

## MOUNT JOY TOWNSHIP SUPERVISORS

### MINUTES

#### August 19, 2021 REGULAR MEETING

The meeting was an open meeting, also conducted as a remote meeting through the SmartMeeting platform. Attendance and votes were taken by roll call.

**Present:** John Gormont, Chairman; David Updyke, Vice-Chairman; Jeff Patterson; Terry Scholle; Bernie Mazer

**Also Present:** Susan Smith, Solicitor; Erik Vranich, Township Engineer; Zac Fringer, Road Crew; Shannon Hare, Secretary and Zoning Officer and Code Enforcement Officer

**Executive Session Announcement:** There was an executive session on July 15, 2021, from 9:25 pm-10:30 pm, on litigation (Links & Brookview).

#### Public Comment

- Tom Newhart 720 Plunkert Rd-Amendments to solar ordinance
- Angela McCauslin 581 Plunkert Rd-RTK requests; retaliation; lack of transparency
- Debbie Hilling 1351 Barlow-Two Taverns Rd-Petition; cancellation of August 5, 2021 workshop meeting; counterstatement of township accomplishments
- Terry Monn 180 White Rd-Newsletter-Heritage Drive maintenance and; U-turn sign SR 97 development

#### Approval of Minutes

- Regular Meeting Minutes, July 15, 2021. Supervisor Mazer moved, seconded by Supervisor Updyke to approve the minutes. Motion carried, unanimously.

**Solicitor's Report.** Solicitor Smith presented her report. Supervisor Updyke moved, seconded by Supervisor Scholle to accept the Solicitor's Report for the period following the July regular meeting. Motion carried, unanimously.

#### Treasurer

- Approval of Monthly Finance Report. Report – Supervisor Updyke moved, seconded by Supervisor Patterson to approve the Monthly Finance Report for July 2021. Motion carried, unanimously.
- Approval of Bills Paid Report – Supervisor Updyke moved, seconded by Supervisor Patterson to approve the Bills Paid Report for July 2021. Motion carried, unanimously.

**Police Report.** Supervisor Updyke moved, seconded by Supervisor Patterson to accept the July 2021 Police Report. Motion carried, unanimously.

**Roadmaster's Report.** Roadmaster Gormont reported that the road crew completed repairs to Heritage Dr. along with temporary repairs to Mud College Rd. They have also been mowing roadways and tree trimming. They completed base repair on several roads and prepped the roads that were tar and chipped for line painting.

Supervisor Scholle asked who did tree trimming on Hoffman Home Rd. Supervisor Gormont said it's the state and that if Supervisor Scholle thought it was an issue that he would be meeting with the State.

Barbara Steele-Rose bushes grown up at the end of their private land and other side of Mud College Rd.

Supervisor Mazer stated that Mason Dixon Rd will be shut down for a bridge replacement that will cause a massive rerouting.

**Engineer's Report.** Mr. Vranich presented his report. Supervisor Patterson moved, seconded by Supervisor Scholle to accept the Engineer's Report for July 2021. Motion carried, unanimously.

**Zoning Officer and Code Enforcement Officer's Report.** Supervisor Updyke moved, seconded by Supervisor Scholle to accept the Zoning and Code Enforcement Officer's Report for July 2021. Motion carried, unanimously.

**Planning Commission's Report.** Supervisor Updyke moved, seconded by Supervisor Scholle to accept the Planning Commission's Report and Recommendation for August 2021. Motion carried, unanimously.

**Land and Sea Services' Report.** Supervisor Updyke moved, seconded by Supervisor Mazer to accept Land and Sea's Permits and Inspections Report for July 2021. Motion carried, unanimously. The UCC quarterly report was for April -June 2021 was submitted.

**Open Records Officer's Report-** David Updyke requesting the tape recording of the July 15<sup>th</sup> supervisor's meeting. Granted

- Angela McCauslin requesting:
  1. All and/or pending expenses including time spent by Township employees related to the preparation, publication, and mailing of the Mount Joy Township Summer 2021 Newsletter. Granted.
  2. Fees Assessed to David R. Updyke to acquire solar hearing transcript(s): 12/9/2020; 2/3/2020; 3/10/2021; 3/24/2021, and the total number of pages of documents he requested and received and in what form (hardcopy or electronically). If provided electronically, what email the township sent those documents to. If no fees were assessed, then state no fees were assessed. Denied.
  3. State names of all individuals present during executive session on July 15, 2021 and provide the topics discussed during such a session. Denied.
- David Updyke requesting all correspondence to and from Todd and/or Angela McCauslin to or from the Township from 1/1/12 to 1/1/19, electronic please. Granted.
- Angela McCauslin requesting:
  1. All and/or pending expenses, including time spent by Township employees related to the preparation, publication, and mailing of the Mount Joy Township Summer 2021 Newsletter. Denied
  2. The completed PA Right-to-Know Request "form" filed by David Updyke to acquire solar hearing transcript(s): 12/9/2020; 2/3/2020; 3/10/2021; 3/24/2021, and the Mount Joy Township "Receipt" or the 01.361.71 Right to Know Copy Fee. State if "granted request" was provided electronically to email address \_\_\_\_\_ or \_\_\_\_\_ and if no fees were assessed, then state that no fees were assessed. Granted
  3. State all Township Individuals "present" during BOS executive session on July 15, 2021 and provide topics discussed during such session. Denied
  4. Please provide all written and electronic communications either sent to or received by : Shannon Hare, in any capacity, Melissa Zirkle, Erick M. Vranich, Solicitor Susan J. Smith, and/or any member of the Mount Joy Board of Supervisors and/or any other individual contacted on behalf of Mount Joy Township that received communications from an Solar representative(s), Individuals w/ Party Status, or legal counsel for

Brookview Solar I, LLC. This request should be deemed to include, but it is not limited to all emailed/written communications sent from any Brookview Solar I/NextEra solar representatives, and legal counsel including, Jeremy D. Frey, Esquire, Paul W. Minnich, Esquire in times frames of June 6, 2021 thru August 8, 2021. This request should be deemed to include all contacts by or for Brookview Solar I, LLC includes all communications relating to Subject(s): Brookview; Mount Joy Twp; Solar; Ordinance; Amendment; August 5, 2021-Workshop Meeting; Postponed 8/5/2021 Meeting; 2-2 BOS Denial; Appeal; Right to Know Request(s)' Intervention; request for a zoning permit, application for solar energy system , and proposed use of property for a solar energy system, including application requirements, whether or not related to the Brookview I. Granted in part, denied in part.

5. Please note this request is for both incoming and outgoing communications to Mt. Joy Township or any of its staff or elected officials concerning the subject specified herein. Denied, insufficiently specific
  - David Updyke requesting all financial interest forms from 2019 and Todd McCauslin and Christine Demas from 2020. Granted
  - David Updyke requesting all correspondence to and from Todd and/or Angela McCauslin to or from the Township from 1/2/19 to 8/13/21. Electronic if possible. Granted.
  - David Updyke requesting all email or correspondence to and from the Township to and from Bernie Mazer and Terry Scholle regarding Brookview, solar, ordinance, zoning, to or from Attorney Wolf, Bob & Carol, Todd & Angela McCauslin, or any person represented by Attorney Wolf from 1/12/18-8/13/21. Granted.
  - Nicholas Demas requesting the name and how each Supervisor voted to cancel the august 5<sup>th</sup> Workshop meeting. Denied, no such record exists.

### **Fire Company Reports**

- Supervisor Updyke moved, seconded by Supervisor Patterson to accept Fire Companies' reports for July 2021. Motion carried, unanimously.

### **Correspondence**

The following correspondence was acknowledged:

- Letter dated July 19, 2021, from Jen McDannell, Roadway Programs Tech II at PennDOT regarding the Winter Municipal Services Agreement. Mr. Gormont reported that PennDOT notified the Township on July 19, 2021, that it was issuing a renewal agreement.
- Letter dated August 2021 from Hospice of Central PA requesting a donation.
- Letter dated August 1, 2021, from the Adams County Historical Society regarding a new museum.
- Letter dated August 4, 2021, from Thomas J. Anderson & Associated, Inc regarding Municipal Pension

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

- Final Land Development Plan for Gregory W. & Rebecca L. McGrew. Scott Gunnet and Michael O'Brien., from Hanover Land Services, explained the proposed project. Mr. Vranich explained additional details of the project and commented on the review comments. Supervisor Mazer moved, seconded by Supervisor Scholle to accept the written request for waiver of SALDO Section 86.10, Preliminary Plan Procedures. Motion carried, unanimously. Supervisor Mazer moved, seconded by Supervisor Patterson to approve the plan with the condition for satisfaction of the Township Engineer's and Zoning Officer's review dated August 5, 2021.
- Minor Final Subdivision Plan Review for Mark H. Kitzynger. Engineer Carl Bert gave a quick overview of the plan. He explained it was more of a consolidation of two properties. The applicant

did obtain their NPDES permit. Mr. Vranich talked about the review comments. The easement has been drafted but has not been approved. The Planning Module needs to be reviewed and signed by the SEO and Planning Commission. The Board tabled the plan until the Planning Module goes before the Planning Commission and the easement is reviewed by Solicitor Smith.

### **Committee Reports**

- Personnel: (Patterson and Updyke). No report
- Finance: (Gormont and Updyke). The finance committee announced they were preparing to draft the budget for next year. They will be consulting the Treasurer.
- Roads (Gormont) Roadmaster Gormont stated that the road crew fixed the “bump” in the road on Mud College Rd. Supervisor Gormont, Erik Vranich, and Shane Wise took a look at Mud College. They determined that the culvert needs replaced. The project will be paid for out of the General Fund and is planned for early next year. Roberts Rd has been completed except for posts that are on order.

### **Business**

- Reaffirm phone poll to cancel the August 5, 2021, workshop meeting. Supervisor Gormont moved, seconded by Supervisor Updyke to reaffirm phone poll cancelling the August 5, 2021, workshop meeting. Motion passed by vote of 4 to 1, Supervisor Mazer voted no.
- Reaffirm email poll to send letter of support to Comcast for Broadband Infrastructure Grant. Supervisor Patterson moved, seconded by Supervisor Updyke to reaffirm email poll to send letter of support to Comcast for Broadband Infrastructure Grant. Motion passed by vote of 4 to 1, Supervisor Mazer voted no.
- Solicitor Smith explained the background for the project. There was interest from the residents on Hoffman Home Rd to have broadband for several years, including a petition to Comcast. The Board advocated for the expansion of broadband to Hoffman Home Road during recent contract renewal negotiations. The State recently received funds and has partnered with Comcast for the broadband expansion project.
- Acknowledge Alpha submission last month was for first and second quarter financials. Supervisor Updyke moved, seconded by Supervisor Scholle to acknowledge the submission of both first and second quarter financials from Alpha last month. Motion carried, unanimously.
- Proposal from Noel Roofing for replacement of the roof at Mud College School House. Supervisor Gormont explained the proposal from Noel Roofing to replace the roof on the Mud College School House. Barbara Steele of 456 Mud College Rd. expressed concern about replacing the roof in a manner which would keep it on the Historic Registry List. Ms. Steele also has some other concerns: maintenance of the grid in the grass, repair of the split rail fence, and mowing the field behind the schoolhouse. Solicitor Smith noted that Mud College secured historic registry based on the continuous use of the building for educational purposes, not based on the structure itself. She explained that there were no registry requirements relating to alteration of the structure but noted that a metal roof would be a historically appropriate architectural improvement. After some discussion, it was decided that the shingled roof should be replaced with a metal roof.
- SAFE Septic Services requesting approval to be added to the Township’s Approved Haulers List. Supervisor Mazer moved, seconded by Supervisor Updyke to approve SAFE Septic Services being added to the Mt Joy Township Approved Septic Haulers List. Motion carried, unanimously.

- JS Septic requesting approval to be added to the Township's Approved Haulers List. Supervisor Patterson moved, seconded by Supervisor Mazer to approve JS Septic being added to the Mt Joy Township Approved Septic Haulers List. Motion carried, unanimously.
- Burns Traffic Impact Study White Church Intersection-No development application has been submitted to the Township. Mr. Vranich stated that, as is often done, the Traffic Impact Study (TIS) was submitted to PennDOT in advance of submitting development plans to the Township. The intersection of White Church and Baltimore Pike (97) has some caused some concerns by both the Traffic Engineer and PennDOT. Solicitor Smith explained that PennDOT has the power to dictate what happens on their roads. The Township is given opportunity to make comments but cannot demand anything, although it could bring a legal challenge to an HOP issued by PennDOT. This process started with the submission of the TIS, followed by a scoping study to identify what intersections to include in the study. Upon being informed of the submission of the TIS, the Township notified PennDOT of its interest in the project and participated in the scoping study. The Township's participation led to the addition of a number of intersections to be studied. Supervisor Gormont also requested a meeting with PennDOT and met PennDOT onsite to discuss the pedestrian access/sidewalk issue that was of concern to the Township. Township Engineer Vranich explained that the applicant had submitted the TIS, that PennDOT had issued review comments and that the Township could respond. He noted that TIS showed that the intersection of White Church Rd and 97 was currently at Level D and, based on the TIS data, would be reduced to a Level F with the development project. The TIS discussed a traffic signal, but that it did not meet PennDOT warrants for a signalized intersection. In its comments, PennDOT called for the applicant to investigate a traffic circle. PennDOT also stated that cost was not reasons, not to do the additional investigation. Supervisor Gormont noted that PennDOT's comments required that the applicant seek the Township's agreement to proposed road improvements. Carol Holtz (220 White Church Rd.) asked if White Rd could be utilized. Elsie Morey (2235 Baltimore Pike) asked how she is supposed to get out of her driveway to go to Gettysburg. Supervisor Mazer suggested and the Board concurred that the Township Engineer reiterate the Township's safety concerns to the Township's Traffic Engineer so that they could be passed on to PennDOT.
- Adams County Transportation Survey. Supervisor Gormont said a survey was received from the county about road issues and that anyone was free to take it.
- American Rescue Act Plan Discussion. Solicitor Smith updated the Board. She informed the Board that the Department of Treasury continues to issue Q&As and that there is still no final rule. She noted that the most recent Q&A commented that projects funded concurrently by ARAP and other funds were permitted within the infrastructure funding eligibility category (sewer, water, broadband, stormwater by Treasury' comment, but does not -roads or bridges). The first report is due at the end of October 2021, however, no guidelines have been issued on the form of the report or who it is to be submitted to. Supervisor Mazer asked if the money could be used to set up a testing site for COVID-19. Solicitor Smith indicated yes. Supervisor Gormont stated that he had reached out to WellSpan to see if they would set up a vaccination site. They responded they would if there were at least 10 residents willing to come that day. The Board showed no interest in having WellSpan send out the survey since there are other locations for people to get the vaccine.
- Act 50 of 2021 Small Wireless Facilities Deployment Act DAS draft Ordinance. Solicitor Smith explained the draft ordinance. The draft ordinance reflects the Legislature's mandate that the facilities, as a matter of zoning, be permitted in public rights-of-way as a permitted use by right in all zoning districts. Ms. Smith explained that normally zoning regulation applies to private property, not to public rights-of-way. The Act specifies size, height, technical mandates, how and when

deployed. The law dictates how to process the zoning application and how much to charge. The Act calls for the adoption of amendments to zoning ordinances; in the event of failure to do so, Act 50 still applies which would demand that the public and municipalities constantly look up Act 50 in order to administer its mandates. With a few changes to the proposed text, Supervisor Scholle moved, seconded by Supervisor Patterson to refer the Act 50 compliance ordinance for public hearing on October 21, 2021. Motion carried, unanimously.

Executive Session – The Board announced its intent to enter into executive session after the adjournment of the meeting to discuss Brookview litigation matters.

- **Adjournment.** With no further business to be discussed by the Board, Supervisor Patterson moved, seconded by Supervisor Mazer, to adjourn the meeting. Motion carried unanimously. Meeting adjourned 9:03 p.m.

Respectfully submitted by,

Shannon M. Hare  
Secretary