

CUMBERLAND TOWNSHIP BOARD OF SUPERVISORS
1370 FAIRFIELD RD., GETTYSBURG, PA 17325
APRIL 30, 2024

PUBLIC HEARING – Text Amendment to the Cumberland Township Code of Ordinances to establish certain exemptions to the land development plan submission requirement and to amend the definition of “Land Development”. - 6:00 P.M.

The hearing was brought to order at 6:05 p.m. by Chairman Phiel. The hearing was turned over to Attorney Wakefield who gave an explanation of the proceedings and how the hearing would be conducted. Mr. Wakefield gave reasoning for the text amendment.

Public Comment: None

The hearing was closed at 6:07 p.m..

PUBLIC HEARING - Amendment to Chapter 27 of the Township Code to decrease the minimum contiguous tract size requirement from the Planned Use Development – Single Family Attached Townhouse dwelling standards.

The second hearing was brought to order at 6:08 p.m. by Chairman Phiel. Attorney Wakefield gave an explanation of the proceedings and how the hearing would be conducted. Mr. Wakefield explained the application and applicant’s reasoning for asking for the tract size to be minimized.

Public Comment: None

The hearing closed at 6:12 p.m.

REGULAR MEETING AGENDA IMMEDIATELY FOLLOWING THE 6:00 HEARINGS

Chairman Phiel called the regular meeting to order at 6:40 P.M. Present were all Supervisors: Phiel, Sheppard, Ramsburg, Biggins and Brauning. Also, present were Solicitor Isaac Wakefield, Township Manager David Blocher, Police Chief Matthew Trostel, Superintendent of Roads Chris Walter, Treasurer Camie Stouck-Phiel, and Township Secretary Michele Long.

Chairman Phiel led the Pledge of Allegiance.

Chairman Phiel announced that the Board held executive sessions on April 10th and April 30th, 2024 to discuss personnel.

Agenda Approval

Mr. Phiel stated that agenda item 6d.1 needed to be amended by adding a physical agility testing date of May 11th, 2024 with the April 27th date. Mr. Phiel stated that HACC was only able to have one of the agility tests completed on April 27th so another date has been added for these tests to be completed. The second set of interviews were still finished based on the passing of this agility test.

With this amendment Mr. Phiel asked for a motion to approve the agenda.

Mr. Brauning made a motion to approve the agenda as presented, seconded by Mr. Sheppard, and carried. 5-0

Public Comment:

None

Consent Agenda Approval

Mrs. Biggins made a motion to approve the consent agenda, items 6a – 6e, as presented, adding the change to item 6d-1 and setting the text amendment hearing date for May 28, 2024 at 6:00p.m., seconded by Mr. Brauning, and carried. 5-0

- 6a. Action on Minutes – March 26, 2024, Regular Meeting Minutes.
- 6b. Approval of Bills for the month of April \$342,963.07 - General Fund; \$12,711.22 - Escrow Fund; \$1,437.31 – Fire Tax Fund.
- 6c. Engineering Items
 1. Approval of the Sewage Planning Module for Thomas E. Clowney Subdivision as per the KPI comments April 9, 2024.
 2. Approval of Final Subdivision plan for the American Battlefield Trust as per the KPI comments dated April 22, 2024.
- 6d. Items from Personnel Committee
 1. Ratify approval for Cadet applicants to attend physical agility testing at HACC on April 27th for a cost of \$60.00 each. Applicants that complete this process will advance to final interviews. *Adding agility testing date of May 11, 2024 and that the second interviews will be conditional based on passing of this test.*
 2. Acknowledgement of resignation from Police Officer Dakota Myers.
- 6e. Set hearing date and approve advertisement for Township Text amendment to amend Chapter 27, Part 14 entitled “Neighborhood Multi-Family Overlay”. Recommended hearing date of May 28th at 6:00p.m. with regular meeting to begin directly after hearing.

POLICE REPORT:

Police Chief Trostel presented an oral and written report of police activities for the month of April 2024 including: 244 calls for service, 149 traffic stops, 18 criminal incidents and 7,858 patrol miles. Some highlights of the report were:

- Chief Trostel announced that Sgt. Rosenberger has completed his one-year probationary period as of March 28, 2024. Chief Trostel gave some highlights of Sgt. Rosenberger’s accomplishments throughout this past year.
- 5 Cadet candidates were interviewed today for the second round. These applicants will have to complete the physical agility test for Academy acceptance.
- The Department received an award from the Adams County Collaborating for Youth for being an outstanding coalition partner and for drug take back initiatives.
- Officers Higgs, Rosenberger, Barbagello, and Eiker were complimented on how they responded and assisted the family with the accidental death of a Township resident.
- Officer Barbagello was commended by a resident business owner for his assistance with a theft investigation.
- Detective Higgs attended 2024 Clean mandatory TAC Training
- Officer Yost attended Hands on Truck Training for LE
- Sgt. Rosenberger and Officer Barbagello attended Dynamic Scenario Training.
- Department Spring firearms qualifications are underway.

MAINTENANCE DEPARTMENT REPORT:

Mr. Walter gave the report for April and some highlights were:

- Mr. Walter stated in preparation for the micro-surface projects they finished crack sealing on Herts Ridge and Fairplay Roads along with the Cumberland Village development.
- The Department attended a PA One Call/811 safety seminar at the Eisenhower Inn.
- They also attended LTAP webinars and seminars on Work Zone Safety, Temporary Traffic Control and Traffic Sign Installation.

- In preparation for the paving project in Twin Lakes 2 they replaced a section of curb which had been causing water problems.
- They have received the new equipment trailer from Stephenson Equipment and the old trailer is on Municibid set to go off on May 9th.
- Mr. Walter attended the PSATS conference and the LTAP Road Symposium in Hershey.
- Mr. Walter added that the GIS mapping for the stormwater infrastructure has been moving forward and going well.
- The pipe replacement project has begun on Fairplay Road at the Fairfield Road intersection, which should be completed by the end of next week.

ENGINEERING REPORT:

Cumberland Crossing – Request for release of financial security, walking trail discussion.

Mr. Knoebel gave a background of the Cumberland Crossing plan along with the items the developer has completed from their inspection and the review of the as-built plans. Mr. Knoebel stated from this review the only outstanding item that remains is the completion of the walking trail. The developer has requested this walking trail be waived. Mr. Knoebel stated he is understanding that there is something going on with PennDOT and work at the Mason Dixon Road bridge which will perhaps allow the trail to go across that and through The Links Property into Mt. Joy Township therefore not needing to go through Cumberland Crossing. Mr. Knoebel stated that there is another request from the developer to release the financial security. Mr. Knoebel reviewed their KPI comment letter dated April 30th, 2024, regarding this release/reduction. Mr. Knoebel stated that the developer is asking for a full release of the financial security being held but the walking trail is not completed so he recommended that \$20,000.00 be retained for the decision of this walking trail to be installed or not. Mr. Knoebel also stated that a maintenance bond will need to be submitted for \$18,040.00 in relation to the improvements that were completed on Swetland Road.

Mr. Bruce Bennett, 135 River Road, who is the President of the HOA for Cumberland Crossing stated that the HOA and the members of the community do not want the walking trail. This was discussed at a HOA meeting and over half of the residents voted to not have the trail.

Mr. Rick Klein, developer for the project, stated he has been working with PennDOT since 2013 with only little success, to extend the bridge out and then they will extend the walking trail across the bridge. Mr. Klein stated he is good with the maintenance bond and holding of the money for the trail decision until they can get to a decision with PennDOT. He stated it could be a year until PennDOT can get all items ready to build but he feels confident they will agree to the walking trail and the bridge.

Mrs. Biggins made a motion to approve the reduction of the financial security in the amount of \$134,814.00 retaining \$20,000.00 contingent on the decision of the completion of the walking trail. Also, the need to submit an 18-month maintenance bond in the amount of \$18,040.00 to guarantee the Swetland Road upgrades. Seconded by Mr. Brauning and carried. 5-0

MS4 Update – Longview East Basin Retro-fit project

Mr. Knoebel reviewed the progression of the Longview East Basin Retro-fit project. The Manager coordinated with the Conservation District to get funding for this east basin and as of last Thursday the project was awarded to Fly Away. This is the company who did the previous stream restoration work. The cost of the work is \$12,998.00. This is a great way for the Township to document additional credit for sediment flow production and possible credit on volume production in the future.

Individual Site Plan Approval Process/NPDES Impervious Coverage Limits Update

Mr. Knoebel explained that we have recently received a request from a developer to help with the NPDES permits and their stormwater plans. This is being implemented with Cumberland Village where someone comes into build a new home, an addition onto a home or a patio, deck, etc. with comparison to what the designed impervious coverage was for as far as permitting and the requirements that we have for how KPI

is handling this with reviews. The new protocol for handling site plans with active NPDES permits is they need to be provided to their HOA or developer at the time to make sure there is enough impervious coverage for each deck/patio/addition etc. The idea is to assist with making sure there are no complications when the developer/HOA goes to terminate their NPDES permit. If the permit is already terminated and they do go over their amount of impervious a stormwater plan will be required to accommodate the additional impervious coverage. We are hoping to assist with the NPDES permits but not get into the middle of the HOA and the applicant.

ACTIVE BUSINESS:

Discussion/action on the proposed amendment to establish certain exemptions to the land development plan submission requirement and to amend the definition of “Land Development” re: 6:00p.m. hearing.

Attorney Wakefield stated that a motion is required regarding the hearing held at 6:00 pm this evening for Ordinance 2024-196 to establish certain exemptions to the land development submission requirement and amend the definition of Land Development.

Mrs. Ramsburg made a motion to approve the text amendment 2024-196 to establish certain exemptions to the land development plan submission requirement and to amend the definition of ‘land development’ as presented. Second by Mr. Sheppard and carried. 5-0

Discussion/action on the Amendment to Chapter 27 of the Township Code to decrease the minimum contiguous tract size requirement from the Planned Use Development – Single Family Attached Townhouse dwelling standards re: 6:00p.m. hearing.

Attorney Wakefield again added that a motion is needed for the second hearing that was held this evening regarding decreasing the minimum contiguous tract size requirement from the Planned Use Development – Single-Family Townhouse dwelling standards. This would be for Ordinance 2024-197 which would reduce this tract size from 25 acres to 10 acres.

Mrs. Biggins made a motion to approve the text amendment request 2024-197 amending Chapter 27 of the Township Code to decrease the minimum contiguous tract size requirement from the Planned Use Development – Single Family Attached Townhouse dwelling standards to 10 acres. Second by Mr. Sheppard and carried. 5-0

Review and accept Road bids.

Mr. Walter reviewed the road project bids which were opened April 18, 2024 at 10:00 a.m.. Mr. Walter read the low bids as follows:

Paving of Twin Lakes Drive: New Enterprise Stone and Lime for \$224,802.00 – **Approved by motion of Mr. Sheppard, second by Mrs. Ramsburg and carried. 5-0**

Line Painting: Alpha Space for \$22,538.60 – **Approved by motion of Mrs. Biggins, second by Mr. Sheppard and carried. 5-0**

Micro Surface: Stewart & Tate for \$132,800.00 – **Motion by Mrs. Biggins, second by Mr. Brauning and carried. 5-0**

Mr. Walter stated that all the bids came in under the budget projections.

Personnel:

Mr. Phiel congratulated Sgt. Joshua Rosenberger for successfully completed his Sergeant Probation period.

Mr. Phiel stated that the Manager was recognized for completing the Pennsylvania Municipal Government Academy and Municipal Education program for the State Association of Townships in the past year Mr. Blocher has completed the course to get his 60 points.

Mr. Phiel stated that he attended the PSATS conference, and it is a nice benefit to go and learn a lot of items in a small period of time.

Mr. Wakefield stated the Township is in the process of conducting interviews for Police Cadets and this evening we are asking the Board to extend the conditional offers of employment for two Cadets.

Mrs. Biggins asked Chief Trostle why he did not advertise for an Act 120 certified officer and only for two Cadets. She feels there will be a lapse of 15 months for academy and training, along with it being a big financial investment for the academy, training, etc. She asked why not one Cadet and one Act 120 officer. Chief Trostle stated that recruitment is very challenging for Act 120 officers. With the last hiring they couldn't get any qualified officers, so Cadet is the next step for hiring. With past efforts the Cadet seemed to be the best fit.

Mr. Brauning authorized the Board to extend the conditional offers of employment for up to two Police Officer Cadets, second by Mr. Sheppard. Motion carried. 5-0

Parks and Recreation:

Approval of Resolution 2024-07 authorizing the filing of an application to the Greenways, Trails and Recreation Program for grant funding from the Pennsylvania Department of Community and Economic Development and Commonwealth Financing Authority, and designating officials to execute the associated grant documents.

Mrs. Ramsburg stated this is for an additional grant for the Park and Rec comprehensive plan study for the Township. The application is due May 31st, 2024. This is a study that will allow the residents to inform the Township on what they would like to see as far as recreation with the funding we receive from the grants within the Township.

Mrs. Ramsburg made a motion to approve resolution 2024-07 authorizing the filing of an application to the Greenways, Trails, and Recreation Program for grant funding from the Pennsylvania Department of Community and Economic Development and Commonwealth Financing Authority, and designating officials to execute the associated grant documents. Second by Mr. Brauning and carried. 5-0

Solicitor: No items

Committee Reports and comments from Board Members:
COG, Park and Recreation, Planning & Zoning, Public Safety, Highway, CTA.

Economic Development Committee: No Items

CTA: Mr. Knoebel stated they have a preconstruction meeting this coming Thursday for the sewer extension project on Boyds School Road which will eliminate the old pump station at the apartment complex which they have been trying to do for a long time now.

COG: Mr. Blocher stated the COG meeting was held April 25th. Healthy Adams Bicycle/Pedestrian, Inc. (HABPI) presented the efforts they are working on to promote bicycle and walking trails. They are asking and encouraging Townships to adopt ordinances to promote the connectivity of development and trail systems.

CT411: No items

STAFF REPORTS

Manager:

Mr. Blocher reported the following:

- A few months ago, we spoke about working with the County to obtain grant funding to have the Longview Basin MS4 project completed. The County completed the grant request and was awarded the funding. The County is the lead in this project and a pre-bid meeting was held April 9th. KPI, County of Adams, Cumberland Twp, and HOA were notified and present at the meeting.

- Staff attended the 2024 annual PSATS conference held in Hershey April 14th through the 17th. This conference provides great learning opportunities and helps keep the Township current with new legislation, events, grants, etc. I also received my Diploma from the Municipal Government Academy.
- Our annual Insurance review was conducted at the Township on April 3, 2024. This included the Chief, Superintendent of Roads, Treasurer, Secretary, and Manager
- I attended the April 29th YATB Board meeting. 2023 EIT was up to \$1,080,991.00 and should be on target for 2024. The Finance Director and I will be attending their open house / overview event on May 14th in the York location.
- Scheduled to take part in a two-part training session in May from FEMA that will discuss international building code, grant funding, ways to update and implement codes, and local perspectives on building code adoption.
- The building committee continues to look at the building's needs and should be prepared to have a workshop in June.
- Attended the Benecon educational health seminar that was held on April 4 & 5th in Lancaster. This provided us with current updates in healthcare options and plans. We will be evaluating our current plan this summer.

Treasurer:

Mrs. Camie Stouck-Phiel reported the following:

- Attended the 2024 Benecon Health Benefits Seminar in Lancaster, PA. While at the Seminar I attended several informative breakout sessions related to current topics in healthcare.
- Attended the 2024 PSATS' Annual Education Conference. The conference included daily workshops, exhibits, and many opportunities to network with other local municipalities.
- As the Authorized Representative, Account Administrator, and Point of Contact for reporting with the U.S. Department of the Treasury, I submitted Cumberland Township's required Annual Project and Expenditure Report.
- Completed all the required 2024 1st Quarter payroll liability reports and payments.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 7:45 P.M. to executive session to discuss personnel, litigation, and real estate.

Michele Long, Township Secretary

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_____) Supervisors
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