

SEPTEMBER 21, 2006 SUPERVISORS' PUBLIC HEARING - TRAFFIC IMPACT FEE ORDINANCE:

The Mount Joy Township Board of Supervisors met this date for a public hearing, as publicly advertised, at 7:00 p.m. in the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, Pennsylvania, with Board Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Samuel Dayhoff, and Harold Kirschner; Solicitor Walton V. Davis; Zoning Officer Dave Crouse; Robin Crushong, Treasurer; News Reporter Aaron Young (*The Gettysburg Times*); and Brenda Constable, Secretary.

Others in attendance were: Louis Shuba; Jim Snyder of HRG representing Keystone Custom Homes; Elsie D. Morey; Ronnie Reed; Jackie Baird; Andrew Baird; Audrey Weiland; John Auchey; Emily Shoey; Sally Alexander; John & Pam Roman representing the Watchdog Group; James Cullison representing Trans Associates; Linda Bloom; Audrey Sanders representing the Watchdog Group; Ken Sanders; Paul Shriver representing the Watchdog Group; Steve Riedel; Jim Wiltgen representing the Planning Commission; Dave Updyke representing the Watchdog Group; Sharon Payne; Mary Davis; Eileen Holmes; LynnAnne Sukeena; Barton Breighner; Carol Newhart; Tom Newhart; Carol E. Holtz; Barbara Neth representing WRRMA; Jerry Althoff representing the Planning Commission; Jerry Maloney; Fred Bierer representing the Fields at Gettysburg; and John Mahoney representing Keystone Custom Homes.

Mr. Waybright announced that this Hearing was being recorded by the Township and the Watchdog Group. He then asked Solicitor Walton V. Davis to conduct the Public Hearing.

Mr. Davis: Thank you Mr. Chairman. This is the night when the Supervisors expect that during their regular meeting, they will adopt the Traffic Impact Fee Ordinance. Prior to tonight, there was a Land Use Assumptions Report, which gave an estimate of where we thought development would occur in the Township. After that, there was a Highway Sufficiency Analysis, which looked at all of the roads in the Township to determine what shape they were in and what level of service, at least in the study area, intersections and the roadways, what shape they were in and what level of service they are providing; and then a Capital Transportation Improvements Plan has been presented, which indicates, if in fact we get the growth that is suspected, of what would need to be done to keep the level of service at the selected level, and then what monies would need to be collected from new development to do that. With all of those phases, an ordinance has been put together, and that ordinance will be up for adoption during the regular meeting which starts at 7:30 p.m. tonight. You are now being given an opportunity to speak to that ordinance and we have a representative from the consultant who has helped the Traffic Impact Advisory Committee, did you want to give a little more background than what I've given?

Mr. Cullison: I can if you like.

Mr. Davis: Sure, why don't you. He will give a little more background and then your comments would be received.

Mr. Waybright: While he is setting up, a couple people involved in this 209 study, the committee, Jim Wiltgen, Chairman; Audrey Weiland sat on that; Lou Shuba; not sure if anyone else is here.

Mr. Cullison: My name is Jim Cullison, I am a professional engineer and employed by Trans Associates. We were the consultant contracted by the Township to do this study. First, to start off on why the Township would do this sort of study. The Township is regulated by the Pennsylvania Municipal Planning Code (MPC). Without a Traffic Impact Fee Ordinance in place, the Township is limited to requiring developers to provide only on-site transportation improvements. On-site means the frontage of their property and their entranceway into their

property. The Township, without a Traffic Impact Fee Ordinance has no ability to require a developer to make improvements to roadways off of their property site. So if you build a large subdivision and it impacts roads throughout the Township, without a Traffic Impact Fee Ordinance, the Township would not be able to require the developers to contribute to road improvements that would, even though they would impact the capacity of that road, they would not be able to get a fair share contribution from the developer. So we were contracted to do the Traffic Impact Fee study; an 18 month process. The Township has been under an interim impact fee of \$1,000 per trip since the beginning of this 18 month process but now we are reaching the end. We were required to do three products. The first was the Land Use Assumptions Report (LUAR). The LUAR for Mount Joy Township looked at the future for the next 20 years, based on the zoning of the Township and the history of building permits and that sort of thing; what could be expected to occur within the Township. We came up with a number of developments that occur given those variables. Basically, what it boils down to is that in the morning peak hour, 20 years from now, developments would add about 2,700 trips to the roadway during the morning peak hour, and about 4,900 trips to the roadway during evening peak hour. In more general terms, that is nearly doubling the traffic in the Township in the morning and almost tripling during the evening. From that LUAR we went into, translated the assumed land use into the amount of traffic the developments would generate and then we set up transportation service areas (TSA). These are specific areas prescribed in the MPC that can not exceed seven square miles of area. In Mount Joy Township we have three service areas. We have one service that is generally north of Route 97, west of White Church Road and north of Solomon Road; we have a TSA in the central part of the Township that is bordered on the south by Barlow-Two Taverns Road, Orphanage Road, Krug Road, Mud College Road, and Updyke Road; and then one on the very southern part of the Township that is bordered by the State of Maryland. The Township is about 26 square miles, so to get to three seven mile square areas, we did eliminate some properties from consideration in the impact fee study. The properties were eliminated because they have no development potential. They include preserved farms, parcels where the owners have sold their development rights, build out developments such as Lake Heritage, National Park Service land; those were all eliminated from consideration in the impact fee study so that we could get down to 21 square miles, and three service areas of seven square miles each.

For each of the service areas, we took our LUAR and did existing traffic counts throughout the Township; I believe 45 intersections. This was generally done last fall and this past winter. We took all of the information and did projections out to the year 2026 for transportation and we evaluated every intersection in our study area, which generally includes the entire Township. Then we graded all the intersections and all the street segments on a scale that is similar to grading in the school. We have a grade of A for good traffic conditions, and F for failing traffic conditions. The Impact Fee Committee also voted on a preferred level of service (LOS) for Mount Joy Township. That was LOS of C or better for intersection including the approaches to the intersections; LOS D for Route 97 and other state roads such as Route 134, Hoffman Home Road, Two Taverns Road, and a few other state roads; and then for the local roads, the standard was LOS B and that was adopted by the Committee based on Trans Associates recommendations and the Committee's own feeling on what should be done.

From that we were able to identify where deficient conditions occurred for a number of scenarios. The first would be existing conditions. The Township has no existing deficiencies. The second would be the year 2026 pass-through conditions. Pass-through excludes all traffic that has neither an origin nor a destination in a given zone. It could be someone traveling along the length of Route 97, not stopping in the Township; or someone traveling from one TSA through another down to another TSA; that is also a pass-through trip. Pass-through trips, the impact fee can not be charged to correct deficiencies created

by pass-through traffic. This Township has one small area where pass-through deficiencies were found and that was along Basehoar-Roth Road between Spangler School Road and Crouse Road. So the portion of any road improvements along those segments attributable to pass-through of existing traffic can not be funded by impact fees.

We've shown what can't be funded by impact fees; now we'll show what can be funded by impact fees.

This would be looking at the Township in the year 2026 and where deficient LOS conditions would occur with new development. We have deficient conditions along many of the intersections of Route 97, Highland Avenue Road, southbound Route 15 ramps, Heritage Drive; Gettysburg Village Outlets, Two Taverns Road, Barlow-Two Taverns Road, Hoffman Home Road, Hickory Road, Speelman-Klingler Road, and Miller Road. In addition to that, we have roadway segments that would be in deficient LOS conditions as well. That is generally Route 97 from Highland Avenue Road to Township boundary, Route 97 to Gettysburg Village to Township boundary, White Church Road along its entire length, Barlow-Two Taverns Road from Orphanage to White Church Road, Yingling Road from Route 134 to Basehoar-Roth Road, Basehoar-Roth Road from Yingling Road to Spangler School Road, Crouse Road along its length, Speelman-Klingler road along its length. The impact fee program can provide projects to bring any LOS deficiency shown on this diagram back up to the Township's preferred LOS.

From that we developed a list of projects; there are two projects related to addressing the pass-through problems, which we can not charge impact fees for. Then there are 25 projects for which we can charge impact fees for. The types of projects; in the area of Two Taverns, we have a project to construct a connector road around the east side of Two Taverns; we have a project to relocate Barlow-Two Taverns Road to intersect with Hoffman Home Road instead of Route 97; and we have a project to signalize the intersection of Route 97, Hoffman Home Road and the Two Taverns Road connector. We have a project widen route 97 through the length of the Township with the exception of the area that is already four lanes in front of the outlet mall; we have a project to widen Route 97 to provide a center turn lane for a total of three lanes along the corridor. We have numerous improvements to widen roads to a more desired lane widths and shoulder widths and that is generally along Crouse Road, Yingling Road, Barlow-Two Taverns Road, White Church Road. We have a project to signalize the intersection of Highland Avenue Road and Route 97 as well as relocating that intersection to get a little bit further away from the Route 15 ramps. We have a project to put a traffic signal at the intersection of Route 97 and White Church Road.

From the list of projects, we developed cost estimates in order derive the impact fee for each of the three zones. This basically shows the cost in total, the program would have about 22.3 Million Dollars worth of construction, of which about 15.9 Million could be funded by impact fees; 6.4 Million funded by others and could include PennDOT, other developer contributions beyond the impact fees, it could include Township contributions, but in general it would likely projects that PennDOT would participate in through their 12-year program. The impact fee comes down to \$3,846 in the northern TSA; \$3,732 in the central TSA; and \$3,763 in the southern TSA. With that, I'll take questions.

Mr. Davis: Just so everyone knows, the advertisement for this Hearing ran on September 6, 2006 and we have a Proof of Publication to indicate that that happened and the fact that you are all sitting here would also seem to indicate that you are all aware of that. And this is the time for you to either ask questions of Mr. Cullison or make comments on the proposed ordinance. Does anyone have any and if you do, please give us you name and your address first.

Pam Roman: 48 Updyke Road. I wanted to ask you, that last map you showed, is that Exhibit 3 that was in the report?

Mr. Cullison: Yes it is.

Pam Roman: I want to know what happened to the two dotted roads, the one that shows Two Taverns going over to Hoffman Home and the one that shows Barlow-Two Taverns going over to Hoffman Home.

Mr. Cullison: They are shown in the report, but they are not shown on this diagram.

Pam Roman: Why aren't they on that one that you are presenting?

Mr. Cullison: This is just the board that I made to present. They are in the public document. It has been available for public inspection.

Pam Roman: But the public is not seeing tonight what is actually in the document.

Mr. Cullison: Well that's been here for over a month now, this document.

Pam Roman: Yeah, I know, but I'm just saying...

Mr. Cullison: Well the boards weren't, the reports were.

Pam Roman: This is the map that Brenda gave me and it's different.

Mr. Cullison: In the report, what you have, is this.

Pam Roman: Yeah, I understand that. But I'm saying, so another words, what I have is accurate, and actually...

Mr. Cullison: No because I described what the project is, it is exactly, it's just a different view of it.

Pam Roman: Okay, well what is the project on your list there; what does N-1 say?

Mr. Cullison: N-1 says roadway construction Two Taverns connector road.

Pam Roman: Okay, what does N-12 say?

Mr. Cullison: N-12 says roadway construction Barlow-Two Taverns Road. I do want to clarify one thing; they are not the same exhibit. This is simply showing where the capacity deficiencies are in the year 2026. It is not illustrating where the projects are. The projects are identified on this list, that is clearly shown on this list, as well as the project is identified in the report and was available to the public in Exhibit 3; they are not the same document.

Pam Roman: Okay, and one other question. Did you say that 16 Million would be raised by developers paying impact fees?

Mr. Cullison: I said, yes, yes. I said 16. ...

Pam Roman: Did anyone do the math on that? 16 Million dollars, if you take the highest impact fee, \$3,846; that adds up to 4,160 homes, to equal 16 Million dollars. That means this Township is planning to build 4,160 homes?

Mr. Cullison: That means that's what the Township, given its current zoning regulations, its history of what's been built here, and the demand for real estate; what could occur in 20 years. It's not saying what will occur, it's saying what could occur.

Pam Roman: Well I was just wondering if anyone had done the math. If you do three per household, that's 12,481 people.

Mr. Cullison: The math was done in our report, called the Land Assumptions Report, which was adopted by the Supervisors, I believe last February.

Pam Roman: That's what I wanted to ask you, when was the Land Use Assumptions Report done?

Mr. Cullison: It was done, I believe it was adopted last February, I'm not sure of the specific date.

Pam Roman: Okay, it was adopted in February of 2006.

Mr. Cullison: Yes.

Brenda Constable: I think it was January; the hearing was the beginning of January and then I think it was adopted at the January Supervisors' Meeting.

Mr. Cullison: There was a public hearing for that.

Pam Roman: Yes, I know that but I didn't know when it was done, that's why I was asking. Thank you.

Mr. Davis: Any other questions or comments?

Yeah, this is my first time here and I just found out today that the road we are talking about and I own 133 Two Taverns Road and I ...

Mr. Davis: And your name is?

Edward Neuhaus: I'm looking, I just found out a half hour ago and that's why I'm here, it's going to run right through my property there.

Mr. Cullison: Well, we don't have a, it's a concept at this point, we do not have any line shown on an official map ...

Mr. Neuhaus: Okay.

Mr. Cullison: In the future, when this project starts to become nearer, the Township will explore alignment alternatives. One consideration in that would be where houses are and that sort of thing. But as of now, the Township is setting aside money to fund a project that would be required because of all the new development occurring in the Township. In the future, it's going to be, with all the new traffic on Route 97 that could occur, it could be very difficult to make the turn out at Two Taverns Road.

Mr. Neuhaus: But wouldn't it be cheaper to put a few stop lights as we did up at the outlets? I mean, none of that lined up up there, and they added ...

Mr. Cullison: This is what the Committee's recommendation has been, is to do this type of project. The Township is not under any obligation to actually do the project; they are just collecting money so in the future if they so choose to, they'll have the funding to do it. If they don't do the project, then that funding gets refunded to the developers that paid into that.

Mr. Neuhaus: Okay, I zoned mine in AC to preserve this farmland. I mean, that doesn't have any impact at all?

Mr. Cullison: Well no, it's looking at everyone, you're in the northern TSA, so it's looking at everything that's in this green, including your individual parcel, but not just your individual parcel.

