

## **JANUARY 16, 2003 SUPERVISORS' MEETING:**

The Mount Joy Township 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 and Bill Chantelau, George Scott and Will Rogers; Employees Sam Dayhoff and Anthony Graham; News Reporter Alex Gayhart (*The Gettysburg Times*); and Secretary Brenda Constable.

Citizens in attendance were: Eileen Holmes; Henry C. Reaver Jr.; Sylvia Turner; John McMalister; Tim Brown; Ellen Dayhoff; David Stair; Richard Klein of The Links; Richard Owings; Jim Wiltgen; John R. White; Carol Newhart; and Bo Ramsburg.

Chairman Waybright led everyone with the Pledge to the Flag.

### **Minutes:**

Mr. Scott moved, seconded by Mr. Chantelau, to approve the minutes of the December 19, 2002 meeting as presented. Mr. Chantelau noted a correction on page 3 under "Modified Land Development Plans", line 24, change the word "kindly" to "objectively". Motion carried unanimously, as amended.

Mr. Chantelau moved, seconded by Mr. Scott, to approve the minutes of the December 31, 2003 meeting as presented. Motion carried unanimously.

**Public Comment:**       None was given.

### **Persons Requesting Time On Agenda:**

1. Richard Klein, owner of "The Links at Gettysburg", addressed the Supervisors with an update on the status of presenting a plan for the courtyard cluster homes for Battery Ridge, Lookout, and Roundtop developments. He will be submitting a preliminary plan next week for 111 units (of the 262 total) and will later submit a preliminary/final for 32 units. He will be submitting plans in several phases, noting that this would consist of one-half of the development at The Links. He has received a PennDOT permit for the right-of-way on Mason Dixon Road. He should be receiving the General Permit within the next day or so.

### **Treasurer's Report:**

Mr. Scott moved, seconded by Mr. Chantelau, to approve the Treasurer's Report for December and January as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Rogers, to approve the bills to be paid for December and January as presented. Motion carried unanimously.

**Subdivision / Land Development Plans:**       None for this month.

### **Road Report:**

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

Mr. Chantelau noted that the road crew had to plow snow on Christmas Day and thanked them for their time, dedication and in doing a fine job.

#### Emergency Management Services:

Mr. Anthony Graham, Road Superintendent and Emergency Management Coordinator for the Township, reported that he attended a training session at the County Emergency Management Agency. He gave an update of changes for the Emergency Management Plan that will be required by all municipalities. The County is changing everything over to computer and all plans would need to be put on a disk. The municipalities have three options: a) adopt the County Plan to follow as their own; b) join with other municipalities and follow one common plan; or, c) keep their own plan as is now. Mr. Graham recommended keeping our own plan as is since ours is up to date. It was the consensus of the Supervisors to accept Mr. Graham's recommendation of keeping our own plan. Mr. Chantelau suggested that after the plan is put on disk and everything is in place at the County level as needed, that Mr. Graham attend a Supervisors' meeting and give a summary of our program.

#### Request for New Tractor/Mower and Loader:

Mr. Graham made a recommendation to the Supervisors to consider purchasing a new tractor/mower. He noted that the old tractor is in very bad shape and has had almost every part replaced over the last few years. Mr. Graham gave two comparison quotes, John Deere versus New Holland. He recommends the John Deere tractor with a Tiger mower, and noted that there would be a possible trade-in. He also gave information on a new rubber tire loader, with a recommendation to purchase a Caterpillar with a trade-in. Mr. Scott stated that he would like to have the Township Treasurer comment on the financial aspects of this purchase. The Supervisors noted that this was budgeted in the 2003 budget using Liquid Fuel funds. They instructed Mr. Graham to come back to the Supervisors at the February meeting, showing the least cost to the Township.

#### **Building Permit / Zoning Officer's Report:**

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

#### Off Premise Signs:

Mr. Little's report addressed an issue that came up last summer regarding off premise signs. It is the consensus of the Supervisors that they are okay with allowing off premise signs at this time, but feel that the this should be redefined when the Township goes through the zoning ordinance change process.

#### Removal of Signs:

Mr. Little also noted that under our zoning ordinance §110-47, some signs have expirations on them. He found that some townships issue a fine for non-removal by the expiration date. He suggested that the Supervisors consider adopting a similar policy. After discussion, the Supervisors felt that this would be difficult to monitor and would cost more money and effort to go out through the Township trying to enforce this. It was the consensus of the Supervisors to not charge for expired signs.

#### Gettysburg Village Factory Outlets Cul-de-Sac:

Mr. Little reported that Delancey had complied with their requirement to install a cul-de-sac at the end of Main Street. However, he had noticed that there was no lighting, delineators or painting on the curbing to

highlight the cul-de-sac area, and as a result, people were not using it. Mr. Little wrote a letter to Delancey pointing out this deficiency, asking them to paint the curbing with reflective paint and put reflective delineators on the perimeter.

### **Building & Grounds Report:**

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

#### **Salt Shed Roof Bid:**

With recommendation from Sam Dayhoff, Building & Grounds Coordinator, Mr. Rogers moved, seconded by Mr. Chantelau, to authorize Mr. Dayhoff to advertise to accept bids for a roof on the salt storage shed. Motion carried unanimously.

### **Correspondence:**

Ms. Constable noted receiving the following correspondence:

- WRRMA minutes for October and November
- Gettysburg/Adams Chamber of Commerce Newsletter
- Littlestown chamber invitation to the annual meeting on January 23, 2003 at 7:30 p.m.
- Kingsdale Volunteer Fire Company Appreciation Banquet on February 8, 2003. Will Rogers noted that he would attend the banquet on behalf of the Supervisors.
- Revised Hauler Regulations – noted if the Supervisors had any comments on these revisions that they need to be sent to County Solid Waste Office no later than January 29, 2003.
- Mr. Waybright noted that Main Street Gettysburg was holding a meeting for the Gettysburg/National Park Service Transit Study on January 22, 2003. He felt that it would be important for someone from Mount Joy Township to attend. Will Rogers stated that he would attend.
- Mr. Waybright also noted that the County Conservation District will be holding training sessions on new regulations, NPDES permitting updates and stormwater management. Mr. Scott moved, seconded by Mr. Chantelau, to approve Jay Little and Anthony Graham to attend these trainings. Motion carried unanimously.

### **Committee Reports:**

Personnel: Nothing to report.

Finance: With recommendation from Treasurer Robin Crushong, Mr. Chantelau moved, seconded by Mr. Scott, to authorize the Treasurer to move money from a maturing Certificate of Deposit to a savings account with the best and highest interest rate at the time it is due. Mr. Waybright suggested that when she is ready to move the money, she consult first with the Finance Committee. With no further discussion, the motion carried unanimously.

Planning, Land Use & Zoning:

#### **Waiver for Sewage Facilities Planning Module:**

Discussion was held with regard to action that was taken at the December Planning Commission and Supervisors' Meetings on a sewage facilities planning module for the Mike

Keller subdivision. Ms. Constable noted that when completing the module, prior to sending to DEP, the section for a waiver request had been checked by the applicant's surveyor, for the residual tract of land that was to remain in agriculture. The waiver states . . . municipal officials accept full responsibility now and in the future to identify any violation of this waiver and to submit to the approving agency (DEP) any required sewage facilities planning for the designated residual tract should a violation occur. . . and may require municipal officials to be responsible for soil testing and other environmental assessments for the residual tract in the future. Mr. Davis stated that he had researched the Sewage Facilities Act and found no authority for this type of language. He suggested three options: a) sign the form and be ready to prosecute the land owner if a septic system, or a building needing a septic system, is built on the lot in the future without the necessary testing and permits; b) refuse to sign the waiver, and reject the module because there has been no soil testing on the subject tract, or because there has been soil testing which shows that it fails; or, c) do nothing, which gives the developer the right after 60 days to take the module to DEP and request approval on the basis that the Township did not act within the 60 days required by the regulations. This is a "deemed approval" situation. However, such approval does not include the language obligating the township to do soils testing, nor does it include the signature of the township officials acknowledging any such duty.

Ms. Constable discussed this with the surveyor and he stated that this is standard language and when it says that the municipal officials are responsible, he interprets that as meaning the Sewage Enforcement Officer, since the Supervisors appoint him. After further discussion with the Sewage Enforcement Officer, he agreed that this is standard language but the municipal officials are "not really" responsible because he (the SEO) would have to approve any type of septic on that lot before anything could be built on it.

A lengthy discussion was held on this issue as to how, if at all, this could be controlled, and how to handle this from here on in the future. Mr. Waybright suggested that in the future, if the waiver request is checked, then it should not be approved. Another suggestion was to have the applicant sign a written agreement that they would do what is needed, if the land were ever developed.

Addressing this particular module, Mr. Scott moved, seconded by Mr. Rogers, to instruct the Secretary to cross out this section of language in the module, have both boards initial it, and then send it on to DEP. Motion carried unanimously.

#### Zoning Officer Attendance at Planning Commission Meetings:

With recommendation from the Planning Commission, Mr. Chantelau moved, seconded by Mr. Scott, to approve the Zoning Officer's attendance at Planning Commission Meetings, as requested by the Planning Commission Chairman, as needed. Discussion: it was noted that there are various times when the Commission would like to question Mr. Little about a particular subdivision or land development plan due to his sight visits or ordinance requirements. With no further discussion, the motion carried unanimously.

#### Modified Land Development Plans:

Mr. Scott noted that the Planning Commission discussed the subject of modified land development plans, as a follow up to last month's discussion by the Supervisors. The Planning Commission received a copy of Mr. Davis's letter outlining what could and could not be accepted as a modified or abbreviated land development plan, as well as what needs to be done to put this into action. Mr. Scott noted that the Commission has asked the Zoning Officer and Engineer to develop a list of what must be on a modified LDP and what could possibly be waived. The Commission has also asked Mark Lewis, Engineer, to meet with

them and discuss the whole subject of LDP so that they can be better informed of what to consider when looking at a modified plan.

Mike Keller Subdivision:

Mr. Scott noted that there are sight distance issues that need to be resolved for the Mike Keller subdivision. The Zoning Officer, Engineer, and Mr. Keller met at the sight to look at various options for safe access drives. He noted that PennDOT made it clear that they would not do anything until the Supervisors approve the subdivision so the responsibility of making sure that the driveways are safe lies with the Township. Much ground needs to be moved on one side of the road and filled in on the other side. NPDES permits would be needed. The Commission may be suggesting that the Supervisors have Mr. Keller post a bond for financial security that the ground would be moved as required.

Planning Commission Vacancy Interviews:

Mr. Waybright noted that one (1) vacancy currently exists on the Planning Commission and interviews for this position must be conducted in a public forum. He noted that three (3) candidates had expressed interest in the position, however, only two (2) were present tonight, Mr. Jim Wiltgen and Mr. David Stair. Both candidates were asked questions by the Supervisors as to why they would like to serve on the Commission and why they would be an asset to Mount Joy Township local government. A third person in attendance asked to be interviewed as well; Ms. Carol Newhart. After the interview process, Mr. Waybright announced that the Supervisors would discuss their choice for the position during Executive Session and then vote on the appointment later in the meeting.

- Building & Grounds:     Nothing to report.
- Roads:                     Nothing to report.
- Public Safety:           Nothing to report.

Agricultural Land Preservation: Mr. Dayhoff, Coordinator, issued revisions to the program packet. These few revisions were as a result of the public information meeting discussions and some final suggestions by the Formulation Committee.

Adoption of Agricultural Land Preservation Program:

Mr. Rogers moved, seconded by Mr. Chantelau, to adopt by Resolution, the Mount Joy Township Agricultural Land Preservation Program as follows:

RESOLUTION #7 of 2003

WHEREAS, Mount Joy Township, Adams County, Pennsylvania desires to create and intends to implement a Township farmland preservation program (the "Program"), as authorized by the Agricultural Area Security Law, as amended (the "Act"); and

WHEREAS, on even date herewith, the Mount Joy Township Supervisors have appointed the members of the Mount Joy Township Agricultural Land Preservation Board (the "Board"); and

WHEREAS, the Mount Joy Township Supervisors desire and intend to authorize the Board to administer the Program.

NOW THEREFORE, BE IT RESOLVED, and it is hereby resolved by Mount Joy Township, Adams County, Pennsylvania, by its duly elected and incumbent Board of Supervisors, that, pursuant to Section 914.1(b) [3 P.S. Section 914.1(b)] of the Act, the Board is hereby authorized and directed to administer the program on behalf of the said Township in accordance with the provisions of the Act and regulations promulgated thereunder, as well as the Mount Joy Township Agricultural Land Preservation Program, which is hereby approved and incorporated herein by reference.

IN WITNESS WHEREOF, the present Resolution has been duly adopted by unanimous vote this 16<sup>th</sup> day of January, 2003.

MOUNT JOY TOWNSHIP SUPERVISORS

/s/

James W. Waybright, Chairman

/s/

William J. Chantelau, Vice-Chairman

/s/

George L. Scott

/s/

William C. Rogers

/s/  
Brenda J. Constable, Secretary

Motion carried unanimously.

Ellen Dayhoff, Adams County Agricultural Land Preservation Coordinator, expressed her support of the Township's program and thanked Mount Joy Township for taking the lead. This is the first Township to have its own program and she plans to use this as a perfect example for other municipalities to follow.

Mr. Waybright thanked all members of the Formulation Committee, Sam Dayhoff, Coordinator and John White, Solicitor, for all of the work and time that they gave to making this program a reality. He added that this is a much needed program and it is time to take the next step and proceed with preservation of land. Mr. Scott concurred and thanked everyone for all of their efforts. He also commented that he is pro-land preservation, however, he wants feedback from the township residents to make sure that the Supervisors are doing what the people want. Mr. Chantelau also concurred with many thanks and agrees with Mr. Scott in wanting to hear from the citizens about the program. He added that the \$300,000 is seed money to get the program started but needs to know that everyone wants this so that financial planning can be done for the future.

