

## **OCTOBER 16, 2003 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, George Scott, Will Rogers, and Harold Kirschner; Solicitor Walton V. Davis; News Reporter Alex Gayhart (*The Gettysburg Times*); and Secretary Brenda Constable. Mr. Sam Dayhoff, Building & Grounds Coordinator, and Mr. Anthony Graham, Road Superintendent, were also present.

Others in attendance were: Edward Reichart; Henry C. Reaver, Jr.; Ed Reaver; David Updyke; John Leino; Elsie D. Morey; Roger Steele; John McAlister; Eileen Holmes; Bill Hill representing Davidson Motors; and Speros Marinos.

Chairman Waybright led everyone with the Pledge to the Flag.

### **Minutes:**

Mr. Chantelau moved, seconded by Mr. Scott, to approve the minutes of September 22, 2003 as presented. Motion carried unanimously.

### **Public Comments:**

1. John Leino: Informed the Supervisors that he and Bob Staley, Township Auditors, will be attending a DCED seminar on how to file the annual audit report electronically.
2. Speros Marinos: a) Informed the Supervisors that he will be hosting a private WWII combat simulator on October 18, 2003 at his property known as 201 Civil War Lane. Less than 80 participants are expected and all weapons are B.A.T.F. legal and under the size of 81mm. He gave a written notice as well.  
b) Stated that someone had contacted the Township with information that some digging up of a sewage system was being done on his property. He noted that Mr. Little, Zoning Officer, addressed this inquiry. Mr. Marinos stated that he does this periodically when he has the sewage system pumped. Mr. Rogers suggested that Mr. Marinos extend the system rather than dig it up every time it is pumped.  
c) Thanked the Township for the way they conduct business. He noted that he resides in Cumberland Township and feels that Mount Joy does a very good job of contacting its residents with regard to work that is to be done throughout the Township, and specifically to individual property owners when the work will affect their property.
3. Ed Reichart: relative to a subdivision plan that was approved August 16, 2001 (*see September 22, 2003 minutes "Public Comments"*) Questioned why he was required to have the original Note #7 changed. He has asked this numerous times and feels that no one has answered his question. He also stated that other people, such as his attorney, questioned why this note is on the plan. Mr. Waybright asked Mr. Reichart if he had a copy of the September 22, 2003 minutes. Mr. Reichart responded yes. Mr. Waybright reminded Mr. Reichart that he asked this same question last month and the answer to his question is in writing in the minutes. Mr. Davis asked Mr. Reichart who his attorney is. Mr. Reichart responded Mr. John Mooney. Mr. Davis stated that he spoke with Mr. Mooney last year and he was satisfied as to why this note was required on the plan. Mr. Reichart feels that Mr. Mooney was not satisfied. Mr. Davis explained again as to why the note was required to be on the plan (*as explained in the September 22, 2003 minutes*).

4. Roger Steele: Read and presented a written statement regarding the right-of-way road work that was done on Mud College Road, specifically the soil and corn stalk removal at the Updyke property. He agreed that there was a water/ditching problem in this area that needed to be addressed, but did not agree with the amount of topsoil and corn that was removed from the Updyke property. Mr. Waybright informed everyone that a certified letter dated February 25, 2002 was sent, and received by the property owner of record, Gwendolyn Updyke, on March 14, 2002. The letter explained what work was going to be done, when it was going to be done, and notified the landowners that road widening would require removal of trees, shrubs, mailbox structures, and any other impediments within the Township's right-of-way that would block the widening of the cart way and shoulders that were to be improved. He also cited the Second Class Township Code sections that states what a township is allowed to do. He added that weather conditions dictate when the work would be done. Mr. Davis explained how and why the right-of-way ownership is to the township and not the landowner, and what a township is allowed to do when cutting, opening, maintaining and repairing drains or ditches.
  
5. Dave Updyke: Disagrees with the Road Superintendents assessment of how much corn was removed from his property. He feels that the Township took more than what was in their legal right-of-way. Mr. Waybright asked Mr. Updyke what he wanted to satisfy this issue. Mr. Updyke stated that he wanted his dirt hauled back and wants compensated for lost corn. Mr. Graham, Road Superintendent, stated that he only took .12 acres of ground, and added that after Mr. Updyke's phone call request, the Township has already returned 12 loads of soil, which the Township does not legally have to do. Mr. Graham further added that the rest would have been returned but due to the recent rains, the ground was too wet to take the trucks into the fields.  
Mr. John Leino commented that he thinks the Township is doing the right thing but should not give the dirt back because they would be setting precedence. Mr. Graham informed Mr. Updyke that the Township would not be doing work around his whole farm so there would not be any more soil removed. He further added that Mr. Updyke would eventually get all of his soil back, once the ground got dryer.

