

DECEMBER 20, 2005 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, and Samuel Dayhoff, Zoning Officer Dave Crouse; News Reporter Aaron Young (*Gettysburg Times*), and Brenda Constable, Secretary. Supervisor not in attendance was Harold Kirschner.

Citizens in attendance were: Judith Shultz; Pam & John Roman; Joe Pierce; Brenda Herring; Jeff Patterson; Carinne E. McCleaf; Carol E. Holtz; Jerry Althoff representing the Planning Commission; Elsie Morey; Ann Harnsberger; Beverly Boyd; Charlie Basehoar; Millard Basehoar; Donald Titus; Tom Titus; John McAlister; Jerry Maloney; John Arentz; David Williams.

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

Minutes:

Mr. Chantelau moved, seconded by Mr. Scott, to approve the minutes of the October 27, 2005 Public Information Meeting as presented. Motion carried.

Mr. Scott moved, seconded by Mr. Dayhoff, to approve the minutes of the November 14, 2005 Special Meeting as presented. Motion carried.

Mr. Dayhoff moved, seconded by Mr. Scott, to approve the minutes of the November 17, 2005 Regular Meeting as presented. Motion carried.

Mr. Scott moved, seconded by Mr. Dayhoff, to approve the minutes of the November 18, 2005 Special Meeting as presented. Motion carried.

Mr. Chantelau moved, seconded by Mr. Scott, to approve the minutes of the December 9, 2005 Special Meeting as presented. Motion carried.

Chairman's Statement:

Mr. Waybright noted that due to inclement weather on December 15, 2005, which was the regularly scheduled meeting, the meeting was postponed to this date. He thanked everyone for his or her understanding and for being present tonight.

Public Comment:

1. John McAlister wished everyone a Merry Christmas.
2. Carol Holtz, 220 White Church Road: commented on two proposed developments, Westminster on Barlow-Two Taverns Road and GCW Properties on Route 97. She stated that these developments would ultimately affect the White Church Road residents. She highly disapproves these developments. She added that she has nothing against people's rights, etc., but does not favor the use of TDRs. She favors zoning and land preservation. She stated that the Supervisors should show that they care about all residents and not amend the zoning ordinance that would allow high density. She added that the White Church Road area is on the National Register of Historic Site. In a survey sent out to all citizens about 6 years ago, 92% responded that they would like to maintain rural character. 81 % favored single-family housing, with 16% for townhouses.

3. Jerry Maloney, 744 Harney Road: regarding a zoning amendment to allow townhouses. Thinks the Township should not sell out to developers by using TDRs.
4. Brenda Herring, 2124 Baltimore Pike: regarding the proposed townhouse development. Questioned if WRRMA has the capacity for sewer for this project. She stated that she has received comments from citizens in the area of sewer smell, especially around the outlet mall. Another concern is traffic. She has had accidents in her front yard. The proposed access driveway is at a bad spot on Route 97. Ms. Herring presented a petition with approximately 121 signatures that oppose the zoning amendment to allow townhouses in SFR1 district.
5. Jeff Patterson, 2270 Baltimore Pike and water quality supervisor at Gettysburg Municipal Authority, regarding the townhouse development on Rt. 97. Stated that wetlands are in this area. He noted that the proposed plan shows one well. He pointed out that more than one well would be needed, the average use per family is 200 gallons per day. Need to look at the intersection at White Church Road – he said if a traffic signal were put at White Church Rd. and Route 97, he would not be able to pull out of his driveway and make a left hand turn.
6. Elsie Morey, Baltimore Pike: noted the following concerns: emergency driveway and whether it would be a right turn only or not; has witnessed left turns off of White Run Road, which is to be only left hand turns. She asked what would stop someone from this development from turning left or not even if the access road is to be only a right hand turn; concerned with the proposed traffic light and how neighbors would get out of their driveways; would possibly have more accidents with people trying to make right hand turns into the development; the number of houses would impact the school district; where will the sewer go, will it be made easy for the developer or will it run along Baltimore Pike; she questioned why the Supervisors are not enforcing the comp plan and zoning ordinance; the proposed property lacks water supply and she questioned how the water tower would be screened; the comp plan survey responded with 96% of the citizens who would like to protect the quality and groundwater, and management of Baltimore Pike.
7. Jerry Maloney asked if the developers were not asking to offer one-half million dollars for TDRs, would the supervisors even consider this development. He added that the citizens want to pay to protect the land and that is why they just voted in November to allow another debt issuance.
8. Dave Williamson, 1023 White Church Road: concerned about wells.
9. Pam Roman, Deer Chase development: asked some questions for clarification on size of parcel.
10. Bev Boyd, non-resident: spoke on behalf of her family Millard and Leroy Basehoar. They are opposing the purchase of ag land preservation easements for the Carol Newhart farm. Would like an opportunity to discuss this further with the supervisors. Ms. Boyd asked what the Township's policy was when adjoining landowners oppose farmland preservation. The supervisors responded that they do not have a policy; no one has ever opposed preserving farmland. She stated that her family values their property rights and doesn't want to get changed in the next zoning change that the township may do. The supervisors responded that they couldn't discuss this; it is already approved and will soon be going to settlement. Ms. Boyd submitted a copy of a letter addressed to E. Lee Ramsburg, II, Chairman of the Mount Joy Township Ag Land Preservation Board, from Mette, Evans & Woodside, signed by Paula J. Leicht, Esq. opposing the inclusion of Carol Newhart's property in the preservation program.
11. Mike Coldsmith: owns property across from the proposed intersection at White Church Rd and Route 97 for the townhouse project. Wanted to know what would happen to his property to put in a road for the development; he had heard that the supervisors would condemn his property. The Supervisors stated that they never said they would condemn anything in that area. They also explained that the Westminster development (Meadow Brook Golf Course) is what would cause the light at White Church Road, not the townhouse project.

George Scott, Supervisor, explained that sooner or later there would be a light at the intersection of White Church Road and Route 97. The Supervisors could put conditions on a developer to put the light in. With

regard to wetlands, the Township has nothing to do with them; the state and federal government do this regulation. However, no one can build on wetlands.

12. Pam Roman asked if zoned in the AC (Ag Conservation) district, would it be eligible for ag preservation. Mr. Dayhoff responded yes and that it would get more points for it as well.
13. Carol Holtz reported that the streetlight at the intersection of White Church Road and Route 97 is not working half of the time.

Sam Dayhoff, Supervisor, pointed out when the original zoning was done, the Supervisors would have never imagined a golf course being developed into houses. He pointed out on a zoning map where the Meadow Brook Golf Course is surrounded by his two preserved farms, and there is nothing he can do about it. He also pointed out other preserved farms in the Township, some of which are close to proposed developments, and pointed out some large farms that could possibly be developed in the next 10 to 20 years. He explained that by using TDRs, it is one way for the Township to control development and protect and preserve land at no cost to the taxpayer. This is what the citizens responded to in a survey; to preserve and protect agricultural land and rural character. This is what the supervisors are trying to do. However, he pointed out that now the supervisors have citizens opposing the TDR program, and even a non-resident who wants to oppose a neighboring farmland preservation easement because they want to develop their land. He questioned the citizens what do they want the Supervisors to do.

Mr. Waybright echoed Mr. Dayhoff's comments, pointing out that a few years ago, a developer came in and proposed a large development on Mason Dixon Road, and no one was concerned. This development was in his back yard and he did not like it, but he could not do anything about it. Development is all around everyone, whether they like it or not. The Supervisors are trying to preserve the land with the tools and opportunities that are available to them.

Treasurer's Report:

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

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

Subdivision/Land Development Plans:

1. Titus, Donald & Tom: proposed 2-lot subdivision at 579 Hoffman Home Road. Planning Commission recommends approval as preliminary/final and also recommends approval of the sewage facilities planning module. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the subdivision as a preliminary/final plan. Motion carried unanimously. Mr. Scott moved, seconded by Mr. Chantelau, to approve the Sewage Facilities Planning Module as presented. Motion carried unanimously.
2. Munshour/Shultz: proposed 4-lot subdivision (2-lot additions) at 1650 and 1621 Baltimore Pike. Planning Commission recommends approval of final plan. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the final subdivision plan as presented. Discussion: Mr. Dayhoff questioned KPI's comment regarding Richard Munshour's lot that did not have road frontage. It was noted that the plan had a note on it that it would not be used for residential purposes. With no further discussion, the motion carried unanimously.

3. Arentz, John: proposed land development plan for a 1,800 sq. ft. storage shed at 286 Barlow-Two Taverns Road. Mr. Arentz is requesting a waiver of a full land development plan. Planning Commission recommends approval of the waiver. After review of the sketch plan, Mr. Dayhoff moved, seconded by Mr. Scott, to approve a waiver for a full land development plan as presented. Motion carried unanimously.
4. Onorato, Joseph & Barbara: proposed subdivision on Orphanage Road. It was noted that this plan has an extension through January 13, 2006. Applicant is requesting another 90-day extension through April 13, 2006 due to a pending zoning hearing. Mr. Scott moved, seconded by Mr. Chantelau, to approve a 90-day extension on this proposed plan. Motion carried unanimously.
5. Weiland, Gary & Audrey: proposed land development plan for additions to a mini storage facility on Highland Avenue Road. Applicant has submitted a letter to withdraw this plan that was submitted February 14, 2005 and extended through December 16, 2005. Supervisors noted withdraw.

Mr. Waybright noted that he would address an item that appears later on the agenda in order to take action on a proposed ordinance.

Ordinance No. 2005-13 – Ag Land Debt:

Mr. Waybright introduced Joe Pierce, Bond Counsel, to give an overview of this proposed ordinance for issuance of debt for Round II of the Agricultural Land Preservation Program. Mr. Pierce noted that the Township would be borrowing \$2 Million Dollars and gave background how the payback would work. He also noted that the closing would be held on January 25, 2006 at 10:00 a.m. Mr. Chantelau moved, seconded by Mr. Waybright, to adopt Ordinance No. 2005-13, Issuance of Debt for Agricultural Land Preservation Program Round II. Motion carried unanimously. *(See Mount Joy Township Ordinance Book for full text of ordinance)*

Road Report:

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

Correspondence:

Ms. Constable noted receiving the following correspondence:

- WRRMA minutes from October
- Littlestown Chamber request for donation for County Economic Education Foundation Scholarship Fund
- Gettysburg National Military Park Statement of Findings for Landscape Rehabilitation Projects

- Received the Conservation District approval for an NPDES Permit for PennDOT Bridge Project
- Received notice of an application for an NPDES Permit for Westminster development
- Received a complaint letter regarding blasting at the Phil Justice mining operations (Clapsaddle Mine)

Committee Reports:

Personnel: Mr. Chantelau moved, seconded by Mr. Scott, to approve the full-time employment of Mike Livilsberger as road worker, effective retroactive to December 5, 2005, at the rate of \$14.50 per hour. 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: Noted receiving the monthly report.

a) With recommendation by the Ag Land Board, Mr. Scott moved, seconded by Mr. Chantelau, to waive ½ of the survey costs ordered by the Land Conservancy of Adams County for the Kenneth Dayhoff farm. Motion carried with Mr. Sam Dayhoff recusing himself.

b) With recommendation by the Ag Land Board, Mr. Chantelau moved, seconded by Mr. Scott, to approve a Request for Appraisal for the first ranked farm in Round II, and authorize Agrarian Associates to perform the appraisal. Motion carried unanimously.

c) Mr. Chantelau requested authorization to hold a County Association of Township Officials meeting at the Mount Joy Township Municipal Building to discuss growth and farmland preservation. Mr. Scott moved, seconded by Mr. Waybright, to authorize the Association to hold the meeting at the Township Building. Motion carried unanimously.

d) Mr. Chantelau also noted that Fred Snyder of WGET/WGTY radio had contacted him regarding a morning radio show to talk about farmland preservation. The Supervisors suggested that the Ag Land Preservation Chairman, Beau Ramsburg, and Coordinator, Sam Dayhoff, participate.

Recreation Board: Noted receiving the Recreation Board monthly report.

a) With recommendation from the Rec Board, Mr. Scott moved, seconded by Mr. Chantelau, to proceed with a layout plan with developers for a walking/jogging/bike trail throughout the township. It was noted that this would most likely coordinate with the proposed sewer lines for the new developments. Motion carried unanimously.

b) With recommendation from the Rec Board, Mr. Scott moved, seconded by Mr. Chantelau, to approve KPI to perform consulting services in connection with the walking/jogging/bike trail. Motion carried unanimously.

Act 209 Advisory Committee: The Committee did not meet this month so there was no monthly report. The Supervisors noted a Public Hearing to be held on January 4, 2006 at 7:00 p.m. to accept comment on the proposed Land Use Assumptions Report.

Announcements:

Ms. Constable announced that the Township Office would be closed on Monday, December 26,

2005; and township residents could drop off their holiday tree and trimmings in front of the Township Building through the end of January 2006.

Other Business:

Financial Draws for The Links:

With recommendation from KPI Technology, Township Engineer, Mr. Dayhoff moved, seconded by Mr. Scott, to approve Financial Security Draw #10 (final) for The Links At Gettysburg Phase IA development in the amount of \$164,119.80. Motion carried unanimously.

With recommendation from KPI Technology, Township Engineer, Mr. Scott moved, seconded by Mr. Dayhoff, to approve Financial Security Draw #2 for The Links At Gettysburg Phase IB development in the amount of \$194,117.25. Motion carried unanimously. It was also noted that the Supervisors would need to discuss the maintenance bond in the near future.

With recommendation from KPI Technology, Township Engineer, Mr. Scott moved, seconded by Mr. Chantelau, to approve Financial Security Draw #1 for The Links At Gettysburg Phase IIA development in the amount of \$321,045.00. Motion carried unanimously

Ordinance No. 2005-09 Well Ordinance Amendment:

Mr. Chantelau moved, seconded by Mr. Dayhoff, to adopt Ordinance No. 2005-09, Well Construction Ordinance Amendment as follows:

ORDINANCE NO. 2005 — 09

AN ORDINANCE OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA, AMENDING CODE CHAPTER 107 (WELLS), SECTION 107-5.C.(3) (PERMITS), TO CHANGE THE EXEMPTION FOR SHOWING NEIGHBORING WELLS AND OTHER FEATURES ON A SKETCH PLAN WHEN THE PROPOSED WELL IS MORE THAN 100 FEET FROM THE PROPERTY LINE, INSTEAD OF 200 FEET.

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

Section 1. Chapter 107 (Wells), Section 107-5.C.(3) (Permits), of the Code of Ordinances of Mount Joy Township is hereby amended to read in its entirety as follows:

- (3) Sketch of the premises, to scale, showing the location of the proposed well, existing and proposed buildings, boundary lines, and existing and proposed septic tanks, absorption areas, and drain fields. The sketch must include the location of wells and other features (see §107-4.A. above) on abutting properties where the proposed well is less than 100 feet from all property lines of the lot or tract.

Section 2. Except as provided in Section 1. above, Chapter 107 of the Code of Ordinances is hereby ratified and confirmed.

ENACTED AND ORDAINED this 20th day of December, 2005.

Attest:

_____/s/_____
Its Secretary

MOUNT JOY TOWNSHIP

_____/s/_____
Chairman

_____/s/_____
Supervisor
_____/s/_____
Supervisor
_____/s/_____
Supervisor
_____/s/_____
Supervisor

Motion carried unanimously.

Ordinance No. 2005-10, Monocacy River Watershed Stormwater Ordinance:

Mr. Dayhoff moved, seconded by Mr. Scott, to adopt Ordinance No. 2005-09, Monocacy River Watershed Stormwater Ordinance as presented. Motion carried unanimously. (*Please reference MJT Ordinance Book for full text of this 63-page ordinance*).

Ordinance No. 2005-12, York Adams Tax Bureau:

Mr. Chantelau moved, seconded by Mr. Scott, to adopt Ordinance No. 2005-12, York Adams Tax Bureau as follows:

ORDINANCE NO. 2005 - 12

AN ORDINANCE OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 98 (TAXATION) OF THE CODE OF ORDINANCES TO ADD A NEW ARTICLE III (COLLECTION OF EARNED INCOME TAXES) PROVIDING FOR THE COLLECTION OF THE EARNED INCOME TAXES AND NET PROFITS AT THE SOURCE BY ALL EMPLOYERS WITHIN MOUNT JOY TOWNSHIP; EXCLUDING THE WITHHOLDING OF SUCH TAXES FROM MARYLAND RESIDENTS; AND IMPOSING COSTS AND FEES ASSOCIATED WITH THE COLLECTION OF DELINQUENT TAXES IN ACCORDANCE WITH ACT 192 OF 2004

WHEREAS, the Township of Mount Joy, Adams County, Pennsylvania (the "Township") has by Resolution levied, assessed and provided for the collection of taxes on earned income and net profits under and pursuant to the authority of Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, enacted December 31, 1965, and effective January 1, 1966, as amended; and

WHEREAS, the Township has designated the York Adams Tax Bureau ("YATB") to collect said taxes on earned income and net profits levied by the Township; and

WHEREAS, YATB has requested that its member municipalities amend its earned income tax and net profits authorizations for the following reasons:

- a. To simplify the procedure of withholding and remitting earned income tax and net profits for employers by creating uniformity throughout the YATB's member municipalities;
- b. To create additional funds flowing through the YATB for investment purposes thereby creating additional operating revenue;
- c. To be in compliance with anticipated legislation requiring all earned income tax collectors to be non-resident collectors;
- d. To enhance the efficiency of the YATB's employer accounts department and audit group when dealing with employers, payroll services, other tax bureaus and taxpayers;
- e. To be in compliance with the recommendations for the withholding of earned income taxes set forth in the document entitled "Pennsylvania's Earned Income Tax Collection System, an analysis with recommendations," dated August 2004, prepared by the Pennsylvania Department of Community

and Economic Development and published by the Governor's Center for Local Government Services; and,

WHEREAS, pursuant to Act 192 of 2004, the Township or its designated tax collector of the aforementioned taxes, is entitled to impose and retain those costs of collection on taxes that become delinquent and/or that remain due and unpaid; and,

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. Chapter 98 (Taxation) of the Code of Ordinances of Mount Joy Township is hereby amended to add a new Article III, titled "Collection of Earned Income Taxes" which shall read as follows:

ARTICLE III

COLLECTION OF EARNED INCOME AND NET PROFITS TAXES

§ 98-29. Collection at the Source.

- A. Every employer having an office, factory, workshop, branch, warehouse or other place of business within the taxing jurisdiction imposing a tax on earned income or net profits within the taxing district who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation who has not previously registered shall, within fifteen (15) days after becoming an employer, register with the York Adams Tax Bureau or other designated tax officer, his name and address and such other information as the Township may require.
- B. Every employer having an office, factory, workshop, branch, warehouse or other place of business within the taxing jurisdiction imposing a tax on earned income or net profits within the taxing district who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation shall deduct at the time of payment thereof the tax imposed by this article on the earned income due to his employee or employees and shall, on or before April 30 of the current year, July 31 of the current year, October 31 of the current year and January 31 of the succeeding year, file a return and pay to the Officer the amount of taxes deducted during the preceding three-month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 31 of the current year, respectively. Such return, unless otherwise agreed upon between the officer and employer, shall show the name and social security number of each such employee, the earned income of such employee during such preceding three-month period, the tax deducted therefrom, the political subdivisions imposing the tax upon such employee, the total income of all such employees during such preceding three-month period and the total tax deducted therefrom and paid with the return. Any employer who for two of the preceding four quarterly periods has failed to deduct the proper tax or any part thereof or who has failed to pay over the proper amount of tax to the taxing authority may be required by the York Adams Tax Bureau or designated tax officer to file his return and pay the tax monthly. In such cases, payments of tax shall be made to the York Adams Tax Bureau or designated tax officer on or before the last day of the month succeeding the month for which the tax was withheld.
- C. Every employer shall deduct or withhold from employees, exclusive of domestic servants and Maryland residents, at the following rates:
 - (1) Resident taxpayers at the applicable rates imposed by the Township and applicable school district on the resident taxpayer's earned income and net profits.
 - (2) Non-resident taxpayers at the rate of no less than one (1%) percent of the non-resident taxpayer's earned income and net profits.
- D. On or before February 28 of the succeeding year, every employer shall file with the Officer:
 - (1) An annual return showing the total amount of earned income paid, the total amount of tax deducted and the total amount of tax paid to the Officer for the period beginning January 1 of the current year and ending December 31 of the current year.

(2) A return withholding statement for each employee employed during all or any part of the period beginning January 1 of the current year and ending December 31 of the current year setting forth the employee's name, address and social security number, the amount of earned income paid to the employee during said period, the amount of tax deducted, the political subdivision imposing the tax upon such employee and the amount of tax paid to the York Adams Tax Bureau or designated tax officer. Every employer shall furnish two (2) copies of the individual return to the employee for whom it is filed.

- E. Every employer who discontinues business prior to December 31 of the current year shall, within thirty (30) days after the discontinuance of business, file the returns and withholding statements hereinabove required and pay the tax due.
- F. Every employer who willfully or negligently fails or omits to make the deductions required by this section shall be liable for payment of the taxes which he is required to withhold to the extent that such taxes have not been recovered from the employee.
- G. The failure or omission of any employer to make the deductions required by this section shall not relieve any employee from the payment of the tax or from complying with the requirements of this article relating to the filing of declarations and returns.
- H. No employer shall be required to register, deduct or withhold taxes, file returns or pay taxes with regard to domestic servants or residents of Maryland.

§ 98-30. Costs and fees for collection of delinquent earned income taxes.

- A. The Township hereby approves and adopts the Cost of Collection Schedule, as provided in a Resolution of the Township adopted from time to time, to be imposed by the York Adams Tax Bureau, or such other tax collection entity hereafter designated by the Township for the collection of local taxes, upon any taxpayer whose taxes are or become delinquent and/or remain due and unpaid.
- B. The York Adams Tax Bureau, or such other tax collection entity, designated by the Township, is authorized to retain such costs of collection as set forth in the attached schedule in recovering delinquent taxes and as permitted to be assessed to delinquent taxpayers pursuant to law.

Section 2. Any ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

Section 3. This Ordinance shall become effective January 1, 2006.

ADOPTED AND ORDAINED this 20th day of December, 2005.

Attest:

/s/
Its Secretary

TOWNSHIP OF MOUNT JOY

/s/
Chairman

/s/
Supervisor

/s/
Supervisor

/s/
Supervisor

/s/
Supervisor

Motion carried unanimously.

Resolutions:

Mr. Chantelau moved, seconded by Mr. Scott, to adopt Resolution # 15 of 2005, authorizing and empowering the YATB to impose and retain those costs and fees associated with the collection of delinquent taxes in accordance with Act 192 of 2004. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Dayhoff, to adopt Resolution # 16 of 2005 authorizing the levying, assessing and providing for the collection of an Emergency and Municipal Services Tax in accordance with Act 192 of 2004.. Mr. Waybright noted that he is opposed to the title of this tax in that it appears to be a tax for emergency medical services by calling it EMS. With no further discussion, the motion carried unanimously.

New Business:

Public Hearing:

Mr. Chantelau moved, seconded by Mr. Dayhoff, to authorize the advertisement of a Public Hearing on February 16, 2006 at 7:00 p.m. for a proposed zoning ordinance text amendment with intent to adopt said ordinance at the February 16, 2006 regular meeting, and to authorize the submission of the proposed ordinance to the County and Township Planning Commissions for a 30-day review period. Motion carried unanimously.

Reorganization Meeting:

The Supervisors noted that the Reorganization Meeting must be held on January 3, 2006 and set the time of 10:00 a.m. for said meeting.

TDR Submission Timetable:

The Supervisors held a discussion regarding when TDRs (Transfer of Development Rights) should be submitted to the Township. Mr. Davis noted that §110-155 states that TDRs should be submitted at the time of preliminary plan submission. It was noted that the TDR program is a tool to implement the rural character, which is what 92% of the citizens had responded to in a survey a few years ago. Mr. Davis asked if the Township would prefer the developer to first explore what is available so he/she knows if they can do it. Do the Supervisors wish to keep it this way and look at it at the preliminary stage, or do they want to wait until the final stage. It would be made clear that there would be no final approval until the easements are final and recorded. The Township would want to make sure that the process is fair and that the number of TDRs that the developer proposed is correct. Mr. Scott suggested that an explanation of TDRs should be in the next Township Newsletter. Mr. Davis added that what is needed is a more user-friendly process.

Mr. Althoff asked the Supervisors how far they want the Planning Commission to go with reviewing plans, not knowing whether or not if the TDRs are acquired. He stated that the Commission could go for months reviewing a plan with a proposed number of TDRs and then if the TDRs cannot be acquired, it changes the entire plan. The Supervisors felt that they should make this process easier so that the TDR program works. They responded that the Planning Commission would need to look at a plan based on the current ordinance, and the TDR issue would be contingent on acquisition.

Mr. Davis noted that if a zoning ordinance amendment to change the time of submission was considered, a public hearing would be needed and planning commissions would need a 30-day review period, prior to adoption.

Mr. Dayhoff moved, seconded by Mr. Chantelau, to instruct the Solicitor to draft a proposed amendment to the zoning ordinance for review at the January meeting. Motion carried unanimously.

Executive Session:

Mr. Waybright called for an Executive Session at 9:35 p.m. this date.

Meeting Reconvened:

Mr. Waybright reconvened the Supervisors Meeting at 9:55 p.m. this date with the following others in attendance: Supervisors Bill Chantelau, George Scott, and Sam Dayhoff; Solicitor Walton V. Davis; Zoning Officer Dave Crouse; Secretary Brenda Constable; News Reporter Aaron Young; and citizens Jerry Althoff; Jerry Maloney, Judy Shultz, Elsie Morey, Carol Holtz, Jeff Patterson, David Williams, and Ann Harnsberger.

Mr. Davis noted that the Supervisors discussed two issues during Executive Session: a) two challengers to the validity of the zoning ordinance; and the conclusion of the Premier Construction suit.

Sewage Facilities Plan:

Mr. Dayhoff moved, seconded by Mr. Scott, to instruct the Solicitor and KPI to create what is needed to obtain DEP approval by amending the Sewage Facilities Plan re-submission for a sewage management district. Motion carried unanimously.

Board Vacancies:

Ms. Constable noted the following Board and Commission vacancies and instructed any interested citizens to submit a letter to the Supervisors prior to the Reorganization Meeting: Rec Board, Zoning Hearing Board – regular and alternate member, Planning Commission, Red Rock Municipal Authority, and 2 positions on the Ag Land Preservation Board.

Adjournment:

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Chantelau, to adjourn the Supervisors Meeting at 10:00 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary