

Minutes of the May 25, 2010 Meeting

The regular meeting was called to order at 7:00 p.m. by Chairman Waybright. Present were all Supervisors; Flo Ford, Attorney Melissa Dively, Carol Merryman, Tim Knoebel, Chief Boehs, Sergeant Molloy, Mike Galassi, Speros Marinos, Mr. and Mrs. Aruna S. (Sunny) Oza and their engineer, Nandlal Gevaria PE, Al Ferranto, Stephanie Mendenhall, approximately seven visitors who did not speak and Rick Fulton from The Gettysburg Times. The meeting was tape recorded.

Mr. Phiel made a motion to approve the Minutes of the April 27, 2010 regular meeting seconded by Mrs. Underwood and carried.

Mrs. Underwood made a motion to pay the bills, in the amount of \$84,180.90 from the General Fund and \$11.62 from the Park and Rec account, seconded by Mrs. Golden and carried.

Mr. Al Ferranto, 501 Knight Rd., stated that he had some questions on the March 18th workshop/meeting and April 5th special meeting. He added that he had requested that the minutes be read, but the Board declined to read them so he had to wait until they appeared on the website. He asked the Board if, at the March 18th meeting, they were aware that a Memorandum of Understanding (MOU) with Mason Dixon Resorts was being proposed. Attorney Dively stated that there was no MOU being proposed on March 18th. Chairman Waybright also stated that the Board was not aware. Mr. Ferranto asked if the Board was aware of the MOU at the March 23rd meeting and asked why it was not brought to the public's attention. Chairman Waybright stated that the Board was aware of the MOU at the meeting of the 23rd. Attorney Dively stated that at that time the document was only for discussion between the township's and Mason Dixon's attorneys. Mr. Ferranto also verified that the meeting on April 5th started at 3:30 p.m. and was adjourned at 4:00 p.m. and the minutes state that Attorney Dively went through the MOU page by page. He questioned the Board's ability to understand the entire MOU in 30 minutes because it took him several hours to read and understand the document. Attorney Dively stated she gave a synopsis of each paragraph and there were no questions.

Mr. Speros Marinos, 900 Baltimore Pike, stated that he is not a member of the Concerned Citizens although he feels that some of what they are doing has merit. He added that he does not feel that the township's police should be present at the Neo Nazi demonstration on June 19 at the National Park and he has spoken to Chief Boehs about this and he had some good ideas why they should be there. Mr. Marinos added that he feels that the demonstrators should pay for their own security and they do not have a right to make a drain on the township taxpayers. Mr. Marinos stated that Bike Week is coming soon and there is no special event permit issued yet and he added that he has been coming before the Board for twenty years and he can not see where anything that he has asked for is being done for preservation, zoning or amusement taxes and it seems that everything is building up. He asked the Board to give his requests a little more consideration and that the Marinos family does not feel that they are being heard. Lastly, he mentioned that there was an article in the paper regarding limiting the municipalities' powers and there is a bill in the State House in this regard. He stated that he doesn't know whether he is in favor of that or not but, it does appear that the road and police departments are doing a good job and their problem is with the Board.

Chief Boehs presented a written and oral report of police activities for the month of April including 453 complaints, 119 combined arrests, 133 traffic stops, 11 traffic accidents and 8,285 patrol miles. He added that they assisted other agencies 16 times and they were assisted 11 times.

There was no old business on the agenda.

Chairman Waybright reported that the first item under new business is Resolution 10-18 adopting Rules and Regulations of Cumberland Township, Adams County, Pennsylvania regarding conduct of Public Meetings. Chairman Waybright stated that the township has had these policies in place, they just were not written down in the form of a resolution. Mr. Ferranto asked for discussion on the resolution and he asked if the folks in the audience could get a copy of the resolution. Chairman Waybright stated that the township does not have copies prepared at this time. Mr. Ferranto asked that this item be tabled because although he agrees with parts of the Rules and Regulations he feels that there are parts that will cause a problem and will probably result in litigation and he wants to avoid litigation and work together. He stated that this is going to confuse people because they will be coming to the meeting and won't know the rules and he feels that a lot of this could be avoided. Mr. Ferranto asked again that the resolution be tabled and asked the Board to get together with them and talk about it and hopefully not have to adopt rules and regulations but rather move forward as a community and have debate, agreements and disagreements without having a lot of rules. Attorney Dively asked what is the basis for the threat of litigation. Mr. Ferranto stated that residents could feel that they are not being given a fair shake because they do not understand what is written in the Rules and Regulations. He added that he has questions for interpretation and he gave an example of one of his questions regarding giving three days notice to get on the agenda. He added that he feels that this will be a problem for people who only come to township meetings from time to time. Chairman Waybright thanked Mr. Ferranto for his comments and stated that the Board wants to efficiently conduct the business of the township. Attorney Dively stated that the three days notice to get on the agenda is a good point since the township office is closed on Fridays and that may need reconsideration. Mrs. Golden stated that the three days to be on the agenda is for an agenda item that needs to be voted on not to be able to speak on an agenda item.

Mr. Mike Galassi, 121 Twin Lakes Drive, stated that we have a relatively new group showing up at the meetings and they seem to be a bit confused about how the process works and it is like the government for the rest of the country. He stated that we have heard requests for democracy but, the government is a republic, you elect representatives to deal for you and if you do not like what they are doing you elect new representatives or you run yourself. He stated that you are allowed to make a request or ask a question but, the people in the audience are not a legislative body that gets to vote on ever single item that comes up. Mr. Galassi went on to state that he has not always been in agreement with everything that the Board of Supervisors has done in the twelve to fourteen years that he has been attending the meetings but, he feels that it is a hard job and they do a fairly competent job. He stated that the MOU is a done deal and it should be let go.

Mr. Ferranto asked several more questions regarding the Rules and Regulations and Chairman Waybright stated that the Board is not prepared to answer these questions at this time. He added that the Board understands the concerns and it will be up to the Board how they vote on the resolution.

Mrs. Stephanie Mendenhall, 2715 Emmitsburg Road, submitted written comments regarding Resolution 10-18 and she asked for some feedback from the Board on her comments.

Mr. Shealer made a motion to adopt Resolution 10-18 adopting Rules and Regulations of Cumberland Township, Adams County, Pennsylvania regarding conduct of Public Meetings. Mr. Phiel explained that by signing in the night of the meeting, everyone has a platform to speak and he seconded the motion. Chairman Waybright stated that these rules and regulations are the same ones used by Gettysburg for their Borough Council meetings and it seems to work well for them. The motion carried.

Chairman Waybright stated that the next item is an agreement with the Gettysburg Foundation providing money for Adams County, Gettysburg Area School District and Cumberland Township in lieu of taxes. Mr. Ferranto asked what the agreement is. Chairman Waybright reiterated that it is a payment to the aforementioned entities in lieu of taxes. Mrs. Ford stated that the agreement begins with a payment of \$50,000.00 for two years and then goes up to \$60,000.00 per year that will be proportionately divided between the taxing authorities as a payment in lieu of taxes. Attorney Dively added that there was a dispute on the exemption of the saloon and bookstore in the Visitor's Center as being truly part of a charitable organization and in lieu of litigation, the Foundation agreed to make these yearly payments. The Board agreed that they would prefer that the whole property be taxed. **Mr. Phiel made a motion to approve the agreement with the Gettysburg Foundation for the purpose of receiving the said contribution seconded by Mrs. Golden and carried.**

Chairman Waybright reported that the next item on the agenda is an Improvement Agreement between the township and Aruna S. and Anjel Oza, owners of the Gettysburg Inn. Attorney Dively reported that she was charged at the last meeting to develop an agreement with the owners of the Gettysburg Inn, which is still closed under an emergency order. She added that she was assisted by Mrs. Ford and Mr. Naugle and it includes the requirements of putting a bond in place in the amount of 110% of the estimate and they are required to place \$5,000.00 in an escrow account for professional fees that must be replenished to \$5,000.00 should the balance fall to \$1,000.00 until the completion of the project. Mr. Oza reported that he will have the money for the escrow account next Wednesday. Attorney Dively reported that the township is in the process of sending his estimate to an architect for review and the amount of the bond can not yet be determined and this is something that his engineer is familiar with and can help him work through. He asked if he can put up a cash escrow account instead of getting a bond. Mrs. Ford stated that it has been done in the past and the money will be held by the attorney's office. Mr. Oza stated that his Inn has been closed for six months, he is losing money, he has experienced vandalism there and he needs a quick answer from the township so he can get started with his repairs. Mrs. Ford stated that the township can get the review done by Tuesday so he can provide the money by Wednesday. Attorney Dively will have to amend the document to state that Mr. Oza will be providing an escrow account rather than a bond. Mrs. Golden asked about #2 on Mr. Naugle's memo regarding rental by the day because there are no kitchen facilities in the rooms and she wondered how that would be monitored. Mrs. Ford stated that she feels that if that is placed on the U & O the township is protected if there are weekly rentals and that U & O can be pulled if you suspect weekly rentals. Mrs. Golden stated that she does not feel that we have anything in place to permit Mr. Naugle to go in and do an inspection. Attorney Dively suggested that Mr. Naugle be asked about it and it does seem that he is saying that the Gettysburg Inn can no longer be rented on a weekly basis and it would have to be rented night to night. Chairman Waybright stated that is not part of the Improvement Agreement that is before them now. Mrs. Ford stated that this is a policy issue that the Board may want to take a look at moving forward. **Mrs. Underwood made a motion to approve the Improvement Agreement with the changes to the verbiage on page 11, #7 to be made by Attorney Dively seconded by Mr. Phiel and carried.**

The next item on the agenda is an application for a Special Event permit for the Blue and Gray Cup held by the Gettysburg Youth Soccer Club on May 29th and 30th at James Gettys Elementary School. Mrs. Golden stated that, according to their website, there are other locations within Cumberland Township that are not named on the application including Eisenhower Elementary School, potentially part of the Gettysburg Middle School and land owned by Gettysburg College and she would like to have that noted. **Mrs. Golden made a motion to approve the application for a special event permit for the Blue and Gray Cup starting date May 29th and ending May 30th seconded by Mrs. Underwood and carried.**

Mrs. Underwood made a motion to approve a 120-day time extension for The Crossings I, Phase I until September 30, 2010 seconded by Mrs. Golden and carried.

Mr. Shealer made a motion seconded by Mr. Phiel and carried to approve a 120-day extension for The Crossings II Preliminary Plan until September 28, 2010.

Chairman Waybright reported that the township received a request from the National Park Service to support an application to PennDOT to close Taneytown Road on June 19, 2010 from 11:00 until 5:00 p.m. during the Aryan Nation demonstration on the National Park. Mrs. Ford added that the township must hold PennDOT harmless and the National Park Service police will provide the detour routing, posting and policing of the highway. **Mr. Phiel made a motion to approve the road closure for the special event being held on June 19th given the fact that he was involved in the last event in 2007 when the road was not closed and there were problems. He added that the road will only be closed during the event and that will probably be for a lesser amount of time than is stated. The motion was seconded by Mrs. Underwood and carried.**

Mr. Knoebel reported that he has prepared the bid documents for this year's road projects consisting of double seal coat on portions of Herr's Ridge Road, Blackhorse Tavern Road, Sachs Road and Ridge Road and paving Old Mill Road from Rt. 116 to Herr's Ridge Road. The paving will be the final step of a total reclamation project that was done on this portion of Old Mil Road and will include some shoulder work. The bids will be opened on June 16, 2010. **Mr. Shealer made a motion to authorize the advertisement for the road project bids seconded by Mr. Phiel and carried.**

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

Mr. Shealer reported that, as a result of the complaint reported by Chairman Waybright at the workshop, the road department trimmed some limbs on Ridge Road that they thought may have been hitting the school bus and he asked that if there are any additional complaints to please let him know.

At 7:56 p.m., Chairman Waybright adjourned the regular meeting for an Executive Session to discuss a personnel issue.

At 8:23 p.m., Chairman Waybright reconvened the meeting.

Being no further business the meeting was adjourned at 8:23 p.m. by motion of Mr. Shealer seconded by Mr. Phiel and carried.

Carol A. Merryman, Asst. Secretary

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_____) Supervisors
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