

**Cumberland Township Board of Supervisors  
Minutes of the February 23, 2016 Meeting 7:00 P.M.**

The regular meeting was called to order at 7:00 p.m. by Chair Underwood. Present were Supervisors: Underwood, Waybright, Toddes and Paddock; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs and Engineer Tim Knoebel. Others present were: Barry and Jean Stone, Al Ferranto, Dale Molina, Sharon Martin, Jim Piet, John Phillips, Betty Malone, Don Kaufman, Tom Brado and Ken Knox from The Gettysburg Times. Supervisor Shealer was absent. The meeting was recorded.

Chair Underwood led the Pledge of Allegiance.

**Mr. Waybright made a motion to approve the Minutes of the January 4, 2016 Reorganization meeting, January 21, 2016 Workshop meeting and January 26, 2016 Regular Meeting, as submitted, seconded by Mr. Toddes and carried.**

Mr. Thomas reported that all invoices are within the budget. **Mr. Toddes made a motion to approve the bill lists in the amounts of: \$99,437.76 from the General Fund, \$1,947.50 from the Escrow Fund, and \$9,526.68 from the State Fund seconded by Mr. Waybright and carried.**

**Engineer/Plans:**

Mr. Knoebel reported that a request for extension has been received from William F. Hill and Associates, Inc., on behalf of Timeless Towns of the Americas, Inc. Their letter, dated February 8, 2016, requests a 90 day time extension for approval of their Land Development Plan for the upgrades and replacement of their wastewater treatment plant. **Mr. Paddock made a motion seconded by Mr. Toddes and carried to approve the request for extension for approval of their plan until June 7, 2016.**

Mr. Knoebel reported that the Township received a request from Sharrah Design Group, Inc., on behalf of PA Interfaith Community Programs, Inc., for a time extension until June 30, 2016 for approval of Misty Ridge, Lot 5. Mr. Knoebel added that the plan is currently under review by the Cumberland Township Authority and Planning Commission. **Mr. Paddock made a motion to approve the request for extension until June 30, 2016 seconded by Mr. Waybright and carried.**

Mr. Knoebel reported that the final request for extension also comes from Sharrah Design Group, Inc., on behalf of Leonardo and Kathleen Marinelli, for the Grandview Station Land Development Plan until June 30, 2016. Mr. Knoebel reported that he did receive revised plans and that will be under review with the Planning Commission. **Mr. Waybright made a motion to grant the extension request for the Grandview Station Land Development Plan until June 30, 2016 seconded by Mr. Toddes and carried.**

Mr. Knoebel reported that the Township has received a bond reduction request from Brandon and Waverly Keller for their Poultry Barns project. He added that the Township currently holds \$140,492.90 and the request is to release 75% of that. Mr. Knoebel's memo, dated February 8, 2016, recommends that \$44,386.90 be retained and \$96,106.00 be approved for reduction. Mr. Knoebel also reported that the balance will be held until the project is complete. **Mr. Waybright made a motion to retain \$44,386.90, and release \$96,106.00, as indicated by the Township Engineer, seconded by Mr. Toddes and carried.**

Mr. Knoebel reported that the next reduction request is from Woodhaven Building and Development for Cumberland Village, Phase 1A. Mr. Knoebel handed out his report dated February 23, 2016 and explained that the request also involves Phase 1B. Mr. Knoebel began with the request for Phase 1A that is for total release of the \$259,463.98 currently being held by the Township. Mr. Knoebel added that the

developer has not completed the pedestrian path and bridge and recommends that \$15,000.00 be held until those items are complete; resulting in a reduction of \$244,463.98. He also reported that the Township holds Maintenance Security, in the amount of \$203,766.00. Mr. Piet asked if the Township would accept a check for \$15,000.00 in lieu of a bond. Solicitor Wiser stated that he has no problem with them using cash as financial security and a brief agreement will be needed. **Mr. Paddock made a motion to authorize the full release of \$259,463.98 upon Woodhaven Building and Development providing cash security in the amount of \$15,000.00 and the associated agreement for such security seconded by Mr. Toddes and carried.**

Mr. Knoebel also reported that the request for release of financial security for Cumberland Village, Phase 1B is for full release, in the amount of \$141,794.40, and his letter dated February 23, 2016, recommends the release and notes that Maintenance Security, in the amount of \$54,682.00 is being held for an eighteen month period. He added that there are a couple of maintenance items that they are waiting to be completed and weather conditions are holding them up right now. **Mr. Waybright made a motion to authorize the full release of financial security for Cumberland Village, Phase 1B, in the amount of \$141,794.40, seconded by Mr. Toddes and carried.**

Mr. Knoebel reported that Misty Ridge Lot 10 is continuing to move forward and they have received some As-Built drawings.

Mr. Knoebel reported that the Gettysburg Airport is in the process of working plans out for full-depth reclamation of their existing runway. He also stated that this is not a Land Development Plan but, they did have to provide a Stormwater Management Plan. He added that there will not be any additional impervious coverage but, they are increasing the diameter of two culverts. In order to maintain pre-development flows, orifice plates will be added to the new pipes and Mr. Knoebel is recommending that financial security be provided to ensure the correct installation as designed to maintain flows on downstream properties. Mr. Knoebel added that he is recommending financial security, in the amount of \$229,273.76, and an Operations and Maintenance Agreement to be executed as part of the plan. Solicitor Wiser reported that he was contacted by legal counsel for Susquehanna Area Regional Airport Authority (SARAA) requesting a modification to the financial security requirement for the project based on their being another governmental entity and substantial Authority. Solicitor Wiser added that the contractor will post a Performance Bond and if the Township can be an additional obligee on that bond he feels that would be sufficient security for the Township. Solicitor Wiser reported that he has received a copy of the Performance Bond from the contractor, Valley Quarries, in an amount in excess of \$900,000.00, which would cover the amount of the stormwater improvements. **Mr. Waybright made a motion to authorize a modification to the financial security requirements for the Gettysburg Airport project to allow the Township to be secured as an additional obligee on the Performance Bond between Valley Quarries and SARAA seconded by Mr. Paddock and carried. Mr. Waybright also made a motion to authorize approval of the plan subject upon receipt of the modified financial security and the Operation and Maintenance Agreement seconded by Mr. Paddock and carried.**

Mr. Knoebel stated that the next two items, Cumberland Village Phase 1A, 1B and 1C and Cannon Ridge Phase 1 and 2 Deeds of Dedication, were complete from an engineering standpoint and asked Solicitor Wiser to address the legal requirements. Solicitor Wiser stated that all legal prerequisites for the dedication of the streets and portions of streets in Cumberland Village Phase 1A, 1B and 1C have been met and a Resolution has been prepared and is before the Board for action. Solicitor Wiser added that a Street Cost Reimbursement Agreement has been executed and the fee, in the amount of \$4,250.00, has been paid by the developer. **Mr. Waybright made a motion to adopt Resolution 2016-07 seconded by Mr. Paddock and carried.**

#### RESOLUTION 2016-07

**A RESOLUTION OF THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY, PENNSYLVANIA LAYING OUT AND OPENING ROADS IN THE PLANNED RESIDENTIAL COMMUNITY KNOWN AS CUMBERLAND VILLAGE IN CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA**

**The roads being dedicated are known as: Fairplay Road, Paddock Drive, Herr's Ridge Road, Woodhaven Drive, Bittern Drive, Waxwing Lane and Bobolink Drive.**

Solicitor Wisner stated that the Deed of Dedication for the roads in Cannon Ridge Phase 1 & 2 is not ready for the Board's action.

**Public Comment:**

Ms. Sharon Martin, 980 Barlow Greenmount Road, thanked the Board for their work on the Keystone plan and asked them to attend the Planning Commission when the Keystone plan is on the agenda. Ms. Martin also told the Board that fill dirt had been brought in on the Keystone property about two years ago.

Mr. Al Ferranto, 501 Knight Road, expressed his concern about the donation to the Gettysburg Area Recreation Authority (GARA) and the dwindling Park and Rec Fund. He stated that the Park and Rec Fund is down to \$117,000.00, from 300,000.00, and although he supports GARA, he was under the impression that they were to become self-sustaining and it does not look like that is happening because the donation keeps going up. Mr. Ferranto also protested the Supervisors receiving health benefits and asked them to give up their benefits before raising taxes.

**Police Report:**

Police Chief Don Boehs presented a written and oral report of police activities for the month of January including; 401 complaints, 148 traffic stops, 114 combined arrests, 13 traffic accidents, 17 targeted enforcements and 9,064 patrol miles. He added that they assisted other agencies 13 times and they were assisted four times.

**Active Business:**

Mr. Thomas reported that Kenneth Rotz, President of Keystate Publishing, recently passed away and the business will be closing. Keystate Publishing provided codification services and hosted a link to our ordinances that will be signing off on March 31, 2016. Mr. Thomas added that he is in the process of seeking quotes from other codification providers and is estimating that the cost will be between \$1,000.00 and \$2,000.00 per year and we must switch providers within the next few weeks. Mr. Thomas asked the Board to authorize the Finance Committee to take an action after all quotes are received and then report at the next regular meeting. **Mr. Waybright made a motion to authorize the Finance Committee to take action on hiring another codification provider and to report at the next meeting seconded by Mr. Toddles and carried.**

Mr. Thomas also reported that April's regular meeting is on the 26<sup>th</sup> which is also Election Day and recommended that the regular meeting be rescheduled for Thursday, April 21<sup>st</sup> at 7:00 p.m. **Mr. Waybright made a motion to reschedule the April 26, 2016 meeting to April 21, 2016 at 7:00 p.m. seconded by Mr. Paddock and carried.**

Mr. Thomas also reported that the Board received the appropriate letters at the Reorganization meeting on January 4, 2016 to request or deny health insurance coverage in accordance with Section 606 of the Township Code. He reported that Supervisors Underwood and Paddock denied coverage and Supervisors Toddles, Waybright and Shealer requested coverage. **Supervisors Toddles and Waybright each made statements regarding what they contribute towards the insurance, what they do for the Township and the time they spend serving as Township Supervisors. Chair Underwood also reported on the extensive committees on which she has served and currently serves along with utilizing her own vehicle, gas, home office and supplies while serving as an Elected Township Supervisor.**

Mr. Thomas reported that the Highway Committee has had several meetings and are recommending the following road projects for 2016:

Double Seal Coating – Miller Rd., Russell Tavern Rd. and Roberta Way  
Double Micro-Surfacing – Tiffany Lane, Palace Dr., Vista Larga Dr. and Hunter’s Trail  
Guide Rail replacement – Blackhorse Tavern Rd. crossing over Willoughby Run and a section of Sachs Rd. and Hospital Rd.  
Paving recommendation – Herr’s Ridge Rd. between Biglerville Rd. and Mummasburg Rd.  
Placing a 1 ½” overlay with a leveling course and crack sealing with a fiber mat to help structuralize the sub-base to promote a life expectancy for this portion of the road of between 12 and 15 years with proper maintenance at an estimated cost of \$304,500.00. Mr. Thomas added work to this portion of Herr’s Ridge Rd. has been discussed for the past two years and the Committee feels that this recommendation is a good “middle of the road” option. Mr. Thomas added that the total estimated cost for all of the proposed work in \$439,000.00 and the Township has budgeted \$560,000.00 for 2016 from the General Fund and State Fund. The balance of the budgeted funds will be used for the preparation, stormwater pipe replacements and other minor maintenance projects. **Mr. Waybright made a motion to authorize advertisement of the 2016 road projects as specified by Mr. Thomas seconded by Mr. Toddes and carried. Mr. Paddock made a motion to authorize the Guide Rail replacement projects seconded by Mr. Toddes and carried.**

Mr. Thomas reported that a request has been received from Steve Williams of the Gettysburg Area Recreation Authority for a donation for infield dirt that was placed on two of the baseball fields for safety reasons. Mr. Thomas added that Mr. Toddes had spoken to the Board about this on a couple of occasions. Mr. Thomas reported that the Gettysburg Little League has agreed to pay \$5,000.00 of the bill leaving a balance of \$4,792.42. Mr. Toddes thanked the Board for everything they have done for the Rec Park and they hope to be self-sustaining in a couple of years. He also reported that Gettysburg Borough has been doing a lot of in-kind services for the Rec Park and C. E. Williams really cut the bill for the work. **Mr. Paddock made a motion to approve the amount of \$4,792.42 to go to GARA for the infield dirt seconded by Mr. Waybright and carried.**

Mr. Thomas acknowledged that resident Carl Athey accepted the appointment to the Gettysburg Municipal Authority’s Steering Committee for developing a source water protection plan.

Mr. Thomas also acknowledged that the Township submitted forms for potential reimbursement for operational costs during Winter Storm Jonas on January 23 and 24, 2016 in the amount of \$32,150.86. Mr. Thomas added that he did hear that Pa. Governor Tom Wolf has submitted to President Obama requesting a Declaration of Disaster in the Commonwealth of Pennsylvania for Winter Storm Jonas and if authorized, the Township may see a reimbursement of 75%.

**Solicitor** – Solicitor Wisner reported that Logo Ordinance 2016-161 regulates the use of the Township Logo and provides for penalties for unauthorized use of the logo. Solicitor Wisner added that the ordinance has been duly advertised and is ready for adoption. **Mr. Waybright made a motion to adopt Ordinance 161 of 2016 concerning the unauthorized use of the Township logo seconded by Mr. Toddes and carried.**

## **ORDINANCE 161 OF 2016**

### **AN ORDINANCE ADOPTING THE OFFICIAL TOWNSHIP LOGO SYMBOL AND RESTRICTING IMPROPER USE OF SUCH OFFICIAL LOGO SYMBOL**

Solicitor Wisner also reviewed a proposed ordinance supplementing and amending various sections of Chapter 27 “Zoning” of the Township Code of Ordinances. Solicitor Wisner explained that the Township has been working on some of the items since 2010 and revisited them every other year, but they never have proceeded. Solicitor Wisner went through the proposed ordinance and explained the process that had to be followed for adoption. Solicitor Wisner explained that the proposed ordinance should not be sent to the Planning Commissions for review if the Board wants to make any changes because any substantial change would require re-advertising and going back through the process. After some discussion, Solicitor

Wiser suggested that this be discussed at the next workshop and, in the meantime, if any Supervisor has questions, to write them down and give it to staff so they can be prepared to answer it at the workshop. The Board agreed to discuss the proposed amendments at a future workshop.

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

**Highway** – Road projects discussed earlier.

**Public Safety** – Chair Underwood reported that Adams Regional EMS handled 2,479 calls from inception until December 31, 2015, 437 calls in January, 2016 and Cumberland Township remains at about 15 % of their calls.

**Planning and Zoning** – Mr. Waybright reported that the next meeting on the Joint Comprehensive Plan is March 1<sup>st</sup>.

**CTA** – Mr. Toddes reported that they are doing some renovations at the South Plant.

**Finance, Personnel, CTA, COG, Economic Development, Building and Grounds – no reports**

**Staff Reports:**

The Zoning Officer and Secretary’s reports were reviewed.

Unless otherwise noted, all votes were unanimous. At 8:35 p.m. the meeting was adjourned for an Executive Session to discuss a personnel matter and will reconvene after the session.

At 9:05 p.m., Chair Underwood reconvened the meeting.

Mr. Paddock expressed his concerns over the Township’s essential services ordinance specific to landfills, etc. in any zoning district. It was again explained that such operations would have to be “under contract to the municipality.” The Solicitor will review other municipal ordinances examples regarding essential services ordinances.

At 9:17 p.m. the meeting was adjourned.

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Carol A. Merryman, Secretary

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