

**Cumberland Township Board of Supervisors
Minutes of the September 28, 2010 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairman Waybright. Present were all Supervisors; Ben Thomas, Jr., Solicitor Sam Wiser, Carol Merryman, Chief Boehs and Sergeant Molloy. Visitors present were: Mike Galassi, Speros Marinos, Don Sangirardi, Al Ferranto, Dale Molina, Carolyn Greaney, Ron Rock, Stephanie Mendenhall, Stanley and LaVaughne Wolf, Elizabeth Magner, several visitors who did not speak, Scot Pitzer from The Gettysburg Times and Tim Prudente from The Evening Sun. The meeting was tape recorded.

Chairman Waybright reported that a few changes have been made to the agenda and the meetings will now start with the Pledge of Allegiance.

Mrs. Golden made a motion to approve the Minutes of the August 24, 2010 regular meeting seconded by Mrs. Underwood and carried.

Mrs. Underwood made a motion to pay the bills, in the amount of \$136,656.38 from the General Fund, \$11,879.11 from the State Fund and \$117.00 from the Park and Rec account, seconded by Mr. Phiel and carried.

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

Stanley and LaVaughne Wolf, 714 Blackhorse Tavern Road, addressed the Board concerning property damage that they and some of their neighbors experienced from the seal coating that was done on September 16th. Mrs. Wolf presented pictures and a list of concerns including their driveways, flower beds, wells, soil and flooring in their homes with the oil getting on their shoes. Mr. Shealer stated that the township acknowledges that there is a problem and he added that the invoice for the work will not be paid until everyone has some closure to their issues. Mr. Shealer reported that the roads are being swept by Gettysburg Borough. He is working with Hammaker East, LTD representatives and will contact the company's representative tomorrow and try to get them over here in an effort to get these issues resolved. Mr. Wolf provided contact numbers for the residents affected.

Mr. Speros Marinos stated that the casino hearing went well and he personally thanked PennDOT and he stated that the police presence was good.

Mr. Al Ferranto asked for an explanation of the budget process that is coming up and Mr. Thomas explained how the budget process will work including internal review, review by the Finance Committee, presentation to the Board at a workshop and public review between preliminary and final budget adoption. Mr. Ferranto requested that meetings only be held in the evenings and be properly advertised and posted so residents can come and participate. Mr. Ferranto also stated that they are officially requesting that the Supervisor's health and dental benefits not be placed in the 2011 budget. Lastly, Mr. Ferranto stated that he is personally very upset about a letter written by Chief Boehs, on township letterhead, dated February 3, 2010, which states that he believes a Casino/Resort would positively impact the community and Adams County. He added that this was written before the zoning changes were made, the application was submitted and the MOU was approved.

Mr. Don Sangirardi, 51 Hunter's Trail, asked how the Capital Reserve Fund was decreased over the years as the taxes were increased. It was clarified by Mr. Thomas that Mr. Sangirardi is asking for the present and prior years' year-end fund balance and he asked Mr. Sangirardi to fill out a Right-to-Know request for this information.

Mr. Ron Rock, 839 Boyd's School Road, also stated that, regarding the Chief's letter of February 3, 2010, he believes that it is improper for a township official to use his position to endorse his personal opinion.

Ms. Stephanie Mendenhall, 2715 Emmitsburg Road, echoed the sentiments of Mr. Ferranto and Mr. Rock regarding the Chief's letter and requested to know what the impetus of the letter was and asked for this information to be provided at the next meeting. She added that she can fill out a Right-to-Know request if necessary. Ms. Mendenhall also expressed concerns about the budget because she has witnessed transfers over the years while attending meetings and she feels that the public should have been made aware of this. She added that she wants to see variances being addressed on a regular basis and line items evaluated.

Chief Boehs presented a written and oral report of police activities for the month of August including 543 complaints, 27 combined arrests, 69 traffic stops, 10 traffic accidents and 8,696 patrol miles. He added that they assisted other agencies 11 times and they were assisted 7 times. Chief Boehs also advised the Board that we had two officers in training this week; Officer Trostel attended Firearms Instructor School and Officer Briggs attended Advanced Accident Investigation School.

Mr. Thomas requested that the Board authorize the proposed letter be sent to PennDOT requesting a study to reduce the speed limit on Baltimore Pike in the area of The Pike Restaurant, but to remove the request for the crosswalk until we see if PennDOT will lower the speed limit and then proceed further if that is realized. **Mr. Shealer made a motion to amend the letter to PennDOT to ask only for a speed limit reduction study in the area of The Pike seconded by Mr. Phiel and carried.**

Mr. Shealer made a motion seconded by Mrs. Golden and carried to table the Community Media Initiative for more information.

Mr. Thomas reported that the Health Reimbursement Account (HRA) Agreement with Benefit Connections will keep the Township in compliance with HIPPA regulations and the cost for the first year is \$2,012.00 and it does include a set-up fee that would not be charged in subsequent years. **Mr. Phiel made a motion to authorize Mr. Thomas to execute the Health Reimbursement Account Agreement for health reimbursement with Benefit Connections seconded by Mrs. Golden and carried.**

Mrs. Underwood made a motion to accept, with regret, the resignation of Carl Schmick from the Planning Commission effective immediately seconded by Mr. Phiel and carried. Chairman Waybright asked the reporters to mention that the Township is looking for someone to fill that position and Mr. Schmick's term would have ended 12/31/2012.

Mrs. Underwood made a motion to authorize payment of the 2010 Minimum Municipal Obligation seconded by Mrs. Golden and carried. The amounts are; Non-Uniformed Plan \$42,737.00 and Police Plan \$76,439.00.

Mrs. Golden made a motion to approve the 2011 Minimum Municipal Obligations, in the amounts of \$97,223.00 for the Police Pension Plan and \$55,170.00 for the Non-Uniformed Pension Plan, seconded by Mrs. Underwood and carried.

Mrs. Golden made a motion to adopt the following Resolution appointing the Chief Administrative Officer of the Township's Pension Plans and appointing Mrs. Underwood as Trustee for the Pension Plans and 457 Plan seconded by Mr. Phiel and carried.

Resolution 2010-25

A RESOLUTION APPOINTING THE CHIEF ADMINISTRATIVE OFFICER OF THE MUNICIPAL PENSION PLANS FOR CUMBERLAND TOWNSHIP

We appoint the Manager or Interim Manager as the Chief Administrative Officer for the Police and Non-Uniformed Pension Plans of Cumberland Township.

ENACTED AND ORDAINED THIS 28TH DAY OF SEPTEMBER, 2010 BY THE BOARD OF SUPERVISORS OF CUMBERLAND TOWNSHIP.

Mrs. Golden made a motion seconded by Mr. Shealer and carried to grant the Request for Planning Waiver and Non-Building Declaration for Cumberland Club Investments LLC.

Chairman Waybright reported that Mr. John Horner recently got approval from the state to name the run that goes through his property; Bush Horner Branch. Mr. Horner is now requesting that the Township write a letter to PennDOT asking their permission to erect stream name signs on Mason-Dixon Rd. Mr. Thomas added that conditions of this request should be that Mr. Horner shall be responsible for all costs associated with the sign purchase, mounting hardware, sign post and any Township employee labor costs and the sign shall be to PennDOT specifications and shall be ordered by the Township. **Mrs. Underwood made a motion to send the letter requesting the Bush Horner Branch stream name sign go up with the conditions as stipulated by Mr. Thomas.** Mr. Shealer suggested that a letter go to Mr. Horner to make sure he accepts the conditions, as stated, before the request is made to PennDOT. **The motion was seconded by Mrs. Golden and carried.**

Chairman Waybright stated that there has been a request to place a stop sign at the intersection of Fairplay Road and Herr's Ridge Road. Mr. Thomas reported that it would be appropriate to have the township's traffic engineer prepare a study to see if a stop sign is warranted and there will be a cost involved. Mr. Shealer added that the developer of Cumberland Village was supposed to cut down the knob on that hill but, it hasn't been done yet because of the downturn in the housing market. **Mrs. Golden made a motion to authorize that a letter go to the developer of Cumberland Village to reopen conversations about the improvements to Herr's Ridge Road that were part his subdivision plan seconded by Mr. Shealer and carried.**

Mr. Shealer made a motion to grant a 120-day extension for The Crossings I, Phase I, Final Plan seconded by Mrs. Underwood and carried. Approval is now needed by January 29, 2011.

Mr. Phiel made a motion to grant a 120-day extension for The Crossings II Preliminary Plan seconded by Mrs. Golden and carried. Approval is now needed by January 27, 2011.

Mrs. Golden made a motion to grant an extension for the Grandview Station Land Development Plan until November 29, 2010 seconded by Mrs. Underwood and carried.

Chairman Waybright reported that the Board adopted an ordinance earlier this year establishing a fee for mechanical devices and it has come to their attention from business owners that have these devices that it has created a hardship for them and the enforcement and collection of the fees would cost about as much as the revenue that it would generate. Solicitor Wiser suggested that an ordinance be drafted repealing the ordinance and that any fees already paid to the township be returned to the businesses. **Mr. Phiel made a motion to authorize Solicitor Wiser to draft an ordinance repealing the Mechanical Amusement Device License Tax Ordinance seconded by Mrs. Golden and carried.**

Chairman Waybright reported that the Board has a copy of a letter to the Lake Heritage Homeowner's Association requesting an updated copy of the Emergency Action Plan for the Lake Heritage Dam located in Mt. Joy Township. The request is that the updated plan be received by November 1, 2010. **Mr. Phiel made a motion to approve the letter seconded by Mrs. Underwood and carried.**

Mrs. Golden made a motion to approve the proposed amendment to the Letter of Agreement with the Civic Research Alliance extending the last payment until February 16, 2011 seconded by Mr. Phiel and carried.

Mr. Thomas reported that the Township has received our Firemen's Relief State Aid and he would like a brief Executive Session with the Board to discuss one of the Township's properties.

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

Mrs. Underwood reported that Saturday's Drug Take-Back was very successful and she thanked Officer Guise and Briggs for their participation. She added that the Ag Center drop-off was the largest in the county.

The Board agreed to hold December's regular meeting on December 21, 2010 and December's workshops on December 2, 2010 and December 15, 2010. This change will be advertised as required.

At 8:23 p.m., Chairman Waybright adjourned the meeting for an Executive Session to address a personnel issue and two legal issues and there will be no action taken after the session.

At 8:50 p.m., Chairman Waybright reconvened the meeting.

There being no further business the meeting was adjourned at 8:50 p.m. by motion of Mrs. Underwood seconded by Mr. Phiel and carried.

Carol A. Merryman, Asst. Secretary

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