

**Cumberland Township Board of Supervisors  
Minutes of the August 24, 2010 Meeting**

A Public hearing was held at 6:45 p.m. to take public comments on the seven-year review of the Township's Agricultural Security Area V. Please see the transcript of that hearing for the complete record.

The regular meeting was called to order at 7:00 p.m. by Chairman Waybright. Present were all Supervisors; Ben Thomas, Jr., Attorney Sam Wiser, Carol Merryman, Tim Knoebel, Chief Boehs, Sergeant Molloy, Mike Galassi, Speros Marinos, John Hayes, Don Sangirardi, Al Ferranto, Dale Molina, Mike Jackman, George Lambert, Elizabeth Magner, Bob Sharrah, Martin Hill, Jim Piet, Todd McNew, Attorney Bernie Yannetti, Cheryl Hankey, Jeff Stough, several visitors who did not speak, Scot Pitzer from The Gettysburg Times and Tim Prudente from The Evening Sun. The meeting was tape recorded.

**Mrs. Underwood made a motion to approve the Minutes of the July 27, 2010 regular meeting seconded by Mrs. Golden and carried.**

**Mrs. Underwood made a motion to pay the bills, in the amount of \$107,727.93 from the General Fund and \$11,701.78 from the State Fund, seconded by Mrs. Golden and carried.**

A sign-in sheet was used and Chairman Waybright called on the following people to speak.

Mr. Don Sangirardi, 51 Hunter's Trail, stated that his comments from the previous meeting were reported as him calling for a reduction in the Police Department budget and his comment was to reduce the number of police vehicles. He also asked the Board to look at ways to reduce the township's budget and asked the Board to voluntarily eliminate the health insurance benefit for themselves and their families due to increasing financial hardship. Mr. Sangirardi's written statement is attached at the end of the Minutes.

Mr. Al Ferranto, on behalf of CCCTPA, asked if taxpayer's dollars were spent at the PLCB hearing for The Pike. Chairman Waybright stated that the applicant paid the legal expenses for the hearing. Mr. Ferranto also read the Minutes of the October, 2009 meeting when the Board, at that time, denied a request from The Pike to petition the PLCB for township enforcement of the Noise Ordinance and he asked why there was a flip-flop. Mr. Ferranto also reported that the township has an MOU, an agreement between the two parties in the form of a legal document and it is not fully binding in the way that a contract is, with Mason Dixon Resorts. He added that the county has an agreement (a contract duly-executed and legally binding) with Mason Dixon Resorts. He reiterated his problem with the language in Item #11 Term in the township's MOU regarding default and he read the language in the county's agreement Item #9 Term which does not include the default and he feels that the county got a better deal than the township did and he would like the township to go back to the developer and ask for the same term that they gave the county. He added that use of the property in any manner other than set forth in the aforesaid plans shall be considered a default under this agreement. He stated that he feels that they have escape clauses in the MOU and the MOU wasn't vetted, there was not full disclosure and if that had been done, the township would have gotten a better agreement.

Ms. Dale Molina asked if the township is aware of a well being dug on the Foundry property. Chairman Waybright stated that he was not aware but, they do need to get a well permit to do that.

Mr. Speros Marinos, on behalf of the Marinos family solely, thanked the Board for investigating the need for a special event permit for Bike Week. He added that he feels that it would be a good idea to have a crosswalk between Mr. Patel's property (overflow parking) and The Pike across SR 2035. He added that he spoke to the local PennDOT office and the request would have to come from the township and go to PennDOT's District 8. Lastly, he stated that when you buy a liquor license from the state you should be

prepared to abide by the laws of the state and he doesn't feel that The Pike should be coming to the township for anything regarding the Noise Ordinance.

Chief Boehs presented a written and oral report of police activities for the month of July including 595 complaints, 82 combined arrests, 91 traffic stops, 12 traffic accidents and 9,250 patrol miles. He added that they assisted other agencies 10 times and they were assisted 6 times. Chief Boehs also reported that they hosted a DUI checkpoint on Friday night on Route 30 and there were 4 DUI arrests, 1 drug arrest and 13 assorted arrests.

Mr. Jay Patel, Comfort Suites, cited police reports from various minutes and articles from The Gettysburg Times where Chief Boehs indicated that the department's calls are up, serious crimes are up and the workload is up. He also read from an article that explains that expenditures are going up while revenues are going down. Mr. Patel stated that the Board should run the township as a business and cut down where they can cut down. He stated that we have an excellent Police Department and should be proud of them. He added that Mr. Gregor had stated in the Minutes that the state is doing a good job of enforcing the Noise Ordinance and is doing it completely for free and he asked why the Board is eager to take the responsibility when somebody is doing it for free. Attorney Wisner stated that the State Police do not do anything for free and they are funded with citizen's tax dollars. He added that the appeal is being filed to find out what the basis for the decision was and there is another step to decide whether the township will continue with the appeal. Mr. Patel asked why the Board does this at the request of The Pike and not by their own mind and heart. He asked exactly what the township got from The Pike for making these requests. Attorney Wisner stated that this is one of the written questions that you presented that will be addressed at the next workshop. He added that this action was within the Board's discretion. Mr. Patel also asked if there were public documents that were presented by The Pike. He stated that he feels that it is the Board's duty to make the laws and see that the laws are enforced and it is not their business to see who makes money and who is not making money. Attorney Wisner stated that the Board made a law, the Noise Ordinance, and they want to see that it is enforced and the Board has been apprised of the testimony that was given at the PLCB hearing. Mr. Patel asked how many noise violations have been issued to The Pike and Herr Tavern while the township was doing the enforcement. The Board and Attorney Wisner assured Mr. Patel that his questions will be answered at the next workshop. Mr. Patel asked to read the state's and township's Noise Ordinances. Attorney Wisner stated that the township will provide a copy to anyone who is interested.

Chairman Waybright reported that a public hearing was held earlier regarding the seven-year review of the township's Agricultural Security Area V. **Mrs. Underwood made a motion to approve the continuation of ASA V consisting of lands owned by; Ralph C. Woerner, M. Catherine Strausbaugh, Carl Woerner et al, John Miller, Mark and Doris Smith, David and Beatrice Waybright, Ray and Carol Nell, Robert and Charolett Clowney, Dale and Tammi Reese seconded by Mrs. Golden and carried. Chairman Waybright abstained because he has a property in the ASA V.**

Chairman Waybright reported that the next item is the approval of the appeal to the PLCB and it does come as a request from The Pike and any expenses will be paid by The Pike. **Mrs. Golden made a motion to continue to pursue the appeal and review the written decision of the PLCB and at which time the appeal process will be re-evaluated to see if the township would like to continue seconded by Mr. Phiel and carried.**

Chairman Waybright reported that the next item is an Employment Agreement with Benjamin F. Thomas, Jr. for the position of Interim Manager. Attorney Wisner stated that the agreement is for an Interim Township Manager and the Board will conduct a search for a full-time Manager and Mr. Thomas will be able to apply for the full-time position. **Mr. Phiel made a motion to move forward with the**

**Employment Agreement with Ben Thomas in the capacity of Interim Manager seconded by Mrs. Underwood and carried.** Chairman Waybright officially welcomed Mr. Thomas to the township.

Mr. Knoebel reported that the Gary R. and Joyce R. Maitland Final Plan proposes a 3-lot subdivision on Chambersburg Road that creates one new building lot, one unimproved lot and one lot containing the existing dwelling. He added that the issues remaining were administrative with the exception of a copy of the Shared Use and Maintenance agreements and they have been received and reviewed by Attorney Wisner. **Mr. Phiel made a motion to adopt Resolution 2010-22 Resolution for Final Plan approval for Gary R. and Joyce R. Maitland seconded by Mrs. Golden and carried.**

Mr. Knoebel reported that the Board has the St. Francis, Phase I, Final Plan before them and it has been discussed at many meetings. The plan consists of the construction of the school, sports fields, parking areas, stormwater management facilities, entrances, utilities and a sewage pumping station that will ultimately be dedicated to Cumberland Township Authority at the developer's expense. He added that improvements to the Boyd's School Road and Table Rock Road intersection and future installation of a sidewalk are outlined in the proposed developer's agreement that was prepared by the township's solicitor. Mr. Knoebel also reported that his last review letter, dated August 16, 2010, contains the remaining outstanding issues that need to be addressed and he has reviewed the resolution and those issues have been included. Attorney Wisner reported that the developer has provided the signature page to the developer's agreement and the bonding amount needs to be plugged into the agreement and they are willing to agree to the amount. **Mr. Shealer made a motion to adopt Resolution 2010- 23 Resolution for Final Land Development and Construction Plan – Phase I for Saint Francis Xavier Parish Life and Education Center seconded by Mrs. Underwood and carried.**

Mr. Knoebel also reported that J. A. Myers wishes to dedicate all but a small portion of the extension of Boyd's School Road in the Patriot's Choice development and he went over his review letter dated July 21, 2010. This letter identified the key items that needed to be done before the township takes dedication of the roads. He reported that the Deed of Dedication has been reviewed and is ready to go. The amount of the maintenance bond has been determined to be \$209,860.00 and the developer can produce a bond pending a letter from the township. The last report from the engineer dated August 16, 2010 contains all punch list items from the site and the walk through included a representative from the Homeowner's Association, as requested. Mr. Knoebel added that there are still some items on the punch list that are outstanding. The as-built drawings are close to being complete but, are not approved and the handicap assessable ramps must meet the Federal codes that apply and there are a number of ramps that need to be fixed. Mr. Knoebel also reported that PennDOT needs the Deed of Dedication by September 1<sup>st</sup> in order to have the streets added to receive the Liquid Fuels allocation for them. Mr. Knoebel made some suggestions of things the Board could do to ensure that all of the items are completed and also suggested that the developer could fund the cost of the maintenance until the Liquid Fuels allocation is received in April. Mr. Stough reported that the handicap ramps had been approved last year including as-built drawings and they just got the information that they have to be changed and it took a year for someone to tell him this and he stated that all of the items are still bonded. The developer paying for the maintenance was discussed. Mr. Thomas stated that he has a concern about setting a completion date and the township completing the work with money from the bond and he would like to see the developer get the work done and ask for dedication in the spring. Mr. Jackman stated that the homeowners would like to have the township perform the snow removal this winter and they have paid the same taxes as other residents in the township who do receive snow removal. He suggested that they get a written plan in place to get the work done. Mr. Shealer asked if the water and sewer lines have been dedicated to GMA and CTA and Mr. Stough stated that they have taken dedication and he has submitted water line documentation and they could not have built in Phase II without CTA taking dedication of the lines. Mr. Thomas suggested that the dedication could take place at the September meeting if punch list items are completed and inspected with an agreement from the developer to pay for the maintenance in lieu of Liquid Fuels and Attorney

Wiser agreed. **Mrs. Golden made a motion to table the street dedication for Patriot's Choice until the September meeting seconded by Mr. Phiel and carried.**

Chairman Waybright reported that the township has received an application for a Special Event Permit for Gettysburg Youth Soccer's Battlefield Blast to be held on August 28<sup>th</sup> and 29<sup>th</sup>. **Mr. Shealer made a motion to approve the Special Event Permit application for the GYS Battlefield Blast on the condition that we receive the required narrative for the Plan of Action and proof of insurance seconded by Mr. Phiel.** Mr. Marinos asked if the township gets the Admission Tax from this event and they do not, at this time.

Chairman Waybright reported that the next items on the agenda are requests for extension beginning with Pickett's Choice. Mr. Knoebel reported that the last review letter for the subdivision was dated February, 2008. **Mr. Shealer made a motion to grant a six-month request for extension for approval of the Pickett's Choice Preliminary Land Development Plan with a notice going to the developer that if there is no action on the plan by the end of the six-months the Board may deny any future requests, and disapprove the plan seconded by Mrs. Underwood and carried.**

The next request was from Cumberland Village, Phase II, Preliminary Plan and the developer, Martin Hill, was present and he explained that they are waiting for water from GMA. Mr. Knoebel stated that there are outstanding issues on the plan that could be addressed while they are waiting to hear from GMA and the township does need to see some action. **Mrs. Golden made a motion to grant the request for extension until November 29, 2010 seconded by Mrs. Underwood and carried.**

Mr. Knoebel reported that the Cannon Ridge, Phase III Final Plan has been held up by the construction of the sewer pump station and that is moving forward. **Mr. Shealer made a motion to grant the extension until November 29, 2010 knowing that the pump station is moving forward seconded by Mr. Phiel and carried.**

**Mr. Phiel made a motion to grant the request for extension for Grandview Station until November 29, 2010 seconded by Mrs. Underwood and carried.**

Attorney Wiser reported that he is working with Attorney Murphy on the right-of-way issue on the Charles Skopic Re-subdivision of Lot 7. **Mrs. Underwood made a motion to grant the request for extension until November 29, 2010 seconded by Mrs. Golden and carried.**

Chairman Waybright reported that the roof on the township building has been leaking for years and it needs to be replaced. Mr. Thomas reported that this will have to be bid and he is requesting approval to move ahead with that process. He added that he will write as much of the bid in-house as possible and then send it to Mr. Knoebel. Mr. Shealer confirmed that the roof does leak. **Mr. Shealer made a motion to authorize the Interim Manger to advertise for bids for the replacement of the roof on the township building seconded by Mr. Phiel and carried.**

Chairman Waybright reported that the Memorandum of Understanding with the Cumberland Township Police Officer's Association deals with a change to the township's health insurance. Attorney Wiser added that the Collective Bargaining Agreement that is currently in place dictates the level of service and in order to make a change, the Bargaining Unit must approve it and this will be discussed in Executive Session with possible action after the session.

Mr. Knoebel reported that the Cumberland Club Investments Final Plan proposes to subdivide an

approximately 110 acre parcel, formally known as the Gettysburg Country Club, into two lots. Lot #1 will contain the existing buildings and stormwater facilities along Route 30 and will contain 14.541 acres. Lot #2 will contain a majority of what was the golf course and consists of 95.248 acres. He added that no improvements are being proposed and it is his understanding that the 95 acres will eventually go to the National Park Service. He also reported that the Planning Commission did recommend approval based on satisfying the comments on the August 16, 2010 review letter. Mr. Knoebel explained that there were two notes proposed regarding the maintenance of Lot #2 and the change in use of Lot #1. Mr. Knoebel reported that the Roadmaster has made him aware of drainage problems on both lots and some easements may need to be added so that the township can gain access. Mr. Phiel made the Board aware that the Federal Government can not buy land with any covenants and sanctions on it. It was pointed out that there are already easements on the property. Mr. Hill stated that is their belief that the existing easements do not create a problem but, any note that would further restrict the use of the property would. Mr. Todd McNew of the Land Conservancy stated that he does believe that note #2 regarding the maintenance of Lot #2 would cause very significant delays in the Park Service's ability to acquire the property. Mr. Hill stated that he feels that the notes are unnecessary because the ordinances are in place and respectfully requested that the notes not be required to be placed on the plan or at the bare minimum not note #2. Attorney Wisner stated that the stormwater easements should be shown on the plan and Mr. Hill stated that they have no problem with doing that. Attorney Wisner also stated that he would like to take a closer look at note #2 while the plans are being revised with the easements. Mr. Knoebel stated that he feels that additions of easements and a note is something that he is comfortable with verifying so that they would not have to come back next month and Attorney Wisner agreed. Mrs. Golden stated, for the record, that the tax value to the township only for this property is somewhere between \$120,000.00 and \$156,000.00 that will be coming off of the tax rolls because the property is going to the Park Service. Mr. Shealer requested a meeting at the site to look at the storm drainage issues and Mr. Hill stated that they would be happy to meet and do what they can to assist the township. **Mr. Phiel made a motion to approve the Cumberland Club Investments Plan contingent upon the notes, with the exception of note #2 regarding Lot #2, being addressed, the final plan showing and depicting any and all existing stormwater drainage easements and certification by the township engineer that the township's stormwater drainage concerns have been resolved. The motion was seconded by Mr. Shealer and carried. Mrs. Underwood and Mrs. Golden voted in opposition to the motion.** Mr. Hill will be in touch with Mr. Thomas to set up a meeting at the site.

Mr. Thomas reported that the Board should be appointing a new Right to Know Officer. **Mrs. Underwood made a motion to appoint the Manager or Interim Manager as the Right to Know Officer seconded by Mrs. Golden and carried.**

Mr. Thomas also reported that as the Board switches health care plans with a higher deductible and with the new federal regulations there is a need to have a Third Party Administrator (TPA) to make sure that we are in compliance with all federal laws. He stated that the cost to do this with Capital Blue Cross is 1% of the health insurance premium and the TPA Benefit Connections from Carlisle, PA, has been recommended to the township. He added that we have met with their President, Rob Kole, and he gave an overview of Section 105 and the HIPPA regulations etc. that we would otherwise have to do in house at great staff expense. He added that Benefit Connections will provide those services at the cost of \$1,890.00 for the first year plus a \$600.00 set up fee for a total of \$2,490.00 and the fee for Blue Cross to provide the service is \$3,403.00. Mr. Thomas recommended that the township contract with Benefit Connections for the new Third Party administrative services including assisting us with an internal audit and we could look to them in the future for savings because they are also insurance brokers. **Mrs. Underwood made a motion to contract with Benefit Connections for Third Party Administration seconded by Mrs. Golden and carried.**

Mr. Thomas reported that I.E.S.I.'s Ken Murdock has been placed on the agenda for the next workshop at

9:00 a.m. He also reported that he has not received a response back from Gettysburg Borough regarding the requested donation for their Master Recreation Plan Study.

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

**Mrs. Golden made a motion to appoint the Manager or Interim Manager to be the township's representative to the Tax Collection Committee (TCC) seconded by Mr. Phiel and carried.**

Mr. Shealer reported that he has received a request for a road name sign at Mason Dixon Road and Barlow Road (both state roads) and the cost would be around \$200.00. The Board agreed to have the Road Department install the sign.

**At 9:17 p.m., Chairman Waybright adjourned the meeting for an Executive Session to address two personnel issues and there may be action on the Memorandum of Understanding with the Police Officer's Association and the Disclosure Statement from the Interim Manager after the session.**

**At 9:47 p.m., Chairman Waybright reconvened the meeting.**

**Mrs. Underwood made a motion to have the Chairman sign the Employment Disclosure Statement from the Interim Manager seconded by Mr. Phiel and carried.**

**Mr. Phiel made a motion to have the Chairman execute the Memorandum of Understanding with the Cumberland Township Police Officers Association concerning the changes to the health care provider as presented to the Board. The motion was seconded by Mr. Shealer and the motion carried.**

**There being no further business the meeting was adjourned at 9:50 p.m. by motion of Mrs. Underwood seconded by Mr. Phiel and carried.**

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Carol A. Merryman, Asst. Secretary

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