

**Cumberland Township Board of Supervisors  
Minutes of the August 25, 2015 Meeting 6:00 P.M.**

The regular meeting was called to order at 6:00 p.m. by Chair Underwood. Present were all Supervisors: Underwood, Toddes, Waybright, Paddock and Ferranto; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Zoning Officer Bill Naugle, Engineer Tim Knoebel and Secretary Carol Merryman. Others present were: Dale Molina, Carolyn Greaney, Speros Marinos, Steve Tallman, Barry and Jean Stone, Don Kauffman, Elizabeth Magner, Peggy Keating-Butler, John Philips, Riley Hollingsworth, Zach Gulden, Bob Sharrah, Rich Leatham, Martin Hill, Jim Piet and Ken Knox from The Gettysburg Times. The meeting was recorded.

Chair Underwood led the Pledge of Allegiance.

Solicitor Wiser made the following public statement:

“The Township on August 17, 2015 received a copy of the written decision rendered by the Zoning Hearing Board (ZHB) in the Matter of Brandon Keller. The Board has also received a letter from one of the parties requesting that the Board undertake additional actions. The Board has asked the solicitor to prepare a response to the letter. State law provides that the Zoning Hearing Board is an independent ‘quasi-judicial’ body having exclusive jurisdiction over the Keller matter in accordance with the Pennsylvania Municipalities Planning Code. The Township must abide by the Zoning Hearing Board’s decision, unless altered by a reviewing Court. The Zoning Officer, nor the Manager, has the authority to override the Zoning Hearing Board’s decision. The parties to the Zoning Hearing Board proceeding will have to ability to determine whether or not they desire to appeal the decision, if they so choose, to the Adams County Court of Common Pleas.” Solicitor Wiser answered several questions from the residents regarding the conditional use approval, non-conforming use and appealing a ZHB’s decision.

**Mr. Ferranto made a motion to approve the Minutes of the July 9 and 15, 2015 workshops and July 28, 2015 meeting seconded by Mr. Toddes and carried.**

Mr. Thomas reported that the Public Safety Committee recommends the reimbursement to Barlow Volunteer Fire Company (in accordance with the Fire Tax Memorandum of Understanding) that appears on the Fire Tax bill list. **Mr. Paddock made a motion to approve the bill lists in the amounts of: \$142,669.07 from the General Fund, \$1,492.50 from the Escrow Fund, \$17,242.46 from the Fire Tax Fund, \$11,728.21 from the State Fund and \$5,101.23 from the Capital Reserve Fund seconded by Mr. Waybright and carried.**

**Engineer/Plans:**

Mr. Knoebel reported that he has been working with the developers of Cannon Ridge, Phase 1 and 2, and Cumberland Village, Phase 1A and 1B on requests for dedication of the roadways and related public improvements in each development. He added that he has prepared a memo for each development dated August 4, 2015 that details the work that remains to be done. He explained that the Township has a cut-off date of September 1<sup>st</sup> set by PennDOT to have everything submitted to them to receive the Liquid Fuels funds for the new roadways. He also explained that he is recommending that the maintenance bond period for Cannon Ridge, Phase 1 and 2, be increased to coincide with the expiration of the subsequent future maintenance security for Phase 3 due to the continued use of the streets by construction vehicles to access Phase 3. He added that the developer is in agreement to do that. Mr. Knoebel stated that the Board does not meet again before September 1<sup>st</sup> and he is recommending that the developers keep on working towards getting everything completed and when completed offer the roadways for dedication. He added

that the proposal is that since no Liquid Fuels funds will be received, the developers will pay the Township an amount equal to what would have been received and the Township will provide the winter maintenance for the roadways. Mr. Paddock asked about the failure of Herr's Ridge Road near the Doehring property and Mr. Knoebel stated that this is addressed in a separate agreement with the developer. Mr. Paddock also asked about the intersection of Herr's Ridge Road and Fairplay Road and the possibility of it becoming a three-way stop intersection and there being a sign installed directing traffic down Fairplay Road to Route 116. Mr. Thomas stated that this has been reviewed by the Board on and off since he started working here and he would like to see a decision made. He added that a traffic study is required for a three-way stop intersection and if the Board is so inclined that should be authorized. Mr. Thomas reported that the directional sign was designed years ago and that can be moved forward. **Mr. Ferranto made a motion to move forward with the installation of a directional sign at the intersection of Herr's Ridge Road and Fairplay Road and to get a price to do a traffic study for a three-way stop intersection seconded by Mr. Paddock and carried.**

**Solicitor Wiser recommended the following action: Mr. Toddes made a motion to authorize the preparation and advertisement of the necessary ordinances to open and ordain the following streets in Cumberland Village, Phase 1A and 1B; Woodhaven, Bobolink, Waxwing, Bittern and Fairplay Roads when deemed appropriate by the Township Engineer, Roadmaster and Manager seconded by Paddock and carried. Mr. Ferranto made a motion to authorize Solicitor Wiser to prepare an amendment to the Developer's Agreement or a separate agreement for the Liquid Fuels reimbursement for Cumberland Village, Phase 1A and 1B seconded by Mr. Toddes and carried.**

**Solicitor Wiser recommended similar action for Cannon Ridge, Phase 1 and Phase 2 with the additional action item to address the maintenance security. Mr. Ferranto made a motion to authorize the preparation and advertisement of the necessary ordinance to open and ordain all or a part of, as applicable: Battalion, Regiment, Brigadier, Cannon Ridge Way and Sabre, when deemed appropriate by the Township Engineer, Roadmaster and Manager seconded by Paddock and carried. Mr. Ferranto made a motion to authorize an amendment to the existing Developer's Agreement for Cannon Ridge to address the maintenance security as presented by the Township Engineer with the extension through completion of the Phase 3 improvements as well as address the Liquid Fuels reimbursement if that becomes necessary seconded by Mr. Paddock and carried.**

#### **Public Comment:**

Zach Gulden, 1595 Herr's Ridge Road, asked the Supervisors to support the purchase of police body and vehicle cameras for the Police Department. He gave results of several studies that supported the use of the cameras and reported that their use reduced the "use of force" incidents. Mr. Gulden also reported that the Biglerville Police Department currently uses the body cameras and Gettysburg Borough is looking into it. Mr. Gulden stated that he feels that it is a "win-win" situation for everyone and he is hoping that a local business will help fund this cause.

Jean Stone, 1745 Mummasburg Road, stated that it appears that the website's search engine is no longer working and it did in the past.

Don Kauffman, 56 Bittern Drive, reported that he attended the Regional Comprehensive Plan meeting on August 17, 2015 and noticed that Cumberland Village is labeled as a "new development or re-development area." He added that he could not get an answer as to what "re-development" meant. He stated that he wants to see the historical nature of the Township maintained and is not interested in large retail/commercial establishments coming into the area. Mr. Paddock explained the "growth area" and offered to talk with him further at another time.

Speros Marinos, 912 Baltimore Pike, on behalf of the Cumberland Township Historical Society, reported that they had 103 people attend their meeting last evening and they had a program for the 250<sup>th</sup> anniversary of the creation of the Mason-Dixon Line. He added that there will also be a celebration at the Mary Penn Bed and Breakfast on Saturday in honor of the anniversary. Mr. Marinos reported that the society has reached out to Mt. Joy Township to join them. Mr. Marinos stated that the Comprehensive Plan is a road map for the future, but it is not binding.

Elizabeth Magner, 470 Belmont Road, reported that she cannot use her heat in the winter and when it is nice out, she cannot open her windows because of the stench. She asked if it is any use to fill out a complaint form and Solicitor Wiser stated that it absolutely is.

Jean Stone, 1745 Mummasburg Road, stated that every month she submits a letter to the Supervisors and she never gets a response. She added that she is still waiting to hear how the Township is going to deal with the Vector Management and Mortalities Plans. Solicitor Wiser assured Mrs. Stone that her letters are read and the matters are looked into and often times the matters do involve enforcement actions that are not subject to disclosure. Solicitor Wiser stated that the Township is internally reviewing the question on the Vector Management and Mortalities Plans. Mr. Ferranto suggested that the Township/Supervisors at least acknowledge that the letter or complaint is received and they will take the matter up at a workshop.

#### **Police Report:**

Police Chief Don Boehs presented a written and oral report of police activities for the month of July including; 704 complaints, 386 traffic stops, 245 combined arrests, 6 traffic accidents, 26 targeted enforcements and 13,300 patrol miles. He added that they assisted other agencies 20 times and they were assisted four times.

#### **Active Business:**

Chair Underwood stated that Barlow Volunteer Fire Company's request for reimbursement, in the amount of \$17,242.46, was approved in the bills list as recommended by the Public Safety Committee.

Mr. Thomas reported that the Adams County Conservation District is asking for permission to install metal educational storm drain markers above suitable storm drains that are located in the Township's rights of way. **Mr. Ferranto made a motion to authorize the Conservation District to install the educational markers on suitable storm drains that are located in the Township's rights of way seconded by Mr. Paddock and carried.**

Mr. Thomas also reported that the Township's Emergency Operation Plan has been updated by Dave Sanders, Township Emergency Management Coordinator, and it needs approval. **Mr. Toddes made a motion to approve the Cumberland Township Emergency Operations Plan seconded by Mr. Waybright and carried.**

**Solicitor** – Solicitor Wiser reported that the Township received a letter from Rhoades and Owen, Pension Consultant, requesting that an ordinance be adopted amending the Police Pension Plan to keep it in compliance with the Internal Revenue Service's requirements as follows:

#### **ORDINANCE 2015-160**

**AN ORDINANCE OF CUMBERLAND TOWNSHIP RELATIVE TO THE ESTABLISHMENT AND MAINTENANCE OF THE POLICE EMPLOYEES PENSION, ANNUITY, INSURANCE AND BENEFIT FUND OR FUNDS, TO AMEND CERTAIN PROVISIONS OF THE PENSION PLAN AND OR PROGRAM APPLICABLE TO THE POLICE EMPLOYEES OF SAID TOWNSHIP.**

Solicitor Wisner added that the ordinance has been duly advertised and is ready for action. **Mr. Ferranto made a motion to adopt Ordinance 2015-160 seconded by Mr. Toddes and carried.**

Solicitor Wisner asked that the status of the Police Collective Bargaining Agreement Memorandum of Understanding be discussed in Executive Session.

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

**Finance** – Mr. Ferranto reported that the committee will meet on Wednesday, September 2, 2015 at 2:00 p.m.

**Public Safety** – Chair Underwood reported that the committee met with Barlow Volunteer Fire Company and approved their reimbursement.

**Planning and Zoning - Regional Comprehensive Plan** – Chair Underwood stated that she was glad to hear that some residents attended the public session.

**Park and Rec** – Mr. Toddes stated that Cumberland Township is doing their fair share with the Gettysburg Area Recreation Authority.

**Personnel** – Mr. Thomas reported that the Road Department has a new employee (Colton Cooper) starting on Monday.

**Highway, COG, CTA, GMA** – No reports.

**Economic Development** – Chair Underwood, Mr. Toddes, Mr. Paddock and Mr. Thomas attended an event last evening regarding Local Economic Revitalization Tax Assistance Act (LERTA) and Tax Increment Financing (TIF.)

**Staff Reports:**

Mr. Thomas reported that the paving of Park Avenue and Kinsey Drive will start tomorrow and it will be a four day process.

The Zoning Officer and Secretary’s reports were reviewed.

Unless otherwise noted, all votes were unanimous.

At 7:30 p.m. the meeting was adjourned for an Executive Session to discuss collective bargaining matters with no action to follow.

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Carol A. Merryman, Secretary

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