

**Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
December 16, 2021 –6:30 P.M. Public Hearing and
7:00 P.M. Meeting**

Public Hearing Minutes

At 6:30 P.M., immediately prior to the public hearing, County Commissioner Randy Phiel presented Chairman David Waybright with a Certificate of Appreciation for his twenty-four years of service to the residents of Cumberland Township. Mr. Phiel also declared December 17, 2021 as David Waybright Day in Adams County.

At 6:36 P.M. the public hearing was called to order by Chairman Waybright. Present were all Supervisors: Waybright, Toddes, Phiel, Ramsburg and Brauning. Also present were Solicitor Sam Wiser, Township Manager Ben Thomas, Jr., Township Engineer Tim Knoebel, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman. Others present were John Baranski, attorney for the applicants, Juan Carlos Barbosa and Michael Segarra, co-owners of Clementina's Pizzeria and Restaurante, Mrs. Bea Waybright and several residents participated via Zoom.

Chairman Waybright turned the hearing over to Solicitor Wiser who presided over the hearing.

Attorney John Baranski explained that the applicants are in the process of transferring a liquor license from a Reading Township business to their business, Clementina's Pizzeria and Restaurante, located at 1685A Fairfield Road. He added that this public hearing and approval by way of adoption of a Resolution by the Board of Supervisors is required by the Pa. Liquor Control Board.

Attorney Baranski presented information regarding the owners, business and how the license would be used.

Solicitor Wiser asked if there were any public comments. Susan Sadowski, participating on Zoom, stated that she would recommend that the Board put this decision on hold until the Police Department is back to its' full compliment.

There were no other comments.

The public hearing was adjourned at 6:52 P.M.

Meeting Minutes – 7:00 P.M.

At 7:00 P.M. the regular meeting was called to order by Chairman Waybright. Present were all Supervisors: Waybright, Toddes, Phiel, Ramsburg and Brauning. Also present were Solicitor Sam Wiser, Township Manager Ben Thomas, Jr., Police Chief Don Boehs, Township Engineer Tim Knoebel, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman. There were approximately 25 Township residents present, Bob Sharrah, Dan Blough, Bea Waybright and Adam Michael from The Gettysburg Times. Approximately ten residents participated via Zoom.

Supervisor Shaun Phiel read a statement honoring Chairman David P. Waybright's twenty-four years of service to the residents of Cumberland Township. Mr. Phiel stated that Mr. Waybright has served as either Chairman or Vice-Chairman for the past twenty years. Mr. Waybright was involved with two updates to the Township's Zoning Ordinance, two updates to the Township's Comprehensive Plan, building the new maintenance building that got the diesel exhaust fumes out of the municipal building, hiring the first Township Manager, to name just a few things, and also many controversial projects. Mr. Phiel presented Chairman Waybright with a plaque with a clock and a Certificate of Service from The Pa. Association of

Township Supervisors.

Chairman Waybright led the Pledge of Allegiance.

Chairman Waybright reported that the Board of Supervisors held Executive Sessions on December 15th at 5:00 P.M. and on December 16th at 5:45 P.M. to discuss personnel matters.

Mr. Toddes made a motion to approve the agenda. The motion was seconded by Mrs. Ramsburg and carried.

Mrs. Ramsburg made a motion seconded by Mr. Phiel and carried to approve the Minutes of the November 23, 2021 Budget Workshop and Regular Meeting.

Mr. Phiel made a motion seconded by Mr. Toddes and carried to approve the bills in the amounts as stated by the Chairman: \$111,980.60 from the General Fund, \$4,834.00 from the Escrow Fund, \$53,390.69 from the Fire Tax Fund and a transfer of \$7,500.00 from the General Fund to the Health Insurance Account for FSA.

Public comment:

The following people commented:

Michelle Smyers, 515 Old Mil Road, commented on the School Resource Officer

Teri Coe, 105 Twin Lakes Drive, commented on the Township's audit

William Coe, 105 Twin Lakes Drive, commented on police staffing

William Davis, Fairfield Road (made a \$1,000.00 cash contribution to the Police Department)

Elizabeth Magner, Belmont Road, commented on the School Resource Officer, police staffing and the Township's staff

Jenny Harrison, Straban Township, commented on the School Resource Officer

Lindsay Bosley, 15 Joel Lane, commented on the School Resource Officer

Melissa Bosley, 15 Joel Lane, commented on the School Resource Officer

Ireland O'Shea, commented on the School Resource Officer

Alex Zee commented on police staffing

Engineer: Mr. Knoebel reported that the Township has a Land Development Plan for Dan Blough for a proposed 3,600 square foot airplane hangar at the Gettysburg Regional Airport. He added that he has produced a memo dated December 15, 2021 and the remaining items noted in the memo are administrative. He added that there is a waiver request to Section 303 of the Subdivision and Land Development Ordinance for the requirement to submit a separate preliminary plan. **Mr. Toddes made a motion seconded by Mr. Brauning and carried to approve the waiver to Section 303 allowing a preliminary/final plan to be submitted. Mr. Brauning made a motion seconded by Mrs. Ramsburg and carried to approve the Gettysburg Regional Airport – Blough Hangar Plan contingent upon the items listed in Mr. Knoebel's December 15, 2021 memo being addressed.**

Mr. Knoebel also reported that the Township has a request from Woodhaven Building and Development for full release of the remaining financial security for Cumberland Village, Phase 1C. Mr. Knoebel has produced a memo dated December 16, 2021 that recommends that all maintenance security may be released in an amount of \$136,097.00 and that \$10,000.00 of performance security be held, releasing \$50,865.00. Mr. Knoebel's memo also notes that there are two items that were received this afternoon that need to be verified:

- Finalize revised as-built plans and include Lot H7.
- Confirmation from the surveyor that property corners markers are set on all HOA lots.

Mr. Toddes made a motion to approve the release of financial security as recommended in Mr. Knoebel's December 16, 2021 memo with the verification of the two items stated above. The motion was seconded by Mr. Brauning and carried.

Police Report: Police Chief Don Boehs presented a written and oral report of police activities for the month of November 2021 including: 302 complaints, 18 traffic stops, 10 traffic accidents, 14 targeted enforcements, 13 combined arrests, 5,374 patrol miles and 32 walk-in complaints. He added that they assisted other agencies twice and they were assisted 16 times. There was one assist to Pa. State Police. Police Chief Boehs reported that the School Resource Officer had 35 calls for service.

Active Business:

Mr. Thomas reported that the 2021 Audit by Smith, Elliott, Kearns and Company has begun.

Mr. Phiel made a motion seconded by Mrs. Ramsburg and carried to schedule the Reorganization Meeting for Monday, January 3, 2022 at 6:00 P.M.

Mr. Thomas also reported that the Township had received a Data Use Authorization Agreement from The Adams County Office of Planning and Development initiated by the 2014 Fire Study regarding the fire box service areas and the county is asking that the Township approves their use of the data from the study. Solicitor Wisner stated that he has reviewed the agreement and has requested a small modification that he has spoken to the County Solicitor about. **Mr. Phiel made a motion seconded by Mr. Toddes and carried to approve the Data Use Authorization Agreement as amended by Solicitor Wisner.**

Mr. Thomas reported that the Township received a sample resolution from the insurance company in regards to Act 108 of 2020 for Worker's Compensation coverage for fire department support staff. Mr. Thomas added that he feels that the sample resolution needs to include more of the activities that the support staff may be doing for the fire departments, he would like himself and Solicitor Wisner to work on that and bring it back to the January meeting. **Mrs. Ramsburg made a motion to approve the resolution in theory and for Mr. Thomas to bring an updated resolution to the January regular meeting. The motion was seconded by Mr. Toddes and carried.**

Mr. Thomas reported that Mrs. Camie Stouck-Phiel has been attending the Waste Hauling Contract meetings. Mrs. Stouck-Phiel reported that two bids were received and opened today from Waste Management and Waste Connections for the Waste Hauling Contract and action will be needed at the January 3, 2022 Reorganization meeting.

FINANCE COMMITTEE: Mr. Phiel reported that the committee is recommending that a new laptop be purchased for the Township Manager at a cost of \$1,229.95. **Mr. Toddes made a motion seconded by Mrs. Ramsburg and carried to purchase the new laptop.** Mr. Phiel also reported that the Township has two funding requests from Barlow Volunteer Fire Company totaling \$53,390.69 and there is adequate money in the Fire Tax Fund. **Mrs. Ramsburg made a motion to approve Fire Tax funding for Barlow VFC, in the amount of \$53,390.69. The motion was seconded by Mr. Toddes and carried.** Mr. Phiel also reported that the Township has a proposal from Woerner Hauling to supply additional snow removal services to the Township at a cost of \$125.00 per hour (no increase from last year). **Mrs. Ramsburg made a motion to approve the snow removal contract with Woerner Hauling, in the amount of \$125.00 per hour, seconded by Mr. Toddes and carried.** Mr. Phiel also reported that the underground gas and diesel fuel storage tanks are being taken out of service by order of Pa. Department of Environmental Protection due to a leak in the outer tank and there has not been any leakage from the inner tank. **Mr. Toddes made a motion to retire the underground storage tanks seconded by Mr. Phiel and carried.** Mr. Phiel reported that the Township's Traffic Engineers, McMahan, will be assisting the

Township with a Green Light Go Grant for the traffic signal at Route 30 and Herr's Ridge Road at the cost of \$1,750.00. **Mrs. Ramsburg made a motion seconded by Mr. Phiel and carried to approve the expenditure of \$1,750.00 for assistance by McMahon with an application for a Green Light Go grant for the traffic signal at Route 30 and Herr's Ridge Road.** Mr. Phiel also reported that the committee is recommending approval of a longevity payment for Police Chief Boehs in the amount of \$5,293.00 for 2021. **Mr. Toddes made a motion to approve a longevity payment for Chief Boehs, in the amount of \$5,293.00, for 2021. The motion was seconded by Mr. Brauning and carried.** Lastly Mr. Phiel recommended that a budget transfer of \$5,000.00 from 410.186 (DUI Overtime) to 410.740 (Capital Purchases) be approved to make a \$10,000.00 down-payment on a new server for the Police Department. **Mrs. Ramsburg made a motion to approve the budget transfer seconded by Mr. Phiel and carried.**

SOLICITOR: Solicitor Wisner presented the 2022 through 2025 Collective Bargaining Agreements for the Uniformed and Non-Uniformed Unions with the Teamsters. Solicitor Wisner highlighted a couple of things including the pay raises of 4.5%, 4.5%, 4% and 4% in both contracts and the addition of a longevity payment to the Non-Uniformed Contract. **Mr. Toddes made a motion seconded by Mrs. Ramsburg and carried to approve the Collective Bargaining Agreement for the Police Department. Mr. Toddes also made a motion seconded by Mrs. Ramsburg and carried to approve the Collective Bargaining Agreement for the Non-Uniformed (Maintenance Department) employees.**

Solicitor Wisner also asked that the pay raises for the Manager and Secretary be set and the recommendation from the Personnel Committee is the same 4.5% that is being given to the Union employees as well as the longevity payment that the Non-Uniformed employees will receive. **Mr. Toddes made a motion seconded by Mr. Phiel and carried for approval of the pay raises and longevity payments as recommended.**

Solicitor Wisner reported that the recommendation is for the Zoning and Codes Officer to receive a pay rate of \$25.12 and the Treasurer/Finance Director a pay rate of \$23.10, as well as the longevity payment that the non-uniformed employees will receive. **Mr. Toddes made a motion seconded by Mr. Brauning and carried. Mr. Phiel and Mrs. Ramsburg abstained.** Solicitor Wisner also reported that Mr. Phiel and Mrs. Ramsburg were not in the room when the salaries were discussed.

Solicitor Wisner asked that the Stream Restoration Easement Agreement with Adams County at the Human Services Building be tabled until the regular meeting in January as the agreement is still under review by the County's solicitor.

Solicitor Wisner stated that his last item is an Agreement to Transfer Real Estate regarding Oaklawn Memorial Gardens. Solicitor Wisner gave a brief background of events occurring up to this point and stated that the agreement is ready for approval. **Mrs. Ramsburg made a motion seconded by Mr. Toddes and carried to approve the Agreement to Transfer Real Estate with Adams County for Oaklawn Memorial Gardens.**

Mr. Thomas presented the 2022 Budgets. Mr. Thomas reported that the General Fund Budget is balanced by utilizing reserve funds in the amount of \$289,460.92. He added that the Real Estate Tax millage remains unchanged at 1.9 mills with a .25 mill Fire Tax. He added that the total General Fund revenues and expenditures are \$3,955,614.42. Mr. Thomas stated that another fund is the American Rescue Plan Act (ARPA), we have received 50% of the total \$613,668.96 and the majority of this money is going to be used for MS4. He stated that the Capital Reserve Fund includes the purchase of Police vehicles, a new dump truck, a possible replacement of the Zoning/Code Enforcement Officer's vehicle and replacement of the underground storage tanks with an above-ground tank. The Fire Tax Fund has budgeted \$100,000.00 to Gettysburg Fire Department and \$51,000.00 to Barlow Fire Company and these decisions are made by

the Board based on the Memorandum of Understanding as requests are received. The Park and Rec Fund includes a contribution to GARA in the amount of \$70,000.00 and to the YWCA in the amount of \$3,800.00. The State Fund is healthy and the use of this Fund is limited to road projects and some equipment purchases. **Mr. Phiel made a motion to approve the 2022 Budgets seconded by Mr. Toddes and carried. Mr. Brauning voted against the motion.**

Mr. Toddes made a motion seconded by Mrs. Ramsburg and carried to adopt the 2022 Tax Resolution as follows:

2022 CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA TAX RESOLUTION

BE IT RESOLVED THAT the Tax Millage for 2022 is set at 1.9 mills Real Estate for General Fund purposes and an additional .25 mills for restricted Fire Department funding purposes (Fire Tax).

BE IT RESOLVED THAT the Per Capita Resolution of 1953 is re-enacted for 2022 without change. The tax rate is \$5.00; two percent (2%) discount; and ten percent (10%) penalty.

BE IT RESOLVED THAT the Earned Income and Profits Tax Ordinance of 2011 is re-enacted for 2022 without change.

BE IT RESOLVED THAT the Local Services Tax Ordinance of 2007 is re-enacted for 2022 without change.

BE IT RESOLVED THAT the Amusement Tax Ordinance of 2014 continues without change in 2022. The rate of 10% (5% which is payable to the Gettysburg Area School District in accordance with its Resolution and the Local Tax Enabling Act) of the admission price to each and every amusement within the Township of Cumberland for which the individual price of admission is \$1.00 or more; **or** the rate of 2% (1% which is payable to the Gettysburg Area School District in accordance with its Resolution and the Local Tax Enabling Act) of the participation price to each and every amusement within the Township of Cumberland for which the individual price of participation is \$1.00 or more.

BE IT RESOLVED THAT the Realty Transfer Tax Ordinance of 2008 is re-enacted for 2022 without change. The tax rate is one percent with Cumberland Township receiving .5% and Gettysburg Area School District receiving .5%.

ENACTED AND ORDAINED this 16th day of December, 2021.

CUMBERLAND TOWNSHIP BOARD OF SUPERVISORS

Committee Reports and comments from Board Members:

Highway – Mr. Brauning stated that there is a report in the packet from the Road Superintendent. He added that included in the report is big a “thank you” to Dave Waybright for all of his assistance to the Road Department over the years.

Park and Recreation – Mr. Toddes reported that they used the Assembly Room at the park for a craft show that went very well and things are going well at the park.

CTA – Mr. Toddes reported that they are meeting Monday night.

COG – Mr. Phiel reported that they did not have a quorum, attendance has been dwindling and the members will be working on that. He added that they had a guest speaker, Shaun Eckenrode, Director of Peer and Technical Education of the Adams County Technical Institute. He also reported that the Adams County Community Foundation’s 2021 Giving Spree has become the most successful one-day giving event in the nation raising \$3.08 million to local charities. Mr. Phiel also gave information on the county’s Covid numbers and lastly, COG is looking for a President and Vice-President.

CT411 – Mr. Brauning stated that Barlow Fire Co. is selling their yearly calendar that is \$20.00 each. Solicitor Wisner thanked Dave Waybright for his service, dedication and all of the ways that he has helped Cumberland Township over the years. Mrs. Barbara Underwood also thanked Dave Waybright. Dave Waybright thanked the staff for all of their help over the years.

Personnel, Public Safety, Planning and Zoning, Economic Development – No reports

Manager: Mr. Thomas thanked Mr. and Mrs. Davis for their \$3,000.00 donation that they have made over the past three months. Mr. Thomas added that he feels that there should be full disclosure of what their donation is spent for and he is suggesting that the Public Safety Committee and Police Chief would consider purchasing a radar speed sign. Mr. Thomas also thanked Dave Waybright for his service and thanked him for impressing upon the Board the importance of agriculture.

Police Chief Boehs reported that Mr. and Mrs. Davis are also buying the Police Department equipment in an additional amount of \$3,600.00 and he thanked them for that.

The Zoning Officer and Treasurer's reports were reviewed.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 8:38 P.M. for an Executive Session to discuss real estate and personnel issues with no action to follow.

Carol A. Merryman, Secretary

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_____) Supervisors
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