Robert Rhodes: I'm at Two Taverns Road also. That connector road is taking my house out, the way you have it shown. I don't know how to deal with it now, I'll deal with it later, but what do those colors mean on there. I have that map but you don't show the connector road, the one I have does. In fact...

Mr. Cullison: Well, they aren't the same map, Exhibit 3 is a different exhibit than what is shown here. But the colors, light green TSA 1; the purple and the brown ...

Robert Rhodes: The big sections with the purple and brown, what does that mean?

Mr. Waybright: The three different zones.

Mr. Cullison: Those are three different transportation service areas.

Robert Rhodes: The large light green area there...

Mr. Davis: That's Transportation Service Area number 1.

Mr. Cullison: Yes.

Robert Rhodes: What does it mean though?

Mr. Davis: It means that it is a seven square mile area where all of the transportation needs in that area will be funded by the new development in that area.

Robert Rhodes: So it's better funding.

Mr. Cullison: Anyone that builds in TSA 1 is contributing to roadway projects that are projected to be required to accommodate new development in that service area. So if, say the outlet mall doubles their size or something like that, their impact fee collected by them, since they are in service area 1, they are going to contribute to road projects that are in service area 1.

Robert Rhodes: Okay, now one other question. You mentioned a few minutes ago in answer to her question, that the committee comes up with this; what committee? Is it this committee here?

Mr. Cullison: We have what's called a Transportation Advisory Committee, I believe we have seven members, and ...

Robert Rhodes: Is it open to the public?

Mr. Cullison: Yes, it is open to the public.

Robert Rhodes: How comes it is not listed in your list there? I didn't see it.

Mr. Davis: Sir, this has been an ongoing process that has been going on for 18 months. All of their meetings have been held in public. In January the first leg of this thing was adopted, last month or two months ago, the second leg, and just recently the third leg. You really had to be involved with it from the

start to know what was going on. It's impossible for us, in the remaining three minutes, to explain the whole process.

Robert Rhodes: I didn't find out about this until kind of late, and I'm concerned now. Do you post the times that they meet here?

Mr. Davis: Yes. All have been published and advertised in the paper.

Robert Rhodes: Okay, can I come up here and find out what the meeting dates are?

Mr. Davis: The advertisements are put out on the counter.

Robert Rhodes: Everyday? If I come up here next week could I ...

Mr. Davis: The problem Mr. Rhodes is that you are coming in at the very end; it's over.

Mr. Rhodes: There's no more planning?

Mr. Davis: There will be no more Transportation Advisory Committee input that would change this plan except for a year from now. On a yearly basis, the Committee can meet and suggest revisions based on different assumptions such as development perhaps occurring in a different area, or different impacts on roads that we thought had one level of service and winds up having another because of things we didn't foresee. But you are at the end of an 18 month process.

Mr. Scott: The State makes us go through a planning process if we want to collect money from developers. We have been through that process. What they had to do is try and figure out what the situation is now, what it is going to be in 20 years, and guess at some projects, wrong word but, figure out some projects to alleviate these. These projects will not, are not planned to be built. There are no plans to take your house or any other specific thing. But it is not a plan, it is just some concept. They had to put on a piece of paper someway to alleviate a problem that all of this development that they are figuring out will come will be done. So then they can put a dollar value on it and divide that out and charge it to the people who are building the new homes or the new businesses and collect fees and use those fees to do it. There are no specific projects; this is a guesstimate of where a project will be built to cure a proposed problem some 20 years down the road. So it's all a planning process. We are not ...

Mr. Rhodes: They're talking ...

Mr. Scott: I don't care who "they" are, let me finish please. We have a couple minutes and I'm trying, half the people came in here after, at the end of this thing. There are no projects, we can't build it, it has to go through umpteen things of planning, there's no budget to take anybody's house, or anybody's business, or anybody's frontage, but we know there will be problems; the State makes us go through a process, we've gone through the process so we can collect monies from the people coming in so that your taxes doesn't need to pay the 16 Million Dollars so we can collect this from whoever is building the houses. It would be really nice if we could figure out a way that nobody else ever moved in here and we didn't have to do any of this work, but that's not the way it works.

Mr. Rhodes: Well I think you're blowing smoke here, I don't trust you or any ...

Mr. Scott: Excuse me for trying to explain.

Mr. Waybright: This was duly published in the Newsletter over the last several years so you've had every ...

Mr. Rhodes: I get a newsletter, I don't remember any of these current projects until just now, this week.

Mr. Davis: Well do you have comments on the ordinance?

I do, that is part of your law suit.

Mr. Davis: Excuse me, you have not yet been recognized. Do you have comments on the ordinance?

Robert Rhodes: No, my questions, I've already asked them.

Mr. Davis: Okay. Your name is?

Steve Alexander: 1735 Barlow-Two Taverns Road. And I think this road is going to go through my house too, you know what I mean. So that's part of this law suit and if you want to sit here and talk about it, this law suit is going to get longer tomorrow morning. If you're going to pass this thing, it's going to get longer tomorrow morning. I'm just telling you right now.

Mr. Davis: Does anyone else have any comments or questions?

Jeff Swatsworth: 55 Two Taverns Road. Just one, Brenda, am I on the agenda to talk later?

Brenda Constable: Yes.

Mr. Davis: Anyone else have comments or questions?

Linda Miller: 107 Two Taverns Road. My one comment or question is how is it that all this housing is projected for the future when the laws started out when they first did the zoning that did not allow this kind of mass building? Where did that all get changed? Somehow I missed those meetings, and I did, but boy I was really sleeping. Where is it that all of this mass building is coming from?

Mr. Davis: Most of the answer is Maryland, but we can't guarantee that.

Linda Miller: Well they're moving up here but where's it allowed to be built? You used to have 185 or 195 foot of road frontage to build. I've been told that's been changed.

Mr. Davis: In 2003.

Linda Miller: Why? If you want to stop mass building, why would you change it?

Mr. Davis: Well, what they had done, apparently you have not been following this, they had ...

Linda Miller: No I haven't, I'll admit that.

Mr. Davis: What they have done is that they have selected areas where the housing can be dense and in exchange for that, there are other areas where the land will be preserved and there will never be any development on that.

Linda Miller: Wasn't that done in the very beginning of the zoning?

Mr. Davis: No.

Linda Miller: When zoning was put in ...

Mr. Davis: No, no. When zoning was initially put in you had what we call maximum development where houses could be built from one end of the Township to the other, from the north to the south and the east to the west. And what happened in 2003, is after the committee studied it and the comprehensive plan was done, the Board of Supervisors decided that what would happen is that in certain areas housing will be allowed to be very dense in exchange for other areas being permanently preserved.

Linda Miller: Then my question is how is it that you sit there and you decide who gets to do that and who don't get to do that.

Mr. Davis: The legislature in Harrisburg passes the laws and gives the authority to second class townships to pass zoning.

Linda Miller: You can change zoning over here to allow that, and not change this guys zoning to do that?

Mr. Davis: Absolutely, in fact they encourage transferable development rights.

Linda Miller: Now we're out in the, I'm sorry but I consider myself country. I'm five miles outside of Gettysburg, five miles outside of Littlestown. Being out in the country, you never had big housing developments. Now because of this zoning change, that is exactly what you're going to have. There is going to be no country; it's going to be one big strip from Littlestown to Gettysburg which is going to be nothing but housing developments off to the side because of all the zoning changes that somebody wants.

Mr. Davis: No, you're going to have the housing developments because of people coming in from Maryland. What changed is how it's going to appear in the Township. Before it was going to be everywhere in the Township, and in 2003 a program was started whereby you could make it dense in one area to preserve other areas where there would never be development. The fact of the matter is there's always going to be development because people don't support population growth, and they are coming out of the cities.

Linda Miller: I agree. But housing developments that I have already seen are either already approved or are going to be approved, are mass. I've been told that there is one that they want to come across people's yards or fields to get the sewer put in. These people don't want it.

Mr. Davis: Well, we are in a hearing right now about the Transportation Impact Fee Ordinance. Do you have comments on that?

Linda Miller: Right. Housing developments will impact our road.

Mr. Davis: All housing developments will impact your road. The ones in Cumberland Township, in Straban Township, in Mt. Pleasant Township, in Germany Township; what this Board of Supervisors can do is one of the few things the legislature allows them to do, which is to extract money from people who are moving in here, the new people, to help them pick up the burden. That's what this ordinance is about.

Linda Miller: But then why is it though, I still do not understand, how you can take a farm off of Barlow-Two Taverns Road and zone it that you can put, I'm just using it as a, I have no clue what it is, but you could put 200 houses in there if you can get sewer to it, compared to only putting 60 houses in there if they have to have septic.

Mr. Davis: Because there's two other farms in some other part of the Township as a result of that, that will never have any houses on it. That's how.

Mr. Dayhoff: Have you ever calculated out what the total build-out would be on any of the other townships you have done? To give us a comparison.

Mr. Cullison: Yes, for instance, we're working on Franklin Township in Adams County; they are about a month behind you guys in the process. We just looked at the evening peak hour, you have about 4,900 new trips expected in your township, and they have about 3,200 new trips expected in their township.

Mr. Dayhoff: Okay, did you do Straban?

Mr. Cullison: I did not do Straban's.

Mr. Dayhoff: Wally do you remember what their's might have been, off hand?

Mr. Davis: No I do not. Sorry.

Mr. Dayhoff: Well, okay. I'm trying to give you a comparison because other townships do not have as much preserved area as we do. One thing you did mention is that preserved areas helped us to get down to the seven square miles and Linda, maybe he could point out to you those preserved areas on that map, and that is where you will never see any development.

Linda Miller: Now what color is that?

Mr. Cullison: The dark green is a preserved farm; that could not be built on.

Linda Miller: Now where is that located at?

Mr. Cullison: Well they're all through the Township. And then the red is where the owner has transferred development rights, meaning it is in a preservation status now as well. So all this red color is also a preserved type of land where development can not occur. In addition, this purple color in the southern part of the Township is where residents are beginning the process to perhaps sell their development rights.

Linda Miller: Well what is going to happen when you end up having more development rights sold off than you are going to have for these developers to actually have to build on? Did anybody ever think of that?

Mr. Dayhoff: You want to them have, you want developers to build?

Linda Miller: No, I'm just saying if people are selling off now, their rights ...

Mr. Dayhoff: Their development rights?

Linda Miller: Correct. That it will stay preserved?

Mr. Dayhoff and Mr. Cullison: Yes.

Linda Miller: What's going to happen in the future if the developer that has paid for that don't get to use it? If there is no more land left around here to build on.

Mr. Dayhoff: He has to have a place to use it in order to, he transfer that to a place to build.

Linda Miller: So another words, that can not be preserved unless there is a place to transfer it to; am I correct on that?

Mr. Dayhoff: That's correct.

Linda Miller: Another words, if I wanted to preserve, which I can't, I don't own enough, but if I would want to preserve mine, then I would be paid to preserve it, never to be built on, but then I would be told that this is going to allow building where ever? Am I correct on that?

Mr. Dayhoff: Yes, that's correct.

Linda Miller: One other thing while I'm speaking, I just want to let it be known ...

Mr. Dayhoff: First can I make one comment though. But, if you hadn't preserved, then we could have had development everywhere. Those preserved areas could be built on also.

Linda Miller: I understand what you are saying.

Mr. Dayhoff: Those preserved areas could be built on also, okay, because zoning changes; zoning can change to allow building. Where the preserved areas are preserved and that does not change.

Linda Miller: Let me ask you this. Clean and green; that has been in effect for years.

Mr. Dayhoff: It has nothing to do with preservation.

Linda Miller: But the thing of it is that they got a tax break to not build.

Mr. Dayhoff: Yes.

Linda Miller: But when it was sold off all they had to do was pay that money back.

Mr. Dayhoff: That has nothing to do with this Board.

Linda Miller: Will that be the same with this?

Mr. Dayhoff, Mr. Waybright, Mr. Davis: No.

Linda Miller: Once this is put in there is no way it will ever come out?

Mr. Dayhoff, Mr. Chantelau: That's right; perpetuity.

Linda Miller: The only other comment I want to make is that, let it be known, for the record, that that proposed road goes through my back yard. I don't like it. I live on Two Taverns Road. One other question, if they do do this, which I know it's only a proposal, what happens with the rest of Two Taverns Road down there? Did anybody think of that or does anybody have an answer to that?

Mr. Cullison: Two Taverns Road would still intersect with Route 97 but it's access would be restricted to allow only right turns into it and right turns out on it. Primary access ...

Linda Miller: So if I want to come out of there and want to go to Littlestown, I can't do that?

Mr. Cullison: You would go onto the connector road.

Linda Miller: I own a business; I get steel trucks in. The proposed road; is that going to be a state road or a township road?

Mr. Cullison: It's planned to be a township road.

Linda Miller: Will a tractor-trailer be allowed to be on it?

Mr. Cullison: That is not known because this road hasn't been ...

Linda Miller: So now you are not only impacting my house but you are impacting my business.

Mr. Cullison: I didn't say that.

Linda Miller: I know, but if it does, I'm just putting in comment.

Mr. Davis: Alright, we want comments on the Traffic Impact Fee Ordinance. This hearing is not to discuss zoning in general. Comments on the Traffic Impact Fee Ordinance.

Dave Updyke: 165 Updyke Road. This goes back to your comment when you said if you preserve her land it would take two other farms, or if you build on her land, it would preserve two other farms somewhere else. That's not necessarily the case with this TDR program. What you're seeing happen is all small parcels, 10 acre pieces, but not farms.

Mr. Davis: Traffic Impact Fee Ordinance comments or questions please.

Steve Alexander: Now does this become part of your comprehensive plan as soon as you adopt this thing?

Mr. Davis: No.

Steve Alexander: What does it become?

Mr. Davis: It becomes a chapter in the Code Book.

Steve Alexander: Which is; the zoning code book?

Mr. Davis: No. The Code of Ordinances of Mount Joy Township.

Steve Alexander: Which is zoning code of ordinances? So it's nothing.

Brenda Constable: Zoning is only a chapter in the Code of Ordinances.

Steve Alexander: This means nothing; you are not going to get anything from developers, and this actually means nothing. It is not part of the comprehensive plan, it's not part of anything?

Mr. Davis: It will be part of the Code of Ordinances of Mount Joy Township.

Mr. Waybright: Mr. Updyke.

Dave Updyke: You said you got down to a seven acre zones by eliminating those red squares. Has anybody been paid for any of those yet?

Mr. Davis: That's seven square mile transportation improvement districts.

Dave Updyke: Has anybody been paid for the TDR program yet? Has anybody received money?

Mr. Davis: We don't know that.

Dave Updyke: If nobody has received money, you can't eliminate them because it hasn't gone through yet. It's pure speculation.

Mr. Davis: Well, if the TDRs don't go through, then we don't have the development, then we don't need the road improvements.

Steve Alexander: Well that's not true because you have your conservation by design, don't you? And you got your sewer which is going to let a house every acre, don't you?

Mr. Waybright: Comment in the back; somebody had a hand, yawning or something.

Robert Rhodes: I had one but Dave Updyke asked my question for me.

Linda Miller: To clarify this for most people; tonight you are here to approve the amount of money that would be needed for all of these projects that he mentioned?

Mr. Davis: Tonight, what they intend to do is to adopt an ordinance which allows the Township to levy an impact fee on new development based on the number of trips that that development will generate. That will set up a fund of money to fund traffic improvements that are projected to be needed when that new development is built. If there's no development, there's no funds, the traffic improvements will not be needed.

Linda Miller: Okay, and that money would revert back to the developer?

Mr. Davis: Well, it's unlikely that there will be development and we'll collect fees and that we wouldn't need an improvement as a result of it.

Linda Miller: And that's true because even your back roads will not substantiate what you are speaking of. So even if you don't come out on 97 and do it, the back roads will need it.

Mr. Davis: And under law, if the project doesn't begin within three years of the projected construction start date, the money has to be refunded. That's why we have things out. For instance, this connector road is 2014, which means it may not even start until 2017, if at all. It all depends on where the development happens, if it happens,

Mr. Waybright: And that's why they have that annual meeting every year to go back and review.

Linda Miller: I'll guarantee you'll see me.

Mr. Waybright: The committee has that meeting to review those projects.

Pam Roman: May I ask one question? The impact fee that this study was in; are they going to stay the same or will they be reviewing them yearly as well and could they change?

Mr. Davis: Those could also be reviewed yearly and one of the reasons that we would want them reviewed yearly is the cost of construction may change drastically.

Pam Roman: Okay.

Mr. Cullison: We can adjust them for inflationary matters, and if the Land Use Assumptions changes substantially, they could be adjusted.

Linda Miller: So basically your estimate right now is based on today's calculations, not 2014.

Mr. Cullison: Yes, keep in mind that we are looking in a crystal ball and seeing what could happen, and trying ...

Linda Miller: So 16. whatever million, if we would start this today, to do these improvements, even if it took another year, it still might take another 18.8 million.

Mr. Cullison: Well yes, all the numbers are on present day values, so ...

Linda Miller: Now let me ask you this. If we impose these fees and you charge, say when they start, two years from now and you're charging \$3,000 for this area and \$2,000 for that area, but now we get to 2014 and it does need to be done and does get done. Now you find out, man we should have charged \$7,000 per house, what happens then?

Mr. Davis: That's why you have the yearly reviews, to keep up with that.

Linda Miller: Now does the State kick in additional money at that time or is that unanswerable at this time?

Mr. Davis: The State is usually, what Mr. Cullison tells us on experiences, is that when dealing with State roads, 50% of the cost is supposed from the fund that we collect and the other 50% is supposed to come from the State. We of course can't tell the State when to kick in money. Mr. Cullison tells us however, the experience is that for PennDOT, this is a great deal. Because now suddenly it is costing them half as much to do a road improvement as it would in someplace else that doesn't have one of these programs. So often times PennDOT is eager to jump on board to make these improvements because then they can say to their constituents, look at what we did with less money involved.

Linda Miller: One other comment. The ad that listed your meeting, you had said about a lot of people came in at the ending; my paper stated that it started at 7:30 tonight. I'm sorry if I was late.

Mr. Waybright: Supervisors' Meeting starts at 7:30. This is a Public Hearing for the Act 209 Impact Fee which started at 7:00 o'clock.

Linda Miller: Which was on September 21st?

Mr. Waybright: Yes.

Mr. Davis: Yes, advertised in the paper.

Mr. Waybright: Here is a copy of it if you want to see it later, but we had it in the paper.

Linda Miller: Okay, then I apologize for being late, my information was wrong.

Mr. Davis: Any other questions or comments on the Traffic Impact Fee Ordinance because we are now 18 minutes beyond our time.

Mr. Neuhaus: I just have one more question. Mr. Swatsworth over here and myself, where the road is apparently going to go, I mean that is going to split our places in half. I mean, I believe Mr. Swatsworth has his for sale. How much is that going to impact his sale? The person buying his house, does he

have to, I mean, is that going to affect him? And then when you split my property, it's 23 acres, I would have 10 or 12 on the other side, I mean, I just don't understand. Suppose you don't want to sell it, what do you get fair market value for your property, how's it going to work or do you know...

Mr. Davis: First of all, we can't emphasize enough that this connector road is a concept right now and it's actual location is not known. It had to be put into the plan and something had to be put there so we could justify getting the new people who are moving in to kick in money to fund it. So we just had to come up with something. No consideration was given as to where actual buildings are, property lines are, anything else; in fact when you look at it and measure it to scale, this connector road shown on the Exhibit, looks like it's about 150 feet wide. But when you read the text, it's not planned for that. But where it's actually going, we don't know. However, if it winds up going across your property, you will be entitled to compensation. And the first thing that the Township would do is to discuss with you at a price that we could both agree on. If not, if we couldn't agree, then you have the right to go to court and get the price that you think you should have been paid.

Linda Miller: I got a question that goes with his. If he puts his into the preserved ...

Mr. Neuhaus: It already is, it already is in the AC so I don't understand ...

Mr. Davis: AC is not a preservation; AC is a zoning district.

Linda Miller: But say he would put his 23 acres, is it smart to run a road through a preserved area?

Mr. Dayhoff: I'm not sure you could do it if it's preserved.

Mr. Davis: I don't know what type of preservation you're talking about. If you're talking about giving a building easement to the Land Conservancy of Adams County, that's one thing. If you're talking about the Ag Preservation Program that is run by either the County or the Township; if it's run by the County, you got to go through some board up in Harrisburg before you can stick something like a road right-of-way...

Linda Miller: I know they have a lot more other things, which I know you guys want to leave or whatever, but I know there's a lot more other things on there as far as widening 97 and things like that. There is a lot that should be done, could be done, but then there is a lot that I don't know how they are going to do it. Because there on Route 97 there are two historical homes sitting out there. You know, some of this planning really hasn't took into effect a lot of things.

Mr. Davis: You see, that gets us back to an improvement plan, and a concept plan. We have to have something so we can say that the people invading us from Maryland, you owe us money. The legislature ...

Linda Miller: We should do what Carroll County did years ago.

Mr. Davis: Well, we wish we could. Because they're popping on like \$15,000, \$16,000, \$17,000 for every new house. I wish the Pennsylvania legislature would give this board the right to do that. The only thing we can really do is pick up recreation fees, which we are doing, traffic impact fees if we adopt this ordinance tonight, and then the tapping fees for the sewer and water, of course that's not us because we don't own any sewer or water facilities; those things could be done. Otherwise, our legislature, in my opinion, is very much under the influence of developers and has said specifically in law, we can not charge any other impact fees. So, we're ripe for the picking.

Linda Miller: And I agree. My one concern, when I saw what was going on, why should I, living over there, be impacted by people that's wanting to move over here? You know, to me, let them come out and go to Hanover through Littlestown.

Mr. Davis: Well, you know, if no one in this Township would sell their land to a developer, we wouldn't have any problem.

Linda Miller: You're right, but I don't think that's going to happen.

Audrey Sanders: Well we live here, we have kids and we gave our kids a lot and we had to pay impact fees. I'm not a big developer, and I'm not, there's nobody moving in on our property from Maryland, it's my own kids but we still had to pay an impact fee.

Dave Updyke: Is it true that the Keystone developments are void from this; that they don't have to pay it?

Mr. Davis: No.

Mr. Scott: We are already collecting these fees. We could take a wild guess; 18 months ago and we've done that. If we collected too much, we'd have to give it back.

Dave Updyke: But you are collecting ...

Mr. Scott: Yes, we have been collecting fees for 12 or 18 months.

Mr. Davis: Almost 18 months.

Dave Updyke: At the current rate?

Mr. Davis: No. The law says that we could only collect at the rate of \$1,000 per trip until we enact this ordinance.

John Mahoney: I represent Keystone, and we expect we are going to writing checks with two commas. It is going to be substantial payments by the developers.

Mr. Davis: Any other questions or comments on the Traffic Impact Fee Ordinance?

Ronnie Reed: I live at 1890 Baltimore Pike, on the corner of Route 97 and Highland Avenue Road. I heard rumors that Shipley Oil Company is going to build a new station and they are going to want to take part of my land on the corner of my property.

Mr. Davis: All I can tell you is that if Shipley builds new, they will pay a traffic impact fee because they are in TSA 1. Beyond that, I can't tell you anything, I don't know. Any other questions or comments on the Traffic Impact Fee Ordinance?
Okay Mr. Chairman, I think we are done.

Mr. Waybright: Thank you and declare this hearing closed at 7:55 p.m.

Respectfully submitted,

Brenda J. Constable
Secretary