

MARCH 16, 2006 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:30 p.m. in the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, Pennsylvania, with Board Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, Samuel Dayhoff, and Harold Kirschner; Solicitor Walton V. Davis; Zoning Officer Dave Crouse; Treasurer Robin Crushong; Eric Mains of KPI; News Reporters Aaron Young (*The Gettysburg Times*); and Brenda Constable, Secretary. Supervisor George Scott was not present.

Citizens in attendance were: Ken & Audrey Sanders; Harley Sanders; Jacqueline Basehoar; Steve Knisley; Elsie D. Morey; Dorcas Shelly; Jerry Althoff representing the Planning Commission; Marcia Brown representing the Auditors; Wayne Shoemaker; Jeff Swatsworth; Fred Heerbrandt representing Steve Knisley; John McAlister; Carol E. Holtz; Dave Updyke; Dave Maring, Eric Hubbard, and James Turner all representing the Barlow Fire Department; Steve Loss representing Fairview Farms.

Board Chairman Waybright led everyone with the Pledge to the Flag.

Minutes:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the minutes of the February 16, 2006 Meeting as presented. Motion carried unanimously.

Public Comment: None.

Persons Requesting Time:

1. **Township Auditors' Report:** Marcia Brown gave the Auditors Report for the year 2005 noting that the accounting records and financial status is in very good standing. One comment relative to the Ag Land Preservation account stated that the township voters authorized the issuance of \$2 Million Dollars and the funds would be expended in 2006. Mr. Dayhoff pointed out that this was incorrect; the first borrowing of \$1 Million would be spent in 2006, not the \$2 Million. Mrs. Brown agreed and stated that she would meet with the other Auditors and submit a revised Report.
2. **Barlow Fire Company:** Dave Maring, Fire Chief, informed the Supervisors that the Barlow Fire Company has some concerns with the new developments, ongoing and proposed, that are in the area. He added that they are also speaking with Cumberland Township about these concerns. Roadways and water issues are the main concerns. Mr. Maring mentioned The Links, and their concern for cul-de-sac widths, access in and out of the development, etc. Mr. Waybright suggested that he meet with the Public Safety Committee members to discuss all concerns. Eric Mains, Township Engineer, suggested that when reviewing plans, he could include comments to have plans reviewed by the local fire company and that the developer could coordinate this with the fire company instead of the township. He added that with regard to The Links, they did make additional comments that are currently being addressed.

Treasurer's Report:

Mr. Kirschner moved, seconded by Mr. Dayhoff, to approve the Treasurer's Report for the month of February and part of March as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the bills to be paid for the month of February and part of March as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

1. Sapp, William & Norma: Germany Township subdivision with a small portion of land in Mount Joy Township. Mr. & Mrs. Sapp requested a waiver of plan submission to Mount Joy Township and the Planning Commission recommended approval of the waiver. Mr. Dayhoff moved, seconded by Mr. Chantelau, to waive the requirement of plan submission to Mount Joy Township. Motion carried unanimously.
2. Knisley, Steve: proposed land development plan for a 5,600 sq. ft. (70' x 80') pole building at 3474 Baltimore Pike. Mr. Knisley requested a waiver or modification for a full land development plan. The Supervisors noted that the Planning Commission recommended denial of the waiver request due to the size of the building and because Mr. Knisley has already begun to dig for a foundation for additional buildings on the property. Mr. Knisley and Mr. Fred Heerbrandt, Engineer, were present to review this sketch plan. Mr. Althoff gave an overview of the Planning Commission's reason for denial. Mr. Chantelau moved, seconded by Mr. Kirschner, to deny the waiver for submission of a land development plan. Discussion: Mr. Dayhoff asked Mr. Knisley had met with the Conservation District regarding erosion and sediment control or any storm water runoff. Mr. Knisley responded that he had not done this yet; he explained that he had a time limit of having to move out of his current residence and he needed this storage building to store his personal belongings. He would eventually submit a land development plan for the rest of his development; i.e. house, garage, etc. but for now, he just needed to get the storage building started. Mr. Dayhoff asked if he poured any concrete yet. Mr. Knisley responded no. Mr. Dayhoff stated that the only thing he needed a permit for at this time would be the Highway Occupancy Permit. Mr. Knisley stated that he has been using the driveway for the last 14 years, which used to be a field road. Mr. Knisley added that he spoke with the Township's SEO and the first perk failed. He is going to do perk tests again, but at this time, if he could get a modification or waiver, he could move ahead with getting the storage building built. Then when the perk passes, he would have a land development plan done for the house, etc. Mr. Heerbrandt stated that the waiver for the land development plan is for the pole building only. He stated that a land development plan would definitely be submitted for the other buildings. Mr. Dayhoff pointed out that the tract is 17 acres and for that amount of land, a 5,600 sq. ft. building should not be a problem with stormwater management. Mr. Mains stated that with the size of acres, Mr. Knisley may very well be exempt from most of the stormwater management requirements. Mr. Dayhoff added that this building would have very little impact on stormwater management, and further added that if Mr. Knisley comes back later with a land development plan for the house and garage, then he would favor granting a waiver at this time for the pole building. Mr. Chantelau stated that he agreed with the Planning Commission's reasoning to deny the waiver request. Mr. Waybright commented that if proportion of the building versus the size of acres, then it would be a problem, but that is not the case here. Mr. Knisley stated that he has already proceeded with a monetary guarantee to have a land development plan for the other buildings as with having Mr. Heerbrandt, Engineer, preparing the plans. With no further discussion, Mr. Waybright called for the question. Mr. Chantelau and Mr. Kirschner voted in favor of the motion, Mr. Dayhoff and Mr. Waybright voted against the motion. Due to a tie, the motion was denied. Mr. Dayhoff moved, seconded by Mr. Waybright, to grant a waiver for a full land development plan for the 5,600 sq. ft. pole building with the assurance that at the next month's Planning Commission meeting, a land development plan would be presented for the other buildings. Discussion: Mr. Dayhoff

stated that he felt that this is an example of why the Supervisors put this waiver option in place. With the amount of acreage on the total tract, the building has very little, if any impact and Mr. Knisley agrees to do a land development plan for the house and garage. Mr. Waybright noted that if the waiver were granted, the position of the building would not change, and Mr. Knisley would be back in a month with a land development plan for the other buildings. Mr. Chantelau asked Mr. Knisley did not do a land development plan for all the buildings to begin with. Mr. Knisley responded that he did not want to spend \$10,000 at this time for a plan; he stated that he would sign a statement if need be to guarantee that a land development plan would be forthcoming for the additional buildings. With no further discussion, the motion carried to grant a waiver with Mr. Kirschner abstaining.

3. Onorato, Joseph J. & Barbara A.: proposed 3-lot subdivision at 358 Orphanage Road. Applicants are requesting a 30+ day extension through May 19, 2006. Mr. Dayhoff moved, seconded by Mr. Chantelau, to grant an extension through May 19, 2006. Motion carried unanimously.
4. Fairview Farms – Barton Breighner, Owner: proposed 14-lot subdivision on Hickory Road. Supervisors noted that this plan is on an extension through June 16, 2006. Planning Commission recommends approval of the Sewage Facilities Planning Module and Component 4A. After review of Component 4A, the Supervisors questioned the status of some outstanding issues which would indicate inconsistencies with the Township's zoning ordinance and land use. Mr. Eric Mains commented that the plan is still in the middle of some technical review right now so there are some outstanding problems. Mr. Chantelau moved, seconded by Mr. Kirschner, to approve submission of the Sewage Facilities Planning Module and Component 4A to DEP with an attached copy of the Township's Engineer memo of outstanding issues, and on the condition that the land use issues are resolved before plan is approved by DEP. Adoption of Resolution #16 of 2006 approves submission of the Module to DEP. Motion carried unanimously.
5. Sneeringer, Eugene & Kathy: proposed 5-lot subdivision on the corner of Barlow-Two Taverns and Schwartz Roads. Planning Commission recommends approval of the Sewage Facilities Planning Module and Component 4A. Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve the Sewage Facilities Planning Module and Component 4A with adoption of Resolution #15 of 2006. Motion carried unanimously.
6. Westminster – Keystone Custom Homes: proposed 204-lot subdivision on White Church and Goulden Roads. Extension granted through March 17, 2006. Applicant is requesting a third extension through May 30, 2006. Planning Commission recommends approval of extension. Mr. Chantelau moved, seconded by Mr. Kirschner, to approve a request for extension through May 30, 2006. Discussion: Mr. Dayhoff noted that he recently spoke with Mr. Newhart, Keystone Custom Homes' broker, and they are finished with acquiring the TDRs needed for this development. Mr. Waybright noted that contrary to the comments that have been in the newspaper and some letters to the editor, this program is successful and is working. With no further discussion, the motion carried unanimously.
7. Swatsworth/Shoemaker: proposed 2-lot addition at 55 and 65 Two Taverns Road. Planning Commission recommends approval of waiver and accept as a Preliminary/Final plan and approval of a Planning Waiver & Non-Building Declaration. Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve the subdivision plan as a preliminary/final plan. Motion carried unanimously. Mr. Dayhoff moved, seconded by Mr. Kirschner, to approve the Planning Waiver & Non-Building Declaration. Motion carried unanimously.

8. Sanders, Kenneth G.: proposed 2-lot final subdivision plan at 70 Barlow-Two Taverns Road. Planning Commission recommends approval contingent on satisfying all engineer comments. Mr. Dayhoff moved, seconded by Mr. Kirschner, to approve the Final subdivision plan for Lots 5 & 6 and lot addition 2A. Motion carried unanimously.
9. Weiland, Gary & Audrey: proposed land development plan for addition to an existing mini-storage facility on Highland Avenue Road. Extension granted through April 11, 2006. Applicant is requesting a 90-day extension through July 11, 2006. Planning Commission recommends approval of extension request. Mr. Dayhoff moved, seconded by Mr. Kirschner, to approve a 90-day extension through July 11, 2006. Motion carried unanimously.

Road Report:

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

Equipment Purchase:

With recommendation from Anthony Graham, Road Superintendent, Mr. Chantelau moved, seconded by Mr. Dayhoff, to approve the purchase of a new roller in the amount of \$28,251, which would be purchased off of the state contract. Discussion: it was noted that the old roller would be sold to an adjacent township. With no further discussion, the motion carried unanimously.

Invitation For Bid:

With recommendation from Anthony Graham, Mr. Chantelau moved, seconded by Mr. Kirschner, to approve and authorize the advertisement to accept bids for aggregate and to set the date and time to open said bids at the April 20, 2006 Supervisors' regular meeting. Motion carried unanimously.

Zoning Report:

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

Building & Grounds Report:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the Building & Grounds Report as presented. Motion carried unanimously.

Correspondence:

Ms. Constable noted receiving the following correspondence:

- WRRMA minutes from January
- PA State Police invitation to an open house on April 20 and May 10. Mr. Waybright and Mr. Dayhoff, members of the Public Safety Committee, stated that they would attend the May 10 open house.
- County Association of Township Officials "Thank You" letter to Mount Joy Township for use of the Township building for an informational meeting held on February 28, 2006.

- PennDOT response to the Township's request for a traffic study on Hoffman Home Road.

Committee Reports:

Personnel: Mr. Waybright noted that a six-month review was performed of personnel and was excellent.
Mr. Chantelau moved, seconded by Mr. Waybright, to amend the Personnel Policy Manual, Section "Conditions of Employment", #13 regarding Smoking. The term "smoking" would be changed to "tobacco use" and prohibits any tobacco use in areas as listed in the manual, effective October 1, 2006. Discussion: this change is recommended for the best interest of the health and welfare of the employees, and would bring the Township into compliance with state buildings, etc. With no further discussion, the motion carried unanimously.

Finance: Mr. Chantelau, on behalf of the Finance Committee, complimented Treasurer Robin Crushong on good investing by always looking for financial institutions with high rates.

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

Agricultural Land Preservation: Noted receiving the monthly report from the Ag Land Preservation Board.
With recommendation from the Ag Land Preservation Board, Mr. Chantelau moved, seconded by Mr. Kirschner, to approve paying one-half of the cost of the survey for the fifth farm to the Land Conservancy of Adams County. Motion carried unanimously.
With recommendation from the Ag Land Preservation Board, Mr. Chantelau moved, seconded by Mr. Waybright, to request Adams County Surveyors to do a closure check on the first farm from Round II, after the offer is accepted by the landowner. Motion carried unanimously.
With recommendation from the Ag Land Preservation Board, Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the Ag Land Preservation Board to send a letter to each landowner that meets the minimum criteria for application into the Ag Land Preservation Program. Motion carried unanimously.
With recommendation from the Ag Land Preservation Board, Mr. Chantelau moved, seconded by Mr. Kirschner, to approve a letter to Lake Heritage Property Owners Association asking them if they would like to place a sign on the Mt. Pleasant portion of the Kenneth Dayhoff preserved farm, recognizing them and the Land Conservancy of Adams County for their support of the preservation efforts. Motion carried unanimously.

Recreation Board: Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the monthly report from the Rec Board as presented. Motion carried unanimously. Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the Recreation Board Plan, Mission Statement, 1-Year and 5-Year Plan as submitted with the monthly report. Motion carried unanimously.

Act 209 Traffic Impact Advisory Committee: Committee did not meet this month – no report.

Announcements:

Mr. Dayhoff announced that he and Brenda Constable entered into a partnership business named Adams Municipal Services, L.L.P. This business is completely separate from his duties as a Township Supervisor, and as his and her duties as Township employees. No township equipment or supplies would be used for the business, and no transactions related to the business would occur at the Township office. Mr. Dayhoff submitted a written statement for the Township record, signed by him and Ms. Constable.

New Business:

Zoning Change:

Mr. Waybright announced that the Township has had 11 landowners call in to the Township Office and request to have their properties changed from RR to AC zoning. He added that the Supervisors may want to address this issue in the very near future. Mr. Dayhoff asked what the next step would be to act on these; should the Supervisors be looking at timeline? Mr. Kirschner suggested that the Supervisors look at both ends of the issue; some folks want to go from AC to RR. Mr. Davis stated that the information should be given to the Planning, Land Use & Zoning Committee for review with the Township's Comprehensive Plan. If the Comp Plan supports the changes, then the Supervisors would go forward with amending the zoning map.

Mr. Waybright noted that an analysis was done with the petition presented to the Supervisors on July 6, 2005 who opposed the proposed zoning map amendment from May 2005. He noted that out of 134 original signatures on the petition, only 22 were affected property owners. Five signatures were not even Township residents. Since that time, two people that signed the petition have now contacted the Township to have their zoning changed from RR to AC; two people who signed the petition would now like the option to sell their TDRs; and three people who signed the petition has contracted to sell their TDRs.

With the responses and inquiries that the Township is receiving, the Supervisors felt that the Planning, Land Use & Zoning Committee should start looking at the issue of amending the zoning map.

Kingsdale Fire Company:

Chris Topper, Deputy Fire Chief, had three issues to address with the Supervisors.

- Kingsdale is trying out an ambulance service and wants to meet with Mount Joy Township to talk about this service, which would service Box 21-1. He mentioned that they have already met with Germany Township.
- They have not yet received their contribution.
- Submitted box alarm changes for approval, adding Harney and Barlow.

Mr. Waybright noted that the Mount Joy Township Supervisors had not yet commented on the new ambulance service yet because no one from Kingsdale made contact about it until now. With regard to the contribution, Robin Crushong explained that the Township requested a copy of all fire company audits to show the Township where the money is going. Kingsdale had not submitted their audit yet so that is why they have not received their contribution yet. Finally, with regard to box alarm changes, Mr. Waybright reminded them that the fire company requests should be submitted to the Supervisors 30 days prior to their meeting. However, the Supervisors accepted the changes and stated that they would review them and get back to them.

Matt Shatz, Chief, commented that Kingsdale will be receiving a new 3,500 gallon tanker within the next week, and will have a special unit in service in the next three weeks.

Executive Session:

Mr. Waybright called for an Executive Session at 9:20 p.m. this date.

Meeting Reconvened:

Board Chairman Waybright reconvened the Supervisors' Meeting at 9:35 p.m. this date with the following others in attendance: Supervisors Chantelau, Dayhoff, and Kirschner; Solicitor Davis; Zoning Officer Dave Crouse; Treasurer Robin Crushong; and Brenda Constable, Secretary. News Reporter Aaron Young. Citizens in attendance were: Jerry Althoff, and Audrey & Ken Sanders.

Mr. Davis noted that during Executive Session, the Supervisors discussed potential acquisition of real estate, the same as last month. No action needed. The second item was with regard to two pieces of litigation before the zoning hearing board.

Public Comment:

Mrs. Audrey Sanders asked the Supervisors about conservation easements, how it works, the pros and cons of easements as related to TDRs, Land Conservancy, etc. Discussion was held with regard to the Sanders' zoning hearing decision with granting a variance for one of there subdivided lots (#3) to be allowed as a buildable lot contingent on the Sanders' preserving the remaining 32+ acres of their land. At this point, the preservation has not yet been completed. Mrs. Sanders stated that she does not favor the TDR program and that their "word is as good as gold," and their land would be preserved through the Land Conservancy of Adams County. Mr. Davis noted that Lot 3 was approved in a subdivision in 2001 but the Sanders' never deeded the lot. Five years later, the zoning changed and the lot must now go with the new zoning; that is why the zoning hearing was needed. The condition on Lot 3's approval was that the permanent easement would be placed on the 32+ acres. Lot 3 is not buildable until the easement is recorded.

Workshop:

The Supervisors discussed and set a date for a workshop to discuss proposed language for the TDR easement agreements, setting the date of March 24, 2006 at 9:00 a.m.

Adjournment:

With no further business to come before the Board, Mr. Waybright adjourned the meeting at 10:10 p.m. this date.

Respectfully submitted,

Brenda J. Constable
Secretary