

**Cumberland Township Board of Supervisors
Minutes of the January 22, 2013 Public Hearing and Meeting**

At 6:30 p.m., Chair Underwood called the public hearing to order to take public comment on the proposed vacation of Woodcrest Drive in conjunction with the M & L Properties Subdivision / Land Development Plan. Chair Underwood turned the hearing over to Solicitor Jason Kelso. Mr. Naugle presented exhibits and there were no comments from the public. The hearing was recorded by Deb Zepp, Court Recorder and adjourned at 6:34 p.m. Please see 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 Supervisors Shealer, Waybright and Ferranto; Manager Ben Thomas, Jr., Solicitor Jason Kelso, Police Chief Don Boehs, Zoning Officer Bill Naugle, Engineer Tim Knoebel and Assistant Secretary Carol Merryman. Others present were: Dale Molina, Jim Paddock, Barry and Jean Stone, Speros Marinos, Steve Tallman, Bob Sharrah, Attorney Kim Patrono, Jody Dickey, Debi Golden, Brian Devost, John Horner, William and Jennifer Railing, Jenna Faust from the Gettysburg Times and Amy Stansbury from The Evening Sun. The meeting was recorded. Mr. Toddes was absent.

Chairperson Underwood led the Pledge of Allegiance.

Mr. Ferranto made a motion to approve the Minutes of the December 6, 2012 workshop meeting and the December 18, 2012 regular meeting seconded by Mr. Shealer and carried.

Mr. Ferranto made a motion to pay the bills, in the amount of \$73,664.29 from the General Fund, \$276.36 from the Traffic Impact Fund, \$2,642.92 from the Escrow Fund, \$473.76 from the Park and Rec Fund and \$157.92 from the State Fund, seconded by Mr. Waybright and carried.

Engineer:

Mr. Knoebel reported that the Township has a Request for Extension for the Judy Miller Final Plan until April 30, 2013 and the M & L Properties, LLC Final Land Development Plan until March 31, 2013. Attorney Patrono asked why the M & L Properties, LLC Plan could not be considered for action tonight because the Engineer's comments are minor and he does not see anything on the Engineer's comments that cannot be conditions of the approval. Mr. Thomas suggested that the Plan approval could be placed on the agenda of the next workshop on February 7, 2013 because action is still needed on the vacation of Woodcrest Drive and approving a plan with conditions puts a burden on the staff to ensure that the conditions are met. Attorney Patrono asked to change the Request for Extension for M & L Properties until February 8, 2013. The Board asked that the change of the date be made in writing tomorrow morning. **Mr. Waybright made a motion seconded by Mr. Shealer and carried to approve the request for the Judy Miller Final Plan and extend the approval date until April 30, 2013. Mr. Waybright also made a motion seconded by Mr. Ferranto and carried to approve the request for the M & L Properties, LLC Final Land Development Plan and extend the approval date until February 8, 2013.**

Mr. Knoebel reported that Clifford and Lori Yarwood Final Plan is a minor lot addition subdivision and the property fronts on Hospital Road. He stated that the plan and Non-Building Waiver are ready for approval subject to the Solicitor's review and approval of the Deed of Consolidation. **Mr. Shealer made a motion to approve the Clifford and Lori Yarwood Final Plan subject to the Solicitor's review and approval of the Deed of Consolidation seconded by Mr. Waybright and carried. Mr. Waybright made a motion seconded by Mr. Ferranto and carried to approve the Sewage Facilities Non-Building Waiver for the Yarwood Plan.**

Mr. Knoebel reported that the Township holds maintenance security in the amount of \$24,786.87 for The Meadows, Phase II which is set to expire on March 1, 2013. He added that site inspections have been completed

and previous punch list items have been verified. He recommended that the Maintenance Bond can be allowed to expire and no Board action is needed.

Mr. Knoebel also reported that J. A. Myers has requested a release of the Performance Bonding for Patriot's Choice and the Maintenance Bonding for the project will be expiring. Mr. Knoebel recommended that the Maintenance Bond be allowed to expire and the Performance Bond (approximately \$25,000.00) be held to cover a few items that need to be done as outlined in his memo dated December 6, 2012. He added that he did discuss this with the developer's representative and he was agreeable. Mr. Knoebel also reported that he has been in contact with the President of the Homeowner's Association and they are generally in acceptance of the conditions of the stormwater basins. **Mr. Shealer made a motion to deny the Request for Release of Performance Bonding from J. A. Myers, dated November 14, 2102, based on the conditions stated in the Engineer's December 6, 2012 memo, seconded by Mr. Waybright and carried.**

Public Comment:

Mr. William Railing, 50 Confederate Drive, in reference to the public hearing held at 6:30 p.m., asked why the portion of Woodcrest Drive had to be closed and why it could not be used for parking.

Mr. Barry Stone, 1745 Mummasburg Road, thanked the Board for reappointing him to the Historical Architectural Review Board and stated that he was glad to serve.

Mr. John Horner, 20 Horner Road, stated that he has been trying for years to get information from Barlow Fire Company regarding their financial situation because they are always asking for donations. He added that he hopes that the Township does not enact a Fire Tax. Solicitor Kelso suggested that Mr. Horner submit a Right-to-Know request (something in writing) for the information.

Mr. Speros Marinos, 912 Baltimore Pike, thanked the Board for initiating the Joint Comprehensive Plan with Gettysburg Borough and Adams County Office of Planning and Development. He added that the current zoning of his properties creates a financial hardship. He also reported that he worked with Mt. Joy Township on their Comprehensive Plan and they allowed unrestricted public comment during their process and he asked the Board to consider doing this.

Mrs. Jennifer Railing, 50 Confederate Drive, asked Police Chief Boehs, if something could be done about speeding on Confederate Drive.

Mr. Steve Tallman, 29 Bittern Drive, asked if the Cumberland Village Plans are available to the public for their review. Mr. Knoebel reported that the plans are on file and available and there have been no changes made to them since they received final approval from the Township.

Before moving on to the Police Report, Chair Underwood asked the Board if they were ready to take action on the vacation of Woodcrest Drive as follows:

ORDINANCE 2013-148

**AN ORDINANCE OF THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY, PENNSYLVANIA,
VACATING A PORTION OF WOODCREST DRIVE, SITUATE IN CUMBERLAND TOWNSHIP,
ADAMS COUNTY, PENNSYLVANIA**

Mr. Shealer made a motion to adopt Ordinance 2013-148 approving the request from M & L Properties, LLC to vacate a portion (as depicted on a plan by Sharrah Design Group) of Woodcrest Drive seconded by Mr. Waybright and carried. The motion carried unanimously.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of December, 2012 including 470 complaints, 44 combined arrests, 61 traffic stops, 18 traffic accidents and 14,849 patrol miles. He added that they assisted other agencies 10 times and they were assisted 2 times.

Active Business:

Mr. Thomas reported that the Cumberland Township Board of Supervisors and Gettysburg Borough Council appointed a joint commission to study regional recreation. He reported that the next step will be for the Supervisors to join with Gettysburg Council and Mayor to conduct a public hearing to look at approving an ordinance to create a Gettysburg Area Recreation Authority that will eventually have by-laws and an inter-municipal agreement. Susan Naugle, a member of Gettysburg Borough Council, reported that Borough Council has passed a motion to hold said public hearing. **Mr. Waybright made a motion that the Township takes the next step and proceeds with the public hearing seconded by Mr. Shealer and carried.**

The next item on the agenda; Supervisors' and Manager's goals for 2013, was tabled until the next workshop when all Supervisors are present.

Mr. Thomas reported that the law requires the Board to set a commission rate for the elected Real Estate Tax Collector by mid-February for 2014. He added that we have checked with some comparable neighboring Townships regarding their commission rates and recommended that the rate be set at 2% when the tax is collected during the discount period and 3% when collected during the par and penalty periods. **Mr. Ferranto made a motion to set the commission rate for the Real Estate Tax Collector at 2% during discount and 3% during par and penalty to put us in line with what other Townships are paying, seconded by Mr. Shealer and carried.**

Chair Underwood reported that there is a new proposal for an hourly fee schedule for Zoning, Conditional Use and Citizen's Text Amendment public hearings that last longer than one hour and this was not acted on at the reorganization meeting and needed further information. She added that the Board has now received this information. **Mr. Shealer made a motion to adopt the new hearing (hourly) fee structure and the motion was seconded by Mr. Waybright.** Mr. Ferranto stated that he has a problem with the new fee structure being applied to the Citizen's Text Amendment and also is not in favor of the \$650.00 application fee and doesn't feel that the citizen's should be burdened if they want to submit changes. Mr. Thomas stated that the Citizen's Text Amendment could be removed from the ordinance because, as far as he knows, it is something that is unique to Cumberland's ordinance and there is a cost factor to it. **The motion did not carry. Mr. Ferranto made a motion to approve the Zoning and Conditional Use application and hearing fees, as presented in the fee schedule, seconded by Mr. Shealer and carried.**

Mr. Ferranto made a motion to request staff and Solicitor to review the Citizen's Text Amendment language and place on a workshop agenda for further consideration to be removed from the ordinance seconded by Mr. Shealer and carried.

Mr. Thomas reported that he is recommending that the Administrative Management Agreement with Cumberland Township Authority be reduced by 1/3 of the annual cost from \$18,000.00 to \$12,000.00. **Mr. Ferranto made a motion to approve the cost reduction for the Administrative Management Agreement with Cumberland Township Authority seconded by Mr. Waybright and carried.**

Mr. Shealer reported that the Board needs to reaffirm their Resolution for the PennDOT Agility Agreement that was in place in 2004 and was good for five years. He explained that the Agility Program allows municipalities and PennDOT to work together on projects saving taxpayers' dollars. **Mr. Shealer made a motion to adopt the new Resolution, dated January 22, 2013, for the PennDOT Agility Agreement, seconded by Mr.**

Ferranto and carried.

Mr. Ferranto made a motion seconded by Mr. Shealer and carried to (as recommended by Adams County Office of Planning and Development and Adams County Traffic Planning Organization – ACTPO) adopt a Memorandum of Understanding with the York County Metropolitan Planning Organization (MPO) that establishes certain areas where joint planning efforts can be undertaken, particularly for the Hanover Urbanized Area.

Mr. Shealer reported that the 2013 Budget included the purchase of a new mower, to be mounted on the mowing tractor, and a replacement for the 1990 dump truck. He added that the new truck will be equipped with a plow and spreader. He reported that the pricing is through the Department of General Services State contract and no bidding is required. Prices are as follows:

- Mower - \$20,303.00
- F550 Diesel automatic transmission truck chassis - \$46,224.25
- Aluminum truck body - \$18,518.20
- Plow - \$5,463.40 (he is looking at a 10 foot plow)
- V-Box Spreader - \$8,649.40
- Total cost for the truck - \$78,855.25 * Total expenditure with mower - \$99,158.25 (\$12,000.00 under budget)

Mr. Shealer reported that the old truck and mower can be put out for bid or taken to auction. **Mr. Ferranto made a motion to approve the purchase of the new mower, in the amount of \$20,303.00, seconded by Mr. Waybright and carried.** Mr. Shealer will have final pricing on the dump truck for the next meeting.

Reports:

Mr. Thomas reported that the Township advertised Requests for Proposal for pension investments and we have received eight returns and they are ready to be picked up by the committee members for their review. He added that he will get copies to the Solicitor for his review and it is his goal to make a recommendation to the Board by March.

The Zoning Officer and Assistant Secretary’s report was reviewed.

Solicitor: Executive Session needed.

Board Members:

Mr. Ferranto reported that I.E.S.I. did not include a trash collection schedule in their bill this year and he asked Mr. Thomas to contact them regarding this. Mr. Ferranto also reported that he attended the Gettysburg Municipal Authority meeting last night and they reorganized and Ted Streeter is the Chairman. They discussed the expansion of the Board and it will be discussed more at the next meeting.

The meeting was adjourned at 8:04 p.m. for an Executive Session with no report to follow.

Carol A. Merryman, Asst. Secretary

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