

**Cumberland Township Board of Supervisors  
November 8, 2012 Workshop Minutes**

Chairperson Underwood called the workshop to order at 7:00 p.m. Present were all Supervisors; Township Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Assistant Secretary Carol Merryman and Zoning Officer Bill Naugle. Others present were Elizabeth Magner, Sandra Dixon, Everett Ladd, Riley Hollingsworth, Dale Molina, Carolyn Greaney, Mr. and Mrs. Barry Stone, Mr. and Mrs. Eugene Brehm, Speros Marinos, Tom Clowney, Dan Wilkinson, Steve Tallman, Donald Kauffman, Jim Paddock, Amy Stansbury from the Evening Sun and Jenna Faust from The Gettysburg Times. The workshop was recorded.

**Public Comment:**

Don Kauffman, 56 Bittern Drive, asked the Board to consider denying Shirley Wagner's application to place her property in the Agricultural Security Area if this designation will obscure the conditions placed by the Board on the Conditional Use for Mr. Keller's proposed poultry operation.

Mr. Speros Marinos, 912 Baltimore Pike, spoke about the importance of our volunteer firemen and our Police Department which does serve more than Cumberland Township. He suggested that a Transient Retail Fee be charged to the vendors who come to the reenactments to sell their products because this affects local businesses.

Mr. Tom Clowney, 361 Barlow Road, asked the Board to approve the Wagner request for inclusion into the Agricultural Security Area.

**Agricultural Security Area Decision:**

Chairperson Underwood stated that the Board will now take action on the Shirley A. Wagner, 1714 Mummasburg Road, application for inclusion in the Township's Agricultural Security Area. **Chairperson Underwood stated that she would like to make a motion regarding Shirley Wagner's application for addition to an Agricultural Security Area, 1714 Mummasburg Road. The motion is to deny the application from Shirley A. Wagner to include Tax Parcel 09-E11-0068A-000 into the Agricultural Security Area due to the applicant's failure to demonstrate compliance with the required criteria; specifically the fourth and fifth elements as set forth in the written decision to be issued by the Board. The motion was seconded by Mr. Ferranto and carried unanimously.** Solicitor Wiser stated that Ms. Wagner may reapply and the Township may pose a fee for a reapplication within a 36 month window.

**Public comment on Admission Tax:**

Mr. Speros Marinos, 912 Baltimore Pike, asked for clarification on the two different proposed tax rates. He stated that he feels that the Special Events should not pay a lesser tax rate. He also asked if the bars pay the tax on their cover charge and if the tax paid by the re-enactment offsets what it costs the Township.

Mr. Joe Spatalini, representing the Eisenhower Hotel, asked for clarification on what the proposed changes are. He added that he does understand the collection of the tax when an admission is charged, but now he understands that the rental on a booth for an event is also taxable.

Mr. Thomas stated that the current ordinance that was written in 1977 covers not only admissions, but also participating in an event. He added that he understands that it is confusing and that is why the Township wants the ordinance to be clarified. He reported that the tax on admissions will remain 10% and what is proposed for change is the tax rate for a participation/registration fee for an event. The proposal is to reduce that tax rate from 10% to 6%.

Mr. Spatalini stated that they would be against the tax because that's what brings people into the hotel and they already have to pay a 5% room tax. He added that having the tax would make other venues outside of Pennsylvania more attractive.

Mr. Jim Paddock, 1777 Fairfield Road, asked what the other Townships are doing and feels that we should be aware of that. Chair Underwood stated that we do have that information from the Gettysburg Convention and Visitor's Bureau.

Mrs. Jean Stone, 1745 Mummasburg Road, asked what happens when the participants go through multiple jurisdictions (like during a race) do they pay the tax to each jurisdiction? Solicitor Wisner stated that they are looking to clarify this scenario in the ordinance amendment and there may be events that are conducted solely within the road right-of-way that are not subject to the Admission Tax. He added that the event would have to be occurring at a fixed location within the Township for the tax to apply. Mr. Thomas added that there are sporting events that are held in multiple locations and in that case the tax should be pro-rated.

Mr. Spatalini clarified that the liability to pay the tax is on the organizer and Solicitor Wisner agreed that it was. Solicitor Wisner added that it depends on the facts with each event whether the tax applies or not and that is why the Township is trying to make the ordinance as clear as possible.

Mr. Barry Stone, 1745 Mummasburg Road, asked if there is a way to re-coup the Township's expenses when the Police Department is involved with the event. Mr. Thomas stated that the organizers of the event are receiving a bill for the Police officer's time.

### **2013 Preliminary Budgets Presentation:**

Mr. Thomas presented a Power Point presentation of the 2013 Preliminary Budgets and reported that the Finance Committee does a monthly analysis on the status of the budget. Mr. Thomas reported that the General Fund Budget represents a real estate tax of 1.5 mills, no change from last year. Mr. Thomas added that the budget is balanced and includes a surplus with projected revenues of \$2,706,597.00 and projected expenditures of \$2,630,641.00. Mr. Thomas added that he wants the Township to consider consolidation in the future as the spreadsheet shows the expenditures overtaking the revenues in 2014 and 2015. There were some questions from the public regarding the employee health benefits, co-pays and deductibles. Mr. Ferranto stated that he will be making a motion regarding eliminating the benefits for the elected Supervisors before he will vote for a tax increase for the residents. Mr. Thomas also went over the smaller Park and Rec Fund, Capital Reserve Fund, State "Liquid Fuels" Fund and Traffic Impact Fund. Mr. Thomas asked the Supervisors to review the budgets and be prepared to preliminarily adopt them at their regular meeting on November 27, 2012.

### **Mr. Ferranto made a motion to adopt the Declaration of Disaster Emergency regarding Hurricane Sandy seconded by Mr. Toddes and carried.**

Mr. Thomas briefed the Board on a meeting that was held with representatives from the York Adams Tax Bureau regarding the closing of CENTAX (2011 Earned Income Tax and Local Services Tax collector.) He explained that CENTAX closed their operation on September 21, 2012, and a receiver has been appointed. Mr. Thomas gave a copy of the brief to Solicitor Wisner. Mr. Thomas added that we know that we have approximately 10 residents still affected by CENTAX closing and there are various steps that the Township can take to satisfy the residents' needs. By appointing York Adams Tax Bureau as the tax collector for prior years, effective September 21, 2012, they will be able to assist our residents and remedy their concerns. He added that the Resolution will also give YATB the authority to forward taxes that were sent to them and were to be forwarded to CENTAX, but were held because they knew that they were in the process of closing their doors.

Mr. Shealer made a motion seconded by Mr. Ferranto and carried to adopt Resolution 2012-14 as follows:

**RESOLUTION 2012-14**

**A RESOLUTION OF THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY, PENNSYLVANIA, APPOINTING YORK ADAMS TAX BUREAU AS THE DESIGNATED AGENT AND COLLECTOR OF THE EARNED INCOME TAX AND LOCAL SERVICES TAX FOR PRIOR YEARS EFFECTIVE SEPTEMBER 21, 2012**

There being no further business, the meeting was adjourned at 9:05 p.m. for an Executive Session to discuss a personnel matter with no action to follow.

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Carol A. Merryman, Asst. Secretary

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