

Mt. Joy Township Supervisors' Regular Meeting November 18, 2010

Meeting Minutes

Present: Board Chairman - John Gormont; Supervisors - David Updyke, Gilbert Clark, Michael Gearhart, Robert Rhodes;
Solicitor - Susan Smith; Zoning Officer – Cindy Smith; Secretary/Treasurer - Susan Harbin.

48 Number of Residents Signed Attendance Sheet for this meeting.

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, PA 17325.

Item/Topic	Discussion	Action/Resolution	Follow Up/ Date
Call to Order	John Gormont presiding. Starting Time: 7:00 pm		
Pledge of Allegiance			
Approval of Minutes	<ol style="list-style-type: none"> 1. October 21, 2010 Supervisors' Regular Meeting Minutes. 2. October 21, 2010 Public Hearing Meeting Minutes. 3. November 4, 2010 Workshop Hearing Minutes. 4. November 4, 2010 Public Hearing Minutes 	<p>Mr. Updyke moved, seconded by Mr. Gearhart, to approve the October 21, 2010 Supervisors' Regular Meeting Minutes. Motion carried unanimously.</p> <p>Mr. Rhodes moved, seconded by Mr. Clark, to approve the October 21, 2010 Public Hearing Meeting Minutes. Motion carried unanimously.</p> <p>Mr. Updyke moved, seconded by Mr. Gearhart, to approve the Nov. 4, 2010 Supervisors' Workshop Meeting Minutes. Motion carried unanimously.</p> <p>Mr. Updyke moved, seconded by Mr. Gearhart, to approve the Nov. 4, 2010 Workshop Meeting Minutes. Motion carried unanimously.</p>	
Chairman's Statement – John Gormont	<ul style="list-style-type: none"> • Smith, Elliot, Kearns & Co. will be auditing the Township financial information for 2010. • Young student requesting approval to put up signs in the Township to remind residents to 'Go Green'. 		

Solicitor's Report – Susan Smith, Esq.		Mr. Rhodes moved, seconded by Mr. Gearhart, to accept the Solicitor's Report as presented. Motion carried unanimously.	
1. Requests by Board Members for Legal Review/Advice	<ul style="list-style-type: none"> • Reduction to part time/unemployment benefits • Fire protection services • Outlets Conditional Use 		
2. Requests by Administrative Staff for Legal Review/Advice	<ul style="list-style-type: none"> • Links fire hydrants escrow proposal • Board agenda • Zoning map/ordinance amendments 		
3. Requests From Zoning Officer for Legal Review/Advice	None		
4. Requests From KPI for Legal Review/Advice	None		
5. Attorney Items	<ul style="list-style-type: none"> • Alexander – brief in opposition to appeal from ZHB decision denying <i>in forma pauperis</i> status • Alexander – Turn-back program letter • Links, Phase I – performance security posting • Steelworkers Union election and bargaining unit – collective bargaining agreement status (monitoring) • Right-To-Know – report on Open Records Office Determinations of particular interest <ol style="list-style-type: none"> 1. Response to request for electronic communications made or received on personal computers must include affidavit of search for/production of records by individual owner of the personal computer; municipality held accountable for refusal of municipal official to perform search/produce records/produce affidavit 2. Requester claiming that not all records have been produced must state/describe with specificity the records claimed to have been withheld 3. Although draft ordinances are the subject of a specific exception to production, correspondence relating to such draft ordinances must be produced (subject to appropriate redaction) • Pending or enacted statutory law or regulations – report on matters of particular interest <ol style="list-style-type: none"> 1. Act 90 (SB 900) Authorizes the county courts of common pleas to establish “housing courts” with exclusive jurisdiction to hear (i) criminal and civil actions concerning health, safety or welfare of an occupant or place of human habitation; (ii) land use appeals under the MPC relating to single family and multifamily properties or the establishment of historic districts; (iii) appeals under the Local Agency Law or otherwise relating to the housing, building, safety, plumbing, mechanical, electrical, health or fire ordinances and regulations of a municipal corporation; (iv) matters under the Landlord and Tenant Act involving a place of human habitation; matters under the Pennsylvania Construction Code involving a place of human habitation; also authorizes the PA Supreme Court to establish a statewide housing courts coordinator; also establishes the Neighborhood Blight Reclamation and Revitalization Act for actions against property owners with “serious violations” (poses an imminent threat to the health and safety of the occupant, occupants of surrounding structures or passerbys) or “final and unappealable tax, water, sewer or 		

	<p>refuse collection delinquency”, which authorizes the denial of government permits and approvals, including building permits, occupancy permits, “exceptions to zoning ordinances; and “approvals pursuant to land use ordinances other than decisions on the substantive validity of a zoning ordinance or map or the acceptance of a curative amendment</p> <p>Signed into law October 27, 2010; effective in 180 days</p> <p>2. Act 88 (SB 298) amends the PA Farmland and Forest Land Assessment Act to permit the split off of land for surface oil and gas facilities and not imposing any rollback for subsurface facilities. Signed into law October 27, 2010; effective in 60 days</p> <p>3. Act 102 (SB 1429) amends Title 53 to provide further process (joint agreement; initiative; approval by electorate) for consolidations and mergers of municipalities Signed into law October 27, 2010; effective in 60 days</p> <ul style="list-style-type: none"> • Court and ALJ decisions – report on decisions of particular interest <ol style="list-style-type: none"> 1. (Commonwealth Court) Standing to appeal from decision on subdivision/land development plan does not require participation in municipal proceeding 2. (CCP Lancaster County) Act 46 (Permit Extension Act) is a tolling statute; time periods were suspended upon effective date of the Act and restart in July 2013 	
<p>6. Action Items for the Board</p>	<ul style="list-style-type: none"> • Links Fire Hydrants Agreement, continuing to work on this. 	
<p>Persons Requesting Time on Agenda</p> <p>1. Allen Baldwin, Gettysburg Fire Company Chief, Representative for 4 Area Fire Companies</p>	<p>Mr. Baldwin thanked Board of Supervisors for listening to the concerns of the 4 fire companies supporting Mt. Joy Township. Barlow, Bonneauville, Gettysburg, and Littlestown (Alpha) Fire Companies asking Mt. Joy Township to re-establish the Fire Tax or give enough monies to cover lost income from the Fire Tax. Mr. Baldwin explained that the fire companies cannot operate with less income without cutting back on their services and that a reduction of municipality contribution of 60% would not allow the fire companies to maintain current services to Mt. Joy. Insurance may be affected due to longer response time. Gettysburg Fire Company has one full-time EMS on duty, round the clock. Bonneauville and Alpha have limited paid staff and volunteers on weekdays and weekends. All the staff is paid by the fire companies. Ambulance service must respond quickly, time is of the essence. Mr. Baldwin stated that is the fire companies can no longer provide staff and services for Mt. Joy, how will the Township supply mandatory emergency services to the residents? The 4 fire companies represented have spoken to other area municipalities requesting increase in contributions. Some authorities are discussing implementing a Fire Tax. Consolidation of fire services/companies within Adams County is also being discussed. The 180 fund raisers and donations from 25% of area residents do not bring in enough revenue to operate these fire companies. The fire companies understand the tough financial times for the municipality, however, Mr. Baldwin commented that the fire companies are also going through a difficult financial situation. The average emergency service calls are over 300 per yr. with an average call time of 1 hr. on the scene. This does not include the work afterward in preparing for the next call. It was stated that \$.77/wk per resident would support the fire companies and protect families in Mt. Joy.</p>	

2. James Brown, Pres., Barlow Fire Company	Mr. Brown thanked the Supervisors for listening to the concerns of the financial needs of the fire companies servicing Mt. Joy Township. He commented that he initially thought the Fire Tax was a bad idea, but after the first year, found it was a good thing for the residents. Residents could see where their tax dollars were being spent. Previous to the fire tax, most residents did not know the Township had been contributing to the fire companies out of the general fund for years. Mr. Brown also stated that the Fire Tax proved that Mt. Joy supported the fire companies and he thanked residents for donations made to the fire companies. Comments were made concerning dedication of volunteers and essential training without any compensation. Mr. Brown clarified contributions made to the Barlow Fire Company during the year 2009.	
3. Rick Klein/Dave Christensen, Noise Ordinance for Mt. Joy Township	Dave Christensen, consultant, working with Rick Klein of The Links, and also Olivia's, in reference to noise violations. Mr. Christensen is retired from PA state police, Bureau of Liquor Control Enforcement, where he served for 26 yrs. According to the Liquor Code, a licensee may not use a loudspeaker or similar device whereby the sound of music can be heard on the outside of the licensed premises, with fines ranging from \$50 and up and a possible suspension of the liquor license. However, the Liquor Code allows municipalities to petition the Board for an exemption from the Board's Regulations regarding amplified sound being heard off the licensed premises. The Township would adopt a local noise ordinance and enforce it. Mr. Christensen is suggesting that after 1 yr, if the Township no longer wants to carry the responsibility of a noise ordinance, the Township can turn the responsibility back over to the state. Attached: 1. Sample letter – Exemption from the Board's Noise Ordinance 2. Oxford Township, Adams County, Noise Ordinance #30	Forward to Supervisors' Workshop Mtg., 12/2
4. Rick Klein, Walking Trails	See attached development plans. Mr. Klein is requesting approval from the Board of Supervisors, for The Links at Gettysburg to temporarily use golf cart trails for pedestrian walking (during limited hours), while official walking paths/trails are being constructed.	Forward to Supervisors' Workshop Mtg., 12/2
Public Comment 1. William Chantelau	Mr. Chantelau encouraged serious consideration of financial support for the 4 fire companies currently servicing Mt. Joy Township. He reminded the Supervisors of the numerous hours of mandated training for emergency service volunteers. He also commented on the great expenses involved with fire companies maintaining their services to the community. Mr. Chantelau stated that a dedicated Fire Tax involves all residents paying a fair share to support emergency services, and that the Township is responsible to supply emergency services to the residents of Mt. Joy.	
2. Carol Holtz	Ms. Holtz thanked all the fire personal for their dedicated service to the community. She commented that she does not believe anyone is against paying for fire protect and understands that the expense of operating a fire company is great. She is asking clarification concerning the cost per call by the fire companies vs. the cost paid by residents of Mt. Joy per call. Some Townships/Municipalities are paying \$32 per call, \$300, \$400 per call, but Mt. Joy is paying over \$1,000 per call. This does not seem to be based on population, or the number of calls. Looking at the cost per resident, one municipality per resident is paying \$.51 per call, yet Mt. Joy is paying \$26.00 per call per resident. Ms. Holtz cannot understand how all the townships/municipalities can be receiving	

	the same services, and why Mt. Joy Township is burdened with such a high cost to support emergency services.	
3. Additional Residents Comments: Steve Felix, Matt Sentz, Paul Stavely, Bernie Hueskin	Concerns expressed: Family safety; response time for fire companies due to cut backs if contributions are reduced; increased homeowner's insurance if fire companies have longer response time to emergency situation; asking clarification for why Mt. Joy contributes more than any other municipality/township in contributions; asking if Mt. Joy will provide a private fire company if 4 current fire companies will not continue to support Mt. Joy; and conflicting information with numbers and dollars when comparing notes on finances from both sides.	
Supervisor Gormont Response	Mr. Gormont thanked the fire companies for attending this meeting and residents expressing comments. The Township wants to help the fire companies, and has been working on a plan. Mr. Gormont has a proposal to share with the fire companies when they set up a meeting to discuss financial contributions. Mt. Joy wants to equalize the funding with other municipalities/townships and will work toward this goal and is asking the fire companies to work with Mt. Joy to come to a mutual agreement.	
Announcements	No announcements at this time.	
Treasurer	Approval of monthly report Approval Bills Paid Report.	Mr. Gearhart moved, seconded by Mr. Updyke, to accept the Treasurer's Report as presented. Motion carried unanimously. Mr. Updyke moved, seconded by Mr. Rhodes, to accept the Bills Paid Report as presented. Motion carried unanimously.
Subdivision and Land Development Plans 1. ACT 209 Traffic Impact Fees Reimbursements		Mr. Updyke moved, seconded by Mr. Gearhart, to reimburse Traffic Impact Fees. Motion carried unanimously.
Road Report	See attached report.	Mr. Rhodes moved, seconded by Mr. Gearhart, to approve the Road Report as presented. Motion carried unanimously.
Zoning Officer's Report Cindy Smith	<ul style="list-style-type: none"> • Zoning permits - 4 • Completed and returned finalized GP-11 reporting form to Army Corp of Engineers for Krug Rd culvert. • Worked with township administrative staff updating code books. • Answered numerous inquiries of township residents regarding the county assessments, general zoning issues, sub-division and land development planning and zoning hearing process. • Reconciliation of Storm Water Management fee accounting • Finalized tracking and reviewing the following 2 sub- 	Mr. Rhodes moved, seconded by Mr. Gearhart, to accept the Zoning Report as presented. Motion carried unanimously.

	Division applications: 1. Hubbard Plan 2. The Villa's @ the Links		
Land and Sea Services, LLC, September 2010 Building Inspections	See attached report.	For Information.	
Open Records Report 1. William Chantelau	<ul style="list-style-type: none"> • Letter from Gettysburg Fire Company Fire chief Allen Baldwin • Zoning officers report for January 2010 		
Correspondence	<ul style="list-style-type: none"> • DCNR letter dated Nov. 8, 2010, approval of extension of the term of grant agreement. • SPCA letter dated Nov. 9, 2010, requesting contribution • Pagano letter dated Nov. 12, 2010, fire works complaint • Bennett letter dated Nov. 18, 2010, concern over cutting fire company contributions 		SPCA Contribution Forward to Supervisors' Wkshp Mtg, 12/2
Committee Reports <u>Personnel</u> - G. Clark, J. Gormont 1. Temporary Road Crew Workers for Snow Removal 2. Road Crew Work Hours		<p>Mr. Clark moved, seconded by Mr. Updyke, to reduce the hours of the road crew from 40 hrs. per week to 25 hrs. per week. Supervisors Clark, Updyke, and Gearhart voted yea, Supervisor Rhodes voted nay. Motion carried.</p> <p>Mr. Updyke moved, seconded by Mr. Clark, to implement 25 hr. work week for the road crew effective Nov. 25. Supervisors Clark, Updyke, Gormont and Gearhart voted yea, Supervisor Rhodes abstained. Motion carried.</p>	
<u>Finance</u> – J. Gormont, D.Updyke	If 2011 Tentative Budge is revised and increased any major category by 25%, the Township must re-advertise 20 days prior to adoption by the Board. Budget must be approved by Dec. 31, 2010.		
<u>Auditor's Report</u>	Nothing to report at this time.		
<u>Planning, Land Use & Zoning</u> - G. Clark, R. Rhodes	Nothing to report at this time.		
<u>Building & Grounds</u> – D. Updyke, M. Gearhart	Nothing to report at this time.		

<u>Roads</u> – D. Updyke, R. Rhodes	1. Request for approval of purchase of a 20 ton jack for trucks in the event of a breakdown in the winter, approximate cost is 2K 2. Straband Township is requesting an agreement with Mt. Joy to re-enforce Mt. Joy's section of Mt. Joy Rd., located behind Lake Heritage. Straband did construction work on the road and now Mt. Joy section is muddy. This section is used by Straband for truck turn-around of maintenance vehicles. The cost is approximately 1K. 3. Wants to consider renting a truck when needed for snow plowing, resident of Township is available 24/7 if needed, owns his own equipment complete with plow, spreader. With extra state roads to cover, Mr. Rhodes wants a backup plan. 4. Snow Removal Plan, attached: A. Procedures For winter Maintenance Of Township Roads B. Procedures For Snow Removal C. Mt. Joy Township Road Crew Phone List		Straband 1) 1)Straband Township Request & 2)Truck Rental Forward to Supervisors' Workshop Mtg., 12/2
<u>Public Safety</u> - G. Clark, M. Gearhart	Nothing to report at this time.		
<u>Council of Government</u> J. Gormont, G. Clark	Supervisor Gormont attended a meeting this morning. Computer security and internet security were discussed. COG is interested in working with the Public Works Cmte. by ordering safety break away poles for Stop Signs, etc. A presentation will be given on Code Enforcement and municipality options to opt in and opt out.		
<u>Historical Committee</u>	October 3, 2010 mtg cancelled due to no quorum.		
<u>Ag Security Planning Committee</u>	Nothing to report at this time.		
<u>Strategic Planning Committee</u>	Nothing to report at this time.		
<u>Agricultural Land Preservation Board</u>	Nothing to report at this time.		
<u>Recreation Board</u>	Nothing to report at this time		
<u>Other Business</u> 1. Engineering proposals	Supervisor Gormont is suggesting to start the interview process for engineering firm after Thanksgiving, and appoint an engineering firm for the Township by Jan. 2011.	Supervisors are to review data spread sheet	
<u>Executive Session</u>	The Board of Supervisors had an Executive Session with the Township Solicitor. Executive Session started at 8:38 pm. Topic of Discussion: Jacoby Worker's Compensation Claim Agreement.	Mr. Rhodes moved, seconded by Mr. Clark, to enter into the presented Confidential Agreement with Tammy Jacoby. Motion carried unanimously.	

	Executive Session ended and Board of Supervisors re-entered the public meeting at 8:42 pm.		
Adjournment	Meeting adjourned 8:43 pm.		

Respectfully Submitted,

Susan C. Harbin
Secretary/Treasurer

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