

**Cumberland Township Board of Supervisors**  
**1370 Fairfield Road, Gettysburg, PA 17325**  
**February 27, 2018 Public Hearing and Meeting Minutes**

The public hearing was called to order at 7:00 p.m. by Chair Underwood. Present were all Supervisors: Underwood, Waybright, Toddes, Phiel and Paddock; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Township Engineer Tim Knoebel and Secretary Carol Merryman. Also present were 11 residents and Mary Grace Keller and Harry Hartman from The Gettysburg Times.

Solicitor Wiser presided over the hearing.

Solicitor Wiser stated that the public hearing is being held to take comments on the proposed Ordinance 2018-173 which amends Chapter 22, Part 4, Section 413, of the Township of Cumberland Code of Ordinances, entitled "Traffic Impact Studies" and repealing Chapter 25 of the Code of Ordinances, otherwise known as the "Cumberland Township Traffic Impact Fee Ordinance" in its entirety.

Solicitor Wiser took testimony from staff. Mr. Thomas, Township Manager, testified that notice was given by the Board to hold the public hearing this evening, Proof of Publication from the Gettysburg Times will be on record here at the Township Office and the proposed ordinance was also placed on the Township's website for public view.

Solicitor Wiser then read through and explained the proposed ordinance that was displayed on the large screen. He explained that the proposed ordinance repeals Chapter 25 of the Code of Ordinances and amends Chapter 22, Part 4, Section 413 of the Code of Ordinances by removing references to the requirements of Chapter 25 including: Act 209 Transportation Impact Fees; Act 209 specific definitions; Act 209 Traffic Impact Studies, Land Use Assumptions Report and Transportation Capital Improvements Plan.

Solicitor Wiser asked if there was anyone present who wished to testify in favor of the adoption of the proposed ordinance and there were none.

Solicitor Wiser then asked if there was anyone present who wished to testify in opposition of the adoption of the proposed ordinance.

Mr. Al Ferranto, 501 Knight Road, stated that he was sorry that there was no stenographer here tonight so that his comments could be recorded because they are important and there will be no record of them. Mr. Ferranto stated that he was against the abolishment of the "Traffic Impact Fee Ordinance" and he read from sections of the ordinance. Mr. Ferranto stated that no one can see into the future and feels that the Township may need the impact fees in the future, so the ordinance should be kept. Mr. Ferranto also stated that the Township currently has a Capital Improvements Plan, "a map", that would be eliminated, and he feels that the "map" is also important for the future. He added that he feels that the elimination of Chapter 25 will impact the proposed Joint Comprehensive Plan. Mr. Ferranto also commented on the improvements that were made to Herr's Ridge Road by the Cumberland Village developer, Mr. Martin Hill, and stated that Mr. Hill did not have to do that work and by taking away the traffic impact fees the Township will miss opportunities to save taxpayers' money in similar situations in the future. Mr. Ferranto also read from the Transportation Impact Fee Handbook regarding funding including projects on state roads, exemptions from impact fees, refunds (that the Township can already do without repealing the ordinance) and credits for construction of improvements. Mr. Ferranto asked the Board to think about his comments and keep Chapter 25 for the future.

Solicitor Wiser stated that the Township still retains the right, under the Traffic Study requirements in the Subdivision and Land Development Ordinance, to require a developer who proposes a development that

generates more than 200 average daily trips per day to complete a traffic study. Solicitor Wisner added that the Pa. Municipalities Planning Code gives the municipality the authority to require developers to make certain on-site improvements, so the Township can still do a project like was done on Herr's Ridge Road with Mr. Hill.

Mr. Thomas stated that the developers usually want to work with the Township and he feels that more projects will get done. Mr. Thomas added that in the last Act 209 Study there were \$6.3 million worth of projects and that was ten years ago. He added that the Act 209 law is so convoluted that all the Township does is pay engineers. There was also discussion about the committee that was working on the Act 209 update and their recommendation to repeal the ordinance.

Mrs. Jean Stone, 1745 Mummasburg Road, asked if the ordinance is left in place doesn't the Township still have to pay an engineer to update the ordinance every ten years whether any fees are collected or not. Solicitor Wisner confirmed that the ordinance must be updated every ten years by law.

At 7:39 p.m. Solicitor Wisner closed the hearing.

At 7:40 p.m. Chair Underwood called the regular meeting to order with all listed above present.

Chair Underwood led the Pledge of Allegiance.

**Mr. Toddes made a motion seconded by Mr. Paddock and carried to approve the Minutes of the December 21, 2017 and January 23, 2018 regular meetings and the January 2, 2018 Reorganization meeting.**

**Mr. Waybright made a motion seconded by Mr. Paddock and carried to approve the bills in the amounts of \$89,116.41 from the General Fund, \$14,135.71 from the Capital Reserve Fund, \$12,294.29 from the State Fund and \$3,195.00 from the Escrow Fund and transfers of \$48,607.95 from the General Fund to the Health Insurance Account and \$886.00 from the Escrow Fund to the General Fund.**

**Public comment:**

Mrs. Jean Stone, 1745 Mummasburg Road, presented oral and written items for consideration in 2018 that were not included on the list from the Board's Workshop on Thursday morning including: 2018 being a planning year for MS4; reimbursing the Park and Recreation Fund for funds that were used to purchase the neighboring Topper property since it may no longer be a viable recreation option and the possibility that funds from the General Fund may no longer be necessary to help fund GARA since Park and Rec fees of \$43,000.00 are anticipated from Cumberland Crossings. Mrs. Stone also pointed out that Park and Rec Budget shows a transfer of \$6,000.00 to the General Fund and the General Fund Budget shows no \$6,000.00 revenue from this transfer.

Mr. Al Ferranto, 501 Knight Road, spoke about the 2018 Budget and tax increase. He reported that in 2017 the Township had a \$34,000.00 surplus of revenues over expenditures and he stated what the balances were in each of the accounts at the end of 2017. Mr. Ferranto stated that what created the shortage was the Board earmarking \$500,000.00 for a building that was never publicly vetted and he feels this should not have been done and if it was not done it would have negated the tax increase. He added that meanwhile, the Supervisors are giving themselves health, dental and life insurance benefits and by doing that the Board is putting a tax burden on the residents. Mr. Ferranto asked that the tax increase be rescinded and the \$500,000.00 be taken out of the building fund and give the taxpayers a break. Mr. Ferranto also stated that he is very concerned about giving money to GARA because it was supposed to be self sufficient in five years. He added that the Park and Rec Funds have been expended and it has now

becoming a tax burden on the Township residents.

### **Engineer/Plans:**

Mr. Knoebel reported that the Township has received a request for extension from the Gettysburg Battlefield Resorts for approval of their land development plan until June 1, 2018. He added that they are still going through the various state permitting that is needed and recommended that the extension be granted. **Mr. Paddock made a motion to grant the extension for the Gettysburg Battlefield Resort Land Development Plan until June 1, 2018. The motion was seconded by Mr. Toddles and carried.**

Mr. Knoebel also reported that modifications have been made to the Grandview Station Land Development Plan, it is back to the Board for approval and he explained the changes that were made. He stated that there were to be two retail buildings and one was changed to a climate-controlled storage building with no water or sewer facilities, minor changes to the parking although they still provided the same number of spaces. He also reported that an elaborate note was added to explain all modifications and the retail building must remain a single tenant. Lastly, a portion of sidewalk was taken off the plan. Mr. Knoebel stated that the Township's Planning Commission recommended that the easement for the sidewalk be left on the plan for future use if ever needed. **Mr. Toddles made a motion to approve the Grandview Station Land Development Plan seconded by Mr. Paddock and carried with the condition that a note be added to the plan stating that the current owner of the property would be responsible for building the sidewalk when needed in the future.**

Mr. Knoebel also updated that Board on the Greenmount Area regarding the possibility of a future public sewer system that was previously studied and is being updated. He added that they would like to present their information at the April 19, 2018 workshop. The Board agreed to invite the stakeholders and members of the Sewer Authority to the workshop as well.

Mr. Knoebel also updated the Board on the MS4 Application that was submitted to PaDEP. He stated that they will be scheduling some staff level meetings in 2018 and submitting an annual report to PaDEP. Mr. Knoebel added that they have heard nothing from PaDEP. Mr. Thomas added that the first step will be public education.

### **Police Report:**

Police Chief Don Boehs presented a written and oral report of police activities for the month of January, 2018 including: 315 complaints - Psych/suicide-5, Disturbances-6, Assault/Harassment-2, Domestic-8, Criminal Mischief-0, Suspicious Activity-17, Thefts-0, Alarms-9 Medical Emergency-8, 911 Hang Up-5, Sexual assault-0, Burglary-1, Fraud-1, Wanted Person-2, Reported Drug Activity-1, Welfare checks-13, Shots Fired-1, Follow-up Investigation-18; 117 traffic stops, 79 combined arrests, 6 traffic accidents, 27 targeted enforcements and 8,652 patrol miles. He added that they assisted other agencies 11 times, they were assisted twice. Assists to Pa. State Police were in Straban and Mt. Joy Townships. Police Chief Boehs reported that they had 62 walk-in complaints.

### **Active Business:**

Mr. Thomas reported that the Township has received a Memorandum of Understanding from Adams County for website services through their Information Technology Department. He reported that there is a one-time set-up fee of \$500.00 and an annual maintenance fee of \$100.00. **Mr. Paddock made a motion to approve the Memorandum of Understanding with Adams County for website services seconded by Mr. Phiel and carried.**

Mr. Thomas also gave an update on Adams County Tax Collection Committee. He stated that either he or Supervisor Toddles attend these meetings and sometimes they wait to get a quorum. He added that they

get a full report from the York Adams Tax Bureau (YATB) who collects \$200,000,000.00 for 124 municipalities and school districts. Mr. Thomas reported that YATB has moved their office to a central location and they had 4,752 visitors to their office and filed 1,390 complaints last year against delinquent taxpayers.

**Solicitor:** Solicitor Wisner reported that the Board held a Public Hearing at 7:00 p.m. for Ordinance 2018-173 and it was advertised for the Board's consideration at tonight's meeting if so desired. **Mr. Toddes made a motion to adopt Ordinance 2018-173 amending Chapter 22, Part 4, Section 413 and repealing Chapter 25 of the Cumberland Township Code of Ordinances seconded by Mr. Waybright and carried. Mr. Paddock voted in opposition of the motion.** Solicitor Wisner also updated the Board on the Comcast Franchise Agreement negotiations that has been complicated by an old agreement for funding between Adelphia and ACTV. He reported that there are two possibilities for funding if the municipalities are open to them: 1.) Provide a portion of the franchise fees to ACTV 2.) Funding ACTV through a Public Educational and Governmental (PEG) Fee that would be a fee in addition to the franchise fees and that would amount to ½% or \$11,000.00 annually. The fee would only be paid by Comcast subscribers and there are around 1,646 subscribers in the Township. Lastly, Solicitor Wisner reported that the revisions to the Park and Recreation Fee Ordinance have been circulated for review.

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

**Highway** – Mr. Thomas reported that the 2018 road projects have been determined and a listing will be placed on the website. The bids for these projects will be publicly opened on March 21, 2018 at 10:00 a.m.

**Finance** – Chair Underwood reported that the committee reviewed several purchases: Adams County Economic Development Corporation membership \$200.00; Rabbit Transit Authority annual local match \$1,000.00; Police copier replacement \$2,100.00; Replacement of Asphalt roller with a Bomag BW120 \$36,222.40 trading current roller (22 years old) for \$3,800.00 with 28% Pa. Dept. of General Services CO-STARs discount = \$32,222.40 as budgeted in Capital Reserve and Liquid Fuels funds. **Mr.**

**Waybright made a motion to approve the above-mentioned expenditures seconded by Mr. Toddes and carried.** Chair Underwood also reported that the Finance Committee is recommending a Fire Funding contribution to Barlow Fire Company for purchase of a 2018 PIERCE Engine /Tanker in the amount of \$100,000.00. President Jim Brown and Fire Chief Eric Hubbard were present at the meeting and had attended last month's meeting to report on this purchase that the Fire Company is making in the amount of \$383,965.00. **Mr. Waybright made a motion to approve the Fire Funding request to Barlow Fire Company in the amount of \$100,000.00 (from the dedicated Fire Tax Fund) seconded by Mr. Phiel and carried.** Chair Underwood also asked President Brown and Fire Chief Hubbard to pass along the Township's appreciation to Fire Chief Donnie Yingling, Sr. at Harney Fire Company who is retiring after serving as Fire Chief for 38 years and was the "guru" of rural water resources.

**Building and Grounds** – Chair Underwood reported that the working group will be meeting soon.

**Personnel** – Chair Underwood stated that the deadline for submission of applications for the Administrative Assistant position is February 28, 2018.

**Planning and Zoning** – Mr. Thomas reported that there is a link on the Township's website to the latest draft Joint Comprehensive Plan and he spoke to Mr. Andrew Merkel of Adams County Planning and he would like to get through the public comment period for the "plan" with all three municipalities included.

**Parks and Recreation** – Mr. Toddes reported that they will be holding a Mad Hatter Tea Party for the kids and they are waiting for dryer weather to work on the ball fields. He added that there are people using the park daily.

**CTA** – Mr. Toddes reported that the Route 116 bridge replacement and Rt. 30 manhole projects are still in progress.

**COG and Economic Development** – No reports.

Mr. Thomas reported that the first Electronic Recycling event under the new Waste Hauling contract will be held on March 24, 2018 at the Adams County Emergency Services Center in Straban Township and that information is on the Township's website.

The Zoning Officer and Secretary/Treasurer's reports were reviewed.

Chair Underwood presented a Certificate of Appreciation for Thomas Shealer for his service to Cumberland Township and Mr. Thomas will present that to him when he sees him later in the week.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 8:53 p.m. for an Executive Session on Collective Bargaining with no report to follow.

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Carol A. Merryman, Secretary

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