

**Cumberland Township Board of Supervisors
Minutes of the February 25, 2014 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairperson Underwood. Present were all Supervisors: Underwood, Paddock, Toddes, Waybright and Ferranto; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs and Secretary Carol Merryman. Others present were: Dale Molina, Carolyn Greaney, Steve Tallman, Speros Marinos, Elizabeth Magner, Jean Stone, Bob Sharrah, Martin Hill, Jim Piet, Jonathan Andrews, Jim Biesecker, Ron Carlson and Jeffrey Hines. The meeting was recorded.

Chairperson Underwood led the Pledge of Allegiance.

Mr. Ferranto made a motion to approve the Minutes of the January 24, 2014 Workshop Meeting and January 28, 2014 Regular Meeting seconded by Mr. Toddes and carried 5-0.

Mr. Toddes made a motion to pay the bills, in the amount of \$94,843.84 from the General Fund, \$1,699.00 from the Escrow Fund, \$25,998.50 from the Park and Rec Fund and \$13,304.71 from the State Fund seconded by Mr. Waybright and carried 5-0.

Visitors:

Mr. Jeffrey Hines, P.E., President and C.E.O. of the York Water Company, reported that they are purchasing Lincoln Estates' private water system. He added that the sale must be approved by the Public Utility Commission (PUC) and the PUC will set the rates. He also reported that there will be no expansion of the system at this time and they will use the existing wells. He added that the Township has an opportunity to review the project under the Commonwealth's Act 67/68 and the residents of Lincoln Estates will be receiving a letter from the park owner explaining the change. Mr. Hines has supplied the Township with a letter dated February 17, 2014 and within that letter there are questions regarding whether this change in ownership of the water system is consistent with the Township's applicable Comprehensive Plans and Zoning Ordinances. Mr. Hines reported that the land is zoned "R" Residential and he feels that they do comply with the Zoning and land use planning. **Mr. Ferranto made a motion seconded by Mr. Toddes and carried to authorize the Township Manager to execute the letter provided by York Water Company dated February 17, 2014 indicating that the Township concurs with York Water's application being consistent with the applicable Comprehensive Plans and Zoning Ordinances 5-0.**

Engineer/Plans:

Mr. Thomas reported that the Township has a letter from Sharrah Design Group, Inc., on behalf of Pennsylvania Interfaith Community Programs, Inc., for their Misty Ridge, Lot 10 Land Development Plan, requesting a 30-day time extension for the Township's approval of the plan until March 31, 2014. **Mr. Toddes made a motion to grant the 30-day extension for Misty Ridge, Lot 10 seconded by Mr. Paddock and carried 5-0.** Mr. Thomas added that the Planning Commission has recommended approval of the plan contingent upon some minor items being addressed by their engineer along with a modification that the Board will eventually be reviewing.

Public Comment:

Mr. Speros Marinos, 912 Baltimore Pike, stated that he was very saddened to hear about the loss of the Township's K9 Maximum Effort (Max). He added that he had the opportunity to see Max in action several times and feels that he was definitely an asset. He added that he hopes that he will be replaced someday. He also stated that Maximum Effort could be an unofficial title for the Township's Police Department because it seems that they go out of their way to do things. Mr. Marinos also asked that the

Zoning and Comp Plan be expedited and if there are any questions regarding the two items on the agenda concerning the Cumberland Township Historical Society he would be glad to answer them.

Ms. Elizabeth Magner, 470 Belmont Road, explained that she has been unable to use her heat pump this winter due to the odor from the Keller's poultry operation coming into the house and feels that she will not be able to open her windows or use her air conditioning this summer either due to the odor. She stated that she has no one to complain to about this situation.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of January including; 366 complaints, 67 traffic stops, 67 combined arrests, 22 traffic accidents, 15 targeted enforcements and 9,806 patrol miles. He added that they assisted other agencies 12 times and they were assisted three times.

Active Business:

Mr. Thomas reported that the Supervisors received a letter from the Cumberland Township Historical Society dated November 26, 2013 requesting that the Township hold an Open House to mark the Township's 265th Anniversary in October 2014 to be planned by the Township Manager. **Mr. Paddock made a motion for the Township Manager to move forward with the planning of an Open House to be held later in the year to mark the Township's 265th Anniversary, as requested by the Historical Society, seconded by Mr. Ferranto and carried 5-0.**

Mr. Thomas also reported that the Township received a request from the Historical Society regarding placing name signs at the Township's borders. The letter also indicates their willingness to pay for the name signs and associated hardware. The Board had authorized Mr. Thomas to write to PennDOT regarding this request as he was aware of these signs in other Townships as you entered on State highways. Mr. Thomas reported that he had received a letter back from PennDOT dated January 29, 2014 and they will be placing Cumberland Township name signs at 13 locations throughout the Township on PennDOT maintained roadways that enter the Township. He added that will leave about 14 locations that need the name signs cutting the price in about half. He also reported that he will be doing an analysis, but there should be posts with stream name signs that form the Township's boundary so the only thing that may need to be purchased are the name signs. He added that the Board has already authorized these name signs to be placed at the Township's boundaries on Township roads with costs incurred by the Cumberland Township Historical Society.

Mr. Thomas reported that the Board has a request from Jonathan Andrews, on behalf of the Gettysburg College, for a waiver of Section 22-308 of the Cumberland Township Subdivision and Land Development Ordinance (SALDO) to permit a proposed consolidation of individual lots that comprise the core of the College's campus into one lot. Mr. Andrews presented a plan that shows 41 oddly shaped lots that encompass 202 acres and he stated that it appears that a small portion of two of these lots are located within Cumberland Township. He added that the Township's Ordinance does require a consolidation plan, Gettysburg Borough's Ordinance does not and this is the reason for the waiver request. He also stated that the Township's Planning Commission unanimously recommended approval of this waiver request. Mr. Thomas presented a memorandum to the Board with the following points:

1. There would be no change to the exterior lot lines.
2. There would be no change in ownership.
3. Any land located in Cumberland Township would not be developable given its proximity to existing railroad lines and its inclusion in the National Park Service's Scenic Area.
4. The limited land that may be located in Cumberland Township is not subject to real estate taxes.
5. The actual amount of land located in Cumberland Township may be de minimus given the total land area shown on a map presented by KPI Technology.

6. The request for modification was received in writing (February 6, 2014) stating various facts of unreasonableness or hardship and the Ordinance involved.

7. A record of any action of this waiver from the provisions of the Ordinance shall appear in the official minutes of the Planning Commission and Board of Supervisors.

Mr. Ferranto made a motion to approve the request from Gettysburg College for a waiver to Section 22-308 of the Township's Subdivision and Land Development Ordinance to permit the College to proceed with lot consolidation without the need for a formal subdivision plan approval by the Township seconded by Mr. Paddock and carried 5-0.

Mr. Thomas reminded the Board and the public that a Public Hearing for the Act 537 Sewage Facilities Special Study for the Greenmount Planning Area will be held on Tuesday, March 25, 2014 at 6:30 p.m. at the Township Building. Mr. Thomas also reported that the Township has requested that the Gettysburg Times publish a correction to their reporting that a wastewater treatment facility is to be built at the former Boyds Bear property located on Emmitsburg Road. He added that what is proposed is a privately constructed wastewater treatment plant on Timeless Towns of the Americas' property.

Chair Underwood reported that the Township has had discussions with Gettysburg Borough regarding the merger of their Police Departments. **Mr. Waybright made a motion "The Cumberland Township Supervisors have accepted the *Southern Adams County Regional Police Study* dated July, 2013. Cumberland Township Supervisors will not pursue police consolidation at this time with our Gettysburg neighbors; however, the Township shall keep the Study for future review and long range planning." Seconded by Mr. Paddock and carried 5-0.**

Mr. Thomas reported that the Township has received a letter from Sharrah Design Group, Inc., on behalf of Adams Electric Cooperative, Inc., requesting a zoning map change for four parcels of land located along Biglerville Road and South Avenue from Business Park (BP) to Residential (R) and this requires a public hearing to be held. He added that this request includes three neighboring lots and a lot that is proposed to be subdivided from Adams Electric's parcel. Mr. Thomas stated that the Township is required to give the three neighbors 30 days' notice of the proposed change. **Mr. Toddes made a motion to schedule the hearing for Thursday, April 3, 2014 at 6:30 p.m. seconded by Mr. Ferranto and carried 5-0. Mr. Waybright stated that he does have a conflict on that evening. Mr. Ferranto made a motion to hold the hearing at 6:00 p.m. on April 3, 2014 seconded by Mr. Toddes and carried 5-0.**

Mr. Thomas updated the Board on the winter road conditions and costs. He reported that the General Fund line item budget for snow removal has been exceeded by 70% and tonight's bills include an additional \$18,000.00 to be paid from the Liquid Fuels budget and this will exceed the amount budgeted. Mr. Thomas also reported that the roads have been damaged by the snow, freezing and thawing and they will be starting an aggressive maintenance program in the spring. He stated that the road projects will be taken to the Highway Committee first and then brought before the whole Board for their approval. He also reported that the Township will be receiving funding from the Commonwealth of Pennsylvania (Liquid Fuels) next week of just under \$194,000.00 and they are looking at \$250,000.00 worth of maintenance projects. He added that he would eventually like to look at obtaining a loan from the Pennsylvania Infrastructure Bank to be re-paid by Liquid Fuels dollars.

Mr. Thomas reported that the Board has a draft Memorandum of Understanding between the Township and Woodhaven Building and Development, Inc. for sidewalks and handicapped access at Cumberland Village and a continuation of a sidewalk down to the shopping center at the end of Fairplay Road. He stated that an Accessibility Action Plan for Cumberland Village, Phases 1A, 1B and 1C was prepared by Sharrah Design Group, Inc. and has been reviewed and agreed to by KPI Technology. KPI Technology has also reviewed and commented on the draft Memorandum of Understanding. He stated that this should be all wrapped up and ready to go on the agenda of the next meeting for the Board's approval. Mr. Hill stated that they are being proactive so dedication will go easily. No action was taken.

Solicitor: Solicitor Wisner reported that an Executive Session was held earlier this evening from 6:30 to 6:50 p.m. to discuss personnel, contractual and collective bargaining issues. Solicitor Wisner also reported that the Township had a hearing for an enforcement action regarding the Keller property, the defendant did agree to plead guilty and stipulate to a \$500.00 fine. He added that the work is to be completed by May 1, 2014 and if it is not he will be subject to a \$500.00 fine per day after that and that is the maximum amount the Township could impose.

Committee Reports and comments from Board Members:

Finance - Chair Underwood reported that the committee recommends the installation of a camera in the Police lobby to document visitors to the Police Department and safeguard the “Drug Take Back” box. A second camera is proposed in the crime room to visually and audibly record interviews with suspects of criminal investigations. The Adams County District Attorney’s Office has agreed to fund \$1,500.00 towards the cameras leaving a balance of \$1,935.69. The lowest bid came from A/V Solutions. Mr. Thomas added that they will also be pricing out a replacement camera for the parking lot.

Chair Underwood acknowledged a newspaper article that reported that Road Department employee Chris Walter had stopped his plow truck to assist a citizen that had fallen in the snow.

Public Safety – Chair Underwood reported that Officer Ryan Eiker has successfully completed his new hire probationary period. Chair Underwood also reported that the committee recommends a change from part-time status to full-time status for Officer Eric Yost effective March 10, 2014. Chair Underwood explained that this is not an additional officer; it is just filling a vacancy in the Police Department. **Mr. Waybright made a motion to approve a status change for Officer Eric Yost from part-time to full-time effective March 10, 2014 seconded by Mr. Toddes and carried 5-0.**

COG - Mr. Ferranto reminded the Board that there was form sent out by the COG Legislative Committee regarding priorities if anyone would like to comment on that. Mr. Ferranto also reported that on April 24, 2014 there will be a Legislative Forum with State Representatives and Congressman Perry present and the U.S. Senators have been invited.

Park and Rec – Mr. Toddes reported that the Department of Conservation and Natural Resources approved a grant for the Gettysburg Area Recreation Authority.

Staff Reports:

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

There being no further business, the meeting was adjourned at 8:04 p.m.

Carol A. Merryman, Secretary

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_____) Supervisors
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