

MARCH 19, 2008 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; Zoning Officer Dave Crouse; and Secretary Brenda J. Constable.

Others in attendance were: Matt Sentz representing Barlow Fire Department; Jerry Althoff and Audrey Weiland representing the Planning Commission; Carol E. Holtz; Ed Mort representing Adams Association; Elsie Morey; Sally Alexander; Rick Klein representing The Links At Gettysburg; and Christopher Topper and John Wiser representing Kingsdale Fire Company.

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

Minutes:

Mr. Scott moved, seconded by Mr. Chantelau, to approve the February 21, 2008 minutes as presented. Motion carried unanimously.

Public Comment:

1. Carol Holtz: commented that it is her understanding that the proposed contract between Meadow Brook Golf Course and Keystone Custom Homes is null & void and if this is true, what would the Supervisors do to preserve that land from any further high density development. The Supervisors responded that the Township has not received any official notification that the development is not going to happen so the preliminary plan remains on the table as is; nothing has been withdrawn. They further noted that the property was changed to Agricultural Conservation zoning in November 2005, which was after the plan submission, so they have already taken measures to preserve the area.
2. Matt Sentz: Barlow Fire Company and township resident. Noted that the Township had offered to help the company with the bidding of aggregate for the new lot they recently purchased. He updated the Supervisors that members of the company had not yet met to determine what amount of aggregate is needed. Mr. Sentz also asked if the Township was going to put a dusk to dawn light up at intersections because one is needed at Barlow-Two Taverns and Rock Creek Ford Road. The Supervisors noted that the only areas the Township did was Rt. 194 and Rt. 97.

Person's Requesting Time:

Kingsdale Fire Company Box Card Changes: Christopher Topper, Chief, was present to submit proposed changes to the Kingsdale Fire Company Box Cards in Box 21-1 and Special Box 21-11. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the changes as presented. Motion carried unanimously. John Wiser, Assistant Chief, asked to meet with the Public Safety Committee in the future to discuss other concerns regarding other box cards and safety in the Township. The Committee agreed to set up a workshop with Kingsdale within the next month. Mr. Waybright thanked Kingsdale Fire Company for their service and dedication to Mount Joy Township.

Announcements:

Ms. Constable announced the following:

- The Partnership for Land Use Education meeting on Understanding Density will be held on March 25, 2008 at 7:00 p.m. at the Agriculture & Natural Resources Center.
- The County Conservation District has distributed its annual information regarding the DEP 2008 West Nile Virus monitoring program.

It was noted that information and handouts on both of these items were available in the lobby.

Treasurer:

Mr. Chantelau moved, seconded by Mr. Scott, 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 unanimously.

Subdivision/Land Development Plans:

1. Westminster-Keystone Custom Homes: proposed 204-lot subdivision on White Church and Goulden Roads. Extension through July 31, 2008. The Supervisors noted receiving an updated status on the water issue and reason for extension.
2. Twin Pond Estates – Bon-Ton Builders: proposed 34-lot subdivision on Harney Road. Supervisors noted that Loss-Stair Engineering, agent for the applicant, has withdrawn the preliminary plan and sewage facilities planning module, effective March 5, 2008.
3. Auchey, John & JoAnn: No one was present to review this plan; held until later.
4. Adams Association: proposed 3-lot subdivision (2 lots + add-on) at 114 Straley's Road. It was noted that Planning Commission recommends approval as Preliminary/Final plan with contingencies and approval of the Sewage Facilities Planning Module. Mr. Ed Mort of Group Hanover Inc., Surveyor, was present to review this plan. Mr. Dayhoff moved, seconded by Mr. Scott, to approve a waiver of preliminary review and accept as a Preliminary/Final Plan. Motion carried unanimously. After review of comments, Mr. Chantelau moved, seconded by Mr. Scott, to approve the Preliminary/Final Plan contingent on satisfying all County & KPI comments. Motion carried unanimously. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the Sewage Facilities Planning Module for submission to DEP. Motion carried unanimously.
5. Ogg, Richard: proposed subdivision plan in Mt. Pleasant Township with small portion of the parent tract in Mount Joy Township. After review of the plan, it was noted that a small portion of the parent tract lies in Mount Joy Township but is not affected by the proposed subdivision in Mt. Pleasant Township. Mr. Dayhoff moved, seconded by Mr. Chantelau, to notify Mt. Pleasant Township of Mount Joy Township's approval of the plan. Motion carried unanimously.
6. The Links At Gettysburg – Garrison Falls IIC: proposed Final plan for 15 lots at the Links Community. It was noted that the Planning Commission recommends approval of the four modifications as listed on the Title sheet and approval of the plan. Mr. Scott moved, seconded by Mr. Chantelau, to approve the modifications as listed, and the Final plan contingent on satisfying all KPI comments, which includes the posting of a financial security bond. Motion carried unanimously.
7. Auchey, John & JoAnn: proposed 2-lot subdivision along Hoffman Home Road. It was noted that the Planning Commission recommends approval as Preliminary/Final and approval of the Sewage Facilities Planning Module. Mr. Dayhoff moved, seconded by Mr. Scott, to approve a waiver of

