

## Minutes of the March 18, 2010 Workshop Meeting

The workshop meeting was called to order at 8:30 a.m. by Chairman Waybright. Present were all Supervisors; Attorney Melissa Dively, Carol Merryman, Chief Boehs, Tim Knoebel and Scot Pitzer from The Gettysburg Times.

Mr. Knoebel reported that a request has been made for the Board to reconsider their denial of the Preserves at Plum Run and Wayne and Susan Hill Plans and the developer does have a right to appeal the decision. This item is on the agenda for Tuesday night's meeting and can be discussed further and handled at that time.

Attorney Dively reported that the Board of Supervisors is given the authority by the Second Class Township Code and Sunshine Act to set policies and procedures regarding how public hearings are conducted. She added that the Planning Commission had done so at their last meeting and they had limited public comment to five (5) minutes, asked that a group have one spokesperson unless there is new information that the spokesperson did not cover to limit redundancies and to have the solicitor conduct the hearing. There was some discussion about whether public comment should be limited to residents and taxpayers of Cumberland Township and it was agreed to leave that to the solicitor's discretion. **Mr. Shealer made a motion to set the following procedures for public hearings: comment period shall be limited to five (5) minutes, a group shall have one spokesperson unless there is different information not given by the spokesperson and the solicitor shall conduct the hearing. The motion was seconded by Mrs. Underwood and carried.**

Mr. Shealer stated that he will not be in attendance at the meeting next Tuesday and he would like to discuss the complaint filed by Wesley Harlow on Sachs Road regarding damage done to his driveway by the snowplow. He reported that the road crew was doing reverse plowing because of the bad drifting and the plow blade caught the corner of the concrete and lifted it up. He added that there was nothing reinforcing the concrete and appeared to already be cracked. He stated that the township's policy has always been that the homeowner is responsible for their driveway up to the point that it touches the macadam. Mrs. Golden asked how many complaints were received and Mr. Shealer reported that he had received two complaints and she felt that the township should be responsible for the damage. This item is on the agenda for Tuesday evening's meeting and the Board will give this some consideration between now and then.

At 8:50 a.m. Chairman Waybright recessed the workshop meeting for the first public hearing scheduled for a Conditional Use application for Gary and Joyce Maitland who wish to build a single-family detached dwelling in the "MX" Mixed-Use district. Please see the transcript for the entire record of the hearing.

At 9:10 a.m. the public hearing was closed by Attorney Dively and the workshop meeting was reconvened.

Mr. Knoebel discussed the requests for extension. He reported that there are two Grandview Station plans and the request is for the three-lot subdivision plan and not the land development plan. He added that the plan may be ready for action and he will check on that between now and Tuesday. He also reported that there is progress on the Pickett's Choice plan by virtue of other development in the area. They are moving forward with their pump station to facilitate St. Francis.

Mrs. Golden asked Mr. Pitzer to mention in the newspaper that Ken Murdock from IESI will be attending Tuesday's meeting to hear concerns and answer any questions regarding their trash collection services

Mr. Phiel reported that the Finance Committee is in the process of preparing an application to the State's Department of Community and Economic Development for a 50% matching grant for the preparation of a Five-Year Fiscal Plan.

At 9:20 a.m. the workshop meeting was recessed for a public hearing on a proposed text amendment to the township's Zoning Ordinance by adding a definition for Licensed Gaming Facility; by adding Licensed Gaming Facility as a use permitted in the "MX" Mixed-Use District; and adding provisions for required off-street parking. There were approximately sixty people present for the hearing. Please see the transcript for the entire recording of the hearing.

At 10:47 a.m. Attorney Dively closed the public hearing.

At 11:00 a.m. Chairman Waybright reconvened the recessed workshop meeting.

Chairman Waybright stated that the first order of business is a decision on the Maitland's Conditional Use application.

**Mr. Phiel made a motion to approve the Conditional Use application with their understanding that any use permitted in the MX district can come in next door to them seconded by Mrs. Underwood and carried.**

Chairman Waybright stated that the next item on the agenda is a decision on the proposed text amendment for gaming facilities and that a hearing was held on the proposal this morning.

Attorney Dively added that it was duly advertised, pursuant to the MPC, that the text amendment would be considered for adoption at the conclusion of the public hearing at the reconvened meeting.

**Mr. Shealer made a motion to approve the text amendment to the Zoning Ordinance to permit gaming facilities seconded by Mr. Phiel.** Attorney Dively also stated, for the record, that Board member Golden has stepped out pursuant to her recusal. Mr. Shealer stated that he listened very carefully to everyone's comments and took into consideration what was being asked by the developer and will base his decision on that. Mrs. Underwood stated that she appreciates everyone's comments and opinions and she is very mindful of the Township's SALDO. Mr. Phiel stated that those who know him and know his background of thirty years with the National Park Service and with the re-enactment know that probably no one gives more priority and credence to history in this community than he does, he was born and bred here and this is not a light decision but, in listening to all the parties and considering all the facts all ready given that is how he will base his decision. **A roll call vote was taken as follows: Mr. Shealer voted in favor, Mr. Phiel voted in favor, Chairman Waybright voted in favor and Mrs. Underwood voted in favor. The motion carried.**

**Being no further business the workshop meeting was adjourned at 8:30 p.m. by motion of Mr. Phiel seconded by Mr. Shealer and carried.**

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Carol A. Merryman, Asst. Secretary

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