

**Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
August 27, 2019 Meeting Minutes**

At 6:30 P.M., members of the Barlow Fire Company were present in the parking lot with new firefighting apparatus purchased in part with Fire Tax funds.

The regular meeting was called to order at 7:00 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, Engineer Tim Knoebel and Secretary Carol Merryman. Also present were: Bob Sharrah, Marty Hill, Jim Piet, KSS representatives, Raymond Gouker, Leonardo Marinelli, Andrea Grabenstein from the Gettysburg Times and approximately twelve 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 July 23, 2019 regular meeting.

Mr. Waybright made a motion seconded by Mr. Toddes and carried to approve the bills and transfers: Bills - \$328,989.32 from the General Fund, \$2,147.50 from the Escrow Fund, \$11,386.62 from the State Fund, \$6,324.85 from the Capital Reserve Fund, \$77,934.70 from the Fire Tax Fund and \$9,000.00 from the Park and Rec Fund: Transfers - \$28,519.78 from the General Fund to the Health Insurance Account.

Visitors: Mr. Raymond Gouker, President and CEO of Community Media, addressed the Board and also showed a short video. Mr. Gouker requested that the Township financially support Community Media through local Cable TV funds because Comcast can no longer afford to fund them. He reported that there are three funding sources that the Township can use; a portion of the franchise fee; Public, Educational and Governmental (P.E.G.) fees and grants.

Public comment:

Mrs. Nita Gross, 938 Barlow-Greenmount Road, thanked Chair Underwood for her ten years of service to the Adams County Council of Governments (ACCOG) and for being a founding member of the COG. Mrs. Gross read a portion of a letter that she wrote to the Board regarding structural damage done to her home by the stormwater run-off created by the construction of the group home on the neighboring property. She added that she hasn't had water in her garage since the repairs were made, but their French drain is no longer working correctly and the need for more landscaping around the group home.

Mr. Al Ferranto, 501 Knight Road, requested that the Township remove the underground storage tanks now before there is a leak that causes an environmental hazard that would be costly for the Township (taxpayers) to remediate. Mr. Ferranto also voiced his objection to the proposed building renovations for financial reasons especially if it means tax increases in the future.

Mr. Speros Marinos, 912 Baltimore Pike, thanked Barlow Fire Company for bringing the new equipment here to the Township building for everyone to see. Mr. Marinos also stated that he spoke with the Superintendent of Roads, Chris Walter, regarding the "No Parking" signs on Baltimore Pike that are in need of repairs, got a mini-tour of the Maintenance Building, feels that the department is run very well and needs the zoning of his property restored to Commercial as soon as possible.

Mr. Larry Sinacorr, 167 Battalion Lane, representing Cannon Ridge's HOA, asked the status of the sign that is to be erected to warn drivers about the intersection at Herr's Ridge Road and Battalion Lane. Mr. Thomas stated that it is scheduled to be mounted.

Mr. Steve Tallman, 62 Bittern Drive, asked to comment on Agenda item 5.C when it is discussed.

Engineer/Plans:

Mr. Knoebel gave some background on the Keystone Service Systems (KSS) project located on Barlow Greenmount Road. He reported that the developer has submitted an amended land development plan dealing with the stormwater management for the site. He added that the amended plan has been reviewed by Adams County Office of Planning and Development and Cumberland Township Planning Commission and he feels that the developer is working hard to address the engineering comments. Mr. Knoebel went over the comments from his August 27, 2019 memo and reported that there is a waiver request to Section 22-507.2.A.2(a) to create a slope greater than 10% within 20 feet of a property line regarding the slope associated with the combination berm and swale that was placed in an emergency situation to keep the stormwater from running onto the neighboring property and there will be no additional grade change. **Mr. Toddles made a motion seconded by Mr. Paddock and carried to approve the waiver request to Section 22-507.2.A.2(a).** Solicitor Wisner reported that he has the amendment to the Developer's Agreement and it is ready for the Board's action. Solicitor Wisner reiterated the points of the agreement including: inspection, dewatering, amending the Stormwater O & M Agreement, functionality of the dewatering system and a proving timeline. **Mr. Paddock made a motion to authorize the Chair to execute the amended Developer's Agreement. The motion was seconded by Mr. Toddles and carried.** Mr. Thomas reported that the Board has a copy of the letter that Mrs. Gross went over during the Public Comment period. Mr. Thomas suggested that the representatives from KSS meet with the Gross's after the meeting to come up with a plan so they can begin talking to each other about the issues that they have. **Mr. Toddles made a motion to grant conditional approval of the amended Keystone Services System Land Development Plan subject to the comments of the engineer's August 27, 2019 memo being addressed to the satisfaction of Mr. Knoebel and the recording of a revised Stormwater Operation and Maintenance Agreement with detailed operation and maintenance provisions and financial security provisions in a form acceptable to the Township Engineer, Solicitor and staff seconded by Mr. Paddock and carried.** Solicitor Wisner stated that when all of the engineer's comments have been addressed, the amended Final Land Development Plan has been released for recording and the Developer's and Stormwater O & M Agreements have been recorded a conditional Certificate of Occupancy can be issued.

Mr. Knoebel also reported that the Township received a request for bond reduction for the Grandview Station Land Development Plan, the location of L & K Storage. He stated that they were awaiting an as-built plan that was received and reviewed and they are satisfied with that plan. There is one outstanding item that addresses the functioning of the stormwater management system. He added that he is recommending that the Township retain \$21,460.00 (the original 10% contingency amount) until a report on the functioning of the stormwater management system is received. This would result in a reduction of \$31,480.00. **Mr. Waybright made a motion to approve a bond reduction for Grandview Station Land Development Plan, in the amount of \$31,480.00, seconded by Mr. Paddock and carried.**

Mr. Knoebel reported that the next item is the Cumberland Village, Phase IIA Preliminary Plan which consists of 104 units on a parcel along Herr's Ridge Road. Mr. Knoebel added that this plan has been on the table a long time, was submitted under the prior SALDO and includes a utility lot for the proposed water tank. Mr. Knoebel explained that waivers were previously granted by the Board and he has memorialized them in his August 27, 2019 memo. Mr. Sharrah gave some background on the plan. He reported that the Township's Planning Commission recommended approval of all of Phase II back in

2008. Mr. Sharrah reported that they have an active NPDES permit, sewage planning has been approved for all units that flow to the east of the ridge and the others are not part of the approval requested tonight. He also reported that approval of the waivers did change several things on the plan, and they have an acknowledgement from the fire department that they are okay with the plan. A six-foot trail was added around the homeowners' parcel and the ownership is what he calls footprint fee simple rather than condominium. Mr. Knoebel reported that there is one more waiver for the Board to consider to Section 504.3.C.10 that the Board tabled for further review following receipt of releases from downstream adjoining property owners. Mr. Sharrah confirmed that they do have all of the releases. Mr. Knoebel went over the balance of the comments on his August 27, 2019 memo. There was a lengthy discussion about a possible connector trail between Phase I and Phase II and Mr. Knoebel reported that his memory was that there was a safety concern about a sidewalk being placed along Herr's Ridge Road. Mr. Knoebel confirmed that there will be vertical curb along the public streets and Mr. Hill acknowledged that he was okay with that. There was also a lengthy discussion about closing the portion of Herr's Ridge Road between Fairplay Road and Paddock Drive and that can be revisited especially since there will be a lot more traffic with the new homes. Mr. Tallman commented on the height of the water tower, stormwater run-off, safety concerns about the sidewalks, site distance at the two intersections and the prior approval of the waivers. **Mr. Waybright made a motion seconded by Mr. Toddes and carried to grant a waiver to Section 504.3.C.10 of the prior SALDO for Cumberland Village Phase II with confirmation of the receipt of the downstream waivers from the current property owners. Mr. Waybright also made a motion to approve the Cumberland Village, Phase IIA, Preliminary Plan contingent upon the conditions in the engineer's August 27, 2019 memo being addressed and a note being added regarding closing Herr's Ridge Road between Fairplay Road and Paddock Drive.** Solicitor Wisner added that submission of a phasing plan is required annually.

Mr. Knoebel reported that he has been working with the Homeowners' Association and the developer and they will be getting a report on the items that are required under the maintenance bond for Cumberland Village, Phase 1B and 1C.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of July, 2019 including: 381 complaints - Psych/suicide-4, Disturbances-4, Assault/Harassment-7, Domestic-6, Criminal Mischief-0, Suspicious Activity-11, Thefts-0, Alarms -10, Medical Emergency-8, 911 Hang Up-3, Wanted Person -1, Reported Drug Activity -2, Welfare Checks -16, Shots Fired -0, Fraud - 2, Burglary -0, Sexual assault -0, Follow-up Investigation -28, SRO Calls -0 ; 123 traffic stops, 98 combined arrests, 10 traffic accidents, 53 targeted enforcements, 11,867 patrol miles and 50 walk-in complaints. He added that they assisted other agencies 15 times and they were assisted five times. There were four assists to Pa. State Police; 1 in Liberty Township, 2 in Gettysburg Borough and 1 in Mt. Joy Township. Sergeant Biggins gave the Board a report on Bike Week. He reported that for the first time ever they used a Unified Law Enforcement response and it was a great coordinated effort. He added that over the three days they had 116 calls for service, patrolled 1,938 miles and wrote 28 citations. Sergeant Biggins thanked the officers who worked and all of the departments that assisted. Lastly, he reported that he came within \$353.00 of his budget that he gave Police Chief Boehs and Lieutenant Guise.

Active Business:

Mr. Thomas thanked Barlow Fire Company for coming in and showing their new Engine Tanker. Fire Prevention Week is October 6 – 12 and the training tower at the Adams County Emergency Services Building was dedicated on August 10, 2019.

Mr. Thomas reported that a Request for Qualification / Proposals (RFQ/P) for the Township Wide Comprehensive Zoning Review is “on the street” and several planning organizations have received a copy of it. He added that he was disappointed because some very good firms have conflicts of interest. The deadline to submit the RFQ/P is September 17, 2019 at 4:00 P.M.

Mr. Thomas also reported that the Minimum Municipal Obligations (MMOs) for the Police and Non-Uniformed Pension Plans for the 2020 Budget are as follows: Police Pension Plan - \$176,489.00 and Non-Uniformed Pension Plan - \$81,490.00. Mr. Thomas added that the Police MMO increase is 11.4% from 2019 and the Non-Uniformed increase was relatively flat at .4%. The Township hopes to receive State Aid from the Commonwealth in the amount of \$160,000.00 to \$180,000.00. **Mr. Toddes made a motion to approve the 2020 Minimum Municipal Obligations, as reported by Mr. Thomas, seconded by Mr. Phiel and carried.**

Finance Committee: Mr. Phiel reported that the new police vehicle is in; the new dump truck should be received in September and the surplus vehicles are going to be sold. He added that the Township recently received a reimbursement from Performance Health, in the amount of \$13,213.22, and explained why the Township had to give the extra money to Performance Health at the end of December, 2018 to cover the run-out agreement for expenses incurred in 2018, but bills not received until the first quarter of 2019. Mr. Phiel also confirmed that the Township will not owe any additional funds to Capital Blue at the end of 2019 because the plan is a level self-funded plan and the \$100,000.00 budgeted in the 2019 Budget will not be spent. Mr. Phiel reported that the Township committed a contribution of \$66,164.00 to the Gettysburg Area Recreation Authority (GARA) and has paid them \$42,082.00 to date. The balance owed to GARA is \$24,082.00 that would have to be paid from the General Fund until more Park and Rec fees are received from developers. Mr. Toddes reported that Jackie Dwyer, Executive Director of GARA, will be coming to next month’s Board meeting so this decision was tabled until Ms. Dwyer is present. Lastly, Mr. Phiel reported that the Finance Committee will make a suggestion for an additional principal payment on the maintenance building mortgage later on this year.

Solicitor: Solicitor Wisner requested an Executive Session.

Committee Reports and comments from Board Members:

Highway – Mr. Waybright reported that all contracted projects have been completed and they are reviewing limited maintenance contracts for snow removal.

Parks and Recreation – Mr. Toddes reported that things are going well at the park and there are always people in there using the park. He added that they have some big expenses that they have no money for.

CTA – Mr. Toddes reported that they are looking at the Boyd’s School Road sewer extension.

COG – Chair Underwood reported that the Council of Governments celebrated their 10 Year Anniversary.

Public Safety, Personnel, Planning and Zoning, Building and Grounds, Economic Development and CT411 – No reports.

Mr. Thomas reported that he will be testifying at an MS4 Senate Hearing on September 11, 2019 being held outside of Greencastle, PA.

Mr. Thomas also reported that the Boyd’s School Road bridge project was completed by the County and the bridge was opened last week. He added that the next e-cycling for Township residents who contract with Waste Connections will be held on September 14, 2019 at Abbottstown Rec Park from 8:00 A.M. until 10:00 A.M. and that information is on our website.

Mr. Thomas expressed his disappointment with the representatives from KSS for not staying and meeting with the Gross's before they left to talk about the concerns expressed in their most recent letter to the Board. **Mr. Waybright made a motion to authorize Mr. Thomas and Solicitor Wisner to author a letter to KSS asking them to meet with their neighbors regarding their concerns seconded by Mr. Toddes and carried.**

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. There was no action following the Executive Session.

Carol A. Merryman, Secretary

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_____) Supervisors
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