

MAY 16, 2002 SUPERVISORS' MEETING:

The Mount Joy Township Supervisors met this date in regularly scheduled session 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 Scott, Rogers and Chantelau; Solicitor Walton V. Davis; News Reporter Alex Gayhart (*The Gettysburg Times*); Sam Dayhoff; and Secretary Brenda Constable.

Citizens in attendance were: Eileen Holmes; Jack McLatchy; Beverly Boyd and Jacqueline Basehoar representing the Basehoar family; Stella Schwartz; Jerry Maloney; John McAlister; Bob Sharrah and Rick Klein representing The Links At Gettysburg; Jerry Althoff; Dwight D. and Belinda A. Little; Ellie Bennett; and Ellen Dayhoff.

Chairman Waybright led everyone with the Pledge to the Flag.

Minutes:

Chantelau moved, seconded by Scott, to approve the minutes of the April 15, 2002 meeting as presented. Motion carried unanimously.

Public Comments:

1. Beverly Boyd, representing the Basehoar family subdivision, stated that as a result of trying to address the nitrate issue that has been detected in the area where they own land, they are having difficulty in trying to obtain guidelines and regulations which are needed to bring their subdivision into compliance. They are requesting a copy of all written directives from DEP to the Township regarding the nitrates/nitrogen issue, particularly information discussed on this matter from a scientific basis as well as a regulatory basis. They also request written confirmation of the standards and guidelines to be applied uniformly and that the same can be applied based on voluntary well testing data. Discussion was held summarizing that the reason the Basehoars are having trouble getting this information is because it doesn't exist. Waybright suggested that the Basehoars ask DEP for their guidelines, speak with our Sewage Enforcement Officer, and contact Representative Stephen Maitland for any assistance.
2. Dave Gilbert, owner of Lot 21 at the Deer Chase development, stated that when the road widening project was done at the development, Harry Ramage, developer, provided a culvert for everyone else in the development except him and another lot owner. He is in the process of securing a driveway permit and at this point, no equipment can even get into his lot. He has made numerous attempts to contact Ramage, but has had no response. He questioned if the Township could do anything. Scott stated that the road project was the responsibility of Ramage, the developer and he would have to address his problem with him.

Treasurer's Report:

Chantelau moved, seconded by Scott, to approve the Treasurer's Report for April and May as presented. Motion carried unanimously.

Scott moved, seconded by Chantelau, to approve the bills to be paid for April and May as presented. Motion carried unanimously.

Subdivision / Land Development Plans:

1. Schwartz, Stella B. – subdivision of one (1) ten acre lot at 125 Orphanage Road. Waybright noted that the Planning Commission recommends approval as a preliminary/final plan. It was also noted that County comments were received but none yet from HRG, Engineers.
Scott moved, seconded by Waybright, to approve this plan as a preliminary/final, based on the condition that there are no problems with HRG, and to authorize George Scott to review HRG's comments when received ,on behalf of the supervisors. Motion carried unanimously.

Scott moved, seconded by Rogers, to approve the Form B Non-Building Waiver Sewage Module for Schwartz. Motion carried unanimously.
2. The Links of Gettysburg-Red Rock Phase I – discussion on this plan was deferred until later due to its anticipated length of time needed for review.

Road Report:

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

Building Permit / Zoning Officer's Report:

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

Agricultural Security Area Resolution:

Waybright stated that written comments had been received from the County Planning and Development Office with regard to the ASA, and noted that they voted unanimously to recommend approval for the new properties and also the renewal of parcels, as listed.

With recommendation from Jay Little, Zoning Officer, Scott moved, seconded by Chantelau, to set the date of June 20, 2002, at 6:45 p.m. for a public hearing to accept comment on the proposed ASA Seven Year Review and announce their intent to adopt a Resolution at their regular scheduled meeting. Also included in the motion was to authorize Little to advertise said public hearing. Motion carried unanimously.

Building and Grounds Report:

Mud College Schoolhouse:

Dayhoff received two (2) quotes to have electric service installed in the Schoolhouse:

- Hulls Electric Service, Inc. \$ 695
- Keith Bowling Electric Services \$1,200

With recommendation from Dayhoff, Rogers moved, seconded by Scott, to accept the quote from Hulls Electric Service, Inc. in the total amount of \$695. Motion carried unanimously.

Dayhoff also stated that he had received quotes for materials to install a porous paving system for the parking area at the Schoolhouse. He noted that the Schoolhouse Committee would be seeking donations to pay for this system.

Salt Storage Shed:

Due to having to wait to get additional information to update bid packets for the salt storage bid, Dayhoff stated that there was not enough time to advertise the bid opening for the May meeting, as previously approved. He requested that the date for the bid opening be set for the June 20 meeting and authorize him to advertise same.

Waybright moved, seconded by Scott, to set the date of June 20, 2002 as the bid opening date and to authorize Dayhoff to advertise said bid. It was noted that separate bids for the concrete and/or the construction (roof) would be considered. Motion carried unanimously.

Report:

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

Correspondence:

Secretary Constable noted the following correspondence received:

- WRRMA minutes for March 2002
- Gettysburg Rec Department minutes for April 2002
- Gettysburg-Adams Chamber of Commerce Newsletter

Committee Reports:

Personnel: Chantelau moved, seconded by Scott, to approve the employment of Chad Yingling to the position of part-time summer laborer, with an hourly rate of \$10.00/hour, effective June 10, 2002. Motion carried unanimously.

Finance: Nothing to report.

Planning, Land Use & Zoning: Waybright noted that he, Zoning Officer Jay Little, and Secretary Constable recently met with a South Central Assembly for Effective Governance (SCAEG) representative regarding the new Building Code requirements. They are still in the planning stages of the program. Waybright added that he attended a Chamber meeting and requested that the County Commissioners look into a similar program.

Building & Grounds: Scott noted that we now have a new flagpole installed, with a light.

Roads: Waybright gave an update on the status of Long Road. He noted that the residents and Supervisors met on April 3rd, as publicly advertised, and ended with a couple of options to consider. The information was sent to HRG, Engineers, to prepare a proposed cost. This information has been provided to Mike Danner, and at this time, he is thinking it over.

When he is ready to discuss this, the Supervisors will set a date for all parties to have another public workshop.

Public Safety: Waybright noted that Solicitor Davis had reviewed the County Street Address Agreement with John Hartzell, County Solicitor. Hartzell has since revised the agreement, and Davis feels that the agreement is good as long as all agree on a centralized address authority, i.e. the duties of the local municipalities with naming and numbering streets, will be delegated to the County [the "authority"]. He added that he is still waiting on Hartzell's response on a few small comments.

Mud College Schoolhouse: Ellie Bennett, Committee Chairperson, gave an update on the past and future events for the Schoolhouse. Last week the Gettysburg elementary teachers visited the Schoolhouse and are very interested in participating in a program. It is hopeful that the school districts will be able to start using the Schoolhouse by next fall. The committee will be working on a curriculum during the summer. An open house is being planned for August 17 and 18. The 17th would be for public and the 18th would be dedicated for the alumni. Elsie Morey wrote a book about the Schoolhouse and will have it ready for sale at the open house, at \$10.00 per book. Ivan LuFriu has been fixing the organ and is playing it. Again, they will be able to use it for the open house.

Agricultural Land Preservation: This report was deferred until later.

Subdivision / Land Development Plans continued:

2. The Links At Gettysburg, Red Rock Phase I: - Scott gave an overview of the Planning Commission's recommendations, noting approval as a preliminary plan subject to the resolution of HRG and Bob Sharrah's comments, and contingent upon applicant presenting the appropriate permits from DEP for the water and sewer issues and the provision of an adequate water model to demonstrate adequate pressure for each house as it is developed. He further added that there were only about four (4) or five (5) substantive issues to be addressed. Klein noted that he had met with DEP on Tuesday and he should have permits on June 10. Chantelau questioned if the holding tank ordinance should be in place first. Solicitor Davis stated that the Township should have its ordinance adopted by then. Sharrah and Klein then reviewed HRG comments dated April 10, 2002 and Sharrah's responses dated May 7, 2002.

Rogers moved, seconded by Scott, to recommend that Mark Lewis of HRG be at the Supervisors' June 20 meeting, unless an approval letter is received from HRG prior to the meeting, contingent on the applicant and Lewis's resolution of the issues as listed above. Chantelau also requested that Sharrah provide a written list of all waivers requested. With no further discussion, the motion carried with Rogers voting no.

Committee Reports continued:

Ag Land Preservation: With recommendation from Dayhoff, Waybright moved, seconded by Rogers, to approve Robin Crushong, Treasurer, to prepare financial information for Gary Pulcini, Financial Consultant. Motion carried unanimously.

Dayhoff also noted that the Formulation Committee is currently reviewing a ranking system that would be used above and beyond the County's ranking system.

Executive Session:

Board Chairman Waybright called for an Executive Session at 8:55 p.m. this date.

Meeting Reconvened:

Board Chairman Waybright reconvened the Supervisors' meeting at 9:25 p.m. this date with the following others in attendance: Supervisors Scott, Chantelau and Rogers; Solicitor Davis; News Reporter Alex Gayhart; and Secretary Constable. Citizens in attendance were: Ellen Dayhoff; Jerry Maloney; Harry Reaver; Jerry Althoff; Beverly Boyd; and Jacqueline Basehoar.

1) Solicitor Davis stated that two (2) land use enforcement issues were discussed during Executive Session:

- Regarding and off premise sign
- Legal strategy of enforcement of Yingling junkyard

2) The second item discussed was the potential acquisition of real estate.

Expenditure Approval:

Rogers moved, seconded by Scott, to approve an expenditure of up to \$2,000 relative to an unnamed piece of property. Motion carried unanimously.

Announcements:

Secretary Constable announced that a letter was received from Adelpia announcing changes that affect the franchise fee structure.

Other Business:

Junkyard Ordinance:

Scott moved, seconded by Chantelau, to adopt the following Ordinance 2002-01, as publicly advertised, amending Chapter 58, §58-3, to change the license year to July 1 through June 30. Motion carried unanimously.

ORDINANCE 2002 - 01

AN ORDINANCE OF THE TOWNSHIP OF MOUNT JOY AMENDING THE CODE OF ORDINANCES, CHAPTER 58 (JUNK DEALERS AND JUNKYARDS), SECTION 58-3 (LICENSE REQUIRED) TO CHANGE THE LICENSE YEAR TO JULY 1 THROUGH JUNE 30.

The Board of Supervisors of Mount Joy Township hereby enacts and ordains as follows:

Section 1. Section 58-3 (License required) of Article 58 (Junk Dealers and Junkyards) of the Code of Ordinances of the Township of Mount Joy, Adams County, Pennsylvania, is hereby amended to read in its entirety as follows:

58-3. License required.

SPECIAL EVENT--- The assembly of people for the purpose of business, public amusement, convention, congregation, meeting, caucus or entertainment, which is reasonably anticipated to comprise four hundred (400) or more participants for a period of two (2) hours or more, whether or not any admission fee or other charge is imposed, at a location in the Township which is not normally equipped to host such an assembly. Excluded from the definition of Special Event are events such as wedding receptions, company conventions, funerals, or other assemblies which are scheduled to take place in structures built and used for such events in the normal course of business, (examples of such structures include but are not limited to hotels/restaurants, convention centers, funeral homes, churches and ballrooms).

Section 2. Chapter 110 (Zoning) of the Code of Ordinances of the Township of Mount Joy, Adams County, Pennsylvania, is amended to add the following Section 110-28.B. which shall read as follows:

§ 110-28.B. Special Events.

- (1) No special event shall be conducted in the Township unless a permit for each such event shall have been issued pursuant to this Section.
- (2) Written Application. A written application for a special event permit shall be submitted for each special event intended to be held. The application shall be submitted on a form provided by the Township, if such a form has been adopted by the Township or its Zoning Officer.
- (3) Time of Application. An application for a special event permit shall be submitted to the Township no later than seventy-five (75) days prior to the beginning of the special event.
- (4) Contents of the Application. The application, or attachments to it, must contain the following information:
 - (a) The name and address of each and every person involved in the sponsoring and producing of the special event;
 - (b) The name and address of each and every legal title owner of the land on which the special event or its auxiliary functions (such as parking, or food service, or medical facilities, etc.) are to be located, and the name and address of each and every tenant or equitable estate owner for such parcels;
 - (c) The description of the land on which the special event and its auxiliary functions will be located. In lieu of a metes and bounds description, a copy of the deed or deeds to the land, or the Adams County Tax Map parcel identifying number(s) may be provided;
 - (d) A copy of a site map showing all public roads within a one mile radius of the site of the proposed special event and auxiliary functions. A copy of the Adams County Tax Map(s) showing the required area may be provided in fulfillment of this subsection;
 - (e) A narrative statement of all of the activities that are proposed to occur as part of the special event, including a schedule of when the events are proposed to occur and information about any fluctuation in the number of participants that might occur because of any particular event or events;
 - (f) A statement of the number of participants that are expected. In the event that the Zoning Officer or the Board of Supervisors determines that this statement is not reasonable, the said Officer or Board may amend the application to state a reasonable estimate of participants and make the decision on the application based upon that amended estimate;

- (g) A statement showing how the need for sanitation, refuse collection and removal, toilet facilities, traffic control, parking allocation and control, medical services, emergency services (fire and medical), crowd control, safety and security, water supply, and transportation will be met. Such a statement shall include the identities of proposed providers of such services, and proof that the providers will be able to deliver the services if the permit is granted;
 - (h) A list of any and all permits required from any other governmental or regulatory entity, and the expected date on which such permits will have been obtained;
 - (i) Proof of general liability insurance naming the Township as a covered insured in an amount no less than Ten Million Dollars (\$10,000,000.00);
 - (j) Submission of a statement of liability, as approved by the Township Solicitor, from every applicant obligating the applicant to pay for any and all damages caused to third persons or property resulting from the special event to the extent that such loss is not covered or is not paid by liability insurance. In connection herewith, the Township may request and require as a condition of approval of the application that the applicant(s) provide the Township with a financial statement assuring that the applicants have sufficient assets to support the statement;
 - (k) Proof that a copy of the completed and signed application form, together with any maps or site plans submitted in accordance with subsection (2) and this subsection (4), has been delivered to each and every property owner abutting the land on which the proposed special event and its auxiliary functions is to be held.
- (5) Supplemental or Additional Information. The Zoning Officer and the Board of Supervisors may request such supplemental or additional information that he or it deems warranted by the nature of the special event proposed. Such information, if requested, must be provided prior to the Township making a decision on the application. The time for making a decision on an application shall be suspended pending receipt of the supplemental or additional information requested.
- (6) Application fee. A fee for the filing of the Application shall be paid at the time of the filing of the Application. The fee shall be in an amount as determined from time to time by resolution of the Board of Supervisors.
- (7) Hearing on Application.
- (a) Burden of Proof. The burden is on the applicant(s) to prove that all of the requirements of this Article and all other applicable laws and regulations have been or will be complied with at the time the special event occurs.
 - (b) Review. The Board of Supervisors shall, upon the receipt of a complete Application, review the Application and any other submissions to assure that the safety, health and welfare of the participants of the special event, and of the public in general, shall be preserved and protected.
- (8) Decision. If the Board of Supervisors is satisfied that the special event will be conducted in accordance with the criteria stated in this Chapter, and will not pose a threat to the safety, health and welfare of the participants or to the general public, it shall issue a special event permit. If the Board of Supervisors is not satisfied that the special event will be conducted in accordance with the criteria stated in this Chapter, and that it may pose a threat to the safety, health and welfare of the participants or to the general public, then the special event permit shall be denied.
- (9) Requirements.
- (a) The following criteria must be met by all applicants for a special event permit:

- (i) All special events (including any associated activity, such as parking, food service, trash cans, toilets) shall be set back at least one hundred (100) feet from the property line of any abutting use;
- (ii) All special events shall have direct access to the site from a public collector or arterial street. The entranceway to the site and to any auxiliary function sites shall be at least twenty (20) feet in width with an unobstructed clear site triangle of 100 feet;
- (iii) All access drives and internal roadways shall be maintained in a mud free condition so that no dirt or debris of any kind shall be tracked or otherwise deposited on public roads;
- (iv) No increased stormwater runoff shall be permitted from the site which is a result of the special event;
- (v) Parking shall be provided at an amount of one (1) space for every two (2) people reasonably expected to attend the special event at any one time, unless the applicant can prove to the satisfaction of the Township that mass transportation will enable a reduction in the number of spaces required. Parking lot layouts shall meet the requirements of Chapter 86 of the Code (Subdivision and Land Development), except such lots need not be paved or landscaped. No parking shall be permitted in public road rights of way, and the applicant shall have the duty to take such actions as are necessary to assure that no violation of this subsection occurs;
- (vi) The site plan layout of the special event shall be approved by the Township and County of Adams Emergency Management Coordinator, and the Chief of the fire department which is the first due responder for the site;
- (vii) No open burning of any nature shall be allowed, except for campfires in planned camping areas, which areas and proposed campfires have been reviewed and approved by the Adams County Fire Marshal. Any conditions imposed by the Fire Marshal (such as a prohibition during certain winds) shall be deemed to be a part of the special event permit, even though not expressly stated therein;
- (viii) No site in the Township shall be the location of more than two special events in any calendar year, unless the applicant can prove that the site is demonstrably better suited than any other permitted location and repeated conducting of such events would in no way be deleterious to the surrounding property owners and the surrounding area;
- (ix) No special event shall occur over more than five (5) days, whether consecutive or non-consecutive;
- (x) The Township, the County of Adams, and any and all representatives of Commonwealth agencies having jurisdiction over any part of the special event shall have access to the site at any time without prior notice for the purpose of inspection and compliance assurance.
- (xi) No firearms shall be discharged, and no pyrotechnics, public address systems, amplified sound, or other significant noise producing activity shall occur within 500 feet of any school, church, dwelling unit, or place of human habitation, nor shall such occur between the hours of ten o'clock p.m. and eight o'clock a.m., prevailing time (except for emergency announcements).
- (xii) The Township, the County of Adams and/or the Commonwealth of Pennsylvania shall have the power and authority to close the special event to further attendance where the number of participants reasonably appears to

New Business:

Noxious Weeds:

Scott stated that he has had some complaints from citizens with regard to noxious weeds growing onto their property. Chantelau added that he also had complaints with regard to grass not being mowed. Scott stated that the State has a rule that identifies 11 noxious weeds, and in addition, Cumberland Township has a weed ordinance that we could review. Scott stated that he would like to have Solicitor Davis look into this and give a recommendation. It was the consensus of the Board to have Solicitor Davis proceed with this.

Adjournment:

With no further business to come before the Board, Scott moved, seconded by Rogers, to adjourn the Supervisors' Meeting at 9:40 p.m. this date. Motion carried.

Respectfully submitted,

Brenda J. Constable
Secretary