

## **APRIL 15, 2003 SUPERVISORS' MEETING:**

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:30 p.m. in the Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA with Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Will Rogers and Harold Kirschner; Solicitor Walton V. Davis; News Reporter Alex Gayhart (*The Gettysburg Times*); and Acting Secretary Robin Crushong.

Others in attendance were: Richard A. Klein of The Links At Gettysburg; Nate Betnum with Legg Mason Wood Walker Incorporated representing The Links At Gettysburg; Attorney Joseph Fanone with Ballard Spahr Andrews & Ingersoll representing The Links At Gettysburg; Attorney John R. White representing The Links At Gettysburg; Elsie D. Morey; Ellie Bennett; Eileen Holmes; Jerry Maloney; Dick and Mary Lou Crutchfield; John McAlister; Robert Sharrah representing The Links At Gettysburg; and Linda Kirschner.

Chairman Waybright led everyone with the Pledge to the Flag.

### **Minutes:**

Mr. Chantelau moved, seconded by Mr. Scott, to approve the minutes of March 20, 2003 as presented. Discussion: Mr. Chantelau suggested that the Secretary make a separate list of all the decisions made at the meeting and distribute this to the Supervisors to make sure everything is getting done. It is easy to lose track of all the decisions being made. It was unanimous among the Supervisors to have the Secretary start making this list. Motion carried unanimously.

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

Mr. Waybright introduced Harold Kirschner as the 5<sup>th</sup> Supervisor to the Board of Supervisors and welcomed Mr. Kirschner aboard.

Mr. Waybright also stated that the adoption of Ordinance No. 2003-02 would be moved up to the Subdivision/Land Development Plans section of the Agenda.

### **Public Comments:**

There were no public comments.

### **Persons Requesting Time:**

Ellie Bennett, Mud College Schoolhouse Committee Chairperson, thanked Elsie Morey for all her time and efforts in researching the records for Mud College Schoolhouse. She was presented with a Certificate of Appreciation that read "To Elsie D. Morey for your research and documentation of the history of the Mud College Schoolhouse. Given this 15<sup>th</sup> day of April, 2003. Signed by James W. Waybright, Chairman and Ellie Bennett, MCSH Committee Chairperson. Mr. Waybright said that when the Township purchased Mud College Schoolhouse they figured that there would be some volunteer work to be done and he expressed his appreciation to Elsie Morey for all her time and efforts and to all the volunteers that have put in a lot of hours.

### **Treasurer's Report:**

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

Mr. Scott moved, seconded by Mr. Rogers, to approve the bills to be paid for March and part of April as presented. Motion carried unanimously.

### **Subdivision/Land Development Plans:**

1. Keller, Michael: preliminary plan for subdivision of ten (10) lots along Hoffman Home Road. Mr. Scott stated that two (2) different plots came back from survey and engineer. The owners have requested another extension to May 30, 2003. There has already been an extension to April 17, 2003 and the Planning Commission recommends approval of another extension through May 30, 2003. Mr. Scott moved, seconded by Mr. Chantelau, to approve another extension to May 30, 2003. Motion carried unanimously.
  
2. Spangler, Thomas: request for a waiver from a land development plan for a 30' x 40' pole building at 319 Schwartz Road. Mr. Scott said that this is a case where the "Help List for Submitting a Land Development Plan Full, Modified or Waiver" has been used. Mr. Spangler wants to put a pole building in the middle of his property and is asking a waiver from a land development plan. The Planning Commission has recommended a waiver. Chairman Waybright said this is a perfect example of having a Supervisor on the Planning Commission Board because he can report to the Board of Supervisors as to what the Planning Commission discussed and how and why they arrived at the decision to recommend a waiver. Mr. Chantelau moved, seconded by Mr. Rogers, to approve the application of Thomas Spangler for a waiver from a land development plan. Motion carried unanimously.

*Subdivision/Land Development Plans continued after New Business*

### **New Business:**

John R. White, Attorney for The Links At Gettysburg, handed out the preliminary bid plan to the Board of Supervisors. There is no need for approval now on this. The Links At Gettysburg would like to distribute the "NID" program to property owners. There was a public hearing on these items earlier in the evening and Mr. Davis had no comments about the documents and feels all the documents are in order.

- a) Mr. Scott moved, seconded by Mr. Chantelau, to adopt Ordinance No. 2003-02, an ORDINANCE SIGNIFYING THE INTENT AND DESIRE OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA, BY THE MOUNT JOY TOWNSHIP BOARD OF SUPERVISORS, TO ORGANIZE A MUNICIPAL AUTHORITY UNDER THE PROVISIONS OF THE MUNICIPALITY AUTHORITIES ACT, ACT OF JUNE 19, 2001, P. L. 287, NO. 22, 53 PA. C.S.A. 5601 ET SEQ., AS AMENDED AND SUPPLEMENTED, TO BE KNOWN AS THE "RED ROCK MUNICIPAL AUTHORITY"; SETTING FORTH THE FORM OF THE ARTICLES OF INCORPORATION; DESIGNATING THE PURPOSES AND POWERS OF THE AUTHORITY; AUTHORIZING THE EXECUTION AND FILING OF THE ARTICLES OF INCORPORATION; AND AUTHORIZING THE TAKING OF ALL SUCH ACTION AS MAY BE NECESSARY OR APPROPRIATE TO ORGANIZE THE AUTHORITY. Motion carried unanimously.

- b) Mr. Scott moved, seconded by Mr. Rogers, to acknowledge receipt of THE LINKS AT GETTYSBURG NEIGHBORHOOD IMPROVEMENT DISTRICT MOUNT JOY TOWNSHIP, PENNSYLVANIA NIEGHBORHOOD IMPROVEMENT DISTRICT PLAN dated April 15, 2003. Discussion: Mr. White informed the Board of Supervisors that he would like to publish the post-enactment notice in the newspapers tomorrow so that he can get the receipt back and file the Articles of Incorporation with Pennsylvania Department of State, Corporation Bureau. After the issuance of NIDMA Articles of Incorporation by Secretary of the Commonwealth then an Organizational meeting of NIDMA can be held. The Links would then need to advertise the NID Ordinance for adoption at the Board of Supervisors', May 15, 2003 meeting, which approves the formation of NID, and approve the NID plan. Mr. Chantelau asked if, as White Run Regional Municipal Authority does, the Red Rock Municipal Authority could send copies of their Minutes to the Board of Supervisors each month. Mr. Klein assured the Board of Supervisors that there would be no problem getting a copy of the Minutes to them. Motion carried unanimously.
- c) Mr. Rogers moved, seconded by Mr. Scott, to adopt Resolution No. 8 of 2003, A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MOUNT JOY DECLARING OFFICIAL INTENT TO ISSUE BONDS; APPPOINTING BALLARD SPAHR ANDREWS & INGERSOLL, LLP AS BOND COUNSEL; APPOINTING LEGG MASON WOOD WALKER INCORPORATED AS UNDERWRITER; AUTHORIZING THE DISTRIBUTION OF THE PRELIMINARY NEIGHBORHOOD IMPROVEMENT DISTRICT PLAN AND AUTHORIZING THE PUBLICATION OF A NOTICE FOR A PUBLIC HEARING RELATED TO SUCH PLAN AND THE ENACTMENT OF AN ORDINANCE. Discussion: The public hearing shall be scheduled for May 15, 2003 at 6:45 p.m., to receive comments from NID property owners on the Preliminary NID Plan, and intent to adopt an Ordinance establishing the NID. The Board of Supervisors took a few minutes to review the Resolution. Motion carried unanimously.

