

Minutes of the August 13, 2002 Meeting

The meeting was called to order at 7:30 p.m. by Chairman Waybright. Present were Supervisors Weikert and Shealer. Mr. Bowling and Mr. Gregor were absent for personal reasons. Also present were Ron Horton, Chief Sease, Carol Merryman, Steve Niebler, Bob Sharrah, Leo Goulden, Rich Eckert, Mike Galassi, Bob Sieck and a reporter from THE EVENING SUN. The meeting was tape recorded.

As advertised, bids for the work/repairs to the rental property (1390 Fairfield Road) were opened and read as follows: Michael Dayhoff, total for all seven bid items \$7,650.00 and Glenn E. Simpson and Son, total for all seven bid items \$5,990.72. Mr. Weikert stated that the Township has owned this property for 6 or 7 years and has not spent any money on maintenance except for the couple of things that were done when it was first purchased and he does not feel that the bids are out of line because some of the items are major. He added that the original tenants are still living there and he feels that the property should be maintained so they will want to stay. **Mr. Shealer made a motion to accept the low bid from Glenn E. Simpson and Son, in the amount of \$5,990.72, seconded by Mr. Weikert and carried.**

Mr. Shealer noted that the Minutes of the previous meeting reflect that he made the motion to adjourn the meeting, but he was not present at the meeting. Mrs. Merryman explained that she had changed the time of adjournment, but had forgotten to change who had made the motion, and her notes indicated that the motion was made by Mr. Gregor, seconded by Mr. Weikert and carried. **Mr. Shealer made a motion to approve the Minutes of the previous meeting with that correction, seconded by Mr. Weikert and carried.**

Chief Sease presented a written and oral report of police activities for the month of July including: 185 complaints, 40 arrests and 17 incidents. He also reported that County Control had provided monthly counts for incidents and Cumberland ranked third out of the seventeen departments in the County. Cumberland was first in vehicle stops.

Mr. Bob Sharrah approached the Board regarding the PennDOT permit for the FCC road widening at 1270 Fairfield Road. He gave a brief review of what has happened thus far in dealing with the Army Reserve and in all the time that has expired while going through their channels, PennDOT has changed its policy on accepting easements and rights-of-ways. PennDOT will no longer accept easements or rights-of-ways that are not in their right-of-way. Mr. Sharrah requested, that upon the proper documents being presented to Attorney Heiser, the Township accept them rather than PennDOT. Mr. Sharrah does not know what happens if the Township will not accept them. He added that PennDOT is satisfied with the plans except for this issue. Mr. Sharrah added that they may miss the paving season if this isn't resolved. The Board had a lot of questions about the request. Mr. Sharrah will provide names and numbers from Harrisburg PennDOT District 8-0 for Mr. Horton to speak with, in this regard. **Mr. Weikert made a motion to table the request for more study, seconded by Mr. Shealer and carried.** Mr. Horton recommended that Mr. Sharrah prepare something that shows exactly what they are being asked to accept and have a package ready for the next meeting.

Chairman Waybright reported that, as advertised, the following Ordinance pertaining to the Authority borrowing more money to complete their plant expansions is to be considered for adoption as follows:

ORDINANCE 02-105

AN ORDINANCE AUTHORIZING THE INCURRENCE OF LEASE RENTAL DEBT BY THE TOWNSHIP OF CUMBERLAND (THE "TOWNSHIP"), PURSUANT TO THE EXECUTION AND DELIVERY OF A GUARANTY AGREEMENT (THE "2002 GUARANTY") FOR THE CUMBERLAND TOWNSHIP AUTHORITY (THE "PARTICIPANT"); APPROVING CERTAIN CAPITAL PROJECTS OF THE PARTICIPANT; APPROVING THE ISSUANCE AND NEGOTIATED

SALE OF THE GUARANTEED SEWER REVENUE NOTE, SERIES OF 2002 (THE “PARTICIPANT NOTE”); APPROVING THE FORMS OF THE LOAN AGREEMENT, THE PARTICIPANT NOTE, AND THE 2002 GUARANTY; AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF THE 2002 GUARANTY; SETTING FORTH THE RANGE OF THE ANNUAL LEASE RENTAL PAYMENTS DUE UNDER THE 2002 GUARANTY; PLEDGING THE FULL FAITH, CREDIT, AND TAXING POWER OF THE TOWNSHIP FOR ANY PAYMENTS DUE UNDER THE 2002 GUARANTY IN THE EVENT OF A PAYMENT DEFAULT BY THE PARTICIPANT; AUTHORIZING THE PREPARATION AND FILING OF ALL NECESSARY DOCUMENTS TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; AUTHORIZING ADVERTISEMENT OF ENACTMENT; AND REPEALING INCONSISTENT ORDINANCES;

Mr. Weikert stated that he had a question whether this guarantee would have an effect on the Township’s borrowing power and he has learned that it does not. Chairman Waybright also reported that Attorney Heiser is satisfied with the ordinance. **Mr. Weikert made a motion to adopt Ordinance 02-105, seconded by Mr. Shealer and carried. Note: Mr. Shealer had wanted to abstain because of his involvement as Chairman of the Authority, but his vote was needed to have a majority of the Board rather than just a majority of those Supervisors present at the meeting.**

At the previous meeting the Supervisors had a request from Bob Sharrah, on behalf of Patriots Choice, for a modification from the 32 foot required street width to 28 feet. The Board tabled the request because they had not seen a sketch plan of the proposed subdivision plan. Mr. Sharrah presented a sketch plan for the proposed development. The Supervisors verified that there would be adequate off-street parking. Mr. Sharrah stated that the homes will likely have two-car garages and will be set back far enough to get at least two or more cars in the driveway. He added that there could be parking on one side of the street and there will be sidewalks on both sides of the street. There was some discussion about the widths of the streets that this development will be connected to, which may need to be widened. Mr. Shealer asked if they had considered connecting to North Avenue and Mr. Sharrah stated that there are too many wetlands in the area to cross. **Mr. Shealer made a motion to grant the request for modification to allow 28 foot wide streets, seconded by Mr. Weikert and carried.**

Chairman Waybright read a letter from Bob Wagner requesting that the Township ask Gettysburg Municipal Authority to supply a water connection for a proposed lot behind his house on Table Rock Road. **Mr. Weikert made a motion to approve Mr. Wagner’s request, seconded by Mr. Shealer and carried.**

Mr. Weikert made a motion, seconded by Mr. Shealer and carried to adopt Resolution 02-11 with Met-Ed to provide energy and total maintenance to one (1) Company owned, 150 watt, high pressure sodium vapor, conventional street light, located on pole #14354-19348 at the intersection of Palace Drive and SR 0034 within Cumberland Township.

Mr. Horton presented Resolution 02-12 as follows: **A RESOLUTION TO ADOPT THE “ADAMS COUNTY VISION FOR PARKS, RECREATION, AND OPEN SPACE PLAN” AS THE CUMBERLAND TOWNSHIP PARKS, RECREATION AND OPEN SPACE PLAN.** He reported that a committee has been formed and has had their first meeting. A plan is needed to pursue financial assistance and is required by the MPC in order to implement provisions relating to park and recreational purposes related to development. Mr. Horton stated that he feels the County’s plan is a good plan and the resolution allows the Township to amend the plan if needed to meet the Township’s goals. **Mr. Shealer made a motion to adopt Resolution 02-12, seconded by Mr. Weikert and carried.**

Mr. Weikert made a motion, seconded by Mr. Shealer and carried to approve exonerations for J.P. Harris in the amount of \$11.00 and Adams County Tax Claim Bureau in the amount of \$6.30 for a

mobile home that was destroyed.

