

**Mt. Joy Township Supervisors’
Regular Meeting
August 19, 2010**

Meeting Minutes

Present: Board Chairman - John Gormont; Supervisors - David Updyke, Gilbert Clark, Michael Gearhart, Robert Rhodes;
Solicitor - Susan Smith; Zoning Officer – Cindy Smith; Office Assistant - Susan Harbin.

20 Number of Residents Signed Attendance Sheet for this meeting.

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, PA 17325.

Item/Topic	Discussion	Action/Resolution	Follow Up/ Date
Call to Order	John Gormont presiding. Starting Time: 7:00 pm		
Pledge of Allegiance			
Approval of Minutes	1. June 17 & July 15, 2010 Public Meeting Minutes. 2. July 15, 2010 Regular Meeting Minutes. 3. July 15, 2010 Public Meeting Minutes. 4. Aug 5, 2010 Supervisors’ Workshop Meeting Minutes.	Mr. Updyke moved, seconded by Mr. Gearhart, to approve the June 17 and July 15, 2010 Public Meeting Minutes. Motion carried unanimously. Mr. Rhodes moved, seconded by Mr. Updyke, to approve the July 15, 2010 Regular Meeting Minutes. Motion carried unanimously. Mr. Updyke moved, seconded by Mr. Gearhart, to approve the July 15, 2010 Public Meeting Minutes. Motion carried unanimously. Mr. Updyke moved, seconded by Mr. Gearhart, to approve the August 5 , 2010 Workshop Meeting Minutes. Motion carried unanimously.	

Chairman's Statement – John Gormont	<ul style="list-style-type: none"> • Mt. Joy Township will host an Open House on Saturday, Aug. 28, 2010, 11 am – 3 pm. The building will be opened for tour, local Fire Depts. will be represented, local businesses will also be present. • There will be a Rally at the Gettysburg Court House at 3 pm, on Aug. 20, for property owners concerned with Tax Assessments issues. 		
Solicitor's Report – Susan Smith, Esq.		Mr. Rhodes moved, seconded by Mr. Updyke, to accept the Solicitor's Report as presented. Motion carried unanimously.	
1. Requests by Board Members for Legal Review/Advice	<ul style="list-style-type: none"> • Fire protection • Himmelreich letter • Stormwater management fees • Intermunicipal Agreement – Germany Township 		
2. Requests by Administrative Staff for Legal Review/Advice	<ul style="list-style-type: none"> • Zoning review of subdivision ordinances 		
3. Requests from Zoning Officer for Legal Review/Advice	<ul style="list-style-type: none"> • Advice re review of subdivision plans for compliance with Zoning ordinance • Non-building lot certifications • Role of Planning Commission 		
4. Requests from KPI for Legal Review/Advice	<ul style="list-style-type: none"> • Fairview Farms – Plan review • Serdula Plan – Plan review • The Villas at the Retreat 		
5. Action Items for Board	None		
6. Attorney Items	<ul style="list-style-type: none"> • Jacoby Workmen's Compensation appeal hearing • Jacoby Unemployment Compensation – Appeal from Determination • Alexander – Turn-back program letter • Links – bonding letter 	<ul style="list-style-type: none"> • A preliminary hearing was held in which Jacoby testified. There is a further hearing scheduled in Sept. and it is expected that the insurance council will ask for personnel from township to appear and testify at hearing. • Recommending to the Township to deny the request for Unemployment through a Right of Appeal. An appeal will go to a hearing officer. 	

	<ul style="list-style-type: none"> • Steelworkers Union • Right-to-Know – report on Open Records Office Determinations of interest • Pending or enacted statutory law or regulations – report on matters of interest • Court and ALJ decisions – report on decisions of interest 	<ul style="list-style-type: none"> • Have not heard from the Union with respect to collective bargaining. 	
Persons Requesting Time on Agenda	No requests at this time.		
Public Comment Jerry Maloney Keith Stanley Matt Sentz Brenda Herro	<p>Mr. Maloney asked the Board if the township has to pay tax on the township building.</p> <p>Mr. Stanley informed the Board that he is willing to volunteer his services to help maintain the new Mt. Joy Community Park.</p> <p>See attached report. Mr. Sentz, representing Barlow Fire Dept., gave an updated report to the Board on Barlow Fire Dept. responses and activities. Mr. Sentz asked Board when Fire Tax Allocation will be forthcoming.</p> <p>Ms. Herro has 2 concerns: 1. Is asking if the Township has a weed ordinance? 2. What are the zoning requirements for fencing over 6 ft. tall? Inquiring regarding neighbor with high fence.</p>	<p>Ms. Smith, the township Solicitor, explained that if a building is used for the public use, there is no tax.</p> <p>Mr. Gormont explained that no improvements are planned for the Park at the current time, but appreciated Mr. Stanley's willingness to participate and suggested Mr. Stanley work through the Recreation Cmte. for future projects.</p> <p>Mr. Gormont informed Mr. Sentz that the Board is currently reviewing the Fire Tax Allocations and a payment will be forthcoming.</p> <p>1. Mr. Gormont replied that there is no weed ordinance in the township. 2. Fencing over 6 ft. tall is required to have a permit to insure construction safety requirements. The neighbor in question has received this permit.</p>	
Announcements	<ul style="list-style-type: none"> • Request by a resident for speed limit signs on Plunkert Rd., see attached e-mail. • Rain Barrels are available from Adams County Conservation District • FirstEnergy's Business Incentive Programs, Announcements and Updates, changes will occur next year with electric bills. Informative seminars 	Signs have been posted, and other road signs are going up around the township as needed.	

	<p>available, see attached.</p> <ul style="list-style-type: none"> Letters were sent to Planning Commission and Zoning Hearing Board Members as well as the Township Auditors that the pay schedule has changed from monthly payments to quarterly. 		
Treasurer	<p>See attached Monthly Report.</p> <p>See attached Bills To Be Paid Report. Some discrepancy, will investigating why missing a bill paid.</p>	<p>Mr. Rhodes moved, seconded by Mr. Gearhart, to accept the Treasurer's Report as presented. Motion carried unanimously.</p>	
<p>Subdivision/Land Development Plans</p> <p>1. Fairview Farms – Revised Final Subdivision Plans</p>	<p>See attached report from the Planning Commission based on their review of the plans.</p> <ul style="list-style-type: none"> Request for 60 day extension. Culd-de-sac extends beyond Mt. Joy Township approved length as stated in ordinance. Waiver requested by developer. 	<p>The Board of Supervisors agreed to accept the 60 day extension of Revised Final Subdivision Plans for Fairview Farms, located on Hickory Rd.</p> <p>Mr. Clark moved, seconded by Mr. Gearhart, to grant a waiver on the Fairview Farms Revised Final Plans allowing the culd-de-sac to be in excess of approved length stated in the Mt. Joy Township ordinance. Motion carried unanimously.</p>	
	<ul style="list-style-type: none"> Planning Commission recommends approval of Revised Final Plans. Solicitor refers to 7 comments in KPI letter dated July 23, 2010. <ol style="list-style-type: none"> Stormwater Mgn. Dedication of Road. Approval of Lot #3, proposed prominent language on recorded plan that makes future owner aware of obligations. Safe sight distance for Lot #1 driveway. Traffic Impact fees have not been collected to date, will be expected to be paid at appropriate time. Awaits decision of Adams County 	<p>Mr. Clark moved, seconded by Mr. Gearhart, to grant conditional approval, subject to conditions</p> <p>Solicitor's recommendation: It appears that the developer has met most of the requirements suggested by the Planning Commission. If the Board approves this plan, the Board will need to approve with the conditions that items 1,3,4 and 6 listed on KPI's letter dated July 23, 2010, need to be addressed and approved before plan can be recorded.</p> <p>Mr. Clark moved, seconded by Mr. Gearhart to grant Conditional Approval to Fairview Farms</p>	

	<p>Conservation District with regards to NPDES Permit modified or closed out.</p> <p>7. Length of culd-de-sac exceeds township ordinance.</p>	<p>Revised Final Plans subject to the conditions that have been outlined by the Township solicitor that items 1, 3, 4 and 6 stated on KPI letter dated July 23, 2010 need to be addressed before plan can be recorded. Motion carried unanimously.</p>	
	<p>Planning Commission recommends acceptance and dedication of Fairview Farms development road to Mt. Joy Township as a public road.</p>	<p>Mr. Rhodes moved, seconded by Mr. Updyke, to deny the dedication of Lori Lane to the township for public use. Mr. Clark, Mr. Gearhart and Mr. Gormont voted against this motion. Motion failed.</p> <p>Mr. Gearhart moved, seconded by Mr. Clark to accept the dedication of Lori Lane to the township for public use once the road is completed and passes inspection. Mr. Rhodes and Mr. Updyke voted nay. Mr. Gormont, Mr. Clark, and Mr. Gearhart voted yea. Motion passed.</p>	
<p>2. The Links of Gettysburg, The Villas at the Retreat – Final Subdivision Plans</p>	<p>See attached report from the Planning Commission based on their review of the plans. Owner and developer is out of town, request forward to next month.</p>	<p>Solicitor's recommendation: Two issues need to be resolved before the Board of Supervisors can approve.</p> <ol style="list-style-type: none"> Needs an amendment for Conditional Use before it can be approved. Need affirmation from Red Rock Municipal Authority that bonds are in good standing. 	<p>Forward to September 16 Board of Supervisors' Meeting</p>
<p>3. Jon and Autumn Serdula - Preliminary/Final Subdivision Plans</p>	<p>See attached report from the Planning Commission based on their review of the plans.</p> <ul style="list-style-type: none"> Request for 60 day extension. Developer requesting waiver of Preliminary Plan Requirement to file this proposal as a Final Plan. Planning Commission recommends approval of 	<p>The Board of Supervisors agreed to accept the 60 day extension of Revised Final Subdivision Plans for Jon and Autumn Serdula.</p> <p>Mr. Clark moved, seconded by Mr. Updyke to waive Preliminary Plan requirements and allow Serdula Final Plans to be submitted to the Board. Motion carried unanimously.</p> <p>Solicitor's recommendation:</p>	

	Final Plans.	<p>It appears that the developer has met most of the requirements suggested by the Planning Commission. Two issues still need to be resolved before the Board of Supervisors can approve.</p> <ol style="list-style-type: none"> 1. If Board were to approve this plan, a condition needs to be added that approval from DEP is required concerning the back up system for sewage and well relocation proposal. 2. Proposed driveway for Lot 2 needs to show a clear sight triangle on the plans. <p>Mr. Rhodes moved, seconded by Mr. Gearhart to grant Conditional Approval to Serdula Final Plans of 675 Mud College Rd, Littlestown, PA, subject to 1) approval from DEP concerning back up system for sewage and well relocation proposal and 2) a clear sight triangle for proposed driveway on Lot 2 shown on the plans. Motion carried unanimously.</p>	
Road Report	See attached report.	Mr. Rhodes moved, seconded by Mr. Gearhart, to accept the Road Report as presented. Motion carried unanimously.	
Zoning Officer's Report Cindy Smith	<ul style="list-style-type: none"> • 8 Zoning Permits • 1 Driveway Permit • Recordation at Court House of 1 Storm Water Management Maintenance and Monitoring Agreement. • Attended meeting with Gil Clark and Eric Mains (KPI) to review Storm Water Management procedure and fee schedule. • Answered numerous inquires of township residence regarding the assessment. • Began processing and reviewing the following 3 sub-division applications: <ol style="list-style-type: none"> 1) Fairview Farms 2) Serdula 3) The Villas at the Retreat 	Mr. Rhodes moved, seconded by Mr. Gearhart, to accept the Zoning Officer's Report as presented. Motion carried unanimously.	
Land & Sea Services, LLC, June 2010 Building	Nothing to report at this time.	For information.	

Inspections Report			
Open Records Officer Report	Nothing to report at this time.		
Correspondence	1. Himmelreich Letter Dated August 11, 2010 2. ACT 209 Advisory Cmte. Letter Dated August 12, 2010, Board of Supervisors requesting a recommendation from the annual meeting before the next Supervisors' Workshop Meeting on Sept.2, 2010.	For information.	
Committee Reports			
Personnel – G. Clark, J. Gormont 1. Appointment Secretary's Assistant	Mary Sherman was appointed to the position of Secretary's Assistant on July 26, 2010.	Mr. Gormont moved, seconded by Mr. Clark, to reaffirm appointment of Mary Sherman to the position of Secretary's Assistant for the Township.	
2. Tammy Jacoby Unemployment Compensation Appeal	The township has received a Staff Determination from the Labor and Industry Unemployment Compensation Benefits Office that concluded the Township initiated Ms. Jacoby's separation from the Township. The Township's position is that this was a voluntary quit and was not directed or forced by the Township's action. The Benefits Office made this determination based on documents only, no personal testimonies. An appeal document must be filed by August 23, 2010.	Mr. Clark moved, seconded by Mr. Updyke for Mt. Joy Township to pursuit an Appeal. Motion carried unanimously. Supervisors declared that Ms. Jacoby was employed by the Board of Supervisors. Ms. Jacoby was not dismissed by the Board, no official action was taken by the Board and there was no other entity who had the authority to dismiss Ms. Jacoby.	
Finance – J. Gormont, D. Updyke			
1. Debt Statement	Debt statement has changed and has been reduced by \$100,000. The \$100,000 that was taken out of 2 million dollar loan was put back into it and paid off.	A Public Workshop will be advertised and held at the Supervisors' Workshop Meeting on Sept. 2, 2010 to officially present the 2011 Budget.	
2. Gettysburg Fire Dept Monthly Report	Gettysburg Fire Dept. Monthly Report, see attached.		
3. ACT 209 Advisory Cmte.	The composition of the ACT 209 Advisory Cmte needs to be reviewed. The cmte is not constructed properly. The law requires that a certain percentage of the cmte. be from the real estate, construction, and/or building trades field. The cmte. is deficient in this	The Board of Supervisors will seek out more members for this cmte from the trades mentioned.	

	area. The cmte. currently has 8 members. More members are needed to construct and odd number of members. The Board also needs to review Traffic Impact Fees and SALDO. (Subdivision And Land Development Ordinance)		
Auditor's Report	Mr. Gormont is suggesting to the Board to re-engage Smith, Elliot and Kearns for auditing of the Township for 2010. This is the firm the Township used last year. The estimate for services is \$7,125, this is a \$700 reduction from last year's audit.	Mr. Gormont moved, seconded by Mr. Clark, to re-engage Smith, Elliot, and Kearns to do Mt. Joy Township's audit for 2010.	
Planning, Land Use & Zoning – G. Clark, R. Rhodes	Zoning Officer and Mr. Clark are working on stormwater management fees and will present at the next Supervisors' meeting.		Forward to Regular Supervisor's Meeting, Sept. 16.
Building & Grounds – D. Updyke, M. Gearhart	Front door for Township building has been ordered.		
Roads – D. Updyke, R. Rhodes	<ul style="list-style-type: none"> Seal coating bids will be opened at the Sept. 2 Supervisors' Workshop meeting. Seal coating of the roads needs to be finished by Sept. 15, according to PennDot guidelines. Once seal coating is finished, traffic lines will be painted. A 30" diameter dead tree needs to be removal on Krouse Rd. PennDot suggested hiring a professional to cut the tree down. Mr. Rhodes complemented the Roadmaster and road crew for working so diligently this summer. 	Mr. Rhodes will contact companies who handle tree removal.	
Public Safety – G. Clark, M. Gearhart	Nothing to report at this time.		
Council of Government J. Gormont, G. Clark	Nothing to report at this time.		
Historical Committee	See attached monthly report.	Mr. Gearhart moved, seconded by Mr. Updyke to accept the Historical Cmte. Report as presented. Motion carried unanimously.	
Ag Security Planning Cmte	Nothing to report at this time.		
Strategic Planning Cmte.	Nothing to report at this time.		
Agricultural Land Preservation Board	Nothing to report at this time.		
Recreation Board	Nothing to report at this time.		

Other Business 1. Germany Township	Intermunicipal Germany Township Agreement.	Supervisors will receive a copy of the agreement after the meeting this evening to review and discuss at the next Regular Meeting.	Forward to Regular Supervisor's Meeting, Sept. 16.
2. TDR's - Dave Updyke	TDRs are still in existence for Mt. Joy Township.		Forward to Supervisors' Workshop Meeting, Sept. 2
New Business 1. Proposed Well Permitting Changes	See attached: KPI letter, dated August 13, 2010 KPI is recommending to the Township to change its policy as it related to issuing Zoning Permits after a Well Permit has been completed. Another option the Township may consider is adopting a "Home Occupancy Permit" to ensure that all permits and inspections have been completed before any new dwelling can be occupied within the Township.		
Executive Session	No Executive Session held this evening.		
Adjournment	With no further business to be discussed by the board, the meeting was adjourned at 9:10p.m.		

Respectfully Submitted,

Susan C. Harbin
Secretary/Treasurer