

Cumberland Township Board of Supervisors
November 26, 2013
6:30 P.M.
Conditional Use Hearing for Shentel Communications Tower

At 6:30 p.m. Chair Underwood called a public hearing to order for a Conditional Use application from Shenandoah Mobile, LLC (Shentel) for the construction of a wireless telecommunications monopole and antenna facility at 1390 Fairfield Road (property owned by Cumberland Township). Present were Supervisors Underwood, Shealer, Toddes and Ferranto. Others present were Township Manager Ben Thomas, Jr., Solicitor Sam Wiser, Zoning Officer Bill Naugle, Assistant Secretary Carol Merryman, Police Chief Don Boehs and Court Reporter Deb Zepp. There were approximately 10 residents present. Supervisor Waybright was absent. Please see the transcript for the entire record of the hearing.

Chair Underwood turned the hearing over to Solicitor Sam Wiser and Mr. Michael Bowden from Shentel made a presentation and testimony was taken from the public.

The hearing was closed at 7:25 p.m.

Minutes of the November 26, 2013 Meeting
7:28 P.M.

The regular meeting was called to order at 7:28 p.m. by Chairperson Underwood. Present were Supervisors Shealer, Toddes and Ferranto; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Zoning Officer Bill Naugle, Police Chief Don Boehs and Assistant Secretary Carol Merryman. Others present were: Jim Henderson, Dale Molina, Carolyn Greaney, Jim Paddock, Don Kauffman, Speros Marinos, Conrad Richter, Elizabeth Magner, Gary O'Brien, National Park Service Superintendent Bob Kirby, Joanne Hanley, Dr. Larry Redding, Danielle Hammond, Beth Kanagy from The Gettysburg Times and Vanessa Pellechio from The Evening Sun. The meeting was recorded.

Chairperson Underwood led the Pledge of Allegiance.

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

Mr. Ferranto made a motion to pay the bills, in the amount of \$114,510.94 from the General Fund, \$5,379.08 from the Escrow Fund, \$162.50 from the Park and Rec Fund and \$5,703.00 from the Capital Reserve Fund seconded by Mr. Toddes and carried.

Engineer/Plans:

Mr. Thomas reported that the Gettysburg Area School District Stadium Renovations and Improvements project was presented at the workshop and as discussed, the engineer has followed up on several items and prepared a new memo dated November 26, 2013. The plan proposes renovations to the existing track and stadium area located adjacent to the Middle School. Mr. Thomas read the memo that included the following: The developer has requested a waiver to submission of a Preliminary Plan (303) and this waiver has been recommended by the Planning Commission; bonding is required in the amount of \$301,764.00 and, execution and recording of a Developer's Agreement and a Stormwater Operations and Maintenance Agreement. Mr. Thomas also stated that a copy of the comments from the National Park Service was requested and has not been received. Ms. Danielle Hammond, representative from the consultant, Turf, Track and Court, LLC, provided an email from the National Park Service but, it does not indicate their consent to the project. **Mr. Ferranto made a motion to approve the Preliminary/Final Land Development Plan contingent upon the applicant addressing the comments in KPI's November 26, 2013 memo and entering into a Developer's Agreement with the Township that includes a proviso that no work shall**

begin at the site until such time that the Township receives written confirmation that the National Park Service consents to the plan as presented to be received no later than December 12, 2013 seconded by Mr. Toddles and carried.

Public Comment:

Mr. Bob Kirby, Superintendent Gettysburg National Military Park and Eisenhower National Historic Site, 1195 Baltimore Pike, spoke in support of the contribution to Rabbit Transit. He cited both current and possible future benefits (including revenue) of the transit system.

Ms. Joanne Hanley, Gettysburg Foundation President, 1195 Baltimore Pike, also spoke in favor of the contribution to Rabbit Transit and the benefits to the Township, visitors and the surrounding community. Ms. Hanley mentioned a voluntary payment of the Amusement/Admission Tax and it was clarified that there is an ordinance that requires the payment of the tax even by non-profit organizations.

Mr. Speros Marinos, 912 Baltimore Pike, reported that November 19, 2013 went well in his neighborhood with good police coverage. He also reported that the Cumberland Township Historical Society would like to donate \$1,500.00 for the purchase of 27 signs and posts to mark the Township's borders. He also asked the Township to consider marking the 265th anniversary of the Township in 2014 by holding an Open House. Mr. Thomas stated that as you travel around the Commonwealth of PA it is very typical to have the entrances into the Township marked by signs, most of which are on State roads. He asked the Board to authorize him to send a letter to PennDOT requesting that they mount the signs. The Board was in agreement.

Mr. Conrad Richter, 175 Hunter's Trail, spoke against the donation to the Rabbit Transit. He stated that he feels that there is not enough ridership and any subsidy, once started, is sure to keep increasing.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of October including; 468 complaints, 160 traffic stops, 131 combined arrests, 17 traffic accidents, 36 targeted enforcements and 12,717 patrol miles. He added that they assisted other agencies nine times and they were assisted once.

Active Business:

Mr. Toddles made a motion seconded by Mr. Ferranto and carried to approve the Township's participation in the planning process of the Adams County Multi-Hazard Mitigation Plan Update 2015.

The Board scheduled the Milhimes Conditional Use Hearing for an application to expand an existing business situate Chambersburg Road for Monday, January 6, 2014 at 5:30 p.m. The hearing will follow the Reorganization meeting being held at 4:00 p.m.

There were two new line items included in the 2014 Preliminary Budget that the Board discussed. The first item was the enactment of a .25 mill dedicated Fire Tax. Chair Underwood indicated that she had an email from Supervisor Waybright indicating that he is in favor of adopting the .25 mill Fire Tax. **Mr. Toddles made a motion to enact a .25 mill dedicated Fire Tax and authorize the advertisement of the required ordinance to set the millage rate seconded by Mr. Ferranto and carried unanimously.**

The second item was the \$4,000.00 donation requested for Rabbit Transit. Mr. Ferranto expressed his disapproval of donating taxpayer's dollars for a transit system that does not charge its passengers a fare to ride. He added that he feels that he does want to see it survive and suggested that the money be given as a loan to be repaid by fares. **Mr. Ferranto made a motion to delete the \$4,000.00 line item donation to**

Rabbit Transit from the Preliminary Budget; to instead make a loan to Rabbit Transit and Mr. Ferranto will personally give the Township \$4,000.00 from his own pocket and get reimbursed at a later time. Solicitor Wisner stated that he felt that this was possible as long as the Township was not the debtor and there would need to be agreements between the parties. Chair Underwood mentioned that the PA Transportation Bill was just passed and she would like to wait and see if there is anything in this bill for funding that would trickle down to Rabbit Transit. After a lengthy discussion and a few public comments both for and against the donation, the motion died for lack of a second. **Mr. Toddes made a motion to fund the donation to Rabbit Transit at \$2,000.00 seconded by Mr. Ferranto. The motion carried. Mr. Shealer voted nay.** Chair Underwood reported that the email from Supervisor Waybright indicated that he was not in favor of the donation to Rabbit Transit.

Mr. Thomas presented the 2014 Preliminary Budgets. He reported that the General Fund Budget includes a continued Real Estate Tax of 1.5 mills. He added that the Board authorized a .25 mill dedicated Fire Tax and the other tax rates are staying the same and included: ½ % Earned Income Tax, ½ % Real Estate Transfer Tax, \$5.00 Per Capita Tax and \$47.00 Local Services Tax. He added that the Supervisors authorized restoring the non-uniformed employees to a 40 hour work week from 38 hours and we will still see a year-end surplus of approximately \$300,000.00 while continuing to grow the fund balance, add money to the Capital Reserve Fund and adding money to pay on the principle debt. Mr. Thomas went over some of the individual line items. **Mr. Ferranto made a motion to accept and authorize the advertisement of the 2014 Preliminary Budgets seconded by Mr. Toddes and carried.** Mr. Thomas added that the budgets will be placed on the website as soon as possible and final approval will be on the agenda of the December 17, 2013 meeting. He also reported that he will have a five-year forecast for the Board at that meeting.

Solicitor:

Solicitor Wisner reported that the Township has been notified by PA Department of Environmental Protection that they are requiring the Township to update their Act 537 Plan. He added that the plan that was adopted for the Greenmount Area included upgrading the current system at the former “Boyds Bears” property and times have changed and that property has changed hands. The plan now needs to address the construction of a new sewage treatment facility for Timeless Towns of America. He also reported that the plan will have to address the future conversion of the facility to a public system based on certain triggers and to also show how it could serve the Boyds Bears property. He emphasized that this does not guarantee public sewage service now or at any time in the future in the Greenmount Area. He added that the Township does have a cost estimate for preparation of a special study from KPI Technology in the amount of \$6,000.00 to \$7,500.00 and they understand that the plan must be ready for review in early January. **Mr. Shealer made a motion to approve the cost estimate subject to the Manager’s and Solicitor’s review with KPI Technology seconded by Mr. Toddes and carried.**

Committee Reports and comments from Board Members:

Chair Underwood reported on the Gettysburg Municipal Authority (GMA) meeting and their Board did agree that they want to stipulate that a Board member must be both a water and sewer payee and this would require an inter-municipal agreement between GMA and Gettysburg Borough to be so stipulated. She added that the only area in the Township that has both GMA water and sewer is in the Woodcrest development (85 homes). The possibility of a representative being a Township resident who owns property in the Borough and pays for water and sewer was discussed. She also reported that GMA received a letter from Lincoln Estates regarding them purchasing their water system.

Park and Recreation - Mr. Toddes reported that Gettysburg Area Recreation Authority (GARA) met with PA Department of Conservation and Natural Resources (DCNR) and the possibility of obtaining a grant looks promising.

Finance – Mr. Thomas reported that the Police Department wants to install an electronic card entry system at the entrances into the police station. He added that they did get three bids on the system. The low bid was from NEC, in the amount of \$6,570.00. He also reported that partial funding would come from a grant that has already been received and the balance is included in the .410 Police budget. **Mr. Ferranto made a motion to approve the expenditure of \$6,570.00 for an electronic card security system for the Police Department seconded by Mr. Toddes and carried.**

Staff Reports:

Manager – Mr. Thomas reported that on June 20, 2013 the Board approved the Land Development Plan for Cannon Ridge, Phase III. He added that the plan is now ready to be recorded and more than 90 days have elapsed so another approval is needed so the plans can be signed by the Chair. **Mr. Ferranto made a motion to re-approve the Cannon Ridge, Phase III, Land Development Plan and authorize the signing of the plan by the Chair seconded by Mr. Toddes and carried.**

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

There being no further business, the meeting was adjourned at 9:25 p.m.

Carol A. Merryman, Asst. Secretary

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