

Cumberland Township Board of Supervisors

1370 Fairfield Road, Gettysburg, PA 17325

August 24, 2021 – 5:30 P.M.

HYBRID – VIRTUAL AMERICAN RESCUE PLAN ACT - WORKSHOP

The workshop was called to order at 5:30 P.M. by Chairman Waybright. Present were Supervisors: Waybright, Toddes, Phiel, and Brauning. Also present were Solicitor Sam Wiser, Township Manager Ben Thomas, Jr., Engineer Brandon Guiher, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman. Also present were Ken Wolf and Jim Hale from The Gettysburg Times. No one participated via Zoom.

Solicitor Wiser presented a Power Point presentation regarding the AMERICAN RESCUE PLAN ACT (ARPA).

- Funds must be obligated by no later than December 31, 2024 and spent by December 31, 2026.
- If “loss of revenue” from COVID-19 can be proven then the funds can be spent for any governmental purpose except for debt service or pension obligations.
- The Township is not eligible to spend the funds for many of the permitted uses.
- One category that the Township can expend the funds for is sewer, water and stormwater (including MS4) if the projects were planned or started before March 3, 2021.
- The Township is eligible to use the funds for administrative costs of ARPA and there are reporting requirements.

Solicitor Wiser suggested that Act 537 planning for the Greenmount Area for public sewer could be considered for ARPA funds use.

Mr. Phiel made a motion seconded by Mr. Toddes and carried to appropriate the American Rescue Plan Act funds for the following: administrative costs, MS4 costs, revenue loss and Act 537 planning for the Greenmount Area.

The workshop was adjourned at 6:02 P.M.

CONDITIONAL USE HEARING – 6:05 P. M.

BLAKE SLAYBAUGH OF STORE IT, LLC is requesting to permit a self-storage facility in the Mixed-Use zoning district at 45 Willoughby Run Road

The hearing was called to order at 6:05 P. M. by Chairman Waybright. Present were Supervisors: Waybright, Toddes, Phiel, and Brauning. Also present were Solicitor Sam Wiser, Township Manager Ben Thomas, Jr., Engineer Brandon Guiher, Treasurer/Finance Director Camie Stouck-Phiel, Secretary Carol Merryman and Stenographer Deb Zepp. Other’s present were Tara Slaybaugh, Attorney Ed Puhl and several residents who live or own property in the area of the proposed use. There were also several residents participating via Zoom. Solicitor Wiser presided over the hearing. Please see the transcript for the entire record of the hearing.

After presentations by the applicant and their counsel; and questions by the Board and residents; **Mr. Toddes made a motion to approve Blake Slaybaugh of Store It LLC’s application for Conditional Use seconded by Mr. Phiel and carried. Mr. Brauning voted against the motion.**

REGULAR MEETING – 7:00 P.M.

At 7:00 P.M. the regular meeting was called to order by Chairman Waybright. Present were Supervisors: Waybright, Toddes, Phiel and Brauning. Also present were Solicitor Sam Wiser, Township Manager Ben Thomas, Jr., Police Chief Don Boehs, Engineer Brandon Guiher, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman. There were several Township residents present and Jim Hale from The Gettysburg Times. Several residents participated via Zoom. Mrs. Ramsburg arrived at 7:13 P. M.

Chairman Waybright led the Pledge of Allegiance.

Mr. Toddes made a motion seconded by Mr. Phiel and carried to approve the Minutes of the July 27, 2021 Regular Meeting.

Mr. Phiel made a motion seconded by Mr. Brauning and carried to approve the bills in the amounts as stated by the Chairman: \$265,416.25 from the General Fund and \$1,748.00 from the Escrow Fund.

Public comment: None

Engineer:

Solicitor Wiser reported that he has been working with Attorney Yannetti on the American Battlefield Trust Minor Plan and at the June meeting the Board of Supervisors had approved a final Request for Extension and tasked Solicitor Rice with contacting the applicant in an effort to get the agreements completed so the plan could be approved. He added that due to a series of unfortunate events, the plan has been on the table for years but, he feels that it can now be approved. Solicitor Wiser went over the outstanding comments from the engineer's last review letter, four Subdivision Ordinance waivers and a Non-Building Waiver for sewage planning that need action. Solicitor Wiser stated that approval of all four waivers was recommended by the Planning Commission. **Mr. Toddes made a motion seconded by Mr. Brauning and carried to approve the following waivers:**

- **(303) A waiver to the requirement to submit a Preliminary Plan.**
- **(304.1) To submit plans at a scale of no less than 1" = 50'.**
- **(304.2.A.25) To show the location and size of existing and proposed utility structures and/or transmission lines and all easements and right-of-way associated with them.**
- **(304.2.A.27) To show location, size and invert elevations of all existing and proposed sanitary sewers and location of manholes.**

Mr. Brauning made a motion seconded by Mr. Phiel and carried to approve the REQUEST FOR PLANNING WAIVER AND NON-BUILDING DECLARATION to be sent to PaDEP for their review and approval.

Mr. Phiel made a motion to approve the Final Plan contingent upon the comments of the Engineer's October 9, 2019 memo being addressed. The motion was seconded by Mr. Toddes and carried.

Mr. Guiher reported that the Township has a request for bond release for the Mark Hillard Hangar at the Gettysburg Regional Airport and the Board has an engineer review letter dated August 23, 2021 that recommends that the full amount (\$3,146.00) of financial security can now be released. **Mr. Toddes made a motion to release the full financial security for the Mark Hillard Hangar Plan seconded by Mrs. Ramsburg and carried.**

The Township also received request for Bond Reduction #1 from the Adams County Historical Society in the amount of \$41,950.00 and the engineer's review letter dated August 9, 2021 recommends releasing \$38,602.00. The review letter explains that they recommend holding 25% of the installed stormwater structures and piping and 25% of the completed Erosion Control Measures until the completion of the project. **Mr. Brauning made a motion to release \$38,602.00 leaving a balance of \$134,696.00 seconded by Mr. Phiel and carried.**

The next request for Bond Reduction Request #1 is from Cumberland Village Phase IIA1 and is for \$1,048,823.60. and the engineer's review letter dated August 5, 2021 recommends releasing \$785,205.36 and retaining \$634,622.95. **Mr. Toddes made a motion seconded by Mrs. Ramsburg and carried to approve the request for bond reduction in the amount of \$785,205.36 for Cumberland Village Phase IIA1.**

The next request is for Bond Reduction Request #1 from Cumberland Village Phase IIA2 and is for \$878,169.60 and the engineer's review letter dated August 5, 2021 recommends releasing \$448,311.60 retaining \$2,418,219.10. The review letter explains that they are recommending holding 25% of the Erosion Control measures and 50% for most of the stormwater items. **Mr. Phiel made a motion seconded by Mr. Toddes and carried to approve the request for bond reduction in the amount of \$448,311.60 for Cumberland Village Phase IIA2.**

Mr. Guiher gave an update on the Township's MS4 including assisting with a response to the Environmental Protection Agency regarding the audit that was recently done and the Township will receive a final report. He added that he is looking for authorization to move forward with the MS4 projects, the design and permitting of the stream restoration projects as well as the other various projects proposed to meet the pollutant reduction requirements. Mr. Thomas stated that it is very important to start the permitting process working with Clauser Environmental from Cape May, NJ. He added that the engineering and permitting work will start in 2021 with the actual construction starting in 2022 and continuing into 2023. Mr. Thomas added that the cost estimate for these MS4 projects is \$600,000.00 and the Board approved the use of American Rescue Plan Act funds to pay for the projects. Mr. Thomas also reported that public education is needed. **Mr. Toddes made a motion seconded by Mr. Phiel and carried to approve the MS4 expenditure to hire Clauser Environmental to do the engineering and permitting, estimate for work \$64,000.00, for professional services for two stream restoration projects to be paid with American Rescue Plan Act (ARPA) funds. Mr. Phiel made a motion seconded by Mrs. Ramsburg and carried to authorize KPI to proceed with the civil work (surveying and engineering) necessary to complete the projects; to authorize the Manager and Solicitor to work on the agreement with Adams County for the Human Services project and authorize the Manager, Solicitor and Engineer to start the work and discussions with the Homeowners Associations for the stormwater projects at their developments and to pay all expenses from the ARPA funding. Mrs. Ramsburg made a motion seconded by Mr. Toddes and carried to appoint Christine Biggins and Pamela Haze to the MS4 Advisory Committee.** Mr. Thomas added that he would also like to have two more representatives from the HOAs and someone from the agricultural community.

Police Report: Police Chief Don Boehs presented a written and oral report of police activities for the month of July 2021 including: 271 complaints, 30 traffic stops, nine traffic accidents, 15 targeted enforcements, 4 combined arrests, 9,382 patrol miles and 35 walk-in complaints. He added that they assisted other agencies five times and they were assisted eleven times. The SRO had one call for service. There were three assists to Pa. State Police.

Active Business:

Mr. Thomas explained that PFM, the Township's broker/investor of the two pension plans, is being sold to U.S. Bancorp and the Township has two assignments; one for each pension plan for them to remain our broker under U.S. Bancorp. **Mr. Toddles made a motion to approve two consents to deemed assignment of investment advisory agreements with PFM Asset Management, LLC. The motion was seconded by Mrs. Ramsburg and carried.**

Mr. Thomas also reported that Solicitor Wiser has drafted an ordinance (at the direction of the Board a couple of months ago) regarding the use of campers for temporary residence following catastrophic damage to the main dwelling on a temporary basis, the draft ordinance is being reviewed by staff and it will give the homeowner a 12 month window for the temporary dwelling.

Mr. Thomas reported that the 2022 Minimum Municipal Obligations (MMOs) for the Police and Non-Uniformed Pension Plans has been determined. He added that the calculations are based on the estimated payroll through the end of 2021. The amounts are as follows: Police Pension Plan, total payroll \$1,002,976, MMO- \$183,904 and the Non-Uniformed Pension Plan, total payroll \$479,265, MMO - \$86,608. Mr. Thomas also reported that the Township does receive revenue from the Commonwealth of Pa. for the pension plans that funds a portion of the MMO's and any shortfall has to be supplemented by the General Fund. **Mr. Phiel made a motion to approve the MMOs in the amounts stated by Mr. Thomas seconded by Mrs. Ramsburg and carried.**

FINANCE COMMITTEE: Mr. Phiel reported on the monthly Finance Committee recommendations and stated that all expenditures are in budget.

- **Mr. Toddles made a motion seconded by Mrs. Ramsburg and carried to approve the purchase of Quickbooks software at \$5,690.20 and associated audit catch-up at \$2,340.60.**
- **Mr. Toddles made a motion seconded by Mrs. Ramsburg and carried to approve the annual road system striping, low bid from Alpha Space, in the amount of \$20,517.00.**
- **Mr. Brauning made a motion seconded by Mr. Phiel and carried to approve the required annual underground storage tank inspection by L & H Mechanical, in the amount of \$1,825.00.**
- **Mr. Phiel reported that the 2008 F250 pick-up truck sold for \$14,000.00 through Municibid.**

Mr. Brauning brought up, and the Board discussed, how and why certain building upgrades are being made or not made. Fixing a broken door, mold and parking lot repairs in the Police Dept. area of the building were brought up. Mr. Phiel stated that any proposed maintenance or other expenditures need to first be brought to the Finance Committee meeting for consideration. Mr. Thomas suggested that all departments bring their expenditures to the Finance Committee meeting regardless of already being budgeted or not.

SOLICITOR: Solicitor Wiser acknowledged that a Declaration of Taking was filed for the Oak Lawn Gardens property on August 17, 2021, as was approved by the Board by Resolution #2021-11. Solicitor Wiser also reported that Cumberland Township Authority has issued a request for proposals for refinancing of their current debt and also some new debt for capital improvements. He added that they received two proposals back and one of them from ACNB Bank was 1% fixed for approximately three years and 1.58% for the new money obligation. He added that if the Township is interested, they would have an opportunity to refinance their existing debt for the maintenance building (approximately \$920,000.00) with ACNB Bank. The net savings would be \$22,000.00 and he does not feel that the Township would have to shop this again. He added that he spoke to ACNB Bank and they are interested in making the Township a similar offer. **Mrs. Ramsburg made a motion seconded by Mr. Phiel and carried to authorize Solicitor Wiser to contact ACNB Bank and start the debt ordinance process.** Solicitor Wiser reported that the Personnel Committee has been reviewing various job descriptions and

the last job descriptions to be updated are for the positions in the Police Department, they have been reviewed by the Police Chief and the Board can now authorize job descriptions to be disseminated. **Mr. Toddes made a motion to accept the updated job descriptions for the Police Department seconded by Mr. Phiel and carried. Mr. Brauning voted against the motion.** Lastly, Solicitor Wiser gave the Board some information on the new Act 65 regarding the posting and changing of meeting agendas. **He reported that the agenda must be published at least 24 hours prior to the meeting and if the agenda is amended the amended agenda must be posted within 24 hours after the meeting.** Solicitor Wiser stated that he does have items for an Executive Session.

Committee Reports and comments from Board Members:

Highways – Mr. Brauning read the monthly Maintenance Department report that was supplied by Road Superintendent Chris Walter.

Park and Recreation – Mr. Toddes reported that things are going well at the park and they will be expanding the pump track next month.

Planning and Zoning – Mr. Thomas reported that the committee is finalizing the uses in the proposed zoning districts, the consultant will be creating a draft ordinance and it will soon be time to begin having public open houses.

CTA – Mr. Toddes reported that they will be doing various projects and they have been having some problems with “The Gardens” and they are making some headway with them to correct the problems.

Public Safety, Personnel, Economic Development, COG and CT411 – No reports

Mr. Thomas reported that the Board has received an invitation to Gettysburg Fire Department’s Open House on October 2, 2021 from 1:00 P.M. to 4:00 P.M.

The Zoning Officer and Treasurer’s reports were reviewed.

Unless otherwise noted, all votes were unanimous.

The meeting was recessed at 8:30 P.M. for an Executive Session to discuss a personnel item.

The Supervisors re-convened the Regular Meeting at 9:53 P.M.

Motion of Ramsburg / Phiel approved the following Personnel Policy: “No employee, elected, or appointed official of Cumberland Township, Adams County, Pennsylvania shall make any purchases for their own use utilizing Cumberland Township’s Pennsylvania Municipal Government tax exempt status. Any such activity shall result in disciplinary action in accordance with Personnel Policies of Cumberland Township.” Motion approved 5-0.

The meeting was adjourned by Chairman Waybright at 9:54 P.M.

Carol A. Merryman, Secretary

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