

NOVEMBER 17, 2005 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:30 p.m. in the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, Pennsylvania, with Board Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Samuel Dayhoff, and Harold Kirschner; Township Engineer Tim Knoebel; Zoning Officer Dave Crouse; Treasurer Robin Crushong; News Reporters Aaron Young (*Gettysburg Times*), and Charles Schillinger (*Evening Sun*); and Brenda Constable, Secretary.

Citizens in attendance were: William Himmelreich; Mark Himmelreich; Karen Tawney; Scott & Ann Shriver; Paul Shriver; LeRoy & Jackie Basehoar; Millard Basehoar; Elsie Morey; Jerry Althoff representing the Planning Commission; Chad Yingling; Audrey Weiland; David ; Tom Titus; Donald Titus; Robert Gitt; Kris Smith; Bryan Bosley; Lyman Schwartz; Donald & Judy Wickline; Jarid Jennings; John & Pam Roman; Barton Breighner; Bob McIlhenney; Dave Updyke; Leslie Updyke; Gwen Updyke; Linda Thompson representing the County Office For Aging; L. S. Rice; Carol E. Holtz; John Allan; Frank Urban; John McAlister; Jack McLatchy; Joseph Erb, Jr.; Steven Zeigler; Charles Suhr representing GCW Properties; Jerry Maloney; Galen Shelly; Jay D. Little Sr.; and Beverly Boyd.

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

Minutes:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the minutes of the October 20, 2005 meeting as presented. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Dayhoff, to approve the minutes of the October 24, 2005 Special Meeting as presented. Motion carried unanimously.

Chairman's Statement:

Mr. Waybright noted that the Supervisors held an Executive Session on November 4, 2005 at Mr. Walton V. Davis's office, 63 West High Street, Gettysburg, PA 17325 to discuss personnel issues. This meeting was publicly advertised.

Mr. Waybright commented that it was evident by the attendance this evening that there was considerable interest in land use issues in the Township. He stated that in preparing the agenda for tonight's meeting, he made a decision on November 3, 2005, in order to meet advertising deadlines, to advertise for the possible adoption of the zoning map amendment. The Supervisors reviewed the transcript of the May 31, 2005 Public Hearing. Discussion tonight would be in reference to that testimony. The Supervisors would take public comment tonight, but would not debate with the audience. He clarified that the time for testimony was at the hearing. Mr. Waybright asked everyone to understand that the decisions the Supervisors must make are based on the Second Class Township Code, the Code of Mount Joy Township, and what is best for the future of Mount Joy Township. He acknowledged that this is not always what is popular with the citizens but the Supervisors' decisions are based on what is best for the Township and not their own personal agendas. Mr. Waybright thanked everyone in advance for their courtesy, cooperation, and referenced that it is the Supervisors' hope that everyone's attendance tonight is in response to the citizens' desire to improve the quality of life for all current and future residents in Mount Joy Township.

Public Comment:

1. Mr. John McAlister, 3668 Baltimore Pike: Commented that in 1989 and 1990, when the Township was considering a zoning ordinance, he was opposed to it. He referenced a township meeting that was held at Hoffman Homes where each Supervisor stated why the Township should keep the Township as a farming community. He feels that townhouses are out of character and asked the Supervisors to please disapprove this use in the Township.
2. Dave Updyke, 361 Updyke Road, owns property in Township at 165 Updyke Rd: read a written statement opposing the zoning map amendment. Mr. Waybright asked Mr. Updyke for a copy of his statement, but Mr. Updyke refused to give a copy for the record.
3. Joseph Erb, Attorney, representing Penn Gate Farms: Stated that it appears that the zoning change from RR to AC encompasses approximately 1/3 of the Township. He stated that it appears like this is a taking of other people's land, as Mr. Updyke had referenced this in his comments.
4. Barton Breighner, 420 Bulk Plant Road: thinks this is discriminatory. He quoted a supervisor that had said this change of zoning from RR to AC would not devalue property. He thinks that it does devalue property and opposes the change.
5. Bob Gitt, Penn Gate Farms, 3854 Baltimore Pike: commented that he watched each Supervisor say the Pledge to the Flag and hold their hand over their heart, stating ... "with liberty and justice for all." He wants to see if they really mean this.
6. Jarid Jennings, 2440 Taneytown Road: his wife owns property in the Township and they would like to have their land in conservation but does not want to be forced into it. It seems like they [the landowner] is having something taken away from them with this zoning change. They would like the opportunity to choose for themselves if they want to do conservation.
7. Jackie Basehoar, 676 Christ Church Road, owns property in Township along Plunkert Road: spoke on behalf of the affected property owners. She asked that the Supervisors reconsider this zoning change. Putting someone's property in conservation must be their choice; the landowner can not be forced into it.
8. Frank Urban, 175 Mud College Road: Asked who would compensate him for his land.
9. Chris Wood, Penn Gate Farms: has no intention of never farming. Asked the Supervisors to not devalue her land so her kids can't buy a tractor. Asked why the Supervisors didn't contact each individual affected property owner personally.
10. Bob Gitt, Penn Gate Farms: asked for a copy of Mr. Waybright's statement. *This was given to Mr. Gitt at the end of the meeting.*

Mr. Waybright thanked everyone for their comments.

Ordinance Adoption for Zoning Map Amendment:

Mr. Dayhoff moved, seconded by Mr. Chantelau, to adopt Ordinance No. 2005-11 amending the Township's zoning map to establish agricultural conservation districts as shown on a map that was

presented at a Public Hearing on May 31, 2005 and also available for public review at the Township Office, Adams County Office of Planning & Development; and the Gettysburg Times office prior to this meeting. The affected parcels were listed in the legal advertisement that was published on November 8, 2005 in the Gettysburg Times, giving notice of the Supervisors' intent to adopt this ordinance. The map amendment is to be effective the date of this Ordinance.

Discussion: Mr. Chantelau commented that the Township is changing. Development is coming and the Supervisors cannot stop it. The PA Municipal Planning Code constrains the Supervisors' actions. The Supervisors need to harmonize their efforts through a combination of actions. One of these is the proposed zoning amendment. The others are the Township's Act 209 Traffic Impact Fee analysis, the recreation fee, and the Township's Farmland Preservation Program, which in itself is unique in that it is the only township program in the county. He added that the Township voters validated this at the ballot box on November 8th with their approval, over 60% voting, by extending a \$2 Million line of credit to preserve more farmland in the Township. He acknowledged that this is unpopular with some of the residents but they must look at the long-term view for the Township and represent *all* of the residents. Mr. Chantelau referenced some recent comments from residents concerning development and the "trauma to the township with more development", from increased traffic, concern for farmers on roads, especially Route 97, schools with increase in taxes, and police and fire services which would increase township taxes. Mr. Chantelau stated that this proposal follows the Township's overall efforts to control, manage and direct the inevitable development, which is now impacting Mount Joy Township. He pointed out that the Township currently has plans submitted for over 500 new homes, which will definitely impact our Township. When landowners sell their land it is an impact on all residents. There is an inevitable increase in taxes, especially school taxes, which we know is a serious financial impact on many of our citizens, especially those on fixed incomes. He added that the developer gets a free ride because there are no impact fees assessed for schools; we all pay and pay and pay. Mr. Chantelau finished by saying that government does not have to maximize the economic value of a property; the Supervisors just cannot "take" that property, i.e. take away its total value so the property is worthless. In Mount Joy Township the farmers have the option of applying to the Township Farmland Preservation Program.

Mr. Waybright referred to Adams County Planning & Development comments supporting the proposed zoning amendment and recommendation that the Township should continue to evaluate how additional agricultural lands could be added to the AC district over the near-term future. He commented that waiting won't work, and that it's not working; it only gives more time for more development. He pointed out that the surrounding townships that do not have zoning have a mess with all kinds of development because they have no control.

Mr. Dayhoff supported Mr. Chantelau's comments and pointed out that the value of properties have not diminished; noting a farm in the county that is in ag land preservation just sold for over \$7,000 per acre. It did not lose its value. Mr. Dayhoff explained how the TDR values worked in RR versus AC, and how the value of land is worth four times in AC compared to RR. He added that when using TDRs, the landowner still gets to own the ground.

With no further discussion, the motion carried unanimously.

Persons Requesting Time:

1. Cpl. Tony O'Hara of the PA State Police gave a statistical report for the last three-month period. He noted that in Mount Joy Township there were 85 calls, 23 of which were criminal (7 retail thefts at the outlet mall), 7 crashes, and 50 other incidents. Cpl. O'Hara took questions and comments from the audience relative to problems with tractor-trailers hogging Taneytown Road; speed limit on Hoffman Home Road; response rate, and coverage for a growing township.

2. Linda Thompson, Community Service Coordinator with the Adams County Office For Aging, thanked the Supervisors for its financial support for senior centers. She expressed that in comparison to other municipalities, Mount Joy Township has been terrific for financial support over the years.
3. Charles Suhr, Attorney representing GCW Properties, requested a workshop with the Supervisors to discuss and review a proposed text amendment to the zoning ordinance to allow townhouses in the SFR1 district. He stated that he had contacted Mr. Davis to start working on an amendment. Mr. Waybright asked that the following be in attendance at the workshop, and to work with the Secretary to coordinate a date and time: Mr. Davis, Mr. Suhr, Supervisors, and Mr. Knoebel.
4. Rick Klein, The Links At Gettysburg, noted that due to Mr. Dick Owings' retirement, there is a vacancy on the Red Rock Municipal Authority and that the Authority would like to recommend Mr. James Waybright to fill this vacancy. Mr. Waybright recused himself at this time and Mr. Chantelau, Vice-Chairman, presided over this issue. Mr. Chantelau moved, seconded by Mr. Scott, to appoint Mr. James Waybright to the RRMA, effective November 17, 2005 to fill the unexpired term of Richard Owings. Motion carried.

Mr. Chantelau turned the meeting back over to Mr. Waybright.

Treasurer's Report:

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

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

Subdivision/Land Development Plans:

1. White Church Road Site "Westminster" – Keystone Custom Homes, Inc.: proposed subdivision at Meadow Brook Golf Course location. Planning Commission recommends approval of request for an extension through January 26, 2006. Mr. Dayhoff moved, seconded by Mr. Scott, to approve an extension of time for preliminary review through January 26, 2006. Motion carried unanimously.
2. Colbier Farms "The Field of Gettysburg": proposed subdivision on Barlow-Two Taverns Road. Planning Commission recommends approval of request for a 90-day extension through April 12, 2006. Mr. Dayhoff moved, seconded by Mr. Kirschner, to approve a 90-day extension of time for preliminary review through April 12, 2006. Motion carried unanimously.
3. Titus, Donald & Tom: proposed subdivision at 579 Hoffman home Road. Planning Commission recommends approval of a 90-day extension. Mr. Dayhoff moved, seconded by Mr. Scott, to approve a 90-day extension of preliminary review through May 9, 2006. Motion carried unanimously.
4. Ramirez, Felix & Shelly: sketch plan for a proposed land development plan at 115 Clapsaddle Road. The applicant did not have representation but it was noted that they were intending to ask the Supervisors to consider allowing a use on the property as was previously used. Mr. Althoff, Planning Commission Chairman gave an overview of this proposal, noting that they wanted to have two residences on one property. The Supervisors stated that they would need to go to the zoning hearing board for a decision on this.

Road Report:

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

Zoning Officer's Report:

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

Building & Grounds:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the Building & Grounds Report as presented. Motion carried unanimously.

Correspondence:

Ms. Constable noted receiving the following correspondence:

- WRRMA September minutes
- Littlestown Senior Center request for donation
- County Planning & Development 2006 Community Development Block Grant Application
- County Agricultural & Natural Resources Center – Endowment Fund donation request

Executive Session:

Mr. Waybright called for an Executive Session at 8:35 p.m. this date.

Meeting Reconvened:

Mr. Waybright reconvened the meeting at 8:40 p.m. this date with the following others in attendance: Supervisors Chantelau, Scott, Dayhoff, and Kirschner; Tim Knoebel, Dave Crouse, Robin Crushong, and Brenda Constable; News Reporters Charles Schillinger and Aaron Young. Citizens in attendance were: Mark Himmelreich; Steve Kelly; Don & Tom Titus; Carol Holtz; Jerry Maloney; Jerry Althoff; Bob Gitt, Chad Yingling, and Lyman Schwartz.

Mr. Waybright noted that a personnel issue was discussed at Executive Session.

Committee Reports:

Personnel: Mr. Chantelau moved, seconded by Mr. Scott, to approve minor changes to the Personnel Policy relative to conditions of employment (work hours and overtime/comp time), probationary period, time off from work, holidays, and longevity compensation, effective retroactive to May 1, 2005. Motion carried with Mr. Dayhoff abstaining.

Finance: Nothing to report.

Planning, Land Use & Zoning: Mr. Scott moved, seconded by Mr. Chantelau, to appoint Audrey Weiland to the Planning Commission, filling the unexpired term of Dick Owings, effective retroactive from November 9, 2005 through December 31, 2008. Motion carried unanimously.

Building & Grounds: Nothing to report.

Roads: Nothing to report.

Public Safety: Nothing to report. White Run Regional Municipal Authority

Agricultural Land Preservation: With recommendation from the Ag Land Board, Mr. Dayhoff moved, seconded by Mr. Scott, to appoint Audrey Weiland to fill the unexpired term of Dick Owings, effective retroactive to November 9, 2005 through December 31, 2005. Motion carried unanimously.

Recreation Advisory Board: With recommendation from the Rec Board, Mr. Dayhoff moved, seconded by Mr. Scott, to approve the appointment of Tammy Markey to fill the unexpired term of Al Atkinson, effective retroactive from November 2, 2005 through December 31, 2005. Mr. Dayhoff noted that the Township has had several openings on boards and commissions open and it has been a challenge to get them filled. He offered the opportunity to anyone interested in serving the Township to contact the office. With no further discussion, the motion carried unanimously.

Act 209 Traffic Impact Advisory Committee: Mr. Scott moved, seconded by Mr. Chantelau, to accept the resignation of Petula Yingling, effective October 24, 2005. Motion carried unanimously. With recommendation from the Advisory Committee, Mr. Scott moved, seconded by Mr. Dayhoff, to appoint the following to the Advisory Committee:

- Al Oussoren to fill the realtor vacancy position, effective retroactive to November 2, 2005; and
 - Audrey Weiland to fill the planning vacancy, effective retroactive to November 9, 2005.
- Motion carried unanimously.

Other Business:

2006 Budget Adoption: Mr. Chantelau moved, seconded by Mr. Dayhoff, to approve the 2006 Budget as presented and as tentatively adopted. Discussion: Treasurer Robin Crushong noted that there were no comments from the public during the review period and that there were no tax increases. She added that to date, the Township should finish the year with \$54,700 surplus.

Citizen Mark Himmelreich asked the Supervisors if they would consider allocating more money to the Kingsdale Fire Company. Mr. Waybright explained how a formula was developed last year to determine how fire companies should be allocated. He expressed how the Township needs to be fair to all five fire companies providing service to the township residents. Mr. Waybright also commended Ms. Crushong for all of her hard work in preparing the budget. With no further discussion, the motion carried unanimously.

Municipal Waste Hauling Contract: Mr. Scott moved, seconded by Mr. Dayhoff, to approve and authorize the Chairman and Secretary to sign the joint contract for Municipal Waste Collection/Disposal and Recycling, Proposal 4, with Waste Management, Inc. for a three year period, beginning January 2006. Motion carried unanimously.

WRRMA Sewage Module – Improvements: Mr. Scott moved, seconded by Mr. Chantelau, to approve the White Run Regional Municipal Authority Sewage Facilities Planning Module for Improvements. Motion carried unanimously.

Township Engineer Appointment: Mr. Dayhoff moved, seconded by Mr. Scott, to approve the appointment of Tim Knoebel, KPI Technology, as the Township's Engineer effective retroactive to November 1, 2005, and to include KPI's 2005 fees schedule as presented. Discussion: The Supervisors noted that Mark Lewis of HRG, the current engineer, had left the area thus the reason for this appointment. With no further discussion, the motion carried unanimously.

The Links – Financial Security Phase IIA: With recommendation from HRG, and Tim Knoebel, Engineer, Mr. Dayhoff moved, seconded by Mr. Scott, to approve the Financial Security for The Links – Garrison Falls Phase IIA in the amount of \$1,744,350. Motion carried unanimously.

New Business:

York Adams Tax Bureau: Mr. Scott moved, seconded by Mr. Dayhoff, to enter into a Joint Agreement of Participating Municipalities and School Districts appointing YATB as the Township's earned income tax collector. Discussion: Mr. Kirschner gave an overview of the change from the previously known collector, Adams County Income Tax Agency. With no further discussion, the motion carried unanimously.

Mr. Kirschner moved, seconded by Mr. Scott, to authorize the YATB to distribute tax by electronic distribution. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Chantelau, to authorize the advertisement of an ordinance amending the Township Code by adding a new Article III to Chapter 98 for York Adams Tax Bureau to collect taxes for earned income, and to set the date of December 15, 2005 for adoption of the ordinance. Motion carried unanimously.

Mr. Dayhoff moved, seconded by Mr. Scott, to appoint Harold Kirschner as the Township's representative to the YATB, and to appoint William Chantelau as the alternate. Motion carried unanimously.

Employees Pension Plan: Mr. Chantelau moved, seconded by Mr. Scott, to approve the Joinder Agreement for Employees Pension Plan reflecting a change of eligibility requirements, where the pension for employees is effective 30 days after date of hire, rather than from date of employment. Motion carried with Mr. Dayhoff abstaining.

Adjournment:

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Dayhoff, to adjourn the Supervisors' Meeting at 9:10 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary