

**Cumberland Township Board of Supervisors
August 26, 2014**

**6:30 P.M.
PUBLIC HEARING
AMUSEMENT TAX ORDINANCE 2014-153**

Chair Underwood called the hearing to order at 6:30 p.m. Those present were Supervisors Underwood, Waybright, Toddes, Ferranto and Paddock; Solicitor Sam Wiser, Zoning Officer William Naugle, Police Chief Don Boehs, Secretary Carol Merryman and Court Reporter Deb Zepp; approximately 12 residents and Abbey Zelko from the Gettysburg Times.

Chair Underwood turned the proceedings over to Solicitor Wiser and testimony was taken regarding the proposed Amusement Tax Ordinance. The hearing was adjourned at 7:00 p.m. Stenographer Deb Zepp recorded the hearing. Please see transcript for the entire record of the hearing.

**7:05 P.M.
MEETING MINUTES**

The regular meeting was called to order at 7:05 p.m. by Chairperson Underwood. Present were Supervisors: Underwood, Paddock, Ferranto, Toddes and Waybright; Solicitor Sam Wiser, Police Chief Don Boehs, Zoning Officer Bill Naugle, and Secretary Carol Merryman. Others present were: Barry and Jean Stone, Dale Molina, Carolyn Greaney, Steve Tallman, Speros Marinos, Jim Brown, A.J. Aldrich, Don Kauffman, Terry Sheldon, Steve Hemler, Greg Giaffes, Joseph Macaluso, Esquire and Abbey Zelko from The Gettysburg Times. The meeting was recorded.

Chairperson Underwood led the Pledge of Allegiance.

Mr. Ferranto made a motion to approve the Minutes of the July 17, 2014 workshop and July 22, 2014 meeting seconded by Mr. Waybright and carried 5 yeas - 0 nays.

Mr. Waybright made a motion to pay the bills, in the amounts of \$171,074.45 from the General Fund, \$904.00 from the Escrow Fund, \$25,773.50 from the Park and Rec Fund, \$77,335.11 from the Fire Tax Fund and \$32,476.81 from the Capital Reserve Fund seconded by Mr. Toddes and carried 5 yeas -0 nays. General Fund expenditures include a \$35,000.00 transfer to Capital Reserve Fund and a \$14,803.98 transfer to Fire Tax Fund.

Engineer/Plans:

Zoning Officer Bill Naugle reported that the Adams Electric Final Subdivision Plan proposes two lots, one of which is a new building lot and is located on South Avenue. He added that the plan was reviewed at the workshop. **Mr. Waybright made a motion seconded by Mr. Toddes to approve the Adams Electric Cooperative Final Plan contingent upon the applicant addressing the comments in Mr. Knoebel's August 18, 2014 memorandum. The motion carried 5 yeas – 0 nays.**

Zoning Officer Bill Naugle also reported that the next agenda item is a two-lot subdivision for William L. Hemler, Jr. located on Belmont Road. He added that there is a Sewage Planning Exemption that needs action to be sent to PaDEP for their approval and Cumberland Township Authority has provided a letter of adequate capacity to go along with the submission to PaDEP. **Mr. Waybright made a motion to approve the Sewage Planning Exemption for the William L. Hemler Final Plan to be forwarded to PaDEP seconded by Mr. Toddes and carried 5 years – 0 nays. Mr. Waybright also made a motion to approve the William L. Hemler Final Plan subject to the comments in Mr. Knoebel’s August 18, 2014 memorandum seconded by Mr. Ferranto and carried 5 years – 0 nays.**

Lastly, Zoning Officer Bill Naugle reported that Harvest Investment Group, LLC is seeking approval of their Sewage Planning Exemption to be forwarded to PaDEP for their proposed Assisted Living and Memory Care Facility known as Gettys Point located on the corner of Table Rock Road and Boyd’s School Road. He added that Cumberland Township Authority has provided the letter of adequate capacity for this project. **Mr. Toddes made a motion to approve the Sewage Planning Exemption for Harvest Investment Group, LLC seconded by Mr. Ferranto and carried 5 years - 0 nays.**

Public Comment:

Mrs. Jean Stone, 1745 Mummasburg Road, presented a letter, which she also read aloud, regarding a letter from Dr. Gregory P. Martin regarding the Keller property. She stated that Dr. Martin’s letter indicated that there were “no noticeable dusts or odors” found on July 2, 2014. She also stated that the ammonia odor was so strong one evening in early June that it burned her throat and sinuses and the dust covers the air filters of their lawn mowers and small balls of this dust substance are left in the filter compartments.

Mr. Speros Marinos, 912 Baltimore Pike, asked the Township to fairly enforce the Amusement Tax Ordinance. He also stated the Cumberland Township Historical Society will be working with the Township on the 265th Anniversary on October 13th and he needs to meet with Mr. Thomas again regarding it. He added that there will also be activities at the Gettysburg Times Building on that day. He stated that he is happy to see that our Police Department works closely with the other law enforcement entities. Lastly, he reported that Mt. Joy Township is doing a Comprehensive Plan and doing it very quickly.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of July including: 415 complaints, 107 traffic stops, 71 combined arrests, 5 traffic accidents, 22 targeted enforcements and 16,020 patrol miles. He added that they assisted other agencies 16 times and they were assisted twice.

Active Business:

Chair Underwood stated that the Board is ready to take action on Kenneth Stake’s application for inclusion in the Township’s Agricultural Security Area. Solicitor Wisner stated that Supervisors Toddes and Ferranto were not present at the hearing, but they have received a copy of the transcript and have had

an opportunity to review it and become familiar with the proceedings that occurred. Mr. Paddock stated that he will be recusing himself from the vote. **Mr. Waybright made a motion to approve Kenneth's Stakes' application for inclusion of his property, located at 1590 Mummasburg Road, in the Township's Agricultural Security Area seconded by Mr. Toddes and carried 4 years – 0 nays. Supervisor Paddock did not vote.**

Chair Underwood reported that the Manager and Economic Development Committee (herself and Supervisor Ferranto) met with Adams County Economic Development Corporation, a representative from Gettysburg Area School District, a representative from Adams County Office of Planning and Development and County Commissioners, to discuss the Local Economic Revitalization Tax Assistance Act (LERTA.) She added that they are thinking about LERTA for the Schindler Elevator property and the Board is in agreement that the Township should proceed with a meeting with the School District and County to further discuss this and all of the taxing bodies will have to be willing to participate. Solicitor Wisner explained that LERTA allows for any improvements made to the building to not be taxed at the full amount for a period of up to ten years and the base tax level stays unchanged.

Chair Underwood reported that the Board needs to take action on requests for funds from the Fire Tax. The requests are from Gettysburg Fire Department, in the amount of \$55,085.31, and Barlow Fire Department, in the amount of \$22,249.80. Chair Underwood also reported that Gettysburg's request was amended. **Mr. Ferranto noted that both departments followed the Memorandum of Understanding in making their requests and made a motion to authorize the payment for both requests as stated above seconded by Mr. Paddock and carried 5 years – 0 nays.**

Solicitor:

Solicitor Wisner reported that a Public Hearing was held at 6:30 p.m. prior to the regular meeting regarding the Amusement Tax Ordinance. He explained that some non-substantial revisions had been made to the ordinance and a revised copy of the ordinance had been placed on the Township's website. Solicitor Wisner went through the changes which included; spelling corrections, additional examples and clarifications, an additional section added to Section 104 regarding exemption and a change to the remittance of the tax to once per month rather than twice per month. **Mr. Toddes made a motion to adopt Ordinance 2014-153 Amusement Tax Ordinance with the changes seconded by Mr. Waybright and carried 5 years – 0 nays.**

Committee Reports and comments from Board Members:

Chair Underwood reported that Mr. Toddes made a request at the workshop, on behalf of the Gettysburg Area Recreation Authority (GARA), for the Township to purchase a tractor for use at the Rec Park using Park and Rec funds. She added that Mr. Toddes had a price from O.C. Rice that was through the State COSTARS program and he had been asked to get a price from a company that is located in the Township. Mr. Toddes did get a price from the other company located in the Township and the price from O. C. Rice was cheaper. **Mr. Toddes made a motion to purchase a 26 hp tractor, for \$15,065.44 from O.C. Rice with Park and Rec funds seconded by Mr. Ferranto and carried 5 years – 0 nays. Mr. Paddock made a motion to authorize Solicitor Wisner to draw up a lease agreement to be entered into with GARA in the event that there is dissolution between the Township and GARA, the tractor will come back**

to the Township seconded by Mr. Ferranto and carried 5 yeas – 0 nays. Mr. Toddes thanked the Board on behalf of GARA.

Staff Reports:

The Zoning Officer and Secretary's reports were reviewed.

The meeting was adjourned at 7:45 p.m.

Carol A. Merryman, Secretary

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_____) Supervisors
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