

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

At 6:45 p.m., a Conditional Use Hearing for Marty E. Tipton, for property located at 150 Marsh Creek Road, was held for a proposal to subdivide 3 residential lots in an MX zoning district. A transcript of the proceedings was taken by Deborah Zepp.

The regular meeting was called to order at 7:00 p.m. by Chairman Waybright. Present were all Supervisors; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Assistant Secretary Carol Merryman, Police Chief Don Boehs, and Engineer Tim Knoebel. Visitors present were: Bob Sharrah, Martin Hill, Natalie Pritz, Dale Molina, Carolyn Greaney, Al Ferranto, Steve Tallman, Rich Kitner, Mike Galassi, Speros Marinos, Mike Jackman, Tim Fazenbaker, Stanley Wolf, Andrea Theisson, Stephen Fissel, Elizabeth Magner, Scot Pitzer from The Gettysburg Times and Tim Prudente from The Evening Sun. The meeting was tape recorded.

Chairman Waybright led the Pledge of Allegiance.

Mrs. Underwood made a motion to approve the Minutes of the June 23 and July 7 workshops and June 28, 2011 regular meeting, as presented, seconded by Mr. Phiel and carried.

Mrs. Golden made a motion to pay the bills, in the amount of \$94,999.34 from the General Fund and \$1,200.00 from the State Fund seconded by Mr. Shealer and carried.

Engineer's Items:

Mr. Knoebel reported that the financial security amount for the remaining work on Misty Ridge, Phase I has been determined and he has prepared a report dated July 12, 2011. **Mr. Shealer made a motion to approve the financial security amount of \$1,049,151.40 and, per the Developer's Agreement, an escrow amount of \$10,000.00, seconded by Mr. Phiel and carried.**

Mr. Knoebel also reported that an extensive Memorandum of Understanding has been put together for road improvements to Herr's Ridge Road in conjunction with Cumberland Village, Phase I and II which includes a vacation of the road between Fairplay Road and Paddock Drive. Chairman Waybright asked for public comment before action was taken on this item.

Mr. Stanley Wolf, 714 Blackhorse Tavern Road, asked if the developer agreed to pay for all of the necessary road improvements on the original Land Development Plan. Mr. Knoebel explained that the developer was responsible for some work to straighten out one of the curves which they have done. He added that they will be paying their pro-rata share of the balance of the work because the Township has additional work that it wants to be done and there will be a set of plans included with the Developer's Agreement. He also asked if the Cumberland Township Historical Society was consulted on the closure of Bream Hill Road because it is a very historical road.

Ms. Andrea Theisson, 965 Blackhorse Tavern Road, stated that she has a concern about the closure of Herr's Ridge Road because it is a historic road that she uses all of the time and she has noticed a deterioration of the road caused by the development and the developer should pay for that.

Mr. Stephen Tallman, 29 Bittern Drive, stated that he has difficulty seeing traffic coming northbound at the intersection of Bittern and Herr's Ridge Road and he hopes this will be taken into consideration.

Mr. Shealer made a motion to move forward with a draft Developer's Agreement for road improvements to Herr's Ridge Road to be reviewed at a later date by the Board of Supervisors seconded by Mrs. Underwood and carried. Mr. Thomas reported that the Developer's Agreement will be authored by Mr. Campbell and it is the goal to save the Township money on this project by working with the developer.

The Township has received a request for the dedication of the streets in Patriot's Choice and they are working on the items that needed to be done and hope to have the dedication accepted at the August meeting. **Mr. Shealer made a motion seconded by Mr. Phiel and carried to authorize Solicitor Wisner to review the Deed of Dedication for the streets in Patriot's Choice.**

The Township has also received a request for the dedication of the remainder of the street in The Meadows, Phase II and they are working on the items that needed to be done and hope to have the dedication accepted at the August meeting. **Mr. Shealer made a motion seconded by Mrs. Underwood and carried to authorize Solicitor Wisner to review the Deed of Dedication for the remainder of the street in The Meadows, Phase II.**

Michael and Vanessa Robinson have requested a waiver to Section 502.D of the Subdivision and Land Development Ordinance requiring that a private road be built to access their property located at 198 Ridge Road as a condition of the original John and Susan Morris subdivision. The Robinson's will construct a shared-use driveway with a fifty-foot right-of-way so a private road could be built in the future, if necessary. **Mrs. Underwood made a motion to grant the waiver to Section 502.D subject to all parties signing the Shared Use and Maintenance Agreement, the agreement being recorded and referenced on the plan seconded by Mrs. Golden and carried.**

Public comment:

Mr. Aruna S. Oza, owner of the Gettysburg Inn located at 1980 Biglerville Road, expressed his concern about information printed in The Gettysburg Times regarding his request for a zoning change that he felt was not true and he asked for an explanation of "spot zoning". Solicitor Wisner explained that you cannot have a single parcel zoned unlike any of the properties that are contiguous or adjacent to your property. Mr. Oza asked again for the zoning of his property to be changed from Residential (R) to Mixed-Use (MX). Mr. Thomas suggested that Mr. Oza schedule an appointment with the Zoning Officer to discuss this.

Mr. Speros Marinos, 912 Baltimore Pike, stated that the Cumberland Township Historical Society is an independent society and has no say in Township business but, he would like to see Bream Hill Road preserved. He also stated that he felt that the Police Department did a good job of handling things at The Pike during Bike Week and the staff handled the traffic well.

Mr. Tim Fazenbaker, 79 Meadow Lane, explained that he has a drainage issue on the shoulder on his road and he asked that the Township take a look at it.

Mr. Al Ferranto, 501 Knight Road, objected to the citizen's comment five-minute time limit, stated that he is not in favor of the borrowing of any money for the Greenmount Area Act 537 Plan because the taxpayers are co-signers for the Authority's loans. He also asked that the Supervisors give up their health and dental insurance and he is running for the office of Township Supervisor and he will take no pay for it.

Police Report:

Police Chief Boehs presented a written and oral report of police activities for the month of June including 436 complaints, 67 combined arrests, 67 traffic stops, 18 traffic accidents and 10,390 patrol miles. He added that they assisted other agencies 11 times and they were assisted 6 times. He added that there were two burglaries that recently occurred.

Active Business:

Mr. Thomas reported that the Board has reviewed two sample Transient Retail Merchant Ordinances provided by Solicitor Wisner and if the Board desires to adopt such an ordinance in 2012. **Mrs. Golden made a motion to**

authorize Solicitor Wisner to prepare a Transient Retail Merchant Ordinance based on the comments made by the Board and Township Manager seconded by Mrs. Underwood and carried.

New Business:

Mr. Thomas reported that the Adams County National Bank Online Banking Agreement adds internal controls for Internet Banking for the Assistant Treasurer, Township Manager and two Supervisors as a failsafe. **Mr. Phiel made a motion to authorize the Chairman to sign the Adams County National Bank Online Banking Agreement provided that Solicitor Wisner is satisfied with all of the provisions of the agreement seconded by Mrs. Underwood and carried.**

Mrs. Underwood made a motion to authorize the Chairman to sign the Police Service Agreements for Police Firearms Training and Police Procedures in Cumberland Township seconded by Mrs. Golden and carried.

Chairman Waybright reported that a Conditional Use Hearing was held prior to the regular meeting for Marty E. Tipton for two single-family residences in the MX zone. **Mrs. Golden made a motion to approve the Conditional Use application for Marty E. Tipton Final Subdivision Plan seconded by Mrs. Underwood and carried.**

Reports:

Mr. Thomas requested an Executive Session to discuss a personnel issue and potential litigation with the Board.

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

Solicitor:

Solicitor Wisner reported that the Pennsylvania Liquor Control Board granted the Township's Petition for Exemption for Herr Tavern for a two-year period.

Manager Thomas reported that the Township partnered with Adams County to create a new website that will hopefully give the public more information in a timelier manner and three staff members are trained to make revisions to the website.

At 8:10 p.m., Chairman Waybright adjourned the regular meeting for an Executive Session to discuss a personnel issue and current litigation with no report to follow.

Carol A. Merryman, Asst. Secretary

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