

**Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
February 22, 2022 –7:00 P.M.**

The regular meeting was called to order at 7:00 P.M. by Chairman Toddes. Present were all Supervisors: Toddes, Phiel, Ramsburg, Brauning and Biggins. Also present were Solicitor Sam Wiser, Sergeant Matthew Trostel, Patrolman Jered Marshall, Patrolman Joshua Rosenberger, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman. There were approximately 10 Township residents present and Jim Hale from The Gettysburg Times. Township Manager Ben Thomas, Jr. participated via Zoom and there were also several viewers on Zoom.

Chairman Toddes led the Pledge of Allegiance. Chairman Toddes also asked that we have a moment of silence for our dear friend and 24-year Supervisor David Waybright.

Chairman Toddes reported that the Board of Supervisors held Executive Sessions on January 11, 2022 and February 7, 2022 regarding personnel matters.

Mrs. Biggins made a motion to approve the agenda. The motion was seconded by Mrs. Ramsburg and carried.

Sergeant Matthew Trostel introduced Officer Jered Marshall who was recently hired to fill a position in the Cumberland Township Police Department. Sgt. Trostel reported that Officer Marshall served in the United States Army and has six years of previous police service. He added that Officer Marshall is currently in field training. Everyone warmly welcomed Officer Marshall.

Mr. Phiel made a motion seconded by Mrs. Biggins and carried to approve the Minutes of the January 25, 2022 Regular Meeting.

Mr. Phiel made a motion seconded by Mrs. Biggins and carried to approve the bills in the amounts stated by the Chairman: \$245,735.83 from the General Fund, \$2,160.50 from the Escrow Fund, \$12,975.50 from the State Fund, \$14,135.70 from the Capital Reserve Fund, \$14,088.56 from the ARPA Fund and \$1,640.41 transfer from the General Fund to the Fire Tax Fund.

Public comment:

The following people commented:

Speros Marinos, 912 Baltimore Pike, spoke about the Marinos property, the Baltimore Pike corridor and the Police Department.

Janet Davis, 1350 Old Mill Road, asked about the reply to her question from the last meeting and Chairman Toddes indicated that she will get a response a little later in the meeting.

William Coe, 105 Twin Lakes Drive, commented on police staffing.

Harry Hartman, 79 Hunter's Trail, expressed his thanks to the Police Department and specifically Officer Rich Keefer who assisted with a medical emergency at Mr. Hartman's office (Gettysburg Times).

Mrs. Biggins introduced Sergeant Matthew Trostel, an 18 year veteran of the Cumberland Township Police Department, a highly educated firearms instructor and field training officer. Mrs. Biggins added that Matt was promoted to Sergeant in 2013 and has served honorably in that role. **Mrs. Biggins made a motion to appoint Sergeant Matthew Trostel to Acting Police Chief of the Cumberland Township Police Department seconded by Mrs. Ramsburg and carried.**

Mrs. Biggins made a motion to accept the resignation of Police Chief Don Boehs seconded by Mr.

Phiel and carried.

Mrs. Biggins made a motion to set the compensation rate for Acting Chief of Police Matthew Trostel to \$42.26 per hour. The motion was seconded by Mrs. Ramsburg and carried.

Mrs. Biggins made a motion to appoint Officer Josh Rosenberger as Acting Sergeant seconded by Mrs. Ramsburg and carried. Mrs. Biggins stated that Josh has been with the Police Department since 2012, is a Taser and O.C. Pepper Spray instructor and Field Training Officer.

Solicitor Wisner provided information on Chambersburg Police Chief Ron Camacho who has been asked to provide a cost estimate for consulting service to the Township to provide an assessment of the department's needs and assistance in the police chief selection process. Solicitor Wisner added that the cost estimate for Police Chief Camacho's service is from \$3,500.00 to \$5,700.00. **Mr. Phiel made a motion to approve the cost estimate for Police Chief Camacho's service seconded by Mrs. Biggins and carried.**

Solicitor Wisner also reported that due to circumstances that have unfolded since December, the Gettysburg Area School District has had a Termination of Agreement for the School Resource Officer prepared. **Mr. Phiel made a motion to approve the Termination of Agreement for School Resource Officer with the Gettysburg Area School District effective at the close of business on February 25, 2022 seconded by Mrs. Ramsburg and carried.**

Solicitor Wisner read the following statement:

"At the January 25, 2022 meeting of the Board of Supervisors a citizen alleged financial and ethical impropriety relating to the hiring and function of the Township Treasurer. These allegations do not have merit. The Board committed to providing a public statement at this meeting and it is my hope that this information will resolve any misunderstanding or misinformation. The Township Supervisors are required to adhere to the requirements of the Public Official and Employee Ethics Act. The Ethics Act defines "conflict of interest" and prohibits public officials from engaging in conduct that constitutes a conflict of interest. This precludes a public official from using their office to receive a financial benefit for themselves or an immediate family member. The Ethics Act provides that when an action that would result in a conflict of interest comes before the Board, the public official must abstain from voting.

Supervisor Phiel and Supervisor Ramsburg have complied with the Ethics Act as it pertains to the employment of the Township Treasurer. Neither Supervisor was involved in the review of applications for the position or the selection of the preferred candidate. As the September 22, 2020 minutes reflect, both Supervisors abstained from the vote regarding the hiring of the Treasurer. In addition, neither Supervisor was involved in the discussion of the Treasurer's wages for 2022. In fact, they were not in the room when the remaining Supervisors discussed the Treasurer's wages. The December 16, 2021 minutes reflect that both Supervisors abstained from voting on the Treasurer's wage adjustment.

It is important to note some additional items. The Township Treasurer reports directly to the Township Manager. The Board of Supervisors does not exercise direct oversight over the Township Treasurer. It is the duty of the Township Manager to oversee the function of the Treasurer and provide direction to the Treasurer. Further, the implication of any financial impropriety is absolutely baseless. The Township not only has internal controls to guard against financial impropriety, but the Township is also audited annually by an independent auditor. The independent auditor reviews the accounts of the Township and presents its findings in a public meeting annually. The Township has not had any adverse findings."

Township Manager Ben Thomas, Jr. read the following statement:

“Cumberland Township’s non-uniform hiring has a fully vetted process we do as a team with the Personnel Committee and staff; advertising; and a team review process. In hiring a Treasurer/Finance Director, two Supervisors totally recused themselves from the process and have done so if any direct payroll votes are taken. The office staff of three (Township Secretary, Treasurer/Finance Director, Manager) and another employee who is the Zoning Officer, Code Enforcement Officer and certified Building Code Official works for me, the Township Manager, with the day to day operations. The number of non-uniform office employees has not increased in 15 years as re-structuring has occurred given the increased work-load and necessary work-products required by the size of the police department and consistently increasing requirements at the State and Federal levels and by the affordable care act, employee benefits, collective bargaining agreements, and pension plans, to name a few.

The Manager reviews all financial reports, payroll, Quick Books, automatic bank transfers, time sheets and bank statements on a weekly, bi-weekly, and monthly basis as we work directly with the auditors. The Treasurer/Finance Director has been pro-active applying for and receiving grants; leading us with the American Rescue Plan Act logistics and financials, the 2021 audits, financial software transition, recently saving taxpayers approximately \$1,300.00 regarding a computer upgrade, Cumberland Twp. Authority payment verifications for audit, Planning Commission meeting attendance and keeping accurate minutes to name a few. The Finance Director and Township Secretary’s work product includes approximately 60% police administration; from payroll, insurance, pensions, invoice payments, and human resources. All of our financials are audited by certified public accountants with excellent audit reports. This very small office of three takes great pride and serious responsibility as day to day fiduciaries of the public’s funds as the audits so indicate. I am so proud of their dedication to you, the citizens of Cumberland Township.”

Engineer: Mr. Robert Sharrah explained to the Board that they are asking for some waiver requests for the Cambridge Crossing Phase II and III Land Development Plan. He explained that the project is twenty-foot wide townhouses and they are using ten-foot wide driveways and the ordinance requires 12-foot wide driveways. He listed several things that using the wider driveways does including; decreasing greenspace, increasing stormwater run-off and it ruins some of the symmetry of the architecture. Mr. Sharrah asked to be on next month’s agenda to get action on this waiver request. Mr. Sharrah also has prepared a letter stating that the developer waives the 90-day time requirement for action on the plan and extends such review period until May 31, 2022. **Mr. Brauning made a motion to extend the approval time-frame for Cambridge Crossing Phase II and III until May 31, 2022 seconded by Mrs. Biggins and carried.**

Police Report: Acting Chief Matthew Trostel presented an oral report of police activities for the month of January 2022 including: 189 calls for service, 12 criminal incidents and 7,355 patrol miles. He added that car 159 has a significant engine problem, has been decommissioned and will be ready for auction, they hope to have the new computer server (the heart of their department) up and running by the end of the month, the Pa. UCR’s have been evaluated and are now up to date and the department is now in compliance with a Commonwealth Law Enforcement Assistance Network Audit (CLEAN) audit conducted by the Pa. State Police, they have an update to their armory, they are updating half of the officers at a time, they trade in their old guns so it will not cost a whole lot and it is budgeted. He added that Officer Barbagello who was assigned as the School Resource Officer will now be returning back to day shift and B Squad will be fully staffed. Lastly, Acting Chief Trostel reported that they had a station meeting with the Public Safety Committee and all officers and they are committed to moving the department forward. The Board thanked Acting Chief Matthew Trostel for taking on these added and extremely important responsibilities.

Maintenance Department Report: Mr. Chris Walter, Superintendent of Roads, gave a report for the month of February that included minor snow removal, brush and tree trimming, preparing bid documents for this season's paving and seal coating projects, advertising bids to be opened on March 16, 2022 at 10:00 a.m. with action to be taken at the March meeting, good progression on the above-ground dual storage tank available through a government procurement program called Sourcewell and it has been confirmed that the Township may purchase through this program. He added that he and Acting Chief Trostel visited the former Schindler Building regarding guard rail damage being done by trucks using the rear entrance of the facility and they will encourage their drivers to use the front entrance. Also, they have been working on the Police Department's protocol for vehicle maintenance with the Township's mechanic. Lastly, Mr. Walter reported that he is working with Adams County to schedule a clean-up day at Oak Lawn Cemetery.

Active Business:

FINANCE COMMITTEE: Mr. Phiel reported that the committee is recommending adopting a Resolution authorizing the use of Sourcewell, a competitive purchasing network and it does not cost the Township to participate. **Mrs. Biggins made a motion seconded by Mrs. Ramsburg and carried to adopt Resolution 2022-07 as follows:**

RESOLUTION 2022-07

A RESOLUTION OF CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA AUTHORIZING PARTICIPATION IN COOPERATIVE PURCHASE THROUGH SOURCEWELL FOR PROCUREMENT OF GOODS AND SERVICES, AND FURTHER AUTHORIZING CERTAIN TOWNSHIP STAFF TO PROCURE ITEMS THROUGH SOURCEWELL UPON APPROVAL OF THE SAME BY THE BOARD OF SUPERVISORS.

Mr. Phiel also recommended approval of the purchase of an above-ground gas/diesel tank and pumps from West End Supply at the price of \$65,365.25 and it is a budgeted expense. **Mrs. Biggins made a motion seconded by Mrs. Ramsburg and carried to approve the purchase, as stated.**

Mrs. Ramsburg made a motion seconded by Mr. Phiel and carried to receive quotes and authorize the purchase of two replacement computers for the Maintenance Department, also budgeted.

Mr. Phiel also recommended the approval for KPI Technology to engineer stormwater management basin retrofits in conformance with the CAP grant. The engineering costs would be paid from ARPA funds in the amount of \$40,646.00 and the CAP grant will be used to supplement the project. **Mr. Phiel made a motion to approve the engineering work to be done by KPI Technology, as stated, seconded by Mrs. Ramsburg and carried.**

SOLICITOR: Solicitor Wisner reported that he has prepared a Draft Easement Agreement that will allow for the Township to perform the work to be done on the two stormwater management basins mentioned above and he asked for the Board's approval. **Mrs. Ramsburg made a motion to approve the Easement Agreements with the Homeowner's Associations for the MS4 projects seconded by Mrs. Biggins and carried.** Solicitor Wisner added that the agreements will be finalized when the maintenance discussions are finished. Solicitor Wisner also mentioned that the Stream Restoration Easement Agreement with Adams County is not ready for approval.

Committee Reports and comments from Board Members:

Public Safety – Mrs. Biggins reported that they have met four times this year and they are committed to continuing to meet. She added that all officers were present for a recent staff meeting, they are focused on planning for current and future needs and committed to a 24/7 365 day police department. Mrs. Biggins

added that she hopes that we can all support the changes in the police department as they move forward and she also mentioned the needs of our volunteer firefighters, support staff and how fortunate we are to have them.

Highways - Mr. Brauning reported that the committee went on a tour of the roads and the projects that are coming up this year are well needed.

Park and Recreation – Mr. Toddes reported that they will be once again having fireworks at the Rec Park and it is going to be bigger this year. He added that this is a cooperative effort between the Gettysburg Area Recreation Authority, Rotary Club and Gettysburg Fire Department.

Personnel, Planning and Zoning, CTA, COG, Economic Development, CT 411 – No reports

The Zoning Officer and Treasurer’s reports were reviewed.

Chairman Toddes opened the floor to take questions from the residents present and on Zoom.

Mr. Steve Tallman stated that he feels that there is a need for a Regional Police Department to take some of the burden off of the Cumberland Township Police Department.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 8:05 P.M. for an Executive Session to discuss personnel with no action to follow.

Carol A. Merryman, Secretary

_____)
_____)
_____) Supervisors
_____)
_____)