

## Cumberland Township Minutes 2009

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### Minutes of the January 5, 2009 Re-organizational Meeting

The meeting was called to order at 7:00 p.m. by Chairman Gregor. Present were all Supervisors, Flo Ford, Carol Merryman and Scot Pitzer from The Gettysburg Times. The meeting was tape-recorded.

Mrs. Underwood, as acting Chairman, asked for a nomination for Chairman of the Board of Supervisors.

Mr. Shealer made a motion seconded by Mrs. Golden and carried to appoint Mr. Gregor Chairman.

Mr. Shealer made a motion seconded by Mrs. Underwood and carried to appoint Mr. Waybright Vice-Chairman.

Mr. Waybright made a motion seconded by Mrs. Underwood and carried to appoint Mr. Shealer Secretary/Treasurer.

Mr. Waybright made a motion seconded by Mrs. Underwood and carried to appoint Mrs. Ford Manager.

Mrs. Underwood made a motion seconded by Mr. Waybright and carried to appoint Mrs. Merryman Assistant Secretary/Treasurer.

Mrs. Golden made a motion seconded by Mrs. Underwood and carried to appoint Mr. Shealer Superintendent of Roads.

Mr. Waybright made a motion seconded by Mrs. Underwood and carried to appoint Mr. Donald Boehs Chief of Police.

Mrs. Golden made a motion seconded by Mr. Waybright and carried to appoint Mr. William Naugle Zoning Officer and Building Inspector.

Mr. Waybright made a motion seconded by Mrs. Underwood and carried to appoint KPI Technology Township Engineer.

Mrs. Golden made a motion seconded by Mrs. Underwood and carried to appoint Mr. Tom Campbell Solicitor.

Mrs. Underwood made a motion seconded by Mr. Shealer and carried to appoint Chester G. Schultz Solicitor for the Zoning Hearing Board.

Mr. Waybright made a motion seconded by Mr. Shealer and carried to appoint Gil Picarelli Sewage Enforcement Officer.

Mr. Waybright made a motion seconded by Mrs. Golden and carried to appoint Dominic Picarelli Back-up Sewage Enforcement Officer.

Mr. Waybright made a motion seconded by Mrs. Underwood and carried to appoint Mrs. Donna Maring Per Capita Tax Collector.

Mrs. Underwood made a motion seconded by Mr. Shealer and carried to set the tax collector's compensation at 3% at discount and 5% at par and penalty for the next term.

Mr. Waybright made a motion seconded by Mrs. Underwood and carried to appoint Central Tax Bureau (CENTAX) as collector of Earned Income and Local Services Taxes.

Mrs. Golden made a motion seconded by Mr. Shealer and carried to appoint Ron Bower Chairman of Vacancy Board.

Mr. Waybright made a motion seconded by Mrs. Underwood and carried to appoint Ken Kuntz Director of Emergency Management.

Mrs. Golden made a motion seconded by Mrs. Underwood and carried to appoint Steve Higgs Deputy Director of Emergency Management.

Mrs. Underwood made a motion seconded by Mrs. Golden and carried to continue meeting on the 4<sup>th</sup> Tuesday of each month at 7:00 p.m.

Mrs. Golden made a motion seconded by Mr. Waybright and carried to hold workshops on the Thursdays proceeding the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month at 8:30 a.m.

Mr. Shealer made a motion, seconded by Mr. Waybright and carried to retain Adams County National Bank and Pennsylvania Local Government Investment Trust (PLGIT) as depositors for the Township's funds.

Mr. Waybright made a motion seconded by Mrs. Underwood and carried to bond the Manager, Treasurer, and Assistant Treasurer for 1,500,000.00.

Mr. Waybright made a motion seconded by Mr. Shealer and carried to reappoint Bobby Rohrbaugh to the Zoning Hearing Board for a three-year term expiring 2/1/2012.

Mr. Shealer made a motion seconded by Mr. Waybright and carried to reappoint Don Kingston to the

Authority Board. Mrs. Underwood opposed.

Mr. Waybright made a motion seconded by Mr. Shealer and carried to appoint Richard Redding to the Authority to fill the unexpired term of Mark Purdy which expires 12/31/2011.

Mrs. Golden made a motion to appoint Randy Phiel to the Planning Commission to fill John Straka's term seconded by Mrs. Underwood and carried.

Mr. Shealer made a motion seconded by Mrs. Underwood and carried to form Committees as follows:

FINANCE	Mr. Shealer and Mr. Gregor
ECONOMIC DEVELOPMENT	Mrs. Underwood and Mrs. Golden
PUBLIC SAFETY	Mrs. Underwood and Mr. Gregor
HIGHWAY ADMINISTRATION	Mr. Shealer and Mr. Waybright
PARK AND RECREATION	Mr. Waybright, Mrs. Golden and Ms. Ford

Mr. Shealer made a motion seconded by Mrs. Golden and carried to adopt the following Resolution:

### **RESOLUTION 09-01**

#### **A RESOLUTION ELIMINATING EMPLOYEE CONTRIBUTIONS TO THE POLICE PENSION PLAN FOR 2009**

BE IT RESOLVED AND ENACTED by the Authority of Cumberland Township, Adams County, Commonwealth of Pennsylvania, by the Board of Supervisors, it is hereby resolved and enacted as follows:

The conditions required by Act 600 allowing for the elimination of employee contributions to the Police Pension Plan have been met;

\*\* The condition of the plan is such that contributions may be reduced, or eliminated, as evidenced by an actuarial study;

\*\* Municipal contributions will not be required to keep the fund actuarially sound;

\*\* The governing body of the Municipality eliminates contributions on an annual basis.

ENACTED AND RESOLVED THIS 5th DAY OF JANUARY, 2009 BY THE BOARD OF SUPERVISORS OF CUMBERLAND TOWNSHIP

/SGN/ JOHN P. GREGOR	/SGN/ THOMAS D. SHEALER	/SGN/ DEBRA A. GOLDEN
/SGN/ DAVID P. WAYBRIGHT	/SGN/ BARBARA H. UNDERWOOD	

CERTIFIED TO BE A TRUE COPY OF THE CUMBERLAND TOWNSHIP POLICE PENSION PLAN RESOLUTION, ADOPTED BY THE BOARD OF SUPERVISORS ON JANUARY 5, 2009.

/SGN/ CAROL A. MERRYMAN, ASSISTANT SECRETARY

Mr. Waybright made a motion seconded by Mrs. Underwood and carried to adopt the following Resolution:

**RESOLUTION 09-02****A RESOLUTION APPOINTING THE CHIEF ADMINISTRATIVE OFFICER OF THE MUNICIPAL PENSION PLANS FOR CUMBERLAND TOWNSHIP**

We appoint Florence A. Ford as the Administrative Officer for the Police and Non-Uniformed Pension Plans of Cumberland Township.

ENACTED AND ORDAINED THIS 5th DAY OF JANUARY, 2009 BY THE BOARD OF SUPERVISORS OF CUMBERLAND TOWNSHIP.

/SGN/JOHN P. GREGOR                      /SGN/ THOMAS D. SHEALER    /SGN/ DEBRA A. GOLDEN  
/SGN/ DAVID P. WAYBRIGHT    /SGN/ BARBARA H. UNDERWOOD

CERTIFIED TO BE A TRUE COPY OF CUMBERLAND TOWNSHIP RESOLUTION APPOINTING CHIEF ADMINISTRATIVE OFFICER FOR MUNICIPAL PENSION PLAN RESOLUTION ADOPTED BY THE BOARD OF SUPERVISORS ON JANUARY 5, 2009.

/SGN/ CAROL A. MERRYMAN, ASSISTANT SECRETARY

Mrs. Ford reported that FEMA is requiring everyone to adopt a revised Floodplain Ordinance and it is the standard DCED Ordinance. The ordinance was reviewed by Solicitor Campbell and found to be in good order. **Mr. Campbell made a motion to adopt the Revised Floodplain Management 09-127 seconded by Mrs. Golden and carried.** A roll call vote was taken as follows: 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.

Chairman Gregor reported that the Board would like the Historic Architectural Review Board to meet during regular office hours if it suits the applicant to do so. Mrs. Merryman will notify the Chairman of that Board.

Chairman Gregor also reported that the Board would like the Maintenance Department to deal with all property maintenance if their schedule permits.

Lastly, Chairman Gregor reported that he will be writing letters to the Chairman's of the township's boards requesting year end reports.

Being no further business, the meeting was adjourned at 7:20 p.m. by motion of Mr. Shealer, seconded by Mr. Waybright and carried.

Carol A. Merryman, Asst. Secretary

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**Minutes of the January 27, 2009 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairman Gregor. Present were Supervisors Waybright, Underwood and Golden; Flo Ford, Carol Merryman, Chief Boehs, Tim Knoebel, Tom Campbell, Bob Sharrah, Matt Sentz, Bernie Yannetti, John Straka, Vince Wayne and Scot Pitzer from the Gettysburg Times. The meeting was tape recorded. Mr. Shealer was absent due to the inclement weather.

**Mrs. Underwood made a motion to approve the Minutes of the December 16, 2008 meeting seconded by Mrs. Golden and carried.**

**Mrs. Golden made a motion seconded by Mrs. Underwood and carried to approve the Minutes of the January 5, 2009 Re-Organization Meeting.**

**Mrs. Underwood made a motion to approve the bills list, in the amount of \$116,889.41, from the General Fund, seconded by Mr. Waybright and carried.**

Chairman Gregor presented Mr. John Straka with a Certificate of Appreciation for his twelve years of service on the Township's Planning Commission.

Speros Marinos, resident and business owner, from 900 Baltimore Pike, expressed concerns regarding The Pike Restaurant. The first concern he has is regarding parking. He reported that his driveway is being parked closed. The second concern is regarding the noise and they were in opposition of the township taking that responsibility rather than the Liquor Control Board who made roving checks and kept them under control. He added that his home is 615 feet away from The Pike and they can still hear the noise even with various pumps running in the house. He also stated that he doesn't like bothering the Police Department every time they can hear the noise and it is subjective and the band could be taking a break when the Police arrive. Attorney Campbell advised Mr. Marinos that these are legal concerns and have to be handled by the Police. He asked if there is anything that can be done regarding the zoning since the restaurant has very little property. He also stated that Bike Week is hurting his business. Chief Boehs suggested that he meet with Mr. Marinos to discuss the problems further.

Matt Sentz, Barlow Fire Department, reported that they responded to 126 fire, EMS and rescue calls in 2008 and their average response time was 4 minutes, 11 seconds. He added that they average eleven people per call. He also reported that they ran 52 calls into Cumberland Township and 40 calls into Mt. Joy Township and there are no changes to the Box Cards except for one piece of equipment that was put out of service permanently.

Chief Boehs presented a written and oral report of police activities for the month of December 2008 including: 352 complaints, 55 traffic stops and 50 combined arrests. They patrolled 13,541 miles and assisted other departments 21 times and were assisted 8 times. The total calls for 2008 were 4,852 and the total miles patrolled were 130,408.

Mr. Knoebel reported that Michael and Vanessa Robinson purchased a lot from the Morris subdivision approved back in 1991. The subdivision consisted of four lots, one of which was improved with a house. He explained that because there were a total of four lots there was a requirement for a private road to be constructed to township specifications before any of the lots were built on. He reported that two of the lots have been purchased by the Park Service and they have indicated by correspondence that they have no desire to develop their lots. The Robinsons have had a plan drawn up showing what they propose to do to gain access to their lot and since there will only be two lots using the private road, they are asking for a waiver to the requirement of constructing it to township specifications. He reported that this has been discussed at a workshop with Mr. Campbell and his suggestion was that the waiver could be

granted with a condition that if the other two lots were developed at that time the road would have to be constructed to township ordinance requirements and there must be a User and Maintenance Agreement between the parties. It was also determined that the township would like to see a plan that shows that it is possible for the road to be constructed to the township's requirements in case that ever needs to happen. Mr. Campbell stated that the agreement should come from the Robinsons for the township's approval. Mr. Knoebel indicated that he would write a letter to the Robinsons giving them this information. **Mrs. Underwood made a motion to send a letter to the Robinsons indicating the Board's decision on their request seconded by Mrs. Golden and carried.**

Mr. Knoebel reported that the GMA Well No. 9 Land Development Plan proposes the addition of a new treatment/well house building which will accommodate proposed additional treatment equipment and the old well house will be demolished. He added that the plan was just waiting for the written decision from the Zoning Hearing Board for a Special Exception and if no conditions were attached to their approval, then the plan is ready for action. He added that a resolution has been prepared and there is one waiver that needs action. **Mrs. Golden made a motion to grant a waiver to Section 303: Preliminary Plan Requirement seconded by Mr. Waybright and carried. Mrs. Underwood made a motion to adopt Resolution 09-03 Final Land Development Plans for Gettysburg Municipal Authority Well No. 9 Treatment Building seconded by Mr. Waybright and carried.**

Mr. Knoebel reported that he received a request from Deatrick Commons asking that their financial security (being held in escrow) be reduced from \$7,500.00 to \$3,000.00 until final stabilization has occurred in the stormwater detention basins. Mr. Knoebel's January 21, 2009 report indicates three items that need to be addressed but, recommends that the release may be granted subject to the completion of the three items. **Mr. Waybright made a motion to grant the request from Realty Leasing for the Deatrick Commons development and release \$4,500.00 of the \$7,500.00 being held in escrow, leaving a balance of \$3,000.00 subject to the three items being addressed seconded by Mrs. Underwood and carried.**

Mr. Knoebel also reported that he has received request for release #8 from Cambridge Crossing, Phase I, and has prepared a report dated January 21, 2009. He reported that the township currently holds \$92,888.51 and they are requesting a release of \$63,500.00. He added that there has been work done but, he explained that the request worksheet has multiple items that were miscalculated creating discrepancies and attempts to have them correct their worksheet have failed and therefore, he is recommending that their request for release be denied, that they are notified in writing of the denial and a copy of his January 21, 2009 be attached for the basis of the denial. **Mr. Waybright made a motion to deny the request from Cambridge Crossing based on the information in Mr. Knoebel's letter dated January 21, 2009 and send them a letter as stated, seconded by Mrs. Underwood and carried.**

Chairman Gregor reported that there are five requests for extension on the agenda and Mr. Knoebel recommended that, as discussed at the workshop, the first four requests could be granted. The fifth request from The Ridge 2-Lot subdivision has a representative present that would like to discuss the plan.

**Mrs. Golden made a motion seconded by Mrs. Underwood and carried to approve a request from Cumberland Village, Phase II, to extend their approval time frame until August 3, 2009.**

**Mrs. Golden made a motion seconded by Mr. Waybright and carried to approve a request from Cannon Ridge, Phase III, to extend their approval time frame until August 3, 2009.**

**Mr. Waybright made a motion seconded by Mrs. Underwood and carried to approve a request**

**from The Crossings I, Phase I, to extend their approval time frame for 120 days. Approval will now be needed by June 2, 2009.**

**Mr. Waybright made a motion seconded by Mrs. Underwood and carried to approve a request from The Crossings II Preliminary Plan to extend their approval time frame for 120 days. Approval will now be needed by May 31, 2009.**

Mr. Knoebel reported that The Ridge 2-Lot Subdivision was submitted in conjunction with The Ridge Plan and now the developer would like the 2-lot plan to move forward on its own. He added that the plan was discussed at the workshop and since that time he has received a revised plan and it appears that they have addressed a lot of the comments on the plans but, there are some things that they agree to do. He reported that since public water and sewer are required in the Residential District they have shown a grinder pump station and connection to the CTA sewer and they are indicating that at such time that the water line is extended along Old Mill Road they will connect to it and the question is whether that is satisfactory in terms of design and if so then they would like to have the plan approved subject to the conditions of his January 21, 2009 letter which were discussed at the workshop. Mrs. Ford stated that she did not prepare a resolution. Mrs. Golden pointed out that the discussion at the workshop was whether this was a decision for the Zoning Hearing Board. Mr. Knoebel added that there have been situations in the past that went to the Zoning Hearing Board but, this situation may be a little different because they have some arrangements and agreements to connect to the water line. Mr. Sharrah added that Mr. Sites has paid for all eighty-three water EDUs and at the very worst the developer can make a private connection to the water main and the sewer has been addressed so he would love to have a conditional approval. Mrs. Ford suggested that a resolution could be adopted at the next meeting ratifying the approval of the plan. Mrs. Underwood asked to have this finalized in writing by the next workshop. Mrs. Golden expressed her concern for setting a precedent that the water connection is coming because they may be faced with this time and again. Mr. Sharrah stated that there is a timeframe in which the connection will be made. Mr. Campbell stated that he did feel that this is a Zoning issue and the Board does not have the authority to make this decision. Mr. Yannetti stated that he thinks that this situation is distinguishable because there is an existing house that is currently served by a well and the water line extension is under contract to happen within the next twelve months. Mr. Knoebel suggested that they show a private connection to the water line since he already has the EDU and agree that if that does not happen with the extension of the water main then the township can direct them to make that connection that is shown on the plan. Mrs. Golden clarified that the Board would not be obligated to approve the plan for Lot 1 if the water connection has not been made and that was agreed to by Mr. Knoebel and Mr. Sharrah. **Mr. Waybright made a motion to grant approval of The Ridge 2-Lot Subdivision Plan subject to the developer's compliance with all comments stated in the engineer's letter of January 21, 2009 and to include connection of a separate private line to GMA public water system and with a formal resolution ratifying the decision. The motion was seconded by Mr. Gregor. Mr. Waybright and Mr. Gregor voted in favor of the motion. Mrs. Golden and Mrs. Underwood voted in opposition of the motion. The motion did not carry. Mr. Knoebel stated that the plan needs action, either denial or extension.**

Mr. Sharrah requested a 90-day extension for approval of The Ridge 2-Lot Final Subdivision Plan. **Mrs. Underwood made a motion to grant a 90-day extension for The Ridge 2-Lot Final Subdivision Plan seconded by Mrs. Golden and carried. Approval will be needed by May 3, 2009.**

**Mrs. Underwood made a motion seconded by Mrs. Golden and carried to advertise an Intention to Adopt an Ordinance 09-128 that reduces the number of members on the Township's Planning Commission from 7 to 5 on February 24, 2009 at 7:00 p.m.**

**Mrs. Golden made a motion to adopt a Resolution authorizing Florence Ford to sign the Signature**

**Page for Grant Application and Grant Agreement for the Gettysburg Area Peer Study, seconded by Mrs. Underwood and carried.**

**Mr. Waybright made a motion seconded by Mrs. Underwood and carried to schedule a Conditional Use Hearing for St. Francis Xavier Church for February 24, 2009 at 6:30 p.m. Mrs. Underwood made a motion seconded by Mrs. Golden and carried to approve a request for a fireworks display to be held on July 11, 2009 at Eisenhower in conjunction with Gettysburg Bike Week. Neighbors with livestock will be notified.**

The Zoning Officer and Assistant Secretary's reports were reviewed. The Actual Use Report of State Funds was signed by the Board.

**Being no further business, the meeting was adjourned at 8:05 p.m. by motion of Mr. Waybright, seconded by Mrs. Golden and carried.**

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Carol A. Merryman, Asst. Secretary

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### **Minutes of the February 24, 2009 Meeting**

A Conditional Use hearing for Diocese of Harrisburg for a sewage pumping station needed in conjunction with the proposed St. Francis Xavier Church project was held at 6:30 p.m.

The regular meeting was called to order at 7:00 p.m. by Vice-Chairman Waybright. Present were Supervisors Underwood and Golden; Carol Merryman, Chief Boehs, Bill Naugle, Tim Knoebel, Tom Campbell, Bob Sharrah, Matt Sentz, Bernie Yannetti, Riley Redding, Mike Galassi, Jonathan Stough, Elizabeth Magner and Erin James from the Evening Sun. The meeting was tape recorded. Mr. Gregor and Mr. Shealer were absent.

Vice-Chairman Waybright reported that the first item on the agenda was a proposed ordinance that reduces the number of members on the Township's Planning Commission from seven members to five members. **Mrs. Golden made a motion seconded by Mrs. Underwood to adopt Ordinance 09-128 as follows:**

#### **ORDINANCE 09-128**

**AN ORDINANCE AMENDING CHAPTER 1, PART 1, SECTION 1-102 CONSTITUTION. POWERS AND DUTIES OF PLANNING COMMISSION TO CHANGES THE COMPOSITION OF THE TOWNSHIP PLANNING COMMISSION FROM THE EXISTING SEVEN (7) MEMBERS, TO FIVE (5) MEMBERS**

**A roll call vote was taken with Mrs. Underwood voting in favor, Mrs. Golden voting in favor and Mr. Waybright voting in favor. The motion carried.**

**Mrs. Underwood made a motion to approve the Minutes of the January 27, 2009 meeting seconded by Mrs. Golden and carried.**

**Mrs. Underwood made a motion to approve the bills list, in the amount of \$146,921.89, from the General Fund, \$300.00 from the Park and Rec Fund and \$20,710.44 from the State Fund seconded by Mrs. Golden and carried.** It was noted that the bill for the new air compressor will be split with the Authority.

Matt Sentz, Barlow Fire Department, thanked the township's Police Department for their assistance with

traffic control during a recent house fire on Taneytown Road. He also brought pictures of the progress on their new rescue vehicle.

Chief Boehs presented a written and oral report of police activities for the month of January 2009 including: 388 complaints, 70 traffic stops and 27 combined arrests. They patrolled 9,287 miles and assisted other departments 22 times and were assisted 6 times. Mr. Riley Redding asked Chief Boehs for increased presence at the intersection of Boyd's School Road and Table Rock Road because many people are running the stop signs. The Chief will address this problem.

Mr. Knoebel reported that the Realty Leasing 2-Lot subdivision (David and Ellen Sites) was reviewed at the last Board meeting and it is a simple subdivision that takes a .63 acre parcel off of a roughly 30 acre parcel on Old Mill Road. The plan was formerly associated with The Ridge subdivision which is not moving forward and the developer wishes to move forward with subdividing off the existing house. He added that the Board has a report dated February 18, 2009 that states that all of the comments have been addressed and there are no waiver requests. He stated that there are two conditions on the resolution; that all fees are paid and that verification of water connection shall be required prior to recording the plan and Mr. Sites had supplied that to Mrs. Ford earlier in the day. **Mrs. Golden made a motion to adopt Resolution 09-04 Final Subdivision Plan Approval for Realty Leasing and Management (David and Ellen Sites) with the two conditions noted seconded by Mrs. Underwood and carried.**

Vice-Chairman Waybright reported that a Conditional Use Hearing was held before the regular meeting for the Diocese of Harrisburg for a sewage pumping station and he would entertain a motion if the Board is ready to make a decision on this matter. **Mrs. Underwood made a motion to approve the Conditional Use application for the Diocese of Harrisburg seconded by Mrs. Golden and carried.**

Mr. Knoebel reported that a subdivision plan for Robert Bishop has been submitted and was discussed at the workshop. He stated that the Bishop property is located near the intersection of Mason-Dixon Road, Natural Dam Road and Marsh Creek and is located in Freedom Township except for a small portion in Cumberland which is totally in the flood plain and there are no consequences to Cumberland Township from this plan. He added that his recommendation would be for the township to waive their review of the plan. **Mrs. Underwood made a motion to waive the Cumberland Township's review process for the Robert Bishop Plan seconded by Mrs. Golden and carried.**

Mr. Knoebel also reported that he received a request from Ernest Havens for a total release of his financial surety being held for a private road that was needed for a four-lot subdivision that he did several years ago. He explained that Mr. Havens did not have adequate road frontage for the subdivision and that necessitated that a private road be done. He stated that the township current holds \$17,580.20 and his report dated February 18, 2009 recommends that the total amount may be released and that all of the work has been completed. **Mrs. Golden made a motion to approve a total release of the remaining financial surety, in the amount of \$17,580.20, for the Ernest Havens subdivision seconded by Mrs. Underwood and carried.**

Vice-Chairman Waybright reported that the township received a quote for their liability insurance coverage from the Keystone Insurers Group and have also met with their current insurance provider H. A. Thomson Co. Mr. Jonathan Stough, representative from the Keystone Insurers Group, addressed the Board regarding their proposal to provide insurance coverage for the township. He asked the Board to consider that his proposal is cost effective and broadens coverage and the existing agent has probably come in with numbers very close to his proposal, but he would like the Board to consider that if our existing agent can reduce our price this year, why couldn't they do it in previous years. He also asked the Board to consider that he could save the township \$10,000.00 on their Worker's Comp policy which renews in November. Lastly, Mr. Stough reported that with PIRMA we have claims reported coverage

and if we have a claim reported and decided to leave them, they will not pay the claim and we currently do have two outstanding claims. He stated that PIRMA is the only company that does those kinds of claims and they may increase our prices when we have more outstanding claims. Vice-Chairman Waybright recapped that the Board is considering a bid from H. A. Thomson, in the amount of \$46,902.35 and a bid from Keystone Insurers Group, in the amount of \$49,377.00. **Mrs. Golden made a motion to continue coverage with H. A. Thomson, given the situation that we have two risks that the township would have to assume should they leave PIRMA, and go with Option #2 with PIRMA property and liability coverage and EMC MLP (Heart and Lung Act), in the amount of \$46,902.35, seconded by Mrs. Underwood and carried.** Vice-Chairman Waybright thanked Mr. Stough for the time and effort he put forth to prepare the proposal for us and acknowledged that the Board will look at this again next year.

Vice Chairman Waybright reported that the next item is a bid from Electech to run phone and computer cabling and networking and wireless cabling in the existing township building and also to the new maintenance building that is currently under construction He added that this work will not be done until May, but accepting the bid now will lock the price in for us. The amount of the bid is \$11,642.00. **Mrs. Golden made a motion to authorize Mrs. Ford to sign the Electech bid seconded by Mrs. Underwood and carried.**

**Mrs. Golden made a motion to approve a request for a 90-day extension for Adams County Christian Academy seconded by Mrs. Underwood and carried.** Approval will now be needed by June 14, 2009.

**Mrs. Underwood made a motion seconded by Mrs. Golden and carried to approve a request from Sharrah Design Group, Inc., on behalf of Grandview Station to extend their review period to June 1, 2009.**

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

**Being no further business, the meeting was adjourned at 7:30 p.m. by motion of Mrs. Golden, seconded by Mrs. Underwood and carried.**

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### **Minutes of the March 24, 2009 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairman Gregor. Present were all Supervisors; Carol Merryman, Chief Boehs, Tim Knoebel, Tom Campbell, Matt Sentz, Elizabeth Magner, Ernie Shriver, Mark Purdy, approximately 20 residents from the Hospital Road area and Scot Pitzer from the Gettysburg Times and Erin James from the Evening Sun. The meeting was tape recorded. Mrs. Ford was attending a conference.

**Mrs. Golden made a motion to approve the Minutes of the February 24, 2009 meeting seconded by Mrs. Underwood and carried.**

**Mr. Shealer made a motion to approve the bills list, in the amount of \$459,123.77, from the General Fund seconded by Mrs. Golden and carried.** Mr. Shealer further explained that \$372,906.41 of the bills are for the construction of the new maintenance building and the balance of \$86,217.36 was for monthly expenses. Mrs. Golden asked if the Maintenance Department could do any of the work that Battlefield KIA is doing. Chief Boehs stated that once they occupy the new maintenance building he will see if they can do some of the work on the cars.

Chairman Gregor recognized Mr. Mark Purdy for his service on the Cumberland Township Authority and presented him with a Certificate of Appreciation and thanked him on behalf of the Board of Supervisors and citizens of the township.

Matt Sentz, Barlow Fire Department, reported that their new rescue vehicle has arrived in Lancaster, Pennsylvania and he will bring it to the township building for the Supervisors to see once it is closer to being in service. Mr. Sentz also thanked Township Manager Flo Ford and Representative Dan Moul, who working through ACTPO, were instrumental in getting PennDOT to place mile markers on Route 15 later this year. He reported that this will be a huge help to both fire and police when attempting to locate accidents.

Mr. Paul Kellett, on behalf of Collaborating for Youth, asked the Board to consider a donation of \$3,000.00 to purchase materials for a half pipe for their skate park at the Gettysburg Rec Park. Mr. Kellett reported that they are a non-profit corporation that operates through grant money and they provide an alternative for not traditional team sport kids. He added that they provide a drug, alcohol, tobacco and profanity free park. The half pipe will be built by volunteer labor.

Mr. Gary Ryan, 261 Hospital Road, stated that he is representing a group of homeowners from Blacksmith Shop, Hospital and Sachs Roads (approximately 26 residents) and they have a great concern because it appears that GMA has drilled a well on the Clarence Andrew property for municipal use and they are all wondering why they were not notified about this. Chairman Gregor stated that he just received their petition earlier in the day by fax, but he is aware that GMA, as sanctioned by DEP, has the right to come in and the township has a permitting process that they went through the same as anyone else. Mr. Ryan stated that he feels that it is different because of the municipal use and he added that there are homeowners in the area that already have deep wells and are having water issues because of the drought. He asked that someone explain to them what the intent is and where they go from here. Attorney Campbell stated that these questions need to be addressed to GMA. Mrs. Golden stated that the township does not have the right to deny GMA from drilling wells because they are a public utility and are sanctioned by DEP to provide their service and at some point they had to advertise their intent to do this in a Public Notice but, it is not the township's responsibility to advertise. She added that she understood and would like to have had more information before this evening.

Mrs. Evelyn Ganas, 146 Hospital Road, stated that she feels that they should have been informed.

Mr. John Graham, 215 Sachs Road, stated that GMA did come to them, but did not explain what their long range plans were and he would like to know. Attorney Campbell stated that this the same as anyone else coming into the township that wants to make use of a parcel of land and as long as it complies with the Zoning Ordinance that is what this township has control over.

Mrs. Golden suggested that they also contact DEP and Mrs. Underwood stated that the township has been attempting, to no avail, to have a representative on the GMA Board and if they did they would know what their intentions are.

Mrs. Margaret McGlaughlin, 380 Blacksmith Shop Road, stated that GMA approached Mr. Andrew about this, they told him he could sell it to them or they would take it through eminent domain.

Mr. Paul Kellett, Freedom Township Supervisor, stated that Freedom Township has a similar problem and he sympathizes with the Cumberland Supervisors because DEP trumps the township's regulations regarding where public utilities are placed and the Supervisors' hands are tied.

Mr. Tim Knoebel, township engineer, stated that he feels that the property owners should contact DEP and request them to make it a condition of the permit that if local residential wells are affected that it will be GMA's responsibility to mitigate that problem by either connecting them to their public water or drilling a new well. He added that they should allow GMA to monitor their wells to establish if they are being impacted.

Mr. John Graham asked why GMA was seeking an additional well when the York Water Company is bringing their water to Gettysburg. Mrs. Golden stated that there was a lot of contention over the York Water coming to Gettysburg, but she doesn't know which way it went.

Mr. John Dailey, 810 Taneytown Road asked if GMA could use eminent domain outside of the Borough. Attorney Campbell stated that it may go by their service area and it depends on how that is defined.

Mr. Mike McGlaughlin asked if a public utility is a permitted use in an A/R Zoning District and is there any limit to the amount of water that can be withdrawn. Chairman Gregor stated that the township permit is only for the construction and does not have control over anything else.

Chairman Gregor reported that a majority of the GMA wells are located in Cumberland Township and this process has happened in the past. He added that the Board understands their concerns, appreciates them coming in and is sorry that they can not do anymore. He stated that he feels that the suggestions that were made were good ones and he understands that they are on GMA's agenda for their April meeting and offered the Board's help in the future.

Mrs. Evelyn Ganas asked why the adjoining property owners did not received certified letters for this like they did for the sewage pumping station on Old Mill Road. Attorney Campbell explained that there are certain kinds of land uses that require public hearings which have to be advertised and require that adjoining property owners be notified, but the Zoning Officer must have determined that it was a permitted use. He added that if they are going to construct something in the future, they may very well need to hold a hearing which will trigger the advertising and notification process.

Chief Boehs presented a written and oral report of police activities for the month of February 2009 including: 370 complaints. 111 traffic stops and 49 combined arrests. They patrolled 8,785 miles and assisted other departments 15 times and were assisted 8 times. He also reported that the Police Department will be holding an Open House on Saturday, March 28 from 1:00 to 3:00. He added that they will have their patrol cars, mobile command unit and police dog available; will be giving tips on preventing thefts and burglaries and will have some refreshments available.

Mr. Knoebel reported that the Adams County Christian Academy is proposing to add a temporary classroom building addition to their facility located on Biglerville Road. The site is served by public sewer and a private water supply permitted by DEP. He added that the Planning Commission has approved the land development plan, the bonding estimate has been determined and agreed upon and a Resolution for Final Plan Approval has been prepare. **Mrs. Underwood made a motion to adopt the Resolution for Final Plan Approval 09-05 for Adams County Christian Academy with the conditions noted and any conditions of the Zoning Hearing Board being met seconded by Mrs. Golden and carried.**

**Mr. Waybright made a motion to approve a request for a 90-day extension for St. Francis Xavier Church seconded by Mrs. Underwood and carried.** Approval will now be needed by July 2, 2009. Mr. Knoebel reported that since the workshop he has completed the review of the revised plan and forwarded the comments to the developer.

**Mrs. Golden made a motion seconded by Mrs. Underwood and carried to approve a Special Event Permit for the YWCA Gettysburg and Adams County Spirit of Gettysburg 5K Run scheduled for July 11, 2009.**

**Mrs. Underwood made a motion seconded by Mrs. Golden and carried to approve a 180-day extension for Pickett's Choice.** Approval is now needed by October 23, 2009.

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

At 7:47 p.m., Chairman Gregor adjourned the meeting for an Executive Session to discuss a legal issue.

At 8:20 p.m., Chairman Gregor reconvened the meeting.

**Mr. Shealer made a motion seconded by Mr. Waybright and carried to use \$3,000.00 from Park and Rec money as a donation to Collaborating for Youth for materials for a half pipe.**

**Being no further business, the meeting was adjourned at 8:26 p.m. by motion of Mr. Shealer, seconded by Mr. Waybright and carried.**

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### **Minutes of the April 28, 2009 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairman Gregor. Present were all Supervisors; Flo Ford, Carol Merryman, Chief Boehs, Tim Knoebel, Tom Campbell, Matt Sentz, Ernie Shriver, Barry Stone, a fellow student and their professor from HACC, Bob Sharrah, Jay and JT Patel, Ken Kuntz and Erin James from the Evening Sun. The meeting was tape recorded.

**Mr. Waybright made a motion to approve the Minutes of the March 24, 2009 meeting seconded by Mrs. Golden and carried.**

**Mrs. Underwood made a motion to approve the bills list, in the amount of \$124,467.37, from the General Fund and \$3,000.00 from the Park and Rec Fund seconded by Mrs. Golden and carried.**

Chairman Gregor recognized Mr. Barry Stone, a member of the Township's Planning Commission. Mr. Stone stated that he, a fellow student and their professor from HACC were present to observe the meeting for their Legal Aspects of Code Enforcement Class. Chairman Gregor thanked them for coming.

Mr. Ernie Shriver, Freedom Township resident and landowner in the MX District in Cumberland Township, asked about the status of the Zoning Ordinance changes that are being considered for the MX District. He asked when the public can expect to see the final draft of the changes. Solicitor Campbell reported that he has been working with the Planner and the ordinance is in draft form and it will be up to the Supervisors if they want to move forward with the final draft. Mr. Shriver asked if the district will remain mixed-use and if the residential component will also remain. Solicitor Campbell stated that it will remain mixed-use and residential will remain but, there may be a change in the density of the residential. Mrs. Ford stated that things like the impervious coverage may change and the ordinance may be a little friendlier, if the Supervisors decide to move ahead with the changes.

Matt Sentz, Barlow Fire Department, thanked the Police Department for their help during the fire on Taneytown Road. He also reported that their new rescue vehicle is in Lancaster having the equipment

mounted on it and the old rescue vehicle is being advertised for sale for \$70,000.00.

Mr. Bob Sharrah, on behalf of Jay and TJ Patel, requested that they be allowed to delete 15 arborvitaes from the landscaping plan for the Comfort Suites project on Baltimore Pike. Mr. Sharrah added that he had asked the Zoning Officer and gotten a call from Leah at KPI, the township's engineer, telling him to bring the request to the Board of Supervisors. Mr. Sharrah stated that it is his belief that the trees are not required when their zoning district, which is VMX, abuts an INS district. Mr. Knoebel stated that Mr. Sharrah should have received a call from the Zoning Officer notifying him that the trees are required to stay on the plan. Chairman Gregor stated that the Board was not even aware of this request and would need some time to respond to the request. Mrs. Golden stated that she would like something from the neighbor indicating that they would not have a problem with the trees being deleted before she made her decision.

Chief Boehs presented a written and oral report of police activities for the month of March 2009 including: 423 complaints, 105 traffic stops and 48 combined arrests. They patrolled 9,791 miles and assisted other departments 26 times and were assisted 8 times.

Chairman Gregor reported that there will be an Executive Session held at the end of the Reports Section on the agenda to discuss a personnel issue and there will be nothing to report at the end of the Executive Session. Chairman Gregor invited Mrs. Ford and Mr. Campbell to stay for the Executive Session

Mr. Knoebel reported that the Gettysburg Times Land Development Plan proposes a 40x96 addition to an existing commercial facility in the MX zoning district on Media Drive fronting Rt. 116. He added that there are no waivers requested, the bonding amount has been established and approved and a Resolution for Final Plan Approval has been prepared. **Mr. Waybright made a motion to adopt Resolution 09-06 Gettysburg Times Building Addition Final Land Development Plan with the conditions as stated in 2.a through 2.d seconded by Mrs. Underwood and carried.**

Chairman Gregor reported that the next item was a Sewage Planning Exemption for St. Francis Xavier Parish Life Center and a letter has been received from Cumberland Township Authority indicating that they have capacity in their plant for the additional 54 EDUs needed for the project. Mr. Knoebel added that the Supervisors are only approving the exemption to be forwarded to PADEP for their review and approval. **Mr. Shealer made a motion to approve the Sewage Planning Exemption for St. Francis Xavier Parish Life Center to be signed and forwarded to PADEP for their approval seconded by Mrs. Underwood and carried.**

Chairman Gregor reported that the Board has received a request from Allstar Events Complex for approval to hold a fireworks display on July 18, 2009 for the EVAPCO Company Picnic. He added that he would like the neighbors notified as has been done in the past. **Mrs. Underwood made a motion to approve the request from Allstar Events Complex to hold a fireworks display on July 18, 2009 seconded by Mrs. Golden and carried.**

Chairman Gregor reported that the next item on the agenda is a revised Memorandum of Understanding and Statement of Purpose from the Adams County Conservation District. Mrs. Ford reported that this is simply a housekeeping item required for cooperation between the agency and township. **Mr. Waybright made a motion to approve the revised Memorandum of Understanding with the Adams County Conservation District seconded by Mrs. Golden and carried.**

Chairman Gregor reported that, regretfully, Don Kingston has submitted his resignation as Chairman of the Cumberland Township Authority effective March 31, 2009. **Mrs. Golden made a motion to accept, with regret, the resignation of Don Kingston from the Cumberland Township Authority seconded**

by Mrs. Underwood and carried.

**Mrs. Golden made a motion seconded by Mrs. Underwood and carried to appoint Randy Phiel to the Cumberland Township Authority filling the vacancy created by Don Kingston's resignation. Mr. Phiel will fill the unexpired term which expires 12/31/2013.**

Mr. Ken Kuntz, Director of Emergency Management, presented Resolution 09-07 Implementing the National Incident Management System (NIMS). He stated that NIMS provides a consistent nationwide approach to federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity and when adopted, requires all public safety agencies and emergency responders to do the same. He added that the Township must adopt NIMS to be eligible for reimbursement for costs expended during a declared emergency. He added that he has also provided the Foreword from the NIMS to be signed by the Chairman and a Promulgation which formally adopts the township's Emergency Operations Plan (EOP) which is a requirement of NIMS. **Mrs. Underwood made a motion to adopt Resolution 09-07 Implementing the National Incident Management System seconded by Mr. Shealer and carried. Mr. Shealer made a motion seconded by Mrs. Golden and carried to approve the Implementation Plan, as presented. Mrs. Underwood made a motion to approve the Promulgation for the Emergency Operation Plan seconded by Mr. Shealer and carried.** Mr. Kuntz stated that he will serve a copy of the documents to the Fire Departments including Gettysburg, Greenmount and Barlow. Mr. Waybright added that all Supervisors have received the required NIMS training.

**Mr. Shealer made a motion to approve a request from Sharrah Design Group, Inc. to extend the approval period for the Hull's Electric Service, Inc. Final Land Development Plan until July 31, 2009 seconded by Mrs. Golden and carried.**

**Mr. Waybright made a motion to approve a request from Sharrah Design Group, Inc. to extend the approval period for the Hagemeyer North America Final Land Development Plan until July 31, 2009 seconded by Mrs. Underwood and carried.**

Mrs. Ford reported that she attended a Trash Contract meeting and the areas have been broken out into sections or sub-areas and Cumberland has been placed in a sub-area with Straban and Mt. Joy Townships and Bonneauville and Abbottstown Boroughs. She added that we currently don't have large enough populations for mandatory recycling but, it is being discussed. Cumberland has the largest number of customers recycling at 20%. She added that everyone in the particular sub-area would have to agree to the mandatory recycling and she got a lukewarm feeling about it from the other municipalities in our sub-area. She reported that the township would be eligible for a recycling grant (approximately \$6,500.00) if recycling became mandatory. She asked the Supervisors to discuss this at their next workshop (she will not be present at that workshop) because she meets with our sub-area again before the second workshop of the month. Mrs. Golden stated that she would like to know what impact that would have on the residents. Mrs. Ford also reported that she had attended an ACTPO meeting and there is a shovel-ready project, paving Rt. 15 from Rt. 94 to Rt. 394, which has funding. She added that PennDOT has committed to placing the mile markers on Rt. 15 and tomorrow night is the Peer-to-Peer Study kick-off meeting.

Mrs. Underwood reported that the Adams County COG currently has 18 municipalities and school districts participating and the By-Laws are now in committee and should be ready for approval. The next meeting is May 28, 2009.

Mr. Waybright reported that he attended a Greenspace meeting and they approved some projects from

last year and they requested that any unused money from the 2008/2009 year be transferred to the 2009/2010 year. He added that they are trying to get some more municipalities involved. Mr. Waybright also asked where we are on the walking trail project and Mrs. Ford stated that the project has been shelved.

Mr. Shealer reported that the new Maintenance Building is 99.9% complete except for the exterior work. He added that the heating system needs to be balanced and a final cleaning is needed. He also reported that the fiber-optic cabling will begin on Monday and once these things are completed they can start moving in.

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

At 7:45 p.m., Chairman Gregor adjourned the meeting for an Executive Session to discuss a personnel issue.

At 8:20 p.m., Chairman Gregor reconvened the meeting.

**Mr. Shealer made a motion seconded by Mrs. Underwood and carried to remove Brian Baldwin from probationary status and place him on permanent full-time status with the Road Department.**

**Being no further business the meeting was adjourned at 8:20 p.m. by motion of Mr. Shealer seconded by Mr. Waybright and carried.**

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### **Minutes of the May 26, 2009 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairman Gregor. Present were all Supervisors; Flo Ford, Carol Merryman, Chief Boehs, Leah Heine, Tom Campbell, Ernie Shriver, Mike Galassi, Peter Martin from C.S. Davidson and Scot Pitzer from the Gettysburg Times. The meeting was tape recorded.

**Mrs. Golden made a motion to approve the Minutes of the April 28, 2009 meeting seconded by Mrs. Underwood and carried.**

**Mr. Waybright made a motion to approve the bills list, in the amount of \$232,799.01, from the General Fund and \$7,525.44 from the State Fund seconded by Mrs. Underwood and carried.**

Chief Boehs presented a written and oral report of police activities for the month of April 2009 including: 424 complaints, 56 traffic stops and 47 combined arrests. They patrolled 8,622 miles and assisted other departments 17 times and were assisted 7 times.

Chairman Gregor reported that the first item of business is Resolution 09-07 appointing a voting delegate and an alternate to represent the township on the Adams County Tax Collection Committee. **Mrs. Underwood made a motion to adopt Resolution 09-07 appointing Florence Ford as the voting delegate and John Gregor as the alternate representing Cumberland Township on the Adams County Tax Collection Committee seconded by Mrs. Golden and carried.**

Mrs. Ford reported that Chesapeake Telephone has prepared a System Purchase Agreement for a new phone system for the Township Building including two additional phones for the new maintenance building. The existing telephones will be re-used. The total cost for the equipment is \$4,595.00 which was budgeted. Mrs. Ford added that this should fix our problem with the extremely long lag time while

waiting to be transferred to an extension and the problem with receiving voice mails a day or two after they are left. She also reported that we were maxed out on the number of phone stations that we had on the old phone system and the new system was necessary to add two phones in the new building. **Mr. Shealer made a motion to approve the agreement with Chesapeake Telephone to upgrade the phone system in the township building and to add two phones in the new maintenance building, in the amount of \$4,595.00, seconded by Mrs. Underwood and carried.**

Mrs. Ford reported that the township entered into the Peer-to-Peer Grant and were the sponsors of that grant and she now has an agreement between Sue Landes, the Consultant from DCNR, and the township that needs to be approved. She added that the agreement outlines the payment and reimbursement component of the grant. **Mr. Waybright made a motion to approve the Peer-to-Peer Technical Assistance Project Contract Agreement seconded by Mrs. Underwood and carried.**

Ms. Heine reported that the Harvest Investment Group Plan is a subdivision plan for the pump station only, to serve St. Francis Xavier Church that is proposed near the intersection of Table Rock and Boyd's School Roads. She added that no new information has been received on this plan since the Board discussed it at their workshop on Thursday. She reported that the Planning Commission has recommended approval of the plan and a Resolution for Final Subdivision Approval has been prepared. She added that all of the engineer's comments have been addressed. Mr. Campbell asked if all of the Zoning issues had been addressed. Ms. Heine reported that all Zoning issues with the subdivision plan have been addressed but, there may be issues with the land development plan. Mr. Peter Martin, representative for St. Francis Xavier, asked that the conditions be clarified. He read condition 2.A and asked if there were any outstanding issues. Mrs. Ford acknowledged that there are no outstanding issues with the subdivision plan and that condition 2.B has been satisfied and could be crossed out. **Mr. Shealer made a motion to accept Resolution 09-08 Final Subdivision Approval for the Revised Final Subdivision Plans for Harvest Investment Group, LLC with condition 2.A; and 2.B being removed from the Resolution seconded by Mrs. Golden and carried.**

**Mrs. Golden made a motion seconded by Mrs. Underwood and carried to schedule a Public Hearing for the addition to the township's Agricultural Security Area I (ASA I) for June 23, 2009 at 6:45 p.m.**

**Mr. Waybright made a motion to approve a request from Sharrah Design Group, Inc, on behalf of Grandview Station – Professional Office Condominium Development, to extend the timeframe for approval of their plan until September 1, 2009. The motion was seconded by Mrs. Golden and carried.**

**Mrs. Underwood made a motion seconded by Mr. Waybright and carried to approve a request from Penn Terra Engineering, Inc., on behalf of The Crossings I, Phase I Final Plan, to extend the approval period for their plan for 120 days. Approval will now be needed by September 30, 2009.**

**Mr. Waybright made a motion seconded by Mrs. Golden and carried to approve a request from Penn Terra Engineering, Inc., on behalf of The Crossings II, Preliminary Plan, to extend the approval period for their plan for 120 days. Approval will now be needed by September 28, 2009.**

Mrs. Underwood reported that the next meeting of the Adams County COG will be held on Thursday at 8:30 a.m. at the Gettysburg Area School District Board Room and that the Board must appoint two voting members. **Mr. Shealer made a motion to appoint Mrs. Underwood and Mrs. Ford as the township's voting members on the Adams County COG seconded by Mrs. Golden and carried.**

Mrs. Ford reported that she would like to cancel the Finance Committee meeting scheduled for next Wednesday because Mrs. Merryman will be on vacation. The committee members were in agreement. The Zoning Officer and Assistant Secretary's reports were reviewed.

**Being no further business the meeting was adjourned at 7:17 p.m. by motion of Mr. Shealer seconded by Mrs. Underwood and carried.**

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## Minutes of the June 23, 2009 Meeting

At 6:45 p.m., Chairman Gregor called the Public Hearing for an addition to the township's Agricultural Security Area I (ASA I) to order. Present were all Supervisors; Solicitor Tom Campbell, Flo Ford, Carol Merryman and Jan Bucher, Court Reporter. Please see transcript for details of the hearing.

The regular meeting was called to order at 7:00 p.m. by Chairman Gregor. Present were all Supervisors; Flo Ford, Carol Merryman, Chief Boehs, Tim Knoebel, Solicitor Tom Campbell, Ernie Shriver, Matt Sentz, Holly and Elizabeth Martin; Officers Guise, Briggs, Ogle and Pennese and Erin James from the Evening Sun and Scot Pitzer from the Gettysburg Times. The meeting was tape recorded.

**Mrs. Underwood made a motion to approve the Minutes of the May 26, 2009 meeting seconded by Mrs. Golden and carried.**

**Mr. Waybright made a motion to approve the bills list, in the amount of \$127,911.60, from the General Fund, \$1,395.00 from the State Fund and \$88,215.57 from the Capital Reserve Fund (for new building expenses) seconded by Mrs. Underwood and carried.**

Chairman Gregor stated that it is a pleasure to recognize Elizabeth Martin. He stated that Elizabeth is a recent graduate of Delone High School and is planning to attend Harrisburg Area Community College (HACC). He added that Elizabeth has apprenticed with the Township's Police Department for the past year volunteering about 10 hours a week and has also helped the Administration staff when things were slow in the Police Department. He stated that the Supervisors are very happy that Elizabeth has done this and on behalf of the Board, and the residents, presented Elizabeth with a small token of their appreciation and a Certificate of Appreciation. He asked Chief Boehs to say a few words since Elizabeth spent the majority of her time with the Police Department. Chief Boehs stated that Elizabeth has helped the department substantially by entering incidents and information into the computer on a daily basis, helping the officers and giving them more hours to spend on the road. She helped prepare the Standard Operating Procedures and made crime prevention pamphlets for the recent Open House. Chief Boehs stated that Elizabeth has grown to be a trusted and valuable member of the Police Department. He added that some of the officers are present to show their appreciation and more of them would have liked to be present. He added that he has seen Elizabeth grow in the last year, into a confident, honest and dependable person that he would like to see become a full-time member of the Police Department. Chief Boehs also presented Elizabeth with a Certificate of Appreciation from the Police Department.

Mr. Ernie Shriver asked if there is any change in the status of work on the Mixed Use Zoning changes. Chairman Gregor stated that there is no change. Mr. Shriver also asked if there were any changes proposed to the VMX District and Mrs. Ford stated that she did not believe there were any proposed changes to the VMX District.

Mr. Matt Sentz reported that Barlow's new rescue truck is back in station, all equipment is mounted on the unit and they are working on the drivers' training on the new unit. He added that they hope to have the new unit in service by Bike Week.

Chief Boehs presented a written and oral report of police activities for the month of May 2009 including: 403 complaints, 87 traffic stops and 77 combined arrests. They patrolled 7,652 miles and assisted other departments 14 times and were assisted 10 times. Mrs. Golden stated that she noticed more noise complaints than usual on the Chief's report. Chief Boehs stated that they were neighbor/nuisance complaints. Mrs. Golden also stated that she noticed five animal calls and asked if these calls would normally be handled by the SPCA. Chief Boehs stated that they could have been animals struck on the road and that they do answer their own dog calls. Chief Boehs also reported that there has been a steady rise in calls for service and they should hit 5,000 calls by the end of the year. He

also reported that violent/serious crimes are up roughly 40% since 2006. He added that the department has 39 felonies that they are currently working on and they average twenty hours per case.

There was no Old Business on the agenda.

The first item under New Business is a Resolution authorizing the Township Manager to sign a Condition statement in conjunction with application #204808 for a State Highway Occupancy Permit (HOP) for Misty Ridge. Mrs. Ford explained that the State has recently made the Townships be the applicants for State HOPs just like they must do for traffic signals and they have also added a statement that lists all of the conditions that the developer must meet included in the HOP. By passing this resolution, the Board authorizes the Manager to sign this Condition statement. Mr. Campbell added that the signing of the statement would be contingent upon the developer entering into an agreement with the township indemnifying, holding the township harmless and making the developer financially responsible and a draft agreement has been prepared and is ready to go to the developer. Mr. Shealer asked who would be responsible for inspecting the work as it is being done and Mr. Campbell stated that both the Township and State would be responsible for inspecting the work. Mr. Campbell also stated that there is no guarantee that the developer will still be around twenty years from now to be held financially responsible for the work. Mrs. Ford stated that she will be going to Dan Moul about this after the representatives are finished with budget because this is not coming from our legislator, it is policy coming from a department. Mrs. Golden asked that a letter be drafted to all of our State representatives asking them to review this policy. Mrs. Ford suggested that this may be a good thing to be handled by the COG. **Mrs. Golden made a motion to adopt Resolution 09-09 authorizing the Township Manager to sign the Condition statement for HOP #204808 contingent upon the developer signing the agreement prepared by Solicitor Campbell seconded by Mrs. Underwood and carried.**

**Mr. Shealer made a motion seconded by Mrs. Golden and carried to authorize a joint legal advertisement in the Gettysburg Times with at least 22 other municipalities to specify the Township's intent to adopt an ordinance establishing their membership in the Adams County Council of Governments.** The date of the intended adoption is August 25, 2009.

Mr. Campbell reported that he received a call from the attorney representing Herr Tavern and they are requesting the Township remove the enforcement of the Noise Ordinance from the PLCB as they did for The Pike Restaurant and that it be enforced by the Township's Police Department. He added that the attorney did understand that all costs will be the applicant's responsibility. Chief Boehs reported that things have been going okay with the enforcement at The Pike with the exception of some complaints from the neighbors. **Mr. Waybright made a motion to grant the request from Herr Tavern seconded by Mrs. Golden and carried.**

**Mr. Shealer made a motion seconded by Mrs. Underwood and carried to enter into a joint bidding process for a waste hauling contract.** Mrs. Ford explained that entering into this bidding process does not lock the Township into accepting any of the bids and that there are about seven bidders this year.

**Mr. Shealer made a motion to grant an extension to St. Francis Xavier for an additional 120 days for review and approval of their land development plan seconded by Mrs. Underwood and carried.**

**Mr. Waybright made a motion seconded by Mrs. Underwood and carried to grant an extension for approval of the Wayne D. and Susan C. Hill Preserve at Plum Run Revised Final Plan until October 1, 2009.**

**Mrs. Golden made a motion seconded by Mr. Waybright and carried to grant an extension for approval of the Wayne D. and Susan C. Hill Former Rudisill Property (2 lot subdivision) until October 1, 2009.**

**Mr. Waybright made a motion to adopt the Resolution adding the Green, Kepner and Viersma properties to the Township's Agricultural Security Area I (ASA I) seconded by Mrs. Underwood and carried.**

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

At 7:45 p.m., Chairman Gregor adjourned the regular meeting for an Executive Session to discuss legal matters.

**Being no further business the meeting was adjourned at 8:15 p.m. by motion of Mr. Shealer seconded by Mrs. Underwood and carried.**

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Carol A. Merryman, Asst. Secretary

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### **Minutes of the July 15, 2009 Special Meeting**

The special meeting was called to order at 9:00 a.m. by Chairman Gregor. Present were all Supervisors; Flo Ford and Carol Merryman. The meeting was tape recorded.

Chairman Gregor stated that the Finance Committee has been meeting and dealing with the Township's financial situation including the new building and other projects and after meeting with Dennis Hollinger, a Commercial Loan Officer at ACNB, decided that it was time to meet with the entire Board of Supervisors in an effort to give the whole Board an understanding that despite the fact that the budget was frozen, things are not getting better in terms of our revenues. He added that Mrs. Ford was tasked with contacting someone to help the township with strategic planning and that meeting has been scheduled for next Monday, July 20, 2009 at 2:30 p.m. with Dr. Kerry Moyer and the Finance Committee will come back to the Board if they feel that it is worthy of continuing with Dr. Moyer. He also reported that Mrs. Ford contacted Dave Unkovich, Bond Counsel for our previous loan, and he asked her to explain the information that she received from Mr. Unkovich.

Chairman Gregor also stated that the plan to build a new maintenance building started back in 2006 at the cost of \$1.2 million dollars and as the building progressed the Board decided to get a \$1 million dollar loan and to pay the \$200,000.00 from the General Operating Fund. The loan was initiated in 2007 and unfortunately the economic conditions of the Country and State turned and the revenue sources did not materialize as expected and the \$200,000.00 could not be paid from the General Fund. He added that when he came on the Board about thirteen years ago, the Capital Reserve Fund was about \$1.25 million dollars and now it is \$300,000.00 and we have been nibbling away at the reserves over the years. He stated that taxes have been raised twice but, the township has never had a "plan" and we need a plan for how we are going to progress with projects like buildings, cars, roads etc.

