

SEPTEMBER 20, 2007 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 William Chantelau, George Scott, Harold Kirschner, and Samuel Dayhoff; Solicitor Walton V. Davis; Robin Crushong, Treasurer; Tammi Jacoby, Office Assistant; News Reporters Aaron Young (*The Gettysburg Times*); and Secretary Brenda J. Constable.

Others in attendance were: Tom Newhart; Carol Holtz; Elsie Morey; Robert Rhodes; Bob Sharrah representing Hubbard, Colbier, Olswfski; Tom Dunchack; Sally Alexander; Carol Barrick; Jerry Althoff representing the Planning Commission; Eileen Holmes; Jerry Maloney; Donald G. Hubbard, Jr.; Audrey Weiland representing the Planning Commission; Jack McLatchy; Harry Walker; Pam Roman representing The Watchdog Group; and Marie Chantelau.

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

Minutes:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the August 16, 2007 minutes as presented. Motion carried unanimously.

Public Comment:

1. Tom Dunchack, 450 Mud College Road, mentioned a recent article that was published in *The Evening Sun* newspaper regarding historic property rights and zoning changes that would allow townships to prevent some demolitions. This article was about West Manheim Township in York County but suggested Mount Joy Township look into it. He submitted a copy of the September 20, 2007 edition.
2. Carol Barrick, 1615 Highland Avenue Road, owns property with Alan Orendorff. Has made several complaints to the Township Zoning Officer about her neighbor's property at 1613 Highland Avenue Road. Claims there is junk vehicles, garbage, high weeds, etc. and he has threatened her. Would like the zoning officer to enforce whatever he could to get this place cleaned up.

Persons Requesting Time on Agenda:

Susan Hood, 2910 Baltimore Pike, inquired as to whether or not she would be able to subdivide the 36 acre property she lives on but is owned by her father-in-law. The property currently has three houses on it and she would like to deed off her portion. Supervisors reviewed the sketch plan and indicated that she could not do it under current regulations because there would not be enough road frontage. They informed her that she could apply for a zoning variance.

Announcements:

Mr. Waybright announced that the Township Open Burn Ban was lifted on August 23, 2007 in conjunction with the County's lift. However, he noted that it is still dry and people should use caution and common sense if doing any open burning.

Treasurer's Report:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the Treasurer's report for the month of August and part of September as presented. Motion carried unanimously.

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

Subdivision/Land Development Plans:

1. Westminster-Keystone Custom Homes: proposed 204-lot subdivision on White Church and Goulden Roads. (Extension granted 11/30/07). Remains on the table.
2. ShIPLEY Stores, Inc.: proposed land development plan for removal of existing store at 1910 Baltimore Pike, and building of new store with gas pumps and bank. (Extension granted 10/23/07) Remains on the table.
3. Twin Pond Estates-Bon-Ton Builders: proposed 34-lot subdivision on Harney Road. (Extension granted 12/09/07). Remains on the table.
4. The Links At Gettysburg-Powder Creek: proposed 44 unit subdivision/land development. (Extension 11/09/07). Remains on the table.
5. Newhart, Thomas D. & Carol L.: proposed 2-lot subdivision located at 4075 Baltimore Pike. Mr. Tom Newhart was present to review this plan. Planning Commission recommends approval as a Preliminary/Final with contingencies and approval of Sewage Facilities Planning Module. Some discussion was held with regard to the gravel driveway crossing Lot 2 to Lot 1. All agreed a note should be on the plan stating that Lot 2 will use driveway from Mud College only and no driveway onto Route 97 would be allowed. Lot 1 will use driveway from Route 97 only. Mr. Scott moved, seconded by Mr. Dayhoff, to approve a waiver of preliminary review and approve as a Preliminary/Final Plan with the addition of a note clarifying driveway access for each lot. Motion carried unanimously. Mr. Dayhoff moved, seconded by Mr. Scott, to approve a Sewage Facilities Planning Module for submission to DEP. Motion carried unanimously.
6. Hubbard, Donald G. Jr., et al: proposed 2-lot subdivision/additions located at 1880 Baltimore Pike and 1919 Highland Avenue Road. (90 days end 11/08/07). Mr. Bob Sharrah and Mr. Donald Hubbard were present to review this plan. Planning Commission recommends approval as a Preliminary/Final with contingencies and approval of Request of Waiver & Non-Building Declaration. Mr. Sharrah explained that no new building is proposed; these are lot additions to straighten out boundary lines only. Mr. Dayhoff moved, seconded by Mr. Scott, to approve a waiver of preliminary review and approve as a Preliminary/Final Plan. Motion carried unanimously. Mr. Dayhoff moved, seconded by Mr. Scott, to approve a Planning Waiver & Non-Building Declaration as presented. Motion carried unanimously.
7. Olszewski, Victor A. & Elizabeth M.: proposed 3-lot subdivision along Route 15 south of Gettysburg Village Factory Stores and S. Marinos property, zoned IC and PC. (90 days end 11/07/07). Mr. Bob Sharrah was present to review this plan. He explained that this property is a land locked piece of land with the exception of a very small strip that goes out to Baltimore Pike, and some in Cumberland Township. The party that precipitated this proposed plan was Gettysburg Outlet Center, LLC because they will be purchasing the portion that lies on their side of Route 15, some of which is in Mount Joy Township and some of which is in Cumberland Township. The Lots are described as Lots 1A, 1B, and 2. This piece of land was orphaned when Route 15 went through. Lots 1A and 1B are pre-existing non-conforming lots. Planning Commission recommended approval if the issue of pre-existing non-conforming lots could be addressed by adding a note on the plan with Solicitor's approval; if not, then the Commission recommends denial. Discussion of conveyance to adjoining property owners was held but noted that conveyance can not be forced on anyone. A lengthy discussion was held as to what is

the best way to help solve this issue. Mr. Dayhoff moved, seconded by Mr. Scott, to approve a waiver for preliminary review and approve as a Preliminary/Final. Motion carried unanimously. Mr. Dayhoff moved, seconded by Mr. Scott, to approve a Planning Waiver & Non-Building Declaration after receipt of SEO approval. Motion carried unanimously.

8. Colbier Farms, LLC: proposed 2-lot subdivision located at 1582 Barlow-Two Taverns Road. (90 days end 11/08/07). Mr. Bob Sharrah was present to review this plan. He pointed out that this is not the plan for the 55-lot Conservation By Design for the Fields of Gettysburg. The sole purpose of this plan is to get two separate deeds. Charlie Cole, part owner of Colbier Farms, LLC, lives in the existing house on Lot 1 and wants to convert his construction loan into a permanent mortgage. The financial institution does not want to do that until there is a separate parcel that is the realistic parcel to incumbent. The 55-lot final subdivision plan will be coming in the future. Planning Commission recommended approval with Solicitor review to clarify what notes should be on the plan to prevent stand alone lots in the event the 55-lot subdivision doesn't happen. Mr. Sharrah pointed out that he added two notes to the plan to address this concern. Mr. Davis reviewed the notes and concurred that these would be fine. Mr. Dayhoff moved, seconded by Mr. Scott, to approve a waiver for preliminary review and approve as a Preliminary/Final Plan with the addition of the Preservation and Development Notes on the revised plan dated September 14, 2007. Motion carried unanimously. Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve a Planning Waiver & Non-Building Declaration after receipt of SEO approval. Motion carried unanimously.

Road Report:

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

Mr. Kirschner reported that he attended a County Transportation Planning Board meeting. A final list for bridges that need repaired was made available. They are also planning on how to spend the road funds. Adams County will get an additional \$3 Million dollars for the next five years under the plan; new Act 44. Most of the money goes to highways and bridges with \$450 Million, \$953 Million goes to new public transportation fund of which none of the localities are eligible for; they must have a trolley or rail so it is basically earmarked for cities. The funds will be used for operating, asset improvement, and capital improvements. County bridges will get \$5 Million out of the \$1 Billion total. Municipalities will get \$30 Million. Another issue discussed was the airport in Cumberland Township. It has a different owner and they are participating with FAA to build a control tower, which means they will extend the rim ways and put in heavier aircraft.

Zoning Report:

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

Correspondence:

Ms. Constable noted receiving the following correspondence:

- Memorandum Opinion by Commonwealth Court relative to Stephen C. Alexander v. Mount Joy Township Supervisors, affirming the trial court's (County) order dismissing a complaint with prejudice.
- PEMA Directive regarding requirements for update of Emergency Operations Plan, which must be done before the end of 2007.

- ISO analysis of structural fire suppression delivery system in Mount Joy Township.
- Final Declaration of Covenants and Restrictions for “Fairview Farms”, a Planned Community.
- Gettysburg Senior Center “Thank You” and request for donation.
- PennDOT response/confirmation to perform studies at the intersection of Route 97 and Hoffman Home Road; and intersection of Harney, Hoffman Home, and Maryland Line Roads.

Mr. Waybright commented that the Public Safety Committee has looked at the Emergency Operations Plan in discussion with Mike Livelsberger, Township’s EMC, and John Eline, County Emergency Management Director, and noted some concerns. One recommendation was to do regional planning and the Township would like to see the County become more heavily involved in it. Mr. Dayhoff explained that each municipality has their own Emergency Operations Plan but they are all repetitive so the recommendation would be to ask County to do this and everyone would follow it with the municipalities signing off on it. Locally, the municipalities can not afford to have the resources needed and end up turning to the County anyway. Mr. Chantelau suggested that a letter be sent to the County with the Township’s recommendation and concern that this municipality does not have the resources, as most likely others don’t either, and regionalize this effort. Also recommend that Mr. Eline organize a county-wide meeting of all municipalities to discuss this. Mr. Waybright pointed out that each municipality must sign off on the EOP in order to be eligible for funding. It was also suggested that Mr. Eline be invited to the County Association of Township Supervisors annual convention in November to give a presentation on this.

Mr. Waybright also noted that he would be following up with ISO to discuss the ratings for the Township. He had some questions and concerns about the report and explained that the ISO ratings is what insurance companies use to charge the Township for insurance.

Mr. Waybright noted he had some questions and concerns with the Fairview Farms Homeowners Declaration. Mr. Chantelau also had comments. Mr. Davis pointed out that this is a contract between the property owners, not with the Township. The Township does not need to be concerned with the restrictions; all Township ordinances will apply and must be followed no matter what the Declaration allows or doesn’t allow. Mr. Davis is most concerned that the Township has the right to go in and take care of stormwater systems or other systems that are necessary for the health, safety, and welfare of the residents and then can charge it back as a lien against the properties. Mr. Davis stated that he is satisfied with this HOA only as the Township’s standpoint of view.

Committee Reports:

Personnel: Nothing to report.

Finance: Mr. Chantelau noted that the Finance Committee has been working with the Treasurer on the 2008 budget process.

Planning, Land Use & Zoning: Nothing to report.

Building & Grounds: Nothing to report.

Roads: Nothing to report.

Public Safety: Nothing to report.

Agricultural Land Preservation: Noted receiving the monthly report. Board requested a Supervisor to participate at the pre-application meeting with the County Green Space Grant Program committee. Mr. Chantelau noted he would attend.

Recreation Board: Noted receiving the monthly report. Board requested a Supervisor to participate at the pre-application meeting with the County Green Space Grant Program committee. Mr. Chantelau noted he would attend. Announced that the Rec Board is still seeking community involvement.

Act 209 Traffic Impact Advisory Committee: Mr. Scott moved, seconded by Mr. Chantelau, to appoint Mr. Harry Tassou to the Act 209 Committee filling the position previously held by Carol Newhart; and appoint Mr. Rick Klein to fill the position previously held by Newton Williams. Motion carried unanimously.

Ag Security Area Committee: Noted three proposals were received for addition to the ASA and authorized the submission of the proposals to the County and Township Planning Commissions and the ASA Committee after a 15-day public notice period.

Other Business:

Roadside Trash Collection: Tabled from last month. Supervisors reviewed a revised Participation Agreement with a clause added for notification purposes. Mr. Scott moved, seconded by Mr. Chantelau, to approve the "Voluntary Roadside Trash Collection" participation agreement as revised. Motion carried unanimously.

Holding Tank Permit Agreement: Tabled from last month. Agreement with Tam Tran for property located at 1885 Baltimore Pike known as Golden Menu Restaurant & Bar. Brenda Constable stated that she and Zoning Officer Dave Crouse visited the site and confirmed that the old burned out restaurant debris had been cleaned up and the foundation had been backfilled as required by the Township. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the Mount Joy Township Holding Tank Permit Agreement with Tam Tran. Motion carried unanimously.

New Business:

Pension Plan: Mr. Chantelau moved, seconded by Mr. Scott, to approve the report for the General Employees' Pension Plan Financial Requirement and Minimum Municipal Obligation for 2008 as presented. Motion carried unanimously.

Ordinance No. 2007-02: As publicly advertised, Mr. Dayhoff moved, seconded by Mr. Scott, to adopt Ordinance No. 2007-02, adding a new chapter to the Township's Code of Ordinances for "Outdoor Burning". Motion carried unanimously.

Ordinance No. 2007-03: As publicly advertised, Mr. Chantelau moved, seconded by Mr. Kirschner, to adopt Ordinance No. 2007-03, authorizing Mount Joy Township to enter into an Intergovernmental Cooperation Agreement for participation in the Adams County Green Space Grant Program. Motion carried unanimously.

PSATS Resolutions: Mr. Chantelau moved, seconded by Mr. Kirschner, to send two proposed resolutions to the Pennsylvania State Association of Township Supervisors (PSATS) for adoption as follows:

- Support a revision to the PA Municipalities Planning Code to amend Article V-A to allow the imposition of impact fees for schools and libraries on a per dwelling basis without extensive and expensive analyses or studies; and to amend Article V-A Section 503-A to include the building of new schools or the expansion of existing schools and the building of new libraries or the expansion of existing libraries.
- Support a revision to the PA Municipalities Planning Code to amend Article V-A Section 504-A(b)(2) removing the requirement that 40% of the impact fee advisory committee shall be representatives of the real estate, commercial and residential development, and building industries.

Motion carried unanimously.

Executive Session:

Board Chairman Waybright called for an Executive Session at 9:00 p.m. this date.

Meeting Reconvened:

Board Chairman Waybright reconvened the Supervisors' Meeting at 9:25 p.m. this date with the following in attendance: Supervisors Chantelau, Scott, Dayhoff, and Kirschner; Treasurer Robin Crushong; Office Assistant Tammi Jacoby; and Brenda Constable, Secretary. Others in attendance were: Jerry Althoff; Jerry Maloney; Eileen Holmes; Carol Holtz; Sally Alexander; Pam Roman; Harry Walker; Audrey Weiland; and Marie Chantelau.

Mr. Davis noted the following items were discussed during Executive Session:

1. Petition for allowance for appeal to PA Supreme Court by Mr. Alexander after he lost in the Common Pleas Court and the Commonwealth Court.
2. Prosecution that is currently filed against the Justice Granite Mine for failure to build a berm in which he was ordered to do by the Zoning Hearing Board over a year ago.
3. Potential for the acquisition of a different piece of real estate from the one discussed before.

Adjournment:

Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the Supervisors' Meeting at 9:27 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary