

Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
May 24, 2022
Conditional Use Hearing 6:30 P.M.
Regular Meeting immediately following

At 6:30 P.M., Chairman Toddes called the Conditional Use Hearing for James Michael and Joyce Knefley to order. Present were all Supervisors: Toddes, Phiel, Ramsburg, Brauning and Biggins; Solicitor Sam Wisner, Township Manager Ben Thomas, Jr., Treasurer/Finance Director Camie Stouck-Phiel, Secretary Carol Merryman, applicant James Michael Knefley and his Attorney, John Murphy, Donald and Linda Yingling and several other interested parties. The Knefley's application is for a self-service storage facility located at 95 Solomon Road in the Village Mixed Use zoning district. This application is a revision to an already approved Conditional Use application for the same property from June 22, 2021. The applicant is relocating the placement of the previously approved storage sheds. Solicitor Wisner conducted the hearing. The hearing was closed at 7:45 P.M. Please see the transcript for the entire record of the hearing.

Chairman Toddes called the regular meeting to order immediately following the hearing at 7:50 P.M. Present were all Supervisors: Toddes, Phiel, Ramsburg, Brauning and Biggins. Also present were Solicitor Sam Wisner, Township Manager Ben Thomas, Jr., Township Engineer Tim Knoebel, Acting Police Chief Matthew Trostel, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman. Also present were representatives from Gettysburg Municipal Authority, James Michael Knefley, John Murphy, Donald and Linda Yingling, Ron Camacho, Ron Andrew, several residents and Jim Hale from The Gettysburg Times. There were also several viewers on Zoom.

Chairman Toddes led the Pledge of Allegiance.

Chairman Toddes reported that the Board held an Executive Session on May 16, 2022 to discuss personnel matters filling management positions.

Solicitor Wisner stated that the Board just concluded a Conditional Use Hearing for James Michael and Joyce Knefley and if the Board desires to act on that application, the agenda will have to be amended to add that action. **Mrs. Biggins made a motion to add action on the Conditional Use application for the James Michael and Joyce Knefley property to the agenda seconded by Mr. Brauning and carried.** This will be added after the approval of the bills.

Mr. Brauning made a motion to approve the agenda with the amendment seconded by Mrs. Ramsburg and carried.

Mr. Brauning made a motion seconded by Mrs. Ramsburg and carried to approve the Minutes of the April 26, 2022 Regular Meeting.

Mrs. Biggins made a motion seconded by Mr. Phiel and carried to approve the bills in the amounts stated by the Chairman: \$257,216.28 from the General Fund, \$6,608.74 from the Escrow Fund, \$6,078.40 from the ARPA Fund, \$1,723.60 from the Capital Reserve Fund, \$7,500.00 transfer from the General Fund to the Health Insurance Account and \$1,307.07 from the General Fund to the Sinking Fund. Mrs. Stouck-Phiel explained that the Sinking Fund was set up when the maintenance building loan was refinanced with ACNB Bank and the bank takes the monthly loan payments out of the Sinking Fund, not the General Fund. She added that the Sinking Fund had some extra money in it from the loan, this is the first time that money has had to be transferred into the fund and the fund will have a zero balance except for when the payment is being made.

Solicitor Wisner again stated that the Board just concluded a Conditional Use hearing for a property located at 95 Solomon Road for James Michael and Joyce Knefley for self-service storage buildings and it is the Board's pleasure to decide whether they would like to act on the application now. He added that the floor must be opened for public comments. There were no public comments. **Mr. Brauning made a motion to approve the Conditional Use application for James Michael and Joyce Knefley seconded by Mr. Phiel and carried.** Solicitor Wisner reported that the Board has 45 days to issue a written decision to the applicant and after the written decision is received there is a 30 day appeal period and any work done prior to that would be done at the applicant's risk. Solicitor Wisner added that the next step will be for the applicant to file a land development plan.

Public comment: None and no written comments were received.

Representatives from Gettysburg Municipal Authority (GMA) gave a brief presentation for a water tower that has been proposed to be built on Herr's Ridge to expand GMA's service area to the Township's growth area around Herr's Ridge Road. Mr. Mark Guise, GMA Manager, reported that they are proposing an elevated water storage tower and he gave the Board some background information. Attorney Sean Delaney added that the Township's Zoning Ordinance (Section 27-503) currently has a height restriction of 35 feet in the Residential zoning district and they are requesting to amend the ordinance to allow "Essential Services" to be no more than 175 feet in height in the Residential zoning district. Mr. Delaney also explained that the height of the proposed tower (placed on the ridge) was to be able to maintain the pressure that is needed for existing and proposed development and for emergency services. Mr. Delaney asked the Board to authorize the draft ordinance to be sent to both the Adams County and Township Planning Commissions for their review to start the process. There was a lengthy discussion and questions were taken from the Board. Solicitor Wisner stated that no action is needed by the Board because this is being submitted as a citizen's request and the Township will move forward with the review process.

Solicitor Wisner introduced Mr. Ron Camacho, Camacho Consulting, who was engaged to provide a review, assessment, and to provide recommendations on ways to improve the operations of the police department. Mr. Camacho stated his extensive police background and education and is currently the Chief of Police at Chambersburg Borough, Franklin County. Mr. Camacho highlighted some points from the Township Police Department Operational Assessment that he produced. Mr. Camacho reported that he accomplished his assessment mainly through in-person interviews with the current police officers, retired police officers, all Supervisors and selected staff, review of existing studies and by taking a look at the building. He reported that he found the following:

- A Board of Supervisors that support and want to improve the Police Department
- A motivated acting chief who, with some additional training and resources, would make a good permanent chief of police
- A professional, respectful police department with pride in their agency and community that just need some additional resources and training to continue their improvement as an organization

Mr. Camacho also reported some of his recommendations as follows:

- Holding weekly or bi-weekly meetings with the chief of police to improve communication and to help with supervision
- Develop an evaluation process for the chief of police position to give the chief tools for improvement
- Develop a mechanism where unresolved issues that the police chief fails to address were brought to the Board for their attention to improve communication
- Get the department to full staffing with eleven officers, explore adding an additional traffic or floating officer and examine the addition of a full-time or part-time administrative position to the department

- Improve the standardized police training for diversity and building up young leaders for succession planning
- Improving community engagement including social media to push out information to the public and get information back from the public
- Look over the past assessments that were done specifically with the building and building improvements
- Not to hire a Police Chief from the outside because every officer has full trust in Acting Chief Trostel to be their permanent Police Chief

Chairman Toddles read the following statement:

I'd like to thank Ron Camacho for his thorough and objective assessment of the Cumberland Township Police Department. It has been a tumultuous last year for Cumberland Township, particularly regarding the Cumberland Township Police Department. I appreciate the commitment of the members of the Board, the Township staff, and the current police officers to improving the operations of the Police Department and the Township as a whole. All actions taken by the Board have been in the interest of the Police Department and Public. Having the benefit of firsthand knowledge of department operations, the Board was able to begin addressing concerns within the Department and engage a police professional to assist the Township with charting a course to improve the Department. I know that this Board and many members of the public care deeply about our police department, and for that reason, the Board feels that it is important to share some information with the public that was considered by the Board in decisions relating to the police department over the last year.

The Board of Supervisors has confirmed that there were significant leadership deficiencies within the Cumberland Township Police Department under the prior Chief of Police. The most concerning of these deficiencies included promotion of a "no complaint, no crime" philosophy, engaging in unprofessional communications and conduct, the improper disclosure of confidential information, and improper use of Township property and time.

As stated on numerous occasions, over the last few months cooperation amongst all Township Departments has been tremendous. Acting Chief Trostel and Township staff have diligently chipped away at a backlog of neglected administrative tasks. The Officers have welcomed the independent assessment by Ron Camacho and have fully cooperated. Rather than dwell on past disappointment, the Board is appreciative of the leadership and reinvigoration that has developed within the Department. Cumberland Township's reputation as a premier police agency within Adams County will again flourish under new leadership.

Engineer:

Mr. Knoebel reported that the Township has a request for extension to the approval timeframe for Cambridge Crossing Phases II and III until August 31, 2022. Mr. Knoebel reported that they are actively working on addressing comments, are working with Cumberland Township Authority sharing in the extension of the sewer line along Boyds School Road, eliminating the outdated pump station at the apartment complex, and he recommends that the extension be granted. **Mrs. Biggins made a motion to approve the request for extension until August 31, 2022 seconded by Mrs. Ramsburg and carried.**

Mr. Knoebel reported that the Township also has a request for time extension for the James Michael and Joyce Knefley subdivision plan until August 31, 2022. He added that they are working on getting their sewage planning approval from PADEP because they tried to submit a planning exemption and it was found that there were some wells with high nitrate count nearby according to the Township's Act 537

Plan. **Mr. Phiel made a motion to approve the request for time extension until August 31, 2022 seconded by Mr. Brauning and carried.**

Mr. Knoebel reported that the Mark A. Snell Final Plan proposes a residual tract of 11.92 acres that retains the house and barn and creates Lot 4 that will contain 19.19 acres located on Chapel Road. Both lots are located in the Agricultural / Residential zoning district. The Planning Commission did recommend approval based on them addressing the engineer's comments. Mr. Knoebel added that there are two waivers requested, he does not have a problem with either waiver, and the Planning Commission was also in favor of granting the waivers. **Mrs. Ramsburg made a motion to approve the waivers to Section 304.1 that the plans be provided at a scale of no less than 1" = 50' and Section 304.2.A.28 and 36 requiring that labeling of the existing bridge under Chapel Road be provided. The motion was seconded by Mrs. Biggins and carried. Mr. Phiel made a motion seconded by Mr. Brauning and carried to approve the Sewage Facilities Non-Building Waiver. Mrs. Biggins made a motion to approve the Mark A. Snell Final Plan subject to comments #2 and #3 of KPI's May 19, 2022 letter being addressed. The motion was seconded by Mrs. Ramsburg and carried.**

Mr. Knoebel gave the Board an Estimated Project Schedule for the MS4 Basin Retrofit Projects including authorizing and advertising for bids, holding a pre-bid meeting, opening, reviewing and awarding bids with substantial completion of the projects around October 7, 2022. Mr. Knoebel added that the Township does have grant funds to pay for the projects and they now need the authorization to put the projects out to bid pending final review by the Manager and Road Superintendent. Solicitor Wisner updated the Board on the agreements with the Homeowner's Associations at Longview and Twin Lakes West where the basin retrofits will be done. Solicitor Wisner reported that the agreement with Longview is straightforward and ready to go. The agreement with the Twin Lakes West HOA has been changed to a Consent to Improvements and Maintenance Agreement because the HOA does not currently have record title to the property where the stormwater basin is located. He added that the HOA does not object to the project, have maintained the basin, but do not feel that they can grant an easement over property that they do not hold title to. **Mrs. Biggins made a motion to authorize KPI to advertise for bids for stormwater best management practice projects pending final review by the Manager and Superintendent of Roads. The motion was seconded by Mrs. Ramsburg and carried.**

Supervisors: Solicitor Wisner announced that the Board needs to hold a special meeting on June 9, 2022 to consider appointment of management level positions due to the pending retirement of Mr. Thomas and Mrs. Merryman and appointment of a Chief of Police. He added that due to a scheduling conflict with the Planning Commission meeting also being held on June 9, 2022 the special meeting will be held at the Destination Gettysburg facility at 1560 Fairfield Road. **Mrs. Biggins made a motion seconded by Mr. Brauning and carried to authorize the Secretary to advertise a special meeting of the Board to be held on June 9, 2022 at 5:00 P.M. at the Destination Gettysburg facility.**

Solicitor Wisner also announced that the Board will hold an Executive Session on May 31, 2022 to discuss personnel matters filling management positions.

Mrs. Biggins made a motion seconded by Mr. Brauning and carried to end the regular use of Zoom coverage for the public meetings due to the Township being fully open and lifting of the Commonwealth emergency restrictions.

Police Report: Acting Police Chief Matthew Trostel presented an oral and written report of police activities for the month of April 2022 including; 280 calls for service, 15 traffic stops, 10 criminal incidents and 5,857 patrol miles. Some highlights of the report are:

- The station server has been repaired – the failed part was replaced and covered under warranty
- The department received two donations from local citizens in the amount of \$240.00 and this

money will be used to purchase equipment

- Officer Jered Marshall's field training is complete and his required trainings have been scheduled
- Acting Sgt. Rosenberger is attending specialized training involving investigation of catalytic converter thefts and using CARFAX vehicle database. There were three catalytic converter thefts in March
- Spring qualifications have been started and all officers have been issued new rifles
- Station door replacement has been tentatively scheduled for June 2nd
- The duty bag holder has been completed and delivered to the station
- Officers attended James Gettys and Lincoln Elementary Schools' Career Days

Acting Police Chief Trostel also reported that he has some surplus duty pistols and some firearms that were donated to the department over the years and he has arranged for Witmer Public Safety to give the Township store credit for the surplus guns with the Board's approval. Solicitor Wisner stated that this is an exchange of surplus firearms for other personal property under Section 1504.C.1 of the Second Class Township Code. **Mrs. Biggins made a motion seconded by Mr. Phiel and carried to authorize the liquidation of the surplus firearms.**

Maintenance Department Report: Mr. Thomas gave the report for the month of May and some highlights are as follows:

- They are preparing for and starting this summer's projects, the Woodcrest project is complete and the Spruce Drive work is ongoing
- Roadside mowing has started and they will be doing vegetation control in early June
- All development streets have been swept with cooperation from the Gettysburg Borough street sweeper
- Louie and Jordan fabricated the post for the Emergency Phone located on the east side of the Administration Building
- We are waiting on a date for delivery of the fuel storage tank
- No update on the dump truck replacement and he has been looking at funding for the new vehicles

Active Business:

Mr. Thomas explained that the Planning Commission is requesting that the Board authorize Solicitor Wisner to review the buffers/fencing requirements within Section 27-1201D of the Zoning Ordinance for a text amendment to create a more aesthetic requirement. **Mrs. Biggins made a motion to authorize Solicitor Wisner to review Section 27-1201D as requested by the Planning Commission. The motion was seconded by Mr. Phiel and carried.**

Mr. Thomas also reported that the Township has received a Conditional Use application from Ridge Rentals, LLC and a hearing must be held on or before July 16, 2022. The application is for approval for Mr. Slaybaugh to grade in an area that meets the definition for "steep slope" or "very steep slope" in accordance with Section 27-201 of the Zoning Ordinance. Mr. Thomas recommended 6:00 P.M. prior to the June 28, 2022 regular meeting. **Mr. Phiel made a motion to schedule the Conditional Use hearing for Ridge Rentals, LLC/Blake Slaybaugh for July 28, 2022 at 6:00 P.M. seconded by Mrs. Ramsburg and carried.**

FINANCE COMMITTEE: Mr. Phiel reported that the Township was awarded a grant from the PA Dept. of Community and Economic Development Municipal Assistance Program for the Comprehensive Zoning Review in the amount of \$10,000.00. Mrs. Biggins reported that there is a request from the Police Department for approval of a \$3,407.00 unexpected/unbudgeted expense for WatchGuard software licensing for Microsoft SQL Server and twelve licenses to be paid from capital purchases. **Mrs.**

Ramsburg made a motion to approve the \$3,407.00 expense seconded by Mr. Brauning and carried. Mrs. Stouck-Phiel reported that the required ARPA report was submitted and we should be receiving the second payment sometime later in the year.

PERSONNEL – Mrs. Ramsburg reported that the Township has received a Citizen’s Interest Form from Jeffrey Yingling. Mr. Yingling is interested in serving on the Agricultural Security Area Advisory Committee. **Mrs. Ramsburg made a motion to appoint Jeffrey Yingling to the Agricultural Security Area Advisory Committee seconded by Mrs. Biggins and carried.**

SOLICITOR: Solicitor Wiser reported that the Board heard a presentation from Gettysburg Municipal Authority requesting a Zoning amendment to make the height restriction for Essential Services 175 feet instead of the now 35 feet and they will work with the Township on scheduling a hearing. Solicitor Wiser also reported that the Township received correspondence from the Adams County Tax Claim Bureau “Repository Sale Price Consent” for property situate 2664 Emmitsburg Road (foundry property) to Adams County Industrial Development Authority. Mr. James Halkias stated that he had placed a higher bid than the Development Authority and asked the Board not to approve the County’s request. This was briefly discussed and was tabled until the next meeting. The Board has to act by July 5, 2022 or consent is considered to be implied if no action is taken. Solicitor Wiser asked that the Police Promotion Policy be deferred until after the Executive Session. Solicitor Wiser reported that he has prepared a draft Resolution to ratify the election of the revenue replacement standard allowance in accordance with the Final Rule, which equals the Township’s full award amount of \$655,019.92. **Mrs. Biggins made a motion to adopt Resolution 2022-09 for Supplemental Appropriations for the 2022 Budget seconded by Mrs. Ramsburg and carried.** Lastly, Solicitor Wiser reported that he has finalized the Easement Agreement for Longview Estates and Consent to Improvement and Maintenance Agreement for Twin Lakes West MS4 Basin Retrofit projects and the Township will monitor and replace plantings (if needed) for three years and after that they will be the full responsibility of the Homeowner’s Association. Solicitor Wiser asked the Board to authorize the execution of the agreements once they have been signed by the Homeowner’s Associations’ representatives. **Mrs. Ramsburg made a motion to authorize the execution of the two agreements seconded by Mr. Phiel and carried.**

Mrs. Biggins reported that the Board will hold an Executive Session on May 31, 2022 and a Special Meeting on June 9, 2022 to address personnel matters filling management positions.

Committee Reports and comments from Board Members:

Highways – Mr. Phiel reported that he looked at the Woodcrest paving project and it looks really good.
Park and Recreation – Mr. Toddes reported that things are going well at the park, they have many things going on and lots of people are using the pavilions.
Public Safety, Planning and Zoning, CTA, COG, Economic Development – **No reports**

Mr. Thomas thanked Mrs. Stouck-Phiel for explaining the “Sinking Fund”, the Board has fire funding requests to review at the June meeting and there is a representative from Barlow Volunteer Fire Company present and to please keep Uvalde, TX families in your hearts and prayers.

Mrs. Stouck-Phiel reported that the first ARPA report has been submitted, the Wellness Grant has been deposited and she attended a Fraud Seminar this morning presented by ACNB Bank that was very informative.

The Zoning Officer and Treasurer’s reports were reviewed.

Mr. Ron Andrews invited the Board to a “Meet and Greet” down at Barlow VFC to meet their officers and see their equipment.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 9:45 P.M. for an Executive Session to discuss personnel and real property matters with possible action to follow.

The regular meeting was reconvened at 12:45 A.M.

1. Motion of Biggins – S. Phiel adopted a promotion policy for the Cumberland Township Police Department
2. Motion of S. Phiel – Biggins amended the agenda to include consideration of a RESOLUTION SETTING FORTH THE SPECIFIC DUTIES AND POWERS OF THE TOWNSHIP MANAGER
3. Motion of Brauning – Biggins approved A RESOLUTION OF THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY, PA, SETTING FORTH THE SPECIFIC DUTIES AND POWERS OF THE TOWNSHIP MANAGER

All three motions listed were 5 aye and 0 nay. The Regular Meeting adjourned at 12:50 A.M.

Carol A. Merryman, Secretary

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_____) Supervisors
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