

**MOUNT JOY TOWNSHIP SUPERVISORS  
MINUTES  
AUGUST 18, 2022 REGULAR MEETING**

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

**Present:** Bernie Mazer, Chairman; Terry Scholle, Vice Chairman; Gil Clark; Todd McCauslin, Christine Demas

**Also Present:** Susan Smith, Solicitor; Melissa Zirkle, Administrative Assistant; Shane Wise, Roadmaster; Shannon Hare, Secretary and Zoning Officer and Code Enforcement Officer

**Acknowledgment of resignation of Dr. Judy Morley**

**Appointment of Gil Clark to fill remainder of Dr. Judy Morley's term**

**Roll call**

**Public Hearing on Jeffcoat proposed addition to the Township's Agricultural Security Area**-opened at 7:06 pm and closed at 7:08 pm.

<u>Name(s) of Owner(s)</u>	<u>Tax Parcel No(s).</u>	<u>No. of Acres/Parcels</u>
Christopher Jeffcoat	30G18-0038C	32.02

No public comment was offered.

**Announcement**

There was an executive session on July 21, 2022, from 7:01pm-7:27 p.m. on potential litigation and from 10:55pm-11pm on personnel.

**Chairman/Vice-Chairman Comments:** Chairman Mazer opened with remarks from the Supervisor's Handbook. Township residents elect supervisors to carry out day-to-day responsibilities of improving the community. As the Township's legislative body, the Board enacts ordinances, adopts budgets, and levies taxes. The Board's role has expanded to include public safety, land use, and environmental protection, among other responsibilities. As state and federal mandates increase, these public servants assume an even greater role in meeting these demands while providing needed services and facilities for their residents.

**Vice-Chairman Comments:** Vice-Chairman Scholle said that all county meetings were cancelled and so he has nothing to report.

**Public Comment.** None

**Approval of Minutes**

Regular meeting minutes for July 21, 2022 were approved as drafted by consent.

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

**Engineer's Report.** Engineer Vranich presented his report. Supervisor McCauslin moved, seconded by Supervisor Clark to accept the Engineer's July report. Motion carried, unanimously.

**Roadmaster's Report.** Roadmaster Wise presented his report. Supervisor Scholle moved, seconded by Supervisor Clark to accept the Roadmaster's written report for July 2022. Motion carried, unanimously.

**Treasurer, Police, Zoning Officer and Code Enforcement Officer, Planning Commission, Land & Sea, Open Records Office, Fire Companies Reports were approved by consent.**

**Correspondence-** Correspondence listed on the agenda was acknowledged.

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

- 1) Links at Gettysburg PGC Updated Open Space Plan. Township Engineer Erik Vranich explained the plan and the PGC requirement for 55% open space. An Open Space Plan was proposed years ago but was not up to date with development activity. The Updated Open Space Plan depicts 63.8% open space. Supervisor Scholle moved, seconded by Supervisor McCauslin to approve the Updated Open Space Plan. Motion carried, unanimously.
- 2) Round Top Lot Addition Plan – Links at Gettysburg. Chairman Mazer recused himself stating he would gain about 900 SF of land under the Addition Plan. Chairman Mazer left the table and Vice-Chairman Supervisor Scholle took over the meeting. Attorney Paul Minnich questioned Chairman Mazer as to his recusal.

Township Engineer Erik Vranich explained that the Addition Plan proposed the transfer of plan land owned by the Homeowners Association (HOA) to a number of landowners.

1. Sewage Facilities Planning Module Non-Building Waiver. Supervisor Clark moved, seconded by Supervisor Demas to approve the signing of the Waiver conditioned upon its signing by the Planning Commission. Chairman Mazer recused. Motion carried unanimously.
2. Subdivision Plan. Supervisor Demas moved, seconded by Supervisor McCauslin to approve with conditions of satisfactory completion of the comments on the review letter or the Zoning Officer and comments numbered 2, 3, and 4 on the Township Engineer's review letter both dated August 10, 2022. 4 yes, Supervisor Mazer recused. Motion carried unanimously.

Chairman Mazer rejoined the meeting.

- 3) Links at Gettysburg PGC Revised Updated Open Space Plan. Township Engineer Erik Vranich explained that the Updated Open Space would change to reflect that the back property line shifted due to the approval of the Roundtop Lot Addition Plan. Supervisor McCauslin moved, seconded by Supervisor Demas to approve the Revised Updated Open Space plan. Motion carried, unanimously.
- 4) Brookview Solar I, LLC-Solar Project Preliminary Land Development Plan. Jeremy Frey, attorney for the applicant, made comments about the Preliminary Land Development Plan. Attorney Frey twice asked if any member of the Board would be recusing themselves. There was no response.

Public comment:

Tom Newhart 720 Plunkert Rd-written comments opposing solar  
Steven Yerger 175 Bulk Plant Rd-written comments opposing solar

Tom Newhart 720 Plunkert Rd-number of panels; stormwater management concerns

Larry Lahr-asked if comments on review letters dated July 28, 2022 were addressed.

Nick Demas 71 Miller Rd-panel rotation

Walt Tilley, -attorney for property owners with property in the solar project-integrity of process; recusal of Board members; be fair

The Board discussed the plan with representatives of Brookview. Chairman Mazer read section 86-2 of the SALDO. He then went through a list of conditions and asked if Brookview was willing to comply.

- i. Consideration of well testing to get baseline measurements of ground water. Attorney Frey said that it is not required in the Zoning Ordinance and no other project has had to do this, so they were not doing it either.
- ii. No solar arrays closer than 50 ft to wetlands. Rob Matejczyk, Brookview's engineer, said that the plan does not have any arrays within 50 ft of wetlands now.
- iii. Consideration of Agricultural fencing. Brookview will consider.
- iv. Adhere to 110-711.A with replacing dead trees.
- v. Panels not to exceed 12 ft.
- vi. Performance security in accordance with the MPC. Brookview agreed.
- vii. Driveway permits and responsibility for fixing any damage to the Township roads caused during construction.
- viii. Setback of 150 ft. Brookview did not agree because the Zoning Ordinance has setbacks of 50 ft. and 150 ft would cause resign of their plan.
- ix. Agree to only purchase solar panels and electronics that are made in the US. Brookview said that they would do their best to comply with this request.
- x. Pollinators in the plan. Brookview agreed.

**Chairman Mazer called for the vote.**

Supervisor Scholle moved, seconded by Supervisor Clark to approve Brookview's Preliminary Land Development Plan, with the following conditions:

1. The applicant must satisfactorily complete all of the review comments of the Township Engineer, and the Zoning Officer, review letters both dated July 28, 2022.
2. The applicant shall give due consideration for the use of agricultural fencing in lieu of chain link fencing. The fencing shall be 6-8 inches off the ground to allow for small animals to pass through.
3. The applicant must apply for and obtain driveway permits for all new entrances to Township roadways. The applicant shall also repair any damage to Township roads that occurs during construction and as a direct result of the construction activity.
4. The applicant shall give strong consideration for purchasing American made panels and extra strong consideration when buying inverters and other electronics that connect to the internet.

Supervisors Mazer, Scholle, and Clark voted yes, Supervisors McCauslin and Demas did not vote. Motion carried.

### **Committee Reports**

- Personnel: (Mazer and Morley). No report.
- Finance: (Scholle and Demas). No report.
- American Rescue Plan Act: (McCauslin). No report.

### **Business**

- Resignation of Gil Clark from Zoning Hearing Board. The Board acknowledged the resignation by consent.
- ASA Addition. Supervisor Scholle moved, seconded by Supervisor Clark to accept the addition of the Christopher Jeffcoat property at 265 Maryland Line Rd into the Township's Agricultural Security Area. Motion carried, unanimously.
- Green Pallet Conditional Use. Supervisor Demas moved, seconded by Supervisor McCauslin to approve the application for conditional use for light manufacturing subject to the following conditions:
  1. The grinder must be sited and operated within a fully enclosed structure.
  2. There shall be no idling of trucks on the property except as necessary to accomplish off-loading of raw materials or loading of product.
  3. Excepting trucks owned by the applicant, no trucks may be parked on the property except those involved in the off-loading of raw materials and loading of finished products.
  4. In the event that the stacking/queuing of trucks, while attempting ingress to the property from the Baltimore Pike Corridor, exceeds three trucks in number observed a minimum of three times in a single week, applicant shall submit a traffic study specifically analyzing such conditions throughout the course of the use's daily regular business hours, including proposals for remediation measures, to the Board of Supervisors for review and approval. Except as otherwise authorized by the Board of Supervisors, remediation measures shall be implemented by the applicant no later than three months following the Board's approval of the traffic impact study.
  5. Approval by the Board of Supervisors of a land development plan consistent with the proposed use of the property as described in this Decision and demonstrating full compliance with the SALDO and the Zoning Ordinance, excepting variance(s) granted by the Zoning Hearing Board to the extent not appealed or affirmed on appeal.
  6. Approval by the Township Sewage Enforcement Officer of the on-lot sewage system for the proposed use of the property.
  7. Final disposition of any appeal taken from the Decision of the Zoning Hearing Board on the applicant's application for variances from the Zoning Ordinance. In the event the Decision of the Zoning Hearing Board is reversed, in whole or in part, applicant shall submit a land development plan demonstrating compliance with the Zoning Ordinance requirement that are subject of the reversal.

Motion carried, unanimously.

- Hire of Trevor Wise as full-time road crew. Supervisor Clark moved, seconded by Supervisor Demas to hire Trevor Wise as full-time road crew worker with a pay rate of \$20/hr. Motion carried, unanimously.
- Engagement of lighting/glare engineering professional. Township Engineer Erik Vranich updated the Board on the status of engaging a lighting/glare engineer. He and Solicitor Smith have been working together to line someone up. They were trying to stay away from someone who has a background with a solar company. They will continue to work on engaging someone.

- Shredder Event Company. Supervisor Scholle moved, seconded by Supervisor McCauslin to use Chambersburg Waste Paper at a rate of \$100/hr. for a four hour period, 8am-noon on April 22, 2022. Motion carried, unanimously.

**Adjournment.** With no further business to be discussed by the Board, Supervisor Scholle moved, seconded by Supervisor Clark to adjourn the meeting. Motion carried unanimously. Meeting adjourned 11:06 p.m.

Respectfully submitted by,

Shannon M. Hare  
Secretary