

**Cumberland Township Board of Supervisors
Minutes of the March 26, 2013 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairperson Underwood. Present were all Supervisors; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Zoning Officer Bill Naugle and Assistant Secretary Carol Merryman. Others present were: Sergeant Matthew Trostel, Lieutenant Tim Guise, Al Penska Adams County Manager, Richard Farr representative from Rabbit Transit Authority, Bob Sharrah, Dale Molina, Carolyn Greaney, Barry and Jean Stone, Elizabeth Magner, Charles Skopic, Jim Paddock, Don Kauffman, James Delaney, Tommy Riggs from the Gettysburg Times and Amy Stansbury from The Evening Sun. The meeting was recorded.

Chairperson Underwood led the Pledge of Allegiance.

Mr. Toddes made a motion to approve the Minutes of the February 7 and 21, 2013 workshop meetings and the February 22, 2013 regular meeting seconded by Mr. Waybright and carried.

Mr. Shealer made a motion to pay the bills, in the amount of \$84,622.21 from the General Fund, \$2,415.75 from the Escrow Fund, \$1,142.50 from the Park and Rec Fund and \$4,202.50 from the State Fund seconded by Mr. Waybright and carried.

Engineer/Plans: None

Public Comment:

Mrs. Jean Stone, 1745 Mummasburg Road, stated that she had suggested that the Board have two Public Comment periods so that citizens could learn about the agenda items before they commented and observes that the agenda has not changed. She asked the Board to please consider doing this. Mrs. Stone also stated that it is her understanding that the Comprehensive Plan update has been delayed and the Board will not be doing that anytime soon. Mr. Thomas confirmed that it is moving forward and is on the Adams County Commissioner's agenda for their meeting tomorrow (March 27).

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of February including; 475 complaints, 91 traffic stops, 58 combined arrests, 12 traffic accidents, 25 targeted enforcements and 12,410 patrol miles. He added that they assisted other agencies 4 times and they were assisted 2 times.

Chair Underwood acknowledged the promotion of Patrolman First Class Matthew Trostel to Sergeant effective March 1, 2013 following a promotion process of oral interviews and a tactical exam. She added that Matt will be the patrol supervisor of "B" platoon. She also reported that Matt was hired as a part-time officer in 2004 and was made full-time on May 15, 2007 and has been an exemplary officer in those 9 years.

New Business:

Chair Underwood reported that she, Mr. Ferranto and Mr. Thomas and representatives from Gettysburg Borough attended a meeting facilitated by the Adams County Commissioners regarding the critical issue of transportation during the 150th Commemoration event. Chair Underwood requested that the Board approve a \$12,000.00 payment toward a total of \$36,000.00 for a transportation plan for the benefit of the Township residents and visitors. Chair Underwood added that the Township expects increased revenue this year from the Hotel Occupancy Tax and Admissions Tax that would fund this expenditure.

Adams County Manager, Albert Penska, reported that the 150th Steering Committee has requested assistance as they have found that there is no funding from external sources, the Commonwealth or Federal Government. He added that the transportation plan is a vital part of ensuring that the 150th is successful. He added that the event will impact all of us in one way or another and the Commissioners appreciate that Township's willingness to be a collaborative partner and hope that this will lead to other collaborative efforts. Mr. Penska also reported that the Transit Authority will steer and guide the plan. Mr. Richard Farr stated that the Transit Authority's role is to ensure that all deliverables identified in the transportation plan are delivered and all of the requirements are met. He added that they need to address the transportation challenges in a proactive manner rather than a reactive manner and the plan is intended to do just that. Mr. Thomas stated that he feels that the Township's 2013 budget can sustain this expenditure and feels that the Township should be involved with the "Scope of Services" for the plan. Mr. Farr stated that there are already studies done that need to be linked together and this has to be done by early June. He added that he feels that it can be done. He also added that the 150th Steering Committee has a consultant "JMS" from Maryland and they are already working with them. It was also discussed that the Township will own part of the plan and can use it for future events. **Mr. Waybright made a motion to approve participation in a transportation plan and a contribution, in the amount of \$12,000.00, towards the plan. The final Scope of Services to be approved by the Chair and Township Manager.** Mr. Penska stated that should money come from the state, the County will ensure reimbursement for the Township. **Mr. Shealer seconded the motion and the motion carried.**

Active Business:

Mr. Charles Skopic was present to discuss a letter dated February 18, 2013, from him and his wife, requesting public dedication of Foxfield Lane that was completed in 2000. He added that this request has been made before and they were not successful in getting the road dedicated because the Township wanted the road to be dedicated by fee simple. He further explained that he wanted to dedicate the road by deed of easement because a lot had been sold and he could not deed away someone else's property and deeding away property would trigger Clean and Green rollback taxes. Mr. Skopic also reported that a prior Township Manager had determined that the road was not built to Township specifications by a small margin. He asked the Township if there was anything he could do to have the road dedicated by deed of easement. Mr. Thomas asked if the lots could be reconfigured to make them 10+ acres so the Clean and Green rollback is not triggered. Mr. Skopic stated that when the road was constructed the Township's ordinance did not require that a road be dedicated by fee simple as it now does. Solicitor Wisner stated that dedication of the road is a discretionary act and he does not see anything that the Township can do at this time short of what Mr. Thomas suggested.

Mr. Shealer explained that the Dirt and Gravel Road Maintenance Project is an ongoing grant program with the Adams County Conservation District to help curb dust pollution and run-off from dirt roads into local streams. He added that the township applied for the grant, were accepted and the Conservation District has signed the agreement. Mr. Shealer asked the Board to accept the application and grant and the Maintenance Dept. will do an in-kind service to match the grant funds. Solicitor Wisner stated that he has reviewed the agreement and it is "boiler plate." **Mr. Ferranto made a motion to approve the Dirt and Gravel Road Maintenance Project Agreement seconded by Mr. Toddles and carried.** Mr. Shealer abstained because he does sit on the Dirt and Gravel Road Committee.

Mr. Shealer reported that the old mower is ready to be deemed surplus and disposed of in the most cost effective way; either by auction or sold for scrap. **Mr. Toddles made a motion to declare the old mower as surplus and authorize the Roadmaster to sell the mower as he deems appropriate seconded by Mr. Waybright and carried.**

Solicitor:

Solicitor Wisner reported that an Amusement Tax Ordinance was drafted and there were comments from staff and the Board that need to be addressed. Solicitor Wisner recommended that this item be tabled for some

revisions to be made and for the staff to meet with Gettysburg Area School District to let them know the status. Solicitor Wisner stated that a "Keeping of Records" section will be added and the ability for the Township to audit the records of the taxpayer. **Mr. Ferranto made a motion to table the Draft Amusement Tax Ordinance seconded by Mr. Toddes and carried.**

Solicitor Wisner also reported that he has reviewed the Agreement for Collection of 2012, 2013 and 2014 Delinquent Township Per Capita Taxes from J. P. Harris. He reported that J. P. Harris has been collecting the Township's delinquent Per Capita Tax for quite some time. He added that he feels that the Township is adequately protected by the agreement and there are no expenses to the Township for this collection service. **Mr. Waybright made a motion to enter into the agreement with J. P. Harris for collection of the 2012, 2013 and 2014 delinquent Per Capita taxes seconded by Mr. Ferranto and carried.**

Committee Reports and comments from Board Members:

Park and Recreation – Mr. Toddes reported that the new date for the Public Hearing for the proposed creation of the Gettysburg Area Recreational Authority is scheduled for May 14, 2013 at 7:00 p.m. at the Gettysburg Rec Park. He added that there will be a presentation and then public comments will be taken. Mr. Toddes also reported that they are discussing the hiring of an Interim Park and Rec Director and Cumberland Township helping with the payment. He added that he would like the Finance Committee to consider this expenditure and for the funding to come from the Park and Rec Fund. Mr. Thomas added that they are waiting on the amount and felt that, based on past precedence, that the Finance Committee could report the exact amount of the expenditure back to the Board at their next meeting. **Mr. Waybright made a motion to approve the expenditure for a share of the funding (up to \$20,000.00) for an Interim Park and Rec Director for 2013 to be paid from the Park and Rec Fund and the Finance Committee to report the exact figure back to the Board at their next meeting seconded by Mr. Ferranto and carried.**

Planning and Zoning – Mr. Thomas presented a Power Point presentation which showed the locations of the properties that have recently provided a written request for zoning map changes. The first request comes from the Pennsylvania Interfaith Community Programs, Inc. for the two lots they own at 1990 and 2000 Biglerville Road. The lots are currently zoned R – Residential and they are requesting a change to MX – Mixed Use to allow for more opportunities for the sale of the lots. Mr. Naugle reported that these two lots are beside two hotels to the south that have also requested to be changed to MX zoning. Solicitor Wisner suggested that they take a look at the Comprehensive Plan to see if this would be considered "spot zoning." The second request comes from Sharrah Design Group, Inc., on behalf of Rupa Engineer, for property located on Chambersburg Road and Kinsey Drive adjacent to Oak Lawn Memorial Gardens, to be changed from R – Residential to RMH – Residential Medium High. The property is also adjacent to Lincoln Estates and the owner would like to expand that community and provide an age targeted community of stick-built multi-family dwellings. Mr. Sharrah added that he feels that the property does have the potential to be developed in this fashion and does join another RMH zoned property. The third request comes from James Delaney, owner of Oak Lawn Memorial Gardens. Mr. Delaney explained what is going on in the death care industry economically that has prompted him to ask for these changes. Mr. Delaney submitted a sketch plan with his request that proposes the subdivision of two lots from Oak Lawn Cemetery; a 1.3 acre lot along Kinsey Drive and a 6.5 acre lot which fronts on Chambersburg Road on the northwestern end of the property. The request is to change the proposed lots from INS – Institutional to MX – Mixed-Use. The balance of the cemetery property would remain INS – Institutional. Mr. Waybright reported that the Zoning Committee is going to meet in the near future to review the changes and make a recommendation to the Board. Mr. Thomas added that no one has paid any fees yet, but that is the intention and there are approximately twelve additional requests that the Zoning Committee is going to bring back to the table from last year. Mr. Ferranto stated that he does not feel that the Board should move forward with any ordinance changes until the Comprehensive Plan has been updated. Chair Underwood stated that the update of the Comprehensive Plan is going to take some time. She added that there are some changes that involve economic development and feels that the changes will enhance the Comprehensive Plan when it is updated. **Mr. Shealer made a motion to authorize the advertisement of the proposed ordinance changes,**

as reviewed in 2012, an ordinance amending and supplementing the Zoning Ordinance of Cumberland Township of 2003, Chapter 27 of the Code of the Township of Cumberland, by amending various sections of Chapter 27, seconded by Mr. Toddes and carried. Mr. Ferranto voted nay.

Staff Reports:

Mr. Naugle reported that he has two Special Events Permit applications from the YWCA for 5K runs and the YWCA is requesting a waiver to the \$5 million dollar liability insurance requirement for financial reasons. He added that they have \$3 million dollars of liability insurance and the Board did grant this waiver last year. Solicitor Wisner stated the Board has the ability to waive this requirement of the ordinance and these events have a low impact on the Township. **Mr. Toddes made a motion to modify the requirement of a \$5 million dollar liability insurance to a \$3 million dollar liability insurance and to authorize the Zoning Officer to issue the Special Events permit for the YWCA seconded by Mr. Waybright and carried.**

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

Mrs. Jean Stone, 1745 Mummasburg Road, asked the Board if they are considering the text amendments that were reviewed last year and ignoring the citizen's text amendment that was submitted regarding timeframes and who gets notified. Mrs. Stone added that a public hearing was held on the citizen's request and the Board was supposed to come back to the request and consider it this year. She also asked if what they are considering takes away the notification requirement except for in the case of a map change request. Mr. Thomas and Solicitor Wisner clarified that the amendment for notification is in accordance with the PA Municipalities Planning Code and is not taking away the notification process. Solicitor Wisner explained the public notice process and confirmed that there are no mailing requirements except in the case of zoning map changes and there will be an opportunity to comment on this at the public hearing.

The meeting was adjourned at 8:35 p.m. for an Executive Session with no report to follow.

Carol A. Merryman, Asst. Secretary

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