

**Cumberland Township Board of Supervisors  
1370 Fairfield Road, Gettysburg, PA 17325  
November 26, 2019 Meeting Minutes  
6:00 P.M. and 7:00 P.M.**

At 6:00 P.M. Township Engineers Tim Knoebel and Brandon Guiher gave an educational overview of the Township's Municipal Separate Storm Sewer System (MS4). Present were Supervisors Underwood, Paddock, Toddes and Phiel, Manager Ben Thomas, Jr., Solicitor Sam Wiser and Secretary Carol Merryman. Also present were Andrea Grabenstein from the Gettysburg Times and ten residents.

Mr. Knoebel gave MS4 information on the following:

- Required permit renewed annually costing \$500.00
- Six Minimum Control Measures that the Township must demonstrate compliance with
- Chesapeake Bay Pollutant Reduction Plan (PRP)
- Projects that can be done to meet the requirements of the PRP estimated costs of \$550,000.00
- Ways to help fund the projects and possible fees to the residents
- This information will be placed on the Township's website and there will be a public review comment period on the December 19, 2019 regular meeting agenda

The educational session was adjourned at 7:15 P.M.

The regular meeting was called to order at 7:20 P.M. by Chair Underwood. Present were Supervisors: Underwood, Phiel, Paddock and Toddes; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Engineers Tim Knoebel and Brandon Guiher and Secretary Carol Merryman. Also present were Andrea Grabenstein from the Gettysburg Times and approximately twelve residents.

Chair Underwood led the Pledge of Allegiance.

**Mr. Toddes made a motion seconded by Mr. Phiel and carried to approve the Minutes of the October 3 and October 19, 2019 workshops and October 22, 2019 Joint Meeting.**

**Mr. Phiel made a motion seconded by Mr. Toddes and carried to approve the bills as stated by the Chair: Bills - \$147,162.55 from the General Fund, \$1.46 from the Fire Tax Fund, \$2,363.50 from the Escrow Fund, \$77,566.02 from the Capital Reserve Fund and \$8,500.00 from the State Fund. Mr. Toddes made a motion seconded by Mr. Paddock and carried to approve the transfer of \$28,519.78 from the General Fund to the Health Insurance Account.**

**Public comment:**

Mr. Speros Marinos, 912 Baltimore Pike, thanked Chair Barbara Underwood and Supervisor Jim Paddock for their service to the Township and for their commitment to Public Safety and Road Maintenance. Mr. Marinos also asked the Board to get the Zoning updated as soon as possible.

Mrs. Nita Gross, 938 Barlow Greenmount Road, thanked the Board for asking Keystone Services to meet with them and reported that they did just hear from someone and they will be touring the house. Mrs. Gross also stated that the mowing was not done to the back of the property as they were required to do.

Mr. Steve Boggs, 76 Kestrel Drive, complained about neighbors shooting groundhogs in their development. Mr. Boggs asked the Board to consider adopting an ordinance to prevent this in the future. The Board suggested that Mr. Boggs call the Police Department at the time of the incident.

**Engineer/Plans:**

Mr. Knoebel reported that the Township has a request from the American Battlefield Trust for an extension to the timeframe for approval of their plan until March 10, 2020. **Mr. Paddock made a motion seconded by Mr. Phiel and carried to approve the request for extension for American Battlefield Trust Minor Subdivision Plan until March 10, 2020.**

Mr. Knoebel also reported that the Township has a request from Keystone Service Systems for an Escrow Reduction down to the \$35,000.00 that is being held until the end of the 36-month maintenance period for the dewatering system. Mr. Knoebel stated that they did the work on the property, it is functioning and it will continue to be monitored but, there are three items that need to be addressed including; mowing, an as-built plan and certification from the design engineer that all of the work has been finished and inspected by them. Mr. Knoebel recommended that the request be denied until the three items have been completed. **Mr. Paddock made a motion to deny the request as recommended by Mr. Knoebel seconded by Mr. Phiel and carried.**

Mr. Knoebel reported that the Township has a request from the Gettysburg Landscape Supply for full release of their financial security, in the amount of \$3,500.00. Mr. Knoebel recommended that the full release could be made. **Mr. Paddock made a motion seconded by Toddles and carried to approve a full release of financial security for Gettysburg Landscape Supply, in the amount of \$3,500.00.**

Mr. Knoebel reported that the Township has a bond release request from Cumberland Village, Phase 1C. The request is for release of the remaining \$60,865.00 and Mr. Knoebel reported that Items 2 – 4 of their December 17, 2018 report have not been addressed and therefore he can not recommend that the security be released. **Mr. Paddock made a motion to deny the request from Woodhaven Building and Development, Inc. seconded by Mr. Phiel and carried.** Mr. Knoebel added that they fully expect the developer to address the remaining items in the spring.

Mr. Knoebel reported that the Gettysburg Ridge Land Development Plan has been recommended for approval by the Township Planning Commission. The plan consists of 32 multi-family residential apartments located on Deatrck Drive. All but one of the units has a garage. Mr. Knoebel has prepared a report dated November 26, 2019 and he went over the comments that include two waiver requests and many of the comments are administrative items. The first waiver request is to Section 507.2.A.2.a to allow slopes greater than 10% within 20 feet of a property line. Mr. Knoebel explained that they would like the slope to be mowable and the Planning Commission did recommend that the waiver be granted. The second request is to waive the requirement in Section 303 to submit a preliminary plan, also recommended by the Planning Commission. Mr. Knoebel went over the comments and one requires that a note be added to the plan regarding “No Parking” on Deatrck Drive and the developer provide and install the signage and traffic studies as necessary to implement this. **Mr. Toddles made a motion seconded by Mr. Phiel and carried to grant the waiver to Section 507.2.A.2.a to allow slopes greater than 10% within 20 feet of a property line. Mr. Toddles also made a motion seconded by Mr. Phiel and carried to approve the waiver to Section 303 to require submission a preliminary plan.** Mr. Thomas asked Mr. Sharrah for a timeline to get the conditions met and he indicated that they should be able to have it done in two weeks. Mr. Thomas also suggested that the note be modified to include the developer must pay all costs of ordaining the “No Parking” on Deatrck Drive. **Mr. Toddles made a motion to conditionally approve the Gettysburg Ridge Land Development Plan subject to addressing the comments in Mr. Knoebel’s November 26, 2019 memo including a modification to comment #4 adding that the developer pay all costs associated with ordaining the “No Parking” on Deatrck Drive. The motion was seconded by Mr. Phiel and carried.**

Mr. Knoebel reported that the Township has a request for the dedication of the streets in Cannon Ridge, Phases 1 & 2. He added that the developer did place a fog seal on the roads after 80% of the homes were built. He also reported that they provided a report to the Township dated November 25, 2019 of what they feel needed to be addressed prior to the dedication of the streets. He stated that they still need the signed and sealed as-built drawings, updated maintenance bond and he recommended that the Township could authorize the advertisement of the ordinance. He added that the developer would need to reimburse the Township since the roads will not be included in the Liquid Fuels allocation. **Mr. Phiel made a motion seconded by Mr. Toddles and carried to authorize the advertisement for the road dedication.** Mr. Thomas did point out S & A Homes is responsible for the winter maintenance of the roads until the streets has been formally dedicated to the Township and he will contact S & A Homes to make sure that they understand this.

Lastly, Mr. Knoebel reported that the Board did approve moving forward with a Small Water and H2O Grant application for the proposed MS4 projects and he asked that the Board approve any necessary resolutions and authorize the Board Chair to sign the associated documents. **Mr. Toddles made a motion seconded by Mr. Phiel and carried to approve any resolutions and authorizing the Board Chair to sign any associated documents regarding the Small Water and H2O Grant application.**

### **Police Report:**

Police Chief Don Boehs presented a written and oral report of police activities for the month of October, 2019 including: 333 complaints - Psych/suicide-4, Disturbances-5, Assault/Harassment-3, Domestic-8, Criminal Mischief-0, Suspicious Activity-13, Thefts-3, Alarms -10, Medical Emergency-14, 911 Hang Up-2, Wanted Person -0, Reported Drug Activity -1, Welfare Checks -10, Shots Fired -2, Fraud - 1, Burglary -1, Sexual assault -1, Follow-up Investigation -44, SRO Calls -32 with 5 arrests; 48 traffic stops, 38 combined arrests, 10 traffic accidents, 31 targeted enforcements, 9,346 patrol miles and 41 walk-in complaints. He added that they assisted other agencies 13 times and they were assisted once. There was one assist to Pa. State Police in Mt. Joy Township.

### **Active Business:**

Mr. Thomas reported that the 2020 Budgets are ready for preliminary approval and advertisement for final action at the December 19, 2019 regular meeting. He added that there were three public budget workshops held and the budget information will be placed on the Township's website. Mr. Thomas gave an overview of the budgets. He stated that the General Fund Budget is written without a tax increase and the budget is balanced by using reserve funds in the amount of \$173,891.00. He added that the Township hopes to end 2019 with a General Fund surplus of approximately \$1.4 million. **Mr. Phiel made a motion seconded by Mr. Toddles and carried to give preliminary approval to the 2020 Budgets and authorize advertisement for final approval at the regular meeting on December 19, 2019.**

The Board tabled the request from the American Battlefield Trust requesting the waiver of Clean and Green rollback taxes on the Alms House Cemetery property until Gettysburg Area School District has acted on the request. Mr. Thomas reported that Adams County did waive the taxes as requested.

Mr. Thomas gave a report on a meeting with Martin K.P. Hill regarding a trail paralleling Herr's Ridge Road connecting Cumberland Village Phase 1A and 1C to Phase 2A. Mr. Thomas also read an email from Martin K. P. Hill, indicating that there are physical constraints and no safe place to put a crosswalk. Mr. Thomas also reported that Mr. Hill is not interested in being financially involved with this proposal.

Mr. Thomas reported that Adams Co. Tax Services Dept. is providing a payment of \$1,060.55 as a one-time contribution for properties recently acquired by the National Park Service and are now tax-exempt.

Mr. Thomas reviewed the Adams Co. Council of Government Legislative Committee's resolutions that included endorsement of the following: Pa. Fire Service Long Range Planning SR6 Final Report and associated Pa. legislation; amending the Pa. Open Records Law to allow for a fair, recuperative fee to be charged for labor time spent on non-constituent requests and the Governor recently signed legislation where Townships may now enter into Intergovernmental Agreements by resolution instead of by an ordinance.

Mr. Thomas reported that the 2020 officers for the Adams County Tax Collection Committee will remain the same except they need a Secretary.

Mr. Thomas reported that the KPI Technology stop sign engineering study (Old Mill Road and Lakeview Drive) recommends that the three-way intersection remain posted. Mr. Thomas also recommended that fifteen posted intersections be ordained based on PennDOT Publication 212 and the Manual on Uniform Traffic Control Devices. **Mr. Toddles made a motion seconded by Mr. Phiel and carried to authorize Solicitor Wisner to prepare an ordinance to ordain all stop sign intersections not previously ordained.**

Mr. Thomas reported that the Conditional Use hearing scheduled for 6:00 P.M. on December 19, 2019 has been withdrawn following discussion with the Planning Commission. He added that they will be submitting later.

Mr. Thomas reported that there is a meeting scheduled with HRG and Adams Co. Office of Planning and Development in mid-December to continue discussion of the Comprehensive Zoning update. He stated that we will be receiving a revised (lower) cost quote from HRG and a proposed cost quote from Adams Co. OPD along with an Intergovernmental Cooperation Agreement. Final costs will be presented in January of 2020.

Mr. Thomas reported that the Historical Architectural Review Board met, and they recommended approval of the Adams Electric house being built by Gettysburg Area School District students. **Mr. Toddles made a motion seconded by Mr. Phiel and carried to authorize a Certificate of Appropriateness for a single-family dwelling located at 1330 Biglerville Road to be executed by the Township.**

Mr. Thomas stated that the Historic District Ordinance needs to be reviewed and the Review Board is having a hard time finding a building inspector to serve since the Township no longer has a building inspector in house. **Mr. Toddles made a motion to have the Historic District Ordinance reviewed by Township staff and Solicitor seconded by Mr. Phiel and carried.**

Mr. Thomas reported that the 2019 Audit will be performed by Smith Elliott Kearns and Company. He added that this is year three of a three-year agreement. **Mr. Phiel made a motion to affirm Smith Elliott Kearns and Company performing the 2019 Audit, at a cost of \$7,575.00, seconded by Mr. Toddles and carried.**

**Finance Committee:** Chair Underwood reported that the committee is recommending that they continue reviewing 2020 health care plans and working with the collective bargaining units. A final recommendation will be made at the regular meeting on December 19, 2019. **Mr. Phiel made a motion seconded by Mr. Toddles and carried for the Finance Committee to continue working on the 2020 health care plans.**

**Solicitor:** Solicitor Wisner reported that he has a proposed curative amendment to correct something in the

Zoning Ordinance. He added that solar panels are not addressed in the ordinance and fortunately the Township has not been inundated with requests like some other Townships have. He added that the ordinance should address them and if it does not, a property owner can request a curative amendment and they can place solar panels on their property without input from the Township. He stated that if the Township wishes to do so it can adopt a resolution to start the process. **Mr. Paddock made a motion seconded by Mr. Phiel and carried to adopt Resolution 2019-07 as follows:**

**RESOLUTION 2019-07**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, DECLARING ITS ZONING ORDINANCE SUBSTANTIVELY INVALID FOR FAILING TO PROVIDE FOR THE USE OF SOLAR FACILITIES, AND AUTHORIZING THE PREPARATION OF A MUNICIPAL CURATIVE AMENDMENT TO THE ZONING ORDINANCE**

Solicitor Wisner also reported that Cumberland Village, Phase II has submitted a revised Phasing Schedule as follows:

- Phase 2A 1 – final plan submitted on or before March, 2020 – 31 residential units
- Phase 2A 2 – final plan submitted on or before March, 2022 – 23 residential units
- Phase 2A 3 - final plan submitted on or before March, 2024 – 50 residential units

**Mr. Toddes made a motion to accept the revised Phasing Plan from Cumberland Village, Phase II seconded by Mr. Phiel and carried.**

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

**PUBLIC SAFETY** – Chair Underwood read a letter from Barlow Fire Company informing the residents that as of November 20, 2019, the house siren has been permanently placed out of service as a safety measure.

**PARKS AND RECREATION** – Mr. Toddes reported that the walking trail at the Gettysburg Area High School is now open for people to go walk inside and the skating rink is open.

**CTA** – Mr. Toddes reported that they discussed the Adams Electric house and Gettysburg Ridge.

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

Mr. Thomas reported that the new replacement truck will be placed in service next week and winter maintenance will be supported by contracted service.

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

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 9:00 P. M. for an Executive Session to discuss personnel and real estate with no action to follow.

\_\_\_\_\_  
Carol A. Merryman, Secretary

\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_) Supervisors  
\_\_\_\_\_)  
\_\_\_\_\_)