

FEBRUARY 21, 2008 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date, as publicly advertised, at 7:30 p.m. in the meeting room of the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA 17325 with Board Chairman James W. Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Samuel Dayhoff, and Robert Rhodes; Solicitor Walton V. Davis; Treasurer Robin Crushong; and Secretary Brenda J. Constable.

Others in attendance were: News Reporter Aaron Young (*The Gettysburg Times*); Carroll Crum; John Roman representing the Watchdog Group; Dorcas Shelly; Carol E. Holtz; Eileen Holmes; Jerry Althoff and Audrey Weiland representing the Planning Commission; Harry Walker; Sally Alexander; John McLatchy; Matt Sentz and Dave Maring representing the Barlow Fire Company.

Board Chairman Waybright led everyone with the Pledge to the Flag.
The meeting was being recorded by the Township.

Minutes:

Mr. Chantelau moved, seconded by Mr. Scott, to approve the January 17, 2008 minutes as presented. Motion carried unanimously.

Public Comment:

Carol Holtz: asked how sub-committees to the Supervisors are selected. Mr. Waybright responded that he, as chairman, makes those appointments. She commented on a few issues in the recent Newsletter, one being solicitation for donations to the local fire companies. A representative from Barlow Fire Company was present and he addressed her concerns.

Announcements:

Ms. Constable announced the following: partnership for Land Use Education meeting on Understanding Density that was cancelled on February 13 has been rescheduled for March 25 at 7:00 p.m.

Treasurer's Report:

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

Mr. Chantelau moved, seconded by Mr. Scott, to approve the bills to be paid as presented. Motion carried unanimously.

Persons Requesting Time:

Barlow Fire Company Box Cards: Dave Maring, Chief of the Barlow Fire Company, presented Box Card changes for Supervisors' approval. After review and discussion, Mr. Dayhoff moved, seconded by Mr. Scott, to approve the changes as presented. Motion carried unanimously.

Barlow Fire Company Donation: Mr. Dayhoff mentioned that Barlow Fire Company had purchased some property this past fall, and between Mount Joy and Cumberland Townships and the fire company, they would like to clear the lot, level it, do some ground work, and possibly haul some stone for drives, etc.

He is requesting permission from the Supervisors to make an offer to Barlow Fire Company to have the road crew and use Township equipment to help them out. In addition, if Barlow gets a list of material together, the Township could possibly bid out the stone along with the Township's bid for stone this spring and then donate the stone they need. Mr. Chantelau moved, seconded by Mr. Scott, to authorize the Road Superintendent to negotiate with the Barlow Fire Company to support their clearing and restoration of their new property. Discussion: Mr. Waybright noted that the Township has done this in the past with helping Littlestown Little League repair their ball fields, etc. Mr. Dayhoff added that the Township has also helped fire companies with putting up lights for carnivals with the use of the bucket truck, etc. With no further discussion, the motion carried unanimously.

Subdivision/Land Development Plans:

1. Westminster-Keystone Custom Homes: proposed 204-lot subdivision on White Church and Goulden Roads. Supervisors' extension is through July 31, 2008. It was noted that Keystone submitted an update on the water issue.

2. Twin Pond Estates - Bon-Ton Builders: proposed 34-lot subdivision on Harney Road. Supervisors' extension is through March 6, 2008. Developer requested a 90-day extension through June 4, 2008 and Planning Commission recommends approval of the extension. It was noted that Planning Commission also recommends approval of a Sewage Facilities Planning Module. However, Mr. Waybright asked Mr. Davis to explain a situation that came to the Supervisors' attention after the February 13 Planning Commission Meeting.

Mr. Davis explained that based on information received, this submission was a 34-lot subdivision that has been filed, reviewed, commented upon, and appended to an initial sewage facilities planning module that was sent with the 34-lot subdivision plan on it to the County for review and comment. At some point, it became clear to the applicant that there are higher levels of nitrates on this particular land or near this particular land, one or the other, probably because of farming operations and when you have higher nitrates the DEP is concerned that that will cause problems with well water. When you go to develop the property, even though moving from farming to residential seriously decreases the amount of nitrogen load on the ground, DEP has decided that larger lots are needed so that the absorption area will be greater and there will be even less nitrogen load than you would have simply by shifting to residential. But you can keep farming if you want.

The developer apparently decided to take 34 lots and make many of the lots larger, bringing it down to 27 lots. Then they may have removed the 34 lot plan from the back of the planning module, perhaps after the County saw it, and appended to it the 27 lot plan, which means the County reviewed something different from what is being put on this table tonight.

The 27 lot plan has never been formally filed with the Township for subdivision or zoning review. So the question has come up...if we have a planning module in front of us for a 27 lot subdivision and there is no 27 lot subdivision plan on file with the Township and there was no 27 lot subdivision reviewed by the county, what do we do?

Mr. Davis's recommendation is that the Township first determine whether it is correct or not that the County, when they looked at the module, looked at a 34 lot instead of a 27 lot plan. Ms. Constable presented a letter to the Supervisors and Mr. Davis that was received from the County prior to the start of the meeting. Ms. Constable noted that the County did confirm that their review on the module was based on a 34 lot subdivision. The County also stated that their responses on the 4B Component would not change. Mr. Davis then commented that the County is happy even though the site plan in the back of the module has been replaced with the 27 lot subdivision.

Mr. Davis stated the next question is "do we review modules when we don't have a plan filed with us?" Mr. Davis' review of the DEP regulations is that a plan does not have to be on file to seek an amendment to the sewage facilities plan, which is what a module is. But, it would be appropriate to

note, if the Supervisors choose to approve the module and authorize its' being sent into DEP, that there be a big note attached that there is no plan currently (this could be changed) on file to which this would attach. Mr. Waybright asked if it would be a lot cleaner to just wait a month. Mr. Davis responded yes.

Mr. Scott moved, seconded by Mr. Dayhoff, to table action on the Sewage Facilities Planning Module until next month. Mr. Chantelau noted that the Planning Commission never got the 27 lot plan for review; that is a 23.5% decrease in the size of the development. Motion carried unanimously.

Discussion on the subdivision plan and request for extension. Mr. Chantelau suggested that the subdivision plan be resubmitted since it is a new plan. Mr. Dayhoff felt that the applicant should withdraw the plan that is on the table right now. Mr. Chantelau agreed, or suggested that the Supervisors could deny the plan. There is a current extension on the plan to March 6, 2008; however, this is on the 34-lot plan. Mr. Dayhoff questioned if there were any justification submitted for the extension. Ms. Constable responded yes, mainly due to DEP permitting and other agency permits. Mr. Davis stated that this 90-day request would go to June 4 which means action would need to be taken at the May meeting. Ms. Constable noted that comments from KPI which indicate items still needed to be satisfied are approval of the sewage facilities planning module, E&S permitting, NPDES permitting, other housekeeping items such as owner's acknowledgement, etc., However, this short list is based on the revisions that Loss-Stair sent to KPI so KPI was looking at a 27-lot subdivision plan. Mr. Davis pointed out again that this revised plan is not officially filed. Ms. Constable confirmed. Mr. Waybright stated that they need to file the 27-lot plan and asked what is the first step...deny the extension request, or vote on the plan? Mr. Scott suggested granting an extension only until the next meeting. Mr. Waybright agreed that he would sooner grant extension for 30 days with a letter to them stating they need to come back in and submit a revised plan. Mr. Chantelau questioned if the Supervisors couldn't deny the 34 lot plan currently on the table and tell them to resubmit? Mr. Davis responded yes but he would need comments on the 34 lot plan because he would need to do a rejection letter based on that. Ms. Constable stated that the only comments from KPI for a 34 lot plan are back at the beginning when they submitted in May of 2007. The only comments received from County was on 34-lots; KPI originally commented on 34 lots, then a second set followed, and the most recent comments before the Supervisors indicate it is for 27 lots. Mr. Davis stated that the third set of KPI comments is useless because it is on a different plan that what is in front of the Supervisors.

Mr. Dayhoff moved, seconded by Mr. Scott, to grant an extension on the 34 lot plan until March 31, 2008. Motion carried unanimously.

Mr. Dayhoff moved, seconded by Mr. Scott, to first send letter to KPI instructing them to do the last possible review they can on the 34 lot plan that was proposed and currently on the table so the Supervisors have that for next month. Also send a letter to Bon-Ton and Loss-Stair Engineering, requesting they withdraw the 34-lot proposal and resubmit the 27 lot plan if that is the direction they want to go. Discussion: Mr. Scott stated that this way the Supervisors are prepared to act next month as to which ever way they need to go. Motion carried unanimously.

3. Crum, Carroll C.: proposed 2-lot subdivision on Harney and Maryland Line Roads. Mr. Crum was present to review this plan. Planning Commission recommends approval as Preliminary/Final plan and approval of Sewage Facilities Planning Module. After review of County and KPI comments, Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve the request of waiver for preliminary review and approve as a Preliminary/Final plan contingent on satisfying all items as listed in KPI comments. Motion carried unanimously. Mr. Scott moved, seconded by Mr. Dayhoff, to approve the Sewage Facilities Planning Module for submission to DEP as presented. Motion carried unanimously.

Road Report:

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

Basehoar-Roth Culvert: Mr. Dayhoff noted that Eric Mains had submitted drawings to the PennDOT bridge approval department and received information that PennDOT is going to require that a geotechnical probe (cores) be done for the location of the new culvert. This is so allowable bearing pressure could be established. The cost is approximately \$1,500. Mr. Mains is requesting approval from the Supervisors to proceed so this project could be approved by PennDOT and then Liquid Fuel monies could be used for the project. Mr. Scott moved, seconded by Mr. Chantelau, to authorize Mr. Mains to proceed. Motion carried unanimously.

Zoning Officer's Report:

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

Correspondence:

Ms. Constable noted receiving the following correspondence:

- S.G. Marinos Co. rescheduled WWII simulator from Dec 7 – 9 to Feb 8 – 10.
- PennDOT response to second request for intersection study at Hoffman Home, Harney, and Maryland Line Roads. Discussion: PennDOT stated that it is their policy not to duplicate engineering efforts within a 12 month period so the Township could submit a request to evaluate the intersection in a year. They reiterated that their study concluded the intersection is safe, citing fewer than five accidents within the past three years and that an intersection warning sign and slower MPH speed advisory plaque is in place to communicate to motorists. They acknowledged that sight distance at the corner of Maryland Line Road and Harney Road should be addressed but the removal of utility pole, signs, fencing and vegetation are the responsibility of the Township and property owner. The Township road crew and Roads Committee recently met with Representative Dan Moul and did a site visit so he could assist the Township with this issue. Mr. Davis suggested that because Hoffman Home and Harney Roads are state roads, the Supervisors should write a letter to PennDOT stating that they are on official notice of a dangerous condition of state roads so that if anyone is injured, they [PennDOT] would be subject to an exception of governmental immunity. Mr. Chantelau moved, seconded by Mr. Scott, to authorize Mr. Davis to prepare correspondence based on the letter received from PennDOT dated February 13, 2008, to respond accordingly. Motion carried unanimously. Mr. Chantelau added that a copy of this letter should be sent to Representative Dan Moul.
- Received a notice from Supreme Court of PA of a Petition for Allowance of Appeal filed by Stephen C. Alexander versus Mount Joy Township Zoning Hearing Board.

Committee Reports:

Personnel: Mr. Chantelau noted that because sub-committees structure are firmly in place for the major activities of Township governance paralleling the Township staff, the Personnel Committee feels that realigning the responsibilities of the various committees vis a vis the staff is appropriate and recommend the following changes to the personnel policy:

Performance Evaluations: Pg. 6: Second paragraph – second sentence: This appraisal will be prepared by...eliminate “the personnel committee” and insert “the supervisory sub-committee and department head which oversees their area of responsibility as follows:

<u>Committee</u>	<u>Staff Position</u>
Personnel Committee	Township Secretary/Office Manager
Personnel Committee and Office Manager	Office Assistant
Finance Committee	Treasurer
Planning, Land Use & Zoning Committee	Zoning Officer
Roads Committee	Road Superintendent
Roads Committee and Road Superintendent	Road Workers
Public Safety Committee	EMC
Personnel Committee (with input from Zoning Hearing Board)	Zoning Board Secretary

Third sentence: Appraisals will be performed annually...eliminate “at the end of the year”, and insert “during the month of November.”

In addition, the Personnel Committee recommends the following administrative changes to the personnel manual as follows:

Conditions of Employment

Pg. 2: 7. Work Hours – First paragraph, first sentence: after Office employees insert “except the Secretary/Office Manager,”

Eliminate second sentence “The Treasurer shall be scheduled to work based on a regular workweek of twenty (20) hours unless increased by direction of the Chairman of the Board of Supervisors, or the Board itself.”

Pg. 3: 9. Overtime/Compensatory Time – First paragraph, second sentence: after scheduled insert “40 hour work week” and eliminate “hours”...without prior approval...

Mr. Chantelau moved, seconded by Mr. Scott, to approve the changes to the personnel policy as presented. Motion carried with Mr. Dayhoff abstaining.

Finance: Nothing to report.

Planning, Land Use & Zoning: Planning Commission asked the Planning, Land Use & Zoning Committee and Solicitor to give some direction as to whether or not the Township could somehow control the location of stormwater facilities by placing them in common or association areas rather than on an individual’s lot. Mr. Davis prepared an ordinance for consideration, which would amend the SALDO §86-30.K. “Ownership and maintenance of stormwater facilities” adding requirements for easements on lots and adding a new section stating where storm water facilities are to be placed. Mr. Dayhoff moved, seconded by Mr. Chantelau, to recommend sending the proposed ordinance to County and Township Planning Commissions for review and comment, and to eventually set a date for a public hearing. Motion carried unanimously.

Mr. Chantelau noted that Hamiltonban Township had requested all townships to support their request of the congressional delegation to garner \$3.5 Million Dollars in support of the Glatfelter Tree Farm #1 from the Glatfelter Paper Company. This land would be added to the Michaux State Forest. To show support, Mr. Scott moved, seconded by Mr. Chantelau, to send letters to Rep. Platts, Senator Casey, and Senator Spector urging them to support that legislation. Motion carried unanimously.

Building & Grounds: Nothing to report.
Roads: Nothing to report
Public Safety: Nothing to report

Ag Land Preservation: noted receiving the monthly report.

Robin Crushong, Program Coordinator, noted that the Board would like Mr. Chantelau, as representative of the Finance Committee, to attend a future meeting to give an update as to the Supervisors' future intentions relative to the \$2 Million Dollars for the program.

The Board is recommending major and minor changes to the Program and Mrs. Crushong reviewed the major ones with the Supervisors. With recommendation from the Ag Land Preservation Board, Mr. Dayhoff moved, seconded by Mr. Chantelau, to accept the changes to the program as presented. Motion carried unanimously.

With recommendation from the Ag Board, Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve the filing of the Request for Reimbursement and Final Progress Report with the Adams County Green Space Grant Program relative to the Patricia Straley settlement.

Recreation Board: Board did not meet this month. Noted the Citizen Group meeting with YSM on February 23, 2008.

Strategic Planning Initiative:

Mr. Chantelau gave an update on the SPI meetings, noting that the original timeframe was to be finished by August of 2008 but the group feels that they may not finish until September or October due to the depth and scope of what is being done.

Other Business:

Security Reduction #2 Fairview Farms: Ms. Constable noted that last month the Supervisors approved a financial security reduction pending requirements being met per KPI recommendation letter. After discussing the requirements with Eric Mains, he clarified that those requirements listed were not recommendations to hold up on this security reduction; they were items listed that were not included in this reduction amount, and if Mr. Breighner wanted reductions for those certain items, he would have to request them again in the future once the items are completed. Mr. Dayhoff moved, seconded by Mr. Scott, to amend the motion from the January 17, 2008 meeting and authorize the reduction of Security Reduction #2 in the amount of \$29,670.00. Motion carried unanimously.

Radio Usage Agreement: Tabled from last month, a Radio Usage Agreement between the County of Adams, Department of Emergency Services, and the Gettysburg Fire Department, Inc. pending a response from County Solicitor John Hartzell with regard to concerns the Supervisors had with some of the

language in the proposed contract. Mr. Davis noted that he has not yet heard anything from Mr. Hartzell and suggested removing it from the agenda until he does. Mr. Scott moved, seconded by Mr. Chantelau, to remove the Radio Usage Agreement from the agenda until Mr. Davis receives a response from County Solicitor. Motion carried unanimously.

New Business:

DEP Application for SEO Reimbursement for 2007: Mr. Chantelau moved, seconded by Mr. Scott, to authorize the submission of DEP Application for SEO Reimbursement for 2007 to DEP and authorize Chairman Waybright to sign the application. Motion carried unanimously.

March Meeting Date Change: The Supervisors suggested changing the date of the March 20, 2008 meeting due to it being Maundy Thursday and may not have a quorum. Mr. Dayhoff moved, seconded by Mr. Scott, to change the date to Wednesday, March 19, 2008 at 7:30 p.m., and authorize the Secretary to advertise the change. Motion carried unanimously.

Executive Session:

Mr. Waybright called for an Executive Session at 9:15 p.m. this date.

Meeting Reconvened:

Mr. Waybright reconvened the Supervisors' Meeting at 9:35 p.m. this date with the following in attendance: Supervisors Chantelau, Scott, Dayhoff, and Rhodes; Treasurer Robin Crushong; and Brenda Constable, Secretary. Others in attendance were: News Reporter Aaron Young; Harry Walker; Dorcas Shelly; Audrey Weiland; and Matt Sentz.

Mr. Davis noted that two issues were discussed during Executive Session:

- Acquisition of a real estate right
- Personnel issue

Adjournment:

Mr. Dayhoff moved, seconded by Mr. Chantelau, to adjourn the Supervisors' Meeting at 9:35 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary