

Minutes of the January 22, 2008 Meeting

The regular meeting was called to order at 7:00 p.m. by Chairman Gregor. Present were all Supervisors; Flo Ford, Carol Merryman, Tom Campbell-Solicitor, Tim Knoebel, Mike Galassi, Carl and Jeanette Athey, Joe and Sue Kessler and Erin James from the Evening Sun. The meeting was tape-recorded.

Mr. Waybright made a motion to approve the Minutes of the December 27, 2007 Special Meeting seconded by Mrs. Golden and carried.

Mrs. Underwood made a motion to approve the Minutes of the January 7, 2008 Reorganization Meeting seconded by Mrs. Golden and carried.

Mr. Shealer made a motion to approve the Minutes of the January 8, 2008 meeting seconded by Mrs. Underwood and carried.

Mr. Shealer made a motion to approve the bills list, in the amount of \$59,197.89 from the General Fund, seconded by Mrs. Underwood and carried.

No visitors addressed the Board.

Chairman Gregor reported that the first item on the agenda was action on Ordinance 08-119 approving and adopting a Franchise Agreement with Comcast. Mrs. Ford reported that the Township will be receiving a franchise fee of 5% on gross revenues, an \$8,500.00 grant which will go to ACTV and the term of the agreement is ten years. **Mrs. Golden made a motion to adopt Ordinance 08-119.**

ORDINANCE 08-119

ORDINANCE OF CUMBERLAND TOWNSHIP AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE TOWNSHIP AND COMCAST OF COLORADO/PENNSYLVANIA/WEST VIRGINIA, LLC

The motion was seconded by Mrs. Underwood and a roll call vote was taken: Mrs. Underwood voted in favor, Mrs. Golden voted in favor, Chairman Gregor voted in favor, Mr. Waybright voted in favor and Mr. Shealer voted in favor. The motion carried.

Mr. Shealer made a motion to approve a bond reduction for Patriot's Choice, Phase II, in the amount of \$243,986.16, leaving a balance of \$449,046.72, as recommended by the township's engineer, seconded by Mrs. Underwood and carried.

Mrs. Underwood made a motion to approve a bond reduction for Cumberland Village, Phase 1A, in the amount of \$257,462.70, leaving a balance of \$678,023.50, as recommend by the township's engineer, seconded by Mr. Waybright and carried.

Mr. Waybright made a motion to approve a bond reduction for Cumberland Village, Phase 1C, in the amount of \$65,650.00, leaving a balance of \$948,565.20, as recommended by the township's engineer, seconded by Mrs. Golden and carried.

Mr. Shealer made a motion to approve a final bond reduction for Herff Jones building addition in the amount of \$4,000.00 seconded by Mr. Waybright and carried.

Mr. Knoebel reported that the township has received two requests for bond reductions from Cambridge Crossings, which is located along Boyd's School Road and Table Rock Road. He added that they have determined that the township does not have enough bonding secured for this project at this point and a meeting has been held with the developer's representative. He stated that they anticipate that they will be addressing the situation through the submission of an amended plan; however, action is needed on the two requests and his recommendation would be to deny both requests and to direct the developer to reconcile the bond amount and provide a corrected amount no later than February 15, 2008 so that it can be reviewed and discussed prior to the meeting. He also recommended that the township follow-up quickly with a letter letting the developer know that the requests have been denied and attaching a copy of his letter dated January 21, 2008. **Mrs. Golden made a motion to deny the requests (requisition #1 and #2) from Cambridge Crossings for bond reduction and require the developer to reconcile this matter and present a corrected bond, in the amount stated by the township's engineer, no later than February 15, 2008 seconded by Mrs. Underwood and carried.**

Mr. Knoebel reported that the Joe and Sue Kessler Plan creates one new building lot on Swetland Road. He added that the Sewage Planning Module was approved by the Board and subsequently has been approved by PADEP. **Mr. Waybright made a motion to approve Resolution 08-03 Final Plan Approval for Joe and Sue Kessler seconded by Mr. Shealer and carried.**

Mr. Knoebel also reported that he has discussed the Edward Baranski Preliminary Plan with Mr. Sharrah and he is in agreement with the conditions of his January 9, 2008 review letter and these conditions will be met on the final plan. He reported that the plan creates four single-family lots on Herr's Ridge Road. He reported that the Planning Commission has recommended approval subject to the engineer's comments being addressed including the completion of a water feasibility study in accordance with Section 411.F of the SALDO. Mrs. Golden stated that she would be abstaining from the voting because of the proximity of this subdivision to her house. **Mr. Waybright made a motion, on the advice of the township's engineer, to approve the Edward Baranski Preliminary Plan subject to the conditions as stated in the January 9, 2008 review letter and the completion of a water feasibility study as required by Section 411.F of the SALDO seconded by Mrs. Underwood and carried. Mrs. Golden abstained.**

Mrs. Underwood made a motion to approve a Certificate of Appropriateness for Apple Ridge Family Medicine located on Biglerville Road seconded by Mr. Waybright and carried. The application had also been approved by the township's HARB.

Chairman Gregor stated that the next item was an application for a Special Event Permit for the 145th Re-Enactment of the Battle of Gettysburg on July 4, 5 and 6, 2008. The event will be held at the Redding Farm on Table Rock Road. The plan had been reviewed by the township's Chief of Police, Code Enforcement Officer and EMA Director. Mrs. Ford reported that the rain date for the event is August 1, 2 and 3, 2008. **Mr. Waybright made a motion to approve the Special Event Permit for the 145th Re-Enactment on July 4, 5 and 6, 2008 seconded by Mrs. Underwood and carried.**

Chairman Gregor reported that there were ten requests for extension for plan approvals on the agenda and Mr. Knoebel was in agreement with granting all of the requests as follows:

Mr. Waybright made a motion to approve a 90-day request for extension from William F. Hill and Associates, Inc., on behalf of Donald and Linda Yingling (D & L Enterprises), seconded by Mr. Shealer and carried. Approval will be needed by May 2, 2008.

Mr. Shealer made a motion to approve a 90-day request for extension from Group Hanover, Inc., on behalf of Pickett's Choice Condominiums, seconded by Mrs. Underwood and carried. Approval will be needed by April 30, 2008.

Mrs. Underwood made a motion to extend the approval period for The Ridge – 2 Lot Subdivision until July 30, 2008, as requested by Robert A. Sharrah, PLS, on behalf of David and Ellen Sites and Realty Leasing and Management, Inc., seconded by Mrs. Golden and carried.

Mr. Shealer made a motion to approve a request from Robert A. Sharrah, PLS, on behalf of Graphcom, Inc., to withdraw their plan from further consideration and approval seconded by Mrs. Golden and carried.

Mr. Waybright made a motion to extend the approval period for Cumberland Village, Phase II Preliminary Plan until April 30, 2008, as requested by Robert A. Sharrah, PLS, on behalf of Martin Farm, LLC, seconded by Mrs. Underwood and carried.

Mr. Shealer made a motion to approve a 90-day request for extension from, Penn Terra Engineering, Inc., on behalf of S & A Homes, Inc., for The Crossing II Preliminary Plan seconded by Mr. Shealer and carried. Approval will be needed by May 6, 2008.

Mrs. Underwood made a motion to approve a 90-day request for extension from, Penn Terra Engineering, Inc., on behalf of S & A Homes, Inc., for The Crossing I, Phase I Final Plan seconded by Mrs. Golden and carried. Approval will be needed by May 8, 2008.

Mrs. Golden made a motion to approve a 90-day request for extension from Penn Terra Engineering, Inc. for the Arthur Shaw – Old Mill Road Sewage Pumping Station Final Plan seconded by Mrs. Underwood and carried. Approval will be needed by May 7, 2008.

Mr. Waybright made a motion to extend the approval period for Cannon Ridge, Phase III Final Plan until July 30, 2008, as requested by Robert A. Sharrah, PLS, on behalf of S & A Homes, seconded by Mrs. Underwood and carried.

Mrs. Underwood made a motion to extend the approval period for Comfort Suites #PA553 Land Development Plan until April 30, 2008, as requested by Robert A. Sharrah, PLS, on behalf of Jayjyoti Corporation, seconded by Mrs. Golden and carried.

A Conditional Use Hearing for Dave and Susanne Stockman Murphy, 125 Barlow-Greenmount Road, for a single-family home in a VMX District was scheduled for February 22, 2008 at 9:00 a.m. The home will be for Mrs. Murphy's parents, Charles and Patricia Eyler.

Mrs. Ford reported that Supervisors and staff have been receiving phone calls and e-mails from Jean-Sebastien Tremblay regard H.B. 418 regarding foreclosures and bank foreclosures and he is asking the Board to pass a resolution encouraging the House to encourage the Congress to do something about this crisis. Mr. Campbell suggested that Mrs. Ford document something in writing to Mr. Tremblay expressing the Board's general thoughts on his request and asking that no further contact be made. The Board was in agreement with this course of action.

The Assistant Secretary's report for December was handed out.

Mr. Waybright reported that the John Horner Farm was accepted into the County's Farmland Preservation Program.

Chairman Gregor reminded the Board of the Conditional Use Hearing scheduled for January 29, 2008 at 7:00 p.m. for RAK-BLK Ltd. Partnership.

Being no further business, the meeting was adjourned at 7:47 p.m. by motion of Mrs. Underwood, seconded by Mr. Shealer and carried.

Carol A. Merryman, Asst. Secretary

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_____) Supervisors
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