

SEPTEMBER 18, 2008 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date, as publicly advertised, at 7:30 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, Samuel Dayhoff, and Robert Rhodes; Solicitor Walton V. Davis; Zoning Officer Dave Crouse; Treasurer Robin Crushong; and Secretary Brenda J. Constable.

Others in attendance were: News Reporter Aaron Young (*Gettysburg Times*); Tim Brown; Jerry Althoff and Tom Dunchack representing the Planning Commission; Eleanor Dehoff; Elsie Morey; Carol E. Holtz; Eileen T. Holmes; Jerry Maloney; Bill Huffman; Jack McLatchy; Harry Walker; Deb Hilling; Bernie Huesken, and Bob Gitt.

Board Chairman Waybright led everyone with the Pledge to the Flag.
The Township recorded the meeting.

Minutes:

Mr. Chantelau moved, seconded by Mr. Rhodes, to approve the minutes of the August 21, 2008 meeting as presented. Motion carried unanimously.

Chairman's Statement:

Every meeting we sit here, we listen to comments, some innuendo and we occasionally have been accused of being ducks but we let it roll off. However, the other week one of our citizens chose to put a letter to the editor in the Hanover paper and I do need to address it. We can only figure she didn't like the answer she got so she wrote a letter to the editor and brought some things out that were not true. Pam Roman wrote the letter. She was right in her letter that I didn't tell her the exact purchase price for the Hartlaub property, I don't think she asked for it, at least we could not find it in the minutes, However, she was given that purchase price by Mrs. Crushong at a later date. I think she quoted an article; apparently a reporter had reported that I didn't give him an exact figure because I didn't know what it was. Typically, reporters call me at home or when I'm working and I don't normally have those numbers at home or at my fingertips so I just tell them that I don't know instead of giving them the wrong information. The other thing she mentioned, as far as us being evasive about the date of the settlement for the Hartlaub property; I did not know the date that night she had asked and if you don't believe me you can ask Mrs. Crushong. Pam Roman knew the date of that settlement before I did. When the Township received the settlement date, Mrs. Crushong called Mrs. Roman and told her what it was. Later that afternoon when I called in to the office, I found out when it was. But she wanted to bring it out in the paper and of course the paper went with her headline, and that's okay, that's her right, but with that right of free speech comes some responsibility and people need to be responsible for what they say and how they say it. That's the great thing about this country, it doesn't matter what party you are affiliated with, whether things are good or bad in this country, the economy or whatever, we have that right to do that. But again, it comes with responsibility and I would hope that people use that right and use that responsibility when they answer and write letters. The Supervisors have been accused of taking things too lightly; there's no question we don't take ourselves too serious. However, the other side of that is we are very serious of what needs to be done in Mount Joy Township and what we have to do, and we take that to heart whether or not people think we do or not. I don't think you'll find another group of supervisors as dedicated to doing what they do and the amount of work that goes into this. It's different when you sit on this side of the table; anybody that's had that opportunity knows that. Those that haven't should try it. We make decisions on what is good for

everybody, not necessarily what you want to do. Along with that comes the other thing I always say, you become either part of the solution or part of the problem and you have to decide which you are. And as far as the people who write the letters and sit here with the innuendo and side comments, I honestly feel sorry for those people; always worrying about what somebody else is doing and trying to find the worst in people. These five gentlemen up here don't have that much time to do that and we don't care to do that. So if that's your goal, that's your right but think about it a little bit, think about your responsibility with your rights. Thank you.

Public Comments:

1. Carol Holtz: Understands, heard that the Ramsburg property and the townhouses are now done deals like the Westminster project and asked if that was correct information. The Supervisors responded that they have heard these rumors as well but the Township has never received any official plans for these projects. Keystone has never submitted any plans for Ramsburg, and nothing for townhouses. The only thing ever received were conceptual sketch plans for discussion purposes. Ms. Holtz asked if those properties would revert to Ag Conservation zoning. The Supervisors responded that whatever they are zoned at now is what they will remain. They further explained that the reason the Westminster project (Meadow Brook Golf Course) had changed zoning was because the plan was officially submitted under the old zoning of RR, then a comprehensive zoning throughout the Township was done including that property, which changed it to AC. Now that the project is null and void, that property [the golf course] now falls under the AC zoning. Ms. Holtz then asked about the townhouse project. The Supervisors responded again that no plan was ever officially submitted; only a sketch plan. That area was zoned to include townhouses, but that's all. That is SFR1 zoning and authorizes townhouses.
She asked why the recreation money is going to the Gettysburg and Littlestown recreation departments instead of staying in the Township or given back to the people who paid the fees. The Supervisors felt it was in the best interest to give it to a recreation program that is already established and that our citizens utilize; that was the whole intent and couldn't justify starting a larger program at this point just to use that small amount of money at this time. The state requirements for recreation money are very strict and can be used only for the acquisition of recreation facilities or equipment, not maintenance. Referring to the last supervisors' meeting, she asked why only two of the five farms from Round V were approved for preservation, and why not use the \$2 Million that the voters approved for preservation purposes. The Supervisors clarified what they approved was to do appraisals on only two farms at this time, and if finances allowed throughout the year, it could be possible to do the rest at a later date. When the Township starts drawing down on the \$2 Million Line of Credit, they must start paying debt service on that money. That debt would be paid back with realty transfer tax but that has not been coming in as much as before due to the slow market.
2. Bob Gitt: asked if the Supervisors' views have changed since last month since the nation is having financial difficulty. Supervisors responded overall, no because the Township is solvent at the end of the fiscal year and will be solvent going into the next year. State law requires the townships to have a balanced budget. Mr. Gitt stated the township would always be solvent because it has the ability to raise taxes.
3. Tim Brown: thanked the Supervisors for their decision last week on the Farm City Day CU Hearing and Special Event Permit and invited everyone to the event.
4. Bernie Huesken: Asked why the Township is not getting the realty transfer tax. Supervisors explained if the houses in the township are not selling, then we don't get the tax. The realty transfer tax from The Links development was informally dedicated to the Ag Land Preservation Program; not all of the township realty transfer tax goes to the preservation program. Because development has slowed in

The Links, this is the reason for considering farms for the preservation program on a gradual basis throughout the year.

Announcements:

Ms. Constable announced the following:

- Fireworks at The Links At Gettysburg on September 20, October 11, and October 17 2008.
- Partnership for Land Use Education fall seminars.
- S.G. Marinos Co. – combat simulator events on Civil War Lane reserved for October 3-5, 10-12, 17-19, and 24-26.
- Hoffman Homes hosting the 3rd Annual Health & Wellness Fair on Thursday, October 2, 2008 from 11:00 a.m. to 2:00 p.m.
- Pennsylvania Tourette Syndrome Assoc. selling flowers on September 20 & 21 at 4120 Baltimore Pike.
- Strategic Planning Initiative Group Forum for all Township citizens – October 6, 2008 at 7:00 p.m. at Township Municipal Building. Other presentations will be held on October 9 at Lake Heritage, and on October 15 at The Links at Gettysburg.
- Littlestown School District Superintendent requesting a volunteer from this area to serve as a key communicator. Should be someone from the Littlestown School District.

Treasurer:

Mr. Chantelau moved, seconded by Mr. Scott, to approve the Treasurer's Report as presented. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Chantelau, to approve the bills to be paid as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

Twin Pond Estates: proposed 27-lot subdivision at 979 Harney Road, zoned RR. Extension is through January 5, 2009. Remains on the table.

Road Report:

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

Basehoar Roth Road Guide Rail: Request to purchase guide rail for the box culvert project on Basehoar Roth Road using Liquid Fuel monies. Mr. Dayhoff noted he received three quotes as follows:

- MorganRail, Inc. \$5,308.00
- Green Acres Contract \$5,450.00
- L.S. Lee, Inc. \$6,595.00

Mr. Dayhoff, Road Superintendent, recommended purchasing from MorganRail, Inc. with the low quote. Mr. Chantelau moved, seconded by Mr. Rhodes, to approve the purchase from MorganRail, Inc. for \$5,308.00. Motion carried unanimously.

Mr. Dayhoff announced that the box culvert project on Basehoar Roth Road will begin Monday, September 22, 2008 and the road will be closed except to local traffic. Detour will be Hoffman Home Road to Harney Road to Crouse Road. Basehoar Roth and Crouse Road residents were notified by letter.

Salt Quote: Received a quote from Mid Atlantic Salt at \$81.69/ton. Last year the Township paid \$53.40/ton. Received three quotes, two of which were less than \$81.69/ton. However, when Mr. Dayhoff phoned them back, they would not honor the quotes any longer because they had sold their allotment of salt. Mr. Dayhoff estimates purchasing 200 ton. Part would be used with 2008 budget and the remaining in 2009 budget. He would only purchase as much as needed; does not have to purchase all 200 ton. Mr. Chantelau moved, seconded by Mr. Scott, to purchase the salt from Mid Atlantic for \$81.69/ton. Motion carried unanimously.

Zoning Report:

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

Mr. Gitt asked what was happening with the storage barns at the intersection of Route 97 and California Road. Mr. Crouse explained that the owner is remodeling the building and will be storing auto parts, which is authorized per zoning requirements.

Correspondence:

Ms. Constable noted receiving the following correspondence:

- SPCA \$100-A-Day Raffle fundraising project for month of November. Order forms in lobby.
 - Littlestown and Gettysburg Boroughs thank you letters for donation to recreation department.
 - Visiting Nurse Association request for donation.
 - Conservation District approval of WRRMA Erosion Control for the Northwest Sewer Improvement
 - WRRMA August minutes
- Received a Notice of Appeal/Petition for Review from the Decision of the Zoning Hearing Board of Mount Joy Township, filed by Stephen Alexander in the Court of Common Pleas. This was for a hearing Mr. Alexander requested but it never took place because he did not pay the required application fee. The application was returned to him and now he is filing an appeal. Mr. Waybright explained that submission of any request for a hearing, subdivision plan review, etc., must have the fees paid or it is not a complete submission and cannot be accepted. Mr. Dayhoff asked how many suits have been filed by Mr. Alexander. Mr. Davis responded three or four. Supervisors noted that Mr. Alexander has not prevailed in any of these movements and has a perfect record of losing. Mr. Scott added that there have been legal and administrative expenses with every one of these filings. A citizen asked if Mr. Alexander ever ends up paying the costs. Supervisors responded no, noting that we, the taxpayers end up paying the costs. Mr. Davis pointed out that with this particular application, not only did it not have a check with it, but that Mr. Alexander had a cover letter stating he would not be paying the application fee; it was not an oversight on his part, he knew he was required to pay the application fee and stated he would not be paying it. Mr. Chantelau noted that this latest appeal triggered the solicitor to assist the custodian of records to file a response back to the County Prothonotary indicating there is no record for this case because there was nothing ever filed. Mr. Waybright asked what the Township's options are for these frivolous lawsuits. Mr. Davis explained the procedure of this particular case and possible options to consider litigation to get some

type of equitable order from the Court to keep Mr. Alexander from filing the frivolous suits that cost the taxpayers of Mount Joy Township needless funds in attorney and administrative fees. Mr. Davis noted that with all the other actions Mr. Alexander filed to date, one of which he took all the way to the Supreme Court, have cost well over \$10,000. The Supervisors noted that the millage rate for the Township generates \$10,500 per year. Mr. Dayhoff commented that the Township has spent nearly one year's worth of property tax money from Mount Joy Township taxpayers defending these law suits filed by Stephen Alexander. A citizen questioned what Mr. Alexander is trying to do or what does he want. Mr. Davis explained that Mr. Alexander is just looking to challenge the entire zoning ordinance because he doesn't like it. He is trying to say that someone else's development on someone else's land will cause him harm. However, there is no development close enough to him so the Court says he doesn't have standing. In addition, Mr. Alexander does not even own any property in Mount Joy Township. It was noted that Mr. Alexander has also filed a similar suit in Straban Township, where he doesn't own any land and doesn't even live in that Township. He always represents himself and doesn't spend any money; he spends the taxpayers' money. Mr. Davis noted that on one appeal the Court refused to recognize Mr. Alexander as a pauper and his wife wrote a check for that one, and on one zoning application with the Township his wife wrote the check for that application fee. Those were the only two occasions that any money has been paid.

Committee Reports:

Personnel: Nothing to report.

Finance: Mr. Chantelau noted that the Finance Committee is actively working with the staff to prepare the 2009 budget.

Planning, Land Use & Zoning: Mr. Chantelau noted a handout has been placed on the counter in the Township lobby which was provided by a group formed by the County Commissioners to provide information and education to the County's residents about the Adams County Water & Land Protection Bond for the Bond Initiative that will be on the November 4 ballot. Mr. Chantelau read the question as it will appear on the ballot and explained the concept.

Building & Grounds: Mr. Scott explained that a small portion of the Township's parking lot is in need of paving. Money included in the 2008 budget for building expansion will not be used and it was suggested to use some of that money to pave that portion of the parking lot and equipment driveway. This would cause the ropes to be taken down and on Election Day, traffic can flow one-way in and one-way out of the parking area. Mr. Waybright moved, seconded by Mr. Chantelau, to authorize the advertisement to accept bids for the paving and to set the date of October 16, 2008 to open bids. Motion carried unanimously.

Roads: Mr. Waybright noted that the Committee and the Road crew will be meeting with Representative Moul and representatives from PennDOT at the intersection of Hoffman Home, Maryland Line and Harney Roads. This is a follow up to a previous meeting where the Township has asked PennDOT to consider placing a four-way stop sign at this intersection.

Mr. Scott has had several complaints about the abutment settling on both ends of the new bridge on Fish & Game Road, which is a state road. He contacted PennDOT and they are aware of the problem and are planning to fix it within the

next few weeks. He also made PennDOT aware of the same problem at the bridge on Route 97 south of The Outlets and they are planning to fix that as well in the next few weeks.

Public Safety: Nothing to report.

Agricultural Land Preservation:

Noted receiving the monthly report.

With recommendation from the Ag Land Preservation Board, Mr. Scott moved, seconded by Mr. Chantelau, to approve the submission of an application to the Adams County Green Space Grant Program for the Craig & Connie Yingling farm. Motion carried unanimously.

Recreation Board:

Recreation Board did not meet this month. Supervisors noted receiving an update of the distribution of fees expended in 2008.

Mr. Waybright noted again, that the Hartlaub property settlement took place on Tuesday, September 16, 2008

Other Business:

Municipal Waste Contract: Mr. Scott moved, seconded by Mr. Dayhoff, to approve and sign the Agreement to extend the Municipal Waste Contract with Waste Management for an additional year for the period of January 1, 2009 through December 31, 2009. Motion carried unanimously.

New Business:

2009 Minimum Municipal Obligation: Mr. Chantelau moved, seconded by Mr. Rhodes, to approve and sign the 2009 Minimum Municipal Obligation for the Pension Plan. Motion carried unanimously.

Farm City Day: Mr. Chantelau moved, seconded by Mr. Scott, to approve a donation of \$500 to Farm City Day, which will be held in Mount Joy Township on September 20, 2008 at the property of Tim & Marcia Brown on Hickory Road. It was noted that this was the amount of the application fee for a Special Events Permit. Motion carried unanimously.

Adjournment:

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

Respectfully submitted,

Brenda J. Constable
Secretary