

March 15, 2001

The Mt. Joy Township Supervisors held their regular monthly meeting on Thursday, March 15, 2001, at 7:30 PM in the Township municipal building located at 902 Hoffman Home Road, Gettysburg. All Supervisors, Dayhoff, Waybright, Chantelau, Rogers and Scott, were present. Also present were Township solicitor Walton V. Davis and Township secretary Bonnie L. Koontz.

The minutes of the February 12, 2001, workshop meeting were approved by motion of Chantelau, 2nd by Scott, carried unanimously.

The minutes of the February 15, 2001, regular meeting were approved by motion of Chantelau, 2nd by Waybright, carried unanimously.

Chairman Dayhoff had no statement; however, Supervisor Chantelau stated that the Evening Sun had published the population figures for Adams County for the 2000 census and that Mt. Joy Township had grown by 13.5% with the population being counted at 3,232. Chantelau feels that the Township is on target with its comprehensive plan.

Public Comments:

Ed Reichart - Attorney Ed Puhl, representing the Reicharts, said that they had come here tonight on advisory because Ed and Jim (Reichart) wanted to subdivide a farm and appeared before the Zoning Hearing Board. A variance was granted conditioned upon the driveway being 35' wide. A sketch was presented; they wanted to create a "flag" lot which is prohibited. It is not conducive to farming to run rows the other way; they only want to subdivide into two parcels to farm. Atty. Davis said that he had heard that the 35' "handle" was intended to stop future subdivision in the back lot. Atty. Puhl said that they would be willing to put in a note that there would be no further subdivision. Chantelau asked if this note could be for perpetuity. Davis responded, generally, no. Chantelau then asked why 35' – why not 10', is it because of farm equipment. It was discussed that 35' is the requirement for alleys and minor streets.

Louis Rice - Stated that on White Church Road/Solomon Road, an "Auto Sales" sign has been put up. As this is an agricultural, rural residential area, he feels this is no place for a used car lot. He further stated that (Gary) Defoe wrote to the Township and (then Zoning Officer) Jill Coleman responded, authorizing the use of the property. He questioned if the zoning officer has such authority. Atty. Davis said that in the case of this particular property, there was authorization by the zoning officer to use in compliance with the zoning ordinance. Rice asked if a zoning officer can change or amend the language of the zoning ordinance and was

answered "no". Rice asked if he was wrong in assuming the use of the property changed. Davis responded that if a use is not allowed by the zoning ordinance, the Zoning Hearing Board must hear a variance request. Rice feels that there seems to be a change, going against the ordinance. He spoke with members of the Zoning Hearing Board and was told they hadn't heard of this. Dayhoff said that he doesn't recall hearings scheduled. The use there is happening under the home occupation allowance of the rural residential district. Rice asked if the outside storage of cars was permitted and was answered "no". Then Rice asked if a paved area was permitted and was answered "maybe". Rice asked under what conditions. Dayhoff said that this matter will be referred to the Zoning Officer to look into any irregularities.

Rice then said that he has concerns with the list of things Defoe said he would do. He is concerned that if Defoe leaves the area, the property could be bought for and used for a used car lot. He would like to see the area kept rural. Dayhoff again stated that this matter will be referred to the Zoning Officer.

Sandy Lupo - Said that they (herself and Mr. Defoe) didn't go through a zoning variance hearing; they went over their intentions with the zoning officer. She questioned why a copy of their letter was made available to someone else. Atty. Davis replied that as this was a letter that sought official action, it was a public document for that reason. Lupo further stated that it is not their intention to have a car lot there. They are a wholesaler; they put up a sign and met the Township's requirements. In the future, every car they get will be under roof. They don't want the look of a car lot. The intent was always to blacktop the lower driveway; it is not their intent to ruin the neighborhood.

Jean Vice - As a neighbor of Defoe and Lupo, she feels they have their place fixed up very nice and feels their plans could be reasonable. There is a good neighbor relationship now; she would like to make sure it stays a home business.

Bill Himmelreich - Expressed concern that although it sounds good now, what if Defoe leaves and someone new comes in? What assurance is there that this won't be a car lot? He wants control exercised that things don't get out of hand; that's why the Township has zoning. Anyone can start a business, then find it lucrative to sell to someone else who may want to expand it. Dayhoff responded that new owner would have to come before the Zoning Hearing Board. Again, the Zoning Officer will look into the outdoor storage matter. Himmelreich asked where are the rules and regulations governing the zoning officer and was told that they are in the zoning ordinance, available at the Township office.

Louis Rice - Feels the letter has a lot of loop holes. A week ago there were 11 or 12 cars parked there. He questioned what will keep this from happening in the

future. Atty. Davis clarified that Rice may appeal to the Zoning Hearing Board if he feels there is non-compliance.

Mike Bollinger - Lives on Barlow-Two Taverns Road and wants to buy a piece of property from a neighbor. A sketch was presented and there was discussion of how the land would be connected. Atty. Davis said that a subdivision of Sally Alexander's property, if subdivided to an abutting piece of land, could be done, but could not have a separate deed. A house could be built upon passing the land development approval process, but the two could never be separated, winding up with land with two houses which would always have to be sold both at once. Rogers asked that if there were no requirements for an abutting piece of property, could the two be connected by a foot; he feels there should be a minimum requirement. Dayhoff suggested 35'. Following additional brief discussion, it was recommended that the connecting piece must be at least 35' at the narrowest point.

Jerry Maloney - Questioned the time the foregoing people were allowed to speak being under "Public Comments". It was explained that these people had requested time on the agenda in advance; others were also allowed to make comments.

Treasurer's Report - Approved by motion of Chantelau, 2nd by Rogers, carried unanimously.

Bills to be Paid for February and for March, to date, approved by motion of Waybright, 2nd by Chantelau, carried unanimously.

Subdivisions:

Sam Dayhoff - (Prior to discussion, Dayhoff presented a written, signed note abstaining from action and discussion, other than answering any questions normally asked of applicants in regard to this plan.) Following brief discussion, motion by Chantelau to approve the preliminary plan subject to comment #7 of Adams County Planning in regard to the agriculture disclaimer being put on the plan, 2nd by Rogers, motion carried, Dayhoff abstaining.

Joseph Genovese - Wants to subdivide a lot (#2) in Cumberland Township. Brief discussion included a comment that this is not creating a "land-locked" piece of property; it is creating an "island" as there is no access to the property (across Rock Creek). Motion by Waybright to table the plan, 2nd by Chantelau, carried unanimously.

Reports:

Road Report - Road Superintendent Anthony Graham requested permission to purchase the equipment listed on page two of the road report: Asphalt saw with water pump, self-propelled 18" plate compactor; Stomper, with 11" shoe and a Berming Machine. These items were put in the budget request for this year. It is felt that with the road widening and pipe work to be done, it makes sense to buy this equipment instead of renting it; will 'pay for itself'.

A concrete/asphalt saw is used to cut roads to replace pipe or to fix patches. Three quotes were obtained for this proposed purchase: Tri-boro, \$3,950.00; U. S. Municipal Supply, \$5800.00 and Finch Services, \$5950.00. Following brief discussion, motion by Scott, 2nd by Waybright, to purchase the saw from Tri-boro, carried unanimously.

Three quotes were also received for the proposed purchase of a stomper: Tri-boro, \$1575.00; U.S. Municipal, \$2541; and Finch Services, \$3200. Following brief discussion, motion by Waybright, 2nd by Scott to purchase the stomper from Tri-boro, carried unanimously.

In regard to the plate compactor, the three quotes were as follows: Tri-boro, \$1250.00; Finch Services, \$2300.00 and U. S. Municipal Supply, \$1825.00. There was brief discussion about warranties and service; Graham will check into this. Motion by Rogers, 2nd by Chantelau to purchase the compactor from Tri-boro, carried unanimously.

Regarding the berming machine, Graham explained the advantages to having a berming machine and briefly, how it works. Stephenson Equipment quoted \$6500; E. M. Kutz, \$6177; and U. S. Municipal, \$5355. Discussion included why/why not to put it on the new truck. The Township has been well satisfied with dealings with Stephenson Equipment in the past; motion by Dayhoff, 2nd by Scott, to buy the berming machine from Stephenson Equipment, carried unanimously.

Motion to accept the road report by Waybright, 2nd by Scott, carried unanimously.

Zoning Officer's Report - Noting the extensive detail, motion to accept the zoning officer's report by Waybright, 2nd by Scott, carried unanimously.

Personnel - Waybright reported that the Township is currently advertising for a Treasurer.

Finance - Rogers stated that there was nothing to report at this time. Dayhoff commented that he would like to have the members of the Finance Committee (Rogers and Chantelau) sign the checks in the future and verify the cash box.

Planning, Zoning and Land Use - Scott stated that there have been no major issues; work is being done on a proposal for sign(s) for Lake Heritage/Yingling complex; will have proposal at the next meeting.

Township Grounds/Mud College - Scott reported that plans are being made for an official dedication and a plaque in honor of the Crouse family to be held sometime in August. Dayhoff added that the Township is checking into upgrading the phone system with voice mailboxes for everyone, total of seven phones.

Roads - There is nothing further to report; roads were cleared during snows.

Public Safety - Waybright reported that a meeting is being scheduled with the fire chiefs to see what can be done to help fire companies. Rogers and Dayhoff attended Kingsdale's appreciation banquet where they enjoyed a good meal and presented a check from the Township in the amount of \$7500; the fire company was very appreciative.

Correspondence:

- White Run Regional Municipal Authority's meeting minutes 01/17/01.
- Gettysburg Area Recreation Board's meeting minutes 02/20/01.
- "Thank-you" letter from Alpha Fire Company #1, Inc. (Littlestown)

Announcements:

- There will be a Comprehensive Plan Committee meeting 03/19/01 at 7 PM.
- Jay (Little) and Sam (Dayhoff) will attend a "Growing Smarter" land use conference March 19 and 20, 2001.
- As previously mentioned, the Township is advertising for a Treasurer.

Old Business:

Rick Klein - Was present to thank the Board for the workshop meeting held on March 12 and to request a hearing date for the proposed Planned Golf Community ordinance. Following brief discussion it was decided to schedule a hearing for Wednesday, April 18 at 7:30 PM. Attorney White will advertise the hearing.

New Business:

Insurance Carrier - Dayhoff has talked with Hockley & O'Donnell Insurance Agency regarding the possibility of a change in insurance carriers and requested approval to change carriers if appropriate. Motion by Waybright top have the

committee upgrade insurance and change carriers as appropriate, 2nd by Scott, carried unanimously.

Auditors' Report - Marcia Brown reported that the auditors have made an examination and were able to verify expenditures, revenues and beginning and ending balances for 2000. The auditors offered to help the new treasurer if desired.

At this point the Supervisors and Township solicitor Walton V. Davis went into executive session. The meeting was recalled to order at approximately 9:23.

Davis stated that the executive session consisted of discussion among four Supervisors about a Township employee and also the potential violation of a developer.

Waybright stated that at this time there would be further discussion regarding the addition of a Township employee. It is the recommendation of the Personnel Committee to grant full-time status and benefits to Dayhoff. Motion to do so by Scott, 2nd by Rogers, carried, Dayhoff abstaining.

Rogers commented that the Township flag does not have a light shining on it. Dayhoff said the dusk-to-dawn light takes care of illuminating the flag, but also suggested talking to Scott of the Township Grounds Committee.

Motion to adjourn at 9:26 by Chantelau, 2nd by Scott, carried unanimously.

Respectfully submitted,

Bonnie L. Koontz
Secretary