

JULY 17, 2003 SUPERVISORS' MEETING:

The Mount Joy Township Board of 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 William Chantelau, George Scott, Will Rogers, and Harold Kirschner; Solicitor Walton V. Davis; News Reporters Alex Gayhart (*The Gettysburg Times*), and Erin Negley (*The Hanover Evening Sun*); and Secretary Brenda Constable.

Others in attendance were: Harry Ramage representing Beyland, Inc.; Robert Slapp; John Leino; Jack McLatchy; John McAlister; Kitty & Joe Hofmann; Ken Wenger; Eileen Holmes; Petula and Keith Yingling; Charles Cole; Rick Klein representing The Links At Gettysburg; Joe Pierce, Esq. of Eckert Seamans Cheron & Mellott; and Gary Pulcini representing Valco Capital.

Chairman Waybright led everyone with the Pledge to the Flag.

Minutes:

Mr. Chantelau moved, seconded by Mr. Scott, to approve the minutes of June 19, 2003 as presented. Motion carried unanimously.

Public Comments:

1. John Leino asked to have a correction noted in the June 19, 2003 minutes with regard to his public comment addressing funding for Agricultural Land Preservation. He does not want it to appear that he is objecting to the Agricultural Land Preservation Program. The Supervisors stated that they did not feel the minutes were incorrect as presented. The minutes reflected the fact that Mr. Leino's comments were addressing the funding issue, and were taken from his letter that he presented to the Supervisors.
2. Supervisor George Scott publicly apologized to Supervisor Will Rogers for raising his voice to Mr. Rogers during the public meeting last month.

Mason-Dixon Road:

Mr. Richard Klein, owner of The Links At Gettysburg, stated that he had talked with Penn DOT regarding the current speed limit of 45 mph posted on Mason-Dixon Road. With the start of the Courtyard Community development, heavy construction equipment will be accessing Mason-Dixon Road and Mr. Klein would like to recommend that the speed limit be reduced by five (5) mile per hour for safety purposes. Mr. Klein also noted that he had traffic studies performed a few years ago and it was determined that the speed limit should also be reduced at the intersection of Mason-Dixon and Taneytown Roads.

Mr. Rogers moved, seconded by Mr. Scott, to send a letter to Penn DOT recommending that the speed limit on Mason-Dixon Road be reduced at least five (5) mile per hour. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Rogers, to send a separate letter to Penn DOT recommending that the speed limit at the intersections of Mason-Dixon Road/Taneytown Road and Yingling Road/Taneytown Road be reduced. Motion carried unanimously.

Treasurer's Report:

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

Mr. Scott moved, seconded by Mr. Chantelau, to approve the bills to be paid for the month of June and part of July as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

1. Beyland, Inc./Deer Chase: Mr. Harry Ramage, owner, was present to request a second extension period for preliminary procedures through September 20, 2003. This plan is for a proposed two (2) lot subdivision of Lot 22 in the Deer Chase development. The Planning Commission requests a clarification from the Solicitor for a legal interpretation of "lot width". Mr. Scott gave an overview of this plan, noting that the reason for extension requests is due to controversy over the proper road frontage required to qualify as a lot. The Township Engineer, County Planning, Township Zoning Officer, and Planning Commission all view this plan as not having the proper road frontage. Mr. Ramage has a different interpretation of the definition of "lot width". Mr. Davis stated that the difference of opinion between Mr. Ramage and the Planning Commission could be worked out. The County's comments are only recommendations but this does not mean they must be followed if the Supervisors choose not to, for appropriate reasons. However, the Zoning Officer's comments are based on the Township's Zoning Ordinance and must be followed. Mr. Davis stated that Mr. Ramage's only recourse would be to file for a Zoning Hearing. Further discussion was held regarding the 90 day time period for action on this plan.

Mr. Chantelau moved, seconded by Mr. Rogers, to grant another extension request for Preliminary review procedures, for a 90-day period through November 20, 2003. Motion carried with Mr. Waybright voting no.

Mr. Ramage questioned what would happen if he reconfigured the lot. Mr. Davis stated that he would have two (2) issues: a) resubmit a new plan and pay a new review fee; or b) reconfigure the lots and the 90-day time clock would start over, requiring new review comments from the engineer, county, zoning officer, etc.

2. West Edge II, Inc.: proposed subdivision of two (2) lots (Lots 4 and 4A) at 599 Mud College Road. Mr. Bob Sharrah was present to address this plan. It was noted that the Planning Commission recommends approval as a preliminary/final plan contingent on satisfying HRG and County comments. Mr. Scott gave an overview of this plan, noting that there is only one problem with a culvert not being shown on the plan at Krug and Mud College roads. It was also noted that drainage easement should be done.

Mr. Rogers moved, seconded by Mr. Kirschner, to approve a waiver for preliminary procedures and approve as a Preliminary/Final Plan, contingent on satisfying all of HRG and County comments. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Kirschner, to approve the Sewage Facilities Module and submit to DEP for their review and approval. Motion carried unanimously.

3. Robert Slapp: proposed subdivision of two (2) lots on Crouse Road (Lots 1 and 4). Mr. Slapp was present to address this plan. The Planning Commission recommends approval as a Preliminary/Final plan contingent on satisfying HRG and County comments. Mr. Scott gave an overview of this plan and the Commission's comments.

Mr. Waybright moved, seconded by Mr. Chantelau, to approve a waiver for preliminary procedures and approve as a Preliminary/Final Plan, contingent on satisfying HRG and County comments. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Scott, to approve the Sewage Facilities Planning Module and to submit it to DEP for review and approval. Motion carried unanimously.

4. Twin Pond Farms, David Stair owner: Mr. David Stair was present to address this plan. A proposed subdivision of three (3) lots at 979 Harney Road. The Planning Commission recommends approval of waivers for preliminary procedure, a highway occupancy permit, and drainage easement. Mr. Stair explained that the existing driveway has always been there and there was never a HOP. He spoke with Mark Lewis, Engineer, and Mr. Pinko at Penn DOT and was informed that if the sight distance were shown on the plan, this would be acceptable rather than the need for a HOP. Regarding the drainage easement to be shown, Mr. Stair noted that this is on the parent tract and doesn't affect the new proposed lots. He spoke with Gil Picarelli, SEO, and he stated that this was okay.

Mr. Scott moved, seconded by Mr. Rogers, to approve waivers for preliminary procedures, proof of a HOP, and requirement to show drainage easement, and approve as a Preliminary/Final Plan, contingent on satisfying the remaining comments from HRG and County comments 1 and 5 in letter dated June 23, 2003. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Chantelau, to approve the Sewage Facilities Planning Module and submit to DEP for review and approval. Motion carried unanimously.

5. Barton L. Breighner: proposed subdivision of three (3) lots along Straleys Road. Mr. Bob Sharrah was present to address this plan. Mr. Sharrah stated that Mr. Breighner is requesting a 90-day extension through December 11, 2003, in order to have time to file for a Zoning Hearing. Mr. Chantelau moved, seconded by Mr. Scott, to grant a 90-day extension through December 11, 2003. Motion carried unanimously.

Road Report:

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

Bid Opening – Sale of 1988 Ford Tractor/Mower:

Mr. Waybright announced that a bid opening would be held at this time, as publicly advertised, for the sale of a 1988 Ford Tractor/Mower. Three bids were received and read aloud as follows:

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|---|----------|--|---------|
| 1. Dennis M. Keller
2310 Valley Road
Marysville, PA 17053 | \$ 2,500 | 3. Hazelton Mt. Laurel
899 S. Church Street
Hazelton, PA 18201 | \$6,791 |
| 2. Ronald Stumpfrock
1353 Fairview Road
Ottsville, PA 18942 | \$14,513 | | |

Mr. Chantelau moved, seconded by Mr. Scott, to award the bid for the 1988 tractor/mower to Mr. Ronald Stumpfrock in the amount of \$14,513. Motion carried unanimously.

Stream and Creek Signage:

The County Conservation District is applying for a grant to fund the installation of PennDOT approved signs identifying streams and creeks in Pennsylvania. They have asked municipalities to participate by installing the signs. The grant will allow for direct reimbursement to the municipalities up to \$197 per approved stream crossing. Mount Joy Township has five (5) locations which include: White Run on Rt. 97; Littles Run on Rt. 97; and three areas of Alloway Creek on Rt. 97, Fish & Game Rd., and Harney Road.

Emergency Management Operations:

Mr. Graham, EMA Coordinator, gave a presentation to the Supervisors, outlining the process that needs to be followed if an emergency were to occur in the Township. Mr. Rogers questioned if he felt that the Township was prepared for an emergency. Mr. Graham responded yes, noting that we always have the County EMA to assist us whenever needed. Mr. Graham noted one thing that could be improved is better communication among the County and municipalities. The Supervisors commended Mr. Graham for taking an interest in this and knowing the emergency plan on behalf of the Township. The Supervisors added that they would forward a letter to the County regarding the need for better communication. Mr. Rogers asked if mock drills/disasters were ever held. Mr. Graham stated that the County usually holds a mock drill during the year. He added that the next time the County does this, he will let the Supervisors know so they could participate.

Building Permit/Zoning Officer's Report:

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

As recommended by Jay Little, Zoning Officer, Mr. Scott moved, seconded by Mr. Rogers, to approve and sign Junkyard Certificates. Motion carried unanimously.

Building & Grounds Report:

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

Mr. Waybright announced the Mud College Open House on Saturday and Sunday, August 16 and 17, 2003 from 2:00 p.m. – 4:00 p.m.

Correspondence:

Mrs. Constable noted receiving the following correspondence:

- WRRMA minutes for May
- Gettysburg Rec Board minutes for June
- Adams County Office of Planning and Development – 2005 Transportation Improvement Program Update. The Supervisors instructed Anthony Graham, Road Superintendent, to review the application packet and have him give suggestions of what could be improved in our township.

Committee Reports:

Personnel: Nothing to report.

Finance: Mr. Chantelau noted that the Supervisors received a Certificate of Appreciation from Littlestown Senior Center for the annual allocation given to them.

Gettysburg Borough invoiced the Township for its portion of Workers' Compensation for Emergency Services, relative to H.B. 481, which became effective January 1, 2003. It was noted that our 2003 budget includes a line item for this expense, however, it was calculated as per the formula incorporated in H.B. 481. Gettysburg Borough did not use this formula, and as a result, has invoiced the township a different amount than what was budgeted.

Mr. Scott moved, seconded by Mr. Chantelau, to issue payment in the amount that was originally budgeted and not the amount invoiced, and include a letter to Gettysburg Borough explaining how we calculated this expense, according to H.B. 481. Motion carried unanimously.

Planning, Land Use & Zoning: Mr. Scott noted that a recent workshop was held on June 25 with a sub-committee consisting of some supervisors, planning commission members, comp plan committee members and the Yinglings (Auction) to discuss a new proposed zoning district known as "LC" (Limited Commercial). The Planning Commission is now recommending that the new proposed district of LC include both corner properties of Rt. 97, south of Rt. 15. (i.e. Yinglings and Gettysburg Village Factory Stores). Mr. Scott added that both properties have similarities and it would only make sense to have the same zoning on both corners. Mr. Davis questioned if the Specialized Village Center would be "Special Exception" use or would they be able to do everything? The Supervisors suggest that Specialized Village Center be a "Conditional Use".

Building & Grounds: The Open House for Mud College Schoolhouse was noted again, for August 16 and 17 from 2-4p.m.

Roads: Nothing to report at this time.
Public Safety: Nothing to report at this time
Agricultural Land Preservation: Nothing to report at this time.

Other Business:

The Links At Gettysburg – Declaration Approvals:

Mr. Scott moved, seconded by Mr. Kirschner, to approve the Declaration of Covenants and Restrictions for The Courtyards At The Links At Gettysburg, A Planned Community, and the Declaration of The Links At Gettysburg Master Association. Motion carried unanimously.

It was noted that Mr. Davis also gave his approval of the Declaration of Deed Covenants for the Links At Gettysburg PGC Preserved Open Space. Mr. Davis noted that this is all according to the Planned Golf Community section of the Zoning Ordinance.

The Links At Gettysburg – Financial Agreements:

Mr. Richard Klein, owner of The Links At Gettysburg, recommended approval of the following:

- Irrevocable Standby Letter of Credit
- Escrow Agreement
- Site Improvements, Financial Security and Irrevocable Letter of Credit Agreement

Mr. Davis explained what each of these documents are for and why they are needed. He also gave a written letter of his acceptance for each of the documents. Mr. Chantelau moved, seconded by Mr. Scott, to authorize the Chairman and Secretary to enter into each of the agreements as listed, noting that the Irrevocable Standby Letter of Credit only needs to be accepted and not signed. Motion carried unanimously.

Preliminary LDP/Subdivision Plans for the Courtyard Community:

It was noted that the Preliminary LDP/Subdivision Plan for the Courtyard Community and Final Plan for Phase 1A Battery Ridge, could be signed after the Township received approval by Mark Lewis, Engineer, and all financial documents are signed and received.

New Business:

Agricultural Land Preservation - Ordinance No. 2003-04:

Mr. Joe Pierce, Bond Counsel, and Gary Pulcini, Financial Consultant, explained the proposed Ordinance, which authorizes and directs the issuance of a debt instrument – General Obligation Bond, Series of 2003, for the funding of the ag land preservation program. This proposed Ordinance was advertised and is considered under the Local Government Debt Act. When municipalities borrow money, PA Department of Community and Economic Development (DCED) must approve it. The funding proposals were sent out to financial institutions on July 10, 2003 and a workshop was held on July 15, 2003, as publicly advertised. Mr. Pierce explained that CommunityBanks offered the best option to borrow \$1,050,000 at 4.79% for a 20 year period. The initial draw would be in two (2) increments at \$250,000 each. The first draw is scheduled at the Bond Closing on August 20, 2003. Mr. Pierce explained that this proposed Ordinance basically approves the project, approves the size of the loan, and accepts the proposal as presented by CommunityBanks. It was noted that the annual debt service would be \$85,888 with principal being due annually and interest semi-annually.

Mr. Kirschner questioned if the Township was ready to ask the taxpayers to increase their taxes from \$7.50 per year to approximately \$63.00 per year to pay down this debt over the next 6-7 years. After that period of time, he feels that taxes would need to be increased, and reserve funds would go down in about 5 years. Mr. Waybright stated that the Ag Land Preservation Board worked different scenarios and showed the Supervisors and citizens that the Township can do this without raising taxes. He further stated that the Township needs to be pro-active and move forward with this or we will have development. With development, we would need more police, public sewer, more township staff, etc., etc. He asked which option does the Township want, more development or preserved land.

Further discussion was held regarding raising taxes versus using reserve funds. Mr. Waybright questioned whether we want to be bankers or do we want to serve the citizens of the Township. Mr. Rogers stated that it is the Supervisors job, as a Board, to serve the citizens of Mount Joy Township and when asked, they [the citizens] stated that they wanted to maintain the rural lifestyle and character of the Township. Now is one of the best times to borrow money with low interest rates and the Supervisors should move forward.

Mr. Waybright moved, seconded by Mr. Rogers, to adopt Ordinance No. 2003-04, Authorizing and Directing Issuance of a Debt Instrument – GOB, Series of 2003. A roll call vote was taken as follows:

William Chantelau	-	Yes	George Scott	-	Yes
Harold Kirschner	-	Abstain	James Waybright	-	Yes
William Rogers	-	Yes			

Motion carried.

Comprehensive Plan, SALDO and Zoning Ordinance Amendments, Act 537 Sewage Plan:

It was noted that the 9- day time period for action on the Comprehensive Plan, Subdivision and Land Development Ordinance Amendments, Zoning Ordinance Amendments, and Act 537 Sewage Facilities Plan will be expired prior to the Supervisors' August 21, 2003 meeting, so the Supervisors need to address these documents at this meeting. Due to the recent workshop relative to creating a new zoning district (LC), the

Supervisors agreed to hold another public hearing for the zoning amendments to allow more time for discussion and public input. Mr. Davis stated that the Supervisors do not have to vote on all documents together.

After further discussion, Mr. Scott moved, seconded by Mr. Chantelau, to authorize the advertisement of the Supervisors intent to adopt Ordinance No. 2003-05, Making Comprehensive Amendments to the Subdivision and Land Development Ordinance, at their meeting of August 21, 2003. Motion carried unanimously.

Mr. Rogers moved, seconded by Mr. Chantelau, to approve the Act 537 Sewage Facilities Plan as presented. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Chantelau, to hold a public workshop on August 15, 2003 at 8:00 a.m. for the Supervisors, Walton Davis, and Charlie Schmehl of URDC, to discuss and review all proposed districts for a better understanding of each, prior to voting on zoning ordinance amendments. Motion carried unanimously.

H.B. 298 – Local Government Services:

Mr. Chantelau noted that a new H.B. 298 has come out which deals with mandating the outsourcing of services by local government agencies. He noted that Rep. Stephen Maitland is going to be in Bonneauville next Wednesday, and suggested that this issue be brought to his attention. The Supervisors are very concerned this has the potential of eliminating our ability to fulfill our duties as described in Section 607 of the Second Class Township Code as well as effectively and efficiently, at least cost to the citizens, to provide for the health, safety and welfare of our citizens. Mr. Chantelau suggested sending Rep. Maitland a letter asking him to reject this Bill, and presented a draft letter for Supervisor approval.

Mr. Rogers moved, seconded by Mr. Kirschner, to send Mr. Chantelau's proposed letter to Rep. Maitland asking him to reject H.B. 298. Motion carried unanimously.

Correspondence Policy:

Mr. Rogers moved, seconded by Mr. Chantelau, to adopt a "Correspondence Policy" and instruct the Secretary to send this policy to all boards and committees of the Township. Motion carried unanimously.

CORRESPONDENCE POLICY

It is the policy of Mount Joy Township that the Board of Supervisors, prior to dispatch, will approve all official correspondence. Official correspondence involves the following: establishing, stating or representing an official Township position; commenting on legislation; recommending action(s) on behalf of the Township; creating or establishing a financial obligation/commitment of funds; personnel actions such as employing or terminating. Adopted July 17, 2003.

Adjournment:

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the Supervisors' meeting at 10:00 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary