

## **FEBRUARY 19, 2004 SUPERVISORS' MEETING:**

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:00 p.m. in the Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA, with Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, William Rogers, and Harold Kirschner; Solicitor Walton V. Davis; News Reporter Alex Gayhart (*The Gettysburg Times*); Sam Dayhoff, Building & Grounds Coordinator; Anthony Graham, Road Superintendent; and Secretary Brenda Constable.

Others in attendance were: Jerry Althoff representing the Planning Commission; Elsie Morey; Rick Klein representing The Links At Gettysburg; John A. Leino; Chris Restak, Esquire, representing David Updyke: David Updyke and wife; Wendy Beauchat, Esquire, representing Gettysburg Village Factory Stores/Delancey Associates; Andrew Kleeman, Michael Wachs, Nancy Brown, and Denise Shelleman representing GVFS/Delancey; and John McAlister.

Chairman Waybright led everyone with the Pledge to the Flag.

### **Minutes:**

Mr. Scott moved, seconded by Mr. Chantelau, to approve the minutes of the January 15, 2004 meeting as presented. Motion carried unanimously.

**Public Comments:** None were given.

### **Persons Requesting Time On Agenda:**

1. Dave Maring, Chief of Barlow Fire Company, presented changes to Box Alarm Cards for the Supervisors' review and approval. He noted that Bonneauville now has paid full-time ambulance personnel, resulting in faster and better response time because someone is available during all hours of the day. Mr. Chantelau moved, seconded by Mr. Scott, to approve the changes to the Box Alarm Cards as presented. Motion carried unanimously.
2. Wendy Beauchat, Esq. and Michael Wachs, representing AMC Delancey Associates/Gettysburg Village Factory Stores stated that they are requesting a proposed revision to the Township's ordinance regarding signage. They would like to place a pylon type sign, approximately 58' high, at the corner of the property closest to the intersection of Route 97 and Route 15. A conceptual design was presented, including five (5) business names, and also includes a reader board or marquee along the top. Ms. Beauchat stated that the driving force behind this is for a national restaurant chain that is interested in coming to the mall. Mr. Michael Wachs stated that Delancey has a signed term lease with this restaurant, however, without the pylon sign the restaurant would not come. He also noted that a theater operation is interested in coming to the mall and is also requesting the pylon sign to be allowed.

Ms. Beauchat stated that they are asking for a text amendment to the Township's zoning ordinance for signage. Mr. Wachs commented that in Delancey's agreement with Country Suites, they [Country Suites] would be included on any type of signage as this if it were ever approved in the future. He further added that the number of names on the sign would be limited, as shown on the conceptual design. Mr. Scott noted that the Commonwealth has setback requirements and they should be considered. Mr. Wachs stated that this was already researched and their design is placed in the proper setbacks. Mr. Rogers questioned if the restaurant was TGI Fridays, as shown on the design, and if they already have an agreement with Delancey. Mr. Wachs clarified that TGI Fridays has signed only a term lease at this time, not an agreement. Mr. Wachs

further explained that this restaurant would be a smaller unit than their regular chain, and would be placed on an existing 10,000 sq. ft. pad, one of two pads that the Supervisors had previously approved. Mr. Rogers questioned if the theater was realistic, knowing that another developer in the County is proposing a theater at the Adams Commerce Center in Straban Township. Mr. Wachs responded yes. Mr. Chantelau questioned how the pylon sign would be lit. Ms. Beauchat stated that it would be electronically illuminated. Mr. Scott stated that he is concerned with placing a readable sign at this location/area, for safety reasons.

Mr. Waybright stated that the Supervisors could not make a decision on this issue tonight. Ms. Beauchat noted that Delancey has not been to the Supervisors for any changes for three years and would like to present a list of other issues that they would like the Supervisors to be made aware of for discussion in the near future. However, they would like to address the pylon sign as soon as possible. The Supervisors agreed to set up a workshop with Delancey Associates representatives within the next few weeks to discuss these issues.

3. David Updyke and his Attorney, Chris Restak, addressed the Supervisors with regard to previous meeting discussions relative to the road widening that was done on Updyke Road. Mr. Restak stated that it was his understanding that the topsoil that was removed by the Township had not yet been returned to Mr. Updyke and that damage was done in excess of the right-of-way elements. He further stated that Mr. Updyke's position is that he lost value of some land and possibly a loss for the future. He asked for some time to discuss the law for this, possible compensation, and whether an Erosion & Sediment Plan was ever done. Mr. Waybright stated that Mr. Updyke had brought up this issue at two different Supervisors' Meetings, and the Supervisors and Solicitor had stated the Township's position on this issue at both of those meetings. He further added that the law states that the Township does not have to return the topsoil, however, the Township did agree to return it to Mr. Updyke when weather permitted. Mr. Restak asked if the Township had ever set a precedence to return topsoil to a landowner. Mr. Davis responded that, to his knowledge, he was not aware of any farmer ever farming in the Township's right-of-way. The Supervisors agreed. Mr. Restak questioned if there was any future road work planned for Updyke or Miller Roads. Mr. Scott responded that some work has already been done on Updyke Road where a development went in a few years ago, and that Miller Road would need some work eventually. The Supervisors agreed that work is needed on these two roads in the future but nothing has been scheduled yet. Mr. Rogers questioned what the Township's right-of-way is. Mr. Davis responded that it is usually 16 ½ feet, however, Updyke Road is different on the side where the Deer Chase development is situated; that side is 25 feet. Mr. Scott emphasized that the winter weather has been the only thing that has stopped any work for this area. Mr. Davis questioned Mr. Restak if Mr. Updyke would be submitting his written comments from the November 20, 2003 meeting as previously promised? Mr. Restak stated that he was not aware of this issue and would speak to his client about this.

### **Treasurer's Report:**

Mr. Scott moved, seconded by Mr. Kirschner, to approve the monthly Treasurer's Report for January and part of February as presented. Motion carried unanimously.

Mr. Kirschner moved, seconded by Mr. Chantelau, to approve the bills to be paid for January and part of February as presented. Motion carried unanimously.

### **Subdivision/Land Development Plans:**

1. The Links At Gettysburg: Richard Klein owner, presented a request for a waiver for a full land development plan for the relocation of a driving range. Mr. Jerry Althoff, Chairman of the Planning Commission gave an

overview of this request, noting that it was simply a construction issue of moving ground. The only concern the Planning Commission had was with regard to a small area of wetlands at the end of the driving range. Mr. Klein stated that he would do whatever the County Conservation District suggested for this area. The Supervisors noted that the Planning Commission recommends approval of a waiver.

Mr. Rogers moved, seconded by Mr. Chantelau, to approve a waiver for a full Land Development Plan and to attach this plan to the existing Land Development Plan on file for The Links At Gettysburg. Motion carried unanimously.

### **Financial Security Reduction #7:**

A request from Rick Klein of the Links At Gettysburg, and recommendation from Mark Lewis, HRG Engineer, Mr. Scott moved, seconded by Mr. Chantelau, to authorize the release of Draw #7 Reduction of Security in the amount of \$67,455.00 for Phase IA at The Courtyards At The Links At Gettysburg. Motion carried unanimously.

