

**Cumberland Township Board of Supervisors
Minutes of the February 22, 2011 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairman Waybright. Present were all Supervisors; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Carol Merryman, Police Chief Boehs, Engineer Tim Knoebel. Visitors present were: Rachel Killeen from PFM, Robert Campbell, Jens Damgaard, Frank Leber, Matt Sentz, Dale Molina, Carolyn Greaney, Al Ferranto, Speros Marinos, Mike Galassi, Steve Toddes, Charles Skopic and Tim Prudente from The Evening Sun. The meeting was tape recorded.

Chairman Waybright led the Pledge of Allegiance.

Mrs. Underwood made a motion to approve the Minutes of the January 25, 2011 regular meeting, as written, seconded by Mrs. Golden and carried.

Mr. Phiel made a motion to approve the Minutes of the February 3, 2011 Workshop, seconded by Mrs. Golden and carried.

Mr. Shealer made a motion to pay the bills, in the amount of \$73,975.60 from the General Fund, \$1,618.68 from the State Fund and \$12,000.00 from the Park and Rec Fund seconded by Mrs. Underwood and carried.

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

The William H. Scott, Jr. ET AL Final Plan has been revised to show the wetlands as required and PA DEP's approval of the Sewage Planning Exemption has been received. A Resolution for Final Plan Approval has been prepared. **Mrs. Golden made a motion to approve the William H. Scott, Jr. ET AL Final Plan with the conditions as stated in the Resolution seconded by Mrs. Underwood and carried.**

The Enid Craumer Final Plan is still waiting the Solicitor's approval of the Shared Use and Maintenance Agreement and an extension has been requested. **Mrs. Underwood made a motion to approve a 30-day extension for the Enid Craumer Final Plan seconded by Mrs. Golden and carried.** Approval will be needed by the next meeting.

The Charles Skopic Final Plan has been revised to show the private right-of-way from Foxfield Lane to Plank Road as required by the Board. Mr. Knoebel also suggested that action be taken on the waiver request since prior plans had not been recorded. Mr. Knoebel also reported that the plan is within the Traffic Impact Area and a fee may apply. **Mrs. Underwood made a motion to approve the waiver to Section 502.D.3 to allow a cul-de-sac to be greater than 800 feet in length seconded by Mr. Phiel and carried. Mrs. Golden made a motion to approve the Charles Skopic Final Plan with the conditions stated in the Resolution for Final Plan Approval seconded by Mr. Shealer and carried.**

Mrs. Golden made a motion to grant a time extension for approval of Cannon Ridge, Phase III, Final Plan until December 31, 2011 seconded by Mr. Phiel and carried.

Mrs. Golden also made a motion to grant a 65-day time extension for the approval of Pickett's Choice Condominiums including a letter being sent to the developer stating that they must update the Board on the status of their plans before another time extension is granted. The motion was

seconded by Mrs. Underwood and carried. Approval will be needed at the April meeting.

Upon recommendation by Solicitor Wisner the following motions were made:

Mrs. Golden made a motion to adopt Resolution 2011-09 for Final Subdivision Approval for the William H. Scott, Jr. ET AL Final Plan seconded by Mrs. Underwood and carried.

Mrs. Underwood made a motion seconded by Mr. Shealer and carried to adopt Resolution 2011-10 for Final Plan Approval for the Charles E. Skopic Final Plan.

Ms. Rachel Killeen, Consultant for Public Financial Management, Inc., presented a Final Bank Loan Commitment with ACNB Bank for the refinancing of Cumberland Township Authority's debt in the amount of \$6,100,000.00. The loan has a 15-year term with a fixed rate of 3.50% for the first 10 years and 66% of prime thereafter. The refinancing will save the Authority just under \$245,000.00. The Township must be the guarantor of the loan and must adopt a Debt Ordinance that has been advertised in accordance with the Local Government Unit Debt Act. A Resolution is also needed to extend the Authority's existence at least until the end of the life of the loan. Chairman Waybright suggested that action be taken on this item under New Business.

Public comment:

Mr. Matt Sentz, Barlow Fire Department, reported that they will not be holding a carnival this year but rather, they will be holding spring and fall Community Days in May and September.

Mr. Speros Marinos, 912 Baltimore Pike, stated that he wishes to thank the Township for making the Historical Architectural Review Board whole and he reported that the Cumberland Township Historical Society will be holding its first public meeting on March 7, 2011 at 7:00 p.m. at the Gettysburg Church of the Brethren on Biglerville Road and he invited the Board to attend.

Police Report:

Police Chief Boehs presented a written and oral report of police activities for the month of January including 496 complaints, 46 combined arrests, 61 traffic stops, 16 traffic accidents and 7,866 patrol miles. He added that they assisted other agencies 8 times and they were assisted 6 times.

Active Business:

Manager Ben Thomas, Jr. reported that the Board should affirm the date of hire retroactively for Road Department employee Jordan Reichart from 3/5/2008 when he made a lateral transfer from Cumberland Township Authority. Mr. Thomas also asked the Board to affirm the hiring of Michele Long. Ms. Long will start on February 28, 2011 as part-time Receptionist and Planning Secretary. **Mr. Phiel made a motion to affirm the date of hire for Jordan Reichart for March 5, 2008 seconded by Mrs. Underwood and carried. Mrs. Underwood made a motion to approve the hiring of Michele Long as part-time Receptionist and Planning Secretary commencing February 28, 2011 seconded by Mrs. Golden and carried.**

Mr. Thomas asked that the Draft Belmont Road Bridge Agreement and the Police Outside Employment Policy be removed from the agenda as they are still active and not ready for action. **Mr. Shealer made a motion to remove those two items from the agenda seconded by Mr. Phiel and carried.**

Mr. Phiel made a motion to appoint Gary Shaffer (Architect), Marty Miller (Real Estate Broker) and Barry Stone (Planning Commission member) to the Historical Architectural Review Board with the following terms: Barry Stone's term will end on January 1, 2013; Marty Miller's term will end on January 1, 2013 and Gary Shaffer's term will end on January 1, 2014. The motion was seconded by Mrs. Underwood and carried.

Mr. Thomas also asked the Board to consider between now and the March meeting, a couple of changes to the fee structure. He asked the Board to consider campgrounds being charged per campsite rather than all campgrounds being charged a flat rate of \$100.00. He suggested that the fee may be \$10.00 per campsite and the same for Mobile Home Parks; \$10.00 per lot, to help pay for the services that the Township provides. He also reported that the staff is spending a lot more time reviewing applications for Special Events permits and the applicants will be receiving invoices for this extra time that is being spent. **Mrs. Underwood made a motion to table revising the fee schedule until the next meeting seconded by Mr. Phiel and carried.**

New Business:

Solicitor Wisner reported that action is needed by the Board to adopt a resolution extending the life of Cumberland Township Authority and this was discussed at the workshop and the Board had indicated that they were considering only extending for the length of the Debt Service until 2/22/2026 and the Authority is requesting that the extension be for 50 years until 2/22/2061. Solicitor Campbell stated that there are other projects in the pipeline that may require this process to be done over again because the Authority may need to borrow money again in the next few years. Solicitor Wisner also suggested that this action be memorialized with an ordinance because resolutions can be misplaced or lost. **Mr. Phiel made a motion to adopt Resolution 2011-11 as follows:**

RESOLUTION 2011-11

A RESOLUTION OF THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY, PENNSYLVANIA, TO ADOPT AN AMENDMENT TO THE CUMBERLAND TOWNSHIP AUTHORITY ARTICLES OF INCORPORATION TO EXTEND ITS TERM OF EXISTENCE TO FEBRUARY 22, 2061.

The motion was seconded by Mrs. Golden and the motion carried. Mrs. Underwood and Mr. Shealer voted in opposition to the motion.

Solicitor Wisner stated that the next action needed would be adoption of a Debt Ordinance for Cumberland Township Authority in the amount of \$6,045,000.00 as follows:

ORDINANCE NO. 2011-139

OF THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY, PENNSYLVANIA, INCURRING LEASE RENTAL DEBT IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,045,000.00 TO BE EVIDENCED BY ITS GUARANTY OF A GUARANTEED SEWER REVENUE NOTE, SERIES OF 2011, TO BE ISSUED BY CUMBERLAND TOWNSHIP AUTHORITY, TO REFUND THE AUTHORITY'S GUARANTEED SEWER REVENUE BONDS – SERIES OF 2005, AND PAY RELATED COSTS; AUTHORIZING A GUARANTEE AGREEMENT, BY AND AMONG THIS TOWNSHIP, AS GUARANTOR, THE AUTHORITY AND ACNB BANK, AS LENDER; SPECIFYING THE MAXIMUM PRINCIPAL AMOUNT AND MAXIMUM ANNUAL AMOUNTS OF THE GUARANTY OBLIGATION OF THIS

TOWNSHIP UNDER THE GUARANTY AGREEMENT AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THIS TOWNSHIP IN SUPPORT OF THE GUARANTY AGREEMENT; CREATING A SINKING FUND AND APPOINTING A SINKING FUND DEPOSITORY; AND AUTHORIZING TOWNSHIP OFFICERS TO TAKE RELATED ACTION.

Mr. Phiel made a motion to adopt Ordinance 2011-139 seconded by Mrs. Golden. A roll call vote was taken as follows: Mrs. Golden voted in favor; Mrs. Underwood voted in favor; Chairman Waybright voted in favor; Mr. Phiel voted in favor and Mr. Shealer voted in favor. The motion carried unanimously.

Reports:

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

Solicitor Wisner reported that he will be closing on the Township’s borrowing on Friday.

Mrs. Underwood reported that Adams County Office of Planning and Development and Adams County Economic Development Corporation are updating the County’s Comprehensive Plan. Mrs. Underwood also expressed concern regarding the proposed land exchange in Hamiltonban Township between the Department of Conservation and Natural Resources (DCNR) and ISP Minerals, Inc. The taxpayers of Cumberland Township and Adams County helped fund the purchase of the former Gladfelter Tree Farm with the intent of preserving lands for and water for this and future generations. **Mr. Phiel made a motion to authorize the Manager to draft a letter in support of Hamiltonban’s position that DCNR should not render a decision without public input and they should not approve such a land exchange that would affect the health, safety and welfare of the citizens of Adams County for this land intended for conservation and partially funded by our taxpayers and to have Chairman Waybright sign the letter seconded by Mrs. Underwood and carried.**

At 8:35 p.m., Chairman Waybright adjourned the regular meeting for an Executive Session to discuss a personnel issue with no report to follow.

Carol A. Merryman, Asst. Secretary

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_____) Supervisors
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