

**Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
September 22, 2020 Regular Meeting – 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. There were approximately 15 residents present; Scott Felch from J. A. Myers Building; and reporter Alex Hayes from The Gettysburg Times.

Chairman Waybright led the Pledge of Allegiance.

Chairman Waybright read an announcement regarding the State's COVID-19 restrictions regarding the requirements that masks be worn and the number of people allowed to gather in the meeting room. Chairman Waybright also asked that public comment on the Old Mill Overlook Plan be held until after the presentation of the plan by the Township Engineer. He added that the Manager will acknowledge the receipt of all citizens' letters and all letters have been copied and given to the Supervisors for their information.

Mr. Toddes made a motion seconded by Mrs. Ramsburg and carried to approve the Minutes of the August 25, 2020 Regular Meeting.

Mr. Phiel made a motion seconded by Mr. Brauning and carried to approve the bills as stated by the Chairman: \$182,232.10 from the General Fund and \$3,843.50 from the Escrow Fund.

Public comment:

Mrs. Nita Gross, 938 Barlow Greenmount Road, expressed several concerns about the Keystone System Services (KSS) project that is next door to her including: questions on the as-built plans that have not been addressed, the width of the swale, dead trees not being replaced and location of the well. She added that the home has not been lived in and is for sale. She stated that they are concerned about what is going to happen there and is KSS responsible for complying with the approved plan prior to sale of the property? Solicitor Wiser stated that the requirements run with the land so if the property is sold, the new owner will be responsible.

Visitors: Mr. Thomas reported that Ms. Beth Wishard dropped off information regarding a complaint that she has with a neighbor's septic system. He added that the Sewage Enforcement Officer (SEO) has investigated the complaint many times. No violations have been found, but the staff will review what Ms. Wishard dropped off.

Engineer/Plans:

Mr. Knoebel reported that Mr. Sharrah could not be here tonight, but Mr. Felch is here representing the developer of the proposed Old Mill Overlook Land Development Plan. Mr. Knoebel stated that this plan is being submitted as a Preliminary Plan, is located along Old Mill Road, is in the Residential Zoning District and proposes a 40% Cluster Overlay design. The project will consist of 112 multi-family residential units on an existing lot of about 29 acres. He added that the development will be served by public water and public sewer and they have eleven acres dedicated as an open-space area. He added that they have added a trail that goes around the open-space area. He also reported that the developer will fund the widening of Old Mill Road along the frontage of the project and there is a sidewalk along the entire length of the frontage that is off of the public right-of-way. Mr. Knoebel reported that the plan has been

reviewed extensively by his office, the Township's Traffic Engineer, Adams County Office of Planning and Development, Cumberland Township Planning Commission and is currently under review by the Adams County Conservation District for erosion control and the NPDES permit application. The streets will be privately owned, built to Township specifications and Pa. DEP has approved the Sewage Planning. He added that the developer has addressed all of the comments from the Traffic Engineer. Mr. Knoebel also reported that he has prepared a report dated September 16, 2020 that includes 12 comments that have not been addressed and he went over those comments several of which will be addressed during the Final Plan submission, several are administrative items and others are outside agencies approval. Mr. Knoebel stated that the purpose of submitting a preliminary plan is to establish the lay-out of the development and should anything substantial to the lay-out have to be changed due to outside agency reviews they would have to go back through the entire review process.

Mr. Thomas reported that the Board of Supervisors have received 20 letters in regard to the Old Mill Overlook project. He acknowledged the dates of the letters, who the letters were from, their address, and highlighted the concerns in each letter. Letters were received from the following people: Stephan Lewis (2), Jim and Vickie Poppiti (3), Ronald and Barbara Hoch (2), Michael Collins, James Swope, James and Linda Badger, Junjie Luo, Karey Burkholder, Ben Jones, Sherry Cowen, Pam Haze, Susan Miller, Jeff and Nicole Yingling, Terry and Mary Castonguay, Walter and Frances Wagner. Some of the major concerns were increased traffic, traffic safety, adequate water pressure, tract density and development lay-out. Mr. Thomas also talked about the improvements recommended by Cumberland Township staff that the developer will be making to Old Mill Road including: lowering of the speed limit to 25 mph, widening of Old Mill Road for the width of the development by 6 feet, adding white fog lines to create a calming effect with limited lanes, painting pedestrian and bicycle symbols in accordance with PennDOT specifications between the white fog lines and the recommendation that there will be no mid-block crosswalks.

Solicitor Wiser also responded to the concerns that were raised regarding zoning and subdivision including: calculation of tract density which is correctly noted on the plan, lot and lot area per unit calculations, a concern about multi-family housing and what is proposed is single-family attached housing by the definition in the Zoning Ordinance, open space calculations and the way it is presented on this plan is the way it has been applied in the past and there were some stormwater management concerns. Mr. Knoebel stated that they have an extensive stormwater management plan, and he feels that the proposed plan meets the requirements of the ordinance. Solicitor Wiser added that the proposed development is located in the Suburban Residential Growth Area of the Central Adams Joint Comprehensive Plan.

At this time Chairman Waybright asked for public comment in regard to the proposed plan.

Ms. Pam Haze, 11 Cannon Ridge Way, stated that she does not believe that the plan meets the intent of the Zoning Ordinance in regard to density and open space and also thinks County Planning's comments are important to reconsider. Ms. Haze explained her thoughts on the density since all of the houses are located in the front of the property on what amounts to be about seven acres, that the open space is supposed to be logically designed to be interrelated and interconnected, designed for the use and enjoyment of the residents, the open space sits at the back of the property where most of the residents won't even see it from their homes and there is very little space for children to play. The last issue is with the large amount of parking that is being provided totaling 8.6 parking spaces per dwelling unit including the garage and driveways.

Mr. Larry Sinacore, 167 Battalion Lane, stated that he would like to address quality of life. He stated that most of the people who live in the area moved here to get away from urban sprawl and he is concerned about density. He feels that the development should be scaled down and made more appropriate for the

area. He stated that he feels this development will bring a deterioration of their quality of life, the plan is ill conceived, and they will have to live with the mistakes that are being made.

Mr. James Poppiti, 635 Old Mill Road, stated that the developer refers to this plan as a “Planned Residential Development” which requires a public hearing and feels that a hearing should be held.

Mr. Scott Feltch, representing J. A. Myers, asked the Board to conditionally approve the Old Mill Overlook Preliminary Plan. He stated that he feels that they have met all of the traffic control criteria and stormwater management concerns. He added that they agree to all of the comments on KPI’s memo of September 18, 2020.

Mr. James Swope, 617 Old Mill Road, also expressed his concern about quality of life. He stated that Old Mill Road is over 200 years old, it is a beautiful community, and the proposed development does not seem appropriate for the area.

Mr. Scott Robertson, 617 Old Mill Road, stated that he agrees with the neighbors who have already spoken. He stated that the Board has a responsibility to the people who already live here as well as to the developers. He added that he feels that the Township is giving more than it will be getting back from the development.

Ms. Karey Burkholder stated that the R Cluster requires only single-family houses, not multi-family and the definitions overlap so she feels that the difference is in the ownership. She stated that she feels that single-family housing requires fee-simple ownership as opposed to multi-family where the individuals only own their units, not the property around it. She added that this is stated in the ordinance under Supplemental Uses. She also stated that utility easements and rights-of-way must be taken out of the calculation for developable acreage and that is not addressed. Ms. Burkholder asked if they could get a sidewalk on the Cannon Ridge side of Old Mill Road, asked if the ADA requirements been looked at, how they will get trash removal and stormwater management issues since there are/were problems in Cannon Ridge. She also stated that the scale in the new R Cluster drafted in 2017 just does not work right or make sense.

Mr. Tony Bach, 97 Skyline Court, spoke about the proposed density of Old Mill Overlook and how it is not compatible with the neighboring developments and the amount of traffic that will be generated on Old Mill Road and how the water pressure will be affected because it is already not very good.

Mr. Ben Jones, 5 Battalion Lane, stated that when he built his home he was told that there would be a gated community built across the road from him and he was fine with that, but he feels that the density proposed in Old Mill Overlook is just too much. He also stated that he is concerned about the water pressure, additional traffic and street lighting. He asked the Board not to approve the plan.

Mr. Ken Tozzi, 66 Regiment Drive, asked the Board to look at the cumulative impacts on the existing environment for example how does it affect water, air etc.

Mr. Junjie Luo, 45 Skyline Court, stated that he has two small children that cross Old Mill Road to play with other children in Cannon Ridge and he is concerned about the additional traffic and the safety of the children in the neighborhood.

Mrs. Martha Tozzi, 66 Regiment Drive, stated that she has been looking at the Township seal on the wall that reflects the rural nature of the area. She asks if this project is reflective of our Township and does it better our Township?

Mr. Knoebel presented follow-up information after hearing the public comments. He showed the Board the Landscaping and Lighting Plans and reported that the County actually commented that there may actually be too many trees. He added that the lighting plan shows no light going off of the property except maybe a little at the two entrances and these are not very tall or evasive lights by the request of the Planning Commission. He added that the developer will be paying the Park and Rec fee in lieu of providing recreation in the development. He added that all ADA improvements have to be certified by a professional engineer after they are built.

In response to Mr. Poppiti's comment regarding a public hearing, Solicitor Wisner stated that the Township has not adopted the Planned Residential Development provisions in its' ordinance, and it is not a requirement. Solicitor Wisner explained what a Planned Residential Development is as opposed to what the developer has submitted.

There was a lengthy discussion with Mr. Knoebel regarding the Board taking action on the plan. Mr. Thomas encouraged the Board members to ask questions if they have them and Mr. Thomas asked why so many parking spaces? The number of parking spaces were discussed at length.

Mr. Toddes made a motion seconded by Mr. Brauning and carried to approve the Old Mill Overlook Preliminary Plan conditioned upon satisfying the comments in the engineer's memo dated September 16, 2020 and execution of the Developer's Agreement in a form satisfactory to the Township Solicitor. Additionally, any material modifications to the Preliminary Plan would have to go back to the Township for review and action, the approval of the Preliminary Plan does not authorize the construction of any structures and all requirements of Section 22-309 of the Subdivision and Land Development Ordinance have to be met prior to construction commencing. The Board suggested that the developer make an effort to reduce the total off-street parking on the site which is not a material modification that requires resubmission and provide a centrally located active recreation area for on-site recreation. Mrs. Ramsburg voted nay.

Mr. Knoebel reported that they will be submitting the annual MS4 report to Pa. DEP by the deadline date of September 30th and they will also have to do the required annual training with Township staff. The Township also pays an annual fee of \$500.00 that has already been paid. He added that they did apply for grant money, but the Township was not chosen to receive a grant.

Police Report: Police Chief Don Boehs presented a written and oral report of police activities for the month of August 2020 including: 329 complaints, 63 traffic stops, 4 traffic accidents, 77 targeted enforcements, 5,486 patrol miles and 55 walk-in complaints. He added that they assisted other agencies 7 times and they were assisted one time. There were two assists to Pa. State Police. Police Chief Boehs reported that Dr. Aldrich has made another generous contribution to the Police Department and he will thank him on behalf of the Board. Sergeant Biggins reported that this Saturday they are holding a child safety car seat inspection that is free of charge from 2:00 – 4:30 P.M. He added that they have been doing enforcement for two grants and they had a burglary in process in Liberty Township early Sunday morning with the State Police nowhere in the area. He reported that they were able to take the two suspects into custody and hold them until the State Police arrived. They have also had fraud/scam incidents with real estate transactions and had one fatality on Rt. 15. Police Chief Boehs thanked Sgt. Biggins for his efforts in the traffic enforcement and grant programs.

Active Business:

Mr. Thomas reported that the Pa. DEP Watershed Restoration and Protection Program grant application is still active, and the Municipal Assistance Planning grant application is still on hold by the Department of

Community and Economic Development due to the budget challenges at the Commonwealth level.

Mr. Thomas also reported that the voluntary deferred compensation benefit program is tabled for research by Solicitor Wisner.

Mrs. Ramsburg made a motion seconded by Mr. Brauning and carried to schedule Trick or Treat for October 31, 2020 from 6:00 – 8:00 p.m.

PERSONNEL COMMITTEE: Mr. Toddes announced that the Township has hired a Treasurer / Finance Director, Camie Stouck-Phiel, and her duties will start mid-October at a rate of \$20.00 per hour. **Mr. Toddes made a motion to affirm the hiring of Camie Stouck-Phiel at an hourly rate of \$20.00 per hour. The motion was seconded by Mr. Brauning and carried. Mr. Phiel and Mrs. Ramsburg abstained from the vote.** Mr. Toddes added that some of the committees will have to be restructured.

FINANCE COMMITTEE: Mr. Phiel reported that Road Superintendent Chris Walter is requesting approval for Pennoni Engineering to perform an inspection of the bridge on Herr's Ridge Road over Willoughby Run at the cost of \$3,800.00 which was budgeted. **Mr. Toddes made a motion to authorize the bridge inspection at a cost of \$3,800.00 seconded by Mrs. Ramsburg and carried.**

Mr. Phiel also requested approval of the 2020 Minimum Municipal Obligations for the Police Pension Plan in the amount of \$183,174.00 and the Non-Uniformed Pension Plan in the amount of \$84,426.00 for budgeting purposes. **Mr. Toddes made a motion to approve the 2020 Minimum Municipal Obligations as described by Mr. Phiel seconded by Mr. Phiel and carried.**

Mrs. Ramsburg reported on the informational items: 2021 Liquid Fuels Funds allocation of \$250,721 (decrease of 8.5% from 2020); Cumberland Township Distress Determination Score by the Pa. Auditor General is zero (0); 2021 health care premium prices are expected for review by the end of September; COVID-19 Funding Reimbursement Application has been submitted to Adams Co. Planning Office in the amount of 37,828.68.

HIGHWAY COMMITTEE: Mr. Waybright reported that the capital maintenance projects are complete and the fall roadway line painting is being scheduled.

Solicitor: Solicitor Wisner stated that he will need a brief Executive Session to discuss legal matters

Committee Reports and comments from Board Members:

PARKS AND RECREATION – Mr. Toddes reported that GARA is doing okay mainly because of the baseball tournaments and people are starting to rent the pavilions .The library has approached GARA about moving out to the park, no decision has been made and they can not take any green space away from the park. The pump track is being used a lot and they are going to expand it. The Giving Spree is coming up if anyone would like to donate to the park.

Planning and Zoning – Mr. Waybright reported that the Zoning Review Committee met last week, the zoning map is pretty much complete, and they will meet again in a couple of weeks.

Public Safety, Personnel, CTA, COG, Economic Development and CT411 – No reports

Solicitor Wisner asked everyone to encourage small business owners to apply to Adams County for the FAIR Program, there is still money available and they want to see it used in the county.

Mr. Thomas reported that he is looking into a new electrical distribution contract, he may have some questions for Solicitor Wisner and he will have to act on that and report back to the Board.

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

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 9:40 P. M. for an Executive Session with no action to follow.

Carol A. Merryman, Secretary

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_____) Supervisors
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