

**MOUNT JOY TOWNSHIP SUPERVISORS
MINUTES
DECEMBER 16, 2021 REGULAR MEETING**

The meeting was an open meeting, also conducted as a remote meeting through the SmartMeeting platform. Attendance and votes were taken by roll call.

Present: John Gormont, Chairman; David Updyke; Vice Chairman Terry Scholle; Bernie Mazer; Dr. Judy Morley

Also Present: Susan Smith, Solicitor; Erik Vranich, Township Engineer; Melissa Zirkle, Administrative Assistant; Shane Wise, Road Crew; Shannon Hare, Secretary and Zoning Officer and Code Enforcement Officer

Public Comment.

Attorney Roberto Ugarde-Report on Supervisor Updyke's investigation
Jim Waybright-200 Mason Dixon Rd-Solicitor fees
Tom Newhart-720 Plunkert Rd- Replace Solicitor; petition
Stu Kravitz-5 Brooke Ct-Links; Replace Solicitor
Dave Larson-36 Brookside Lane-Replace Solicitor
Steve Wantz-446 Harney Rd-Replace Solicitor
Bonni Klein-220 Savannah Dr. Unit 205-Links bad faith; Replace Solicitor
Omar Hottenstien-220 Spangler School Rd-Replace Solicitor
Angie McCauslin-581 Plunkert Rd-Replace Solicitor
Steven Yerger-175 Bulk Plant Rd-Replace Solicitor
Scott Sanders-145 Roberts Rd-Replace Solicitor
Debbie Sangers-145 Roberts Rd- Support husband's comments to replace Solicitor
Steve Kelley-209 Clapsaddle Rd-Building on neighboring property

Written Public Comment-Sean and Laurel Herrick-3772 Baltimore Pike-Replace Solicitor;
Diane Gebhart-206 Hickory Rd-Replace Solicitor; Ryan Morris-1685 Baltimore Pike-Replace Solicitor; Ann Birely-427 Barlow Two Taverns Rd-Replace Solicitor

Approval of Minutes

- Regular Meeting Minutes, November 18, 2021. Supervisor Mazer moved, seconded by Supervisor Scholle to approve the minutes. Motion carried, unanimously.
- Workshop Meeting Minutes, December 2, 2021. Supervisor Mazer moved, seconded by Supervisor Morley to approve the minutes. Motion carried, unanimously.

Solicitor's Report. Solicitor Smith presented her report. Supervisor Updyke moved, seconded by Supervisor Morley to accept the Solicitor's Report for the period following the November regular meeting. Motion carried, unanimously.

Treasurer

- Approval of Monthly Finance Report. Supervisor Updyke moved, seconded by Supervisor Morley to approve the Monthly Finance Report for November 2021. Motion carried, unanimously.

- Approval of Bills Paid Report. Supervisor Morley moved, seconded by Supervisor Scholle to approve the Bills Paid Report for November 2021. Motion carried, unanimously.

Police Report. Supervisor Scholle moved, seconded by Supervisor Updyke to accept the November 2021 Police Report. Motion carried, unanimously.

Roadmaster's Report. Roadmaster Gormont reported that the work to widen Krug Rd was complete. The work on Basehor Roth was complete and 70% of the grant money from the Dirt and Gravel program was received in the amount of \$68,255.07. The remaining 30% will be received once the grass around the project comes in. The road crew has been preparing for winter.

Engineer's Report. Mr. Vranich presented his report. Supervisor Updyke moved, seconded by Supervisor Morley to accept the Engineer's Report for November 2021. Motion carried, unanimously.

Zoning Officer and Code Enforcement Officer's Report. Supervisor Scholle moved, seconded by Supervisor Mazer to accept the Zoning and Code Enforcement Officer's Report for November 2021. Motion carried, unanimously.

Planning Commission's Report. Supervisor Mazer moved, seconded by Supervisor Scholle to accept the Planning Commission Report for December 2021. Motion carried, unanimously.

Land and Sea Report. Supervisor Mazer moved, seconded by Supervisor Updyke to accept Land and Sea's Permits and Inspections Report for November 2021. Motion carried, unanimously.

Open Records Officer's Report- There were a number of Right-To-Know Requests received by the Township. The requests and disposition were reported-on the agenda.

Fire Company Reports

- Supervisor Morley moved, seconded by Supervisor Updyke to accept Fire Companies' reports for November 2021. Motion carried, unanimously.

Correspondence

The following correspondence was acknowledged:

- Letter and inspection report dated December 2, 2021 from Pennoni regarding Adams County Local Bridge Inspection Program.
- Letter dated December 13, 2021 from Adams County Conservation District regarding temporary stockpile at the Links
- Letter dated December 15, 2021 from Shannon M. Hare regarding inspection of Mount Joy Community Park in accordance with the Adams County Green Space Grant Program.
- **Subdivision/Land Development Plans-** Minor Final Subdivision Plan Roundtop Lot Addition Plat-The Courtyards at the Links at Gettysburg - BOS action deadline: December 31, 2021 (pending receipt of extension letter). Supervisor Mazer moved, seconded by Supervisor Scholle to accept the

second extension for the Minor Final Subdivision Plan Roundtop Lot Addition Plat-The Courtyards at the Links at Gettysburg. Motion carried, unanimously.

Committee Reports

- Personnel: (Updyke). The Board of Supervisors discussed the Christmas holiday.
- Finance: (Gormont and Updyke). No report
- Roads (Gormont). No report

Business

- Appointment of a Deputy Tax Collector. Supervisor Mazer moved, seconded by Supervisor Morley to approve the appointment of Diane Bixler as the Deputy Tax Collector. Motion carried, unanimously.
- Lake Heritage Pre-treatment Brine Agreement. Supervisor Mazer moved, seconded by Supervisor Scholle to reaffirm the poll vote for Lake Heritage Pre-treatment Brine Agreement. Motion carried, unanimously.
- Sale of the John Deere ZTrak M653 Zero Turn Mower. Supervisor Scholle moved, seconded by Supervisor Mazer to approve the bid of \$2,300.00 for the sale of the John Deere ZTrak M653 Zero Turn Mower. Motion carried, unanimously.
- Appeal of Delancey Gettysburg Associates LP Civil No. 2021-SU-1084 and 2021-SU-1085 (Tax Appeal). The Township policy has been to not participate in tax appeal proceedings. The Board elected not to participate in this Appeal.
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- Resolution to Eliminate the Property Tax (per the adopted 2022 Budget). Supervisor Scholle moved, seconded by Supervisor Mazer to adopt the resolution to eliminate the property tax (per the adopted 2022 budget). Motion carried, unanimously. Resolution 15 of 2021.
- Zoning Ordinance amendments related to warehouse/storage and trucking related uses. Solicitor Smith discussed amendments that were proposed by the Planning Commission for warehouse/storage and trucking related uses. Supervisor Scholle inquired about standards for contamination. Solicitor Smith said that there are no specific Township standards, excepting the general environmental standards in the Zoning Ordinance and that State and Federal environmental standards would apply. Engineer Vranich noted that an NPDES permit would be required for all industrial activities. The 5-minute idling policy for the truck stop use is standard for that use. The unloading standard can be eliminated and refer to parking only Supervisor Scholle suggested, with concurrence from Supervisors Mazer and Morley, that the storage facility use be a conditional use in the AC district instead of permitted by right. Solicitor Smith noted the scale of structure permitted by the AC lot coverage standard for the use and scale of recent agricultural buildings. Supervisor Mazer discussed setbacks and buffers. The Board proposed a 50-foot setback. The Board did not see a need for additional buffer standards beyond those already embedded in the landscaping section of the Zoning Ordinance. The Board referred the amendments, as modified, for public comment on February 3, 2022.
- Zoning Ordinance amendments related to solar uses. Solicitor Smith had provided a draft of the solar use amendments, with comment, to the Board for consideration. She described the format of the amendments draft. The Board agreed that they needed more time to consider the draft. The Board should provide Solicitor Smith with numbers to fill in the blanks. She reminded them that they need

to have reasonable numbers and be able to provide health and safety justifications those numbers. Supervisor Mazer said that the Solicitor's draft was consistent with the workshop discussion. He said that the Board needs to come to terms with the decommissioning provision.

- **American Rescue Plans-Funds.** Solicitor Smith reported that the Department of Treasury has not issued final rules. She reviewed the recently issued version of the reporting guidelines and set of frequently asked questions. She still counsels that it is premature to spend any of the funds since the rules remain unclear. The federal government demands that the Township to comply with eligibility and reporting law and guidelines, establishing operating rules for compliant funding activities, and document compliance in its reports.
- **Executive Session.** The Board announced its intention to enter into executive session (litigation).
- **Adjournment.** With no further business to be discussed by the Board, Supervisor Updyke moved, seconded by Supervisor Scholle to adjourn the meeting. Motion carried unanimously. Meeting adjourned 8:51 p.m.

Respectfully submitted by,

Shannon M. Hare
Secretary