

**Cumberland Township Board of Supervisors**  
**October 22, 2013**  
**6:30 P.M.**  
**Public Hearing for Agricultural Security Area Application**  
**from Brandon and Waverly Keller**

At 6:30 p.m. Chair Underwood called a public hearing to order for the Agricultural Security Area application submitted by Brandon and Waverly Keller for their property located at 1714 Mummasburg Road. All Supervisors were present. Others present were Township Manager Ben Thomas, Jr., Solicitor Sam Wisner, Zoning Officer Bill Naugle, Assistant Secretary Carol Merryman, Police Chief Don Boehs and Court Reporter Karen Brown. There were approximately 40 residents present. Please see the transcript for the entire record of the hearing.

Chair Underwood turned the hearing over to Solicitor Sam Wisner. Solicitor Wisner read the evaluation criteria by which the Board bases their decision on the application. The Board also takes into consideration comments from the County and Township Planning Commissions, Agricultural Security Area Advisory Committee and public testimony, which was then taken.

The hearing was closed at 7:10 p.m.

At 7:11 p.m., Solicitor Wisner called a public hearing to order for the seven-year review of ASA IV. Solicitor Wisner reported that ASA IV consists of lands owned by:

Billy C. Leonard	E13-0055A	17.96 acres
Billy C. Leonard	E13-0048	80.73 acres
Robert L. and Shirley L. Rohrbaugh	E15-0013	163.8 acres
Arthur R. Shaw	E12-0106	145.52 acres
Doyle O. and Jennifer S. Waybright	F17-0053	123.5 acres
Leo W. and Fannie M. Woerner	E12-0126	38.57 acres

Mrs. Merryman reported that no changes to the area were received and there was no testimony from the public.

The hearing was closed at 7:15 p.m.

**Mr. Ferranto made a motion to continue the lands in Agricultural Security Area IV seconded by Mrs. Underwood and carried.**

**Mr. Ferranto also made a motion to table the Brandon and Waverly Keller application until the Board can meet in Executive Session to discuss seconded by Mr. Toddes and carried.**

**Minutes of the October 22, 2013 Meeting**  
**7:25 P.M.**

The regular meeting was called to order at 7:25 p.m. by Chairperson Underwood. Present were all Supervisors; Manager Ben Thomas, Jr., Solicitor Sam Wisner, Zoning Officer Bill Naugle, Police Chief Don Boehs and Assistant Secretary Carol Merryman. Others present were: Jim Henderson, Barry and Jean Stone, Dale Molina, Carolyn Greaney, Jim Paddock, Speros Marinos, Steve Tallman, Don Kauffman, Kenny Caudill, Everett Ladd, Elizabeth Magner, Chris Entenmann, John Horner, 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 September 19, 2013 workshop meeting and the September 24, 2013 regular meeting seconded by Mr. Waybright and carried.**

**Mr. Ferranto made a motion to pay the bills, in the amount of \$354,412.77 from the General Fund, \$8,468.75 from the Escrow Fund, \$3787.05 from the Park and Rec Fund and \$650.72 from the State Fund seconded by Mr. Toddes and carried.**

#### **Engineer/Plans:**

Mr. Thomas reported that a Request for Extension has been received for the William H. Scott, Jr. Subdivision Plan waiving the ninety (90) day time requirement within which the Supervisors must take action. The request is for a one-year extension until October 28, 2014 and the staff is recommending approval of the request as the Zoning Ordinance currently does not allow him to subdivide the way he would like to. **Mr. Shealer made a motion to grant the request for extension for one year until October 28, 2014 for the William H. Scott, Jr. Subdivision Plan seconded by Mr. Toddes and carried.**

#### **Public Comment:**

Mr. John Horner, 20 Horner Road, commented on the proposed Fire Tax and does not believe that the tax will solve the problem.

Mr. Speros Marinos, 912 Baltimore Pike, stated that the Historical Society desires to have all of the Township's borders marked with the Township's name with PennDOT approved signs. He added that the Historical Society did approve paying for the signs. He also commented on the proposed Fire Tax and asked the Board to keep working on the Zoning update and Comprehensive Plan.

Mrs. Jean Stone, 1745 Mummasburg Road, asked the Board to review the Township's participation in the Agricultural Security Area Program because things have changed a lot since its' inception back in the 1980's. She added that her main concern is with the Agricultural/Residential district.

Mrs. Elizabeth Magner, 470 Belmont Road, stated that she does not understand how Mr. Keller is allowed to operate under a pending enforcement action. Solicitor Wisner stated that the Board cannot comment on a pending enforcement action. Mrs. Magner stated that she feels that Mr. Keller is setting a precedent for how he is going to operate his business in the future and she feels that someone needs to be more closely aware of what is happening there.

Mr. Chris Entenmann, 289 Belmont Road, commented on the operation of the Keller Poultry Barn and also feels that the project is starting out on the wrong foot.

#### **Police Report:**

Police Chief Don Boehs presented a written and oral report of police activities for the month of September including; 455 complaints, 223 traffic stops, 181 combined arrests, 6 traffic accidents, 57 targeted enforcements and 12,076 patrol miles. He added that they assisted other agencies 7 times and they were assisted twice. Chair Underwood reported on Sergeant Biggins' activities for one weekend including three felony warrant services for drug violations; four DUI arrests, two traffic accidents and 20 traffic citations; 3 of which were vehicles traveling in excess of 98 m.p.h., one State parole violation and nearly 50 calls for service.

### **Active Business:**

Mr. Thomas reported that the public hearing for the text change to add a definition for a Planned Unit Development to be held on Thursday, November 21, 2013 at 6:30 p.m. The Boards' workshop will follow the hearing.

Mr. Thomas also reported that Adams County does bids for Waste Hauling in different areas within the County and Cumberland Township is in the Southeast Group which also includes Straban Township and Abbottstown Borough. He added that there are a total of three options; Option #2 has been in effect for the past four years. Option #2 consists of weekly trash collection including one large item pick-up per week and optional recycling and staff is recommending staying with Option #2. He added that the low bid for Option #2 is from Advanced Disposal Services Shippensburg, Inc. at the annual rate of \$137.28, a reduction of slightly over \$60.00. The cost to add bi-weekly recycling is \$44.28 and there is a "per bag" fee of \$42.00 for 12 bags and additional bags are \$3.50 each. **Mr. Waybright made a motion that the Township enter into a Municipal Waste Contract with Advanced Disposal for Option #2 seconded by Mr. Shealer and carried.** This will be effective on January 1, 2014 and the Board requested that the new collector information be placed on the website a month ahead of time. Mr. Thomas noted the Board's concerns about the transition to the new collector and will relay them to Advanced Disposal.

Mr. Thomas reported that a letter from a resident, Carol Courtney, requesting that a sign be placed on Herr's Ridge Road cautioning motorists of the intersection with Woodhaven Drive had been discussed at the workshop. Mr. Shealer reported that a preliminary study was done and lowering the speed limit from 35 mph to 25 mph may be warranted. **Mr. Todd made a motion to authorize staff to do a review for a speed limit reduction on Herr's Ridge Road near Woodhaven Drive seconded by Mr. Ferranto and carried.**

Mr. Thomas reported that the Board received correspondence from resident Gregory Lewis requesting a speed limit reduction on Fairfield Road from the Gettysburg line to the area of the Township Building. He added that the Board authorized a letter to be sent to PennDOT with this request. He reported that PennDOT did perform a speed limit study and has notified the Township that their finding is that the speed limit reduction is not justified.

**Mr. Shealer made a motion seconded by Mr. Waybright and carried to schedule a Conditional Use Hearing for Shentel Mobile, LLC for a communications tower to be located at 1390 Fairfield Road on November 26, 2013 at 6:30 p.m. prior to the regular meeting.**

### **Solicitor:**

Solicitor Wisner reported that from time to time the Police Department has to have vendors in their office and there are confidentiality concerns and he has prepared a standard form agreement that vendors will have to fill out indicating that confidentiality will be maintained. The individuals with access to the Police office will be subject to a background check and will also need to be fingerprinted. The agreement will also indemnify and hold the Township harmless. **Mr. Shealer made a motion to approve the agreement in form and the Police Department can put this agreement in place with their vendors and individuals needing access to their office seconded by Mr. Waybright and carried.**

### **Committee Reports and comments from Board Members:**

Mr. Ferranto reported on the November 19, 2013 activities and that President Obama will not be attending. He also reported on the GMA meeting that he attended.

Mr. Waybright reported that there will be a Joint Comprehensive Plan meeting on October 29, 2013 from 3:00 p.m. until 5:00 p.m. at the Charlie Sterner Building at the Gettysburg Rec Park.

Mr. Toddes reported that the Gettysburg Area Recreation Authority meets on the first Tuesday of each month and they will begin running the Rec Park on January 1, 2014.

**Staff Reports:**

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

Mr. Thomas presented his 2014 Budget Discussion Paper via a Power Point presentation. The presentation consisted of 32 "talking points" and did not include any dollar amounts. Mr. Thomas reported that the Preliminary Budgets for the General, Capital Reserve, State, Park and Recreation, Traffic Impact and proposed Fire Tax Funds will be presented at the workshop on November 7, 2013.

The meeting was adjourned at 8:45 p.m. for an Executive Session on a real estate issue and quasi-judicial deliberations on the Keller ASA application with no report to follow.

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Carol A. Merryman, Asst. Secretary

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