

JUNE 20, 2002 SUPERVISORS' MEETING:

The Mount Joy Township Supervisors met this date in regularly scheduled session at 7:00 p.m. in the Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA, with Chairman James Waybright presiding. Others in attendance were: Supervisors George Scott, Will Rogers and Bill Chantelau; Solicitor Walton V. Davis; Gilbert Picarelli, SEO; News Reporter Kami Masemer (*The Gettysburg Times*); and Secretary Brenda Constable.

Citizens in attendance were: Jacqueline and LeRoy Basehoar; Beverly Boyd; Charles Boyd; Shirley Waybright; Eileen Holmes; Cedric W. Moore and Mike Gebhart, representing English Gettysburg Congregation of Jehovah's Witnesses; Henry Reaver Jr.; Barbara Steele; Attorney Gary E. Hartman representing Thomas Greiber; John McAlister; Jerry Maloney; Richard Klein and Bob Sharrah representing The Links; Jack McLatchy; and Pete Thomas for Village Apartments.

Chairman Waybright led everyone with the Pledge to the Flag.

Minutes:

Scott moved, seconded by Chantelau, to approve the minutes of the May 16, 2002 Public Hearing as presented. Motion carried unanimously.

Chantelau moved, seconded by Scott, to approve the minutes of the May 16, 2002 regular meeting as presented. Motion carried unanimously.

Chantelau moved, seconded by Rogers, to approve the minutes of the June 5, 2002 Special Meeting as presented. Motion carried unanimously.

Public Comments:

1. Jerry Maloney asked if the Supervisors would give details with regard to the land transactions discussed at the June 5, 2002 Special Meeting. Solicitor Davis explained that the Board did not want to discuss this in public session, therefore, the reason for holding an executive session.

Painting Presentation:

On behalf of her father-in-law Charles Boyd, Beverly Boyd presented a painting of the Mud College Schoolhouse to the Supervisors. Mr. Boyd is a local artist who resides in Littlestown. She explained that he has painted the Schoolhouse in the past and was hoping to continue after the Township became the owner of it. The Supervisors were very appreciative of the painting and stated that they would hang it in the lobby of the Township building so that the public could see and enjoy it. The Supervisors also agreed to send a thank you letter to Mr. Boyd and to also have a plaque made to hang along with the picture reflecting the artist's name and date of presentation. Some members of the Mud College Schoolhouse Committee were also present for the presentation.

Chairman's Statement:

Chairman Waybright announced that there would be a few additions to the agenda: Gil Picarelli, Sewage Enforcement Officer, asked to be recognized; and representatives of the English Gettysburg Congregation of Jehovah's Witnesses, Inc. also asked to be recognized.

Sewage Enforcement Year End Report:

Gil Picarelli, SEO, presented the 2001 Township Activity Report for reimbursable and non-reimbursable expenses. He stated that with reimbursements, the Township should be approximately \$1,200 to the good.

Treasurer's Report:

Rogers moved, seconded by Scott, to approve the Treasurer's Report for May and June as presented. Motion carried unanimously.

Scott moved, seconded by Rogers, to approve the bills to be paid for May and June as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

1. English Gettysburg Congregation of Jehovah's Witnesses, Inc. representatives Cedric Moore and Mike Gebhart were present to ask the Supervisors for direction with regard to design for a sewage module. They did not have a subdivision plan for discussion at this time; however, they are planning to build an auditorium on a lot in the Blue and Grey Development on Highland Avenue Road. Gil Picarelli, SEO, explained that they have approximately 675 gallons per day on their highest day. A subdivision approved for the SFR (single family residential) zoning district use is 400-500 gallons per day. Testing for this use would be the same. The Board can require a new sewage module since it is not in the SFR zoning district. If the gallons were over 800 per day, then they would definitely need a new module. DEP says that they must follow the highest day of the year to determine what type of design is needed. Gil also pointed out that the design is based on the maximum number of seats, not the usage. Mike Gebhart noted that there would be 199 seats in the church, however, the average attendance is usually less than 150.

Mike Gebhart and Cedric Moore asked the Supervisors if they should prepare a standard sewage planning module now or go with a new septic design. Waybright recommended that whichever way they choose, to go with it and see what happens when it comes up for review.

Scott moved, seconded by Waybright, to waive the option for a new septic design module at this time. Discussion followed with Rogers stating that if a kitchen would be added in the future, it would then take them over the 800 gallons per day. Scott stated that the Planning Commission is currently looking at this plan, and it does not have a kitchen or school. If plans change in the future, then they would need to change the design system at that time. He further added that if there would be any change in the future, then they would have to come in for a building permit and that would trigger a new change. With no further discussion, the motion carried.

Subdivision and Land Development Plans continued after Executive Session.

Executive Session:

Board Chairman Waybright called for an Executive Session at 7:30 p.m. this date.

Meeting Reconvened:

Board Chairman Waybright reconvened the Supervisors' Meeting at 7:35 p.m. this date with all members and citizens, as listed above, in attendance.

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

1. The exploration of a potential conflict of interest. It was found that there was no conflict; and
2. A preliminary discussion of a potential use of real estate for the benefit of the Township.

Subdivision/Land Development Plans continued:

2. The Links At Gettysburg-Red Rock Community Phase I: Preliminary subdivision and land development plan tabled from previous meetings. Richard Klein, owner, and Robert Sharrah, Surveyor, were present for discussion. Waybright noted that Mark Lewis of HRG, Engineer, submitted a letter dated May 29, 2002, with remaining issues that need to be resolved. Waybright and Lewis met with Klein and Sharrah this morning and addressed all of the issues, noting that they can all be resolved with the final plan. Solicitor Davis questioned if any of the issues addressed the basic layout. Sharrah responded that they did not, they were all housekeeping issues. Scott moved, seconded by Chantelau, to approve as a preliminary plan contingent on the resolution of HRG's May 29, 2002 letter no later than the final plan. Motion carried unanimously.

Klein noted that the sewer is now ready. Sharrah noted that all waivers are listed on Sheet T1-1. Klein thanked the Supervisors for their approval and invited them to visit a development in Frederick that would show clustering design and give them a good idea of what they will be doing at the golf community. He would like the Board's opinions. The Board agreed to visit the development.

3. LeRoy and Millard Basehoar: On a recommendation from the Planning Commission, Chantelau moved, seconded by Rogers, to approve the Sewage Facilities Module relative to their proposed subdivision on Plunkert Road which is currently on the table of the Planning Commission. Motion carried unanimously.
4. Thomas L. Greiber: requesting approval for a stand-alone agricultural use lot consisting of 14.178 acres along Roberts Road. Attorney Gary Hartman was present to represent Mr. Greiber. He requested a waiver to the technical planning requirements for non-building declaration due to a panhandle lot. As it is now, the lot would be difficult to sell, other than to an adjoining lot. Scott noted that the Planning Commission recommended legal opinion on this request. Hartman gave some background, noting that Greiber was to record this with the lot that is currently owned by Cole. Greiber did not do this as agreed, and instead, sold a portion of the joiner to Cole in 1997. Now this is just the remaining acreage of a subdivision. Under the current plan, the Coles would be the only ones who

could obtain this lot. Davis pointed out that in the future, the Supervisors could be asked to do a new subdivision to allow the joinder with the surrounding landowners.

Chantelau moved, seconded by Rogers, to deny the request for a stand-alone lot. Discussion: this would give Greiber the opportunity to come back with a new request. With no further discussion, the motion carried unanimously.

5. Village Apartments: Pete Thomas, owner, presented a land development plan for a 51' x 42' storage shed/garage at 1845C Baltimore Pike. It was noted that the Planning Commission recommends approval pending compliance to all HRG comments (letter dated May 31, 2002). Scott noted that the main issue was with regard to obtaining a Highway Occupancy Permit (HOP) for the driveway. Scott moved, seconded by Chantelau, to approve as a preliminary/final contingent on the owner promising to obtain a HOP. Discussion: Solicitor Davis stated that our ordinance states that they must demonstrate "no burden" when constructing a new/addition of a building. Thomas questioned if it was mandatory. Davis responded that it is mandatory, see §86-13.C.18 and §86-20.B(3 and 7). Scott questioned if there were an accident in the driveway, is the Township liable? Solicitor Davis responded no. Davis questioned if the level of use was changing by the number of apartments. Thomas responded no. He stated that the driveway has been there for 35 years. Why is a HOP needed now? The Supervisors agreed, noting that they could accept the application as a hardship. With no further discussion, Waybright called for the question. No yeas, the motion was denied.

Scott moved, seconded by Rogers, to approve the land development plan as a preliminary/final, subject to satisfying HRG comment #3, all signatures and seals should be provided. Motion carried unanimously.

Road Report:

Chantelau pointed out that the work to be done on White Church and Solomon Roads has been backed up and will not be done until the end of June rather than the beginning of June as previously reported. Scott also noted that the paving of the Township parking lot might not happen until next year now. Chantelau moved, seconded by Scott, to approve the Road Report as presented. Motion carried unanimously.

Building Permit/Zoning Officer's Report:

Agricultural Security Area Seven Year Review: With recommendation from Jay Little, Zoning Officer, Waybright moved, seconded by Scott, to authorize the advertisement of a public hearing to be held on July 18, 2002 at 6:45 p.m. with the intent to adopt the ASA Resolution. Motion carried unanimously.

Chantelau moved, seconded by Rogers, to approve the Zoning Officer's Report as presented. Motion carried unanimously.

Building & Grounds Report:

Waybright moved, seconded by Scott, to approve the Building and Grounds Report as presented. Motion carried unanimously.

Correspondence:

Secretary Constable announced the following correspondence received:

- WRRMA minutes for April 2002
- Gettysburg Rec Department minutes for May 2002
- Gettysburg-Adams Chamber of Commerce Newsletter
- Littlestown Chamber Newsletter
- Adams County Surveyors (ACS) letter dated June 17, 2002 with regard to the Township requiring that the computation of right-of-way lines be shown on plans, especially those on other parts of farms that are not part of the submitted subdivision plan. Waybright explained that approximately four (4) years ago, there was a situation of a road not being where it said it was to be on a plan. That is what may have prompted this requirement. Scott moved, seconded by Chantelau, to forward the ACS letter to our engineer, HRG, for their review and consideration. Motion carried unanimously.

Committee Reports:

Personnel: Nothing to report at this time.

Finance: Chantelau noted that Treasurer Robin Crushong has been carefully reviewing bills and as a result, has saved the Township \$24/year by paying internet services annually versus monthly. She has also made changes with telephone bills that resulted in a saving to the Township.

Planning, Land Use and Zoning: Nothing to report at this time.

Building & Grounds: Scott reported that Mud College Schoolhouse Committee will be holding an open house on Saturday, August 17 and Sunday, August 18. Sunday will be dedicated for the alumni.

Roads: Nothing to report at this time.

Public Safety: Nothing to report at this time.

Agricultural Land Preservation: Scott moved, seconded by Chantelau, to accept the Ag Land Preservation Formulation Committee Report dated May 13, 2002 as presented.

Announcements:

Secretary Constable announced the following:

- Emergency Conservation Program (ECP) of the U.S. Department of Agriculture, sign-up for assistance to eligible producers whose existing water supply is inadequate for their livestock due to the drought conditions and to provide water to existing irrigation systems serving orchards will be held June 3 through August 1, 2002. Information is available in the office.

- The Planning Commission's Public Meeting for the comprehensive Plan and Act 537 will be held on Monday, July 15, 2002 with an open house at 6:30 p.m. and meeting beginning at 7:00 p.m.
- S. G. Marinos Co. will be hosting a WWII Battle Simulation at 1897 Baltimore Pike on June 22 and 23, 2002.

Other Business:

Adams County Earned Income Tax Agency:

Scott moved, seconded by Rogers, to vote in favor of the FY 2003 Budget as presented. Motion carried unanimously.

Septic Holding Tank Ordinance:

As publicly advertised, Rogers moved, seconded by Scott, to adopt the following Ordinance No. 2002-03. Motion carried unanimously:

ORDINANCE NO. 2002 - 03

AN ORDINANCE OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES TO ADD A NEW CHAPTER 67, ENTITLED "SEPTIC HOLDING TANKS", PROVIDING THE TERMS OF AN AGREEMENT WHICH IMPOSES DUTIES AND LIABILITIES ON THOSE WHO ARE PERMITTED TO HAVE A HOLDING TANK, AND PRESCRIBING PENALTIES FOR VIOLATION OF THOSE DUTIES.

The Board of Supervisors of the Township of Mount Joy hereby enacts and ordains as follows:

Section 1. The Code of Ordinances of the Township of Mount Joy, Adams County, Pennsylvania, is hereby amended to add the following Chapter 67:

Chapter 67
SEPTIC HOLDING TANKS

§ 67-1. Procedures.

The procedures and requirements, relative to the issuance of holding tank permits, shall be as set forth in the Pennsylvania Sewage Facilities Act, No. 537 P.L. 1535 (1965), as amended (the "Act"), and the rules and regulations promulgated thereunder (the "Regulations") by the Pennsylvania Department of Environmental Protection ("DEP"), which Act and Regulations, as from time to time revised, amended or supplemented, are hereby incorporated herein by reference as fully as those set forth at length herein; provided, however, that the more restrictive provisions and requirements shall prevail in the event of any conflict or inconsistency between the provisions of this ordinance and the Act and Regulations.

§ 67-2. Holding Tank Agreement.

The Sewage Enforcement Officer shall not issue a holding tank permit unless such holding tank complies with the Act and Regulations, and until all of the titled property owners of the land on which the holding tank will be located have executed an Agreement as prescribed by this Chapter.

The form of the Agreement is as follows:

MOUNT JOY TOWNSHIP HOLDING TANK
PERMIT AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 20____, by and between MOUNT JOY TOWNSHIP, with an office at 902 Hoffman Home Road, Gettysburg, Pennsylvania 17325 (hereinafter "Township"), and _____ of _____ (hereinafter "Owner").

WHEREAS, Owner is the owner of real property located at _____, Mount Joy Township, Adams County, Pennsylvania, the present Deed to which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed/Record Book _____ at Page _____; and

WHEREAS, Owner has applied to the Township through its Sewage Enforcement Officer for a Holding Tank Permit in accordance with the pertinent provisions of the Pennsylvania Sewage Facilities Act (35 P.S. §750.1, et seq.) (The "Act") and the Regulations of Pennsylvania Department of Environmental Protection (25 Pa. Code §71.1, et seq.) (The "Regulations"); and

WHEREAS, the Township is willing to issue to the Owner a Holding Tank Permit, subject however to Owner's execution and delivery of, and strict compliance with, the present Agreement, the Act and the Regulations.

NOW, THEREFORE, WITNESSETH: that in consideration of the parties' mutual promises and agreements contained hereon, in addition to the foregoing recitals (which are incorporated herein), and intending to be legally bound hereby and intending to bind his heirs, successors and assigns, the Township and Owner hereby agree as follows:

(1) Township shall issue to Owner a Holding Tank Permit conditioned upon and subject to Owner's strict compliance with all of the provisions of this Agreement, the Act and the Regulations.

(2) Owner shall furnish, install, and maintain Owner's holding tank in conformity with all of the terms and conditions of the Owner's Application and Permit, as well as the pertinent provisions of the Act, the Regulations and this Agreement.

(3) Owner shall, either at the time of receipt of the Permit or within ten (10) days thereafter, and at any time upon demand, furnish the Township Secretary with a copy of Owner's contract with a duly licensed holding tank collection /disposal operator or company, along with said operator's or company's written contract or authorization with an approved dumping site or sewage disposal facility to dispose of the septage from Owner's holding tank.

(4) Owner shall furnish the Township Secretary with written statements or receipts indicating Owner's regular and proper pumping of Owner's holding tank; such statements or receipts shall be furnished or exhibited at any time upon demand of the Township's Sewage Enforcement Officer, and at least annually to the Township Secretary.

(5) Owner acknowledges and agrees that Owner's holding tank shall be subject to periodic inspection, with or without notice, by the Township's Sewage Enforcement Officer, and for this purpose Owner hereby grants to the Sewage Enforcement Officer permission to enter upon

Owner's above-mentioned property at any time, with or without notice, for purposes of such inspection.

