

## **FEBRUARY 19, 2009 SUPERVISORS' MEETING:**

The Mount Joy Township Board of Supervisors met this date, as publicly advertised, at 7:30 p.m. in the meeting room of the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA 17325 with Board Chairman James W. Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Samuel Dayhoff, and Robert Rhodes; Solicitor Walton V. Davis; Treasurer Robin Crushong; Zoning Officer Dave Crouse; and Secretary Brenda J. Constable.

Others in attendance were: News Reporters Aaron Young (*Gettysburg Times*), Tom Dunchack and Jerry Althoff representing the Planning Commission; John Gormont; Bob Sharrah and Wendy Beauchat representing Horizon Group; Elsie Morey; Eileen Holmes; Carol Holtz; Audrey Sanders; Jack McLatchy; Sally Alexander; O.D. Hottenstien; Hannah Hottenstein; Bernie Hueskin; Debbie Hilling; Ken Sanders; Kathy Glahn and E.L. Ramsburg III representing the Adams County Farmers' Market; Pam Roman; John Roman; Dave Updyke; Phil Cole; and Matthew Sentz representing Barlow Fire Company.

Board Chairman Waybright led everyone with the Pledge to the Flag.  
The Township recorded the meeting.

### **Minutes:**

Mr. Scott moved, seconded by Mr. Chantelau, to approve the January 15, 2009 minutes as presented. Motion carried unanimously. \*Under Public Comment - added names of ASA committee members.

### **Public Comment:**

1. Wendy Beauchat: Attorney representing Horizon Group on behalf of The Outlet Mall. Submitted a proposed ordinance for a text amendment to the SVSC provisions of the Mount Joy Township Zoning Ordinance regarding interior setbacks and steep slopes. Requested a public hearing on this proposed amendment to be held on April 16, 2009 prior to the regular Supervisors' meeting.  
MOTION: Mr. Scott moved, seconded by Mr. Chantelau, to set the date and time for a public hearing on the proposed ordinance for April 16, 2009 at 7:00 p.m. Motion carried unanimously.
2. John Gormont: Regarding Act 537 and sewage management districts. He contacted DEP for information, and suggested the Supervisors consider a requirement that gives the homeowners the option of either pumping his/her septic tank every three years, or only inspect it if the tank is only one-third full.
3. Eileen Holmes: referencing January 15, 2009 minutes, public comments, asked that ASA Committee members names be listed. Supervisors agreed to add the names. See \* after action of approving minutes.

### **Announcements:**

- Partnership for Land Use Education on February 23 – Intergenerational issues: the young and the old; and March 4 – Affordable housing: where will we live?
- ASA Advisory Committee vacancy, farmer representative; meets as needed; no term limits
- Adams County Conservation District Well Water & Septic System workshop on April 22 at 7:00 p.m.

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

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

Mr. Chantelau moved, seconded by Mr. Scott, to approve the bills to be paid as presented. Motion carried with Mr. Dayhoff abstaining.

**Subdivision/Land Development:** No plans this month.

### **Road Report:**

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

With recommendation from Mr. Dayhoff, Road Superintendent, Mr. Scott moved, seconded by Mr. Chantelau, to authorize Mr. Dayhoff to sign up with COSTARS via PA Department of General Services for bidding/purchasing salt. Motion carried unanimously.

### **Zoning Officer's Report:**

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

### **Correspondence:**

Ms. Constable noted receiving the following correspondence:

- WRRMA January Minutes.
- SPCA Thank You for 2009 donation.
- Thank you letter from citizen to the road crew for a job well done.
- Adams County Environmental Services – County will not be issuing hauler licenses for 2009.
- WRRMA notification for H2O PA Application: Mr. Dayhoff moved, seconded by Mr. Scott, to send WRRMA a letter of support for seeking funding with Commonwealth Financing Authority. Motion carried unanimously.
- Southeast Adams County Joint Comp Plan (Draft) – Germany, Union, Littlestown: noted public hearing is scheduled for March 18, 2009 at 7:00 p.m. at the Littlestown Borough Meeting Rm.
- Adams County Ag Land Preservation reminder of Round Opening from 2/2/09 – 4/3/09.
- Lake Heritage notice of application to DEP for seawall/dock improvements.
- Commuter Services of South Central PA – commuting options. Non-profit organization working with the County Planning & Development and Adams County Transit Authority. Requesting to put their information in our next newsletter for commuters to consider alternatives for driving alone. Supervisors agreed to include the information in the next newsletter.

### **Herbert Rowland & Grubic, Inc. (HRG)**

Ms. Peggy Miller, Manager at HRG was present to introduce herself to the Supervisors. Jonathan Holmes had previously been the representative from the Gettysburg Office but left the company in January. HRG is the Township's assistant engineer.

## **Committee Reports:**

Personnel: Mr. Chantelau moved, seconded by Mr. Scott, to approve the Birthday Recognition Policy as presented at the January meeting, and to incorporate that policy into the Employee's Personnel & Benefits Policy. Motion carried with Mr. Dayhoff abstaining.

Finance: Mr. Chantelau explained the County Tax Assessment Office sent a letter asking if the Township wanted to have its taxes from the County paid to the Township on a quarterly basis versus annually. On behalf of the Finance Committee, Mr. Chantelau moved, seconded by Mr. Dayhoff, to receive the taxes from the County on a quarterly basis. Motion carried unanimously.

Planning, Land Use & Zoning: Mr. Rhodes gave comments on the Rock Creek Corridor Project. He and Mr. Waybright attended the ACTPO (Adams County Transportation Planning Organization). It is the understanding that none of the applicants for the grant have been reviewed yet so Mr. Rhodes will be contacting the County Planning Office to check on the status.

Committee is still working on a process for fire companies to review plans; and finishing the recommended changes for the Table of Permitted Use.

Mr. Chantelau noted that he and Mr. Rhodes would be meeting with Eric Mains, Township Engineer, to walk the ground at The Outlets to see exactly what slopes (man-made versus natural) are the subject of the proposed text amendment that was submitted to the Supervisors at the beginning of the meeting by Attorney Wendy Beauchat. Following that, they will meet with Mr. Mains, Mrs. Beauchat, Bob Sharrah, Land Planner, and Mr. Davis on March 2 to review the proposed ordinance based on what they saw.

Building & Grounds: Nothing to report.

Roads: Nothing to report.

Public Safety: Nothing to report.

## **Agricultural Land Preservation:**

Board did not meet this month; next scheduled meeting is March 10, 2009 at 7:30 p.m. Tabled from last month was a proposed program change if the application fee is to be waived for re-applicants. Mrs. Crushong reported that she checked with Ag Land Solicitor, Mr. White, and he said there would be no problem sending a letter to the re-applicants but to be cautious of setting a precedence. Discussion: Mr. Chantelau suggested changing the program to say if the Township doesn't reach the farms in a round and the applicant reapplies and it's just a normal routine application with no administration charges against it, waive the fee. Mr. Davis asked if this would be for the applicant or the property, or both. Property may change hands. Mr. Scott suggested a limit of doing it for one year. Re-application has to occur within a year at the time the property is officially passed over, for a one-time waiver only. This would not apply to properties that have been rejected. Mr. Dayhoff suggested this should go with the ownership; if the same owner applies to the program with the same property, then waive the fee. If the property changes hands then the new property owner must start over. Jerry Althoff questioned if it should read within consecutive rounds.

Mr. Scott moved, seconded by Mr. Chantelau, to have the Agricultural Land Preservation Board Solicitor prepare a proposed amendment to the program, contingent on Ag Board approval, indicating that

applicants who have filed an application but their application had not been reached, to be permitted at the next consecutive round to file another application either for a reduced or no fee. Discussion: Mr. Chantelau suggested the Ag Preservation Coordinator send an email to the Ag Board to let them know this action is coming and to inform them that the Supervisors want to act on this at their March 19 meeting. Mr. White should have the proposal written prior to that meeting. . Mr. Waybright clarified that this motion is only to get Mr. White to prepare the proposal; it is not for adoption. With no further discussion, the motion carried unanimously.

Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve sending a letter to the applicants that were not ranked in the last round, with language indicating the fee “might” be waived if they wanted to re-apply. Motion carried unanimously.

### **Recreation Board:**

Mr. Dayhoff moved, seconded by Mr. Scott, to approve the monthly Recreation Board report. Motion carried unanimously.

With recommendation from the Rec Board, Mr. Dayhoff moved, seconded by Mr. Scott, to disperse fees that mature in March, April and May to the Gettysburg and Littlestown Recreation Departments, in the total amount of \$4,062.39. Discussion: Mr. Davis recommended that the Supervisors ask the recipients to send a letter back stating that the money is being used toward the acquisition of facilities and that Mount Joy Township residents have access to them. Supervisors agreed. With no further discussion, the motion carried unanimously.

Noted the next Recreation Board meeting will be held April 14, 2009 at 6:30 p.m.

### **Other Business:**

**ASA Additions:** Mr. Scott moved, MC to adopt **Resolution No. 17 of 2009** for two (2) additions to the Mount Joy Township Agricultural Security Area for Randy & Stephanie Reiner, 135 Schwartz Road, Gettysburg, Pennsylvania, totaling 53.40 acres; and Kenneth & Linda Hilbert, 4004 Baltimore Pike, Littlestown, Pennsylvania, totaling 76 acres. Mr. Waybright noted a public hearing was held prior to this meeting for these proposed additions. With no further discussion, the motion carried unanimously.

### **New Business:**

**RRMA:** Mr. Scott moved, seconded by Mr. Chantelau, to accept the resignation of William Rogers from the Red Rock Municipal Authority, effective January 20, 2009. Motion carried unanimously.

Mr. Dayhoff moved, seconded by Mr. Scott, to appoint Dennis Bowman to the RRMA, filling the vacancy of Mr. Rogers with a term ending December 31, 2011. It was noted that Mr. Bowman is a resident of The Links At Gettysburg. Mr. Davis gave an overview of the RRMA. With no further discussion, the motion carried unanimously.

**Adams County Farmers’ Market Association:** Ms. Kathy Glahn and Beau Ramsburg were present to request the Supervisors consider a text amendment to the zoning ordinance with regard to allowing off-premise signs to be placed along Route 97 to give more exposure to the Farmers’ Market that was started last year at The Outlets. Market hours are Fridays 9:00 a.m. – 1:00 p.m. Currently they use

real estate size type signs; put them up in the morning and take them down at the end of the day. They also place additional signage on The Outlet premises. The Farmers' Market would like to extend their products; promote Adams County agriculture and the local farmers by staying at this location for a long period. It was noted that approximately two Mount Joy Township farmers currently participate in the market. They currently have nine vendors from Adams County and growing.

A mission statement and list of community programs initiated by the Farmers' Market was presented to the Supervisors. The request is to allow for an off-premise sign, approximately 15 square feet, to be placed along Route 97 at two locations during the period April 1 through December 1 of each year. The signs would be placed on private properties with landowner permission. Discussion was held on what type of costs would be involved and the language needed to address this. Mr. Dayhoff commented that the Township should show their support for agriculture; this is a viable project. It was agreed that the language would need to address all farmers' markets, and not be specific to this one.

Mr. Dayhoff moved, seconded by Mr. Chantelau, to have the Land Use & Zoning Committee meet with Mr. Davis and Mr. Ramsburg and draft an ordinance. Discussion: Mr. Davis asked the representatives to send him what type of content they would want on the sign so that all farmers' markets would be similar in case other farmers' markets would want to do the same. He would like to know what size sign would be allowed; would there be a maximum of two per farmers' market? Content should be informative only, such as identification of market, hours, days, where; no advertising. With no further discussion, the motion carried unanimously.

**Mount Joy Township Historical Committee:** Mr. Chantelau gave an overview of the proposed establishment of a Historical Committee for Mount Joy Township. He noted this concept was approved at the January Reorganization meeting. He pointed out that Elsie Morey has been very instrumental in this project. Mrs. Morey presented a resolution for consideration of the establishment of the committee. She gave the purpose, the scope, actions the committee would take, and suggested committee membership and term limits. Mr. Chantelau noted that the Township would provide administrative support and digital/mapping/picture support for the historical preservation submissions to the State.

Mr. Chantelau moved, seconded by Mr. Rhodes, to adopt Resolution No. 18 of 2009 establishing the Historical Committee of Mount Joy Township. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Scott, to nominate the terms of service as follows: Elsie Morey, Jim Witt, and Barbara Steele for three years; Pam Roman, Emily Shoey, and Sally Alexander for two years. It was suggested that nine members be appointed so there could be three more people from the Township to volunteer for these three positions. They would hold one-year terms, which could be appointed as they volunteer. Discussion: Mr. Chantelau thanked Elsie Morey and Jim Witt for all the work they have already put into this, noting that they have already started the historical map overlay.

Mr. Dayhoff requested an Executive Session. Mr. Waybright granted the request to hold an Executive Session at 8:45 p.m.

**Meeting Reconvened:** Mr. Waybright reconvened the Supervisors' Meeting at 9:10 p.m. this date with all Supervisors and Solicitor in attendance, including the Secretary. Others in attendance were: Treasurer Robin Crushong; Zoning Officer Dave Crouse; News Reporter Aaron Young; Jerry Althoff; Tom Dunchack; David Updyke; John Gormont; O.D. Hottenstein; Hannah Hottenstein; Ken & Audrey Sanders; Bernie Hueskin; Debbie Hilling; Pam & John Roman; Elsie Morey; Phil Cole; Eileen Holmes; Carol Holtz; Sally Alexander; and Matt Sentz.

Mr. Davis noted that the Executive Session covered a couple of areas of the same matter. He was asked:

- what the discretion of a board is of appointing members;
- what his feeling was about having an even number of board members as opposed to an odd number of board members; and,
- was asked for an opinion if there was going to be a board of less than nine people, how would the rotating terms work; what has been his experience on this with other boards so that no more than one or two people are going off the board in any given year.

Mr. Chantelau noted that based on the advise of the Solicitor, he withdrew his previous motion to appoint the members with the terms as stated. Mr. Scott withdrew his second to that motion.

Mr. Waybright stated that given that information and discussion, if the number of members were to change from an even number to an odd number, the Resolution as adopted would need to be withdrawn as well and be revised to reflect the changes.

Mr. Chantelau moved, seconded by Mr. Scott, to withdraw Resolution No. 18 of 2009 as originally approved. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Scott, to adopt Resolution No. 18 of 2009 reflecting the following changes:

- Committee membership - five (5) members
- Term limits - five (5) years with initial terms set at 5, 4, 3, 2, and 1 years.

Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Dayhoff, to appoint Historical Committee members as follows:

- Elsie Morey – five years with term to expire December 31, 2013
- Jim Witt – four years with term to expire December 31, 2012
- Barbara Steele – three years with term to expire December 31, 2011
- Emily Shoey – two years with term to expire December 31, 2010
- Pam Roman – one year with term to expire December 31, 2009

Motion carried unanimously.

**Sewage Enforcement 2008 Reimbursement:** Mr. Dayhoff moved, seconded by Mr. Chantelau, to authorize the Chairman to sign the Application for Enforcing PA Sewage Facilities Act & Onlot Sewage Disposal Program Annual Report. Motion carried unanimously.

**Barlow Fire Company:** Matt Sentz, Barlow Fire Company representative, presented the 2008 annual report. Noted were 126 calls, 40 in Mount Joy Township. Does not anticipate any box card changes in 2009. Any changes relative to Kingsdale coverage area would be changed by County. The new Rescue will be done in March, looking at the third week of March for delivery.

**Well Ordinance Amendment:** Planning Commission recommends approval of the amended ordinance as presented by KPI. Mr. Waybright noted concern with regard to quality of water, not regulating it, but recognizing it and letting people know what they have. Planning Commission also had this concern, as well as quantity. Some areas require a well to be drilled prior to acquiring a building permit, or in Mount Joy Township it would be a land use permit. He asked the Board if they would want to consider this. Discussion: Mr. Dayhoff questioned if this should be in the SALDO rather than the well ordinance; require it prior to subdivision. Mr. Davis explained this would only apply to subdivisions for new building lots. Staff

could be instructed not to issue any permits for building structures that require water until there is proof that there is sufficient water and quality water to support that structure. After further discussion, Mr. Dayhoff moved, seconded by Mr. Scott, to table this issue until next month and have the Planning, Land Use & Zoning Committee investigate options. Motion carried unanimously.

**Act 537 Plan Amendments:** Mr. Waybright noted a workshop was held in February to discuss Sewage Management Districts (SMD). Whatever the Supervisors decide to do with SMD, it must then be included in another submission to DEP for the Sewage Facilities Plan (Act 537). Mr. Davis stated that a form ordinance (does not have to be the official adopted ordinance) could be attached showing how Mount Joy Township would fulfill its sewage management obligations, including an implementation schedule. Once DEP approves the Plan, then the Supervisors must move forward with adopting the ordinance to put the SMD into effect.

Mr. Dayhoff moved, seconded by Mr. Chantelau, to include the implementation schedule and ordinance form with the Act 537 Plan and submit to DEP for review/approval. Discussion: Mr. Chantelau noted that the transportation service areas were discussed as being the three SMD in the Township. Mr. Davis confirmed that these districts must be incorporated into the ordinance, which would require an amendment to the draft ordinance already in place. KPI would prepare this for the Township and work with the Planning, Land Use & Zoning Committee on this. Mr. Chantelau noted the citizen concern of pumping every three years versus only inspection. Mr. Waybright pointed out that the draft ordinance, maintenance section, already includes this option, however, it does not waive the pumping. It was suggested to have KPI evaluate and comment on this issue. With no further discussion, motion carried unanimously.

**Mass Transit:** Mr. Waybright noted that he received correspondence from the General Manager at Adams County Transit Authority stating that the transit program in Gettysburg will not be going for another couple of months and they haven't forgotten Mount Joy Township's request to run the transit out to The Outlets. He stated they are still reviewing the stops.

**Adjournment:**

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Dayhoff, to adjourn the Supervisors' Meeting at 9:45 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable  
Secretary