

**Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
February 28, 2017 Meeting Minutes**

The regular meeting was called to order at 7:00 p.m. by Chair Underwood. Present were all Supervisors: Underwood, Waybright, Shealer, Toddes and Paddock; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Engineer Tim Knoebel, Zoning Officer Bill Naugle and Carol Merryman, Secretary. Visitor present: Bill Monahan.

Chair Underwood led the Pledge of Allegiance.

Mr. Toddes made a motion to approve the Minutes of the January 3, 2017 Reorganizational Meeting, January 19, 2017 Workshop and the January 24, 2017 regular meeting seconded by Mr. Shealer and carried.

Mr. Shealer made a motion seconded by Mr. Paddock and carried to approve the bills and transfers as follows: Bills of \$72,708.67 from General Fund and \$758.00 from the Escrow Fund. Transfers of \$40,599.29 from General Fund to Health Insurance Account and \$175.00 from the Traffic Impact Fund to the General Fund.

Engineer/Plans:

Mr. Knoebel reported that the Keystone System Services (KSS) Land Development Plan proposes the construction of a "Group Home" building on a three-acre lot located on Barlow Greenmount Road in the MX Zoning District. He reported that a meeting was held with KSS representatives, KPI staff, Township staff and adjoining property owners that he felt was very productive. He added that they have also reviewed the revised plan and prepared a memorandum dated February 23, 2017 which he reviewed. Mr. Knoebel also reported that they have prepared a memorandum dated February 28, 2017 (a supplement to the February 23, 2017 memorandum) that provides a Scope of Work for the Water Resources Impact Study. Mr. Knoebel reported that they are requesting three waivers: to Section 303 of the Subdivision Ordinance to submit a separate Preliminary Plan; to Section 507.G.2.e for the requirement to have a 2% slope in the basin bottom to facilitate drainage and the third waiver to Section 411.G of the and Subdivision Ordinance and to instead require the completion of the Scope of Work that has been written to be applicable to the scale and size of the proposed project which is smaller in nature. Solicitor Wiser reported that they have finalized the Developer's Agreement and the Stormwater Operations and Maintenance Agreement (O&M) and they are ready for execution. Mr. Knoebel explained the Scope of Work for the well testing. Mr. Gross expressed a concern about the driveway and stated that he would hope and expect that there would be some additional landscaping required. The representatives from KSS agreed to speak to the neighbors about the landscaping outside of the meeting. Mr. Knoebel stated that he has no problem recommending that the waivers be granted. **Mr. Shealer made a motion to approve the three waivers requested, as stated by the Township Engineer, seconded by Mr. Paddock and carried.** Solicitor Wiser stated that if conditional approval is granted for the plan, the applicant would not be able to make an application for a building permit until all the conditions have been met and the plan is recorded. Mr. Knoebel added that they would write a letter to the Township indicating that all the conditions have been met and the plan can be signed and recorded. **Mr. Shealer made a motion to grant conditional approval for the Keystone System Services Land Development Plan, Barlow Greenmount Road, with the conditions as stated in the February 23 and February 28, 2017 letters of memorandum from KPI Technology, seconded by Mr. Paddock and carried.**

Mr. Knoebel reported that the Township has received a time extension and waiver request from Gettysburg Battlefield Resort who is proposing to install a private packaged wastewater treatment plant for which they have submitted a land development plan that is currently being reviewed by the Planning Commission. He added that the waiver request is to Section 303 waiving the requirement for a separate Preliminary Plan submission and the time extension for plan approval until May 31, 2017. **Mr. Waybright made a motion to grant the waiver request to Section 303 for Gettysburg Battlefield Resort, seconded by Mr. Toddes and carried. Mr. Paddock made a motion to grant the time extension until May 31, 2017, seconded by Mr. Waybright and carried.**

Mr. Knoebel also reported that the Township has received two letters from Fred Heerbrandt, on behalf of Timeless Towns of the Americas, requesting conditional approval or a 60-day time extension for approval of their land development plan. Mr. Knoebel and Solicitor Wisner recommended that the time extension be granted. Solicitor Wisner stated that there is a critical component of the Developer's Agreement that has not been provided to the Township. **Mr. Paddock made a motion to approve the 60-day time extension seconded by Mr. Toddes and carried.**

Visitors:

Mr. Bill Monahan, representing Adams Compassion Care, reported that they have purchased an option on a property on Biglerville Road and they are asking the Township for a Letter of Municipal Consistency to go along with their application for a medical marijuana project to be located in the Township. Solicitor Wisner read a draft letter that indicates that the Zoning Officer has reviewed a "Conceptual Development Plan" and has rendered a preliminary opinion that the proposal is compliant with Township Zoning regulations subject to formal submission, review and approval and the Supervisors endorse the Mission of Adams Compassion Care. Mr. Thomas added that a letter has been authored by the Police Chief with the facts of services that are provided to any business in the Township. **Mr. Toddes made a motion to approve the Letter of Municipal Consistency seconded by Mr. Shealer and carried.**

Public comment:

Mrs. Jean Stone, 1745 Mummasburg Road, stated that the updated Special Events Ordinance, adopted in August, 2016, has never been placed on the website and she had suggested that the full text related to any public hearing be placed on the website and no action was taken to make this happen although the Township had agreed that this was a good idea.

Mr. Zach Gulden, 25 Apple Ave., stated that last month he suggested that the committee meetings be open to the public and that minutes be taken and placed on the website. He asked if the Board has discussed this. Solicitor Wisner stated that they are not public meetings, in the case of personnel the information is confidential and the Secretary does not attend. Mr. Thomas stated that the staff has not been directed to keep official minutes and open them to the public and importantly, no action is taken at the committee meetings and all recommendations made by the committees are brought to a public meeting for action by the Board.

Mr. Al Ferranto, 501 Knight Road, spoke about the Township having more transparency and echoed Mr. Gulden's comments about minutes being taken at the Committee meetings and being made available for the public. Mr. Ferranto also requested that the monthly financial report that is prepared for the Board be placed on the website so the public can follow the monies being spent and they should not have to pay money to get copies of these reports. Mr. Ferranto stated again that he feels that Mr. Thomas should not be working for the Authority while he is working for the Township and he feels that the additional pay being added to his salary from the Authority will cause the Pension Fund to suffer in the future.

Mr. Speros Marinos, 912 Baltimore Pike, stated that the Gettysburg Times had some great articles regarding the Police Department and he thanked the Board for supporting the Police. He added that he is not happy with the Supervisors getting health insurance but he is not going to fight about it, supports the Road Department unionizing, asked that the Zoning be updated and stated that when it does he will be attending the School Board meetings rather than the Township meetings.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of January, 2017 including: 301 complaints - Psych/suicide-5, Disturbances-4, Assault/Harassment-3, Domestic-7, Criminal Mischief-4, Suspicious Activity-10, Thefts-3, Alarms-8, Medical Emergency-15, 911 Hang Up-3, Sexual assault-3, Burglary-0, Fraud-2, Wanted Person-3, Reported Drug Activity-1, Welfare checks-6, Shots Fired-0, Follow-up Investigation-44; 83 traffic stops, 49 combined arrests, 9 traffic accidents, 14 targeted enforcements and 10,131 patrol miles. He added that they assisted other agencies ten times, they were assisted three and the assists to Pa. State Police were in Straban, Hamiltonban (2), Bonneauville and Reading. Police Chief Boehs reported that the Oak Lawn Cemetery complaints are still coming in and 82 walk-in complaints.

Active Business:

Mr. Thomas reported that the Township received a letter from Dewaine Finkenbinder announcing his resignation from the Gettysburg Area Recreation Authority (GARA). Mr. Toddes added that Mr. Finkenbinder has other interests that he would like to have more time to pursue. **Mr. Paddock made a motion to accept his resignation with regret, effective immediately, seconded by Mr. Shealer and carried.** Chair Underwood stated that the Township would welcome letters of interest from residents to fill this vacancy and would like to have them submitted by March 16, 2017. Mr. Toddes added that the Board meets once a month for about two hours.

Mr. Thomas reported that a request was received from Robert McQuaide, on behalf of the Gettysburg Area School District, regarding amending the current agreement for School Resource Officer, extending the term until June 30, 2018 and arriving at a new hourly rate for the calendar year 2018. Chief Boehs added that the new rate is \$55.46 per hour with training and tuition being billed on an as used basis. The existing rate is \$54.36. **Mr. Waybright made a motion to extend the agreement with Gettysburg Area School District for School Resource Officer at \$55.46 per hour with training and tuition being billed on an as needed basis seconded by Mr. Toddes and carried.**

Mr. Thomas reported that the Township received correspondence from Attorney Bernie Yannetti notifying the Township of Gettysburg Bike Weeks' intention to hold a parade on July 8, 2017 and as part of their application to Pa. Dept. of Transportation and Gettysburg Borough they need an affirmation from Cumberland Township. **Mr. Toddes made a motion seconded by Mr. Paddock and carried approving the authoring of a letter affirming the "Parade of Chrome" to be held during Gettysburg Bike Week.**

Mr. Thomas also announced, in accordance with Section 606 of the Pa. Second Class Township Code, the Supervisors requests, received in writing, to be included or not included in the Township's group insurance as follows:

<u>Date rec'd.</u>	<u>Supervisor</u>	<u>Inclusion</u>
1/3/2017	Mr. Toddes	Yes
1/4/2017	Mr. Waybright	Yes
1/3/2017	Mrs. Underwood	No – with the exception of the life insurance policy
1/3/2017	Mr. Shealer	Yes
1/6/2017	Mr. Paddock	No

Mr. Thomas reported that the Supervisors are invited to attend a “State of the Waters Conference” on March 15, 2017 at the Agricultural and Natural Resources Center being held by Adams County.

Mr. Thomas also reported that the public is invited to a major presentation for the Adams County Historical Society “The Historic Horner Farm” presented by John Horner on March 7, 2017 at 7:00 p.m. at Valentine Hall, Gettysburg Lutheran Seminary Campus.

Mr. Thomas reported that the Dump Truck replacement was reviewed at length at the workshop. The purchase, proposed to be made through the Pa. COSTARS Purchasing Program, is for a 2018 Mack Tandem Axle Dump Truck to replace a 1990 International Dump Truck. The truck will be used year-round, equipped with a snowplow, anti-skid spreader and have its’ own dedicated snowplow route. The total cost of the truck, fully equipped is \$191,534.00. The funding in 2017 is \$30,000.00 from the Liquid Fuels Fund, \$30,000.00 from the Capital Reserve Fund and an additional \$21,534.00 coming from the reserves, leaving a balance of \$110,000.00 to be financed through Community Leasing Partners over the next five years at 3.17%. Future funding will be \$14,136.00 annually from the Capital Reserve Fund and \$10,000.00 annually from the State Liquid Fuels Fund. Mr. Thomas added that the delivery date will be approximately in September giving time for training of all CDL staff. **Mr. Shealer made a motion to approve the request to replace the 1990 International Dump Truck with a 2018 Mack Tandem Axle Dump Truck seconded by Mr. Toddes and carried. Mr. Toddes made a motion seconded by Mr. Paddock and carried to authorize a small borrowing resolution for acknowledgement by the Dept. of Economic Development as a condition precedent to the financing.**

Mr. Thomas reported that the Finance and Highway Committees are recommending a replacement/upgrade to guide rails on Ridge Rd. and Solomon Road. He added that this expenditure is budgeted and an effort was made to get three quotes, with only two responses. The first quote is from Chemung Supply, in the amount of \$10,166.00 and the second quote is from Green Acres Contracting, in the amount of \$21,250.00. **Mr. Waybright made a motion seconded by Mr. Toddes and carried to accept the quote from Chemung Supply, in the amount of \$10,166.00.**

Solicitor: Solicitor Wiser reported that Round Top Campground has filed an appeal to the Zoning Officer’s determination regarding the requirement for them to submit a land development plan and the hearing has been scheduled for March 15th at 6:00 p.m. before the Zoning Hearing Board. Solicitor Wiser added that he will be appearing on behalf of the Township to support the Zoning Officer in his determination.

Solicitor Wiser also reported that the Text Amendment that the Township has been working on for several years was to have a public hearing this evening but was postponed because the proposed Zoning map amendments require mailed notice 30-days in advance of the public hearing. Solicitor Wiser added that there is also a need for a public hearing to be held on the ACRE Amendment (that has been approved by the Attorney General’s Office) and he recommended that these two hearings be piggy-backed prior to the May regular meeting. The public hearing was scheduled for May 23, 2017 beginning at 5:30 p.m.

Solicitor Wiser informed the Board that the written decision for the Harrington Brothers, LLC’s Conditional Use has been drafted and is ready for the Chair’s signature. He added that it does contain the conditions that the Board discussed including; hours of operation and if they did any type of land development work at the site in the future they would submit a land development plan. Solicitor Wiser stated that he did need to have an Executive Session following the meeting.

Committee Reports and comments from Board Members:

Building and Grounds – Mr. Shealer reported that the committee has been inactive for about six months due to respect for the Township’s workload. The committee will be presenting a PROPOSED ACTION

PLAN in May or June depending on agenda availability, the committee has worked on a conceptual layout of the existing office building footprint (based on the 2001 and 2015 “Space Utilization Studies), architectural needs vs. “design / build,” and grant funding opportunities.

Planning and Zoning – Mr. Paddock reported that Adams County Planning is very busy with the written aspects of the Joint Comprehensive Plan.

Parks and Recreation – Mr. Toddes reported that the grounds people are in there working, the dog park is being used and people are in there walking.

CTA – Mr. Shealer reported that they are doing routine maintenance and repairs and still working with PennDOT on the bridge replacement on Rt. 116 at the bottom of the hill.

Mr. Waybright reported that the County (what used to be the Greenspace Committee) met last week and debated projects and another round of applications is coming up. He added that the construction vehicles for the Horner Rd. bridge replacement are coming in from the Maryland side and not using Horner Road.

Public Safety, Finance, Highway, Personnel, Planning and Zoning, CTA, COG, Economic Development and CT 411 – no reports

Staff Reports:

Manager – Mr. Thomas reported that the Act 209 Transportation Committee has reviewed the Draft Land Use Assumptions Report (LUAR) and are required to hold a public hearing which has been scheduled for April 13, 2017 at 6:00 p.m. prior to the Planning Commission meeting. Mr. Thomas added that all surrounding municipalities and the public may comment on the LUAR that is on the Township’s website.

Mr. Thomas also reported that the brains of the fuel pumps are repaired and modernized and L & H Mechanical did the work for cost with no labor costs, saving the Township substantial money.

Mr. Thomas reported that Max Felty, Township representative on the Gettysburg Municipal Authority (GMA), attended the workshop and reported on GMA activities. Craig Rockey and John Kiel from the Land Conservancy along with Ellen Dayhoff from Adams County’s Office of Farmland Preservation attended the workshop and both entities are looking for funding from the Township. Mr. Thomas added that the Township is awaiting some reports and this most likely will be a future agenda item.

Mr. Thomas reported that the CPR and AED re-certification occurs this week for the Police, Road and Administrative staff and Cumberland Township Authority staff.

Mr. Thomas reported that he was the guest speaker at a meeting of the Civil Air Patrol on February 7, 2017.

Mr. Thomas reported that the Township has the latest version of the Draft Future Land Use Map for the Comprehensive Plan and residents are welcome to stop in and look at it. Questions should be directed to the Adams County Office of Planning and Development.

Lastly, Mr. Thomas reported that Mr. Allen Duncan had stopped in and reported that the military service flags and their posts at Oaklawn Cemetery need repair. Supervisor Toddes and Shealer have volunteered to see that they are repaired.

The Zoning Officer and Secretary’s reports were reviewed.

Chair Underwood read a statement from the Board of Supervisors stating, in part, that public comment is usually a reflection of constructive discourse but, when public comment is used as a platform and includes a lack of civility and maliciousness, it must be addressed. She added that at the January 24th meeting the Township Manager was subjected to a reckless personal attack regarding his position as Manager of the Cumberland Township Authority (CTA). Chair Underwood went on to explain the Township's relationship and responsibilities with the CTA including being a guarantor of their loans. The Management Agreement with CTA provides the most efficient and cost effective option for CTA's rate payers, is in the best interest of the Township residents and suggesting a fragmented management system would require duplication of management services resulting in higher user rates. The Township Manager serves the Township far in excess of 40 hours per week, the Township receives the experience and qualifications of Mr. Thomas at a bargain rate and there has never been any situation where the Township has been adversely affected by the Manager's involvement with CTA. Personal attacks and deliberate distortion of information is unacceptable and public comment should reflect integrity. All Supervisors indicated that they have no issue with the service that Mr. Thomas provides to the Township and Cumberland Township Authority.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 8:55 p.m. for an Executive Session with no report to follow.

Carol A. Merryman, Secretary

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_____) Supervisors
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