

**Cumberland Township Board of Supervisors
Minutes of the December 20, 2011 Meeting**

The regular meeting was called to order at 7:06 p.m. by Chairman Waybright. Present were all Supervisors; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Assistant Secretary Carol Merryman, Police Chief Don Boehs, Zoning Officer Bill Naugle and Engineer Tim Knoebel. There were approximately 50 residents present, Bob Sharrah, Mark Walters from The Gettysburg Times and Tim Prudente from The Evening Sun. The meeting was recorded.

Chairman Waybright led the Pledge of Allegiance.

Chairman Waybright reported that during the Executive Session held at 4:30 this afternoon and the Supervisors discussed personnel, contractual and possible litigation issues.

Mrs. Golden made a motion to approve the Minutes of the November 17, 2011 and December 7, 2011 workshops and November 22, 2011 regular meeting, as written, seconded by Mr. Phiel and carried.

Mr. Thomas explained that the bills include the Township's mandated annual pension payment, in the amount of \$152,393.00, and the majority of that money was received from the Commonwealth of Pennsylvania. The bills also include budgeted contributions to the YWCA - \$3,800.00, Adams County Rescue Mission - \$6,000.00, Gettysburg Senior Center - \$6,000.00, the last two quarterly payments to the Gettysburg Fire Department - \$14,375.00 and Barlow Fire Department - \$13,375.00 and \$2,000.00 to Greenmount Fire Department restricted to legal costs of the merger activities. **Mrs. Underwood made a motion to pay the bills, in the amount of \$241,068.12 from the General Fund and \$7,614.18 from the State Fund seconded by Mr. Shealer and carried.**

Engineer's Items:

Mr. Knoebel reported that the Marty E. Tipton Final Subdivision Plan is a minor plan creating two new lots and an existing lot. The lots front on both Marsh Creek Road and Chapel Road Extended. He added that the plan had been discussed at the workshop and there was a question whether the subdivision would be subject to traffic impact fees and a letter has been received from the Township's traffic engineer and the subdivision is within the study area and a fee of \$4,420.00 for the two new lots is owed and this fee is typically payable prior to issuance of a building permit. **Mr. Shealer made a motion to approve the Marty E. Tipton Final Plan contingent upon the comments in the engineer's December 6, 2011 memo being addressed and the traffic impact fee being paid prior to building permit issuance seconded by Mrs. Underwood and carried.**

Mr. Knoebel reported that the Land Development Plan for the Gettysburg Regional Airport is currently being reviewed by the Planning Commission and the applicant is working on addressing comments and is requesting a 180-day extension for approval of their plan. **Mr. Phiel made a motion to approve the request from the Susquehanna Area Regional Airport Authority (SARAA) for a 180-day extension for their Land Development Plan for Gettysburg Regional Airport seconded by Mrs. Underwood and carried.**

Mr. Knoebel also reported that the Township has received a request from Robert A. Sharrah, PLS, on behalf of S&A Homes, for an extension for the Cannon Ridge, Phase III, Final Plan for approximately one year until December 31, 2012 and the developer is waiting on the construction of the Old Mill Pump Station before they can move forward. **Mrs. Golden made a motion to grant the request for extension for approval of Cannon Ridge, Phase III, Final Plan, until December 31, 2012 seconded by Mr. Phiel and carried.**

Public Comment:

Mr. William Dana, 1772 Mummasburg Road, thanked the Supervisors for their decision on Mr. Keller's application on behalf of the area's residents and also asked the Board to look at the zoning in the area because

most residents feel that the agricultural use is for crop farming not animal operations. He added that Mummasburg Road was used by the Confederate troops to come into the area and it is a very historic road.

Mr. Barry Stone, 1745 Mummasburg Road, asked when the zoning review committee will meet again and there will be a meeting scheduled for early January.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of November including 473 complaints, 62 combined arrests, 79 traffic stops, 18 traffic accidents and 8,747 patrol miles. He added that they assisted other agencies 12 times and they were assisted twice.

Active Business:

Chairman Waybright stated that the Township's staff has spent a lot of time on the 2012 budgets and he asked Mr. Thomas to report on this item. Mr. Thomas thanked the staff and Finance Committee and reported that there are no tax increases and only very minor changes have been made from the preliminary budget. He stated that the General Fund Budget includes revenues of 2.564 million and expenditures of 2.515 million. **Mrs. Underwood made a motion to adopt the 2012 Final Budgets, as presented, seconded by Mrs. Golden and carried.**

Mr. Stanley Wolf, 714 Blackhorse Tavern Road, questioned the 4% raise to non-uniformed personnel and he cited high unemployment and salaries of our neighboring PennDOT workers, which he feels are less than the Township's pay rates. Mr. Thomas explained that the non-uniformed employees received no raise for 2011 and their hours were cut in 2011 and will remain cut for 2012 so the net increase is not 4%.

Chairman Waybright read the 2012 Tax Resolutions as follows:

Mrs. Underwood made a motion to adopt the 2012 Tax Resolutions, as presented, seconded by Mr. Shealer and carried.

2012 TAX RESOLUTIONS

BE IT RESOLVED THAT the Per Capita Resolution of 1953 is re-enacted for 2012 without change. The tax rate is \$5.00, 2% at discount, 5% at par and 10% at penalty.

BE IT RESOLVED THAT the Admission Tax Ordinance of 1978, amended, continues without change in 2012. The rate is 10% (Township receives 5% and Gettysburg Area School District receives 5%).

BE IT RESOLVED THAT the Tax Millage for 2012 is set at 1.5 mills for Real Estate.

BE IT RESOLVED THAT the Realty Transfer Tax Ordinance of 2008 is re-enacted for 2012 without change. The tax rate is 1% (Township receives .5% and Gettysburg Area School District receives .5%).

Enacted and ordained this 20th day of December 2011.

Chairman Waybright read the following Mission Statement:

Preserve our heritage; Provide quality services; Plan for our future.

Mr. Phiel made a motion to adopt the Mission Statement, as read, as the official Mission Statement for the Cumberland Township Board of Supervisors seconded by Mr. Shealer and carried.

Chairman Waybright reported that Mr. Phiel was successful on his bid for Adams County Commissioner and will no longer be able to serve on the Cumberland Township Authority and has submitted his resignation. **Mrs. Golden made a motion to accept, with regret, Mr. Phiel's resignation from Cumberland Township Authority effective December 31, 2011 seconded by Mrs. Underwood and carried.**

Chairman Waybright stated that the next item is a request from Marlin and Joan Wherley to decrease the required testing of their spray irrigation system from every six months to annually. Mr. Thomas reported that the request has been reviewed by the Township's Sewage Enforcement Officer and he concurs with the annual testing and Solicitor Wisner has amended their agreement. Mr. Thomas added that the system should be tested in the summer and if at any time the test results are not within the state's requirement then the testing will revert back. **Mr. Shealer made a motion to approve the Wherley's request regarding their spray irrigation system testing seconded by Mr. Phiel and carried.**

Mr. Thomas reported that he feels that the General Fund can support an additional principle payment on the maintenance building loan of \$40,000.00 in 2011 and is permitted by the lending institution. **Mr. Shealer made a motion to approve the additional General Fund Loan principle payment of \$40,000.00 by the end of 2011 seconded by Mrs. Underwood and carried.**

Mr. Shealer, Road Superintendent, reported that a Winter Operations Maintenance Plan has been prepared and will be posted on the Township's website. He added that the plan should answer any questions that come up during snow and ice emergencies. **Mr. Phiel made a motion to approve the Winter Operations Maintenance Plan seconded by Mrs. Underwood and carried.**

Solicitor Wisner reported that the Pennsylvania Second Class Township Code authorizes the Board of Supervisors to make road closures for maintenance/emergency reasons and given that it is not always possible to convene a meeting of the Board in an emergency situation the Supervisors can delegate this authority to a Board member or Road Superintendent. **Mr. Phiel made a motion to authorize Mr. Shealer, Road Superintendent, to authorize temporary road closures seconded by Mrs. Golden and carried.**

Mr. Phiel explained that negotiations between the Township and Cumberland Township Police Officers (who are members of the Teamsters Union) have been completed. Mr. Phiel thanked everyone for their cooperation and feels that the end result was good. Mr. Thomas added that the negotiations were completed without the involvement of the Township's Solicitor saving a lot of taxpayers' money. **Mrs. Underwood made a motion to approve the Collective Bargaining Agreement seconded by Mr. Phiel and carried.** The contract is for three years 2012 – 2014.

New Business:

Mr. Thomas reported that we have been notified by the Adams County Tax Claim Bureau that a bid has been received on the repository property and the bid amount is \$1,600.00 and it is up to the governing agencies to approve or deny the bid within 30 days of the date of the notice, December 8, 2011. Mr. Thomas added that it is his understanding that this is the old foundry property and the delinquent taxes owed are nearly \$800,000.00. Solicitor Wisner added that there are significant environmental issues with the property which may be making it hard to sell the property and if this offer is not accepted the property could go to judicial sale without any tax liens or penalties depending on what the Tax Claim Bureau chooses to do. **Mrs. Golden made motion to deny the Repository Sale Bid seconded by Mrs. Underwood and carried.**

Mrs. Underwood asked that a Cumberland Township Police Department Promotion Review Board be created to facilitate a restructuring of the department to improve organizational efficiency. **Mrs. Golden made a motion to create a Cumberland Township Police Department Promotion Review Board consisting of Mrs. Underwood, Mr. Waybright, Police Chief Donald Boehs and the Honorable Shawn Wagner seconded by Mr. Phiel and carried.**

Mr. Shealer made a motion to approve the position of Cumberland Township Police Department Lieutenant seconded by Mr. Phiel and carried.

Mrs. Golden made a motion to approve and ratify a Memorandum of Understanding with the Teamsters Local 776 providing for the position of Lieutenant with the Cumberland Township Police Department seconded by Mr. Phiel and carried.

Mr. Phiel made a motion, now that the Promotion Review Board is in place, that the Board make an appointment to the position of Lieutenant and a promotion to Sergeant should that become necessary due to promotion of a current Sergeant to the Lieutenant's position with a probation period of one year for said positions seconded by Mrs. Golden and carried. Mrs. Underwood stated that this is a restructuring only and there will be no new hires.

Reports:

Mr. Thomas reported that he attended the Adams County Tax Collection Committee meeting on December 8th and the By-Laws and Articles of Agreement were approved and the Tax Collection Committee will reorganize in January and will likely reduce their meetings to every other month.

Mr. Thomas also reported that the Township is working with the Federal Emergency Management Agency (FEMA) and Pennsylvania Emergency Management Agency (PEMA) in reference to Tropical Storm Lee for additional reimbursement and it sounds promising that we will receive in excess of \$10,000.00 reimbursement for road materials, labor and equipment for repairs from this storm. He added that he appreciates what Adams County has done to help bring funds into the county.

Mr. Thomas reported that he is still attending the fire department merger talks between Barlow and Greenmount and they are going quite well with still a lot of homework to be done.

The Zoning Officer and Assistant Secretary's reports were reviewed.

Solicitor:

Solicitor Wisner reported that there is a litigation matter and he asked the Board to authorize the Chairman to execute a Release and Settlement Agreement in the Middle District matter of Koontz vs. Ogle, a matter that was handled by the Township's insurance company and the insurance company will pick up the cost and there is no deductible to the Township. **Mrs. Underwood made a motion to authorize Chairman Waybright to execute the Release and Settlement Agreement in the Middle District matter of Koontz vs. Ogle seconded by Mr. Phiel and carried.**

Solicitor Wisner also reported that the Township received a notice of a Court Ordered Settlement for taxes for years 2003 through 2011 for the Timeless Towns property. He added that the Final Order stated that the Township owes \$50,673.48 payable by January 2, 2012. He added that this will be a large hit to the budget and it was a surprise because no prior notice was received but it is Court Ordered and the Township is obligated to comply. He asked the Board to authorize payment in the amount of \$50,673.48 as required by the Court Order and in the alternative, to authorize the Manager to pursue alternatives for repayment of that money including possible multiple payments or tax credits if those options are available. **Mrs. Golden made a motion to authorize payment of \$50,673.48 to Timeless Towns as directed in the Court Order and to authorize Mr. Thomas to pursue payment options, if possible, seconded by Mrs. Underwood and carried.**

Chairman Waybright thanked Mrs. Golden and Mr. Phiel for their public service on the Board of Supervisors over the years and wished them the best with their future endeavors.

Mr. Phiel stated that it has been an honor, privilege and pleasure serving the residents of Cumberland Township and it has also been an honor, privilege and pleasure working with the staff and he wished everyone the best. Mrs. Golden stated that it has been a pleasure working with the Board and she respects and appreciates everyone's professionalism, attitude and dedication to the Township and feels that she is leaving the Township in good hands with Mr. Thomas as Manager. Mrs. Golden also thanked the staff for all of their help over the years.

There being no further business, the meeting was adjourned at 7:58 p.m. by motion of Mrs. Golden seconded by Mr. Shealer and carried.

Carol A. Merryman, Asst. Secretary

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