

Cumberland Township Board of Supervisors
Minutes of the July 28, 2015 Meeting 6:00 P.M.

The regular meeting was called to order at 6:00 p.m. by Chair Underwood. Present were all Supervisors: Underwood, Toddes, Waybright, Paddock and Ferranto; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Zoning Officer Bill Naugle and Secretary Carol Merryman. Others present were: Dale Molina, Carolyn Greaney, Speros Marinos, Steve Tallman, Barry and Jean Stone, Don Kauffman, Zach Gulden, approximately 12 residents from Barlow-Greenmount Road and Ken Knox from The Gettysburg Times. The meeting was recorded.

Chair Underwood led the Pledge of Allegiance.

Mr. Ferranto made a motion to approve the Minutes of the June 23, 2015 meeting seconded by Mr. Toddes and carried.

Mr. Toddes made a motion to approve the bill lists in the amounts of: \$147,643.82 (includes \$35,000.00 transfer to Capital Fund) from the General Fund, \$14,865.50 from the Escrow Fund and \$63,059.10 from the State Fund seconded by Mr. Waybright and carried.

Engineer/Plans:

Mr. Ferranto made a motion seconded by Mr. Toddes and carried to approve a request for extension to the 90-day time requirement for approval of Gettys Point Final Land Development Plan until October 31, 2015, as requested by their representative Sharrah Design Group, Inc.

Mr. Thomas reported that the Township has received a request for extension from St. Frances Xavier to extend their deadline for the completion of the intersection work at Table Rock Rd. and Boyd's School Road until October 31, 2015. Solicitor Wiser stated that he is in discussion with PennDOT about expediting their review of the structural adequacy report and if this is not possible the project may have to wait until next year. **Mr. Ferranto made a motion to approve the request for extension until October 31, 2015 seconded by Mr. Paddock and carried.**

Mr. Thomas made the following statements:

"Cumberland Township has received multiple inquiries from citizens along the Barlow-Greenmount Road regarding a possible, future "group home" in the area. The Township has been contacted by a new property owner, "Keystone," with very preliminary questions. No plans or applications have been submitted at this time. Any plans or applications, when submitted, must be reviewed for compliance to Township ordinances as well as any applicable Pennsylvania and Federal regulations. We appreciate the citizens who have contacted us and for their patience understanding we have no applications or submissions for review. One citizen is contacting us on a weekly basis, as we suggested, to see if any plans or applications have been submitted to then obtain copies via a Right to Know request."

"Cumberland Township has received a Preliminary / Final Plan for review known as Musket Ridge proposed for roadway access from Kinsey Drive off of SR0030 (Chambersburg Road.) This consists of proposed 61 duplex dwellings, a total of 122 units. The Cumberland Township Planning Commission has received staff, engineering, and Adams County Planning Commission comments that will be discussed at their August 13 meeting at 7:00 p.m. Following a recommendation from the Township's Planning Commission, the Plan will then appear before the Township Supervisors for review, public comment, and action. The Plan must be acted upon by the Township Supervisors by September 22, 2015 unless a request

for extension is received.”

Solicitor Wiser made the following statement:

“The Township has been made aware that the Zoning Hearing Board, an independent “quasi-judicial” body having exclusive jurisdiction in accordance with the Pennsylvania Municipalities Planning Code, has rendered a determination in the Keller non-conforming use matter. The Zoning Hearing Board has not yet issued a written determination. The objectors who appeared before the Zoning Hearing Board will have the opportunity to determine whether they wish to appeal the Zoning Hearing Board’s decision. Meanwhile the Township must abide by the decision, unless altered by a reviewing Court. The Township will continue in its review of other compliance matters, and take action when deemed necessary and appropriate.”

Visitors: Mr. Brian Fitzgerald, representing the Barlow-Greenmount Community Group, presented a written and oral report of their concerns regarding an eight patient group facility for people who all will have some type of mental health issue and could have criminal records, proposed to be built by Keystone Human Services in their neighborhood. The report indicates that the group has met with Keystone Human Services and this is where they got their information. Mr. Thomas reported in a statement above that the Township has received no applications/plans for the project. The group’s concerns includes: building size, parking, water run-off, no central water or sewer, no on-site security, possible limited staff, no crisis plan, the facility is financed totally with grant money from local/state/federal tax money, no public transportation, no sidewalks, no doctor’s offices in close proximity, no recreational activities or places outside of the home the residents can use due to the size of the facility on a three acre parcel, no convenience store within walking distance, Keystone has the option of paying taxes, existing foundation is the location of the proposed sand mound, water/drainage issues, higher traffic volumes, children’s safety, noise, lighting, increased burden on local community services, loss of wildlife habitat when lot is cleared and decreased resale value of surrounding properties. In closing, Mr. Fitzgerald stated that the residents understand the need for these types of facilities, but feel that there are more suitable locations available elsewhere.

Public Comment:

Jean Stone, 1745 Mummasburg Road, asked Solicitor Wiser when she would get answers to the questions in her July 9, 2015 letter that included a Right-to-Know request. She stated that she received copies in response to that request, but her questions in the letter were not answered. Solicitor Wiser stated that the Right-to-Know procedure is not a question / answer type of exchange, it is to provide documents. He added that, as he reported earlier, the Township is reviewing the matters and will take action when appropriate. Ms. Stone asked if she would be informed when the Township is taking action and Solicitor Wiser stated that a public statement may be made and a copy of that document could be requested and that enforcement matters are not for public discussion.

Elizabeth Magner, 470 Belmont Road, asked if she could comment on the Zoning Hearing Board determination on the Keller non-conforming use and Solicitor Wiser stated that she could, but he reiterated that the Zoning Hearing Board is an independent body, the Board of Supervisors has no ability to control, veto or change the determination that they made and the only way to challenge their determination is to go to the Court of Common Pleas. Ms. Magner asked if the Zoning Heard Board members are appointed or elected. Solicitor Wiser stated that they are appointed and Ms. Magner questioned the competency of the people appointed to the Zoning Hearing Board, as well as Solicitor Toms. She also questioned why the Township’s Planning Commission’s recommendation was not entered into evidence at the hearing, she felt that the hearing included a level of corruption and was disrespectful to the citizens that live in this community when they were not allowed to say anything at the hearing.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of June including; 479 complaints, 179 traffic stops, 123 combined arrests, 6 traffic accidents, 25 targeted enforcements and 16,213 patrol miles. He added that they assisted other agencies 26 times and they were assisted six times.

Active Business:

Mr. Thomas reported that in 2010/2011 the Board and Zoning Review Committee were looking at some zoning changes that included an Airport Hazard Area Overlay District. These changes were tabled pending the completion of the Joint Comprehensive Plan. He added that the owner of the airport had to purchase an easement from a developer because the Township does not have such a district. The Board asked the Adams County Planning Commission to give a brief review and comment on a draft ordinance and Adams County Planning has provided a letter dated June 19, 2015 that supports the incorporation of an appropriate Airport Hazard Overlay Zone that it is required by law and they do not recommend waiting for the completion of the Joint Comprehensive Plan. Solicitor Wiser stated that the next steps would be to address the County Planning's comments, obtain a final version of the Airport Overlay Map, put the final polish on the draft ordinance that was previously prepared and then present that ordinance to the County and Township Planning Commissions for their review and recommendation and lastly advertise for adoption by the Board. **Mr. Paddock made a motion to authorize the Township staff and Solicitor to start the process seconded by Mr. Ferranto and carried.**

Mr. Thomas reported that the Township received a letter from Comcast, dated June 18, 2015, requesting "Commencement of Renewal Process" for the Township's cable television agreement that expires in February, 2018. He added that there is no action needed at this time and that he and Solicitor Wiser have briefly met about this and there are a few proposals that could be placed in the agreement that would not have a financial impact at the local level. Chair Underwood asked that information be gathered on the previous renewal that was negotiated with other Townships in a consortium to reduce costs. Chair Underwood will also alert Adams County Connected.

Mr. Thomas reported that Gettysburg Fire Department has requested a Fire Tax Distribution of \$54,943.58 and after review it appears that their request does meet the Memorandum of Understanding. He added that Barlow Volunteer Fire Company has requested \$17,242.46 and Greenmount Fire Company has requested \$42,463.94. Mr. Thomas added that he is recommending that Gettysburg's request be funded and to table the requests from Barlow and Greenmount pending their response to some internal matters that the Public Safety Committee is working on with them. **Mr. Ferranto made a motion to reimburse Gettysburg Fire Department \$54,943.58, as requested, seconded by Mr. Toddes and carried.**

Mr. Thomas reported that the Township has received a request from Barlow Volunteer Fire Co. for proposed changes to their Emergency Medical Services box card assignments. He added that he received a similar request from Greenmount for their changes this afternoon. Mr. Thomas explained the reason for the changes is the creation of the Central Adams Regional Emergency Medical Services and recommends approval of the changes. **Mr. Waybright made a motion seconded by Mr. Toddes and carried to approve the changes to Barlow and Greenmount Fire Companies' box card assignments.**

Mr. Thomas asked that the discussion of the future funding of capital road and equipment projects be tabled and a special budget meeting be scheduled in early October. He added that the Township is growing and there are going to be staffing, capital road improvements and equipment needs. Mr. Thomas also reported that upgrading the Township Building is being explored and he hopes much of that could be paid for with grant money.

Mr. Thomas reported that the Township received a letter from the Gettysburg Foundation informing the Township of their intent to construct a new, multi-purpose trail to connect the historic George Spangler Farm with the Gettysburg National Military Park Museum and Visitor's Center. The letter also states that they want to apply for grant funding and the notification of the Township is part of the grant submission process. **Mr. Ferranto made a motion to send a letter back to the Gettysburg Foundation acknowledging their notification of their intent to construct a multi-purpose trail and endorsing their action to apply for project funding from the Pa. Dept. of Conservation and Natural Resources and the Pa. Dept. of Community and Economic Development seconded by Mr. Paddock and carried.**

Mr. Thomas reported that the Township has received a letter from Bea Waybright, owner of the Mary Penn Bed and Breakfast, requesting a reduction of the required \$5 million liability insurance to \$1 million for a Special Event scheduled for August 29, 2015. **Mr. Ferranto made a motion to reduce the \$5 million requirement to \$1 million for their event on August 29, 2015 seconded by Mr. Toddes and carried.** Mr. Waybright abstained. Solicitor Wiser reported that they are in the process of amending the Special Event Ordinance to change the insurance requirement and a few other items.

Solicitor – Solicitor Wiser reported that the Township received notification from their Pension Administrator, Rhoades and Owen, that an amendment is needed to the Police Pension Plan in order for the plan to be compliant with all tax requirements and he asked the Board to authorize the advertisement of the ordinance. The Board so authorized Solicitor Wiser to proceed with the advertisement for adoption at the August meeting.

Mr. Thomas reported that the Cumberland Township Authority is entering into a Loan Modification and will be saving significant funds.

Mr. Thomas also reported that the Joint Comprehensive Plan is now linked with the Township's website.

Mr. Thomas reported that last night he attended the York Adams Tax Bureau, York Adams Tax Collection Committee and Adams County Tax Collection Committee meetings. He added that Adams County set the collection rate for 2016 at 2% and in October, the York Adams Tax Bureau will be coming to the municipalities to ask them to approve refund disbursement to the municipalities because they made money. The York Adams Tax Bureau's 2014 Audit was approved with no findings. Mr. Thomas also reported that the Gettysburg Office, in the past six months, had 2,371 walk-ins, processed 10,000 more returns and 5,600 more delinquent returns than last year.

Committee Reports and comments from Board Members:

Finance – **Mr. Ferranto made a motion to purchase a 2015 Chevrolet Caprice police vehicle and equipment through the Westmoreland Council of Governments, in the amount of \$35,457.36, seconded by Mr. Waybright and carried. Mr. Waybright made a motion to deem the Dodge Charger 15-2 as surplus seconded by Mr. Paddock and carried.**

Public Safety – Chair Underwood reported that they are waiting to hear back from Barlow and Greenmount Fire Companies.

Planning and Zoning - Regional Comprehensive Plan – Public presentation by County Planners on August 17, 2015 from 3:00 p.m. to 7:00 p.m. at the Ag Center and they will be on the Gettysburg Square on First Friday and their office will be open.

Park and Rec – Mr. Toddes will be bringing a proposal to one of the next meetings requesting money from the Township's Park and Rec funds to re-do some of the ball fields at the park.

Personnel – Executive Session to be held at the August 6, 2015 workshop.

COG – met last week and next month's speaker will speak about West Nile Virus

Economic Development – The former Schindler Elevator property has been purchased by Moran Industries of Watsontown, PA and the Township has only had preliminary contact with them and does not know what they are proposing to do with the property. The company has a record of dealing with Brownfield sites.

Staff Reports:

The Zoning Officer and Secretary's reports were reviewed.

Unless otherwise noted, all votes were unanimous.

There being no further business, the meeting was adjourned at 7:07 p.m.

Carol A. Merryman, Secretary

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