Mrs. Ford stated that she had contacted Dennis Hollinger of ACNB to see if the township could pay back its General Fund for the money that had been spent from there on building expenditures and he stated that the township could secure another loan and that there are state and federal requirements that have to be met. She reported that Tom Campbell had contacted DCED and they were okay with the township getting another loan because we are not near our debt cap. Mr. Hollinger also requested that the township get an opinion letter because IRS laws have changed since the township got the original loan and this is not something that Tom Campbell would be aware of. Mrs. Ford reported that she then talked to Dave Unkovich, Bond Counsel, and he told her that if your expenses exceed your original loan

you have a sixty-day window to recapture monies that were spent from the General Fund and luckily we had several large payments that were made in May and June. He also explained that we could recoup "soft costs" which included engineering, project management and design bills back to the beginning of the project and these costs do total around \$500,000.00. She added that the Board has a resolution before them that must be adopted at a public meeting but, this resolution does not lock the Board into doing anything, it just allows the Board to go back sixty days and recapture the expenditures on the building that exceeded the original loan amount of \$1 million without paying a tax penalty. She added that Tom Campbell is aware of this resolution and was thankful that Mrs. Ford spoke to Bond Counsel regarding the situation. Mr. Gregor added that it is typical for banks to handle the smaller loans rather than doing a bond issue and Bond Counsel agreed. Mrs. Ford also stated that she knows that the Board has future projects that will need to be financed and these small loans can be rolled into a larger bond issue in the future. Mrs. Ford simplified this by saying that if the money spent over the \$1 million is taken from the General (operating) Fund then there is no money left to operate. If the money is taken from the Capital Reserve Fund then there is no reserve left and we know that this year our revenues are down and our expenses are up. Mrs. Ford asked the Board to think about this just like they would their home expenses. A certain portion of their income has to be set aside to pay their debt and the balance can be spent on other things like a vacation and if the money is not there, you don't take that vacation. The only difference is that the township has to set aside money to pay back debt and the rest of the money goes to operate, and we have to operate. She asked the Board to think about it in this way, as separate entities, as we go into budget preparation and acknowledged that this Board has never had to deal with debt in the past.

Mrs. Golden asked how the County's reassessment will affect the township. Mrs. Ford stated that the township can not take in more money from the reassessment so the millage will be lowered and can not be raised for two years so the Board will actually have to be budgeting for two years on the revenue side. Mrs. Ford also presented a chart showing the impact of a 1 mil tax increase to property owners. On a home assessed at \$50,000.00 a 1 mil increase equals \$50.00 and on a home assessed at \$250,000.00 a 1 mil increase equals \$250.00. The chart also showed the payments on the township's current debt.

**Mrs. Underwood made a motion to adopt the Resolution 09-10; Whereas, the Township needs additional financing to complete a capital project consisting of the construction of a new maintenance building for the Township's Highway Department, and the Township intends to issue an additional note or bond to provide such financing in the maximum amount of \$500,000.00 seconded by Mr. Shealer and carried.**

Chairman Gregor mentioned that the Board has a workshop next Thursday and there will be more information on the loan process at that time. Mrs. Underwood and Mrs. Golden stated that they would not be available for the next workshop on Thursday, July 23 so it was canceled and rescheduled for Friday, July 24 at 8:30 a.m. and this will be advertised.

At 9:45 a.m., Chairman Gregor adjourned the regular meeting for an Executive Session to discuss a personnel matter.

**Being no further business the meeting was adjourned at 10:15 a.m. by motion of Mr. Shealer seconded Mrs. Underwood and carried.**

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Carol A. Merryman, Asst. Secretary

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### **Minutes of the July 28, 2009 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairman Gregor. Present were all Supervisors;

Carol Merryman, Chief Boehs, Tim Knoebel, Solicitor Tom Campbell, Tina Danos, Bob Sharrah, Matt Sentz, Elizabeth Magner; Mike Galassi, Cheryl Hankey, Bernie Yannetti, Dennis Ryder, Ruth Hallman and Erin James from the Evening Sun. The meeting was tape recorded.

**Mrs. Golden made a motion to approve the Minutes of the June 23, 2009 meeting seconded by Mrs. Underwood and carried.**

**Mrs. Underwood made a motion to approve the Minutes of the July 15, 2009 special meeting seconded by Mrs. Golden and carried.**

**Mr. Waybright made a motion to approve the bills list, in the amount of \$89,737.99 from the General Fund and \$6,236.95 from the Park and Rec Fund seconded by Mrs. Golden and carried.**

Mr. Speros Marinos requested that the Township relinquish the enforcement of the Noise Ordinance at The Pike Restaurant from the Police Department back to the PLCB and also asked that the Township have more control over their external functions. He reported that they had bands in their parking lot during Bike Week using up valuable parking spaces and previous owners limited everything to inside the building and he would like to see everything moved back inside. He also thanked Chief Boehs for the police coverage. Mrs. Golden asked if Mr. Marinos got a timely response from the PLCB and if he could call them at any time of the day or night. Mr. Marinos reported that he got both from them and added that they were undercover and could show up at any time to do unannounced inspections which works more effectively. He also reported that the external lights at the new Comfort Suites were extremely bright and he would speak to the Code Enforcement Officer regarding this matter.

Mr. Matt Sentz reported that the new rescue vehicle is now in service and he will work with the Manager to get the vehicle out here for the Supervisors to see. He also reported that as of June 30, 2009 they have had 64 calls with an average of nine people per call and an average 4.4 minute response time. He added that they have run 20 calls in Cumberland and 25 calls in Mt. Joy and had 1,075 hours of volunteer time.

Mr. Bernie Yannetti expressed his appreciation to the Police Department for their services during Bike Week. He added that everything went very smoothly and their presence there takes care of that. He also stated that the Township will be receiving somewhere in the neighborhood of \$11,000.00 (our half) in amusement tax from the event.

Ms. Elizabeth Magner asked about the amount of the Township's tax increase last year. Chairman Gregor stated that the increase was not from the Township last year and she should check with Adams County or Gettysburg Area School District.

Chief Boehs presented a written and oral report of police activities for the month of June 2009 including: 420 complaints, 40 traffic stops and 35 combined arrests. They patrolled 11,654 miles and assisted other departments 21 times and were assisted 7 times.

There was no Old Business on the agenda.

Mr. Knoebel reported that the **James Heeschen Final Plan** is a minor plan consisting of lot additions to adjoining parcels of Ruth Hallman and Dennis Ryder. The properties front on Lakeview Drive and Old Mill Road and are zoned Residential. He added that all of his comments have been addressed, the Planning Commission has recommended approval and a Resolution has been prepared. **Mrs. Underwood made a motion to adopt Resolution 09-10 Final Subdivision Plan – Lot Addition for James M. Heeschen seconded by Mr. Shealer and carried.**

Mr. Knoebel also reported that the next item is a Land Development Plan for **Hagemeyer North America** and the associated Sewage Planning Exemption. He reported that this project is on Biglerville Road next to Samuels Dental Arts and consists of an existing building that will be razed and two new buildings will be constructed for a contractor/electrical sales business. He added that many of the comments have been addressed and what they are waiting for is mainly outside agency approvals. He added that there are three waiver requests, all from the SALDO and the bonding estimate has been received but, there is no letter recommending a final amount yet because they are not sure of the status of the bonding from PennDOT. Mr. Knoebel explained the three waiver requests and noted that most of the surrounding property slopes into this property so they did not have any issues with the requests except to ask that they get a release from the adjoining property owner where the property slopes onto the adjoining property. Lastly, Mr. Knoebel suggested that the Sewage Planning Module can be approved and forwarded to PaDEP. **Mr. Waybright made a motion to approve the Sewage Planning Module for Hagemeyer North America seconded by Mrs. Underwood and carried. Mrs. Golden made a motion seconded by Mr. Waybright and carried to grant waiver 3.a. to 507.2.A.2.a to allow grading greater than 10% within 20 feet of a property line contingent upon receiving a release from the adjoining property owner (which has been received.) Mrs. Underwood made a motion to grant waiver 3.b. from 507.2.G.2.b. to allow the toe of the detention facility slope to be within 15 feet of an adjacent property line and to be 40 feet of the down slope adjacent property line contingent upon receiving a release from the adjoining property owner seconded by Mrs. Golden and carried. Mrs. Golden made a motion to grant waiver 3.c. to 405.3.C. for relief from compliance with the 150 foot clear sight triangle requirement contingent upon the installation and maintenance of a Stop sign and the clear sight triangle distance of 150 feet should be measured from 10 ft. back from the existing highway cartway seconded by Mr. Shealer and carried. Mrs. Golden made a motion to approve Resolution 09-11 Final Subdivision Approval for the Preliminary/Final Land Development Plan for Hagemeyer North America with the conditions as listed and the bonding meeting the engineer's requirement seconded by Mr. Waybright and carried.**

Mr. Knoebel reported that a request has been received from the Gettysburg National Battlefield Museum and Visitor's Center for a total release of their bonding, in the amount of \$789,541.50. He added that he has prepared a letter dated July 28, 2009 which outlines a recommendation to retain \$56,000.00 for the following: \$25,000.00 for site work and soil erosion and sedimentation control; \$25,000.00 for sanitary sewer improvements and \$6,000.00 for stormwater facility improvements. **Mr. Waybright made a motion to grant the bond reduction request from the Gettysburg National Battlefield Museum and Visitor's Center in the amount of \$733,541.50, retaining \$56,000.00, seconded by Mrs. Underwood and carried.**

Chairman Gregor asked that we move down to Item H and offered Matt Sentz, representative from Barlow VFD, the 1995 and 2002 Crown Victorias (as is) that are no longer being used by the Police Department. Mr. Sentz will take this offer back to the department and give the Township an answer. Mr. Campbell mentioned that we may need to do this by Resolution.

Chairman Gregor reported that the Finance Committee met with Dr. Kerry Moyer, the principal from the Civic Research Alliance, a small company located in Mechanicsburg, PA which does strategic and financial planning for states, school districts, townships, etc. He added that the Finance Committee is recommending to the Board that they look very seriously at this and hire this company to help the Township deal with a strategic plan over the next five to ten years including the financial planning of that strategic plan. He reported that Dr. Moyer could start working with us in early September and it would take two to three months to complete the study and he is willing to allow us to budget the cost of the study in the 2010 budget. Chairman Gregor reported that this study will be similar to the Police

Study that the Township did. **Mrs. Underwood made a motion to move forward with the Civic Research Alliance to have a Strategic Plan in place seconded by Mr. Shealer. Mr. Shealer stated that this is something that the Board has talked about for a fairly long period of time and he is happy to see it come to fruition for the Township's future. The motion carried.** Mr. Gregor stated that he or Mrs. Ford will be in contact with Dr. Moyer to get the process started.

**Mrs. Golden made a motion to approve a request from Sharrah Design Group, Inc. to extend the review period for Cumberland Village, Phase II Preliminary Plan until March 1, 2010 seconded by Mr. Waybright and carried.**

**Mr. Waybright made a motion to approve a request from Sharrah Design Group, Inc. to extend the review period for Cannon Ridge, Phase III Final Plan until March 1, 2010 seconded by Mrs. Golden and carried.**

Chairman Gregor reported that the Township has received a request to withdraw the **Hull's Electric Service, Inc. Plan** and no action was needed by the Board.

Chairman Gregor reported that the Finance Committee has been working on an additional loan for the Maintenance Building. He recapped that back in 2007, the Township got a \$1 million loan and the bids for the building came in at \$1.2 million and the \$200,000.00 was going to be paid from the operating monies but, the Township's revenues have not been what were expected due to the economic downturn so an additional loan is needed. On advice from the Township's Bond Counsel Dave Unkovich, to meet the IRS tax rules, the Township adopted a resolution at their special meeting on July 15, 2009 to recapture the expenses on the building from the last sixty days and piggyback off of the existing loan and we can do a second resolution in the near future to capture the remaining funds needed to finish the project and possibly repair or replace the roof on the Township Building that is currently leaking. Chairman Gregor stated that the Finance Committee is looking for approval from the Board to move ahead and determine the amount of the additional money that will be needed and to work with the Bond Counsel and Adams County National Bank to move forward with the additional loan. He added that the Finance Committee will report back to the Board at the next workshop on August 6, 2009 and if all works well (once the amount is determined) there is a timeline to be followed and the Township will not be able to get the money on a drawdown loan before October 1, 2009. Mr. Campbell stated that nothing official is being done with the loan until the ordinance is adopted at a public meeting and the point of having Bond Counsel is to work with the bank to come up with the terms of the loan. **Mr. Shealer made a motion to allow the Finance Committee to work with Bond Counsel to proceed with the loan to the point where it must come back to the Board for formal action seconded by Mrs. Underwood and carried.**

Chairman Gregor reported that the Board has to schedule a Conditional Use Hearing for the Shenandoah Personal Communication Company who is seeking approval to install a cellular antenna on an existing silo at a private property on Herr's Ridge Road and he suggested that this be done just prior to the next regular meeting. **Mrs. Golden made a motion to schedule a Conditional Use Hearing for the Shenandoah Personal Communications to be located at 1135 Herr's Ridge Road on the property of Mr. and Mrs. Carl Woerner for August 25, 2009 at 6:30 p.m. seconded by Mr. Waybright and carried.**

Chairman Gregor reported that there have been two vacancies on the Township's Planning Commission for some time and they have interviewed two candidates that will be assets. He added that there are two terms that need to be filled ending on 12/31/2011 and 12/31/2012. **Mr. Waybright made a motion to appoint Dennis Hickethier to the term ending 12/31/2011 and Carl Schmick to the term ending 12/31/2012 seconded by Mr. Shealer and carried.**

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

**Being no further business the meeting was adjourned at 8:02 p.m. by motion of Mrs. Golden seconded by Mr. Waybright and carried.**

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Carol A. Merryman, Asst. Secretary

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### **Minutes of the August 25, 2009 Meeting**

At 6:30 p.m., Chairman Gregor called a Conditional Use Hearing for Shenandoah Personal Communications Company (Shentel) for an application to construct telecommunication antennas and a related facility within a silo located at 1155 Herr's Ridge Road, Gettysburg, PA 17325. Please see the transcript for the hearing in its entirety.

The regular meeting was called to order at 7:10 p.m. (10 minutes late due to the hearing) by Chairman Gregor. Present were all Supervisors; Carol Merryman, Chief Boehs, Tim Knoebel, Solicitor Tom Campbell, Bill Naugle, Speros Marinos, Jay Patel, Don Kingston, Jeff Stough – J. A. Myers, Ben Craddock, Bernie Yannetti and Mr. and Mrs. Biggar. The meeting was tape recorded.

Chairman Gregor reported that the first item was Ordinance 2009-129 relating to the Adams County COG and he asked Mrs. Underwood to speak to this. Mrs. Underwood stated that the township was part of a joint advertisement for the intent to adopt and the legal ad did appear in the newspaper and we are within our time limits and the ordinance is ready for adoption if the Board is so inclined. **Mr. Shealer made a motion to adopt Ordinance 2009-129 as follows seconded by Mrs. Golden and carried:**

**AN ORDINANCE OF CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, AUTHORIZING MEMBERSHIP IN THE ADAMS COUNTY COUNCIL OF GOVERNMENTS, APPROVING THE "ADAMS COUNTY COUNCIL OF GOVERNMENTS PROPOSED BYLAWS AND AGREEMENT" AND FOR THE AGREEMENT FOR THE COUNCIL, AUTHORIZING THE RATIFICATION OF THE BYLAWS, AND PROVIDING FOR THE APPOINTMENT OF DELEGATES BY RESOLUTION.**

**Mrs. Golden made a motion to approve the Minutes of the July 28, 2009 meeting seconded by Mr. Waybright and carried.**

**Mrs. Underwood made a motion to approve the bills list, in the amount of \$111,674.07 from the General Fund, \$2,794.26 from the Park and Rec Fund and \$7,525.44 from the State Fund seconded by Mr. Waybright and carried.**

Chairman Gregor recognized Mr. Don Kingston for his service on several township boards and most recently on the Cumberland Township Authority and he presented him with a Certificate of Appreciation on behalf of the Board of Supervisors and the township's residents.

Mr. Speros Marinos expressed his concern about the parking at The Pike Restaurant. He cited some accidents that had recently occurred including the fatality of a pedestrian in the Borough. He reported that The Pike will be holding a dance party and bull ride on August 29<sup>th</sup> from 9:00 p.m. until 2:00 a.m. and their parking is very constricted. He reported that they will have people parking up and down the highway and also parking in the Borough and walking down the highway and he feels that this will create a very dangerous situation. He added that he will not call the Cumberland Township Police Department with noise complaints because he does not feel that this is an effective use of the Police Department and he hopes that their enforcement of the noise ordinance will change on September 3<sup>rd</sup>.

Lastly, he reported that he noticed a funeral occurring at the cemetery while there was loud noise coming from The Pike as well as loud motorcycles going by and felt that it was a very sad situation that this family could not bury their loved one in some peace and quiet. He stated that he will be back next month.

Mr. Jay Patel presented some pictures of what he considered unsafe conditions on the inside and unsightly conditions (weeds and brush which attracts snakes) on the outside of The Pike Restaurant. He also expressed his concern about their patrons parking on his property and doing damage to his property. He stated that The Pike has been allowed to expand 3 times without having adequate parking and he asked why they have no setback from the building for their parking and he had to waste so much property when he built his new hotel. He showed some pictures of walls being braced by 2x4s and showed a fire exit that is usually locked and was blocked by the bracing. Mr. Patel stated that it is a shame that the business is allowed to operate with this many violations.

Chief Boehs presented a written and oral report of police activities for the month of July 2009 including: 469 complaints, 63 traffic stops and 36 combined arrests. They patrolled 8,165 miles and assisted other departments 20 times and were assisted 9 times.

Attorney Campbell reported that the Board had approved a request from Herr Tavern with respect to enforcement of the Noise Ordinance and the next step in the process is adoption of a resolution which he has prepared. He added that he has prepared a petition which needs the Board's signatures. **Mr. Waybright made a motion to adopt the resolution concerning the petition requesting exemption from the Liquor Control Board's regulation regarding amplified music seconded by Mr. Shealer and carried.**

Chairman Gregor announced that the Board will hold an Executive Session following New Business to deal with personnel and legal issues and there will be nothing to report afterwards and the meeting will be adjourned.

The first item under New Business was the Angela C. Eckert Estate Final Plan. Mr. Knoebel reported that this is a minor lot addition on Country Club Lane that proposes to add .086 acres (Lot A) to an adjacent (Tract 1) both owned by the estate. Both tracts are located in the Residential District. Mr. Knoebel added that the Planning Commission has recommended approval and a resolution has been prepared. **Mrs. Golden made a motion to approve the Preliminary/Final Plan Lot Addition for Angela C. Eckert Estate with the conditions noted seconded by Mrs. Underwood and carried.**

Mr. Knoebel reported that the next item is a Preliminary Land Development Plan for St. Francis Xavier Church and their representative, Ben Craddock, approached the Board. Mr. Knoebel reported that the site is located at the corner of Boyd's School and Table Rock Roads and the plan has been reviewed by the Planning Commission and has been revised a number of times. Mr. Knoebel added that he has prepared a report dated August 19, 2009 which includes five waiver requests, some outstanding administrative items and outside agency approvals and clarification to the utility plan. He added that the Board had discussed some concerns that they had about traffic related items and he was asked to contact the traffic engineer and invite her to come to a future workshop to answer any questions that the Board has. He added that the plan does not need action at tonight's meeting according to the township's schedule. Mr. Craddock stated that he received the August 19 report from Mr. Knoebel and stated that he feels that everything has been approved with the exception of the PADEP water quality permit for the pump station and he asked for conditional approval of the plan and offered to answer any questions. He added that they have a "clean" letter from the traffic engineer except for signatures on the plan and road widening and they have requested a waiver to that requirement. Mrs. Underwood stated that she has concerns about the traffic volume going through the intersection and this project will increase the traffic

volume and she would like to have an opportunity to hear from the township's traffic engineer. Mr. Craddock stated that they have done a traffic study and received approval from the traffic engineer and PennDOT. Mr. Knoebel stated that the concerns were about the access off of Table Rock Road, the need for turning lanes and any improvements needed to the intersection of Table Rock and Boyd's School Roads. He added that the traffic engineer did recommend additional right-of-way and additional cartway for Table Rock Road and a waiver has been asked from that requirement. Mr. Craddock stated that the traffic study determined that turning lanes were not required only turning tables and that has been placed on the plans. Mrs. Underwood invited Mr. Craddock to attend the workshop when the traffic engineer is here. Mr. Craddock expressed his concern about additional time and additional costs for things that have already been reviewed and addressed. Mrs. Golden added that some of the engineer's letters were dated 2007 and the Board wants more current answers from the traffic engineer. Chairman Gregor stated that we are talking about a very large project here including a church and a school and we are talking about a road that hasn't changed for decades. Nor an intersection that hasn't changed for decades and the Board has concerns. He added that the Board has not reviewed this prior to tonight and they need some time. Mr. Craddock agreed that they have time because they are not building this summer because of financial constraints but, he asked to the Board to understand that his concern is about additional expense. Mrs. Underwood asked Mr. Craddock to understand that their concern is about safety. Mr. Campbell stated that it is not necessary to table the plan.

Mr. Knoebel reported that J. A. Myers has requested dedication of all of the streets in Phase I and a portion of the streets in Phase II of their Patriot's Choice subdivision. He added that he has prepared a report dated August 25 and he went over the matters that need to be addressed prior to the township accepting dedication of the roads in time to submit to PennDOT for inclusion in the township's Liquid Fuels allocation. These items included an approved deed of dedication, maintenance bond, verification that the sewer and water has maintenance bonding, all outstanding items on the punch list (all work has essentially been completed), approval of the as-built plans, certifications from the Authorities that the water and sewer are acceptable and operational and any additional items as may be recommend by the Solicitor. Mr. Knoebel added that the township would have to adopt a resolution that goes to PennDOT along with the recorded deed of dedication and plot plan and PennDOT's cut-off to receive this information is September 1<sup>st</sup>. He added that it is the township's decision whether to accept the roads for dedication and he feels that it is all township's policy that if they accept a road for dedication they want to be able to receive Liquid Fuels money for the road. Mr. Shealer clarified that if we do not meet PennDOT's deadline then the winter maintenance of snowplowing and anti-skidding will be at the township's expense with no reimbursement from PennDOT and that is something that needs to be considered in these difficult financial times. Mr. Stough requested a conditional approval and did not feel that it would be a problem to get everything done in the next week. Mrs. Golden asked if the township has a policy about accepting a portion of a phase since there is additional construction to take place. Mr. Knoebel stated that ideally you try to minimize the amount of construction traffic and typically the roads are dedicated by phase. He added that in this case, the houses were built and it made sense to pave while the equipment was there but, there is heavy traffic yet to drive over those roads. He added that they have met the 80% requirement of houses being constructed. Mr. Campbell stated that if a resolution had been drafted it could be adopted tonight contingent upon all of the items being addressed but, we do not have the resolution here tonight. Mr. Stough asked why the resolution had not been drafted because he submitted the request back in June and there was a lengthy discussion regarding when things were submitted etc. Mr. Knoebel reiterated that it is always the township's prerogative whether to accept dedication or not especially when it is a portion of a road. Mr. Campbell stated that the resolution could be typed into the Minutes because the details are in the Deed of Dedication that Mr. Knoebel has had an opportunity to review. **Mrs. Golden made a motion to table the request for dedication until the next meeting due to so many loose ends needing to be tied up seconded by Mrs. Underwood and carried.** There was some further discussion regarding what the Supervisors

intended to do at the next meeting and Mrs. Golden stated that they would discuss it at their workshop.

Mr. Knoebel reported that the Township received a request from Donald and Linda Yingling for a reduction of their bonding for their D & L Enterprises storage buildings project located on Taneytown Road and he has prepared a letter dated August 18, 2009 with his recommendation. **Mr. Waybright made a motion to reduce the D & L Enterprises bond by \$70,270.50, retaining \$33,855.50, as recommended by Mr. Knoebel, seconded by Mrs. Underwood and carried.**

**Mr. Shealer made a motion to grant an extension for approval of the Grandview Station Professional Office Condominium Development Plan until December 1, 2009 seconded by Mrs. Underwood and carried.**

**Mrs. Underwood made motion seconded by Mrs. Golden and carried to approve a Certificate of Appropriateness for Gettysburg Construction for two new buildings for contractor supply (Hagemeyer) on Biglerville Road.**

Mr. Knoebel reported that the Robert McCullough Estate Plan proposes to add .324 acres (Lot 1) of a 56.7 acre tract owned by the estate of Robert McCullough to an adjoining lot owned by James R. Biggar. He added that there is also a Non-Building Waiver that goes with the subdivision. **Mr. Shealer made a motion seconded by Mrs. Underwood and carried to adopt Resolution 09-13 Final Plan Approval for Robert McCullough Estate Lot Addition and Non-Building Waiver.**

Mr. Naugle stated that he feels that the Township needs to adopt a Property Maintenance Ordinance in order to deal with situations such as the current concerns expressed earlier regarding The Pike Restaurant and to go in and inspect any building. Mr. Campbell noted that the Township does have a Dangerous Structure Ordinance that may be applicable in this situation. Mr. Naugle and Mr. Campbell will meet to discuss the complaint and it was suggested that Mr. Naugle should see if the owner would voluntarily allow him to come in and look at the building.

Chairman Gregor reported that the Township has received a commitment letter from Adams County National Bank for a loan to pay back the operating fund for money spent on the new maintenance building and for two remaining bills still owed on the contract and paving of the parking lot. Mr. Campbell took a few minutes to review the letter and did suggest a few minor changes that he will add. Mr. Campbell stated that the next step will be to advertise the Township's intent to adopt an ordinance regarding the loan and then send a package to Department of Community and Economic Development (DCED) for their approval which will take twenty days and then closing can be scheduled. **Mrs. Underwood made a motion to accept the commitment letter from Adams County National Bank with the Solicitor's changes seconded by Mr. Waybright and carried.**

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

At 8:55 p.m., Chairman Gregor adjourned the regular meeting for an Executive Session.

At 10:00 p.m., Chairman Gregor reconvened the regular meeting.

**Being no further business the meeting was adjourned at 10:01 p.m. by motion of Mrs. Golden seconded by Mr. Waybright and carried.**

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**Minutes of the September 22, 2009 Meeting**

The regular meeting was called to order at 7:00 p.m. by Vice-Chairman Waybright. Present were Supervisors Shealer, Underwood and Golden; Flo Ford, Carol Merryman, Chief Boehs, Tim Knoebel, Tom Campbell, Mike Galassi, George Scott, Bob Sharrah, Bernie Yannetti, Speros Marinos, Tucker Lahr and Scot Pitzer from the Gettysburg Times. Mr. Gregor was absent. The meeting was tape recorded.

**Mr. Shealer made a motion to approve the Minutes of the August 25, 2009 meeting seconded by Mrs. Underwood and carried.**

**Mrs. Golden made a motion to pay the bills, in the amount of \$125,566.53 from the General Fund, \$7,680.48 from the Park and Rec Fund and \$10,686.18 from the State Fund seconded by Mr. Shealer and carried.**

Mr. George Scott stated that he recently had five motor homes broken into at his business located in Cumberland Township and he wanted to go on record thanking the Police Department for the extremely professional manner in which they handled their investigation, keeping him informed, and he can not say enough good about Detectives Guise and Higgs and the other officers who came out. He added that he has been working with the Township on the Seventh Day Adventist Church project since 2000 and the staff has been very helpful and professional and he added that Mr. Naugle is the type of building inspector that you do not resent him coming and he was very helpful and it has been a pleasure working with the Township's employees through the building process.

Mr. Speros Marinos also complimented Officer Biggins for the professional manner in which he handled an incident at The Pike Restaurant and stated that he feels that Cumberland has a "gem" in its Police Department. He also thanked the Board for relinquishing the enforcement of the Noise Ordinance back to the Liquor Control Board by letting it lapse. Mr. Yannetti asked the Supervisors to allow Mr. Campbell to look into this and if it has lapsed please consider taking over enforcement again because there were no problems with the Police Department handling the enforcement.

Chief Boehs presented a written and oral report of police activities for the month of August including; 580 complaints, 51 combined arrests, 76 traffic stops and 11 traffic accidents. He added that the department patrolled 7,200 miles of road and assisted other departments 18 times and were assisted 6 times.

Vice-Chairman reported that the Board held a Conditional Use hearing prior to their last regular meeting on an application from Shenandoah Personal Communications Company (Shentel) to install an antenna inside a silo located on the Carl and Judy Woerner property at Herr's Ridge Road and Rt. 30. Mr. Campbell reported that the only outstanding issue was a Certificate of No Hazard from the FAA due to the proximity of the Gettysburg Airport and he recommended that if approval is given, that it be contingent upon receiving that certificate before a building permit is issued. **Mrs. Underwood made a motion to approve the Conditional Use application for Shenandoah Personal Communications Company (Shentel) contingent upon them receiving the Certificate of No Hazard from the FAA before they can be issued their building permit seconded by Mrs. Golden and carried.** Mr. Lahr asked if he could apply for the building permit before the written decision is received. Mr. Campbell stated that he could because official action has been taken and that he would expedite the preparation of the written decision.

Mr. Knoebel reported that he has received a request for bond reduction, requisition #3, from Jayjyoti for Comfort Suites and has prepared a letter of recommendation dated September 16, 2009. The current amount bonded is \$116,688.00. **Mrs. Golden made a motion to approve a reduction in the amount**

**of \$67,298.00, retaining \$49,390.00 seconded by Mrs. Underwood and carried.**

Mr. Knoebel also reported that he received a request for bond reduction, requisition #8, from Cambridge Crossing, Phase I and has prepared a letter of recommendation dated September 16, 2009. The current amount bonded is \$92,888.51. **Mrs. Underwood made a motion to approve a reduction in the amount of \$6,652.51, retaining \$86,236.00 seconded by Mr. Shealer and carried.**

Mr. Knoebel reported that he received a request for full bond reduction, requisition #1 in the amount of \$56,386.00, from Seventh Day Adventist Church and has prepared a letter of recommendation dated September 21, 2009. **Mr. Shealer made a motion to approve a reduction in the amount of \$49,850.00, retaining \$6,536.00 seconded by Mrs. Golden and carried.** Mr. Knoebel added that the balance could be released once the grass has been established.

No action was needed on the St. Francis Xavier Parish Life and Education Center and they are looking at options regarding traffic concerns.

Vice-Chairman Waybright reported that the Patriot's Choice request for street dedication was discussed at length at the previous meeting and tabled and discussed further at the Board's workshop. Mrs. Ford suggested to keep things clean, the request should be acted upon rather than leaving it tabled until sometime next year and she has advised the developer of what they need to do. **Mr. Shealer made a motion to deny the request for street dedication from Patriot's Choice, until further time, seconded by Mrs. Underwood and carried.**

**Mrs. Underwood made a motion to grant a six month extension to the Pickett's Choice Condominiums Preliminary Land Development Plan seconded by Mrs. Golden and carried.** Approval is needed by April 23, 2010.

**Mr. Shealer made a motion to grant an extension to The Residence at Deatricks until December 1, 2009 seconded by Mrs. Golden and carried.**

**Mr. Shealer made a motion to grant an extension to Wayne and Susan Hill (former Rudisill property) until March 1, 2010 seconded by Mrs. Underwood and carried.**

**Mrs. Underwood made a motion to grant an extension to Wayne and Susan Hill (Preserves at Plum Run) until March 1, 2010 seconded by Mrs. Golden and carried.**

**Mr. Shealer made a motion to grant a 120-day extension to The Crossings I, Phase I Final seconded by Mrs. Golden and carried.** Approval is needed by January 30, 2010.

**Mrs. Golden made a motion to grant a 120-day extension to The Crossings, Phase II Preliminary seconded by Mrs. Underwood and carried.**

Vice-Chairman Waybright reported that the last item on the agenda is the approval of the Minimum Municipal Obligations for the township's pension plans for 2010. Mrs. Ford reported that due to the large losses incurred in 2008, pension relief legislation has been passed by the State and she will work with our Actuary on this. She added that she will be getting back to them for a policy decision on this. **Mr. Shealer made a motion to approve the MMO for the Non-Uniformed Pension Plan for 2010, in the amount of \$42,737.00, seconded by Mrs. Underwood and carried. Mrs. Underwood made a motion to approve the MMO for the Police Pension Plan for 2010, in the amount of \$76,439.00, seconded by Mrs. Golden and carried.**

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

Mrs. Golden would like to schedule the road inspection at the next workshop.

Mrs. Underwood reminded the Board that there is a special meeting scheduled for Thursday, September, 24, 2009 at 1:00 p.m.

**Being no further business the meeting was adjourned at 7:37 p.m. by motion of Mr. Shealer seconded by Mrs. Underwood and carried.**

Carol A. Merryman, Asst. Secretary

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### **Minutes of the September 24, 2009 Special Meeting**

The special meeting was called to order at 1:00 p.m. by Vice-Chairman Waybright. Present were Supervisors Shealer and Underwood; Flo Ford and Carol Merryman. Mr. Gregor and Mrs. Golden were absent. The meeting was recorded.

Vice-Chairman Waybright reported that the purpose of the meeting was to take comment on a proposed ordinance increasing the indebtedness of the township.

**With no one being present to comment; Mr. Shealer made a motion to close the public comment period seconded by Mrs. Underwood and carried.**

**Mr. Shealer made a motion to adopt Ordinance 130-2009 seconded by Mrs. Underwood. Mrs. Merryman conducted a roll call vote as follows: Mrs. Underwood voted in favor, Mr. Waybright voted in favor and Mr. Shealer voted in favor. The motion carried.**

#### **ORDINANCE #130-2009**

**AN ORDINANCE INCREASING THE INDEBTEDNESS OF CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, THE ISSUE OF A GENERAL OBLIGATION NOTE IN THE AMOUNT OF \$604,777.00 FOR SUNDRY PURPOSE; FIXING THE FORM, NUMBER, DATE, INTEREST, AND MATURITY THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE ON THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENT; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE; AND AUTHORIZING EXECUTION, SALE AND DELIVERY THEREOF.**

**Being no further business the meeting was adjourned at 1:05 p.m. by motion of Mrs. Underwood seconded by Mr. Shealer and carried.**

Carol A. Merryman, Asst. Secretary

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**Minutes of the October 27, 2009 Meeting**

The regular meeting was called to order at 7:00 p.m. by Vice-Chairman Waybright. Present were all Supervisors; Flo Ford, Carol Merryman, Chief Boehs, Tim Knoebel, Mike Galassi, Bob Sharrah, Bernie Yannetti, Cheryl Hankey, Speros Marinos, Jay Patel, Hemang Desai, Matt Sentz, Jim Brown and Mr. and Mrs. Robert Plank. The meeting was tape recorded.

**Mr. Shealer made a motion to approve the Minutes of the September 22, 2009 meeting seconded by Mr. Gregor and carried.**

**Mr. Shealer made a motion to approve the Minutes of the September 24, 2009 special meeting seconded by Mrs. Underwood and carried.**

**Mrs. Underwood made a motion to pay the bills, in the amount of \$241,126.61 from the General Fund and \$9,406.43 from the Park and Rec Fund seconded by Mr. Gregor and carried.** Mrs. Ford noted that the bills include the Township's Minimum Municipal Obligation (MMO) for the Pension Funds.

Mr. Speros Marinos expressed his concern about two of the Township's police officers being injured while assisting in Gettysburg Borough and does not feel that the borough nor Straban Township pull their weight. He also reported that he feels that Career Day at our local schools is something important that our Police do. He added that he feels that the admission price for the National Park Visitor's Center is too high and our admission tax is down because of it and we should encourage more historic tourism rather than entertainment tourism because the noise turns people off from visiting here.

Mr. Jay Patel and Mr. Hemang Desai started to express their concerns about the hearing for the Pike Restaurant and Vice-Chairman asked them to hold their comments until we are at that point on the agenda.

Chief Boehs presented a written and oral report of police activities for the month of September including; 483 complaints, 96 combined arrests, 104 traffic stops and 18 traffic accidents. He added that the department patrolled 9,509 miles of road and assisted other departments 29 times and were assisted once.

**Mr. Gregor made a motion seconded by Mrs. Underwood and carried to appoint Mr. Waybright Chairman.**

Mr. Jim Brown, President of the Barlow Fire Department, presented their 2010 Budget which shows a \$90,650.00 deficit. He reported that their income is dropping and they are working harder to keep it up. He added that they purchased the new rescue vehicle this year and the one that they replaced was twenty years old and they were able to sell it at a pretty good price. Mr. Shealer asked about the budgeted amount for buildings and grounds improvements and Mr. Brown stated that they are planning on installing a sand mound on their new property this year. Mrs. Underwood suggested that, per the Second Class Township Code, that the Board asks the Manager to request financial reports from Barlow, Gettysburg and Greenmount Fire Departments for the Township's budget preparation. Mrs. Ford reported that we already have a report from Barlow.

**Mr. Gregor made a motion seconded by Mrs. Underwood and carried to reschedule the November meeting to November 17<sup>th</sup> with workshops on November 5<sup>th</sup> and November 12<sup>th</sup> and the December meeting on the 15<sup>th</sup> with a workshop on the 10<sup>th</sup> due to the Thanksgiving and**

**Christmas holidays.**

Chairman Waybright reported that the Board has received a request from **The Pike Restaurant** for the Township to schedule a hearing date to renew the Township's enforcement of the Noise Ordinance. He added that the Township did this for them last year and has discovered that it has to be done again. Mr. Yannetti, solicitor for The Pike, asked the Board to schedule a hearing date with the Liquor Control Board (LCB) and to authorize the Township Manager to coordinate a date that works with the Township's solicitor. Mr. Gregor stated that he had a few comments and that he was not speaking for the Board. He stated that as of September 3, 2009, the Township was relieved of the responsibility of enforcing the Noise Ordinance and enforcement is back under the jurisdiction of the LCB and he felt that this was good. He added that the LCB has been around for a long time and they do what they do very well and are impartial and he feels that it is unfair to place this burden on the Township's Police Department. **Mr. Gregor made a motion that the Board not entertain a hearing or set a date seconded by Mrs. Underwood. Mr. Gregor, Mrs. Underwood and Mrs. Golden voted in favor of the motion and Mr. Shealer and Chairman Waybright voted in opposition of the motion. The motion carried.** Mr. Yannetti stated that this action is contrary to what was previously decided at a public meeting and contrary to what the Board has done for other people and he would like that to be on the record.

Mr. Knoebel reported that the Board has a Sewage Planning Module in front of them for a small flow treatment facility to serve a proposed residence on Herr's Ridge Road. He added that the Board needs to decide whether to adopt it or not and if adopted it goes to PADEP for their approval. He also reported that once approved, there will be other permits required before the system can be constructed. He added that the ground is not suitable for other types of septic systems and there is a concern that public sewer will be coming past the property in the future and the applicant's engineer did include language regarding the applicant having to connect to the public sewer when it becomes available in the agreement and it is finalized. He reported that there are other land development issues related to the driveway site distance and sidewalks and perhaps it would make sense to table the Planning Module at this time to allow the owner time to answer the questions from the Board and possibly reconsider the public sewer option. Mr. Plank stated that all he wants to do is build a simple house for himself and his wife and he has been going around and around it just seems like the Township does not want to let him do it. Mr. Knoebel stated that there are always concerns about this type of system because the permit is issued by PADEP and they are responsible for future testing, not the Township. Mrs. Ford asked Mr. Plank if their engineer ever suggested that he explore the possibility of connecting to the public sewer and he stated that they did not. Mrs. Ford offered to get Mr. Plank on the Authority's workshop and meeting agendas. **Mrs. Underwood made a motion to table the Sewage Planning Module for Robert Plank seconded by Mr. Shealer and carried.**

**Mrs. Underwood made a motion to approve a bond reduction for Patriot's Choice, Phase 1, retaining \$43,700.00 resulting in a release of \$142,110.93 seconded by Mr. Shealer and carried.**

**Mr. Gregor made a motion to approve a bond reduction for Patriot's Choice, Phase II, retaining \$247,514.80 resulting in a release of \$201,531.92 seconded by Mrs. Underwood and carried.**

**Mr. Gregor made a motion to approve a full release of \$3,500.00 being held in escrow for Deatrick Commons seconded by Mr. Shealer and carried.**

Mr. Knoebel reported that **The Residence at Deatrick** is the remaining piece of property in the Deatrick development and it consists of 30 apartment units and an exercise building specifically for the residents in these units. He added that he has prepared a report dated October 19, 2009 that outlines that remaining comments on the plan and there is one waiver request to Section 507.G.2.b and although this

is a Preliminary Plan, if the waiver is not granted, they will have to revise their plan. He also reported that they would like to have a written release from the adjoining property owner but, since it is the Federal government, doubts that they will be able to get anything from them. He added that there was also a concern about the integrity of Deatruck Drive during the construction of this project and Mr. Knoebel has spoken to Mr. Sharrah about documenting the condition of the road and any repairs being the responsibility of the developer. Mr. Sharrah stated that he does not feel that he will be able to get a letter from the adjoining property owner and he feels that they are actually taking water away from the adjoining property and dumping it into a wetland on the subject property and then onto the FCC property. He added that asking for the road repairs is fair. **Mr. Shealer made a motion to grant a waiver to section 507.G.2.b allowing the applicant to have less than 40' between the top of the detention basin berm and a downstream property line seconded by Mr. Gregor and carried.** Mr. Sharrah asked that the Sewage Planning Exemption for this development be forwarded to PADEP and Mrs. Golden verified that Mr. Sites has paid for the 31 EDUs for the development. **Mr. Gregor made a motion to forward the Sewage Planning Exemption to PADEP seconded by Mrs. Underwood and carried. Mr. Gregor also made a motion to approve the Preliminary Plan for the Residence at Deatruck subject to the comments of Mr. Knoebel's October 19, 2009 letter and documentation of the existing condition of Deatruck Drive and the developer being responsible for any damage done to the road during the construction of this project seconded by Mrs. Underwood and carried.**

**Mr. Shealer made a motion seconded by Mr. Gregor and carried to approve a 120-day extension for St. Francis Xavier Preliminary Land Development Plan so that they can address the traffic concerns.** Approval is now needed by March 1, 2010.

Mr. Knoebel explained that Misty Ridge has been approved as a Preliminary Plan and Phase I has been given Final approval and is under construction at this time. He added that they are taking a portion of Phase I (townhouses) and making them sellable under the Planned Unit Development Act and to do that they have to prepare declarations and covenants that the buyers are bound to and in addition a declaration plat has to be prepared and recorded as a requirement of the Act and they asking for those items to be approved by the Board. He asked that the Board's approval be subject to the engineer's and solicitor's approval of the declaration plat because he does have some questions. **Mr. Shealer made a motion seconded by Mrs. Underwood and carried to approve the Declarations for Misty Ridge and Declaration Plat for Phase I subject to the approval of the Township's engineer and Township's solicitor.**

**Mr. Shealer made a motion to accept, with deep regret, Mr. Gregor's resignation effective December 31, 2009. Mrs. Underwood seconded the motion, also with deep regret. The motion carried.** On behalf of himself and his family, Mr. Galassi expressed his appreciation for Mr. Gregor's very conscientious service over the years and added that he will be missed and hard to replace. Mr. Marinos seconded. Chairman Waybright stated that the Board will be looking for a replacement and anyone interested should submit a letter of interest and the Board will hold interviews.

Mrs. Ford reported that she has received the bids for the new Trash Contract and she will be presenting them to the Board at their next workshop and place it on November's agenda. She added that there is a budget workshop tomorrow night at 7:00 p.m. Mr. Shealer reported that he will not be able to attend the budget workshop, but he has discussed it with Mrs. Ford.

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

**Being no further business the meeting was adjourned at 8:10 p.m. by motion of Mr. Shealer seconded by Mr. Gregor and carried.**

Carol A. Merryman, Asst. Secretary

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### **Minutes of the November 17, 2009 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairman Waybright. Present were all Supervisors; Flo Ford, Tom Campbell, Carol Merryman, Chief Boehs, Tim Knoebel, Mike Galassi, Bernie Yannetti, John Kresky and Speros Marinos. The meeting was tape recorded.

Chairman Waybright reported that the Board canceled their regular workshop because of a conflict with the COG meeting but, they did hold an Executive Session late Thursday morning to discuss a personnel issue.

**Mr. Gregor made a motion to approve the Minutes of the October 27, 2009 meeting seconded by Mrs. Underwood and carried.**

**Mr. Gregor made a motion to pay the bills, in the amount of \$216,885.00 from the General Fund and \$60,000.00 from the Park and Rec Fund seconded by Mrs. Golden and carried.**

No visitors addressed the Board.

Chief Boehs presented a written and oral report of police activities for the month of October consisting of: 546 complaints, 64 combined arrests, 58 traffic stops and 19 traffic accidents. He added that they patrolled 5,050 miles and assisted other departments 14 times and were assisted 9 times.

Chairman Waybright reported that the Board has a proposed budget completed for 2010, in the amount of \$2,676,659. Mrs. Underwood added that the budget was a lot of work again this year in an attempt to make it as good as possible for the residents. **Mrs. Underwood made a motion to approve the proposed 2010 Budget for advertisement and public review seconded by Mr. Shealer and carried.**

Mr. Knoebel reported that the Board has received a request from John Kresky for release of bonding for stormwater improvements on six remaining lots located on Twin Lakes Drive (former DeSimon Subdivision). He added that it was a fairly minor subdivision with public water and public sewer. The stormwater was handled with a centralized pipe storage system that controlled water from each lot and each lot had its own stormwater system that was to be installed when the homes were built. He also reported that there was a significant bond reduction given back in 2007 when the centralized system was constructed and the balance remaining is \$12,296.60. Mr. Knoebel stated that he would not have a problem with these lots being handled as if they were individual lots using the grading plan process that is now in place and a Certificate of Occupancy not being issued until the stormwater was constructed and approved. Mr. Knoebel asked if the sewer improvements were bonded with the Authority and Mr. Kresky stated that they are not. Mr. Shealer stated that a Road Encroachment Permit would be needed and would cover the restoration of the road. Mr. Knoebel also asked if there is a Homeowners' Association and Mr. Kresky stated that he is handling that until all of the lots are sold. **Mr. Shealer made a motion to grant the bond release for John Kresky, in the amount of \$12,296.60, seconded by Mrs. Underwood and carried.**

**Mr. Gregor made a motion seconded by Mr. Shealer and carried to approve an extension for Grandview Station Professional Office Condominium Development until March 1, 2010.**

Chairman Waybright reported that representatives from IESI and Waste Management attended the last workshop meeting to answer any questions that the Board had regarding their bids for the Waste Hauling Contract and their services. He added that there was not a whole lot of difference in the two bids. Mrs. Ford also stated that Cumberland was grouped with Straban Township and Abbottstown Borough for the bidding and the group has to go with the lowest bid, which is the bid from IESI. She added that the major cost savings comes in the recycling component of the bid with IESI bidding \$24.00 per year, \$200.28 per year for waste collection and disposal and \$3.00 for per-bag service. Waste Management's bid was \$51.84 per year for recycling, \$199.92 per year for waste collection and disposal and \$3.75 for per-bag service. She added that you must accept the lowest bid unless you can prove good reason not to. Mrs. Ford asked that the Board make a condition of acceptance that the Township has time to review the letter to the customers before it gets sent out to make sure that it is clear. Mr. Campbell clarified that the bid needs to be awarded to the lowest overall bidder even though the bid had three components to it. Mrs. Ford also reported that the contract is for three years with a one year extension. Mrs. Ford also reported that no one in the group wanted to do mandatory recycling. **Mr. Shealer made a motion to accept the bid from IESI, option #2, in the amount of \$200.28 per year for waste collection and disposal, \$24.00 per year for recycling and \$3.00 for per-bag service, contingent upon the Township being able to review and possibly edit the letter before it goes out to the customers seconded by Mrs. Golden and carried.**

Chairman Waybright reported that Eloise Wilson passed away. Eloise was a township employee for 27 years and served as a supervisor for six of those years. **Mrs. Underwood made a motion to make a \$50.00 donation to the American Heart Association in Eloise's name seconded by Mr. Gregor and carried.**

Mrs. Ford stated that when the Board was searching for someone to fill the last vacancy, a block ad was run in the Gettysburg Times. She added that we will have a vacancy on the Board and also two vacancies on the Authority and she asked if the Board wanted to do a block ad for all three vacancies and when they wanted to make the deadline to receive the resumes. The Board agreed to do the block ad and make the deadline to receive the resumes December 7, 2009, before the next workshop.

Mrs. Ford also reported that replacement of the Belmont Road Bridge is on the TIP and \$1.3 million was appropriated for the project on Thursday afternoon at the ACTPO meeting. She added that the county is finishing the right-of-way acquisitions and they are ready to roll with the design. Also, the county is willing to help offset the costs for the "Road Closed" signs and Mr. Shealer will get those costs together to turn into the county. Mr. Shealer reported that he did save some money on the signs and he spoke to George Weikert and then to Todd Williams regarding future sewer lines and he asked for Board approval to have the engineer take a look at the drainage situation from Route 30 back to the limit of work for the bridge and make that a road project. He added that there is an existing box at the corner of Belmont Road and Route 30 that would probably have to be replaced and then piping would be taken back to the limit of work. The Board agreed that while they are in the area working that should be done.

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

**Mr. Gregor made a motion seconded by Mrs. Golden and carried to approve the closing of the contract for the Topper property tomorrow.** Mrs. Underwood asked if the property should be posted since the front porch appears to be unsafe. Mr. Shealer will post some "No Trespassing" signs. Mr. Campbell reported that the Board will also have a closing on the bank loan from Adams County National Bank tomorrow.

**Being no further business the meeting was adjourned at 7:50 p.m. by motion of Mrs. Golden seconded by Mr. Shealer and carried.**

An Executive Session was held after the meeting to discuss a personnel issue.

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Carol A. Merryman, Asst. Secretary

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### **Minutes of the December 15, 2009 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairman Waybright. Present were all Supervisors; Flo Ford, Carol Merryman, Chief Boehs, Tim Knoebel, Mike Galassi, Bernie Yannetti, Ben Craddock, Speros Marinos and Scot Pitzer from The Gettysburg Times. The meeting was tape recorded.

**Mr. Gregor made a motion to approve the Minutes of the November 17, 2009 meeting seconded by Mrs. Underwood and carried.**

**Mr. Shealer made a motion to pay the bills, in the amount of \$179,953.66 from the General Fund, \$12,257.44 from the State Fund and \$3,669.52 from the Park and Rec Fund seconded by Mr. Gregor and carried.**

No visitors addressed the Board.

Chief Boehs presented a written and oral report of police activities for the month of November consisting of: 444 complaints, 52 combined arrests, 47 traffic stops and 20 traffic accidents. He added that they patrolled 5,695 miles and assisted other departments 15 times and were assisted 9 times.

Chairman Waybright reported that the Board has a balanced budget completed for 2010, in the amount of \$2,671,659.00. **Mr. Shealer made a motion to approve the 2010 Budget, in the amount of \$2,671,659.00, seconded by Mrs. Underwood and carried. Mrs. Golden voted in opposition of the motion.**

**Chairman Waybright reported that the next item was the Tax Resolutions for 2010 and that they are all the same as last year except for the tax millage rate of 5.5 for real estate.**

### **2010 TAX RESOLUTIONS**

**BE IT RESOLVED THAT** the Per Capita Resolution of 1953 be re-enacted for 2010 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 2010. The rate is 10% (Township receives 5% and Gettysburg Area School District receives 5%).

**BE IT RESOLVED THAT** the Tax Millage for 2010 be set at 5.5 mills for Real Estate.

**BE IT RESOLVED THAT** the Earned Income Tax Resolution of 1978 be re-enacted for 2010 without change. The tax rate is 1.7% (Township receives .5% and Gettysburg Area School District receives 1.2%).

**BE IT RESOLVED THAT** the Realty Transfer Tax Ordinance of 2008 be re-enacted for 2010 without change. The tax rate is 1% (Township receives .5% and Gettysburg Area School District receives .5%).

**Mrs. Underwood made a motion to adopt the 2010 Tax Resolutions seconded by Mr. Shealer and carried. Mrs. Golden voted in opposition of the motion.**

Mr. Knoebel reported that the bond reduction request from **D & L Enterprises** was discussed at the workshop. He added that this is a private project for storage buildings located on the corner of Taneytown and Solomon Roads and some of the stormwater improvements were bonded. He added that one reduction was made in 2008 and the balance of bonding left is \$33,855.50. He added that there are a couple of minor issues that need to be addressed and he is recommending that \$2,500.00 be retained to cover those issues. **Mr. Gregor made a motion to approve a bond release in the amount of \$31,355.50, retaining \$2,500.00, per the engineer's recommendation in his letter dated December 9, 2009 seconded by Mrs. Golden and carried.**

Mr. Knoebel also reported that **St. Francis Xavier Parish Life and Education Center** was discussed at the workshop and the project has been in the works for about two years. He added that the plan is a preliminary and proposes the construction of a church, education center, social hall, rectory/administrative offices, sports fields and associated parking areas. The project is located near the intersection of Table Rock Road and Boyd's School Road in the A/R zoning. He added that their final plan will likely be done in phases, the details of the preliminary plan have been worked out, they have purchased property for the installation of a sewage pump station and water will be provided by GMA. He added that there are five waiver requests associated with the plan and he has prepared a letter dated December 15, 2009 that outlines the waivers, outstanding issues including items #10 and #11 which address the Board's concerns regarding improvements to the intersection including the addition of crosswalks and sidewalks the entire frontage of their property for pedestrian safety. The applicant's engineer and attorney were present and agreed to these comments and agreed to put notes on the preliminary plan indicating their willingness to comply. Mr. Knoebel added that the details of the intersection work, crosswalks and sidewalks would have to be included on the final plan submission. Mr. Knoebel stated that he recommends that the waivers be granted and that the preliminary plan is ready for the Board's approval subject to the conditions set forth in his letter. **Mr. Shealer made a motion to grant waivers 1.a through 1.e, under the recommendation of the township's engineer seconded by Mr. Gregor and carried.**

- a. **To allow grading within 50 feet of a wetland. (401.4.D)**
- b. **To allow geometric modification to the required 100 foot sight triangle at the southern entrance. (402.7.D)**
- c. **To not be required to provide additional street cartway or right-of-way width along Table Rock Road. (402.1.E and 402.2.B)**
- d. **To allow an access way to any public street or highway to be located less than two hundred (200) feet from the intersection of any two (2) street right-of-way lines. (This is related to the access to the proposed wastewater pump station) (405.3.A)**
- e. **To allow grading in excess of ten (10%) percent within twenty (20) feet of a property line. (This is related to the proposed wastewater pump station) (507.1.B.1)**

**Mrs. Underwood made a motion to approve the St. Francis Xavier Parish Life and Education Center Preliminary Land Development Plan located at 445 Table Rock Road subject to the conditions outlined in KPI's December 15, 2009 report seconded by Mrs. Golden and carried.**

**Mr. Shealer made a motion to advertise the Board's Intention to Adopt two ordinances restating the Non-Uniformed and Police Pension Plans at the regular meeting of January 26, 2010 seconded by Mrs. Underwood and carried.**

Mrs. Ford reported that the office has received about twenty-five calls regarding the change to IESI for trash collection and many of the people wanted to make sure that it was not fraudulent and also if they will be reimbursed if they had prepaid Waste Management. Mr. Pitzer agreed to put some information in the newspaper in this regard.

The Zoning Officer's and Assistant Secretary's reports were reviewed. Mrs. Merryman reported that we have some vacancies on the Historic Architectural Review Board that will need to be filled. Mr. Fox's term is expiring, John Walter has been too ill to serve and Flo Ford no longer lives in the township and needs to be replaced. She added that Tom Beauchat's term on the Zoning Hearing Board is expiring as well as Jim Henderson on the Planning Commission and Mike Galassi's term on the Board of Auditors. Mrs. Underwood asked if Jim Henderson is coming off of the County Planning Commission and Mrs. Ford stated that he is. Mrs. Merryman will email the Supervisors the list with the vacancies.

Mrs. Underwood asked if the requested information has been received from the Fire Departments that the Township supports with donations. Mrs. Ford stated that she did receive a report from Gettysburg Fire Department and Greenmount is preparing a report and would like to present it to the Board at their January meeting and they are supposed to get back to her. Mrs. Underwood also reported that Mrs. Ford is taking the lead on the Mechanical Device Tax and there are some policy decisions that will be needed. Mrs. Ford will have some information for the Board at their next workshop.

Mr. Shealer reported that he had a discussion with Dr. Kerry Moyer and they are including an estimated dollar amount of the Township's infrastructure in the Strategic Plan to help with long range planning.

**At 7:30 p.m., Chairman Waybright adjourned the meeting for an Executive Session to discuss a personnel issue. He added that no report will be given after the session and the meeting will be adjourned.**

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Carol A. Merryman, Asst. Secretary

