

CUMBERLAND TOWNSHIP BOARD OF SUPERVISORS
1370 FAIRFIELD RD., GETTYSBURG, PA 17325
REGULAR MEETING
JUNE 26, 2023

Chairman Phiel called the regular meeting to order at 7:00 P.M. Present were all Supervisors: Phiel, Toddes, Ramsburg, Biggins and Brauning. Also present were Solicitor Sam Wiser, Township Manager David Blocher, KPI Representative Tim Knoebel, Police Chief Matthew Trostel, Superintendent of Roads Chris Walter, Treasurer Camie Stouck-Phiel, and Township Secretary Michele Long.

Chairman Phiel led the Pledge of Allegiance.

Chairman Phiel announced that there was an executive session held on June 27th, 2023 to discuss agency business.

Mr. Toddes made a motion to approve the agenda, seconded by Mrs. Ramsburg and carried. 5-0.

Mr. Brauning made a motion seconded by Mrs. Biggins and carried to approve the Minutes from the May 23, 2023, Regular Meeting. 5-0.

Mr. Brauning made a motion seconded by Mr. Toddes and carried to approve the bills in the following amounts stated by the Chairman: \$624,300.42 from the General Fund, \$14,063.45 from the Escrow Fund, \$110,820.35 from the Fire Tax Fund, and \$2,825.00 from the Capital Reserve Fund. 5-0.

Public Comment:

Leon Reed: 205 Old Mill Road; spoke in regard to the need for affordable housing in the Township.
Ann Roadan; 114 East Middle Street spoke in reference to GASP; Gettysburg Area Skate Park, located at the Gettysburg Area Recreation Park. Mrs. Roadan would like the skate park to be remodel in all concrete and asked for some considerations for raising money and getting grants. Any consideration for help from the Township would be appreciated.

Derek Roadan; 114 East Middle Street; Reiterated that the skate park needs remodeled with concrete and asked if any money was available in the budget to help it would be greatly appreciated.

Joshua Kinnard; 690 Red Rock Road; remodeling of the skate park asking to be placed on budget if there are any donations available to help.

ENGINEER'S REPORTS:

Keystone Service Systems; Release of Financial Security Request

Mr. Tim Knoebel, with KPI Engineering, reviewed the plan and the status of the project with the Board. Mr. Knoebel had multiple comments which were reviewed with the Board from the KPI comment letter dated June 27, 2023. Mr. Knoebel spoke of the 36-month monitoring period and how we are now at the end of that 36-month monitoring period which is what is causing the property owner to ask for this release of funds. Mr. Knoebel reviewed the items that have been submitted on the as-built plan along with reviewing the certification for the pump test. Mr. Knoebel also spoke of the the boxwood plants that have been planted but need to be replaced with rhododendrons. Mr. Knoebel stated the location of the discharge line from the pump was installed at the wrong location. The Township is requesting this to be moved to the correct location which is in accordance with the approved plan. Mr. Knoebel recommended that the original balance of the financial security could be released based on the 4 items listed 1A-C being completed on the KPI comment letter dated June 27, 2023 prior to the money being released. The current owners and any future owners are subject to the amended Operations and Maintenance agreement, and the Amended Developer's Agreement, which both have been recorded with the land development plan. They

are also subject to the required quarterly inspection reports to be completed. If there is something not running correctly the agreements allow the Township to be able to go out and inspect the property and enforce any items that need to be completed to make sure the property is running as per the approved agreements and plan. Mr. Knoebel asked the Board to make the recommendation if required rhododendrons could be replaced with boxwoods as requested by the applicant, if this is not approved they would need to abide by replacing all of the currently planted boxwoods with the required rhododendrons as shown on the approved plan.

Nita Gross; 938 Barlow-Greenmount Road; spoke of the dead trees and the dead boxwoods, stated there is a big difference between the required rhododendrons and the boxwoods that the applicant already decided to substitute and plant. Mrs. Gross questioned the newly drilled well and also spoke of the water running onto the Fitzgerald property in relation to the stormwater ordinance requirements.

Brian Fitzgerald; 914 Barlow-Greenmount Road; spoke of water runoff onto his property and his tree loss. Mr. Fitzgerald also spoke of the stormwater ordinance and how new construction should not have water diverted onto his property.

Mr. Knoebel reiterated to keep in mind that the land development plan was approved and with that there is a very extensive stormwater operations and maintenance agreement and developer's agreement that go along with the property no matter who owns it.

Mr. Doug Gross; 938 Barlow-Greenmount Road; stated that the well line has not been installed but if it is installed what is the outcome of that with the Conservation District and the Township.

John Luciani; First Capital Engineering representing the applicant. Mr. Luciani stated KPI has done a good job with what they have found and their comment letter. Mr. Luciani stated the soil in this area is not good for infiltration and it has been this way for a long while which leaves a lot of run off. Mr. Luciani stated Keystone has tried to continue to rectify the neighbor's property issues. Mr. Luciani explained the steps they have taken to try and keep the water on the property and be in accordance with the ordinances. Mr. Luciani explained why he requested boxwoods but if the Board would like another plant in accordance with the ordinance/recorded plans to be planted they would be fine with that.

Mr. Knoebel added that any landscaping or trees that has died will have to be replaced.

Mrs. Biggins made a motion to approve the request for release of financial security for the Keystone Service System plan based upon the KPI comment letter dated June 27, 2023, in addition the verification of the landscaping and trees required by the plan, which confirming is to have the rhododendrons planted as per the approved plan, seconded by Mrs. Ramsburg and carried. 5-0.

Musket Ridge; Extension Request

Mr. Knoebel gave a background of the plan advising that they currently have plans resubmitted and being reviewed at this time. Mrs. Ramsburg questioned the fact of why the plan has been extended for so long and why they still have multiple comments to resolve. She added that the plan was submitted back in 2015 and they have had ample time to complete the process.

Mrs. Biggins made a motion to deny the Musket Ridge Plan based on the failure to address the comments in the May 11, 2023, KPI comment letter. Seconded by Mrs. Ramsburg and carried 3-2 Biggins, Ramsburg and Brauning in favor; Phiel and Toddes opposed.

Speranza Hangar; Extension Request

Mr. Knoebel gave a background of the plan and stated the applicant is still addressing the comments.

Mrs. Ramsburg made a motion to approve the extension request for the Speranza Hanger plan until, seconded by Mr. Toddes. Motion carried 5-0

POLICE REPORT:

Police Chief Trostel presented an oral and written report of police activities for the month of June 2023 including: 255 calls for service, 131 traffic stops, 11 criminal incidents and 5,566 patrol miles. Some

highlights of the report were:

- Chief Trostel announced that Cadet Dakota Myers graduated from the academy with a 96% GPA. His certification exam is scheduled for June 29th and his first preliminary shift is penciled in for June 30th.
- The 2023 Durango is currently being upfitted. Car 151 has been sold on Municibid for \$10,100.00.
- Officer Barbagello was commended by a Township resident on his handling of a property dispute.
- Officer Keefer completed an active shooter training and security assessment for a Township Business and their employees.
- Officer Eiker applied for and was awarded a Walmart Community grant for \$3,500.00.
- The first round of medical marijuana training has been completed for half the department as of today.
- Officer Hartley and Chief Trostel completed a weeklong NRA Law Enforcement Instructor Development School for handguns. Hartley was minted as a new instructor and Trostel was recertified.

MAINTENANCE DEPARTMENT REPORT:

Mr. Walter gave the report for June and some highlights were:

- Mr. Walter stated the Lakeview Drive project is now complete and was completed in cooperation with Mt. Pleasant, Franklin, and Straban Townships and Gettysburg Borough.
- Shoulders were graded on the south end of the Township in preparation for the seal coats later this summer. This project was also completed with the cooperation of other neighboring municipalities.
- The second round of mowing is continuing throughout the Township.
- Mr. Walter had to contact the PA Game Commission to help with the relocation of a beaver family on Knight Road. They are filling the culvert pipes and causing issues with water backups.
- The Savvy Citizen app has been utilized in notifying residents of road closures.
- The Township assisted Franklin Township with their milling project this past month.
- The Maintenance Department welcomed a new employee this past Monday morning, Levi Roberts has started as a new Skilled Laborer with the department, and they are excited to have him on board.

Manager Blocher gave an explanation of the new Savvy Citizen app that can be used by residents as another form of communication from the Township. Mr. Blocher added that there are flyers at the door as well as on our website with sign-up instructions.

ACTIVE BUSINESS:

BR Smith Conditional Use Hearing Decision

Mr. Wisner gave a background of the conditional use hearing that was held on May 18, 2023. Mr. Wisner stated that an executive session was held for discussion on this item on June 27th and on May 23rd.

Mr. Brauning read a draft motion which will be attached to the minutes.

Public Comment:

Catherine Hammonds, 2731 Emmitsburg Road; spoke of the setbacks and how the Township did address the 35 ft. setback which was stated in the conditions read by Mr. Brauning. Ms. Hammonds also spoke of multiple water trucks that have been leaving the property.

Rebecca Mendenhall; 2715 Emmitsburg Road; spoke of the property being rezoned to Mixed Use.

Amy Funkhouser; 2715 Emmitsburg Road; asked about a plan in place regarding the dying vegetation on the property lines and concerned about the privacy fence.

Mr. Brauning made a motion to approve the conditional use request for the B.R. Smith Properties LLC based upon the conditions stated and attached, seconded by Mr. Toddes and carried. 5-0

Adoption of Ordinance 2023-194 Amending Chapter 15 of the Township Code to prohibit vehicular traffic and parking on .02 miles of Natural Dam Road at Marsh Creek and its intersection with Ridge Road. Mr. Walter gave a background for the reasoning of requesting this ordinance to be approved. The Board reviewed the ordinance and had no comment.

Mrs. Ramsburg made a motion to approve Ordinance 2023-194 Amending Chapter 15 of the Township Code to prohibit vehicular traffic and parking on .02 miles of Natural Dam Road at Marsh Creek and its intersection with Ridge Road. Seconded by Mr. Brauning and carried. 5-0

519 Ridge Road Well Setback Waiver Request

Mr. Knoebel reviewed the waiver request for the requirement of 26-104 of the Township Ordinance regarding wells, in particular the separation and isolation distance between a well and the principal structure on the property. Mr. Knoebel stated the applicant is proposing to expand the current principal structure which will in turn have the principal structure encroaching in the required 20ft. setback. Mr. Knoebel asked the applicant how old the current well was, Mr. Michael Jones, owner of the property, stated it was constructed in 2021. Mr. Knoebel was just concerned if the well was an old well and construction was going to be conducted it may fall in but since it is so new and encased it should be fine. Mr. Knoebel suggested to the applicant to keep the structure at least 5 feet from the well, preferably 10 feet. Mr. Jones stated he would try in good faith and working with his architect to stay as far away from the well as he can with the addition to the home.

Mrs. Biggins made a motion to accept the 519 Ridge Road well setback waiver request pending an indemnification agreement being signed by the landowner and the Township and noting that the absolute minimum setback of the well to the principal structure be 5 feet, but preferably 10 feet. Seconded by Mrs. Ramsburg and carried. 5-0

Agreement of Sale and Deed of Easement for the Waybright Farm in regard to the Agricultural Land Preservation Program

Mrs. Ellen Dayhoff asked the Supervisor's to sign the agreement of sale pending the Attorney's review and signature. Mrs. Dayhoff reviewed the statement of costs with the Board.

Mrs. Ramsburg made a motion to approve the agreement of sale and deed of easement for the Waybright Farm in regard to the Ag Land Preservation Program with Mr. Wisner's review and signature. Seconded by Mrs. Biggins. Motion Carried 5-0

Adoption and Enactment of Resolution 2023-09 establishing resubmission deadlines for plans and requests from Boards, Commissions, and Committees.

Mr. Wisner reviewed the resolution with the Board.

Mr. Toddes made a motion, seconded by Mr. Brauning to approve Resolution 2023-09 establishing resubmission deadlines for plans and requests from Boards, Commissions and Committees. Motion carried 5-0

Set hearing date for inter-municipal liquor license transfer request.

Mr. Wisner reviewed the request from The Barn Cellar.

Mrs. Biggins made a motion to set the hearing date for the inter-municipal liquor license transfer request to be held on July 25, 2023 at 6:30p.m. and the regular Board meeting would follow directly at the conclusion of the hearing seconded by Mrs. Ramsburg and carried. 5-0

FINANCE COMMITTEE:

Mr. Phiel reviewed the fire tax funding requests from Barlow and Gettysburg Fire Departments. **Mrs. Ramsburg made a motion to approve the fire tax funding requests from Barlow Fire Department for a total of \$57,574.46 which is for the 4th quarter of 2022 and the 1st quarter of 2023 and Gettysburg Fire Department request for \$49,608.48 for 1st quarter 2023. Seconded by Mrs. Biggins and carried. 5-0**

Mr. Phiel reviewed the request to purchase the electronic speed sign and trailer with donations received. **Mr. Toddes made a motion to approve the request to purchase the electronic speed sign and trailer with donations received. Seconded by Mrs. Biggins and carried. 5-0**

PERSONNEL COMMITTEE:

No Items

Solicitor:

No Items

**Committee Reports and comments from Board Members:
COG, Park and Recreation, Planning & Zoning, Public Safety, Highway, CTA.**

Economic Development Committee:

Items are in the works.

Highway:

No items

Parks and Recreation:

Mr. Toddes stated that the park is busy. Farmer’s Market is doing great. There will be concert series on Sunday’s starting in June. Fireworks and July 4th Celebration will be on July 4th.

Planning & Zoning:

No items

CTA:

Mr. Toddes stated they have been busy with long range planning.

COG:

Mr. Blocher stated the presentation was given regarding farm land preservation programs. Mr. Blocher added that a new fire-retardant paint will be placed on Sachs Bridge in the near future. The Adams County’s Election Office will be relocating to the Department of Emergency Services building some time this year.

STAFF REPORTS-

Manager:

Mr. Blocher stated that the Savvy Citizen program is up and running to help communication with the Township residents more effectively. Mr. Blocher encouraged all residents to sign up for this to receive notifications on their smartphones.

Mr. Blocher added that the 1st edition of our Cumberland Township Newsletter has been released and is on our website along with being on the Savvy Citizen app. Mark the date of August 1st for our Open House-National Night Out here at the Township Building. The Township Tax Collector will be here at

the Township Building on August 23rd from 8 a.m. to 1 p.m. to collect taxes. The Adams Economic Alliance has invited the Township to attend meetings related to the Greenmount growth area, Mr. Blocher stated both he and the Economic Development Committee are going to make efforts to attend these meetings. Mr. Blocher added that the liquid fuels audit was completed, and they will be adding a fourth line for signatures on checks due to this audit. The Township is in the process of registering for the .gov domain name for our emails. Updates will be coming to the website in regards to permit applications in conjunction with our third-party administrator PMCA. The Police Department is still taking applications for an officer vacancy until Thursday, June 29th at 4p.m..

Treasurer:

No report.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 9:25 P.M. to executive session to discuss litigation and a real property issue.

The Board meeting was reconvened after the executive session.

Motion by Mrs. Biggins to amend the agenda to include consideration of authorizing the chair to sign the McDonald Hopkins engagement letter and the Redpoint Cybersecurity, LLC engagement letter. The reason for the amendment is that the Board discussed the matter in executive session and desires to move forward with the engagement expeditiously.

Second by Mrs. Ramsburg Vote - 5-0 - unanimous

Motion by Mrs. Biggins to authorize the chair to sign the McDonald Hopkins engagement letter and the Redpoint Cybersecurity, LLC engagement letter. Seconded by Mrs. Ramsburg Vote - 5-0 - unanimous

Mr. Phiel motion to adjourn. Second by Mrs. Biggins and carried 5-0

Michele Long, Township Secretary

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_____) Supervisors
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