

JULY 20, 2006 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:30 p.m. in the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, Pennsylvania, with Board Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Samuel Dayhoff, and Harold Kirschner; Solicitor Walton V. Davis; Zoning Officer Dave Crouse; Eric Mains of KPI; Robin Crushong, Treasurer; Jesse Hubbard, Office Assistant; News Reporters Aaron Young (*The Gettysburg Times*); and Meg Bernhardt (*The Evening Sun*); and Brenda Constable, Secretary.

Citizens in attendance were: John Kresky; Tom Newhart; Jim Snyder and John Mahoney representing Keystone Custom Homes; John McAlister; Barbara Coddington; Audrey Sanders, Dave Updyke, Pam & John Roman, and Paul Shriver all representing the Watchdog Group; Joseph Breighner and Kate McLaffrey representing Highland Township; Carol E. Holtz; Marie and John Moran; John Auchey; Marie Morrison; Sally & Steve Alexander; Eileen T. Holmes; Sharon Payne; Mary Davis; Elsie D. Morey; Robert Jones; Nancy & Julius Barthelme; Steve Loss representing Fairview Farms; Jerry Maloney; and Jack McLatchy.

Board Chairman Waybright led everyone with the Pledge to the Flag.

Mr. Waybright announced that the Watchdog Group would be recording the Meeting. Mr. Chantelau noted for the record that he objects to the audio recording.

Minutes:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the June 15, 2006 minutes as presented. Motion carried unanimously.

Public Comment:

1. Dave Updyke: read a statement on behalf of the Watchdog Group offering their recommendations to help control development.
2. Carol Holtz: asked for clarification of numbers with regard to a recent comparison graph that was reviewed at the Recreation Board Meeting and also published in the Summer Township Newsletter relative to different development options. Mr. Dayhoff explained the numbers. She also commented on Keystone letters referencing development in areas where water and sewer is available. Supervisors responded that the developers are making water and sewer available.
3. Eileen Holmes: would like the Township to footnote information; requested a copy of letter from John R. White to the Supervisors relative to the sewer extension from the Fields of Gettysburg.
4. Steve Alexander: questioned size of acre allowed in AC district. Expressed his view of the TDR program as a scheme by the legislature.
Mr. Waybright commented that the Supervisors have explained the TDR program a number of times and if anyone needs to have it explained again, the Supervisors welcome the opportunity so that folks understand it. Mr. Dayhoff commented that with the proposed developments using the TDR concept or conservation by design, over 1,700 acres would be permanently preserved in the Township. Both Mr. Waybright and Mr. Dayhoff asked if they [the supervisors] made a mistake by allowing these development concepts, what is the worst thing that could happen – over 1,700 acres are permanently preserved. If the Township did not use these concepts, no land would be preserved and the Township would have total build-out. Mr. Updyke stated that the preservation law could be overturned and he would provide information to prove this.
5. Marie Morrison: questioned the minimum acre size allowed in AC district.
6. John Roman: agrees with the letter that Dave Updyke read.

7. Audrey Sanders: Feels supervisors created zoning for the developers and asked the Supervisors to think long and hard and take the side of the residents rather than the developers who come in, make their money, and then leave the township. Many people want their 5-10 acre lots because they don't want people building up next to them.

Mr. Dayhoff commented that the Supervisors need to plan for the future, not right now. With permanent easements, development can not happen on that land. Zoning can change in the future and allow more development on the 5-10 acre tracts of land. Large tracts are preserved through Ag Land preservation; the TDR option is for tracts under 50 acres. This may not always be agricultural land but it is open space; a better option than having 2 or 3 more houses on that 5-10 acre tract.

Steve Alexander agreed with Mr. Updyke with regard to permanent easements being overturned. He stated that he would bring in Pennsylvania cases relative to easements in perpetuity and later being developed.

8. Sally Alexander: asked if sewer goes to developments in RR, could it go through a preserved farm for development. Mr. Dayhoff responded that a preserved farm can not be developed.
9. Sharon Payne: referenced a letter to the supervisors regarding a proposed sewer easement through properties for a recreation trail, and that developers' attorneys are giving information that the supervisors are planning to use eminent domain to acquire land. She asked that the supervisors reconsider the trail. The information she received was that the Township decided to invoke eminent domain.

The Supervisors clarified that no decision has been made to use eminent domain. Mr. Dayhoff added that if eminent domain were to happen, WRRMA would need to do that not the Township.

10. Pam Roman: referenced materials that were given out at the July 6, 2006 meeting between Mr. Chantelau, Mr. Dayhoff, and The Watchdog Group, and asked Mr. Scott if he agreed with this information. Mr. Scott responded that he has not authorized anyone to speak for him.

He added that the Supervisors have tried to educate the citizens as to how and why they [the supervisors] have done what they have done and he feels that with some of the discussion tonight, that some folks have missed the why. He continued that over the years the Supervisors have begged people to participate, but many don't until it's in their back yard. If sewers fail, the problem ends up on the Township's lap. Most areas with sand mounds have been built. The Township wants WRRMA to handle the sewer issues with the new development and let the state run the regulations and requirements. He feels that it is best to cluster homes and preserve open space; he has signed on to the program of preserving land with the options that are available. Mr. Scott continued that citizens need to accept the fact that development will happen, and there will be more houses in 1-2 years with conventional zoning. He has seen plans approved with 5-10 acres parcels and in the future, cut up into smaller parcels, creating more houses. This will continue if something is not done to preserve the land. He thinks the Supervisors are doing the best that they can and that many folks are being very narrow minded.

Mrs. Roman asked Mr. Kirschner the same question. Mr. Kirschner responded that he has the same position as the other Supervisors.

Mr. Waybright stated that this is the best the Township has at this time. It has not been easy and the Supervisors have spent a lot of time on this issue. We [the supervisors] all have personal agendas and that is to do what is best for Mount Joy Township. He stated that part of the problem is folks not understanding or not looking to the future for what is best for the township; he is assuming the Watchdog Group is part of the solution.

11. Marie Morrison: feels that it is hard to be responsible because ordinances change often and the citizens aren't sure what is going on.

Announcements:

Ms. Constable announced a vacancy exists on the Recreation Board with a term ending December 31, 2010 and asked any interested township resident to send a letter of interest to the Supervisors.

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

Subdivision/Land Development Plans:

1. Fairview Farms-Barton Breighner, Owner: proposed 14-lot subdivision on Hickory Road. Mr. Steve Loss was present to review this plan. Mr. Loss noted that they have addressed the Supervisors' requests with regard to the swale design and curbing, and would like consideration given to the waiver request. Mr. Scott questioned the width of the road. Mr. Loss responded 22' cartway. Mr. Scott asked what it would be if curbed. Mr. Mains explained it would be 12" lanes with shoulders at 18"-24" and no parking. Mr. Dayhoff asked if it were possible to make a 3' +/- paved area with white lines or hash marks for indications of a walking area. Mr. Mains explained that this would not be the best form but would be an alternative and give the ability to promote internal activity. Mr. Dayhoff asked if the stormwater management would need to be recalculated if this were changed. Mr. Mains noted that a 3 - 4' width generates a significant amount of run-off. Mr. Dayhoff asked Mr. Loss if he would consider this revision. Mr. Loss agreed to take a look at this.
Mr. Dayhoff moved, seconded by Mr. Kirschner, to table the waiver request for swale design until revised stormwater management information is received. Discussion: Mr. Scott asked if there were any other aspects to consider in order to act next month. Not at this time. Motion carried unanimously.
2. Boyd, James & Nancy: Recommendation for approval of a Sewage Facilities Planning Module for a 2-lot subdivision at 145 Orphanage Road. It was noted that the subdivision plan was approved at the June meeting. Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve the Sewage Facilities Planning Module and Spray Irrigation Maintenance Agreement as presented. Motion carried unanimously.
3. Kinsley, Steve: proposed land development plan for buildings on property located on Hickory Road. Recommendation from KPI to set the amount of \$21,483.26 as the Financial Security for this project relative to stormwater management. Mr. Dayhoff moved, seconded by Mr. Scott, to accept KPI's recommendation for the financial security bond amount and to send the document to the Solicitor for approval. Motion carried unanimously.
4. Fields of Gettysburg – Colbier Farms. Inc.: proposed 55-lot subdivision on Barlow-Two Taverns Road. Request for a 90-day extension. Mr. Dayhoff moved, seconded by Mr. Scott, to approve a 90-day extension through October 20, 2006. Discussion: Mr. Scott noted that the developer has not pushed to hurry this plan through, and has been willing to work with the township to work out the sewer issue in trying to use WRRMA rather than building a small sewer plant. With no further discussion, the motion carried unanimously.

Road Report:

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

Mr. Mains noted that the permit for the culvert project on Basehore-Roth Road was received this week.

Zoning Report:

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

Building & Grounds:

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

Mr. Dayhoff noted the Mud College Open House and Alumni Reunion on August 19 and 20, 2006

Correspondence:

Ms. Constable noted receiving the following correspondence:

- WRRMA minutes for month of May
- Letter from Sharon Payne regarding the proposed hike & bike trail
- Response letter from DEP regarding township's request to prohibit construction of new wells during drought. Discussion: DEP's response is that PEMA already provides the Governor with authority to take appropriate actions and adopt regulations governing drought response, and that they would not support a legislative initiative but would support added language to the proclamation.
 - It was the consensus of the Supervisors to have Mr. Chantelau prepare a letter to Representative Maitland asking what language could be added to the Governor's Emergency Proclamation to provide an option to municipalities' authority to limit the construction of new wells during a declared emergency time period. It was also the consensus to have Mr. Chantelau send a letter to PEMA.
- Letter from Elsie D. Morey, committee member of the County's Greenways Plan regarding National Registry of Historic Places. Discussion: Elsie explained that the committee was asked to submit names of places that are now eligible for the National Registry and suggest ideas of what could be deemed eligible. She intends to submit the Pleasant Grove School, "Mud College", and the village of Two Taverns. Mr. Chantelau asked if civil war hospitals could be added since they are in the historic district. Discussion was held as to whether or not individual buildings are registered, or if they are just included on a list of historic area. Mr. Dayhoff questioned the White Run Field Hospital, and Mrs. Morey mentioned the Adam Wert house on White Run.
 - Supervisors approved for these places to be submitted, and to have Mrs. Morey check if individual buildings are included, and if not, include them in the submission.
- Letter from Attorney John R. White on behalf of Colbier Farms, regarding the status of the proposed hike & bike trail and the acquisition of necessary land easements for WRRMA extension easements.
 - Per citizen request, Mr. Waybright read the letter aloud. Mr. Dayhoff moved, seconded by Mr. Scott, to recommend that a public meeting be scheduled with the Supervisors, WRRMA members; Colbier Farms, Inc.; Keystone Custom Homes representatives; and each entity's attorneys, to discuss the sewer easement. Motion carried unanimously.
- Notification from John Latschar of GNMP in the process of scheduling a meeting to brief the supervisors on traffic studies relative to the new Museum and Visitor Center

Committee Reports:

Personnel: Nothing to report.
Finance: Nothing to report.

Planning, Land Use & Zoning: Mr. Chantelau announced that the Supervisors have received to date, 35 requests from township residents who wish to have their zoning changed from RR to AC. He stated that the committee is continuing to work on the issue; the discussions tonight impacts on this and keeps growing. Mr. Waybright asked if the Supervisors could have a recommendation from the committee by next month's meeting. Mr. Dayhoff urged the Supervisors to keep moving ahead on this. Mr. Chantelau noted that new requests continue to come in and they should think about setting a timeline to accept requests. Mr. Davis commented that the committee needs to look at an area and not individual spots, and need to look at the best impact for land use. There needs to be more concern for what's best for the township as a whole. It was decided to send a letter to all persons requesting a zoning change and inform them of what the status is at this time. Pam Roman asked that there not be too much RR. She questioned why ordinances are changed. Mr. Dayhoff stated that this Board agrees with the ordinances that are in place now and agree with the direction that the township is going. Ms. Roman asked who wrote the ordinances, and Mr. Davis responded that it was URDC, land planners.

Building & Grounds: Nothing to report.
Roads: Nothing to report.
Public Safety: Executive Session called.

Executive Session: Mr. Waybright called for an Executive Session at 9:05 p.m.

Meeting Reconvened:

Board Chairman Waybright reconvened the meeting at 9:25 p.m. with the following in attendance: Supervisors Chantelau, Scott, Dayhoff, and Kirschner; Solicitor Davis; Dave Crouse, Robin Crushong, and Brenda Constable. News Reporters Aaron Young and Meg Bernhardt; citizens Ken & Audrey Sanders; Paul Shriver; Pam & John Roman; Steve and Sally Alexander; Carol Holtz; Sharon Payne; Jerry Maloney; Tom Newhart; John Mahoney, Jim Snyder, and Robert Jones.

Mr. Davis noted that discussion in Executive Session addressed: a) investigation of box card assignments to determine if there was some foul-up; b) discussed legal strategy with regard to a zoning hearing last night relative to a certain use in a zoning district. The respondents will try for a certain use in the Village District, and if not approved by the Supervisors, then they would need to go through the Zoning Hearing Board.

Committee Reports continued:

Ag Land Preservation: noted receiving the monthly report. With recommendation from the Ag Land Preservation Board, Mr. Dayhoff moved, seconded by Mr. Kirschner, to recommend signing the Agreement of Sale for the first ranked farm in Round II, approving the purchase of agricultural land preservation easement in the amount of Three Thousand One Hundred Eighteen Dollars and Fifty Cents (\$3,118.50) per acre to purchase the improved real property located at and known as 2975 Baltimore Pike, Gettysburg, Mount Joy Township, Adams County, Pennsylvania 17325, and as described in Deed Book 250 at Page 1071; and Book 275 at Page 927, totaling 47.55 deeded acres, all of which acreage has been appraised for this price, owned by Irvin S. & Rhoda C. Conover. It was noted that this amount is 90% of the appraised value. Motion carried unanimously.

The Supervisors addressed the County's Resolution asking all municipalities to contribute \$400,000 annually for ag land preservation. Mr. Davis noted that supervisors can not adopt something that would bind future boards. Mr. Kirschner commented that there is no guarantee

that the money would go toward preserving land in our township; that is why Mount Joy started its own program. Mr. Dayhoff suggested that the President of the County Association of Township Supervisors set up a meeting with the Commissioners to discuss this.

Recreation Board: Noted receiving the monthly report.
Act 209 Traffic Impact Advisory Committee: Noted receiving the monthly report.

Other Business:

Dave Updyke: Requested that areas for TDR receiving areas should be along Route 97; suggested to raise minimum lot acres to 50+ to sell TDRs; commended the Supervisors for preserving the Conover farm into the Ag Land Preservation program; request from folks that want to voluntarily go to AC, feels that this is what should have been done before rather than just changing the zoning, and then the supervisors would know if the program would have worked or not.

Keller Financial Reduction: With recommendation from HRG, Mr. Scott moved, seconded by Mr. Dayhoff, to approve a request of financial surety reduction for Micheal J. Keller subdivision on Hoffman Home Road in the amount of \$12,292, reducing the total from \$20,130 to \$7,838. Motion carried unanimously.

Deer Chase Release of Bonding: With recommendation from KPI, Mr. Dayhoff moved, seconded by Mr. Scott, to approve the Release of Public Improvements Bonding associated with Deer Chase Subdivision, and to request a Maintenance Bond in the amount of 15% of the original Improvements Bond amount to be in place for a period not to exceed 18 months. Motion carried unanimously.

Weiland Financial Roadway Surety: With recommendation from HRG, Mr. Scott moved, seconded by Mr. Kirschner, to set the amount of \$82,120.00 for the Financial Surety for Roadway Improvements relative to the Audrey & Gary Weiland land development plan expanding the mini-storage units on Highland Avenue Road. Motion carried unanimously.

New Business:

Keystone Custom Homes:

Mr. John Mahoney, Esq., prior to giving the purpose of his presentation, offered some comments relative to much of the discussion during this meeting relative to development. He commented that the TDR program is an option for controlling development in the township. Water and sewer is available and a developer will bring it. The purpose of the TDR program for Mount Joy Township is to guide development. If tracts are less than 50 acres, it is an excellent tool to help in reducing the overall density of the township.

Mr. John Mahoney, Esq., and Mr. Jim Snyder of HRG Engineers, presented a sketch plan of the Ramsburg properties in the area of White Church Road, Solomon Road, and Patterson Road. Two conceptual sketches were presented, one showing 15,000 sq. ft. lots, and the other with 10,000 sq. ft. lots. Both would be allowed if using the TDR program. He gave an overview of the Ramsburg sketch plan, noting it is a total of 382.25 acres in the RR district. As currently allowed with using TDRs, the minimum lot size is 15,000 sq. ft. with 85' width; approximately 33% of the area would be preserved open space. An alternative would be to increase the percentage of open space by reducing the lot size to 10,000 sq. ft. and 70' width, leaving approximately 53% open space. There would be no increase in density. Both sketches show 551 homes. The preserved open space would be in perpetuity and maintained by a homeowners association. Mr. Snyder noted the advantage of the alternative development would be fewer roadways, less stormwater management, and more open space.

Other issues briefly addressed were services required, marketing for smaller lots, entrance and exits, community center within the development.

It was clarified that this is a very sketchy plan at this time and the purpose of presenting this now is to ask the Supervisors to consider smaller lots. Mr. Mahoney asked the Supervisors to think about the alternate plan and if favorable, would need a text amendment to the zoning ordinance to occur. The amendment would be to change the minimum square footage and width for each lot. Mr. Dayhoff stated that if this is considered, there needs to be language that no additional units would be allowed so that there would be no more burden of homes and the township would be getting open space permanently preserved.

Mr. Dayhoff moved, seconded by Mr. Chantelau, to have the Supervisors schedule a workshop with Keystone representatives and the Planning Commission to consider language and draft a text amendment. Discussion: Mr. Chantelau asked if the developer would consider a private community. Mr. Mahoney responded that it could be considered, but could not answer for the developer. Mr. Scott noted that with regard to the roads, Mount Joy Township does not accept roads and does not accept the dedications.

Mr. Chantelau moved, seconded by Mr. Scott, to direct the Planning Commission to work with Keystone representatives on this. Mr. Davis suggested that parameters be set such as no additional homes are allowed, permanent preserved open space, etc. Mr. Dayhoff suggested that the Planning Commission and the Supervisors work collectively on this. Mr. Chantelau retracted his motion and Mr. Scott retracted his second.

Motion carried unanimously to have the Supervisors and Planning Commission work collectively with Keystone representatives to consider a text amendment to the zoning ordinance.

Adjournment:

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the Supervisors' Meeting at 10:15 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary