

Minutes of the March 23, 2010 Meeting

At 7:00 p.m., Chairman Waybright called a public hearing to order to take comment on a proposed text amendment to the Zoning Ordinance to allow Assisted Living Facilities to be developed in the Residential and Mixed Use zones. Please see transcript for entire record of the hearing.

The regular meeting was called to order at 7:04 p.m. by Chairman Waybright. Present were Supervisors Underwood, Golden and Phiel; Flo Ford, Attorney Melissa Dively, Carol Merryman, Tim Knoebel, Bill Naugle, Mike Galassi, Bob Sharrah, Attorney Bob Campbell, Wayne Hill, Ken Murdock – IESI, Tom Stang – Waste Management, six township residents and Scot Pitzer from The Gettysburg Times. The meeting was tape recorded. Mr. Shealer was absent.

Mrs. Underwood made a motion to approve the Minutes of the February 23, 2010 regular meeting seconded by Mrs. Golden and carried.

Mr. Phiel made a motion to approve the Minutes of the March 18, 2010 workshop/meeting seconded by Mrs. Golden and carried.

Mrs. Underwood made a motion to pay the bills, in the amount of \$178,909.50 from the General Fund, \$21,524.98 from the State Fund and a \$50,000.00 transfer from the Money Market Account seconded by Mr. Phiel and carried.

Mr. Al Ferranto, 501 Knight Road, stated that he wants a copy of the Minutes put on the website before they are acted upon (or read out loud) so that he can discuss/comment on them before they are approved. Attorney Dively stated that there is no legal requirement for the Minutes to be read at the meeting. Mrs. Golden explained that the Minutes are only a public document after they are approved and the Supervisors would make any needed corrections and Mr. Ferranto could comment on the issues, not on the Minutes. Mr. Ferranto also asked that the agenda be put on the website prior to the meeting. Mrs. Ford stated that the agenda can and is changed up until the time of the meeting and we do not have an IT person in-house so it would be difficult to get our contracted IT person to do it that quickly. Mrs. Ford added that the agenda is always here and she would be happy to mail it or email it as we send to the newspaper reporters and others who request it. Mr. Ferranto also expressed his concern with the public hearing on the text amendment for the gaming facilities being held on Thursday morning and felt that it could have been held in the evening. He also expressed a concern with the fact that the Board voted for the text amendment that did not include conditions and felt that it was unfair and undemocratic. He announced that he feels that something has to be done and he is starting “Concerned Citizens of Cumberland Township” and anyone who wishes to join is welcome. He added that they will be attending the meetings and playing a role in their township. He stated that he feels that no consideration was given to the comments that were given at the hearing when a decision was made twenty minutes after the hearing.

Mr. John Longanecker, 10 Windbriar Lane, lifetime resident, asked to be allowed to express his point of view on gambling. He stated that he did not understand how the Board collects and surveys the sentiments of the people without doing a survey and feels that democracy is in limbo. He read a prepared statement regarding his opposition to gambling stating that it is the epidemic pestilential disease of our times and is spiraling out of control in our country. He asked the Board if Abraham Lincoln’s opinion on gamblers was relevant, if the Board cares where the slot machines are manufactured and why not direct people who need work in this area to one of the 50+ farms in Southeastern PA.

Mike Galassi, 121 Twin Lakes Drive, stated that the hearing was not to take comments on a proposed casino. It was to take comments on a text amendment to permit licensed gaming facilities in the MX District and feels that people are becoming very upset over a casino that may or may not ever materialize. He added that there are enough real problems that exist today that the Board has to deal with without worrying about something that

may not ever happen or may happen three years from now.

Chairman Waybright stated that the State of Pennsylvania has determined that gaming facilities are a legal land use in Pennsylvania and the township's Zoning Ordinance must allow every legal land use somewhere in the township. He added that this is something that the Board should have addressed several years ago when gaming facilities first came to the area and the Board did the text amendment to protect the township if and when a licensed family facility does apply to start a business in the township.

Mrs. Underwood presented the report of police activities for the month of February including; 431 complaints, 34 combined arrests, 45 traffic stops and 12 traffic accidents. She added that the department patrolled 9,969 miles of road and assisted other departments 13 times and were assisted 9 times.

Chairman Waybright reported that the Board has received numerous concerns from the residents regarding trash collection since IESI took over in January and that is why Mr. Murdock of IESI was asked to attend the meeting. Mrs. Underwood asked how they communicate with the residents to let them know of a delay in trash pick-up. Mr. Murdock stated that they put an announcement on the radio stations MIX 95.1 and WKYZ and it was suggested that they use a local station such as WGET or use the local newspaper. She also asked if they would consider using an automated phone service like the previous contractor used and Mr. Murdock stated that they would consider it. The Board also expressed their concern that people could not get through to IESI on the phone especially when the service was changing over. Mr. Murdock stated that they have five customer service reps. The Board also asked if IESI's recycling issues had been resolved and Mr. Murdock stated that it had been taken care of in January. He added that they have plenty of recycling bins and will provide a bin for each and every customer. Mrs. Ford stated that she received many calls about the containers being dropped and trash falling out on the ground and also a complaint regarding billing. Mr. Murdock asked the Board to call him if they get any kind of complaint and he will drop everything and take care of it.

Mr. Tom Stang, Waste Management, stated that he was very glad to hear that their automated calling system worked well for the township and he was wondering if the residents were paying \$3.00 per quarter for their recycling bins because that would effect the bids. Mrs. Golden stated that they did receive a lot of complaints about that and that is something that they will be looking for when the bills come out. Chairman Waybright told Mr. Stang that one of his trucks picking up dumpsters along Mason Dixon Road is spreading trash along the road.

Chairman Waybright stated that the next item on the agenda is the possible adoption of the zoning text amendment which would allow Assisted Living Facilities to be developed in the Residential and Mixed Use zones. Mr. Phiel stated that, in voting on this text amendment, the Board is taking into consideration what was heard earlier at the public hearing and information that was garnered at other times and from other sources and responsible Assisted Living Facilities create a single footprint, are aesthetically pleasing, low impact, increase tax base, improve our quality of life and provide employment opportunities. **With that being said, Mr. Phiel made a motion to adopt Ordinance 136-2010 amending and supplementing the Zoning Ordinance of Cumberland Township, Adams County to allow Assisted Living Facilities to be developed in the Residential and Mixed Use zones seconded by Mrs. Underwood. A roll call vote was taken as follows: Mr. Phiel voted in favor; Chairman Waybright voted in favor, Mrs. Underwood voted in favor and Mrs. Golden voted in favor. The motion carried.**

Chairman Waybright also stated that the township received a request from Suresh Oza concerning the Gettysburg Inn asking for additional time to make repairs under the Order to Vacate issued by the township. Mr. Naugle reported that he has been working with this situation from the beginning and at this point it does seem that they are making a concerted effort to make the needed repairs to the building. Mr. Oza has hired a consultant/engineer and it seems like things are headed in the right direction and he would like to see an extension be granted to see where this goes. He added that he told Mr. Oza that he had to clean up the site before the township would entertain any kind of plans or permits and the dumpster was supposed to go in

yesterday. **Mrs. Golden made a motion to deny the request for 60 to 90 days extension. There was no second to the motion and the motion died.** Mrs. Underwood suggested that the township work with a two-week timeframe to see if progress is made. It was determined that his deadline is currently April 15, 2010 and **Mrs. Golden made a motion to deny the request from Mr. Oza, as written, for a 60 to 90 day extension and amend to read that an extension would be granted until April 30, 2010 seconded by Mrs. Underwood and carried.** The Board asked Mr. Naugle to stay on top of the situation.

Mrs. Underwood made a motion to approve a Special Event permit for the YWCA's Race Against Racism 5 Mile Run to be held on Saturday, April 24, 2010 seconded by Mrs. Golden and carried.

Mrs. Underwood made a motion seconded by Mr. Phiel and carried to approve a Special Event Permit for the YWCA's Spirit of Gettysburg 5K Run to be held on June 26, 2010. Mrs. Golden asked about the new fees for Special Events and if they can retroactively be charged if they have more participants than declared on their application and Attorney Dively will look at the ordinance to see how that is written.

Chairman Waybright reported that the township has received a complaint from Wesley Harlow, 354 Sachs Road, regarding damage that the snow plow did to a concrete apron on his driveway. Mr. Harlow filed a written complaint and submitted two bids for the repairs and this was discussed at the workshop meeting. Mr. Phiel stated that historically the township only takes responsibility to the edge of the cartway and this decision will set a precedent. Mrs. Ford suggested that the Board authorize staff to submit the claim to the insurance company with the understanding that it may be denied. **Mr. Phiel made a motion to submit the claim to the township's insurance company for their review and judgment of payment or not seconded by Mrs. Golden. Chairman Waybright and Mrs. Underwood voted against the motion and it did not carry.**

Mr. Phiel made a motion to appoint Debra Golden as the township's representative to serve as a voting member on the Journey through Hallowed Ground Pennsylvania Byway Advisory Committee seconded by Mrs. Underwood and carried.

Mrs. Golden made a motion seconded by Mr. Phiel and carried to approve a request for a 6 month extension for Pickett's Choice Condominiums. Approval will now be needed by October 23, 2010.

Mrs. Underwood made a motion to approve a request for extension for the Grandview Station 3 Lot Subdivision until October 1, 2010 seconded by Mr. Phiel and carried.

At 8:20 p.m., Chairman Waybright adjourned the regular meeting for an Executive Session to discuss a legal issue and stated that there would be action taken on Item J – Preserves at Plum Run and Wayne and Susan Hill subdivisions when the meeting is reconvened.

At 8:55 p.m., Chairman Waybright reconvened the regular meeting.

Chairman Waybright asked Mr. Knoebel to bring everyone up to date on the Preserves at Plum Run and Wayne and Susan Hill (former Rudisill property) subdivision plans. Mr. Knoebel reported that at February's meeting, the Board denied requests for extensions on these two plans, denied the plans and since that time have been requested by the developer's legal counsel to reconsider this matter. He added that he did feel that there was some sound basis for the decision to deny the plan in that there are some ordinance sections that the plans are not compliant with and the Board is looking for progress on these plans and that was not demonstrated for quite some time. However, it might be prudent and he recommends that the Board reinstate the plan and rescind the denial for a specified period of time with direction to the developer and his engineer to meet with the township staff to review what the outstanding issues are on the plan and to report back to the township within the specified timeframe how they are going to address the issues. Mr. Bob Campbell stated that he agreed with the recommendation and is willing to meet with the township staff and he feels that there are some misunderstandings about what has already been done. He added, for instance, that they do have a binding

agreement that is recorded that water and sewer will be provided upon approval. Mr. Phiel asked when they intend to move forward with the project. Mr. Hill reported that the development was sold and then the economy went into a tailspin and he has been left holding the bag. He added that they had someone lined up to operate the water and sewer plants that have since backed out and they have made a preliminary overture to the Authority about taking over the sewer and water plants. **Mr. Phiel made a motion to reinstate the plans for the Preserves at Plum Run and Wayne and Susan Hill (former Rudisill property) final subdivision plans and rescind the denial contingent upon the developer meeting with the township staff and coming back to the Board with how they intend to address the issues within 90 days seconded by Mrs. Underwood and carried.**

Mrs. Ford reported that she will be attending a meeting tomorrow in York put on by the PLCM regarding a Municipal Utility Alliance to collectively purchase electricity. She added that there will be another meeting of the TCC on Thursday night because the March meeting was not advertised and everything has to be redone. Mrs. Ford added that she will be attending an ACTPO meeting tomorrow afternoon and she will report back to the Board what gets put on the TIP. Mrs. Underwood asked if the township will be responsible for paying \$40,000.00 of the Belmont Road bridge costs and Mrs. Ford stated that the township would and that project is in the final design phase. Lastly, she reported that she has signed up for a webinar on health care reform and she will update the Board on what she learned at the PELRAS Conference and there are a few minor changes that she will be making.

Mrs. Golden asked for the Board's approval for Attorney Dively to forward her comments on the Peer-to-Peer Study on to the Committee and to see if anyone else had any questions. The Board approved and there were no questions or comments.

Mr. Phiel reported that both new members of the Authority have been seated and attended their first workshop and meeting. Mr. Phiel also reported, on behalf of the Finance Committee, that 2010 Real Estate taxes have started to come in and are helping to alleviate the first quarter budget crunch but, the committee does feel that the spending freeze should continue until it can be re-evaluated sometime in April because there may be a lag between now and the end of the discount period. Mr. Phiel reported that the cost of the snow removal was approximately \$35,000.00 and we have submitted that amount to the County for reimbursement, which may or may not be realized and the Liquid Fuels payment from the State was received a month early to help pay for the snow removal costs.

Mr. Phiel made a motion to authorize Mrs. Ford to begin the application process to DCED for grant monies for a Fiscal Plan Study seconded by Mrs. Golden and carried.

The Zoning Officer and Assistant Secretary's reports were reviewed

Being no further business the meeting was adjourned at 9:15 p.m. by motion of Mrs. Golden seconded by Mr. Phiel and carried.

Carol A. Merryman, Asst. Secretary

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_____) Supervisors
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