

## **JUNE 17, 2004 SUPERVISORS' MEETING:**

The Mount Joy Township Board of 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 William Chantelau, George Scott, Harold Kirschner, and Samuel Dayhoff; Solicitor Walton V. Davis; and Secretary Brenda Constable.

Others in attendance were: Rick Klein, Owner and John R. White, Esq. representing The Links At Gettysburg; Steve Kelley; Dan Fox; Jerry Althoff representing the Planning Commission; Bob and Margaret McGlaughlin; Elsie D. Morey; Lester Little; Eileen Holmes; John McAlister; and Jerry Maloney.

Chairman Waybright led everyone with the Pledge to the Flag.

### **Minutes:**

Mr. Chantelau moved, seconded by Mr. Scott, to approve the minutes of the May 20, 2004 meeting as presented. Motion carried unanimously.

### **Public Comment:**

1. Mr. Lester Little of 160 Clapsaddle Road, thanked the Supervisors, Zoning Officer, and Solicitor, for issuing the cease and desist order for the mining (Phil Justice mining the Clapsaddle mine) that has been going on behind his house.
2. Mr. Steve Kelley of 259 Clapsaddle Road also commented on the mining operations. He stated that during the blasting, half of the shots were not covered. Debris and rocks were thrown on adjoining property owners land; past Dean Shultz's property and landing onto Bob McGlaughlin's. He feels that DEP did not enforce anything because Mr. Justice is still not covering anything prior to blasting.
3. Mr. Robert McGlaughlin, owns property on Clapsaddle Road, reminded the Supervisors that he sent a letter to the Township asking what the regulations are for mining and blasting and was wondering when a response would be received. Mr. Waybright notified him that a violation notice had been sent to Mr. Justice and the issue is currently in litigation.

### **Meeting Recessed:**

Board Chairman Waybright recessed the meeting at this time in order to convene a Public Hearing, as publicly advertised, to accept comment with regard to proposed Ordinance No. 2004-01.

### **Public Hearing:**

Board Chairman Waybright convened a Public Hearing at this time for the purpose of accepting comment, written or oral, from affected landowners of the Neighborhood Improvement District (NID) of The Links At Gettysburg relative to amendments to the Neighborhood Improvement District Plan dated April 15, 2003, which was approved by Ordinance No. 2003-03. Mr. Waybright turned the Public Hearing over to Attorney John R. White, representing The Links At Gettysburg.

Mr. White explained the purpose of the Public Hearing and read a summary of the proposed amendments to the NID Plan. The amendment is to permit the alternative development of the hotel conference center/time share (not to exceed 300 rooms) site, known as the Retreat, as a residential

condominium development consisting of approximately 200 multifamily units. Also included in the amendment are some revisions to the Rate and Method of Apportionment of Special Assessments.

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Attorney White first emphasized that this proposed ordinance does not change the fact that the Township has no financial liability whatsoever for the NID public infrastructure improvements or the bonds therefor. When the NID bonds are issued, the Township's borrowing base will not be affected, because such bonds will be self-liquidating under the Local Government Unit Debt Act. Furthermore, the proposed NID Plan amendatory ordinance does not grant any sort of approval to The Links for the construction of condominiums. The Links At Gettysburg must still obtain approval from the Township for the proposed condominiums via the usual land development approval process. By adopting the proposed NID Plan amendments, the Supervisors are not approving the construction of anything. Instead, the proposal simply paves the way for the possibility of condominiums, rather than the conference center/timeshares alternative, and sets forth the manner in which such condominium units would be assessed for NID purposes.

(Referring back to summary) Mr. Chantelau noted the total budget of \$7,136,000, but questioned why it is referred to as an "estimate". Mr. White explained that some of the individual budget amounts may change, but that the total amount would not change. Rick Klein added that there is also a binding commitment to the NID property owners for the NID assessment not to exceed \$1500.00 per year per dwelling unit.

Mr. White further explained that the Township is the issuer of the bonds only. Mr. Keenan Rice of MuniCap, The Links' NID Administrator, prepared the NID Plan Amendments' Exhibits and explained the NID assessment changes that result from the change from the conference center alternative to the condominium units (the Original Plan numbers are substituted in their entirety by the proposed numbers listed in the amendments).

Referring to Exhibit C, page 2, "Class 1 and Class 2 Property", the Supervisors questioned who is paying what. Mr. White responded that only the homeowners within the NID have any liability for the NID assessment and the NID bonds debt service. "Class 1" property refers to what is there now, i.e., single family dwellings. "Class 2" includes condominiums. Equivalent Unit refers to what the maximum NID assessment amount is under the original covenants in The Links' Public Offering Statement under the Pennsylvania Uniform Planned Community Act, i.e., \$1500.00 per year per dwelling unit (Class 1). Class 2 was 0.6/dwelling unit, which would be raised to 0.73/dwelling unit in the proposed NID Plan amendments, to reflect the difference between conference center rooms/timeshare units, on the one hand, and condominium units, on the other.

Mr. Waybright opened the floor for public comment. Mr. Davis questioned if anyone was in opposition to the amendments. The only landowner present was Rick Klein. Mr. Davis stated that silence is consent.

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### **Adjournment of Public Hearing:**

With no further comment or discussion, the Public Hearing adjourned at 7:25 p.m. this date.

### **Meeting Reconvened:**

Mr. Waybright reconvened the Supervisors' Meeting at 7:25 p.m. this date with all in attendance as listed above.

### **Ordinance Adoption:**

Mr. Chantelau moved, seconded by Mr. Kirschner, to adopt Ordinance No. 2004-01, Amendments to the Neighborhood Improvement District Plan dated April 15, 2003, for The Links At Gettysburg NID, which was originally approved by Ordinance No. 2003-03. Discussion: Mr. Chantelau questioned if there were any other changes in the proposed Ordinance that were not addressed in the Public Hearing. Mr. White responded no. With no further discussion, the motion carried unanimously.

### **Treasurer's Reports:**

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

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the bills to be paid for the month of May and part of June as presented. Motion carried unanimously.

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

1. Countryside Gardens (Gerald & Janice Althoff, Owners): Request for a waiver of a Full Land Development Plan for two agricultural buildings, 22' x 60' and 22' x 68'. Planning Commission recommends approval of the waiver. Mr. & Mrs. Althoff gave an overview of the proposed buildings. Mr. Chantelau questioned how stormwater would be managed and Mr. Althoff gave an explanation. With no further questions, Mr. Dayhoff moved, seconded by Mr. Chantelau, to grant the waiver for a Full Land Development Plan. Motion carried unanimously.
2. Fox, Danny J.: Request for a waiver of a Full Land Development Plan for a 30' x 40' addition to an existing garage. Planning Commission recommends approval of the waiver. Mr. Althoff gave an overview of the proposed addition. Mr. Scott moved, seconded by Mr. Dayhoff, to grant the waiver for a Full Land Development Plan. Motion carried unanimously.
3. Beyland, Inc. (Harry Ramage, President): Proposed subdivision of Deer Chase Lot 22. Supervisors noted that a fifth extension was granted through June 17, 2004. The Planning Commission recommends approval of a sixth extension for a 90-day period through September 16, 2004 and that

this be the FINAL extension granted. Mr. Althoff gave an overview of the status of this plan and the issues that remain outstanding. Mr. Scott moved, seconded by Mr. Chantelau, to approve a 90-day extension with this being the FINAL extension with all outstanding issues to be submitted to the Township in 70 days, and if not, have HRG give a list of what is needed or reasons cited for denial of the plan. Motion carried unanimously.

### **Road Report:**

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

### **Zoning Officer's Report:**

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

### **Building & Grounds Report:**

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

### **Executive Session:**

Mr. Waybright called for an Executive Session at 7:50 p.m. this date.

### **Meeting Reconvened:**

Mr. Waybright reconvened the Supervisors' Meeting at 8:05 p.m. this date with the following others in attendance: Supervisors William Chantelau, George Scott, Harold Kirschner, and Samuel Dayhoff; Solicitor Walton V. Davis; and Secretary Brenda Constable. Citizens in attendance were: Jerry Althoff; Jerry Maloney; Eileen Holmes; Elsie Morey; Lester Little; and Steve Kelley.

Mr. Davis noted that two (2) issues were discussed in Executive Session:

- Potential litigation with Mr. Davis representing the Township in the Justice Mining matter
- Potential litigation relative to the salt shed and the roof being unsatisfactory

### **Salt Shed Roof Replacement:**

Mr. Waybright announced the intent to award a bid to replace the roof on the salt shed. He asked for any public comment; none was given.

Mr. Dayhoff moved, seconded by Mr. Scott, to accept a proposal from Sanders Roofing in the amount of \$8,350 to replace the roof on the salt shed. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Chantelau, to instruct Mr. Davis to contact Premier Construction Company and the bonding company for payment of the new roof. Motion carried unanimously.

### **Justice Mining Operation:**

Mr. Waybright moved, seconded by Mr. Scott, to instruct Mr. Davis to represent the Township Board of Supervisors for a Zoning Hearing on the Justice mining operation issue. Motion carried unanimously.

### **Correspondence:**

Mrs. Constable announced receiving the following correspondence:

- WRRMA April minutes
- Gettysburg Borough notification that they are repealing the ordinance which established the Gettysburg Recreation Board.

### **Committee Reports:**

Personnel: Nothing to report.  
Finance: Nothing to report.  
Planning, Land Use & Zoning: Nothing to report.

Building & Grounds: Mud College Schoolhouse Open House on August 21 and 22 from 2:00 p.m. – 4:00 p.m.

Roads: Nothing to report.  
Public Safety: Nothing to report.

Agricultural Land Preservation: Noted receiving the monthly report.

- With recommendation from the Ag Land Preservation Board, Mr. Chantelau moved, seconded by Mr. Scott, to authorize the Treasurer to file a Requisition for an advance against the GOB, Series 2003, in the amount of \$121,768 relative to the purchase of easement for the Frederick/Hofmann farm. Motion carried unanimously.
- With recommendation from the Ag Land Preservation Board, Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the purchase of agricultural land preservation easement in the amount of One Thousand Seven Hundred Fifty-Six Dollars (\$1,756.00) per acre to purchase the improved real property located at and known as 887 Fish & Game Road, Littlestown, Mount Joy Township, Adams County, Pennsylvania 17325, and as described in Deed Book 478 at Page 422; Book 782 at Page 283; and Book 451 at Page 199, totaling 84.84 deeded acres, all of which acreage has been appraised for this price, owned by David A. and Alden H. Reese. Motion carried unanimously.
- With recommendation from the Ag Land Preservation Board, Mr. Scott moved, seconded by Mr. Chantelau, to sign the Agreement of Sale for the David & Alden Reese farm. Motion carried unanimously.
- With recommendation from the Ag Land Preservation Board, Mr. Waybright moved, seconded by Mr. Kirschner, to approve Adams County Surveyors to verify closure on the survey of the Reese farm. Motion carried unanimously.

- With recommendation from the Ag Land Preservation Board, Mr. Scott moved, seconded by Mr. Chantelau, to authorize the Treasurer to file a Requisition for an advance against the GOB, Series 2003, in the amount of \$148,979.20 relative to the purchase of easement for the Reese farm. Motion carried unanimously.
- With recommendation from the Ag Land Preservation Board, Mr. Scott moved, seconded by Mr. Chantelau, to approve and authorize the Preservation Board to send a letter to the Lake Heritage Property Owners Association relative to an adjoining farm. Motion carried unanimously.

### **Announcements:**

The Central PA Chapter of the National Multiple Sclerosis Society 2004 bike Tour will be held on July 10 and 11 and will be using the Mount Joy Township Municipal parking lot as a rest stop from 8:00 a.m. – 4:00p.m. each day. Mr. Scott moved, seconded by Mr. Kirschner, to approve and authorize Mr. Waybright to sign the MS 2004 Bike Tour Agreement, noting that there would be no use of the Township building, portable toilets would be used, and the Township shall be named as an additional insured. Motion carried unanimously.

### **Other Business:**

#### **Conservation District – MOU:**

The County Conservation District presented a draft Memorandum of Understanding to all municipalities, to serve as a joint commitment to achieve compliance with Title 25, Chapter 92, “National Pollutant Discharge Elimination System” (NPDES), Title 25, Chapter 102, “Erosion and Sediment Control” (E&S), and the Pennsylvania “Clean Streams Law” in controlling accelerated erosions and preventing sediment pollution to the waters of the Commonwealth that may result from earth disturbance activities. Mr. Chantelau noted that he, Mr. Little, Mrs. Constable, and Mr. Scott had met with the Township’s representative, Deborah Musselman, to review this MOU. He stated that there were a few issues of concern with the Township, relative to timelines for review periods. Mr. Chantelau later addressed this concern with Representative Stephen Maitland, and in response, his aide is currently researching the issue. Mr. Davis added that he has found no authority that states this MOU must be signed. Mr. Scott moved, seconded by Mr. Chantelau, to table any action on this MOU pending further information from Rep. Maitland’s Office. Motion carried unanimously.

#### **Adelphia Franchise Extension Agreement:**

Due to outstanding issues that need to be addressed with Adelphia prior to signing a three (3) year Franchise Agreement, Mr. Waybright moved, seconded by Mr. Dayhoff, to approve and sign another Extension Agreement with Adelphia through December 31, 2004. Motion carried unanimously.

#### **Municipal Waste Management Plan:**

The Supervisors’ noted receiving the draft copy of the County’s Revised Municipal Waste Management Plan. No action was taken.

#### **July 4<sup>th</sup> Holiday:**

During the Reorganization Meeting in January, the Supervisors approved July 4, 2004 as a paid holiday for all employees. Due to this date being on a Sunday, Mr. Chantelau moved, seconded by Mr.

Waybright, to approve Monday, July 5, 2004, as a paid Holiday for all Township employees. Motion carried unanimously.

**New Business:**

Ordinance No. 2004-02:

Mr. Scott moved, seconded by Mr. Chantelau, to authorize Solicitor Davis to advertise a public hearing for August 19, 2004 at 7:00 p.m. and ordinance adoption during the Supervisors' regular meeting on August 19, 2004, for Ordinance No. 2004-02, revising the terms used in the Zoning and Subdivision and Land Development Chapters of the code of Ordinances, replacing "building permit" with "land use permit". The Supervisors also instructed the Secretary to send the proposed ordinance to the Planning Commission for review and comment prior to the public hearing. Motion carried unanimously.

**Adjournment:**

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Dayhoff, to adjourn the Supervisors' Meeting at 8:35 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable  
Secretary