

**Cumberland Township Board of Supervisors**  
**1370 Fairfield Road, Gettysburg, PA 17325**  
**April 23, 2019 Meeting Minutes**

At 6:30 P.M. Chair Underwood called the Conditional Use Hearing for Gettysburg Foundation for a “Not-for-Profit Museum” in the Agricultural/Residential Zoning District to order. All Supervisors were present. Chair Underwood turned the hearing over to Solicitor Wiser. Deb Zepp, Court Reporter, transcribed the hearing that was adjourned at 7:28 P.M. Please see the transcript for a complete record of the hearing.

The regular meeting was called to order at 7:40 P.M. by Chair Underwood. Present were all Supervisors: Underwood, Phiel, Paddock, Waybright and Toddes; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Zoning Officer Michele Long and Secretary Carol Merryman. Also present were: Mary Grace Keller from the Gettysburg Times, and approximately thirty residents.

Chair Underwood led the Pledge of Allegiance.

**Mr. Toddes made a motion seconded by Mr. Phiel and carried to approve the Minutes of the March 26, 2019 regular meeting.**

**Mr. Waybright made a motion seconded by Mr. Phiel and carried to approve the bills in the amounts stated of: \$75,271.57 from the General Fund, \$836.00 from the Escrow Fund, \$33,082.00 from the Park and Rec Fund and \$17,513.34 from the Capital Reserve Fund. Mr. Waybright made a motion seconded by Mr. Toddes and carried to approve the transfers of \$28,310.36 from the General Fund to the Health Insurance Account for May’s premium and \$10,000.00 for FSA Funding.**

**Public comment:**

Chair Underwood acknowledged receipt of Mrs. Stone’s letter of March 26, 2019 and stated that she will have a written response sent to her prior to her next meeting.

Mrs. Nita Gross, 938 Barlow Greenmount Road, stated that Keystone Services’ pond continues not to be dewatered, the water from the pond continues to leach onto their property, they cannot use their backyard and they have questions about the As-Built Plan and they will put them in writing.

Mrs. Jean Stone, 1745 Mummasburg Road, presented oral and written comments. Mrs. Stone asked when approval was given for the agenda item: “Estimate/Proposal for preparing a site plan and stormwater plan associated with the proposed building renovations” since she had seen no Building and Grounds Committee meeting advertised and there are three Supervisors on that committee. Mrs. Stone also reiterated Resolution 2011-05 indicating the Board’s wishes, at that time, to have the long-term debt paid off in fifteen years. She added that the Board and Finance Committee were asked to prepare a debt repayment plan for presentation at tonight’s meeting, but there is nothing on the agenda in reference to it.

Mr. Speros Marinos, 912 Baltimore Pike, asked the Board to re-zone the northern segment of the Baltimore Pike corridor to Commercial as soon as possible.

Mr. Greg Kauffman, 23 Kestrel Drive, stated that he had recently become involved with the Homeowner’s Association (HOA) of “The Lands” at Cumberland Village and was present to register their hope that the pedestrian trail and bridge that was proposed to join their development with “The Preserves” at Cumberland Village will not materialize. He also asked that if the trail is constructed; that it not be constructed of wood chips and be a more durable surface.

Ms. Barbara Hendricks, HOA President of “The Preserves” at Cumberland Village, 135 Bittern Drive, sent a letter to the Board and spoke to them about the proposed trail. She asked that it be constructed of a more durable material especially due to the steep slopes in the area. Ms. Hendricks also reported that they had spoken to the developer about having a sidewalk along Herr’s Ridge Road rather than the proposed trail. She added that the developer had presented a macadam trail that has now been changed to wood chips. Ms. Hendricks also reported that the HOA is responsible for the maintenance of the conservation area and the bridge is going to be an obstruction in the creek that carries the stormwater.

Ms. Myra Abramovitz, 12 Kestrel Drive, also spoke in opposition to the trail. She reported that they have major stormwater going down their shared driveway and its’ maintenance is their responsibility. She stated that any added traffic will impact the maintenance and also their privacy.

Mr. Kirby Scott, 18 Kestrel Drive, spoke in opposition to the trail and reiterated the major stormwater that goes down their shared driveway and that wood chips would simply wash away. Mr. Scott also expressed concern about the liability that would go along with people using the trail.

Ms. Susan Sadowski, 1326 Fairfield Road, presented, as requested, a written “Loan Payment Summary” for the Township’s General Obligation Bond. Ms. Sadowski also addressed the Township’s two leases and asked why repayment of the Backhoe lease was deferred in 2018; questioned Mr. Thomas’ amortized cost for the building renovation of \$25,000.00 annually over forty years and also questioned requirements for the Manager to live in the Township and to not hold any other elected office. Ms. Sadowski also questioned expenditures reported in the 2018 Annual Audit.

Mr. Steve Niebler, 40 Windbriar Lane, reported that he is a member of the GARA Board and would like to be re-appointed and sees that is on the agenda. He thanked the Board for their share of the funding for the Rec Park. He stated that the park is providing a tremendous service to the community, is a terrific resource and they are selling “Friends of the Rec Park” magnets for \$20.00 as a fund raiser.

### **Engineer/Plans:**

Mr. Thomas presented a report from Mr. Knoebel, Township Engineer with the following updates:

Keystone Services Land Development Plan – a proposal for an alternate dewatering method was received, reviewed and a written response dated April 8, 2019 was provided to the developer. The recommendation is that the developer needs to provide a more comprehensive plan amendment submission to address all previously identified issues and nothing has been received back from the developer since that time. Mr. Thomas stated that the Township has taken additional action this week. Solicitor Wiser reported that the Township has sent notices of continuing violation to the property owner for failure to dewater the stormwater basin within 72 hours as required by the approved plans, Operation and Maintenance Agreement and Developer’s Agreement. Solicitor Wiser also suggested that in the event that the developer fails to remedy the dewatering issue within the timeframe required in the notices that the Board acknowledge that the Township may proceed with a civil complaint before the Magisterial District Justice as provided for in the Township’s Subdivision and Land Development Ordinance, as well as the Pa. Municipalities Planning Code and as well as seeking the maximum fine available of \$500.00 per day per violation. **Mr. Waybright made a motion to proceed with a civil complaint if the violation continues (as explained by Solicitor Wiser) seconded by Mr. Toddes and carried.**

Cumberland Village, Phase IC Walking Trail – they have received a submittal for the proposed Pedestrian Walking Trail that will connect Phase IA with Phases IB and 1C of Cumberland Village and have

completed a preliminary review and will be providing comments to the developer's engineer. He added that the plan will not require formal action by the Board as it is being submitted consistent with and in accordance with the approved Subdivision and Land Development Plan and the Township Engineer and staff will provide comments to the developer. Solicitor Wisner added that the Board does not have the ability to modify the plan on its own. There was further discussion and questions from residents about the trail.

Building Renovations – Site Plan Proposal – KPI is in the process of completing their proposal/cost preparation for the proposed building renovations land development plan and that plan will incorporate Stormwater BMP's to assist with meeting MS4 requirements to the maximum extent possible. Mr. Thomas stated that his recollection is that this was a carry-over from meetings back in 2018 when Mr. Paddock and Mr. Walter were assigned to work with KPI and they are finally getting around to working on it.

**Police Report:** Police Chief Don Boehs presented a written and oral report of police activities for the month of March, 2019 including: 358 complaints - Psych/suicide-5, Disturbances-11, Assault/Harassment-5, Domestic-8, Criminal Mischief-1, Suspicious Activity-14, Thefts-1, Alarms-8, Medical Emergency-6, 911 Hang Up-2, Cruelty to Animals – 0, Wanted Person – 1, Reported Drug Activity – 1, Welfare Checks – 6, Shots Fired – 1, Fraud – 2, Burglary – 0, Sexual assault-0, Follow-up Investigation- 24, SRO Calls – 31 with 5 DOC and 1 harassment arrest; 118 traffic stops, 68 combined arrests, 4 traffic accidents, 34 targeted enforcements, 10,928 patrol miles and 51 walk-in complaints. He added that they assisted other agencies 11 times and they were assisted once. There was one assist to Pa. State Police in Straban Township.

#### **Active Business:**

Mr. Thomas reported that the Board had a request at their last meeting to consider adopting a fireworks ordinance, he has done some research and the Board has been provided sample ordinances from other municipalities. Mr. Thomas talked about the State Law that was passed in 2017 that now permits virtually every type of fireworks display and gives municipalities the ability to adopt their own local ordinances. Mr. Thomas reported that the State Law puts the responsibility of inspecting the fireworks on the Fire Chief. Mr. Thomas stated that he likes the restrictions of day, time and hours. Solicitor Wisner stated that he concurs with Mr. Thomas and the State law puts a significant amount of onus on the municipality with respect to who should be licensing these types of displays. He added that he feels the sample ordinances that were provided to the Board are reasonable and do not conflict with the provisions of the State law. Mr. Eric Hubbard, Barlow VFD Fire Chief, stated that his department is not trained to do physical inspections nor will they do any inspections within their jurisdiction. Solicitor Wisner clarified that it is the Fire Chief's position that the Township and VFD are not in a position to license these types of displays because they do not have the requisite qualifications to issue a license and permit. Mr. Hubbard added that the Township could hire an outside agency that is trained in pyrotechnics to do the certification for them. Mr. Thomas stated that he feels that the question is how to protect the Township residents who are having unreasonable fireworks consistently being set off around their homes. Mr. Thomas suggested that staff, Police Chief and Solicitor prepare a reasonable and enforceable draft ordinance and bring it back to the Board for their review. Mr. Thomas suggested that Chief Boehs contact Carroll Valley Borough's Police Chief to see how they are doing with the enforcement of their ordinance. **Mr. Waybright made a motion that the staff, Police Chief and Solicitor get together and come up with suggestions for a possible fireworks ordinance seconded by Mr. Phiel and carried.**

**Mr. Todd made a motion seconded by Mr. Phiel and carried to re-appoint Mr. Steve Niebler to the Gettysburg Area Recreation Authority Board for a five-year term effective May 14, 2019 through May 14, 2024.**

**Mr. Paddock made a motion to amend the Township’s 2019 Fee Schedule to include “Any Adams County Building Official’s Association Uniform Construction Code Appeal Board Fees.” The motion was seconded by Mr. Toddes and carried.** Mr. Thomas reported that the fee is a total of \$800.00 and the Township has its’ first hearing next week.

Mr. Thomas reported that a letter was received from the Gettysburg National Military Park dated March 5, 2019 regarding a minor boundary revision to the Park Boundary that encompasses approximately 25 acres, most of which is located within the Township. Mr. Thomas asked the Board if they had any comments and there were none.

Mr. Eric Hubbard, Barlow VFD Fire Chief, reported on the department’s new engine-tanker and also had some box card changes for the Board’s approval. Mr. Hubbard reported that they have started drivers training and the engine-tanker will be at the Fire Expo on May 17 -19, 2019 in Harrisburg. He added that they are planning to have the new engine-tanker in service by the end of June at the latest.

Mr. Thomas reported that the Adams County Council of Governments Legislative Forum will be held on Thursday, April 25, 2019 at 6:00 P.M. at the Adams County Emergency Services Building.

**Solicitor:** Solicitor Wisner reported that the Township continues to work towards compliance at Oaklawn Cemetery, the ultimate disposition of the pending citation and he will address this more thoroughly in Executive Session. He added that the Township authorized the filing of a petition with the Adams County Court of Common Pleas for the PNC trust funds that were previously held for maintenance activities to be continued to be held in escrow for that purpose.

Solicitor Wisner also reported that Keystone Service Systems (KSS) will be discussed in Executive Session regarding litigation that has been threatened by KSS.

Solicitor Wisner also reported that he has provided draft language for staff review for ordinance “ticket” modification for sidewalk/snow removal similar to the grass/weeds ordinance and the Board could take action for that ordinance modification to take place at the next meeting.

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

**Finance** – Mr. Phiel reported that everything is on par, the police officers have their new uniforms and some of the road projects are getting ready to begin. The committee recommended that \$8,500.00 (10% of the total cost) from the Liquid Fuels Fund be used towards the purchase of the replacement dump truck and the surplus dump truck will be sold in September. The balance of the truck’s cost will be paid from the Capital Reserve Fund and there will be no loan.

**Public Safety** – Chair Underwood reported on a meeting that she attended regarding the Broadband Initiative and the effect that lack of it in some areas has on the emergency medical services.

**Parks and Recreation** – Mr. Toddes reported that he has some magnets that they are selling to raise money for the Rec Park, on May 4th they are re-dedicating the Biser Trail since it has been moved so many times, Little League has started and the park is busy.

**Planning and Zoning** – Chair Underwood reported that we are waiting for copies of the Comprehensive Plan now that it is approved. Mr. Thomas suggested a Strategic Planning Workshop for May 23<sup>rd</sup> so moving ahead with the zoning update and many other things can be discussed.

**CTA** – Mr. Toddes reported that they are hauling biosolids to the Waybright Farm when weather permits, they are purchasing some cameras to do inspections of the sewer lines and they are updating their Rules and Regulations.

**Personnel, Highway, Planning and Zoning, COG, Building and Grounds, Economic Development and CT411 – No reports.**

Mr. Thomas reported that he attended the 97<sup>th</sup> Annual PSATS Educational Conference and many items were covered: Broadband Initiative, Restore Pennsylvania, MS4 (hottest topic – no funding), Radar Bill, credit for Volunteer Fire Service, charge for State Police serving municipality, ability to charge for staff time spent preparing Right-to-Know requests especially commercial requests and Legal Notices. Mr. Thomas also stated that he is proud to serve his home community.

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

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 9:30 p.m. for an Executive Session.

The meeting was re-convened at 10:28 P.M.

The Cumberland Township Board of Supervisors, following the executive session, voted in public session as follows: **Mr. Todd made a motion seconded by Mr. Waybright and carried to approve the Gettysburg Foundation’s conditional use request in accordance with the testimony and evidence presented. The Board imposed one condition and included two acknowledgements with its decision and they are as follows:**

**Condition: Applicant shall provide appropriate signage limiting public access to the Property driveway.**

**Acknowledgement:**

- 1. The Township will monitor the condition of the adjoining public road (Blacksmith Shop Road) and if damage is apparent from shuttle vehicles, the Township will request contribution from the Applicant for road repair.**
- 2. The Foundation is encouraged to consider measures to mitigate the impact of the pedestrian trail on neighboring properties.**

The Board’s written decision will be issued in accordance with the requirements of the MPC and the parties of record will all receive a copy of said decision.

The meeting was adjourned at 10:40 P.M.

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Carol A. Merryman, Secretary

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