

NOVEMBER 20, 2003 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:00 p.m. in the Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA, with Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Will Rogers, and Harold Kirschner; News Reporters John Messeder (*The Gettysburg Times*) and Todd Hammlong (*The Evening Sun*); and Secretary Brenda Constable. Mr. Sam Dayhoff, Building & Grounds Coordinator, was also present. Solicitor Walton V. Davis was absent.

Others in attendance were: Raymond Boyd; Ed Reaver; Jerry Althoff; Elsie Morey; Molly & Peter Hughes of Red Barn Consulting representing Michael Danner; Michael Danner; Jack McLatchy; Linda Koenig; John McAlister; Rick Klein representing The Links; and Jerry Maloney.

Chairman Waybright led everyone with the Pledge to the Flag.

Minutes:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the minutes of September 15, 2003 Public Hearing were approved as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Scott, to approve the minutes of October 16, 2003 as presented. Motion carried unanimously.

Public Comments:

1. Mr. Dave Updyke thanked the Supervisors for returning ten loads of ground to his property and looking forward to all 41 loads to be returned. He stated that he feels that the drainage problem is now worse than it was before the Township did any work. He feels that stormwater management and an Erosion & Sediment Plan is needed. He then read a written statement. The Township Secretary asked Mr. Updyke for a copy of the statement. Mr. Updyke stated that he would mail a copy to the Township.

Persons Requesting Time:

Mr. Jerry Althoff, representing the Planning Commission, stated that the Planning Commission had some sample ordinances that they would like the Supervisors to review and give opinion on with regard to possibly adopting them in the future. He gave each Supervisor copies of a generic property maintenance and well water ordinances.

Treasurer's Report:

Mr. Scott moved, seconded by Mr. Rogers, to approve the monthly report for October and part of November as presented. Motion carried unanimously.

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

Subdivision/Land Development Plans:

1. Beyland, Inc.: proposed subdivision of Deer Chase Lot 22 into two (2) lots along Miller Road. Lot 22A is in Germany Township and Lot 22B is in Mount Joy Township. It was noted that an extension had been granted on this proposed plan until November 20, 2003. Planning Commission recommends approval of another 90-day extension period, through February 20, 2003.

Mr. Scott gave an overview of the status of the plan, noting that the ongoing road widening issue should soon be satisfied due to the completion of the bog turtle search, which would allow progress of the appropriate permitting that is needed.

Mr. Rogers moved, seconded by Mr. Scott, to approve a 90-day extension through February 20, 2004.

Motion carried unanimously.

Mr. Rogers moved, seconded by Mr. Scott, to approve a Sewage Planning Module Exemption. Motion carried unanimously.
2. Koenig, Raymond & Linda: request for a waiver of a full Land Development Plan for a 30' x 60' addition to an existing pole shed located at 2550 Low Dutch Road. Planning Commission recommends granting a waiver. The Supervisors reviewed the plan. Mr. Rogers moved, seconded by Mr. Kirschner, to approve a waiver for a full land development plan. Motion carried unanimously.
3. Danner, Michael D.: request for a modified Land Development Plan for two (2) 50' x 370' turkey barns and one (1) 66' x 200' hay shed at 175 King Road. Mr. Danner, Molly & Peter Hughes of Red Barn Consulting were present to review this plan.

Mr. Hughes noted that an Erosion & Sediment Plan has been submitted to the County Conservation District and they are also going through the NPDES permitting process. He explained the Act 6 Nutrient Management Plan, noting that Mr. Danner is not mandated to do this but is doing this on a voluntary basis. Mr. Danner stated that he is liquidating his current dairy operation and would be replacing it with 30 head of heifers and the turkeys. Each turkey barn would house 5,000 turkeys and each barn would be situated ¼ mile apart for biosecurity purposes (disease). Mr. Hughes stated that Mr. Danner is only at 50% compliment with regard to falling into the category of an intensive farming operation; he could actually double his operation and still not be intensive.

Mr. Chantelau questioned how the nutrient management would work. Mr. Hughes stated that the manure would be spread on the crops. Mr. Danner explained how the cleaning of the barns would be done, noting that manure is spread unless it would be too wet to get into the fields, then it would be stacked on concrete at the end of the building and covered under roof.

Mr. Hughes addressed the water usage, which would be very little, and noted that a well would be at each barn.

The Supervisors asked what would be done with dead birds. Mr. Hughes stated that they would be composted. Mr. Rogers questioned what the average loss would be. Mr. Hughes stated approximately 4%.

The Supervisors discussed the road issue that was a concern of the Planning Commission. Mr. Anthony Graham, Road Superintendent submitted a written report to the Supervisors noting that traffic on King Road is minimal, improvements (including widening and resurfacing) are scheduled for the summer of 2008 and 2009, and no need for change in speed limit. Mr. Scott commented that a number of intersections in the Township are narrow and hard to make turns from; the Township may want to consider moving this project up from 2008. Mr. Hughes noted that approximately six trucks per month would travel the road to bring in feed.

Mr. Althoff noted that a citizen at the Planning Commission had a concern about smell. Mr. Danner stated that he had been spreading turkey manure for 15 years and this new operation would be a lot less. Mr. Waybright asked how many acres would be kept for farming. Mr. Danner answered 200.

Mr. Waybright pointed out that if this land were to be developed, e.g. 5 acre lots would total 40 homes which would generate much more traffic per week versus one truck per week.

Mr. Chantelau asked if there would be any smell. Mr. Hughes explained the type of curtain ventilation that would be used, which would also be much quieter than large fans. Mr. Chantelau asked if there would be any filtration. Mr. Hughes stated that Mr. Danner would have the option of biofilter.

The Supervisors noted that the Planning Commission recommends approval of a waiver for a Preliminary Plan and to approve as a Preliminary/Final.

With no further questions, Mr. Rogers moved, seconded by Mr. Chantelau, to approve a waiver for preliminary and approve as a Preliminary/Final, contingent on satisfying HRG comments of November 12, 2003.

Discussion: Mr. Chantelau noted that he is concerned with, a) smell and any fly issue. Mr. Hughes stated that this is usually something that occurs with chickens and egg laying, not manure; b) biofilter and at what point would the Supervisors require Mr. Danner to up grade the biofilter system and how do we know the system is maintained properly? Mr. Danner and Mr. Hughes said they would monitor the situation and make changes as necessary. Mr. Chantelau then inquired if there was anything to guarantee that this would be done. Mr. Danner stated that a field man comes by every week and reviews the operation and that he (Mr. Danner) lives between both barns and would be aware of any problems with the filters; and c) verified that Mr. Danner's property is in Ag Security Area. Mr. Danner said his property is in a security area. There followed a brief discussion of the benefit of the ASA for farmers and it was noted that this proposed operation is indeed "farming" and the registration of ASA provides protection from nuisance complaints. With no further discussion, the motion carried unanimously.

Road Report:

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

Zoning Officer's Report:

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

Mr. Little, Zoning Officer, noted in his report that he received a response from DEP regarding the Act 167 Stormwater Management Plan that the Rock Creek Working Group had worked on. DEP's only comment was with regard to statutory authority for Act 167 plans and recommended an amendment. Mr. Davis disagrees with this comment. Mr. Little is requesting direction from the Supervisors as to how to proceed with the approval of the ordinance.

Mr. Scott moved, seconded by Mr. Chantelau, to approve and authorize the advertisement of a Public Hearing on the proposed Act 167 Stormwater Management Plan Ordinance, for 6:45 on December 18, 2003. Motion carried unanimously.

Building & Grounds Report:

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

Correspondence:

Mrs. Constable noted the following correspondence:

- Received the WRRMA minutes for September

Committee Reports:

- Personnel: Short Term Disability – Mr. Chantelau moved, seconded by Mr. Scott, to adopt as a policy the addition of the short term disability to the Township’s Insurance Plan. Discussion: Mr. Chantelau noted that this is an option that the employees would be allowed to participate in, at their expense, and that the Supervisors support this plan. With no further discussion, the motion carried unanimously.
- Finance: With recommendation from the Finance Committee, Mr. Chantelau moved, seconded by Mr. Scott, to adopt a bank resolution authorizing Robin Crushong, Treasurer, to move a Certificate of Deposit that will be maturing on December 8, 2003 to the institution with the best possible rate. Motion carried unanimously.
- Planning, Land Use & Zoning: The Supervisors thanked the Planning Commission for bringing proposed ordinances on well water and property ordinance for their consideration.
- Building & Grounds: Nothing to report.
Roads: Nothing to report.
Public Safety: Nothing to report.
- Agricultural Land Preservation: Mr. Chantelau moved, seconded by Mr. Rogers, to authorize Board Chairman Waybright and Secretary Constable to enter into an Agreement of Sale with Raiana Mearns. Motion carried unanimously.
Mr. Chantelau moved, seconded by Mr. Scott, to authorize Robin Crushong, Treasurer, to file a Requisition with CommunityBanks to make an advance against the Township’s General Obligation Bond, Series of 2003, delivered August 20, 2003, by delivering funds to or for the account of the Township in the amount of Three Hundred Sixty-Six Thousand One Hundred Fifty-Nine Dollars and Twenty Cents (\$366,159.20). Motion carried unanimously.
Mr. Scott moved, seconded by Mr. Rogers, to authorize the Ag Land Board to forward letters to the Gettysburg and Littlestown School Boards, the County Ag Land Preservation Board, and the Land Conservancy of Adams County regarding Act 153 whereby the school boards have the authority to freeze millage rates on preserved farms. Motion carried unanimously.

Announcements:

Mr. Waybright noted that he recently attended a meeting with other government officials and discussion was held with regard to the County working with local municipalities. He commented that the County has been working well with Mount Joy Township and we benefit from their cooperation. Mr. Chantelau noted that the new Commissioner-Elects have stated that they would like to have meetings around the County and would he like to offer our facility to hold a meeting sometime. All of the Supervisors agreed that this would be a good idea.

Mr. Chantelau stated that election days would be a good opportunity for the Supervisors to meet the citizens of the Township since the municipal building is also the polling place for both of Mount Joy’s voting precincts. He suggested that the Supervisors take turns throughout the day being available in the office to speak with citizens. The Supervisors thought this was a good idea and will try it next year.

Other Business:

Barton Breighner – Escrow Release:

Mr. Rogers moved, seconded by Mr. Scott, to release the \$10,000 held in escrow for completion of a sand mound. Motion carried unanimously.

2004 Budget:

Mr. Chantelau moved, seconded by Mr. Rogers to approve the 2004 Budget as presented and tentatively adopted. Discussion: Mr. Kirschner stated that he would like to see “interest income” listed in the budget. Mr. Chantelau suggested that this item be included in the 2005 budget, for revenues and expenditures.

Secretary Constable asked the Supervisors to amend two line items: #0140522 Operating Supplies, and #0140527 Furniture/Office Equipment, in order to purchase a network printer/scanner to be compatible with the new network setup in the office and to cover other additional costs related to networking. Mr. Chantelau moved, seconded by Rogers, to approve the amendment for line items “Operating Supplies” and “Furniture/Office Equipment”. Motion carried unanimously.

Mr. Rogers commented that this is a very good budget and everyone spent a lot of time on getting it to this point. Mr. Chantelau added that the Township has a better handle on the budget than ever before and the Township is financially sound. With no further discussion, the original motion carried unanimously.

New Business:

The Links – Security Reduction #4:

On a request from Rick Klein of The Links At Gettysburg, and recommendation from Mark Lewis, HRG Engineer, Mr. Chantelau moved, seconded by Mr. Kirschner, to authorize the release of Draw #4 Reduction of Security in the amount of \$306,762.50 for Phase IA at The Courtyards At The Links At Gettysburg. Motion carried unanimously.

Special Event:

Mr. Klein noted that he had been approached about sponsoring “Bike Week” in 2004 and that he is just considering it at this point. He acknowledged that he would need a Special Events Permit for this. He would hold a barbeque on Thursday, opening night and if everything goes good, would invite them back on Sunday for brunch. He further stated that if he were to do this, he would have the local law enforcement involved for security. Before he makes any decision, he wanted to make sure that the Supervisors would be okay with this as well. The Supervisors asked Mr. Klein to check with past venues as to what size of crowd to expect and anything else that might be significant in the decision making process. However, the Supervisors are okay with Mr. Klein pursuing this.

Act 537 Sewage Facilities Plan:

Mr. Chantelau moved, seconded by Mr. Kirschner, to re-adopt the Act 537 Sewage Facilities Plan as Resolution No. 11 of 2003. Mr. Waybright noted that no one gave public comment during the Public Hearing held prior to this meeting. Motion carried unanimously.

Ordinance No. 2003-08 – Code of the Township:

Mr. Scott moved, seconded by Mr. Kirschner, to adopt Ordinance No. 2003-08, Code of the Township, as presented. Mr. Waybright noted that no one gave public comment during the Public Hearing held prior this meeting. Motion carried unanimously.

Adams County Earned Income Tax Agency:

Mr. Kirschner noted that he recently attended the Executive Committee meeting of the ACEIT. Regulations and Bylaws, as well as an Employee Handbook were approved. Mr. Kirschner also noted that with regard to the formula used for taxing purposes, Gettysburg had paid more in the last year due to their tax increase, so the EIT made it uniform with all taxing districts.

Adelphia Franchise Agreement:

The Township was notified that its Franchise Agreement with Adelphia was due to expire on November 8, 2003. Solicitor Davis found a number of issues unacceptable and recommended that the Supervisors not approve the new agreement. In order to have time to negotiate these issues, Adelphia recommended entering into a six-month extension agreement. Mr. Scott moved, seconded by Mr. Chantelau, to approve and authorize the Chairman to sign the Franchise Extension Agreement with Adelphia GS Cable, L.L.C. for the period November 9, 2003 through June 30, 2004. Motion carried unanimously.

Attorney Fee Recoupment Ordinance:

Mr. Davis notified the Supervisors that the Legislature of the Commonwealth of PA has been making changes to municipal law with regard to collection of claims and penalties. The revisions include permission by a municipality to seek recovery of attorney fees expended in the recovery of a claim or penalty. Mr. Scott moved, seconded by Mr. Chantelau, to authorize the advertisement of the Supervisors' intent to adopt an ordinance at their December 18, 2003 meeting, setting forth a definition of "Reasonable Attorney Fees" for use in the collection of fees in cases of ordinance violations, municipal claims, and in any other instance where recoupment of fees is permitted. Motion carried unanimously.

Adjournment:

With no further business to come before the board, Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the Supervisors' meeting at 9:00 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary