

**Mount Joy Township Supervisors’  
Supervisors’ Regular Meeting & Public Hearing Meeting  
February 21, 2013**

**Meeting Minutes**

Present: Supervisors - John Gormont, Chairman, David Updyke Vice-Chair, Bradley Trostle, Gil Clark, Mike Gearhart  
Solicitor - Susan Smith; Secretary/Treasurer – Susan Harbin

23 Number of Residents Signed Attendance Sheet for this meeting.

The Mount Joy Township Board of Supervisors met this date, as publicly advertised, at the Mount Joy Township Building located at 902 Hoffman Home Rd., Gettysburg, PA 17325.

Item/Topic	Discussion	Action/Resolution	Follow Up/ Date
<b>Call to Order</b>	John Gormont presiding. Starting Time: 7:00 pm		
Pledge of Allegiance			
<b>PUBLIC HEARING CONTINUATION FROM JANUARY 17, 2013</b>			
<b>Public Hearing</b>	Starting 7:02 pm		
<b>Call to Order</b>	Public Hearing Meeting, duly advertised, opened at 7:02 pm. Chairman, John Gormont presiding.		
Revised Lighting Plan - Garrison Falls at The Links at Gettysburg, The Links at Gettysburg Land Co., LLC	The Links At Gettysburg Land Co., LLC has submitted a plan to revise the originally submitted plan for lighting in the Garrison Falls community, approved 10/20/2005 and recorded 10/24/2005, Book No. 4176, Pg. 264. Purpose of Public Hearing on a plan proposal for modification from a lighting standard in the ordinance. Continuation of Jan. 17 <sup>th</sup> hearing for the purpose of allowing the developer to submit a revised plan consistent with the lighting he desired The plan presented for hearing is lighting plan prepared Feb 4 <sup>th</sup> 2012, last revised Jan. 28, 2013.		
<b>Presenters:</b>			
<b>Bob Sharrah,</b> Sharrah Design Group	Mr. Sharrah, land surveyor and consultant for The Links at Gettysburg, presented the revised plans before the Board. Mr. Sharrah summarized the Jan. 17 <sup>th</sup> meeting, reviewed Joseph Doyle’s presentation and read a portion of letter sent from Mr. Doyle highlighted Alternative A as the best combination of factors for providing the most appropriate street lighting for the Garrison Falls. Mr. Doyle’s professional opinion is that 21 LED street lights should provide a reasonable satisfactory level of lighting on the public streets.  Mr. Sharrah is asking to proceed with the 21 light plan presented and states that it is in keeping with some of the model ordinances adopted in various communities throughout PA, of which Mr. Doyle referred to.		

	Mr. Sharrah also stated that the plan was brought before the MJT Planning Commission who is recommending approval of the planning pending a few changes.	
Questions:		
<ol style="list-style-type: none"> <li>1. Steve Rice, 64 Garrison Falls Dr.</li> <li>2. John Love, 5 Garrison Falls Dr.</li> <li>3. Richard Ashbaugh, Lot 60</li> </ol>	<ul style="list-style-type: none"> <li>• What is the model ordinance that Mr. Doyle is referring to in his recommendation? <b>Mr. Sharrah:</b> The Illuminating Engineering Society of North America, IESNA– RP-8-00, Roadway Lighting.</li> <li>• What is the title of referenced document? <b>Mr. Sharrah:</b> Union Township, Berks County, Outdoor Lighting, Ord. #2003-02</li> </ul>	
Comments		
<ol style="list-style-type: none"> <li>1. Lisa Love, 5 Garrison Falls</li> <li>2. Sal Ferlisi, Lot 11</li> <li>3. Richard Ashbaugh</li> <li>4. Michele Warrington, Lot 1</li> <li>5. Barb Greeley, Lot 53</li> <li>6. Howard Connolly, Lot 46</li> <li>7. John Ramirez, Lot 54</li> <li>8. John Love</li> <li>9. Peter and Char Wittenberg, Lot 3</li> <li>10. Robert Wormald, owns model home, plus 21 lots</li> </ol>	<ul style="list-style-type: none"> <li>• Many residents endorse the 21 light plans.</li> <li>• Have not had street lighting for 5 yrs, almost hit someone walking dog, street lighting is an issue.</li> <li>• Asking for lighting to be done according to code, not according to residents who are not engineers.</li> <li>• Asking Supervisors to make a decision based on existing Twp. Codes, not based on model light codes.</li> <li>• Do not want neighborhood to look like a city block at night.</li> <li>• It appears that commercial standards are being applied in a residential area.</li> </ul> <ul style="list-style-type: none"> <li>• Letter dated Feb. 20, 2013, stating support of the 21 light plan</li> <li>• Letter dated Feb. 20, 2013, stating support of the 21 light plan</li> </ul>	
<b>Eric Vranich,</b> Township Engineer, Wm. F. Hill & Assoc.	Mr. Vranich offered background information on the AASHTO Roadway Lighting Design Guide, dated Oct. 2005, which is the standard source in the ordinance. The standard of 0.4 illumination applies for a local residential roadway and comes from a table in Chp. 3, Techniques of Lighting Design/Roadway and Walkway Classifications/Local Roadway Classification/ <b>Local Residential Roadways Standard</b> . Illuminance values depend on the type of roadway and the reflectivity of the surface. R2, R3, for the pavers in the Links, average maintained illuminance value was determined to be 0.4. This standard does not apply to all portions of MJT. MJT Zoning Ordinance has specific standards for a PGC community.	
Questions:		
<ol style="list-style-type: none"> <li>1. Steve Rice</li> <li>2. Dennis Bowman</li> <li>3. Barb Greeley</li> <li>4. John Love</li> <li>5. Richard Ashbaugh</li> </ol>	<ul style="list-style-type: none"> <li>• Can the neighborhood meet the AASHTO standard if all the lights are not on? <b>Mr. Vranich:</b> Not sure.</li> <li>• Does MJT have other streets that meet this ordinance? <b>Mr. Vranich:</b> The rest of the township does not need to meet this ordinance. The Links is a Planned Golf Community (PGC), and is the only one in MJT.</li> <li>• Does the 21 lighting proposal meet the AASHTO standard?</li> </ul>	

	<p><b>Mr. Vranich:</b> As proposed currently, it has an average maintained illuminance of 0.18 and does not meet the standard.</p> <ul style="list-style-type: none"> <li>• Are there any exceptions to the ordinance?</li> </ul> <p><b>Mr. Vranich:</b> A modification could be granted by the Supervisors.</p> <ul style="list-style-type: none"> <li>• Is there another standard which could be used with different codes and more flexibility?</li> </ul> <p><b>Mr. Vranich:</b> Not familiar with all the codes.</p> <p><b>Solicitor:</b> AASHTO is a recognized source.</p>		
<b>Supervisors Comments</b>	Mr. Gormont commented that Savannah Dr. appears to be a collector road and needs more illumination. More development will be added in the future which will use Savannah Dr.		
<b>Solicitor Comments</b>	The standard that is an issue was established with the golf course community section of the ordinance by a prior board and has been in place for several years, and was requested to facilitate the development of The Links by the development group. The plans were approved with a reference to the standard, they were recorded, and lots were purchased in reliance upon those plans.		
<b>Public Hearing Closed at 8:05 pm</b>			
<b>Supervisors' Regular Mtg. Reconvened at 8:05 pm</b>			
<b>Solicitor Comments</b>	<p>Before the Board is a request for a modification.</p> <p>Findings needed to grant the request for modification to the 21 light plan presented: 1) the proposed plan will not impair the reasonable reliance of the residents on the plan under which they purchased their property, 2) find the proposed modification is consistent with the development and preservation of the entire planned residential development, 3) the plan does not adversely affect the enjoyment of the land abutting upon or across the street of the planned residential development, 4) it does not otherwise adversely affect the public interest, 5) the proposed modification would not be granted solely to confer a special benefit upon any particular person. These standards have been derived from the PA Municipalities Planning Code and from the decisions of the court applying standards of modification of plans.</p> <p>The proposed modification is to change the approved plan of 72 lights, meeting the standard of 0.4 lumens to a plan proposing 21 lights providing an average illumination of .18.</p>		
	<p>Mr. Klein is requesting a time to discuss in detail the revised plans with the Supervisors and how to meet objectives.</p> <p>Mr. Gormont replied that the Supervisors will meet with Mr. Klein at the April Wkshp, provide the Twp. recommendations, give Mr. Klein the opportunity to consider recommendations, revise the plan, resubmit the plan within the period of time to allow the Twp. to advertise and prepare to continue the Public Hearing at the May Wkshp. Mr. Gormont is asking for measurement numbers of existing illuminance at The Links as factual</p>	<p><b>Mr. Gormont moved, seconded by Mr. Updyke, to continue discussion with Mr. Klein, the developer, at the Supervisors' Workshop on April 4<sup>th</sup> at 7:00 pm, concerning the Garrison Forest Lighting Plan and to continue the Public Hearing on May 2<sup>nd</sup> at 7:00 pm. Motion carried unanimously.</b></p>	<p>Forward to 4/4 Supervisors' Workshop.</p> <p><b>Public Hearing to continue to 5/2 at 7:00pm.</b></p>

	information on level of lighting in various areas of development for comparison.		
<b>Public Comments</b>	None.		
<b>Approval of Minutes</b>	<ul style="list-style-type: none"> <li>• January 17, 2013 Supervisors' Regular Meeting Minutes</li> <li>• February 7, 2013 Supervisors' Workshop</li> </ul>	<p><b>Mr. Updyke moved, seconded by Mr. Gearhart, to approve Minutes as presented. Motion carried unanimously.</b></p> <p><b>Mr. Gearhart moved, seconded by Mr. Updyke, to approve Minutes as presented. Motion carried unanimously.</b></p>	
<b>Chairman's Statement – John Gormont</b>	No statement.		
<b>Solicitor's Report – Susan Smith, Esq.</b>	Solicitor's Report presented.	<b>Mr. Updyke moved, seconded by Mr. Gearhart, to accept Report as presented. Motion carried unanimously.</b>	
<b>Persons Requesting Time on Agenda</b>	None.		
<b>Announcements</b>	None.		
<b>Treasurer's Reports</b>	<p>Approval of Monthly Finance Report</p> <p>Approval Bills Paid Report.</p>	<p><b>Mr. Updyke moved, seconded by Mr. Trostle, to accept Report as presented. Motion carried unanimously.</b></p> <p><b>Mr. Updyke moved, seconded by Mr. Gearhart, to accept Report as presented. Motion carried unanimously.</b></p>	
<b>Road Report</b>	Report presented.	<b>Mr. Updyke moved, seconded by Mr. Gormont, to accept Report as presented. Motion carried unanimously.</b>	
<b>Subdivision and Land Dev.</b>			
1. The Links at Gettysburg, The Villas at the Retreat, Phase II Preliminary/Final Plan	<p>Bob Sharrah, Sharrah Design Group, presented the plan. Presented:</p> <p>Wm. F. Hill &amp; Assoc., Inc. letter dated 2/8/13.</p> <p>MJT Planning Commission, recommendation, 2/21/13.</p> <p>Cindy Smith, MJT Zoning Officer, letter dated 2/7/13.</p> <p>Adams Cty. Conservation District, letter dated 2/20/13.</p> <p>Robert Sharrah, Sharrah Design Group, letter dated 1/22/13.</p> <p>4 modifications requested:</p> <p>1. ZO 110-70.C(5)(b) , the requirement for</p>	<b>Mr. Gearhart moved, seconded by Mr. Trostle, to grant a modification from ZO 110-70.C(5)(b) to utilize existing buffer and</b>	

	landscape plantings within the required buffer yard.	<b>keep the remaining trees. Motion carried unanimously.</b>	
	2. ZO 110-70.C(5)(k)[2] & 110-143.D, the minimum right-of-way width for private streets shall be 50 ft.	<b>Mr. Clark moved, seconded by Mr. Gearhart, to grant a modification from ZO 110-70.C(5)(k)[2] &amp; 110-143.D to reduce the right-of-way width for private streets from 50 ft. to 40 ft. Motion carried unanimously.</b>	
	3. ZO 110-70.C(5)(k)[3], the minimum cartway width for private streets shall be 24 ft. curb to curb.	<b>Mr. Clark moved, seconded by Mr. Gearhart, to grant a modification from ZO 110-70.C(5)(k)[3] to reduce the minimum cartway width for private streets from 24 ft. to 20 ft. Motion carried unanimously.</b>	
	4. ZO 110-70.C(5)(n), lighting for street shall demonstrate compliance with the minimum criteria set forth in AASHTO publications. Each house will be supplied with an individual residential style pole light and intent to push light poles closer to the street, helping with the illumination of the street. Developer is complying with 1 of 2 standards and seeking a waiver from the AASHTO standard for street lighting. Lights to be 6ft. or 8 ft., pole type, and dusk to dawn sensed.	<b>Mr. Gearhart moved, seconded by Mr. Trostle, to grant a modification from ZO 110-70.C(5)(n) with the condition to include on the plan description of the lighting, control of the lighting, height of the pole, and relocation of the lights.</b>	
	4 SALDO Waivers requested: 1. SALDO 86-11, requirements for a preliminary plan submission to allow for a preliminary/final plan submission. 2. SALDO 86-18.A(5), private streets are prohibited. 3. SALDO 86-26.A, establishes the requirement for curbing along proposed streets. 4. SALDO 86-27, establishes the requirements for sidewalks within proposed subdivision. This waiver is consistent with the waivers throughout the rest of the development.	<b>Mr. Clark moved, seconded by Mr. Gearhart, to grant The Links at Gettysburg, The Villas at the Retreat, Phase II Preliminary/Final Plan waivers for SALDO 86-11, SALDO 86-18.A(5), SALDO 86-26.A, and SALDO 86-27. Motion carried unanimously.</b>	
	Discussion of MJT Planning Commission comments: Comment #5- landscaping note on Plan: Developer complied. Comment #6- verification of stormwater components: pending	<b>Mr. Clark moved, seconded by Mr. Gearhart, for conditional approval of The Links at Gettysburg, The Villas at the Retreat, Phase II Preliminary/Final Land Development Plan providing comments #6, 7,</b>	

	<p>Comments # 7- owner signature: understood                  Comment #10- E&amp;S approval required: Developer complied.                  Comment #14- bonding secured: pending                  Comments #15 &amp; 16-correction of Stormwater Management Planning: Developer working with engineer.</p>	<p><b>14, 15 and 16 are subject to engineer's satisfaction. Motion carried unanimously.</b></p>	
2. Bond Relief Request, Mr. Klein	Mr. Klein addressed the Board requesting a bond relief on lighting improvements.	Supervisors denied relief from bond.	
3. Laudeman/Cromwell Preliminary/Final Plan – Lot Addition	<p>Mr. Sharrah, Sharrah Design Group, presented plan proposing the transfer of 0.388 acres from the Laudeman property to the adjacent 0.362 acre Cromwell property. The proposed lot addition will lessen the non-conforming lot size and eliminate the non-conforming setback issue.</p> <p>Presented:                  Wm. F. Hill &amp; Assoc., Inc. letter dated 2/11/13.                  MJT Planning Commission, recommendation, 2/21/13.                  Cindy Smith, MJT Zoning Officer, letter dated 2/7/13.                  Adams Cty Office of Planning &amp; Development, letter dated 2/15/13.                  Receipt of Complete Application (David &amp; Julie Laudeman)</p>	<p><b>Mr. Gearhart moved, seconded by Mr. Clark, to a conditional approval of the Laudeman/Cromwell Preliminary/Final Plan based on, 1) owners' notarized signatures added to the Plans, and 2) recording of a new deed. Motion carried unanimously</b></p>	
<b>Wm. F. Hill &amp; Assoc. Engineering Report, Eric Vranich</b>	Report presented	<b>Mr. Updyke moved, seconded by Mr. Gearhart, to accept Report as presented. Motion carried unanimously.</b>	
<b>Zoning Officer's Report Cindy Smith</b>	Report presented.	<b>Mr. Clark moved, seconded by Mr. Updyke, to accept Report as presented. Motion carried unanimously.</b>	
<b>Land and Sea Services, LLC, Building Inspections</b>	Report presented.	<b>Mr. Clark moved, seconded by Mr. Updyke to accept Report as presented. Motion carried unanimously.</b>	
<b>Monthly Fire Co. Reports</b>	Fire Calls & EMS		
	<b>MJT Calls per month</b>	<b>YTD Calls in MJT</b>	
1. Alpha Fire Company	4	4	
2. Barlow Fire Company	5	5	
3. Bonneauville Fire Co.	6	6	
4. Gettysburg Fire Co.	10	10	

<b>Correspondence</b>	<ul style="list-style-type: none"> <li>• Invitation to Alpha Fire Co. Annual Banquet - March 2, 2013</li> <li>• Invitation to Barlow Fire Co. Appreciation Banquet - March 16, 2013 – Mr. Clark will attend.</li> <li>• Invitation to County Connections Breakfast - March 7, 2013</li> </ul>		
<b>Committee/Board Reports</b>			
<u>Personnel</u> B. Trostle, D. Updyke	No report.		
<u>Finance</u> J. Gormont, D. Updyke	No report.		
<u>Planning Commission</u>	No report.		
<u>Planning, Land Use &amp; Zoning</u> - G. Clark	No report.		
<u>Building &amp; Grounds</u> - M. Gearhart	No report.		
<u>Roads</u> J. Gormont	No report.		
<u>Public Safety</u> G. Clark	No report.		
<u>Council of Government</u> M. Gearhart	No January meeting. Mr. Gearhart gave summary of COG news.		
<b>Old Business</b>	No other business.		
<b>New Business</b>			
1. Ellen Dayhoff DEP Component 1 Planning Module	This property has Ag conservation restrictions. Twp. approval needed in order to have a building lot on the agricultural lot. Engineer requesting that MJT ZO and PC sign the DEP Component 1 Planning Module stating that agricultural lot is consistent with the Twp. zoning ordinances - documentation for construction of sewage facilities on the property.	<b>Mr. Clark moved, seconded by Mr. Gearhart, to approve the DEP Component 1 Planning Module for Ellen Dayhoff on Sullivan Rd. Motion carried unanimously.</b>	
2. Financial Security Reduction Request, The Links at Gettysburg, The Villas at the Retreat, Phase I	A financial security reduction was requested for Phase I for completed improvement. Engineer has performed an on-site inspection. Reduction from \$89, 841.13 to \$75,846.13. <b>Reduction of \$13,995.00</b>	<b>Mr. Gearhart moved, seconded by Mr. Clark, to approve the \$13,995.00 reduction of the financial security of The Villas at the Retreat, Phase I. Motion carried unanimously.</b>	
4. OLDS Pumping Extension Request - Harold Beebe	Mr. Beebe is requesting an extension of time to perform the septic pumping required on all lots in the Twp., or an inspection to indicate that pumping is not necessary. Mr. Beebe states that trucks are not able to get close to his pumping system at this time due to excessive rains and	<b>Mr. Gearhart moved, seconded by Mr. Clark to grant a 90 day extension to Mr. Beebe, until June 1, 2013. Motion carried unanimously.</b>	

	saturation of his property.		
5. Junkyard Boundaries/Footprint – John McAlister	<p>John Phillips, represented Mr. McAlister for 2771 Baltimore Pike, requesting extension of property lines on proposed footprint for junk yard.</p> <p>Comments presented:</p> <ol style="list-style-type: none"> <li>1. Southern boundary – ravine has junk in this area already, request change line to include the existing scrap.</li> <li>2. Eastern corner boundary – request expansion of line squaring off the corner, along tree course and staying 30 ft from water and 25 ft. from property line.</li> <li>3. Northern corner boundary, along Rt. 97 - used for scrap storage until 2010 and had to move vehicles back 400 ft. from road, due to no screening. Mr. McAlister would like to add screening for a 75 ft. set back from road, and return vehicles to this portion of property. Requesting to move boundary line to 75 ft off property line. Understanding that the Twp. ordinance requires a fence or a buffer.</li> </ol>	<p><b>Mr. Gearhart moved, seconded by Mr. Updyke, to amend the junk yard map for 2771 Baltimore Pike, to include extension of the southern and eastern boundaries as discussed, plus extension of the northern boundary along Rt. 97 for a 200 ft. setback with the stipulation that screening in accordance with the Zoning Ordinance will be provided. Motion carried unanimously.</b></p> <p>Twp. engineer will draw up a revised map of the junk yard.</p> <p>Mr. Gormont commented that fencing, trees, or whatever the ordinance requires is necessary as a buffer for the 200 ft. setback from Rt. 97 before vehicles can be moved into this area.</p>	
6. Pension Plan Chief Administrative Officer	Required under the law to have a CAO for Pension.	<b>Mr. Trostle moved, seconded by Mr. Gearhart, to appoint John Gormont as CAO for the MJT Pension Plan. Motion carried unanimously.</b>	
Resolution No. 2013-16	Resolution No. 2013-16, Appointment of Pension Plan CAO.	<b>Mr. Updyke moved, seconded by Mr. Clark to adopt the Resolution No. 2013-16. Motion carried unanimously.</b>	
7. Ponderosa Trailer Park - Carole Harner Planning Module	Keith Harner, engineer, representing Carol Harner, Ponderosa Trailer Park, 2440 Low Dutch Rd, explained malfunctioning septic system and requested approval of a small flow septic system.	<b>Mr. Gormont moved, seconded by Mr. Trostle, to adopt Resolution No. 2013-17, modifying Act 537 plan to include the use of a small flow system for Ponderosa Trailer Park, 2440 Low Dutch Rd. Motion carried unanimously.</b>	
Resolution No.2013 - 17		<b>Mr. Gearhart moved, seconded by Mr. Updyke, to enter into an Agreement with Carole, Gregory, and Douglas Harner for</b>	



		<b>installation and maintenance of a small flow facility located on 2440 Low Dutch Rd., Ponderosa Trailer Park. Motion carried unanimously.</b>	
8. PA American Water Company, Bob Sharrah	PA American Water Company is proposing to extend service to the Yingling property/ Sheetz site. Mr. Sharrah is requesting a letter of support and approval for the expansion of services. As part of the expansion, PA American Water Co. will assume ownership of the Yingling well as a production facility.	<b>Mr. Gormont moved, seconded by Mr. Gearhart, to draft a letter to PA American Water Co. and approve the expansion of the distribution system to the Yingling property.</b>	
9. The Links at Gettysburg NID Bond	A financial arrangement is being made by Mr. Klein, his wife and their companies, Northeast Family Limited Partnership, as the bond holder with Howard Bank in Maryland. The bank is pledging their rights to the proceeds of the 2012 bond.  With the <b>Bond Pledge Acknowledgement and Agreement</b> , Adams County National Bank, the trustee, and the Twp. as the issuer of the bond, acknowledge that the 2012 NID Bond is being pledged as a security interest.	<b>Mr. Gormont moved, seconded by Mr. Gearhart, to authorize the Twp. Solicitor to finalize the agreement and agree to the Twp. executing the Bond Pledge Acknowledgement and Agreement. Motion carried unanimously.</b>	
<b>Executive Session</b>	Executive Session started: 10:37 Topic: 1. Hartlaub Litigation 2. Alexander Litigation  Meeting Reconvened: 10:47		
<b>Adjournment</b>	Meeting adjourned 10:48 pm.		

Respectfully Submitted,

Susan C. Harbin  
Secretary/Treasurer