

October 14, 1996

The Mount Joy Township Supervisors held their regular monthly meeting on Monday, October 14, 1996 at 7:30 p.m. in the municipal building located at 902 Hoffman Home Road. Members Beebe and Dayhoff were present.

The minutes of the last meeting, September 9, 1996, were approved by motion of Beebe, 2<sup>nd</sup> by Dayhoff, carried. Beebe noted p. 232 (roof repair) needs corrected.

The treasurer's report and bills to be paid report consisting of \$2,790.50 to be paid out of the Payroll Account, checks numbered 1570 through 1580 and \$40,421.31 to be paid out of the General Account, checks numbered 7540 through 7563, were approved by motion of Dayhoff, 2<sup>nd</sup> by Beebe, carried.

Chairman Beebe recognized Mr. Sharrah and Mr. Yingling, who were present on behalf of Yingling's Auction Service project. Mr. Sharrah said that in June conditional approval was given, pending satisfying the engineer's comments and the supervisors' investigation of the 20,000 sq. ft. bldg. shown on the plans and how this related to the Zoning Hearing Boards decision regarding an 18,000 sq. ft. bldg. Current plans are for an 18,000 sq. ft. commercial use plus 2,000 sq. ft. for residential use. Within 15 days after the June meeting, no comments were received. In July, the conditional approval was rescinded. In August they were at the Twp. meeting regarding the same two conditions. On October 10, they obtained a copy of Cathy Gault's memo regarding the Zoning Hearing Board decision. Fifteen days from the August meeting, up to August 22, no communication was given to them. Yingling has all sewer permits, an additional EDU for the residential part of the building. He is ready to write a check for financial security and wants to go ahead and get the building permit. Dayhoff feels Yingling is eligible for deemed approval since the 15-day notification period expired. When the motion was rescinded at the July meeting, no new motion was made. However, the supervisors would be in conflict with the Zoning Hearing Boards decision over the size of the building (18,000 sq. ft. vs. 20,000 sq. ft.) He doesn't think the supervisors can go beyond the Zoning Hearing Boards decisions. Sharrah stated that the decision said "approximately" 18,000 sq. ft. The commercial use will be limited to 18,000 sq. ft. and residential use is permitted in the SFR zone. Bower (zoning officer) said that Yingling has attained deemed approval, but the question is can the supervisors do something other than what the Zoning Hearing Board approved. Beebe says no. Bower commented about a deed restriction for no more than an 18,000 sq. ft. bldg. (one bldg.) Beebe questioned if the building was a one-story building. Sharrah said that it is and if it had been known from the June meeting, they could have gone through the steps by now. Mr. Yingling is probably going to lose a conditional permit for an 18,000 sq. ft. building and covered storage with a roof over, which wouldn't be closed in until approval was given for an additional 2,000 sq. ft. Dayhoff suggested that the supervisors send a letter to the Zoning Hearing Board recommending approval for an additional 2,000 sq. ft. Yingling asked if approval could be given for 18,000 sq. ft. plus 2,000 sq. ft. open space; winter is coming. Motion by Dayhoff to approve approximately 20,000 sq. ft. of roof area, with only 18,000 sq. ft. commercial enclosed area, subject to change by the Zoning Hearing Board decision. 2<sup>nd</sup> by Beebe, carried.

There were no subdivisions for review.

#### Road Report:

Chipping has been done. The contractor has asked for an extension on the remainder of the work due to rain and more rain.

Don Moul has resigned from his position of supervisor; his letter of resignation was published in the newspaper. Two formal applications have been received. Dayhoff requested the floor in order to respond to Moul's letter. Beebe said this is not the place to take issue. Dayhoff does not agree. Beebe read the letter from Jim Waybright, and the letter/resume from Ernest Long. Dayhoff said that, according to PSATS, there is no vacancy until the resignation is formally accepted. Motion by Beebe to accept the resignation, 2<sup>nd</sup> by Dayhoff, who then stated that the motion having been made and seconded allows for discussion. Dayhoff again requested the floor and responded to Moul's resignation letter. (a copy of his comments will be attached to the minutes in the permanent record book.) Upon the conclusion of his response, Dayhoff rescinded his "second" to the motion and made a new motion to accept the resignation based on the last

sentence of Moul's letter. Beebe asked Dayhoff when he was going to grow up, this is trivial. Mr. Moul sent a letter of resignation. The important thing is, he is gone and will not participate in future activity of the Board; he is gone. Dayhoff said he will accept the resignation, but not the list of accomplishments. Beebe says he will contact the vacancy board chairman and within 15 days a meeting.

