

AUGUST 15, 2002 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:00 p.m. in the Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA, with Chairman James Waybright presiding. Others in attendance were: Supervisors George Scott, Will Rogers and Bill Chantelau; Solicitor Walton V. Davis; News Reporter Alex Gayhart (*The Gettysburg Times*); and Secretary Brenda Constable.

Citizens in attendance were: Jacqueline and LeRoy Basehoar; Millard Basehoar; Beverly Boyd; John R. White representing the Basehoar family; Eileen Holmes; Carol Newhart; Elsie D. Morey; Harold Kirschner; Ellie Bennett; John McAlister; Jerry Maloney; John Leino.

Chairman Waybright led everyone with the Pledge to the Flag.

Minutes:

Mr. Chantelau moved, seconded by Mr. Scott, to approve the minutes of the July 18, 2002 meeting as presented. Motion carried unanimously.

Chairman's Statement: None was given.

Public Comment:

1. Carol Newhart spoke on behalf of the neighbors on Plunkert Road with regard to the Basehoar subdivision. She stated that the neighbors are in favor of keeping the stonewall which stands in front of the barn and house. They would not like for it to be removed for any future road widening projects. This corridor is an historic area of the township.
2. Bill Chantelau commented on a report from the *Gettysburg Times* newspaper regarding the "Green Ribbon Commission". This is a program where volunteers are being asked to work with the County Planning Commission for future planning in the county. Bill volunteered to participate.

Treasurer's Report:

Mr. Scott moved, seconded by Mr. Chantelau, to approve the Treasurer's Report for July and August as presented. Motion carried unanimously.

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

Subdivision/Land Development Plans:

1. Basehoar, LeRoy & Millard: subdivision of three (3) lots consisting of 34.246 total acres along Plunkert Road. This plan was tabled from the July 18 meeting in order to receive additional information from the Township Engineer, Mark Lewis, regarding options for road widening, and further recommendation from the Planning Commission on those options as well. Mr. Scott then gave an overview of the Planning Commission's recommendation from their August 14 meeting. He stated that the

Commission recommends approval as a preliminary/final plan; and requests that the applicant's surveyor show on the plan a 50' right-of-way (as granted by the applicant) along the area of the stone wall in front of the house and barn on Lot 2 as to accommodate any future road widening; and to add a Note to the plan that this grant of right-of-way is legally binding to the Basehoars and any future owner. The Commission also felt that HRG comments of July 15, 2002 had been addressed on the revised plan dated August 2, 2002. Mr. Chantelau questioned why not widen the road in front of the proposed Lots 3 and 4? It was explained that that area did not have any obstacles that would interfere with road widening. Mr. Waybright stated that even though it is not shown on the plan, he understands that there is a well on the opposite side of the road from the barn and house. He questioned what would be done with that. Millard Basehoar stated that this system is abandoned and has been for some time. It is a concrete, non-powered system. Mr. Waybright stated that his concern of whether the fence (stone wall) is removed or the road is shifted over, what would the Township's responsibility be, if any? Mr. John White stated that all along Plunkert Road, there are houses with fences, walls, silos and many other obstacles in the Township's right-of-way. This stone wall could be a traffic hazard but has never caused a problem in the past. Mr. Waybright stated that he feels that this is the time to take the first step in fixing this potential problem and does not feel that the taxpayers should be asked to fund this. Mr. Davis stated that if there is no written identification of a stone wall and any past accidents, then there would be no liability to the Township. However, if someone were to hit the stone wall, then there is a potential of liability (or if someone complains about the stone wall as a potential hazard). At this point, the stone wall is not identified as a hazard. Mr. Rogers questioned if a traffic study was ever done. Mr. White responded that there is a very low volume of traffic on this road. It was noted that this subdivision would only add a few more cars on the road. These are ten (10) acres lots and are in Clean and Green so they have no plans to further subdivide them. Mr. White asked the Supervisors to accept the recommendation of the Planning Commission. He stated that under all circumstances as exists now, no traffic record, no hazard, no record for need for widened road, a compromise by the Basehoars with a 50' right-of-way is a fair and adequate remedy for the applicants and the Township. Jerry Althoff questioned if the right-of-way were moved away from the stone wall by one (1) foot, would it relieve the liability? Mr. Davis responded no; the Township has not yet vacated the right-of-way and may choose not to do this in case they would want to move the wall in the future. Beverly (Basehoar) Boyd stated that her family has always felt that this stone wall is an asset to the property and it goes with the house. Mr. Davis also pointed out that the plan shows Lot 1 with a connecting piece of ground across the road. He advised the Supervisors that they need to look at this as a separate lot (as Lot 5). If not, it could end up as a stand-alone lot. Mrs. Boyd pointed out that this lot has never been perked and there is no intention of building on it, they want to keep it in agriculture. Mr. Rogers moved to leave the stone wall as is and that nothing be done with the 50' right-of-way. Due to lack of a second, the motion died. Mr. Chantelau moved, seconded by Mr. Scott, to accept the offer of the Basehoars, and the recommendation of the Planning Commission, of a 50' right-of-way to accommodate the widening of the road in the area of the stone wall existing on Lot 2, to show this dedication on the plan, and add a note offering the area shown as a right-of-way for road purposes, binding the Basehoars and any future owner to this dedication; and to accept the plan as a preliminary/final. Discussion: Mr. Rogers asked if the applicants need to be responsible to move anything in the new right-of-way. Mr. Davis responded no; the Township is responsible, whenever it accepts it. With no further discussion, the motion carried with Mr. Waybright voting no.

2. Ackerman, Betty L.: subdivision of two (2) lots totaling 12.026 acres along Mud College Road. The Planning Commission of August 14 had tabled action on this until they could obtain clarification from the Township Solicitor with regard to whether or not a private right-of-way/drive qualifies for proper road frontage. Mr. Davis stated that this cannot be done; the frontage must be on a public road. This matter would need to go to the Zoning Hearing Board. Mr. Davis was instructed to send a written opinion on this to the Supervisors and Planning Commission.

With recommendation from the Planning Commission, Mr. Scott moved, seconded by Mr. Chantelau, to approve the Sewage Facilities Module. Motion carried unanimously.

3. McDonald, Teddy P.: With recommendation from the Planning Commission, Mr. Chantelau moved, seconded by Mr. Rogers, to approve the Sewage Facilities Module. Motion carried unanimously.

Road Report:

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

Building Permit/Zoning Officer's Report:

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

Building & Grounds Report:

Mr. Scott moved, seconded by Mr. Rogers, to approve the Building & Grounds Report as presented. Discussion: Fuel tank recommendation – Mr. Dayhoff stated that he withdrawing his recommendation to purchase a new fuel tank as listed due to finding out that in order to meet DEP and L&I regulations, the price is now approximately \$4,000. He will need to get new prices on this. Salt Shed – Mr. Dayhoff reported that he has met with Roger Flickinger, did a site review, and has a signed contract. They should be able to start in mid-September. Mud College – Ellie Bennett reported that they are busy with preparing for the open house on August 17 and 18. She thanked news reporter Alex Gayhart for the fine article that she did on the schoolhouse. She also noted that the York newspaper and Channel 27 was doing a piece on the schoolhouse and open house. With no further discussion, the motion carried unanimously.

Correspondence:

Ms. Constable reported that the Township had received the Gettysburg-Adams Chamber of Commerce Newsletter.

Committee Reports:

Personnel: Nothing to report.

Finance: Mr. Chantelau reported that the Supervisors received a letter from the Solicitor regarding a new law, signed on June 19, 2002, which requires workers' compensation contributions by

municipalities receiving emergency services by “contract”, payable to those “host municipalities” who serve as the home base for the service provider. The formula for this would require the Township to pay a share based on the number of resident served as a proportion of the total number of people served. This bill is effective January 1, 2003 so the Township needs to plan for this in the 2003 budget. In order to plan for this, the Township must determine the number of people being served and the amount of the host municipalities’ workers’ compensation premiums must be known. Mr. Chantelau recommended that the Township Secretary write a letter to the host municipalities for this information as well as research where the number of households served could be found in order to prepare this information for the 2003 budget.

