

**MOUNT JOY TOWNSHIP SUPERVISORS  
REGULAR MEETING AGENDA**

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**Thursday, June 17, 2021**

**7:00 P.M.**

**Call to Order**

**Pledge of Allegiance**

**Announcement of open meeting also being conducted as remote meeting and roll call**

**Present:** John Gormont, Chairman; David Updyke, Vice-Chairman; Jeff Patterson; Terry Scholle; Bernie Mazer

**Also Present:** Susan Smith, Solicitor; Melissa Zirkle, Administrative Assistant; Shannon Hare, Secretary and Zoning Officer and Code Enforcement Officer; Shane Wise, Road Crew

**Absent:** Erik Vranich, Township Engineer

The regular meeting closed for public hearing at 7:03 pm.

**Public Hearing**

Daniel King has applied for a conditional use for an Amish assembly and repair shop in the Baltimore Pike Corridor (BPC). The use will be in addition to the principal single family residential use of the property. The intent of the use involves assembly and repair of Amish carriages. The work will occur inside the existing 2,440 sq. ft. building. There will be 400 sq. ft. reserved as area open to the public. The location of the property is 120 Hickory Rd. Littlestown, Pa 17340, identified as tax parcel 30H16-0026.

**Board Action**

Supervisor Mazer moved, seconded by Supervisor Scholle to approve the conditional use application with the following conditions: satisfaction of zoning comment #3 and general comments #1 and #2 on the Zoning Officer's letter and comment #3 in the Township Engineer's letter, both letters dated June 8, 2021. Motion carried, unanimously.

The regular meeting reconvened at 7:44pm

## **Announcement**

- The Board of Supervisor's held an executive session on personnel matters on June 3, 2021 from 7:48-8:15 pm.

## **Public Comment** (five minutes maximum per person)

Written comments submitted to the Township prior to the meeting:

Sandy Yerger-opening the office & meetings, recording minutes  
Angela McCauslin-RTK, reopen meetings, June 3, 2021 letter  
Lawrence McLaren-open in person public meeting, Updyke residency

No oral public comments were made.

## **Approval of Minutes**

- Regular Meeting Minutes, May 20, 2021. Supervisor Mazer moved, seconded by Supervisor Scholle to approve the minutes. Motion carried, unanimously.
- Workshop Meeting Minutes, June 3, 2021. Supervisor Patterson moved, seconded by Supervisor Scholle to approve the minutes. Supervisors Scholle, Patterson, Gormont, and Mazer voted yes, Supervisor Updyke abstained. Motion carried.

**Solicitor's Report.** Solicitor Smith presented her report. As part of her report, Ms. Smith reviewed certification of the constitutional amendments vote late Tuesday, that the Legislature's resolutions lifting the Governor's Emergency Declaration took effect thereafter, and that, upon expiration by the Legislature's acts of the Governor's Emergency Declaration, Act 15's provisions for remote meetings expired. Supervisor Patterson moved, seconded by Supervisor Scholle to accept the Solicitor's Report for the period following the May regular meeting. Motion carried, unanimously.

## **Treasurer**

- Approval of Monthly Finance Report. Report – Supervisor Updyke moved, seconded by Supervisor Scholle to approve the Monthly Finance Report for May 2021. Motion carried, unanimously.
- Approval of Bills Paid Report – Supervisor Updyke moved, seconded by Supervisor Scholle to approve the Bills Paid Report for May 2021. Motion carried, unanimously.

**Police Report.** Supervisor Patterson moved, seconded by Supervisor Updyke to accept the May 2021 Police Report. Motion carried, unanimously.

**Roadmaster's Report.** Roadmaster Gormont reported that the road crew has been preparing for work on Cemetery Rd that will take place next week. They will also be replacing a pipe on Solomon Rd during this time. The road crew has also been preparing for the upcoming Roberts Rd bridge project that will take place in mid-July.

**Engineer's Report.** Mr. Vranich was absent. Supervisor Scholle moved, seconded by Supervisor Updyke to accept the Engineer's Report for May 2021. Motion carried, unanimously.

**Zoning Officer and Code Enforcement Officer's Report.** Supervisor Updyke moved, seconded by Supervisor Scholle to accept the Zoning and Code Enforcement Officer's Report for May 2021. Motion carried, unanimously.

**Planning Commission's Report.** Supervisor Patterson moved, seconded by Supervisor Updyke to accept the Planning Commission's Report and Recommendation for June 2021. Motion carried, unanimously.

**Land and Sea Services' Report.** Supervisor Updyke moved, seconded by Supervisor Mazer to accept Land and Sea's Permits and Inspections Report for May 2021. Motion carried, unanimously.

**Open Records Officer's Report-** There were a number of Right-To-Know Requests received by the Township. The requests and disposition are on the agenda.

- Todd McCauslin requesting inspection of written records/electronic copies of all electronic communications from Shannon Hare, and in any capacity Sheri Moyer, Erik M. Vranich, Solicitor Smith, or any member of the Mount Joy Township Board of Supervisors, or any other individual communicating on behalf of Mount Joy Township sent to any representative or attorney working on behalf of Pioneer Energy, Open Roads Renewables, Brookview Solar 1, LLC, or NextEra Energy. This request should be deemed to include but is not limited to communications addressed sent by any means to: Rebecca Rivera, Daniel Moretz, Chanelle Mayer, David Savage, Jeremy D. Frey, Esquire, Paul W. Minnich, Esquire, Melissa M. Miller, Matthew Handel, Garret Childers, Heath Barefoot, or Cyrus Tashakkori in time frames of 1/1/2016-12/31/2017. Communication relating to adoption of any ordinance that regulated solar energy systems, and all including all "subject" emails Solar Met Station; Draft Ordinance; solar Farm Ordinance; Question, Comments-After records were made available for inspections, the requester indicated he no longer wanted to inspect the records.
- Todd McCauslin requesting inspection of written records/electronic copies of all electronic communications from Shannon Hare, and in any capacity Sheri Moyer, Erik M. Vranich, Solicitor Smith, or any member of the Mount Joy Township Board of Supervisors, or any other individual communicating on behalf of Mount Joy Township sent to any representative or attorney working on behalf of Pioneer Energy, Open Roads Renewables, Brookview Solar 1, LLC, or NextEra Energy. This request should be deemed to include but is not limited to communications addressed sent by any means to: Rebecca Rivera, Daniel Moretz, Chanelle Mayer, David Savage, Jeremy D. Frey, Esquire, Paul W. Minnich, Esquire, Melissa M. Miller, Matthew Handel, Garret Childers, Heath Barefoot, or Cyrus Tashakkori in time frames of 1/1/2018-1/1/2019. Communications relating to adoption of any ordinance that regulated solar energy systems, and all "subject" emails Solar Met; Mt Joy Twp-Fire Dept; Question, solar CU, solar application, CU app, Solar Project-After records were made available for inspections, the requester indicated he no longer wanted to inspect the records.
- Todd McCauslin requesting inspection of written records/electronic copies of all electronic communications from Shannon Hare, and in any capacity Sheri Moyer, Erik M. Vranich, Solicitor Smith, or any member of the Mount Joy Township Board of Supervisors, or any other individual communicating on behalf of Mount Joy Township sent to any representative or attorney working on behalf of Pioneer Energy, Open Roads Renewables, Brookview Solar 1, LLC, or NextEra Energy. This request should be deemed to include but is not limited to communications addressed sent by any means to: Rebecca Rivera, Daniel Moretz, Chanelle Mayer, David Savage, Jeremy D. Frey, Esquire, Paul W. Minnich, Esquire, Melissa M. Miller, Matthew Handel, Garret Childers, Heath Barefoot, or Cyrus Tashakkori in time frames of 1/1/2020-5/12/2021. Communications relating to adoption of any solar ordinance, and all "subject" emails: meeting, NextEra Milestones; Solar Easements; review supplement, CUP plan, Agreements, Hearing; Conditional Use App-After records were made available for inspections, the requester indicated he no longer wanted to inspect the records.
- Todd McCauslin requesting Financial Disclosure Reports for Chairman Supervisor John Gormont from 2015-2020. Granted

- Todd McCauslin requesting all written/electronic communications “sent to/received by” Shannon Hare, and in any capacity, Erik M. Vranich, Solicitor Susan J. Smith, or any member of the Mount Joy Board of Supervisors or any other individual communicating on behalf of Mount Joy Township that received communications from any Adams County officials, PA State Police, solar representative(s), or attorney with regards to Brookview Solar 1. This request should be deemed to include, but it is not limited to all emailed/written communications sent from David Savage, Esquire, Jeremy D. Frey, Esquire, Paul W. Minnich, Esquire, and Molly Mudd, Esquire in time frames of January 1, 2020 thru May 21, 2021. Communications relating to solar, township, Brookview and “subject” emails received: meeting, NextEra Milestones, Solar Easements, Right of Ways, Signs, review supplement, CUP plan, Agreement, Hearing, Conditional Use App, Brookview Exhibits, Exhibits, Petition, Witnesses, Presentation of Witnesses; Lot Coverage, Technical question, extension of time.-30-day extension.

Solicitor Smith reviewed the procedural requirements set forth in the Right-to-Know Law for the administration of the Law to right-to-know requests submitted to the Township and processed by the Open Records Officer. Ms. Smith explained the RTKL requires a written response to be issued by the Open Records Officer within five calendar days of the receipt of the request during normal Township office hours. She explained that the Open Records Officer consistently applies the RTKL-specified procedures to all requests without consideration of the identity of the requester or the requester’s purpose for submitting a request without consideration of a requester’s individualized request for an alternative response procedure. Ms. Smith noted that since the enactment of the RTKL, the Open Records Officer has never issued a late response.

### **Fire Company Reports**

- Supervisor Patterson moved, seconded by Supervisor Mazer to accept Fire Companies’ reports for May 2021. Motion carried, unanimously.

### **Correspondence**

- Letter dated May 18, 2021 from Community Media regarding broadband access.
- Email received May 24, 2021 from Met-Ed regarding vegetation management helicopter patrols.
- Letter dated May 25, 2021 from Pennsylvania Department of Military and Veteran’s Affairs regarding Real Estate Tax Exemption for Kenneth Mutzabaugh.
- Email received June 8, 2021 from Mark Wherley with Community Media encouraging the Township to donate unused funds from the American Rescue Plan Act to Community Media.
- Letter received June 9, 2021 from Commonwealth of Pa Office of the Governor regarding the American Rescue Act Plan.
- Letter dated June 10, 2021 from Pennsylvania Department of Environmental Protection regarding remedial action progress report for 1910 Baltimore Pike (Sunoco)
- Email received June 11, 2021 from GFD Deputy Chief J. Temarantz regarding Fire Alarm Ordinance.
- Email received June 14, 2021 from PA Department of Agriculture regarding the spotted lanternflyer
- Emailed received June 15, 2021 from Pennoni regarding Roberts Rd bridge inspection.

### **Subdivision/Land Development Plans**

- Minor Final Subdivision Plan Review for Fryer Property. Scott Barnhart from JVI Group discussed the plan and what was being proposed. Solicitor Smith explained the issue with equitable ownership. Mr. Barnhart agreed with the Solicitor that the issue needed to be addressed in the plan submissions. After some discussion, the Board tabled the Plan until next month so that the Township Zoning Officer and Engineer can review revised plans submitted the day before the meeting.

- Planning Module-Non-building waiver. Supervisor Patterson moved, seconded by Supervisor Mazer to authorize the Chairman to sign the Planning Module-Non-building Waiver. Motion carried, unanimously.

### **Committee Reports**

- Personnel: (Patterson and Updyke). The Board noted, but did not discuss, the recently established federal Juneteenth holiday.
- Finance: (Gormont and Updyke) No report
- Roads (Gormont) Chairman Gormont discussed the loader and asked for board consideration at the next meeting on whether the board wanted to lease a new loader or purchase a new loader.

### **Business**

- Discussion about reopening the Township Building for public meetings and also continuing remote meetings. The Township published notice of this meeting as an open meeting and reopened all other meetings to the public after the certification of the votes to the Constitution amendments which occurred late Tuesday. The agenda and start meeting notice for this meeting was updated to reflect this early Wednesday morning. After some discussion, the Board decided to continue with the remote access to the meetings as well. If after some time, there seems to be no interest, they may cancel the service. The Board also discussed having the Township office doors unlocked, but unanimously agreed, that, for safety concerns for the staff, the doors will remain locked. Residents can access the building the same way that they have been throughout 2020 and 2021, by making an appointment, calling when here, or ringing the doorbell for service. The office has not been closed throughout the pandemic and has had the same business hours since 2010. The office hours are Monday, Wednesday, Friday 9-12 and Tuesday Thursday 1-4.
- OLDs-Anthony Easter proposal for compliance. Solicitor Smith explained that the Easter property had been an OLDS enforcement matter before the MDJ earlier in the month. At the MDJ hearing, Mr. Easter expressed a financial hardship. As it has always been the Township's position that we only want compliance, we spoke to Mr. Easter after the hearing and asked that he write to the Board with his request for when compliance would take place. The Board acknowledged Mr. Easter's letter request in which he stated that he hopes to be compliant in August, and agreed that no further enforcement action will be taken at this time.
- Junkyard Inspections/licenses: Ms. Hare reported that all of the licensees passed inspection for compliance with the Junkyard and Zoning Ordinances' requirements. Supervisor Scholle moved, seconded by Supervisor Patterson to authorize the Chairman to sign all 10 junkyard licenses. Motion carried, unanimously.
- Request for preapplication meeting. Ms. Hare explained that a request was made to have a preapplication meeting with both the Township Zoning Officer and Township Engineer. In the past, the Board has authorized pre-application meetings if payment to cover administrative costs is made up front. Ms. Hare could not give much detail about the proposed project since it could become a conditional use application. Supervisor Patterson moved, seconded by Supervisor Scholle to authorize the pre-application meeting with the Township Zoning Officer and Engineer with a pre-payment of \$1,000. Motion carried, unanimously.

- American Rescue Act Plan Discussion. Solicitor Smith discussed the process that the Township Treasurer went through to get the application for American Rescue Act funds submitted after the late issued five-day notice by DCED. That process revealed an issue with the name associated with the Township's Dun & Bradstreet number. The name now assigned to the Township is Mt Joy, Township Of so there is no confusion with the Mt- Joy Borough in Lancaster County. Solicitor Smith discussed some updates in the form of questions and answers released by the Department of Treasury.
- Private Application for Amendment to the Zoning Ordinance. Ms. Hare received an application for a hearing before the board to amend the solar use provisions of the Zoning Ordinance. Solicitor Smith noted that the application listed four areas for amendment but was not in the form of a proposed ordinance that could be considered and for which public notice of a hearing could be issued. The Board discussed who they wanted to draft the ordinance and how that would take place. Supervisor Mazer proposed that a comprehensive amendment to the solar provisions of the Zoning Ordinance be drafted by the Board at workshop meetings with invitation to the public to attend and comment. Solicitor Smith cautioned that, in that approach, the private amendment request be considered e Board said that they need to consider the private amendment before them. This can be done while drafting the ordinance. In terms of drafting process, Solicitor Smith suggested the first step is to review the current ordinance and then proceed to drafting amendments. The Board discussed having one topic concerning the ordinance on the agenda for each workshop meeting. The public should focus on commenting on just that topic.

Solicitor Smith also reviewed the petition that was submitted with the proposed amendment. The petition contained three separate subject paragraphs. The first paragraph of the petition does not reference Brookview, but simply calls for the Board to exclude industrial solar, a use term which is not recognized by planning professionals and Penn State Extension Service. Solar uses are recognized as individual, community and utility-scale solar. The second paragraph of the petition called for rescission of referenced Ordinance 2019-03 which simply extended the time to complete a solar project. The third paragraph of the petition called for the rescission of referenced Ordinance 2017-03, which is the Township's Zoning Ordinance. Rescission of the Zoning Ordinance would eliminate all regulation of land use by zoning and would result in allowing any use on any property without any requirements or standards.

- **Adjournment.** With no further business to be discussed by the Board, Supervisor Patterson moved, seconded by Supervisor Scholle, to adjourn the meeting. Motion carried unanimously. Meeting adjourned 9:28p.m.

Respectfully submitted by,

Shannon M. Hare  
Secretary