

**Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
February 24, 2020 Meeting Minutes – 7:00 P.M.**

The regular meeting was called to order at 7:00 P.M. by Chairman Waybright. Present were all Supervisors: Waybright, Toddes, Phiel, Ramsburg and Brauning. Also present were Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Engineer Tim Knoebel and Secretary Carol Merryman. Also present were Kris Raubenstine, Andrea Grabenstein from the Gettysburg Times and six residents.

Chairman Waybright led the Pledge of Allegiance.

Chairman Waybright offered condolences to the family of Tom Clowney. He reported that Mrs. Joanne Clowney passed away suddenly last night.

Chairman Waybright read the following statement:

The Township's Comprehensive Zoning Review Committee held a kick-off meeting to get acquainted on February 24, 2020. The committee will now continue to meet on a regular basis with updates presented at the Board of Supervisors and Planning Commission meetings. Meeting notes will be posted on the Township's website.

As DRAFT zoning maps and documents are produced a series of public views and open houses will be conducted for transparency and public input prior to any public hearings or decisions by the Board of Supervisors.

Mr. Toddes made a motion seconded by Mr. Phiel and carried to approve the Minutes of the January 6, 2020 Reorganization Meeting and January 28, 2020 Regular Meeting.

Mr. Phiel made a motion seconded by Mrs. Ramsburg and carried to approve the bills as stated by the Chairman: \$90,561.02 from the General Fund, \$482.00 from the Escrow Fund, \$14,135.71 from the Capital Reserve Fund and \$10,000.00 from the Liquid Fuels Fund.

Public comment:

Mrs. Nita Gross, 938 Barlow Greenmount Road, presented oral and written comments/questions regarding the As-Built Plan for Keystone Service Systems including: the swale, the newly drilled capped well, buffers (types of plants) and the elevation on the east side of the lot.

Mr. Speros Marinos, 912 Baltimore Pike, stated that it was good to see a positive article in the newspaper about the Police Department and he thanked the Board for the progress on the Zoning Ordinance.

Visitor- Mr. Kris Raubenstine, on behalf of Ms. Lisa Carey, owner of 475 Pumping Station Road, stated that he was present to request a waiver to Section 401.4.D of the former Subdivision and Land Development Ordinance (SALDO) for Lot 1 of the Joseph Tripi subdivision that requires development to be a minimum of 50-feet from wetlands. He reported that Ms. Carey wants to utilize more of her property for horse pasture and would like to place her driveway closer to the wetlands. He added that the driveway would be from 5-feet to approximately 40-feet from the wetlands and they have no intention of encroaching on the wetlands. Mr. Thomas read a letter from the Mr. Knoebel (who couldn't be present) that recommended that the waiver could be granted because it is not a requirement in the new SALDO with two conditions. The first - maintaining a minimum of 5-feet separation from the driveway as shown

on the accompanying site plan dated 11/21/19 and second - that the wetland boundary in the vicinity of the proposed driveway be demarcated in the field with orange construction fence. Mr. Raubenstine indicated that they have no problem with the conditions. **Mr. Toddes made a motion to grant the waiver to Section 401.4.D for Ms. Lisa Carey subject to the two conditions recommended by Mr. Knoebel in his letter dated February 25, 2020 and stated above. The motion was seconded by Mr. Brauning and carried.**

Engineer/Plans:

Mr. Phiel made a motion seconded by Mrs. Ramsburg and carried to grant a time extension request for the American Battlefield Trust Final Plan until September 10, 2020.

Mr. Thomas also reported that Mr. Knoebel's report includes an update on the Keystone Service Systems (KSS) As-Built Plan and Cumberland Village Phase 1C. The KSS As-Built Plan has been reviewed, comments have been addressed by First Capital Engineering and the revised plan is currently being reviewed. They are also conducting periodic inspections of the stormwater management system and will provide a report. A site visit is being arranged with the developer of Cumberland Village, Phase 1C to review outstanding maintenance period punch lists for roadway and stormwater management and they have coordinated with the Lands of Cumberland Village Homeowner's Association (HOA) regarding the stormwater management on HOA owned lots.

Police Report: Police Chief Don Boehs presented a written and oral report of police activities for the month of January, 2020 including: 299 complaints - Psych/suicide-5, Disturbances-7, Assault/Harassment-2, Domestic-9, Criminal Mischief-0, Suspicious Activity-9, Thefts-1, Alarms -10, Medical Emergency-13, 911 Hang Up-2, Wanted Person -0, Reported Drug Activity -3, Welfare Checks -8, Shots Fired -1, Fraud -2, Burglary -0, Sexual assault -1, Follow-up Investigation -26, SRO Calls -24, 39 traffic stops, 16 combined arrests, 15 traffic accidents, 7 targeted enforcements, 10,552 patrol miles and 41 walk-in complaints. He added that they assisted other agencies 13 times and they were assisted three times. There were five assists to Pa. State Police.

Active Business:

Mrs. Ramsburg made a motion to accept, with regret, Tom Beauchat's resignation from the Zoning Hearing Board seconded by Mr. Toddes and carried. Mr. Beauchat is moving out of the Township.

Mr. Phiel made a motion seconded by Mr. Brauning and carried to appoint Dennis Hickethier to the Zoning Hearing Board to fill the vacancy. Mr. Hickethier's term will expire 12/31/21.

Mr. Thomas explained that there was an error in Resolution 2020-04 for the Subdivision and Land Development Fee Schedule under Deposit for Escrow, Preliminary Plans, More than ten lot subdivision. He added that the incorrect fee of \$1,625.00 was shown and the correct amount is \$13,443.00. **Mr. Brauning made a motion to correct Resolution 2020-04 as stated by Mr. Thomas seconded by Mr. Toddes and carried.**

Mr. Thomas reported that a section of Old Mill Road was posted at 25 MPH and the Traffic Ordinance reads 35 MPH, so it was posted to be in conformance with the ordinance. Mr. Thomas added that there was one complaint about the posting change. Solicitor Wiser stated that he does believe that Old Mill Road meets the definition of a Residence District and could be posted at 25 MPH. Police Chief Boehs recommended that the ordinance be corrected to return it to 25 MPH. Mr. Tallman asked that they also look at Herr's Ridge Road that is posted 40 MPH. **Mr. Phiel made a motion seconded by Mrs. Ramsburg and carried to review the speed limits on Old Mill Road and Herr's Ridge Road.**

Mrs. Ramsburg made a motion seconded by Mr. Brauning and carried to reschedule the April 28, 2020 regular meeting to April 29, 2020 at 7:00 P.M. due to the Primary Election being held on the 28th.

Mr. Thomas reported that the Adams County Council of Governments (COG) Legislative Forum will be held on April 23, 2020 at 6:30 P.M. at the Adams County Emergency Services Center.

Mr. Thomas also reported that several Board members will be attending the COG meeting this Thursday morning and they will be discussing the Adams County Building Officials Association and the Board of Appeals. Solicitor Wisner explained why and how an appeal would occur and that, at this time, they need to reorganize the group because a local representative that spearheaded the effort and coordinated things with the members has since left municipal employment. He added that the goal is to get each member municipality to appoint a designated representative to the group. Mr. Toddes volunteered to be the Township's designated representative to the COG's Board of Appeals.

Mr. Thomas reported that the Township filed the Act 101 Recycling report. He added that Township residents recycled 227.8 tons of comingled recyclables and 7.24 tons of electronics.

Mr. Thomas also reported that he has submitted the grant application for the Pa. Department of Community and Economic Development's Municipal Assistance Grant, they have been in touch with him and are impressed with the Township's partnership with other municipalities. The grant, if approved, would be for approximately \$21,500.00.

Mr. Thomas reported that he attended the Adams County Tax Collection Committee meeting and the officers will remain the same with Mayor Ron Harris serving as President. He added that they received an extensive report from the York Adams Tax Bureau and their 2019 collections were a nice increase from their 2018 collections.

Solicitor: Solicitor Wisner reported that Ordinance 2020-177 has been duly advertised and is ready for action by the Board. He explained that this is the amendment to the "Appointed Officials" section of the Township Code that revises the "Township Manager" section to be consistent with the Management Agreement that is currently in place with the Manager. He stated that the revision modifies the residency requirement, allows for the establishment of a bond, addresses conditions of employment, allows for the Manager's salary to be established either by resolution or by the Employment Agreement and allows for the Manager to serve as an elected official in other municipalities. He added that it also allows for the duties of the Manager to be determined by separate resolution. **Mr. Phiel made a motion seconded by Mr. Toddes and carried to adopt Ordinance 2020-177 as follows:**

**AN ORDINANCE OF THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 1, PART 3 OF THE TOWNSHIP OF
CUMBERLAND CODE OF ORDINANCES, ENTITLED "APPOINTED OFFICIALS"**

Solicitor Wisner also reported that he gave out a draft ordinance amending Section 27-1103 of the Township Code entitled "Steep Slope Protection". He explained that the Township has run into challenges with man-made slopes in the form of stockpiles and he does not believe that the intent of the ordinance was to capture man-made stockpiles. He added that the amendment also removes an unenforceable provision in the current ordinance regarding variances and specifies single-family dwellings that is proposed to be changed to structures. Lastly, the amendment cleans up the additional standards for Conditional Uses or Variances. Solicitor Wisner also reported that the draft ordinance is being reviewed by the Township Engineer now and they will provide comments. **Mrs. Ramsburg made a motion to forward the draft ordinance amending the "Steep Slope Protection" section to the Township and**

County Planning Commissions for their review seconded by Mr. Phiel and carried.

Solicitor Wisner reported that he is reviewing the Adams County Intermunicipal Mutual Aid Police Cooperation Agreement between the Township and Borough of Gettysburg in reaction to a court case that invalidated some of the D.U.I checkpoints that were occurring. He added that the Legislature acted very quickly to modify the law to make it permitted, but the current agreement is from 1981 and could use an overhaul. He also stated that there are a couple of things in the agreement that need to be discussed: allowing officers to do traffic stops in the other jurisdictions and the indemnification provisions.

Lastly, Solicitor Wisner reported that he was working with Orrstown Bank for another municipality and the Township could refinance their current bond to an interest rate of 2.25% fixed. He reported that the current rate is 2.95% fixed and this would equal a savings of approximately \$63,000.00 over the life of the loan. He added that the bank did ask that we maintain deposits of a certain amount with them and it was agreeable with them to maintain deposits of \$300,000.00. The cost to do this will be less than \$5,000.00, the term of the bond will not change and there is a Resolution 2020-09 that will need to be adopted. **Mr. Phiel made a motion seconded by Mrs. Ramsburg and carried to adopt Resolution 2020-09 as follows:**

RESOLUTION 2020-09

A RESOLUTION OF THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY, PENNSYLVANIA, AUTHORIZING, APPROVING, AND ADOPTING A RATE MODIFICATION OF ITS GENERAL OBLIGATION BOND, SERIES 2011

FINANCE COMMITTEE: Mr. Phiel reported that maintenance is being done in the Township Building and with any old building there are sometime overages. He added that the committee is recommending the approval of \$4,579.39 for additional costs of bathroom floor removal and office furniture, plumber and labor for work in the bathrooms. Mr. Phiel added that this is all within the budget. **Mr. Toddles made a motion seconded by Mrs. Ramsburg and carried to approve the expenditure of \$4,579.39 as described by Mr. Phiel.**

Committee Reports and comments from Board Members:

PARKS AND RECREATION – Mr. Toddles reported that things are going well at the park. They are waiting for drier weather to finish working on the fields.

PLANNING AND ZONING – Chairman Waybright reported that the Zoning Committee met yesterday, and everything is on track for the progress to keep moving.

COG- Meets Thursday

CT411 – Solicitor Wisner stated that he thinks the building is looking much improved and the dedicated staff is doing a great job and saving the Township a lot of money.

Public Safety, Personnel, Highways, CTA, Building and Grounds, and Economic Development – No reports

Mr. Thomas asked for approval for the purchase of office furniture for the Secretary/Treasurer and Building Code Official/Zoning Officer offices at a total cost of \$5,418.50. This is a 50% discount through the CO-STARS program. **Mr. Phiel made a motion to approve the purchase of the office furniture with funds from the Capital Reserve renovation funds seconded by Mr. Toddles and carried.**

Mr. Thomas also reminded everyone that there will be a hearing held on March 19, 2020 here in the meeting room at 6:00 P.M. for a Zoning Map change request by the Susquehanna Area Regional Airport Authority for a parcel adjacent to the airport. He added that there will be ordinances reviewed that evening too. Solicitor Wisner got a consensus from the Board to advertise a special meeting to take place

immediately after the hearing for possible action on the ordinances.

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

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 8:25 P. M. for a brief Executive Session for a personnel matter with no report to follow.

Carol A. Merryman, Secretary

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_____) Supervisors
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