

**MOUNT JOY TOWNSHIP SUPERVISORS  
REGULAR MEETING  
OPEN MEETING**

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**Thursday, July 15, 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; Erik Vranich, Township Engineer; Melissa Zirkle, Administrative Assistant; Shannon Hare, Secretary and Zoning Officer and Code Enforcement Officer

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

Written comment-Todd McCauslin-581 Plunkert Rd- solar ordinance amendment

Oral comment-Steve Yerger-175 Bulk Plant Rd-time for public comment; Phil Hunt-452 Mud College Rd-Links Land Company Inc. appeal; Linda Speelman-1501 Hoffman Home Rd-newsletter and Dave Updyke ethics investigation; Angie McCauslin-581 Plunkert Rd-corruption and Agricultural Security Committee report; Todd McCauslin-581 Plunkert Rd- corruption; Scott Sanders-145 Roberts Rd-Township using driveway during Roberts Rd. project; Linda Speelman-1501 Hoffman Home Rd-Updyke request for transcripts; Sandy Yerger-175 Bulk Plant Rd-meeting minutes and cell tower lease

**Approval of Minutes**

- Regular Meeting Minutes, June 17, 2021. Supervisor Mazer moved, seconded by Supervisor Updyke to approve the minutes. Motion carried, unanimously.

**Solicitor's Report.** Solicitor Smith presented her report. Supervisor Patterson moved, seconded by Supervisor Scholle to accept the Solicitor's Report for the period following the June regular meeting. Motion carried, unanimously.

### **Treasurer**

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

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

**Roadmaster’s Report.** Roadmaster Gormont reported that the road crew have been working on the bridge replacement project on Roberts Rd. The bridge was erected, but the road will remain closed through next week for back filing, replacing guide rails, etc.

**Engineer’s Report.** Mr. Vranich presented his report. Supervisor Patterson moved, seconded by Supervisor Mazer to accept the Engineer’s Report for June 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 June 2021. Motion carried, unanimously.

**Planning Commission’s Report.** Supervisor Updyke moved, seconded by Supervisor Scholle to accept the Planning Commission’s Report and Recommendation for July 2021. Motion carried, unanimously.

**Land and Sea Services’ Report.** Supervisor Updyke moved, seconded by Supervisor Patterson to accept Land and Sea’s Permits and Inspections Report for June 2021. Motion carried, unanimously.

**Open Records Officer’s Report-**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 had indicated he no longer wanted to inspect the records, but then came in to do the inspection.

- 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 had indicated he no longer wanted to inspect the records, but then came in to do the inspection.

- 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 had indicated he no longer wanted to inspect the records, but then came in to do the inspection.
- 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. Granted in part, denied in part.
- Alexandra Lancelotta requesting a copy of the garbage contract, specifically the hauler and when the contract ends. Denied, no such record exists.
- Steve Burton requesting financial disclosure reports for candidates for supervisor Todd McCauslin and Christine Demas for the year 2020 and 2021. Granted in part, denied in part.
- David R. Updyke requesting solar hearing transcript 12/9/2020. Granted.
- Laura Jackson requesting a copy of the Township’s decision explaining why the Brookview Solar I project was denied and the findings of fact and conclusions. Granted.
- David R. Updyke requesting Brookview solar hearing transcript for 3/10/2021. Granted.
- Laura Jackson requesting attachment to the Mount Joy Township supervisor’s decision on Brookview Solar I. The attachment of the “Board’s draft written decisions in support of each motion” Granted.
- David Updyke requesting Brookview solar hearing transcript for 2/3/2021. Granted.
- David Updyke requesting Brookview solar use CUH for 3/24/2021 transcripts. Granted.
- Jeremy D. Frey, Esquire requesting all documents related to changes and/or requested changes to the Mount Joy Township Zoning Ordinance, including but not limited to minutes discussing potential changes or requests for changes, petitions and/or request by residents for zoning changes or correspondence regarding zoning changes that are currently being considered by the Planning Commission or Board of Supervisors or which the Planning Commission or Board of Supervisors intends to consider in the future. Granted.
- Diane Wheatley requesting any meeting minutes pertaining to Glenda Gerrick and Todd McCauslin about installing a 24’ fence between the two properties on Plunkert Rd. Granted.

- Ian McCurdy requesting date the site was connected to public sewer, when any current buildings and/or past buildings were constructed, current and/or previous uses/occupants, any environmental enforcement actions, complaints, notices of violations, storage tanks, etc, underground storage tanks, building, zoning, and fire code violations for unaddressed parcel on My Joy Rd Gettysburg, Pa 17325/30G14-0007C. Denied, no such records exist.

### **Fire Company Reports**

- Supervisor Updyke moved, seconded by Supervisor Patterson to accept Fire Companies' reports for June 2021. Motion carried, unanimously.
- Supervisor Patterson moved, seconded by Supervisor Updyke to accept the 2<sup>nd</sup> quarter financial statements for Alpha, Barlow, Gettysburg, and United Hook and Ladder and to disburse funds. Motion carried, unanimously.

### **Correspondence**

The following correspondence was acknowledged:

- Letter dated June 25, 2021, from Pennsylvania Highway Information Association regarding the 2021 Road and Bridge Safety Improvement Awards Program.
- Notice received July 3, 2021, from Department of Community and Economic Development regarding direct deposit of American Rescue Act funds.
- Letter dated July 6, 2021, from Adams County Tax Services Department regarding "Disabled Veterans Real Property Tax Exemption" for 210 Savannah Dr.
- Letter dated July 6, 2021, from Commonwealth of Pennsylvania Department of Auditor General regarding the Liquid Fuels Audit.
- Liquid Fuels Exit Conference Memorandum

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

- Minor Final Subdivision Plan Review for Fryer Property. Mr. Vranich discussed the plan and stated that all review comments have been addressed. Financial security needs to be submitted. Supervisor Mazer moved, seconded by Supervisor Patterson to approve the plan with conditions that the review comments of the Township Engineer's letter dated July 6, 2021, and the Township Zoning Officer's letter dated July 7, 2021, must be satisfied and financial security must be submitted. Motion carried, unanimously.
- Minor Lot Line Adjustment Plan-Phase IIC Lots 23A and 24A Garrison Falls Phase IIC. Mr. Vranich discussed the plan and stated that all review comments have been addressed. Mr. Sharrah explained that there is a new builder at the Links and their homes do not fit the lot sizes. Mr. Vranich stated that the requests for waiver from SALDO 86.13(B)(13) & 86.13(B)(14) were appropriate because this plan was a plot plan and required contour information was provided in the Garrison Falls Phase IIC subdivision plan. Supervisor Mazer moved, seconded by Supervisor Updyke, to accept the requests for waiver from SALDO 86.13(B)(13) & 86.13(B)(14). Solicitor Smith indicated that the waiver requests need to be submitted in writing, and not just listed on the plan. Motion carried, unanimously. Supervisor Mazer moved, seconded by Supervisor Patterson to approve with conditions of compliance with the review comments in the Township Engineer's letter dated July 6, 2021, and the Township Zoning Officer's letter dated July 7, 2021. Motion carried, unanimously.
- Minor Final Subdivision Plan Review for Mark H. Kitzinger-Extension Letter. This is the second extension request. Supervisor Patterson moved, seconded by Supervisor Mazer to approve the extension to September 30, 2021. Motion carried, unanimously.

### **Committee Reports**

- Personnel: (Patterson and Updyke). No report
- Finance: (Gormont and Updyke). No report
- Roads (Gormont) Roadmaster Gormont stated that the goal was to get the Roberts Rd. project done and then move on to Basehor Roth Rd in the fall. In response to comment made by Scott Sanders, Roadmaster Gormont indicated he had walked Roberts Road and determined that post-project maintenance work similar to that done on Highland Ave. Road would be scheduled for next year.

## **Business**

- Budget Resolution. Solicitor Smith explained that, by resolution, an amendment needed to be made to the approved 2021 budget because the Township had received funds from the federal government under the American Rescue Plan Act of 2021. Supervisor Patterson moved, seconded by Supervisor Scholle to adopt the resolution to amend the budget to reflect the receipt of the American Rescue Plan Act Funds. Motion carried, unanimously. Resolution 13 of 2021.
- Lori Lane Dedication Discussion. Chairman Gormont explained that Lori Lane was proposed in the Fairview Farms Subdivision plan to be a public road. Mr. Vranich explained that this was simply a request at this time and that there was no official action needed by the Township. There will need to be a 18 month maintenance bond submitted and the plans will need to be revised to reflect the changes made. Solicitor Smith noted that there are procedures required for dedication and acceptance of a road as a public road. There was discussion whether dedication and acceptance should occur before or after the 18-month maintenance period.
- Act 50 of 2021 Small Wireless Facilities Deployment Act. Solicitor Smith reviewed Act 50. She explained it is a mandate from PA Legislature to provide for small wireless facilities (DAS) as a use by right in all zoning districts and placement of the facilities in road rights-of-way. The size, height, and location of the facilities are dictated by Act 50. They must comply with the electrical code. Solicitor Smith also reviewed mandated application procedures. Act 50 calls for the adoption of a compliant ordinance within 60 days of the Act's effective date. Solicitor Smith asked that the Board authorize the drafting of the ordinance. Chairman Gormont moved, seconded by Supervisor Patterson to authorize Solicitor Smith to draft the ordinance for small wireless facilities. Motion carried, unanimously.
- American Rescue Plan Act Discussion. Solicitor Smith reviewed the latest Q&A updates from the Department of Treasury for the American Rescue Plan Act (ARPA). Ms. Smith also reviewed the Treasury Department's accounting and reporting guidelines. The first report is due October 31, 2021.
- **Adjournment.** With no further business to be discussed by the Board, Supervisor Updyke moved, seconded by Supervisor Scholle, to adjourn the meeting. Motion carried unanimously. Meeting adjourned 9:14p.m.

The Board announced its intent to enter into executive session after the adjournment of the meeting Links and Brookview litigation matters.

Respectfully submitted by,

Shannon M. Hare  
Secretary