roundtop – Phase IC

- 2) Garrison Falls – Phase IIB: Establish a total Financial Security in the amount of \$731,430.70.
  - 3) Garrison Falls – Phase IIC: Establish a total Financial Security in the amount of \$239,265.40.
- c. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the bond reduction requests as follows:
- 1) The Courtyards – Remainder of Lookout and Roundtop – Phase IC: Reduction Request #1 - \$529,933.00. A new Bond with a remaining balance of \$130,939.30 is to be submitted to the Township.
  - 2) Garrison Falls – Phase IIB: Reduction Request #1 - \$509,962.00. A new Bond with a remaining balance of \$221,468.70 is to be submitted to the Township.
  - 3) Garrison Falls – Phase IIC: Reduction Request #1 - \$141,914.00. A new Bond with a remaining balance of \$97,351.40 is to be submitted to the Township.

Conditional Use Decision for Horizon Group Properties, Inc.: The Supervisors set the date and time of July 7, 2008 at 6:00 p.m. for a Meeting to render a decision for the Conditional Use Amendment requests filed by Horizon Group Properties, Inc., (The Outlet Shoppes At Gettysburg).

**New Business:**

Recreation Fee Waiver Request: Supervisors received a request from John and JoAnn Auchey requesting a temporary waiver to pay recreation fees relative to a recent approved subdivision, due to financial hardship. After a lengthy discussion and review with the Solicitor, it was determined that if the Supervisors were to grant such a temporary waiver, a municipal lien in favor of the Township and against all of the Auchey's property would be required. To go through this process would be more costly than having to pay the recreation fee itself. With that determination, Mr. Dayhoff moved, seconded by Mr. Rhodes, to deny the request to temporarily waive the recreation fee for John & JoAnn Auchey. Motion carried unanimously.

Planning Commission Resignation: The Supervisors noted that Jim Wiltgen, Planning Commission member, has submitted a letter of resignation due to moving out of the area to accept another job. Mr. Scott moved, seconded by Mr. Dayhoff, to accept Mr. Wiltgen's resignation with regret, effective June 12, 2008, and to send a thank you letter to Mr. Wiltgen for his service on the Commission, the Act 209 Committee, and the Strategic Planning Initiative Committee. Motion carried unanimously.

Supervisors announced that a vacancy now exists and requested any interested persons should send a letter to the Township to be considered for appointment.

**Adjournment:**

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Dayhoff, to adjourn the Supervisors' Meeting at 8:30 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable  
Secretary