

## **NOVEMBER 18, 2004 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 William Chantelau, Harold Kirschner, and Samuel Dayhoff; Solicitor Walton V. Davis; News Reporter Jarrad Hedes (*The Gettysburg Times*); Treasurer Robin Crushong; and Secretary Brenda Constable. Member not present was George Scott.

Others in attendance were: Jon Ullring or PennDOT District 8; Joe O'Neil of Whitney Bailey Cox Magnani, Engineer for PennDOT; Eileen Holmes; Elsie Morey; Barbara Neth representing WRRMA; John McLatchy; Jerry Maloney; John McAlister; Brian Burger representing Adelphia; Paul Freundel; and Rick Klein representing The Links At Gettysburg.

Chairman Waybright led everyone with the Pledge to the Flag.

### **Chairman's Statement:**

Mr. Waybright noted that representatives of PennDOT were present to discuss a proposed bridge project so he will allow them to be moved from the "New Business" portion of the agenda and let them do their presentation at the beginning of the meeting.

### **Minutes:**

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the minutes of the October 21, 2004 meeting as amended. Discussion: Motion carried unanimously.

### **Treasurer's Report:**

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the Treasurer's Report for October and part of November as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the bills to be paid for the month of October and part of November as presented. Motion carried unanimously.

### **PennDOT Bridge Replacement Project:**

Mr. Jon Ullring, PennDOT Project Manager, and Mr. Joe O'Neil, Engineer, were present to give an overview of the proposed bridge replacement project at S.R. 0097 intersection and Two Taverns Road. Mr. Chantelau questioned if a signal light had been considered at the intersection of Hoffman Home Road. Mr. O'Neil stated that based on a traffic study, this area does not necessitate a need for a signal light at that area. Mr. Chantelau expressed the need for a light for safety purposes. Mr. Jerry Maloney, citizen, also mentioned this same concern.

Mr. Waybright asked if the new bridge would be wide enough for future growth. He added that this area is zoned Village Center and is designated as a growth area in the Township, with increased traffic and should include walking paths and bicycle paths. Mr. O'Neil stated that the County's Comprehensive Plan was reviewed during PennDOT's planning process for this project and that this proposal was consistent with that Plan. The Supervisors explained that the Township has its own Comp Plan and questioned why this was not considered, rather than the County's. Mr. O'Neil commented that he should take a look at the Township's Comprehensive Plan.

Mr. Waybright elaborated on the future use of this area, noting increased traffic on Route 97 once the National Park Visitor Center goes in, as one example. He commented that there is already future development on two of the three roads intersecting with Route 97 in this area and would cause increased traffic. Mr. Waybright and Mr. Dayhoff expressed the need to look at possible realignment of the intersection area. Mr. O'Neil stated that this project is funded for the bridge replacement only, not any road improvements. Mr. Ullring noted that the funding for this project is federal, and basically what monies are available, is all they have to work with for improvements. The Supervisors commented that basically, anything they suggest at this time is too late. Mr. O'Neil explained that any road widening would be significant structure work due to the two foot stone shoulders that are currently there. He further explained that if future widening would be needed for the new bridge, it would be fairly easy to do. He also noted that the last time the bridge was widened was in 1942. However, the new bridge will be the same width as the old one.

Mr. Dayhoff pointed out that there is growth in all of southern Adams County, with all of Route 97 from the Maryland line to Gettysburg being a bottleneck, and it doesn't make sense to replace the bridge with the same size that was there. Mr. Ullring commented that the size and width or accommodation is based on the current use. The Supervisors stressed their concern that PennDOT is not being proactive with these types of projects. The work they [PennDOT] do now will not be good enough in twenty years, or even ten years from now because the growth is already here. The Supervisors stressed how the same situation happened when PennDOT resurfaced Route 97 and the Township asked for turn lanes. Again, PennDOT would not consider future traffic needs or the Township's suggestions because they were already through the planning and financing stages of the project. Mr. Waybright expressed how important it is for PennDOT to come to the Township first rather than last when planning future projects; the Township knows better than anyone else what is needed for their municipality.

Further discussion was held with regard for the need for realignment of the three-way intersection in this area (Route 97 with Hoffman Home Road, Barlow-Two Taverns Road, and Two Taverns Road). Mr. O'Neil stated that eight foot shoulder accommodations have been made for this area. The Supervisors stressed that this is still not enough; turn lanes should be considered for safety purposes.

Mr. Ullring commented that the Supervisors had very good questions and concerns and he would make sure that he took this information back to his superiors. Mr. Chantelau asked Mr. Ullring for a copy of his report, reflecting the Supervisors comments that they made in 2004, noting all of the issues and remedies discussed to make this area better. Mr. Ullring stated that he would send this report to the Township. The Township stated that they would send Mr. Ullring a copy of the Township's Comprehensive Plan and Zoning Ordinance.

### **Road Report:**

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

### **Zoning Officer's Report:**

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

### **Agriculture Security Areas:**

Mr. Dayhoff moved, seconded by Mr. Chantelau, to forward the additions and modifications to the ASA to the Agriculture Security Area Committee and Planning Commission for their review prior to approval. Motion carried unanimously.

Mr. Waybright read a memo to the public with regard to new ASA regulations for submission purposes.

### **Building & Grounds Report:**

Mr. Waybright moved, seconded by Mr. Chantelau, to approve the Building & Grounds Report as presented. Motion carried unanimously.

### **Correspondence:**

#### **White Run Regional Municipal Authority:**

Mr. Waybright noted that a letter was received from White Run Regional Municipal Authority, dated November 18, 2004. Ms. Constable read the letter aloud to the public. The subject of the letter was with regard to WRRMA to consider taking ownership and operational responsibility for remote wastewater facilities serving future land developments in the Township. WRRMA would be holding a special meeting in the future to discuss this issue. The letter also suggested that the Township amend its current Act 537 Plan by incorporating the jointly prepared study done in 1999 by Gannett Fleming that addressed the service needs and planning for the area west of Route 15.

### **Committee Reports:**

Personnel: Nothing to report.

Finance: The Finance Committee announced that the Township had a Certificate of Deposit at ACNB with an interest rate of 2.2% maturing on December 8, 2004. Mr. Chantelau noted that current interest rates at PLGIT are 1.68%, and at CommunityBank at 2.03%. Mr. Chantelau moved, seconded by Mr. Waybright, to authorize the Treasurer to roll the CD when due to whichever bank has the most favorable interest rate to the Township. Motion carried unanimously.

Mr. Chantelau noted that the Finance Committee had asked the Treasurer to look into getting a credit card for the Township. However, all companies that were contacted wanted individual or personal information, which would then go against that individual's personal credit. The Finance Committee found that ACNB will soon be offering a debit card so they have asked the Treasurer to look into this when it is available.

Planning, Land Use & Zoning: Mr. Chantelau noted that the Supervisors recently held a public workshop, with Bob Sharrah, to discuss the proposed amendments to the Conservation By Design section of the zoning ordinance. He noted that Mr. Davis and Mr. Dayhoff spoke with Mr. Sharrah today on this issue and Mr. Sharrah still has some concerns. The two main issues are: a) yield plan; and, b) the way water and sewer systems are to be run, either by a

township municipal authority or the need to create another authority or entity. Mr. Davis commented that the goal is to have a municipal authority so as not to have a company come in, recoup a profit and then leave. The Supervisors felt that they would like to see this proposed amendment go to the County and Township Planning Commissions and then be discussed at a public hearing.

Mr. Chantelau moved, seconded by Mr. Dayhoff, to forward the proposed amendment to the County and Township Planning Commissions for their review and discussion prior to the public hearing. Discussion: with regard to the yield plan, the SFR standards reflect 30% preserved open space with 100% bonus vs. AC with 80% preserved open space and 150% bonus. It was suggested that this be reversed with the 150% bonus in the SFR, and the 100% bonus in the AC. The Supervisors would like the Planning Commission to look at this area and give their thoughts on it. With no further discussion, the motion carried unanimously.

Mr. Dayhoff questioned §110-154.C.(11)(d) – gives too much responsibility to the SEO. If SEO changes this could be different. Mr. Davis stated that this is in the text in order to leave it up to the SEO's discretion because he knows the soil. If the SEO were to give the applicant a hard time, then the applicant couldn't do Conservation By Design; he would then need to do a perk anyway.

**Public Hearing:** Mr. Chantelau moved, seconded by Mr. Dayhoff, to set the date of December 20, 2004 at 7:30 p.m. for a Public Hearing to receive public comment on the proposed amendment of the Conservation By Design section of the Zoning Ordinance, and to authorize the Secretary to advertise said hearing. Motion carried unanimously.

Building & Grounds: Nothing to report.  
Roads: Nothing to report.  
Public Safety: Nothing to report.

Agricultural Land Preservation: It was noted that a monthly report was not submitted due to the Ag Board not having a quorum for a meeting this month. The Supervisors noted receiving the Ag Land Preservation Board's Solicitor's opinion regarding the issue of whether the Township's proposed purchase of an agricultural preservation easement located in SFR zoning district could potentially subject the Township to legal jeopardy (a follow-up from last month's discussion). It is Mr. White's opinion that the proposed transaction would not be problematic relative to the zoning classification of the subject property.

### **Other Business:**

#### Ordinance No. 2004-04:

Mr. Chantelau moved, seconded by Mr. Kirschner, to adopt Ordinance No. 2004-04, amending Article II (Traffic Regulations) of Chapter 104 (Vehicles and Traffic) by setting a speed limit of 35 miles per hour on Heritage Drive, and by creating a stop intersection on White Church Road at its intersection with

Patterson and Solomon Roads.

ORDINANCE NO. 2004 - 04

AN ORDINANCE OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA, AMENDING ARTICLE II (TRAFFIC REGULATIONS) OF CHAPTER 104 (VEHICLES AND TRAFFIC) BY SETTING A SPEED LIMIT OF 35 MILES PER HOUR ON HERITAGE DRIVE, AND BY CREATING A STOP INTERSECTION ON WHITE CHURCH ROAD AT ITS INTERSECTION WITH PATTERSON AND SOLOMON ROADS.

The Board of Supervisors of Mount Joy Township hereby ordains as follows:

Section 1. Section 104-2. (Speed limits) of Article II (Traffic Regulations) of Chapter 104 (Vehicles and Traffic) of the Code of Ordinances of the Township of Mount Joy, Adams County, Pennsylvania, is hereby amended to add the following speed regulation:

<b>Name of Street</b>	<b>Speed limit (mph)</b>	<b>Location</b>
Heritage Drive	35	Entire length (beginning at Route 97 and running in a northerly direction 1291 feet to a point north of White Road)

Section 2. A new section 104-3., titled "Stop intersections", is hereby added to Article II (Traffic Regulations) of Chapter 104 (Vehicles and Traffic) of the Code of Ordinances of the Township of Mount Joy, Adams County, Pennsylvania, which shall read as follows:

§ 104-3. Stop intersections.

The intersections described herein are hereby established as stop intersections. Every driver of a vehicle approaching any such intersection in the direction or directions indicated shall come to a full stop and shall not enter the intersection until it is safe to do so.

<b>Name of Street</b>	<b>Direction of travel</b>	<b>Intersecting with</b>
White Church Road	southerly	Solomon Road
White Church Road	northerly	Patterson Road
Solomon Road	easterly	White Church Road
Patterson Road	westerly	White Church Road

Section 3. The remainder of Chapter 104 of the Code of Ordinances of Mount Joy Township, Adams County, Pennsylvania, is hereby ratified and confirmed.

ADOPTED this 18th day of November, 2004.

Attest:

\_\_\_\_\_  
/s/  
Brenda J. Constable, Secretary

MOUNT JOY TOWNSHIP

\_\_\_\_\_  
/s/  
James W. Waybright, Chairman  
\_\_\_\_\_  
/s/  
William J. Chantelau

\_\_\_\_\_/s/  
George L. Scott  
\_\_\_\_\_/s/  
Harold L. Kirschner  
\_\_\_\_\_/s/  
Samuel L. Dayhoff

Motion carried unanimously.

Parks & Recreation Board:

Tabled from last month, Mr. Kirschner asked the Supervisors to consider an ordinance to create an advisory recreation board for the Township. This proposed ordinance would also establish the number and term of members, and designate duties and powers of the board. Mr. Dayhoff moved, seconded by Mr. Waybright, to instruct Mr. Davis to review the sample ordinance and have it worded for Mount Joy Township for review at the December 16, 2004 meeting. Discussion: the Supervisors suggested that the board have five members, and that the secretary does not have to be a member of the board; he/she could be a member of the township staff. With no further discussion, the motion carried unanimously.

**New Business:**

The Links At Gettysburg – Financial Security Reduction #9 Phase IA and #1 Phase IB:

A request from Rick Klein of the Links At Gettysburg, and recommendation from Mark Lewis, HRG Engineer, Mr. Dayhoff moved, seconded by Mr. Kirschner, to approve financial security draw #9 for Phase IA in the amount of \$89,472.50. Motion carried unanimously.

A request from Rick Klein of the Links At Gettysburg, and recommendation from Mark Lewis, HRG Engineer, Mr. Chantelau moved, seconded by Mr. Dayhoff, to approve financial security draw #1 for Phase IB in the amount of \$368,410.00. Motion carried unanimously.

Adelphia Franchise Extension Agreement:

Mr. Brian Burger, Assistant District Manager of Adelphia, was present to give an overview of the current status of Adelphia. He stated that the Township's current extension agreement expires on December 31, 2004. The company is going through bankruptcy proceedings and will eventually be sold. During this process, there will be a 120 day time period where anyone without an agreement would not receive any franchise fees. Mr. Dayhoff moved, seconded by Mr. Kirschner, to approve and authorize the Chairman to sign a one-year Franchise Extension Agreement with Adelphia through December 31, 2005. Motion carried unanimously.

Act 209 Traffic Impact Fees:

Mr. Waybright gave an overview of a new Act that would allow Townships to assess a traffic impact fee. He stated that if the Supervisors were interested in doing this, money would need to be included in the 2005 budget for a study. Eventually, about 50% of the cost of the study could be reimbursed through the collected impact fees. He suggested that a more detailed discussion on the Act 209 be held at a later date, or have a presentation by a firm that provides these services. It was a consensus to have the Roads Committee proceed with setting up a presentation, some time in January.

Mr. Chantelau moved, seconded by Mr. Dayhoff, to recommend an amendment to the draft 2005 budget to include \$55,000 for an Act 209 study. Motion carried unanimously.

**2005 Budget:**

Mr. Chantelau moved, seconded by Mr. Kirschner, to authorize the Secretary to re-advertise the 2005 budget as amended for adoption at the December 16, 2004 Supervisors' Meeting. Discussion: this amendment is due to the inclusion of \$55,000 for the Act 209 Traffic Impact Study. With no further discussion, the motion carried unanimously.

The Supervisors noted that Robin Crushong, Treasurer, prepared a "Budget Message" as an excellent summary of the financial status of the Township, and suggested that this be placed in the upcoming winter newsletter. Ms. Crushong also noted that as of November 16, 2004, there is still a surplus of \$39,800 from projected expenses in the 2004 budget.

**Executive Session:**

Mr. Waybright called for an Executive Session at 9:20 p.m. this date.

**Meeting Reconvened:**

Mr. Waybright reconvened the Supervisors meeting at 9:25 p.m. this date with the following others in attendance: Supervisors Chantelau, Dayhoff, and Kirschner; and Secretary Constable. Citizens in attendance were: Jerry Maloney; Barbara Neth; and Rick Klein.

Mr. Davis noted that the Executive Session was held in order for him to give the Supervisors legal procedures for a possible road vacation.

**Adjournment:**

With no further business to come before the Board, Mr. Dayhoff moved, seconded by Mr. Chantelau, to adjourn the Supervisors' Meeting at 9:30 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable  
Secretary