

MAY 15, 2003 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date in regular session at 7:00 p.m. in the meeting room of the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA 17325, with Chairman James W. Waybright presiding. Others in attendance were: Supervisors William Chantelau, William Rogers, George Scott, and Harold Kirschner; Solicitor Walton V. Davis; News Reporter Kami Masemer (*The Gettysburg Times*); Sam Dayhoff, Building & Grounds Coordinator; and Brenda J. Constable, Secretary.

Citizens in attendance were: Beverly Boyd representing the Basehoar family; Jacqueline Basehoar; Harry Ramage representing Beyland, Inc.; Nate Betnum of Legg Mason, and John R. White, Esq. representing The Links At Gettysburg; Rick Klein, The Links At Gettysburg; John McAlister; Jack McLatchy; and John Leino.

Mr. Waybright led everyone with the Pledge of Allegiance to the Flag.

Public Comment:

1. Mr. Harry Ramage, President of Beyland, Inc., spoke with regard to the Deer Chase Development. He explained that the road-widening project has not yet been completed due to a delay by the Army Corps of Engineers. They are performing a bog turtle search and the wetlands permit will not be issued until this search is complete. He stated that he had applied for the wetlands permit in October or November of 2001.

Treasurer's Report:

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

Mr. Rogers moved, seconded by Mr. Kirschner, to approve the bills to be paid for the months of April and May as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

1. Michael J. Keller: Mr. Keller was present to give an update on the status of his preliminary plan of a proposed subdivision of ten (10) lots along Hoffman Home Road. It was noted that Mr. Keller had been granted an extension through May 30, 2003. The Planning Commission reported that there were still a number of outstanding issues that must be satisfied before they could recommend an approval. Mr. Keller has requested another extension for a period of 90 days through August 30, 2003. Mr. Scott moved, seconded by Mr. Kirschner, to approve a third extension request for a 90-day period through August 30, 2003. Motion carried unanimously.
2. Beyland, Inc.: Mr. Harry Ramage had presented a proposed preliminary/final subdivision plan for Lot 22 at the Deer Chase Development. The Planning Commission reported that this current proposal does not allow enough road frontage for a new lot, per the Township Ordinances. Mr. Ramage wanted more time to investigate this issue and therefore, has asked for an extension request. Mr. Scott moved, seconded by Mr. Chantelau, to approve a 60-day extension request through August 20, 2003. Motion carried unanimously.

3. LeRoy & Millard Basehoar: Mrs. Beverly Boyd, representing the Basehoar family, presented a sketch plan, as recommended by the Planning Commission, for a lot addition to an existing lot on Plunkert Road. The Basehoars have requested a modification of a full land development plan. The Planning Commission recommends that the Supervisors to approve a modification of a land development plan, for the most expedient process possible to accomplish this lot addition. Mrs. Boyd stated that this addition would be on one deed with the existing lot. Mr. Davis advised the applicant to check the County Recorder of Deeds to make sure that they would not have a problem with the Basehoars submitting a plan like this for recording. With no further discussion, Mr. Rogers moved, seconded by Mr. Kirschner, to approve a modification of a full land development plan. Motion carried unanimously.

4. Barton Breighner: The Planning Commission forwarded a sketch plan by Mr. Breighner for consideration of a unique lot and clarification by the Solicitor with regard to language that might be put on a plan for the lot to remain agriculture. This new lot would not have the proper road frontage as required for a new lot. The Supervisors concurred that this could be considered a unique lot as long as it were to remain an agricultural lot and non-buildable. Mr. Davis stated that language as follows could be put on the plan as a Note:

The Board of Supervisors of Mount Joy Township has granted modifications from several requirements applicable to this subdivision upon the representation of the applicants, on behalf of themselves, their heirs and assigns, that no residences or uses other than farming would occur on the lot depicted on this plan. The foregoing notwithstanding, Lot ___ may be developed for uses permitted in the zoning district if it qualifies for on-site sewage disposal facilities, and if road frontage as required by the zoning ordinance is added to the lot.

Meeting Recessed:

Mr. Waybright recessed the Supervisors' Meeting at 7:30 p.m. this date in order to hold a Public Hearing, as publicly advertised.

Public Hearing – The Links At Gettysburg Neighborhood Improvement District Plan:

Mr. Waybright announced that a public hearing will be held at this time, as publicly advertised, and then acknowledged Mr. John R. White, Esq., Attorney for The Links At Gettysburg.

Mr. White stated that the purpose of the public hearing is to receive public comment from affected property owners within the proposed Neighborhood Improvement District (NID) on the proposed NID Plan, and to consider the enactment of an Ordinance establishing The Links At Gettysburg Neighborhood Improvement District and Plan, including the rate method of apportionment of special assessments; designating the Red Rock Municipal Authority as the Neighborhood Improvement District Management Association (NIDMA), and authorize the taking of all necessary or appropriate actions relative thereto, during the regular meeting of the Supervisors on May 15, 2003.

Mr. White asked if any of the affected property owners within the NID had any public comment on the NID Plan. He noted that Mr. Richard Klein was the only property owner present. Mr. Klein stated that he had no objection to the NID Plan. Mr. White then asked if anyone from the public had any comment on the proposed Ordinance establishing the NID and Plan. No public comment was given.

With no further business, the Public Hearing adjourned at 7:40 p.m. this date.

Meeting Reconvened:

Mr. Waybright reconvened the regular meeting of the Supervisors at 7:40 p.m. this date with all present as listed in the beginning of the meeting.

Ordinance No. 2003-03 – The Links At Gettysburg Neighborhood District and Plan:

Mr. Kirschner moved, seconded by Mr. Waybright, to adopt Ordinance No. 2003-03, establishing The Links At Gettysburg Neighborhood Improvement District and Plan, including the rate method of apportionment of special assessments; designating the Red Rock Municipal Authority as the Neighborhood Improvement District Management Association (NIDMA), and authorize the taking of all necessary or appropriate actions relative thereto. Discussion: Mr. White assured the Supervisors that the Township incurs no liability to the NID or bond issue; the bond issue is paid back by the assessments. He further added that there would be an agreement between the Township and the Red Rock Municipal Authority stating that RRMA would have power of administration, and also an agreement between RRMA and the Property Owners Association stating that they are responsible for maintenance and repair. The question as to who would collect the assessment was discussed, whether it be the Township tax collector, or some other method. Mr. White stated that this would not need to be decided for about another year, however, in the meantime, the Township could check with the tax collector to see if she would be interested in doing this. He also suggested that she might want to speak with Municap (public finance specializing in NIDs) about how this would work. With no further discussion, the motion carried unanimously.

ORDINANCE NO. 2003 - 03

AN ORDINANCE SIGNIFYING THE INTENT AND DESIRE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA, TO ESTABLISH AN AREA WITHIN SAID TOWNSHIP AS A NEIGHBORHOOD IMPROVEMENT DISTRICT UNDER THE PROVISIONS OF THE "NEIGHBORHOOD IMPROVEMENT DISTRICT ACT", ACT OF DECEMBER 20, 2000, P. L. 949, NO. 130, 73 P. S. §§831 ET SEQ., AS AMENDED AND SUPPLEMENTED, TO BE KNOWN AS THE "THE LINKS AT GETTYSBURG NEIGHBORHOOD IMPROVEMENT DISTRICT"; APPROVING THE NEIGHBORHOOD IMPROVEMENT DISTRICT PLAN INCLUDING THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL ASSESSMENTS; DESIGNATING THE "RED ROCK MUNICIPAL AUTHORITY", A MUNICIPAL AUTHORITY ESTABLISHED UNDER THE "MUNICIPALITY AUTHORITIES ACT", ACT OF JUNE 19, 2001, P. L. 287, NO. 22, 53 PA. C.S.A. §§5601 ET SEQ., AS AMENDED AND SUPPLEMENTED, AS THE NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION TO ADMINISTER THE NEIGHBORHOOD IMPROVEMENT DISTRICT; AND AUTHORIZING THE TAKING OF ALL SUCH ACTION AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE INTENT OF THIS ORDINANCE

WHEREAS, the "Neighborhood Improvement District Act", Act of December 20, 2000, P. L. 949, No. 130, 73 P.S. §§831 et seq., as amended and supplemented (the "Act") provides that every municipal corporation shall have the power to, among other things, establish within such municipality an area or areas designated as a Neighborhood Improvement District ("NID") and establish an authority to administer the NID; and the Township of Mount Joy, Adams County, Pennsylvania (the "Township"), by its Board of Township Supervisors (the "Township Supervisors"), constitutes a municipal corporation under the Act; and

WHEREAS, a final Neighborhood Improvement District Plan (the "NID Plan") for a proposed Neighborhood Improvement District (the "NID") to be located within the Township was developed in such form and containing such information as required by Section 5(c) of the Act; a public hearing concerning the NID Plan has been held by the Township Supervisors of the Township for the purpose of receiving comment from affected property owners (the "Affected Owners") within the NID pursuant to notice duly advertised as required by the Act; and in preparation for

said public hearing, the NID Plan, as well as the date, location and time of the subject public hearing, were distributed by the Township to all Affected Owners and lessees of Affected Owners within the proposed NID in a manner in accordance with Section 5(b) of the Act; and

WHEREAS, the Affected Owners expressed no objection to the provisions of the NID Plan; and

WHEREAS, as described within the NID Plan, the Township Supervisors intend to impose a special assessment on real property located within the NID in accordance with the provisions of the Rate and Method of Apportionment of Special Assessments included within the NID Plan which methodology is in compliance with the provisions of Section 7 of the Act; and

WHEREAS, pursuant to and in accordance with the "Municipality Authorities Act", Act of June 19, 2001, P. L. 287, No. 22, 53 Pa. C.S.A. §§5601 et seq., as amended and supplemented, the Township Supervisors have duly incorporated the Red Rock Municipal Authority for the purpose of designating the same as the Neighborhood Improvement District Management Association ("NIDMA") for the NID proposed under the NID Plan; and

WHEREAS, the Township Supervisors intend to authorize the taking of any further action that may be necessary or appropriate to further carry out the intent of this Ordinance all in keeping with the provisions of the Act and in accordance with the NID Plan.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Township of Mount Joy, Adams County, Pennsylvania, by the Mount Joy Township Board of Supervisors, and it is hereby ENACTED AND ORDAINED by the authority of the same, and in accordance with the Act, as follows:

Section 1. The Township Supervisors do hereby approve the NID Plan, attached as Exhibit A hereto, and designate the area or areas identified in the NID Plan as a NID. The name of the NID is "The Links At Gettysburg Neighborhood Improvement District".

Section 2. The Township Supervisors do hereby designate the Red Rock Municipal Authority as the Neighborhood Improvement District Management Association (the "NIDMA") to administer programs, improvements and services within the NID.

Section 3. The Township Supervisors, pursuant to Section 7 of the Act, do hereby authorize the imposition of special assessments on real property located within the NID in accordance with the Rate and Method of Apportionment of Special Assessments attached as Exhibit B hereto, such Rate and Method of Apportionment of Special Assessments being in compliance with Section 7 of the Act, and such Rate and Method of Apportionment of Special Assessments is hereby approved.

Section 4. The Township Supervisors are hereby authorized to take any further action necessary or appropriate to carry out the intent of this Ordinance, including but not limited to, the execution of an agreement with the NIDMA as required by the Act and as provided for within the NID Plan and the Chairman and Secretary of the Township's Supervisors is hereby authorized to execute such agreement as well as any other agreements consistent with the Act and NID Plan that the Township will need to enter into in furtherance of this Ordinance.

Section 5. Any Ordinance or portion of any Ordinance which is inconsistent with the contents of the present Ordinance shall be, and the same is hereby, repealed, insofar as the same is affected by or inconsistent with the provisions of the present Ordinance.

Section 6. This Ordinance shall be effective five (5) days subsequent to enactment in accordance with the provisions of Pennsylvania's "Second Class Township Code", as amended.

ENACTED AND ORDAINED into an Ordinance this 15th day of May, 2003.

MOUNT JOY TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA

MOUNT JOY TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:

_____/s/_____
Brenda J. Constable, Secretary

By: _____/s/_____
James W. Waybright, Chairman

By: _____/s/_____
William J. Chantelau, Vice-Chairman

(SEAL)

By: _____/s/_____
William C. Rogers, Supervisor

By: _____/s/_____
George L. Scott, Supervisor

By: _____/s/_____
Harold J. Kirschner, Supervisor

Exhibit A

Final Neighborhood Improvement District Plan

Exhibit B

Rate and Method of Apportionment of Special Assessments

Agricultural Land Preservation Program – Presentation:

Mr. Sam Dayhoff, Acting Coordinator, gave a Power Point presentation of the proposed financing of the Agricultural Land Preservation Program. This presentation was given to the public on May 5th. He noted that the Preservation Board would be looking for a decision from the Supervisors by their July meeting on funding alternatives for the Program.

Road Report:

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

Building Permit / Zoning Officer's Report:

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

Rock Creek Working Group:

Mr. Chantelau gave a brief report on the status of the RCWG with regard to a stormwater management plan ordinance. He noted that the committee has been working on a number of versions and has finally come to a final draft. He further noted that this ordinance would be considered for adoption by all the other RCWG municipalities involved. This draft ordinance must be forwarded to DEP, with a

recommendation letter from each of the participating municipalities, for DEP's review. The hope is that DEP would then issue a "Letter of Consistency" to the municipalities. Mr. Chantelau noted that Mount Joy Township's letter is modeled after Cumberland Township's letter, with modifications to address our Township.

Mr. Chantelau moved, seconded by Mr. Scott, to approve the submission of a letter and the draft ordinance as modified from Cumberland Township's so that it is consistent with all of the participating municipalities in the watershed. Motion carried unanimously.

Comprehensive Watershed Management Plan (CWMP):

Mr. Little reported that Deborah Slawson, Watershed Alliance of Adams County (WAAC) has requested that the RCWG stay together to continue work on a Comprehensive Watershed Management Plan. This group would help her in creating a CWMP that could be used as a plan or model. She is being paid through a grant, however, the RCWG would not be. She would also like to continue using the Township Municipal Building as the RCWG meeting place.

Mr. Rogers moved, seconded by Mr. Scott, to approve the continuation of Mr. Little's time to work on the CWMP, paid by the Township, and to authorize the Group to continue using the Township building for meetings. Motion carried unanimously.

Uniformed Construction Code (UCC):

Mr. Scott gave an update on a recent meeting that he, Mr. Chantelau and Mr. Little had attended, sponsored by the Pennsylvania Construction Codes Academy. They discussed the pros and cons of "opting-in" or "opting-out" of the program. They were left with the impression that if the Township did not "opt-in", the Township would lose their building rights. Mr. Davis stated that this is a misrepresentation of the Act. We already have Mr. Little to enforce our codes and that would continue. Labor & Industry would just have to do the work instead of the municipalities. Mr. Davis stated that he would look into this further.

Building & Grounds:

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

Correspondence:

It was noted that the White Run Regional Municipal Authority minutes for March were received.

Mr. Chantelau noted that as a member of the Adams County Green Ribbon Commission, he had responded to a Municipal Survey that questions what our township is doing for the future of parks, recreation, open space and greenways.

Mr. Waybright moved, seconded by Mr. Scott, to approve the submission of the Survey to the Adams County Office of Planning and Development. Motion carried unanimously.

Committee Reports:

Personnel: Mr. Waybright moved, seconded by Mr. Scott, to approve the employment of Matthew Holtry to the summertime road worker position, at a rate of \$10/hour, effective retroactive to May 12, 2003. Mr. Waybright noted that three (3) candidates were interviewed for this advertised position. Motion carried unanimously.

Finance: Nothing to report.
Planning, Land Use & Zoning: Nothing to report.
Building & Grounds: Nothing to report
Roads: Nothing to report.
Public Safety: Nothing to report.
Agricultural Land Preservation: Mr. Waybright moved, seconded by Mr. Kirschner, to approve the Agricultural Land Preservation Board Report as presented. Motion carried unanimously.

Announcements:

Roadside Trash Pickup:

Mr. Waybright announced that some residents have called the Township Office to see if anything could be done about cleaning up the trash along the Township roads. He noted that Anthony Graham is looking into a Community Service Program for roadside trash pickup that is conducted through the County Juvenile Probation Office; juveniles that need to give community service time to help pay for their fines and restitution. The Probation Department and not Township officials would supervise them. This program is usually done through a grant with PennDOT for state roads. Probation is currently in the process of setting up a meeting with PennDOT officials to see if they could run their program on the Township roads. They should be getting back to the Township by the end of the month to see if the Township could participate in this program.

Comprehensive Plan Public Hearing:

Mr. Waybright announced that the Supervisors will be holding a Public Hearing on Monday, May 19, 2003, beginning at 7:00 p.m. with an open house at 6:30 p.m. to accept public comment on the proposed Comprehensive Plan, Zoning Ordinance Amendments, Subdivision and Land Development Ordinance Amendments, and the Act 537 Sewage Facilities Plan.

Other Business:

Comprehensive Plan – Planning Commission Recommendation:

The Supervisors noted receiving the Planning Commission's recommendation of the Comprehensive Plan, SALDO, ZO, and Act 537 Sewage Facilities Plan. The Planning Commission noted that they feel, at this time, that the Comprehensive Planning Committee with guidance from Urban Research and Development Corporation facilitator Charles Schmehl, has judged that the Plan and accompanying Ordinance Amendments and Act 537 are in their final stages and are ready for presentation to the Supervisors for hearings and consideration for adoption.

Deer Chase Road Widening Project:

The Supervisors noted that Mr. Harry Ramage had given explanation during the Public Comment session as to why the Deer Chase Road widening project has been delayed, due to the Army Corp of Engineers bog turtle search.

New Business:

Adams County Earned Income Tax Agency:

Mr. Scott moved, seconded by Mr. Rogers, to approve the FY 2004 Budget for the ACEIT as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Rogers, to appoint Harold Kirschner to the Executive Committee of the ACEIT. Motion carried unanimously.

Adjournment:

Mr. Scott moved, seconded by Mr. Rogers, to adjourn the Supervisors' Meeting at 9:30 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary