

**Cumberland Township Board of Supervisors
Minutes of the January 26, 2016 Meeting 7:00 P.M.**

The regular meeting was called to order at 7:00 p.m. by Chair Underwood. Present were Supervisors: Underwood, Shealer, Waybright, Toddes and Paddock; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Zoning Officer Bill Naugle, Engineer Tim Knoebel, Road Superintendent Chris Walter and Secretary Carol Merryman. Others present were: Barry and Jean Stone, J. R. Crushong, Al Ferranto, Sharon Martin, several residents from Barlow-Greenmount Road, and Ken Knox from The Gettysburg Times. The meeting was recorded.

Chair Underwood led the Pledge of Allegiance.

Mr. Waybright made a motion to approve the Minutes of the December 17, 2015 meeting, as submitted, seconded by Mr. Toddes and carried.

Mr. Thomas reported that all invoices are budgeted and the Worker's Compensation and Health Insurance premiums make up a large part of the expenses. Mr. Thomas asked the Board to defer approval of the expenditures from the Fire Tax Fund be acted upon later on the agenda (Items K & L.) **Mr. Paddock made a motion to approve the bill lists in the amounts of: \$73,985.57 from the General Fund, \$2,324.50 from the Escrow Fund, \$72,164.00 from the Park and Rec Fund and \$1,430.60 from the Capital Reserve Fund seconded by Mr. Shealer and carried.**

Chair Underwood read the "Declaration of Disaster Emergency" for Winter Storm Jonas which occurred on or about January 23, 2016 and has caused or threatens to cause injury, damage, and suffering to the persons and property of Cumberland Township. Chair Underwood reported that the Declaration formally took effect on Sunday, January 24, 2016. **Mr. Shealer made a motion to adopt the Declaration seconded by Mr. Toddes and carried.**

Engineer/Plans:

Mr. Knoebel reported that the first two items on the agenda are Requests for Extension. The first Judy R. Miller Subdivision Plan; a minor plan with an existing home and proposed new lot that fronts on Park Avenue. Mr. Knoebel added that their last review is dated February, 2012 and the request is to extend the approval period until January 31, 2017. He added that his memory is that the primary item holding up the plan is a sewer line extension to the new lot and they are waiting until they have a suitable buyer. Mr. Thomas stated that he would recommend that the developer be told that this will be the last extension granted. **Mr. Shealer made a motion to approve the Request for Extension for the Judy R. Miller Subdivision Plan until January 31, 2017 conditioned upon an update on the status of the plan and a notification that this will be the final extension granted seconded by Mr. Toddes and carried.**

The seconded request is for the Gettys Point Land Development Plan which proposes 132 assisted living units located on the southwest corner of Boyd's School Road and Table Rock Road. Mr. Knoebel stated that he is aware of issues that they are working through on this plan and could recommend that the extension be granted. **Mr. Waybright made a motion to grant the Request for Extension until July 31, 2016 seconded by Mr. Paddock and carried.**

Mr. Knoebel reported that the Lincoln Development Group Land Development Plan fronts on Route 30 and adjoins Lincoln Estates Mobile Home Park. The plan proposes two small storage buildings. Mr. Knoebel reported that there is a request to waive the requirement for a preliminary plan and the items that are left are mainly administrative. Mr. Knoebel also reported that they are waiting on the PennDOT Highway Occupancy Permit. **Mr. Paddock made a motion to authorize a modification of the Subdivision and Land Development Ordinance to allow the submission of a Preliminary/Final Plan**

seconded by Mr. Toddes and carried. Mr. Paddock also made a motion to conditionally approve the Lincoln Development Group Land Development Plan pending their addressing the comments outlined in Mr. Knoebel's January 19, 2016 letter. The motion was seconded by Mr. Shealer and carried.

The Misty Ridge Lot 5 Land Development Plan is not ready for action as discussed at the workshop.

Mr. Knoebel reported that the next item was a bond reduction request for Misty Ridge Lot 10. He reported that the Township currently holds \$709,174.90 and they are recommending retaining \$260,710.40 making the reduction \$448,464.50. The items that remain to be completed are outlined in Mr. Knoebel's report dated January 20, 2016. Mr. Knoebel also reported that Mr. Crushong asked for a total release of the bond provided by E. G. Stoltzfus (contractor) which would make the retainage only \$250,000.00. Solicitor Wisner stated that he does not recommend that the Township hold any less than what is recommended by the engineer. **Mr. Paddock made a motion to retain \$260,710.40, releasing \$448,464.50 seconded by Mr. Waybright and carried. Mr. Toddes made a motion to fully release the E.G. Stoltzfus security when replacement financial security, in the amount of \$10,710.40, is provided by PA Interfaith seconded by Mr. Shealer and carried.**

Mr. Knoebel updated the Board on the road dedications for Cumberland Village Phase 1A and 1B and Cannon Ridge Phase 1 and 2 at the workshop. Solicitor Wisner reported that he anticipates action at the February meeting.

Public Comment:

Mrs. Jean Stone, 1745 Mummasburg Road, commended the Township on the snow removal instructions that were on the website. Mrs. Stone reiterated what she stated at the workshop regarding the letter she submitted on July 9, 2015 and also submitted a Complaint Form and asked the Board to take immediate action. Solicitor Wisner stated that he recalls seeing her July 9, 2015 letter and internally discussing it with staff and it was pulled out again and re-reviewed. He stated that the requests were investigatory in nature and the Township did their due diligence and if there was a violation, the Township would respond to it. He added that Mrs. Stone is currently in litigation with the Township in regards to the Zoning Hearing Board decision and the Township does have to be somewhat careful in direct communication with those that are litigating with the Township. Mrs. Stone stated that there was no communication with the Keller's when she made a Right-to-Know request six months after her letter had been received. Solicitor Wisner assured Mrs. Stone that her letter did go through the appropriate measures and if there were a violation it would have been responded to.

Mr. Al Ferranto, 501 Knight Road, thanked the Police Department and Maintenance Department employees for the great job that they did over the weekend during the blizzard. Mr. Ferranto referred to Section 606 of the Township Code "Compensation of Supervisors" and asked that the Code be followed to make the public aware who is or is not taking benefits. Mr. Ferranto also expressed his displeasure that all workshops went back to being held in the morning. Lastly, Mr. Ferranto objected to any potential future tax increases while Supervisors are taking benefits. He added that the Supervisors' benefits have cost the Township over \$600,000.00 since 2005 and this year an additional \$50,000.00. He added that an additional \$100,000.00 was budgeted for road projects this year and this was possible because of himself and Mr. Paddock not taking benefits. Mr. Ferranto stated that he has formed another citizen's group "Cumberland Township Residents Against Tax Increases." Mr. Shealer pointed out that he also did not take any benefits as Supervisor during his 24 years on the Board.

Mr. Barry Stone, 1745 Mummasburg Road, asked the Board if they understand that Mr. Keller's property is under a Conditional Use order. Solicitor Wisner stated that Mr. Stone's frustration is understood and the Township is trying to manage the multitude of issues with the property, does not take it lightly and is trying to do what they can within the confines of the law.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of December including; 345 complaints, 105 traffic stops, 48 combined arrests, 10 traffic accidents, 14 targeted enforcements and 13,895 patrol miles. He added that they assisted other agencies 11 times and they were assisted three times.

Active Business:

Mr. Thomas gave a report from the January 21, 2016 workshop which included representatives from The Preserves Homeowner's Association (HOA) being present to discuss two items that appear on the approved plan including a proposed walkway connecting Phase 1A to Phase 1B and future ownership of stormwater infrastructure outside of the proposed Township rights-of-way. Following a good discussion, the Township felt that the homeowners should discuss these items with the developer since it is an approved plan and any changes would be required to go back through the plan approval process. Also, Mr. J.R. Crushong and Mr. Ed Jenkins, representatives from PA Interfaith Community Programs, Inc. were present to request two letters of support from the Township to be included in their application for financing for the "Old Friends at Misty Ridge Lot 4" project. He added that the Board did approve the authoring of the letters. Lastly, Mr. Thomas reported that Mr. and Mrs. Storm submitted a letter to the Township regarding the zoning of their properties and there was some discussion. He added that no action was taken, but the Board will review the request as they look at zoning matters and text changes in the future.

Mr. Thomas reported that the Board received a letter from Gettysburg Municipal Authority inviting the Township to have a representative serve on a Steering Committee that will function in an advisory capacity as part of a source water protection plan that GMA is developing working with the Pa Department of Environmental Protection. Mr. Thomas added that there will be several meetings and the first meeting is the same night as the Supervisor's February meeting. Chair Underwood recommended Carl Athey as he had indicated that he was interested in serving on the GMA Board, serving as a Supervisor and has served on the Township's Planning Commission. Mr. Paddock recommended George Weikert, a former Supervisor, and Charlie Skopic, resident and past president of the Watershed Alliance. **Mr. Toddles made a motion to contact the candidates, as stated, to see if any of them would be interested in serving, seconded by Mr. Waybright and carried.**

Mr. Thomas reported that the Township received a letter from the United States Department of the Interior regarding a Battlefield Land Acquisition Grant, in the amount of \$78,531.50, for 80 Ridge Road (Ruth Tract.) He stated that the U S Dept. of the Interior is offering to receive comments from Cumberland Township for any assessment concerns, etc. The Municipal Tax is \$227.00 and the Fire Tax is \$38.00. He added that there are no improvements on the land. The Board had no comments at this time, but Mr. Thomas asked to be contacted within the next week with any comments.

Mr. Thomas reported that the Township received a Fire/EMS Tax Distribution – Reimbursement Request from Gettysburg Fire Department in the amount of \$45,183.83 for a 2016 Ford Expedition Duty Vehicle purchased in December 2015 to be used as a support vehicle and EMS quick response vehicle for the department. **Mr. Shealer made a motion to approve the distribution amount of \$45,183.83 for the purchase of a Duty Vehicle for the Gettysburg Fire Department seconded by Mr. Paddock.**

Mr. Thomas reported that the Township also received a Fire/EMS Tax Distribution – Reimbursement Request from Barlow Fire Department in the amount of \$17,505.43 for various maintenance, insurance, electricity, gas and phones. All of these expenses are authorized in the Memorandum of Understanding. **Mr. Waybright made a motion to approve the distribution amount of \$17,505.43 for the various expenses for the Barlow Fire Department seconded by Mr. Paddock and carried.**

Chair Underwood reported that the Board has formed a Building and Grounds Committee and Mr. Shealer has agreed to chair this committee. Mr. Shealer reported that an engineering firm conducted a Municipal Building Space Study of the office building and police department in 2001 and reviewed it again in 2015. He added that the building was built in 1979 and there are things that need to be brought up to current standards. Mr. Shealer recommended the following people to serve on the committee: Rob Reed (resident), Supervisor Paddock, Bill Naugle, Chris Walter, Ben Thomas – advisory and Supervisor Underwood. Solicitor Wisner reported that there could not be more than two Supervisors participating in a committee meeting at one time. **Mr. Waybright made a motion to appoint the committee as stated by Mr. Shealer seconded by Mr. Toddes.** Mr. Shealer added that it may be necessary to add a member to the committee at a later date. **The motion carried.** Chair Underwood stated that the Committee's task is to conduct a safety, space and grounds utilization review for long range planning, energy efficiency, ADA compliance and public convenience. Reports will be given at the Supervisor's regular meetings and reports will be available on the Township's website for public review. The Committee is also tasked with seeking grant funding options for any future projects that may ultimately be reviewed by the Supervisors at public meetings. Mr. Shealer added that if the funding sources do not develop there is potential that the project will not move forward.

Mr. Paddock made a motion to appoint Mr. Thomas as the Township's voting delegate at the PSATS Educational Conference held in Hershey, PA on April 17 through April 20, 2016. The motion was seconded by Mr. Shealer and carried.

Solicitor – Solicitor Wisner reported that it is not possible to copyright the Township's logo, but it is possible to adopt an ordinance that restricts the use of the logo and he has written a draft ordinance for the Board's consideration to advertise and take action at the February meeting. He added that the ordinance gives the Board the ability to take appropriate action against someone that misuses the Township's logo such as using it as part of a scam. **Mr. Shealer made a motion to advertise the Logo Ordinance for possible adoption at the February meeting seconded by Mr. Toddes and carried.** Solicitor Wisner also reported that the Township's 457 Plan supplements the employee's defined benefit plan and is similar to a 401K Plan in the business world. He added that the Township has been notified by Security Benefit that the 457 Plan Document has to be modified to keep it in compliance with IRS requirements and there are two actions that need to be taken the first being adoption of an Adopting Resolution and secondly an Adoption Agreement for Eligible Governmental 457 Plan. **Mr. Paddock made a motion to approve the Adopting Resolution seconded by Mr. Toddes and carried. Mr. Paddock made a motion to authorize the Chair to execute the Adoption Agreement for Eligible Governmental 457 Plan seconded by Mr. Shealer and carried.**

Committee Reports and comments from Board Members:

Highway and Finance – The committees are recommending approval of two capital purchases that were discussed during the 2016 budget process, would be paid for from the Capital Reserve Fund and be purchased through the Pa. Dept. of General Services COSTARS Program. The first purchase is a 2016 Case 580 Super N W/T Backhoe, an all season support vehicle. A lease option is recommended and the list price is \$177,000.00 with COSTARS 40% discount making the price \$99,069.48/ annual lease payment of \$16,862.00 for five years plus \$3,750.00 for front pallet forks (budgeted price \$21,200.00.) The interest rate is 3.75%; warranty is a standard 1 year, 1000 hour warranty and delivery in two to three months. **Mr. Waybright made a motion to proceed with the lease of the Case Backhoe seconded by Mr. Toddes and carried.** The second request is for a 2016 Ford F-550 Mid-size Dump Truck, also an all season vehicle being equipped with a snow plow and salt spreader and assigned its own snow route. The truck does not require a CDL driver. The recommendation is for a straight out purchase with a life expectancy of 10 -12 years or 100,000 miles. The purchase price is \$82,000.00 (fully equipped) and \$85,000.00 was budgeted. Delivery will not be until around September, 2016. **Mr. Shealer made a motion to approve the purchase of a 2016 Ford F-550 Mid-size Dump Truck with snow plow and salt spreader at a purchase price of \$82,000.00 seconded by Mr. Toddes and carried.** Mr. Waybright reported that the Highway Committee also looked at the road projects for 2016 and will report more at the

February meeting.

Public Safety and Finance – The committees are recommending the purchase of a 2016 Dodge Charger AWD via New Holland Dodge (Pa DGS COSTARS pricing) to continue the life-cycle rotation of Police vehicles. The request is also to purchase two WatchGuard HD mobile video recorders with requisite equipment and software. The purchase price for the Charger is \$25,226.00 plus equipment \$5,400.00 and graphics \$1,345.00. The purchase price for the MVR cameras and software is \$18,870.00. These purchases were budgeted from the Capital Reserve Fund. This vehicle replaces a 2016 Chevrolet Tahoe that was involved in a motor vehicle accident in 2015. Delivery is expected in two and one half months. The Township will be receiving an insurance check in the amount of \$49,694.02 that will be returned to the Capital Reserve Fund. A portion of the camera purchase (\$14,091.00) will be paid from the General Fund. **Mr. Shealer made a motion to approve moving forward with the purchase of a 2016 Dodge Charger AWD through the state contract at a price of \$25,226.00, equipment at a price of \$5,400.00 and graphics at a price of \$1,345.00 and two WatchGuard camera systems at a price of \$18,870.00 for a total expenditure of \$50, 841.00 seconded by Mr. Toddes and carried.** Mr. Thomas reported that the Police Department wishes to liquidate portable radios that are obsolete with the implementation of the new 800 MHz radio system. It is recommended that the radios be given to Roy Kent to be kept in service and made available to agencies hosting large scale events. **Mr. Waybright made a motion to liquidate the depreciated two-way radios seconded by Mr. Shealer and carried.**

Planning and Zoning – The next meeting is February 2, 2016.

Park and Rec – They are waiting for DCNR to approve the job description, it will then be posted for thirty days and then they will hire a new director. There was a Chamber Mixer held at the Rec Park and it was very well attended and the Kiwanis Club will be raising money for a new handicapped accessible playground.

Personnel, CTA, COG, GMA, Economic Development – no reports

The Board thanked the Police Department and Highway Maintenance Department employees for their work this weekend during the blizzard.

Staff Reports:

Mr. Thomas stated that Cumberland Township, including the Authority and Police Department did a phenomenal job this weekend. Mr. Thomas also explained how the "Declaration of Disaster Emergency" is used and how the Township can apply for reimbursement of expenses from the Federal Government if a Federal Disaster is declared. Mr. Thomas reported that the Township will be receiving their Liquid Fuels allocation despite the fact the Commonwealth of Pennsylvania has not approved their budget.

The Zoning Officer and Secretary's reports were reviewed.

Unless otherwise noted, all votes were unanimous. At 9:05 p.m. the meeting was adjourned for an Executive Session to discuss personnel matters with no action to follow.

Carol A. Merryman, Secretary

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