

## **NOVEMBER 15, 2001 SUPERVISORS' MEETING:**

The Mt. Joy Township Supervisors met this date in regularly scheduled session at 7:30 p.m. in the Township Building, 902 Hoffman Home Road, Gettysburg, PA, with Chairman Samuel Dayhoff presiding. Others in attendance were: Supervisors James Waybright, William Chantelau, William Rogers and George Scott (arrived @ 8:15); Solicitor Walton Davis; News Reporter Kami Masemer (*The Gettysburg Times*) and Secretary Brenda J. Constable.

Citizens in attendance were: Jerry Althoff; Tim Redding; John McMalister; Ed Zimmer; Harold Kirschner; Lyman Schwartz; Michael D. Danner; Rick Klein; Bob Sharrah; Ralph H. Taylor and Fred Krause representing LHPOA. Also attending were the following from various fire companies and emergency service agencies: Adams County Volunteer Emergency Services Association — Jerry Poland and Mike Sneeringer; Gettysburg Fire Department — Jonathan C. Hansen, John Lawyer, Erik Bergdale, Larry Weikert, Ron Bowers, John C. Irvin, Ken Kime Jr., Richard Sheller, David Blocher, Barry Noel, James Bixler, James Gallagher Jr., and Donald A. Gantz (also representing Barlow Fire Dept). Barlow Fire Department — Matthew W. Sentz, and James Turner. Brushtown Fire Department — Wayne Reid, Mathew Cohn, Luke Mowry, Nathan E. Grove, Vern Grove, Christine Smith, and Donald Smith. Littiestown Fire Department— Barbara North, Stacy Snyder, Sandy Sneeringer, Steve Laughman, and Steve Klostermyer. Heidlersburg Fire Department — George Eller and Nevin Lehman.

Chairman Dayhoff led everyone with the Pledge to the Flag.

### **Minutes:**

Chantelau moved, seconded by Waybright, to approve the minutes of the October 18, 2001 Supervisors' Meeting as presented. Motion carried unanimously.

### **Chairman's Statement:**

Chairman Dayhoff announced that the November 6, 2001 Municipal Election results for the supervisor race currently show a tie between write-in candidates Harold Kirschner and himself.

Dayhoff also announced that an item needs to be added to the Agenda under "Other Business" with regard to the adoption of a proposed amendment to the SALDO ordinance.

### **Public Comments:**

1. Lyman Schwartz — regarding the Long Road issue. He stated that if the Supervisors vote to approve the sketch plan of Michael Danner as is, there are petitioners prepared to put an injunction on it. Dayhoff asked Mr. Schwartz if he knew if the improved part of Long Road was a public road or not. Schwartz stated that they had found no evidence of it being a public road. Dayhoff also asked if he had any evidence that Long Road was ever deeded. Schwartz responded that the burden is on the Township to prove if the road is a public road or not.
2. Mike Sneeringer, President of the Adams County Volunteer Emergency Services Association, asked the Supervisors to reconsider their recent action to not give money towards the new training facility. He stated that some fire companies cannot donate money to organizations because it states so in their by-laws. They want to make sure that any money the Township would donate to fire companies, rather than directly to the training facility project, would end up going towards the training facility. The Association is after federal and state dollars and they need all municipalities to donate in order to pull down these dollars. Dayhoff questioned if the companies' by-laws prohibit them from donating to nonprofit organizations and if there are any state mandates or tax requirements prohibiting them from donating. Sneeringer responded that they could not find anything on any state mandates or tax requirements, but confirmed that to their knowledge, it is only in the companies' by-laws. Dayhoff asked if the companies' by-laws could be amended to allow them to give donations. Sneeringer responded that they could but they didn't want to have to do that.

Waybright asked who would be responsible for keeping the project going once it is started. Sneeringer stated that the County [Commissioners] would do the startup, i.e. Phase I, and the fire companies would raise money for all the furniture. Then in Phase II, the companies and/or Association would be doing a capital campaign. When the facility is done, the County will use the building for office space and county employees would maintain it Chantelau stated that if the by-laws prohibit giving to a non-profit, do they state anything about the ability to give, or not give, to a government organization? Jerry Poland responded that they are not talking about "the County"; this is a volunteer association. With regard to Phase II capital campaign, Will Rogers questioned where the cash flow would be coming from to get on line. Sneeiinger responded that the County would operate and maintain the building. Rogers asked if the County 911 Center would be in the new building. Poland responded yes. Waybright asked if the County would hold the title to the building. Poland responded yes. At this point, Poland, identifying himself as the Deputy Fire Marshal for the County, read a statement summarizing his thoughts and displeasure about the Township's recent actions and letter that they had sent to all other townships. Dayhoff stated that the Township *does* respect and support the fire fighters and the Association misunderstood the actions of the Board last month. He further stated that when the initial presentation was given to the Supervisors, the Supervisors indicated that they would consider this money as a line item in the 2002 budget however, the Board was not "sold" unanimously on the facility. Then the Supervisors later learned that the building would be on county land and would be a county building. It was the feeling of the Board that they did not want to help fund a "county" building project and thus, the reason for sending the letter to the townships. The Supervisors did not want to give any impression that they do not support the fire companies, and in fact, put the \$16,160 in the 2002 budget (in addition to the \$30,000+ that was already in) for the fire companies so that the fire companies could make the decision as to what to do with the money, i.e. give it to the training facility or not He further stated that if they [the Association] find out that there is a state mandate or tax mandate that would prohibit the fire companies from donating, then let us know. If it is only a matter of the companies changing their by-laws, then do so. Poland stated that the Association feels that this is a slap in the face. Rogers stated that the Supervisors feel that the County is putting a burden on the townships. We believe in the facility through the fire companies, not through the County. At this point, John Lawyer of the Gettysburg Fire Company, asked to speak. He stated that he serves on the funding committee for this project He noted that they are currently working on competitive grants (state and federal) for this project They currently have 27 municipalities signed on with a letter of intent to donate money. They need every municipality to help on this or they won't be able to get the big dollars at the federal level. The Supervisors pointed out that this issue (of grants) was never mentioned to them when Commissioner Weaver presented the project to them a few months ago. Solicitor Davis asked Mr. Lawyer if the Township were to do what the Association would like them to do, whom would the check be written out to? Lawyer responded that it would be written out to the Association and deposited into an account just for the facility (must be kept in a separate account for audit purposes and grant acceptance). Dayhoff questioned if a portion of the donation could be given to the Association and the remaining to the local fire companies for purposes of the grant This would also show the Township's support for the Association as well as for the fire companies. Lawyer responded yes.

With no further comments or questions, the group of fire company representatives left the meeting.

Supervisor George Scott joined the meeting at 8:10 p.m.

### **Treasurer's Report:**

#### October and November Report:

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

#### Bills:

Waybright moved, seconded by Scott, to approve payment of the bills for the months of October and November as presented. Motion carried unanimously.

PLGIT Ordinance:

Scott moved, seconded by Chantelau, to adopt Ordinance No. 2001-01, An Ordinance of the Township of Mount Joy, Adams County, Pennsylvania, joining with other local government units as a settlor of the Pennsylvania Local Government Investment Trust for the purpose of purchasing shares of the trust. Motion carried unanimously. *(A full and complete text of the Ordinance can be found in the Township Ordinance Book.)*

**Subdivision and Land Development Plans:**

1. Michael Danner— sketch plan for Long Road. Solicitor Davis gave a complete overview of the status of Long Road, noting that he disagrees with some of Mr. Schwartz's comments that were given during public comment. He further stated that he cannot make a definitive answer tonight as to whether it is a township road or not. If the Township chooses to go ahead with this proposal from Mr. Danner, it should be the petitioner's burden of proof. If it is not a township road, then we can stop right now. Danner added that all he is doing here is complying with the Township ordinance by proposing to put in a cul-de-sac and is willing to donate the land to do this. He will then vacate the remaining portion of the road. Chantelau questioned who would pay for this improvement. Solicitor Davis responded that if it is already a Township road, then we do. Scott noted that there could be a flood plain issue. Davis stated that there are two options here: a) send a petition to court when the Township doesn't agree, and then go to court to get the matter resolved; or, b) get all of the landowners to agree, and, don't go to court. Scott stated that the Township engineer, HRG, should take a look at this with regard to flood plain issues and also give us costs. Rogers agreed with Scott and also added that he thinks this is a good compromise. If this is not a Township road, then the folks living there are being maintained by the Township.

Scott moved, seconded by Waybright, to have Solicitor Davis research as to whether Long Road is a Township road or not. Motion carried unanimously.

2. Robert Stapp — preliminary subdivision plan of one (1) lot into two (2) on a total of 17.355 acres along Crouse Road. Surveyor Tim Redding stated that the plans for the septic system are currently being prepared and the system will be put in as soon as possible unless the weather delays them until next year. The Supervisors noted that Mr. Slapp has up to five (5) years to do this. Waybright moved, seconded by Rogers, to not give final approval until the septic system is in place and evidence of approval by the Sewage Enforcement Officer is received by the Township. Motion carried unanimously.

Waybright moved, seconded by Rogers, to approve the Sewage Planning Module. Motion carried unanimously.

3. James Waybright — preliminary/final subdivision plan of two plus (2+) lots on 83.993+ acres along Mason Dixon Road. *Waybright submitted a written abstention from voting on any actions relative to his subdivision plan.* Bob Sharrah gave an overview of this plan. HRG comments (dated November 13, 2001) were reviewed. Scott moved, seconded by Chantelau, to approve this as a preliminary/final plan with the condition that HRG comments be satisfied. Motion carried unanimously. Scott moved, seconded by Chantelau, to approve the Sewage Planning Module. Motion carried unanimously.

4. Robert Gitt — preliminary/final subdivision plan of one (1) lot into two (2) on 2.819 acres along Baltimore Pike. Tim Redding gave an overview of the plan and addressed HRG and County Planning & Development comments. He stated that the concept is to temporarily divide Lot 2 into two (2) lots, transfer Lot 2A to himself [Gitt] on a separate deed as a non-buildable lot during the year 2001. Then in 2002, or thereafter, when Lot 2B is conveyed, Lot 2A will be simultaneously conveyed so that one integral lot is reformed. The division line between Lots 2A and 2B will cease to exist. A building permit will not be issued prior to this taking place. He further added that the "Plan of Intent" clarifies this. Solicitor Davis concurred.

Scott moved, seconded by Rogers, to accept this as a preliminary/final plan. Motion carried unanimously.

5. The Links At Gettysburg — land development plan “Red Rock” model units. Bob Sharrah addressed HRG comments (dated November 12, 2001), noting that all can be satisfied with the following exceptions: Comment #2— requesting a waiver of stormwater management Comment #3— consider extending the median island further south and widening to enhance boulevard effect Sharrah stated that HRG didn’t have the benefit of seeing whole plan. He showed the Supervisors that if he were to do this, it would interfere with a driveway in Unit 1A Comment #8— preclude parking spaces, Sharrah noted that these spaces are only temporary. These will be removed prior to construction of permanent improvements; and Comment #9— requesting a waiver for curbing and use an infiltration system instead.

Dayhoff moved, seconded by Scott, to approve the land development plan contingent on satisfying HRG comments #1,4,5,6,7,8, approving waivers for stormwater management (#2) and curbing (#9), and omitting comment #3. Motion carried unanimously.

**Road Report:**

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

**Building Permit / Zoning Officer’s Report:**

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

**Correspondence:**

Supervisors received notice from the Adams County Planning and Development of the Community Development Block Grant Application process for 2002.

**Committee Reports:**

- Personnel:
- a) Scott moved, seconded by Waybright to approve the Zoning Officer to attend a seminar on land use decisions.
  - b) Chantelau moved, seconded by Waybright, to adopt Ordinance No. 2001 - 02 An Ordinance of the Township of Mount Joy, Adams County, Pennsylvania, amending the Township of Mount Joy General Employees Pension Plan. *(A full and complete text of the Ordinance can be found in the Township Ordinance Book)*. Motion carried unanimously.

- Finance:
- a) Rogers responded to a citizen request with regard to ownership of the banks that the Township deals with. He presented the following:
    - Adams County National Bank — appears to be a local private bank providing full service to the County
    - AllFirst — is indirectly owned by the AIB Group of Ireland; and Ireland lending and banking services organization. They operate principally in Ireland, Britain, U.S. and Poland. When the AIB Group acquires private lending institutions, they allow the institutions to maintain their identity and operate their business as in the past unlike takeover banks such as PNC
    - Bank of Hanover — is a subsidiary of Sterling Financial Corporation, a Lancaster-based holding company of three community banks including Bank of Lancaster County, N.A. and First National Bank of NorthEast Bank of Hanover services York and Adams Counties
    - Waypoint Bank — is a local lender with primary locations in Maryland, Washington, Baltimore and Hartford Counties. In Pennsylvania, they service York, Lancaster, Dauphin, Lebanon and Cumberland Counties

- PLIGIT — The custodian bank in First Union in Philadelphia, Pa. They are a Pennsylvania based lender

Planning Commission: Nothing to report at this time

Land Use & Zoning: Nothing to report at this time

Building & Grounds: Dayhoff reported that TAM Systems have a punch list of items to finish up the new shop addition and should be done by December. Also applied for driveway permits for the south end of the Township property and for Mud College Schoolhouse.

Roads: Dayhoff noted that the Highland Avenue Road project at the Blue & Grey development is completed. A full report is in the Road Report.

Public Safety: Waybnght and Rogers announced the Ban on Open Burning that is in effect for Adams County until sufficient rain or snow is received.

Mud College: Scott noted that the display that was in the lobby of the Township Building on election day was very nice.

**Announcements:**

Received a proposed Ordinance from Adelphia, granting a franchise to Adeiphia GS Cable, LLC. A copy of the proposed Ordinance was given to Solicitor Davis for review. He noted that the existing Ordinance does not expire until 2003.

Dayhoff announced that the County Agricultural Land Preservation Program round will be closing on November 30th and urged Mt Joy citizens to apply. He noted that this would make them eligible for the Township's program.

Dayhoff announced that he and Supervisors Rogers and Chantelau attended the Annual Convention of Township Officials on November 14, 2001 at the Brushtown Fire Hall. Mt Joy was door prize winners of a color TV and VCR. Since the Township already has a TV and VCR, it was recommended to trade these in on a digital camera. Scott moved, seconded by Chantelau, to exchange the items for a digital camera. Motion carried unanimously. He also noted that Mt Joy presented a Resolution with regard to a township agricultural land preservation program for consideration, and, it was passed by the County Association. It will now go the Pennsylvania State Association of Township Supervisors for a final vote.

Dayhoff announced that a workshop meeting was held on November 7, 2001 at the Township building to discuss ~Code” issues. Those in attendance were: Supervisors Dayhoff and Rogers, Zoning Officer Jay Little, Secretary Brenda Constable, Township Engineer Mark Lewis and Charlie Schmehl of URDC.

**Other Business:**

2002 Budget

Scott moved, seconded by Chantelau, to authorize Secretary Constable to advertise the final adoption of the 2002 Budget during the Supervisors’ regular meeting **to be held on** December 20, 2001. Discussion: With regard to the Training Facility, it was noted that whatever the Supervisors decide to do about donating, they can decide before December 20th or if not by then, they will have an opportunity to make a change in the budget in January. Rogers also asked that the Supervisors consider including funds to pave the area in front of the entire shop building and also put up lights in the parking lot We will

need to get estimates/bids for each job. Rogers moved, seconded by Scott, to include an additional \$18,000 in the budget for this work. Motion carried unanimously. Dayhoff then called for the question on the original motion. All were in favor and the motion carried unanimously.

Lake Heritage Property Owners Association (LHPOA) Receipt of Minutes:

Rogers noted for the record, that there is a policy in place where the Township Secretary provides approved minutes mailed and directed to the Lake Heritage Property Owners Association. He brings up this matter because the LHPOA has appointed Ralph Taylor, a resident of Lake Heritage and citizen of Mt Joy Township, to head their "Government Action Committee" for the Lake. This committee was documented in a previous Mt Joy Township meeting. Rogers further stated that he is confident that the Lake Board understands when they receive these approved minutes from the Township, that they are for the previous month and therefore one month old. Keeping this in mind, it is important that the citizens get accurate and correct data from the Lake Heritage Board directly and not by the interpretation of one individual's biased opinion. He is certain that the Lake Heritage Board, in their professional capacity, can understand and respect this protocol.

Blue & Grey Development:

Per a request from developer Harry L. Ramage, Scott moved, seconded by Rogers, to release the improvement security in the amount of \$67,829.85, conditioned upon the developer first providing the requisite 18-month maintenance security in the amount of \$10,174.48. Motion carried unanimously.

Subdivision and Land Development Ordinance Amendment

Dayhoff noted that a public hearing was held at 7:15 p.m. this date to receive written and/or oral comment with regard to the proposed SALDO amendment, as publicly advertised. He further noted that no public comment was received.

Chantelau moved, seconded by Waybright, to adopt Ordinance No. 2001 - 03 An Ordinance of the Township of Mount Joy, Adams County, Pennsylvania, Amending the Code of Ordinances of Mount Joy Township, Chapter 86 (Subdivision and Land Development), Sections 86-1 O.A.(2)(b) [Preliminary Plan Procedures] and 86-1 2.A.(2)(b) [Final Plan Procedures] To Require Ten Copies of Plats to be Filed. *(A full and complete text of the Ordinance can be found in the Township Ordinance Book)*. Motion carried unanimously.

**New Business:**

Agricultural Land Preservation Program:

Waybright moved, seconded by Dayhoff, to accept a proposal from John R. White, Esquire, as Solicitor for the Township's Agricultural Land Preservation Program, effective January 2002, as budgeted. Motion carried unanimously.

Transportation Engineering Services / Route 97 Traffic Study:

Rogers moved, seconded by Chantelau, to accept a proposal from Herbert, Rowland & Grubic, Inc. (HRG), to provide engineering services for the Route 97 Traffic Study in the amount of \$4,675. Motion carried unanimously.

#### Addendum To Flood Plan Regulations:

Rogers presented the following written proposal: It appears as though a policy is not currently in place in regards to existing dams within our Township. At present, the Township has one dam located in the Lake Heritage development owned by the Lake Heritage Property Owners Association. Being as such a dam exists, it should be implemented as a standard policy that we, the Township, be provided with an annual inspection statement for this dam from the Army Corps of Engineers. In addition, the LHPOA should provide us, on an annual basis, with a copy of their flood insurance for such dam for our file. Regulations should be adopted extending existing standards from Chapter 35 of the Mount Joy Township codes to specify this procedure. Therefore, Anthony Graham, our Emergency Management Coordinator, should communicate with Lake Heritage and acquire the appropriate documentation. This request is being made with all due respect to the governing body of Lake Heritage. As they fall within the Mount Joy Township, we are simply requesting copies of their documentation for our records. In the event of an emergency situation, it is only appropriate we have this information on file for those property owners located downstream.

Rogers moved, seconded by Waybright, to instruct Anthony Graham, EMA Coordinator, to communicate with Lake Heritage to acquire the appropriate documentation with regard to annual inspections for the dam in the Lake, and proof of flood insurance. Scott clarified what Rogers is asking for consideration of a) amend the flood plan regulations to require all owners of dams to provide copies of dam inspections; and, b) a certificate of insurance. Dayhoff questioned what size dam should be considered here. Rogers responded that man made dams hold back a certain volume of water so we may need to look at that. With no further discussion, Dayhoff called for the question and the motion failed.

Scott recommended that Solicitor Davis and our engineer, HRG, review this and come back next month with their findings. Scott moved, seconded by Dayhoff, to instruct the Solicitor to report back next month with appropriate DEP requirements/regulations and whether or not it is pre-empted. Discussion: Supervisors encouraged Solicitor Davis to communicate with the LHPOA Solicitor to obtain information as to how the dam is inspected every year. Waybright also questioned if we should be concerned with water towers. Response was that it would depend on what the volume is. With no further discussion, the motion carried unanimously.

#### Speed Limit on Route 97:

Rogers presented a written proposal regarding the speed limit on Route 97 (Baltimore Pike): Presently the speed limit is posted at 55 miles per hour between Penn Gate Farms (east of California Road) and the Mount Joy Township line on Route 97 (west of Gettysburg Road). This speed limit is posted in both directions at the above approximate locations (photographs attached). In past Township meetings, a good citizen, Bob Gitt, owner of Penn Gate Farms, has expressed his concerns regarding this speed. He has fallen victim to accidents on this stretch of road resulting from the high-posted speeds. In consideration of Mr. Gitt's history as well as the safety and welfare of other motorists, I recommend this speed limit be reduced to 45 miles per hour, particularly with the increasing high volume of traffic on this road. A letter should be sent to Penn DOT with this formal request to ensure the safety of the local farmers and motorists turning onto Route 97 from Mount Joy Township roads. I am requesting that Anthony Graham, Road Superintendent, communicate with Penn DOT in regards to this request.

Scott moved, seconded by Waybright, to instruct Anthony Graham to contact Penn DOT and relay the Township's concerns regarding the speed limit on Route 97. Motion carried unanimously.

#### Executive Session:

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

**Meeting Reconvened:**

Board Chairman Dayhoff reconvened the Supervisors Meeting at 10:25 p.m. this date.

Solicitor Davis reported that two (2) issues were discussed:

- A criminal prosecution being appealed and a question whether the Solicitor should handle it or not The District Attorney should handle it
- Seeking confirmation if he should continue on with regard to another land use matter or not. It was decided that the Solicitor is to continue enforcing the matter.

No actions were taken.

**Adjournment:**

With no further business to come before the Board, Scott moved, seconded by Chantelau, to adjourn the Supervisors' Meeting at 10:30 p.m. this date. Motion carried unanimously.

Respectfully submitted,



Brenda J. Constable, Secretary