

## Minutes of the December 10, 2002 Meeting

The meeting was called to order at 7:30 p.m. by Chairman Waybright. Present were all Supervisors, Ron Horton, Henry Heiser, Chief Sease, Carol Merryman, George Lambert, Mike Galassi, Leo Goulden, Rich Eckert, Bob Wagner, Dave Sites, Bob Sharrah, Drew Plunkert and reporters from THE GETTYSBURG TIMES and THE EVENING SUN. The meeting was tape recorded.

**The Minutes of the previous meeting were approved by motion of Mr. Gregor, seconded by Mr. Bowling and carried.**

Chief Sease presented a written and oral report of police activities for the month of November consisting of 142 complaints, 149 arrests and 16 incidents. He also reported that they ran a special speed detail on Herr's Ridge Road, Boyd's School Road and Taneytown Road.

Mr. Allen Musselman, representing the Land Conservancy of Adams County, spoke to the Board about a project they are starting called the Marsh Creek Watershed Project. The purpose of the project is to protect the public water supply and the Marsh Creek area was chosen because of the locations of public water supply wells. He explained that they will be seeking voluntary conservation easements from landowners with property along the creek. Funding for the project is coming from some of the fine proceeds from Westinghouse. Mr. Musselman offered to assist the Township with their preservation efforts.

Mr. Dave Sites presented a sketch plan for Deatrick Village on Fairfield Road. He reported that he will be getting his PennDOT Highway Occupancy Permit next week, which approves the upgrading of Fairfield Road to three lanes with turning lanes. The complex will consist of roughly twenty acres of multi-family dwellings, an apartment/condo building with security and along Fairfield Road, a medical building, convenience/service center and branch bank. There will also be additional office flex space. There will be approximately 127 to 147 residential units and 32, 000 to 40,000 sq. ft. of commercial office space. The water line has been upgraded and all other utilities will also be upgraded.

Mr. John Moody, representing Twin Lakes Partners, reported that a request was made for the release of financial security for the improvements at Twin Lakes West, Phase II. Mr. Horton responded to the request in a letter dated November 26, 2002 and approved the release of \$231,477.45. The total amount of the bond was \$303,219.95. Money was held for final paving, street signs, As-built drawings and Stormwater Management and Related Easements, in the amount of \$71,742.50. Mr. Moody indicated that they have a problem with what is being held for Stormwater Management and Related Easements in the amount of \$30,322.00. He indicated that the developers are willing to make the improvements with the stormwater management that the Township is requesting. They do not feel that this amount of money should be held in the financial security because these improvements were not part of the Final Plan approval, nor were the improvements included in the financial security amount. Mr. Horton asked that his letter be reviewed. He established that there is no question about the total amount of the bond being \$303,219.95 and that the amount included a 10% contingency. This 10%, in the amount of \$30,322.00, is what is being held for the additional stormwater improvements. He suggested that the Stormwater Management and Related Easements language be replaced with the word Contingency. Mr. Moody disagreed that it was not for Contingency. Mr. Heiser stated that, as he reads the Municipalities Planning Code (MPC), it does not make a difference whether the amount in question was part of the original subdivision approval or not. The question is whether these improvements are required by the Subdivision and Land Development Ordinance (SALDO) and they are. Mr. Heiser read section 511 of the MPC and it states that you can look to the financial security for improvements that are part of the plan and/or are required by the SALDO. Mr. Heiser added that the requirements are in Section 504 of the Township's SALDO. The MPC also allows the Township to retain 10% of the financial security to deal with issues that do come up after approval. Mr. Moody asked if the Township reviewed the stormwater management before final approval. Mr. Horton

stated that it was reviewed, but the level of detail on the plan is mediocre at best and the issues came as the plan came to life. Mr. Horton stated again that he is going to recommend that the same amount be held, no matter what it is being called. Mr. Moody asked what the Township wants the developer to do. Mr. Horton stated that there is some grading that has to be done and some easements that need to be dedicated to the Township or Homeowner's Association. These easements should be included in the Deed of Dedication for the streets. Mr. Heiser suggested that Bob Sharrah get with Mr. Horton about what needs to be done. Mr. Moody asked if the Township can ask for these drainage easements after the property has been transferred to a new owner. Mr. Heiser stated that the owner, Mr. Ward, is willing to cooperate. Mr. Norman Ray, Mr. Ward's representative stated that the plat that was signed by Mr. Ward and J.A. Myers has to be re-recorded with the drainage easements on the plat, and they are willing to do that. Mr. Sharrah agreed that should be done and then it would become part of the public record in the Courthouse. Mr. Heiser also agreed that it was appropriate to re-record the plat with the drainage easements shown and a note regarding same. **Mr. Gregor made a motion to approve the release of financial security to J.A. Myers for Twin Lakes West, Phase II, in the amount of \$231,477.45, seconded by Mr. Shealer and carried.**

The next item on the agenda was adoption of the 2003 budget, in the amount of \$1,508,834.00. Mr. Gregor reported that the budget has been available for public inspection for over thirty days and is presented this evening for final adoption. He did note that there was a \$1,632.00 correction to the expenditures that was a double entry. The budget is approximately 2% less than last year's budget and the taxes remain unchanged. **Mr. Shealer made a motion to approve the 2003 budget as presented with the \$1,632.00 correction, seconded by Mr. Gregor.** Mr. Bowling stated that he opposed the tentative budget because he feels that there are some increases in it that are very out of line. **The motion carried with Mr. Bowling voting no.**

**Mr. Weikert made a motion, seconded by Mr. Bowling and carried to adopt the following 2003 Tax Resolutions.**

### **2003 TAX RESOLUTIONS**

**BE IT RESOLVED THAT** the Per Capita Resolution of 1953 be re-enacted for 2003 without change. The tax rate is \$5.00. 2% at discount, 5% at par and 10% at penalty.

**BE IT RESOLVED THAT** the Admission Tax Ordinance of 1978, amended, continue without change in 2003. The rate is 10% (Township shares with Gettysburg Area School District 5%).

**BE IT RESOLVED THAT** the Tax Millage for 2003 be set at 0.17 mills for Real Estate. No change for 2003.

**BE IT RESOLVED THAT** The Earned Income Tax Resolution of 1978 be re-enacted for 2003 without change. The tax rate is 1% (Township shares with Gettysburg Area School District 1/2%).

**BE IT RESOLVED THAT** the Realty Transfer Tax Resolution of 1995 be re-enacted for 2003 without change. The tax rate is 1% (Township shares with Gettysburg Area School District 1/2%).

**BE IT RESOLVED THAT** the Occupation Privilege Tax Ordinance of 2002 be re-enacted for 2003 without change. The tax rate is \$10.00 (Township shares with Gettysburg Area School District \$5.00).

Mr. Horton reported that action is needed on the Multi-Municipal bids for trash collection. There were two bidders, Waste Management and IESI, and IESI did not provide a bid bond. The group felt that the lack of the bond made IESI's bid incomplete. He added that there were four different groups identified and Cumberland Township was part of Group 2 that had Christmas tree pick-up. Mr. Horton stated that we could be part of Group 1, without tree pick-up, since the Township does pick-up trees and mulch them. The Township's current

contract does expire at the end of the year. Mr. Horton emphasized that it is not mandatory to use Waste Management and residents can explore other options if they want to. The cost for Group 1 is \$132.00 per year for weekly pick-up which includes one large item. The cost for recycling is \$48.00 per year. The price guarantee is good for three years. **Mr. Weikert made a motion to approve the contract with Waste Management , Group 1, seconded by Mr. Bowling and carried.**

Mr. Horton reported that he has met with three groups that prepare codification of Township ordinances and he has three price quotes that all differ. He recommended that the Supervisors review the proposals at their next work group meeting. **Mr. Weikert made a motion to table for further study, seconded by Mr. Shealer and carried.**

The next item on the agenda was an application for Conditional Use approval from the Gettysburg Anniversary Committee's for their 140<sup>th</sup> Civil War Reenactment on the Dave Redding farm. Chairman Waybright reported that a public hearing was held on November 11, 2002 and the transcript from that hearing has been received. He added that a letter from Mr. Bower indicates that Conditional Use approval is needed prior to approval as a Special Event. He also indicated that he feels that the Special Event permit is complete except for signatures on an application, which we now have received. Mr. Dave James also pointed out that an application for the special event permit has been submitted and he would like that to be part of the record. He asked if the Special Event application needed to go before the Township's Planning Commission for their review. Mr. Heiser stated that he will look at the Ordinance with Mr. James. **Mr. Gregor made a motion to approve the Conditional Use application for the Gettysburg Anniversary Committee's 140<sup>th</sup> Reenactment on the Redding farm, seconded by Mr. Weikert and carried.**

A Final Plan for Adams Electric Cooperative was the next item on the agenda. The plan conveys Parcel A, consisting of 1.235 acres, to Walter E. Toddes, Jr. This parcel will eventually be part of the Patriot's Choice subdivision. Mr. Sharrah showed the Supervisors where this parcel is located on the Patriot's Choice plan. **Mr. Shealer made a motion to approve the Final Plan and Form B Request for Non-Building Waiver, seconded by Mr. Weikert and carried.**

Shirley and Bobby Rohrbaugh presented a Final Plan for her property on Red Rock Road. The plan proposes the subdivision of Lot 2, consisting of 19.092 acres, and Lot 3, consisting of 1.732 acres. Lot 3 is being added to Tract 2, to make it 10 acres, so that it can be enrolled in the Clean and Green Program. Lot 2 (wooded area) is being removed from the remainder tract, Lot 1, to make Lot 1 more desirable for the County's Ag Land Preservation Program. **Mr. Shealer made a motion to approve the Final Plan and Form B Request for Non-Building Waiver, seconded by Mr. Weikert and carried.**

Mr. Heiser presented Resolution 02-15, Cumberland Township's Open Records Policy. He stated that Act 100 of 2002 revised the law and requires the Township to have a written policy in effect by December 26, 2002. The policy spells out who to contact, a list of fees and so forth. He added that PSATS did provide a sample Resolution and he set it forth with a few changes. He added the right for the Township to charge a \$1.00 minimum charge and added a sentence clarifying that no documents (other than approved copies) shall be removed from the Township Municipal Building without specific written authorization. Mr. Horton stated that the Resolution provides for the cost of a disk being \$1.00 and he feels that is not enough and should be \$5.00. The Township could not use someone's personal disk because it could contain a virus. **Mr. Gregor made a motion to adopt the Resolution 02-15, amending the \$1.00 for a disk to \$5.00 for a disk, seconded by Mr. Weikert and carried.** Mr. Heiser added that the Resolution needs to be posted somewhere in the building.

Mrs. Merryman presented a letter to Principal Financial Group requesting changes to the Police Pension Plan as required by Act 30 of 2002. The changes include the disability benefit being changed to not less than 50% of salary at the time of disability, offset by social security benefits, a pre-retirement death benefit payable to the

survivor in the amount of 100% of salary at the time of death, if the surviving spouse dies then a child or children will become the survivor(s) until they reach age 18 or 23 if attending college and removing the requirement that in order to eliminate officer contributions, the plan must be actuarially sound. **Mr. Shealer made a motion to approve the request to Principal for revisions to the Police Pension Plan as required by Act 30, seconded by Mr. Bowling and carried.** Mr. Gregor verified with Mr. Heiser that this law does override what is currently in the Police Contract. Mr. Heiser suggested that some of the risk could be covered by insurance. The Board did get prices for this insurance and it was very expensive.

**Chairman Waybright adjourned the regular meeting at 9:20 p.m. for an Executive Session to discuss a legal matter.**

**Chairman Waybright reconvened the meeting at 9:45 p.m.**

The Manager/Engineer's Report was reviewed. Mr. Shealer asked Mr. Horton how the Act 537 Greenmount Study was proceeding. Mr. Horton reported that he has gotten with County Mapping and has gotten a database of all of the property owners in the study area and, he will be getting information out to the residents in that area in the newsletter that is going to be going out in January. Mr. Shealer pointed out that there is a time limit in the Boyds agreement. Mr. Horton stated that he feels that we still have plenty of time and he will be able to do the study in-house as planned. Mr. Horton also mentioned that he has requested articles for the newsletter from department heads and he would like input from all of the Supervisors.

The Assistant Secretary's report was reviewed. Mrs. Merryman also reported that she has received a request from DCED for 2001 budget figures for the Police Department for the regionalization study. The Board agreed that Mrs. Merryman and Chief Sease should work together on getting this information back to DCED. Mrs. Merryman also asked the Supervisors what they wished to do about the bill from McCormick, Taylor and Associates, Inc. for Zoning Ordinance Amendments in the amount of \$19,653.69. The original contract was for \$20,000.00 and the Township has already paid approximately \$6,000.00. The bill indicates that the cost may be as high as \$13,000.00 over the original contract. Mr. Gregor reported that he compared the bill to the original contract and everything falls in line except for Tasks Z11 and Z12. Task Z11 is for Mr. Bucovetsky's time spent on the Agricultural District and Z12 is for the completion of the ordinance. The Board asked Mrs. Merryman to get an itemized bill from Mr. Bucovetsky for Task Z11 and Z12 before this bill is paid. Mrs. Merryman also presented the bill from PSATS for the 2003 dues, Township News and other optional services. The Board felt that the optional services were not needed. Mr. Horton reported that he is circulating a package from the Adams County Earned Income Tax Collection Agency regarding new Rules and Regulations and something is required to be signed by the end of the year. Mr. Gregor suggested that Mr. Horton speak to Mr. Heiser about it.

Mr. Gregor reported that there will be a Zoning Update Committee meeting tomorrow night, weather permitting. The committee is currently working on the Zoning map and hope to schedule the first public hearing early in 2003.

Chairman Waybright reported that he attended Mt. Joy Township's Agricultural Land Preservation meeting last night. Their committee has spent about a year working on this and they are ready to start buying easements. The applicants must be in the County's program. The program will be funded through their General Fund and they have been budgeting for this program. He stated that it is a good program and Cumberland could implement something similar, with a few minor modifications. Mr. Weikert stated that Cumberland hit a stumbling block with their Agricultural zoning. He feels that the Supervisors need to take a stand and set the direction for the Ag Land Preservation. Mr. Gregor stated that he feels education on preservation needs to take place, separate from the Zoning update hearing. The information gathered from the public in regards to the land preservation could then steer the Zoning Update Committee. Mr. Weikert will be getting an article

together for the newsletter to start the public education and a meeting is being planned for early in 2003.

The bills were paid. Expenditures for this meeting totaled \$43,304.16 from the General Fund.

There being no further business, the meeting was adjourned at 10:50 p.m. by motion of Mr. Weikert, seconded by Mr. Gregor and carried.

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Carol A. Merryman, Asst. Secretary

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