

**Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
Minutes of the December 15, 2016 Regular Meeting**

**** The Public Hearing advertised for 6:30 p.m. this evening for the Martin K. P. Hill Zoning Text Change was postponed and will be rescheduled.**

The regular meeting was called to order at 7:00 p.m. by Chair Underwood. Present were Supervisors: Underwood, Waybright, Toddes and Paddock; Manager Ben Thomas, Jr., Solicitor Stephen Coccorese, Zoning Officer Bill Naugle, Police Chief Don Boehs, Engineer Tim Knoebel and Secretary Carol Merryman.

Chair Underwood led the Pledge of Allegiance.

Mr. Toddes made a motion to approve the Minutes of the October 12, 2016 Central Adams Joint Comprehensive Plan Meeting, November 17, 2016 workshop and November 22, 2016 regular meeting, as presented, seconded by Mr. Paddock and carried.

Mr. Paddock made a motion seconded by Mr. Waybright and carried to approve the bills and transfers as follows: bills - \$42,022.62 from General Fund and \$273.50 from the Escrow Fund, transfers - \$39,082.15 from General Fund to Health Insurance Account and \$40.00 from Traffic Impact Fee Fund to General Fund.

Engineer/Plans:

Mr. Knoebel reported that the DeSimon Estate/Bette Rinehart Preliminary/Final Plan proposes the re-subdivision of an approximate 5 acre parcel creating five (5) new lots for future homes and six (6) lot additions to adjacent improved lots. He added that all lots are in the Residential (R) zoning district and will have public water and sewer. Mr. Knoebel also reported that the Planning Commission has recommended approval of the plan but, the developer is still addressing comments. Mr. Knoebel stated that the Sewage Planning Exemption does need action tonight so that it may be forwarded on to PaDEP and the "willingness to serve" letter has been received from the Cumberland Township Authority. **Mr. Waybright made a motion to approve the Sewage Planning Exemption being forwarded to PaDEP for their review and approval seconded by Toddes and carried.**

Mr. Knoebel updated the Board on the Keystone System Services Land Development Plan proposed for Barlow Greenmount Road. He reported that a meeting was held with the developer and a revised plan was received on the 13th and is currently under review.

Mr. Knoebel reported that the Township has received a letter requesting a 60 day time extension for the Board's review of the Timeless Towns of the Americas Final Land Development Plan so they can continue to work on the Developer's Agreement. **Mr. Paddock made a motion to approve the request for a 60 day extension for the review of the Timeless Towns of the Americas Plan and to require an update from the developer before another extension is granted seconded by Mr. Waybright and carried.**

Mr. Knoebel updated the Board on the waiver request to the MS-4 requirements. He reported that the waiver request is due to PaDEP by December 31, 2016. He added that they are required to do the mapping to go with the request and they do have a draft and will provide it to the Township next week.

Public comment:

Chair Underwood asked that any resident who wishes to speak to the taxes wait until that item comes up later on the agenda. (Approval of the 2017 Budgets and Tax Resolution)

Mr. Bob Signor, 525 Herr's Ridge Road, informed the Board that he had attended some meetings at Straban Township and they allowed residents to ask questions and the Board answered them and he asked why the Cumberland Supervisors do not answer questions or have dialog with the residents. Mr. Signor also commented on the Herr's Ridge Road paving project that was done this summer.

Mr. Doug Gross, 938 Barlow Greenmount Road, stated that he started looking at the revised Keystone System Services Plan that he got today and he is still seeing inconsistencies, contradictions and things that have not been addressed so he will hold his comments at this time and be prepared for the next meeting.

Mr. Speros Marinos, 912 Baltimore Pike, thanked the Board for trying to establish a waiver for MS-4. He added that he feels that funding for the police and road departments needs to continue, reported two safety concerns on Baltimore Pike and asked that the zoning be updated.

Mr. Al Ferranto, 501 Knight Road, also commented on the Herr's Ridge Road paving project.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of November including: 453 complaints - Psych/suicide-4, Disturbances-3, Assault/Harassment-2, Domestic-13, Criminal Mischief-1, Suspicious Activity-11, Thefts-1, Alarms-9, Medical Emergency-12, 911 Hang Up-2, Sexual assault-2, Burglary-1, Fraud-2, Wanted Person-2, Reported Drug Activity-3, Welfare checks-2, Shots Fired -1; 156 traffic stops, 98 combined arrests, 23 traffic accidents, 30 targeted enforcements and 6,608 patrol miles. He added that they assisted other agencies seven times and they were assisted once. The assists to Pa. State Police were one in Franklin Township and two in Biglerville Borough. Police Chief Boehs reported that they have had over 800 Oak Lawn Cemetery complaints and 87 walk-in complaints (in half of the month).

Active Business:

Mr. Thomas reported that the Township has received three requests for Fire Tax funding. The requests are from Gettysburg Fire Department, in the amount of \$26,470.69, and two requests from Barlow Fire Department, in the amount of \$13,399.29 and \$26,794.62, totaling \$40,193.91. Mr. Thomas also reported that all of the requests meet the Memorandums of Understanding. Mr. Thomas also reported that Gettysburg does have a significantly higher call volume than Barlow. **Mr. Paddock made a motion to approve a \$15,000.00 reimbursement to Barlow Fire Department and the full \$26,470.69 reimbursement to Gettysburg Fire Department seconded by Mr. Toddes and carried.**

Mr. Thomas asked the Board to set a conditional use hearing for Harrington Brothers, LLC for an application requesting for them to operate the building located at 40 Knight Road as a home, garden sales, service and repair business in the Village Mixed Use (VMX) zoning district. **Mr. Waybright made a motion to schedule the conditional use hearing for Harrington Brothers, LLC for January 24, 2017 at 7:30 p.m. seconded by Mr. Toddes and carried.**

Mr. Thomas also reported that the gas pumps have been out of service for about a month and we have received two quotes for the replacement of the outdated software and hardware. The first quote is from PWI, Inc., in the amount of \$8,857.00 and the second from L&H Mechanical and Electrical Services, Inc., in the amount of \$6,434.20. Mr. Thomas added that Mr. Larry Plank of L&H is not charging any labor

since he is a Cumberland Township business owner and the Finance Committee has recommended the expenditure. **Mr. Toddes made a motion to accept the bid (and to thank) L & H Mechanical, in the amount of \$6,434.20, seconded by Mr. Paddock and carried.**

Mr. Thomas reported that the Township received a Municipal Survey for Service and Training from the Adams County Office of Planning and Development. Mr. Thomas added that he believes that the biggest question is if the Township would like the County's assistance with the Zoning Ordinance update that follows the completion of the Joint Comprehensive Plan. The Board agreed that they would like the County's help wherever possible and Mr. Thomas will respond to the survey.

Mr. Thomas explained that in 2008 the Township joined in a consortium for negotiation of a Cable Franchise Agreement. He added that the Township has received a quote from the law firm that the Township worked with in 2008 and are obtaining a quote from the law firm of Salzmann and Hughes. Mr. Thomas reported that we will have all of the quotes available at the meeting on January 3, 2017 and would like to have that as an agenda item.

Mr. Thomas reported that the Township has been working on zoning and text changes for probably going on three years. He added that the changes have been reviewed and re-reviewed by the Township and County Planning Commissions and the Board has received all of the comments for their review. Mr. Paddock pointed out that there were three comments from County Planning not incorporated in the changes and the Board and staff agreed to incorporate them. **Mr. Paddock made a motion to set a public hearing on the zoning and text changes for February 28, 2017 at 6:30 p.m. seconded by Mr. Waybright and carried.**

Mr. Thomas also asked the Board to set a date for the Board, staff and Planning Commission to re-review the proposed DRAFT Comprehensive Plan Land Use Map; specifically the 11 points the staff presented jointly to the Planning Commission and Board in early November. He recommended that a workshop be held in January. The workshop date would be January 19th and Mr. Thomas will check with the Planning Commission to see if they can make a morning workshop. The time will be confirmed at the January 3, 2017 meeting.

Mr. Thomas presented the 2017 proposed Budgets and Tax Resolution. Mr. Thomas reported that the General Fund Budget was given preliminary approval with a .25 mill real estate tax increase and included additional expenditures for an additional full-time and part-time employee, office logistics and equipment, additional legal expenses for both the Road Department (due to their notice of intent to unionize) and for negotiation of a new Cable Franchise Agreement, an additional transfer to the Capital Reserve Fund to fund police vehicles and road maintenance equipment, additional debt principal payment or future building renovations. He stated that these additional expenditures totaled \$173,855.00. Mr. Thomas reported that the Township had a good budget year in 2016, should be ending the year with a \$297,000.00 year-end surplus and explained the reasons for the surplus. Mr. Thomas also explained that the Township does long-range forecasting and does not see that trend continuing and for that reason a .25 mill tax increase was entertained. Mr. Thomas reported that the Finance Committee and staff have been meeting regularly, reviewing budget line items, monitoring our revenues and expenditures and the Township's fund balance is growing. He added, for that reason, we are suggesting no tax increase with the General Fund millage rate holding at 1.5 mills, but citizens should be advised that future General Fund Budgets will be a challenge and will require another hard look at discussing a real estate tax increase so we don't deplete our "savings" or have to reduce services.

The following residents spoke regarding a tax increase, some suggested ways that the Township could cut expenses and some supported the Township's financial management: Zach Gulden, 25 Apple Ave.; Steve Tallman, 29 Bittern Drive (representing Cumberland Village Homeowner's Association - many opposed to a tax increase); Charles Lidard, 27 Bobolink Dr.; Althea Riley, 2525 Emmitsburg Road; Ron Rock, 839

Boyd's School Road; Terri Matlock, 111 Bittern Dr.; Mr. Riley Hollingsworth, 580 Herr's Ridge Rd.; Mr. Ken Zaveckas, 151 Tiffany Lane, Mr. Ken Caudill, 40 Hospital Rd., Mary Colvern, 69 Bittern Dr. and Al Ferranto, 501 Knight Rd.

Mr. Waybright made a motion to adopt all 2017 Budgets and 2017 Tax Resolution with the Real Estate Tax Millage remaining 1.5 mills with no increase seconded by Mr. Toddes and carried unanimously.

2017 CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA TAX RESOLUTION

BE IT RESOLVED THAT the Tax Millage for 2017 is set at 1.5 mills Real Estate for General Fund purposes and an additional .25 mills for restricted Fire Department funding purposes (Fire Tax).

BE IT RESOLVED THAT the Per Capita Resolution of 1953 is re-enacted for 2017 without change. The tax rate is \$5.00; two percent (2%) discount; and ten percent (10%) penalty.

BE IT RESOLVED THAT the Earned Income and Profits Tax Ordinance of 2011 is re-enacted for 2017 without change.

BE IT RESOLVED THAT the Local Services Tax Ordinance of 2007 is re-enacted for 2017 without change.

BE IT RESOLVED THAT the Amusement Tax Ordinance of 2014 continues without change in 2017. The rate of 10% (5% which is payable to the Gettysburg Area School District in accordance with its Resolution and the Local Tax Enabling Act) of the admission price to each and every amusement within the Township of Cumberland for which the individual price of admission is \$1.00 or more; **or** the rate of 2% (1% which is payable to the Gettysburg Area School District in accordance with its Resolution and the Local Tax Enabling Act) of the participation price to each and every amusement within the Township of Cumberland for which the individual price of participation is \$1.00 or more.

BE IT RESOLVED THAT the Realty Transfer Tax Ordinance of 2008 is re-enacted for 2017 without change. The tax rate is one percent with Cumberland Township receiving .5% and Gettysburg Area School District receiving .5%.

ENACTED AND ORDAINED this 15th Day of December, 2016.

CUMBERLAND TOWNSHIP BOARD OF SUPERVISORS
Barbara H. Underwood, Board Chair

Mr. Thomas asked for the Board's authorization to enforce §2326 of the Second Class Township Code for a resident's violation of placing an obstruction on a Township road. **Mr. Toddes made a motion seconded by Mr. Waybright and carried to authorize Township staff to enforce §2326 of the Second Class Township Code for an obstruction placed on a Township road.**

Mr. Thomas reported that the Township has received a request to withdraw the Judy Miller Final Subdivision Plan located at 130 Park Avenue with additional frontage on Twin Lakes Drive. Mr. Thomas added that this plan has been on the table for approximately three years. **Mr. Paddock made a motion to approve the request to withdraw the Judy Miller Final Plan seconded by Mr. Waybright and carried.**

Solicitor: Solicitor Coccoresse asked the Board to authorize the Chair to execute an Extinguishment of Assignment of Easement Agreement and an Assignment of Easement for the St. Francis Xavier

intersection improvement at the intersection of Boyd’s School Road and Table Rock Road. **Mr. Paddock made a motion to authorize Chair Underwood to execute the Extinguishment and Assignment of Easement Agreement and Assignment of Easement for St. Francis Xavier seconded by Mr. Waybright and carried.**

Solicitor Coccoresse affirmed that the Township received a letter, dated November, 21, 2016, from the Teamsters Local Union 776 on behalf of employees of the Road Maintenance Department and at the end of the last regular meeting on November 22, 2016, the Board went into Executive Session regarding this letter. He explained that the Road Maintenance Department employees are seeking to unionize as is their right to do under state law and there are procedures that need to be followed in order for that to happen. He added that the Township has received a notice from the Teamsters saying that the employees seek to unionize and filed a petition electing the Teamsters as their bargaining representative. The Township also received notice from the Pa. Labor Relations Board that there is a hearing scheduled coming up in February where the composition of that union will be determined and after that negotiations can commence.

Committee Reports and comments from Board Members:

Chair Underwood reported that Kenny Caudill has agreed to serve another term on the Planning Commission and Lori Bridel has agreed to serve another term on the Zoning Hearing Board. **Mr. Paddock made a motion to appoint Kenny Caudill to the Planning Commission and Lori Bridel to the Zoning Hearing Board seconded by Mr. Toddes and carried.**

Building and Grounds – Mr. Paddock reported that he had a meeting with Mr. Shealer and Mr. Thomas to go over some of the questions that he had, he still has questions but, this is still in the very early stages.

Parks and Recreation – Mr. Toddes reported that things are going well at the park and they were notified today that they received a \$25,000.00 grant for a new playground.

Finance, Public Safety, Highway, Personnel, Planning and Zoning, CTA, COG, Economic Development and CT 411 – no reports

Staff Reports:

Manager – Mr. Thomas asked the Board to set a time for the Reorganization meeting that must be held on January 3, 2017. **Mr. Toddes made a motion to set the time for the Reorganization meeting for 4:00 p.m. on January 3, 2017 seconded by Mr. Waybright and carried.**

The Zoning Officer and Secretary’s reports were reviewed.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 8:58 p.m.

Carol A. Merryman, Secretary

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_____) Supervisors
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SUBJECT TO APPROVAL