

**Mount Joy Township Supervisors’
Supervisors’ Regular Meeting
October 15, 2015**

Meeting Minutes

Present: John Gormont, Chairman; David Updyke, Vice-Chair; Gil Clark; Dennis Bowman; Bradley Trostle; Susan Smith, Solicitor; Sheri Moyer, Secretary

The Mount Joy Township Board of Supervisors met this date, as publicly advertised, at the Mount Joy Township Building located at 902 Hoffman Home Rd., Gettysburg, Pennsylvania.

Call to Order: John Gormont, presiding.

Starting Time: 7:00 PM

Pledge of Allegiance

Public Comments: Sindy Jennings said she wanted to express her disappointment and disgust at the inappropriate behavior of a Supervisor at the Planning Commission meeting. The Planning Commission group was yelled at and insults were thrown. This type of behavior was unbecoming of a township citizen much less an elected official. Ms. Jennings request is that the Planning Commission members be treated with respect and courtesy.

Ms. Jennings also stated that the Planning Commission and the office staff be granted the 15 days to review any proposals they need to vote upon. She stated it was very unfair to get blasted at the last moment and she felt what was done to the staff here was equally unfair because the staff really had the burden of it. She is requesting that everybody gets their due time for reviews.

Approval of Minutes:

- Supervisors’ Regular Meeting Minutes, September 17, 2015. Mr. Updyke moved, seconded by Mr. Trostle, to approve Minutes as presented. Motion carried unanimously.
- Supervisors’ Workshop Meeting Minutes, October 1, 2015 – meeting cancelled

Chairman’s Comments: None.

Solicitor’s Report: Mr. Updyke moved, seconded by Mr. Bowman, to accept the report as presented. Motion carried unanimously.

Persons Requesting Time on Agenda: None.

Announcements: None.

Treasurer’s Reports:

- Approval of Monthly Finance Report. Mr. Bowman moved, seconded by Mr. Updyke, to accept the report as presented. Motion carried unanimously.

- Approval of Bills Paid Report. Mr. Bowman moved, seconded by Mr. Updyke, to accept the report as presented. Motion carried unanimously.

Road Report: Mr. Updyke moved, seconded by Mr. Trostle, to accept the report as presented. Motion carried unanimously.

Subdivision and Land Dev.:

- Ratify Supervisor Poll regarding Link plan: Mr. Gormont said there was a request to waive the 15 day deadline for plan submission for a plan that was submitted. This was done via the secretary polling the Supervisors. This is to affirm that vote. Mr. Bowman moved, seconded by Mr. Updyke to ratify the poll of the supervisors requesting a waiver of the 15 day requirement to a subdivision plan review. Motion carried unanimously. Mr. Gormont said the motion was to waive the 15 day period for the submission of plans for the Planning Commission based upon plans that had previously been issued and this was a new plan to change that plan. Mr. Gormont requested that for the record everybody acknowledged the vote that they offered for this ratification. Mr. Bowman voted in favor of waving the 15 days. Mr. Updyke denied it. Mr. Clark voted in favor. Mr. Trostle abstained. Mr. Gormont voted in favor.

- Amended Preliminary/Final Subdivision Plan for Richard A. and Bonni L. Klein: Mr. Vranich provided some background on the plans that were submitted so that the Board knows there are a couple of things that need to be cleaned up as we go through this process. There was a preliminary/final subdivision plan submitted for Powder Creek – Phase I development which was for 14 lots and was dated June 8, 2015 and submitted back in July. It was reviewed and comments issued. Subsequently Martin & Martin submitted a plan to the Township that basically went from 14 lots to one lot. The plan was titled “Final Subdivision Plan for Lot #10” dated September 29, 2015 and submitted on October 2, 2015 that referenced the prior approved preliminary plan. This is the plan that the Board acted on to waive the 15 day review period. Following that, Mr. Vranich indicated that the plan submitted to the County was a little different from the one submitted and reviewed by the Township. The plan submitted to the County was not received by the Township. Following that, on Monday, the Township received an Amended Preliminary/Final Subdivision Plan for Richard A. and Bonnie L. Klein which is the plan that Ms. Hare and Mr. Vranich reviewed and issued comments dated October 13, 2015. This is the plan that went before the Planning Commission. The Township received comments from Adams County for that plan and noticed there were discrepancies for that plan. Mr. Vranich indicated he went down to Adams County Planning office and they had a different plan than what was submitted to the Township. The plan that the County had showed some different notations and different information on it than what was reviewed by Ms. Hare and Mr. Vranich and also reviewed by the Planning Commission. Mr. Bowman questioned if it was just that the notes were different. Mr. Vranich indicated that the lots were identified differently, they were referenced differently than what was reviewed. The layout was similar but there were differences references and notes.

Ms. Smith questioned if the County comments were for the plan that Mr. Vranich just described. Mr. Vranich indicated it was. Ms. Smith stated that the MPC requires that they provide the County 30 days to comment on a plan and it specifically states that the Board cannot act on a plan until you receive their comments. The problem presented to the Board is that they have comments not on the plan submitted to the Township but a plan that was submitted only to the County. Ms. Smith said she did not believe the MPC will allow the Board to act upon this plan since they do not have County comments.

Mr. Courtney, Attorney for Richard and Bonni Klein, offered some clarification. He stated the County reviewed a plan that had identified what is currently "Lot 2" had it listed as "Area 2A". A small triangular portion that belonged to the Links was to be added to the lot to be created and conveyed. The plans were revised, not substantively in terms of lot lines and lot configurations. It was revised in three respects. One was the title of the Plan. Mr. Courtney said that all reference to Powder Creek was removed and this was just a lot subdivision plan. Secondly, the notations on the areas that were identified as "Lot" were changed to "Area". They also changed the purpose note to make it more clear in terms of exactly what was happening. Mr. Courtney said that what the County has reviewed substantively is the same plan just a different purpose provision and different notations in terms of the areas but the proposed subdivision the areas that were to be combined and consolidated are all the same. The area of the new Lot 2A to be created is the same. So it is the same plan.

Ms. Smith said that the fact is the plan submitted to the Township is not the plan that was submitted to the County. It doesn't matter if there is one change or multiple changes it is not the same plan. She questioned if they were submitted to the Township and County on the same day and Mr. Vranich indicated they were submitted to his office and the Township on Monday and the County on Tuesday. Mr. Vranich also noted that the date was not different. There was no revision date.

Ms. Smith said the Board has heard there are two different plans and advised the Board of what the MPC requires.

Mr. Trostle moved, seconded by Mr. Updyke, to table the plan until more of the outstanding comments have been addressed.

Mr. Courtney said the Plan that was submitted to the County is a Lot 2 submission plan with the only changes being the notations. If that is the plan to take action on then we ask you to take action on that plan and they would make the notation changes before the plan is signed and recorded. Mr. Trostle asked Mr. Courtney to clarify his motion to table the plan – which plan do you understand it to be. Mr. Courtney said he understood that the plan with the notation differences that the County did not have. Ms. Smith said the County received more plans than the Township did. Mr. Courtney questioned "Did the County get more plans?" Ms. Smith said they received plans that were different than what was submitted to the Township.

Mr. Courtney questioned if the Township has what the County has. Mr. McDowell said, "No." Ms. Smith said the plan that the County reviewed was never received by the Township.

Mr. Courtney questioned what plan does the County have? Mr. Vranich said the plan has the same date as the Township plan but the Township plan does not discuss Lot 2C and the plan purpose is different but the plan at the County has the same date. Mr. Vranich said that the Township does not have the plan that the County has and the County does not have the plan the Township has.

Ayes – Mr. Gormont, Mr. Trostle, Mr. Updyke; Nay – Mr. Bowman, Mr. Clark. Motion carried.

Ms. Smith questioned Mr. Trostle if his understanding of his motion to table the plan was to stop consideration of the plan tonight. Mr. Trostle said that was correct. Ms. Smith then questioned

the remaining members of the Board when they voted did they understand that to be the motion. All responded, "yes."

Mr. Courtney requested some feedback on the modifications tonight as opposed to next month.

Ms. Smith put the question before the Board. "You have chosen not to deliberate the plan. Do you wish to take up the issue of the modifications which all relate to lot frontage?" The Board decided to take up the modifications. Ms. Smith said the modifications relate to two provisions of the PCG section of the zoning ordinance relating to frontage and to a frontage provision that appears in the SALDO.

Mr. McDowell pointed out on the plan the lot which currently has a house built on it. With the property subdivided it will be .979 acres and will not have any frontage on any public or private street but has access to Mason Dixon Road via an existing driveway which would be contained within a proposed easement and an easement agreement for any purchaser of the lot. To subdivide the lot they need relief from the zoning ordinance and the SALDO requirement for lot frontage. Mr. McDowell indicated that the larger portion of the lot being subdivided off the piece with the house would then become part of and included within a future development and would allow for development in accordance with the Conditional Use Plan approved for a future private street.

Mr. McDowell stated that if the sale of the home cannot be done within a lot that is limited, the future development of the community would be at stake. It would be at stake if the subdivision does not occur. Should the current area transfer out of control of the Links at Gettysburg the future development of the community could not occur as currently approved.

Mr. Gormont questioned why they are not including the rest of the development of Powder Creek.

Mr. Courtney said this plan that you have, the Powder Creek plan, is the original plan that was submitted for the purpose that Rick could sell the lot. That's what this plan is about. It's about the creation of a smaller house lot that Rick can sell. That's what this plans about. It's not about creating Powder Creek. So what's going to happen is that this house is going to function just as it does today. It has an access, and it will continue to have an access to a public road. It's going to function no differently.

Mr. Updyke said that in his mind this starts Powder Creek. It starts some kind of a timeline on how long that road can be delayed. Whether it be one year, five years, whatever it might be. Mr. Courtney said this is not like they are saying they do not want to do Powder Creek but we want to put a lot in there so we can build a home on it. It is an existing condition. We are accommodating that, recognizing that it is a home, putting it on a smaller lot and recognizing the existing access and covering that via an easement. Mr. Courtney said he understands what Mr. Updyke is getting at but that it is an existing home and an existing driveway. Mr. Updyke said that the larger parcel is being transferred to what is considered Powder Creek. Mr. Courtney said it always was a part of Powder Creek. Mr. Gormont said he does not agree with the statement that it was always a part of Powder Creek because it is a deeded lot. A separately deeded lot to Bonni and Rick Klein. Mr. Courtney said it is part of the Powder Creek Plan and it does not matter because its all related entities. Mr. Courtney said we are not starting Powder Creek because this unit already exists. Mr. Updyke said this triggers some kind of timeline. It may be

five, ten years but it has to start. He then questioned, if they are saying they may never develop it? Mr. Clark questioned Mr. Updyke if he would be for this if there is some kind of timeline? Mr. Updyke said he believes this is starting the development and he believes that within five years the road should be constructed.

Ms. Smith said that she spoke with Mr. Courtney explained the preliminary plan approved in 2008 was extended by the Permit Extension Act but it expires in July next year. Mr. Updyke said we already have a house in Powder Creek. Mr. Trostle said that this is a creation of a potential permanent condition and that Mr. Updyke has concerns with that. Mr. Courtney said that permanent condition is the same that exists today. It could be permanent forever. Mr. Gormont said its part of 4.5 acres. Mr. Courtney said its function is the same.

Mr. McDowell said, "It currently does not meet your frontage requirement. The existing lot if that makes any bearing on this waiver. There is 125 feet and the minimum width is, I believe 220 for on-lot sewer and water in Rural Residential. So it is nonconforming for frontage currently."

Mr. Updyke questioned, when the sewer and water is being hooked up? Mr. McDowell said that once the plan is approved the sewer and water will be hooked up. Ms. Smith said the sewer and water is temporary by the plan content and it expects the Powder Creek sewer and water lines coming down Cantor would be constructed. Mr. McDowell said this lot was already planned for and the utilities have already signed off on it. Ms. Smith asked if they have submitted and gotten approved for the tie-ins.

Mr. Trostle said that for the plan that was tabled there were 30 comments from the engineer and that he doesn't feel the need to talk about it at this point and time until the plan is on the table.

Mr. Courtney said he agrees. He wanted to get a read from the Board regarding the modification. Ms. Smith said the Board, if they desire, can act on the modifications or can table that as well.

Mr. Vranich indicated that there are three sections that need to be handled separately. So the motion was changed to reflect the modification of SALDO 86-22B.(1) provision. Mr. Vranich said that the Planning Commission in a roundabout way indicated they were okay with that. The motion was to deny and there was a dissenting majority. Mr. Vranich indicated that Rick and Bonni Klein are requesting a waiver from that section. A waiver from that section would remove the requirement so they could create a lot without frontage

Mr. Clark pointed out that the Office of Planning and Development for Adams County specifically addressed this point of access to a road. Mr. Trostle requested he read the report. Mr. Clark read, "It is understood the proposed lot would not have public road frontage and will need to be accessed across lands that will be owned by The Links at Gettysburg, LLC. We do not object to this configuration over the short term provided the Township is agreeable." Mr. Clark said they recognize, that this is going to be integrated into Powder Creek development with its own water and sewer and road frontage.

Mr. Vranich read SALDO 86-22B.(1). All lots shall front upon a dedicated public street (existing or proposed), or upon a fully improved private street constructed to Township specifications as set forth in this chapter. Lots fronting upon unimproved private streets or not fronting upon a

street shall not be approved. Mr. Vranich indicated that they have requested a waiver from that section. A waiver from that section would remove the requirement so they could create a lot without frontage. Mr. Bowman moved, seconded by Mr. Clark, that the permanent easement be established to access Mason Dixon Road until such time as Powder Creek is developed and the Powder Creek road then fronts this property. Ayes – Mr. Bowman, Mr. Clark, Mr. Gormont, Mr. Trostle; Nay – Mr. Updyke. Motion carries.

Mr. Vranich said that now they going into zoning. The first modification is ZO 110-70.C(h) All lots depicted in and upon the PGC plan which are proposed for fee-simple conveyance by the applicant/developer, regardless of the proposed form of ownership thereof, shall front on or have access to public (or proposed public) road/street. All dwelling units constructed within a PGC shall front on or have access to an internal public or private street or access drive system.

Mr. Vranich said that this is something that will need to have permanent access easements through that lot to Mason Dixon Road. If suitable access agreements are depicted and presented to the Township then that modification would not need action. If agreements not suitable to the Township are presented then they would need to take action on this modification.

Mr. Courtney said they will not need that modification, they will have a suitable agreement and will show it on the plans.

Mr. Vranich said finally the last modification is ZO 110-70.C(3)(c)[6] All single-family detached residential lots created in a PGC shall front on proposed public or private streets as defined hereinabove, for which design criteria are set forth in Chapter 86, Subdivision and Land Development, and Subsection C(5)(k) herein below. Mr. Bowman moved, seconded by Mr. Clark to allow the modification. Ayes – Mr. Bowman, Mr. Clark, Mr. Gormont, Mr. Trostle; Nay – Mr. Updyke. Motion carries.

Engineering Report: Mr. Trostle moved, seconded by Mr. Bowman, to accept the report as presented. Motion carried unanimously.

