

**Mount Joy Township Supervisors’
Regular Meeting
August 17, 2017**

Meeting Minutes

Present: John Gormont, Chairman; David Updyke, Vice-Chair; Dennis Bowman; Gil Clark; Susan Smith, Solicitor; Jeanne Gormont, Office Assistant

Absent: Bradley Trostle; Sheri Moyer, Secretary

The Mount Joy Township Board of Supervisors met this date, as publicly advertised, at the Mount Joy Township Building located at 902 Hoffman Home Rd., Gettysburg, Pennsylvania.

Call to Order: John Gormont, presiding.

Starting Time: 7:00 p.m.

Pledge of Allegiance

Public Comments: None.

Approval of Minutes:

- Supervisors’ Regular Meeting Minutes, July 20, 2017: Mr. Bowman moved, seconded by Mr. Updyke, to accept Minutes as presented. Motion carried unanimously.
- Supervisors’ Workshop Meeting Minutes, August 3, 2017: Mr. Updyke, seconded by Mr. Clark, to accept Minutes as presented. Motion carried unanimously.

Chairman’s Comments: None.

Solicitor’s Report: Mr. Updyke moved, seconded by Mr. Bowman, to accept the report as presented. Motion carried unanimously

Persons Requesting Time on Agenda: (15 minutes per person) None.

Announcements: None.

Treasurer’s Reports:

- Approval of Monthly Finance Report: Mr. Bowman moved, seconded by Mr. Clark, to accept the report as presented. Motion carried unanimously
- Approval of Bills Paid Report: Mr. Bowman moved, seconded by Mr. Updyke, to accept the report as presented. Motion carried unanimously

Road Report: Mr. Updyke moved, seconded by Mr. Bowman, to accept the report as presented. Motion carried unanimously

Subdivision and Land Dev.:

- Nancy-Lee H. Coombs – Preliminary/Final Minor Subdivision Plan: Mr. Vranich stated there is time left on this plan. Revised plans have not been submitted following their comments. He is suggesting that this should be tabled for now. Mr. Vranich said the next deadline to act on this is at their October 19, 2017 meeting.
- Lawrence & Barbara Combs – Final/Minor Subdivision Plan – Withdrawal Letter: Mr. Vranich said a letter dated August 3, 2017 was submitted for the withdrawal of the plan. The Board acknowledged that this plan has been withdrawn.
- Herrick Building & Excavating, Inc. – Revised Final Minor Land Development Plan: Mr. Vranich said he recommends that the Board table the plan. They have until the September 21, 2017 meeting for the Board to act on it. They requested a 60 day extension at the last supervisors meeting.
- The Links Preliminary Land Development Plan - Hotel and Conference Center – Time Extension: Mr. Vranich said they received a letter dated August 9, 2017 granting a 90 day extension for the Hotel and Conference Center plans. Mr. Bowman moved, seconded by Mr. Clark to accept the 90 day extension for both the Hotel and Conference Center and Wade Run Community plans. Motion carried unanimously.
- The Links Preliminary Subdivision Plan Review - Wade Run Community – Time Extension: See Hotel and Conference Center for motion.

Engineering Report: Mr. Updyke moved, seconded by Mr. Bowman, to accept the report as presented. Motion carried unanimously.

Zoning Officer/Code Enforcement Officer’s Report: Mr. Updyke moved, seconded by Mr. Bowman, to accept the report as presented. Motion carried unanimously.

Building Inspections:

Land and Sea Service Inspection Report: Mr. Updyke moved, seconded by Mr. Bowman, to accept the report as presented. Motion carried unanimously.

Fire Company Reports:

	MJT Calls per month	YTD Calls in MJT
1. Alpha Fire Company	4	27
2. Barlow Fire Company	7	39
3. Gettysburg Fire Company	3	27
4. United Hook & Ladder No. 33-3	1	4

Mr. Bowman moved, seconded by Mr. Updyke, to accept the report as presented. Motion carried unanimously.

1st Quarter financial report from Alpha Fire Company: Mr. Bowman moved, seconded by Mr. Updyke, to accept the financial report from Alpha Fire Company. Motion carried unanimously.

Mr. Updyke moved, seconded by Mr. Clark, to approve the 1st quarter distribution payments to Alpha Fire Company. Motion carried unanimously.

Open Records Officer Report: None.

Correspondence:

- Email dated August 3, 2017 regarding the bridge construction schedule change

- Letter dated August 8, 2017 from Tim and Marcia Brown regarding Farm City Day
- Letter dated August 12, 2017 from Adams County Conservation District regarding Compliance Notice for Holiday Inn

Committee/Board Reports:

- Personnel (B. Trostle, D. Updyke): No report
- Finance (J. Gormont, D. Updyke): No report
- Planning Commission: No August meeting.
- Planning, Land Use & Zoning (D. Bowman): No report
- Building & Grounds (G. Clark): No report
- Roads (J. Gormont): No report
- Public Safety (G. Clark): No report

Business

- Holiday Inn Express financial security adjustment: Mr. Vranich said he recommends a reduction in the financial security amount of \$200,442.88. Mr. Bowman, moved, seconded by Mr. Updyke, to reduce the financial security \$200,442.88 from \$263,865.25 to \$63,422.37. Motion carried unanimously.
- Draft Cellular Telecommunications Franchise Agreement: Ms. Smith distributed this to the Board at their last meeting. She stated that she used the Comcast Agreement along with other model agreements to draft this document. She questioned the Board as to the term for renewal. Mr. Gormont said that the Comcast Agreement is for 15 years. The Board agreed with the 15 year term. Ms. Smith questioned the Board regarding automatic renewals. The Comcast Agreement has automatic renewals of 2 terms of 5 years. The Board agreed with 2 terms of 5 years for automatic renewals. Ms. Smith said regarding fees, the Comcast Agreement fee is based on a percentage of gross revenue in the Township. Ms. Smith said the question is can you determine a fee based on revenues generated by facilities within the Township? And the answer would be, "Yes". This is consistent with the Comcast Agreement. The Board agreed to keep it consistent with the Comcast Agreement. Ms. Smith said that this document may change at the direction from the FCC.
- Winter Municipal Services Renewal Agreement: Mr. Updyke moved, seconded by Mr. Clark, to authorize the Chairman to sign the agreement. Motion carried unanimously.
- Proposed SALDO Amendments: This has been removed from the agenda as it was distributed for review and the public hearing has been scheduled.
- Pension Plan – MMO: Mr. Bowman moved, seconded by Mr. Updyke, to approve the payment of \$5,968.00 to the pension plan. Motion carried unanimously.
- Proposed Zoning Ordinance: Ms. Smith said before the Board is a proposed revised draft with a number of changes. Mr. Clark requested they walk through the document changes. Ms. Smith went through the document and provided discussion of all the revisions. The Board agreed that sections 110-70 and also 110-83 will be links on the website. Ms. Smith said there are people in the audience who may have comments or concerns about the proposed zoning ordinance. Ms. Jennings asked if farm animals and pets are allowed in all zoning areas as long as they meet the zoning requirements. She questioned if they are accepting thoughts on the zoning map. Ms. Smith said that this is a time to offer comments but not discussion. That should be done at the public hearing. Ellen Dayhoff said she is a citizen of the township and also the Administrator of the County Ag Land Preservation Program. She stated both Mt. Joy Twp.'s preserved farms along with County preserved farms will always be preserved. She believes that they should be located in the Ag district. She distributed a written letter with her comments along with a map that Mark from her office, provided. This map which is a preserved

farm overlay shows where all the preserved farms are located. She informed the Board as to what activities are permitted on a preserved farm and is concerned that those farms located in the OC are not permitted all these activities. Owen Freas said he and his wife are and have been in agricultural conservation and have the Ag security zone. They are in the County Land Conservation program so their farm will run in perpetuation. Their farm is a horse farm and runs a stable. Under the new zoning their farm will be in the OC and he is concerned about his farm and business and the future sale of both. Ms. Smith said that his farm is grandfathered in. The business runs with the property and would continue even if he would sell his property as long as the business remains the same. Mr. Clark moved, that B&B's be allowed in the Open Countryside. Nobody seconded the motion. Ms. Smith said that they could do limited lodging in the OC as long as they meet the standards. The question was put to Ms. Smith as what the difference is between and B& B and limited lodging? Ms. Smith said that a B& B is considered a commercial use, is open year round, and is taxed as a commercial business. Limited lodging is someone occasionally allowing someone to stay in their home.

Ms. Smith said there are 23 lawful non-conforming uses that will continue to be non-conforming uses. She is asking the Board for authority to have Ms. Hare send letters to those residents, which they can rely upon in the future, confirming that they have a lawful non-conforming use. In addition there are about a half dozen businesses for which the township has no records. Effectively, the Board is giving them the chance to produce records that will show they were a lawfully non-conforming existing use at the time the initial zoning went into effect (1991). Once these records are produced the township will recognize them as a lawfully non-conforming use. If they cannot produce any records then they are not a lawful non-conforming use and are not protected from enforcement.

Mr. Bowman moved, seconded by Mr. Clark to authorize Ms. Hare to send letters to the residents on the list having a lawfully non-confirming uses. Motion carried unanimously.

Mr. Bowman moved, seconded by Mr. Clark to authorize Ms. Hare to send letters to those businesses which we have no records for to give them the opportunity to produce records. Motion carried unanimously.

Ms. Smith said that since the changes are substantive the Board should hold a final public hearing. They will need to give the County and the Planning Commission a 45 day review period which would put the date out to the October 5, 2017 meeting. A notice will announce the public hearing and also that the Board may enact on that date.

Other Business (not on the agenda):

- Barlow Fire Company Merger: Mr. Clark said he was contacted by Barlow Fire Company requesting him to attend a meeting sometime in September about the possible merger with Gettysburg. Mr. Bowman and Mr. Clark will attend the meeting.

Executive Session: None.

Adjournment: With no further business to be discussed by the Board, Mr. Bowman moved, seconded by Mr. Clark, to adjourn the meeting. Motion carried unanimously. Meeting adjourned 9:35 p.m.

Respectfully Submitted,

Sheri L. Moyer
Secretary