

**Cumberland Township Board of Supervisors
Minutes of the January 28, 2014 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairperson Underwood. Present were all Supervisors: Underwood, Paddock, Toddes, Waybright and Ferranto; Manager Ben Thomas, Jr., Solicitor Sam Wisner, Zoning Officer Bill Naugle, Police Chief Don Boehs, Secretary Carol Merryman and Township Engineer Tim Knoebel. Others present were: Dale Molina, Carolyn Greaney, Steve Tallman, Don Kauffman, Speros Marinos, Elizabeth Magner, Barry and Jean Stone, Phyllis Gilbert, representatives from Greenmount Volunteer Fire Company, Bob Sharrah, Braden Mahley, Terry Sheldon, Mark VanWeelden and Bill Piszczek from Advanced Disposal and Vanessa Pellechio 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 December 17, 2013 regular Meeting and January 6, 2014 Reorganization Meeting seconded by Mr. Toddes and carried.

Mr. Toddes made a motion to pay the bills, in the amount of \$108,806.31 from the General Fund, \$171.08 from the Traffic Impact Fund, \$3,601.81 from the Escrow Fund, \$6,263.20 from the Park and Rec Fund and \$118.44 from the State Fund seconded by Mr. Waybright and carried.

Visitors: General Manager Mark VanWeelden and Site Manager Bill Piszczek from Advanced Disposal, the new company for the Township's trash hauling and recycling, acknowledged that there were start-up problems. Mr. VanWeelden reported that they feel that these problems have now been resolved and are ready to respond to the communities' needs. He added that they have issued credits to the customers that requested them due to not getting their equipment in a timely manner. The Board then asked questions and they responded. They explained that they will supply the Township with their route sequences, will do robo-calls to notify customers if their trash will not be picked up for some reason, will make sure that the cans will be placed back the way that they were found, will respond to complaints within 24 hours and have a route supervisor present during the Township pick-up. The Board then expressed their dismay with the amount of time that the Township staff had to spend with phone calls, emails and complaints from residents. Mr. Thomas stated that he feels that during the first few weeks of January, Advanced was in violation of the contract. He added that the Township should be remunerated for staff time and legal expenses. Solicitor Wisner reiterated that the Township citizens should not be subsidizing Advanced Disposal's business by the Township being their call center and the Township's goal is to be made whole for any out-of-pocket expenses and for the residents to get good service. He added that they will be hearing from him and Mr. Thomas regarding the amount owed to the Township. Mr. VanWeelden stated that he would be happy to discuss this with them. Mr. Thomas asked for weekly email updates that he will share with the Supervisors and residents via the website and Mr. VanWeelden agreed to provide that also.

Mr. Steve Tallman, 62 Bittern Drive, expressed his disappointment with Advanced's customer service, hold times and lack of returned calls. He also stated that he was supposed to receive a trash tote about 10 days ago and he has never received it.

Mrs. Jean Stone, 1745 Mummasburg Road, expressed her disappointment with the notification (postcard) that was sent out to the residents from Advanced that did not tell the residents what they needed to do. She added that she went to their website when she received the postcard and Cumberland Township was not even listed. She also reported that she did not get her second letter until December 31st and pick-up was in three days. She stated that she felt that they "dropped the ball" from the very beginning.

Engineer/Plans:

Mr. Knoebel reported that the Township received a request for a bond release for the Western Gateway Project – Seminary Site Improvements project. Mr. Knoebel has prepared a memo dated January 22, 2014 that recommends that the financial security for this project may be released. He added that there is a Stormwater Management Operations and Maintenance Agreement for the project. **Mr. Ferranto made a motion to release the financial security, in the amount of \$60,308.00, seconded by Mr. Toddes and carried.**

Mr. Knoebel also reported that there are three requests for extension on the agenda. The first is from Robert Sharrah, on behalf of the Judy Miller Final Plan. The Board asked for an update on this subdivision since it has been extended many times. Mr. Sharrah explained that the plan is for her estate planning and they need to get a sewer line to the lot or post financial security. The Board asked Mr. Sharrah if he would make the extension request for one year rather than 90 days and he agreed that he would and follow up with an amended request. **Mr. Toddes made a motion to grant a 12-month extension for the Judy Miller Final Plan seconded by Mr. Paddock and carried.**

The second request is for the Gettysburg Municipal Authority Lot Addition Plan. Mr. Knoebel reported that this project is located in Gettysburg Borough with only a small piece of the property located within the Township. He added that the Township has deferred the review of this plan to the Borough. Mr. Terry Sheldon, consultant for the project, reported that they do have Gettysburg Borough's approval of the plan. **Mr. Waybright made a motion to approve the plan subject to receiving plans approved and signed by Gettysburg Borough seconded by Mr. Toddes and carried.**

Mr. Knoebel reported that the third request is for a 60-day extension for Scott and Michelle Milhimes who are awaiting action on their Conditional Use application and that is on tonight's agenda. **Mr. Ferranto made a motion to grant the 60-day extension request for Scott and Michelle Milhimes seconded by Mr. Waybright and carried.**

Mr. Knoebel reported that the Greenmount Area Act 537 Plan update was discussed at length at the workshop and a draft copy of the plan was provided to the Supervisors for their review. The next step is for the Board to authorize advertisement of the plan. The plan would have a thirty-day comment period, go to the Township and County Planning Commissions and finally a public hearing would be held. After the plan is adopted by the Township it would go to PaDEP for their approval and the design and construction will take about two years. He added that PaDEP directed this action. Solicitor Wisner stated that no agreement has been reached with Timeless Towns yet and if it cannot be, the Township will attach the draft agreement that was presented to Timeless Towns. **Mr. Toddes made a motion to advertise the Act 537 Plan amendment seconded by Mr. Waybright and carried.**

Public Comment:

Mrs. Jean Stone, 1745 Mummasburg Road, thanked the Township for placing the Notification Resolution on the home page of the website and reported that she could not access the Agenda page and there is a problem with the website. Mrs. Stone also stated that she received a copy of the complaint for the Keller poultry operation from the District Justice's office and it only mentions the driveway. She added that there is no mention of the second stormwater basin that has never been installed and they are concerned why it was not included. Solicitor Wisner stated that the document speaks for itself and the Township cannot comment on a pending enforcement action. She added that she hopes that the complaint will be amended to include the stormwater basin not being installed.

Mr. Bob Signor, 525 Herr's Ridge Road, asked the Board to pass on a comment to Mr. Shealer. He thanked him for his work on the roads both in summer and in winter and feels that he should be recognized for his service. Chair Underwood reported that Mr. Shealer will be at the next meeting to

receive recognition from the Board for his many years of service on the Board.

Mr. Speros Marinos, 912 Baltimore Pike, reported that the Historical Society has a new address, has money in their budget for the Township name signs at the boundaries and are planning a birthday party for the Township and would like to discuss this further in the future. He also thanked the road crew for replacing the road sign in front of his business that was damaged, complimented the Police Department and office staff. Mr. Marinos also congratulated Chair Underwood and Supervisor Paddock. Mr. Marinos also asked the Board to work on the Comprehensive Plan and Zoning update.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of December including; 336 complaints, 97 traffic stops, 69 combined arrests, 15 traffic accidents, 8 targeted enforcements and 13,032 patrol miles. He added that they assisted other agencies 9 times and they were assisted twice. Chair Underwood reported that Officer Daniel Barbagello is now a certified Police Chaplain and was recently appointed the state director of the American Police Chaplains' Association and the Township is very proud of him. She added that his services are being offered to other Emergency Services personnel in the community. Mr. Thomas reported that the Township and Gettysburg Borough each received a \$2,500.00 check from Anheuser Busch that was dedicated to public safety costs during the 150th Anniversary of the Battle of Gettysburg. He reported that the Township will also receive money from the State for expenses incurred during the 150th.

Active Business:

Chair Underwood reported that the Township held a public hearing on December 17, 2013 for an application for Conditional Use from Harvest Investment Group, LLC for an Assisted Living and Memory Care facility. Solicitor Wiser stated that not all Supervisors were in attendance at that hearing, but they have been provided with the transcript and all exhibits, are well informed with the proceedings and are able to participate in voting on this matter. After some discussion Solicitor Wiser summarized the conditions that had been discussed as follows:

1. The applicant obtains any and all necessary Highway Occupancy permits for the entrance and egress points shown on the plan.
2. The applicant submits a Land Development Plan that meets all of the requirements of the Subdivision and Land Development Ordinance.
3. The applicant complies with Part 5 of the Code of Ordinances – Historic District.

Mr. Ferranto made a motion to grant Conditional Use approval to Harvest Investment Group, LLC with the three conditions noted above by Solicitor Wiser seconded by Mr. Toddes and carried.

Chair Underwood also reported that the Township held a public hearing on January 6, 2014 for a Conditional Use application from Scott and Michelle Milhimes for an expansion of their existing auto repair facility on Chambersburg Road. Solicitor Wiser reported that the Milhimes' existing facility is located on the same property as their home and the expansion will be going on an adjoining property that the Milhimes have acquired and that is why the conditional use approval was necessary. He added that the prior approval had two conditions: hours of operation from 8 a.m. – 5 p.m. and no vehicles can be stored on the property for more than 30 days. The Planning Commission recommended that the alley that is shown on the plan be maintained and Mr. Paddock asked that the shrubbery buffer also be maintained.

Mr. Toddes made a motion to approve the Conditional Use application with the four conditions mentioned seconded by Mr. Paddock and carried.

The Board affirmed their action taken at the workshop to authorize the Township's participation in the Pa. Department of General Services "COSTARS" purchase program for vendor: Valley Quarries, by motion of Mr. Waybright, seconded by Mr. Paddock and carried.

The Board also affirmed their action taken at the workshop to authorize the Township's participation in the Adams County Council of Governments (ACCOG) 2014 bid/purchase program by motion of Mr. Paddock seconded by Mr. Toddes and carried.

Solicitor: Nothing further to report.

Committee Reports and comments from Board Members:

Public Safety - Chair Underwood reported that the committee recommends replacing the full-time officer that resigned by interviewing current/interested part-time officers for the full-time position and this will have a positive effect on the budget since the new officer will start at a lower rate of pay. **Mr. Toddes made a motion to authorize the vacancy in the Police Department to be filled by a status-change from part-time to full-time seconded by Mr. Waybright and carried.**

Park and Recreation - Mr. Toddes reported that the Gettysburg Area Recreation Authority (GARA) has a Memorandum of Understanding for 2014 ready for the three entities: GARA, Gettysburg Borough and the Township to sign. He added that Gettysburg Borough has already signed the MOU and made their first installment payment. **Mr. Ferranto made motion to adopt the Memorandum of Understanding with Gettysburg Borough and GARA seconded by Mr. Waybright and carried. Mr. Ferranto also made a motion to authorize the first installment payment to GARA, in the amount of \$25,773.50 be paid from the Park and Rec Fund seconded by Mr. Paddock and carried.** Mr. Toddes also reported that they are planning a dog park to be opening in the summer. The Board thanked Mr. Toddes for all of his hard work and effort on this project.

Finance – Chair Underwood reported that the committee is recommending the replacement purchase of a power washer, in the amount of \$4,133.43, and bulk oil purchase for the Police vehicles, in the amount of \$767.80 for the synthetic oil and \$642.20 for the metered pump system. **Mr. Ferranto made a motion to approve the purchases seconded by Mr. Paddock and carried.**

Chair Underwood reported that she did speak with Adam McClain regarding the questions about the storm drain markers and he indicated that he is just starting the process and will have to do some research. The Board agreed that they are interested in getting some more information as long as there is no cost to the Township.

Staff Reports:

Mr. Thomas reported that he and Mr. Ferranto attended the York Adams Tax Bureau meeting and they elected officers: President – Dennis Luckenbaugh from North Codorus Township, First Vice-President – Ron Harris from Carroll Valley Borough, Second Vice-President – Leah Pritchett from North Eastern School District, Secretary – Patricia Shaub from Hopewell Township and Treasurer – Jean Green from Railroad Borough. They also approved appointment of committees and for 2010 will be sending out a total distribution of \$692,000.00. He added that York Adams Tax Bureau did not collect for the Township in 2010. He added that their collection cost is 1.7%.

Mr. Thomas also reported that a contract was signed with Constellation Energy to supply the Township's electricity at a 42% reduction in cost from .888 to .624 per Kwh.

Mr. Thomas also reported that we have received a signed Memorandum of Understanding back from Greenmount Fire Company and Gettysburg and Barlow Fire Companies still have some questions that they need answered by their legal counsel.

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

Solicitor Wisner reported that the Board held an Executive Session yesterday from 10:00 a.m. until 11:30 a.m. regarding contractual matters and real estate matters.

Mr. Brad Poland, Chief Greenmount Fire Company, introduced some of their new officers for 2014: Assistant Chief – Darrell Poland, President - Whitney Shifflet and Troy Reaver - Deputy Chief.

There being no further business, the meeting was adjourned at 8:45 p.m.

Carol A. Merryman, Secretary

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