

Minutes of the April 24, 2007 Meeting

The regular meeting was called to order at 7:30 p.m. by Chairman Gregor. Present were Supervisors Waybright, Weikert and Underwood; Carol Merryman, Tim Knoebel, Chief Boehs, Mike Galassi, Bob Sharrah, Marty Hill, Jim Piet, Steve Bisbee, Mark Reed and Meg Bernhardt from the Evening Sun. Mrs. Ford and Mr. Shealer were on vacation. The meeting was tape-recorded.

Mrs. Underwood made a motion to approve the Minutes of the April 10, 2007 meeting, as presented, seconded by Mr. Weikert and carried.

Mr. Shealer made a motion to approve the bills list, in the amount of \$42,062.83, from the General Fund. The motion was seconded by Mrs. Underwood and carried.

Mr. Dave Maring, Barlow VFC Fire Chief, presented revised box alarm cards for the Board's approval. He explained the changes that had been made to the cards and also reported that they are challenging the ISO rating at "The Links" and that may also benefit Cumberland Township. Mr. Waybright asked if Emmitsburg's ambulance could be the first due to the southern portion of the township and Mr. Maring will check on this since Emmitsburg is in Maryland. The box alarm card review form was signed by the Board.

There was no old business.

The first item of new business was The Crossings Preliminary Plan. The plan proposes 97 residential lots, four open space lots and one GMA lot on the south side of Old Mill Road in the Residential district. Mr. Knoebel reported that the Planning Commission has recommended that the plan be approved by the Supervisors subject to the comments contained in the March 8, 2007 engineer's report. Mr. Knoebel added that the comments deal mainly with outside agency approvals and there are a couple of waiver requests. He also reported that the developer had engaged some third-party engineering firms to review the project in regards to providing information to the Federal Aviation Administration (FAA). Mr. Knoebel made an additional comment suggesting that an advisory note be placed on the plan placing prospective homeowners on notice that the lots are in close proximity to an airport. Chairman Gregor invited the representatives from the airport to comment on the plan. The representatives were Timothy Edwards, Executive Director for SARAA, David Spaulding, Deputy Director and Brian Gephart from PennDOT Bureau of Aviation. Mr. Edwards stated that they were present to formally object to the subdivision proposal and they had also expressed their objections to the Planning Commission. The four points they are objecting on are: public safety, Runway Protection Zone (RPZ), FAA Obstruction Standards and Airport Noise and these four points were discussed at length. Mr. Steve Bisbee, S & A Homes and Mr. Mark Reed, Penn Terra Engineering, Inc. spoke to the determinations made by the FAA and pointed out that the determinations were made under the proposed Master Plan for the airport, not under the existing conditions. He added that the sub-consultants reviewed the determinations under the present conditions of the airport and the hazards are not apparent, they are based on future conditions and there is no preliminary plan submitted to the township for these improvements to the airport at this time. The airport representatives were noncommittal regarding the exact improvements proposed for the airport. They did acknowledge that they are limited due to the size of the airport, but did expect some incremental growth. It was clarified that there are four or five lots in question on this particular plan and the remaining lots in question are on future S & A plans. There was discussion regarding the RPZ that was used on the plan and Mr. Edwards stated that it would change based on the master plans. Mr. Reed stated that a master plan is not a binding plan according to the MPC. Mr. Edwards concluded by stating that there are obvious safety concerns whether the lots are located in the RPZ or not. Mr. Bisbee stated that S & A Homes shares the concerns about public safety and they will comply with all regulations and

procedures set forth by any authority, including the township. He added that he is in a difficult position to direct and pay for a study based on a plan that does not necessarily exist and it is his job to ensure that they are in compliance with all existing rules and regulations. He stated that the FAA has made a ruling based on what the RPZ might be, but he can only work with what currently exists. Mr. Spaulding suggested that the Supervisors wait until the re-review comes back from the FAA. Mr. Bisbee stated that they have independent studies and the bulk of the lots in questions are on another plan and would like to see this plan move forward. Mr. Edwards stated that the FAA has no enforcement capabilities, but in the event there was an accident or injuries, the FAA's objections to the lots in question would exonerate them from any liability and the liability would fall on those who approved the plan. Mr. Knoebel suggested that if approval is given, it be with the condition that all comments from his letter dated March 8, 2007 be addressed including the condition that they must demonstrate compliance with the FAA and it is his understanding that the FAA is currently reviewing documentation that was provided to them and will come back with recommendations resulting from that review. He added that if the recommendations require changes to be made to the plan, then the changes become a condition of the plan approval. **Mr. Weikert made a motion to request an extension of 90 days from the developer, to allow time to receive the FAA study comments seconded by Mr. Waybright.** Mr. Bisbee asked how this will legally work. Mr. Knoebel determined that the plan has until May 10, 2007 to be acted upon so action can be taken at the May 8, 2007 meeting and this motion is putting the developer on notice that the Board would like them to request an extension. **The motion carried.**

The next item of business was final approval of Cumberland Village, Phase 1C, consisting of 69 building lots (63 single-family detached, 6 duplexes and 4 homeowner's association lots). The development is located on Herr's Ridge Road in the Residential district. Mr. Knoebel reported that they concur with their financial security estimate of \$1,167,372.80, the plan is complete, a resolution for final approval has been prepared and it does include some waivers that were also previously approved on the preliminary plan and the final plan for Phase 1A and 1B. **Mr. Waybright made a motion to grant a waiver of Section 401.4.D: Development within fifty (50) feet of a wetland or waterbody seconded by Mr. Weikert and carried.** **Mrs. Underwood made a motion to grant waiver of Section 402.2.A: To allow street widths of 28 feet seconded by Mr. Waybright and carried.** **Mr. Waybright made a motion to grant waiver to Section 402.7.C: To allow slopes greater than 4% in the approach to intersections seconded by Mrs. Underwood and carried.** **Mr. Weikert made a motion to grant a waiver of Section 504.3.A.5: To waive the requirements for inlets to be designed to create a 1" sump condition below the finished road surface seconded by Mrs. Underwood and carried.** **Mr. Weikert made a motion to grant a waiver of Section 504.3.A.10: To allow the use of smooth-line corrugated polyethylene pipe (SLCPP) for storm drains and Type IV Bedding (12" aggregate cover) for SLCPP seconded by Mrs. Underwood and carried.** **Mrs. Underwood made a motion to grant a waiver to Section 504.3.C.a.1 and 2: To manage run-off on a storm by storm basis seconded by Mr. Waybright and carried.** **Mr. Waybright made a motion to grant a waiver of Section 504.3.C.13: To allow detention basins to have less than 1% minimum bottom slopes seconded by Mr. Weikert and carried.** **Mr. Waybright made a motion to adopt Resolution 07-12 for Final Plan Approval for Cumberland Village, Phase IC with waivers as approved and conditions as noted seconded by Mrs. Underwood and carried.**

Mr. Knoebel reported that the S & A Custom Built Homes Lot-Addition Subdivision Plan proposes the addition of a 1.436 acre parcel (Lot 2) from the Deatrick Village development to the adjoining developed property owned by Realty Leasing and Management Co. Lot 2 is part of the previously approved Deatrick Village Land Development Plan and contains the Stormwater Detention Basin for that development. It is proposed that the Deatrick Village Condominium shall retain the responsibility of maintenance and operation of the facility and this has been verified in the condominium declarations. The parcel is located in the Mixed Use district. **Mr. Weikert made a motion to approve the Non-Building Waiver for sewage planning seconded by Mr. Waybright and carried.** **Mr. Weikert also made a motion to**

adopt Resolution 07-13 for Final Plan Approval for S & A Custom Built Homes, Inc. Final Lot-Addition Subdivision Plan seconded by Mrs. Underwood and carried.

Mr. Knoebel reported that the township received a request for final bond reduction from S & S RV Sales and Service Center on a plan that goes back to 1999, in the amount of \$9,355.00. He added that an inspection was performed and they are recommending that the financial security be released. **Mr. Weikert made a motion to release the remaining financial security for S & S RV Sales and Service Center, in the amount of \$9,355.00 seconded by Mrs. Underwood and carried.**

Mr. Waybright made a motion seconded by Mr. Weikert and carried to approve a request from William F. Hill and Associates, on behalf of the Adams County Christian Academy for a ninety-day extension for approval of their Land Development Plan. Approval is now needed by August 5, 2007.

Mrs. Underwood made a motion seconded by Mr. Weikert and carried to approve a request from Sharrah Design Group, Inc., on behalf of Graphcom, Inc., to extend the review period for approval of their Land Development Plan until August 1, 2007.

Mrs. Underwood made a motion, seconded by Mr. Weikert and carried to approve a request from Lake Roeder Hillard and Associates, on behalf of Links at Gettysburg Land Company, Inc. for a thirty-day time extension for the review period for approval of their Land Development Plan "Cumberland Crossings". Approval is now needed by June 7, 2007.

A Public Hearing for an application for a Liquor License Transfer from Suzel, Inc. (formerly The Schoolhouse) to C.L. Hankey, LLC doing business as The Pike Restaurant and Lounge was scheduled for May 22, 2007 at 7:00 p.m. by motion of Mrs. Underwood seconded by Mr. Waybright and carried.

Chairman Gregor explained that the next item on the agenda deals with something that almost all municipalities in Adams County are dealing with being the underpayment or overpayment (approximately \$78,000.00 overpaid in Cumberland's case) of earned income taxes by Adams County Earned Income Tax Collection Agency. **Mr. Weikert made a motion seconded by Mrs. Underwood and carried to have the difference owed to York Adams Tax Bureau resolved in three equal payments, to be made at the May 2007 distribution, the May 2008 distribution, and the final payment to occur no later than December 31, 2009.** Mr. Gregor also reported that the Board and the Manager has investigated an alternative to paying this money back, but it would cost more to investigate why the money was overpaid than to just pay the money back.

Chairman Gregor reported that a request has been received from Realty Leasing and Management for the final release of their financial security for improvements to Deatrck Drive in the amount of \$10,000.00. Mr. Knoebel reported that an inspection was done in December of last year and there were some items that still needed to be addressed and Mr. Shealer has verified that those items have now been completed. **Mr. Weikert made a motion to approve the release of \$10,000.00 from the escrow account for Deatrck Drive seconded by Mr. Waybright and carried.**

Chairman Gregor also reported that the township has a proposal from Cornerstone Architectural Group, LLC dealing with the Board's proposed plan to move the maintenance building from its current location within the township building to a location on the south side of the property. The proposal is for designing a plan to be used for the bidding process. The fee for this design process is \$7,500.00. **Mr. Weikert made a motion to accept the proposal to provide architectural design feasibility study services from Cornerstone Architectural Group, LLC in the amount of \$7,500.00 seconded by Mr. Waybright and carried.**

Chairman Gregor reported that there are three Certificates of Appropriateness on the agenda for approval and all three have been reviewed and approved by HARB. **Mr. Weikert made a motion to approve the application from James Hessler for a second floor addition seconded by Mr. Waybright and carried. Mrs. Underwood made a motion to approve the application from Calvin McDannell for an attached garage seconded by Mr. Weikert and carried. Mr. Waybright made a motion seconded by Mrs. Underwood and carried to approve the application from Dale Dickey for a new dwelling.**

Mrs. Underwood thanked Meg Bernhardt, from the Evening Sun, for her professionalism that she has shown to the Board and wished her well in her new job with the Frederick News Post.

At 9:00 p.m., Chairman Gregor adjourned the regular meeting for an Executive Session to discuss a personnel issue.

At 9:22 p.m., Chairman Gregor reconvened the meeting.

Being no further business, the meeting was adjourned at 9:23 p.m. by motion of Mr. Weikert, seconded by Mr. Waybright and carried.

Carol A. Merryman, Asst. Secretary

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