2. Beyland, Inc. – Deer Chase Lot 22: a proposed subdivision of Lot 22 into two (2) lots. The Supervisors noted that three extensions had been previously granted, with an action date of February 20, 2004. Mr. Harry Ramage, President of Beyland, Inc. is requesting a fourth extension through March 18, 2004. Mr. Althoff gave an overview of this plan, noting that the Planning Commission had an issue of how much buildable land there was. The Commission had asked for a flood plain study to be completed. Mr. Hoover, Beyland's engineer, presented a flood plain study and that study has been sent to the Township's engineer, HRG, for their review and approval. Mr. Althoff also noted that after checking with the Conservation District, new information was found with regard to the original plan stating that no building was to be done in this area. Mr. Ramage is now proposing building so an Erosion and Sediment Control Plan must be done and approved by Conservation District. Mr. Althoff noted a second issue with the Planning Commission was with the proposed well location. He noted that it is within one (1) foot of the 100 year flood plain area. Mr. Davis cited SALDO Chapter 86-31 Erosion and sedimentation. Mr. Chantelau stated that this is the fourth extension request and in view of the facts given and the new information from the Conservation District regarding earthmoving and failure of an E&S plan, he feels that this constitutes a violation.

Mr. Chantelau moved, seconded by Mr. Scott, to deny the extension request and require resubmission of a new plan. Discussion was then held with Mr. Scott stating his concern that in the past the Supervisors never refused an extension request. He further added that Mr. Ramage has done everything that has been asked of him up to this point. This is the reason he has asked for so many extensions. Mr. Davis stated that Mr. Ramage would have to file a land use appeal or denial if he felt the refusal was not appropriate. Mr. Althoff pointed out that if this plan was denied, which was submitted under the Township's old ordinances, a new plan would then come under the new ordinances and would most likely not qualify as a lot. Mr. Davis stated if the extension request were denied, then another motion would be in order to deny the plan, with reasons stated. Mr. Chantelau suggested if another extension were granted, then Mr. Ramage should be instructed that no other extension requests would be considered in the future. The Supervisors also noted that road work related to the original Deer Chase development still needs to be completed. Secretary Constable stated that Mr. Ramage informed the Township that the bog turtle search that was being conducted, and held up the road work, has been completed and Beyland, Inc. should be receiving their permits within the next week. The road work would then begin again in April or May. With no further discussion, the question was called on the motion. Due to lack of any "yea" votes, the motion was denied.

Mr. Scott moved, seconded by Mr. Chantelau, to grant an extension request through March 18, 2004, and to notify Mr. Ramage that it is the Supervisors' intent that this would be the Final extension, and that Beyland,

Inc. must meet all outstanding issues and must be 100% completed by March 18, 2004. Motion carried unanimously.

**Road Report:**

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

**Bucket Truck Proposal:**

As a follow-up to last month's meeting, the Supervisors reviewed additional information provided by the Road Superintendent with regard to the purchase of a bucket truck. Mr. Scott noted that a bucket truck was recently rented and asked Mr. Graham, Road Superintendent, what the rental fee was. Mr. Graham stated that the rent paid in 2004 to date was \$750. Mr. Scott asked for an estimate of how many hours the Township would use a bucket truck. Mr. Graham explained that this would be hard to measure because usage depends on weather conditions. He gave an example where the Township rented the truck for one week in January but could not use it for two days because the road crew had to plow snow. As a result, the Township paid rent for two days and the truck could not be used. He further added that Cumberland Township is the only neighboring township that has a bucket truck, so scheduling it can be difficult sometimes because other townships rent it as well. Mr. Graham stated that the bucket truck would probably be used from November through March. He further added that neighboring townships would use the bucket truck as a trade for another piece of equipment that we would need, such as a chipper. Mr. Rogers commented that renting a bucket truck for 10 years would exceed the purchase price of a new truck cost at the end of a 10 year period. Mr. Scott stated that he appreciated all of the work Mr. Graham did on supplying the Supervisors with information to make a good decision on this request. Mr. Scott felt that he had enough justification for a used truck but not a new one. Mr. Chantelau noted that the Supervisors had discussion last month with regard to a new versus a used truck, pointing out that the used truck is old and has over 100,000 miles. Mr. Rogers added that he preferred a new over used, especially due to warranties and hydraulics.

With no further discussion, Mr. Rogers moved, seconded by Mr. Chantelau, to purchase a new bucket truck. Motion carried with Mr. Scott voting no.

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve by Resolution No. 8 of 2004, the purchase of a bucket truck from the City of Harrisburg PACC Automotive and Equipment Contract, in the amount of \$55,975. Motion carried unanimously.

RESOLUTION No. 8 of 2004

WHEREAS, the Township of Mount Joy, Adams County, Pennsylvania, intends to purchase a bucket truck for use by the Township Road Department; and

WHEREAS, the Mount Joy Township Supervisors, at their meeting held February 19, 2004, approved to purchase a new bucket truck based on a proposal from Stevenson Equipment Inc.

NOW THEREFORE BE IT RESOLVED, that the Mount Joy Township Supervisors approved to purchase a new Arm Lift, Model THS36, mounted on a new 2004 Ford F450 4x2 chassis via the City of Harrisburg PAAC Automotive and Equipment Contract in the amount of Fifty Five Thousand Nine Hundred Seventy Five Dollars and No Cents (\$55,975.00).

Signed and sealed this 19<sup>th</sup> day of February, 2004.

**Zoning Officer's Report:**

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

**Special Events Permit Application and Fee:**

Mr. Scott moved, seconded by Mr. Rogers, to approve the format of the newly created Special Events Permit Application Form. Motion carried unanimously.

Discussion was held with regard to what the fee schedule should be for the Special Events Permit. Mr. Davis noted that a flat fee could be set, with additional costs above the set fee being passed on to the applicant. With no further discussion, Mr. Rogers moved, seconded by Mr. Scott, to adopt Resolution No. 7 of 2004, setting the fee schedule for Special Events Permit as follows:

RESOLUTION #7 OF 2004

Resolved this 19<sup>th</sup> day of February 2004, the Mount Joy Township Board of Supervisors adopt the following fee schedule for a Special Events Permit:

\$500 per application

Payment is due upon submission of the permit application. Any additional expenses shall be passed on to the applicant.

Motion carried unanimously.

**Highway Occupancy Permit Application:**

Mr. Chantelau moved, seconded by Mr. Scott, to approve the revised format for the Mount Joy Township Highway Occupancy Permit Application form as presented, with the addition of a "Date Inspected" line and "Inspected By" line. Motion carried unanimously.

**Building & Grounds Report:**

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

**Additional Phone Lines:**

Mr. Dayhoff and Mrs. Constable presented a proposal to the Supervisors requesting additional phone lines to the Township Office. Mr. Chantelau moved, seconded by Mr. Scott, to approve two (2) additional lines, making a total of five (5) lines coming in to the Township Office, with one line to be dedicated for fax only, for an additional cost of \$241 annually, and to pursue cable for networking as it becomes available to this area. Motion carried unanimously.

**Correspondence:**

Secretary Brenda Constable noted receiving the following correspondence:

- White Run Regional Municipal Authority minutes for December 2003
- Information from the Department of Labor & Industry regarding Uniform Construction Code (UCC) administration and enforcement. It was noted that all municipalities are required to decide whether it will “opt in” or “opt out” of the UCC program, and must do so within a 90-day period, from April 9, 2004 through July 8, 2004. The Supervisors suggested holding a workshop to discuss this issue, and have Mr. Little develop a list of “pros” and “cons” for them to review, possibly by the March meeting. It was also suggested to have other persons who work in this field in attendance in order to give some expertise on the issues.

**Committee Reports:**

Personnel: Nothing to report.

Finance: Mr. Chantelau noted that Robin Crushong, Treasurer, would be attending a QuickBooks seminar in the near future.

Planning, Land Use & Zoning: Nothing to report.

Building & Grounds: Nothing to report.

Roads: The Supervisors noted that the Planning Commission has requested that the Supervisors adopt an Ordinance to lower the speed limit on Updyke and Miller Roads to 35 mph. It was noted that these roads are currently not posted, resulting in a speed limit of 55 mph. A traffic study was conducted in November of 1999 in relation to the proposed Deer Chase subdivision, and HRG had recommended that these roads be lowered to 35mph. After review of the Supervisors minutes, it was determined that this action was never done. Mr. Scott moved, seconded by Mr. Kirschner, to instruct Mr. Davis to prepare an Ordinance for adoption at the March Supervisors meeting, and to authorize the Secretary to advertise said Ordinance. Motion carried unanimously.

Public Safety: Nothing to report.

**Agricultural Land Preservation:**

Supervisors noted receiving the monthly report from the Ag Land Board. They also noted the resignation of Carol Newhart from the Ag Land Board, due to her appointment to the Township Planning Commission.

**Board Appointment:**

With recommendation from the Ag Land Preservation Board, Mr. Waybright moved, seconded by Mr. Chantelau, to appoint Paul Renner to the Ag Land Preservation Board, filling the vacancy by Carol Newhart, through December 31, 2004. Motion carried unanimously.

**Purchase of Easement:**

With recommendation from the Ag Land Preservation Board, Mr. Scott moved, seconded by Mr. Rogers, to approve the purchase of agricultural land preservation easement in the amount of One Thousand Five Hundred Forty Dollars (\$1,540) per acre to purchase the improved real property located at and known as

217 Mud College Road, Littlestown, Mount Joy Township, Adams County, Pennsylvania 17340, and as described in Deed Book 1013 at Page 129, totaling 79.07 deeded acres, all of which acreage has been appraised for this price, owned by Mary C. Frederick Hofmann. It was noted that Ms. Hofmann accepted the Board's offer of 80% of the appraised value. Motion carried unanimously.

With recommendation from the Ag Land Preservation Board, Mr. Scott moved, seconded by Mr. Chantelau, to approve Adams County Surveyors to verify the closure on a survey for the Mary C. Frederick Hofmann property. Motion carried unanimously.

### **Other Business:**

#### **Zoning Hearing Board Appointment:**

Mr. Waybright moved, seconded by Mr. Scott, to appoint Brenda Constable as Secretary of the Zoning Hearing Board, effective retroactive to January 1, 2004. Mr. Waybright noted that the Zoning Hearing Board appointed Ms. Constable as Secretary, but because her wages are not separated for Township Secretary and Zoning Hearing Board Secretary, the Supervisors must also appoint her as well. With no further discussion, the motion carried unanimously.

### **New Business:**

#### **Agricultural Security Areas:**

The Supervisors received a recommendation from Mr. Little to approve two (2) additions to the ASA program for 2003. It was noted that the ASA committee must first meet to review these recommended additions prior to the Supervisors' approval. Mr. Scott moved, seconded by Mr. Rogers, to table action until the March meeting. Motion carried unanimously.

#### **Sewage Enforcement Reimbursement for 2003:**

Mr. Kirschner moved, seconded by Mr. Rogers, to authorize Board Chairman Waybright to sign the Application for Reimbursement of Sewage Enforcement for 2003 and submit to DEP. Motion carried unanimously.

### **Executive Session:**

Mr. Waybright called for an Executive Session at 9:20 p.m. this date.

### **Meeting Reconvened:**

Mr. Waybright reconvened the Supervisors' Meeting at 9:35 p.m. this date with the following others in attendance: Supervisors Bill Chantelau, Will Rogers, George Scott, and Harold Kirschner; Solicitor Walton V. Davis; News Reporter Alex Gayhart; Sam Dayhoff, Building & Grounds Coordinator; and Secretary Brenda Constable. Citizens in attendance were Rick Klein.

Mr. Davis reported that during the Executive Session discussion was held regarding potential litigation on what a contractor did or did not do. No action is needed at this time.

**Well Ordinance:**

Mr. Waybright recommended that the Supervisors review the proposed well ordinance that was given to them a few months ago by the Planning Commission, and be prepared to discuss this issue at the March meeting.

**Adjournment:**

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the Supervisors' Meeting at 9:40 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable  
Secretary