

**Cumberland Township Board of Supervisors**  
**1370 Fairfield Road, Gettysburg, PA 17325**  
**May 25, 2021 – 6:00 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 6:00 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, Engineer Tim Knoebel from KPI Technology, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman.

Mr. Thomas reported that an MS4 Forum was held on May 5 & 6, 2021 and himself and Brandon Guiher, from KPI, attended. Mr. Thomas presented a written report on the forum. Mr. Thomas explained several different ways that the Township could fund the MS4 projects that are being proposed. Mr. Thomas added that time needed to administer MS4 is greater than the current staff can handle without additional staffing or contracted engineering services. Mr. Thomas gave the Board suggested action items that are needed including: affirming future MS4 projects; authorize preliminary engineering costs and proceeding with engineering the projects providing project/s cost estimates and submission to PaDEP for permitting and consider forming an advisory committee.

Mr. Knoebel reported that the Township is currently undergoing an audit by the Environmental Protection Agency (EPA) and they will be here on June 2, 2021 to do an onsite inspection. Mr. Knoebel stated that the Township does have good programs in place, but the one item that PaDEP felt that the Township could do more is to have a program to require future inspections after a stormwater facility is installed. Mr. Knoebel added that every Minimum Control Measure (MCM) adds an administrative layer and cost to the Township. He added that documentation is going to be critical.

Mr. Knoebel presented a Power Point presentation which included the mapping of the urbanized areas and proposed project locations in the Marsh Creek and Rock Creek Watersheds. Some of the proposed projects include basin retrofits, a stream bank restoration project at the Adams County Human Services property on Boyd’s School Road and a project on the Township’s property. Mr. Knoebel also presented an MS4 Cost Summary for the proposed projects’ budgets that totaled \$548,100.00.

Mr. Knoebel stated that the Township needs to move forward with a project because there is a back-log for getting projects approved by PaDEP. Funding the projects was discussed as well as applying for a Watershed Restoration and Protection Grant.

The presentation will be placed on the Township’s website. The workshop adjourned at 7:04 P.M.

**REGULAR MEETING**

The regular meeting was called to order at 7:05 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, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman. There were several Township residents and developer’s representatives present. Also, several Township residents, Bonnie Zehler representing the Meadow View Townhomes project and Jim Hale from The Gettysburg Times participating via Zoom.

Chairman Waybright led the Pledge of Allegiance.

Solicitor Wisner reported that the Supervisors held an Executive Session on May 11, 2021 to discuss a personnel matter and there was no action taken.

**Mr. Toddes made a motion seconded by Mr. Phiel and carried to approve the Minutes of the April 27, 2021 Regular Meeting.**

**Mr. Brauning made a motion seconded by Mrs. Ramsburg and carried to approve the bills in the amounts as stated by the Chairman: \$77,133.60 from the General Fund and \$9,487.00 from the Escrow Fund.**

**Public comment:** Mrs. Nita Gross, 938 Barlow Greenmount Road, asked several questions about the status of the property next-door to them that is for sale. Mr. Thomas stated that the Township has not heard anything from the owner of the property or the realtor. Mr. Thomas added that the Township and KPI Engineering are still inspecting the property.

Solicitor Wisner stated that the following Ordinance has been advertised for possible adoption. He stated that the ordinance recognizes what the Township currently has in place now; provides general parameters regarding the complexion of the department and provides for the general supervision of the department which statutorily rests with the Board of Supervisors.

#### **ORDINANCE 2021-185**

#### **AN ORDINANCE RECOGNIZING AND ESTABLISHING THE CUMBERLAND TOWNSHIP POLICE DEPARTMENT**

**Mr. Toddes made a motion seconded by Mrs. Ramsburg and carried to adopt Ordinance 2021 -185.**

#### **Engineer/Plans:**

Mr. Tim Knoebel reported that the Township has received a bond reduction request from Cumberland Crossing of the Links at Gettysburg. He stated that they are asking for a reduction of the original contingency, which is still being retained. He added that he has prepared a memo dated May 25, 2021 and recommends that \$55,844.00 be released leaving a balance of \$357,710.00. **Mr. Phiel made a motion to reduce the financial security by \$55,844.00. The motion was seconded by Mr. Toddes and carried.**

Mr. Knoebel also reported that the Township has received a bond reduction request for 1990 Biglerville Road (former Sunny Daze development) from the Adams County Housing Authority. Mr. Knoebel has produced a memo dated May 25, 2021 which recommends that financial security in the amount of \$17,517.00 be retained. **Mrs. Ramsburg made a motion to retain \$17,517.00 seconded by Mr. Phiel and carried.**

Mr. Knoebel reported that the Henry King Greenhouses Land Development Plan proposes the construction of two greenhouses on an existing improved farm of about 121 acres located in the Agricultural zoning district along Horner Road. Mr. Knoebel has prepared a memo dated May 24, 2021 and feels that the plan is ready for approval with the receipt of Adams County Planning Commission's comments that were received today. He added that there is one request to waive the requirement to submit a Preliminary Plan. **Mr. Brauning made a motion to grant the waiver to Section 303 requiring submission of a preliminary plan seconded by Mr. Toddes and carried. Mrs. Ramsburg made a motion seconded by Mr. Phiel and carried to approve the Henry King Greenhouses Final Plan subject to the comments from KPI's memo dated May 24, 2021 being addressed.**

Mr. Knoebel reported that the next item is the Meadow View Townhomes Final Land Development Plan and 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. Mr. Knoebel has prepared a memo dated May 24, 2021 that lists the outstanding items that need to be addressed on the plan. The memo notes several waivers that were previously granted with the Misty Ridge preliminary plan that was reviewed under the prior ordinance and two additional waivers that are being requested from the current Subdivision and Land Development Ordinance (SALDO). Mr. Knoebel went over the items that are still outstanding and he recommended approval contingent upon all outstanding items being addressed. **Mr. Toddes made a motion to approve the following waivers to Sections 504.3.A.4, 504.3.C.13, 401.4.D and 404.11 of the prior ordinance in effect at the time of preliminary plan approval seconded by Mr. Brauning and carried. Mr. Brauning made a motion seconded by Mrs. Ramsburg and carried to grant the two additional waivers being requested from the current SALDO: 507.2.A.2.a. – to create a slope greater than 10% within 20 ft. of a property line (lot 2) and 405.1.A to reduce the driveway / access drive width from 12 feet to 10 feet within 10 feet of the street right-of-way line except handicap residential units which driveways will be 12 feet including the addition of an angled driveway radii.** Mr. McDowell agreed to the addition. Mr. Knoebel went over the remaining outstanding items, many of which have been addressed. **Mr. Toddes made a motion seconded by Mr. Brauning and carried to approve the Meadow View Townhomes Final Plan contingent upon all of the outstanding items in Mr. Knoebel’s May 24, 2021 memo being addressed.**

Lastly, Mr. Knoebel reported that they have prepared a Watershed Planning and Restoration Grant application in the amount of \$175,000.00 and he asked the Board if they would be willing to do a 10% match for this grant, if awarded. **Mrs. Ramsburg made a motion to authorize the preparation of a commitment letter for a 10% match of the grant seconded by Mr. Phiel and carried.**

Mr. Thomas reported that the Township has two conditional use requests. The first for a self-service storage facility in the VMX zoning district from Mr. and Mrs. James Michael Knefley on Solomon Road. The second from Artillery Ridge Campground to permit an expansion to the campground, also located in the VMX zoning district, along Taneytown Road. Mr. Thomas recommended that the hearings be scheduled prior to the next regular meeting on June 22, 2021 starting at 6:00 P.M. and 6:30 P.M. respectively. **Mr. Toddes made a motion to schedule the hearings as recommended by Mr. Thomas seconded by Mr. Phiel and carried.**

**Police Report:** Police Chief Don Boehs presented a written and oral report of police activities for the month of April 2021 including: 286 complaints, 18 traffic stops, 5 traffic accidents, 27 targeted enforcements, 11 combined arrests, 6,386 patrol miles and 23 walk-in complaints. He added that they assisted other agencies 4 times and they were assisted 14 times. There were three assists to Pa. State Police. Police Chief Boehs also reported that the SRO had 18 calls for service and attended a Safety and Security Training. Police Chief Boehs reported that the calls of interest were a threat of a mass shooting at Transitions, a stabbing at Artillery Ridge Campground, one child sex abuse case and a pistol whipping at the Eisenhower Inn during a swim party. **Mr. Toddes made a motion seconded by Mr. Brauning and carried to acknowledge the appointment of Acting Sergeant Steve Higgs as the DUI Coordinator for the Traffic Safety Resource Center. Mr. Toddes made a motion to authorize the acceptance of all grant funds for DUI patrols, DUI checkpoints, Child Safety Seats, Buckle Up PA etc. The motion was seconded by Mr. Phiel and carried.**

#### **Active Business:**

Mr. Thomas reported that the Township has received a letter from Barlow Volunteer Fire Co. requesting funding assistance with the purchase of a new special response vehicle for personnel transports. Mr. Thomas reported that other departments are going to smaller vehicles that more people can drive to get

personnel out to the call. He added that the estimated cost of the proposed vehicle is \$60,000.00 and Barlow is requesting fire funding in the amount of \$30,000.00. He also added that they are not sure when they will be ordering the vehicle. This item will be discussed later under Finance Committee.

Mr. Thomas acknowledged the receipt of an application from Mid-Atlantic Interstate Transmission LLC filed pursuant to the approval and construction of the Hunterstown-Orrtanna 115 kV Transmission Line project located in Highland, Franklin, Butler, Cumberland and Straban Townships. He added that the review process is ongoing until May 15<sup>th</sup> of next year and the Township does not have jurisdiction over this project.

Mr. Thomas reported that two members of the Planning Commission: Steve Tallman and Barbara Underwood, would be willing to serve on the Historical Architecture Review Board (HARB). **Mr. Brauning made a motion to appoint Steve Tallman to the HARB seconded by Mr. Toddes and carried.**

Mr. Thomas reported that in searching the U S Census website, it appears that as of July 1, 2019 the Township's census is 6,258. He added that the Census took place in 2020 and we are awaiting those results.

Mr. Thomas reported that the Governor and Centers for Disease Control and Prevention (CDC) have relaxed the Covid restrictions for those who have received the vaccine (after two weeks) and the Township can make its' own restrictions. Mr. Thomas recommended that there be no more than 25 people in the meeting room at one time and the Township could continue to have people participate via Zoom. **Mr. Phiel made a motion to hold the meetings in a hybrid form that would allow no more than 25 people in the meeting room at one time as well as continuing the Zoom platform and the requirement to wear a mask inside the Township Building will continue until further notice. The motion was seconded by Mrs. Ramsburg and carried.**

Mr. Thomas reported that the Township has received the paperwork for the annual renewal of the Gunn-Mowery documents to perform the administrative services for the Township's HRA. **Mr. Toddes made a motion seconded by Mrs. Ramsburg and carried to authorize staff to execute the Gunn-Mowery documents.**

**FINANCE COMMITTEE:** Mr. Phiel reported the committee is recommending the purchase of one Dodge Durango and one Dodge Charger with upfitting and the sale of the Caprice Sedan and Dodge Tahoe driven by the SRO. He added that the new vehicles go to the front line for patrol. **Mr. Toddes made a motion to approve the purchase of two police vehicles and the sale of two police vehicles, as described by Mr. Phiel, seconded by Mr. Brauning and carried.**

Mr. Phiel reported that the committee is recommending that fifteen streetlights located on Deatrick Drive be upgraded from sodium vapor to LED and approximately eight streetlights that are in front of the new Gettysburg Ridge apartments be retired because the new buildings have their own post lights. He added that the estimated cost for this work is \$2,100.00 and has been budgeted. **Mrs. Ramsburg made a motion to approve the described improvements as described by Mr. Phiel seconded by Mr. Toddes and carried.**

Mr. Phiel also reported that the committee recommends transferring \$50,000.00 from the General Fund to the Capital Reserve Fund, as budgeted. **Mr. Toddes made a motion to approve the transfer as described by Mr. Phiel seconded by Mrs. Ramsburg and carried.**

Mr. Phiel reported that staff is still looking into the American Rescue Plan funds. Mr. Thomas suggested

that the Board schedule a full workshop regarding the funds once the Township knows exactly how much money the Township will be receive in 2021 and 2022. Solicitor Wisner reported that the state has provided a list of application materials that the Township will have to submit in order to receive the funds. He added that the state will use this information to calculate the allocation, the initial rough estimate was \$770,000.00 and the Township has additional time to use the funds.

Mr. Phiel reported that the Township has received two requests from Barlow Fire Company for Fire Tax funding for the 4<sup>th</sup> Qt., 2020, in the amount of \$15,995.92 and the 1<sup>st</sup> Qt., 2021, in the amount of \$35,967.78. There was also a request (discussed earlier) for a contribution of \$30,000.00 for the purchase of another vehicle to transport personnel. Mr. Phiel stated that the recommendation from the Finance Committee is to give them 50% of each of their requests and this still leaves a healthy balance in the Fire Tax Fund since the Township has not gotten any requests from Gettysburg Fire Dept. yet. **Mrs. Ramsburg made a motion to approve the request, as recommended by the Finance Committee, seconded by Mr. Toddes and carried.**

Lastly, Mrs. Stouck-Phiel reported that she has been attending the Municipal Waste Hauling Contract meetings and they would like to get the bid documents done before Bicky Redman retires at the end of the year. Mrs. Stouck-Phiel also reported that the next step is to meet with the other municipalities in our group and the next contract will begin March 1, 2022.

**SOLICITOR:** Solicitor Wisner reported that there are two Security Agreement Resolutions for the Adams Co. Historical Society and the Gettysburg Area School District and these agreements are being made in lieu of these two entities providing financial security in the form of a bond or letter of credit. Solicitor Wisner added that the Escrow Agreements give the Treasurer authorization to release the funds as the projects are completed and to go to the bank if the developer defaults on their obligations and to have the funds released to the Township.

#### **RESOLUTION 2021-09**

**A RESOLUTION OF THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY, PENNSYLVANIA, AUTHORIZING THE CUMBERLAND TOWNSHIP TREASURER OR ASSISTANT TREASURER TO ACT AS AGENT ON BEHALF OF THE TOWNSHIP IN ACCORDANCE WITH THE ESCROW AGREEMENT BETWEEN ADAMS COUNTY HISTORICAL SOCIETY, MEMBERS 1<sup>ST</sup> FEDERAL CREDIT UNION, AND THE TOWNSHIP OF CUMBERLAND.**

**Mrs. Ramsburg made a motion seconded by Mr. Toddes and carried to adopt Resolution 2021-09.**

#### **RESOLUTION 2021-10**

**A RESOLUTION OF THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY, PENNSYLVANIA, AUTHORIZING THE CUMBERLAND TOWNSHIP TREASURER OR ASSISTANT TREASURER TO ACT AS AGENT ON BEHALF OF THE TOWNSHIP IN ACCORDANCE WITH THE ESCROW AGREEMENT BETWEEN GETTYSBURG AREA SCHOOL DISTRICT, ACNB BANK AND THE TOWNSHIP OF CUMBERLAND.**

**Mr. Phiel made a motion seconded by Mr. Toddes and carried to adopt Resolution 2010-10.**

Solicitor Wisner presented the Open Space revisions to the Zoning and Subdivision and Land Development (SALDO) Ordinances prepared by the Planning Commission. Solicitor Wisner highlighted some of the revisions including updating and making the definition of Open Space the same in each ordinance; no less

than 50% of the Open Space shall include developable acreage; standards were included; the Composition, Use, Ownership and Maintenance of Open Space and Historic Resource preservation. Solicitor Wisner stated that the Board would have to adopt the list of historic resources (in the old Comprehensive Plan) again if the proposed Open Space Ordinance is adopted. He also stated that revisions to the Zoning Ordinance and SALDO will require that a public hearing be held and that would need to be scheduled.

Solicitor Wisner also presented a proposed revision to the Township’s Sign Ordinance. He stated that they had started with the Political Sign provisions but, realized that there were more revisions needed. Solicitor Wisner stated that this proposed revision would also need to have a public hearing so the Board may want to do this along with the Open Space amendment. Mr. Thomas recommended that the Board take the proposed revisions to the Sign Ordinance home to review and give Solicitor Wisner direction at the June meeting.

The last item that Solicitor Wisner reported on was a Well Isolation Distance Exemption Agreement between Richard M. Jackson and the Township’s Sewage Enforcement Officer (SEO), Gil Picarelli. Solicitor Wisner stated that this is done from time to time when the isolation distance between the septic system (being replaced) and the well cannot be met. He added that if the landowner is willing to sign the agreement, then the Township is held harmless and indemnified for allowing the landowner to proceed with the installation of the septic system. **Mr. Toddes made a motion to authorize the execution of the agreement once it is in final form and acceptable to the Solicitor, SEO and Township Manger and include that the property owner is responsible for paying all costs associated with the agreement prior to the sale of the property. The motion was seconded by Mr. Brauning and carried.**

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

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

**Park and Recreation** – Mr. Toddes reported on the Rec Park activities, fireworks will be held on July 4<sup>th</sup>.

**Planning and Zoning** – Mr. Thomas reported that the committee met last week and continue to review definitions and Zoning sections.

**CTA** – Mr. Toddes reported that they are doing some upgrades at the South Plant and they are getting the rights-of-way for the Boyd’s School Road extension.

**COG** – meets Thursday

**CT411** – Mr. Brauning asked if a decision has been made on hiring another Police Officer and also promoting Detective Higgs to Sergeant and this will be discussed in Executive Session.

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

**Manager**– Reminder – June 5<sup>th</sup> from 8:00 A.M. until 10:00 A.M. E-cycling here at the Township.

The Zoning Officer and Treasurer’s reports were reviewed.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 8:54 P.M. for an Executive Session with no action to follow.

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Carol A. Merryman, Secretary

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