#### **Persons Requesting Time:**

Cpl. Bittinger of the Pennsylvania State Police was present to give an update on statistics of incidents since last February when the PSP were at the Township meeting. He stated that there were 352 total incidents, 93 of which were criminal, 56 traffic crashes, and 203 miscellaneous calls. Mr. Chantelau questioned background information on the criminal incidents; were they mainly related to the Outlet Mall? Cpl. Bittinger responded yes, mainly burglary. Mr. Rogers asked if the PSP would be increasing their force due the increase of incidents. Cpl. Bittinger stated that the PSP, in general, increased their force by about 100 troopers one year ago, however, there was no increase in the Gettysburg area. Mr. Davis questioned the statement made regarding crime at the mall being mainly burglary or theft; these were not personal crimes? Cpl. Bittinger responded no, they were more shop lifting than anything else.

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

Mr. Scott moved, seconded by Mr. Rogers, to approve the Treasurer's Report for the months of September and part of October as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Scott, to approve the bills to be paid for the months of September and part of October as presented. Motion carried unanimously.

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

1. Dietrich, David: proposed subdivision of three (3) lots along Plunkert Road (owner Basehoar-Lot 3). Tabled from the September 22, 2003 Meeting. Upon applicant's request for a 30-day extension, and recommendation by the Planning Commission, Mr. Scott moved, seconded by Mr. Rogers, to approve a 30-day extension through December 18, 2003. Motion carried unanimously.  
On a recommendation by the Planning Commission, Mr. Scott moved, seconded by Mr. Chantelau, to forward the Sewage Facilities Planning Module to DEP, noting it as non-acceptable due to high nitrates in the area and a known contaminated well, and include the diagram containing sample well testing in the Township. Motion carried unanimously.
2. Yowell, William B.: proposed subdivision of two (2) lots at 3299 Baltimore Pike, and Sewage Facilities Planning Module. Upon applicant's request for a 60-day extension, and recommendation by the Planning Commission, Mr. Chantelau moved, seconded by Mr. Scott, to approve a 60-day extension for the proposed subdivision and Sewage Facilities Module, through February 8, 2004. Motion carried unanimously.
3. Davidson Ford Motor Co.: review of a sketch plan for highway occupancy permit. Mr. Bill Hill was present to represent Mr. Davidson who could not be present. Mr. Scott gave background as to why this sketch plan is before the Supervisors. He stated that the Township had been notified that Davidson Ford was applying for a Road Occupancy Permit through PennDOT, and the Township had 30 days to comment, if needed. The Supervisors felt that this would be a good opportunity to encourage PennDOT to consider the Township's Comprehensive Plan recommendations for the area at the southwest quadrant of Route 15 and Baltimore Pike, specifically in the area of Highland Avenue Road. Mr. Hill noted that Davidson Ford must vacate the current property owned by the National Park Service by July 2005. They are interested in property in Mount Joy Township, currently owned by Steinour, along Route 15 south, across from the Mobile Station and beside the burnt building, which used to be the Chesapeake Chowder House Restaurant. He and Mr. Davidson recently met with the regional manager of PennDOT, Engineer Ron Jones, and Mike Pinko. Mr. Hill then gave an overview of the sketch plan, showing how they are suggesting to create an intersection and turning lanes at Highland Avenue Road. Access to the proposed Davidson Ford Motor Company would be a private drive, unless it were moved towards the west it could be a public right-of-way and be the Township's. Mr. Scott further added that Mr. Davidson would be willing to pay for the construction.  
Mr. Scott suggests that this is a good opportunity to fix this area and do whatever is necessary to meet state requirements. Mr. Rogers agreed. Mr. Waybright stated that the Township wants to work with Davidson in a timely manner and the Township will get what it wants and needs with Davidson paying for it. Mr. Rogers questioned if the Township would consider condemnation if needed. Mr. Davis responded that this could be done and outlined a proposed timeline to accomplish this. Mr. Scott stated that at this point, Mr. Davidson needs to come in with a plan to make this work; reconfigure the road for a straight access at the intersection with Highland Avenue Road. Mr. Davis suggested that the Township send a letter to PennDOT stating that, as the plan is now drawn, it does not fit in with what they would like to see in the area of Highland Avenue Road. The Township would agree to offer up its engineer, Mark Lewis, to work with the applicant's engineer, Bill Hill, and PennDOT's engineer to work together to do this right now rather than later. And, if needed, they would work with the landowners as well to accomplish this.  
Mr. Scott moved, seconded by Mr. Rogers, to send a letter to PennDOT with the Township's concerns as mentioned above and informing them of the Township's willingness to have all engineers work together. Motion carried unanimously.

### **Road Report:**

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

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

Mr. Scott moved, seconded by Mr. Kirschner, to approve the Zoning Officer's Report as presented. Mr. Scott noted the new application form for building permits, which now includes a section for applicants to sign stating that they have been made aware that their land development may require an Erosion & Sediment Control plan. With no further discussion, the motion carried unanimously.

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

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

### **Committee Reports:**

Personnel: Nothing to report.

Finance: Mr. Chantelau noted that the proposed 2004 budget would be addressed later in the meeting. Mr. Scott moved, seconded by Mr. Kirschner, to authorize Secretary Brenda Constable to attend a Grant Writing seminar offered through PSATS so that the Township can apply for grants in the future. Motion carried unanimously.

Planning, Land Use & Zoning: Nothing to report.

Building & Grounds: Nothing to report.

Roads: Nothing to report.

Public Safety: Nothing to report.

### **Agricultural Land Preservation:**

Supervisors noted receiving the Ag Land Preservation monthly report. On a recommendation from the Ag Land Board, Mr. Rogers moved, seconded by Mr. Chantelau, to authorize a preliminary review and survey on the Mearns farm, if needed, by Adams County Surveyors. Discussion: Mr. Dayhoff explained that prior to settlement, a survey may need to be done in the event that the "closure" review does not match with the current survey of the property. The Supervisors asked who would pay for this. Mr. Dayhoff responded that the Township would. Mr. Scott stated that he is comfortable with all of this except the payment for a survey. He feels that the landowner should pay for some or all of the survey if needed. Mr. Kirschner agreed. With no further discussion, the motion carried with Mr. Scott and Mr. Kirschner voting no.

Mr. Scott asked Mr. Dayhoff to have the Ag Land Preservation Solicitor take a look at, and if needed, revise the Township's requirements with regard to paying for a survey.

### **Announcements:**

Mr. Rogers commented on the fact that he feels the Township Supervisors and departments have very good communication among one another and its citizens, and what happened here tonight with regard

to the Mud College Road situation is just an isolated incident. All Supervisors agreed with Mr. Rogers' comment.

Mr. Kirschner announced that he would be attending the Adams County Earned Income Tax Agency Executive Committee meeting on October 28, 2003, representing Mount Joy Township.

**Other Business:**

Public Hearing for Act 537 Plan:

For purposes of meeting DEP requirements for specific language in the legal ad relative to the Township's Act 537 Sewage Facilities Plan, Mr. Scott moved, seconded by Mr. Chantelau, to authorize the advertisement of a public hearing on November 20, 2003, at 6:45 p.m. to accept public comment on the Act 537 Plan, with intent to re-adopt the Act 537 Sewage Facilities Plan by Resolution at a public meeting immediately following the Public Hearing. Motion carried unanimously.

**New Business:**

The Links At Gettysburg – Security Reduction #3:

On a request from Rick Klein of The Links At Gettysburg, and recommendation from Mark Lewis, HRG Engineer, Mr. Kirschner moved, seconded by Mr. Chantelau, to authorize the release of Draw #3 Reduction of Security in the amount of \$273,862.50 for Phase IA at The Courtyards At The Links At Gettysburg. Motion carried unanimously.

2004 Budget:

Mr. Chantelau noted that the Finance Committee recently worked together with the Treasurer to examine expenditures and revenues for 2003 and proposals for 2004, followed by a workshop on October 9, 2003 with all of the Supervisors and staff to develop a proposed 2004 budget.

Mr. Rogers moved, seconded by Mr. Chantelau, to tentatively adopt a 2004 budget, which will now be available for public inspection prior to final adoption on November 20, 2004. Mr. Chantelau noted that during 2003, expenditures were less than anticipated and will be showing a slight surplus at the end of the year. With no further discussion, the motion carried unanimously.

**Adjournment:**

With no further business to come before the Board, Mr. Chantelau moved, seconded by Mr. Scott, to adjourn the Supervisors' Meeting at 8:40 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable  
Secretary