

**Cumberland Township Board of Supervisors  
1370 Fairfield Road, Gettysburg, PA 17325  
December 20, 2018 Meeting Minutes**

The meeting was called to order at 7:00 p.m. by Chair Underwood. Present were all Supervisors: Underwood, Phiel, Paddock, Waybright and Toddes; Manager Ben Thomas, Jr., Solicitor Zachary Rice, Police Chief Don Boehs and Secretary Carol Merryman. Also present were: Mary Grace Keller from the Gettysburg Times, Bob Sharrah, Braden Mahley, Scott Hartman and eight residents.

Chair Underwood led the Pledge of Allegiance.

**Mr. Toddes made a motion seconded by Mr. Phiel and carried to approve the Minutes of the November 7 and 20, 2018 workshop meetings and November 27, 2018 regular meeting.**

**Mr. Waybright made a motion seconded by Mr. Toddes and carried to approve the bills in the amounts stated of: \$58,446.68 from the General Fund, \$888.75 from the Escrow Fund, \$82,802.53 from the Fire Tax Fund and \$2,087.57 from the Capital Reserve Fund. Mr. Waybright made a motion to approve the transfers of \$162,609.89 from the General Fund to the Health Insurance Account and \$15,952.19 from the Fire Tax Fund to the General Fund. The motion was seconded by Mr. Phiel and carried.**

Chair Underwood read the following statement to the Cumberland Township Supervisors:

Cumberland Township is completing its contractual year with Performance Health who has provided health care and RX to the Township for several years. We have had some good claim years where there was money left over from the self-funded insurance that was rolled into the new insurance year. We end 2018, however, with additional health claims that should be satisfied this calendar year so payment requests go into our re-insurance plan.

To accomplish this we recommend a transfer from General Fund reserves of \$135,000.00 into the Township's Health Insurance Account which is unbudgeted. This will allow late 2018 health care claims to go to re-insurance for payments from this year's Plan. This will hopefully save in next year's budget. After the first quarter of 2019 the Township should see a reimbursement to the Township that would be placed back into and replenish the reserve fund. **Mr. Paddock made a motion to approve the transfer of \$135,000.00 from the General Fund to the Health Insurance Account seconded by Mr. Toddes and carried.**

**Public comment:**

Mrs. Nita Gross, 938 Barlow-Greenmount Road, thanked the Township for action on a complaint that she filed earlier today regarding the pond on the KSS property being full and they did come and pump some of the water out. She also reported that there was a fatal stabbing at a Carroll County, MD Group Home and they sent a letter to the Board regarding ordinance violations regarding stormwater discharge onto their property from the KSS property. Mrs. Gross also mentioned a complaint from Sharon Martin regarding ponding on her property.

Mr. Brian Fitzgerald, 914 Barlow-Greenmount Road, asked the Board who enforces the de-watering of the stormwater pond on the KSS property and reported that they only took out one truckload today.

**Engineer/Plans:**

Mr. Thomas reported that the Township has a Request for Extension for the approval of the Gettys Point

Final Land Development Plan until March 31, 2019. **Mr. Toddes made a motion seconded by Mr. Paddock and carried to approve the request and it was noted that the plan should be ready for action at the January meeting.**

He also reported that a Request for Extension has been requested for the Musket Ridge Final Land Development Plan until June 30, 2019. **Mr. Phiel made a motion to approve the Request for Extension until June 30, 2019 seconded by Mr. Waybright and carried.**

The next item is also a Request for Extension for approval of the Wayne and Susan Hill Final Subdivision Plan until March 31, 2019. **Mr. Paddock made a motion to approve the request, seconded by Mr. Phiel and carried to extend the approval for the Wayne and Susan Hill Plan until March 31, 2019.**

The next item is also a Request for Extension from the Lutheran Seminary. They are requesting approval to be extended (180 days) until July 8, 2019. **Mr. Paddock made a motion to approve the request seconded by Mr. Waybright and carried.**

Mr. Thomas explained that there are two requests for the Hartman, Maitland and Croy Final Subdivision Plan; a Sewage Planning Exemption and Request for Extension for approval of the plan until March 31, 2019. **Mr. Toddes made a motion seconded by Mr. Paddock and carried to approve the Request for Extension until March 31, 2019. Mr. Waybright made a motion seconded by Mr. Phiel and carried to approve the Sewage Planning Exemption to be filed with PaDEP.**

Mr. Thomas reported that the Township has a request for a release of financial security from Cumberland Village, Phase 1C and there is a memo from Mr. Knoebel dated December 17, 2018 which he read. The memo recommends that \$60,865.00 be retained resulting in a release of \$368,155.24. **Mr. Waybright made a motion to release \$368,155.24 as recommended seconded by Mr. Phiel and carried.** Mr. Thomas also reported that the Township holds an additional \$15,000.00 specifically for the footbridge.

Mr. Thomas reported that the Township has received a request for a total release of the financial security for the St. Francis Xavier Land Development Plan. Mr. Thomas explained that there are three separate requests: \$53,223.00 for the completion of the sidewalk along Table Rock Road; \$172,456.92 for the remaining intersection improvements and \$160,275.00 for the remaining development site work. Mr. Thomas also reported that the recommendation is for the release of the financial security for completion of the sidewalk to be tabled; retaining \$15,000.00 for the remaining intersection improvements and full release of the financial security for the site improvements. **Mr. Paddock made a motion to table the request for the release of the \$53,223.00 for the completion of the sidewalk along Table Rock Road seconded by Mr. Phiel and carried. Mr. Paddock made a motion to release \$157,456.92 for the intersection improvements retaining \$15,000.00 seconded by Mr. Toddes and carried. Mr. Waybright made a motion seconded by Mr. Phiel and carried to approve a total release of the remaining \$160,275.00 for the site improvements.**

Mr. Thomas reported that the next item is the Gettysburg Battlefield Resorts Land Development Plan for the replacement of their Wastewater Treatment System. He added that the plan includes new gravity and force main sewer lines, manholes, treatment plant location and stormwater facilities to serve the entire resort (298 sites). Mr. Thomas stated that there is a request for a waiver from the requirement to submit a Preliminary Plan. **Mr. Waybright made a motion to waive the requirement to submit a Preliminary Plan seconded by Mr. Toddes and carried. Mr. Waybright made a motion to approve the Land Development Plan subject to the comments in the engineer's October 29, 2018 memo being addressed. The motion was seconded by Mr. Paddock and carried.**

Solicitor Zachary Rice read the following statement regarding the Keystone Social Services (KSS) Stormwater issues:

As the Cumberland Township Board of Supervisors and public are aware there have been many challenges with storm water management associated with the KSS project. Actual field conditions did not mirror the conditions identified in the initial storm water management report submitted with the plan. In addition to the variation in the conditions, this year has been unique in that Cumberland Township has received approximately 60 inches of rainfall this year.

KSS has submitted a revised grading and storm water management plan and is working on implementing that plan. The revisions are not yet fully complete or functional. In addition, the Township Engineer is awaiting a final as-built plan for review. Comments and concerns have been received by various neighbors and the Township acknowledges those concerns and has or will be providing specific responses to some of the residents. This is a highly technical matter, and we aren't going to be able to resolve it tonight during the public meeting, but the Cumberland Township team eagerly awaits completion of the revised improvements and the submission of the as-built drawing.

There was a discussion regarding the KSS project following the statement.

**Police Report:** Police Chief Don Boehs presented a written and oral report of police activities for the month of November, 2018 including: 292 complaints - Psych/suicide-2, Disturbances-4, Assault/Harassment-3, Domestic-7, Criminal Mischief-0, Suspicious Activity-9, Thefts-0, Alarms-10, Medical Emergency-6, 911 Hang Up-5, Cruelty to Animals – 0, Wanted Person – 1, Reported Drug Activity – 1, Welfare Checks – 7, Shots Fired – 1, Fraud – 1, Burglary – 0, Sexual assault-2, Follow-up Investigation-35, SRO Calls – 9 resulting in 1 arrest; 72 traffic stops, 64 combined arrests, 19 traffic accidents, 20 targeted enforcements and 8,021 patrol miles. He added that they assisted other agencies 4 times and they were assisted once. Assists to Pa. State Police were one in Straban Township. Chief Boehs reported that they had 37 walk-in complaints.

**Active Business:**

Mr. Thomas reported that the 2019 Budgets and Tax Resolutions are ready for review and approval. Mr. Thomas added that there were several minor modifications since the preliminary approval was given to the General Fund budget a month ago that actually increases the fund's balance by \$789.50. **Mr. Toddes made a motion to adopt the 2019 Budgets seconded by Mr. Phiel and carried.**

**Mr. Waybright made a motion seconded by Mr. Toddes and carried to adopt the following:**

**2019 CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA TAX RESOLUTION**

**BE IT RESOLVED THAT** the Tax Millage for 2019 is set at 1.9 mills Real Estate for General Fund purposes and an additional .25 mills for restricted Fire Department funding purposes (Fire Tax).

**BE IT RESOLVED THAT** the Per Capita Resolution of 1953 is re-enacted for 2019 without change. The tax rate is \$5.00; two percent (2%) discount; and ten percent (10%) penalty.

**BE IT RESOLVED THAT** the Earned Income and Profits Tax Ordinance of 2011 is re-enacted for 2019 without change.

**BE IT RESOLVED THAT** the Local Services Tax Ordinance of 2007 is re-enacted for 2019 without change.

**BE IT RESOLVED THAT** the Amusement Tax Ordinance of 2014 continues without change in 2019. The rate of 10% (5% which is payable to the Gettysburg Area School District in accordance with its Resolution and the Local Tax Enabling Act) of the admission price to each and every amusement within the Township of Cumberland for which the individual price of admission is \$1.00 or more; **or** the rate of 2% (1% which is payable to the Gettysburg Area School District in accordance with its Resolution and the Local Tax Enabling Act) of the participation price to each and every amusement within the Township of Cumberland for which the individual price of participation is \$1.00 or more.

**BE IT RESOLVED THAT** the Realty Transfer Tax Ordinance of 2008 is re-enacted for 2019 without change. The tax rate is one percent with Cumberland Township receiving .5% and Gettysburg Area School District receiving .5%.

**ENACTED AND ORDAINED** this 20<sup>th</sup> day of December, 2018.

### **CUMBERLAND TOWNSHIP BOARD OF SUPERVISORS**

**Mr. Phiel made a motion seconded by Mr. Waybright and carried to schedule the 2019 Re-Organization Meeting for Monday, January 7, 2019 at 3:00 p.m.**

**FINANCE COMMITTEE:** Mr. Phiel reported that the Township received a request from Gettysburg Fire Company for reimbursement from the Fire Tax in the amount of \$74,944.31 for a payment on their Rescue Vehicle and the committee is recommending that they be given \$50,000.00 so as not to deplete the Fire Tax Fund. **Mr. Phiel made a motion seconded by Mr. Toddes and carried to approve a \$50,000.00 disbursement to Gettysburg Fire Company.**

**Solicitor:** Solicitor Rice asked that the Board ratify the execution of the Memorandum of Understanding (MOU) with the Police Association for the Capital Blue Health Plan. **Mr. Paddock made a motion seconded by Mr. Waybright and carried to ratify the execution of the MOU with the Police Association for the Capital Blue Health Plan.**

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

**Public Safety** – Chair Underwood reported that the Police Department is now at full compliment.

**Personnel** – Mr. Thomas reported that Michele Long has passed the Pa. Building Code Official course and wished Bill Naugle the very best for a long retirement.

**Parks and Recreation** – Mr. Toddes reported that they got a grant from DCNR to build a small playground with help from the Pennsylvania State Association of Boroughs.

**Planning and Zoning** – Chair Underwood reported that the Board has a copy of the Draft Central Adams Joint Comprehensive Plan for their review and a date is needed for the required Public Hearing. Mr. Thomas asked the Board to tentatively look at February 26, 2019 at 6:00 p.m. for the hearing. He added that Gettysburg Borough and Straban Township will each be having their own hearings.

**CTA** – Mr. Toddes reported that they replaced a sewer line on Willoughby Run Road and the Authority got a new Ford F-150 pick-up truck.

**COG** – Chair Underwood reported that the COG met this morning and discussed a debris management plan, they are looking for input from the Townships and they had a very preliminary discussion on the appeals process for the FEMA flood plain maps.

**Highway, Building and Grounds, Economic Development** – No reports.

The Zoning Officer and Secretary/Treasurer's reports were reviewed.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 7:57 p.m. for an Executive Session with no report to follow.

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Carol A. Merryman, Secretary

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