

**Cumberland Township Board of Supervisors  
Minutes of the October 25, 2011 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairman Waybright. Present were Supervisors Golden, Underwood and Phiel; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Assistant Secretary Carol Merryman, Police Chief Don Boehs and Zoning Officer William Naugle. There were approximately 45 visitors present including Mark Walters from The Gettysburg Times and Tim Prudente from The Evening Sun. Supervisor Shealer was absent. The meeting was recorded.

Chairman Waybright led the Pledge of Allegiance.

**The Minutes of the September 22 workshop and September 27 2011 regular meeting were approved by motion of Mr. Phiel seconded by Mrs. Underwood and carried.**

**Mrs. Underwood made a motion to pay the bills, in the amount of \$61,926.95, from the General Fund seconded by Mrs. Golden and carried.**

Mr. Thomas reported that the request for bond release from Patriot's Choice is not ready for action and will be on November's agenda.

Solicitor Wiser stated that if there are members of the public present to speak about a specific conditional use request that this is not the appropriate forum for that and the Township will be holding a Conditional Use Hearing and the applicant can provide their conditional use request and any aggrieved citizens can present testimony or evidence.

**Public comment:**

Mr. Riley Hollingsworth, 580 Herr's Ridge Road, presented an application to amend the Zoning Ordinance to Mr. Naugle, Zoning Officer, as required by the Ordinance. Mr. Hollingsworth stated that he is a member of a larger group and they feel that farming operations are a legacy that they are grateful for however; they are seeking to amend the ordinance to only allow Concentrated Animal Operations, which are more industrial in nature, in the Agricultural zones.

Mr. Barry Stone, Mummasburg Road, stated that the people who signed the petition for the amendment to the Zoning Ordinance fully support farming, but have concerns about Concentrated Animal Operations that have a huge impact on the citizens in the Agricultural/Residential zoning districts. He added that the type of zoning that the Township has (step down or transitional zoning) is meant to establish buffers between more intense uses. Mr. Stone listed their concerns regarding Concentrated Animal Operations including: traffic, air pollution, noise, flies, rodents, hazardous materials, ground water contamination and decline in property values.

Mr. Everett Ladd, 215 Ridgewood Drive, stated that he feels that a factory farm can be damaging to the area and very difficult to control.

Mr. Don Sangirardi, 51 Hunter's Trail, stated that he supports smart development and feels that we have limited traffic and water supply infrastructure. He also asked what could have been done to improve the Township's infrastructure with the money that has been spent on the Supervisors health and dental insurance over the past six years.

Mr. Speros Marinos, 912 Baltimore Pike, stated that the proposed new building at the Middle School in Gettysburg Borough is, in part, in Cumberland Township. He also asked again about the fairness of taxation since he lives on a state road and he requested that a Historical Architectural Review Board meeting be held.

Mr. Jim Paddock, 1777 Fairfield Road, stated that the Township's Agricultural zoning district was a voluntary zone and he asked the Township to take a serious look at the Agricultural and Agricultural/Residential zoning districts. He added that the state has a program to address areas like what are in our Agricultural/Residential zone and he asked the township to consider it.

Mr. Mike Jackman, 862 Boyds School Road, reiterated the need for tax preparers and employers to be educated on the change to the Earned Income Tax collection system and told the Board that there is still some work that needs to be completed in Patriot's Choice before the bonding is released.

Mr. Al Ferranto, 501 Knight Road, stated that he attended the first Zoning Amendment Review Committee meeting and it was very informative and well run and he encouraged residents to attend these meetings and provide written comments. He also stated that he has a concern with the Agricultural/Residential zoning districts and asked the Board to seriously consider this. He asked the Board again to give up their health and dental insurance benefits in the 2012 budget.

Mr. Bill Dana, 1772 Mummasburg Road, stated that he feels that the poultry business is like a rash going through the county and he purchased his home with the expectation that what was there was what was going to be there and he wants representatives that are going to look out for him. He also asked who audits the collection of the Amusement Tax. The Board asked Mr. Dana to check with the Township Manager.

#### **Police Report:**

Police Chief Don Boehs presented a written and oral report of police activities for the month of September including: 499 complaints, 56 combined arrests, 53 traffic stops, 10 traffic accidents and 10,779 patrol miles. He added that they assisted other agencies 11 times and they were assisted 2 times. He also reported that there will be a Drug Take-Back program at the Gettysburg Fire Department on Saturday and there are still break ins occurring.

#### **Active Business:**

Chairman Waybright jumped ahead on the agenda to Item F. and reported that an application for conditional use was received from Brandon and Waverly Keller, 1714 Mummasburg Road, on October 24, 2011 and a hearing needs to be scheduled. **Mr. Phiel made a motion to schedule the Conditional Use Hearing for Brandon and Waverly Keller for Wednesday, December 14, 2011 at 7:00 p.m. seconded by Mrs. Underwood and carried.**

Mr. Thomas reported that the following ordinance has been in the works since 2008 and is in keeping with Act 32 to create a centralized Earned Income Tax collection system. He added that there have been some very minor revisions made to the gender and the April 15th due date. **Mr. Phiel made a motion seconded by Mrs. Golden to adopt Ordinance 2011-140 as follows:**

#### **ORDINANCE 2011-140**

**AN ORDINANCE OF CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, AMENDING THE EARNED INCOME AND PROFITS TAX RESOLUTION BY DELETING THE EXISTING TEXT OF THE EARNED INCOME AND PROFITS TEXT RESOLUTION IN ITS ENTIRETY AND, IN LIEU THEREOF, ADOPTING THE FOLLOWING LEGISLATION TO LEVY AND IMPOSE A TAX FOR GENERAL REVENUE PURPOSES ON EARNED INCOME AND NET PROFITS OF RESIDENTS AND NON-RESIDENTS AS WELL DERIVING INCOME FROM WITHIN CUMBERLAND TOWNSHIP; REQUIRING THE FILING OF TAX RETURNS; REQUIRING EMPLOYERS TO REGISTER, WITHHOLD AND REMIT TAXES AND FILE TAX RETURNS,**

**PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE, INCLUDING COLLECTION OF AND PROSECUTION OF DELINQUENT ACCOUNTS AND COSTS THEROF; AND IMPOSING PENALTIES FOR VIOLATIONS OF SUCH ORDINANCE.**

**A roll call vote was taken: Mrs. Golden voted in favor, Mrs. Underwood voted in favor, Chairman Waybright voted in favor and Mr. Phiel voted in favor and the motion carried.**

Mr. Thomas explained the Personnel Policy for a cell phone stipend gives Township employees the opportunity to turn in their Township phone and use their personal phone for Township business and receive \$25.00 per month stipend and the Township will save money by doing this. **Mrs. Golden made a motion to adopt the cellphone stipend policy reimbursement for personal cell phone use seconded by Mrs. Underwood and carried.**

**Mrs. Underwood made a motion to approve an Agreement to Extend Municipal Waste Contract with IESI for one year beginning January 1, 2013 through December 31, 2013 seconded by Mr. Phiel and carried.**

**Mr. Phiel made a motion seconded by Mrs. Underwood and carried to designate Ben Thomas, Jr. as agent to execute all forms and documents for the purpose of obtaining financial assistance for damages caused by Tropical Storm Lee.**

Chairman Waybright reported that a request has come from the PA State Association of Township Supervisors to support the Guard and Reserve. **Mrs. Underwood made a motion seconded by Mr. Phiel and carried to endorse a Statement of Support for the Guard and Reserve.**

Mr. Thomas recommended that Michele Long, Planning Secretary and Receptionist, be elevated to full-time status, 38 hours per week, for more diversity in the office, to allow for cross-training and to catch-up on projects. The wage would remain the same and she would receive employee benefits. **Mrs. Underwood made a motion to promote Michele Long to full-time status for Cumberland Township seconded by Mrs. Golden and carried.**

**New Business: None.**

**Reports:**

Mr. Thomas reported that he wholly agrees with the importance of educating Cumberland Township employers and employees regarding the change in Earned Income Tax collection and he has extended an invitation to the York Adams Tax Bureau to use the Township's conference room for educational forums and these forums will be scheduled in the future. This information will be posted on the Township's website and news releases will be put out.

Mr. Naugle supplied a written report and stated that he felt the Zoning Amendment Review Committee meeting was good.

Mrs. Merryman reported that she did not get her monthly report completed to go in the notebooks and she will get that to the Board once she has completed it.

**Solicitor:**

Solicitor Wiser stated, in regards to Mr. Marinos' question regarding fair taxation since he lives on a state road, that the Township is bound by the confines of the Local Tax Enabling Act and have to apply the taxes uniformly and this is something that he may want to talk to his legislators about possibly giving municipalities

more flexibility in structuring taxes.

Mrs. Underwood thanked the staff for the up-to-date website and the Zoning Amendment Review Committee meetings will be advertised there. She added that the Supervisors have been working toward getting this website for a couple of years.

Mr. Phiel thanked the department heads for their budget presentations at Thursday's workshop.

Chairman Waybright reported that the Zoning Amendment Review Committee met last night and will meet again on November 17, 2011 at 7:00 p.m. Chairman Waybright also reported that he attended the Open Space - Green Space Committee meeting and they had four applications for preservation money through that program and the committee agreed to send two of those applications to the County Commissioners and they will be announced publicly in the future. He added that they were able to use matching funds from the federal Farm and Ranch Land and Potomac Highlands grant monies. He also stated that he hopes the new Board of Commissioners continues to support the Green Space Committee.

Mrs. Golden reported that the Township News has some information about preserving historic barns and funding sources for this and she will place a copy in the Supervisor's mailboxes and she hopes this information is useful to the Historical Society and she will work with them on this.

At 8:00 p.m., Chairman Waybright adjourned the regular meeting for an Executive Session to discuss a personnel issue with no report to follow.

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Carol A. Merryman, Asst. Secretary

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