Appropriation of Funds:

Mr. Waybright moved, seconded by Mr. Scott, to approve the appropriation of funds for the Agricultural Land Preservation Program. It was noted that the 2003 budget includes \$300,000 for this program. With no further discussion, the motion carried unanimously.

Mr. Dayhoff thanked the Supervisors for their vote of approval and reminded everyone that when they meet here every month, much of the meeting includes something about land or land development so this is an important issue for our Township.

Mr. Tim Brown, member of the County Ag Land Preservation Board, congratulated and applauded the Supervisors for adopting this program and stated that the Township is off to a great start preserving land for the future.

Board Appointments:

Mr. Waybright noted that appointees would be discussed in Executive Session and voted on later in the meeting.

**Other Business:**

Mr. Waybright noted that Delancey Gettysburg Associates, L.P. has filed a Praecepto To Mark Action Withdrawn, withdrawing its appeal of July 18, 2002 adjudication/decision of the Board of Supervisors of Mount Joy Township, regarding the allowance of vehicular traffic and parking on Main Street on a year-round basis, and no periods of pedestrian-only usage.

**New Business:**

Mr. Chantelau moved, seconded by Mr. Rogers, to vote in favor of the Adams County Earned Income Tax Collection Agency's Employee Handbook and Rules and Regulations document as presented. Motion carried unanimously.

**Executive Session:**

Mr. Waybright called for an Executive Session at 9:30 p.m. this date.

**Meeting Reconvened:**

Mr. Waybright reconvened the Supervisors Meeting at 9:50 p.m. with the following others in attendance: Supervisors Bill Chantelau, Will Rogers and George Scott; Employees Sam Dayhoff and Robin Crushong; News Reporter Alex Gayhart (*The Gettysburg Times*); and Secretary Brenda J. Constable. Citizen David Stair was also in attendance.

Mr. Davis stated that there were three (3) items discussed during Executive Session. 1) Delancey Associates enforcement notices that are currently pending; 2) Ag Land Preservation candidates; and 3) Planning Commission candidates.

**Delancey Gettysburg Associates, L.P.:**

Mr. Scott moved, seconded by Mr. Chantelau, to direct Mr. Davis to instruct the Zoning Officer to withdraw pending actions of enforcement because they have completed the cul-de-sac at Main Street, as required. Motion carried unanimously.

**Agricultural Land Preservation Board:**

Mr. Waybright moved, seconded by Mr. Scott, to appoint the following to the Agricultural Land Preservation Board, effective January 16, 2003:

David Kehr	Farmer	Five (5) year term
Everett L. Ramsburg, III	Farmer	Five (5) year term
Benjy Conover	Farmer	Three (3) year term
Richard Owings	Government	Three (3) year term
Carol Newhart	Citizen	Two (2) year term

Motion carried unanimously.

Agricultural Land Preservation Coordinator:

Mr. Waybright moved, seconded by Mr. Chantelau, to appoint Sam Dayhoff as Interim Coordinator to the Agricultural Land Preservation Program. Motion carried unanimously.

The Supervisors instructed the Secretary to send thank you letters to each of the Formulation Committee members for all of the work in the past year and also notifying them of their appointment to the Board.

Agricultural Land Preservation Secretary:

Mr. Chantelau moved, seconded by Mr. Rogers, to appoint Robin Crushong as Secretary to the Agricultural Land Preservation Board. Motion carried unanimously.

Planning Commission Appointment:

Mr. Chantelau moved, seconded by Mr. Scott, to appoint Jim Wiltgen to the Planning Commission for a four (4) year term, beginning January 16, 2003 through December 31, 2006. Mr. Chantelau noted that Mr. Wiltgen has background in planning and an advance degree in urban planning which he is doing now at his job at the Gettysburg College. Mr. Scott added that they had three very good candidates to choose from and one of the deciding factors was to have representation on the Commission from different parts of the Township. Mr. Wiltgen is from Lake Heritage and this would allow a broad base on the committee. With no further discussion, the motion carried unanimously.

Mr. Chantelau encouraged all of the unsuccessful candidates to consider serving as the alternate on the Zoning Hearing Board, a position that is still vacant.

**Zoning Hearing Board Vacancy:**

Mr. Scott questioned if the same interview process for Zoning Hearing Board could be done at the February meeting. All Supervisors felt that this would be good and instructed the Secretary to send letters to all of the unsuccessful candidates for Planning Commission, inviting them to apply for the Zoning Hearing Board alternate position.

**Adjournment:**

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the Supervisors' Meeting at 10:05 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable  
Secretary