

**Cumberland Township Board of Supervisors
Minutes of the April 23, 2013 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairperson Underwood. Present were Supervisors Waybright, Toddes and Ferranto; Solicitor Sam Wiser, Police Chief Don Boehs, Zoning Officer Bill Naugle and Assistant Secretary Carol Merryman. Others present were: Sergeant Matthew Trostel and Lieutenant Tim Guise, approximately 40 Township residents, Tommy Riggs from the Gettysburg Times and Amy Stansbury from The Evening Sun. Mr. Shealer and Mr. Thomas was absent. The meeting was recorded.

Chairperson Underwood led the Pledge of Allegiance.

Mr. Waybright made a motion to approve the Minutes of the March 21, 2013 workshop meeting and the March 26, 2013 regular meeting seconded by Mr. Ferranto and carried.

Mr. Ferranto made a motion to pay the bills, in the amount of \$88,418.45 from the General Fund, \$990.00 from the Escrow Fund, \$46,686.95 from the Park and Rec Fund and \$20,302.00 from the State Fund seconded by Mr. Toddes and carried.

Engineer/Plans:

Mr. Knoebel reported that the Ely Farmers Market Plan that was discussed at the workshop is on the agenda for action. He explained that the project is a proposed 2400 SF building and 12 parking spaces located on the corner of Fairfield Road and Willoughby Run Road. He noted that the technical comments have been addressed; only administrative comments are left, there are two waiver requests and they are noted in his memo dated April 17, 2013. He also explained the Traffic Impact fee calculation and subsequent high fee that was determined. He reported that the recommendation is to have the owner pay a \$10,000.00 escrow fee and sign a Monitoring Agreement being prepared by Solicitor Wiser. He added that after the business has been open for about six months a traffic assessment would be made and the fee could be calculated from the actual traffic counts. Mr. Scott Schildt, the owner's engineer, stated that the owner (Paul Ely) is in agreement to pay the escrow fee and sign the agreement. Mr. Knoebel also reported that Mr. Ely would like to pay the \$10,000.00 prior to receiving a building permit instead of at the time the plan is recorded. **Mr. Waybright made a motion to grant the waivers to sections (507.2.G(2)(a)) Stormwater basins shall not be located over any existing or proposed utility lines, (303) Preliminary Plan submission and waive the requirement that the \$10,000.00 escrow for Traffic Impact fees to be paid prior to plan recording and to be paid prior to the building permit being issued seconded by Mr. Toddes and carried.**

Mr. Waybright also made a motion to approve the Final Land Development Plan for Ely Farmers Market Plan subject to the comments in the engineer's April 17, 2013 memo being addressed and the owner signing the Monitoring Agreement being prepared by Solicitor Wiser seconded by Mr. Ferranto and carried.

Mr. Waybright made a motion to approve a 90-Day Request for Time Extension for the Brandon Keller Proposed Poultry Barns seconded by Mr. Toddes and carried. Approval of the plan is needed by August 12, 2013.

Mr. Toddes made a motion seconded by Mr. Waybright and carried to approve a Request for Time Extension for the Judy Miller Final Plan for approval by July 31, 2013. Mr. Knoebel suggested that he will contact the owner's representative if there is no action on the plan by July 31, 2013 because they have been granted several extensions.

Mr. Knoebel reported that Phase III is the last phase of the Cannon Ridge Development and they have been waiting for the construction of the Old Mill Road Sewer Pumping Station to proceed. He added that the

construction will be completed in early summer and Cumberland Township Authority has written a letter indicating that they have capacity to serve the development. He added that the developer has submitted a Sewage Facilities Planning Exemption for approval by the Board and submission to PADEP for their approval. **Mr. Toddes made a motion to approve the Sewage Facilities Planning Exemption for Cannon Ridge, Phase III, to be submitted to PADEP for their approval, seconded by Mr. Ferranto and carried.**

Public Comment:

Mrs. Jean Stone, 1745 Mummasburg Road, asked the Board to carefully consider the text amendment proposed for Chapter 27, Part 20, §27-2001.2 that removes the current language for notification and replaces it with the Procedure-Notice requirements of Article VI of the Pennsylvania Municipalities Planning Code. Mrs. Stone stated that it seems that the Township is removing the very section that the citizens asked to be amended to include notification 30 days prior to a hearing to everyone within 1,000 feet. Mrs. Stone stated that the citizens would agree to notices being mailed by regular mail as opposed to certified mail. She added that a public hearing was held on the citizen's amendment, but it has never been resolved and she asked the Board to consider this. Mrs. Stone also asked the Board to hold a public hearing on the Keller Poultry Barn project as requested by the citizens.

Mrs. Holly Martin, 1402 Fairfield Road, thanked the Police Department for the assistance they gave her today at her workplace. She added that their response is always exemplary, she is proud to live in Cumberland Township and she thanked the Board for funding the Police Department.

Mr. Everett Ladd, 215 Ridgewood Drive, stated that the \$15,500.00 spent on the Keller Hearing is peanuts compared to what will happen to property values if the poultry barns are approved and he encouraged the Board to hold a public hearing on the land development plan as requested by the citizens. He also stated that the area had been zoned Residential and was changed to Agricultural/Residential and it makes no sense to have this obnoxious concentrated agricultural use in such close proximity to residences. Mr. Ladd also spoke about the Foundry site and added that he doesn't want his community to have a situation like this. Mr. Ladd read Article 1, Section 27 of the Pennsylvania State Constitution which states "the people have a right to clean air, pure water and the preservation of the natural scenic, historic and aesthetic values of the environment."

Mr. Ron Herring, 965 Fairfield Road, spoke to the Board about a stormwater run-off problem from the new landscaping / renovations at the Lutheran Seminary. He added that the stormwater run-off backs up from the Park Service land that is west of his property and the problem may be helped if the land was cleaned out. Mr. Knoebel volunteered to meet Mr. Herring at his residence to look at the situation.

Mr. Chuck Elder, 981 Fairfield Road, spoke to the Board about a similar stormwater problem created by the Lutheran Seminary's removal of a large amount of trees. He reported that the Seminary connected a new catch basin to an existing (very small) stormwater pipe that will cause the water to back-up and flood their properties. Mr. Knoebel will also look at this situation with Mr. Elder.

Ms. Peggy Keating-Butler, 1805 Mummasburg Road, asked the Board to approve the citizens' request for a public hearing to be held on the Keller Land Development Plan because she feels that residents still have no access to information that is relevant to their health, welfare and safety and their limit to five minute comment periods is not adequate to address their numerous concerns about inconsistencies between testimony that was given at the Conditional Use hearing and information being given with the land development plan.

Mr. Speros Marinos, 912 Baltimore Pike, reported that he met with Township staff regarding the zoning of his property and he is feeling a little more comfortable with the Comprehensive Plan process with County Planning. He added that he does not feel that (VMX) Village-Mixed Use fits in Cumberland Township and many small villages that the Township once had are now gone.

Elizabeth Magner, 470 Belmont Road, reported that she was extremely grateful to receive a certified letter (regular mail would also suffice) from the Township regarding the concentrated animal operation that was proposed for her neighborhood and she worries about that notification process being removed from the Township's ordinance. She also encouraged the Board to hold a public hearing on the Keller Land Development Plan and have Mr. Keller answer their questions. She also reported that there has been an elevation in crime in their neighborhood.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of March including; 450 complaints, 79 traffic stops, 59 combined arrests, 16 traffic accidents, 28 targeted enforcements and 11,232 patrol miles. He added that they assisted other agencies 6 times and they were assisted 2 times.

Active Business:

Chair Underwood reported that the Township received a letter of resignation from Carl Athey, Planning Commission member. She added that Mr. Athey has been a valuable member of the Planning Commission and it is with regret that the Board accepts his resignation. Chair Underwood asked for residents interested in serving on the Planning Commission to submit a letter of interest that includes their background, by May 1, 2013. **Mr. Waybright made a motion to accept, with regret, Carl Athey's resignation from the Planning Commission effective May 1, 2013. The motion was seconded by Mr. Toddes and carried.**

Chair Underwood also reported that the agreement for "Community Assistance Planning Program" from Adams County for the Regional Comprehensive Plan with Gettysburg Borough has been signed and returned to Adams County and the Township is waiting for the County to receive the agreement from Gettysburg Borough.

Chair Underwood also reported that the Township received the COG bids for line painting and this bid needs to be awarded. Mr. Waybright stated that this was discussed at the workshop and the low bid was from Alpha Space Control in the amount of \$.0918 for double yellow center line reflective. **Mr. Waybright made a motion to accept the low bid from Alpha Space Control seconded by Mr. Ferranto and carried.**

Chair Underwood asked for a motion to schedule a public hearing on May 28, 2013 for a request received from Sharrah Design Group, Inc., on behalf of Rupa Engineer for a Zoning Map change for their property located behind Lincoln Estates on Chambersburg Road. She added that the fee for the hearing has been paid. **Mr. Waybright made a motion to set the hearing date for the Rupa Engineer Zoning Map change for May 28, 2013 at 6:30 p.m. seconded by Mr. Ferranto and carried.** The request is for the zoning to be changed from (R) Residential to (RMH) Residential Medium High. Mr. Naugle explained that RMH allows more density.

Chair Underwood reported that Adams County will be holding a Tire Collection Event on Saturday, May 18, 2013 at the Adams County Ag and Natural Resource Center. She added that you do have to register and pay the fee (\$1.00 per tire) by Monday, May 13, 2103.

The citizen's request for a public hearing to be held on the Keller Land Development Plan was discussed. The Board offered to allow an extended period of time for public comment after the plan goes through the Planning Commission process and is on the Supervisors' agenda. Chair Underwood stated that the Board needs to depend on Township, County and State professionals to ensure that the requirements are met. Solicitor Wisner stated that he feels that what the Board is recommending is just a matter of semantics, except a public hearing triggers advertising, mailings etc. Mrs. Stone stated that they would like to have someone available to answer their questions. Solicitor Wisner stated that there is no requirement for the applicant to be present to answer questions and the comments need to deal directly with the Land Development Plan. It was requested that the public comment not be held on the same night as the Board is going to vote so there is time for the Board to think about it and a date will be set once the plan is recommended by the Planning Commission and is ready to go on

the Supervisor's agenda.

Chair Underwood reported that the Adams County Office of Planning and Development is offering to report boundary and feature changes annually to the U. S. Census Bureau through their Consolidated Boundary and Annexation Survey and there are several other municipalities that already participate in this program. **Mr. Waybright made a motion to approve the Township's participation in the Consolidated Boundary and Annexation Survey with the Township receiving a copy of the report from the County seconded by Mr. Toddes and carried.**

Mr. Ferranto made a motion to schedule a workshop for Thursday, May 2, 2013 at 1:00 p.m. for the Supervisors and Pension Review Board members to interview three companies that submitted Requests for Proposal for the pension investment services. The motion was seconded by Mr. Waybright and carried. There were eight proposals received and the Pension Review Board has narrowed the selection down to the top three.

Solicitor:

Solicitor Wisner presented a Sponsorship, Indemnification and Reimbursement Agreement with HACC for Rectangular Rapid Flashing Beacons for the pedestrian crosswalk that they are proposing at their campus to hook up with the North Gettysburg Trail. He added that the Township agrees to be the applicant for the PennDOT permit and HACC will be responsible for any and all costs related to the construction and maintenance of the signal and will be placing funds in an escrow account to cover the Township's expenses. **Mr. Ferranto made a motion to approve the Sponsorship, Indemnification and Reimbursement Agreement with HACC seconded by Mr. Waybright and carried.**

Solicitor Wisner also presented a Draft Amusement Tax Ordinance amendment and reported that Mr. Thomas has scheduled a meeting with the Gettysburg Area School District as they receive half of the tax and this will impact them. The Board agreed to wait to vote on the advertisement until after the meeting with the School District.

Solicitor Wisner also reported that he anticipates receiving the signed Developer's Agreement from HACC for their Parking Lot Expansion project in the near future.

Committee Reports and comments from Board Members:

Finance Committee – Chair Underwood reported that three quotes have been received for the replacement of the HVAC units in the Police Department and the low bid is from Climate Control of Fayetteville, PA in the amount of \$5,871.00. The committee would like approval to move ahead with this. Mr. Naugle stated that we may be able to get an Energy Grant from the state and he will keep working on this. **Mr. Toddes made a motion to approve the replacement of the HVAC units in the Police Department by accepting the low bid from Climate Control seconded by Mr. Ferranto and carried.**

Public Safety – Chair Underwood reported that the committee is recommending a Police Officer status change from a part-time officer to a full-time officer effective May 6, 2013. **Mr. Waybright made a motion to convert a part-time officer to full-time status effective May 6, 2013 seconded by Mr. Toddes and carried.**

Economic Development – Chair Underwood reported that the committee has met and are recommending that the Township join the Gettysburg Adams Chamber of Commerce (\$350.00 dues) and the Adams County Economic Development Corporation (\$300.00 dues) for one year. Mr. Ferranto added that they feel that the Township should have a seat at the table and they will reevaluate the Township membership after one year. **Mr. Ferranto made a motion to authorize the membership fees for the two entities be paid seconded by Mr. Waybright and carried.**

Planning and Zoning – Mr. Ferranto made a motion to reappoint Barbara Underwood and David Waybright to the Planning and Zoning Committee seconded by Mr. Toddes and carried. Chair Underwood reported that there are several zoning text amendments that the committee would like to see moved forward and a date needs to be set for a public hearing. Mr. Ferranto reiterated that he feels that the Township should wait and not make any changes until the Comprehensive Plan is updated. Solicitor Wisner stated that the amendments must go to the County and Township Planning Commissions at least 30 days prior to the public hearing so they can review and provide comments and then the legal advertising is required. **Mr. Waybright made a motion to schedule a public hearing on three zoning text changes for June 6, 2013 at 7:00 p.m. seconded by Mr. Toddes and carried. Mr. Ferranto voted nay.** Solicitor Wisner stated that these several amendments have been pulled out of the larger text amendments that were reviewed last year and deal with essential services, 200 foot building restriction and hearing notification. He added that copies of the proposed amendments will be available next week when the legal ad is done.

Park and Recreation – Mr. Toddes reminded everyone of the joint public hearing being held on May 14, 2013 at 7:00 p.m. at the Gettysburg Rec Park on the proposed Gettysburg Area Recreation Authority (GARA).

Staff Reports:

The Zoning Officer reported that the Township issued over \$1 million in building permits in the month of March and the month of April is looking very good as well. The Assistant Secretary’s report was also reviewed.

The meeting was adjourned at 8:50 p.m. for an Executive Session with no report to follow.

Carol A. Merryman, Asst. Secretary

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