

## **MAY 17, 2007 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, Harold Kirschner, and Samuel Dayhoff; Robin Crushong, Treasurer; News Reporter Aaron Young (*The Gettysburg Times*), and Secretary Brenda J. Constable. Supervisor George Scott and Solicitor Walton Davis were not present.

Others in attendance were: Audrey Weiland and Jerry Althoff representing the Planning Commission; Pam Roman representing the Watchdog Group; Carol E. Holtz; Sally Alexander; Stephen C. Clapsaddle; Walter D. Clapsaddle; Mary Ann Clapsaddle; Meda Clapsaddle; Robert Rhodes; Eileen T. Holmes; Steve Loss representing Fairview Farms; Robert Gitt; Phil Justice and Jim Knouse representing Gettysburg Granite Quarry; Mary Ann Clapsaddle; and Meda Clapsaddle.

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

The meeting was being recorded by the Township and by Robert Rhodes.

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

Mr. Waybright announced that Mr. Dave Crouse, Zoning Officer, has started to return to work on a part-time basis and is doing well from his recent surgery.

### **Minutes:**

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the minutes of the April 19, 2007 meeting as presented. Motion carried unanimously.

### **Public Comments:**

1. Eileen Holmes: questioned why the news reporters' names are listed in the minutes with the Township Supervisors and staff. Ms. Constable explained that they are listed there because the section for "Others in attendance" is for Township citizens or people who are present to address business matters with the Board.
2. Pam Roman: stated that she attended the last Recreation Board meeting, and someone made mention that the Supervisors were looking into the possibility of acquiring land for some recreation for the township and was wondering if the Supervisors, in fact, have taken any steps to acquire land for recreation. Mr. Waybright responded that the Supervisors were only entertaining the idea but have not taken any formal steps.

### **Announcements:**

Mr. Dayhoff announced that the road crew has had to pick up several piles of trash along township roads within the last few months, such as mattresses, box springs, clothes, garbage, construction materials, etc., on Schwartz Road, along Cedar Ridge Golf Course, Low Dutch Road. He asked residents to keep an eye on this sort of thing and if they see any dumping going on to contact the Township immediately.

## **Treasurer's Report:**

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

Mr. Kirschner moved, seconded by Mr. Chantelau, 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. It was noted that this plan has an extension through August 31, 2007 and remains on the table.
2. Shipley Stores, Inc.: proposed land development plan for removal of existing store at 1910 Baltimore Pike, and building of new store with gas pumps and bank. It was noted that this plan has an extension through July 23, 2007 and remains on the table.
3. Fairview Farms-Barton Breighner, Owner: proposed Final Plan for Phase 1, 7 lots, at 545 Hickory Road. It was noted that this plan has an extension through July 19, 2007. Mr. Steve Loss of Loss-Stair Engineering was present to review a revised intersection design per a meeting with PennDOT. Mr. Loss gave a status update, specifically with regard to a sight distance issue at one of the proposed intersections, located between Lot 1 and Lot 4. Had a field visit/meeting with PennDOT officials to discuss options and Mr. Breighner has agreed to put in a right-in/right out only at that intersection. The second intersection will remain a full turning intersection. Mr. Chantelau asked if this has been before the Planning Commission for review. Mr. Loss stated no, but would go back to the Commission next month; however, he added that the Planning Commission already recommended approval with contingencies, including PennDOT approval. Mr. Althoff, Planning Commission Chairman, joined the Supervisors to review the proposed revisions. Discussion was held regarding increased volume at the other intersection since this one has restrictions. Mr. Althoff asked how this proposal would affect the phasing of the subdivision plan; noting that this proposed final plan is for Phase 1 only which includes Lots 1, 2, 4, 10, 11, 12, & 13; mainly the road front lots. It was noted that the Preliminary Plan was approved for the overall construction of 13 lots. Mr. Loss stated that for Phase 1 the internal streets would be a cul-de-sac from each intersection off of Hickory Road, and then when Phase 2 is done, the cul-de-sacs would be removed and the street connected. Discussion followed regarding what would happen if Phase 2 never happens; the right-in/right out would be used by only two or three houses, which could result in them not following it and create unsafe conditions. Mr. Chantelau asked if the fire companies have been made aware of the cul-de-sacs and if they agree that emergency vehicles could use it for turnarounds. Mr. Loss stated that the cul-de-sacs were designed to the Township's specifications. Mr. Chantelau asked if there was a timeframe for Phase 2. Mr. Loss responded that he was not sure if Mr. Breighner had a proposed timeframe at this point; believes he has some pending contracts for those lots and would be ready to move ahead, but can't say for sure what Mr. Breighner's plans are for Phase 2. The Supervisors' concern is that Phase 1 could happen, and then stagnate with the cul-de-sac proposal if Phase 2 never happens. Mr. Chantelau asked if PennDOT was aware of the cul-de-sac proposal when they did the field visit or if they only saw the plan that showed a through street within the development. Mr. Loss stated that he would make sure when he submits the revised intersection plan to PennDOT that it would be laid out and made clear that the cul-de-sac is proposed for Phase I and a through street would not be used until Phase 2, he would copy the correspondence to the Supervisors so everyone is aware of what is submitted and so that the Supervisors are confident that PennDOT knows a cul-de-sac is being proposed. Mr. Loss also suggested that with the bonding process for Phase I, possibly the road connection could be bonded. This way, the Supervisors would be assured that if Mr. Breighner does not do the road connection, the money would still be there to do it. Discussion was held regarding the bonding not being enough to cover the cost to build a road, and if

an escalator could be put in the bond so no matter when the road would be put in place, there would be enough money to cover the costs. Supervisors agreed that this plan needs to go back to the Planning Commission for review because this is a change from the original plan.

Mr. Dayhoff moved, seconded by Mr. Chantelau, to recommend the plan be sent back to the Planning Commission for their review and comments. Discussion: Mr. Dayhoff suggested that the bonding questions be given to the Township Engineer and Solicitor so the Supervisors have the answers by the time the plan comes back to them, or even by the time the plan gets to the Planning Commission. The revised plan should also be sent to the Township Engineer for review and comment. Mr. Chantelau asked how long it might be for PennDOT to render a decision on the revisions, including the cul-de-sac revisions. Mr. Loss felt it would take about one to two months. It was noted that the plan is extended to July so there should be enough time. Mr. Chantelau stated that he would like to have a comment from PennDOT on the cul-de-sac with the intersection; looking out for the future residents that would live in that development so that they don't end up living there for two years or so and still can't make left hand turns out of the development. The Supervisors would show that this was a PennDOT decision. Mr. Loss stated they would be resubmitting the Highway Occupancy Permit immediately so they should have something back before the time extension runs out. With no further discussion, the motion carried unanimously.

4. Clapsaddle, Meda: proposed one-lot subdivision of 10 acres to Gettysburg Granite Quarry at 1790 Baltimore Pike. Mr. Chantelau moved, seconded by Mr. Dayhoff, to remove from the table. Motion carried unanimously.

Because Mr. Davis could not be present at this meeting, Mr. Chantelau read aloud a letter submitted to the Supervisors from Solicitor Walton V. Davis, dated, May 11, 2007 concerning the Clapsaddle Quarry subdivision. In summary, Mr. Davis gave the following opinion: a) per a transcript of a court colloquy dated December 19, 2006 where mutual promises made by all parties (Meda Clapsaddle, Walter Clapsaddle, Stephen Clapsaddle, and Mary Ann Clapsaddle; and Philip Justice and Gettysburg Granite, LLC), it appears that a binding agreement for the sale of land was created and the Justice quarry business has an equitable interest as a purchaser; b) as an equitable owner of the land, Justice has the legal standing to submit and pursue a subdivision plan for the land that it is entitled to purchase; c) if there are disputes about Justice's standing as an equitable owner, those disputes should be resolved by the court; they are not within the Township's purview to decide; d) if the subdivision plan complies with the Township's SALDO, then it is entitled to be approved; and e) other non-subdivision issues do not affect the question of whether the subdivision is able to be approved; the use of the land after the lot becomes an addition to the Justice tract, or other such matters, are not issues to be resolved at this time and perhaps in another forum.

Mr. Waybright explained that this letter was a result of a conversation with Mr. Davis and trying to understand what the Supervisors' responsibilities were, or were not. After last month's discussion, the Supervisors wanted to make sure that they were clear on what items they could or should address. He pointed out that there was some issue of concern by the Clapsaddle family that could not be addressed by the Township, but rather in court.

Mary Ann Clapsaddle asked if the Township would be responsible for overseeing and disturbance of wetlands. Supervisors responded that County Conservation District would monitor that. Mary Ann then requested, on behalf of her family, that the Supervisors table any action on the proposed subdivision until they have a chance to go back to court to resolve other issues. She also requested that the children's names appear with Meda's name on the plan, etc., because it is the Wilson Clapsaddle Estate and they are all beneficiaries. Again, the Supervisors responded that this is a court issue. Mr. Steve Clapsaddle asked for a copy of Mr. Davis's letter, and was given one. Mary Ann stated that Justice was not on the ten acres that he was supposed to be on and they need to get that issue resolved, and again, asked that the subdivision be tabled. The Supervisors explained that all they can do is look at the subdivision before them to see if it meets Township ordinances and requirements. If the plan is approved, and the ten acres is incorrect, then that issue must be

addressed in court. The Supervisors also explained the timeline requirements for taking action on plans, noting if they did not act on the plan in the 90-day time period, Justice would get a deemed approval, which is an automatic approval without the Supervisors' blessing. Mr. Waybright noted that even if the plan is approved, it is not effective until all parties sign it.

It was noted that the Planning Commission recommended approval as a Final plan contingent on satisfying KPI and County comments. Planning Commission also recommended approval of the four waivers requested. Ms. Constable stated that it was her understanding that a revised plan addressing KPI comments was reviewed by KPI, and revised comments dated May 10, 2007 were received. It was noted that a Planning Waiver & Non-Building Declaration still needed to be acted on by the Planning Commission, Supervisors, and DEP, which Mr. Justice had just started that process so it would not be ready until the June meetings. Mary Ann asked if approval would be based on Justice having a right-of-way going to and from the ten acres. It was noted that Justice already has access from the back side. Mr. Steve Clapsaddle asked if Justice had permission to build a building on the property yet. Supervisors responded that they were not sure what could or could not be done at this point; that would be a court issue. However, when a building is built, they would need a land use permit from the Township.

Mr. Dayhoff commented that based on the Township Solicitor's opinion, a Court Order, the Planning Commission recommendations, some outstanding issues per KPI's review in which Justice stated he did not have a problem meeting those requirements, he felt there was enough information to take action. With that said, Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve as a Final Plan based upon meeting all the recommendations submitted by the Township Engineer, KPI, and the Planning Commission, including the four waivers as listed: a) preliminary plan submission; b) E&S Control Plans; c) requirement for contours; and d) location of wetlands. Mr. Dayhoff noted that these are typical requests for waivers when looking at a lot addition. Ms. Constable noted that the Planning Commission requested a note be put on the plan to indicate no wetlands; a letter from ISC Design was submitted to the Township regarding wetland delineation. It was noted that ISC determined no wetlands were present on the site (10 acres only) due to quarry practices. A copy of this letter was given to the Clapsaddle family. With no further discussion, the motion carried unanimously.

### **Road Report:**

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

Mr. Dayhoff noted the new CAT loader and new dump truck has been received and both are working very good and serving the Township well so far.

With recommendation from Sam Dayhoff, Road Superintendent, Mr. Chantelau moved, seconded by Mr. Kirschner, to authorize the advertisement to accept bids for the sale of an old dump and loader, and to open bids on July 19, 2007. Motion carried unanimously.

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

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

### **Correspondence:**

Ms. Constable noted receiving the following correspondence:

- Notice from Met-Ed regarding elimination of Outdoor Area Lighting in 2012. Discussion: the Township has a number of lights along Route 97 and in front of the Township building, which means these contracts for these lights will be null and void. The Township would need to buy the poles and lights from Met-Ed to continue lighting in those areas. It was pointed out that Met-Ed charges for lighting in these areas, but lighting provided by Adams Electric Cooperative along Route 134 is free. Mr. Dayhoff suggested a letter be sent to Met-Ed asking them to provide a price to the Township so this issue can be addressed before they come in and remove the poles at the intersections.
- Insurance Services Office, Inc. to conduct a survey of Mount Joy Township to verify classification for insurance ratings.
- Notice from S.G. Marinos of WWII simulator from May 4 – May 6, 2007 and Civil War simulator from May 12 – May 13, 2007 on the farm surrounding Civil War Lane.
- J.P. Harris Associates notification for collection of delinquent earned income taxes and emergency and municipal services taxes.
- Adams County approval of Green Space Grant Program. (See discussion under Committee Reports – Zoning, Land Use & Planning).
- WRRMA December 2006 through March 2007 minutes
- PennDOT Bridge Preservation Project Update

### **Committee Reports:**

Personnel: Mr. Chantelau moved, seconded by Mr. Dayhoff, to approve regular status for Kevin Gebhart, Road Worker, with \$1.00/hour increase, effective April 30, 2007. Motion carried unanimously.

Finance: Nothing to report.

Planning, Land Use & Zoning: Mr. Chantelau noted that the Adams County Commissioners approved the Adams County Green Space Program on May 9, 2007. The Green Space Program eligible projects consist of agricultural land preservation, open space/natural resource preservation, park/recreation land preservation, and historical/cultural resources land preservation. Municipalities will be receiving an official letter, fact sheet, and program guidelines from the County by the end of the month. The Green Space Committee will be holding regional meetings for municipal officials to explain the program. Mount Joy Township will host the meeting for the South East region (11 townships and boroughs) of the County sometime in June. After municipalities decide if they have a project to submit, a workshop will be held to assist those municipalities to go over the applications and process. All applications are to be submitted to the Committee by early fall, with final County Commissioner approval by December. Commissioners plan to fund this program with a line item in the 2008 budget. The line item will be \$1,000,000 with 60% to the ag land preservation and 40% to the other three categories.

Building & Grounds: Nothing to report.

Roads: Nothing to report.

Public Safety: Nothing to report.

Agricultural Land Preservation: Noted receiving the monthly report. With recommendation from the Ag Land Board, Mr. Dayhoff moved, seconded by Mr. Chantelau, to authorize the Board to send offer letters. Motion carried unanimously.

Recreation Board: Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the monthly report as presented. Mr. Chantelau noted that he and Mr. Scott attended the May meeting and the Board is working on the RFP (Request For Proposal) with DCNR (Department of Conservation and Natural Resources) to get the recreation study underway. Motion carried unanimously.

### **New Business:**

#### Resolution No. 19 of 2007:

Mr. Chantelau moved, seconded by Mr. Dayhoff, to adopt Resolution No. 19 of 2007, a resolution to send to the Pennsylvania Congressional Delegation encouraging the Delegation to prepare, introduce, and actively support an amendment to existing federal law which among other provisions, is designed to permit the State and local enforcement to detain, prosecute, and deport illegal immigrants without the prior approval of the federal government. Discussion: Mr. Chantelau noted that this is a timely issue in that the Senate and House conferees today reported out of committee a new immigration legislation which would grant legal status to 12 million illegal immigrants already in the United States and increase border and interior enforcement initiatives. This Resolution would address this new Bill, and is designed to allow local law enforcement to detain illegal immigrants, which the immigrations customs enforcement people don't come out for isolated cases. This request and Resolution will be sent to Congressman Todd Platts, Senator Arlen Specter, and Senator Robert Casey. Motion carried unanimously.

#### Strategic Planning Initiative:

Mr. Chantelau noted that he has attended several meetings at the County level where a lot of things are happening and found that many times one group does not know what the other group is doing. He is concerned that here in Mount Joy Township, especially with the Visitor's Center soon to be opening up in 2008 at the end of Route 97 on Baltimore Pike, the Township needs to create a strategic plan for Mount Joy Township, planning five to ten years into the future. If approved, Mr. Chantelau would like to ask for help from Penn State Cooperative Extension to facilitate planning sessions. He envisions that all individuals involved in township governance, i.e. all Mount Joy Township Boards and Commissions, would be part of the strategic planning process; this way it would touch everything done in the Township. He has also begun low level discussions with the ACEDC (Adams County Economic Development Corporation) to provide assistance sometime during discussions to talk about economic development within Mount Joy Township. In particular, he is concerned about Route 97 corridor going up to Route 15 and beyond to Rock Creek and what the V, V-H, and PC zoning districts would allow in that area.

Mr. Chantelau moved, seconded by Mr. Dayhoff, to create a strategic planning initiative for the Township, that all of the individuals involved in governance of the Township participate in this, and that the Township seek assistance from Penn State Cooperative Extension to facilitate the effort. Discussion: Mr. Dayhoff asked if this would piggyback the Comprehensive Plan that has already been completed; he does not want to see duplicated efforts. Mr. Chantelau responded that the Comp Plan would be a base line to start with but there are many other issues that should be addressed; the economic view, the tax structure, etc. It was noted that the Comp Plan was completed in 2003, after a three-year planning process, and it is recommended by the Pennsylvania Municipalities Planning Code that the Comp Plan be updated every ten years. This would be a mid-point and would be a good time to start looking ahead now to see if changes should be made to the Comp Plan in 2013 or so, especially with all the activity happening in the entire county. This way Mount Joy Township could attempt to stay ahead of the curve by being proactive and not reactive, and stay involved as well at the county level.

Mr. Robert Gitt asked if individual property owners could sit on this committee. Mr. Chantelau responded that the individuals involved in township governance would already involve approximately 40 people on this committee. The Supervisors pointed out that public comment periods would be made available to citizens during the committee meetings, and possibly public hearings would be held as well. Mr. Chantelau also noted that all the people that have volunteered to serve on these boards and commissions have indicated an interest in serving the Township on a continuing routine basis for the betterment of the entire Township, and not just an individual piece of property.

Motion carried unanimously.

**Executive Session:**

Board Chairman Waybright called for an Executive Session at 9:00 p.m. this date.

**Meeting Reconvened:**

Board Chairman Waybright reconvened the Supervisors' Meeting at 9:15 p.m. this date with Supervisors Chantelau, Kirschner and Dayhoff present. Others still in attendance were: Robin Crushong; and Brenda Constable, Secretary. Citizens were: Jerry Althoff, Audrey Weiland, Eileen Holmes, Carol Holtz, Robert Rhodes, Pam Roman, and Sally Alexander.

Mr. Waybright reported two issues were discussed during Executive Session:

1. Possibility of a zoning violation and will need to investigate the issue with the Zoning Officer and Solicitor; and
2. Possibility of purchasing land.

**Adjournment:**

With no further business to come before the Board, Mr. Dayhoff moved, seconded by Mr. Chantelau, to adjourn the Supervisors' Meeting at 9:16 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable  
Secretary