

OCTOBER 19, 2006 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, Samuel Dayhoff, and Harold Kirschner; Solicitor Walton V. Davis; Zoning Officer Dave Crouse; Eric Mains, Engineer of KPI; Robin Crushong, Treasurer; Jesse Hubbard, Office Assistant; News Reporters Aaron Young (*The Gettysburg Times*); and Brendan West (*The Evening Sun*); and Brenda Constable, Secretary.

Citizens in attendance were: Jeff & Lori Swatsworth; Jerry Poland representing Bonneauville Fire Dept.; Dave Updyke, Pam & John Roman representing the Watchdog Group; Jerry Althoff representing the Planning Commission; Lyman Schwartz; Robert Rhodes; Harry Walkol; Sally Alexander; Tom Dunchack Sr.; Mary Davis; Jerry Maloney; Sharon Payne; Dan Fox; John Mahoney representing Keystone Custom Homes; Jack McLatchy; Galen Shelly; and Emily Shoey.

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

Mr. Waybright announced that the meeting was being recorded by the Watchdog Group.

Minutes:

Mr. Chantelau moved, seconded by Mr. Scott, to approve the minutes of the September 21, 2006 meeting as presented. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Chantelau, to approve the minutes of the October 9, 2006 Workshop as presented. Motion carried unanimously.

Public Comment:

1. Dave Updyke: 361 Updyke Road. Asked if anyone had been paid for selling their TDRs. Supervisors responded that the Township would not know that; it is a private matter between the landowner and the developer. Asked if an easement has been written yet. Mr. Davis responded that an easement is only in draft form at this time. Asked if the public could view the easement yet. Mr. Davis responded no. Asked how many TDRs have been acquired, how many acres are in the larger parcels, what are the total parcels, how many parcels are over 20 acres. Supervisors responded that they did not have those answers immediately available. Asked who is keeping track of the TDRs. Mr. Davis responded that the Township staff will be tracking the TDRs.
2. Christopher Topper: Interim Fire Chief for Kingsdale Fire Company. Noted that he received a letter from the Township regarding box card changes and had not had a chance to respond in writing. However, they have no issues with the suggested changes.
3. Jerry Poland: Fire Chief for Bonneauville Fire Company. Presented the monthly statistical report.
4. Dave Updyke: Asked when the Westminster development extension was granted. Mr. John Mahoney responded that it was granted a few months ago and they [Keystone Custom Homes] would be asking for another.

Persons Requesting Time:

Jeff and Lori Swatsworth, 55 Two Taverns Road, presented two letters to the Supervisors regarding their claim of financial injury to their property relative to the Act 209 Traffic Impact Fee Study. They asked the Supervisors for a response to their proposal. Mr. Davis stated that their letter presented tonight has incorrect information in it. The Swatsworths asked for an explanation as to what was incorrect. Mr. Davis stated that his

advice to the Supervisors is attorney/client and is not public information. The Swatsworths asked for a formal written explanation of what was wrong with their information. Mr. Davis suggested that Supervisors not respond. Mr. Waybright stated that the Township does not guarantee anyone's failure or success. Mr. Chantelau suggested that the Land Use, Planning & Zoning Committee take the proposal under advisement. Mr. Dayhoff noted that the Township is going to do a recreation study and maybe this proposal could be included in the evaluation. Mr. Mains added that the RFP for the consultant could include that the township is evaluated as a whole and then see what happens. Mr. Waybright stated that their proposal would be presented to the Recreation Board for consideration with the recreation study.

Announcements:

Ms. Constable noted the following:

- Supervisors' will hold a Public Hearing on November 9, 2006 at 10:00 a.m. for a proposed zoning text amendment to the table of permitted uses for Village District removing amusement park, paint ball games and closely similar uses.
- Supervisors' will hold a Conditional Use Hearing on November 2, 2006 at 7:00 p.m. for Shipley Stores, Inc. for a drive-thru financial institution.

Treasurer:

Mr. Kirschner moved, seconded by Mr. Chantelau, to approve the monthly Treasurer's Report as presented. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Kirschner, to approve the bills to be paid as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

1. Shelly, Galen: proposed land development plan for a 5,920 sq. ft. addition to an existing building located at 487 California Road. Mr. Shelly requested a waiver of a full land development plan. Planning Commission recommends approval. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the waiver of a full land development plan. Motion carried unanimously.
2. Fox, Danny: proposed land development plan for a 1,600 sq. ft. garage located at 1826 Barlow-Two Taverns Road. Mr. Fox requested a waiver of a full land development plan. Planning Commission recommends approval. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the waiver of a full land development plan. Motion carried unanimously.
3. Fields of Gettysburg-Colbier Farms: proposed 55-lot subdivision on Barlow-Two Taverns Road. Supervisors noted that action for this plan expires on October 21, 2006 and they did not submit an extension request. No representative was present to discuss this plan. The Supervisors acknowledged that the applicant has been waiting for correspondence from neighboring property owners with regard to the a sewer easement and that is why there has been a hold up on the plan. Mr. Mains noted that most of the outstanding issues for preliminary approval are administrative items and are waiting for third party approvals; there are no technical issues. Mr. Davis commented that the Supervisors could entertain a motion to approve the preliminary plan as presented and grant an extension if it is submitted by October 21, 2006, or the plan could be rejected. Mr. Scott moved, seconded by Mr. Dayhoff, to grant an extension if presented by October 21, 2006. Further discussion was held, noting they could approve the plan, contingent on satisfying all outstanding issues per the Township Engineer's approval. Mr. Scott moved, seconded by Mr. Dayhoff, to rescind the previous motion. Motion carried. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the preliminary plan contingent on receiving the Township Engineer's approval on all outstanding issues. Motion carried unanimously.

4. Westminster-Keystone Custom Homes: proposed 204-lot subdivision on White Church and Goulden Roads. Request to approve a Sewage Facilities Planning Module. Planning Commission recommends approval. Mr. Dayhoff moved, seconded by Mr. Chantelau, to adopt Resolution #21 of 2006 approving the submission of a Sewage Facilities Planning Module to DEP. Motion carried unanimously.

Road Report:

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

Bid Opening for Topsoil:

Mr. Waybright announced that a bid opening would be held at this time, as publicly advertised, for the sale of approximately 680 cubic yards +/- of topsoil. The following bids received were opened and read aloud:

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| a. C.E. Williams Sons, Inc.
1141 Highland Avenue Road
Gettysburg, PA 17325
Bid Amount: \$2,001.00 | b. Elk Pole Buildings, LLC
420 Granite Station Road
Gettysburg, PA 17325
Bid Amount: \$2,380.00 |
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It was noted that the successful bidder would be responsible for loading and hauling and shall have the topsoil pile removed no later than six (6) months from the date of bid award. In addition, full payment shall be made within ten (10) days of receiving the bid award and before removal of any topsoil.

Mr. Scott moved, seconded by Mr. Kirschner, to award the topsoil bid to Elk Pole Buildings in the total bid amount of \$2,380.00. Motion carried unanimously.

Zoning Officer's Report:

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

Correspondence:

Ms. Constable noted the following correspondence received:

- WRRMA minutes for August
- Bonneauville Fire Company August Report
- Adams County Transit Authority request for financial support
- Adams County Prevent-A-Litter Society, Inc. request for financial support
- Littlestown Sr. Center request for financial support

Executive Session: Mr. Waybright called for an Executive Session at 8:05 p.m. this date.

Meeting Reconvened:

Mr. Waybright reconvened the Meeting at 8:20 p.m. this date with all in attendance as listed above.

Mr. Davis stated that discussion during Executive Session was with regard to a matter that will come up under the finance report regarding the York Adams Earned Income Tax Agency.

Committee Reports:

Personnel: With recommendation from the Personnel Committee, Mr. Scott moved, seconded by Mr. Chantelau, to approve the employment of Kevin Gebhart to fill the vacant position of Road Worker, effective October 30, 2006 at a rate of \$14.50 per hour. Motion carried unanimously. Mr. Waybright moved, seconded by Mr. Scott, to approve a \$1.00 per hour rate adjustment for Mike Livelsberger, Road Worker and EMC, effective October 12, 2006. Motion carried unanimously.

Finance: Mr. Chantelau moved, seconded by Mr. Scott, to authorize Mr. Davis, Solicitor, to send a letter to the York Adams Earned Income Tax Agency questioning the alleged overpayments as recently reported in the local newspaper. The letter will ask the YAEITA to re-evaluate the distributions and check figures, and give clarification as to what the problem is. Motion carried unanimously.

Planning, Land Use & Zoning: Nothing to report.

Building & Grounds: Nothing to report.

Roads: Nothing to report.

Public Safety: Mr. Waybright noted that he, Sam Dayhoff, and Mike Livelsberger will be attending a workshop on October 28, 2006 at the County EMS to review emergency response process with other agencies, and box alarm cards for fire companies.

Agricultural Land Preservation: Noted receiving the monthly report. It was noted that the Township has preserved a total of 726.08 acres to date.

Recreation Board: Noted receiving the monthly report.

Other Business:

Planning Commission requests the Supervisors to clarify sections of the zoning ordinance, §110-155 versus §110-155.D.(6)(d)[1][2] for the RR district with regard to allowing public water and sewer or not allowing public water and sewer. Mr. Dayhoff moved, seconded by Mr. Chantelau, to have the Planning, Land Use & Zoning Committee review this for action at next month's meeting. Motion carried unanimously.

New Business:

Mr. Dayhoff moved, seconded by Mr. Scott, to appoint Mr. Gerald Bennett as the Mount Joy Township representative to the Gettysburg National Military Park Advisory Commission for a three-year period, effective December 25, 2006 through December 24, 2009. Motion carried unanimously.

Adjournment:

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Dayhoff, to adjourn the Supervisors' Meeting at 8:25 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary