

**Cumberland Township Board of Supervisors
Minutes of the May 28, 2013 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairperson Underwood. Present were all Supervisors; Manager Ben Thomas, Jr., Solicitor Jason Kelso, Police Chief Don Boehs and Assistant Secretary Carol Merryman. There were approximately 50 residents present, from the Gettysburg Times and Amy Stansbury from The Evening Sun. The meeting was recorded.

Chairperson Underwood led the Pledge of Allegiance.

Chair Underwood announced that agenda item 5.A – Keller Poultry Farm Land Development Plan will be held until the end of the Engineer's report to accommodate public comment. Chair Underwood also acknowledged receipt of a letter dated May 21, 2013 and signed by six citizens regarding the Keller Plan. Chair Underwood reported that all Supervisors have received a copy of this letter for their review. Chair Underwood also acknowledged Mr. Caudill and Mr. Burkholder and thanked them both for their interest in serving on the Township's Planning Commission and she stated that the Board will talk to them following the Police Report.

Mr. Ferranto made a motion to approve the Minutes of the April 18, 2013 workshop meeting seconded by Mr. Toddes and carried. Mr. Ferranto also made a motion to approve the Minutes of the April 23, 2013 meeting seconded by Mr. Toddes and carried.

Mr. Waybright made a motion to pay the bills, in the amount of \$110,333.60 from the General Fund, \$1,631.83 from the Escrow Fund, \$535.98 from the Park and Rec Fund and \$5,200.00 from the State Fund seconded by Mr. Ferranto and carried.

Engineer/Plans:

Mr. Ferranto made a motion to approve a 90-day Request for Extension for the Harrisburg Area Community College (HACC) Parking Lot Expansion Plan seconded by Mr. Shealer and carried. Mr. Knoebel reported that he is reviewing revised plans for this project.

Mr. Knoebel reported that the Patriot's Choice Request for Bond Release is for the Board's information only and there are a few items on the punch list that need to be completed.

Mr. Knoebel also reported that he provided a letter dated May 22, 2013 on the status of the Cannon Ridge, Phase III bonding and this requires no action from the Board.

Mr. Knoebel reported that he has prepared a memo dated May 28, 2013 regarding the request made, on behalf of James Paddock, to waive the requirement in the Subdivision and Land Development Ordinance Section 405.2.A and to allow four properties on a joint use driveway. Mr. Knoebel added that the approved subdivision is from 2005, it showed two lots being accessed from Blackhorse Tavern Road, three lots (includes the neighboring Weikel property) being accessed from Fairfield Road and all of the lots do have road frontage. Mr. Knoebel reported that he does not have a problem with the Board granting the waiver with the following conditions:

- The minimum width of the driveway shall be 16 feet.
- A cross access easement and Shared Use and Maintenance Agreement shall be provided for review and approval by the Township Solicitor.
- A PennDOT permit shall be obtained for the joint use driveway on Rt. 116.
- Stormwater Management shall be addressed.
- Any associated Township review fees shall be paid by the applicant.

Mr. Ferranto made a motion to grant the waiver to Section 405.2.A of the SALDO and permit four properties on a joint use driveway for the James Paddock Subdivision, subject to the conditions as stated, seconded by Mr. Shealer and carried.

Mr. Knoebel reported that there is an outstanding Bond Release Request for Jayjyoti (Comfort Suites) and the last memo that he wrote is dated February 20, 2013. Mr. Knoebel stated that he reported at the workshop that there were two outstanding items and one of them, Adams County Conservation District items have been addressed and the remaining item is maintenance of the porous pavement parking area. He added that the Township does have an agreement to have this maintenance done and feels that the bonding can be released subject to receipt or verification that the vacuum work has been completed or is under contract. **Mr. Shealer made a motion to release the remaining bond for Jayjyoti (Comfort Suites), in the amount of \$49,390.00, subject to the condition as stated by Mr. Knoebel, seconded by Mr. Toddles and carried.**

