

**Cumberland Township Board of Supervisors
Minutes of the March 27, 2012 Meeting**

At 6:30 p.m., a public hearing was held for an application received from Cumberland Club Investments for a zoning map change from Residential to Mixed-Use for the former Gettysburg Country Club property located on Chambersburg Road. The hearing adjourned at 6:55 p.m. Please see the transcript for the entire record of the hearing.

The regular meeting was called to order at 7:00 p.m. by Chairperson Underwood. Present were all Supervisors; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Assistant Secretary Carol Merryman, Police Chief Don Boehs and Zoning Officer Bill Naugle. Visitors present were: Barry and Jean Stone, Martin Hill, Jim Piet, Elizabeth Magner, Dale Molina, Don Sangirardi, Mike Knefley, Steve Tallman, John Horner, Peggy Keating-Butler, Steve Wolf, Stan Clark, Mark Walters from The Gettysburg Times and Tim Prudente from The Evening Sun. The meeting was recorded.

Chairperson Underwood led the Pledge of Allegiance.

Mr. Shealer made a motion to approve the Minutes of the February 23, 2012 workshop meeting seconded by Mr. Toddles and carried.

Mr. Waybright made a motion seconded by Mr. Ferranto and carried to approve the Minutes of the February 28, 2012 regular meeting.

Mr. Shealer made motion to pay the bills, in the amount of \$144,314.65 from the General Fund, \$391.00 from the Escrow Fund and \$7,615.18 from the State Fund seconded by Mr. Waybright and carried.

Engineer:

Mr. Waybright made a motion to approve Bond Reduction Request No. 1 from St. Francis Xavier, in the amount of \$1,500,773.24, retaining 160,275.00, as recommended by the Township's Engineer in his memo dated March 21, 2012. The motion was seconded by Mr. Ferranto and carried. This bond was being held for Phase I of the project and the retainage represents the original 10% retainage and funds to cover the preparation of an as-built plan.

Mr. Thomas reported that the Township and St. Francis Xavier are attempting to mitigate the stormwater ponding in the intersection of Boyd's School and Table Rock Roads while St. Francis Xavier is making the improvements to the intersection that was required by the Township during their Land Development Plan approval. He added that a meeting was held with Township, PennDOT and Columbia Gas representatives and three recommendations have been made and they are listed in a memo from the Township's Engineer dated March 21, 2012. **Mr. Shealer made a motion to move forward with the three recommendations from the engineer's March 21, 2012 memo:**

- 1. To request CS Davidson, Inc. (engineer for SFX) to modify the HOP plan to include the diagonal drainage pipe which will discharge to the downstream end of the proposed TRR culvert extension. The pipe should be upsized from the original plan submission to the extent possible. The pipe material should be as required by the Township road department. The Township can then request PennDOT expedite the review and issuance of the HOP.**
- 2. The Township should initiate discussion with Columbia Gas Transmission Corp. regarding the potential for locating a stormwater inlet/catch basin on the south east corner of the intersection and a culvert across Boyd's School Road to discharge at the downstream end of the proposed TRR culvert extension. If acceptable to Columbia Gas Transmission, the Township/SFX should initiate necessary action to gain approval of PennDOT. If acceptable, it should be requested that SFX incorporate the work into the intersection improvements along with the previously proposed swale at the same location.**

- 3. The Township should review potential alternatives for improvements to the drainage swale/culvert piping crossing Table Rock Road south (approx. 350-feet) of the intersection. If the downstream channel could be re-graded in conjunction with PennDOT's replacement of the culvert, this may relieve the intersection of the runoff that currently overtops this culvert and flows to the intersection and that the Chairperson be authorized to execute the Highway Occupancy Permit Condition Statement provided that the comments in the March 21, 2012 memo have been addressed to the satisfaction of the Township staff and engineer.**

The motion was seconded by Mr. Toddes and carried.

Public Comment:

Mr. John Horner, 20 Horner Road, stated that he does not know Mr. Bill Dana, but Mr. Dana does not speak for a large segment of the Township's population and if he follows through with his litigation against the Township he hopes that the Township Solicitor will throw it out.

Mrs. Jean Stone, 1745 Mummasburg Road, stated that she would like to know the format for the public hearing for the citizens' proposed Zoning Ordinance text amendments so things can be prepared. Solicitor Wisner responded that it was the Township's hope to hold one hearing and address all three of the ordinance amendments at one time. He added that any resident may speak to the amendments, unlike at a Conditional Use hearing where the speaker must be an aggrieved party. Mrs. Stone also asked if someone else from the county could speak if they had a particular expertise in an area and Solicitor Wisner stated that someone could act as a spokesperson for a group, but could not speak for an individual. Mrs. Stone asked how long a person could speak and Solicitor Wisner stated that a reasonable time limit will be set and written information can be submitted at the time the information is presented. He added that this is not a judicial type hearing like a Conditional Use hearing.

Mrs. Peggy Keating-Butler, 1805 Mummasburg Road, reported that there are currently 4,914,000 laying hens in Tyrone Township and the reason that the people on Mummasburg Road are so concerned about the potential of another laying hen operation is because it starts with one barn. Mrs. Keating-Butler also presented an article from the National Association of Local Boards of Health in regards to Concentrated Animal Feeding Operations. She added that she has called the Department of Agriculture, Department of Health and Department of Environmental Protection and they have all told her that they do not have control over health issues. She added that she was told that the Board of Supervisors are local Boards of Health and she is waiting for a definitive answer from Senator Casey's office and she will let the Supervisors know when she finds out.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of February including: 529 complaints, 113 combined arrests, 178 traffic stops, 9 traffic accidents and 10,352 patrol miles. He added that they assisted other agencies 7 times and they were assisted 3 times.

Active Business:

Mr. Thomas reported a revised application for citizens' text amendments was received on March 13, 2012. The revision is increasing the minimum setback distance in Agricultural/Residential districts from 200 feet to 500 feet, originally submitted was 1,000 feet. He added Barlow Fire Company is available on Tuesday, May 15th and Wednesday, May 16th from 7:00 p.m. until? **Mr. Waybright made a motion to schedule the public hearing for the citizens' text amendments for May 15, 2012 at 7:00 p.m. at Barlow Fire Company with May 16, 2012 being available should the hearing need to be continued and canceling the previously scheduled hearing for April 10, 2012 seconded by Mr. Toddes and carried.**

Solicitor Wisner reported that Act 44 of 2009 legislated some new requirements for municipal pension plans including the requirement for a Request for Proposal process for professional services contracts such as

investment, legal, actuarial and other consulting/administrative services and this resolution codifies that process into the Township's procedures. **Mr. Shealer made a motion to adopt Resolution 2012-07 seconded by Mr. Ferranto and carried.**

RESOLUTION 2012-07

PROCEDURES FOR COMPLIANCE WITH THE PROFESSIONAL SERVICES CONTRACT PROVISIONS OF PA LEGISLATIVE ACT 44 OF 2009

Chairperson Underwood asked the Board for discussion/possible action on the Cumberland Club Investments Zoning Map change request and Solicitor Wisner stated his opinion why this re-zoning would not be "spot zoning" and that there is justification and planning for this type of zoning district in the Comprehensive Plan for this location. **Mr. Shealer made a motion to approve the amending of the Cumberland Township Zoning Map by adopting the following Ordinance seconded by Mr. Ferranto and carried. Mrs. Merryman conducted a roll call vote as follows: Mr. Ferranto voted in favor, Mr. Waybright voted in favor, Chairperson Underwood voted in favor, Mr. Toddles voted in favor and Mr. Shealer voted in favor. The motion carried unanimously.** Mr. Ferranto stated that he would like to explain why he voted the way he did. He stated that he feels that the property should have been zoned Mixed-Use years ago, and he does not feel that another restaurant will impact the Herr Tavern business, that it is a very good business in a historic building and that it will continue to be successful and overall, the zoning change will benefit the community.

ORDINANCE 2012-141

AN ORDINANCE OF THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY, PENNSYLVANIA, AMENDING THE CUMBERLAND TOWNSHIP ZONING MAP, AS ADOPTED AND MADE PART OF THE ZONING ORDINANCE IN CHAPTER 27, PART 3, SECTION 27-301(2) OF THE CODE OF THE TOWNSHIP OF CUMBERLAND, BY CHANGING ADAMS COUNTY TAX PARCEL 09F12-0266-000 FROM RESIDENTIAL DISTRICT TO MIXED-USE DISTRICT, AND AMENDING CHAPTER 27, PART 21 OF THE CODE OF THE TOWNSHIP OF CUMBERLAND TO INCLUDE THE ZONING MAP AMENDMENT SET FORTH HEREIN.

New Business:

Chairperson Underwood reported that the Adams County COG is partnering with ACVESA and the PA Department of Community and Economic Development (DCED) in hiring a third-party consultant to study the County's emergency services. She added that a DCED grant will contribute \$6,500.00, ACVESA's contribution will be \$3,250.00 and the municipal contribution will be \$3,250.00 for a total for the study of \$13,000.00 and she recommended that the Board donate an amount of not to exceed \$150.00 from the Planning line item budget. **Mr. Toddles made a motion to donate an amount not to exceed \$150.00 for the Adams County COG Fire Study funding seconded by Mr. Waybright and carried.**

Mr. Shealer made a motion seconded by Mr. Waybright and carried to adopt Resolution 2012-08 Declaring Local Government week: April 10-16, 2012.

Mr. Toddles reported that the Park, Recreation and Open Space Committee would like to enter into discussions with the Borough of Gettysburg regarding the *"2010 Gettysburg Area Recreation Study Report"* and he is asking for Board approval to send a letter to the Borough of Gettysburg in this regard. **Mr. Shealer made a motion to approve the Park, Recreation and Open Space Committee's recommendations including a letter being drafted to Gettysburg Borough and pricing out a Master Plan for the former Topper property seconded by Mr. Ferranto and carried.**

Chairperson Underwood reported that a letter has been drafted to the Borough of Gettysburg requesting

Cumberland Township representation on the Gettysburg Municipal Authority. **Mr. Ferranto made a motion to send the letter to the Borough of Gettysburg requesting representation on Gettysburg Municipal authority seconded by Mr. Toddes and carried.**

Reports:

Mr. Thomas reported that the Primary Election will be held on April 24, 2012, the Board’s regular meeting night, and that meeting has already been changed to April 17, 2012 at 7:00 p.m. and he asked the Board to consider holding their workshop on April 12, 2012 instead of April 19, 2012 (after the meeting.) It was discussed that this should be an evening workshop, but there is a Planning Commission meeting the evening of April 12, 2012 so the workshop would have to be held in the morning. **Mr. Waybright made a motion to hold the workshop on April 12, 2012 at 8:30 a.m. and cancel the April 19, 2012 workshop seconded by Mr. Ferranto and carried.**

Mr. Thomas reported that the Township Engineer and Solicitor will have information on the Act 167 Stormwater Management Ordinance update at the April 12, 2012 workshop.

Mr. Thomas also reported that the Township has placed information on the website regarding Adams County’s Tire Collection Event being held on May 12, 2012 at the Ag and Natural Resources Center and the Adams County Drug Take-Back event being held on April 28, 2012 at various locations throughout the county.

The Zoning Officer and Assistant Secretary’s reports were reviewed.

Mr. Shealer reported that we received notice of payment of our Liquid Fuels allocation for 2012, in the amount of \$182,833.48, to be paid on April 2, 2012. Mr. Shealer also reported that the Township has been notified of signs on Breams Hill Road indicating that the road will be closed for construction. The signs were put up by PennDOT and the Township was not aware of this. He added that he has contacted the PennDOT office and is trying to resolve the issue and this is associated with the bridge construction on Route 116.

Solicitor: Nothing further to report.

At 7:55 p.m., the meeting was adjourned for an Executive Session with no deliberations to follow.

Carol A. Merryman, Asst. Secretary

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