(6) Owner acknowledges and agrees that Owner's failure to correct a violation of any term or condition of the present Agreement or of the Act or of the Regulations within ten (10) days of the date of written notice from the Township or the Township's Sewage Enforcement Officer of any such violation, shall constitute grounds for the immediate and automatic revocation by the Township of the Owner's Permit.

(7) Owner acknowledges and agrees that the Township shall have the right to file a municipal claim or lien against Owner's above-mentioned property, in the event that Owner's breach of the terms and conditions of the present Agreement or the Act or the Regulations, results in the Township incurring any cost or financial loss as a result of the breach, including attorney's fees and court costs.

(8) The parties hereto acknowledge and agree that all references to the Township shall, whenever and wherever pertinent, include the Township's Supervisors, Sewage Enforcement Officer, agents, employees, and representatives.

IN WITNESS WHEREOF, the parties have duly executed this Agreement the day and year first above written.

ATTEST:

MOUNT JOY TOWNSHIP SUPERVISORS

_____/s/_____
Secretary

By: _____/s/_____
Chairman

[Seal]

WITNESS:

_____/s/_____
Owner
_____/s/_____
Owner
_____/s/_____
Owner
_____/s/_____
Owner

§ 67-3. Obligations of Holding Tank Owner or User.

All of the terms and obligations imposed pursuant to the Agreement form provided by this Chapter are requirements imposed upon all property owners or occupiers utilizing a septic holding tank. Those obligations are applicable, as are the penalties stated herein, to all owners and/or occupiers of land serviced by a septic holding tank even though an Agreement may have been lost or never signed.

§ 67-4. Penalties for Violation.

Any person, firm, corporation or other entity, who is an owner or occupier of land serviced by a holding tank, and who violates the terms, conditions and obligations of this Chapter (as stated in this Chapter and in the form of Agreement) shall be guilty of a summary offense, and shall upon conviction be sentenced to pay a fine, or in default of payment thereof to an imprisonment, as prescribed by the Second Class Township Code of the Commonwealth of Pennsylvania for violation of an ordinance regulating health, public safety or water pollution matters (see 53 P.S. § 66601(c)).

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
ENACTED AND ORDAINED this _____ day of _____, 2002.

ATTEST:

MOUNT JOY TOWNSHIP SUPERVISORS

(SEAL) _____
Its Secretary

By: _____ /s/ _____
_____, Chairman
_____/s/_____
Supervisor
_____/s/_____
Supervisor
_____/s/_____
Supervisor
_____/s/_____
Supervisor

Bid Opening for Salt Storage Shed:

As publicly advertised, the Supervisors opened and read aloud two (2) bids that were received for the proposed salt storage shed:

	<u>Base Bid Concrete</u>	<u>Base Bid Carpentry</u>	
1. Roger Flickinger and Sons 2650 Biglerville Road Gettysburg, PA 17325	\$ 94,880	\$ 37,599	w/10% bond
2. Frank Gebhart Concrete Const. 4110 York Road New Oxford, PA 17350	\$134,990	No bid	w/10% bond

Sam Dayhoff, Building and Grounds Coordinator, joined the meeting at this time for discussion and review of the bids. It was noted that only \$97,000 was budgeted this year for the salt storage shed. Rogers questioned when is the project anticipated to take place. Dayhoff stated before September or October so that the concrete has time to cure. Rogers moved, seconded by Chantelau, to award the bid for the concrete only to Roger Flicking and Sons, re-bid the carpentry work later, and to put money in the budget for next year to accomplish this. Also included in the motion was to include the coded rebar at cost of \$565, which is included in the total base price of \$94,880. Motion carried unanimously.

New Business:

Joint Municipal Waste Hauling/Recycling Program:

The Supervisors noted that they are continuing to learn more about the joint municipal waste hauling program and will be attending the next meeting on July 24, 2002 at the Gettysburg Borough Office

to discuss the next step of a joint venture. The municipalities that have already joined together are Gettysburg Borough, Straban and Freedom Townships.

Adjournment:

With no further business to come before the Board, Rogers moved, seconded by Scott, to adjourn the Supervisors' Meeting at 9:20 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary