

**Cumberland Township Board of Supervisors  
1370 Fairfield Road, Gettysburg, PA 17325  
Minutes of the August 23, 2016 Regular Meeting**

The regular meeting was called to order at 7:00 p.m. by Chair Underwood. Present were all Supervisors: Underwood, Waybright, Toddes, Shealer and Paddock; 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: Barry and Jean Stone, Al Ferranto, Dale Molina, Carolyn Greaney, Doug and Nita Gross, Speros Marinos, Zach Gulden, Fred Heerbrandt, Hannah Rice, Steve Tallman, Sharon Martin, Court Reporter Deb Zepp, Attorney Gary Hartman, Bill Monahan, Lester Hollis, Ellie Siegel and reporter Ken Knox and Harry Hartman from The Gettysburg Times. The meeting was recorded.

Chair Underwood led the Pledge of Allegiance.

**Mr. Toddes made a motion to approve the Minutes of the July 26, 2016 Regular Meeting and August 4, 2016 Workshop, seconded by Mr. Shealer and carried.**

**Mr. Waybright made a motion seconded by Mr. Shealer and carried to approve the bills and transfers as follows: Bills - \$103,248.96 from General Fund, \$917.50 from the Escrow Fund, \$34,590.35 from the Capital Reserve Fund and \$50,213.30 from the Fire Tax Fund. Transfers - \$38,220.05 from General Fund to Health Insurance Account, \$37,500.00 from General Fund to Capital Reserve Fund and \$6,257.50 from Escrow Fund to General Fund.**

At 7:03 p.m., as advertised, Chair Underwood called the Public Hearing to order for the Agricultural Security Area proposed addition of 491 Sachs Road, consisting of 60.49 acres and owned by Stanley W. and Louise S. Hull (deceased) Hannah H. Rice, Executor. Solicitor Wiser conducted the hearing and it was transcribed by Court Reporter Deb Zepp. Please see the transcript for the entire record of the hearing. The hearing was closed at 7:09 p.m.

**Mr. Toddes made a motion to approve the request to add the Stanley W. and Louise S. Hull (deceased) property, located at 491 Sachs Road, to the Cumberland Township Agricultural Security Area. The motion was seconded by Mr. Waybright and carried.**

At 7:10 p.m., as advertised, Solicitor Wiser presented Ordinance No. 163 of 2016, an ordinance amending and supplementing the Special Events Permit Ordinance. Solicitor Wiser explained that the Township has received many requests for modification to the current ordinance; most often to the insurance requirements and those requirements have been adjusted. Solicitor Wiser also reported that the ordinance has been duly advertised and is ready for adoption. Solicitor Wiser went over the proposed modifications and answered questions from the Board and public. The insurance requirement was discussed at length.

**Mr. Shealer made a motion seconded by Mr. Toddes and carried to adopt the ordinance as follows:**

**ORDINANCE NO. 163 OF 2016**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13, PART 2 OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF CUMBERLAND, REGARDING SPECIAL EVENTS PERMITS WITHIN THE TOWNSHIP OF CUMBERLAND**

Mr. Thomas introduced Mr. Lester Hollis, CEO of Illinois Grown Medicine, and stated that Mr. Hollis is interested in placing a medical cannabis operation in Cumberland Township that would be regulated by the Pa. Dept. of Health. Mr. Hollis and his associates, Mr. Bill Monahan, Managing Partner, and Ms. Ellie

Siegel, Director of Compliance, of Adams Compassion Care gave a Power Point presentation. The proposed location is the former Schindler Elevator Manufacturing site at 1200 Biglerville Road. The facility would grow and process medical marijuana and from there it would be delivered to dispensaries. Their projected timeline is to be Pa. licensed by March 2017 and to be delivering their product by January 2018. The business will provide 40 – 70 well-paying jobs and they will hire locally. There will be a “host sharing agreement” that will benefit the Township, County and local non-profit organizations. Mr. Hollis and his associates answered questions from the public and Board members. Mr. Thomas concluded by stating that, based on the information received this evening, the Township staff will now be making a zoning determination, in consultation with Solicitor Wiser, and will try to get that out as soon as possible.

**Public comment:**

Mr. Zach Gulden, 1595 Herr’s Ridge Road, commented on the health insurance renewal process, cost increase and benefits. Mr. Gulden also stated that many residents of the Township cannot afford a tax increase because they are on a fixed income.

Mrs. Jean Stone, 1745 Mummasburg Road, stated that she found it difficult to copy portions of the Township’s ordinances since the change in the codification services and suggested that enforcement of the Sign Ordinance (Code Enforcement) should not be the responsibility of just one person and the Road crew, Police officers, other staff and even residents should have knowledge of the ordinances and report infractions when encountered.

Mr. Speros Marinos, 912 Baltimore Pike, reported that the Cumberland Township Historical Society will be having a tour of the Barlow Fire Department on Monday the 29<sup>th</sup> and the public is invited to attend, but there is limited parking. Mr. Marinos also asked that the zoning be updated.

**Engineer/Plans:**

Mr. Knoebel reported that the Township has received a request on behalf of Timeless Towns of the Americas, Inc. for a 60-day time extension for the Township to take action on their land development plan and he would recommend approval of the request.

Mr. Knoebel also reported that the Township has received a second request on behalf of Timeless Towns of the Americas, Inc. requesting a waiver from Sections 410.D.2.f, 505.1.G.6 and 505.3 of the Subdivision and Land Development Ordinance (SALDO.) He added that these sections establish the requirement for security to provide for the long term operation and maintenance of the private sewage disposal system and for the formation of an association to operate and maintain the system. Mr. Knoebel reported that they put some level of control into the SALDO back when there were several new private systems being proposed and it has always been a requirement. Mr. Knoebel further explained that it is usually addressed in a Planning Module and in this case, Timeless Towns is not required to submit a module, but they are required to submit a land development plan. Mr. Knoebel also reported that part of the requirements is for an association to be formed and this is something that the Township can take a look at. Solicitor Wiser reported that he did find Notices of Violation for the years 2011, 2012, 2013 and 2014, has received a copy of the draft Consent Order and Agreement from Pa. Department of Environmental Protection noting the deteriorating condition of the wastewater treatment facility and he feels that the Township is taking the correct actions.

**Mr. Shealer made a motion to grant the 60-day time extension for Timeless Towns of the Americas, Inc. seconded by Mr. Paddock and carried.**

**Mr. Paddock made a motion to deny the request for waiver to the SALDO requirements because Timeless Towns of the Americas, Inc. has not shown a record of responsibly operating and**

**maintaining the system as is stated in their letter of request and is proven otherwise by information provided by Solicitor Wiser. The motion was seconded by Mr. Shealer and carried.**

Mr. Knoebel also reported that the Township has received a request for a 90-day extension from Yingst Engineers and Associates, Inc., on behalf of Keystone Service Systems, Inc., for the Township to take action on their land development plan. **Mr. Waybright made a motion to grant the request for 90-day time extension seconded by Mr. Shealer and carried.**

Mr. Knoebel gave an update on the MS-4 workshop that he attended. He explained that back in August, 2015, the Township received a letter giving notice that the Township has “urbanized areas” that will require the Township to apply for coverage under the Municipal Separate Storm Sewer System permits (MS-4.) He added that this program has been in place for some time and it is a Federal Government trickle-down from Environmental Protection Agency (EPA) to Pa. Dept of Environmental Protection (PADEP.) Mr. Knoebel reported that the wastewater treatment people already do a permit similar to this and it will involve an annual report and fee of \$500.00. Mapping, public education, control of construction related stormwater run-off, an ordinance (that we already have) and a housekeeping system are required. He stated that the Township is in both the Chesapeake Bay and Potomac drainage so there will be different pieces that the Township will have to comply with. Mr. Knoebel added that the Notice of Intent (application) is due September 17, 2017, the Township will be getting a formal notice next March and the Township should start laying out a plan and determining costs to get in the budget.

#### **Police Report:**

Police Chief Don Boehs presented a written and oral report of police activities for the month of July including: 312 complaints - Psych/suicide-2, Disturbances-10, Assault/Harassment-7, Domestic-9, Criminal Mischief-2, Suspicious Activity-21, Thefts-4, Alarms-17, Medical Emergency-12, 911 Hang Up-5 and Sexual assault-1, Burglary-2, Cruelty to Animals-1; 245 traffic stops, 88 combined arrests, 13 traffic accidents, 11 targeted enforcements and 9,335 patrol miles. He added that they assisted other agencies 11 times and they were assisted three times. Police Chief Boehs reported that they have had 775 Oak Lawn Cemetery complaints, 141 walk-in complaints and they had DUI checkpoints in various locations on Friday and Saturday nights last weekend and made numerous arrests. Chief Boehs added that they have made twelve DUI arrests on Biglerville Road this month and he will be having an evening meeting with the residents in late September.

#### **Active Business:**

Mr. Thomas reported that the Township sold two surplus police vehicles through the website “Municibid” for \$2,900.00 and \$2,550.00 and should be leaving the Township’s ownership in the next week or so. He added that the vehicles had been advertised for bid and no bids were received.

Mr. Thomas also asked the Board to review a draft ordinance amending Chapter 19, Part 1, Section 113 of the Code of the Township of Cumberland regarding Political signs and the 30 day provision. Mr. Thomas stated that he feels that this 30 day provision is very hard and time consuming to enforce and it becomes a criminal act if not complied with, making it unreasonable. He added that, respectfully, he does not feel that it is reasonable to have other staff members leave their already busy duties to go knock on people’s doors to ask them to remove the signs. Solicitor Wiser stated that the two days to have the signs removed is remaining in the ordinance and he would like to see a portion of (d.) removed that states that signs erected in violation of the regulations shall be removed and impounded by the Township. **Mr. Shealer made a motion seconded by Mr. Waybright and carried to authorize Solicitor Wiser to draft an ordinance amending Chapter 19, Part 1, Section 113 regarding “Political Signs”, including deleting Section 1.(d).**

Police Chief Boehs reported that the Finance Committee is recommending the purchase of a Hewlett-Packard Co. (HP) ProLiant ML350 computer server dedicated for use by the Police Department, housed in a secure area and accessible only by police personnel as required by the Criminal History Record Information Act. He added that the projected cost of the equipment is \$15,934.00 and the department did receive a \$5,000.00 grant from Wal-Mart to help offset the cost that is budgeted for 2016. **Mr. Shealer made a motion seconded by Mr. Toddles and carried to authorize the purchase of the dedicated HP server for the Police Department, in the amount of \$15,934.00.** The need for three phone quotes was discussed and this can be done online. **Mr. Shealer amended his motion to include: contingent upon receiving two additional phone quotes (for the purpose of audit) seconded by Mr. Toddles and carried.**

Police Chief Boehs also reported that they would like authorization from the Board to seek civic organization funding for the purchase of vests, helmets and shields necessitated by today's environment. He added that these purchases were not budgeted for 2016. **Mr. Shealer made a motion to authorize the Police Department to seek civic organization funding for the purchase of vests, helmets and shields seconded by Mr. Toddles and carried.**

Mr. Thomas reported that the Traffic Impact Fee Advisory Committee recruitment is going well and the following people have agreed to serve: Mike Galassi, Rod Simpson, Clarence Andrew, Dave Sites, Riley Hollingsworth and Pat Abell. Mr. Thomas thanked Mr. Paddock for his willingness to serve, but explained that the law does not permit elected officials to be on the committee. Mr. Thomas reported that members of the Planning Commission can serve on the committee and Barry Stone volunteered to serve. **Mr. Toddles made a motion to affirm the members of the committee, as stated by Mr. Thomas, seconded by Mr. Shealer and carried.**

Mr. Thomas reported that the seal coat project is complete and they are very pleased with results, the Ralumac treatment is in progress and should be completed by Thursday and the Herr's Ridge Road, between Mummasburg Road and Biglerville Road, paving project should be completed next week.

**Solicitor:** Nothing further to report.

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

**Public Safety** – Chair Underwood reported that they will be meeting with Congressman Perry next week regarding some possible payments in lieu of taxes for services rendered by emergency services personnel to the National Park Service.

**Finance Committee** – Police server recommendation

**Buildings and Grounds** – gathering information

**Planning and Zoning** – Chair Underwood reported that there will be a briefing held for municipal officials regarding the Joint Comprehensive Plan on October 12, 2016 from 6:00 p.m. – 8:00 p.m. and October 20, 2016 briefing for public 6:00 p.m. – 8:00 p.m. both meetings are being held at the Ag Center.

**Parks and Recreation** – Mr. Toddles reported that things are going well at the Rec Park, tournaments were just held, they are working on a new playground, seeking donations to upgrade the stagecoach out front and volleyball will be starting soon.

**CTA** – Mr. Shealer reported that they are working on funding and plans for when the bridge on SR 0116 at the bottom of the hill is replaced by PennDOT that will require relocation of the sewer line.

**COG** – Chair Underwood reported that the meeting is on Thursday of this week and a suggestion has been made to see if a certified fire training facility can come about in Adams County.

**Highway, Personnel, and Economic Development** – no reports

**Staff Reports:**

**Manager** – Nothing further to report.

The Zoning Officer reported that renovations to the Adams County building at Herff Jones will be starting soon and he is very close to issuing the building permits for Mr. Marinelli (Grandview Station) and Misty Ridge.

The Secretary's report was reviewed.

Unless otherwise noted, all votes were unanimous. There being no further business, the meeting was adjourned at 9:40 p.m.

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Carol A. Merryman, Secretary

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