

Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
July 27, 2021 – 7:00 P.M.
HYBRID – VIRTUAL HEARING and MEETING

The hearing was called to order at 7:00 P.M. by Chairman Waybright. Present were Supervisors: Waybright, Toddes, Phiel, Ramsburg and Brauning. Also present were Solicitor Sam Wiser, Township Manager Ben Thomas, Jr., Police Chief Don Boehs, Engineer Tim Knoebel, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman. There were several Township residents present and Jim Hale from The Gettysburg Times. Several residents participated via Zoom.

Chairman Waybright turned the hearing over to Solicitor Wiser who conducted the proceedings.

Solicitor Wiser stated that tonight's hearing has been duly advertised, a copy of the advertisement was placed on the Township's website and the hearing is being held to receive comments on the proposed Open Space Ordinance 2021-186 that proposes certain amendments to the Zoning provisions of the Township Code and the Subdivision and Land Development Ordinance (SALDO). Solicitor Wiser gave some background information on the Township Planning Commission's work on the proposed ordinance over several months and he highlighted the enhancements that were made including: making the definition of Open Space consistent in the Code and SALDO; adding design standards in the SALDO including ownership and maintenance requirements and providing standards for preservation that includes an increase in density. Solicitor Wiser also briefly went over the sections of the ordinance. He added that the Board has a recommendation from their Planning Commission to adopt the proposed ordinance and comments have been received from the Adams County Office of Planning and Development and he offered to address their comments. Solicitor Wiser asked if there was anyone present that wished to offer public comment and there were none. Chairman Waybright asked if anyone participating on Zoom wished to offer public comment and he recognized Karey Burkholder.

Ms. Karey Burkholder stated that she feels that the ordinance looks a lot better than the original and thanked the Board for that.

Mrs. Ramsburg asked if the ordinance is enforceable the way it is and Solicitor Wiser explained that there are subjective things in the ordinance, but the Planning Commission did try to make the requirements objective.

Mr. Ben Jones, 5 Battalion Lane, asked if the amendment was due to the Old Mill Overlook project and he feels that the amendment is "after the fact." Mr. Jones stated that he is supportive of the Open Space amendment, but not the Old Mill Overlook project.

The hearing was closed at 7:14 P.M.

Mr. Toddes made a motion to adopt the Open Space Ordinance 2021-186, as written, seconded by Mr. Brauning and carried.

At 7:15 P.M. the regular meeting was called to order by Chairman Waybright. Present were Supervisors: Waybright, Toddes, Phiel, Ramsburg and Brauning. Also present were Solicitor Sam Wiser, Township Manager Ben Thomas, Jr., Police Chief Don Boehs, Engineer Tim Knoebel, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman. There were several Township residents present and Jim Hale from The Gettysburg Times. Several residents participated via Zoom.

Chairman Waybright led the Pledge of Allegiance.

Chairman Waybright stated that the Board held an Executive Session on Thursday, July 22, 2021 to discuss real estate and personnel issues.

Mrs. Ramsburg made a motion seconded by Mr. Phiel and carried to approve the Minutes of the June 22, 2021 Regular Meeting.

Mr. Toddes made a motion seconded by Mrs. Ramsburg and carried to approve the bills in the amounts as stated by the Chairman: \$29,121.45 from the General Fund, \$66.06 from the Fire Tax Fund and \$16,329.60 from the Escrow Fund.

Public comment:

Ms. Karey Burkholder, 127 Battalion Lane, thanked the Board for the Open Space Ordinance, spoke about Old Mill Overlook, the previously proposed Country Meadows and the speed limit reduction on Old Mill Rd.

Mr. Ben Jones, 5 Battalion Lane also spoke about Old Mill Overlook.

Engineer:

Mr. Knoebel reported that the Township has received a six-month request for extension from Artillery Ridge Campground. He also explained that they will need a zoning variance and recommended that the extension be granted. **Mr. Brauning made a motion to grant the six-month time extension for the Artillery Ridge Land Development Plan seconded by Mrs. Ramsburg and carried.**

Mr. Knoebel also reported that the Township has a Sewage Planning Exemption for Gabor Boritt on Plank Road. He stated that they have a previously created agricultural lot that was done with a Non-Building Waiver that is now going to be developed with a house so they need to do sewage planning to be sent to Pa. Department of Environmental Protection (PaDEP). **Mr. Toddes made a motion to approve the Sewage Planning Exemption for Gabor Boritt seconded by Mr. Phiel and carried.**

Mr. Knoebel reported that the Richard and Carol Fitzgerald Final Plan is a proposed minor plan located on Ridge Road. He added that there are currently two tracts, one has a cell tower located on it and they are adding to the lot that is currently improved with a house. He also reported that there is a Non-Building Waiver that goes with the plan. **Mr. Phiel made a motion seconded by Mr. Brauning and carried to approve the Non-Building Waiver to be sent to PaDEP. Mr. Brauning made a motion seconded by Mrs. Ramsburg and carried to approve the Richard and Carol Fitzgerald Final Plan.**

Mr. Knoebel gave an update on MS4. He reported that they are moving forward with the design and PaDEP permitting for the two stream restoration projects. He added that they updated the cost estimate for the stream restorations and the balance of the projects, the cost did go up somewhat and is just under \$600,000.00. He added that they also got a detailed proposal from Clauser Environmental who will be helping with the environmental permitting. He stated that they are experts in this field and it is very important that the Township can document/verify and take credit for the work that will be done to reduce the sediment load and Clauser will assist with that. Mr. Knoebel added that they have been reviewing the results of the EPA audit. Mr. Thomas recommended that this be reviewed by the Finance Committee and for them to have a recommendation at the August meeting. Mr. Thomas also suggested that the Finance Director and Solicitor Wisner work together to see if the Township can use the American Rescue Plan Act funds to pay for the MS4 projects. Mr. Thomas also reported on the EPA audit and that he has been

working with the Adams County Conservation District to look for grant money for the MS4 projects. Mr. Thomas added that the Board should move forward with forming an MS4 Advisory Committee and that be finalized at the regular meeting in August.

Mr. Knoebel also reported that Old Mill Overlook is moving forward and thanks to many people working on this, they are now on track. He also reported that they have been very active at Cumberland Village, Phase II. He stated that they have all of the road base and binder down which indicates that all of the utilities are installed. He added that they will be applying for building permits for Phase IIA1 and Phase IIA2 will follow. Mr. Knoebel reported that S & A Homes - Cannon Ridge has placed the final wearing surface on the roads in the balance of their last phase and they have a surface treatment to put down in the first two phases. Lastly, they have been finishing the improvements in Phase I in Cambridge Crossings.

Police Report: Police Chief Don Boehs presented a written and oral report of police activities for the month of June 2021 including: 309 complaints, 30 traffic stops, four traffic accidents, 22 targeted enforcements, 15 combined arrests, 8,486 patrol miles and 38 walk-in complaints. He added that they assisted other agencies seven times and they were assisted nineteen times. The SRO had two calls for service and attended one safety meeting. There were three assists to Pa. State Police.

Active Business:

Chairman Waybright reported that the Township has received a Conditional Use application from Blake Slaybaugh for a self-service storage facility in the Mixed-Use zoning district. The Board agreed to advertise the Conditional Use hearing for August 24, 2021 at 6:00 P.M. and to re-advertise the regular meeting to start immediately following the hearing.

Mr. Thomas explained that the Board had a presentation from Mr. Chuck Friedlander, Actuary, and there were two recommendations on the table the were reviewed by the Pension Review Committee. The recommendations were to decrease the interest for the Minimum Municipal Obligation from 7% to 6.5 % and to update and adjust the mortality table using the scale MP2020. **Mr. Todd made a motion to approve both changes as described by Mr. Thomas seconded by Mrs. Ramsburg and carried.**

Mr. Thomas reported that the residential growth on Herr's Ridge Road and Old Mill Road along with phone calls from residents has prompted that Township staff to review the speed limit in the area and Section 3361 of the Pa. Vehicle Code allows a speed limit to be lowered in a residential area without doing a traffic study. **Mrs. Ramsburg made a motion to reduce the speed limit from 35 MPH to 25 MPH in the areas of Herr's Ridge Road and Old Mill Road due to residential growth. The motion was seconded by Mr. Phiel and carried.**

Mr. Thomas reported that the money has been received from the American Rescue Plan Act (ARPA) and has been placed in a separate checking account as approved by the Board. He added that he is recommending a separate workshop to discuss how the ARPA funds can be spent. **Mr. Phiel made a motion seconded by Mrs. Ramsburg and carried to advertise the workshop for 5:30 p.m. on August 24, 2021 prior to the conditional use hearing and regular meeting.**

Mr. Thomas reported that the Board recently approved additional cyber security by Treysta and an internal employee policy regarding computer use. He added that this is very timely because the Township has received a very lengthy renewal application from the Pa. Intergovernmental Risk Management Association to be completed regarding the Township's Cyber Underwriting policies.

FINANCE COMMITTEE: Mr. Phiel reported on the monthly Finance Committee recommendations and stated that all expenditures are in budget.

Mr. Toddes made a motion seconded by Mrs. Ramsburg and carried to purchase two generators for the Maintenance Dept. in the amount of \$1,538.00.

Mr. Toddes made a motion seconded by Ramsburg and carried to approve the purchase of used stinger blades from Franklin Township for the Maintenance Dept. in the amount of \$1,500.00.

Mrs. Ramsburg made a motion seconded by Mr. Toddes and carried to approve the updating of the streetlights on Deatrck Drive in the amount of \$2,500.00.

Mr. Toddes made a motion seconded by Mrs. Ramsburg and carried to approve the purchase of a new replacement computer for Chris Walter, Superintendent of Roads, in the amount of \$968.95.

Mr. Phiel reported that the last item is an expenditure to frame and secure an office in the front of the building. He stated that the office that was created in the back of the meeting room is not secure and the Finance Director has to leave when there are other meetings going on. Mr. Phiel reported that the staff got two bids and one was very high and the low bid was \$7,300.00 including HVAC and electrical. **Mr. Toddes made a motion to approve the expenditure of \$7,300.00 to secure an office in the front of the building seconded by Mrs. Ramsburg and carried. Mr. Brauning voted nay.**

SOLICITOR: Solicitor Wisner gave an extensive report on the background of the Oak Lawn Memorial Gardens including the formation of the Oak Lawn Joint Action Committee. He stated that the committee was formed between the Township and Adams County to review options for the long-term care and maintenance of the property. He added that the property consists of approximately 25.5 acres, approximately 15 of which is used as the cemetery and the remaining 9 acres is vacant land. He added that the Joint Action Committee encouraged the owner to sell the property to a viable entity who could utilize and maintain the property or to donate the property, but with little long-term care funds held in trust that was difficult without being able to identify an initial funding source and re-occurring funding stream. Solicitor Wisner added that there are significant liens on the property and without local government intervention the cemetery property may ultimately be abandoned. He stated that it appears that eminent domain may be the only option to effectuate the conveyance of the property and there are number of actions needed to be taken by the Board. The first action is to authorize the Agreement with the owners of Oak Lawn Memorial Gardens to be signed by the Board Chairman and the agreement has been signed by the Oak Lawn owners. **Mr. Toddes made a motion seconded by Phiel and carried to approve the Agreement with the owners of Oak Lawn Memorial Gardens.** Solicitor Wisner stated that the second action is to authorize the adoption of Resolution 2021-11. **Mr. Toddes made a motion seconded by Mrs. Ramsburg and carried to adopt Resolution 2021 -11 and authorize the Solicitor to take actions, as may be necessary, to file a Declaration of Taking.**

RESOLUTION 2021-11

A RESOLUTION AUTHORIZING THE FILING OF A DECLARATION OF TAKING AND CONDEMNATION TO ACQUIRE A FEE SIMPLE INTEREST IN CERTAIN PROPERTY SITUATED IN THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY, PENNSYLVANIA, KNOWN AS THE OAKLAWN MEMORIAL GARDENS.

Solicitor Wisner stated that the last action needed is to authorize the Solicitor to draft an agreement with Adams County for the conveyance of Oak Lawn Memorial Gardens to the county upon the Township's receipt of title for the same. **Mr. Toddes made a motion to authorize Solicitor Wisner to draft an agreement as stated seconded by Mrs. Ramsburg and carried.**

Solicitor Wisner thanked the Board of Supervisors, Township staff, Commissioner Randy Phiel and Barbara Underwood for all of the time and effort put forth to resolve this issue. Solicitor Wisner added that this will continue to be an item on the Board’s agenda and also thanked Lieutenant Tim Guise for his efforts that he has undertaken for a number of years.

Committee Reports and comments from Board Members:

Highways – Mr. Brauning read a Maintenance Department report for July that was supplied by Road Superintendent Chris Walter.

Park and Recreation – Mr. Toddes reported that they have been busy at the Rec Park and they have had quite a few pavilion rentals and will continue into September. He added that the fireworks were a big success and hope to have it grow next year.

Planning and Zoning – Mr. Thomas reported that the committee is still meeting and will continue to meet.

COG – Mr. Phiel reported that they were able to meet at the Emergency Services Bldg. for the first time since COVID. He stated that they discussed the development of the Getty Station in the Borough and our Legislators were there and gave updates.

CT411 – Mr. Brauning reported that Barlow VFC is having a firearms raffle on Labor Day.

CTA, Public Safety, Personnel, Economic Development – No reports

The Zoning Officer and Treasurer’s reports were reviewed.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 8:35 P.M. for an Executive Session to discuss a personnel item with no action to follow.

Carol A. Merryman, Secretary

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_____) Supervisors
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SUBJECT TO APPROVAL