

JANUARY 18, 2007 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, Harold Kirschner, and Samuel Dayhoff; Solicitor Walton V. Davis; Robin Crushong, Treasurer; News Reporters Aaron Young (*The Gettysburg Times*), and Matt Casey (*Evening Sun*); and Secretary Brenda J. Constable.

Others in attendance were: Lisa Moreno; Tom Newhart; Harry Walker; Barb Coddington; Don Coddington; Lola Clay; Mac Clay; Pam Roman, John Roman, Dave Updyke, Audrey Sanders, and Robert Rhodes all representing the Watchdog Group; Jerry Althoff representing the Planning Commission; Melissa Miller; Ken Miller; Jeff Miller; Carol E. Holtz; Eileen T. Holmes; Sally Alexander; Gwen Updyke; Robert Jones; Ken Sanders; Tom Dunchack; Jack McLatchy; and Lynn Anne Sukeena.

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

Minutes:

Mr. Kirschner moved, seconded by Mr. Chantelau, to approve the December 21, 2006 minutes with the following correction: note that Solicitor Walton V. Davis "was" present. Motion carried unanimously.

Mr. Dayhoff moved, seconded by Mr. Scott, to approve the January 2, 2007 Reorganization Meeting minutes as presented. Motion carried unanimously.

Public Comment:

1. Carol Holtz: 220 White Church Road. Thanked those responsible for the removal of the tree at the corner of Route 97 and White Church Road. Also thanked those from Straban Township that helped. Referenced a Letter to the Editor in the York County *Evening Sun* where the Watchdog Group was referred to as the "Dogs" and requested that the name calling be stopped. Asked why that letter was not in the *Gettysburg Times*; supervisors responded that it was in a few months earlier. Mr. Waybright asked Mr. Dayhoff to explain the participation of Straban Township road crew with cutting down the tree. Mr. Dayhoff stated that several years ago Straban applied for a grant to buy a chipper and listed Mount Joy Township as a user to share the equipment, which helped them to get the grant. Since then, Mount Joy Township bought a bucket truck so both townships help each other out when those two pieces of equipment are needed in either of the townships. He added that this is also done with Mt. Pleasant, Germany, and Cumberland Townships.
2. Eileen Holmes: White Church Road. Agreed with Carol Holtz. Asked Mr. Dayhoff which trees they cut along White Church Road, as stated in the road report. Mr. Dayhoff responded that there were a few trees at the beginning of White Church Road from Route 97, from the church down to just before Hillside Estates. She referenced an area on White Church Road where a gully was filled in and asked why it was filled in. Mr. Dayhoff responded that the backing was starting to break away and there was no support for the road. Requested a detailed Treasurer's report be made available, as well as the Road report and Zoning report. Also requested a copy of the Reorganization Meeting minutes.

3. Pam Roman: 48 Updyke Road. Read and presented a written statement responding to accusations that were addressed to her last month by Mr. Dayhoff, Mr. Scott, Mr. Waybright, Mr. Chantelau, and Mr. Davis.
4. Dave Updyke: Updyke Road. Agrees with all three women that have spoken.
5. Donald Coddington: 2121 Baltimore Pike. Stated that he placed a call to the Township two months ago to report the dusk to dawn light was out on Route 97 at White Church Road and nothing has been done about it yet. Asked that this be addressed promptly, especially for safety reasons. Mr. Dayhoff noted that there has been trouble with that light for years; it is maintained by Met-Ed. The Township has called them many times and even met with a representative. They told the Township that they always fix their lights promptly. It was suggested that Mr. Coddington try to give Met-Ed a call as well as the Township. Addressed another issue that he had brought to the Supervisors' attention a few months ago regarding the use of engine retardant brakes. He had requested signs be placed in the area on Route 97 south of the Gettysburg Outlets to prohibit the use of these types of brakes. Because of the traffic lights at the Outlets, trucks are using the brakes more and it is now a problem; especially during night. He is requesting that signs be placed and that the Township do whatever is needed to get these signs installed. The Supervisors stated that they would make a request to PennDOT to place signs as needed. Another issue is with regard to inspection of the dam at Lake Heritage. He understands that there is a plan at the Township in case the dam would break and he would like the plan to be published. Mr. Chantelau noted that the dam is inspected annually by DEP and is in sound condition. It was suggested that the plan be put in the next Township Newsletter. A final issue was with regard to garbage collection at the Outlets. Collection occurs during early morning hours, prior to 6:00 a.m. and the haulers are very loud. Coddingtons have requested Waste Management to abide to the times of 6:00 a.m. or later rather than 3:00 or 4:00 a.m. Mr. Waybright noted that the Township Zoning Officer would follow up with this.

Announcements:

Secretary Brenda Constable announced that a public hearing will be held on February 15, 2007 at 7:00 p.m. to receive public comment on a proposed ordinance amending the zoning ordinance by adding a new sub-section to permit lot sizes of 10,000 sq. ft. with 75 ft. widths under certain circumstances; amending the TDR section to require additional information in a yield plan when 10,000 sq. ft. lots are proposed; and revising the TDR section to permit conservation areas in residential developments to be used similarly to preserved lands on TDR sending properties, providing for the ownership/lease interests in conservation areas, and requiring agricultural use notices to prospective purchasers of residential lots.

Treasurer:

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

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the bills to be paid for the month of 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 is granted through February 28, 2007. No action and remains on the table.

2. Shipley Stores, Inc.: proposed land development plan for removal of existing store at 1910 Baltimore Pike, and building of new store with gas pumps and bank. Extension granted through January 19, 2007. Applicant is requesting a 90+ day extension. Mr. Scott moved, seconded by Mr. Chantelau, to approve an extension through April 23, 2007.
3. Miller, Margaret E., Trust: proposed 2-lot subdivision at 710 Mud College Road. Mr. Ken Miller was present to review this plan. He noted that no new development is proposed; they would be putting this land in agricultural land preservation. Mr. Althoff gave Planning Commission comments. Mr. Dayhoff moved, seconded by Mr. Scott, to waive the preliminary review and accept as a Preliminary/Final Plan contingent on addressing County comments relative to showing bodies of water on the plan and written scale. Motion carried unanimously.
4. Fairview Farms–Barton Breighner, Owner: proposed Final plan for 13-lot subdivision at 545 Hickory Road. Requesting a 60 day extension. Mr. Dayhoff moved, seconded by Mr. Scott, to approve a 60 day extension through May 13, 2007. Motion carried unanimously.

Road Report:

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

With recommendation from Sam Dayhoff, Road Superintendent, Mr. Chantelau moved, seconded by Mr. Scott, to adopt Resolution No. 14 of 2007 authorizing the purchase of a Caterpillar 924G Loader in the total amount of \$132,376.35 (includes interest) from Cleveland Brothers. It was noted that this purchase would be financed and would be purchased with Liquid Fuel funds. Payments would not begin until one year after date of delivery. It was also noted that this was previously bid through the government cooperative purchasing program. With no further discussion, the motion carried unanimously.

With recommendation from Sam Dayhoff, Road Superintendent, Mr. Chantelau moved, seconded by Mr. Scott, to adopt Resolution No. 15 of 2007 authorizing the purchase of a 2007 GMC 8500 Chassis, steel bed and plow in the total amount of \$103,727.93 per Quote #60511-A from U.S. Municipal Supply and W.W. Engine & Supply, Inc. through the Pennsylvania Capital City (PACC) Automotive and Equipment Contract, and to issue a Letter of Intent to PACC. Mr. Dayhoff noted that he may be able to purchase a plow for a lesser amount. The Supervisors concurred that this purchase would be approved as long as the total amount does not exceed \$105,000 for the truck and plow. It was noted that this purchase would be made with Liquid Fuel funds. With no further discussion, the motion carried unanimously.

Zoning Officer's Report:

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

Correspondence:

Ms. Constable noted Barlow Fire Company is conducting a special fundraiser for their New Building Fund. As a thank you, they are offering a complimentary 10 x 13 family portrait.

Committee Reports:

Personnel: Mr. Waybright noted a few items that were missed during the Reorganization Meeting as follows:

Mr. Scott moved, seconded by Mr. Chantelau, to reappoint Mike Livelsberger as Emergency Management Coordinator. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Scott, to reappoint Dominic Picarelli as Assistant Sewage Enforcement Officer. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Dayhoff, to reappoint HRG as Assistant Engineering Firm. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Dayhoff, to appoint Tammi Jacoby to the position of Office Assistant, effective January 22, 2007 at a rate of \$11.00/hour. Motion carried unanimously.

Finance: Mr. Chantelau moved, seconded by Mr. Scott, to set the financial bond amount for Jim Waybright, Bill Chantelau, and Harold Kirschner at \$1,200,000, and for Brenda Constable at \$50,000. Mr. Chantelau noted that these bonds are needed because these are the supervisors who can sign checks for the township, and Brenda handles checks but does not sign them. Motion carried unanimously.

Planning, Land Use & Zoning: Nothing to report.

Building & Grounds: Nothing to report.

Roads: Nothing to report.

Public Safety: Nothing to report.

Agricultural Land Preservation: No monthly report because Board did not have quorum.

It was noted that a vacancy exists on the Ag Land Preservation Board and Mr. David Updyke was interested in serving. Mr. Waybright noted that no appointment was made at the reorganization meeting because there were some questions for Mr. Updyke but could not be answered since Mr. Updyke was not present at that meeting. Mr. Waybright asked Mr. Updyke if he lives in Mount Joy Township. Mr. Updyke responded "yes". Mr. Waybright stated "you reside in Mount Joy Township?" Mr. Updyke responded "yes I do". Mr. Waybright noted that was the only question he had. Mr. Chantelau asked what actually constitutes residency. Mr. Davis responded that residency is the place that you normally return to at the end of each working day and where you normally sleep. Mr. Chantelau commented it's not where you get your mail, or where you vote. Mr. Davis responded "that's right". Mr. Chantelau asked Mr. Updyke if he votes in Mount Joy Township. Mr. Updyke responded "yes I do". With no further questions, Mr. Scott moved, seconded by Mr. Chantelau, to appoint David Updyke to the Agricultural Land Preservation Board for a 5-year term through December 31, 2011. Motion carried unanimously.

Recreation Board: No monthly report, no actions taken at January meeting.

It was noted that the term of Harry Tassou had expired on December 31, 2006 and he was appointed to the Planning Commission. Alden Reese was appointed to the Recreation

Board but later decided to not accept the position. The Supervisors noted that Louis Shuba had expressed an interest in serving on the Board. Mr. Waybright moved, seconded by Mr. Scott, to appoint Louis Shuba to the Recreation Board for a 5-year term through December 31, 2011. Mr. Scott noted that Mr. Shuba has done a very good job as an Act 209 Committee member and is confident that he will do a good job on the Rec Board. With no further discussion, the motion carried unanimously.

Mr. Chantelau thanked everyone who supports the boards and commissions of the Township. He noted that Mount Joy Township has over 36 citizens serving on these boards while other townships are having trouble getting people to serve.

Other Business:

Comcast Franchise Agreement: tabled from last month. Mr. Davis stated that he and the representative from Comcast are still working on this and the agreement is not yet ready for action. Mr. Dayhoff moved, seconded by Mr. Scott, to table this issue until the February meeting. Motion carried unanimously.

New Business:

Traffic Studies: Mr. Davis noted that in following the Township's land use ordinances somebody who is planning to do a residential development asked the Township engineer what the scope is of the traffic study that is needed. Township engineer passed it on to Trans Associates, traffic engineer, for their review and comment. Trans Associates responded that when a township has completed a traffic impact fee ordinance process and where you have a proposed development in a TSA (transportation service area), the study has already been done. So there would be no need for someone who owns land in a TSA to do another study unless the assumptions made about the traffic that could be generated from that land do not match what the new proposal is intending to produce. Mr. Mains, Township Engineer, suggested that this be reviewed and also in order to protect the Township, that it might be wise if we are not going to have somebody do a traffic impact study because they are in a TSA, that a certification is obtained from the developer that the amount of traffic expected to be generated, so the Township could be sure that they are doing what the Township's traffic study predicted they would do.

Mr. Davis wrote a proposed ordinance to amend both the zoning ordinance and subdivision and land development ordinance to say that, not to repeal everything related to the need for a traffic study, but to instead say that if you are in a TSA, you need to provide a certification to the Township that the proposed traffic generation would not be greater than what the Township anticipated in its study. If it is different, then all of the elements existing in the zoning ordinance right now would be in effect. Or if a review is done every year, the TSA might be modified. The idea was to not eliminate all the traffic study language in the ordinance because it may come into play sometime.

Mr. Davis stated that he is waiting for Mr. Main's review of the proposed ordinance before the Supervisors proceed with it. Mr. Chantelau asked if the developer would have to have a qualified engineer to do the certification. Mr. Davis only stated that the certification had to be submitted to the Township engineer. If the Township engineer disputed what was in it, then the applicant would have to do a full traffic

study or provide information from a traffic engineer to our engineer's satisfaction that justifies what they submitted the first time.

The Supervisors agreed that Mr. Davis should proceed with the proposed Ordinance and have on the agenda for February for setting the date and time for a public hearing.

Zoning Hearing – Alexander: Mr. Davis reported that the challenge brought to the Zoning Hearing Board on January 11, 2007 was dismissed, ruling that the applicant had no standing.

Adjournment:

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Dayhoff, to adjourn the Supervisors' Meeting at 8:45 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary