

**Mt. Joy Township
Supervisors' Regular Meeting
May 17, 2018**

Meeting Minutes

Present: John Gormont, Chairman; David Updyke, Vice-Chairman; Dennis Bowman; Jeffrey Patterson; Terry Scholle; 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

Executive Session: Mr. Gormont said that there was an Executive meeting conducted on May 4, 2018. The start time for the executive session was 6:00 p.m.

Topic: Potential litigation relating to the Links Plans and also, the Herrick equipment conditions litigation.

Public Comment: Barbara Steele, 456 Mud College Road, regarding concerns about a possible solar farm. .

Approval of Minutes:

- Supervisors' Regular Meeting Minutes, April 19, 2018. Mr. Updyke moved, seconded by Mr. Bowman to accept Minutes as presented. Motion carried unanimously.
- Supervisors' Workshop Meeting Minutes, May 3, 2018: No meeting.

Chairman's Comments: None.

Solicitor's Report: Mr. Updyke moved, seconded by Mr. Bowman, to accept the Solicitor's report as presented. Motion carried unanimously.

Persons Requesting Time on Agenda:

- E. Lee Ramsburg: Mr. Ramsburg stated that the property located at 420 Rock Creek Ford Road has wells he would like to put to use regarding his grazing operation. Mr. Bowman moved, seconded by Mr. Scholle, to grant Mr. Ramsburg a six month extension on development of the wells. Following discussion, Mr. Bowman moved, Mr. Scholle agreed to modify the motion to grant a six month extension for the three wells to be put to use on the farm. Motion carried unanimously.

Mr. Ramsburg said that the White Church Road property has three wells that need to be abandoned and he requested six months to explore their options on that tract of ground. Mr. Bowman moved, seconded by Mr. Updyke, to grant a 90 day extension to fill in the three wells. Motion carried unanimously.

- Scott Small, Littlestown Fire Chief: Mr. Small did not attend the meeting. Ms. Moyer will contact him and have him attend the June 21, 2018 meeting.

Announcements: None.

Treasurer's Reports:

- Approval of Monthly Finance Report. Mr. Updyke moved, seconded by Mr. Scholle, to accept the report as presented. Motion carried unanimously.
- Approval of Bills Paid Report. Mr. Bowman moved, seconded by Mr. Patterson, 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/Land Development Plans:

- The Links Preliminary Subdivision Plan Review - Wade Run Community original date April 24, 2017, revised April 16, 2018:
- The Links Preliminary Land Development Plan - Hotel and Conference Center original date April 25, 2017, revised April 5, 2018:

Mr. Vranich said that the plans were revised April 16, 2018 and were reviewed and issued comments letters accordingly. Based on the outstanding comments the plans are still at the Planning Commission level. The reason it's before the Board is because the Wade Run Plan has an action deadline of May 20, 2018 which means the Board must take action on that plan this evening. Mr. Vranich said he was not aware of any extension request provided to the township at this time.

Ms. Smith said as the Board knows a letter was sent regarding the failure to comply with a condition attached to the Conditional Use approval. She said that the Board received her counsel and also received correspondence from Attorney Charlie Courtney regarding status of the Conditional Use. That would have to be resolved before you would proceed to consider any plans.

Mr. Bowman said that he believes they need to accept what was submitted, the count and any changes submitted by their engineer and move on. He said that it was late and that possibly some penalties could be assessed but he didn't feel that was appropriate. Other than being late he indicated he was not sure what the issue is.

Mr. Gormont questioned, how this would impact anyone else who has a conditional use with conditions and they do not meet their requirements. He went on to read directly from Mr. Courtney's letter... "every three years from the date of the decision" and that requirement was not met.

Mr. Bowman said no one is denying that the condition must be met but wanted to know if a half million dollars goes down the drain for 10 days.

Mr. Gormont said the Board cannot make decisions based on what expenditures have been made by someone and they did not do what they were supposed to do.

Mr. Bowman said the Board has discretion to grant extensions.

Mr. Patterson said they acted on that at their executive session. He said that they gave an extension until Monday at noon and did not get an answer.

Ms. Smith said that her counsel to the Board was that the condition had lapsed and that approval had expired. Mr. Courtney offered the Board a letter stating it's a violation and the Township should engage in an enforcement action. Ms. Smith said in her conversation with Mr. Courtney that there is nothing to enforce against. There is no development. There is a conditional use approval but there's no project.

Mr. Courtney said if you look at the ordinances, the only time a conditional use expires in the context of a PGC is if a plan is not submitted within two years. He said tonight they are talking about the traffic study completed every three years. He read from the Ordinance..."conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this chapter and be subject to the penalties described in this chapter." He said that's the enforcement mechanism under the ordinance for the Zoning Officer to issue a notice of violation, take it to District Court and pay a \$500.00 penalty.

Ms. Smith said there was notice given. There was notice given in March by the Zoning Officer when the transportation engineer advised that an early traffic submission was inadequate. She issued a notice to the applicant to indicate there was an obligation and condition and there was no response to that letter. There was a comment in the applicant's engineer's response to comments letter that indicated that a traffic study had been submitted. Taking that at face value the Board offered an opportunity to submit that document, there was no response to that communication.

Mr. Bowman moved, seconded by Mr. Updyke, to grant an extension to submit the traffic study. Aye – Mr. Bowman, Nays – Mr. Gormont, Mr. Paterson, Mr. Scholle, Mr. Updyke. Motion denied.

Mr. Gormont said the Wade Run plan has 48 comments which is down from 70 comments a year ago. Those highlighted in green are partially completed but still unfinished, yellow highlights are comments that were on before and haven't been address, and regular type are new items following this review. Mr. Gormont said that Wade Run was originally submitted April 24, 2017 and a second set was submitted on August 8, 2017 and they were incomplete (only had 12 of the 37 pages). They were resubmitted this year on April 16, 2018. He indicated that during that timeframe, Mr. Klein's engineer met with Mr. Vranich and Ms. Hare on three occasions for a total of five hours to review the comments. He said they met on June 22nd, September 11th and October 25, 2017.

Mr. Vranich said that progress was made with the last submission. He said that there are a number of things still outstanding. He said he thinks sewer and water are pretty major. He said he felt more progress could have been made.

Ms. Hare said that she still has 20 outstanding comments which is down from 30.

Ms. Smith said that the Board could grant an extension if they want to grant additional time. If they wanted to act on the plan, they could approve it, approve it with conditions (which typically are the comments from the engineer and zoning officer) or deny for failure to comply with the ordinance.

Mr. Bowman moved for an extension of 60 days. No second to the motion. Motion failed.

Mr. Bowman left the meeting.

Mr. Updyke moved, seconded by Mr. Scholle to deny the plan. Motion carried unanimously.

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

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

Land and Sea Service Inspection Report: Mr. Updyke moved, seconded by Mr. Patterson, to accept the report as presented. Motion carried unanimously.

Planning Commission Report: Mr. Updyke moved, seconded by Mr. Scholle, to accept the Planning Commission report for May as presented. Motion carried unanimously.

Open Records Officer Report:

- Nicole Hammock – regarding 3290 Baltimore Pike the recent reports that were filed on this property about the septic, including the person who reported the problem and the inspection that took place April 12, 2018 – Denied.
- Kevin VanKuren, P. G. requesting the hydrogeological study completed on behalf of Henry High poultry farm – Granted.

Fire Company Reports:

	MJT Calls per month	YTD Calls in MJT
1. Alpha Fire Company	4	7
2. Barlow Fire Company	6	13
3. Gettysburg Fire Co.	3	11
4. United Hook & Ladder No. 33-3	1	3

Mr. Patterson moved, seconded by Mr. Scholle, to accept the report as presented. Motion carried unanimously.

- 1st Quarter Financial Statement from United Hook & Ladder Company 33. Mr. Updyke moved, seconded by Mr. Patterson to accept the financial reports. Motion carried unanimously.

Mr. Updyke moved, seconded by Mr. Patterson, to release the first quarter payment. Motion carried unanimously.

Correspondence:

- Letter dated April 18, 2018 from White Run Regional Municipal Authority advising the township of Nina Dolly's resignation
- Letter dated May 1, 2018 from Aqua advising the township that Little Washington Wastewater Company has submitted a NPDES application to renew the existing PA DEP NPDES permit for the Links of Gettysburg

Committee Reports:

- Personnel: (Patterson and Updyke) No report.
- Finance: (Gormont and Updyke) No report.
- Road Report: (Gormont) No report.
- Public Safety: (Bowman) No report.

Business:

- Herrick – Conditional Use application fee: Mr. Updyke moved, to refund what we haven't expensed. Following discussion, the motion was then revised by Mr. Patterson. Mr. Patterson moved, seconded by Mr. Updyke, to return the \$500.00 conditional use application fee. Motion carried unanimously.
- Links – Landscaping extension request: Mr. Patterson moved, seconded by Mr. Scholle, to extend the June 1, 2018 deadline to June 15, 2018 to have the landscaping completed. Motion carried unanimously.

Other Business (not on agenda):

- McGrew Cattle Barn: Mr. Gormont said we received correspondence from the Adams County Conservation District regarding the McGrew plans. He questioned if the plans submitted have a nutrient management or manure management plan? Mr. Vranich said the only time we get involved is when it triggers into a concentrated animal operation. This project, he would probably ask them to confirm that it doesn't meet that threshold.

Executive Session: Start: 8:24 p.m.

Topic: Pending litigation based on this evenings discussions and also Intersection Church conditional use compliance.

Meeting Reconvened: 8:46 p.m.

Mr. Gormont moved, seconded by Mr. Patterson to authorize Ms. Smith to move forward or engage in whatever is necessary in regard to any issues that may result out of the discussions from this evenings meeting. Motion carried unanimously.

Adjournment: With no further business to be discussed by the Board, Mr. Patterson moved, seconded by Mr. Scholle, to adjourn the meeting. Motion carried unanimously. Meeting adjourned 8:48 p.m.

Submitted by,

Sheri L. Moyer
Secretary