

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

The regular meeting was called to order at 7:00 p.m. by Chair Underwood. All Supervisors were present: Paddock, Toddes, Underwood, Waybright and Shealer. Also present were: Solicitor Sam Wisner, Township Manager Ben Thomas, Jr., Police Chief Don Boehs, Engineer Tim Knoebel and Secretary Carol Merryman. There were approximately 70 residents present including residents from surrounding municipalities.

Chair Underwood led the Pledge of Allegiance.

Mr. Toddes made a motion to approve the Minutes of the October 19, 2017 budget workshop and October 24, 2017 regular meeting seconded by Mr. Paddock and carried.

Solicitor Wisner explained that the proposed Recreation Ordinance that was planned to be on tonight's agenda has been tabled for additional revisions.

Mr. Waybright made a motion seconded by Mr. Shealer and carried to approve the bills and transfers in the amounts of: Bills - \$114,854.32 from General Fund, \$5,404.25 from the Escrow Fund, \$1.67 from the Fire Tax Fund, \$3,800.00 from the Park and Rec Fund and \$161,485.10 from the State Liquid Fuels Fund. Transfers - \$45,254.16 from the General Fund to the Health Insurance Account and \$3,426.00 from the Escrow Fund to the General Fund.

Chair Underwood moved Item H. to the front of the agenda due to the large number of people in attendance for the Act 42 "Mini-Casino Gaming". Mr. Thomas read a bulletin from the Pa. State Association of Township Supervisors (PSATS) on the new legislation, summarized as follows:

- Authorizes the placement of ten Category 4 casinos within the Commonwealth
- A Category 4 casino is a "mini-casino" with not less than 300 or more than 750 slot machines and table games
- These ten facilities will be owned and operated by those currently possessing a Category 1, 2 or 3 casino license that was issued by the Commonwealth
- Act 42 grants municipalities the authority to prohibit the location of a Category 4 casino within its boundaries by passing a resolution and this action must take place by December 31, 2017
- Municipalities that adopt a resolution prohibiting a Category 4 casino may, in the future, pass another resolution to rescind the prohibition
- If the prohibition is rescinded the municipality will no longer have the ability to prohibit the location of a Category 4 casino within its boundaries

Public comment was then taken from 37 residents who were in favor of the Township adopting a resolution to prohibit the location of a Category 4 licensed facility within the Township. There was one property owner who stated that he was not in favor of the Township adopting the resolution, but after hearing all of the testimony he felt that the Board had to adopt the resolution. Mr. Thomas also read a portion of all of the letters, emails and phone calls that were received from residents urging the Board to adopt the resolution and prohibit a Category 4 casino from being located in Cumberland Township. There was one letter received in favor of allowing a casino.

Mr. Paddock made a motion to follow what the residents are here asking for and adopt Resolution 2017-10 and get it to the State prior to the deadline seconded by Mr. Shealer and carried unanimously.

RESOLUTION 2017-10

A RESOLUTION OF THE BOARD OF SUPERVISORS OF CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, PROHIBITING THE LOCATION OF A CATEGORY 4 LICENSED FACILITY WITHIN THE TOWNSHIP

The Board took a short break while the room cleared. The meeting was reconvened for the rest of the business to be addressed.

Engineer/Plans:

Mr. Knoebel reported that the Township received a request for extension to the time for approval of the Cumberland Village, Phase II Preliminary Plan for one year until December 3, 2018. **Mr. Waybright made a motion to approve the request for extension until December 3, 2018 for Cumberland Village, Phase II seconded by Mr. Toddes and carried.**

Mr. Knoebel also reported that the Township received a request for extension for rendering a decision on the Gettysburg Battlefield Resort Plan until March 1, 2018. **The request for extension for Gettysburg Battlefield Resorts was approved by motion of Mr. Shealer seconded by Mr. Toddes and carried.**

Mr. Knoebel reported that the Township received a letter from Douglas, Denise and Vonny Wherley agreeing to a 90-day extension of time for the Board to render a decision on their Final Subdivision Plan. **Mr. Waybright made a motion seconded by Mr. Paddock and carried to approve the request for extension for the Wherley Subdivision for ninety-days. Approval needed by March 13, 2018.**

Mr. Knoebel reported that the Township received a request from L & K Storage, developer of Grandview Station, for a reduction of their financial security by 99%. Mr. Knoebel reported that an inspection was made and he is recommending that \$52,940.00 be retained and \$96,994.00 be released. **Mr. Shealer made a motion to approve a bond release of \$96,994.00 for L & K Storage, retaining \$52,940.00 seconded by Mr. Paddock and carried.**

Mr. Knoebel reported that the next item on the agenda is a Final Plan for Cumberland Crossings at the Links of Gettysburg which is located at the corner of Swetland Road and Mason-Dixon Road. The proposed project consists of 43 units on approximately 40.67 acres located in the Agricultural/Residential (AR) District and will be served by public water and sewer that will be provided by "The Links" development which is across the creek. All streets within the development will be privately owned and maintained. Mr. Knoebel reported that he has prepared a report dated November 28, 2017 and he went over the remaining ten comments that still need to be addressed. Mr. Knoebel added that he does not feel that there is anything in the comments that the developer cannot address, several of the items will be included in the Developer's Agreement that will be recorded at the courthouse and the burden is on the developer. **Mr. Paddock made a motion to approve the Cumberland Crossings at the Links of Gettysburg Final Plan subject to the comments in Mr. Knoebel's November 28, 2017 memo being addressed. The motion was seconded by Mr. Toddes and carried. Mr. Knoebel stated that he will update the Board on the status of the comments being addressed prior to the next meeting.**

Mr. Knoebel also updated the Board on the request for dedication of Kestrel Drive in Cumberland Village, Phase IC. Mr. Knoebel reported that the engineering and technical items have been addressed and what remains is an agreement with the developer to pay the Township \$304.00 which is the amount the Township would have received in additional Liquid Fuels funds had the street's deed of dedication been accepted before PennDOT's cut-off date. Solicitor Wiser added that the developer has indicated that he is agreeable to paying the \$304.00. **Mr. Toddes made a motion to adopt the Deed of Dedication for the**

portion of Kestrel Drive in Cumberland Village, Phase IC (curbing is the responsibility of the property owner) provided that the Township receives the \$304.00 from the developer for Liquid Fuels reimbursement per the standard agreement seconded by Paddock and carried.

Lastly, Mr. Knoebel updated the Board on the pending release of the maintenance bond for the improvements in Cumberland Village, Phases 1A and 1B. He reported that they are meeting with members of the Homeowner's Association on 11/8 and then will be meeting with the developer the next week. He added that they are having an independent assessment done and hope to have this all taken care of prior to the next meeting.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of October, 2017 including: 363 complaints - Psych/suicide-4, Disturbances-10, Assault/Harassment-4, Domestic-10, Criminal Mischief-2, Suspicious Activity-14, Thefts-2, Alarms-13 Medical Emergency-11, 911 Hang Up-4, Sexual assault-1, Burglary-0, Fraud-2, Wanted Person-1, Reported Drug Activity-2, Welfare checks-16, Shots Fired-0, Follow-up Investigation-38; 108 traffic stops, 104 combined arrests, 10 traffic accidents, 34 targeted enforcements and 11,380 patrol miles. He added that they assisted other agencies nine times, they were assisted four times and the assists to Pa. State Police were in Franklin, Straban and Mt. Joy Townships. Police Chief Boehs reported that they had 58 walk-in complaints. Chair Underwood thanked the Police and Road Departments for their participation in the pre-planning and working at the Remembrance Day Parade in Gettysburg Borough.

Active Business:

Mr. Thomas reported that the Township has a quote from Smith Elliott Kearns and Co., LLC to prepare the Township's Annual Audit as follows: one-year quote - \$7,400.00; three-year quote - 2017 - \$7,275.00, 2018 - \$7,425.00 and 2019 - \$7,575.00. Mr. Thomas added that the cost for the 2016 Annual Audit was \$7,100.00 and stated that he feels that the quote is reasonable. **Mr. Shealer made a motion seconded by Mr. Waybright and carried to accept the three-year option from Smith Elliott Kearns and Co., LLC.**

Mr. Thomas reported that a letter of resignation from the Zoning Hearing Board has been received from Mrs. Lori Bridel. Mrs. Bridel has moved from the Township and is no longer eligible to serve. Mr. Thomas also asked the Board to appoint an alternate, as well as a replacement for Mrs. Bridel. Chair Underwood asked the reporter to include this information in her article and the Citizen's Interest Form can be found on the Township's website and would be due back to the Township by the end of business on December 18, 2017. **Mr. Todd made a motion seconded by Mr. Paddock and carried to accept the resignation from Mrs. Lori Bridel, with regret.**

Mr. Thomas acknowledged the receipt of the Volunteer Fire Relief funds, in the amount of \$45,891.33, that is deposited and then sent to the Barlow Firefighter's Relief Association.

Mr. Thomas presented the 2018 Preliminary General Fund Budget with a projected deficit of over ¼ million dollars. Mr. Thomas explained the reasons for the deficit, a few of which are: no projected income growth, increased expenditures, no commercial development and vacant commercial buildings, tax exempt and Clean and Green properties and unfunded mandates. Mr. Thomas added that a healthy fund balance for Cumberland Township should be between \$1,000,000.00 and \$1,200,000.00. Mr. Thomas gave the Board several options of how to address the deficit including: balancing the budget by using from the surplus, budget cuts by all department heads or a property tax increase of .4 mills that would bring in approximately \$280,000.00. He added that it has been eight years since the tax rate was increased and of all Adams County municipalities with full-time police service Cumberland Township's real estate

tax rate would remain the lowest even with the tax increase. There was a lengthy discussion including comments and questions from the public. **Mr. Shealer made a motion to adopt the 2018 Preliminary Budget with a .4 mill tax increase that would generate approximately \$280,000.00 seconded by Mr. Waybright and carried unanimously.**

Solicitor: Solicitor Wisner stated that the Township has been discussing how fire hydrants are funded and Gettysburg Municipal Authority (GMA) currently charges the Township for the hydrants. He added that the Township would like to move away from this practice of being charged for the hydrants, has notified GMA and received a response from their Solicitor. He added that GMA feels that the billing for fire hydrants should be done by the Township, not by GMA and the Township feels that GMA should bill the water users rather than the Township. Solicitor Wisner asked the Board how they would like to proceed and Chair Underwood suggested a second letter to get some clarification. **Mr. Waybright made a motion to respond, as invited, for further discussion clarifying that the correspondence included with Mr. Yannetti’s letter is not from a Fire Chief, there is not a contract for service and the Township is not inclined to continue the current arrangement. The motion was seconded by Mr. Shealer and carried.**

Committee Reports and comments from Board Members:

Public Safety – Chair Underwood mentioned the Township’s participation in the pre-planning for the Remembrance Day Parade.

Parks and Recreation – Mr. Toddes reported that part of the park is closed down because of the situation with the water and they have started to work on the softball field.

COG – Chair Underwood reported on the new officers: Ferd Prim, President; Dave Arendt, Vice-President; the other officers did not change.

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

Staff Reports:

Manager – Mr. Thomas asked for the Board’s approval to make the final transfer to the Capital Reserve Fund. **Mr. Shealer made a motion to authorize the Treasurer to make the final \$40,000.00 transfer from the General Fund to the Capital Reserve Fund seconded by Mr. Toddes and carried.**

Mr. Thomas also reported that Waste Connections of Pa. will be the Township’s waste hauler effective January 1, 2018 and there will be a mailing sent out to all current customers.

The Zoning Officer and Secretary’s reports were reviewed.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 10:20 p.m. for an Executive Session to discuss collective bargaining with no report to follow.

Carol A. Merryman, Secretary

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_____) Supervisors
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