

## **JANUARY 17, 2008 SUPERVISORS' MEETING:**

The Mount Joy Township Board of Supervisors met this date, as publicly advertised, at 7:30 p.m. in the meeting room of the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA 17325 with Board Chairman James W. Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, and Robert Rhodes; Solicitor Walton V. Davis; and Secretary Brenda J. Constable. Supervisor Samuel Dayhoff arrived late due to plowing snow.

Others in attendance were: News Reporter Aaron Young (*The Gettysburg Times*); Barton Breighner; Jerry Althoff representing the Planning Commission; Wendy Beauchat representing The Horizon Group; Jack McLatchy; Bob Sharrah representing The Links, Colbier Farms, and Horizon; LynnAnne Sukeena; and Rick Klein representing The Links At Gettysburg.

Board Chairman Waybright led everyone with the Pledge to the Flag.  
The meeting was being recorded by the Township.

### **Minutes:**

Mr. Chantelau moved, seconded by Mr. Scott, to approve the December 20, 2007 minutes as presented. Motion carried with Mr. Rhodes abstaining.

Mr. Scott moved, seconded by Mr. Chantelau, to approve the January 7, 2008 Reorganization Meeting minutes as presented. Motion carried unanimously.

**Public Comment:** None.

### **Persons Requesting Time:**

The Horizon Group: Wendy Weikal-Beauchat, Esq., and Bob Sharrah, on behalf of The Horizon Group for The Outlet Shoppes At Gettysburg, notified the Supervisors that she has submitted two applications for Conditional Use Hearings for two issues: 1) to amend the current CU for the Outlet Mall; and 2) to do a new CU for the next phase of the Outlet Mall. The amendment is to address issues discussed in a workshop in September of 2007, such as hours of operation, pavement, etc. The new application addresses the next phase; Bob Sharrah presented a very preliminary plan for discussion purposes only, with a detailed site layout to be attached to the application. Phase II would extend past the existing cul-de-sac. After the detailed drawing and other attachments to the application are submitted to the Township, a hearing date would be scheduled for each application on the same night. Mr. Davis noted that he needs to review the documents to see if the original traffic impact study included Phase I and II or just Phase I.

### **Announcements:**

Ms. Constable noted the upcoming seminars sponsored by the Partnership for Land Use Education, held at the Ag Center at 7:00 p.m. and is free:

January 29, 2008	Growth Pressures from South of the Border
February 13, 2008	Understanding Density
March 3, 2008	Sewer Planning & Growth
April 29, 2008	Stormwater Planning
May 20, 2008	Citizen Engagement in Land Use Management

## **Treasurer's Report:**

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

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

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

1. Westminster-Keystone Custom Homes: proposed 204-lot subdivision on White Church and Goulden Roads. Extension through 02/28/08. Mr. Waybright noted that Mr. John Mahoney, representative for Keystone, was going to attend the meeting to give a detailed update on the project, but based on the inclement weather, the Supervisors told Mr. Mahoney to not make the trip from Lancaster, and instead, noted that Mr. Mahoney had submitted a very detailed letter explaining their current status and the reasons for requesting extensions, including their most recent one through July 31, 2008. Mr. Scott commented that the letter is very comprehensive and that Mr. Mahoney has made an appearance before the Planning Commission and is working with the Commission to provide them some reports from the York Water Company. With that, Mr. Scott moved, seconded by Mr. Chantelau, to grant the extension through July 31, 2008, and to continue to provide updates on their progress to the Planning Commission and Supervisors. Mr. Chantelau suggested that reports from the water company should also be provided so that the Township receives comprehensive reports from both the developer and water company. Mr. Waybright pointed out that based on Mr. Mahoney's letter, York Water Company would not be able to give Keystone an answer until June of 2008 because they are taking water from the Susquehanna River Basin and moving it into the Potomac Basin. Mr. Rhodes asked how York Water Company would be able to get the water into Mount Joy Township; he thought Mount Joy would have to get a permit for it. Mr. Waybright responded that when the time comes, they will need to get permission but this is only part of the preliminary process and are just studying it at this point. Mr. Davis added that there is also an application pending, not just for Mt. Joy, but because of Gettysburg, with the Susquehanna River Basin Commission and DEP both. They are waiting on decisions on both of those to determine whether they will allow it as a first step, and if those permissions are gained, then they would have to go through the next process. Mr. Althoff asked if they would also have to operate through the PUC. All responded yes. With no further discussion, the motion carried unanimously.
2. Twin Pond Estates-Bon-Ton Builders: proposed 34-lot subdivision on Harney Road. Extension through 03/06/08. Remains on the table.
3. The Links At Gettysburg-Powder Creek: proposed 44-unit subdivision/land development. Extension through January 25, 2008. It was noted that the Planning Commission recommends approval of preliminary plan with contingencies. Two modifications were also requested. Mr. Scott moved, seconded by Mr. Chantelau, to approve two modifications as previously requested and listed on the title sheet: use of brick pavers for streets, and install internal sidewalk on only one side of street rather than two sides. Motion carried unanimously. Mr. Chantelau moved, seconded by Mr. Scott, to approve the preliminary plan contingent on satisfying all outstanding issues as noted in KPI, County Planning, and County Conservation District comments. Motion carried unanimously.
4. Colbier Farms, LLC: it was noted that this 2-lot subdivision plan was approved on September 20, 2007 but developer did not get it recorded within the 90-day period as required by County Recorder of Deeds. Developer requested a re-approval of the plan. Mr. Scott moved, seconded by Mr. Dayhoff, to re-approve the preliminary/final subdivision plan. Motion carried unanimously.

### **Road Reports:**

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

Mr. Chantelau moved, seconded by Mr. Scott, to approve the 2007 Year End Report as presented. Motion carried unanimously.

Snow Plow Personnel: With recommendation from Sam Dayhoff, Road Superintendent, Mr. Chantelau moved, seconded by Mr. Scott, to approve the following as emergency/snow plow employees: Brad Waybright, Ronnie Reed, Chad Yingling, Luke Dayhoff, Bill Chantelau, Jim Waybright, and George Scott.

Discussion: Mr. Davis asked if it were possible if anyone of these personnel could make more than \$500. The Supervisors responded yes. Mr. Davis explained the significance of the \$500 is that family members are listed and if they were to make more than \$500 the Ethics Act has requirements that must be followed. Four Supervisors are listed and if they did not vote, there would be no quorum. So not to lose the quorum, each can vote but each must announce that they have family members on this list. Mr. Davis further explained that the Ethics Act has to do with financial interests. Under the Ethics Act when you lose the quorum, the Supervisors would be able to participate in the vote again as long as they publicly announce what the potential conflict of interest is. In this case, the Supervisors would be voting for themselves and their children; and secondly, the pay that would go to Mr. Chantelau or Mr. Scott, would need to be set and approved by the Auditors. The Supervisors confirmed that this has already been approved by the Auditors.

Motion carried with Mr. Chantelau and Mr. Scott announcing that they were voting for themselves. Mr. Dayhoff and Mr. Waybright abstained.

### **Zoning Officer's Report:**

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

Mr. Chantelau moved, seconded by Mr. Scott, to approve the 2007 Year End Report as presented. Motion carried unanimously.

### **Correspondence:**

Ms. Constable noted receiving the following correspondence:

- Auditor's Reorganization Meeting Minutes, with John Leino as Chairman, Harold Kirschner as Secretary.
- WRRMA December minutes
- Tax Collector's 2007 Settlement of township real estate and per capita taxes – authorize to send delinquent per capita list to JP Harris for collection. Mr. Chantelau moved, seconded by Mr. Dayhoff, to approve to send the delinquent per capita tax list to JP Harris. Motion carried unanimously.

## **Committee Reports:**

Personnel: Nothing to report.

Finance: Mr. Chantelau noted that in October 2007 the Finance Committee was remiss in not putting a motion to the Board to take the money received from the sale of The Gettysburg Village Outlet Stores and allocate it to recreation and ag land preservation, which is what was done. The Board was aware of this but a formal motion was not taken to do so. Mr. Chantelau moved, to approve retroactively what the Finance Committee did, in allocating the monies equally between the recreation and the ag land preservation efforts of the township. Mr. Scott seconded, and the motion carried unanimously.

Mr. Chantelau noted that the current \$2 Million Dollar Line of Credit was to run out by January 25, 2008. Through negotiations with the Bank, the Bank has offered to extend the loan for one year. Mr. Chantelau moved, to accept the offer from Susquehanna Banks, to extend the loan to January 25, 2009. Mr. Dayhoff seconded the motion. Motion carried unanimously. Mr. Chantelau further noted that if no money is taken out in 2009, the Township still has authorization until 2015 to access that money. Mr. Chantelau moved, seconded by Mr. Dayhoff, to adopt Resolution #14 of 2008 which codifies the loan agreement. Motion carried unanimously.

Recommendation from Brenda Constable, Office Manager, to approve the purchase of a new copier and fire proof file cabinet. It was noted that these items were included in the 2008 budget. Mr. Scott moved, seconded by Mr. Chantelau, to approve the purchase of a copier from Eicholtz Company in the amount of \$5,375 (includes government discount and \$500 trade-in of old copier). The cost of the copier is under the budgeted amount of \$6,000. Motion carried unanimously. Mr. Chantelau moved, seconded by Mr. Scott, to approve the purchase of a fire proof file cabinet from Eicholtz Company in the amount of \$1,795. Motion carried unanimously.

Planning, Land Use & Zoning: Nothing to report.

Building & Grounds: Nothing to report.

Roads: Mr. Rhodes reported that he met with Mr. Waybright and Mr. Dayhoff, went over the duties and responsibilities needed in the Roads department, took a tour of all township roads, and discussed future road work plans. He noted that tree trimming has been a sore subject for some residents so he suggested that certain people be notified ahead of time. He thanked Mr. Waybright and Mr. Dayhoff for helping him out and getting him started in the right direction.

Public Safety: Mr. Waybright noted that he, Mr. Dayhoff, and Mike Livelsberger, EMC, will be attending a County meeting on January 24, 2008 to discuss a municipal emergency operations plan as a unit versus separate plans for each municipality.

Agricultural Land Preservation: Noted receiving the monthly report. Mr. Chantelau noted that closing for the Straley property will be held on January 24, 2008. He added that the money for this farm is coming from the Adams County Green Space Grant that the Township was awarded and Township Ag Land money.

Recreation Board: Noted receiving the monthly report. Mr. Waybright noted that the Board would like two Supervisors present at their next meeting, which a date has not yet been determined. Mr. Chantelau noted that he had submitted a document to the Solicitor for review relative to the closure of a piece of property purchased with the second award of County Green Space Grant money and DCNR grant money.

**Other Business:**

Fairview Farms Security Reduction: With recommendation from KPI, Mr. Scott moved, seconded by Mr. Chantelau, to approve Financial Security reduction #2 in the amount of \$29,670.00, pending the requirements being met as required in KPI recommendation letter. Motion carried unanimously. (See update for release of money in February minutes).

County Radio Usage Agreement: Tabled from last month. Mr. Davis noted that he has not yet received any correspondence from County Solicitor John Hartzell with regard to the Township's concerns. Mr. Scott moved, seconded by Mr. Dayhoff, to keep this issue on the table. Motion carried unanimously.

Recreation Board Assistant Secretary: A correction to the reorganization meeting action, Mr. Scott moved, seconded by Mr. Chantelau, to appoint Brenda Constable as Assistant Secretary to the Recreation Board rather than Robin Crushong. Motion carried unanimously.

**Executive Session:**

Board Chairman Waybright called for an Executive Session at 8:50 p.m. this date.

**Meeting Reconvened:**

Board Chairman Waybright reconvened the Supervisors Meeting at 8:50 p.m. this date with the following others in attendance: Supervisors Chantelau, Scott, Dayhoff, and Rhodes; Solicitor Davis; Dave Crouse, Zoning Officer; Robin Crushong, Treasurer; Aaron Young, (*The Gettysburg Times*); Jerry Althoff; and LynnAnn Sukeena.

Mr. Davis explained that two things were discussed during Executive Session:

1. The ongoing potential purchase of a piece of property; and
2. The Solicitor's progress in the Stephen Alexander matter, and the David Updyke challenge to the validity of the zoning ordinance.

**Adjournment:**

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the Supervisors Meeting at 8:53 p.m. this date. Mr. Waybright thanked everyone for attending the meeting. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable  
Secretary