Mr. Robert Sieck, 320 Friendship Lane requested that the following note be removed from a subdivision plan involving a land swap between himself and Adams County Construction as follows: "AT THE REGULARLY SCHEDULED SUPERVISORS' MEETING HELD ON FEBRUARY 24, 1998, THE BOARD VOTED TO APPROVE THESE PLANS AS SUBMITTED WITH THE STIPULATION THAT THE RESIDENTIAL DRIVEWAY NOW PROPOSED FOR CONSTRUCTION AND ACCESS TO FRIENDSHIP LANE, BE ABANDONED, REMOVED AND THE AREA RESTORED WITHIN SIX (6) MONTHS OF THE COMPLETION OF CONSTRUCTION OF THE "FUTURE PUBLIC STREET" SHOWN HEREIN. ANY NEW DRIVEWAY THAT WILL BE CONSTRUCTED AFTER REMOVAL OF THE FRIENDSHIP LANE DRIVEWAY MUST COMPLY WITH ALL APPLICABLE ORDINANCE CRITERIA IN EFFECT AT THE TIME OF THE PROPOSED CONSTRUCTION. Mr. Sieck explained that the curb on the "future proposed street" (that is now constructed) is so high that it would create a driveway that is too steep. **Mr. Weikert made a motion to approve Mr. Sieck's request to remove the note from the plan, seconded by Mr. Shealer and carried.**

Mr. Bob Sharrah presented a sketch plan for Roselawn, Phase II, which is now owned by Kevin Gilligan. Mr. Gilligan wishes to modify the preliminary plan by removing the proposed townhouses and replacing them with single-family dwellings because he does not feel that the two should be mixed, particularly when they are surrounded by single-family dwellings. The Planning Commission did not have any problem with the change. This plan will come in as a Final Plan later on.

The Manager/Engineer's Report was reviewed. Mr. Horton reported that he has met with PaDEP in regards to the Foundry clean-up and they are making an inventory of what personal property is there and they may also auction the land. Clean-up will probably not start on the property until next Spring or Summer. He added that he received a call from PennDOT regarding a complaint received about the traffic signal at Herr's Ridge Road and SR0030 because of the number of rear-end accidents that are occurring there. PennDOT will do a traffic study and check the timing of the signal and make recommendations for any improvements. PennDOT would like a letter from the Township requesting that this be done and Mr. Horton will write the letter. Mr. Shealer reported that Gettysburg Borough does the maintenance of the light and Mr. Horton may want to meet them there to get an understanding of what is there.

The Zoning Officer's Report was reviewed. Mr. Horton stated that it is not included in the report, but Will Rogers Coffee and Bagel Shop is proceeding with improvements to their building without a building permit and Mr. Bower has sent him a Notice of Violation. Mr. Horton will have Mr. Bower follow-up on this on Thursday. Mr. Weikert noted that junk cars are showing up again on Mr. Delaney's property on Herr's Ridge Road and Mr. Horton will have Mr. Bower keep up on this also. The expansion to Eisenhower Inn and Conference Center was discussed. Mr. Horton stated that the Township needs a Memo of Understanding with the Allstar for admission tax for their special events because they are reluctant to pay the tax. He stated that they have an understanding and they are paying 2% instead of the required 5%. Mr. Weikert stated that everyone has to be treated the same or a precedent will be set and others will want to be given the same consideration. Mr. Horton asked for clarification on the admission tax.

The Assistant Secretary's Report was reviewed.

Mr. Weikert reported that the Safety Committee should soon have a Police Contract. He added that there will be a joint meeting with the Ag Zoning and Zoning Update Committees on August 20, 2002 at 7:30 p.m. to discuss the Agricultural District.

The bills were paid. Expenditures for this meeting totaled \$5,708.06 from the General Fund.

There being no further business, the meeting was adjourned at 9:20 p.m. by motion of Mr. Shealer, seconded by Mr. Weikert and carried.

Carol A. Merryman, Asst. Secretary

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