

**Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
January 24, 2017 Meeting Minutes**

6:30 P.M. Public Hearing for ordinance amending Zoning, Chapter 27, by adding “Planned Unit Developments – Single Family Detached” as permitted uses in the Residential District and establishing related standards. Please see transcript for entire record of the hearing.

The regular meeting was called to order at 7:00 p.m. by Chair Underwood. Present were all Supervisors: Underwood, Waybright, Shealer, Toddles and Paddock; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Engineer Tim Knoebel, Zoning Officer Bill Naugle and Court Reporter Deb Zepp.

Chair Underwood led the Pledge of Allegiance.

Chair Underwood reported that the Board held an Executive Session prior to the 6:30 hearing to discuss litigation issues with no action following.

Mr. Waybright made a motion to approve the Minutes of the December 15, 2016 regular meeting seconded by Mr. Toddles and carried.

Mr. Toddles made a motion seconded by Mr. Paddock and carried to approve the bills and transfers as follows: Bills of \$47,574.89 from General Fund, \$105.00 from the Escrow Fund and \$3,800.00 from Park and Rec Fund to YWCA. Transfers of \$41,742.48 from General Fund to Health Insurance Account, \$6,000.00 from Park and Rec Fund to General Fund and \$8,054.00 from Fire Tax Fund to General Fund.

Engineer/Plans:

Mr. Knoebel reported that the Keystone Systems Services Land Development Plan proposes the construction of a Group Home Facility on Barlow Greenmount Road. He added that they have reviewed the revised plan since the December meeting and prepared a memo dated January 23, 2017. Mr. Knoebel briefly went over the nine outstanding items left to be addressed. Mr. Knoebel also reported that he had received an updated set of plans yesterday via email which largely addresses the plan related items and they are in the process of reviewing that. Mr. Knoebel also reported that they are in the process of setting up a meeting with the neighboring property owners. Lastly, Mr. Knoebel reported that action on this plan will be needed at the February 28th meeting. Solicitor Wiser reported that he is sending the Developer’s Agreement to the developer’s counsel and they are working on the Operation and Maintenance (O&M) Agreement. **Mr. Paddock made a motion to table the plan due to the comments not being entirely addressed.** Attorney Laskowski requested that action be taken on the plan and elaborated on what they have completed on the plan. Attorney Laskowski also stated that he takes exception to the requirement for the Water Supply Feasibility and Water Resources Impact Study because this is a residence and is not commercial. After much discussion by the developer’s representatives regarding why the plan should be approved this evening, the Board agreed to take no action on the plan as recommended by the Township Manager due to outstanding engineering comments.

At 7:45 P.M., Chair Underwood recessed the regular meeting for a public hearing:

Conditional Use Hearing for Harrington Brothers, LLC, at 40 Knight Road, Gettysburg, PA for operation of a home and garden sales, service and repair business in the Village Mixed Use Zoning

District. Please see the transcript for the entire record of the hearing.

The hearing was closed and the meeting was reconvened at 8:00 P.M.

Engineer/Plans continued:

Mr. Knoebel reported that the next item is a Final Subdivision Plan for the Desimon Estate and there are some things that are still being worked on so action would not be required this evening.

Mr. Knoebel reported that the Township received a request for time extension for the review of the Gettys Point Final Land Development Plan from the developer's agent, Robert Sharrah, PLS. The request is to extend the review time until July 31, 2017. **Mr. Waybright made a motion to approve the request for extension for review of the Gettys Point Land Development Plan until July 31, 2017 seconded by Mr. Toddes and carried.**

Mr. Knoebel also reported that all the information for the MS-4 stormwater waiver request has been sent to Pa Department of Environmental Protection (Pa DEP) for their review.

Public comment:

Mr. Zach Gulden, 25 Apple Ave., stated that for the sake of transparency and because the residents do not understand why a tax increase was proposed in November and then taken away in December, recommended that the Township's committee meetings be open to the public, minutes of the meeting be taken and placed on the website, and that Township residents be appointed to serve on the committees. He also asked that the Township's monthly financial statement be placed on the Township's website.

Mr. Al Ferranto, 501 Knight Road, asked that the Board to vote on the Supervisors' healthcare coverage at a public meeting like was done last year in February. Mr. Ferranto also echoed Mr. Gulden's comments and expressed his displeasure with Mr. Thomas serving as both the Manager for the Township and Cumberland Township Authority during the same working hours. Mr. Ferranto also stated that he does not feel that the Township needs another full-time employee, that it should start with a part-time employee and see how it goes.

Ms. Terry Matlock, 111 Bittern Drive, asked why the Township is not seeking local counsel for the bids on the preparation of the franchise agreement with Comcast. Solicitor Wisner explained that the Pittsburgh based Cohen Law Group, markets heavily in the telecommunications industry. Ms. Matlock also asked if the Township's current law firm placing a bid wouldn't give the appearance of a conflict of interest. Solicitor Wisner stated that he does not advise the Board on whose proposal to accept and represents numerous other Townships that are members of the consortium who are all free to make their own decisions. Mr. Thomas stated that the Board did approve the firm of Salzman and Hughes to prepare the Comcast Cable TV Franchise Agreement at the January, 2017 Reorganization meeting.

Mr. Speros Marinos, 912 Baltimore Pike, stated that he has heard in the community that they do not see the Township Police, but he did see them during an incident and they are doing their job. Mr. Marinos also commented on the proposed casino in Freedom Township and feels that our Police will get called there and asked if it would be possible to get a contract before the casino is built. Mr. Marinos also asked for the Comprehensive Plan to be hurried along and for the zoning to quickly follow.

Mr. Doug Gross, 930 Barlow Greenmount Road, stated that he and his wife have submitted questions and concerns regarding the Keystone project and sincerely hope that their concerns will be addressed before action is taken by the Board. Mr. Gross also stated that he has reviewed the latest information and is finding many discrepancies in the information provided by Mr. Engel.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of December, 2016 including: 443 complaints - Psych/suicide-2, Disturbances-10, Assault/Harassment-3, Domestic-10, Criminal Mischief-1, Suspicious Activity-11, Thefts-2, Alarms-9, Medical Emergency-14, 911 Hang Up-4, Sexual assault-4, Burglary-1, Fraud-1, Wanted Person-2, Reported Drug Activity-2, Welfare checks-3, Shots Fired -4, Follow-up Investigation - 71; 199 traffic stops, 87 combined arrests, 13 traffic accidents, 13 targeted enforcements and 14,673 patrol miles. He added that they assisted other agencies seven times, they were assisted twice and the assists to Pa. State Police were in Straban and Carroll County, MD. Police Chief Boehs reported that they have had over 800 Oak Lawn Cemetery complaints and 82 walk-in complaints.

Active Business:

Mr. Thomas explained that the Lincoln Development – Self Storage Facility Plan was previously approved, however, the 90 days for the plan to be recoded has expired and they are requesting a re-stamp of the plan. **Mr. Shealer made a motion that the Lincoln Development – Self Storage Facility Plan be resigned seconded by Mr. Waybright and carried.**

Mr. Thomas also reported that in accordance with state law, every four years the Township can change the elected tax collector's commission. Mr. Thomas added that the current rate for the elected tax collector is 2% for monies collected at discount and 3% for monies collected at par and penalty. **Mr. Waybright made a motion, seconded by Mr. Paddock and carried to remain at the same rate that is currently being paid to the tax collector.**

Mr. Thomas reported that the Township has received a letter from Robert McQuaide, solicitor for the Gettysburg Area School District, in reference to the School Resource Officer Agreement requesting an extension of the term of the agreement until June 30, 2018. The School District is also requesting an hourly rate for the calendar year of 2018. Chair Underwood referred this to the Public Safety Committee for review, recommendation and noted that information is needed from the Police Department.

Mr. Thomas reported that the Township received a request from Barlow Volunteer Fire Co., Inc. for a \$5,000.00 contribution towards the purchase of a Utility Terrain Vehicle, primarily used for medical emergencies in hard to reach areas. The total estimated cost of the vehicle is \$48,000.00. Mr. Thomas added that they are requesting contributions from other entities including the National Park Service and the money would come out of the "restricted" Fire Tax Fund. **Mr. Todd made a motion to donate the \$5,000.00 to Barlow, as requested, seconded by Mr. Paddock and carried.**

Lastly, Mr. Thomas reported that the Township just received a letter from the Insurance Services Office, Inc. (ISO) and they had recently met with Mr. Naugle to do a Building Code Effectiveness Grading Schedule (BCEGS) survey and the Township's codes went from a Class 3 and 4 to a Class 9 as is the case nearly statewide. Mr. Thomas explained the reason for this is because Pennsylvania's codes (ICC and BOCA) are antiquated and aged. He added that all jurisdictions have one year to get this changed, but it is up to our state legislators to make the changes. Mr. Thomas added that this could affect homeowners and businesses but not all insurance companies go by this as how they rate homeowners, etc. Mr. Naugle added that they are trying to force the installation of sprinklers in all residential buildings and this is included in the new codes that Pennsylvania has not adopted. Mr. Naugle reported that Pennsylvania still operates under the 2009 codes.

Solicitor: Solicitor Wisner stated that he has three items, the first being action on the ordinance from the

first public hearing held at 6:30 p.m. amending zoning Chapter 27 by adding “Planned Unit Developments – Single Family Detached” as permitted uses in the Residential District. He added that if action is delayed tonight, the ordinance would have to be re-advertised before the Board could act. **Mr. Toddes made a motion to adopt the Ordinance amending Chapter 27 of the Zoning Ordinance by adding “Planned Unit Developments – Single Family Detached” with the modifications that were made, seconded by Mr. Shealer and carried.**

Solicitor Wisner also reported that the second item is the second hearing that was held tonight regarding a Conditional Use application for Harrington Brothers, LLC to locate a home and garden; sales, service and repair business in the Village Mixed Use Zoning District at 40 Knight Road. **Mr. Waybright made a motion to grant the Conditional Use approval for the property on Knight Road for Harrington Brothers, LLC and impose the condition of the hours of operation seconded by Mr. Toddes and carried.** Solicitor Wisner stated that he will prepare the written decision and have it for the Chair’s signature at the next meeting incorporating the condition of the hours of operation that was agreed to during the hearing.

Solicitor Wisner stated that approximately three years ago, the Township received a letter from the Attorney General’s (AG) Office alleging violations of the Agriculture, Communities and Rural Environmental Act (ACRE) as a result of the Township removing the “Concentrated Animal Operations” as a conditional use in the Agricultural/Residential (A/R) zoning district. Solicitor Wisner added that the Attorney General’s Office did find the Township in violation and offered some thoughts on the violation and how the Township should remedy the violation. Solicitor Wisner stated that he told the AG’s Office that the Township was updating their Comprehensive Plan and, in short, intended to do away with the A/R zone and that response seemed to satisfy them but, the update has taken quite a bit of time and they would like to close their file on this issue and they sent another letter that was quite extensive in outlining all of the deficiencies as it relates to agriculture, beyond the initial change. Solicitor Wisner stated that if the Board does not address these issues there is potential legal action from the AG’s Office to force the Township to address the issues. Solicitor Wisner stated that he has prepared an amendment that he believes will address the concerns of the AG’s Office. Solicitor Wisner recommended, in an effort to avoid a long and costly legal battle with the Commonwealth, the Township address the ordinance as required by the AG’s Office and forward the proposed amendment that he has prepared to them for their review. Solicitor Wisner also recommended that the adoption of the Comprehensive Plan be expedited to help guide the Township in a solution. Solicitor Wisner briefly explained the deficiencies including definitions, setback requirements for animal housing and manure facilities and placing “Concentrated Animal Operations” back into the A/R zone as a conditional use. Solicitor Wisner added that he has referenced the state requirements that the Township is required to follow. After the amendment is reviewed by the AG’s Office it will follow the normal zoning course of reviews and public hearing. The Comprehensive Plan was discussed and Solicitor Wisner stated that he does feel that our plan can stand on its own if necessary to move it forward. **Mr. Waybright made a motion to authorize Solicitor Wisner to forward the proposed amendment to the Attorney General’s Office for their review seconded by Mr. Toddes and carried.**

Committee Reports and comments from Board Members:

Public Safety – Chair Underwood reiterated that they will be addressing the Gettysburg Area School District’s request regarding the School Resource Officer.

Highway – Will be meeting next week.

Parks and Recreation – Mr. Toddes reported that they are looking at a couple of projects to get started; Youth Center and parking lot near the ball fields. They also met with Straban Township’s Rec Dept. and offered to do a project together like “Movie Night.”

COG – Meets Thursday morning.

Finance, Building and Grounds, Personnel, Planning and Zoning, CTA, Economic Development

and CT 411 – no reports

Staff Reports:

Manager – Mr. Thomas reported that the Civil Air Patrol would like to put up a sign at the airport and are requesting a waiver of the fee that would be around \$109.00. **Mr. Toddles made a motion to waive the sign permit fee for the Civil Air Patrol seconded by Mr. Paddock and carried.**

The Zoning Officer and Secretary’s reports were reviewed.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 9:11 p.m. for an Executive Session regarding a Personnel issue with no action to follow.

Ben Thomas, Jr., Manager

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_____) Supervisors
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