

**Cumberland Township Board of Supervisors  
Minutes of the September 27, 2011 Meeting**

A Conditional Use hearing was held at 6:45 p.m. on an application from Cumberland Township Authority for a proposed sewage pumping station to be located on Willoughby Run Road in the Agricultural/Residential zoning district. Please see transcript for entire record of the hearing. The hearing was adjourned at 7:02 p.m.

The regular meeting was called to order at 7:05 p.m. by Chairman Waybright. Present were Supervisors Shealer, Underwood and Phiel; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Assistant Secretary Carol Merryman, Police Chief Don Boehs, Zoning Officer William Naugle and Engineer Tim Knoebel. Visitors present were: Attorney Robert Campbell, Engineer Craig Zack, Robert Sharrah, Dale Molina, Al Ferranto, Steve Toddes, Speros Marinos, Ernie Shriver, Elizabeth Magner, Mark Walters from The Gettysburg Times and Tim Prudente from The Evening Sun. Supervisor Golden was absent. The meeting was recorded.

Chairman Waybright led the Pledge of Allegiance.

**Mrs. Underwood made a motion to approve the Minutes of the August 18 and September 8, 2011 workshops and August 23, 2011 regular meeting, as written, seconded by Mr. Phiel and carried.**

**Mrs. Underwood made a motion to pay the bills, in the amount of \$164,541.50 from the General Fund and \$7,614.18 from the State Fund seconded by Mr. Phiel and carried.** Mr. Thomas reported that the bills list includes payment to the Barlow Firefighter's Relief Association, in the amount of \$86,769.39, which is a pass-through from the state.

**Engineer's Items:**

Mr. Knoebel reported that he has received a revised Stormwater Plan and As-Built Plan for Comfort Suites and they are reviewing the Stormwater Plan. He added that a revised Land Development Plan is required to be recorded.

Mr. Knoebel also reported that the Gettysburg Municipal Authority Land Development Plan for Well #10 and Old Mill Road Water Line Extension is minor in scope and he is ready to recommend approval contingent upon the comments in his September 21, 2011 letter being addressed. He added that the plans would not be signed by the Township until he verifies that all of the comments have been addressed. The Planning Commission also recommended approval with the same condition. **Mr. Phiel made a motion to approve the Gettysburg Municipal Authority Well #10 and Old Mill Road Water Line Extension Final Land Development Plan contingent upon them addressing all of the comments in the September 21, 2011 letter prepared by KPI Technology seconded by Mrs. Underwood and carried.**

Mr. Bob Campbell stated that a Conditional Use hearing was held prior to the regular meeting on the Cumberland Township Authority Final Subdivision/Land Development Plan for the Willoughby Run Pump Station and he asked the Board to consider taking action. He added that they have requested two waivers to Section 22-303 of the Cumberland Township Code of Ordinances which requires the submission of a Preliminary Plan and Section 22-507.2.A.2 which limits the slope to 10% within 20 feet of the property line. Mr. Campbell explained that the second waiver satisfies a request from Mr. Brantner, the current owner of the property, to keep the pump station out of his sight. Mr. Thomas affirmed that the staff was involved with the Zoning Hearing and heard the testimony of the residents and their concern was regarding the fence and stormwater run-off and the fence has been pulled back so it is no longer a threat during heavy rain. He also concurs with the waiver to 22-303 since this is a minor plan and regarding the second waiver; noted that the Board does intend to change this in the ordinance because it is so restrictive. Lastly, he reported that the NPDES permit is forthcoming from Soil Conservation. **Mr. Shealer made a motion to approve the Conditional Use of a driveway/parking area within the floodplain seconded by Mr. Phiel and carried.** Solicitor Wiser will transmit a written decision of the Board's decision to the applicant. **Mr. Phiel made a motion to grant the**

**waiver to the requirement to submit a Preliminary Plan seconded by Mrs. Underwood and carried. Mrs. Underwood made a motion to grant the waiver to Section 22-507.2.A.2 to permit a slope greater than 10 % within 20 feet of the property line per the applicant's request, seconded by Mr. Phiel and carried. Mrs. Underwood also made a motion to approve the Final Subdivision/Land Development Plan for the Cumberland Township Authority Willoughby Run Pump Station seconded by Mr. Phiel and carried.**

Mr. Knoebel reported that the Marty E. Tipton Final Subdivision Plan required a variance for lot width and this variance request was denied by the Zoning Hearing Board. The plan will now be reconfigured but, action on the plan is needed at tonight's meeting per the Township's requirement to act on the plan within 90 days. Mr. Sharrah presented a request for a 90-day extension for action on the Tipton Plan. **Mr. Phiel made a motion to grant the 90-day extension for action on the Tipton Final Plan seconded by Mr. Shealer and carried.** Approval is now needed by January 5, 2012.

Mr. Knoebel reported that a summary report has been prepared regarding the Greenmount Area Act 537 Sewage Facilities Planning. The summary report gives three alternatives and it has been provided to the Supervisors and Authority for their review and action. There will be a follow-up meeting with PA Department of Environmental Protection (DEP) once an alternative has been selected by the Supervisors and Authority. Mr. Knoebel stated that the Authority has chosen the No Public Sewer option, at this time, based on financial feasibility. Mrs. Underwood made the following statement on the Board's position:

***"The Cumberland Township Supervisors recommend suspending further public sewer engineering at this time for the Greenmount area pending future economic development projects. Future development and subsequent sewage planning may potentially warrant further consideration of a municipally owned treatment facility. Dialogue with property owners should continue as future needs arise. The Township should move forward with implementation on an On-Lot Disposal Ordinance and program for the Greenmount planning area in 2012."***

**Mr. Phiel made a motion that the Board of Supervisors suspend further public sewer at this time pending future economic development projects and other sewage planning seconded by Mr. Shealer and carried.**

Mr. Knoebel reported that the developer of The Meadows has requested a release of their bonding. He also reported that the road was just dedicated, as-built plans have been received and a maintenance bond is in place. Mr. Knoebel recommended a full release of the surety bonding in the amount of \$95,040.00. **Mrs. Underwood made a motion to release the surety, in the amount of \$95,040.00, retaining \$24,786.87 for eighteen months, for The Meadows seconded by Mr. Phiel and carried.**

#### **Public comment:**

Mr. Matt Sentz, Barlow Fire Department, presented a report of Barlow's activities over the last nine months including: 98 calls, 11 persons per call and a response time of 4.25 minutes. He also reported that Barlow and Greenmount Fire Departments have begun the process of merging the two departments and there will be one person that reports to both Townships on the progress.

Mr. Ernie Shriver, 344 Gordon Road, Fairfield, PA, landowner in the Greenmount Area, asked if the landowners could continue to seek economic development projects with a potential for public sewer. The Supervisors confirmed that they would welcome economic development in that area. Mr. Thomas added that a significant amount of engineering has already been done and they could pick up on the work that has already been done.

Mr. Speros Marinos, 912 Baltimore Pike, thanked the Township for giving the car to Barlow FD and also read from the Adams County History Journal, Volume 3, regarding Bream's Hill Road. He stated that we may have a time capsule from 1747 through 1906 under that road and it needs to be preserved.

#### **Police Report:**

Police Chief Don Boehs presented a written and oral report of police activities for the month of August including: 499 complaints, 52 combined arrests, 47 traffic stops, 12 traffic accidents and 10,779 patrol miles. He added that they assisted other agencies 8 times and they were assisted 2 times. He added that they are still experiencing a rash of break-ins and burglaries and he asked the residents to report any suspicious activity to the Police Department right away.

#### **Active Business:**

Mr. Thomas reported that the Board needs to determine a date and time for a Conditional Use Hearing for a proposed Concentrated Poultry Operation and recommended that the hearing be scheduled on October 19, 2011 at 7:00 p.m. separate from the regular meeting night of the Board. He added that the Planning Commission will also be invited so everyone hears the same testimony at one time. **Mrs. Underwood made a motion to authorize staff to advertise for a Conditional Use Hearing regarding a proposed Concentrated Poultry Operation on Mummasburg Road in the A/R zoning district for Wednesday, October 19, 2011 at 7:00 p.m. seconded by Mr. Shealer and carried.**

Mrs. Merryman reported that she has prepared the Minimum Municipal Obligation (MMO) for the Police and Non-Uniformed Pension Plans for 2012 and they have been reviewed by the Township's Actuary. **Mr. Shealer made a motion to approve the 2012 Minimum Municipal Obligation for the Non-Uniformed Retirement Plan in the amount of \$43,614.00 and the 2012 Minimum Municipal Obligation for the Police Pension Plan in the amount of \$94,659.00 seconded by Mr. Phiel and carried.**

Chairman Waybright stated that the following Resolutions were discussed at the workshop and they are bringing us up to date on the disposition of Township records.

**Mr. Shealer made a motion to adopt Resolution 2011-17 seconded by Mr. Phiel and carried.**

#### **Resolution 2011-17**

**A RESOLUTION OF CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA,  
DECLARING ITS INTENT TO FOLLOW THE SCHEDULES AND PROCEDURES FOR  
DISPOSITION OF RECORDS AS SET FORTH IN THE MUNICIPAL RECORDS MANUAL  
APPROVED ON DECEMBER 16, 2008**

**Mrs. Underwood made a motion to adopt Resolution 2011-18 seconded by Mr. Phiel and carried.**

#### **Resolution 2011-18**

**A RESOLUTION AUTHORIZING THE DESTRUCTION OF SPECIFIC RECORDS**

Chairman Waybright reported that the Township will be transferring tax collection duties from CENTAX to York Adams Tax Bureau effective January 1, 2012. **Mr. Phiel made a motion to transfer tax collection services from CENTAX to York Adams Tax Bureau effective January 1, 2012 seconded by Mrs. Underwood and carried.**

Mr. Thomas explained that the Township's current contract for auditing services was for a three-year period that expired in 2010 and he would like authorization to advertise a Request for Proposals for competitive pricing for this service for 2011, 2012 and 2013 auditing needs. **Mrs. Underwood made a motion to authorize Requests for Proposals for the 2011 through 2013 audits seconded by Mr. Phiel and carried.**

Mr. Thomas reported that the Township is being inundated with Conditional Use and Zoning Hearings and the Zoning Ordinance requirement for public notification is outdated and he feels that the Municipalities Planning Code provides reasonable requirements. He added that the posting requirements are especially difficult and

require that that entire perimeter of the affected tract be posted. Mr. Naugle reported that the Conditional Use Hearing for the proposed poultry operation will require 1.5 miles of postings and that is about 40 signs and most of them will not be seen. Mr. Thomas asked for authorization to change the ordinance now for protection of the Township employees and for monetary savings. **Mrs. Underwood made a motion to authorize advertisement of the Township conforming with the Municipalities Planning Code regarding posting and notification regarding hearings for Conditional Use and Zoning seconded by Mr. Phiel and carried.**

**New Business:** None.

**Reports:**

The Zoning Officer and Assistant Secretary's reports were reviewed.

**Solicitor:** Nothing further to report.

There being no further business, the meeting was adjourned at 8:08 p.m. by motion of Mr. Phiel seconded by Mr. Shealer and carried.

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Carol A. Merryman, Asst. Secretary

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