

May 20, 1999

The Mt. Joy Township Supervisors held their regular monthly meeting Thursday, May 20, 1999 at 7:30 PM in the Township Municipal Building located on 902 Hoffman Home Road, Gettysburg, PA. All Supervisors, Dayhoff, Waybright and Beebe, were present. Also present were Township solicitor Walton V. Davis and Township secretary Bonnie L. Koontz.

The minutes of the April 15, 1999 regular meeting were approved by motion of Beebe, 2nd by Waybright, carried unanimously. The minutes of the April 15, 1999 special meeting were approved by motion of Waybright, 2nd by Beebe, carried unanimously.

Alleged Secret Meetings - A statement was read by Chairman Sam Dayhoff in response to the May 13, 1999 article in The Gettysburg Times. There had been a meeting in Harrisburg with PaDot regarding the shoulder issue. Mark (Lewis) insisted that shoulders were required. On April 19, 1999, Atty. Davis, Dayhoff and Lewis met with PaDot again regarding the shoulder issue. Boyle and PaDot agreed that there was room for shoulders. PaDot offered suggestions for other improvements on PA 97.

On April 23, 1999, Sharrah requested a meeting with the architect and Boyle to which Dayhoff said no. Then Boyle called saying that the architect wanted a meeting. A meeting was subsequently set for April 27, 1999 at 10 AM in the Township building. Those attending were Dayhoff, Steele, Coleman, Sharrah, Boyle, Burgess and Murphy (the architect). There was discussion regarding the strip-like appearance of the mall, pedestrian/traffic and the reconfiguration of the ring road. The session was beneficial.

On May 7, 1999, Boyle contacted Davis, due to the Township office being closed on Friday, regarding a session with potential investors Monday, May 10, 1999. This date was not suitable; a meeting was then scheduled for May 11, 1999 at 7:30 PM in the Township building. Those attending were Attorney Davis, Dayhoff, Steele, Coleman, Boyle, Wachs and Balin.

All sessions stressed that all requirements must be met. No quorums of any boards were present; these were simply informational sessions. Dayhoff welcomes such sessions. He has previously met with Klein (Links of Gettysburg), Sharrah, Yingling and others regarding various projects.

Dayhoff said that if there is a request for resignation tonight, the answer is "No". He then turned the floor over to Attorney Davis who had been present at two of the meetings. In regard to the May 11, 1999 meeting at 7:30 PM, Davis said this meeting was attended by Dayhoff, Steele, Coleman, Boyle, Wachs, Balin (Wachs and Balin are from Delancy Investment Group, Inc.) and himself. Wachs and Balin were introduced by Boyle as potential investors who wanted to meet the other people who were here and kick the tires. This was not a meeting as defined by the Sunshine Act. Balin heads up a firm that invests in similar projects. Law firms are involved in "due diligence".

Response was given to Balin by Davis that there is a very vocal group opposing the proposed outlet center project. Regarding change, it was made clear that what the Board has been saying stands; that there will be no change from conditions without the formal process of an application, notice of hearing, hearing, public right to speak, decision, etc. Some changes are expected, for example in regard to moving the entrance driveway 50', new analyses have been done and the Township engineer has determined that the potential stacking problem no longer exists because of other changes being made along PA 97. Some other changes, being done for economic reasons, may not be approved.

Some problems have been created by Boyle himself, for example, the balloon ride. Balin was told that the perception of changing the plan did not sit well in building trust. There was a question as to whether all other permits (DEP, etc.) must be in hand before land development plan approval. The answer is "no". However, the formal plan has not yet been filed.

Steele commented that it was helpful to have the detailed sketch plan to work on ahead of time.

Balin asked why eminent domain proceedings had not yet been initiated. Davis answered that there were two reasons: 1) The Township wanted to give LHPOA all reasonable opportunity to work out an agreement and 2) The Township doesn't want to do it if it doesn't have to. Boyle said the Lake is not responding. Balin, as a potential investor, wonders why wait as this is not for the benefit of Boyle but for others to get on the road. Davis said the Conditional Use Permit says it has to be done as the Ordinance says that it not create or exacerbate a traffic hazard. Financial security was discussed; it must be up front.

In taking Heritage Drive up to the White Road intersection, Davis said a request was received in writing May 19, 1999, from Timothy J. Shultis of Miller & Shultis, representing the White Road Association for their road to be hooked into Heritage Drive and to close the present White Road entrance to PA 97.

Davis noted that if it goes to eminent domain, games are not being played with the Lake. The money must be paid up front. No matter what, the center will not be allowed to open until all road improvements are finished.

Balin then asked if it was reasonable to believe construction could begin in September or October. Davis replied that in theory if a perfect plan was filed, it was possible, but unlikely.

Balin was told about the two letters in response to the May 6, 1998 decision and that such occurrences do not sit well with the Board. It was also noted that if Balin's group becomes the financier and a plan is filed, it is preferred that there be one or two contact people instead of several as the Township has had in the past.

In conclusion, Davis said that the policy of May 6, 1998 is being administered and nothing has been seen in Dayhoff, Beebe, Waybright or Coleman other than to follow the decision to a "T".

Waybright next read a prepared statement. (Copy submitted for Township records) He noted that a meeting between a developer and the Township is no different than a meeting between a resident and the Township. This present situation has been inherited from the prior Board of Supervisors.

Public Comments:

Harold Beebe - As the senior member of the Board, he first knew of these meetings when the newspaper came out. He doesn't feel that one person on the Board should call a meeting regarding so sensitive an issue. For five years everything has been out in the open; now he is hearing things he knows nothing about. To say he is disappointed is an understatement; he resents not being told. There has been talk about condemnation proceedings and he is not impressed with the explanations that have been given or the process by which things are handled. The plan is before the Planning Commission; they should be allowed to do their job. He feels there has been a total lack of judgment on Dayhoff's and Steele's part. He wants to remind everyone that on Boyle's approval, Steele made a motion to approve it and Dayhoff to pass it. Things so sensitive should be advertised beforehand, not after. Nothing but criticism can come from it.

Dayhoff asked Atty. Davis if he wished to respond to Mr. Beebe's comments.

Davis responded that anyone who wants to can contact anyone on the Board at any time.

Beebe replied that not everyone is The Boyle Group, other issues not as sensitive. He asked again why he wasn't notified.

Davis said that when it is known that two supervisors are together, they have to prove that no action was taken. One supervisor present does not constitute a meeting under the law.

Beebe requested that if this happens again, please notify him. Dayhoff said he will do so.

Ralph Taylor - Feels the question of why unannounced meetings were held in a public building has been left unanswered. There is no excuse for this. Feels Boyle needed secret meetings to reel in another investor. What the Supervisors have done compares to a radar detector in a car with the intent to circumvent the law. Said that Steele confessed to discussion on what can be done to speed up the project, eminent domain, and the rerouting of White Road. In conclusion, he feels that the Lake's negotiations should come to a screeching halt until the depth of the secret meetings is known and again that the question of 'why did you do it' must be answered.

Denis Onieal - Wants to respond to what Waybright said. People have approached about Sam (Dayhoff) farming the (Martin) property. He may not be farming it this year, but he has in the past. Onieal sees a slippery slope of things to be concerned about. Nothing wrong was done, but things are going on behind the back. There is a need to work on solutions. Says Boyle has the personality of a reptile. Onieal requested the Board in the future, because of the sensitivity of this project, to do everything in writing or at a public meeting.

Brad Hunt - Resides on White Road. When they moved in, the concern was safety and security and for those reasons they chose a dead-end road. He would like to know what issues need to be cleared up. He also said the White Road Association doesn't include all people on White Road. He wants all people to be asked. He feels opening White Road for traffic onto Heritage Drive would be dangerous to residents.

Janice Onieal - She lives on White Road and is struggling with the issue of trust. She doesn't like reading about things in the paper. She appreciates the comments made by Attorney Davis, but not those of Waybright. She realizes it can't be stopped; wanted to know what 'kicking the tires' means. Atty. Davis answered that this was part of due diligence for a decision on whether they want to financially back or not. Ms. Onieal said that the White Road Association is comprised of six families. Nobody is in favor of restructuring.

Sharen Miller - Wants to clarify to Davis that Boyle meeting with the supervisors is not the same as a resident; it is far more significant. The safety of White Road has been brought up many times and has fallen on deaf ears. Now she is hearing of plans for White Road. Davis responded that there are no plans for White Road in existence now. The access there is for emergency.

Gerald Royals - Current LHPOA Board President; says that Boyle is not a resident and should be treated differently. Says that 50% of Davis' salary comes from Lake Heritage residents. Dayhoff interjected that Davis' salary is not on the agenda. Royals said that two offers were made and met with counteroffers and now they (the Lake) are going back to him (Boyle) again. He noted that Beebe's question of why he wasn't told about the meetings wasn't really answered. Dayhoff responded that it was answered; two supervisors couldn't be involved.

Don Coddington - 2121 Baltimore Pike; Says he has tried to use common sense, but has a problem with secrecy. Wonders why just because someone is chairman weren't the others told. He wondered if questions had been asked that the Planning Commission couldn't answer.

Brooke Stape - 259 Longstreet; feels it shouldn't be up to Beebe to call the Township office and ask if there are any meetings. She questioned if Dayhoff was farming now or ever on the Boyle tract, if he (Dayhoff) had been removed from the Planning Commission because of a conflict of interest, if his brother was part owner of the Yingling tract and if

secret letters have been delivered by Yingling. Says if any of these questions are answered "Yes", it would be a conflict of interest. In regard to his brother being a part owner of the Yingling tract, Dayhoff answered no; when the tract was owned by Miller/Dayhoff, he was. Ms. Stape said that secret meetings such as she has read and heard about is a sneaky, underhanded and unethical way to conduct business; feels she is in DC with all the dirty politics.

Ken Roberts - Feels it is right and proper for all to express their opinions. He is willing to accept the statements of the solicitor and the chairman.

Al Ferranto - Feels local interests should be represented above Boyle's interests; says there is evidence that things are not right. Here we are all unhappy. The supervisors have no sense of how angry he is, he lives with it everyday and they don't realize how many problems come with development. Residents must come first, everything must be up front. When damage is done, it is too late. He hopes that in the future everything will be out in the open, or how can trust be rebuilt? He inquired if some citizens could be invited to attend any such sessions in the future. He does not like Waybright's reference to 'labor union tactics'. He is a labor leader and won't allow labor unions to be demeaned and wishes to go on record in this matter.

Bonnie Koontz - Twenty-seven year resident of Mt. Joy Township - Gave examples of various individuals spending time with the Zoning Officer, Supervisors, Planning Commission, etc. seeking information to answer questions. Feels there should be open communication between developers and Township representatives.

Earnest E. Long, Jr. - Feels compelled to respond to Ken Roberts. Letters were funneled through Yinglings to the supervisors. Mr. Beebe showed them to him and said Mrs. Coleman had them.

Mary Taylor - Longstreet Drive - She has attended many meetings and resents the smirking at the end of the table and the talking when people (who have the floor) are talking. In regard to the secret meetings, the fact that only one supervisor was included may not technically be a meeting and therefore exempt from the Sunshine Law, but it indicates premeditated intent. She feels that the taking of Heritage Drive would not be for the public good, but for the good of Yingling and Boyle. She wants to see integrity back in Mt. Joy Township.

The Treasurer's Report for April was approved by motion of Beebe, 2nd by Waybright, carried unanimously.

The Bills to be Paid for April and May to date were approved by motion of Waybright, 2nd by Beebe, carried unanimously.

Bids: (for Stone)

Tarmac America:

2A's	3500 T	5.10 Picked up, \$17,850 Total;	7.30 Del'vd., \$25,550 Total
2B's	300 T	6.10 " " \$ 1,830 "	8.30 " " \$ 2,490 "
1B's	200 T	7.55 " " \$ 1,510 "	9.75 " " \$ 1,950 "
Anti-Skid	1200 T	6.10 " " \$ 7,320 "	8.30 " " \$ 9,960 "

Valley Quarries

2A's	3500 T	4.95 Picked up, \$17,325 Total;	6.55 Del'vd., \$22,925 Total
2B's	300 T	5.85 " " \$ 1,755 "	7.45 " " \$ 2,235 "
1B's	200 T	7.80 " " \$ 1,560 "	9.40 " " \$ 1,880 "
Anti-Skid	1200 T	6.00 " " \$ 7,200 "	7.60 " " \$ 9,120 "

Motion by Beebe to accept the bid from Valley Quarries, 2nd by Waybright, carried unanimously.

Subdivisions:

Robert Gitt/Robert Diehl - Final Plan w/ Form B waiver. Motion to approve by Beebe, 2nd by Dayhoff, carried unanimously.

Harold Beebe - (Harold excused himself from participating in discussion and voting on this as it is his subdivision.) Final plan; motion to approve by Dayhoff, 2nd by Waybright, carried, Dayhoff and Waybright in favor, Beebe abstaining. Modules to be sent to DEP by motion of Dayhoff, 2nd by Waybright; motion carried, Dayhoff and Waybright in favor, Beebe abstaining.

Land Development Plans - Zoning Officer Coleman noted that some projects in the Township have been put on hold because of being in excess of the square footage where a land development plan is required. Dayhoff added that he has received phone calls from Miller and Wenger; Wenger has been issued a building permit. Township Solicitor Davis noted that with any land development plan, the applicant can request to be relieved of some of the requirements. If such modifications are requested, it must be done in writing and go before the Planning Commission and the Board of Supervisors. Applicants may attempt to file the most basic plan and request modification.

Road Report:

The Road Report was read by Road Superintendent Bill Miller and included the sweeping of intersections, culvert cleaning on Low Dutch Road, other drainage problems, etc. Motion by Waybright, 2nd by Beebe to advertise bids for road paving to be opened at the June meeting. Motion carried unanimously.

Building Permits/Zoning Report:

Thirteen building permits were issued last month.

Correspondence:

- PaDot letter regarding the speed limit on PA 134
- Tax Collector Kimberly Little's letter regarding taxes being paid under protest (Lake Heritage)
- The Boyle Group's letter accepting the conditional use decisions for the hotel and two standard restaurants
- Thank-you letter from ACPALS
- Thank-you note from Adams County Bicentennial Committee
- Chesapeake Bay Currents Newsletter
- Miller & Shultis letter regarding White Road Association's request concerning White Road and Heritage Drive.

Old Business:

Occupancy Permit Ordinance - There was no discussion on fees at this time. Waybright said that the main reason is to make sure everything is in order and Beebe added that the inspection to see that what they said they were going to do is what was done. Motion to adopt the ordinance by Beebe, 2nd by Waybright, carried unanimously.

Vacation of Long Road - Beebe asked if the controversy of a cul-de-sac has been resolved; he believes that the ordinance requires a new road to have one. Currently they (snow plows) are turning by going around Plotica's house. The current (new) owner of the Mearns property is in favor of road closing. Dayhoff understands that the current owner would like to vacate the road from the Schwartz property on. The road would need to be improved to that point. Davis asked if the place where it is desired to have vacated is on someone's border.

(At this point Ms. Koontz left the table to get the Plotica subdivision plan from the file and requested Ms. Coleman to give her a break by taking the minutes for the remainder of the meeting.)

There is a need to know the distances involved with the cul-de-sac. The discussion was tabled.

Adams County Crime Stoppers - Dayhoff read a letter from Adams County Crime Stoppers in response to the Township's request to know how the money is spent before deciding whether or not to make a donation. Beebe feels the question was answered and made a motion to donate \$100.00, 2nd by Dayhoff, carried unanimously.

Ag Center Donation - A donation cannot be made; it is illegal for a 2nd class township to donate to the Ag Center. A motion had been made and carried at a previous meeting to pledge \$1,000.00. Motion by Beebe not to donate, 2nd by Waybright, letter to be sent with apologies, carried unanimously.

New Business:

Adams County Earned Income Tax Collection Agency Budget - Motion to approve the budget by Beebe, 2nd by Waybright, carried unanimously.

Planning Commission Memo - In regard to assessing rec fees, the Township does not have a rec plan. (SALDO 86-36) Rec fees cannot apply to the 25-lot subdivision known as Deer Chase.

The meeting was recessed for an executive session at 10 PM and reconvened at 10:15 PM.

Attorney Davis stated that the Bud Yingling enforcement issue was discussed at the executive session.

Motion by Beebe for adjournment at 10:16 PM, 2nd by Waybright, carried unanimously.

Respectfully submitted,

Bonnie L. Koontz, Secretary
Jill Coleman, Assistant Secretary