

SEPTEMBER 15, 2005 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:30 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, Sam Dayhoff, and Harold Kirschner; Solicitor Walton V. Davis; Zoning Officer Dave Crouse; News Reporter Jarrad Hedes (*Gettysburg Times*); and Brenda Constable, Secretary.

Citizens in attendance were: Rick Klein representing The Links At Gettysburg; Chad Yingling; Craig Yingling; Don Titus; Tom Titus; John McAlister; Jerry Althoff representing the Planning Commission; Greg Briggs representing Joyce Dickoff; Jerry Maloney; Lyman Schwartz; Robert Gitt; Gary Wesner; Jim Williams representing Shawn Light; and Steve Kelley.

Board Chairman Waybright led everyone with the Pledge to the Flag.

Minutes:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the minutes of the August 18, 2005 meeting as presented. Motion carried. (Mr. Waybright and Mr. Dayhoff did not vote due to their absence of the August meeting)

Public Comment:

1. Lyman Schwartz of Barlow-Two Taverns Road. Stated that certain roads in the Township, naming Cemetery, Benner, Rock Creek Ford Roads have no through-way and questioned, from a legal status, how they were closed. And if so, how and what action closed them. Mr. Waybright responded that Benner and Sweatland were abandoned; Benner by Cumberland Township and Sweatland by Mt. Joy Township. Rock Creek Ford Road was abandoned by Cumberland Township as well.
2. Steve Kelley of 259 Clapsaddle Road asked why pot holes in the road were not filled before the road was tar and chipped. Mr. Dayhoff responded that the tar and chip is not done by the Township and is contracted out. When there are problems like this, he should report it to the Township immediately so the road crew knows to fill the holes before the subcontractor who does the tar and chip work. Mr. Waybright stated that this information would be passed along to the Road Superintendent.

Persons Requesting Time:

Conceptual Sketch Plan along Route 97: Mr. Ron Secary of HRG and Charles Suhr of Stevens & Lee were present to give an overview of a conceptual sketch plan for a 176 townhouse subdivision along Route 97, south of Lake Heritage. Mr. Suhr noted that the developer for this project was Gary Wesner, GCW Properties. The project area is approximately 62 acres and is in the SFR1 zoning district. Mr. Suhr stated that SFR1 does not permit townhouses and they would propose a text amendment to the Township's zoning ordinance with Conditional Uses and possibly TDRs (Transfer Development Rights). Mr. Secary pointed out that a major portion of the entire area is streams and wetlands and is undevelopable. By right, some 40+ single family homes could be put on this tract. The area has access to public sewer via WRRMA. They are proposing a single access public road into the development, across from White Church Road, and would possibly need to be signalized. He pointed out that there would be a series of private roads within the development, sidewalks, public sewer and a community water system. A wet pond would be in place for stormwater management. He stated that they are proposing to put in 176 units over the 65 acres which would equal 2.5 units per acre. Mr. Waybright questioned what the value of the homes would be. Mr. Wesner stated they would be in the \$250,000 - \$400,000 range. Mr. Chantelau questioned if the

Planning Commission saw this plan. Mr. Secary responded that they had not; they wanted to run it by the Supervisors first only to get an idea if the concept would even be acceptable since it would take a text amendment to allow townhouses. Mr. Chantelau stated that he would prefer to see a yield plan to make comparisons. Mr. Dayhoff asked how many TDRs would be used. Mr. Wesner responded that they would need 150 TDRs which would equal 100+ acres preserved in the conservation zoning district. Mr. Dayhoff questioned who would maintain the open area. Mr. Wesner responded that the property owners would maintain all of the area. Mr. Secary pointed out that 60+% would be green area. Mr. Chantelau suggested that they [the developer] develop a yield plan, show how many TDRs would be used, how many acres would be preserved in AC, and then take it to the Planning Commission for review. Mr. Waybright also encouraged them to have a signal light and emergency exit and encouraged the developer to pay for the light and maintenance of it. Mr. Suhr asked if they would go to the Planning Commission and the Commission were favorable with the concept, would the Supervisors look at the possibility of a text amendment. The Supervisors stated that they would not rule out the possibility, but would need to see comparisons, etc. first.

Treasurer:

Mr. Scott moved, seconded by Mr. Chantelau, to approve the Treasurer's Report for the month of August and part of September as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Scott, to approve the bills to be paid for the month of August and part of September as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

1. Onorato, Joseph J. & Barbara A.: proposed 4-lot subdivision (2 lot additions) at 358 Orphanage Road. Received a request for a 90-day extension from October 13 to January 13, 2005. Mr. Scott moved, seconded by Mr. Chantelau, to approve a 90-day extension to January 13, 2005. Motion carried unanimously.
2. Light, Shawn: proposed land development plan for a 2,000 sq. ft. storage building located at 180 Study Road. Mr. Light requested a waiver for the land development plan requirement. Planning Commission recommends approval of the waiver. Mr. Jim Williams was present to represent Mr. Light. After review of the sketch plan, Mr. Dayhoff moved, seconded by Mr. Scott, to grant a waiver for a land development plan for a 2,000 sq. ft. storage building. Motion carried unanimously.
3. Dickhoff, Joyce: proposed land development plan for a 1,080 sq. ft. storage building located at 563 Plunkert Road. Ms. Dickoff requested a waiver for the land development plan requirement. Planning Commission recommends approval of the waiver. Mr. Greg Briggs was present to represent Ms. Dickoff. After review of the sketch plan, Mr. Scott moved, seconded by Mr. Dayhoff, to grant a waiver for a land development plan for a 1,080 sq. ft. storage building. Motion carried unanimously.
4. Branham, Michael & Nancy: recommendation from the Planning Commission to approve a Sewage Facilities Planning Module for a proposed subdivision at 2475 Taneytown Road. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the Sewage Facilities Planning Module as presented. Motion carried unanimously.
5. Titus, Donald & Tom: presented a sketch plan for a proposed 2-lot subdivision. Mr. Titus wanted to question the Supervisors if they would favor or allow a 20' or 50' easement to access the back portion

of the parent tract after two lots were subdivided off along the road. The Supervisors noted that flag lots were not allowed, and an easement would need a variance which would require a zoning hearing.

6. The Links At Gettysburg: Regarding post construction financial security. Mr. Klein asked whether the Township wanted a security since the Township was not accepting ownership of the roads and had no responsibility for their up keep and maintenance at the Links. It was noted that the roads are the property of the NID manager, Red Rock Municipal Authority, and RRMA could insist upon a post construction financial security if it wanted to. The water and sewer is the property of Aqua America. If they were to go belly up, it would be possible that the Township could wind up owning and operating those systems. The Supervisors did not feel that this would happen in the next 18 months, so the financial security was not really an issue for the Township. Mr. Scott moved, seconded by Mr. Chantelau, to waive the need for a security bond. Motion carried unanimously.

7. The Links At Gettysburg – Garrison Falls: proposed Preliminary subdivision plan for 77 lots at 601 Mason Dixon Road. It was noted that Conservation District gave an “Adequate” approval. HRG comments were reviewed. County comments referenced a grading and stormwater easement that would require an agreement with an adjoining property owner. Mr. Davis pointed out that the neighboring property owner was Jim and Shirley Waybright. He stated that there was no monetary consideration what-so-ever with this easement agreement. He further added that pursuant to the Ethics Act, there was no requirement that would keep Mr. Waybright from voting on this plan. The Supervisors noted that the Planning Commission recommends approval contingent on satisfying HRG comments and receipt of waiver requests. With no further discussion, Mr. Scott moved, seconded by Mr. Chantelau, to approve as a Preliminary Plan contingent on satisfying all HRG comments dated September 14, 2005 and submission of waiver requests. Motion carried unanimously.

Road Report:

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

Zoning Officer’s Report:

Mr. Chantelau moved, seconded by Mr. Scott, to approve the Zoning Officer’s Report as presented. Motion carried unanimously.

Building & Grounds Report:

Mr. Scott moved, seconded by Mr. Chantelau, to approve the Building & Grounds Report as presented. Mr. Scott commented that the Open House for Mud College Schoolhouse on August 20 and 21 was nicely done and many citizens commented on how nice the schoolhouse looks. With no further discussion, motion carried unanimously.

Correspondence:

Ms. Constable noted receiving the following correspondence:

- WRRMA minutes from August
- Letter from Littlestown Borough requesting funding in 2006 budget for swimming pool renovations.
- Letter from Adams County Transit Authority requesting funding for their services.

- Letter from Rep. Maitland re volunteer fire companies using private water resources during emergency situations.
- Letter from Adams County Library regarding Youth Leadership Retreat
- Letter from DEP regarding revised 2002 Stormwater Management Plan
Discussion was held with regard to the revised plan and whether the Township should adopt the new Plan or continue using its current one. Mr. Davis suggested that the Township follow the revised plan because of the exemptions that are listed in ours. He suggested that the Supervisors rescind its current Stormwater Management Plan Ordinance and authorize to adopt the revised Plan in November or December. Mr. Scott moved, seconded by Mr. Dayhoff, to table a decision until next month. Motion carried unanimously.

Committee Reports:

Personnel: Mr. Scott moved, seconded by Mr. Chantelau, to join the Life Insurance plan with the Township's Health Insurance provider, giving employees the option to participate at their own expense. Motion carried with Mr. Dayhoff abstaining.

Finance: Mr. Chantelau noted that the Finance Committee and Treasurer have started the process for the 2006 budget.

Planning, Land Use & Zoning: Nothing to report.

Building & Grounds: Nothing to report.

Roads: Nothing to report.

Public Safety: Mr. Dayhoff noted that the road workers installed backup alarms on all township vehicles and equipment.

Agricultural Land Preservation: Noted receiving the monthly report for September.

- a) With recommendation from the Ag Land Preservation Board, Mr. Chantelau moved, seconded by Mr. Scott, to approve and sign the Cooperative Agreement with Natural Resources Conservation Service in the amount of One Hundred Thirty Three Thousand Dollars (\$133,000) for the Kenneth Dayhoff settlement. Motion carried with Mr. Dayhoff abstaining.
- b) With recommendation from the Ag Land Preservation Board, Mr. Scott moved, seconded by Mr. Chantelau, to approve an updated appraisal for the Kenneth Dayhoff farm. Motion carried with Mr. Dayhoff abstaining.
- c) With recommendation from the Ag Land Preservation Board, Mr. Chantelau moved, seconded by Mr. Dayhoff, to approve and sign the Agreement of Sale for the fifth ranked farm, approving the purchase of agricultural land preservation easement in the amount of One Thousand Five Hundred Thirteen Dollars and Fifty-Seven Cents (\$1,513.57) per acre to purchase the improved real property located at and known as 720 Plunkert Road, Littlestown, Mount Joy Township, Adams County, Pennsylvania 17340, and as described in Deed Book 2120 at Page 260, and Deed Book 1255 at Page 57, totaling 57.72 deeded acres, all of which acreage has been appraised for this price, owned by Carol L. Glorioso/Newhart. It was noted that Ms. Newhart accepted the Board's offer of 26.3934% of the appraised value. Due to this item being missed on the agenda, Mr. Waybright asked for public comment. None was given. With no further discussion, the motion carried unanimously.
- d) With recommendation from the Ag Land Preservation Board, Mr. Chantelau moved, seconded by Mr. Dayhoff, to sign a Resolution to place a referendum on the November 2005 General Election Ballot for a \$2,000,000 bond initiative for the sole purpose of farm land preservation.

Discussion: Mr. Chantelau stated that this would enable the continuation of preservation of the rural character of our Township, as currently supported by the Township's preservation of 668.42 acres since January 2003. He added that this is 668.42 acres that will *never* be available for developers. He also pointed out that Mount Joy is the only township in the County to have initiated such a program. Mr. Chantelau stated that this is a value-added benefit to the Township residents having a long lasting impact on our quality of life; decreased traffic on Township roads; lessened impact on our Township and County infrastructure – schools and medical facilities in particular, but overall in decreasing the land available for development eventually has positive impact on our goal of retention of the rural quality of life in our Township as supported by the citizen survey the Township conducted during the Comprehensive Plan process. There is no cost to the Township residents, as based on the current funding stream for the \$1,000,000 loan the Township now has. He summarized by stating that this ballot initiative is a “win-win” for the citizens of Mount Joy Township because by voting for this in November, the Township would be able to extend its preservation efforts at no anticipated cost to the citizens. Further discussion was held with regard to using transfer reality tax, looking at a 5-year projection that would generate over \$1.5 Million of transfer taxes with the anticipation that this would continue. It was noted that the loan would be a Line of Credit with \$2 Million with CommunityBanks and the money could only be drawn for ag land preservation funding, over a period of three years. With no further discussion, the motion carried unanimously.

- e) With recommendation from the Ag Land Preservation Board, Mr. Chantelau moved, seconded by Mr. Kirschner, to approve a commitment letter with CommunityBanks for a three (3) year payout. Mr. Waybright asked for public comment since this item was not on the agenda. None was given. With no further discussion, the motion carried unanimously.
- f) With recommendation from the Ag Land Preservation Board, Mr. Scott moved, seconded by Mr. Waybright, to approve and set a date for a workshop between the Ag Preservation Board and the Finance Committee to discuss issues for a public information meeting. The date of September 29 at 7:30 p.m. was set. Motion carried unanimously.
- g) With recommendation from the Ag Land Preservation Board, Mr. Waybright moved, seconded by Mr. Scott, to set the date of October 27, 2005 at 7:30 p.m. for a Public Information Meeting relative to Round II funding for the ag land program. Motion carried unanimously.
- h) With recommendation from the Ag Land Preservation Board, Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the Ag Land Preservation Board to place an insert in the next Township Newsletter regarding the Public Information Meeting. Motion carried unanimously.

Recreation Board: Mr. Scott moved, seconded by Mr. Chantelau, to accept the monthly report for September as presented. Motion carried unanimously.
With recommendation from the Rec Board, Mr. Scott moved, seconded by Mr. Chantelau, to accept the resignation of Albert Atkinson, Chairman, effective September 15, 2005. Motion carried unanimously.

Act 209 Advisory Committee: Mr. Kirschner moved, seconded by Mr. Scott, to accept the monthly report for September as presented. Motion carried unanimously.

Other Business:

Resolution No. 13 of 2005: Mr. Dayhoff moved, seconded by Mr. Scott, to approve and sign Resolution No. 13 of 2005 for consent to assignment and change of control relative to the franchise agreement and authority with Adelphia Communications to Comcast Corporation (Comcast). Motion carried unanimously.

Municipal Waste Collection Contract: Mr. Scott moved, seconded by Mr. Dayhoff, to authorize the County to proceed with the bidding process with Mount Joy Township being included in Proposal Form 4. Motion carried unanimously.

Long Road: Discussion continued from last month's issue of Long Road and what the Township would do with it, if anything. It was determined that Mr. Schwartz has access to his piece of property from either Barlow-Two Taverns Road or Furney Road. If he were to subdivide from Barlow-Two Taverns Road, he would go into the furniture store property to acquire the 300' for road frontage on the new lot, which could be done and still have enough road frontage for the store property. He also has 300' of road frontage if he were to use Furney Road. The Supervisors stated that if all affected property owners on Long Road would agree to vacate, Long Road could be closed. Mr. Waybright asked Mr. Schwartz if he would be willing to build a road to access his property from Long Road. Mr. Schwartz responded no. Mr. Waybright stated that Mr. Schwartz had 40 acres from Furney Road that he could access a new lot from. No further discussion was held.

Well Ordinance Amendment: With recommendation from KPI Technology, and the Township Planning Commission, Mr. Dayhoff moved, seconded by Mr. Kirschner, to authorize the advertisement to adopt an amendment to the Well Ordinance. Mr. Davis is to write the amendment and Ms. Constable is to advertise. Motion carried unanimously.

New Business:

Colbier Farms a/k/a Fields of Gettysburg: A Planning Sewage Module was submitted for the Supervisors review and approval. White Run Regional Municipal Authority submitted a letter dated September 12, 2005, raising some issues that should be discussed prior to any action on this module. The Planning Commission made a recommendation to approve the Module with the inclusion of WRRMA comments to DEP. Mr. Davis stated that the process for taking action on a Module is that the developer handles comments, provides the answers, then the Supervisors pass a Resolution to either approve, disapprove, or take no action on the Module.

Mr. Chantelau moved, seconded by Mr. Scott, to disapprove the Module as submitted based on the information WRRMA provided, all analysis is not complete, and the potential impact this may have on the Township. Discussion: Mr. Dayhoff commented that the Township has worked with the developer to get a Conservation By Design concept in this area. He is not sure what WRRMA's stand is on this. Apparently the developer did not contact WRRMA, but the Authority could take this development on their system. Mr. Chantelau moved, seconded by Mr. Scott, to amend the original motion, to ask the developer to consider withdrawing the current module in order to allow further study, or make a request prior to October 10, 2005 for an extension of time for action on the sewage module. If no action is taken by the developer, the Township would resolve to pass the Module on to DEP disapproving it for the reasons stated in WRRMA's letter. The extension, if requested, would be granted at a regularly scheduled Supervisors Meeting. Discussion: Mr. Waybright concurred with Mr. Dayhoff, noting that the Township has worked with the developer and through this process, would like to see a Conservation by Design. This is all new territory for all entities and would like to see everyone work together. Mr. Chantelau commented that WRRMA has submitted very good issues that should be considered. Mr. Davis added that even if the Township disapproves the module, it would still be submitted to DEP. Mr. Dayhoff pointed out that the Township should also consider another issue, that being two more developers proposing development in the area that could also use WRRMA services. Mr. Waybright suggested that the Supervisors may need to facilitate some sort of action to connect all of these developments together rather than have many small plants. With no further discussion, the motion carried unanimously.

WRRMA Northern Low Pressure Sewer Expansion: With recommendation from the Planning Commission, Mr. Dayhoff moved, seconded by Mr. Scott, to support the Commission's recommendation to add the following comment to Component 4A for the Sewage Facilities Planning Module for WRRMA Expansion project: All of the area west of Route 15 and south of Baltimore Pike to Rock Creek should be included in the expansion. Motion carried unanimously.

Executive Session:

Mr. Waybright called for an Executive Session at 10:10 p.m. this date.

Meeting Reconvened:

Mr. Waybright reconvened the Supervisors' Meeting at 10:30 p.m. this date with the following others in attendance: Supervisors Chantelau, Dayhoff, Scott, and Kirschner; Solicitor Davis; Treasurer Crushong; and Secretary Constable. Citizens in attendance were: Steve Kelley; Jerry Althoff; Jerry Maloney; and Rick Klein.

Mr. Davis noted that during the Executive Session, legal advice was given about a transportation issue; two land use violations were discussed, with probable prosecution.

Adjournment:

With no further business to come before the Board, Mr. Dayhoff moved, seconded by Mr. Scott, to adjourn the Supervisors meeting at 10:35 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary