

**Cumberland Township Board of Supervisors  
1370 Fairfield Road, Gettysburg, PA 17325  
Minutes of the October 25, 2016 Regular Meeting**

The regular meeting was called to order at 7:00 p.m. by Chair Underwood. Present were Supervisors: Underwood, Waybright, Toddes and Paddock; Manager Ben Thomas, Jr., Solicitor Sam Wisner, Police Chief Don Boehs, Engineer Tim Knoebel and Secretary Carol Merryman.

Chair Underwood led the Pledge of Allegiance.

**Mr. Toddes made a motion to approve the Minutes of the September 27, 2016 regular meeting, as presented, seconded by Mr. Waybright and carried.**

**Mr. Waybright made a motion seconded by Mr. Paddock and carried to approve the bills and transfers as follows: \$452,472.09 from General Fund, \$543.50 from the Escrow Fund, \$143,247.06 from State Liquid Fuels Fund, \$50,000.00 from the Capital Reserve Fund, transfer of \$39,082.15 from General Fund to Health Insurance Account and \$2,160.64 from Traffic Impact Fee Fund to General Fund.**

**Public comment:**

Mr. Zach Gulden, 1595 Herr's Ridge Road, reiterated his comments that he made at the August 23, 2016 meeting regarding the health insurance premium increase. He added that reporter, Ken Knox, did incorrectly report that the health insurance premium increase was a "tax increase" and a retraction was placed in the newspaper.

Mr. Speros Marinos, 912 Baltimore Pike, stated that he was shocked by the enormity of the MS-4 and he requested that the Board consider applying for the waiver, thanked the Board and Planning Commission for their 100% attendance at the Joint Comp Plan Municipal Briefing and also thanked the Road Department for the job that they do.

Mrs. Nita Gross, 938 Barlow Greenmount Road, stated that she submitted a letter to Mr. Thomas at the workshop last Thursday stating numerous concerns about the Keystone Service System project proposed for Barlow Greenmount Road that is currently under review by the Township. Mrs. Gross requested that this plan be returned to the Planning Commission and not be moved on to the Supervisors for their action until the concerns and questions have been addressed.

**Engineer/Plans:**

Mr. Knoebel reported that St. Francis Xavier had been required to complete the improvements to the intersection of Boyd's School Road and Table Rock Road by October 31, 2016; they are still working on the Highway Occupancy Permit and structural adequacy from PennDOT and are requesting another extension until July 31, 2017. **Mr. Paddock made a motion to approve the request for extension until July 31, 2017 seconded by Mr. Toddes and carried.**

Mr. Knoebel reported that the Township has received a request for extension from Fred Heerbrandt, P.E., on behalf of Timeless Towns of the Americas, Inc., for an additional 60 days while they continue working on the requirements of the Developer's Agreement. Solicitor Wisner verified that action would be needed at the December 15, 2016 meeting and the Board asked that Mr. Heerbrandt be made aware of that. **Mr. Paddock made a motion seconded by Mr. Waybright and carried to approve the 60-day request for**

**extension for Timeless Towns of the Americas, Inc., informing them that approval will be needed at the December 15, 2016 meeting and any submissions / resubmissions will be needed prior to that date so there is adequate time to review them.**

Mr. Knoebel updated the Board on the status of the Keystone System Services Land Development Plan. He reported that the Planning Commission did recommend approval of the plan based on the comments in his October 12, 2016 review being addressed. He added that he received a copy of a draft revised submission on Friday, it was briefly reviewed, appears that some of the comments have been addressed and the applicant was advised to formally submit the revised plan to the Township office so the review can formally get under way. Mr. Knoebel stated that he believes that the plan needs action at the November Supervisor's meeting and he feels that the formal submission will be made shortly. Mr. Steve Yingst, consultant for the project, stated that the stormwater concerns have been addressed and has been through Township and County engineering. He added that perc holes were dug to verify percolation, that is not one of the questions in the review, and they have submitted revised plans addressing the comments on Leah Heine's (KPI representative) "concern list." He added that they are trying to work in the spirit of the community to make everyone happy. Mr. Yingst did state that they did not do a formal submission. Mr. Knoebel stated that they want all of the comments addressed and need a formal submission. Mr. Stan Laskowski, counsel for Keystone Systems Services, stated that they are working with Mr. Wisner on the Developer's Agreement and Stormwater Operations and Maintenance Agreement. Mr. Thomas added that the Township will work with the engineer to address the concerns in Mrs. Gross' letter submitted last Thursday. There were several questions from the neighbors including the approval timeline and who the residents will contact if this does get built and there are problems. Mr. Thomas stated that they would contact the Township and with help from the Township's engineer the problem will be addressed in accordance with the approved plan and Operation and Maintenance Agreement.

Mr. Knoebel reported that the Township received a request from Hartman & Yannetti, Counsel for Misty Ridge – Recreation Lot, to modify the approved and recorded plan for a pavilion with restrooms. The modification is to remove the restrooms and replace them with a port-a-pot. Mr. Toddes reported that he rode out to the site and the pavilion appears to be a storage building with a small area on the end where they could possibly put a picnic table. Mr. Toddes added that the Township did return the developer's Park and Rec fee to use towards building this "pavilion." **Mr. Toddes made a motion to deny the request to modify the approved and recorded plan for the Misty-Ridge – Recreational Lot by removing the restrooms shown on the plan seconded by Mr. Paddock and carried.**

Mr. Knoebel provided the Supervisors with a quote for preparing the application for the MS-4 waiver, in the amount of \$6,500.00. Mr. Knoebel added that at least \$5,000.00 of this money would come off of the \$25,000.00 being placed in the 2017 budget for the preparation of the Notice of Intent. **Mr. Toddes made a motion to approve the \$6,500.00 expenditure and move forward with the waiver application to the MS-4 requirement. The motion was seconded by Mr. Paddock and carried.**

The Board took a short break while Court Reporter, Deb Zepp, got set up for the advertised hearings.

At approximately 7:50 p.m., Chair Underwood adjourned the regular meeting for two public hearings that were duly advertised and she asked Solicitor Wisner to preside over the hearings.

Hearing No. 1 for a proposed amendment to Zoning Chapter 27 to allow custom printing, sewing or assembly of promotional items in the Mixed-Use (MX) zoning district and;

Hearing No. 2 for a proposed amendment to Chapter 19 of the Sign Ordinance regarding political signs

At approximately 8:10 p.m. the hearings were closed and the regular meeting was reconvened. Please see the transcripts for the entire record of each hearing.

Chair Underwood stated that the Board can take action on the proposed ordinance amendments at this time.

**Mr. Waybright made a motion seconded by Mr. Toddes and carried to approve the proposed amendment to Zoning Chapter 27 to allow custom printing, sewing or assembly of promotional items in the Mixed-Use (MX) zoning district.**

**Mr. Toddes made a motion seconded by Mr. Paddock and carried to approve a proposed amendment to Chapter 19 of the Sign Ordinance regarding political signs.**

Chair Underwood called the regular meeting back to order.

### **Police Report:**

Police Chief Don Boehs presented a written and oral report of police activities for the month of September including: 504 complaints - Psych/suicide-1, Disturbances-2, Assault/Harassment-5, Domestic-6, Criminal Mischief-2, Suspicious Activity-18, Thefts-2, Alarms-12, Medical Emergency-9, 911 Hang Up-1, Sexual assault-2, Burglary-1, Fraud-2, Wanted Person-1, Reported Drug Activity-2, Cruelty to Animals-1; 212 traffic stops, 84 combined arrests, 11 traffic accidents, 21 targeted enforcements and 9,857 patrol miles. He added that they assisted other agencies ten times and they were assisted twice. Police Chief Boehs reported that they have had over 800 Oak Lawn Cemetery complaints and 110 walk-in complaints. Police Chief Boehs thanked some of the residents who attended the Open House and they plan on doing this at least twice a year. Mr. Toddes asked Chief Boehs to address how fast the police officers drive. Chief Boehs stated that the Police Department is tasked with the protection of the citizens of Cumberland Township and preservation of life, so given the circumstances the officers do travel in excess of the speed limit. He stated that it is required, the officer's speeds are usually related to the type and severity of the call and circumstances dictate the speeds. Chief Boehs also stated that the lights and sirens may make the police car appear that it is going faster than it is. Mr. Paddock stated that he would like to know in what municipalities the police are assisting the State Police.

### **Active Business:**

Mr. Thomas reported that the November workshops will be held at 7:00 p.m. on the following Thursdays: November 3, 2016 for budget presentation, November 10, 2016 for a joint meeting with the Planning Commission to review the Draft Future Land Use Map from the Joint Comprehensive Plan, and November 17, 2016 for budget presentation (if needed.) The regular meeting is Tuesday, November 22, 2016 at 7:00 p.m. and the regular meeting in December is on Thursday the 15<sup>th</sup> at 7:00 p.m.

Mr. Thomas also reported that the Township's contract for electric generation with Constellation Energy is expiring in early December. He added that we are currently paying .0624 cents per kilowatt hour and he has negotiated a new rate for electric generation from Constellation Energy of .0585 cents per kilowatt hour. Mr. Thomas stated that we have been participating with Constellation Energy for several years and this is in partnership with the Pennsylvania League of Cities and Municipalities that shop around for the best rate. **Mr. Toddes made a motion to authorize Mr. Thomas to enter into the contract with Constellation Energy for electric generation at .0585 cents per kilowatt hour seconded by Mr. Waybright and carried. Mr. Toddes made an addendum to the prior motion to include that the length of the contract is four years.**

Mr. Thomas reported that the Board received correspondence from Barlow Volunteer Fire Company for a distribution reimbursement, in the amount of \$26,794.62 from the Fire Tax. Mr. Thomas recommended that this be tabled until December until the Township has all requests from the other fire departments. **Mr. Waybright made a motion to table Barlow's request for reimbursement until December when all**

**requests are in seconded by Mr. Toddes and carried.**

**Solicitor:** Solicitor Wiser reported that the Township received correspondence from Randall Rhoades, counsel for pension compliance, informing the Township that the IRS has accepted the Police and Non-Uniformed Pension Plans as compliant with all IRS regulations. However, there is another change in the IRS requirements that requires the Township to update their pension plans yearly and there is another change regarding the applicable interest rate as specified in the plans. Solicitor Wiser stated that the amendment must be done by ordinance, be advertised and will be ready for adoption at the November meeting. **Mr. Waybright made a motion to advertise the ordinances for the pension plans and IRS requirements seconded by Mr. Toddes and carried.**

**Committee Reports and comments from Board Members:**

**Public Safety** – Chair Underwood reported that the Open House was held.

**Highway Committee** – Mr. Waybright reported that they will be meeting soon.

**Parks and Recreation** – Mr. Toddes reported that things are still going well at the park, there are a lot of projects coming up and they are meeting with Straban Township.

**CTA** – Mr. Waybright reported that the Authority has completed their fall application of biosolids and they are still working on the replacement of pipes on Rt. 116 when the bridge goes in.

**COG** – Chair Underwood reported that the Legislative Forum for the County is being held Thursday morning.

**Finance, Highway, Buildings and Grounds, Personnel, Planning and Zoning, and Economic Development, CT 411 – no reports**

**Staff Reports:**

**Manager** – Mr. Thomas reminded everyone that Trick or Treat will be held on Monday, October 31, 2016 from 6:00 p.m. – 8:00 p.m.

Mr. Thomas also reported that he has declined the offer to sit on the Board of the Economic Development Cooperation due to possible conflict between the Township’s workshops and their meetings.

The Zoning Officer and Secretary’s reports were reviewed.

Unless otherwise noted, all votes were unanimous. There being no further business, the meeting was adjourned at 8:40 p.m.

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Carol A. Merryman, Secretary

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