

**Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
January 22, 2019 Meeting Minutes**

The 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: Mary Grace Keller from the Gettysburg Times, Gary Hartman, Ron Garris, Dennis Hickethier, J.R. Crushong and eight 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 December 20, 2018 regular meeting.

Mr. Waybright made a motion seconded by Mr. Paddock and carried to approve the bills in the amounts stated of: \$54,756.09 from the General Fund, \$421.00 from the Escrow Fund, \$519.26 from the Capital Reserve Fund and the transfer of \$26,998.72 from the General Fund to the Health Insurance Account.

Public comment:

Mrs. Nita Gross, 938 Barlow-Greenmount Road, thanked everyone for their work in the corrections that are being made including the review of the as-built plans. She added that they have water laying in their back yard now, they can no longer walk back there, and they are very concerned because there still is no fence around the pond. Lastly, Mrs. Gross stated that they are very concerned about the latest revisions that are proposed to the stormwater basin.

Mr. Brian Fitzgerald, 914 Barlow-Greenmount Road, expressed concerns about the new proposals being made by the Keystone representatives, he also can no longer use his back yard like he used too, and he is afraid that they are going to affect his septic system.

Visitors:

Mr. Dennis Hickethier and Mr. Jim Paddock gave the Board a handout and oral report on the Grand History Trail Study. Mr. Hickethier stated that it is a proposed 250-mile loop trail that they are trying to build in three states and the purpose of the study is to find an off-road route for a multi-use trail from Gettysburg, PA down to Emmitsburg, MD. He added that it includes Cumberland, Freedom and Liberty Townships, there are ten representatives involved in the study, they have a consultant and they have been meeting with the National Park Service and interested property owners. Mr. Hickethier reported that when ready they will be holding an Open House meeting with the public from all three Townships to gather ideas and suggestions.

Mr. J. R. Crushong was present to talk to the Board about the pavilion at Misty Ridge and how it is currently being used. The Township had reimbursed Pa Interfaith Community Programs, Inc. \$46,000.00 of their Park and Rec fees for the construction of the pavilion and it appears that it is being used for storage. Mr. Crushong stated that the pavilion is being used by the community and people are continually walking through the development. He added that the pavilion is partially used for storage. It was suggested that a sign be posted on the pavilion with the information the public would need if they would like to use the pavilion. Mr. Crushong stated that he will draft up some language for a sign and send it to Mr. Thomas.

Engineer/Plans:

Mr. Knoebel reported that the Township has a Minor Final Subdivision Plan for the Lutheran Theological Seminary. The plan proposes to subdivide a lot from the Seminary property (10.36 acres) and convey it to the American Battlefield Trust. Mr. Knoebel's memo is dated November 8, 2018 and includes five waivers and six additional comments that were discussed. Mr. Knoebel gave the Board some history of the previous Western Gateway project that occurred on the property. He stated that this plan is fairly simple, is located in both the Township and Gettysburg Borough and most of the challenge with the plan is ensuring who will continue to maintain the facilities that exist on the property. Mr. Knoebel reported that the Township's Planning Commission recommended granting the waivers and he too agrees with granting the waivers. He added that there is also a Sewage Planning Non-Building Waiver that needs action by the Board. Solicitor Wisner reported that he has reviewed the Lot Consolidation Deeds that are being finished up. He added that a Cross Access and Maintenance Provision is needed with respect to access to Lot A and we need to address maintenance of the stormwater facility and existing trail. **Mr. Waybright made a motion seconded by Mr. Paddock and carried to grant the waivers to Sections 303; 304.1; 304.2.A.25; 304.2.A.27 and 304.2.A.28 and to approve the Sewage Facilities Non-Building Waiver. The motion was seconded by Mr. Paddock and carried.** Mr. Gary Hartman, on behalf of the Lutheran Seminary, asked the Board for conditional approval of the plan because of a closing date that they are trying to meet. Mr. Hartman stated that the Seminary will do all of the maintenance of the property and it is spelled out in the easements. Mr. Hartman also stated that there is a great incentive for this plan to be approved. **Mr. Waybright made a motion to conditionally approve the plan subject to the comments in Mr. Knoebel's November 8, 2018 memo being addressed as well as any other comments from the Township Solicitor and Staff. The motion was seconded by Mr. Paddock and carried.**

Mr. Knoebel reported that the next item is a Land Development Plan for Gettys Point (A Springwell Senior Living Community consisting of a 42 unit memory care building, a three story assisted living facility with 90 units and a kitchen/service building) located on the southwest corner of Boyd's School Road and Table Rock Road. He added that the Township has been dealing with this plan for several years. Mr. Knoebel stated that all of the technical comments have been addressed on the plan and what is still needed is in his report dated January 21, 2019. Mr. Knoebel went over the outstanding (administrative) items. Solicitor Wisner reported that the Developer's Agreement has been revised and they are in good shape with that document. **Mr. Toddles made a motion seconded by Mr. Paddock and carried to approve the Gettys Point Land Development Plan conditioned on the comments in Mr. Knoebel's January 21, 2019 memo being addressed.**

Mr. Knoebel reported that the Hartman, Maitland and Croy Final Plan consists of a 14-acre parcel located on Herr's Ridge Road and Red Oak Lane that is proposed to be subdivided into three lots. He added that the Sewage Planning Module has gone to PaDEP, has been processed and a letter is forthcoming. Mr. Knoebel stated that the biggest issue is with the private road and that was discussed at length. He explained that rather than bringing the private road up to Township standards the proposed lots have driveways coming off of Herr's Ridge Road and they do comply with the ordinance. Solicitor Wisner asked that a front setback be shown off of Red Oak Lane as well as off of Herr's Ridge Road for Lots 1 and 2. **Mr. Toddles made a motion seconded by Mr. Paddock and carried to approve the Hartman, Maitland and Croy Final Plan subject to the comments in Mr. Knoebel's December 17, 2018 memo being addressed and Lots 1 and 2 being shown with front yard setbacks off of Red Oak Lane and Herr's Ridge Road.**

Lastly, Mr. Knoebel gave an update on the Keystone Services project on Barlow-Greenmount Road. He reported that they are in the process of reviewing the as-built plan showing the work they have done to date, they received a long-term control plan and they are in the process of reviewing it. He added that they will provide a response when they are finished their review and that they will notify the developer that

they need to pump down the stormwater pond.

Police Report: Police Chief Don Boehs presented a written and oral report of police activities for the month of December, 2018 including: complaints - Psych/suicide-2, Disturbances-5, Assault/Harassment-2, Domestic-9, Criminal Mischief-0, Suspicious Activity-4, Thefts-0, Alarms-12, Medical Emergency-8, 911 Hang Up-6, Cruelty to Animals – 0, Wanted Person – 1, Reported Drug Activity – 1, Welfare Checks – 10, Shots Fired – 0, Fraud – 0, Burglary – 0, Sexual assault-1, Follow-up Investigation-42, SRO Calls – 17 with 1 drug arrest; 59 traffic stops, 59 combined arrests, 9 traffic accidents, 13 targeted enforcements and 9,115 patrol miles. He added that they assisted other agencies 16 times and they were assisted three times. Assists to Pa. State Police were four as follows: Straban - 1, Franklin - 2 and Mt. Joy - 1. Police Chief Boehs reported that they had 63 walk-in complaints. Police Chief Boehs thanked the community for \$7,000.00 in donations to purchase new bullet-proof vests for the officers.

Active Business:

Mr. Thomas announced that the Public Hearing for the Comprehensive Plan is scheduled for February 26, 2019 at 6:00 p.m. prior to the regular meeting and it has been posted on the Township's website.

Mr. Thomas read a statement regarding the Greenmount Sewer Study.

STATEMENT FROM THE CUMBERLAND TOWNSHIP AUTHORITY

The Cumberland Township Authority has reviewed studies conducted in 2018 by KPI Technology regarding the Greenmount Sewer Study Area specific to Alternative Evaluations and Financial Analysis. We appreciate the partnership from individual property owners who assisted in financing these studies along with the Cumberland Township Supervisors.

This extensive review, assessment, and receiving of citizen's comments at public meetings affirms similar concerns from 2011 when it was decided to suspend further public sewer engineering for the Greenmount area pending future economic development projects. In 2019 there are no economic development (expansion) projects we are aware of other than existing land owners who have received approvals to upgrade their individual sewer treatment systems. Therefore, to plan on spending over eight million dollars to create a new and separate sewer service area without guaranteed capital private investments and significant grant funding would not be a sound fiduciary decision. The Cumberland Township Authority again suspends any further action pending significant private capital investment and / or grant funding assistance.

By: Cumberland Township Authority

Mr. Thomas reported that following regarding the Supervisors' participation in the Township group health insurance as authorized in the Second-Class Township Code.

Mrs. Underwood – Opt -out except for the life insurance, Mr. Paddock – Opt-out

Mr. Waybright – Opt-in, Mr. Toddes – Opt-in and Mr. Phiel – Opt-in

Mr. Thomas also asked the Board if they had any more comments on the pavilion at Misty Ridge and the Park and Rec fee refund. The Board was satisfied with the posting of the sign and did not have any further issues.

Solicitor: Solicitor Wisner reported that he met with Comcast representative, Kristin Ritchie, along with Carroll Valley Borough, and one of the final issues that needs to be resolved in the franchise agreement is the funding for Community Media and hopefully they are close on that. He added that the Township has diligently been working on the resolution of the Oak Lawn Cemetery matters including: enforcement of the property maintenance code; filing of citations, almost daily responses to inquiries from the public,

meeting with the Oak Lawn Joint Action Committee to attempt to identify short term and long term solutions with weekly committee updates, Police investigations and more. Solicitor Wisner stated that unfortunately these efforts have a cost to the Cumberland Township taxpayers due to the allocation of Township resources of Administrative and Police staff and his time. He added that with the Board's approval they will continue working toward the solutions to ensure that the dignity of those who are interned there and those who own lots there for future internment are respected. The Board agreed to the continuation of the Township's efforts. Solicitor Wisner also reported that there is a long-term care fund that has been placed into escrow and the Township may be able to petition the court in the future for some of those funds. Mr. Thomas added that the Township has at least two staffers involved daily and the criminal investigation cost the Township taxpayers tens of thousands of dollars that cannot be recouped.

Solicitor Wisner also reported that the Township has changed health insurance providers from Performance Health to Capital Blue and in order to retain coverage for (Performance Health) claims that were incurred in 2018, but not billed/paid out until 2019 the Township has received an agreement from Performance Health to provide the interim services for a three-month time period for paying the incurred claims that were not paid out in 2018. Mr. Thomas added that the charge for them to provide that administrative service is \$1,800.00. **Mr. Phiel made a motion to approve the Administrative Run-Out Agreement with Performance Health, at a cost of \$1,800.00, seconded by Mr. Waybright and carried.** Solicitor Wisner added that the Township would have a claim against Performance Health if they do not pay the claims that they received.

Committee Reports and comments from Board Members:

CTA – Mr. Toddes reported that there was camera work done on Biglerville Road inspecting main lines and their annual Chesapeake Bay report was completed.

Mr. Toddes added that he had two residents come up to him and complimented the Maintenance Department for the great job they do plowing the Township roads. Mr. Thomas expanded on this and thanked the staff for their dedication and noted that they had to come in on the past two consecutive weekends. Mr. Thomas also thanked staff for the work needed to get the audit completed.

Finance, Personnel, Public Safety, Highway, Parks and Recreation, Planning and Zoning, Building and Grounds, Economic Development and COG – No reports.

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

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 8:55 p.m. for an Executive Session with no report to follow.

Carol A. Merryman, Secretary

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_____) Supervisors
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