Zoning Officer/Code Enforcement Officer’s Report: Mr. Trostle, moved, seconded by Mr. Clark, to accept the report as presented. Motion carried unanimously.

Land and Sea Services, LLC, Building Inspections: Mr. Trostle moved, seconded by Mr. Updyke, to accept the report as presented. Motion carried unanimously.

Open Records Officer Report: None.

Fire Company Reports:

	MJT Calls per month	YTD Calls in MJT
1. Alpha Fire Company	1	27
2. Barlow Fire Company	3	38
3. Bonneauville Fire Co.	0	22
4. Gettysburg Fire Co.	2	29

Mr. Bowman moved, seconded by Mr. Trostle, to accept the report as presented. Motion carried unanimously

3rd quarter statement from Barlow Fire Company and Gettysburg Fire Company: The Board acknowledged receipt of the third quarter financial statements from both Barlow Fire Company and Gettysburg Fire Company. Mr. Bowman moved, seconded by Mr. Trostle, to accept the reports as presented. Motion carried unanimously

Correspondence:

- Letter dated September 29, 2015 from DEP regarding General Permit Acknowledgement Notification for Lake Heritage Aeration System
- Letter dated October 2, 2015 from Plenary Walsh Keystone Partners notifying Township of their application to Bureau of Waterways Engineering and Wetlands General Permit for bridge repair on Rte. 97

Committee/Board Reports:

- Personnel (B. Trostle, D. Updyke): No report.
- Finance (J. Gormont, D. Updyke): Mr. Updyke said each Supervisor received a draft of the budget for review and will be discussed at the workshop meeting in November.
- Planning Commission: Monthly report presented. Mr. Bowman moved, seconded by Mr. Trostle, to accept the report as presented. Motion carried unanimously.
- Planning, Land Use & Zoning (D. Bowman): No report.
- Building & Grounds (G. Clark): No report.
- Roads (J. Gormont): Mr. Gormont said the tar and chipping has been completed and that line painting is scheduled to be completed within the next couple of weeks.
- Public Safety (G. Clark) Mr. Clark said he was notified by Barlow Fire Company that they met with Gettysburg Fire Company to begin discussions for a merger. Mr. Clark indicated that he did not feel there were any obstacles to prevent this merge. He will keep the Board informed as things progress.

Mr. Clark also spoke about Alpha Fire Company. He spoke with Mr. Laughman. Mr. Laughman indicated they are putting 1 million dollars into the building fund and that all the equipment is paid for. Mr. Clark said he would like to wait to see how much money they receive in grants or other options and then decide if the Township wants to contribute. Mr. Laughman indicated that most of the active members are paid professionals working in Maryland. He did not feel they had any personnel problems. Mr. Bowman said Alpha's focus is on how to create incentive for people to join them and helping them through the training process.

Business:

- Ratify authorization of signature on 71 Miller Road Agreement: Mr. Trostle moved, seconded by Mr. Bowman, to ratify the authorization of the Chairman's signature on the agreement regarding 71 Miller Road. Motion carried unanimously.
- J.P. Harris Associates Delinquent Tax Collector Agreement – Authorize Signature: Mr. Gormont explained that J. P. Harris Associates is the company the Township hired to collect delinquent taxes. Their services have been utilized by the Township for the last three years. Mr. Bowman moved, seconded by Mr. Trostle to authorize signature of the J.P. Harris Associates Delinquent Tax Collector Agreement which will be in effect for 2015, 2016, and 2017. Motion carried unanimously.

- Holding Tank Permit Agreement – Authorize Signature: Ms. Moyer indicated that this is a standard form agreement taken directly from the ordinance regarding a holding tank. Mr. Vranich indicated that a holding tank is only permitted for a system that has failed and there are no other septic system options. Mr. Clark moved, seconded by Mr. Bowman, to authorize signature of the Holding Tank Permit Agreement regarding 455 Plunkert Road. Motion carried unanimously.

- UCC Contract and Fees Resolution: Ms. Smith said we met with MDIA who had a standard contract who made some changes appropriate to this Township. Their principal has approved that and so before the Board is the contract. The second piece was their fee schedule. Nothing was excessive as to their fee schedule so before you is a resolution to adopt that fee schedule and to agree to enter into the contract. Mr. Bowman moved, seconded by Mr. Trostle to adopt resolution 13 of 2015. Motion carried unanimously.

Mr. Bowman moved, seconded by Mr. Trostle to enter into the contract with MDIA. Motion carried unanimously.

- Resolution – Stormwater Operation and Maintenance Agreements: Mr. Vranich said this is to authorize the appropriate person to sign those documents for levels 3 and 4 stormwater development for single family dwellings, additions. Any development plans would come before the Board for approval. Mr. Vranich would present the Township with an authorization letter for each agreement and he will provide that action back to the Board. Mr. Trostle moved, seconded by Mr. Clark to approve Resolution No.14 of 2015 Stormwater Operation and Maintenance Agreements. Motion carried unanimously.

- Brine Contracts: Mr. Gormont said there are brine contracts for both the Links and Lake Heritage. Ms. Smith said these drafts are for approval of the format of the agreement. Mr. Clark said that he believes the agreement would be with the Masters Association from Links. Ms. Smith said that if the Board can approve the format then any entity that may come before the Township we could use the agreement. Ms. Smith said if the Board would agree to the format there would need to be a motion to authorize the Chairman to sign on behalf of the Township and agreement with one of the two developments if they were to take brine. Mr. Trostle questioned if the only change would be the first paragraph and signature lines for the entity who the contract would be with. Ms. Smith indicated that was correct. Mr. Updyke moved, seconded by Mr. Trostle to authorize the signature of the Chairman to the brine contracts. Motion carried unanimously.

- Zoning Ordinance – Lighting: Ms. Smith said that before them is a draft article regarding lighting for their review and comments. The discussion will be placed on the agenda for the Workshop meeting.

- Zoning Hearing Board Decision: Ms. Smith said the Zoning Hearing Board held a hearing on the Felty bus proposal to store their buses, maintain their buses here in the Township. Ms. Smith said she appeared on the Township's behalf. Through Ms. Hare's testimony and cross examination of the principal for the bus company they were able to get the Board to propose several conditions and the opposition accepted them on the record. The decision was distributed with the conditions listed:

1. Parking of four (4) double-decker buses would be primarily done inside the building;

2. Fourteen (14) standard buses with the possibility of increasing the fleet to thirty-five (35) buses would be parked outside the building;
3. The only passenger vehicles parked at the Property would be those of the bus drivers and other employees of the facility located on the Property;
4. The Property will not be open to the public;
5. Bus cleaning would be performed primarily inside the building but occasional outside cleaning is permissible provided it is the exception rather than the rule regarding the place of cleaning;
6. All work on bus audio systems would be done inside the building structure;
7. Bus fueling and filling of bus tires with air would be conducted outside of the building;
8. There will be no trucks, no tire replacements, no vehicle repair, no major body nor mechanical work performed on the Property;
9. There will be no junked vehicles stored at the Property;
10. The proposed use and Property must remain in compliance with the conditions described at Ordinance §110 attachment 6 (Dimensional Requirements) and any other applicable sections of the Ordinance.

Mr. Smith questioned the Board if they had any intention of appealing this decision. Ms. Smith counseled that she saw no reason to appeal the decision. The Board by administrative decision said they had no reason to appeal the decision. Ms. Smith will relay this information to their counsel.

Executive Session: None.

Adjournment: With no further business to be discussed by the Board, Mr. Updyke moved, seconded by Mr. Clark, to adjourn the meeting. Motion carried unanimously. Meeting adjourned 8:49 p.m.

Respectfully Submitted,

Sheri L. Moyer
Secretary