

Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
September 27, 2022
Public Hearing for Zoning Map Amendment – 6:30 P.M.

Chairman Toddes called the Public Hearing to order at 6:30 P.M. Present were all Supervisors: Toddes, Phiel, Ramsburg, Brauning and Biggins; Solicitor Sam Wisner, Township Manager Ben Thomas, Jr., Assistant Secretary Michele Long and Secretary Carol Merryman. Also present were the applicant Tina Wagner, Attorney Adam Boyer; Kathleen Pompa, Karol Kimple, many citizens who were interested in a topic on the regular meeting agenda and Jim Hale from The Gettysburg Times. Solicitor Wisner conducted the hearing.

Solicitor Wisner stated that the application requests to rezone the properties located at 1086, 1076 and 1064 Biglerville Road from Institutional (INS) to Mixed Use (MX). He added that the properties are owned by Tina Wagner, Robert and Kathleen Pompa and Stephen and Karol Kimple; and the change would make the existing single-family detached uses conforming with the Zoning requirements and allow for the prior Memorial Baptist Church's parsonage to be utilized as a single-family dwelling.

Ms. Long entered the following items into the record:

- Application that was received on August 2, 2022 that includes justification for granting the map amendment
- Cumberland Township Planning Commission recommendation from the 9/8/2022 meeting
- Adams County Office of Planning and Development comments that were received on 8/30/2022
- Legal notice that was advertised on 9/9/22 and 9/16/22 with Proof of Publication received
- Notice that was mailed on 8/31/22 to nine surrounding citizens within the 300 ft. buffer
- Notice that was posted on all three properties on 9/1/22, with one large sign facing the main road
- Notice that was placed on the Township's website on 8/31/22

Attorney Boyer gave the Board background information regarding the property and asked Ms. Wagner a series of questions regarding the property and the proposed zoning change. The Board also asked Ms. Wagner a few questions.

Karol Kimple, owner of 1064 Biglerville Road, told the Board that she did not intend to use her property for anything other than a residential single-family dwelling.

Solicitor Wisner announced that the decision on this request is on the meeting agenda for action and closed the public hearing at 6:43 P.M.

Regular Meeting 7:00 P.M.

Chairman Toddes called the regular meeting to order at 7:00 P.M. Present were all Supervisors: Toddes, Phiel, Ramsburg, Biggins and Brauning. Also present were Solicitor Sam Wisner, Township Manager Ben Thomas, Jr., Township Engineer Tim Knoebel, Police Chief Matthew Trostel, Superintendent of Roads Chris Walter and Secretary Carol Merryman. Also present were approximately 100 residents and interested parties; and Jim Hale from The Gettysburg Times.

Chairman Toddes led the Pledge of Allegiance.

Chairman Toddes reported that the Board held an Executive Session on September 15th and September 19th regarding personnel matters with no action following. Chairman Toddes also stated that he would be moving the Police Report on the agenda following the decision on the Zoning Map Amendment.

Mrs. Ramsburg made a motion to approve the agenda, as amended, seconded by Mr. Phiel and carried.

Mrs. Biggins made a motion seconded by Mrs. Ramsburg and carried to approve the Minutes of the August 23, 2022 Regular Meeting.

Mr. Phiel made a motion seconded by Mrs. Ramsburg and carried to approve the bills in the amounts stated by the Chairman: \$604,599.49 from the General Fund, \$6,733.64 from the Escrow Fund and \$1,688.50 from the ARPA Fund.

Solicitor Wisner stated that the Board held a public hearing at 6:30 P.M. regarding a request from Tina Wagner for a Zoning Map amendment for three properties on Biglerville Road. **Mrs. Biggins made a motion to adopt Ordinance 2022-191 amending the Zoning Map from Institutional (INS) to Mixed Use (MX) for the properties located at 1086, 1076 and 1064 Biglerville Road. The motion was seconded by Mr. Phiel and carried.**

Police Report: Police Chief Matthew Trostel presented an oral and written report of police activities for the month of August 2022 including: 297 calls for service, 39 traffic stops, 16 criminal incidents and 7,480 patrol miles. Some highlights of the report were:

- Both Durango police vehicles have been shipped and updated equipment quotes for the upfitting are included in the report
- There are two grants available through the Pa. Commission on Crime and Delinquency: a Medical Marijuana Enforcement Fund Grant and a Local Law Enforcement Grant
- Officers attended community events: Gettysburg College Campus Safety Days; Adams County Tech Institute Criminal Justice Program “Run for the Badge” event and Drug Take Back initiative
- Several positive interactions with residents; department trainings including Fall Qualifications, Crisis Intervention Training (CIT) and Chief Trostel completed Supervising Police Personnel with a 100% grade

Mrs. Biggins made a motion to approve the submission of two grants to the PA Commission on Crime and Delinquency seconded by Mrs. Ramsburg and carried.

Public Comment: Chairman Toddes announced that Public Comment on the Residence at Willoughby Run Plan will be withheld until the plan is discussed. There were no other comments.

Engineer: Mr. Knoebel updated the Board on the MS4 projects. He reported that they expect the contractor to begin the stormwater basin retrofit projects next week. He also handed out an estimated project schedule for the stream restoration projects; one here at the Township building complex and the other at Adams County’s Human Services Building on Boyd’s School Road. Mr. Knoebel added that they do have permits for each of these projects and he would like to get approval to advertise for bids to keep everything moving forward. **Mr. Phiel made a motion to approve the advertisement for bids for the stream restoration projects seconded by Mrs. Biggins and carried.** Mr. Thomas added that ARPA funds will be used to pay for these projects.

Mr. Knoebel also reported that they are finishing up the annual report that is due at the end of the month. **Mrs. Biggins made a motion to authorize KPI to submit the annual report to PaDEP for the MS4 projects seconded by Mrs. Ramsburg and carried.** Mr. Knoebel also reported that they received notice that PADEP is extending the MS4 permit period for two years, but that does not apply to the pollutant reduction plan projects. There will be more information coming on that.

Mr. Knoebel reported that the Township has a Request for Extension from Sharrah Design Group, Inc. for the Musket Ridge Land Development Plan until December 30, 2022. Mr. Sharrah reported that they just got authorization to revise the design and they also reached out to the Cumberland Township Authority. **Mr. Phiel made a motion to grant the extension until December 30, 2022 seconded by Mrs. Ramsburg and carried.**

Mr. Knoebel also reported that the next item is a Final Land Development Plan for Willoughby Storage on Willoughby Run and Fairfield Roads. The plan proposes to create seven self-storage facility buildings on a 3.687 acre tract. Mr. Knoebel added that the Township Planning Commission recommended approval contingent upon them addressing the engineer's comments. Mr. Knoebel read over the remaining comments that were administrative. Solicitor Wisner asked if the developer would switch the buffer to vegetative and Mr. Sharrah stated that they would be doing the fence. **Mrs. Biggins made a motion to approve the Willoughby Storage Final Land Development Plan subject to the comments from KPI's September 26, 2022 memo being addressed seconded by Mrs. Ramsburg and carried.**

Mr. Knoebel reported that The Residence of Willoughby Run Plan proposes eight apartment buildings (various stories) containing 112 dwelling units on 14.5 acres in the Mixed Use (MX) zoning district near the intersection of Country Club Lane and Route 30. He added that Willoughby Run flows along the eastern portion of the property and National Park Service lands are to the east and south. He added that the developer has been working with the Planning Commission and there were two motions at the last meeting. One motion was to recommend that the Board deny the request to waive the submission of a preliminary plan and the second was to forward the plan on to the Supervisors for action. He added that his office has not received any revised plans since the Planning Commission meeting and they have completed their review of the PennDOT Highway Occupancy Permit and provided a memo in addition to the August 10, 2022 comment memo. He reported that they did receive a letter from the Gettysburg Fire Department and they have no issues with the plan and this afternoon they received a request from Sharrah Design Group, Inc. to withdraw their waiver request for the requirement to submit a preliminary plan and wish the Board to consider the plan as a preliminary plan. He added that he did see, by email, a change to the plan calling it a preliminary plan. Mr. Knoebel also summarized the fifteen comments from his August 10, 2022 comment letter. Mr. Knoebel added that if the plan is now being reviewed as a preliminary plan, some of the comments may not be applicable because it has been reviewed as a preliminary/final.

Mr. Sharrah reported (as requested by the Planning Commission) that they are running a sidewalk down Chambersburg Road and they will provide an easement for a future sidewalk to be extended to the boundary line. They also completed the sidewalk loop internally and will be putting a fence around the stormwater basin. They have a letter from Gettysburg Municipal Authority's Manager and he has finished looking at the plan and they will provide an easement for GMA, as requested. Mr. Sharrah stated that they will use vegetative buffers on this plan.

Solicitor Wisner explained the land development process from the Comprehensive Plan to Zoning Ordinance and Subdivision and Land Development Ordinance. Solicitor Wisner also explained that the Township does have a time clock of 90-days to act on the plan, the developer has not offered an extension request to the 90-days, so the Board must act tonight.

Public Comment: The following people spoke in opposition to the Residence at Willoughby Run Plan: Barb Zimmerman (210 Old Mill Road); Bob Stoltzenburg (170 Tiffany Lane); Michele Jewell (11 Country Club Lane); Pieta Horvath Thompson (130 Country Club Lane); Terry Castonguay (51 Battalion Lane); Mary Smith (180 Park Avenue); Laura Mares (120 Country Club Lane); Peter Carmichael (198 Tiffany Lane); Peter Fong (75 Park Avenue); Allison Izzard (61 Country Club Lane); Steven Mock (110 Woodhaven Drive). There were others who spoke that did not sign-in including history professors,

students, a gentleman from New Jersey and a woman and her son from Western, PA. Mr. Thomas acknowledged the written comments that were received: National Park Service (technical information), John and Shelly Bilello (in opposition), Joseph Harrison (in opposition), Peter Fong (in opposition), Ben Jones (in opposition), Pieta Horvath Thompson (in opposition), Thomas Myers (in opposition), Rebecca Makdad (in opposition), Ted and Loralee Knox (in opposition), Randy and Wendy Bankert (in opposition), Judith and Steven Mock (in opposition), Elizabeth Fitzpatrick (in opposition) William Fitzpatrick (in opposition), Mary Smith (in opposition) J. Edward Smith (in opposition), Steven Paneer (in opposition), Steve and Marth Whiteside (in opposition), Dr. Ashley Whitehead Luskey and students (in opposition) Marcella Amspaugh (in opposition); Bob Stoltzenburg (in opposition) and two letters from the American Battlefield Trust, the first including electronic copies of 528 letters from frequent visitors, 223 letters from Adams County residents and 2,272 letters from battlefield supporters across the country, and the second including 17 letters from Adams County residents, 118 letters from frequent visitors and 241 letters from battlefield supporters across the county (all in opposition) and Jenny Nauright (in favor).

Mr. Knoebel recapped the information regarding the plan and confirmed that action is needed on the plan by September 30, 2022. Solicitor Wisser confirmed that action tonight is on an application for preliminary plan approval since the developer withdrew their request for a waiver from the preliminary plan requirement. The Board had some discussion with Mr. Knoebel, Solicitor Wisser and the developer and asked questions regarding the plan and related comments. **Mrs. Ramsburg made a motion to deny the Residence at Willoughby Run Land Development Plan based on the outstanding comments from the township engineer's letters dated August 10, 2022 and September 27, 2022 which motion was seconded by Mr. Brauning and carried. Mr. Todd and Mrs. Biggins voted in opposition to the motion.**

Maintenance Department Report: Mr. Walter gave the report for September and some highlights were:

- They are putting the finishing touches on their summer projects in Twin Lakes I and II and on Red Rock Road
- They are preparing for the winter season
- The line painting bid was awarded and that work should occur in the next few weeks
- They restored two very small existing storm water retention ponds on the Township property
- The new above-ground fuel tank needs one more inspection from PaDEP
- Pending approval, they will be crushing and grinding asphalt millings and stockpiling the material to be used in the rebuilding of the next section of Twin Lakes I
- They took quite a lot of boxes for the Administration and Police Departments to the Adams Rescue Mission for shredding

Mrs. Biggins and Mr. Thomas thanked Mr. Walter for the great job the Maintenance Department does and for their work on the MS4 project retrofits. Mr. Thomas stated that the Township will be reimbursed for this work by the grant that the Township received.

Active Business:

Mr. Thomas reported that a Historic Architectural Review Board (HARB) meeting was held for the applicant Willoughby Storage and they recommended approval and now the Board must affirm HARB's action by approving the Certificate of Appropriateness. **Mrs. Biggins made a motion to approve the Certificate of Appropriateness for the Willoughby Storage project on 45 Willoughby Run Road seconded by Mrs. Ramsburg and carried.**

Mr. Thomas also reported that he has been working with Dave Sanders, Emergency Management Coordinator, to update the Township's Emergency Operation Plan and Resource Manual and the only changes were to the Supervisor's names and positions. He added that this is a confidential document that requires a resolution and promulgation to be approved. Mr. Sanders will submit the documents to Adams

County once approved. **Mrs. Ramsburg made a motion to approve the Resolution and Promulgation for the Township's Emergency Operations Plan and Resource Manual seconded by Mrs. Biggins and carried.**

Mr. Thomas reported that he and Mr. Walter met with Mr. Hicketier and updated the Board regarding a proposed trail on Biglerville Road that would go from in the Borough of Gettysburg and across the road to the new Adams County Historical Society building. He added that C. S. Davidson is working on a plan for the trail and hopes to have the plan completed by the end of this year.

Mr. Thomas reported that the Township was notified by the PA Liquor Control Board of an application for a new license by Roy Pitz Brewing Co., Inc. of Chambersburg, PA believed to be for the former Pike Restaurant along Baltimore Pike. No action is needed.

Mr. Thomas reported that the Township received a letter from Martin K.P. Hill regarding improvements to Herr's Ridge Road. Mr. Thomas read the letter requesting reimbursement to Woodhaven Building, in the amount of \$113,400.00, for these road improvements. Solicitor Wisner stated that a letter had been sent to Mr. Hill/Woodhaven back in 2019 informing them of the Township's position that Mr. Hill/Woodhaven received the ultimate reimbursement in that any future liability for traffic improvements was waived with the Township's repeal of the capital improvements (Traffic Impact Fee) requirement. This was discussed at length and no action was taken. Mr. Thomas stated that the Board needs more information on this and suggested that it be discussed further at a workshop.

FINANCE COMMITTEE – Mr. Phiel reported that Carl Woerner Hauling has provided a quote for snow plowing at \$135.00 per hour just \$10.00 more per hour than last year's price. **Mrs. Biggins made a motion to approve the snow plowing contract with Carl Woerner Hauling seconded by Mrs. Ramsburg and carried.** Mr. Phiel also reported that Mr. Walter has requested to rent a mill grinding machine, in the amount of \$3,000.00 and the material that is being ground up can be used in a future road project as a cost saver. **Mr. Brauning made a motion seconded by Mrs. Biggins and carried to approve the rental of a mill grinding machine in the amount of \$3,000.00.** Lastly, Mr. Thomas reported that the Township has received a request, on behalf of the Adams County Ag Land Preservation Board, to use the budgeted Township funds for preservation of a farm owned by the late David P. Waybright and Bea Waybright, located in Cumberland Township. Mr. Thomas added that the contribution of funds from the Township will elevate the point system used to rate the farm and may accelerate its' preservation. **Mrs. Biggins made a motion seconded by Mr. Phiel and carried to use the \$30,000.00 budgeted funds for further ag preservation.** Mrs. Biggins suggested that the Board get serious about land preservation because of what they are hearing from their constituents and Mr. Thomas suggested that it be a topic at a future workshop.

PERSONNEL COMMITTEE – Mr. Thomas reported that a replacement for Mr. Rohrbaugh has not yet been found.

SOLICITOR: Solicitor Wisner reported that the official map that is part of the Township's Historic District Ordinance incorrectly shows the boundaries of Sewer District 1 and 2 and the ordinance stipulates that is what designates the district so there is a conflict between the ordinance and the map. Mr. Thomas asked the Board for authorization to correct the Historic District map so it conforms with the ordinance. **Mrs. Biggins made a motion to strive for consistency and have the Planning Commission review the Historic District map. The motion was seconded by Mrs. Ramsburg and carried.**

Solicitor Wisner also reported that a provision was added to the Local Tax Collection Law in 2022 that mandates that the Township adopt a resolution or ordinance that provides for when a property is transferred and the property owner does not receive notice of the tax assessment for that property in that transfer year, and they provide the tax collector with an affidavit that they never got the notice, then the

tax collector must waive any penalties or fees for late payment and the property owner can pay the late tax at face value. **Mr. Phiel made a motion to authorize Solicitor Wisner to prepare a resolution, as required by the 2022 legislation, seconded by Mrs. Ramsburg and carried.**

Committee Reports and comments from Board Members:

Public Safety – Mrs. Biggins reported that the Board heard of the possibility of the Police Dept. receiving up to \$1 million dollars in grant funding to support some of their public safety initiatives.

Park and Recreation – Mr. Toddes reported that the Rec Park is doing great and Erin Peddigree will be at the next meeting to give a report.

Planning and Zoning – Solicitor, Manager and Zoning Officer continue the review process.

COG – Mr. Phiel reported that Chrissy Redding, County Treasurer, was the speaker at the COG meeting and gave a good overview of what her office does and her office has taken on tax collection for two municipalities and some of this has to do with ADA requirements. He added that her office is not trying to take this away from the municipalities, rather there is no one in the municipalities to do it. Mr. Phiel also reported that the Adams Recovery Fund application process opens in October.

Highway, CTA, Economic Development – No reports

The Zoning Officer and Treasurer’s reports were reviewed.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 10:13 P.M. for an Executive Session to discuss personnel and real property with no action to follow.

Carol A. Merryman, Secretary

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_____) Supervisors
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