preliminary review and accept as a Preliminary/Final Plan. Motion carried unanimously. Mr. Waybright questioned if there was enough area for safe driveway entrances for each of the new lots, because of being directly across from Orphanage Road intersection. It was noted that driveway permits would be through PennDOT. Mr. Davis noted that the subdivision plan can be approved without driveway permits at this time; there would need to be notes on the plan, which are included. Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve the plan contingent on satisfying KPI and County comments. Discussion: Ms. Constable noted the County commented that this piece of land has two Tracts with Tract 1 being allowed to have three new lots and Tract 2 is unimproved. This subdivision is for only two lots so one lot remains. County suggested that Note #4 includes a clarification that the remaining lot to be subdivided must come from Tract 1. Supervisors agreed. Motion carried with Mr. Waybright opposing. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the Sewage Facilities Planning Module for submission to DEP. Motion carried with Mr. Waybright opposing.

Road Report:

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

- Mr. Dayhoff, Road Superintendent, noted that the road crew attended several training seminars and learned that the Township is now required to have a shadow vehicle follow the mower when mowing the roads. This is per PennDOT Publication 213. Mr. Dayhoff suggested this requirement be performed on only heavily traveled roads for 2008 because of budgetary reasons. The Supervisors questioned how PennDOT could regulate Township roads. Mr. Scott moved, seconded by Mr. Chantelau, to instruct the Solicitor to research how PennDOT could regulate Township roads, and then consider any action at next month's meeting. Motion carried unanimously.
- With recommendation from Mr. Dayhoff, Mr. Scott moved, seconded by Mr. Chantelau, to authorize the advertisement of IFB (Invitation For Bid) for aggregate and to open said bids at the April 17, 2008 meeting. Motion carried unanimously.
- Mr. Dayhoff noted that all signs in the Township must meet new PennDOT requirements for reflectivity by 2015 and submitted a Sign Replacement Plan beginning in 2009 through 2014. Mr. Chantelau moved, seconded by Mr. Scott, to approve the Replacement Plan as presented. Motion carried unanimously.
- With recommendation from Mr. Dayhoff, Mr. Chantelau moved, seconded by Mr. Scott, to accept a proposal from CMX in the amount of \$2,110 to perform the box culvert work on Basehoar-Roth Road. Motion carried unanimously.
- Mr. Dayhoff noted that he will be meeting with a PennDOT representative to review the signs that are on state roads that the Township is required to maintain.
- Mr. Davis noted that he has not yet sent a letter to PennDOT relative to the intersection issue at Hoffman Home, Harney, and Maryland Line Roads because he was waiting on Supervisors' approval. Mr. Chantelau moved, seconded by Mr. Scott, to authorize Mr. Davis to send the letter to PennDOT. Motion carried unanimously.

Zoning Report:

Mr. Scott moved, seconded by Mr. Chantelau, to approve the Zoning Officer's Report as presented. Motion carried unanimously. Mr. Chantelau noted that The Outlet Shoppes at Gettysburg

recently hired a new General Manager and suggested that he be invited to the next Supervisors' Meeting to meet the Supervisors.

Correspondence:

Ms. Constable noted receiving the following correspondence:

- County Planning & Development 2007 Subdivision/Land Development & Building Permit Activity Report
- County Planning & Development 2008 Income Limits and Fair Market Rents for Adams County
- Gettysburg Recreation Department requesting donations
- Littlestown Elementary Football Association requesting donations
- Letter from resident supporting a 4-way stop at intersection of Hoffman Home, Harney & Maryland Line Roads.

Committee Reports:

Personnel: Nothing to report.

Finance: Mr. Chantelau gave a quarterly report noting that Mount Joy Township is currently fiscally sound. Expenses are less than projected and income is slightly higher than projected. Long range, overall cost increases will have a negative effect on revenue stream resulting in higher than projected costs to operate and maintain the Township. Regarding Ag Land Preservation Program, it is recommended that the next round be opened, applicants be reminded of the ranking system and criteria to be applied; and due to the decrease in receipt of real estate transfer taxes, the Finance Committee will review the financial position in the next quarter and determine the advisability of opening the \$2 Million line-of-credit. The Committee also foresees a tax increase may be necessary for 2009.

Mr. Chantelau gave background concerning the final density payment of The Links At Gettysburg, which was to be paid by April 6, 2007. The March 15, 2007 minutes reflect an approval of a Guaranty Agreement for the final density payment plus interest with payment in full due by April 5, 2008. The Township had previously received three installments. Mr. Klein presented a "Letter Agreement" to the Township to modify and extend the repayment term of the obligation of Richard A. Klein and The Links At Gettysburg Realty Co. LLC as set forth in the agreement of March 8, 2007 agreed and acknowledged on March 15, 2007. Due to the current and past economic condition of the housing market, Mr. Klein requested that an extended due date for final density payment of \$105,520 be April 5, 2010. An additional repayment term as a condition to the extended repayment term is incorporated in the Letter Agreement. On behalf of the Finance Committee, Mr. Chantelau moved, seconded by Mr. Scott, to recommend acceptance of the proposal from Mr. Klein. Discussion was held with regard to the escalator income. Mr. Davis requested an appendix to the Letter Agreement explaining the escalator income. The Supervisors also requested that Mr. Klein provide a monthly report to the Township Treasurer as to what the escalator income is. Mr. Chantelau moved, seconded by Mr. Scott, to recommend acceptance of the modified Letter Agreement per discussion tonight. Motion carried unanimously. The Supervisors thanked Mr. Klein for coming to the

Township and working through this issue. They added that without Mr. Klein's development, the Township would not have an agricultural preservation program.

Mr. Chantelau moved, seconded by Mr. Scott, approve a request for funds from the DCNR for the Recreation Board for the purchase of the Hartlaub property. Motion carried unanimously.

Planning, Land Use & Zoning: Nothing to report.
Building & Grounds: Nothing to report.
Roads: Nothing to report.
Public Safety: Nothing to report.

Strategic Planning Initiative: Mr. Chantelau noted that the committee had a very good session on brainstorming and will be starting to develop scenarios next month.

Act 209 Traffic Impact Committee: The Act 209 Advisory Committee will be holding its annual meeting this month and may have recommendations to the Supervisors at the April meeting.

Agricultural Land Preservation Board:

Supervisors noted receiving the monthly report. With regard to changes to the program that were approved last month, the Board requests one additional language change as presented. Mr. Chantelau moved, seconded by Mr. Scott, to approve the language to be incorporated into the program. Motion carried unanimously. Mr. Scott moved, seconded by Mr. Chantelau, to approve the Resolution which reflects the changes to the program and to include the Resolution in the Mount Joy Township Agricultural Land Preservation Program Booklet. Motion carried unanimously.

Recreation Board:

Supervisors noted receiving the monthly report. They noted the Study Committee is still seeking additional members representing the business category. Mr. Rhodes agreed to attend the next Study Committee Meeting to be held on March 27. The Board requested clarification from the Township Solicitor for §86-36.C. "Limitation on use of fees." specifically C.(3) as to what "development or improvement" includes. Mr. Davis will research this. Mr. Chantelau noted that it is his understanding that the legislature is currently in the process of amending fees for maintenance and will research this. The Board also asked for direction as to who will be maintaining recreation areas of the Township; would it be Township staff or should the Board plan for employees. The Supervisors responded that ultimately, the Township would be responsible, but for now they envision the Township staff doing the maintenance. In the long-term, such as 10 years, the comprehensive study may show other pieces of property and possibly the need for additional employees.

Other Business:

SALDO Amendment: Mr. Scott moved, seconded by Mr. Dayhoff, to set the date of May 15, 2008 at 7:15 p.m. to receive public comment relative to a proposed ordinance amending Section 86-30.K. (Ownership and maintenance of stormwater facilities) of Chapter 86 (Subdivision and Land Development) of the Code of Ordinances to rewrite sub-section (3) by adding requirements for easements on lots, and to

add a new sub-section (9) to provide that storm water facilities shall be placed in common areas of subdivisions and land developments. Motion carried unanimously.

New Business:

Collection of Zoning Hearing Fees: Mr. Scott moved, seconded by Mr. Dayhoff, to proceed with the collection of zoning hearing expenses through the District Magistrate from the Stephen C. Alexander November 13, 2006 Zoning Hearing. These are expenses that exceeded the hearing application fee of \$400, which was paid by Sally Alexander. Township Resolution states any expenses in excess of the application fee are to be paid by the applicant. The amount due was \$104.62 but with 12 monthly late charges added, the current total due is \$123.46. With no further discussion, the motion carried unanimously.

Executive Session:

Board Chairman Waybright called for an Executive Session at 9:00 p.m. this date.

Meeting Reconvened:

Board Chairman Waybright reconvened the Supervisors' Meeting at 9:10 p.m. with all Supervisors, Solicitor Davis, Zoning Officer Dave Crouse, and Secretary Brenda Constable in attendance. Others attending were: Jerry Althoff; Audrey Weiland; Carol Holtz; and Matt Sentz.

Mr. Davis noted that discussion during Executive Session was a personnel issue related to a non-compensated person.

Adjournment:

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Dayhoff, to adjourn the Supervisors' Meeting at 9:15 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary