

**Cumberland Township Board of Supervisors  
1370 Fairfield Road, Gettysburg, PA 17325  
Minutes of the July 26, 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 Wisner, Police Chief Don Boehs, 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, Randy Phiel, Stan Clark, Mike Galassi, Leonardo Marinelli, Don Kauffman, Elizabeth Magner, Clarence Andrew, Eileen Grenell, Fred Heerbrandt, Bob Sharrah, Harry Holt, George Lambert, members of the Gettysburg and Greenmount Fire Departments, Police Officers Josh Rosenberger and Derek Hartman, Police Sergeant Matt Trostel and reporter Ken Knox 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 June 23, 2016 Workshop and June 28, 2016 Regular Meeting, as presented, 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: \$92,520.79 from General Fund, \$819.00 from the Escrow Fund, \$1,970.67 from the Capital Reserve Fund, \$31,540.46 transfer from General Fund to Health Insurance Account and \$30,018.84 to the Fire Tax Fund.**

**Engineer/Plans:**

Mr. Knoebel reported that the Grandview Station Final Land Development Plan is located on Biglerville Road and proposes the construction of five storage buildings and two, small retail buildings on three lots that are proposed to be consolidated into one lot. He added that there is an existing retail building on the property and the plan has received preliminary approval. Mr. Knoebel went over the remaining comments on his July 12, 2016 memo. Solicitor Wisner reported that he has received a request from Mr. Marinelli, developer/owner, to pay the traffic impact fees in two phases commensurate with the construction that will occur in two phases. Solicitor Wisner added that the phasing of the payment of the traffic impact fees will be addressed in the Financial Security Agreement that the Township will be entering into with Mr. Marinelli. **Mr. Paddock made a motion to approve the Grandview Station Final Land Development and Lot Consolidation Plan subject to the conditions in Mr. Knoebel's July 12, 2016 memo and phased approval of the payment of the traffic impact fees, seconded by Mr. Toddes and carried.**

Mr. Knoebel reported that the next item on the agenda is the Timeless Towns of the Americas Land Development Plan. He explained that this property consists of the Hotel and Convention Center, Devonshire Village and the All-Star Sports Complex on Emmitsburg Road. He added that the plan proposes the replacement of their wastewater treatment plant and he went over the comments from his May 10, 2016 memo. Mr. Knoebel reported that there are two waiver requests: 1) to Section 303 that requires the submission of a preliminary plan and 2) to Section 304.3.A.2 that requires the submission of an Erosion and Sedimentation Control Plan to the Conservation District and to receive an Adequacy letter. Mr. Heerbrandt, engineer for the project, stated that they are requesting the second waiver because the Conservation District has a new policy and require a fee to issue the Adequacy letter and because of the size of the disturbance of this project; under their regulations, they are not even required to submit an E & S plan to them. He added that they did submit a plan to meet the "essence" of the requirement in the Township's ordinance. Mr. Knoebel stated that some of the other comments deal with the Development

Agreement and that is currently being worked on and this plan does not require action tonight. Mr. Knoebel stated that he has no problem with the first waiver and this same waiver has been granted in the past. He added that the Township has required commercial land developments to have an Adequacy letter from the Conservation District and to waive the requirement would be setting a precedent for future requests. **Mr. Waybright made motion to grant the waiver to Section 303 requiring the submission of a preliminary plan, seconded by Mr. Shealer and carried. Mr. Toddes made a motion to deny the request to waive the requirement for an Adequacy letter from the Conservation District seconded by Shealer and carried.** Mr. Heerbrandt explained to the Board why he did not feel that they are required to have a Developer's Agreement for this project because of the wording in the Township's ordinance. Solicitor Wisner stated that he disagrees with Mr. Heerbrandt and does feel that the agreement is required. Mr. Heerbrandt asked the Board to read his comment letter and look at the ordinance in this regard between now and the next meeting. No action was taken on the plan.

Mr. Knoebel explained that an extension was previously granted to St. Francis to complete the intersection project at Boyds School Rd. and Table Rock Rd. and they are requesting another extension. He added that they are still dealing with rights-of-way and waiting for the issuance of a PennDOT Highway Occupancy Permit. Solicitor Wisner added that he has a Stormwater Easement Agreement between Harvest Investments and the Township that he received from St. Francis' attorney that he asked the Board to approve it so they can move forward with getting that executed. He added that the agreement is for the pipe that goes diagonally across Table Rock Rd onto the Harvest Investment property. Solicitor Wisner explained what he believed was left to be done and added that he does not see construction being able to take place this year. **Mr. Shealer made a motion to approve St. Francis request for extension to complete intersection improvements until October 31, 2017 seconded by Mr. Toddes and carried. Mr. Toddes made a motion seconded by Mr. Paddock and carried to authorize Chair Underwood to sign the modified easement agreement for the stormwater pipe provided that the Solicitor's comments are addressed by St. Francis and Harvest Investments.**

**Mr. Shealer made a motion seconded by Mr. Waybright and carried to approve a request for extension for Gettys Point Land Development Plan until January 31, 2017.**

#### **Public Comment:**

Mr. Mike Galassi, 121 Twin Lakes Drive, stated his support for the Township Police Department and the resources they need during these times.

Mrs. Jean Stone, 1745 Mummasburg Road, suggested that all action items be listed under "Active Business" and items under Committee Reports should be for information only.

Mrs. Nita Gross, 938 Barlow Greenmount Road, stated her support for the Police Department and stated that their presence is appreciated. She also gave the Board a copy of a newspaper article regarding Keystone Human Services.

Mr. Speros Marinos, 912 Baltimore Pike, stated that he appreciates seeing the fire apparatus, feels the local York Adams Tax Bureau office is a very good thing and hopes it remains in Gettysburg, supported full-time police officers rather than part-time officers and asked the Board to please fix the zoning on Baltimore Pike.

Chair Underwood announced that the Gettysburg Fire Department has a duty truck and duty car on display in the parking lot. Fire Chief Hurshel Shank explained the many uses of the two vehicles that are on display tonight and offered to stick around and answer questions after the meeting.

## **Police Report:**

Police Chief Don Boehs presented a written and oral report of police activities for the month of June including: 392 complaints - Psych/suicide-3, Disturbances-9, Assault/Harassment-9, Domestic-17, Criminal Mischief-3, Suspicious Activity-23, Thefts-4, Alarms-16, Medical Emergency-12, 911 Hang Up-4 and Sexual assault-2 (one being a juvenile,) Burglary-2; 86 traffic stops, 61 combined arrests, 7 traffic accidents, 14 targeted enforcements and 12,093 patrol miles. He added that they assisted other agencies 11 times and they were assisted five times. Police Chief Boehs reported that they have had 750 Oak Lawn Cemetery complaints and 154 walk-in complaints. Police Chief Boehs gave a brief presentation on the history of the Police Department that was founded in 1957 and 24/7 police services began somewhere around 1995. He presented a Power Point presentation regarding part-time officers vs. full-time officers and a request to change the status of Officer Derek Hartman to full-time. Police Chief Boehs' presentation illustrated how the turn-over of part-time officers costs the Township money and how this status change will have a budget neutral effect because funds can be transferred from the Part-time Salaries to the Full-time Salaries line item. Police Chief Boehs also presented two Certificates of Commendation to Officer Josh Rosenberger for performing CPR and reviving a male subject who had overdosed on heroin and Officer Derek Hartman for entering a house fire in an attempt to save an elderly woman who was unable to get out of the house that was totally engulfed and sustained injuries himself. Chief Boehs answered questions after the presentation including: staffing needs, opportunities for volunteers, reimbursement from other Townships for assistance they receive from the Township's department (current laws do not allow the Township to charge neighboring municipalities,) regionalization, joint meetings and training. **Mr. Waybright made a motion to change the status of Officer Derek Hartman from Part-time to Full-time effective August 1, 2016. The motion was seconded by Mr. Todd and carried. Mr. Waybright also made a motion to transfer \$50,000.00 from the Part-time Police Salaries budget line item 410.140 to the Full-time Police Salaries budget line item 410.130 to support the status change and not increase the Police Budget, seconded by Mr. Shealer and carried.**

## **Active Business:**

Mr. Thomas reported that the Township has received three requests for Fire Tax Distribution from Barlow Fire Department for expenses incurred from January 1, 2016 through March 31, 2016, in the amount of \$13,788.88; Greenmount Fire Department for expenses incurred in 2015, in the amount of \$56,693.73 and Gettysburg Fire Department for expenses incurred from January 1, 2016 through March 31, 2016, in the amount of \$32,969.85. Mr. Thomas added that all expenses included in the request appear to be permitted for reimbursement and the total requests equal \$103,452.46. Mr. Thomas added that Gettysburg Fire Department is the busiest by call volume followed by Barlow Fire Department and then Greenmount Fire Department. Mr. Thomas reminded the Board that Gettysburg and Barlow are in merger discussions at this time and Barlow is the Township's host fire department service. Mr. Thomas gave the following recommendation for reimbursements from the Public Safety Committee: Barlow Fire Department - \$13,788.88, Gettysburg Fire Department - \$32,969.85 and Greenmount Fire Department - \$3,500.00. Mr. Thomas added that all three entities can and should submit requests before the end of the year. **Mr. Shealer made a motion to distribute the Fire Tax distributions, as presented by Mr. Thomas and recommended by the Public Safety Committee (noted above), seconded by Mr. Paddock and carried.**

Mr. Thomas reported that the Township has received a Section 106 Invitation to Comment from the Department of the Interior, National Park Service for a Battlefield Land Acquisition Grant for the Gudmestad Tract, 09G14-00, located at 1360 Baltimore Pike. He added that the Township has a very short window to comment. Mr. Thomas reported that the business will stay active next year and will submit Amusement Taxes of approximately \$9,300.00 per year. The Board asked that the Civil War Trust continue to pay a "Payment In Lieu of Taxes" (PILOT) until which time they turn the property over to the

National Park Service. The Board also questioned whether there is a maintenance plan for the property once the property is relinquished from private ownership because the Township receives the complaints. **Mr. Waybright made a motion to authorize Mr. Thomas to reply to the Invitation to Comment including the Board's concerns about the loss of tax revenue and a possible PILOT, the Civil War Trust continuing to pay the taxes until the ownership goes to the National Park Service and a maintenance plan for the property. The motion was seconded by Mr. Shealer and carried.**

Mr. Thomas also reported that the Township received a copy of Straban Township's Land Use Assumptions Report which was authored by the Adams County Office of Planning and Development. Mr. Thomas added that it is a lengthy document and copies were not made for each Board member, but it is available if anyone wants to see it. The Board had no comment and acknowledged the receipt of the document.

**Solicitor** – Solicitor Wiser reported that the Township has received a request from LAKE & DENISON, LLP, a law firm representing Elliotsville Plantation, Inc., current owner of parcel 09E15-0014, located on Emmitsburg Road and consisting of 73.86 acres, that was placed into the Township Agricultural Security Area (ASA) by the former owners back in 1997. Solicitor Wiser added that the correspondence informs the Board that the owner is withdrawing the property from the ASA and it is not discretionary. **Mr. Toddles made a motion to adopt the Township Resolution for ASA Deletion and authorize Secretary Merryman to record the resolution at the Adams County Courthouse seconded by Mr. Shealer and carried.**

Mr. Thomas reported that the Township received a letter from the Gettysburg Area School District informing the Township that they have reduced their Admission/Amusement Tax rate to 3.1%. Solicitor Wiser reported that the Township's Amusement Tax Ordinance does not have to be modified because of this change made by the School District.

Solicitor Wiser also reported that he has prepared a draft amendment to the Special Events Ordinance that addresses the insurance requirement that often is reduced by the Board. Solicitor Wiser added that this needs to be advertised for adoption at the next meeting. **Mr. Shealer made a motion seconded by Mr. Toddles and carried to authorize Solicitor Wiser to advertise the amended Special Events Ordinance for adoption at the August meeting.**

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

**Public Safety** – Police staffing was addressed during the Police Report. Chair Underwood reported that she and Mr. Thomas spoke to Senator Alloway regarding legislation that would allow the Township to charge or be reimbursed by other Townships (currently served by the State Police) for police services when assistance is requested.

**Finance Committee** – Recommendation to transfer \$37,500.00 from the General Fund to the Capital Reserve Fund, as budgeted, and the sale of two surplus police vehicles through Municibid. **Mr. Shealer made a motion to advertise the sale of two police vehicles through Municibid, seconded by Mr. Waybright and carried. Mr. Shealer also made a motion to authorize the transfer of \$37,500.00 from the General Fund to the Capital Reserve Fund seconded by Mr. Paddock and carried.**

**Highway Committee** – Mr. Thomas gave the Board an update on the Traffic Impact Fee Committee. He reported that he currently has three people who have agreed to serve on the committee.

**Buildings and Grounds** – Mr. Shealer reported that the committee met and will possibly be meeting with an architectural firm that Mr. Thomas spoke to at the PSATS Convention.

**Planning and Zoning** – Mr. Paddock reported that the County Planning Office has completed the Existing Conditions section and it is available on-line. He added that they are planning another Open House for the public.

**Parks and Recreation** – Mr. Toddes reported that the new director is doing a great job and there are many good things happening at the park.

**Insurance Committee** - Chair Underwood reported that Nathan Hockley will be presenting the Township’s health insurance renewal rates at the August 4, 2016 workshop at 8:30 a.m.

**Personnel, CTA, COG, and Economic Development – no reports**

**Staff Reports:**

**Manager** – Mr. Thomas reported that at the last meeting a citizen brought up the issue of “political signs” only being permitted 30 days prior to and two days after the election that is part of the Township’s Sign Ordinance. He added that Solicitor Wisner did not research the Supreme Court ruling on temporary signs because the Township only has one Zoning Officer/Code Enforcement Officer/UCC Building Inspector who does not have time to patrol all of the Township roads looking for political signs. Mr. Thomas asked the Board to consider rescinding the time limit for political signs in the Sign Ordinance.

The Zoning Officer and Secretary’s reports were reviewed.

Unless otherwise noted, all votes were unanimous. There being no further business, the meeting was adjourned at 9:12 p.m.

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Carol A. Merryman, Secretary

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