Planning, Land Use & Zoning: Committee announced that a public hearing is scheduled for August 26, 2002 at 7:30 p.m. with regard to a proposed amendment and supplement to the “Planned Golf Community” provisions of the Zoning Ordinance.

Mr. Scott stated that the Planning Commission had the following recommendations, due to some recent complications and late information being received for Commission and Supervisor consideration relative to subdivision/land development plans:

- Engineer to make site visits on all proposed subdivision plans. Before action on this, the Supervisors instructed the Township Secretary to write to the Engineer asking for a cost estimate of what a site visit would be, in addition to the regular review of the plan.
- Establish a minimum time line for engineer responses. It was suggested that seven (7) days prior to the meeting be established. Secretary to request this in writing.
- Require engineer to send courtesy copy of responses/comments to the surveyor and applicant. Secretary to request this in writing.
- Change SALDO requirement of plan submissions from 10 days prior to meeting to 30 days. Mr. Davis stated that this cannot be required due to the time period given for approvals. See Section 508 of the Municipalities Planning Code.

Building & Grounds: Nothing to report.

Roads: Mr. Waybright announced that a public workshop will be held on August 27, 2002 at 7:30 p.m. to continue discussions on the future of Long Road.

Public Safety: Nothing to report.

Agricultural Land Preservation: Noted receiving the Formulation Committee Report

Announcements:

Mr. Waybright announced that he attended a Gettysburg-Adams Chamber Local Governmental Cooperation Committee meeting. The Township will be receiving a questionnaire regarding their interest, or not, on attending regional meetings. Also discussed was the new BOCA requirements and the interest

of a regional inspection agency. Mr. Waybright recommended that the Township talk with them and be involved with the discussions.

Other Business:

Senate Bill 1413

“An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances,” further providing for limitation on local ordinances. Mr. Davis had been asked by the Supervisors to research this bill, which deals with agricultural operations and the perceived interference with such operations by local governments. Mr. Davis stated that he feels that this bill is a response to efforts by a group known as “The Community Environmental Legal Defense Fund”. There has been a proposed form of ordinance that would ban corporations from being engaged in agriculture and proclaims that this was constitutional and had been upheld in federal courts. However, the federal district court declared that this ordinance form is unconstitutional and unenforceable.

Right-of-Way Surveying Requirements:

In response to a letter received from Adams County Surveyors (ACS) regarding right-of-way surveying requirements, as discussed at the June 20 Supervisors’ Meeting (see Correspondence), the Supervisors received a response from HRG as to why these requirements are noted in their comments on various subdivision plans. SALDO Sections 86-13.B.(10) and (16) requires this. It was pointed out that this is important because when the Township determines to ordain and formally take possession of such dedicated rights-of-way or otherwise make use thereof, a legal description is available to define the land in question. If the metes and bound descriptions were not available, then the taxpayers would need to pay for the costs of computing and determining metes and bounds which should have been prepared by the developer at his expense. If the Supervisors were to do what was suggested by Riley Redding of ACS, they would have to drastically change the SALDO and they do not wish to do that.

New Business:

Workshop Request for The Links:

Mr. Richard Klein had asked the Supervisors if they would consider holding a workshop in the near future to discuss suggested changes to the Planned Golf Community section of the Zoning Ordinance. Mr. Davis explained that Mr. Klein has had another legal counsel review this section and they have come back with many suggested changes, some consequential and some substantial. Mr. Davis will email the suggested revisions to the Supervisors for their review and then they would determine if they agree to hold a workshop or not. The Supervisors also asked Mr. Davis to critique the document and then relay it to the Supervisors.

Engineer Authorization with Delancey Representative:

Mr. Scott moved, seconded by Mr. Chantelau, to authorize Mark Lewis, Engineer, to have direct communications with any representative of Delancey Gettysburg Associates with regard to the construction of the cul-de-sac at the southern end of Main Street, as required in the Supervisors’ July 18, 2002 decision of the conditional use amendment. Motion carried unanimously.

Adjournment:

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Rogers, to adjourn the Supervisors' Meeting at 8:56 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary/Office Manager