

## **APRIL 17, 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; Treasurer Robin Crushong; and Secretary Brenda J. Constable.

Others in attendance were: Aaron Young, Reporter (*Gettysburg Times*); Jerry Althoff and Audrey Weiland representing the Planning Commission; Lynn Anne Sukeena; Elsie D. Morey; Eileen T. Holmes; Carol E. Holtz; Sally Alexander; Harry Walker; Dorcus Shelly; Jerry Maloney; Jack McLatchy; John Roman representing the Watchdog Group; and John Leino representing the Auditors.

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

### **Minutes:**

Mr. Chantelau moved, seconded by Mr. Scott, to approve the March 19, 2008 minutes as presented. Motion carried unanimously.

### **Public Comment:**

1. Eileen Holmes: reported broken glass on White Church Road in area of bridge; has another issue about White Church Road and would like to meet with the road superintendent. Sam Dayhoff and Bob Rhodes, member of the Roads committee agreed to meet with Mrs. Holmes.
2. George Scott: talked with a customer who is a paver. Noted two facts: a) he is writing basically zero estimates for home paving. People are putting their money in to gas and heating tanks. It's not only the new homes being built but also the older ones; and b) he asked what it is costing him this year as compared to last year to have something paved. The cost is up 1/3. It might be worth us and the public understanding that it is going to cost us 1/3 more for any paving project we have than what it cost last year. This shows how it will affect the Township to do business; the fuel increase, the paving. Mr. Chantelau added that he does not think the state liquid fuels allocations are keeping up with the townships' costs.

### **Persons Requesting Time:**

Mr. John Leino, Chairman of the Township Auditors, read into the record the Annual Auditors' Report for Year Ending 2007. After the report, the Supervisors and Treasurer responded to some of the comments as follows:

1. Request to have an employee evaluation of working supervisor. Mr. Waybright noted that an employee recently attended a seminar on the new Open Records Law and the employee brought this issue up, particularly for a working supervisor. The response was that performance ratings or reviews are exempt from public record; the performance evaluation is between the employee and personnel committee. Mr. Waybright clarified that this is the law, so what the Personnel Committee will do is to give the Auditors a summary of the employee's performance.

2. Impact Fee Ordinance: The traffic impact fees and recreation fees have been mixed together in this comment. These are two completely separate impact fees. Mrs. Crushong clarified that the traffic impact fee ordinance was “adopted” not amended on September 21, 2007. No traffic impact fees were reduced and the range of fees are based on a per peak hour trip, not per lot. The \$1,500 per lot fee refers to recreation fees. The original recreation fee was set at \$600 per new dwelling lot in 2003 and increased to \$1,500 per lot in 2006. Separate detailed records of traffic impact fees and recreation fees collected must be kept separate and the Township acknowledges that the traffic impact fees could be on the books for 25 years; that’s the way the program is set up.
3. Real Estate Transfer Tax suggestion: ...approved by “either” the Finance Committee “or” Board of Supervisors “before” action...

Mrs. Crushong clarified that the \$200,000 was approved by the Finance Committee “before” official action by the Supervisors. The Supervisors official action was “after” the transfer occurred and is recorded in the minutes.

*\*See June 19, 2008 Minutes for REVISED Auditors’ 2007 Year End Report*

### **Announcements:**

Ms. Constable noted that a Conditional Use Hearing will be held on Tuesday, April 29, 2008 at 7:00 p.m. for Horizon Group Properties, Inc.

Also announced was Primary Election Day on Tuesday, April 22, 2008, polls open from 7:00 a.m. to 8:00 p.m.

### **Treasurer’s Report:**

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. Supervisors’ extension is through July 31, 2008. Supervisors noted receiving a written status report. No action at this time.
2. Holtzople, Jerred & Vickie: proposed land development plan for a 6,000 sq. ft. agricultural storage building at 2475 Taneytown Road. Applicant requested to hold this until next month. No action taken.

### **Road Report:**

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

Bid Opening – Aggregate: Mr. Waybright announced that a bid opening would be held at this time, as publicly advertised, for aggregate. The Supervisors opened and read aloud the following bids received:

VENDOR: Valley Quarries, Inc. 10% Bid Bond enclosed.

QTY TONS	DESCRIP	UNIT FOB	TOTAL	UNIT DELIV	TOTAL
100	2 RC Stone	\$ 6.25	\$ 625	\$ 8.50	\$ 850
3,000	2A Stone	6.50	19,500	8.75	26,250
100	#57 Stone	8.50	850	10.75	1075
1,000	#3 Stone	8.50	8,500	10.75	10,750
300	Anti-Skid	8.25	2,475	10.50	3,150
100	R-4 Rip Rap	12.00	1,200	14.75	1,475
	<b>TOTAL</b>		\$33,150		\$43,550
100	25 MM Super Pave	52.00	5,200	55.26	5,526
100	19 MM Super Pave	46.00	4,600	49.26	4,926
100	12 MM Super Pave	50.00	5,000	53.26	5,326
	<b>TOTAL</b>		\$47,950		\$59,325

VENDOR: Vulcan Construction 10% Bid Bond enclosed

QTY TONS	DESCRIP	UNIT FOB	TOTAL	UNIT DELIV	TOTAL
100	2 RC Stone	\$ 7.25	\$ 725	\$10.55	\$ 1,055
3,000	2A Stone	7.50	22,500	10.80	32,400
100	#57 Stone	9.00	900	12.30	1,230
1,000	#3 Stone	9.80	9,800	13.10	13,100
300	Anti-Skid	9.85	2,955	13.15	3,945
100	R-4 Rip Rap	13.80	1,380	17.60	1,760
100	25 MM Super Pave	No Bid			
100	19 MM Super Pave	No Bid			
100	12 MM Super Pave	No Bid			

	<b>TOTAL</b>		\$38,260		\$53,490
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Mr. Chantelau moved, seconded by Mr. Scott, to award the bid for aggregate to Valley Quarries, Inc., 297 Quarry Road, PO Box J, Chambersburg, PA 17201. Motion carried unanimously.

With recommendation from Sam Dayhoff, Road Superintendent, the Supervisors took the following actions:

- a. Tabled from last month, Mr. Scott moved, seconded by Mr. Chantelau, to approve a shadow vehicle for mowing, per PennDOT requirements, on the following Township roads: Barlow-Two Taverns, White Church, Highland Avenue, Low Dutch, Speelman-Klingler, King, and Spangler School. It was noted that shadowing is required on all roads but due to budgetary reasons, Mr. Dayhoff suggested shadowing on only heavily traveled roads. Discussion: Mr. Chantelau felt the Road Superintendent gave justification for the chosen roads, and it is prudent for the Township to take the advice of PennDOT and have the control vehicle there for the most heavily traveled roads. The Township will accept the risk for the less traveled roads. The Supervisors understand this. Mr. Waybright noted that normal signage would be used to notify vehicles of work ahead. Mr. Chantelau added if all roads were included in this, the Township would have to hire more staff. Mr. Dayhoff commented that although this procedure is following PennDOT's recommendation, he does not agree with it; he feels this is putting two vehicles and two men at risk for one operation on back country roads. He understands this for major highways, but on back roads the distance is being doubled for other vehicles to go around the workers. It was also noted that Mr. Davis researched this and the legislature has put a section in the vehicle code (75 P.S. §6123) that requires the shadow vehicle. PennDOT Publication 212 definitions of "roadways" and "highway" include local roads. As a result, on township owned roads, the township must follow what PennDOT procedures are. Further discussion was held with regard to PennDOT exceptions, such as if a road has under 10,000 vehicles traveled on it "and" (not or) the shoulder width is wide enough for the mower to not be on the road. Mount Joy Township roads do not qualify for this exception, but would if the language were "or" rather than "and". The vehicles traveled are under 10,000, but the width is

not wide enough to keep the mower off the road. With no further discussion, the motion carried unanimously.

- b. Mr. Scott moved, seconded by Mr. Chantelau, to authorize to advertise Invitation For Bids for a box culvert on Basehoar-Roth Road and to set the date to open bids on May 15, 2008 during the Supervisors' Meeting. Motion carried unanimously.
- c. Mr. Scott moved, seconded by Mr. Chantelau, to authorize to advertise Invitation For Bids for line and pavement markings in the area of Rt. 15 & Rt. 97 intersections and to set the date to open bids on May 15, 2008 during the Supervisors' Meeting. It was noted that the Outlet Shoppes At Gettysburg would pay for this work. Motion carried unanimously.

Mr. Dayhoff noted that the camera system to regulate traffic lights at The Outlets could not go out for bid yet because PennDOT approval and permitting is first needed to change to this system, which may take several months. This is another item the Outlets would pay for. Mr. Dayhoff explained that the traffic loop coming out from the Outlets is experiencing pavement failure. Wires and sensors are underneath the pavement to trigger the traffic lights for vehicles to exit the Outlets. With the pavement failure, there have been problems with the timing of the lights. For the interim, the wires have been patched and the pot hole has been filled but there would be an ongoing problem because the pavement base is bad and will keep breaking apart. The new camera system would read vehicles coming out from the Outlets and there is less maintenance. Mr. Dayhoff submitted an estimate to the Outlets but has not received a response yet as to whether or not they are willing to do this. He added that there is an option to do the camera system at one intersection and keep the loop system at another in order to save some expense. Mr. Dayhoff further added that with the PennDOT permit application request, he would also be requesting to change the timing of the traffic lights because PennDOT will not change the timing from what was originally submitted with the original traffic study and application, no matter if it was 10 years ago and traffic patterns have changed.

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

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

### **Correspondence:**

Ms. Constable noted receiving the following correspondence:

- WRRMA February minutes
- Letter from Rep. Moul regarding intersection study at Hoffman Home, Harney, and Maryland Line Roads. Rep. Moul is supporting the Township's effort to have PennDOT review this intersection again to address the Township's recommendation for placement of 4-way stop signs.

Mr. Davis noted that the last letter to PennDOT was to not have another study but to have a human being visit to the sight and see the potential hazardous problem and agree to a 4-way stop sign.

With reference to the discussion held under "Road Report, a.", Mr. Chantelau suggested appealing to Mr. Moul's office to have PennDOT amend their Publication to change the connector from "and" to "or" so that roads that are not heavily traveled would be exempt from the shadowing requirement. Mr. Chantelau moved, seconded by Mr. Dayhoff, to instruct Mr. Davis to write a letter

to Rep. Moul requesting that he introduce a change in language for PennDOT publication, as discussed above. Motion carried unanimously.

**Committee Reports:**

Personnel: Mr. Chantelau noted that Brenda Constable, Secretary, recently attended a seminar on volunteer liability training and after reading her report, recommended developing a volunteer manual so that the liability of volunteers are recognized and are adequately protected.

Finance: With regard to the purchase of the Francis Hartlaub property along Route 97 behind Mud College Schoolhouse, Mr. Chantelau moved, seconded by Mr. Scott, to authorize Sam Dayhoff to accompany Kelly Koch, Conservation Planner for the Adams County Conservation District, on an inspection of the Hartlaub property and to sign the inspection findings report on behalf of Mount Joy Township. It was noted that the County requires this inspection because County Green Space grant monies are being used toward this purchase. Motion carried unanimously.

Also with regard to the Hartlaub property, an environmental audit is required by DCNR for the purchase of the property because the Township is getting over \$200,000 grant from DCNR. They require a Phase I Environmental Audit. Mr. Chantelau moved, seconded by Mr. Scott, to approve the Phase I Environmental Audit of the Hartlaub property and have a representative to sign the audit. In addition, KPI should be involved with this and represent the Township. It was noted that the audit would cost about \$2450. Motion carried unanimously.

Planning, Land Use & Zoning: Mr. Chantelau noted that the Planning Commission had been reviewing the Township's Zoning Table of Permitted Uses over the last six months and have submitted a recommendation to the committee for review. The committee will first meet with Jim Wiltgen of the Planning Commission to review the recommendations, and then a follow up workshop would be held with all Supervisors.

Building & Grounds: Nothing to report.

Roads: Nothing to report.

Public Safety: Mr. Waybright noted that he and Mr. Dayhoff recently met with representatives of Kingsdale Fire Company to discuss concerns the fire company had. The committee and fire company reps will continue to address these issues.

Strategic Planning Initiative: Mr. Chantelau noted that the SPI Committee started developing various scenarios during their March meeting and will continue expanding on those in the next few months.

Act 209 Traffic Impact: It was noted that the Act 209 Traffic Impact Fee Advisory Committee held its annual meeting on April 9, 2008. With recommendation from the Advisory Committee, Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve the recommended traffic impact fee increases for each transportation service area (TSA) as follows, which reflects a 3.2% increase:

TSA-1: \$3846 (current) to \$3969 (adjusted)  
TSA-2: \$3732 (current) to \$3851 (adjusted)  
TSA-3: \$3763 (current) to \$3883 (adjusted)

Motion carried unanimously.

With recommendation from the Advisory Committee, Mr. Chantelau moved, seconded by Mr. Dayhoff, to move the construction year for project N-24, Bridge reconstruction on Route 97 at Two Taverns Road, from 2008 to the year 2014 to coincide with the other projects scheduled for 2014 which is the intersection realignment. Discussion: Mr. Rhodes questioned why it is being moved to 2014 since the bridge was already done by PennDOT in 2007. Mr. Chantelau commented that when the bridge was reconstructed, the Supervisors asked PennDOT to include turn lanes, and widen it, but all they did was replace it to the same size and width that was there since the 1930s. The Committee recommended keeping the project on the schedule in case increased traffic and or development requires a wider bridge. If not, the project could be removed from the schedule. Keeping it on the list keeps the Township's options open. Motion carried unanimously.

### **Agricultural Land Preservation:**

Noted receiving the monthly report from the Ag Land Preservation Board. With recommendation from the Ag Land Preservation Board, the following actions were taken:

- a. Mr. Dayhoff moved, seconded by Mr. Chantelau, to authorize the opening of Round V on May 5, 2008 through June 16, 2008. Discussion: Mr. Chantelau, on behalf of the Finance Committee, wanted to be sure that the Ag Board understands the financial situation of the Township and that they would be opening up the second loan of \$2 Million. The ranking process that's embedded in the Ag Land Program needs to be followed and it should be understood that maybe, all the farms that would be ranked may not be reached depending on the financial situation. Motion carried unanimously.
- b. Mr. Scott moved, seconded by Mr. Dayhoff, to approve mailers to landowners with 35+ acres, announcing the opening of Round V. Motion carried unanimously.
- c. Mr. Scott moved, seconded by Mr. Chantelau, to approve the announcement of Round V opening for inclusion in to the Spring Township Newsletter. Motion carried unanimously.

### **Recreation Board:**

Noted receiving the monthly report from the Recreation Board. The Rec Board requested clarification as to whether or not rec fees could be used to pay township workers to maintain grounds. Mr. Davis stated that rec fees can not be used to pay employees. Mrs. Crushong asked if fees could be used for the environmental study. Mr. Davis responded yes because the study is part of the acquisition fee. It was noted that the Rec Board is working on language for a sign to be placed on the Mud College property. It was also noted that the Study Group would be meeting on April 24, 2008 at 7:00 p.m.

**Other Business:**

Conditional Use Hearing: It was noted that a Conditional Use Hearing requested by Horizon Group Properties is scheduled for Tuesday, April 29, 2008 at 7:00 p.m.

County Association of Township Officials: Mr. Scott moved, seconded by Mr. Rhodes, to approve a request from the Adams County Association of Township Officials to hold their Spring Conference on April 30, 2008 at the Mount Joy Township Municipal Building. Motion carried with Mr. Chantelau recusing himself. (Mr. Chantelau is Chairman of the County Association.)

**Executive Session:**

Board Chairman Waybright called for an Executive Session at 8:55 p.m. this date.

**Meeting Reconvened:**

Board Chairman Waybright reconvened the Supervisors' Meeting at 9:05 p.m. this date with all Supervisors, Solicitor, and Secretary in attendance: Others in attendance were: Treasurer Robin Crushong; Zoning Officer Dave Crouse; News Reporter Aaron Young; Jerry Althoff; Harry Walker; Dorcus Shelly; Jerry Maloney; Audrey Weiland; Eileen Holmes; Carol Holtz; and Sally Alexander.

Mr. Davis noted that two items were discussed during Executive Session:

- a. Litigation for an upcoming hearing next week; and
- b. Investigation and a quasi enforcement or prosecution about someone who may not be following the election code.

**Supervisors' Comments:**

Mr. Chantelau announced that he recently attended a PALTA (Pennsylvania Land Trust Association) Conference and submitted a written report to the Supervisors and Planning Commission. He commented that it is beneficial for the Township to send someone to attend this conference because it deals with conservation and preservation efforts across the state. He gathered brochures and CDs for learning materials for the Rec Board, the Ag Land Preservation Board, and the Planning Commission to have the benefit of the materials. In the report are web sites to research additional information as well.

Mr. Waybright thanked everyone for attending the meeting.

**Adjournment:**

With no further business to come before the Board, Mr. Dayhoff moved, seconded by Mr. Chantelau, to adjourn the Supervisors' Meeting at 9:08 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable  
Secretary