Budget Date - Budget will be prepared the last Tuesday of October at 10 a.m.

Barlow Fire Company Budget - John Schwartz, accompanied by Fred Andrew, was present representing Barlow Fire Company. A copy of the company's budget was given to each board member and the secretary. Beebe asked about the dry hydrant project. Schwartz suggested asking Adams Electric for full details.

Old Business:

Planning Commission Letter - The Planning Commission recommended that the building expansion should go ahead with getting prices for both office and meeting room expansion. Beebe feels meeting room expansion is not necessary, but office expansion is. Beebe made a motion to go ahead and get hard prices for both, 2<sup>nd</sup> by Dayhoff, carried.

Box Culverts - Regarding whether general or liquid fuels funds should be used, Beebe said Dayhoff should look into this. He has talked to Mark Lewis and the savings would be substantial.

Beebe questioned Representative Maitland regarding the status of the uniform building code. Rep. Maitland said that the bill passed the House and went to the Senate, but he feels there is not enough time to pass it into law this term. Dayhoff asked who would have the responsibility of enforcing this law and was answered that it is not known at this time. Rep. Maitland gave copies of the booklet "Zoning for Farming" to the Township.

Public Comments:

Roger Steele - Thanked Steve Maitland for being at the meeting.

Marcia Brown - Questioned the status of the outside audit. Was answered that the contract was signed and returned to the firm; Twp. hasn't heard from them yet.

Glenn Snyder - Questioned if the road bid was let under the prevailing wage. Beebe said yes, but because of the amount of the contract. The engineering firm is taking care of this. Snyder thinks the engineer's fees are excessive and that the Twp. was misled as to having to pay prevailing wage. Beebe will check into this. Snyder also said there are signs on roads that are not correct. On Bowers Road there is a bridge sign at the corner near Cool's. The "Watch Children" signs on White Church Road are within 400' of each other; thinks someone would be out there that knows what they're doing. Also questioned when the mowing will be finished, said roads need to be mowed back. He also questioned the cancellation charge from the Gettysburg Times.

Eileen Holmes - People working on White Church Road didn't have markers on the road that they were working. When she was driving on the road, a truck was stopped with its lights flashing and she had to pass the truck on a hill, not knowing what was on the other side. Dayhoff asked if Beebe inspected the road work. They are supposed to have signs and flagmen. Beebe as roadmaster should inspect road work. Homes also continued that there is junk on Solomon Road, rubbish dumped near the bridge. She also stated that if zoning says "commercial", it should be commercial. She questioned if Mr. Long was present, noted that Mr. Waybright was present. She also stated that when she interrupts during a meeting, she is told to shut up, but when another person (Mr. McAlister) interrupts, he is never told.

John Schwartz - inquired how many days the Twp. has to fill the vacancy. Beebe answered 30 days, then 15 days after the vacancy board chairman is called in. Beebe says he put nothing in the paper and gave cautious interviews. Dayhoff said that he checked with PSATS and with his personal attorney, and that the vacancy begins at the next regular monthly meeting when the resignation is accepted. He says he will not be a part of approving Moul's letter.

Rebecca Dobos - Because the letter was in form of correspondence, it is in the record. Questioned what is the point; it is one man's opinion, don't have to accept it, but do have to accept the fact that he resigned.

Dayhoff wants his letter attached to Mr. Moul's list of accomplishments. Motion by Dayhoff to accept Moul's resignation letter as long as his (Dayhoff's) letter is attached. 2<sup>nd</sup> by Beebe, carried. The thirty-day period starts now.

Eileen Holmes - Thinks Moul stepped out of order when he wrote the letters to the papers.

Meeting adjourned at 8:45 p.m.

Submitted by Bonnie L. Koontz, secretary.