

## **MARCH 21, 2002 SUPERVISORS' MEETING:**

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:00 p.m. in the Township Building, 902 Hoffman Home Road, Gettysburg, PA, with Chairman James Waybright presiding. Others in attendance were: Supervisors Scott, Rogers and Chantelau; Solicitor Walton V. Davis; News Reporter Alex Gayhart (*The Gettysburg Times*) and Tauragi Welli (*The Evening Sun*); and Acting Secretary Robin Crushong.

Citizens in attendance were: Neal Oussoren representing Thomas Young; Beverly Boyd; Frances A. Gilbert; Harold Kirschner; Eileen Holmes; David R. Updyke; Bob Staley; Whitney Coombs; John Leino; John McAlister; Bob Sharrah representing Rick Klein (The Links At Gettysburg); and Carol Newhart.

Chairman Waybright led everyone with the Pledge to the Flag.

### **Minutes:**

Chantelau moved, seconded by Scott, to approve the minutes of the February 21, 2002 meeting as presented. Motion carried unanimously.

### **Chairman's Statement:**

Chairman Waybright noted that they are in the process of setting up a meeting with residents from Long Road. It looks like it will happen either the 1<sup>st</sup> or 2<sup>nd</sup> week in April and that meeting will be advertised.

Chairman Waybright noted with regard to the nitrate issue, Will Rogers, Jay Little and himself attended a meeting in Harrisburg with Benetec Associates and PA Department of Environmental Protection (DEP). They also had a meeting here with our SEO, Gil Picarelli, and Jeff Pepper, Geologist, to address this issue. The Planning, Land Use and Zoning Committee will give a more detailed report later in the meeting.

Chairman Waybright stated that Robin Crushong, Township Treasurer, is a notary. There are times when a plan needs to be notarized and if she is here, she will be glad to do that for a fee of \$2.00. We researched this issue and we as a Township, cannot pay her to do this but she is allowed to do it. If a citizen prefers to go somewhere else to have it done, that is fine too.

### **Public Comment:**

There was no public comment.

### **Persons Requesting Time on Agenda:**

1. Carol Newhart – Thanked the Supervisors on behalf of the residents of Plunkert Road for their response to the nitrate issue. They found out exactly what was going on with the issue and they educated themselves and the Township a little more. The residents do appreciate it because it is a serious issue and more so for young children and pregnant women, which a lot of the residents on Plunkert Road have young children and grandchildren. She thanked the Supervisors for the attention that they all have taken to this issue.

2. The Links At Gettysburg – Robert Sharrah, representative for Rick Klein (owner) wanted to make sure that the Supervisors were aware that a submission was made for 91 dwelling units in this planned golf community. All units are on the West side of Lousy Run. There are basically three (3) communities within the project. We are using a number of “Best Management Practices” (BMP) including some modified sandfilled trenches like Carroll County uses and that will try to get whatever runoff water we have back into the ground. We are relying on the existing ponds, the existing traps, to take up some of this runoff and one of the communities will have a conventional storm water detention basis. We do not have any comments from the Bureau engineer or the County Planning Commission. We just wanted to let you know that this was coming.
  
3. John Leino, Township Auditor – Presented the Auditor’s Report for year 2001. The financial records were examined and they were able to verify expenses, revenues, beginning and ending balances for all accounts. This information has been reported in the Commonwealth of PA Annual Audit and Financial Report for Mount Joy Township 2001. Copies have been filed with the Township, County, and State as required. Some comments made concerning the year’s activity included: a) State Highway Funds are segregated from general funds; b) QuickBooks is now being utilized in the areas of payroll data and financial reports; c) the fuel usage records were accurate and complete; d) petty cash account was found to be correct and with proper documentation. However, petty cash funds need to be added to QuickBooks; e) Signatures on checks – some only had one signature, signature needs to be full name if that is the way it is on the signature card with the bank and the accounts need to be named “Mount Joy Township – General Fund”, “Mount Joy Township – Payroll Fund”, “Mount Joy Township – State Fund”. Currently the accounts state “Supervisor” which may have been carried over from years ago but that needs to come off, and needs to include the Township’s address.  
Other issues of concern: a) budget should include the source of funds whenever expenditures exceed projected revenues as required by the second Class Township Code, Article XXXII (Taxation and Finance); b) employee pay raises – supervisors need to consider the budget implication of providing employees with almost an 8% raise when most other employees are getting around 3%. The increase in the base budget over the years will be significant if raises are not restrained. All in all, the records were in better shape than they have been in several years. This report was respectfully submitted by John A. Leino, Chairman, Marcia E. Brown, Secretary and Robert Staley.

