

November 19, 1998

The Mount Joy Township Supervisors held their regular monthly meeting November 19, 1998 at 7:30 PM in the Township Municipal Building located at 902 Hoffman Home Road, Gettysburg, PA. All members, Dayhoff, Beebe and Waybright, were present.

The minutes of the last regular meeting, October 15, 1998, were approved by motion of Waybright, 2<sup>nd</sup> by Dayhoff. Dayhoff noted that it was brought to his attention that after the executive session at the last meeting, it was mentioned that conflict of interest was possible discussed. Three persons on the floor remember this; Waybright and Dayhoff do not remember it. Minutes approved as written, Waybright and Dayhoff in favor; Beebe abstaining due to being absent at the last meeting due to illness.

Chairman Dayhoff recognized Lt. Tom Butler of the PA State Police. Lt. Butler came here at the end of March from western PA as Station Commander. He gave the Supervisors numbers regarding responses, about 5% of which were in Mt. Joy Township. Lt. Butler invited citizens to ask any questions or express any concerns regarding the State police.

Denis Onieal welcomed Lt. Butler and asked him to give his insight as a police supervisor what impact large development will have. Lt. Butler said that naturally accidents and thefts will go up.

Ralph Taylor noted that about a year ago, Gettysburg had about 35 officers; not enough to cover three shifts in Townships that have no police force. Lt. Butler said they do the best they can.

Joyce Jackson asked if there was a charge to the Township for State police services and was answered 'No'.

William Chantelau expressed thanks for police support. He also asked regarding increasing development in the Township and the number of farms being divided up for single-family lots, is there a survey done to see if police manpower will increase. He was answered that a quarterly adjustment is made according to a formula of how many are needed.

Sam Dayhoff asked if the number of police will increase as the number of incidents increases and was answered 'Yes'.

There were also questions as to whether the number of incidents decreases in Townships that have their own police force and if the State police respond with local police. Lt. Butler had no information on whether incidents decrease where there are local police and said that State police respond with the locals only if requested.

Harold Beebe said that he has heard a lot of complaints about traffic, especially speeding. Lt. Butler said that all concerns should be referred to the barracks.

Janice Onieal expressed concern about traffic from the direction of Littlestown flying past White Road. Lt. Butler said that a lot of citations are given along Rt. 97.

Earnest Long, Jr. commented that at the intersection of 97/15 truckers see an opportunity to get lunch and they park their trailers along the road and block driveways. Lt. Butler asked if "No Parking" signs were posted and was answered 'Yes'.

Lt. Butler concluded by again inviting citizens to feel free to call the barracks at any time with questions or concerns.

#### Public Comments:

Ralph Taylor - Commented that The Boyle Group attorney Samost was wrong and Zoning Officer Jill Coleman was right regarding the non-submittal of landscaping plans as part of the conditional use application for Cracker Barrel and Carlson Inns.

Attorney James Yingst - Said that LHPOA had asked him to research the Zoning Ordinance and he finds it very clear on what an application should include. The requirements are very detailed regarding conditional use. He agrees with Mr. Taylor that since the application was incomplete, the clock is not running.

Earnest Long - Said that Waybright made a campaign promise that all would be treated with courtesy. At the last Township meeting the Township attorney refused to answer questions. At the last meeting (Planning Commission), The Boyle Group sat in the back having their own meeting. Waybright condemned his fellow supervisor about road maintenance. Long asked for a list of road repairs done in '98 that were not scheduled in '97. He feels there is a four-year campaign going on to discredit Mr. Beebe. He then asked Mr. Beebe where he stood on the issue of eminent domain and if he would vote for the budget.

Beebe responded that he has always been a defender of individual rights. He looks at the Lake drive as an individual driveway. The Lake people have been there 30 years before everyone else. He doesn't feel he could vote for eminent domain proceedings. He believes The Boyle Group are commercial people. He could not personally vote for condemnation proceedings on that intersection. He further said that somewhere down the road there will be a problem and thinks the Lake people should give serious consideration to letting Boyle pay for that problem, if they (the Lake people) so choose—it is their choice.

Regarding the budget, Beebe said he does not have line item discretion. There are a few items he could not vote for, so he couldn't vote for the budget. He noted that he was not present when the budget was done as he had a doctor's appointment.

Waybright said that he will treat Mr. Long with respect. He has no control over the Boyle people. He said he doesn't know that he criticized severely previous road work that was done. He feels that this is not the same Township that it was 10 years ago and people are needed to take care of the roads.

Ken Roberts - Lives at 341 Schwartz Road and feels the school tax is too high. He feels that the right kind of development would increase the tax base in Mount Joy Township. He expressed shock at the department of the protesters at the Planning Commission meeting. He commented on the positives that The Boyle Group's proposed shopping outlet would bring to the community.

Janice Onieal - Expressed support for the concerns about piece-meal application; hopes the Board will look out for the concerns of local citizens.

Denis Onieal - In response to Mr. Roberts' comments, he has concerns if Boyle is a 'responsible' developer.

Dayhoff responded that according to the Township Ordinance, Boyle won't be stopped, but he must abide by every letter in the ordinance as written. Regarding the piece-meal submission and the worry about the clock ticking, this doesn't mean the applications are going to be approved. They could be 'shot down' because of being incomplete. Township citizens should rest assured that as long as he and the rest of the Board are here, Boyle will meet the conditions if it is to happen.

Ralph Taylor - commented that Roberts missed the point that the headquarters of Boyle's partner is in Germany.

The Treasurer's Report was approved by motion of Beebe, 2<sup>nd</sup> by Waybright, carried unanimously.

The Bills to be Paid were approved by motion of Waybright, 2<sup>nd</sup> by Beebe. Beebe commented that the lights at the intersections are not always on, particularly the one at the intersection of Spielman-Klingler Road/PA 97. GPU will be called expressing this complaint. Motion carried unanimously.

#### Subdivisions:

James LaBarre - Final Plan. Motion to approve by Dayhoff, 2<sup>nd</sup> by Beebe, carried unanimously.

#### Road Report:

The Road Report was read by Dayhoff. There were some comments from the floor regarding cans and trash along the road being mowed over.

### Correspondence:

A letter was received from the Littlestown Area Senior Center regarding funding. Motion by Beebe to continue donating \$500 to the Sr. Center, 2<sup>nd</sup> by Waybright. Dayhoff expressed concern that \$500 doesn't buy a lot anymore. Beebe and Waybright suggested inquiring of the Sr. Center what its needs are. Motion carried unanimously.

### Announcements:

Beebe said two or three people have called him about lights at Hoffman Home blinding people. Dayhoff said Zoning Officer Coleman will look into this.

Waybright reported attending the convention of Adams County Elected Officials. The chief concern of the convention this year was Census 2000. Population should be counted accurately to ensure the proper amount of funding. Also, there is a move to lower the amusement tax. Motion by Waybright, 2<sup>nd</sup> by Beebe, to contact Senators and State Representatives and urge them to vote against this bill. Carried unanimously.

### New Business:

Gettysburg Rec Park Donation - Mount Joy Township has 6.10% of the participation; .50% donation. Following discussion, motion by Beebe to donate \$1500 this year and look at it again next year, 2<sup>nd</sup> by Dayhoff, carried unanimously.

Ag Center - Koontz read a letter from Roger Steele regarding funding for the Ag Center. There was a question whether people using the meeting facilities at the Center would be charged. Dayhoff doesn't think that farm organizations are charged; doesn't know about others. Beebe feels that if collected tax money is used, everyone should be able to use the facility. Motion by Beebe to put a \$1,000 pledge in the budget, 2<sup>nd</sup> by Dayhoff, carried unanimously.

Budget - Dayhoff again commended Koontz for an outstanding job doing the budget. There is no increase in taxes. Motion by Dayhoff to tentatively adopt the annual budget proposed for 1999, 2<sup>nd</sup> by Waybright. Beebe commented that he does not see the need to use liquid fuels money to pay two full-time people; there are no more roads than before. The roads are in good shape; they were when he (Beebe) came here. He doesn't see enough work for two full time men; he went through blizzards and floods without full time help. He feels it is his duty to look out for the Township's finances and feels that the road-related budget is out of hand. Dayhoff said that the road workers are not paid out of liquid fuels funds. Beebe said he meant this figure to be a comparison. Motion carried, Waybright and Dayhoff in favor, Beebe opposed.

### Old Business:

Spray Irrigation Ordinance - Motion to adopt this ordinance by Dayhoff, 2<sup>nd</sup> by Beebe, carried unanimously. The secretary was instructed to contact General Code to do a supplement to the Code as three ordinances have been adopted in recent months.

Equipment Shed Roof - Following discussion, there was a motion by Waybright to accept the quote of \$6680 from Sanders Roofing for a painted steel roof. 2<sup>nd</sup> by Dayhoff. Motion carried, Dayhoff and Waybright in favor, Beebe opposed.

Municipal Newsletter Seminar - Koontz reported that she and Coleman had attended a training seminar on municipal newsletters November 10 in Harrisburg. A copy of Mt. Joy's newsletter was given to the instructor; a few suggestions were made, but overall, our newsletter was found to be much as it should be. The next Mt. Joy newsletter will be out in January '99.

Personnel - John Stambaugh was hired to be the Road Superintendent, but has since indicated that he is not interested in the superintendent job. Two applications were received; one applicant was interviewed, references were checked for the other. Through word of mouth, Township got Stambaugh, and now William Miller who is retired from Catoctin Park in Thurmont, MD. Miller was hired at the rate of \$12.50 an hour, same benefit package as previously. Stambaugh will stay on at the rate of \$11.50 an hour. Motion by Waybright, 2<sup>nd</sup> by Dayhoff. Dayhoff noted that the job of road superintendent has changed in the last few years, there is increased paper work. Waybright said that the road superintendent will also serve as emergency management coordinator. Motion carried, Dayhoff and Waybright in favor, Beebe opposed.

Ag Security Area Applications - It was recommended that these applications be taken to the next step.

Policy for Getting on the Agenda - Motion by Dayhoff that persons wishing to get on the agenda should contact the office by Monday in order to be on the agenda for Thursday's meeting. 2<sup>nd</sup> by Waybright, carried unanimously. Beebe added that to be fair, the public should be let know ahead of time what is going to be discussed.

Dayhoff called an Executive Session at 9:40; meeting reconvened at 9:45.

Possible Conflict of Interest - A letter was received by Roger Steele, Planning Commission Chairman, on 11/11/98 from The Boyle Group regarding William Chantelau and a possible conflict of interest. Chantelau referred to a letter from Atty. (Walton) Davis dated 10/16/98 expressing that there are no legal requirements for him to step aside. Chantelau also read excerpts and definitions from Section II of the Ethics Law. Dayhoff asked Chantelau if he would represent Mount Joy Township on the Planning Commission unbiased and was answered 'Yes'. Waybright said two letters from the

solicitor have been received on this matter. The important thing is that the Supervisors will receive recommendations from the Planning Commission and will base their decision on these recommendations and also what they, as supervisors, see. He feels that Chantelau should continue to serve and recommends to the Planning Commission that Chantelau continue to serve. Beebe feels that when representing Lake Heritage at the hearings, Chantelau came off as dead set against the (Boyle) project. Chantelau responded that he asked hard questions to elicit what The Boyle Group was going to do and how it would impact the community. He feels there was an impact with the 54 conditions put upon The Boyle Group, but doesn't think he has ever said that the project was bad or shouldn't be here. He feels his editorial encouraged people to participate. Beebe asked Chantelau if he felt his position on the Planning Commission gave him any leverage in dealing with The Boyle Group and if a smart lawyer could say he does have an interest there. Chantelau said he supposed any twist could be put on it. Beebe said there is no legal reason that Chantelau can't stay on the Planning Commission; however, he feels there is an appearance of a conflict and he is concerned what would happen with this appearance in litigation. Dayhoff asked Chantelau if he had signed any petitions against Boyle's project. Chantelau said that he did. Dayhoff asked Chantelau if he would consider participating in discussions and abstaining from voting. Chantelau said he did not like that idea; thinks there is overreaction to The Boyle Group and that The Boyle Group just didn't want him there. Dayhoff said that a year ago, he was in the same seat regarding a conflict of interest. Chantelau commented that at the time, Dayhoff was both on the Planning Commission and a Supervisor. Dayhoff said the legal implications are the same. He thinks that the Supervisors should stand behind their Planning Commission and that what he went through was a farce. He thinks that Chantelau does a good job on the Planning Commission. Motion by Waybright to recommend to the Planning Commission that Chantelau remain on the Planning Commission and continue his duties. 2<sup>nd</sup> by Dayhoff.

Ivan Lufriu - Thinks that Chantelau has an excellent argument. He sees the shadow of a question regarding financial remuneration, possible reduction of value of properties.

Joyce Jackson - Said Lake has over 50% of the tax base; wonders if Bill is removed, would anyone from the Lake ever be appointed.

Bob Gitt - Asked how many people were here when the zoning was changed; they should have looked at it (the zoning) before they bought.

Motion carried unanimously.

Motion for adjournment at 10:25 PM by Beebe, 2<sup>nd</sup> by Dayhoff, carried unanimously.

Respectfully submitted,

Bonnie L. Koontz

Secretary