

DECEMBER 18, 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, and Harold Kirschner; Solicitor Walton V. Davis; Zoning Officer Jay Little; News Reporter Alex Gayhart (*The Gettysburg Times*); and Secretary Brenda Constable. Supervisor Will Rogers was absent.

Others in attendance were: Jerry Maloney; Jerry Althoff representing the Planning Commission; Elsie D. Morey; Edward Reaver; William Yowell; Scott Hartman representing William Yowell; John McAlister; Mike Danner; Rick Klein representing The Links; and David Updyke.

Chairman Waybright led everyone with the Pledge to the Flag.

Minutes:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the minutes of the November 20, 2003 Public Hearing relative to the Township Code Adoption as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the minutes of November 20, 2003 Public Hearing relative to the Act 537 Sewage Facilities Plan as presented. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Chantelau, to approve the minutes of the November 20, 2003 regular meeting as presented. Motion carried unanimously.

Chairman's Statement:

Mr. Waybright thanked the road crew for the fine work they did over the last two snowstorms. He also wished everyone Happy Holidays.

Public Comments:

1. Mr. John McAlister wished everyone Happy Holidays and a good New Year.
2. Mr. David Updyke asked for an explanation of Act 167 Stormwater Management. Mr. Davis explained what this was and noted that a public hearing was not needed prior to its adoption because it would be its own ordinance in the Township Code and not part of land use.

Mr. Updyke also referenced two letters that he had with him, one regarding owning and maintaining property for over 21 years, and then the right-of-way is 33'; if less than 21 years then the right-of-way is 22'; and the second relative to stormwater management.

Persons Requesting Time:

Mr. Charles Skopic of WAAC (Watershed Alliance of Adams County) presented a copy of the Rock Creek Watershed Management Plan (RCWMP) to the Supervisors. He noted that WAAC sponsored this project under a grant from the National Fish and Wildlife Foundation. Representatives from various municipalities in the Rock Creek drainage area (including Mount Joy), the County Planning Office, the National Park Service and Lake Heritage Property Owners Association worked together to develop this

plan. This can be used as a guide to protect water resources and minimize damaging runoff. He also noted that this is the first inter-municipal planning project on a watershed basis.

Treasurer's Report:

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

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

Subdivision/Land Development Plans:

1. Deitrich, David: proposed preliminary plan for a three (3) lot subdivision on Plunkert Road. The Supervisors noted that an extension was granted through December 18, 2003. The Planning Commission recommends denial of the plan due to the Secretary receiving verbal confirmation from the applicant's surveyor, Bob Sharrah, that Mr. Deitrich did not plan to submit the required fee to accompany the Sewage Facilities Module to DEP. Chapter 86-13 B.11. requires that a Planning Module be submitted as required by DEP. State law also requires that such a module be approved by DEP before the Township signs the subdivision plan. Failure to proceed with such a module review process requires disapproval of the plan. Chapter 110-36 A.

Mr. Scott moved, seconded by Mr. Chantelau, to deny this plan. Motion carried unanimously.

2. Reingold, Suzy A.: proposed preliminary subdivision for a lot addition of two (2) lots along Taneytown Road. One lot is in Mount Joy Township and the lot addition is in Cumberland Township. The Planning Commission recommends approval of a 60-day extension request. Mr. Chantelau moved, seconded by Mr. Kirschner, to approve a 60-day extension through April 3, 2004. Motion carried unanimously.

3. Danner, Michael: proposed subdivision of two (2) lots along Long Road. The Planning Commission recommends approval of a waiver for preliminary procedure and approve as a Preliminary/Final Plan contingent on receiving favorable comments from County Planning. Mr. Althoff gave an overview of this plan. Due to no County comments, no action was taken and this plan will be addressed at the January meeting.

4. Yowell, William B.: proposed subdivision of three (3) lots at 3299 Baltimore Pike. An extension was granted through February 8, 2004. The Planning Commission recommends approval as a Preliminary/Final pending deed consolidation and an added Note on the plan regarding nitrates in the area. Mr. Yowell and Mr. Scott Hartman were present to address this plan. Mr. Althoff gave an overview of the Planning Commission's recommendation and explained the reason for deed consolidation. Mr. Davis commented that it might be more confusing to put Lot 1 and 2 together for a perimeter survey and then to split them apart again.

Mr. Waybright moved, seconded by Mr. Scott, to approve a waiver for preliminary procedure and approve as a Preliminary/Final with the following conditions:

- Approve plan as proposed with Tract #1 of Deed 626-787 to be known as "Lot 3"; and
- Extend the property line between "Lot 3" and Lot 1 to the southern boundary rather than leaving a 50' strip of land to Lot 1, now becoming part of "Lot 3".

Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Kirschner, to approve the Sewage Facilities Module with the revised plan attached. Motion carried unanimously.

Road Report:

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

With recommendation from Anthony Graham, Road Superintendent, Mr. Chantelau moved, seconded by Mr. Scott, to approve the purchase of a material spreader for the Ford F-350 Pick Up, with the 11hp Honda motor in the total amount of \$7,446. Motion carried unanimously.

Mr. Chantelau noted that PSATS had provided information on changes in federal law relative to the CDL Program requirement for time limits for drivers. He noted that he had spoken with the Road Superintendent on how to implement and administer this new requirement. Mr. Scott moved, seconded by Mr. Kirschner, to authorize Mr. Graham to work with the Solicitor to develop a resolution and how to notify the township residents when we would be in a state of emergency. Motion carried unanimously.

Zoning Officer's Report:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the Zoning Officer's report as presented. Motion carried unanimously.

Act 167 Stormwater Management:

With recommendation from Mr. Little, Zoning Officer, Mr. Chantelau moved, seconded by Mr. Scott, to authorize a meeting with Mr. Davis and to reconvene the Rock Creek Working Group to move forward in developing a plan at the multiple municipal level. 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:

Secretary Constable noted receiving the following correspondence:

- WRRMA October minutes

Committee Reports:

Personnel: Nothing to report.

Finance: Mr. Chantelau noted that the Finance Committee authorized the Treasurer to move monies from the PLGIT account offering .92% to CommunityBanks for an interest rate of 2%. Mr. Chantelau moved, seconded by Mr. Scott to adopt bank resolutions authorizing this action. Motion carried unanimously.

Planning, Land Use & Zoning: Nothing to report.

Building & Grounds: Nothing to report.

Roads: Mr. Scott noted that Mr. Graham, Road Superintendent, did a review of the 4-way intersection at White Church Road and Patterson Road as a result of citizen complaints/requests. Mr. Scott noted that it is more important to do a review of all intersections now so that they could be addressed prior to road widening and resurfacing, which would most likely result in increased speed by traffic. Mr. Scott moved, seconded by Mr. Chantelau, to instruct the Road Superintendent to do a study of all intersections in the Township. Discussion: Mr. Chantelau suggested that a response be given to the citizens who brought this issue to our attention so that they are aware of the Township's course of action. With no further discussion, the motion carried unanimously.

Public Safety: Nothing to report.

Agricultural Land Preservation: The Supervisors noted receiving the Ag Land Minutes for November and the monthly report for December.
With recommendation from the Ag Land Board, Mr. Waybright moved, seconded by Mr. Scott, to authorize the ALPB to send a letter to Rep. Maitland asking for his support in requesting the Gettysburg and Littlestown School Districts to adopt Act 153, which would enable the school districts to cap the millage rate on preserved farms.

Announcements:

The Supervisors announced that Township residents could drop off live decorating greens and trees at the Township Building between December 29, 2003 and January 30, 2004.

Other Business:

Mr. Scott submitted his resignation from the Planning Commission, effective December 18, 2003. Mr. Scott commented that he has enjoyed his participation on the Commission but due to other circumstances, he must resign. He further added that the Planning Commission is a very dedicated group and very capable of good future planning for the Township. Mr. Chantelau moved, seconded by Mr. Waybright, to accept the resignation of Mr. Scott to the Planning Commission, with regret. Mr. Chantelau and Mr. Waybright thanked Mr. Scott for his support, noting that it is nice to have a Supervisor that is able to bring back information from the Planning Commission meetings in order for the Supervisors to make a good decision on plans. The Supervisors added that they appreciate what Mr. Scott has done for them. With no further discussion, the motion carried unanimously.

The Supervisors announced that a vacancy would now occur on the Planning Commission, with the term ending December 31, 2006.

New Business:

The Links – Security Reduction #5

A request from Rick Klein of The Links At Gettysburg, and recommendation from Mark Lewis, HRG Engineer, Mr. Kirschner moved, seconded by Mr. Chantelau, to authorize the release of Draw #5 Reduction

of Security in the amount of \$286,154.50 for Phase IA at The Courtyards At The Links At Gettysburg. Motion carried unanimously.

Special Events:

A follow-up from a previous meeting, Mr. Rick Klein notified the Supervisors that he would be hosting the 2004 Bike Week at The Links and would need a Special Events Application for a permit. Mr. Klein already has security lined up for the event.

Ordinance No. 2003-09 "Attorney Recoup Fees":

Mr. Davis noted that over the past few years, the PA Legislature has been making changes to municipal law with regard to the collection of claims and penalties, whereas the Legislature has permitted a municipality to seek recovery of the attorney fees expended in the recovery of the claim or penalty.

As publicly advertised, Mr. Kirschner moved, seconded by Mr. Scott, to adopt the following Ordinance No. 2003-09, an Ordinance of Mount Joy Township, 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.

House Bill 1222:

Mr. Scott noted that he had just learned that H.B. 1222 has been submitted to the Senate, which is identified as a "housekeeping bill". The Senate has added information related to CAFOs, testing for sludge, and the ability to sue townships for injuries. He felt that this seems to be related to agribusiness. The Supervisors suggested that Rep. Maitland be contacted and ask him to vote down this Bill.

Ordinance No. 2003-10 "Act 167 Stormwater Management"

As publicly advertised, Mr. Chantelau moved, seconded by Mr. Scott, to adopt Ordinance No. 2003-10 "Act 167 Stormwater Management", an ordinance to promote health safety, and welfare within Mount Joy Township by implementing stormwater management. Mr. Davis explained that once the County establishes a plan, the Township is required to adopt a plan as well. If this is not done, funding could be cut off. With no further discussion, the motion carried unanimously.

Reorganization Meeting:

Mr. Chantelau moved, seconded by Mr. Scott, to set the date and time for the Supervisors' Reorganization Meeting for Monday, January 5, 2004 at 10:00 a.m. in the Township Municipal Building and to authorize the Secretary to advertise said meeting. Motion carried unanimously.

Executive Session:

Mr. Waybright called for an Executive Session at 8:30 p.m. this date.

Meeting Reconvened:

Board Chairman reconvened the Supervisors' Meeting at 8:47 p.m. this date with the following others in attendance: Supervisors Bill Chantelau, George Scott, and Harold Kirschner; Solicitor Walton V.

Davis; Zoning Officer Jay Little; Planning Commission Chairman Jerry Althoff; News Reporter Alex Gayhart; and Secretary Brenda Constable. Citizens in attendance were: Jerry Maloney; Edward Reaver; and Henry Reaver.

Mr. Davis stated that two issues were discussed during Executive Session:

- 1) a potential enforcement action against a property owner; and
- 2) a potential litigation on shoddy work on a township project.

No action is required at this time.

Adjournment:

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the Supervisors Meeting at 8:50 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary