

**Cumberland Township Board of Supervisors
Minutes of the June 28, 2011 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairman Waybright. Present were Supervisors Waybright, Underwood, Golden and Phiel; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Boehs, and Engineer Tim Knoebel. Visitors present were: Dale Molina, Carolyn Greaney, Al Ferranto, Rich Kitner, Speros Marinos, Stephen Tallman, Elizabeth Magner, Stan Clark, Pete Martin, J.R. Crushong, Carl & Jeannette Athey, Scot Pitzer from The Gettysburg Times and Tim Prudente from The Evening Sun. The meeting was tape recorded.

Supervisor Shealer was absent.

Chairman Waybright led the Pledge of Allegiance.

The Supervisors reviewed minutes from the May 5 and May 19, 2011 Workshops and from the May 24, 2011 Regular Meeting. They also reviewed minutes from the June 9, 2011 Planning Commission Meeting. Mrs. Underwood stated she should be added to the attendance from the June 9, 2011 Planning Commission Minutes.

Mrs. Underwood made a motion to approve the Minutes of the May 5 and May 19, 2011 workshops along with the May 24, 2011 regular meeting, as presented, seconded by Mr. Phiel and carried.

Mr. Phiel made a motion to pay the bills in the amount of \$97,761.17 from the General Fund, \$8,084.45 from the State Fund and \$6,995.00 from the Capital Reserve Fund seconded by Mrs. Golden and carried.

Engineer's Items: Mr. Knoebel reported the following:

Misty Ridge Bond Amount Approval:

In regards to the Misty Ridge Bond approval there are still a few items that need to be resolved before they can recommend approval. Mr. Knoebel presented a copy of the final plan to the board in reference to Phase I and what has been completed with the project and what is still outstanding. Mr. Knoebel stated that the portion that will ultimately be offered for dedication to the Township will be Misty Ridge Road storm drains within the right of way and also sewer and water to the appropriate authorities. Mr. Pete Martin representing the Misty Ridge Project reviewed the history of the project including the bond that was originally set for the project when it began. Mr. Martin explained what was originally submitted and questioned why what they submitted is no longer valid. Mr. Wiser, Township Attorney, stated that the bond was never posted and that was why the Memorandum of Understanding (MOU) was developed which Misty Ridge consented to. With the MOU a new bonding amount had to be submitted to the Township Engineer for review. Mr. Knoebel reassured that the bonding amount has not changed to any real extent but the bigger disagreement seems to be with the concerns the Township Engineer has in regards to the plan. Mr. Knoebel reviewed the comments from the plan. Mr. Martin and Mr. Knoebel discussed the comments with the Board. Mr. Thomas recommended that the board and Misty Ridge try to come up with an agreement to get these problems resolved. Mr. Thomas added that the Developers Agreement still needs to be signed. We are awaiting an escrow account fund that needs to be paid. Once we receive those funds Mr. Thomas agreed that the Developers Letter will address the financial security questions but it must first be ratified. Mr. Martin respectfully asked the board for an amount to be given for the bond so the developer can continue with the progress. Mr. Wiser stated that the as-built and inspection fees can be covered in an escrow account and those monies could come off of the bond amount. A portion of the proposed bond as it stands right now would go away and be placed in an escrow account. The escrow amount will be for the balance of Phase 1 that has not been constructed. Mr. Martin stated he would coordinate a letter with their attorney to get this finished. Mr. Martin then discussed the storm water basin with the Board and Engineer. Mr. Thomas then recommended that Mr. Martin come up with an Engineering Estimate for bonding and forward that to KPI and to the Township Office for review. Once it is received it can be reviewed within 24-48 hours and a response given back to them.

Ms. Golden made a motion to approve the bonding and escrow amount as reviewed and approved by the Township Engineer and the Township Manager subject to the ratification of the Board of Supervisors at their next meeting. Second by Mr. Phiel. Motion Carried.

Comfort Suites Update on Land Development Plan Submission:

Mr. Knoebel stated this plan will be provided two weeks from today, June 28, 2011. Mr. Thomas reaffirmed there was a software issue with the surveyor which prevented the plan from being submitted.

Ms. Underwood made a motion to set the date of July 12, 2011 for this plan submission. Second by Ms. Golden. Motion Carried.

Public comment:

Mr. Speros Marinos spoke in regards to the Strategic Plan for the Township.

Mr. Al Ferranto spoke regarding water issues he and the Concerned Citizens have with the Township. He also spoke of the outdated Comprehensive Plan and also his disfavor of Mr. Jim Paddock not being reappointed to the Planning Commission.

Police Report:

Police Chief Boehs presented a written and oral report of police activities for the month of May including 444 complaints, 37 combined arrests, 63 traffic stops, 14 traffic accidents and 10,196 patrol miles. He added that they assisted other agencies 9 times and they were assisted 4 times. Chief Boehs reported that they were some problems with transient merchants in the Township.

Active Business:

Ag Security Area Application:

Mr. Thomas explained that he has contacted the owner of the property Elizabeth Magner in regards to her possibly funding this application due to her missing the open enrollment period for these type of applications. Ms. Magner explained that she didn't realize there was a window of time in which she could apply and that she did not have a deadline period in which she wanted this to be approved just as long as it was approved before the County's opening period in March of 2012. Mr. Wisner asked Ms. Magner to provide the Township with a letter extending her requirements on the Ag Security Area this way the process could be put on hold and the Board wouldn't have to approve or disapprove the application.

Ms. Underwood made a motion to table the Ag Security Request pending the extension letter from the applicant and pending information from Adams County. Second by Mr. Phiel. Motion Carried.

Purchase of Administrative Vehicle:

Mr. Thomas asked for affirmation from the Board for the purchase of a 2002 Trailblazer for office use at \$6995.00 from Kyner's Auto Sales in Fayetteville PA.

Mr. Phiel made a motion for approval of the purchase of the 2002 Trailblazer. Second by Ms. Underwood. Motion Carried.

Response from PennDOT for Breams Hill and Rte. 116 Intersection:

Mr. Thomas recommended that the board acknowledge and table any action on this item until the 2012 budget process begins. Mr. Phiel stated that the Board does agree with the concept abandoning the road but it takes money to accomplish it which was not budgeted for this year and until we can get the money to complete it that is going to keep us from moving forward. Mr. Phiel was hoping the money could come from the 2012 budget. **Ms. Golden made a motion to table any action on the Breams Hill Road and Route 116 Project. Second by Ms. Underwood. Motion Carried.**

New Business:

Marty E. Tipton Conditional Use Hearing

Mr. Thomas recommended that at the next regular meeting which will be July 26, 2011 at 6:45 p.m. the Board hear the application for the Marty E. Tipton Subdivision which is requesting a conditional use to construct two lots for single family dwellings in the MX Zone. At this time the Planning Commission will have reviewed and gave their recommendations.

Ms. Golden made a motion to hear the Conditional Use Application for the Marty E. Tipton Subdivision at the July 26, 2011 Meeting at 6:45. Second by Ms. Underwood. Motion Carried.

Police Solicitation Permit Proposed Ordinance:

Mr. Waybright stated that Mr. Wisner gave the Board some sample ordinances from other Municipalities regarding solicitation permits for review. Mr. Wisner explained that this request was due to concerns from the Chief in regards to recent fraudulent solicitations within the Township. Mr. Wisner stated, these examples given are for consideration from the Board and at the next Workshop meeting they discuss them in more depth or give the approval for us to come up with our own concepts for an Ordinance for the Township.

Ms. Underwood made a motion to table the Police Solicitation Permit Ordinance for further review and discussion by the Board. Second by Mr. Phiel. Motion Carried.

Authorize Township Manager to attend necessary meetings and hearings to endorse CTA Willoughby Run Pump Station project.

Mr. Thomas explained which hearings he would be attending.

Ms. Golden made a motion to authorize the Township Manager to attend the necessary meetings and hearings to endorse the Cumberland Township Authority Willoughby Run Pump Station project. Second by Mr. Phiel. Motion Carried.

Reports:

Mr. Thomas had nothing to report.

The Zoning Officer and Assistant Secretary's reports were reviewed.

Solicitor:

Solicitor Wisner reported that they are currently in Act 111 negotiations with the Police Department and that there is some potential that the Township may enter into arbitration and if this happens the Township will need to appoint an arbitrator. He presented information for an arbitrator that he recommended to the Board and asked the Board for approval to use his services if an arbitrator is actually needed.

Ms. Underwood made a motion to appoint Mr. Kenneth Jarin to act on behalf of the Township on Act 111 arbitrations if needed. Second by Ms. Golden. Motion Carried.

Chairman Waybright announced the members of the Zoning Amendment Review Committee as follows:
For the Supervisors, Ms. Underwood and Chairman Waybright with Ms. Golden as an alternate.
For the Planning Commission, Jim Henderson and Carl Athey with Barry Stone as an alternate.
For the CTA, Mike Galassi
For the Zoning Board, Lori Bridel
Resident, Tom Clowney
Staff Members, Ben Thomas, Bill Naugle and Carol Merryman

At 8:32 p.m., Chairman Waybright adjourned the regular meeting for an Executive Session to discuss a personnel issue with no report to follow.

Michele Long

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_____) Supervisors
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