

**Cumberland Township Board of Supervisors  
1370 Fairfield Road, Gettysburg, PA 17325  
January 28, 2020 Meeting Minutes – 7:00 P.M.**

The regular meeting was called to order at 7:00 P.M. by Chairman Waybright. Present were Supervisors: Waybright, Toddes, Phiel, Ramsburg and Brauning. Also present were Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Engineer Tim Knoebel and Secretary Carol Merryman. Also present were: Martin Hill, Jim Piet, Bob Sharrah, Andrea Grabenstein from the Gettysburg Times and seven residents.

Chairman Waybright led the Pledge of Allegiance.

**Mr. Toddes made a motion seconded by Mr. Phiel and carried to approve the Minutes of the December 19, 2019 Regular Meeting.**

**Mr. Phiel made a motion seconded by Mr. Brauning and carried to approve the bills as stated by the Chairman: Bills - \$198,991.76 from the General Fund, \$1,067.50 from the Escrow Fund, \$49,590.23 from the Fire Tax Fund, \$50,283.50 from the Capital Reserve Fund, \$10,000.00 from the State Liquid Fuels Fund and a transfer of \$10,000.00 from the General Fund to the Health Insurance Account to fund the FSA.**

**Public comment:**

Mr. Speros Marinos, 912 Baltimore Pike, welcomed the two new Supervisors and updated them on the loss of Commercial zoning on the Baltimore Pike, the problem of having intense agriculture near residential and the importance of the zoning update.

Mr. Doug Gross, 938 Barlow Greenmount Road, spoke to the Board about the Keystone project next door. He stated that he had reviewed the as-built plans compared to the approved land development plan and he stated that the swale appears to have been changed. He also reported for his neighbor Brian Fitzgerald, who could not be present, that he is experiencing more stormwater run-off since the alternate de-watering system has been installed and the run-off came very close to entering his garage. Lastly, he reported that his neighbor on the other side is experiencing water ponding on his property.

**Engineer/Plans:**

Mr. Knoebel reported that the Township has had a request from L & K Storage, Grandview Station Land Development Plan, for release of their financial security. He stated that they have received the information and as-built plan that was needed and are ready to recommend release of the remaining financial security. **Mr. Toddes made a motion to release the remaining financial security, in the amount of \$21,460.00, seconded by Mrs. Ramsburg and carried.**

Mr. Knoebel gave an update on the Keystone Service Systems As-Built Plan and gave some input on Mr. Gross's comments. Mr. Knoebel reported that the amended Development Agreement included a 36-month monitoring period to give them a chance to inspect and get some benchmarks how the de-watering system functions in dry weather, wet weather, frozen ground, etc. He added that they are interested in the local perception and welcomed their pictures/information. Mr. Knoebel also reported that Keystone did submit an as-built plan that was reviewed and many of the engineer's comments were in line with Mr. Gross's comments, they will be seeking answers to these questions and will be able to respond accordingly when they are received. Mr. Knoebel added that at the end of the 36-month monitoring period, if it is determined that the de-watering system is not functioning properly, they must come back with an

alternative for a long-term solution.

Mr. Knoebel also spoke to the Board about their review for Cumberland Village, Phase IIA and the developer and his representatives were present with concerns. Mr. Knoebel stated that they supplied a report to the Board dated January 24, 2020 which consists of comments from the conditional approval of the preliminary plan that was granted back in August, 2019. Mr. Knoebel reported that there were six comments that will need to be accounted for with submission of the final plan and two of those comments; one regarding a pedestrian path between Phases 1 & 2 and the closure of Herr's Ridge Road from Fairplay Road to Paddock Drive. The road closure is no longer part of the plan, but under the preliminary plan approval the Township would reserve its' right to review this at a later date as part of final plan submission. The developer requested that these two comments be removed from the review letter as he feels that these two items are no longer applicable. Mr. Toddes stated that he remembered that the thought for a pedestrian path was abandoned due to obstructions, but there was no vote on the matter. Mr. Thomas suggested that closing the road is a Township matter, not a developer matter. After some discussion, **Mr. Toddes made a motion seconded by Mrs. Ramsburg and carried to eliminate comment #4 from the January 24, 2020 review letter by KPI.** There was further discussion about the closure of the road. **Mr. Toddes made a motion to eliminate comment #5 from the January 24, 2020 review letter seconded by Mr. Phiel and carried.**

Mr. Knoebel reported that the Adams Electric Final Plan was not recorded in the required 90-day time period and will need reapproval. **Mr. Phiel made a motion to re-approve the Adams Electric Final Plan for recording. The motion was seconded by Mrs. Ramsburg and carried.**

**Police Report:** Police Chief Don Boehs presented a written and oral report of police activities for the month of December, 2019 including: 245 complaints - Psych/suicide-5, Disturbances-9, Assault/Harassment-2, Domestic-13, Criminal Mischief-1, Suspicious Activity-12, Thefts-1, Alarms -9, Medical Emergency-8, 911 Hang Up-4, Wanted Person -0, Reported Drug Activity -1, Welfare Checks -8, Shots Fired -0, Fraud -2, Burglary -1, Sexual assault -0, Follow-up Investigation -26, SRO Calls -11 with 2 arrests; 51 traffic stops, 46 combined arrests, 7 traffic accidents, 15 targeted enforcements, 9,373 patrol miles and 47 walk-in complaints. He added that they assisted other agencies 8 times and they were assisted twice. There were two assists to Pa. State Police. Police Chief Boehs also reported that their call volume is down a little from 2018, but the crimes are more violent. He added that the SRO handled 199 complaints at the schools.

#### **Active Business:**

**Mr. Toddes made a motion seconded by Mr. Phiel and carried to appoint Mr. Ben Thomas, Jr. to the Legislative Committee and Mrs. Barbara Underwood to the Public Safety Committee of the Adams County Council of Governments.**

Mr. Thomas reported that the Board of Auditors met on January 7, 2020. The Board consists of James Brown, Riley Hollingsworth and Walter Debany. James Brown was appointed Chairman and Walter Debany was appointed Secretary. The Auditors set the pay rates for the Supervisors for 2020. Mr. Thomas reported that he is not aware of a Supervisors ever requesting the additional pay.

**Mr. Toddes made a motion seconded by Mr. Brauning and carried to appoint Mr. Phiel Trustee for the Deferred Compensation 457 Plan.**

Mr. Thomas reported that the Township must update their Emergency Operations Plan, authored by the Township's Emergency Management Coordinator David Sanders, every two years. He added that the document is confidential. **Mrs. Ramsburg made a motion to adopt Municipal Plan Resolution 2020-**

**07 seconded by Mr. Brauning and carried.**

Mr. Thomas reported that the Township was notified by Adams County Office of Planning and Development (ACOPD) that the Township will be asked at the end of this year if they wish to extend the Waste Hauling Contract with Waste Connections. The current contract is good through 2021. He added that ACOPD is looking at their staffing needs and this is a very time-consuming undertaking for them.

Mr. Thomas reported the Supervisors' Opt-In or Opt-Out of the Township's health care coverage:  
Mr. Waybright – opt-in (Supplemental only); Mr. Toddes – opt-in (Supplemental only);  
Mr. Phiel – opt-in; Mrs. Ramsburg – opt-in; Mr. Brauning – opt-out

Mr. Toddes reported that the following people have been appointed to the Comprehensive Zoning Review Committee: Riley Hollingsworth, Dave Waybright; Kenny Caudill and Barbara Underwood from the Planning Commission; Steve Toddes, David Sites; Facilitator – Timothy J. Staub, AICP from HRG Engineering and Related Services; also attending: Adams County Office of Planning and Development, Township Staff and National Park Service will be notified. **Mr. Phiel made a motion to affirm the appointees of the Comprehensive Zoning Review Committee seconded by Mr. Toddes and carried.**

Mr. Thomas reported the following dates for the 2020 E-Cycling events for Township residents who do contract with Waste Connections. Residents should bring identification and a copy of their latest Waste Connections bill. The collections are from 8:00 A.M. to 10:00 A.M.

March 14<sup>th</sup> – Emergency Services Bldg. - Straban Township – 230 Greenamyer Lane

June 6<sup>th</sup> – Cumberland Township Municipal Building – 1370 Fairfield Road, Gettysburg

Sept. 12<sup>th</sup> – Abbottstown Rec Park – 241 High Street, Abbottstown

Dec. 5<sup>th</sup> – East Berlin Boro Park – 523 North Ave., East Berlin

Mr. Thomas also reported that there will be a Farmland Preservation Workshop held on January 30, 2020 at 6:00 P.M. at the Adams County Ag Center.

Mr. Thomas reported that the Pa. Emergency Management Agency Floodplain Management Activities Annual Report was submitted on January 21, 2020.

Mr. Thomas also reported that we are receiving reports from Barlow and Gettysburg Fire Departments and funding to the departments will not be done until summer when the tax dollars are coming in.

Mr. Thomas read from a list of 25 items that he has identified as 2020 Strategic Planning Projects. A few of which are: staffing – separating the Secretary/Treasurer's responsibilities; UCC inspections now being done by Pa. Municipal Code Alliance (PMCA); MS4; building renovations; GARA funding; Gettysburg/Cumberland Regional Police 2020 Study; ordinance reviews; Intergovernmental Agreement discussion when Cumberland Township Police Department respond to assist in non-municipal police municipalities; Oaklawn Memorial Gardens; CTA's office lease agreement; continued pro-active road maintenance program, 2020 Census and new platform for Township's website with Adams County Information Technology Department.

Mr. Thomas stated that he is requesting authorization to apply for a Municipal Assistance Program Grant for the Comprehensive Zoning Update. He added that it is a 50% grant and if awarded the Township could receive around \$16,000.00. **Mr. Toddes made a motion seconded by Mr. Phiel and carried to adopt Resolution 2020-08 authorizing an application to the Pa. Municipal Assistance Program.**

Mr. Thomas requested that the Board set a hearing date for a Zoning Map amendment requested by Susquehanna Area Regional Airport Authority (SARAA). The parcel that is currently owned by SARAA is zoned Mixed Use (MX) and they are asking that it be re-zoned to Airport (AIR) since the property will

be used to expand the current airport. The property is located on Chambersburg Road next to the airport. **The hearing was scheduled for March 19, 2020 at 6:00 P.M.**

**Finance Committee:**

Mr. Phiel requested approval of a budgeted expenditure to install the three manual garage doors with electric garage door openers with a low bid from K & K Doors of \$3,045.00. **Mrs. Ramsburg made a motion to approve the installation of three electric garage doors seconded by Mr. Toddes and carried.**

Mrs. Ramsburg reported that the Finance Committee is recommending upgrading the WIFI in the Township Building, Police Department and Maintenance Building, at a cost of \$2,760.00. **Mr. Phiel made a motion to replace the WIFI as recommended seconded by Mr. Brauning and carried.**

Mr. Phiel reported that the next recommendation is internal office building maintenance for bathroom handicap access, repainting all interior, installation of water back-flow preventers as mandated by Gettysburg Municipal Authority, new ceiling tiles and new bathroom flooring at approximate cost of \$14,425.00 (paid by General Fund and Capital Reserve Fund). **Mr. Brauning made a motion to approve the expenditures as reported by Mr. Phiel, seconded by Mr. Toddes and carried.**

Mrs. Ramsburg reported that the CASE backhoe has been paid off; the 2018 Liquid Fuels Audit was successfully completed, and the 2019 Audit is underway.

**Solicitor:** Solicitor Wisner reported that there is an increase in interest being shown for raw land for the installation of solar facilities and the Township's Zoning Ordinance does not specifically address these types of facilities. He added that the Board authorized a Curative Amendment for some regulations to address the solar facilities and the Township has until May to adopt an ordinance. He added that he has gone over some concepts with the Manager and Zoning Officer and would like to discuss these concepts with the Board and get approval to forward, in ordinance form, to the Township and County Planning Commissions for their review. Solicitor Wisner would like to piggyback the hearing with the Zoning Map Amendment hearing that was just scheduled. Solicitor Wisner explained the different types of solar facilities: Accessory – provides power only to the home or business that it is attached to or near and they would be permitted in every zoning district subject to certain requirements; Solar Energy Farms - which are typically acres and acres of solar panels on the ground that would be permitted in the Agricultural (minimum parcel size of 100 acres) and Agricultural/Residential (minimum parcel size of 75 acres). He added that the other concern is buffers/screening and they have proposed a setback of at least 50 feet and a B2 buffer which consists of deciduous trees, flowering trees and evergreen trees. Solicitor Wisner added that decommissioning is also a concern and the ordinance would require financial security (to be updated every five years) to remove the solar panels and any of associated improvements that went along with the facility. Solicitor Wisner took comments and answered questions from the Board and residents. **Mr. Brauning made a motion seconded by Mr. Toddes and carried to forward the Draft Solar Ordinance to the County and Township Planning Commissions for their review.**

Solicitor Wisner also reported that the "Appointed Officials" Ordinance has been amended to bring the ordinance into conformity with the Manager's Employment Agreement. He explained that the residency requirement has been clarified; makes a small clarification regarding salary and clarifies the "elective offices" that cannot be held are in the Township, not another municipality. **Mrs. Ramsburg made a motion to advertise the amended ordinance for action at the February regular meeting seconded by Mr. Phiel and carried.**

Solicitor Wisner reported that FEMA has prepared revised floodplain maps and the Township is required to update their Floodplain Ordinance by July 22, 2020. He added that FEMA does have an initial model for

the Township's use, but there is more too it in regards to the Subdivision and Land Development Ordinance. Solicitor Wiser added that the Township is also required to appoint a Floodplain Manager. Mr. Thomas suggested that he feels that the Floodplain Manager should be an engineer because it is highly technical, and the Township should get a quote for this service. Solicitor Wiser stated that he will start by working with the model ordinance and when complete, forward it to the Planning Commission.

Solicitor Wiser reported that the "Cluster Overlay Standards" in the Residential zoning standards do not reference a height limitation. He added that he has handed out a revision that includes the height limitation in the "Cluster Overlay" zone. **Mr. Toddes made a motion seconded by Mr. Phiel and carried to move the "Cluster Overlay" amendment on to the Planning Commission for their review.**

Lastly, Solicitor Wiser reported that Gettysburg Borough's Historic Architectural Review Board (HARB) Ordinance has a provision in their ordinance that allows for a minor request to be approved by the permit officer. He added that their ordinance does not describe "minor", that would have to be done and suggested that the staff work with himself and PMCA representatives to come up with a definition. The Board agreed to this work being done.

**Committee Reports and comments from Board Members:**

Chairman Waybright publicly thanked Mrs. Underwood and Mr. Paddock for their service on the Board of Supervisors. Chairman Waybright also welcomed the two new Supervisors Tiffany Stouck Ramsburg and Jeff Brauning.

**PARKS AND RECREATION** – Mr. Toddes reported that things are going well at the park. They are redoing a baseball field.

**CTA** – Mr. Toddes reported that Boyd's School Road pumping station is going to need to be replaced and they are applying for a grant through the Pa. Small Water and Sewer Program. The cost to replace the pumping station is approximately \$356,984.00. He added that if they get the grant the Authority would have to match 15% which is \$53,540.00. He also added that they have to do more testing at the plants because copper was detected.

**COG**- Mr. Toddes reported that there was someone from the 2020 Census at the COG meeting and they are looking for people to work. He added that the Township gets money for each person counted so it is important for everyone to be counted and you can go online starting on March 23, 2020 to answer the Census questions.

**Public Safety, Personnel, Highways, Planning and Zoning, Building and Grounds, Economic Development and CT411** – No reports.

The Zoning Officer and Secretary/Treasurer's reports were reviewed.

Sergeant Biggins reported that Officer Rosenberger will be receiving an award here on February 10, 2020 at 1:00 P.M. for the Aggressive Driving Program and he invited the Board to attend.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 9:12 P. M. for an Executive Session for personnel matters.

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Carol A. Merryman, Secretary

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