

Minutes of the August 26, 2008 Meeting

The regular meeting was called to order at 7:30 p.m. by Chairman Gregor. Present were all Supervisors; Flo Ford, Tom Campbell, Carol Merryman, Chief Boehs, Tim Knoebel, Donald and Linda Yingling, Eric Vranich, George Scott, Mike Galassi, Elizabeth Magner, Erin James from The Evening Sun and Scot Pitzer from the Gettysburg Times.

As advertised, Solicitor Campbell reported that the Township must update its Realty Transfer Tax Ordinance to be in compliance with the State statute as follows:

ORDINANCE 08-124

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, WITH RESPECT TO THE ADOPTION, ENACTMENT, ORDINATION, LEVY, COLLECTION AND ADMINISTRATION OF A REALTY TRANSFER TAX AND OTHER TAX RELATED PROVISIONS PURSUANT TO ARTICLE XI-D OF THE TAX REFORM CODE OF 1971 (72 P.S. §8101.-D), AND AUTHORIZING THE DEPARTMENT OF REVENUE OF THE COMMONWEALTH OF PENNSYLVANIA TO DETERMINE, COLLECT AND ENFORCE THE TAX, INTEREST AND PENALTIES.

Mrs. Underwood made a motion to adopt Ordinance 08-124 amending the Realty Transfer Tax Ordinance seconded by Mr. Shealer. A roll call vote was taken with Mrs. Underwood voting in favor, Mrs. Golden in favor, Chairman Gregor in favor, Mr. Waybright in favor and Mr. Shealer in favor. The motion carried.

Mrs. Golden made a motion to approve the Minutes of the July 22, 2008 meeting, as written, seconded by Mrs. Underwood and carried.

Mr. Waybright made a motion to approve the bills list in the amount of \$132,902.50 from the General Fund seconded by Mr. Shealer and carried.

Mr. George Scott asked for a progress report on the proposed changes to the VMX Zoning District. Mrs. Ford reported that the Board will meet on those changes within the next month and advertise for a public hearing on the changes shortly thereafter.

Chief Boehs presented a written and oral report of police activities for the month of July including: 516 complaints, 135 traffic stops, 117 combined arrests and 8910 patrol miles. He added that they assisted other departments 16 times and were assisted 11 times. Mrs. Golden extended her appreciation to the Police Department for their good work apprehending the person(s) responsible for the rash of recent break-ins and the return of much of the stolen property (herself being a victim of these crimes.)

There was no Old Business on the agenda.

Solicitor Campbell reported that Summit Partners LLC received final plan approval of their development known as Cambridge Crossings and then decided to seek approval of the development in phases which the township agreed to. Summit Partners also has final approval of Phase 1. A Memorandum of Clarification has been prepared for recording to clarify Phases 2 and 3. The memorandum states that Summit Partners, LLC, their heirs, successors and/or assigns agree that Phases 2 and 3 shall be treated as having preliminary plan approval and that before they develop and/or sell out of future phases, they shall submit a final plan for any subsequent

phase provided they comply with the conditions stated in the preliminary plan approval. The memorandum also states that the township shall not impose any additional conditions or restrictions on the future phases other than required bonding and enforce any now existing conditions that were made apart of the final plan approval of the entire tract. **Mr. Shealer made a motion to accept the Memorandum of Clarification for Summit Partners LLC seconded by Mr. Waybright and carried.**

Mrs. Golden made a motion to accept Rodney Yingling's request to withdraw his plans for a two-lot subdivision seconded by Mrs. Underwood and carried.

Mr. Knoebel reported that a Final Subdivision/Land Development Plan has been submitted by D & L Enterprises, the Planning Commission has recommended approval of the plan and a Resolution has been prepared. He added that the plan proposes the subdivision of a 10.85 acre tract into 3 lots; two residential and one commercial; one residential lot is currently improved with a single family dwelling and the second lot is improved with seven (7) residential rental units. The remaining lot is proposed to be developed with 3 mini storage units and associated outdoor parking and aisle drive areas. The site is located off of Taneytown Road near the intersection of Rt. 15 in the VMX zoning district. He also reported that Solicitor Campbell has approved the Declaration of Easement (condition 3.d of the Resolution.) **Mr. Waybright made a motion to adopt Resolution 08-13 Final Plan Approval for D & L Enterprises and the Non-Building Waiver seconded by Mrs. Underwood and carried.**

Mr. Knoebel also reported that the Seventh Day Adventist Church has submitted a land development plan that proposes the addition of a 3,040 sq. ft. multi-purpose room to the existing church located on Biglerville Road in the MX zoning district. He added that the plan has Planning Commission approval and a Resolution has been prepared. He stated that the church is requesting relief from paying the township's recreation fee since there are recreation facilities located on the property. Mr. George Scott, representing the church, stated that after reading the resolution he realized that they should have also requested relief from paying the township's traffic impact fees because they are not adding any new seats to the sanctuary. He also noted that he is not sure if he can sign the resolution on behalf of the church and would need some time to check on that. Solicitor Campbell also needs some time to review the Traffic Impact Fee Ordinance regarding the request to waive those fees. **Mrs. Golden made a motion to grant the waiver to Section 415.B requiring the payment of recreation fees seconded by Mrs. Underwood and carried. Mr. Waybright made a motion to table action on the Resolution until the September meeting seconded by Mr. Shealer and carried.**

Mr. Shealer made a motion seconded by Mrs. Golden and carried to approve a Sewage Planning Exemption for Misty Ridge, for 133 single-family detached dwellings on Biglerville Road. The EDUs have been approved by Cumberland Township Authority and the township has a letter from them in that regard.

The township has received four requests for bond reductions and Mr. Knoebel spoke to those requests.

The first request comes from Cambridge Crossings and this is their fifth request for bond reduction. Mr. Knoebel reported that he has prepared a memo dated August 21, 2008 that recommends that the request be denied and he explained the reason why. He stated that the request is basically for the same paving that was denied in their fourth request and although the developer has provided a Job Mix Formula Report and a letter from the supplier stating that the paving material meets PennDOT requirements the mix design is dated roughly eighteen months ago so based on the information provided Mr. Knoebel cannot verify or certify to the township that the material complies with the Township specifications. Mr. Knoebel suggested sending a letter to the developer immediately denying the request and recommending that they consider having the material tested by an independent testing firm. **Mr. Shealer made a motion to deny request #5 from Cambridge Crossings and suggest that the developer have an independent testing firm do core samples to certify that the materials used do meet PennDOT specifications seconded by Mrs. Golden and carried.**

The second request comes from Cumberland Village, Phase 1B, and is their requisition #2. Mr. Knoebel explained that his memo dated August 26, 2008 recommends that the minimum amount of surety to be retained is \$161,343.60 which leaves a reduction in bonding of \$37,738.80. **Mr. Shealer made a motion to approve a bond reduction for Cumberland Village, Phase 1B, in the amount of \$37,738.80, retaining \$161,343.60 seconded by Mrs. Golden and carried.**

The third request comes from Joseph Tripi for a reduction in the security being held for his private road in his small subdivision on Pumping Station Road. Mr. Knoebel reported that he has prepared a memo dated August 21, 2008 which recommends that \$5,446.00 be retained which leaves a reduction of 4,637.00 from the total \$10,083.00 being held. **Mrs. Golden made a motion to release \$4,637.00 and retain \$5,446.00 of the Tripi financial security seconded by Mrs. Underwood and carried.**

The last request is from Jayjyoti Corporation Comfort Suites #553 and Mr. Knoebel reported that he has prepared a memo dated August 21, 2008 that recommends that \$205,598.00 be retained which leaves a reduction in the amount of \$38,456.80. **Mr. Waybright made a motion to release \$38,456.80, retaining \$205,598.00, seconded by Mrs. Underwood and carried.**

Mr. Shealer made a motion to grant a request for extension from Sharrah Design Group Inc., on behalf of Wayne and Susan Hill for a two-lot subdivision (former Rudisill property) until December 1, 2008, seconded by Mr. Waybright and carried.

Mrs. Underwood made a motion to grant a request for extension from Sharrah Design Group Inc., on behalf of Wayne and Susan Hill for the Preserve at Plum Run revised Final Plans until December 1, 2008, seconded by Mrs. Golden and carried.

Mrs. Underwood made a motion to approve a 2008 Municipal Box Alarm Card Review Form for Gettysburg Fire Department seconded by Mr. Waybright and carried.

Mr. Waybright made a motion to approve a Certificate of Appropriateness for John Addison for an addition to his existing home located at 49 Laura Lane seconded by Mrs. Underwood and carried. HARB has also approved the application.

The Zoning Officer and Assistant Secretary's reports were reviewed.

At 8:10 p.m., Chairman Gregor adjourned the meeting for an Executive Session to discuss a legal matter.

At 8:40 p.m., Chairman Gregor reconvened the meeting.

Being no further business, the meeting was adjourned at 8:40 p.m. by motion of Mr. Shealer, seconded by Mrs. Golden and carried.

Carol A. Merryman, Asst. Secretary

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