**Subdivision/Land Development Plans (continued):**

3. The Links At Gettysburg – Courtyard Community: final subdivision plan for The Courtyards – Phase 1A, Battery Ridge, with 32 residential units at 601 Mason Dixon Road. Mr. Sharrah presented the plans to the Board of Supervisors. Mr. Sharrah stated that the contingencies are in the process of being satisfied. Mr. Scott asked Mr. Sharrah to address the contingencies one by one for the Board of Supervisors and let them know where The Links stand on satisfying each one. The Planning Commission recommended the approval of the final subdivision plan. HRG is satisfied. Mr. Sharrah addressed each contingency as follows, as listed in HRG letter dated April 8, 2003:
- #1 – in process of being met
  - #2 – was done
  - #3 – in process of being met
  - #4 – The Links will fix this
  - #5 – The Links will show this
  - #6 – The Links will give details
  - #7 – Applicant is ready to provide financing

The Applicant will comply with all these contingencies. The Board of Supervisors would like to get a letter from Mark Lewis that all contingencies are met.

Rick Klein then brought up an issue concerning lighting that he would like to get the Board of Supervisors opinion on. The Township Ordinance states an individual pole light at each house. Mr. Sharrah and Mr. Klein have come up with a better lighting system. This system would have lighting spread throughout. Mr. Sharrah showed a plan where the lights would be located throughout the association. These would be 8 feet 100 watt lights automatic dusk to dawn and maintained by the Homeowners Association. The Links At Gettysburg is requesting a modification from the Township Ordinance on the lighting as approved by Mark Lewis (this goes back to contingency #6). Mr. Davis read the Township Ordinance section and questioned if the Township has the legal authority to do this. Does the Ordinance allow it? It was resolved that as long as this lighting meets Mark Lewis contingency #6, then the Board of Supervisors would be fine with it. It was also suggested that the 32 lights required could be of assorted heights. Mr. Scott moved, seconded by Mr. Waybright to approve, in accordance with the Planning Commission recommendation and contingencies, the final subdivision plan with addition that lighting in accordance with the letters dated March 12, 2003 and April 8, 2003, item 6a, from HRG have a minimum of 18 pole lights (of unspecified heights) and a minimum of 14 other lighting at various heights throughout the subdivision. Motion carried unanimously.

**Road Report:**

Mr. Scott moved, seconded by Mr. Chantelau, to approve the Road Report as presented. Discussion: Mr. Chantelau stated that Anthony Graham is furthering his education in emergency management and would like to have Mr. Graham come to the Board of Supervisors’ meeting in about three (3) months to make a presentation. The other Supervisors agreed that this would be a good idea. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Kirschner, to adopt the Pennsylvania Emergency Management Agency (PEMA) Designation of Agent Resolution, authorizing Anthony Graham to execute the PEMA Public Disaster Assistance Application and Agreement for Financial Assistance, and all accompanying documents. Motion carried unanimously.

**Building and Grounds Report:**

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

**Bid Opening:**

Carpentry portion of the Bulk Storage Shed – two (2) quotes have been received for the carpentry portion of the bulk storage shed as follows:

	<b>Base Bid</b>	<b>Alt 1 OvHd Doors</b>	<b>Alt 2 Barn Doors</b>	<b>Alt 3 Openers</b>	<b>Alt 4 Electric</b>
i) Clarence Andrew Building & Remodeling 199 Blacksmith Shop Road Gettysburg, PA 17325 10% bid bond was attached	49,625.00	6,260.60	4,037.50	2,530.00 (each)	4,630.00

ii) Premier Construction Group, Inc. 39 South York Road, Suite A Dillsburg, PA 17019 10 % bid bond was attached	42,443.00	5,866.00	5,714.00	3,547.00 (each)	3,500.00
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Mr. Rogers moved, seconded by Mr. Kirschner, to accept the base bid of Premier Construction Group, Inc. (\$42,443.00) and include Alternate #2 for \$5,714.00 for the sliding doors on the northern exposure bringing a grand total of \$48,157.00. Discussion: It was decided to leave the doors to the Building and Grounds Coordinator to decide if they are really needed. Motion carried unanimously.

**Mud College Schoolhouse:**

Recommendation to approve an expenditure in the amount of \$3,965.00 to re-point the brick at the Mud College Schoolhouse. Mr. Chantelau moved, seconded by Mr. Scott, to approve D & D Construction to grind out and repoint all joints using a mortar appropriate for the age of the brick and replace any deteriorating bricks with newer brick to match existing material. Discussion: Would like to use a mortar of limestone or something along that line. Motion carried unanimously.

**Zoning Officer's Report:**

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

**Correspondence:**

Ms. Crushong noted receiving the following correspondence:

- Gettysburg Rec Board March minutes.
- White Run Regional Municipal Authority February minutes.

**Committee Reports:**

Personnel: Mr. Waybright noted that he had previously asked Mr. Kirschner if he would consider serving on the committees that currently have only one member, and Mr. Kirschner had approved of this. Mr. Waybright moved, seconded by Mr. Chantelau, to appoint Mr. Kirschner to serve on the Building & Grounds and Roads committees. Discussion: Mr. Kirschner accepted the appointment. Motion carried unanimously.

Finance: Mr. Chantelau presented a bill that was received from Urban Research & Development Corporation. Included in this bill was a charge of \$3,600.00 for 10 extra meetings not covered under the original contract at \$360.00 per meeting. To date the Township has paid \$80,442.00 of the \$91,200.00 contract price. The contract price including this invoice would be \$82,002.00 (80,442 plus 1,560). This excludes the \$3,600.00 extra meeting charge. We would have \$9,198.00 to pay yet to meet the contract price of \$91,200.00. With this additional \$3,600.00 charge we could end of paying \$94,800.00 for this project (91,200 plus 3,600). The Township would need to have \$12,798.00 available yet and the

budget amount left is \$18,984.00. It was approved to pay the Urban Research & Development Corporation bill of \$5,160.00.

Planning, Land Use & Zoning: Mr. Waybright moved, seconded by Mr. Scott, to accept the Help List for Submitting a Land Development Plan Full, Modified or Waiver. Discussion: The Supervisors expressed their appreciation for the work that went into this by Jay Little. Motion carried unanimously.

Building & Grounds: Nothing to report

Roads: Nothing to report

Public Safety: Nothing to report

Agricultural Land Preservation: Mr. Waybright moved, seconded by Mr. Scott, to accept the Agricultural Land Preservation Board Report as presented. Motion carried.

### **Announcements:**

Mr. Rogers reported that he attended the PSATS 81<sup>st</sup> Annual Convention & Trade Show on April 6-9, 2003. There were 65 Resolutions with 40 approved, 10 denied and 15 no motion. It was interesting that Adams County had one Resolution to amend Section 902 of the Second Class Township Code to increase the hourly pay of elected township auditors. This Resolution was denied. Brenda Constable, Jay Little, Robin Crushong and Samuel Dayhoff also attended the Convention and have written reports of what seminars they attended.

### **Other Business:**

Mr. Chantelau stated that he is a member of the Adams County Green Ribbon Commission. As a member of this commission he has been asked to look into what townships in Adams County can do in relationship to accessing/collecting Recreation Fees and increasing taxes targeted specifically to support recreation within the township. In order to accomplish this task, he is asking for approval to have a staff member assist him in this endeavor. This would mean doing some research, perhaps make a few phone calls and check state law regarding these issues. In the future there may be some involvement in other coordination with the townships of the county concerning recreation and planning. Mr. Scott moved, seconded by Mr. Rogers, to approve a staff member to assist Mr. Chantelau in this endeavor. Motion carried unanimously.

### **Executive Session:**

Mr. Waybright called for an Executive Session at 9:40 p.m. this date.

### **Meeting Reconvened:**

Mr. Waybright reconvened the Supervisors meeting at 9:50 p.m. this date with the following others in attendance: Supervisors Chantelau, Rogers, Scott and Kirschner; Mr. Davis; Secretary Crushong; citizens Eileen Holmes and Jerry Maloney.

Mr. Davis reported that during Executive Session, they discussed a potential enforcement action concerning a homeowner that is having water run off by a neighbor. The hope is that they can work it out themselves with the help of the Township.

**Adjournment:**

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the Supervisors' Meeting at 9:53 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Robin K. Crushong  
Acting Secretary