

**Cumberland Township Board of Supervisors
Minutes of the April 26, 2011 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairman Waybright. Present were Supervisors Shealer, Underwood and Golden; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Assistant Secretary Carol Merryman, Police Chief Boehs, Sergeant Cliff Molloy, Zoning Officer Bill Naugle and Engineer Tim Knoebel. Visitors present were: Dr. Kerry Moyer, Don Sangirardi, Dale Molina, Carolyn Greaney, Al Ferranto, Carl Athey, Steve Toddes, Speros Marinos, Mike Jackman, Jim Paddock, Bill Leonard, Rich Leatham from S & A Homes, Scot Pitzer from The Gettysburg Times and Tim Prudente from The Evening Sun. Mr. Phiel was absent. The meeting was tape recorded.

Chairman Waybright led the Pledge of Allegiance.

Mrs. Underwood made a motion to approve the Minutes of the March 17, 2011 workshop and March 22, 2011 regular meeting, as presented, seconded by Mr. Shealer and carried.

Mrs. Golden made a motion to pay the bills, in the amount of \$105,207.44 from the General Fund, seconded by Mrs. Underwood and carried.

Engineer's Items: Mr. Knoebel reported the following:

The Board has received two requests for extension for approval of The Crossings I, Phase I, Final Plan and The Crossings II, Preliminary Plan from Penn Terra Engineering, on behalf of S & A Homes. He added that the last extension was granted through April 30, 2010 and at that time the Township requested that a representative come to the meeting and give an update on the status of the two plans before another extension is granted. Mr. Rick Leatham from S & A Homes stated that due to the current economic struggles in the building industry, S & A Homes is trying to move current inventory before working on more projects and is also working with the Airport Authority (SARAA) on their issues. Mr. Knoebel confirmed that the last review letters that he wrote was back in 2007 for both plans. Mr. Leatham stated that he feels that Act 46 will take them through July, 2013 but, Act 46 is for approved plans so it only applies to The Crossings I Preliminary Plan. Solicitor Wiser stated that the Board has set a precedent that if there is no progress on a plan for a number of years, the plan is denied or work would have to be done to continue progress on the plans. **Mrs. Underwood made a motion to deny The Crossings I, Phase I, Final Plan and The Crossings II, Preliminary Plan based upon the outstanding comments of the Engineer in his 2007 letters and based upon the lack of progress that has been made since the Engineer's letters and to authorize and direct the Solicitor and Engineer to prepare the denial letters and transmit them to the applicant. The motion was seconded by Mrs. Golden and carried.**

Phase II of Cumberland Village includes improvements to Herr's Ridge Road including vacating about 500 ft. of the road between Fairplay Road and Paddock Drive. The staff has been meeting with the developer and the developer needs direction from the Board how to proceed. The developer will pay for these improvements. The abandonment of Bream Hill Road came as a request from landowners who live on or adjacent to the road and the abandonment would require some surveying and a turn-around would have to be constructed. Mr. Thomas stated that these are separate issues, but they are being placed together because of their proximity to each other and he hopes to save money by doing them at the same time. Mr. Thomas also stated that the approximate cost for the engineering and surveying to vacate Bream Hill Road is \$5,000.00 and that has not been included in the budget and there would also be the cost of building a turn-around. The Board agreed to the abandonment of the 500 ft. of Herr's Ridge Road with the developer picking up the cost to do so. Mr. Bill Leonard stated that he feels that Bream Hill Road should be closed for safety reasons. Mr. Jim Paddock offered the land to build the turn-around from his family's farm and supported that idea of vacating the portion of Herr's Ridge Road. Mr. Thomas stated that he could investigate to see if we could use Liquid Fuels funds to do the project and possibly include it in the 2012 budget. He also suggested that a letter could be sent to PennDOT requesting that a traffic study be done at that intersection to see if it warrants a

“No Left Turn”. He added that the Township would not have to pay for the study, but they would have to pay for the signage which would be minimal. **Mrs. Underwood made a motion to authorize staff to write a letter to PennDOT requesting a study of both intersections of Fairfield Road and Bream Hill Road for turning movements seconded by Mr. Shealer and carried.**

Solicitor Wisner stated that the legal requirements for vacating a road are to publish a notice of the Township’s intention to vacate the road, draft and advertise an ordinance that must contain a legal description of the road that is being closed and the legal description is a meets and bounds description of the portion of the road being closed. He added that after the ordinance is adopted the property owners must receive a certified notice and they have the ability to appeal to the Court of Common Pleas.

The ownership of the roads in Patriot’s Choice was discussed. Mr. Knoebel reported that the developer has made requests for dedication in 2009 and 2010 and they were given lists of items that needed to be taken care of before the Township would take dedication of the roads. He stated that they are in the process of installing handicap assessable sidewalks and the final loop of the development needs final paving. Mr. Knoebel stated that the Township does still hold bond money for the completion of the roads. Mr. Thomas asked if the Township is obligated to take dedication of the roads and Solicitor Wisner stated that the roads would have to be built to the Township’s specifications and it would also depend upon what was agreed upon in the Developer’s Agreement. Mr. Jackman of the Patriot’s Choice Homeowner’s Association stated that the residents would be very disappointed if the roads do not become Township roads. Solicitor Wisner will report back to the Board on this issue.

Mrs. Golden asked if there was a follow-up on the Comfort Suites amending their Land Development Plan. Mr. Knoebel stated that the Township does hold bond money for the completion of the plan, but there is no deadline for them to do this. Mr. Knoebel will follow up on this item with Mr. Thomas.

Public comment:

Mr. Speros Marinos reported that there is re-surveying taking place at the Comfort Suites. He also asked if the Historical Society could set up a table at the Township’s Local Government Open House and Chairman Waybright acknowledged that they could. Mr. Marinos also asked that the Historic Architectural Review Board meet to reorganize and for training.

Mr. Jim Paddock read a statement regarding his re-appointment to the Township’s Planning Commission. He stated that he received a phone call and was told that he was not going to be re-appointed and he asked that the other members of the Planning Commission be allowed to have input on this decision.

Mr. Don Sangirardi spoke in support of Mr. Paddock.

Mr. Al Ferranto asked that Steve Toddes remain on the Park and Rec Committee. Mr. Ferranto also expressed concern about several things that he read in the Township’s 2010 Audit. Lastly, Mr. Ferranto asked if the Township had received Adams County’s comments on the proposed Zoning amendments and Mr. Thomas stated that based on what is decided tonight, the comments may be moot. Mr. Ferranto read the comments from Adams County Office of Planning and Development from their 2003 review of the Zoning Ordinance. He asked the Board to put Jim Paddock on the committee working on the Zoning amendments.

Police Report:

Police Chief Boehs presented a written and oral report of police activities for the month of April including 404 complaints, 65 combined arrests, 84 traffic stops, 10 traffic accidents and 10,172 patrol miles. He added that they assisted other agencies 12 times and they were assisted 5 times. Chief Boehs reported that the public needs to be mindful because they do not read about or hear about a lot of their cases because of protecting the victims and because they are still under investigation. He reported that there has been a sharp

increase in domestic violence, sexual assaults and gang member activity.

Active Business:

Dr. Kerry Moyer presented the Final Strategic Plan Report and gave a brief overview. He reported that they looked at the demographics of the Township in great detail, potential economic development opportunities and each department in the Township with some special attention to the Police Department. He added that the Pennsylvania Economy League prepared a fiscal report and many of their suggestions have already been implemented. The Board thanked Dr. Moyer for his work on the plan. Mr. Thomas suggested that the Board spend some time at a workshop going over the report.

Mr. Thomas reported that he has received the Belmont Road Bridge Agreement from Adams County and it will be reviewed by the Board and Solicitor.

Mr. Thomas also reported that it is in the Township's best interest both financially and liability wise, to have a Special Details Policy for the Police Department. The policy may include escrow agreements and payments to the Township for the Police services. Solicitor Wisner added that the policy gives the Board the authority to review and approve the request for the Special Detail. **Mrs. Golden made a motion to adopt Cumberland Township Police Department General Order 1.7.2. regarding Special Details seconded by Mrs. Underwood and carried.**

Mr. Thomas presented a proposal to reinvent the review period and review program for the proposed Zoning amendment and this was reviewed in detail at the workshop and has been presented to the Planning Commission. The Plan consists of two phases; the first being some written amendments that could hopefully be acted upon within the next three months. The second phase includes the changes to the Zoning map and will take essentially the rest of the year to complete. The Chairman will appoint a review committee made up of various groups that will meet to review the changes and hold one or more Public Open Houses prior to the actual Public Hearing on the amendments. Several residents indicated that they wanted to attend the committee meetings and Chairman Waybright stated that he will get back to them on that request. **Mr. Underwood made a motion to approve the Cumberland Township Zoning Amendment Review Proposed Action Plan seconded by Mr. Shealer and carried.**

The next item on the agenda was the reactivation of the Park and Rec Committee. Mr. Thomas reported that he has begun contacting the people who were on the original committee and he asked the Board to think about the committee's mission. He stated that the Township has the Topper property and the Gettysburg Regional Recreation Study now complete and could be reviewed. Mr. Shealer added that the Township does have some commitments for property along Marsh Creek for a hiking/biking trail. Mr. Thomas will write a Mission Statement for the committee and continue making contacts. **Mr. Shealer made a motion to table the appointments to the Park and Rec Committee until the Manger gets responses back seconded by Mrs. Underwood and carried.**

New Business:

Mr. Thomas reported that the Driveway Slope Ordinance is ready for the Board's review so the Solicitor can move forward with the required advertising. He summarized that the current ordinance restricts the slope to no greater than 5% and this would be amended to restrict the slope to no greater than 8% within 25ft. of the street right-of-way line and possibly 10% if approved by the Engineer and Road Superintendent. **Mrs. Underwood made a motion to begin the process of amending the Driveway Slope Ordinance seconded Mr. Shealer and carried.**

Mr. Thomas reported that, based on some comments in the previous audit and audits, he has authored an Investment and Deposit Policy for Cash/Investment Account 01 through 35 and it establishes a Policy, Scope, Delegation of Authority, Performance Standards, Internal Controls and Prudence. The auditors have

given an affirmative review of the policy. **Mr. Shealer made a motion to adopt the Investment and Deposit Policy, as presented, seconded by Mrs. Underwood and carried.**

Chairman Waybright reported that last fall the Board of Supervisors advertised for residents who would be interested in serving on the Planning Commission and Mr. Paddock's term expires on 5/4/2011. He added that Carl Athey submitted a letter of interest and he was appointed to fill Carl Schmick's vacancy. The second letter of interest was received from Stephen Tallman, 29 Bittern Drive, and Chairman Waybright read Mr. Tallman's letter which included his credentials for the position. **Mrs. Underwood made a motion to nominate Mr. Stephen Tallman for a position on the Planning Commission. There was not a second and the motion died.** Chairman Waybright and Mr. Shealer both indicated that they have not met Mr. Tallman. Mr. Paddock stated that he wanted to make it clear that he is interested in continuing on the Planning Commission and feels that he is qualified because his experience growing up in the Township, his education and the major projects that he has designed right in this Township and surrounding townships including; the Boyds' project, the project on Herr's Ridge Road and review of the Mason-Dixon Country Club for Freedom Township. **Mrs. Underwood re-entered a motion, based on Mr. Paddock indicating that he worked on some of the projects that came before the Planning Commission, to nominate Mr. Stephen Tallman for the position on the Planning Commission seconded by Mrs. Golden. Mrs. Underwood and Mrs. Golden voted in favor of the motion and Mr. Shealer and Chairman Waybright voted in opposition of the motion. The motion did not carry. Mrs. Golden made a motion to table to give everyone a chance to meet Mr. Tallman seconded by Mr. Shealer and carried.**

Mrs. Underwood made a motion to adopt the Official Proclamation for Local Government Day on May 3, 2011 seconded by Mr. Shealer and carried.

Mr. Thomas reported that the Board approved the Adams County Hazard Mitigation Plan in April, 2010 and the County is just notifying all municipalities and no additional action is required.

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

Solicitor: Nothing further to report.

Mr. Shealer reported that we had quite a few washouts from the heavy rains and they have just about gotten everything repaired in the northern end of the Township and they will be moving into the southern end and he asked for the residents to have patience.

Chairman Waybright stated that a little over a year ago, the Township entered into a Memorandum of Understanding (MOU) with the developer of the Mason Dixon Resort and the sole purpose of the MOU was to protect Cumberland Township and he is happy to report that all of the expenses in that process have been paid by the developer and it did not cost the taxpayers any money.

At 9:15 p.m., Chairman Waybright adjourned the regular meeting for an Executive Session to discuss a personnel issue with no report to follow.

Carol A. Merryman, Asst. Secretary

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