### **Treasurer’s Report:**

Rogers moved, seconded by Chantelau, to approve the Treasurer’s Report for February and March as presented. Motion carried unanimously.

Chantelau moved, seconded by Scott, to approve the bills to be paid for February and March as presented. Motion carried unanimously.

Scott moved, seconded by Chantelau, to approve and ratify Adams County National Bank and PLGIT Resolutions, retroactive to January 7, 2002, changing the authorized agents for all accounts at each financial institution. Motion carried unanimously.

Chantelau moved, seconded by Scott, to approve Waypoint Bank Resolution changing authorized agents for Certificates of Deposits. Motion carried unanimously.

Chantelau moved, seconded by Scott, to approve and sign Account Registration Form with PLGIT to open a new account for Mud College Schoolhouse. Waybright ask if there was going to be a complete separate account for everything that is done for Mud College. This was confirmed by Robin that a new totally separate account is being opened for Mud College at PLGIT. Motion carried unanimously.

**Subdivision/Land Development Plans:**

1. Thomas D. Young – preliminary plan for a subdivision of one (1) lot with 4.063 acres into two (2) lots at 420 Plunkert Road. Lot 1, the remainder of the parent tract, would consist of 2.321 acres, and Lot 2, with 1.742 acres, is intended as a single-family residential lot. Chairman Waybright noted that this was tabled last month because the Supervisors wanted to wait for DEP’s response on the sewage planning module. We have since received the approval from DEP. Young is requesting that this be approved as a preliminary/final as the Planning Commission recommended. Scott read aloud the approval report from DEP for the benefit of the citizens. DEP received the plan on March 8, 2002 and the Municipality has completed and approved this plan. It is the Municipalities responsibility to meet the short and long term sewerage disposal needs of this tract. The proposal qualifies as an exception of Chapter 71, Section 71.55. The Sewage Enforcement Officer is authorized to issue permits in this proposed subdivision in accordance with the Pennsylvania Sewage Facilities Acts and 25(j) Code Chapter 71, 72 and 73. DEP has approved it. Waybright stated that with that we have the request from Mr. Young to approve this as a preliminary/final. With no further discussion, Scott moved to approve as a Preliminary/Final Plan, seconded by Rogers. Motion carried unanimously.

**Bid Openings:**

Chairman Waybright announced that bid openings will be held at this time, as publicly advertised for the following:

Aggregate Materials - Two bids were received:

1. Chantelau opened and read aloud a bid received from Valley Quarries, Inc., P.O. Box J, Chambersburg, PA 17201:

a) 5200 tons of stone delivered	\$39,680.00	3000 tons of 2A	21,300.00
		300 tons of 2B	2,460.00
		200 tons of 1B	1,980.00
		1200 tons of Anti-skid	9,840.00
		500 tons of 3	4,100.00
b) 5200 tons of stone FOB	\$30,840.00	3000 tons of 2A	16,200.00
		300 tons of 2B	1,950.00
		200 tons of 1B	1,640.00
		1200 tons of Anti-skid	7,800.00
		500 tons of 3	3,250.00

c) 2500 tons BCBC delivered	\$ 58,250.00
2500 tons BCBC FOB	no bid
3500 tons ID-2 delivered	\$ 92,050.00
3500 tons ID-2 FOB	no bid

A ten percent (10%) bid bond was attached. Solicitor Davis looked over the bond and Power of Attorney and said that it was fine as is.

2. Rogers opened and read aloud the bid received from McDermitt Concrete, Inc., P.O. Box 3219, 83 Hunterstown Rd., Gettysburg, PA:

3000 tons of 2A	no price provided
300 tons of 2B	no price provided
200 tons of 1B	no price provided
1200 tons of Anti-skid	no price provided
500 tons of 3	no price provided

2500 tons BCBC delivered	\$25.50/per	\$63,750.00
2500 tons BCBC FOB	\$22.50/per	\$56,250.00
3500 tons ID-2 delivered	\$28.00/per	\$98,000.00
3500 tons ID-2 FOB	\$25.00/per	\$87,500.00

There was a ten percent (10%) bid bond attached. Also a certified check for \$16,175.00 which equals 10%. Solicitor Davis looked over the bond and said that it was fine as is.

Discussion: Rogers noted that there are only two areas to compare. Waybright noted that Valley was lower on both. Waybright asked the wishes of the Board. Motion was made by Scott to accept Valley Quarries, Inc. bid, seconded by Rogers. Motion carried unanimously. Solicitor Davis said that the Supervisors could sign the proposal at their leisure.

Bulk Storage Building - Three bids were received. Supervisors noted that about \$92,000.00+ has been budgeted for this item.

1. Rogers opened and read aloud a bid from Roger E. Flickinger & Sons Construction Services, 2650 Biglerville Rd., Gettysburg, PA:

Base Bid Amt.	\$135,602.00
Alt. #1 overhead doors	2,950.00
Alt. #2 door opener	1,695.00
Alt. #3 electrical	8,298.00
Total Bid	\$148,545.00

Letter of Credit from Bank of Hanover for the ten percent (10%).

2. Scott opened and read aloud a bid from TAM Systems, Inc., 1248 South Mountain Rd., Dillsburg, PA 17019:

Base Bid Amt.	\$130,575.00
Alt. #1 overhead doors	7,049.00
Alt. #2 door opener	1,682.00 x 3 = 5,046.00
Alt. #3 electrical	4,132.00
Total Bid	\$146,802.00
Ten percent (10%) bid bond included	

3. Chantelau opened and read aloud a bid from Clarence Andrew Building and Remodeling, 199 Blacksmith Shop Rd., Gettysburg, PA:

Base Bid Amt.	\$166,428.00
Alt. #1 overhead doors	1,195.00 x 3 = 3,585.00
Alt. #2 door opener	665.25 x 3 = 1,995.75
Alt. #3 electrical	3,900.00
Total Bid	\$175,908.75
Ten percent (10%) bid bond included	

Discussion: Scott stated that TAM Systems, Inc. is the lowest bid with alternate or with base bid. Rogers motioned to reject all bids and revisit the budget that we had on this building and consider resubmission after we find out how this was budgeted. Rogers does not think it should be rewarded this evening. This is a considerable over run of what we budgeted for. Scott seconded. Scott notes that the Building & Grounds coordinator was interested in seeing if we could get it done tonight, reason being he would like to get concrete poured so it has maximum amount of time to cure. However, Scott totally agrees with Rogers that we should put this off until we figure out what is going on. Rogers stated that the pivot steel increased the price which may not have been budgeted for. Rogers thinks we need to rebid it. The \$92,000.00 figure sounds more like it is structured on a private wage and not the required prevailing wage rate. Rogers stated that we might need to redesign this and change some things. Something needs to be adjusted. Waybright asked that if we need to adjust the budget do we have to accept one of these bids? Scott stated to have as short a process as possible. Scott, in response to a citizen's question, said that we are not automatically accepting any doors or overhead doors. Each one of those will be evaluated to determine whether we want to go with the bay and if we do want automatic doors. They are not automatic doors. Rogers stated that even without doors and electrical we are still \$40,000.00 over budget. We need to revisit the budget, we need to revisit the plan. Discussion evolved concerning the way this should be handled in motioning this matter. Solicitor Davis suggested that the bids be tabled so that they could be used later if it was the wish of the Board to do so. The motion that was on the floor needs to be voted on and that was the total rejection of all bids which motion was made by Rogers and seconded by Scott. No yeas, all voted nay and the motion did not carry. New motion presented by Scott that the bids be tabled and the budget be revisited by the Finance Committee, as well as the bids already received. Chantelau seconded and the motion carried unanimously.

### **Road Report:**

Chantelau moved, seconded by Scott, to approve the Road Report as presented. Chantelau wanted to ask Anthony some questions about this but did not get a chance. What kind of training do these ADECO flaggers have? If we hire two people we will have them on a fairly full-time basis. Chantelau asked if the problem with the flaggers is that they only hire them on occasion when they are working on the road and that is why we can't get people to say that they will come down at a certain day/time? Waybright noted that someone who wants a part-time job wants a definite part-time job where in this case it is sporadic most of the time. Chantelau asked if we needed to take action on this now or does the personnel and finance committees need to look at this, determine what a salary would be, set the limits on the number of hours, and the personnel committee look at the requirements for the job. Waybright stated that that would be a good recommendation. If we wait until April then we can make a more informative decision rather than just do it now. Rogers asked what we paid people before and Waybright answered with \$8.00/\$14.00 hr. for additional help. The person that comes in with CDL and can operate a truck and push snow will get the higher rate. This part-time person would not be operating a truck. If we wait until next meeting, time will go by and before we hire someone, it will be June. Can personnel and finance committees look into this? With Chantelau's motion on the floor to approve the Road Report as presented, he withdrew his motion and Scott withdrew his second. Rogers moved, seconded by Scott, to approve the proposal of ADECO flaggers and two (2) summer workers in principal, and let the personnel and finance committees along with Anthony work out the details on the hiring. Discussion: Rogers suggested that Brenda check with the other townships and see what people are being paid for those other jobs. Motion was carried unanimously.

### **Building Permit/Zoning Officer's Report:**

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

**Building & Grounds:** Scott presented the report in Samuel Dayhoff 's absence from this meeting.

#### **Driveway Permits:**

The road permits for both the Mud College property and the township property for the road entrances have been approved. The one for this property is specific to be for construction equipment/town equipment only and not for the people who comes to meetings, etc. It will be put in but a chain will be put across the entrance. Also, Dayhoff met with Ivan LuFriu, who will be fixing the organ that is in the Schoolhouse.

#### **Shop Office Addition:**

We had authorized getting a design for a 20' x 20' room to be built out back to be utilized as office space for the road crew. That has not been started as of a week ago. We may want to look into some alternatives. The contractor did not start on the drawing at all so the deposit check was returned to the township and we will look into some alternatives that would incorporate specific storage space for the Mud College things, etc.

Rogers motion, seconded by Chantelau to accept the Building and Grounds Report as presented. Motion carried unanimously.

### **Correspondence:**

Acting Secretary Crushong noted receiving the following correspondence:

- Received the White Run Regional Municipal Authority minutes for January 2002.
- Received Gettysburg Rec Department minutes for February 2002.
- Received Littlestown Chamber of Commerce Newsletter.
- Received Conservation District Newsletter.

It was noted that all these reports are in the office and may be reviewed during regular business hours.

### **Committee Reports:**

Personnel: Waybright reported that the Resignation of Michael Purnell, Road Master was received. Chantelau moved, seconded by Waybright, to accept the resignation of Michael Purnell effective March 25, 2002. Motion carried unanimously. Waybright also noted that we are accepting applications to fill a road worker position and we have received several already. We will start interviewing as soon as possible.

Waybright also noted that the Employee Handbook is being worked on.

Finance: Chantelau read a letter to be sent to the Adams County Volunteer Emergency Services Association affirming Township's intention to provide funds supporting the Adams County Emergency Training Facility. The approximate amount of \$8,000.00 is to go directly to the Adams County Volunteer Emergency Services Association. The remaining amount of \$8,000.00 will be allocated among those fire companies whose bylaws do not preclude donations to non-profit organizations with instructions to donate these funds directly to the Adams County Volunteer Emergency Services Association. It is our intention to support the establishment of this facility in our County.

Scott moved, seconded by Rogers, to approve the letter to be sent to the Chief of the Adams County Volunteer Emergency Services Association. Motion carried unanimously.

Planning, Land Use & Zoning: Scott stated that the Comprehensive Plan is moving along. April meeting is down to the wire. The May meeting will be a public meeting and all citizens' input is requested. Documents are available at the Township.

Waybright noted that the nitrate issue would be addressed at this time. Mr. Little, Rogers and Waybright attended meetings at Harrisburg with Benetec Associates and with DEP, and at the Township with our SEO and Jeff Peffer, Geologist, to address this issue. We need to prepare a township map showing ¼ radius of all wells tested. We should encourage sketch

plans from citizens so that the developer does not come in here and waste a lot of time and energy doing a subdivision and then gets it thrown back to them by DEP. DEP is the one that is going to make the final decision of how big these lots will need to be based on the levels of nitrates and if they will require the citizen to do a hydro-geological study. Scott asked if there were any general guidelines. Solicitor Davis stated that if a land development plan shows development in the protection area around a well that has been tested with a nitrate level that is 5 parts per million or above, DEP will reject the plan and tell the developer to have a nitrate study. The developer has to go hire a hydro-geologist who will map the area, determine the nitrate levels on the surface, the effect of what has been going on with the wells around it and come up with a proposal for the most common solution which is dilution, i.e. bigger lots. The biggest source of nitrates is agriculture, not septic systems. Rogers stated that the bulk of the nitrates come from livestock, not private septic systems. In addition to that, it is also recommended that everyone that is on a private well, and has not been tested, to test it and if there is nitrate levels, it is recommended by DEP to drink bottled water. If the nitrate level is 5 parts/million or above, it does effect pregnant women and infants and elderly persons. DEP has provided information which we will have available here in the office and will be noted in our next newsletter concerning health, safety and welfare. Scott asked if there could be anything put on the plans addressing nitrates, similar to the agricultural disclaimer? Solicitor Davis noted that the map that Benatec Assoc. prepared shows the wells that have measurable nitrate levels in them. DEP says that when you find a well like that you should draw a ¼ mile radius around it. Then there were wells that were tested that did not have nitrate levels and what the enforcement officer has suggested to the Supervisors is to color code the protection areas around the wells that have measured nitrate levels one color, then color similar mile circles around wells that are deemed to be "clean" another color. Then look in the Township to see where there is no color and that would be an area that the Supervisors could spend township money to have more wells tested. Test the wells that have not been tested which would result in a final map, which would be appropriate to use as a reference when sketch plans come in. We could say stop, do not go any further on your plan until you get some contact with DEP to see what the nitrate levels are. A clean well ¼ mile radius may be a place to start. Jay Little did identify the clean wells on his own. He started to identify them himself. Not sure if DEP is involved. We need to see how many wells we need to fill in this gap. Citizen Newhart asked if there is anything that landowners can do who do not have livestock. The understanding is that it is coming from putting nitrogen on the ground. Solicitor Davis said that a septic system would put out about 35lbs./ acre of nitrates whereas many farming practices, not all, put out about 180 lbs per acre per year. Solicitor Davis said household pets also contribute to more nitrates to their water supply.

Building & Grounds:

Nothing more to add.

Roads: Nothing.

Public Safety: Scott moved, seconded by Chantelau, to approve cost of \$8.00 each for green reflective plates. Discussion: The numbers are still free. Per Township Code (§43-2), all residents are required to display their building number of address and shall be no less than three (3) inch numbers. It is a good idea to have this done and is to your benefit to have the fire company and ambulance be able to find a residence. Motion carried unanimously. Solicitor Davis said that this could be advertised instead of an Ordinance passed.

Agricultural Land Preservation: Carol Newhart, Formulation Committee member, gave a report for Samuel Dayhoff, Coordinator, noting that the Agricultural Land Preservation Formulation Committee held its meeting on March 11, 2002. Ellen Dayhoff, County Ag Land Director, cleared up a few concerns. Noted that the funding was not coming from the State/County and that we are on our own. We can have more restrictions than the County but not less. Ms. Dayhoff recommended that we use perpetual easements. Cumberland Township is looking into starting their own program too. County would not rank less for an owner in a Township that had its own program. Mount Joy Township could piggyback the County program. Ms. Dayhoff suggested that we begin the program immediately. We would purchase entire farm, even if they overlapped into other townships. There are some farms in Mount Joy Township that stretches over to other townships. Our purpose is to preserve land, not make lines. Bargain sales are a win win situation. Inspections should be performed by Mount Joy Township using County form for consistency. Asked for approval of a letter to be sent to the Adams County Commissioners and the County Agricultural Land Preservation Board for approval by the Supervisors. Under finances, the committee is reviewing options for financing programs at this time and we will have a report at the next meeting as to what we would recommend. The Committee is also going to prepare a questionnaire to get feedback from the citizens. They are also developing information for the April newsletter.

Chantelau made some recommendations on changes to the letter to the Commissioners and County Ag Land Board. "As you know . . ." should be deleted and replaced with "Mount Joy Township is in process of. . ." Make clarification of "jointly purchase with County". We cannot purchase easements jointly but we can get some administrative support from them. Chantelau stated that that section could then stay in the letter. Chantelau moved, seconded by Rogers to send letter as corrected. Motion carried unanimously.

Scott moved to approve the committee's report, seconded by Chantelau. Motion carried unanimously.

Waybright thanked the committee for their time spent on this and that they are looking into things.

**Announcements:** Nothing

**Other Business:**

**“Revised” Draft Special Events Ordinance:**

Scott moved, seconded by Chantelau, to send the proposed ordinance to the County and Planning Commission as corrected. Discussion: A date was scheduled for May 16, 2002 at 6:45 p.m. for a public hearing. The secretary will advertise this meeting. Motion carried unanimously.

**New Business:** Nothing

**Executive Session:** Nothing

**Adjournment:**

With no further business to come before the Board, Scott moved, seconded by Rogers, to adjourn the Supervisors’ Meeting at 8:35 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Robin K. Crushong  
Acting Secretary