

**Cumberland Township Board of Supervisors  
Minutes of the February 26, 2013 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairperson Underwood. Present were Supervisors Shealer, Waybright and Ferranto; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Zoning Officer Bill Naugle, Engineer Tim Knoebel and Assistant Secretary Carol Merryman. Others present were: Dale Molina, Carolyn Greaney, Barry and Jean Stone, Stanley Wolf, Jim Delaney, Ken Caudill, Marcus Pratt, Tommy Riggs from the Gettysburg Times and Amy Stansbury from The Evening Sun. The meeting was recorded. Mr. Shealer was absent.

Chairperson Underwood led the Pledge of Allegiance.

**Mr. Ferranto made a motion to approve the Minutes of the January 7 and 17, 2013 workshop meetings, the January 7, 2013 Reorganization meeting and January 22, 2013 regular meeting seconded by Mr. Toddes and carried.**

**Mr. Waybright made a motion to pay the bills, in the amount of \$94,230.37 from the General Fund, \$5,363.75 from the Escrow Fund and \$767.50 from the Park and Rec Fund seconded by Mr. Ferranto and carried.**

**Engineer/Plans:**

Mr. Thomas reported that Woodhaven Building and Development, developers of Cumberland Village, have made a request for a bond reduction for Phase 1A. He added that the engineer has determined that the bond amounts should be increased by 15% because the amount bonded was from 2006. He added that per the Pa. Municipalities Planning Code and Township ordinance the bond amounts could be adjusted by the Township for inflation. He stated that due to the 15% increase, the reduction was reduced to \$7,555.00. He added that the developer has received the information and had no comment. **Mr. Waybright made a motion to reduce the bond for Woodhaven for Cumberland Village by \$7,555.00, retaining \$422,809.00, seconded by Mr. Toddes and carried.**

Mr. Thomas also reported that the Township received a request from Jayjyoti for Comfort Suites for release of their financial security and upon a site inspection there is still a punch list of items that need to be completed. The Engineer's recommendation is to retain \$25,000.00 until these items are completed. **Mr. Toddes made a motion to retain \$25,000.00 until the punch list items are completed seconded by Mr. Ferranto and carried.**

Mr. Thomas reported that the Township has received two Requests for Extension, both of which are for an additional 90 days, from HACC Parking Lot Expansion and Ely's Farmer's Market Land Development Plan. **Mr. Ferranto made a motion to approve the Request for Extension for 90-days for the HACC Parking Lot Expansion seconded by Mr. Toddes and carried. Mr. Ferranto also made a motion to approve the Request for Extension for 90 days for Ely's Farmer's Market seconded by Mr. Toddes and carried.**

**Public Comment:**

Mr. Stanley Wolf, 714 Blackhorse Tavern Road, stated that he read an article in The Evening Sun that reported that Mr. Thomas, Township Manager, was working for paying active firemen. Mr. Thomas clarified that he gave a presentation at the COG meeting regarding supporting volunteers and there was nothing mentioned about paying volunteers. Mr. Ferranto asked to read the article.

Mr. Jim Delaney asked when the Comprehensive Plan update was going to commence. Chair Underwood stated that the Township is waiting to hear back from Adams County to see if they are in acceptance with the proposal.

Mr. Thomas reported that Mr. Delaney has been speaking with Mr. Naugle. He added that due to the way Mr. Delaney's property is zoned, he has some challenges with what he can and cannot do with the property. He added that there are about a dozen areas of the Township that we were hoping to have an expeditious action on but, the Supervisors have put any zoning discussions on hold because their goal is to now re-write the Comprehensive Plan. He added that the Township has entered into a negotiation with Gettysburg Borough and the Adams County Planning Office to do a regional Comprehensive Plan. He added that he does not know the timeframe for this project but, it can be time consuming and he asked Mr. Delaney to put his request in writing for the Board of Supervisors. Mr. Delaney stated that he had made a written request last May. Mr. Thomas confirmed that the update will be a public process.

Mrs. Jean Stone, 1745 Mummasburg Road, stated that she was surprised to see the review removing "Application for Amendments by Citizen's" §27-2001.3 on the agenda. She stated that, taking this at face value, she feels that the Township is taking away a citizen's right to submit a text amendment like they had previously done. She suggested that rather than removing §27-2001.3, that two options be given; one that requests a public hearing and requires the \$650.00 fee and a second option that requests a cursory review by the Supervisors and does not require a fee. She added that should the Supervisors decide that the request has merit, then a fee would be required to proceed. Mrs. Stone added that they had made a request regarding notifications that was supposed to be acted upon after the first of the year. She reported on other zoning related items that were worked on in the past that never have been completed. She ended by suggesting that this change to §27-2001.3 be held until after the Comprehensive Plan update because it is not pressing and the other related items that have already been worked on get completed.

Mr. Barry Stone, 1745 Mummasburg Road, asked to defer his comments until after the "Active Business" items have been discussed.

Ms. Elizabeth Magner stated in support of Mr. Thomas, that she was recently quoted in the paper and had never been interviewed.

Mr. Ferranto stated that the article that Mr. Wolf referred to in The Evening Sun regarding firemen did not state that volunteers should be paid and Mr. Thomas added in the article that paying for firemen would be crushing to taxpayers. Mr. Wolf stated that this should be done countywide. Mr. Ferranto offered to discuss this outside of the meeting.

Police Chief Don Boehs presented a written and oral report of police activities for the month of January including; 431 complaints, 126 traffic stops, 77 combined arrests, 10 traffic accidents and 14,683 patrol miles. He added that they assisted other agencies 10 times and they were assisted 5 times. Mr. Toddes reported that he has been questioned about Cumberland Township going into other municipalities and Police Chief Boehs confirmed that it is a safety issue and they are called for back-up.

### **Active Business:**

Mr. Thomas reported that there currently is a fee for stormwater plan review of \$50.00 and the new system known as the "Simplified Approach" will require a site visit for the fee of \$60.00, up to \$90.00 for multiple site visits. **Mr. Ferranto made a motion to accept the modified review fees for stormwater plan review of \$60.00 to \$90.00 seconded by Mr. Waybright and carried.**

Mr. Ferranto explained his feeling on the fees for the Text Amendments by Citizen's which he believed was going to be eliminated. Mr. Thomas reported that by removing this Section and re-writing it, it will eliminate the fee because the public hearing and notifications will not be required. He added that citizens will be able to submit text amendments at any time with no charge. He added that it will up to the Board whether to move forward with the amendment or not. He added that presently the Board is required to hold a public hearing and is not required to make a decision. Solicitor Wisner stated that the Section would have to be amended and he

feels that this section puts the cart before the horse by requiring that the hearing be held before the Board makes a determination. He added that a citizen has the right to come to the Board at any time to request a text amendment. He added that tonight, the Board would just be authorizing the process to start and the process would be to submit the change to the County and Township Planning Commissions and hold a public hearing. Solicitor Wisner added that he has never seen a similar provision in any other municipal ordinance.

Mrs. Jean Stone, 1745 Mummasburg Road, reiterated her earlier comments on this agenda item and stated that she feels very strongly that citizens still have the right to voice their opinions. Mr. Delaney also stated that he too, at first, felt that his rights were being taken away.

**Mr. Waybright made a motion to begin the process of amending the Zoning Ordinance by removing §27-2001.3 and replacing it with language that would allow the citizens to come to the Board with zoning change requests, seconded by Mr. Ferranto and carried.**

**New Business: None.**

#### **Solicitor:**

Solicitor Wisner recommended that the Board discuss the Draft Amusement Tax Ordinance at the March workshop.

Solicitor Wisner reported that the Board was provided with a summary of the status of the discussions with the National Park Service regarding a proposed pedestrian signal device related to the trail that the Park Service wants to construct. Mr. Marcus Pratt, Chief of Facility Management with the National Park Service, explained that they have been working on creating a pedestrian trail on the north side of Taneytown Road from Pleasanton Avenue to Hunt Avenue to try to get pedestrians off of Taneytown Road. He added that they have seen more visitors walking along Taneytown Road and they see this as a huge safety problem. He added that this will require the installation of another pedestrian crosswalk down by Pleasanton Avenue and this will be the fourth one. He further explained that an existing flashing device will be moved in advance of the new Pleasanton Avenue crosswalk and they do have a permit with PennDOT for the devices, but they do not have a Sponsorship Agreement with the Township, as required by PennDOT. He added that the Park Service is setting up an escrow account and there will be no cost to the Township. Solicitor Wisner reported that there does need to be an amendment to the agreement and he further explained the provisions of the agreement. **Mr. Ferranto made a motion to authorize the execution of the Sponsorship Agreement, in substantially the form that it is presented, and further authorize appropriate officials of the Township to execute any and all necessary documents to carry out the purposes of this function seconded by Mr. Toddes and carried.**

#### **Committee and Staff Reports:**

Chair Underwood reported that the recommendation from the Public Safety and Finance Committee is to purchase seven (7) computers from Computer Works for the Police Department, in the amount of \$7,139.65. This was discussed in detail at the workshop. **Mr. Waybright made a motion to approve the purchase of seven (7) computers for the Police Department seconded by Mr. Ferranto and carried.**

Chair Underwood also reported that improvements to the Police Station entranceway was also discussed in detail at the workshop and the recommendation coming from the Public Safety and Finance Committees is to accept the bid from Exteriors Plus, in the amount of \$5,871.00. **Mr. Ferranto made a motion to accept the bid from Exteriors Plus, in the amount of \$5,871.00, for improvements to the Police Station entryway, seconded by Mr. Waybright and carried.**

Chair Underwood reported that a Patrol Sergeant vacancy in the Police Department is being filled internally by promoting Officer Matthew Trostel to the rank of Sergeant. **Mr. Waybright made a motion to promote**

**Officer Matthew Trostel to the rank of Sergeant, effective immediately seconded by Mr. Toddes and carried.**

**Mr. Waybright made a motion seconded by Toddes and carried to authorize the Township Manager to send a Letter of Intent to PA Dept. of Community and Economic Development regarding a Police Study seconded by Mr. Toddes and carried.**

Chair Underwood also reported that Mr. Shealer has gone over the purchase of a new truck in detail at the workshops and has asked for approval of the purchase at tonight's meeting. The total price for the new truck, being purchased from U. S. Municipal Supply through the COSTARS – State Piggyback Program is \$77,754.25 and is under what was budgeted to be spent. Solicitor Wiser added that no bidding is required when a purchase is made through this State program. **Mr. Toddes made a motion to approve the purchase of a new truck with plow and spreader, funded from Liquid Fuels and Capital Reserve funds, seconded by Mr. Ferranto and carried.**

The Zoning Officer and Assistant Secretary's report was reviewed.

The meeting was adjourned at 8:10 p.m. for an Executive Session with no report to follow.

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Carol A. Merryman, Asst. Secretary

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