

## **APRIL 15, 2003 SUPERVISORS' PUBLIC HEARING – The Links At Gettysburg NIDMA:**

The Mount Joy Township Supervisors held a Public Hearing this date, as publicly advertised, at 7:00 p.m. in the Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA with Chairman James Waybright presiding. Others in attendance were: Supervisors George Scott, Will Rogers, William Chantelau and Harold Kirschner; Solicitor Walton V. Davis; News Reporter Alex Gayhart (*The Gettysburg Times*); and Acting Secretary Robin Crushong.

Citizens in attendance were: Richard A. Klein of The Links; Nate Betnum, Legg Mason Wood Walker Incorporated; Attorney Joseph Fanone, Ballard Spahr Andrews & Ingersoll, LLP; Attorney John R. White, representing The Links At Gettysburg; Elsie D. Morey; Eileen Holmes; and John McAlister.

Chairman Waybright stated that the 7:15 p.m. hearing that was previously advertised, would not be held.

Chairman Waybright stated that the purpose of this hearing was to consider the enactment of an Ordinance authorizing and directing the incorporation of a municipal authority to be known as "Red Rock Municipal Authority". The Supervisors intend to enact, adopt and ordain this Ordinance at their meeting, commencing at 7:30 p.m. Chairman Waybright turned the Public Hearing over to John R. White, Attorney for The Links At Gettysburg.

Mr. White stated that this hearing was in compliance with the Pennsylvania **Municipality Authorities** Act, which requires a public hearing before adoption of the Ordinance. Mr. White handed out a copy of the proposed Ordinance to each of the Supervisors for their review. Mr. Davis informed the Supervisors that he did, in fact, review the Ordinance and numerous other documents earlier in the day and felt everything was in order. Mr. White informed the Supervisors that in accordance with the Neighborhood Improvement District Act ("NID" Act), The Links At Gettysburg must be on the Neighborhood Improvement District Municipal Authority ("NIDMA") Board since, at this time, it is the only property owner within the "NID". Tony Gipe was removed from the proposed list of names and Richard A. Klein, owner of The Links At Gettysburg, was inserted.

Mr. Chantelau asked if there were any specific criteria in order to appoint the members to this Board. The Board of Supervisors is going to be appointing the Board Members in the future and it would be good if there were a set of guidelines to follow. Mr. White said that a good start on a criteria would be: a) a Mount Joy Township resident; b) people who showed an interest; and c) people who consent to taking on the responsibility. There is no experience necessary because the "NID" is new. Mr. White pointed out that in the future as the terms of the Board Members expire and **the** "NID" gets populated, there will be more people to choose from and criteria could be set then. Mr. Scott asked if there were any requirements to being on the Board. Mr. White said there were none. Mr. Waybright felt that the candidates looked good and that this was a learning process for all. Mr. Scott stated that he agreed with Mr. Chantelau that a list of criteria would be beneficial. Mr. Chantelau asked that White Run Regional Municipal Authority be contacted to see if it has criteria that it goes by. Mr. Klein stated that he chose these proposed Board Members and the only criteria he used were if they showed a willingness to do it and that they had the same vision he had. Mr. White stated that criteria are not required, but would be good to have. Mr. Rogers asked if the Supervisors were going to establish a policy now or wait until the first appointment? It was decided that this could wait. Mr. Rogers stated that the Supervisors need to make sure there are no conflict of interests and that there should be a Planning Commission member and a Supervisor on the Board. Mr.

Davis said there was no commitment of Mount Joy Township to this "NID". There would not be a lot of community involvement. Mr. Scott stated that this would be a separate entity, but it would be good to have someone from the Township to keep the Township informed. Mr. Chantelau said it is hard to keep Supervisors on all these Boards. The term of the Board members would commence on the date of appointment and be computed from the first Monday in January, 2004 so that the first term would end on the first Monday in January, 2005.

The powers of the "NIDMA" are limited to **the** "NID" only. The life of the "NIDMA" has a term of existence of not more than fifty-years from the date of approval of the Articles of Incorporation.

Mr. White stated that if the Ordinance was enacted this evening at the Supervisors' meeting, the Township must then advertise a post-enactment **Legal Notice** that the Ordinance was adopted. Then the Articles of Incorporation can be filed with Pennsylvania Department of State, Corporation Bureau. Once the Secretary of the Commonwealth issues the "NIDMA" Articles of Incorporation then the Red Rock Municipal Authority will be established and an Organizational Meeting of **the** "NIDMA" can be set.

Mr. White introduced Attorney Joseph Fanone, **of the law firm of** Ballard Spahr Andrews & Ingersoll, LLP, as Bond Counsel, and Nate Betnum, with Legg Mason Wood Walker Incorporated as **Bond Underwriter**.

Mr. Fanone stated that the specific intent of the Resolution to be adopted by the Board of Supervisors is for Federal tax purposes, to issue tax-exempt bonds, and providing for reimbursement to **the developer** of construction costs of "NID" public infrastructure improvements; to appoint Ballard Spahr Andrews & Ingersoll, LLP as bond counsel and Legg Mason Wood Walker, Incorporated as bond underwriter with respect to any bonds issued to finance the project; authorize the publication of a Notice for Public Hearing for **the formation of the** "NID"; and authorize the distribution to all property owners within the geographical boundaries of the proposed "NID" **of** a preliminary Neighborhood Improvement District Plan.

Mr. Chantelau asked why the "Issuer" was **the** Township of Mount Joy, Pennsylvania in the Resolution and not the NIDMA. Mr. Fanone stated that **the "NID" Act requires the Township to be the "issuer" of the NID bonds, but** the issuer is **not** responsible financially. Cost of financing would be the responsibility of the residents of The Links At Gettysburg and he referenced the special assessment fee section. The homeowners will have a **covenant** in their Deeds at time of purchase to **pay off the** bonds. Mr. Chantelau also questioned if the Ordinance and Resolution could be cross-referenced with the different cites. Mr. Davis stated that the documents are established under **the two (2) above-mentioned** Acts.

Respectfully submitted,

Robin K. Crushong  
Acting Secretary