Mr. Knoebel reported that the Board has a copy of his memos dated May 22, 2013 and May 28, 2013 regarding the Keller Poultry Barns Land Development Plan. Mr. Knoebel stated that the May 28th memo indicates that he concurs with the bonding amount of \$140,492.90. Mr. Knoebel reported that the Planning Commission has reviewed the plan and recommended approval subject to the comments in the May 22nd memo being addressed. Mr. Knoebel went over the SALDO comments in the May 22nd memo:

- Waiver for the submission of a Preliminary Plan Section 303 of the SALDO (recommended by Planning Commission).
- Owner's acknowledgement and professional certifications must be executed.
- Surveyor's seal and signature must be included on boundary survey plan.
- A PennDOT highway occupancy permit is required for access to Mummasburg Road.
- An approved Erosion Control Plan/NPDES permit is required
- Bonding is required. Developer's Agreement, if required by Township Solicitor.
- Stormwater Management Operations and Maintenance Agreement is required.

Mr. Sharrah stated, on behalf of Mr. Keller, that he is in the process of submitting a Low Volume Highway Occupancy Permit to PennDOT. He added that there is an "Awareness Letter" required from the Township. Mr. Sharrah added that there should be a note on the plan that states that a Highway Occupancy Permit is required and he does feel that the Highway Occupancy Permit is consistent with the Land Development Plan and the centerline location is not going to change. Mr. Knoebel reported that the Township should receive a copy of the plan that is being submitted to PennDOT prior to the submission and writing the letter.

Public Comment:

Ms. Catherine Schneider, 95 Ridgewood Drive, stated that she is concerned about the amount of water needed for the chicken plant. Mr. Knoebel stated that they were required to submit a Water Feasibility Study and the result of the study is that the water is sufficient.

Mrs. Jean Stone, 1745 Mummasburg Road, stated that she wants to address items in the letter submitted by the citizens to the Board. She stated that what she received as an "Emergency Plan" was simply a list of numbers, but there was an Emergency Plan in the Nutrient Management Plan that deals strictly with manure. She asked if there is another plan that deals with the chickens and what is the Township's understanding of the "Emergency Plan." Mr. Thomas stated that the Township is reviewing the citizens' letter and feels that it has merit. He added that the citizens will be receiving a written response from the Township. Mrs. Stone also asked about the cleaning process of the barns and they have been told that there is federal protocol. She asked if they can see/gain access to this protocol for the cleaning of the barns. Mrs. Stone asked if there are going to be water hydrants for the composting and would that be considered wastewater. Mr. Keener stated that he is aware that moisture is needed for the process, but he was not aware of any hydrants being planned. Mrs. Stone asked if the water pump testing report is available. Mr. Knoebel stated that he believes that it should be available now.

Mr. Everett Ladd, 215 Ridgewood Drive, asked what the rationale is for allowing large corporate entities to dramatically change the use of a property. Solicitor Kelso asked Mr. Ladd to limit his comments to the SALDO and conditions placed by the Conditional Use approval. Mr. Ladd asked what recourse the Township has if the conditions are not complied with and are there fines that can be assessed. Solicitor Kelso stated that the Township can act within the accordance of the laws, specifically he wasn't sure what actions could be taken and

it would depend on the violation. He added that the Township does have the capability to make the applicant comply with the conditions and he does not think that the ordinances provide for fines. Mr. Thomas stated that he feels that a “Cease and Desist Order” would come first and if not corrected, it would come back to the Board for a final remedy, including a cease of operation.

Mr. Ferranto made a motion to table the Keller Poultry Barns Land Development Plan for more information including: PennDOT permit, Adams County Conservation District permits and water report being made available to the public seconded by Mr. Toddes and carried.

Ms. Peggy Keating-Butler, 1805 Mummasburg Road, stated that she has been doing research and she questioned the information given in the well testing report and the data provided by Dr. Martin that the chickens will consume 5 gallons of water per 100 chickens per day. She stated that in her review of literature from the poultry industry she has found a much larger amount of water intake and the intake increases with the increase in temperature. She stated that the whole basis of the Water Feasibility Study is being based on 5 gallons per 100 chickens. Ms. Keating-Butler presented some handouts to the Board from which she had gotten her information on increased water intake and asked why they would use the minimum amount as the baseline? Mr. Keener asked the Board to speak to Dr. Martin about the water consumption and Ms. Keating-Butler reiterated that her information is straight from Dr. Martin’s source, (PENN STATE) in which it states that water consumption is higher than 5gallons per 100 chickens per day at an ambient temperature.

Mr. Barry Stone, 1745 Mummasburg Road, stated that due to the discrepancies, inconsistencies and the impact of the project, he thanked the Board for tabling the plan and hopes to get some answers to their questions by the next meeting.

Ms. Elizabeth Magner, 470 Belmont Road, also thanked the Board for tabling the plan and feels that the citizens need time to review the information that is coming in.

Mr. Speros Marinos, 912 Baltimore Pike, thanked Chair Underwood for being on the cover of the Gettysburg Times and reported that, as requested by the Township staff, he contacted the Borough to see what the zoning is north of his property (in light of the Regional Comprehensive Plan) and it is Tourist Commercial. He suggested that the Township could have a Visitors’ Services District because the word “Tourist” is no longer used. Mr. Marinos also asked to comment on the letter received from Tom Clowney that is later on the agenda. He explained specifically that the request was coming from the Historic Society and there are three areas, located within the Gettysburg National Military Park, where people will be leaving Gettysburg Borough and entering Cumberland Township and they felt that it was a good idea to let people know. Lastly, Mr. Marinos invited everyone to the Historic Society meeting on Monday, June 3rd at 7:00 p.m. at the Church of the Brethren.

Mr. Ferranto asked Mr. Keller if he would allow the citizens to bring in their own water expert to do a study on his property to substantiate the numbers that they are providing. Mr. Keller indicated that he would not have a problem with that.

Mr. Keller asked the Board why they tabled the plan and what specific questions they have because what is outstanding on Mr. Knoebel’s memo are mainly outside agency approvals and there are notes on the plan to cover these issues. Chair Underwood stated that they need a complete “Emergency Plan” and an answer to the question that was raised at the Planning Commission meeting about the dry cleaning of the barns and the applicant offered to supply a letter from Dr. Martin regarding that issue that has not been received.

Mr. Chris Entenmann, 289 Belmont Road, stated that he feels that the plan should remain tabled until the PennDOT Highway Occupancy Permit has been issued and outside agency approvals are received.

Mr. Riley Hollingsworth, 580 Herr’s Ridge Road, stated that he feels that it is Mr. Keller’s responsibility to provide the information that is being requested by the Board, not the Board’s responsibility to go to Mr. Martin, as was suggested.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of April including; 503 complaints, 147 traffic stops, 113 combined arrests, 9 traffic accidents, 50 targeted enforcements and 13,881 patrol miles. He added that they assisted other agencies 12 times and they were assisted three times. Police Chief Boehs stated that all phone scams received by residents should be reported to the Police Department so there is a permanent record of it. Chair Underwood reported that our Police Department is an active participant in the readiness of the area for the events of the 150th Commemoration. Police Chief Boehs reported that everyone is invited to a meeting tomorrow night at the Eisenhower Inn at 6:00 p.m. with the PA State Police, Cumberland Township Police and Gettysburg Police. He stated that they will be letting the people know what to be looking for in light of the recent event in Boston. He added that anything suspicious should be reported to the Police Department.

Active Business:

Chair Underwood welcomed Kenny Caudill and Loren Burkholder, who have submitted Letters of Interest to serve on the Township's Planning Commission. Chair Underwood stated that the Board will make a decision on the appointment after Executive Session at the end of the meeting. Chair Underwood asked each if they had any background in Planning. Mr. Burkholder stated that his background is in Public Administration, Government, History and Law. He added that he previously lived in Franklin Township and worked for Chambersburg Borough and he has been a resident of the Township for 16 years. Mr. Caudill reported that he previously owned Round Top Campground and currently owns and operates the Baladerry Inn both located in the Township. He added that he has an electrical, plumbing, sewer and machinist's background and has knowledge of blueprints. Mr. Caudill stated that he would like to see more small commercial business come into the Township to help the tax base. Mr. Burkholder stated that he would like to look at and review some of the ordinances. Chair Underwood asked if they felt they could perform the required tasks in an unbiased manner and they both indicated that they could. Chair Underwood thanked both candidates for attending the meeting and answering their questions.

Mr. Shealer reported that they are doing a project with the Adams County Conservation District on Sentz Road, the only gravel road in the Township. He added that the material that they are using is an environmentally sensitive material and the Township was required to bid on it. He reported that the Township received one bid from Valley Quarries for 2,000 tons +/- in the amounts of; \$14.70 per ton delivered to the job site (\$29,400.00) and \$12.25 per ton picked up at the quarry by Township trucks (\$24,500.00). He added that the material is in their Gettysburg quarry and he recommended that the bid be accepted. **Mr. Shealer made a motion to accept Valley Quarries bid, in the amounts as stated, seconded by Mr. Toddes and carried.**

Mr. Waybright made a motion to acknowledge and approve the fund raising activities for 2013 for Barlow Fire Company for insurance purposes seconded by Mr. Ferranto and carried.

Chair Underwood acknowledged and affirmed the receipt of Pa. Dept. of Transportation "FLASHING WARNING DEVICE PERMIT – NO. 0801-007" for the National Park Service Trail situate on Taneytown Road. Mr. Thomas added that there will be a ribbon cutting to open the trail on Friday morning at 10:00 a.m.

Mr. Toddes made a motion to authorize the Township's participation in the RecTAP grant funding for technical assistance seconded by Mr. Waybright and carried.

Chair Underwood reported that the Board is working on appointing a Comprehensive Planning Committee and she has confirmed that Rich Redding will represent the Township Authority on the committee. Mr. Ferranto recommended himself and Mr. Jim Paddock (citizen) to serve on the committee. Mr. Ferranto stated that he feels that Mr. Paddock would be a great asset because of his background and vast knowledge.

Chair Underwood reported that a hearing date has been set for a Conditional Use application from Harvest Investment Group for June 25, 2013 at 6:00 p.m. prior to the regular meeting. The application is for an Assisted

Living and Memory Care Facility on Boyds School Road and Table Rock Road.

Chair Underwood reported that the hearing for the proposed zoning map changes has been moved from May 28th to June 25th at 6:30 p.m. and the proposed text amendments hearing moving from June 6th and combining with the Harvest Investment Group Conditional Use hearing on June 25th at 6:00 p.m.

Chair Underwood reported that the Watershed Alliance of Adams County will be holding an Annual Stream Clean-up for Marsh Creek on Saturday, June 15th and the Township and Authority will let them utilize their dumpsters.

Mr. Thomas reported that he was expecting a quote from a vendor to replace the Township's telephones and it was received late this afternoon. He added that the Finance Committee will analyze the cost and it will appear on next month's meeting agenda.

Mr. Thomas reported that he attended the Pa. State Association of Township Supervisor's Educational Conference and Pa. Economic Development Association. He added that he both gave and received a lot of useful information including: proposed state budget and challenges including the state pension plans, additional funding for transportation and the Township is looking into the Pa. Infrastructure Bank, professional fees and it appears that the Township is on the right track and that is helping our fund balance, energy efficiency and doing an internal energy audit and phone systems – our current system is obsolete and we are looking at leasing because the technology is changing so fast.

Chair Underwood reported that the Township received a request from Tom Clowney for additional signs in the Township and Mr. Marinos elaborated on this request when making his public comment. Chair Underwood explained that there are signs located on the major roads coming into the Township. Mr. Marinos stated that the request is for three areas within the National Park and the Historic Society feels that the Township should have the right to mark the Township's boundaries. Mr. Thomas asked Mr. Marinos to give the Township a list of the locations and they will bring it up when they meet with the Park Service.

Solicitor:

Solicitor Kelso reported that Solicitor Wisner apologizes for not being at the meeting, but for good reason, as his wife gave birth to their first daughter on Saturday and her name is Adeline Catherine.

Solicitor Kelso also reported that he published the notice for the Gettysburg Area Recreation Authority in accordance with the Authorities Act and they will be filing the Articles of Incorporation on June 7, 2013.

Committee Reports and comments from Board Members:

Public Safety – Chair Underwood reported that Officer Josh Rosenberger was changed from part-time status to full-time status effective May 6, 2013.

Manager:

Mr. Thomas reported that he met with administrative staff from the Gettysburg Area School District and reviewed the proposed Amusement Tax Ordinance and he will make some recommendations at the next workshop.

Mr. Thomas also reported that the Township has been contacted by a communications group, known as Shentel, regarding the possibility of placing a tower at the site. He added that the tower will replace the current tower used by the Township's Police and Road Departments. Mr. Thomas added that Solicitor Wisner has made some recommendations and the Board needs to review them and then Shentel must apply for conditional use approval.

The Zoning Officer and Assistant Secretary's report was reviewed.

Mr. Bob Sharrah spoke to the Board regarding the Jayjyoti Bond Release Request. He stated that he feels that Jayjyoti has fulfilled his obligation under the Land Development Plan and the Township has an executed Stormwater Management Agreement with McKBOB, the new owner of the porous paved parking area. He asked the Board to reconsider the action that they took earlier on the Jayjyoti Bond Release and release the funds this evening. Mr. Sharrah reported that some time ago another Subdivision Plan was done that transferred the ownership of the porous parking area to McKBOB and the maintenance responsibilities now belong to them, not Jayjyoti. Mr. Sharrah offered to provide evidence that the Maintenance Agreement has been recorded and the property has been transferred to McKBOB. The Board agreed to wait until the workshop to give time for the Solicitor to verify the information. Mr. Thomas stated that there may be a need for a workshop on June 6th and if the verification has been received, the Board could consider action at that time.

Mr. Barry Stone, Vice-Chairman of the Planning Commission requested that the Planning Commission receive a packet of the information that is on their meeting agenda prior to the meeting so they have time to review it. He added that he has canvased other Townships and they either mail them out or hand-deliver the information. Mr. Thomas stated that staff will be happy to address this and sometimes the Township does receive the information at the last minute and the Planning Commission has the right to table the issue.

Mr. Ferranto reported that he represents the Township at the Gettysburg Municipal Authority (GMA) meetings and we have been trying to expand the Board to get a representative on the Board. He added that the Township received a letter from Gettysburg Borough and the GMA is offering a non-voting position. Mr. Ferranto asked that the Township respond back to them. Chair Underwood stated that she too feels that we should respond back to them and she would like herself and Mr. Thomas to meet with Dr. Michael Birkner, Borough President and Mr. Ted Streeter, GMA Chairman to discuss this and get further clarification. Mr. Ferranto reported that he will continue to attend their meetings and he expressed his disapproval of this response because of the location of GMA's wells in Cumberland Township, the water that is withdrawn from Cumberland Township and the customers that GMA serves in Cumberland Township.

Chair Underwood reported that the Transportation Plan for the 150th Commemoration will be coming out on Monday, June 10th.

Mr. Toddes thanked Gettysburg Borough and everyone from the Township for their cooperation in the formation of the Gettysburg Area Recreational Authority. Chair Underwood thanked Mr. Toddes for being Cumberland's driving force behind the project.

The meeting was adjourned at 9:02 p.m. for an Executive Session for a personnel issue.

The meeting was reconvened at 9:27 p.m.

Mr. Shealer made a motion to appoint Mr. Kenny Caudill to fill a vacancy on the Planning Commission seconded by Mr. Waybright and carried. Mr. Caudill's term will expire on 12/31/2016.

There being no further business, the meeting was adjourned at 9:28 p.m.

Carol A. Merryman, Asst. Secretary

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