

APRIL 20, 2006 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:30 p.m. in the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, Pennsylvania, with Board Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Samuel Dayhoff, and Harold Kirschner; Solicitor Walton V. Davis; Zoning Officer Dave Crouse; Treasurer Robin Crushong; Eric Mains of KPI; News Reporters Aaron Young (*The Gettysburg Times*); and Brenda Constable, Secretary.

Citizens in attendance were: Elsie D. Morey; Audrey Sanders; Duane Urban; Eileen Holmes; David Updyke; Jarid Jennings; Audrey & Gary Weiland; David Williams; Barton Breighner; Henry C. Reaver, Jr; Mel Chido; Carol Holtz; Donald Titus; Tom Titus; Steve Peterson representing Weilands; John McAlister; Barbara Onorato; Robert Gitt; Jerry Maloney; Joseph Erb, Jr, Attorney for Fairview Farms; Lisa Siedlecki; Steve Loss representing Fairview Farms; Bob Sharrah representing Onoratos and Colbier Farms; Lee Ramsburg; Jerry Althoff representing the Planning Commission; Eugene Sneeringer; K. Weigle; Steve Alexander; JoAnn Auchey; Pam and John Roman.

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

Minutes:

Mr. Kirschner moved, seconded by Mr. Chantelau, to approve the minutes of the March 16, 2006 Meeting as presented. Motion carried unanimously.

Chairman's Statement:

Board Chairman Waybright announced a change to the agenda: under subdivision/land development plans – Onorato extension was already granted; action is to consider approval of the plan.

Mr. Waybright announced that he and a few other township representatives took a trip to Manheim Township in Lancaster County, and saw the future. Manheim Township has 32,000 residents and is second to the city of Lancaster. Officials there wished they had our problems; and we don't want theirs. Mr. Waybright commented that with all the concerns voiced recently at township meetings, letters received, and news articles, it seems that land use is like every other issue before us; we only hear from the citizens when it is in their back yard. The Supervisors are asked to control or stop development. None of us lived in teepees or caves so we are all part of the problem. We just think because we lived here longer, we have more rights. When do we change things? Do we wait until tomorrow, two weeks, when is the right time; maybe two years ago before some of us were here? The Supervisors' job is to do what is best for the township; that is not always easy or popular. We are human and we make mistakes. But we are doing something; hopefully we didn't wait too long. Everyone has the right to question or even criticize our decisions but with that right comes the responsibility to offer some solutions.

Public Comment:

1. Eileen Holmes: Would like to see a detailed Treasurer's Report rather than a summary report.
2. JoAnn Auchey: Has property in the AC district and questioned how many lots she would be allowed to subdivide, and what the road frontage must be.
3. Dave Updyke: Read a statement regarding the zoning map amendment public hearing held on May 31, 2005, speakers opposed the amendment, and feels that the new zoning was without grass roots support. Opposes the proposed zoning amendment repealing the child lot section. Mr. Davis

explained what the current child lot section of the zoning ordinance provides per §110-26.B.(3)(i). He pointed out that a child would avoid the sliding scale for subdivision limitations. If repealed, now everyone must follow the sliding scale.

4. Pam Roman: Questioned if someone had 2 – 10 acres, how many TDRs could they get. The Supervisors explained that they would not get any; a landowner must have a minimum of 10 acres to get TDRs.
5. Sonny Sneeringer: Questioned how many TDRs could a landowner get for the child lot. The Supervisors explained that TDRs and the child lot section of the ordinance are two different issues. Mr. Dayhoff explained that the child lot issue is part of the AC zoning district, and explained how subdivision limitations work in the AC district with the child lot exception.
6. Dave Updyke: Noted that the newsletter referenced the GCW Properties proposed townhouse project as being developed by Keystone Custom Homes now. He asked why it was GCW before the newsletter, and then Keystone Homes after. The Supervisors explained that the only thing Township received to date was a conceptual sketch plan from GCW Properties. At the same time the newsletter was being created, WRRMA monthly minutes stated that the property was now with Keystone Custom Homes and that is why it was referenced this way in the Newsletter. Regarding TDRs, Mr. Updyke questioned is it 800 acres or 800 TDRs? Mr. Tom Newhart explained how TDRs are calculated, using an example of a 100 acre farm.
7. Duane Urban: Questioned if the child lot exception could be grandfathered. Mr. Scott explained that this section of the ordinance is being repealed because it is not legal.
8. Tom Titus: Questioned who pays for recreation fees, is it just folks who are building new homes or is it all taxpayers since recreation would be used by all. The Supervisors explained that it is assessed to all new subdivisions. Mr. Davis explained that the new subdivision pays for the creation and the taxpayers pay for the maintenance and upkeep.

Persons Requesting Time:

1. Steve Alexander: Noted that the Newsletter included the Recreation Board results of a survey they sent out to all township residents and questioned why the Board is considering a hike, bike, and jogging trail for 1% of the Township. He questioned why it would be used along with the sewer lines for new developments, and why is the Township expanding the sewer for these developments. Mr. Scott explained what the Recreation Board is trying to do. Mr. Davis explained that the Township does not own or operate any sewer in the Township.
2. Kingsdale Fire Company: Matt Shotz of Kingsdale Fire Company announced that they are not putting in an ambulance service as they had previously mentioned. Instead, they are putting in a QRS (Quick Response Service). He explained that they could not haul people to Gettysburg Hospital. They would be the first response to our area. Supervisors asked if Germany Township had approved this. Mr. Shotz responded yes; this unit would run with Box 21-1 along with an ambulance. Mr. Chantelau asked what QRS consisted of. Mr. Shotz stated that it is a BLS (Basic Life Support), not an ALS (Advanced Life Support). They can do anything that a regular ambulance does except put someone on a stretcher and haul them to the hospital. All personnel running this unit is PA state certified, trained EMT. The vehicle is state certified. It is available 24/7. Individual citizens are not billed. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the QRS into service, giving additional support service to our community. Motion carried unanimously.

Treasurer's Report:

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

Mr. Scott moved, seconded by Mr. Chantelau, to approve the bills to be paid for the month of March and part of April as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

1. Onorato, Joseph J. & Barbara A.: proposed 3-lot subdivision at 358 Orphanage Road. Mr. Scott moved, seconded by Mr. Kirschner, to approve as a Preliminary/Final plan. Motion carried unanimously.
2. Sneeringer, Eugene & Kathy: proposed 5-lot subdivision on the corner of Barlow-Two Taverns and Schwartz Roads. Planning Commission recommends approval. Mr. Dayhoff moved, seconded by Mr. Scott, to approve as a Preliminary/Final Plan pending the posting of a financial security for the culvert crossing, or completion of building improvements satisfactory to the Township Engineer. Motion carried unanimously.
3. Weiland, Gary & Audrey: proposed land development plan for addition to an existing mini-storage facility on Highland Avenue Road. Planning Commission recommends approval of waiver requests and plan contingent on satisfying HRG comments. Mr. Steve Peterson of KPI reviewed the plan. He noted that they are working with the County Conservation District and waiting for their approval. HRG comments #5 and #6 dated April 12, 2006 relative to stormwater management are being addressed with the engineer. Discussion of road widening requirement: applicant proposes to do the widening in three phases; in Phase I the area to be widened would be in the entrance area, Phase II would be from the end of the entrance area to the end of the outside storage area, and Phase III would be from the end of the storage area to the end of the property. Mr. Chantelau suggested that they send a letter to the adjoining property owners across the road to notify them of the road widening process. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the waiver request for preliminary approval and accept as a Preliminary/Final Plan contingent on obtaining County Conservation District approval, and the posting of a financial security for road improvements as recommended and approved by HRG. Motion carried unanimously. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the waiver request to allow gravel rather than the required paving. Motion carried unanimously.
4. Fields of Gettysburg-Colbier Farms: proposed 55-lot subdivision on Barlow-Two Taverns Road. Mr. Chantelau moved, seconded by Mr. Kirschner, to approve a request for a 90-day extension through July 20, 2006. Motion carried unanimously.
5. Fairview Farms-Barton Breighner: proposed 14-lot subdivision plan on Hickory Road. Plan is still on Planning Commission table. Applicant is requesting approval of waivers and modification at this time. Mr. Steve Loss of Loss-Stair Engineering presented the revised waivers and modifications. **a) Curbing** – requesting to construct vegetated swales. Mr. Dayhoff moved, seconded by Mr. Scott, to deny the modification request for curbing. Discussion: Mr. Chantelau questioned if swales were installed, where would the discharge end up? Mr. Loss stated that it would flow into additional stormwater basins and out to existing pipes on Hickory Road. Mr. Mains pointed out that the discharge would be different from curbing versus swales. Mr. Davis questioned if stormwater going with curbing would change the size of the discharge pond. Mr. Mains indicated that a soil profile would be able to tell this. Question on motion – motion denied. Mr. Dayhoff moved, seconded by Mr. Scott, to table the request for curbing modification approval until May subject to the applicant performing random soil profiles. Motion carried unanimously; **b) Swales** – requesting a waiver for drainage swales with maximum slope of 2%. Mr. Stair stated that the Conservation District is not opposed to side swales of less than 5%. Mr. Waybright questioned if this were approved, then what happens to the curbing issue; he thinks this should be tabled until the curbing issue is determined. Mr. Scott moved, seconded by Mr. Chantelau, to table the request for waiver of drainage swales. Motion carried unanimously; and **c) Basin Bottom Slope** – requesting a waiver on basin bottom design of less than 1.5% grade. Mr. Mains commented that the main concern would be with standing water. Mr. Loss said that an under drain system would be used as a backup, and they would do a soil amendment with plantings that could thrive. Mr. Waybright

questioned who would be responsible to open the valve. Mr. Mains responded that the home owners association would do this. Mr. Scott moved, seconded by Mr. Chantelau, to approve the waiver request for basin bottom design. Motion carried unanimously.

6. Knisley, Steven: proposed land development plan on Hickory Road. Mr. Chantelau asked for an update as related to last month's action to approve a waiver for a full land development plan for a storage building. Ms. Constable stated that Mr. Knisley contacted the Township and would be submitting a full land development for the remaining house and other buildings on this lot by the May meeting. He explained that his engineer could not have the plan ready for the April meeting.

Road Report:

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

Bid Opening for Aggregate:

Board Chairman Waybright announced that a bid opening would be held at this time, as publicly advertised, for aggregate. The Supervisors opened and read aloud the following bids received:

VENDOR: Valley Quarries - 10% Bid Bond enclosed

QTY TONS	DESCRIP	UNIT FOB	TOTAL	UNIT DELIV	TOTAL
2,000	2A Stone	5.80	11,600	7.90	15,800
300	2B Stone	7.45	2,235	9.55	2,865
200	#3 Stone	7.35	1,470	9.45	1,890
300	Anti-Skid	7.35	2,205	9.45	2,835
200	Rip Rap	9.60	1,920	12.20	2,440
750	Superpave Asphalt Mixture Wearing Course - DELIVERED	38.50	28,875	41.11	30,832.50
500	Superpave Asphalt Mixture Design Base Course	31.50	15,750	34.11	17,055

VENDOR: Vulcan Construction - 10% Bid Bond enclosed

QTY TONS	DESCRIP	UNIT FOB	TOTAL	UNIT DELIV	TOTAL
2,000	2A Stone	6.15	12,300	9.00	18,000
300	2B Stone	7.55	2,265	10.40	3,120
200	#3 Stone	7.85	1,570	10.70	2,140
300	Anti-Skid	7.70	2,310	10.55	3,165
200	Rip Rap	11.15	2,230	14.50	2,900
750	Superpave Asphalt Mixture Wearing Course - DELIVERED	No Bid			
500	Superpave Asphalt Mixture Design Base Course	No Bid			

Mr. Chantelau moved, seconded by Mr. Dayhoff, to award the bid for aggregate to Valley Quarries. Motion carried unanimously.

Zoning Report:

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

Building & Grounds Report:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the Building and Grounds Reports as presented. Motion carried unanimously.

Correspondence:

Secretary Constable noted the following correspondence received:

- WRRMA minutes from February
- PA State Police monthly report
- PennDOT notice of bridge preservation projects during 2007
- PA DCED Municipal Training Needs Survey
- Gettysburg-Adams Chamber of Commerce Land Preservation Questionnaire
- Letter from Robert McGlaughlin regarding Phillip Justice Mining operations
- Littlestown YMCA Annual Support Campaign
- Adams County opening burning ban, effective March 28, 2006

Committee Reports:

Personnel: Mr. Chantelau moved, seconded by Mr. Waybright, to accept with regret, the resignation of Becky Sebold, Office Assistant, effective April 26, 2006. Motion carried unanimously.

Finance: Nothing to report

Planning, Land Use & Zoning: Mr. Chantelau moved, seconded by Mr. Dayhoff, to send a letter to DEP Secretary Kathleen McGinty asking her to consider, at the state level, a legislative initiative permitting municipalities affected by the declaration of a drought emergency to have the authority to declare a prohibition on the construction of new wells, on newly developed property, for the duration of the declared emergency.

Mr. Scott noted that this committee is reviewing the change requests received from landowners who wish to change their zoning from RR to AC. He added that they are working on criteria to follow and should have this by next month.

Building & Grounds: Nothing to report.

Roads: Nothing to report.

Public Safety: Mr. Waybright noted that he and Mr. Dayhoff met with Barlow Fire Company representatives and the Township Engineer as a follow up to last month's request by the Barlow Fire Company fire chief, to discuss issues of concern relative to new development. They also discussed issues with Mr. Richard Klein relative to future development in The Links At Gettysburg.

Agricultural Land Preservation: Noted receiving the monthly report.

With recommendation from the Ag Land Board, Mr. Chantelau moved, seconded by Mr. Scott, to grant a 60-day extension for an offer response by the landowner for the first farm in Round II. Motion carried unanimously.

Recreation Board: Nothing to report.

Act 209 Traffic Impact Advisory Committee: With recommendation from the Advisory Committee, Mr. Chantelau moved, seconded by Mr. Dayhoff, to adopt **Resolution #17 of 2006** amending Resolution #8, #11, and #12 of 2005 to include all areas surrounding all intersections and all roads of the township for which the land use assumptions and roadway sufficiency analyses shall be conducted. Motion carried unanimously.

Announcements:

- The Spring Township Newsletter listed the incorrect time for Planning Commission Meetings. It should be 7:00 p.m. rather than 7:30 p.m.
- Mr. Kirschner suggested that announcements be moved up to the first part of the Supervisors agenda. Supervisors agreed to do this.
- Mr. Chantelau noted that he would be participating in a local government panel discussion on Friday, April 21 at HACC.
- Mr. Dayhoff has been appointed to the PSATS Land Use Committee.

Other Business:

Ordinance No. 2006-02, Amending the Zoning Ordinance:

Mr. Dayhoff moved, seconded by Mr. Scott, to adopt Ordinance No. 2006-02, as follows:

ORDINANCE NO. 2006 – 02

AN ORDINANCE OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 110 (ZONING), ARTICLE XI (OPTIONAL DEVELOPMENT PROVISIONS), SECTION 110-155.B.(1) [APPLICABILITY OF TRANSFERABLE DEVELOPMENT RIGHTS] TO NOT REQUIRE PROOF OF PURCHASE OF TDRs UNTIL AFTER PRELIMINARY PLAN APPROVAL AND TO MAKE ALL TDR DEPENDENT PRELIMINARY PLANS CONDITIONALLY APPROVED, AMENDING SECTION 110-155.D.(3)(e) TO STATE THAT THE NUMBER OF TDRs AVAILABLE IN THE AC DISTRICT IS CALCULATED BY SUBSECTION (a)[1] OF SECTION 110-26.B.(3) ONLY; REPEALING SECTION 110-26.B(3)(i) WHICH HAD ALLOWED EXCEPTIONS FROM LIMITATIONS ON LOTS WHERE AN OWNER'S CHILDREN WERE TO BE THE GRANTEEES; AND, AMENDING SECTION 110-86.J.(3) TO REQUIRE A MINIMUM 35 ACRES LOT AREA FOR ATOWNHOUSE PROJECT IN AN SFR-1 DISTRICT.

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

Section 1. Section 110-155.B.(1) of Article XI (Optional Development Provisions) of Chapter 110 (Zoning) of the Code of Ordinances of the Township of Mount Joy is hereby amended to read in its entirety as follows:

- (1) The transfer of development rights shall be deemed to have been completed concurrently with the recording of a Township approved conservation easement on the sending property, and the recording of the Township approved final plan (or phase thereof) for the receiving property. Any preliminary plan approved by the Township that proposes dimensions and/or densities dependent upon the transfer of development rights shall be deemed to have been approved on condition that the development rights are acquired prior to action by the Township on the final plan, whether such condition is expressly stated or not. Where a final plan is phased, the proof of acquisition of the required development rights for each phase need only be presented when final approval for that phase is sought.

Section 2. Section 110-155.D.(3)(e) of Article XI (Optional Development Provisions) of Chapter 110 (Zoning) of the Code of Ordinances of the Township of Mount Joy is hereby amended to read in its entirety as follows:

- (e) In the AC District, a yield plan shall not be required. Instead, the number of dwelling units that are assumed to be allowed under conventional development shall be the number that would be allowed pursuant to §110-26.B.(3)(a)[1].

Section 3. Section 110-26.B.(3)(i) [Exceptions for lots for children] of Article III [Districts] of Chapter 110 [Zoning] of the Code of Ordinances of Mount Joy township is hereby repealed.

Section 4. Section 110-86.J.(3) of Article V [Principal Uses] of Chapter 110 [Zoning] of the Code of Ordinances of the Township of Mount Joy, which section was adopted on February 16, 2006, is hereby amended to read in its entirety:

- (3) The Lot Area of the project must exceed 35 acres;

Section 5. This ordinance shall take effect immediately.

ADOPTED this 20th day of April, 2006.

Discussion: Mr. Chantelau commented that the main issue here seems to be with the child lot. He explained that by repealing this section is removing an illegal segment. Mr. Dayhoff commented that when he, along with other township representatives, met with Manheim Township, they were curious how we got the developer to work with the homeowners. Manheim Township did yield plans and then purchased TDRs, banked them, and are just now breaking even. They were very impressed with what Mount Joy Township is doing with the TDR program, and with the Ag Land Preservation Program how we are heading in the right direction; they wish they would have done the same. Mr. Chantelau noted that it is important for citizens to understand that when conservation easements are purchased, whether through TDRs or Ag Land Preservation, the land is permanently preserved; it is done, no future board of supervisors can change that with zoning changes, what you see is what you get. Mr. Dayhoff added that by permanently preserving the land stops development on those properties. Mr. Chantelau added that the supervisors are being proactive, we [Mount Joy Township] don't have huge development like some townships do with 1,000+ homes in one shot. We need to look at the future, not what is here now. Zoning can change and we [the supervisors] need to preserve land now so 25 years later we still have preserved areas. Mr. Davis pointed out that the Township has had members from new developments run the Township before, and this could happen again; they may be in favor of a lot of development and zoning would change. Mr. Chantelau added that sewer could be an issue so addressing it with all one area would make sense.

Mr. Bob Gitt questioned if the Board had ever given thought about running sewer to the southern end of the township, and accessing Littlestown's sewer. Mr. Waybright responded "probably" but the township doesn't operate sewer. Mr. Gitt stated that this was just a "what if" question. Mr. Davis stated that a municipal authority can go anywhere in your township, whether you like it or not.

With no further discussion, the motion carried unanimously.

Zoning Hearing Fee Waiver Request:

The Supervisors received a request from Shelly and Felix Ramirez requesting to waive the \$400.00 zoning hearing application fee because they had paid this fee with a previous hearing application. The first hearing was withdrawn due to the applicant not having correct information per zoning requirements. However, expenses for the first hearing exceeded the \$400.00 fee that was paid. With a second hearing, the same expenses would be incurred again, prior to the hearing being held. For this reason, Mr. Chantelau moved, seconded by Mr. Kirschner, to deny the request to waive the \$400.00 fee for the second application. Motion carried unanimously.

Executive Session:

Board Chairman Waybright called for an Executive Session at 10:40 p.m. this date.

Meeting Reconvened:

Board Chairman Waybright reconvened the Supervisors' Meeting at 11:00 p.m. this date with the following others in attendance: Supervisors Chantelau, Scott, Dayhoff, and Kirschner; Solicitor Davis; Zoning Officer Dave Crouse; and Secretary Brenda Constable. Others in attendance were: Eileen Holmes; Jerry Althoff; and Jerry Maloney.

Mr. Davis noted that there were two issues discussed during Executive Session: 1) a personnel issue; and 2) an on going question regarding the purchase of real estate by the Township.

New Business:

Public Officials' Insurance:

Mr. Scott moved, seconded by Mr. Chantelau, to increase the umbrella coverage for the Township's general liability insurance coverage from \$1 Million to \$3 Million. Motion carried unanimously.

Appraisal Fee:

Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve to pay one-half of an appraisal fee for a piece of real estate. Motion carried unanimously.

Adjournment:

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the Supervisors' Meeting at 11:05 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary