

**Cumberland Township Board of Supervisors**  
**1370 Fairfield Road, Gettysburg, PA 17325**  
**April 27, 2021 – 6:30 P.M.**  
**VIRTUAL MEETING**

**SUPERVISOR’S PUBLIC WORKSHOP WITH KPI ENGINEERS AND STAFF Re: MS4**  
**(Municipal Separate Storm Sewer Update)**

The workshop was called to order at 6:30 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, Engineer Brandon Guiher from KPI Technology, Superintendent of Roads Chris Walter, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman.

Mr. Guiher, MS4 specialist from KPI Technology, updated the Board on the locations of the urbanized areas of the Township and the Township’s NPDES Permit that must be renewed every year. Mr. Guiher also went over the Act 167 Ordinance, the five Minimum Control Measures and the Pollutant Reduction Plan (PRP) that focuses on sediment reduction. Mr. Guiher reported on projects that have been identified to reach the sediment reduction goal and different ways that the projects could be funded.

Mr. Guiher stated that the Township needs to appoint an MS4 Action Committee that will work on developing a funding plan and he suggested that the Township hold another workshop to continue with this process. Mr. Guiher added that there will be a DEP Forum on MS4 held on May 5<sup>th</sup> and May 6<sup>th</sup> and the Township will be audited by the Environmental Protection Agency over a three-day period. The Board scheduled a workshop for May 25, 2021 at 6:00 P.M. prior to the regular meeting.

Mr. Guiher’s presentation will be placed on the Township’s website. The workshop adjourned at 7:06 P.M.

**REGULAR MEETING**

The regular meeting was called to order at 7:07 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 Brandon Guiher, Superintendent of Roads Chris Walter, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman. Others present were Greg Schrock representing the Gettysburg Airport and Joe McDowell representing the Meadow View Townhomes Plan. Those attending via ZOOM were Angela McGowan and David Spaulding representing the Gettysburg Regional Airport, Jack Powell and Brock Grim representing the 1990 Biglerville Road Plan, Bonnie Zehler representing the Meadow View Townhomes Plan and several Township residents.

Chairman Waybright led the Pledge of Allegiance.

**Mr. Toddes made a motion seconded by Mrs. Ramsburg and carried to approve the Minutes of the March 23, 2021 Regular Meeting.**

**Mr. Toddes made a motion seconded by Mr. Brauning and carried to approve the bills in the amounts as stated by the Chairman: \$29,099.39 from the General Fund, \$13,871.26 from the Escrow Fund, \$2,601.09 from the Capital Reserve Fund and \$4,166.06 from the State Fund.**

Mr. Brauning stated that he wanted to make a correction to the March 23, 2021 Minutes. He stated that the motion that he made to approve the Resolution from Orrstown Bank to add Supervisor Shaun Phiel and Treasurer/Finance Director Camie Stouck-Phiel as signers on the Orrstown Bank account was not correct because he stated that he had concerns and that was not included in the motion.

**CORRECTION** - Mr. Brauning made a motion to amend his motion of the March 23, 2021 meeting to include that prior to the motion being made, Mr. Brauning expressed concern about both Supervisor Shaun Phiel and Treasurer/Finance Director Camie Stouck-Phiel being added as signers on the Orrstown Bank account. The motion was seconded by Mr. Toddes and carried.

**Public comment:** There were no comments from the public and no written public comments were received prior to the meeting.

**Engineer/Plans:**

Mr. Tim Knoebel reported (via Zoom) that the Township has received the Phase I Final Plan for the Gettysburg Airport – South Apron. He reported that the Preliminary Plan and Consolidation Plan just received conditional approval in March. He reported that the plan generally includes the re-grading of the existing wet pond (basin 3), construction of a new basin 2 and many areas of grading for future hangar sites, one new taxiway from the existing runway and new vehicle accesses to a future admin building and fuel farm area. He added that there were two waivers granted with the conditional approval of the preliminary plan and do not need re-approval. Mr. Knoebel went through the remaining comments on his April 26, 2021 memo and reported that financial security has been established. Mr. Knoebel recommended that the plan is ready for conditional approval. Solicitor Wisner confirmed that he has not approved the Deed of Consolidation yet. Mr. Schrock requested that the Township take the contractor's performance bond that is being required as financial security for the project. Solicitor Wisner stated that this is not something that the Township has accepted in the past. Mr. Schrock also reported that they have acquired the off-site easement so they can work that into this project and the Board was very happy with this news. Mr. Knoebel stated that it could be inserted as an authorized field change and included on the as-built plan. **Mr. Toddes made a motion to approve the Gettysburg Airport – Phase I Final Plan contingent upon the comments in the April 26, 2021 engineer's memo being addressed. The motion was seconded by Mr. Phiel and carried.**

Mr. Knoebel updated the Board on the Meadow View Townhomes Final / Lot Consolidation Plan that proposes 36 single-family attached residential units and one community building in the Misty Ridge Development. He reported that the Lot Consolidation Plan consists of Lots 2,6,7,8 and 9. He added that the plan has been reviewed by the County and Township Planning Commissions, there is an April 26, 2021 draft memo that includes what is outstanding and their engineer is working on addressing the comments. Mr. Knoebel stated that he feels the plan will be ready for next month's meeting. Solicitor Wisner reported that this project is in the Township's Historic District, the project has been reviewed and approved by the Historic Architectural Review Board and the last step is for the Board to act on the Certificate of Appropriateness for the project. **Mr. Brauning made a motion to approve the Certificate of Appropriateness for the Meadow View Townhomes Plan seconded by Mrs. Ramsburg and carried.** Mr. McDowell, on behalf of the developer, asked if they can start working on the agreements because they have closing deadlines with the Pa. Housing Finance Agency that they need to meet. Mr. Knoebel stated that he feels that this would be fine and the Board agreed that they could go ahead.

The last engineer's item is the 1990 Biglerville Road – Duplex Property Final Plan that proposes combining two existing lots previously created as part of the 3-lot Adams County Housing Authority Subdivision. The new lot is proposed to contain a duplex unit with driveway and six parking spaces, well, sewage grinder pump and pressure lateral. Mr. Knoebel reported that he has produced a memo dated April 26, 2021 with the remaining outstanding items that are administrative. Mr. Knoebel stated that there is one waiver request for the requirement to submit a preliminary plan. He added that the plan needed a variance from the Zoning Hearing Board which was approved and they are requesting that the plan not be recorded prior to the end of the appeal period for the Zoning Hearing Board's decision. Solicitor Wisner confirmed that a Developer's Agreement is not needed for this size project. **Mr. Toddes made a motion seconded by Mrs. Ramsburg and carried to waive the requirement for the submission of a**

**preliminary plan.** Mr. Knoebel stated that he has no problem recommending approval of the 1990 Biglerville Road – Duplex Project Preliminary / Final Plan. **Mr. Brauning made a motion to approve the 1990 Biglerville Road – Duplex Property Preliminary / Final Plan contingent upon the comments of the engineer’s April 26, 2021 memo being addressed seconded by Mr. Phiel and carried.**

Mr. Knoebel asked the Board’s approval for KPI to prepare the documents needed to apply for grants for the proposed MS4 projects. Mr. Knoebel stated that they have applied in the past, but unfortunately were unsuccessful and the effort is minimal. Solicitor Wisner suggested that the motion includes authorizing the execution of any resolution needed for the grant application. **Mrs. Ramsburg made a motion seconded by Mr. Phiel and carried to authorize KPI to put together paperwork for any available MS4 grants and authorize the execution of any resolution needed to be included with the grant application.**

**Police Report:** Police Chief Don Boehs presented a written and oral report of police activities for the month of March 2021 including: 308 complaints, 44 traffic stops, 5 traffic accidents, 14 targeted enforcements, 20 combined arrests, 8,941 patrol miles and 42 walk-in complaints. He added that they assisted other agencies 11 times and they were assisted 12 times. There were three assists to Pa. State Police. Police Chief Don Boehs reported that they had a house fire on Sachs Road and a self-inflicted shooting behind the FCC Building.

**Active Business:**

Road Superintendent Chris Walter reported that the 2021 Road Bids were opened at 10:00 a.m. on April 22, 2021 and there were three projects bid as follows:

- Ultra-Thin Bonded Wearing Course – one bid received from Asphalt Maintenance Solutions, LLC of Center Valley, PA, in the amount of **\$90,461.28**.
- Storm Drainage improvements on Lakeview and Spruce Drives (Twin Lakes I) – one bid received from C. E. Williams Sons, Inc. of Gettysburg, PA, in the amount of **\$43,098.00**.
- Double Seal Coat and Fog Seal – two bids received from American Paving Fabrics, Inc. of Hanover, MD, in the amount of **\$114,514.45** and Russell Standard Corporation of Fayetteville, PA, in the amount of \$122,679.10.

Mr. Walter reported that all of the bids came in a little lower than what he had budgeted and he would recommend that the bids be awarded to the three lowest bidders. **Mr. Toddes made a motion to award the bids to the three lowest bidders: Asphalt Maintenance Solutions, C.E. Williams Sons, Inc. and American Paving Fabrics, Inc. (amounts highlighted above) seconded by Mr. Phiel and carried.**

Mr. Thomas reported that the Board received a request from the American Battlefield Trust for a letter of support from the Township for their application for a Pennsylvania Community Conservation Partnerships Program Grant to partially fund their purchase of a 4.1 +/- acres of land and buildings located on Baltimore Pike. Mr. Thomas added that a majority of the Board did preauthorize the letter and we now need an affirmation from the Board. **Mr. Phiel made a motion to affirm the mailing of the letter of support for American Battlefield Trust for their grant application for partial State funding of the purchase of land and building on Baltimore Pike. The motion was seconded by Toddes and carried.**

Mr. Thomas reported that the Township received notice from BENECON (health care provider with Capital Blue Cross) with some new requirements in regards to HIPPA. He stated that some of these requirements include: assigning a HIPPA privacy policy; updating all job descriptions to include HIPPA wording; employee training; completing a risk assessment; affirming that we are not going to disclose information (even though we don’t get any medical information); completing a risk assessment and compliance checklist and assigning a Security Official. **Mrs. Ramsburg made a motion to adopt a resolution seconded by Mr. Phiel and carried affirming the Township’s compliance with the stated**

**requirements and appointing the Township Manager as the Security Officer and the Assistant Township Treasurer as the Assistant Security Officer.**

Mr. Thomas also reported that the Township has received a letter from The Adams County Society for the Prevention of Cruelty to Animals (SPCA) requesting a contribution specifically towards operating expenses due to the added expenses because of the COVID pandemic. Mr. Thomas added that no money was budgeted as a contribution to them in 2021. The Board agreed to put this on the list for the 2022 budget considerations.

Mr. Thomas reported that the Comprehensive Zoning Review Committee has been meeting regularly and has been working on the definitions and what uses will be permitted in each zoning district.

Mr. Thomas also reported that the Adams County Commissioners approved the joint bidding process for collection of municipal waste.

Mr. Thomas suggested that he poll the Planning Commission members to see if anyone would be interested in serving on the Historic Architectural Review Board (HARB) and have a name or names for the next meeting. The Board agreed. Mr. Thomas added that it is a requirement of the ordinance to have a member of the Planning Commission on the HARB.

Mr. Thomas stated that the Zoning Hearing Board needs an alternate Solicitor in the event there is a conflict of interest with Mr. Yannetti. He added that this has happened and could happen in the future. Mr. Thomas reported that Clint Barkdoll has served in this position and is willing to serve again at the same rate as before. **Mr. Phiel made a motion to appoint Mr. Clint Barkdoll as alternate Solicitor to the Zoning Hearing Board seconded by Mr. Toddes and carried.**

Mr. Thomas updated the Board on the status of public access to the Township office and public meetings. He stated that the offices remain accessible to the public by phone call or appointment with limited personnel and the door remains locked. He added that COVID remains real, the accessibility measure will continue for the health and security of our dedicated employees and he is researching an intercom system similar to what is used by the Police Department. Mr. Thomas added that future public meeting attendance will continue to follow the Pa. Dept. of Health and Governor Wolf's Emergency Order.

Lastly, Mr. Thomas reported that the Stop Sign Ordinance needs to be updated and the staff began working on this back in 2019. Mr. Thomas asked the Board to authorize KPI Technology to move forward with warrants for the stop intersections and this would then go to the Solicitor for the preparation of an ordinance. Most of these intersections are in the new developments: Roselawn, Patriot's Choice, Cumberland Crossings, Cumberland Village and Deatrick Village. **Mr. Toddes made a motion seconded by Mrs. Ramsburg and carried to authorize KPI Technology to warrant stop intersections for future ordination in a Stop Sign Ordinance.**

**PERSONNEL COMMITTEE:** Mr. Toddes stated that it is a pleasure to report that Camie Stouck-Phiel has completed her six-month probationary period and doing a great job. **Mr. Toddes made a motion to increase Camie Stouck-Phiel's wage by \$1.00 per hour following her successful completion of the six-month probationary period, effective April 12, 2021. The motion was seconded by Mr. Brauning and carried. Mr. Phiel and Mrs. Ramsburg abstained from the vote. The Board congratulated Mrs. Stouck-Phiel.**

**FINANCE COMMITTEE:** Mr. Phiel reported that the Treasurer is still working on getting the Township P-Cards (procurement cards). He has no new information on the Police vehicle replacement and the staff is still working on the increase to the escrow amounts for the larger developments. The door

between the Administration offices and Police Department was discussed because a one-way film was placed on the door which made the Administration employees uncomfortable without anyone's knowledge. Police Chief Boehs stated that it was for PCCD and Victim Witness privacy. The Board asked that something like this be brought to a committee before it is done. Police Chief Boehs stated that he will do something else with the door so everyone feels comfortable.

**SOLICITOR:** Solicitor Wiser reported that the Treasury Department is to provide guidance on eligible uses for the American Rescue Plan funds on May 17, 2021. Solicitor Wiser also reported that some of the Township employees participate in a Tax Deferred 457B Plan and they want to change the investment advisor to PSI Capital Management who has lower fees. He added that the Township does not contribute any funds to the plan so it falls outside of Act 44 and the Township does not have to do a Request for Proposal. Solicitor Wiser stated that he has prepared a Resolution to authorize the change. **Mrs. Ramsburg made a motion seconded by Mr. Phiel and carried to adopt Resolution 2021-08.**

**RESOLUTION 2021-08**

**A RESOLUTION OF THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY, PENNSYLVANIA, AUTHORIZING THE APPOINTMENT OF PSI CAPITAL MANAGEMENT AS INVESTMENT ADVISOR OF THE EMPLOYEES 457(B) DEFERRED COMPENSATION PLAN.**

Solicitor Wiser reported that he will need an Executive Session to discuss Collective Bargaining, Personnel and Real Estate matters with no action to follow.

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

**Highways** – A Maintenance Department report for April was supplied by Mr. Walter.

**Public Safety** – Mr. Waybright reported that they met last week and talked about purchasing new police vehicles and staffing needs for the Police Department.

**Park and Recreation** – Mr. Toddes reported on the Rec Park activities, the carnival will not be held this year, but they will have fireworks.

**CTA** – Mr. Toddes reported on the Boyd's School Road sewer extension project, a bad blockage at the nursing home on Route 30 and hauling biosolids to Mr. Waybright's farm.

**COG** – Mr. Phiel reported on the COG's Legislative priorities, Andrew Dalton gave a report on the Adams County Historical Society's new building located on Biglerville Road that will hold over one million artifacts and they requested contributions from municipalities, CHIRP Grant money went out for the hospitality industry and vaccinations are being given six days a week at the Emergency Services Building and they will be cutting back to three days a week. Mail-in ballots for the upcoming election must be in by 8:00 P.M. Tuesday (Election Day) night and lastly the State Police Barracks has moved to Granite Station Road.

**Planning and Zoning, COG, Economic Development, CT411 and Manager– No reports**

The Zoning Officer and Treasurer's reports were reviewed.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 8:05 P.M. for an Executive Session with no action to follow.

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Carol A. Merryman, Secretary

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