

**Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
Minutes of the June 28, 2016 Regular Meeting**

The regular meeting was called to order at 7:00 p.m. by Chair Underwood. Present were all Supervisors: Underwood, Waybright, Toddes, Shealer and Paddock; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Zoning Officer Bill Naugle and Secretary Carol Merryman. Others present were: Barry and Jean Stone, Al Ferranto, Dale Molina, Sharon Martin, Nita Gross, Speros Marinos, Zach Gulden, Martin Hill, Jim Piet, Leonardo Marinelli and Ken Knox from The Gettysburg Times. The meeting was recorded.

Chair Underwood led the Pledge of Allegiance.

Mr. Toddes made a motion to approve the Minutes of the May 19, 2016 Workshop and May 24, 2016 Regular Meeting, as presented, seconded by Mr. Waybright and carried.

Mr. Waybright made a motion seconded by Mr. Shealer and carried to approve the bills and transfer as follows: \$34,785.05 from General Fund and \$31,540.46 transfer from General Fund to Health Insurance Account.

Engineer/Plans:

Mr. Thomas reported that the Grandview Station Preliminary Land Development Plan appears to be ready for review and consideration. The project is located on Biglerville Road and proposes the construction of five storage buildings and two, small retail buildings on three lots which are proposed to be consolidated into one lot. Mr. Thomas added that Conditional Use approval has been previously granted for the storage buildings and there is an existing retail establishment on one of the lots. Final Plan submission is required. **Mr. Toddes made a motion to approve the Grandview Station Preliminary Land Development and Lot Consolidation Plan seconded by Mr. Shealer and carried.**

Mr. Thomas also reported that a request for extension has been received from Sharrah Design Group, Inc., on behalf of Rupa, Inc., owner and developer of the Musket Ridge Land Development Plan for an extension until September 30, 2016 for consideration of their plan. **Mr. Shealer made a motion to approve the request for extension until September 30, 2016 for consideration of the Musket Ridge Land Development Plan seconded by Mr. Waybright and carried.**

Public Comment:

Mr. Martin K.P. Hill, President of Woodhaven Building and Development, Inc., stated that his attorney, Gary Hartman, has submitted a proposed amendment to Section 27-1605 of the Zoning Ordinance. Mr. Hill continued to explain the amendment that proposes to permit fee simple conveyance of footprint of single-family detached residential units in the R Zone. Mr. Hill reported that the Zoning Ordinance has been amended to permit fee simple conveyance of townhomes in the MX Zone. Mr. Hill added that the Camelot Square development is a footprint fee simple and everything outside of the house is maintained by a Homeowner's Association. Solicitor Wiser stated that the amendment could take two tracks: to be bundled with other amendments that the Township is currently working on; or Mr. Hill could submit a Request for Citizen's Zoning Amendment along with a required fee (\$689.00.) Solicitor Wiser also suggested that perhaps Mr. Hill and Mr. Sharrah would meet with the Township staff to discuss the amendment and possibly make a few revisions to make it a more desirable amendment to the Township, if the Supervisors are inclined to see the amendment move forward in one of the two tracks. The Board and

Mr. Hill agreed to Solicitor Wiser's suggestions.

Mrs. Jean Stone, 1745 Mummasburg Road, asked to reserve a portion of her comments until the "Grass and Weed Ordinance" is discussed and asked about the status of the St. Francis intersection project. Solicitor Wiser stated that he will have a report on the St. Francis project under the Solicitor's Report.

Mrs. Nita Gross, 938 Barlow Greenmount Road, reported that they were disappointed with the outcome of the Zoning Hearing for the Keystone Services System project, but they will follow through with the Planning Commission and Board of Supervisors regarding the land development plan for the project.

Mrs. Sharon Martin, 980 Barlow Greenmount Road, suggested that the Township's demolition permit application include a line for projected future use of the property following demolition.

Mr. Speros Marinos, 912 Baltimore Pike, requested support for the Gettysburg and Harney carnivals and the Adams Regional Emergency Medical Services (AREMS.) Mr. Marinos also reported that the Cumberland Township Historical Society (CTHS) met this morning and there may be a couple of historical buildings in danger that they are looking into. Mr. Marinos thanked the Township for having a strong Police Department and mentioned the detail and common sense shown in the draft Comprehensive Plan and asked that it be applied to the Township's Zoning.

Mr. Al Ferranto, 501 Knight Road, asked if the Township's Sign Ordinance is enforceable in regards to political signs. He added that signs are already popping up and this election is going to be emotional for some people. Solicitor Wiser stated that he would have to do some research on the Township's Ordinance in light of a recent Supreme Court decision on temporary signs in general. Mr. Ferranto asked that if the ordinance is enforceable then it should be enforced; if not, then it should be changed.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of May including: 392 complaints - Psych/suicidal-7, Disturbances - 14, Assault/Harassment - 13, Domestic - 18, Criminal Mischief - 4, Susp. Activity - 17, Thefts - 11, Alarms - 25, Med. Emergency - 14, 911 Hang Up - 10 and Rape -2; 149 traffic stops, 66 combined arrests, 7 traffic accidents, 7 targeted enforcements and 11,272 patrol miles. He added that they assisted other agencies 13 times and they were assisted six times. Chief Boehs reported that they have had 660 Oak Lawn Cemetery complaints and 111 walk-in complaints. Chief Boehs also reported that he will be giving a presentation in the near future regarding staffing and the department's history. Mr. Waybright stated that the Board asked Police Chief Boehs to expand his report so the public gets an idea of how busy the Police Department is.

Active Business:

Mr. Thomas reported that the Supervisor's authorized the staff to get a quote on auditing services for 2016 from Smith Elliott Kearns and Company. He added that their quote has been received and is \$7,100.00. Mr. Thomas stated that he feels that this amount is in line with their charges for the previous three years. **Mr. Waybright made a motion seconded by Mr. Toddes and carried to accept the proposal from Smith Elliott Kearns and Company to provide audit services to the Township for the year ended December 31, 2016, in the amount of \$7,100.00.**

Mr. Thomas reported that a letter has been received from Daryl Aurand requesting a zoning change for his property, located at 1685 Fairfield Road, to MX zoning. Mr. Thomas added that this property is currently zoned AR and is included on the list of properties that staff felt needed to be changed that was submitted to County Planning for use in the Comprehensive Plan update. This item was for information only and required no action.

Mr. Thomas also reported that the Township previously acknowledged the receipt of an application for an addition to the Agricultural Security Area and there is a requirement for the Board to hold a public hearing on the application. He stated that the public hearing has been scheduled for the August 23, 2016 meeting shortly after 7:00 p.m. and that this gives time for all of the appropriate reviews and comments to be submitted to the Board.

Solicitor – Solicitor Wisner presented an ordinance repealing Chapter 10, Part 1 of the Township Code regarding “the cutting of grass, weeds, and other vegetation.” Solicitor Wisner explained that the current ordinance only applies to residential uses where houses are within 300 feet of each other and the new ordinance also addresses commercial and vacant properties. He added that the new ordinance also addresses noxious weeds and there are some exceptions for properties, such as for agricultural and wooded lots. Solicitor Wisner stated that the new ordinance also incorporates the concept of a ticket for the initial violation. He added that if the ticket is not paid then it goes through the formal citation process. Solicitor Wisner reported that the ordinance has been duly advertised and is ready for action by the Board.

Mrs. Jean Stone, 1745 Mummasburg Road, asked some questions about things in the ordinance and got clarification from Solicitor Wisner.

Mr. Shealer made a motion seconded by Mr. Waybright and carried to approve Ordinance 2016-162 as follows:

**AN ORDINANCE OF THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY,
PENNSYLVANIA AMENDING THE CODE OF THE TOWNSHIP OF CUMBERLAND BY
REPEALING CHAPTER 10, PART 1 ENTITLED “CUTTING OF GRASS, WEEDS, AND
OTHER VEGETATION” AND ENACTING A NEW ORDINANCE DECLARING GRASS,
WEEDS, OR OTHER VEGETATION GREATER THAN TEN (10) INCHES IN HEIGHT TO BE
A NUISANCE, PROVIDING FOR ABATEMENT OF NUISANCE AND PROVIDING
PENALTIES FOR VIOLATION OF ORDINANCE**

Solicitor Wisner explained the challenges that St. Francis Xavier has encountered in trying to get a Highway Occupancy Permit from PennDOT for the improvements to the intersection of Boyd’s School and Table Rock Roads. Solicitor Wisner explained that there is a Columbia Gas right-of-way very near the bridge and the school had a difficult time working through things with the different arms of Columbia Gas. He added that one of the easements that was obtained in the process now needs to be extinguished and restructured and he has a copy of the Extinguishment of Assignment of Easement Agreement for the prior Rinehart easement to be approved by the Township. **Mr. Toddes made a motion to authorize the Board Chair to execute the Extinguishment of Assignment of Easement Agreement seconded by Mr. Waybright and carried.**

Committee Reports and comments from Board Members:

Highway Committee – Mr. Thomas reported that he and Road Superintendent, Chris Walter, met with the Highway Committee and they are recommending that the Act 209 Study be updated and remain with two service areas. The committee also has the following recommendation in regards to the Advisory Committee and intersections that should be included in the study update:

HIGHWAY COMMITTEE RECOMMENDATION:

1. Proceed with appointment of a Traffic Impact Fee Advisory Committee (40% must be from the real estate / development community). Names mentioned to serve include: Rod Simpson, Marty Miller, Carl Athey, Dave Sites and Tom Shealer. The original committee included Mike Galassi, Chairman, Clarence Andrew, Riley Hollingsworth, Jim Paddock, and Carol Detweiler. Others

who served either have moved or are deceased. The Committee needs a minimum of seven members.

2. Recommend the following North Study Transportation Service Area intersections:
 - a. Boyd's School Road / Biglerville Road
 - b. Belmont Road / Knoxlyn Road / Chambersburg Road / Kinsey Drive
 - c. Herr's Ridge Road / Chambersburg Road (include the Woerner Bridge)
 - d. Herr's Ridge Road / Biglerville Road
 - e. Table Rock Road / Boyd's School Road
3. Recommend the following South Study Transportation Service Area intersections:
 - a. Fairfield Road / Park Avenue / Willoughby Run Road
 - b. Fairfield Road / Bream's Hill Road / Blackhorse Tavern Road
4. Highway Committee discussions included:
 - a. Herr's Ridge Road / Fairplay Road intersection should be studied by future developers with improvements made by them.
 - b. This intersection should be reviewed by the Township since there was discussion several years ago about closing a portion of Herr's Ridge Road in this area. That is why the developer for Cumberland Village built the new Fairplay Road to Fairfield Road.
 - c. The above intersections (North and South areas) should be studied for turning lane additions or roundabouts.
 - d. Limit the number of suggested future traffic signals.

Mr. Thomas reported that McMahon's quote to complete the study is \$29,700.00 and the Township can use approximately 40 – 50% of Traffic Impact funds to pay for the study. He added that hopefully, Adams County Planning Office will be able to complete the Land Use Assumption Report. **Mr. Waybright made a motion to proceed with the Act 209 Full Update with McMahon Traffic Engineers and Planners seconded by Mr. Toddes and carried. Mr. Shealer made a motion to move forward with the appointment of an Advisory Committee seconded by Mr. Toddes and carried. (Manager's discretion to round out committee with 40% from real estate / development community)**

Insurance Committee – Mr. Thomas reported that the committee has begun the process of getting quotes for the Township's Health Insurance and they will be vetted at a public meeting as soon as possible.

Personnel Committee – Chair Underwood reported that the committee met with Administrative staff and they had some suggestions.

Public Safety – Chair Underwood reported that the committee met in Executive Session to discuss staffing. **Mr. Waybright made a motion, which was subsequently withdrawn, to move the remainder of the budgeted funds in Police Part-Time Salaries to Police Full-Time Salaries.** Mr. Ferranto asked for an explanation and Mr. Thomas explained that, at this time, this is still an Executive Session matter and there will be a formal presentation given at the July meeting that will answer any questions.

Parks and Recreation – Mr. Toddes reported that they have hired a new director, she is doing a great job and there is a lot of activity at the park. He added that the new director has a lot of ideas that she is working on and they are working on raising money to make some improvements/additions to the playground equipment for handicapped children and seniors.

CTA, COG, Planning and Zoning, Economic Development, Building and Grounds – no reports

Staff Reports:

Mr. Thomas reported that the Board has received an in-depth Management Discussion and Analysis paper regarding the 2015 audit and budget and it will be posted on the Township's website. Mr. Thomas added that the Township is not required to do this report.

The Zoning Officer and Secretary's reports were reviewed.

Unless otherwise noted, all votes were unanimous. There being no further business, the meeting was adjourned at 8:15 p.m. for an Executive Session with no report to follow.

Carol A. Merryman, Secretary

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_____) Supervisors
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