

OCTOBER 24, 2005 SPECIAL MEETING:

The Mount Joy Township Board of Supervisors met this date for a Special Meeting, as publicly advertised, at 9:45 a.m. in the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA 17325 with Board Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, Samuel Dayhoff, George Scott; and Harold Kirschner; Solicitor Walton V. Davis; Ag Land Preservation Board Solicitor John R. White; and Secretary Brenda Constable.

Transfer Development Rights and Ag Conservation Easements:

Mr. Waybright noted that the purpose of this special meeting was to discuss and review the Township's Deed of Agricultural Conservation Easement and how it could be used in conjunction with the conveyance of agricultural easements to Mount Joy Township from "sending" properties pursuant to the Transferable Development Rights (TDRs) section of the Zoning Ordinance.

A copy of the current version of the Deed of Ag Easement was reviewed by all. Mr. Chantelau questioned if the Township really wanted to hold easements. Mr. Dayhoff stated that others could hold easements, not only the Township, such as the Land Conservancy of Adams County. Mr. Davis pointed out that in §110-155.B.(3) we [the Township] encourages the easements to go to the Township.

Discussion was held with regard to agricultural conservation versus open space. Mr. Dayhoff noted that if agricultural preservation is used then a conservation plan would be needed. The Supervisors may want to have two different agreements; one for under 50 acres, and one for over 50 acres. Under 50 acres would be for open space conservation easement, and over 50 acres would be for agricultural land easements. The Supervisors would have the discretion to decide which easement would be preferred and whether or not this would be allowed. There would be an option of giving easements, etc. to the Land Conservancy, how, etc., etc. Mr. Chantelau suggested that an "all encompassing" agreement be used. Mr. Davis suggested that the zoning ordinance be left open so that the Township would have flexibility. The Board would be looking at a permanent conservation easement. It was suggested that the Township obtain a grouping of forms from the Land Conservancy to see what could be used. Each easement considered would be a case by case basis with comments from the Planning Commission. Parameters and a check list would be needed.

It was agreed that Mr. Dayhoff would contact the Land Conservancy for sample agreements/forms. The developers that propose TDRs would need to get in touch with the Land Conservancy to obtain the appropriate agreement form.

The Supervisors would check with the Land Conservancy to see if they would agree on hold easements on land of less than 50 acres, or more than 50 acres that are non-agriculture.

Make a Policy that before plans are signed, final plans would be approved contingent on proof of recording of the TDRs.

Mr. Davis also noted a concern with regard to the liquidated clause in the proposed agreement of sale from one developer that has submitted TDRs.

With no further discussion, the meeting adjourned at 10:55 a.m.

Respectfully submitted,

Brenda J. Constable, Secretary