

## **SEPTEMBER 20, 2001 SUPEVISORS MEETING:**

The Mt Joy Township Supervisors met this date in regularly scheduled session at 7:30 p.m. in the Township Building, 902 Hoffman Home Road, Gettysburg, PA, with Chairman Samuel Dayhoff presiding. Others in attendance were: Supervisors James Waybright, William Chantelau, William Rogers and George Scott; Solicitor Walton Davis; News Reporter Kami Masemer (Gettysburg *Times*); and Secretary Brenda J. Constable.

Citizens in attendance were: Kenneth Sanders, Edward Reichart, Pam Huffman, Ralph H. Taylor (LHPOA), Harry Ramage (Deer Chase L.P.), Marlene & Ivan Lufriu, Ally. Ross Pifer (representing Reicharts), Eileen Holmes, John McAlister, Karen & Wilson Tawney, and James Reichart.

Chairman Dayhoff led everyone with the Pledge to the Flag.

### **Minutes:**

Chantelau moved, seconded by Scott, to approve the minutes of the August 16, 2001 meeting as presented. Motion carried unanimously.

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

Noting the "Attack on America" last Tuesday, September 11, 2001, Chairman Dayhoff asked everyone to help support their local volunteer fire companies in this time of need.

### **Public Comment:**

- 1 Ralph H. Taylor — representing the Lake Heritage Property Owners Association Government Action Committee, read and presented a written statement regarding the Yingling subdivision and the recent Planning Commission's recommendations, specifically with regard to the possible White Road extension into the Yingling property.
- 2 Eileen Holmes — a) regarding a past comment that Dayhoff made regarding never receiving any compliments, she stated that he does, in fact, receive compliments for the job he is doing; b) thinks that the township spent too much money for a new copier; and C) asked the township to purchase a new flag pole. Dayhoff responded that the township is currently looking into getting a new flagpole with lights.

### **Persons Requesting Time on Agenda:**

- 1 Ross Pifer, Attorney (with Law Firm of Puhl and Eastman) — representing R. Edward Reichart, et al. Pifer gave a background regarding the subdivision plan for Reichart. He stated that the preliminary plan was approved in July and the final plan approved in August subject to a condition. He further stated that his clients have concerns, prior to filing an appeal, with regard to the condition that was placed on this plan, i.e. Note #7 revision: *The Board of Supervisors of Mount Joy Township has granted modifications from several requirements applicable to this subdivision upon the representation of the applicants, on behalf of themselves, their heirs and assigns, that no residences or uses other than farming would occur on the lots depicted on this plan.* He is asking the supervisors to reconsider their decision. He stated that when the Zoning Hearing Board imposed a condition with regard to the width of a strip of land to be limited to 35', it would prevent future development He further stated that with Note #7 as is, it will now enroll this property into the Agricultural Land Preservation at a cost of approximately \$150,000. Dayhoff asked Mr. Pifer if he and his clients intend to appeal if they did not change their decision tonight. Pifer responded yes. Dayhoff then turned the discussion over to Solicitor Davis. Davis stated if they are appealing, then discussion will have to go to an Executive Session because it will be a matter of litigation.

### **Executive Session:**

Chairman Dayhoff called for an executive session at 7:45 p.m. this date.

### **Meeting Reconvened:**

Chairman Oayhoff reconvened the Supervisors Meeting at 7:50 p.m. this date with all other supervisors and solicitor present. Secretary Constable, news reporter Kami Masemer and all citizens listed above were also present

Solicitor Davis stated that he was requested by the supervisors, for all attendees' information, to explain the Reichart subdivision issue. He stated that the Municipalities Planning Code (MPC) and the Subdivision and Land Development Ordinance (SALDO) have provisions to allow the supervisors, if they so choose, to modify the SALDO. The statute and code states that, for any modifications to be considered, there must be a peculiar condition to the land causing undue hardship. In this case, there was nothing peculiar represented to this Board with regard to this subdivision. Per the SALDO, every lot front on a public road should have 180' frontage. In this case, this frontage is not needed for farms, so it represents a hardship. The Supervisors accepted this as a hardship, with the understanding that the land would be used only for farming. He stated that the Board is not going to act any further on this subdivision. Pifer stated that the Zoning Hearing Board granted a variance on the lot road requirement of 180' frontage. With regard to the SALDO, the only objection that he sees is that it is a flag lot, because there is no other way to develop it Davis responded that that was not so; the applicants were shown how to do the subdivision and they chose not to do it that way. Davis stated that a letter dated April 27, 2000 was sent to Attorney Ed Puhl (previous attorney for Reich art) stating the problems with this subdivision and the need for a variance (per Zoning Ordinance) and modification (per SALDO), which was eventually given with Note #7. However, Davis questioned if a written request from Puhl (on behalf of his clients) ever followed. Dayhoff stated that the supervisors were not going to change their decision. No further discussion was held.

- 2 Harry Ramage — Deer Chase Development — Ramage gave his apologies for not getting the road improvements completed this summer as planned. He is currently in the process of getting quotes from engineers to have the concrete curbing done. He presented one quote from Kinsley Construction and noted that he is expecting two more quotes. He also stated that whichever company is selected to do this work, will also be doing the Blue and Grey Development One development can be done this fall and the other in the spring of 2002.
- 3 Mike Danner — regarding Long Road. Danner stated that he had approximately 12— 13 acres on Long Road that he wanted to sell. His question was to inquire if Long Road would be defined along this land or whether there would be a road at all along this land. He then presented a plan showing the proposed land sale and Long Road to where the pavement stops and then a dirt lane that continues through his field. Dayhoff stated that the Supervisors were asked a few years ago to vacate this road but couldn't get enough signatures to do this. The Supervisors suggested that Danner have his surveyor draw up a sketch plan showing how they would want Long Road to go and where they would put in a cul-de-sac.

## **Treasurer's Reports:**

### August and September Report:

Waybright moved, seconded by Chantelau, to approve the Treasurers Report for the months of August and September. Motion carried unanimously.

### Bills:

Chantelau moved, seconded by Scott, to approve the payment of bills for the months of August and September. Motion carried unanimously.

### Pennsylvania Local Government Investment Trust (PLGIT):

Chantelau stated that we currently have two (2) Certificate of Deposits, one in the amount of \$37,000 and the other at \$110,000 that will be maturing in October. He then gave an overview of the PLGIT program, pointing out that PLGIT is offering an interest rate of 3.34% for 12 months and the bank is at 3.70% for 18 months, a difference of \$500. The bank CD is a "Jumbo" CD and requires a minimum of \$100,000. In order to safeguard the funds, Chantelau recommended that the CDs be transferred to PLGIT to secure the total amount of \$147,000 at 3.34%.

With recommendation from Treasurer Robin Crushong, Scott moved, seconded by Waybright, to express the supervisors' intent to join the PLGIT program and have Ms. Crushong begin the process of joining via future adoption of an ordinance. Discussion on the motion: Solicitor Davis will review the Ordinance for adoption at the October meeting, Crushong can transfer the CDs to PLGIT and the Finance Committee is to review the program and CD status with Crushong. With no further discussion, the motion carried unanimously.

Scott moved, seconded by Waybright, to authorize the Solicitor and Secretary to prepare and advertise an Ordinance for participating in the PLGIT program with the date for adoption to be the October 18, 2001 Supervisors Meeting. Motion carried unanimously.

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

- 1 Kenneth G. Sanders — Scott gave an overview of this subdivision noting that the Planning Commission approved the plan as a preliminary/final plan at their September 12, 2001 meeting. Waybright moved, seconded by Rogers, to approve the subdivision plan as a preliminary/final. Motion carried unanimously.

### Change of Presiding Supervisor:

At this time, Chairman Dayhoff turned the meeting over to Vice Chairman Waybright and then read an abstention statement with regard to voting on his own subdivision plan.

- 2 Samuel L. Dayhoff— Planning Commission approved this preliminary/final subdivision plan on September 12, 2001. It was pointed out that Lots 2 & 2A, 3 & 3A, 4 & 4A will sell as units one at a time (per year) due to the two (2) acre maximum from Clean & Green. With no further discussion, Chantelau moved, seconded by Rogers, to approve the subdivision as a preliminary/final plan. Motion carried unanimously.

### Relinquish Chair:

At this time, Vice Chairman Waybright relinquished the chair back to Chairman Dayhoff.

- 3 Wilson M. Tawney, III — Scott gave an overview of this Land Development Plan (LDP), noting that a LOP was needed because of the size of the pole building (over 1,000 sq. ft) and the need for a storm water management plan. He stated that the Planning Commission did not have any problems with this LDP and approved it at their meeting on September 12, 2001. Dayhoff moved, seconded by Chantelau, to approve the LDP as presented. Motion carried unanimously.
- 4 Nextel Partners, Inc. — Recommendation to “reapprove” this final Land Development Plan. The original approval was given on May 21, 2001, was not picked up by Nextel from the Township office until August and when they tried to record it at the Courthouse, the 90 time limit had passed. In order for the Recorder of Deeds to accept the plan, the Supervisors need to “reapprove” the plan with a revised date. Waybright moved, seconded by Chantelau, to “reapprove” the final plan. Motion carried unanimously.
- 5 Kevin & Keith Yingling — Scott stated that the Planning Commission had addressed the following issues of concern at their September 12, 2001 meeting:
  - HRG wants curb depth at 24 inches rather than 18 inches. Sharrah wants to keep at 18 inches and has requested a waiver. Dayhoff asked if the curb could be eliminated. Sharrah responded yes. Drainage would then be similar to what is occurring in Lake Heritage.
  - Huber Circle exceeds the 500’ maximum length for a cul-de-sac street Sharrah requested a modification waiver.
  - HRG wants to see improvements on the plan. Sharrah feels that there is no useful purpose to show this.
  - HRG suggests that Heritage Drive be widened from the intersection of the existing Yingling Driveway to the White Road extension. Sharrah responded that they are not proposing to do this. Current intersection is fine.

The Planning Commission offered the following recommendations:

- Cul-de-sac length - the Planning Commission measured the length at approximately 1,000’, and recommends accepting that as the length of the cul-de-sac as on the plan, formalized by the developer’s statement that White Road will never be connected straight through for commercial purposes. In addition, recommend approval from HRG with regard to the size of the circle so that it is easily accessible to fire apparatus.
- Vertical curb height - recommend a total height of 18” for anywhere the plan reflects curbs.
- Storm drainage - the Planning Commission supports best management practices and recommends that the engineer give advise on this request for modification, including minimum curbing. As it relates to culvert and stormwater management, the Commission recommends a stormwater study and downstream proposal on the east side.

With regard to the plan:

- Yingling Road - widen Heritage Drive in accordance with HRG’s comment #29 of letter dated July 2, 2001 as follows: Township should consider requiring cartway widening, curbing, and sidewalk to ordinance standards along the entire public frontage of Heritage Drive (~86-1 8.B[1and 2]).
- Improvements on the plan - suggest that the developer not be required to put metes and bounds and other details and improvements on the plan for the portion of land that is not being proposed for development

Dayhoff moved, seconded by Rogers, to table action until the October 18, 2001 meeting and in the meantime ask HRG to do an analysis and have the Land Use & Zoning Committee review all issues of concern. Motion carried unanimously.

**Road Report:**

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

**Zoning Officer's Report / Building Permits:**

Dayhoff moved, seconded by Scott, to approve the Zoning Officer's Report as presented. Discussion followed on an addendum to this report regarding the proper formula (via PennDOT) to be followed for driveway access and the difference between "sight triangle" versus "sight distance". Solicitor Davis explained that the current ordinance requirements are so restrictive that many subdivisions will be unable to adhere to it. He suggested HRG do an analysis and depending on the outcome, amend the Ordinance if needed. If amended, the Land Use & Zoning Committee was instructed to work with HRG, Zoning Officer and Solicitor to change the Ordinance to remedy this problem.

**Proposal for New Truck:**

Recommendation from Zoning Officer Jay Lithe, to approve the purchase of a 2002 GMC Yukon 4x4 at a cost of \$32,367.99 from the Local Pennsylvania Piggyback Program (L3P). This is a state contract that has already been bid which enables the Township (member of L3P) to purchase directly from the contract without bidding again. Dayhoff explained that this purchase was going to be proposed in the 2002 budget, however, the new Mack Truck that was budgeted and purchased this year was bought with Liquid Fuel funds rather than with General Fund monies. Since the monies are still in the General Fund, they can now purchase the new vehicle this year. The vehicle would be used by the zoning officer, office staff and supervisors, as well as the road crew and EMA representative. It will have the Township name and light bar on it. Scott stated that he would like to see a written plan as to what the road department will do with the monies saved, the old truck, etc. with regard to purchasing this year versus budgeting for next year. Waybright questioned if this type of vehicle was really needed or if something less expensive could be considered. Other supervisors agreed that this price was a good price for this type of vehicle and the money is in this year's budget; it would be that much less money that would need to be budgeted in 2002. Chantelau moved, seconded by Rogers, to approve the purchase of the vehicle as proposed. Motion carried with Scott and Waybright voting no.

**Meeting Recessed:**

Board Chairman Dayhoff recessed the meeting at 8:59 p.m. this date so that everyone present could listen to the Presidents Address relative to the September 11, 2001 terrorist attacks on the United States.

**Meeting Reconvened:**

Board Chairman Dayhoff reconvened the Supervisors' Meeting at 9:35 p.m. this date with all members and citizens present as listed above.

## Correspondence:

Supervisors noted receiving the following:

- Gettysburg Rec Park — August meeting minutes
- Gettysburg-Adams Chamber of Commerce — nominations for the Adams County Outstanding Citizen Award (due 9/22/01)
- Litttestown Chamber of Commerce Capital Campaign notice
- County Liquid Fuel Encumbrance for 1994— notice of unencumbrance

## Committee Reports:

Personnel:

a) Recommendation to join the PSATS Dental Plan to the existin9 health coverage package. This would be open for all employees to join. Chantelau moved, seconded by Scott, to add the Dental Plan to the health package. Motion carried unanimously.

b) Staff Meetings — Chantelau recommend that the Personnel Committee (Chantelau and Waybright) meet with the staff each month rather than alternate supervisors for each monthly meeting for better continuity. Rogers agreed and added that the Personnel Committee could report to the remaining supervisors on a quarterly basis. Dayhoff stated that the reason all supervisors were involved with participating in the meetings was so that they could keep in touch with the employees. Rogers suggested that Constable chair each staff meeting and then inform those supervisors who are not in attendance of what is going on. It was agreed to continue with two different supervisors attending each monthly meeting. Waybright also suggested that the Sewage Enforcement Officer, Engineer and Solicitor also be invited to the meetings.

c) Waybright noted that the Personnel Committee will be meeting with Robin Crushong, Treasurer, for her six-month employment review and will be addressed at the October meeting.

Finance:

Chantelau moved, seconded by Rogers, to set the date and time for a 2002 Budget Workshop to be Thursday, October 11, 2001 at 7:00 p.m. Motion carried unanimously.

Planning Commission:

Nothing to report at this time.

Land Use & Zoning:

Nothing to report at this time.

Building & Grounds:

a) Dayhoff stated that concrete pads are needed at the outside doorways of the new shop addition. Quotes for 45 sq. ft. and 6" thick were obtained from Wayne Ogburn for the following:

- Form and Pour- \$1,450
- Light Wire - \$255
- Heavy Wire - \$455
- Excavate plus stone - \$645

Scott moved, seconded by Chantelau, to approve the \$1,450 to form and pour and heavy wire at \$455 with the Township doing the excavating. Motion carried unanimously. Dayhoff stated that he would call Gettysburg Concrete and McDermitt for quotes on the concrete.

b) Dayhoff received a quote from Hull's Electric Service, Inc. for the installation of an electrical system in the new shop building in the amount of \$3,620 which includes all labor and material. Since the price is under \$4,000, no other quotes were needed. Waybright moved, seconded by Chantelau, to approve the quote of \$3,620 from Hull's Electric.

c) Due to the new siding on the shop building, the existing "Mount Joy Township" sign needs replaced. A recommendation to put a new sign on the front of the office building above the entrance door was presented, reflecting plastic raised letters with "Mount Joy Township" at 12" height letters and "Municipal Building" at 8" letters. Quotes received were as follows (includes installation):

- Butch Eyler Signs \$ 632.20
- Len Dick Signs \$ 688.00
- Architectural Accessories, Inc. \$1,690.00

Scott moved, seconded by Waybright, to accept the quote from Butch Eyler Signs in the amount of \$632.20. Motion carried.

Roads: Nothing to report at this time.

Public Safety: Waybright noted that the Gettysburg Village Factory Outlets has complied with getting adapters for their fire hydrants.

Mud College: Supervisors asked Solicitor Davis if PNC Bank has returned the \$10,000 trust that was set up by the Crouse family to benefit Mud College. Davis responded no and will follow up with a letter to PNC, Trustee.

#### **Announcements:**

Supervisors noted receiving a list from the Federal Emergency Management Agency (FEMA) of non-profit organizations that can be contacted for support relief efforts in response to the terrorist attacks on September 11, 2001.

#### **Other Business:**

Supervisors noted receiving The Links At Gettysburg Utilities Company, LLC application to the PA Public Utility Commission.

Supervisors set the date and time of November 15, 2001 at 7:15 p.m. to hold a public hearing to consider adoption of an Ordinance amending the SALDO code to require ten (10) copies of plats to be filed and authorize Solicitor to advertise notice of said hearing and Ordinance. The intent is to adopt the Ordinance at the Supervisors' Meeting on November 15, 2001, beginning at 7:30 p.m.

#### **New Business:**

##### **Auditor Resignation:**

Chantelau moved, seconded by Scott, to accept the resignation of Harold J. Kirschner, Township Auditor, effective September 1, 2001. Motion carried unanimously.

Auditor Appointment:

Waybright moved, seconded by Chantelau, to approve the appointment of Robert Staley to the position of Township Auditor, filling the unexpired term of Harold Kirschner, effective through January 5, 2004. Motion carried unanimously.

**Executive Session:**

Chairman Dayhoff called for an Executive Session at 10:05 p.m. this date.

**Meeting Reconvened:**

Chairman Dayhoff reconvened the Supervisors' Meeting at 10:10 p.m. this date with all members and citizens present as listed above.

Solicitor commented on four (4) matters discussed at Executive Session:

1. Discussed an appeal from the Zoning Hearing Board and the District Justice regarding "Yingling Junkyard". No action needed.
2. Discussed zoning issue regarding another property where the Zoning Officer was sent out to check on. No action needed.
3. Gettysburg Village Factory Stores — Main Street re-design. Scott moved, seconded by Chantelau, to instruct the Zoning Officer to write an enforcement notice for a zoning violation for failure to update the Main Street parking issue. Motion carried unanimously.

Adjournment:

With no further business to come before the Board, Waybright moved, seconded by Chantelau, to adjourn the Supervisors' Meeting at 10:15 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable  
Secretary