

**DECEMBER 20, 2007 SUPERVISORS' PUBLIC HEARING - AGRICULTURAL SECURITY AREA ADDITIONS:**

The Mount Joy Township Board of Supervisors held a public hearing this date, as publicly advertised, at 7:15 p.m. in the meeting room of the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA 17325 with Board Chairman James W. Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Harold Kirschner, and Samuel Dayhoff; Robin Crushong, Treasurer; and Secretary Brenda J. Constable.

Others in attendance were: Dean A. Shultz; Carroll Crum; Barbara Wantz; Steven Wantz; Elsie d. Morey; Pam and John Roman representing the Watchdog Group; and Jerry Althoff representing the Planning Commission.

Mr. Waybright: The purpose of this hearing is to review proposed additions to the Mount Joy Township Agricultural Security Area involving the proposal of three separate owners, with a total of 10 parcels and a total of 236.37 acres. The owners are as follows:

Patricia A. Straley	30-H15-0020	60 acres
Dean A. Shultz	30-G18-0024	71.23 acres
Dean A. Shultz	30-G18-0022	7.75 acres
Dean A. Shultz	30-G18-0013A	22.59 acres
Dean A. & Judith A. Shultz	30-G14-0033	37.06 acres
Dean A. & Judith A. Shultz	30-G14-0022	5.2 acres
Dean A. & Judith A. Shultz	30-G14-0021	20.71 acres
Dean A. & Judith A. Shultz	30-G14-0016	5.32 acres
Dean A. & Judith A. Shultz	30-G14-0014	2.01 acres
Dean A. & Judith A. Shultz	30-G14-0010	4.5 acres

This Hearing notice has been publicly advertised and posted in five locations throughout the Township. The Mount Joy Township and Adams County Planning Commission, as well as the Mount Joy Township Ag Security Area Advisory Committee, have all recommended approval of all proposed additions.

We will now accept written or oral comment from the public. Before giving comment, please state your name and address for the record. *No public comment was given.*

Mr. Waybright: One written comment was submitted from Daniel Redding, 39636 Golden Springs Ct., Hamilton, VA 20158, dated December 12, 2007. *Mr. Waybright read the letter aloud:*

Dear Mr. Chairman,

I write this letter to insure that the Board of Supervisors have information that otherwise may not be readily available to them concerning a parcel of land owned by Dean and Judith Shultz being considered for inclusion in the Mount Joy Township Agriculture Security Area. The parcel in question is Tax Parcel #30-G14-0016 (5.32 acres). This information may be pertinent to your decision making process as to include said parcel in the Agriculture Security Area at this time. I own an adjacent parcel, Tax Parcel #30-G14-5, which is landlocked. I am currently pursuing legal action under the Pennsylvania Private Road

Act, 36 P.S. 2737 et seq., to open a private road to access my parcel. The court has placed this private road thru the Dean and Judith Shultz parcel mentioned above. I started this process on March 17, 2006. Attached to this letter please review the following documents:

- 1) Decision of the Board of View dated October 31, 2006.
- 2) Driveway Permit Application dated November 14, 2006.
- 3) Email exchange between Sam Dayhoff and myself dated April 13, 2007.

The courts decision is currently being appealed by the Shultz's. The appeal is to be presented before the court on January 9, 2008. I respectfully object to the inclusion of the Dean and Judith Shultz Tax Parcel #30-G14-0016 into the Mount Joy Township Agriculture Security Area until such time the Shultz's appeal has been ruled upon. I am of the opinion that the timing of Mr. Shultz's request for inclusion in this program is suspect considering the courts decision to place a private road over one of his properties, and the controversial nature this case has taken on. I feel Mr. Shultz is trying to "muddy the waters" and create underlying issues in this case, which the board should not be a party to. Certainly the decision by the Board of this one parcel could be revisited at a later time when the appeal process is concluded. I am asking you to do just that. Also for the record, the Shultz's are represented by Walton V. Davis, Esq. who is also listed as Solicitor for Mount Joy Township in the current newsletter.

I request this letter and the attached documents be included in the record for the December 20, 2007 Public Hearing on the Mount Joy Township Agriculture Security Area. At this time I will be unable to attend the hearing due to work commitments. I may be contacted at xxx-xxx-xxxx. Thank you for your consideration in this matter.

Sincerely,  
Daniel Redding

(Attached Documents on file at the Township: Report of the Board of View from the Court of Common Pleas of Adams County, PA, Civil Action; Mount Joy Township Highway Occupancy Permit Application #HO-06-09; Email dated April 13, 2007 between Mr. Redding and Sam Dayhoff, Mount Joy Township Road Superintendent).

Mr. Waybright: The attached documents, along with the Notice of Publication, and other accompanying documents relative to this hearing will be kept on file in the Township office.

Mr. Waybright: Any further comment?

Mr. William Chantelau: When I read the letter, I was concerned that it might have some valid points, so I looked up on the internet the Department of Agriculture in the State of Pennsylvania, and called them to ask the question. I went to the ASA section and they did some research for me. They called me back today and said that the inclusion of this particular parcel that Mr. Redding is concerned about in the ASA application would not affect the current litigation ongoing with the private road. So we [supervisors] could include it in the ASA tonight and not have any impact, as Mr. Redding seems to think, that we would be "muddying the waters" and upsetting the litigation; that is not the case.

Mr. Waybright: Another thing that should be put in the record is that Mr. Redding is correct in that Mr. Davis is the Township Solicitor and also

represents the Shultz' so this Board decided to have Attorney John White assist us in any comments or questions that we had concerning this so as to not involve Mr. Davis.

If there be nothing else, this Hearing is closed. 7:20 p.m.

Respectfully submitted,

Brenda J. Constable  
Secretary