

**Cumberland Township Board of Supervisors  
Minutes of the October 26, 2010 Meeting**

The regular meeting was called to order at 7:07 p.m. by Chairman Waybright. Present were all Supervisors; Interim Manager Ben Thomas, Jr., Solicitor Sam Wisner, Carol Merryman, Tim Knoebel, Police Chief Boehs, Police Sergeant Molloy and Mark Walters from The Gettysburg Times. There were approximately 30 visitors present and those who spoke are listed below. The meeting was tape recorded.

Chairman Waybright led the Pledge of Allegiance.

**Mrs. Golden made a motion to approve the Minutes of the September 28, 2010 regular meeting seconded by Mrs. Underwood and carried.**

**Mrs. Underwood made a motion to pay the bills, in the amount of \$274,714.09 from the General Fund, \$117,542.09 from the State Fund and \$1,520.00 from the Park and Rec account, seconded by Mr. Phiel and carried.**

**Engineer's Items: Mr. Knoebel reported on the following:**

The **Sewage Planning Module for Robert Plank** for a small-flow treatment facility on Herr's Ridge Road has been revised, as required by PADEP and the comments from Mr. Knoebel's October 19, 2010, memo have been addressed, and it is now ready for the Board's action and resubmission to PADEP. **Mrs. Underwood made a motion to re-approve and forward on to PADEP the Robert Plank Sewage Planning Module seconded by Mr. Shealer and carried.**

A Request for Time Extensions, until February 1, 2011, for the **Wayne D. and Susan C. Hill Preserve at Plum Run Revised Final Plan and the Wayne D. and Susan C. Hill (Former Rudisill Property – 2 Lot Subdivision Plan** was discussed at length. Both plans had previously been denied for failure to address the engineer's comments, been reinstated at the developer's request and granted multiple additional extensions. Mr. Knoebel reported that he has not received any revised plans since the plans were reinstated. Mrs. Golden added that the Authority has not received anything definitive regarding the sewer and water. Solicitor Wisner reported that he has reviewed this situation extensively with Mr. Knoebel and based on provisions of the PA Municipalities Planning Code and case law, because the applicant has not made a good faith effort to revise the plans to meet the Township's comments and concerns, the plans can be denied. **Mrs. Underwood made a motion to deny the Wayne D. and Susan C. Hill Preserve at Plum Run Revised Final Plan for the specific reasons listed in the engineer's comment letter dated March 3, 2010 and asks the engineer and solicitor to prepare a denial letter that complies with the PA Municipalities Planning Code for the purposes of the denial seconded by Mrs. Golden and carried.**

**Mrs. Underwood also made a motion to deny the Wayne D. and Susan C. Hill Former Rudisill Property 2 Lot Subdivision Plan for the specific reasons listed in the engineer's comment letter also dated March 3, 2010 and asks the engineer and solicitor to prepare a denial letter that complies with the PA Municipalities Planning Code for the purposes of the denial seconded by Mrs. Golden and carried.**

A grading plan for Lots 30 through 43 in Patriot's Choice has been presented with the signatures of all affected homeowners and confirmation that the Homeowner's Association will be responsible for the ownership and maintenance of the common drainage facilities that would be located off of the proposed public right-of-way is needed before Mr. Knoebel can produce a "SUFFICIENT" letter and sign the plan. Once the plan is signed, the developer can then move forward with the work and the plan should be recorded as an As-Built Plan after the work is completed. **Mr. Phiel made a motion to acknowledge the**

**engineer's acceptance of the grading plan by the Patriot's Choice Homeowners of Lots 39 through 43 seconded by Mr. Shealer and carried.**

**Visitor's Section:**

Chairman Waybright asked the speakers to direct their comments to the Supervisors, stated that the Supervisors are not going to answer questions or enter into discussion and there is a five minute time limit for each speaker:

Mr. Mike Galassi, 121 Twin Lakes Drive, stated that he feels that time and money are being unnecessarily spent at the meetings and doing research for the self-appointed citizen's group and the costs should be tracked, billed and made public and the Visitor's Section of the agenda should be moved to the end of the meeting so that the people that are being paid to attend the meetings do not have to sit through it. He also stated that he feels that the citizen's group owes Chief Boehs an apology.

Mr. Don Sangirardi, 51 Hunter's Trail, thanked the Board for information that he requested under the Right-To-Know Law and stated that they learned that the Township has two outstanding loans in the amount of \$1.5 million which needs to be paid back through 2027 and the Township has outstanding lease debt in the amount of \$67,000.00. He added that they did not receive the amount in the Capital Reserve Fund which had been previously stated to have gone down significantly while the taxes have been going up and if the Capital Reserve funds have been used to balance the budget, what does the Township intend to do when those funds are all used up? He added that they will be seeking additional information on the police vehicles.

Mrs. Stephanie Mendenhall, 2715 Emmitsburg Road, expressed her concern about the residents at Devonshire Village who may lose their homes with the further expansion of the proposed Mason-Dixon Resort.

Mr. Al Ferranto, 501 Knight Road, asked that all budget meetings be held in the evening so the public can be present. He also asked who authorized Chief Boehs to testify at the casino hearing while on duty and asked if the Board was aware that Chief Boehs was scheduled to speak at the hearing in November? He asked that if Chief Boehs does testify that he not do it while on duty at the expense of the taxpayers.

Mr. L. Martin Healy, 431 Pegram Street, stated that he does not feel that the citizen's group speaks for the whole township and they do not speak for him.

Mr. Tommy Gilbert, 215 Old Mill Road, stated that he feels that the Police Department does a great job and feels that the residents should be in full support of them. He added that the Adams County Sheriff also testified at the casino hearing and he felt that it was appropriate for them to do so.

Mr. Steve Toddes, 913 Fairfield Road, lifetime resident, stated that the citizen's group does not speak for him and he supports the Police Department. He is also concerned about the time that the group is taking up.

Mr. Bob Signor, 525 Herr's Ridge Road, stated that he has a problem with IESI's automatic deduction from his account. He added that they agreed to send him a bill before they deducted the money from his account but, they did not do it and this creates a problem for him because he has to transfer money from his other account to cover the bill.

Ms. Pat Boyer, 941 Chambersburg Road, Caring Hearts Ambulance Service, wanted to let the Supervisors know of their presence in the township and she commended the Police Department.

Mr. John Hayes, 445 Pumping Station Road, asked if the Supervisors were aware of the plans to level Devonshire Village and expressed his concern that the Board is not concerned about the issues that the Concerned Citizens are raising.

Ms. Holly Martin, 1402 Fairfield Road, commended the Police and Fire Departments and stated that the citizen's group does not speak for her.

Mr. Speros Marinos, 912 Baltimore Pike, stated that he is in favor of supporting our fire departments. The Army Reserve Museum will bring some jobs and please consider supporting it. Please consider enforcement of the Special Events permit so that everyone knows that they have to comply and please consider restoring commercial property along Baltimore Pike.

Mr. Allen Baldwin thanked the Supervisors for their support, on behalf of the Gettysburg Fire Department and Barlow Fire Department.

Mr. Richard Kitner, 796 Blackhorse Tavern Road, stated the citizen's group does not speak for him, his family or any of his neighbors. He added that he feels that time and money is being unnecessarily spent on their requests. Mr. Kitner also spoke in support of the Police Department and gave detailed information on their work load and asked that the current levels of service be maintained.

#### **Agenda Items:**

Police Chief Boehs presented a written and oral report of police activities for the month of August including 483 complaints, 95 combined arrests, 98 traffic stops, 14 traffic accidents and 11,908 patrol miles. He added that they assisted other agencies 10 times and they were assisted 7 times.

#### **Mr. Shealer made a motion seconded by Mr. Phiel and carried to table the Community Media Initiative proposed by New Oxford Borough for further information.**

Mr. Thomas reported that the township frequently gets applications for special events permits and it is incumbent upon the staff to do a background on the application to make sure that it complies with the ordinance and the Board may wish to empower the Code Enforcement Officer to approve these applications that are in conformance with the Special Event Ordinance. **Mr. Shealer made a motion to authorize the Code Enforcement Officer the power to issue Special Event permits seconded by Mrs. Golden and carried. Mr. Phiel abstained since he is involved in a special event.**

#### **Mrs. Golden made a motion seconded by Mrs. Underwood and carried to table action on the Misty Ridge Developer's Agreement until the bonding is finalized.**

Mr. Thomas reported that Gettysburg Borough has applied for a Master Planning Grant from the Department of Conservation and Natural Resources (DCNR) for their Rec Park and it sounds very promising that they will be receiving the grant. He added that they are looking at possibilities of other municipalities joining them because many use the Rec Park. Mr. Thomas stated that should Gettysburg Borough receive this grant, he would ask that the Board consider giving \$5,000.00 from the Park and Rec funds to assist them with their efforts. It was suggested that a representative from Gettysburg Borough be asked to attend a workshop to explain what the Master Plan would consist of. **Mrs. Golden made a motion to table for further information seconded by Mr. Phiel and carried.**

Solicitor Wisner asked the Board to hold off on appointing an alternate member to the Planning Commission because there is currently a bill in the PA House that amends the PA Municipalities Planning

Code (MPC) regarding alternates. He added that the MPC currently does not address alternates. **Mrs. Golden made a motion to appoint Carl Athey to the Planning Commission seconded by Mr. Phiel and carried.** Mr. Athey's term will expire 12/31/2012. The Board asked Mr. Thomas to contact Mr. Tallman (who was also interested in serving) and make him aware of the status of the alternate position.

Mr. Thomas reported that Cumberland Township Municipal Authority is discussing, and will be taking action, to refinance their debt in a new bond issue and the Township is the guarantor of the bond issue and must be involved in this process by adopting an ordinance. **Mr. Phiel made a motion seconded by Mrs. Underwood and carried to set a date for adoption of this ordinance for December 2, 2010.**

Mr. Thomas reported that the Township was considering moving collection of the Admission Tax back in-house, but ninety days notification is needed and that was needed by October 1, 2010. He added that we will be looking at this again for next year.

**Mrs. Underwood made a motion to adopt the following resolution for sale of some surplus police property seconded by Mrs. Golden and carried as follows:**

#### **RESOLUTION NO. 2010-26**

**A Resolution of the Board of Supervisors of Cumberland Township, Adams County, Pennsylvania to authorize the sale of a surplus Police vehicle and equipment.**

**Mr. Phiel made a motion to schedule a budget workshop on Wednesday, November 17, 2010 at 7:00 p.m. for review of the complete preliminary budget and a future plan for long range planning seconded by Mrs. Golden and carried.**

Mr. Thomas reported that Mr. Ferranto has placed both a verbal and written complaint against IESI for a contractual violation; specifically page B.6 Large Item Curbside Pick-up. He added that B.6 states that the collector shall inform in writing all customers about the Large Item Program and remind all customers on a semi-annual basis. Mr. Thomas added that the contract does provide for penalties and he is looking for direction from the Supervisors on how they would like to proceed. He also reminded the Board that there is a cost involved with proceeding that may outweigh the cost of the fine. Solicitor Wisner requested that the Board authorize himself and Mr. Thomas to meet and bring back a recommendation for the appropriate action to the next workshop. **Mr. Phiel made a motion to authorize Mr. Thomas and Solicitor Wisner to bring a recommendation to the next workshop seconded by Mrs. Underwood and carried.**

Mr. Thomas stated that he is here to serve the residents and welcomed calls and emails. He also reported that the 2011 budget includes few, if any, capital requests. He added that they had looked at the possibility of putting the Code Enforcement Officer in a used police vehicle but, that has been tried in the past and was not a viable option. He added that he would like the Township to acquire a stable used vehicle or for the Code Enforcement Officer to use his own personal vehicle.

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

Mrs. Golden suggested that a news release go out regarding what you can and can not burn and also the state regulations on burning. Mr. Thomas also suggested that the information could also go on the Township's website.

Mr. Phiel, on behalf of the Finance Committee, thanked and commended the Administration, Staff and Managers for coming together as a team and making some tough decisions on the budget.

**At 8:36 p.m., Chairman Waybright adjourned the meeting for an Executive Session to continue discussion of a personnel issue with no action to follow.**

**There being no further business the meeting was adjourned at 9:15 p.m. by motion of Mrs. Underwood seconded by Mr. Phiel and carried.**

\_\_\_\_\_  
Carol A. Merryman, Asst. Secretary

\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_) Supervisors  
\_\_\_\_\_)  
\_\_\_\_\_)