

**Cumberland Township Board of Supervisors  
Minutes of the October 23, 2012 Meeting**

The regular meeting was called to order at 7:00 p.m. by Chairperson Underwood. Present were Supervisors Shealer, Toddes and Ferranto; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Assistant Secretary Carol Merryman, Police Chief Don Boehs and Zoning Officer Bill Naugle. Others present were: Carolyn Greaney, Dale Molina, Don Sangirardi, Sherrin Poland, Jim Paddock, Mr. and Mrs. Eugene Brehm, Steve Tallman, Barry and Jean Stone, Marty Hill, Marty Miller, Bob Sharrah, Alex Hayes from the Gettysburg Times and Amy Stansbury from The Evening Sun. The meeting was recorded.

Chairperson Underwood led the Pledge of Allegiance.

**Mr. Ferranto made a motion to approve the Minutes of the September 20, 2012 workshop meeting and the September 25, 2012 regular meeting seconded by Mr. Toddes and carried.**

**Mr. Shealer made a motion to pay the bills, in the amount of \$135,402.74 from the General Fund, \$985.50 from the Escrow Fund and \$145,805.14 from the State Fund, seconded by Mr. Ferranto and carried.**

**Engineer:**

Mr. Thomas reported that a public hearing date needs to be scheduled for the proposed vacation of the public road in conjunction with the M & L Properties Land Development. Solicitor Wiser reported that he must notify the adjoining property owners ten days prior to the hearing and he will advertise the ordinance and the public hearing. Mr. Thomas recommended the workshop that has been advertised for December 6, 2012 and suggested that the hearing be scheduled for 6:30 p.m. before the workshop that evening. **Mr. Ferranto made a motion to advertise the public hearing for the proposed road vacation for M & L Properties on December 6, 2012 at 6:30 p.m. seconded by Mr. Toddes and carried.**

**Mr. Toddes made a motion seconded by Mr. Ferranto and carried to adopt the Memorandum of Understanding with Adams County Soil Conservation District, as recommended by Mr. Knoebel, Township Engineer, for the E & S Control Programs and NPDES Programs.**

Mr. Thomas reported that Woodhaven Building and Development, Inc. has submitted a request for extension for their development, Cumberland Village, Phase II, Preliminary Plan for one (1) year from the current plan expiration date of December 3, 2012. **Mr. Ferranto made a motion to approve the request for one-year extension until December 3, 2013 seconded by Mr. Toddes and carried.**

Mr. Thomas also reported that Mr. Sharrah has submitted a request for extension, on behalf of the Judy Miller Subdivision, to extend the review period until January 31, 2013. **Mr. Shealer made a motion to approve the request for extension for the Judy Miller Subdivision until January 31, 2013 seconded by Mr. Ferranto and carried.**

Mr. Thomas also reported that Mr. Sharrah has also submitted a request for extension, on behalf of the M & L Properties, LLC, for the expansion of the Confederate Woods Animal Hospital Land Development Plan until January 31, 2013. **Mr. Toddes made a motion to approve the request for extension for M & L Properties, LLC until January 31, 2013 seconded by Mr. Ferranto and carried.**

Mr. Thomas reported that Mr. Knoebel, Township Engineer, has requested that the Board approve a Resolution, written by Solicitor Wiser, adopting the Stormwater Design Assistance Manual. **Mr. Shealer made a motion seconded by Mr. Ferranto and carried to adopt Resolution 2012-12 adopting the Stormwater Management Design Assistance Manual as provided for in the Stormwater Management Ordinance.**

## Public Comment:

Mrs. Jean Stone, 1745 Mummasburg Road, asked why the letter from the Attorney General's office regarding the change to the Agricultural/Residential district removing the Concentrated Animal Operations as a Conditional Use was not on tonight's agenda and it had been on the draft agenda. Solicitor Wisner stated that the receipt of the letter was acknowledged at the workshop meeting and the Attorney General's office has 120 days to make their review and get back to the Township. He added that there was no action to be taken and the Board cannot speculate on what might happen. Mrs. Stone suggested that it would have been nice if some information had been given at tonight's meeting because not everyone checks the website or can come to the workshops.

Mr. Speros Marinos, 912 Baltimore Pike, thanked the Police Department for what they do and stated that it would be better if they could use radar. He also asked the Board to work on the Zoning Ordinance.

## Police Report:

Police Chief Boehs stated that radar guns can only be used by the PA State Police, not by the local jurisdictions, and PA is the only State in the nation where local police cannot use radar.

Police Chief Don Boehs presented a written and oral report of police activities for the month of September including 449 complaints, 96 combined arrests, 86 traffic stops, 16 traffic accidents and 8,489 patrol miles. He added that they assisted other agencies 10 times and they were assisted 3 times. Mr. Shealer reported that there have been two acts of vandalism at the John Eisenhower Bridge in the past couple of days and asked for extra patrols in the area.

Chairperson Underwood reported that the Board met with Solicitor Wisner tonight prior to the meeting in Executive Session to discuss legal issues. She also announced that the Board will be making a decision on the Agricultural Security Area application from Shirley A. Wagner at the Thursday, November 8, 2012 workshop held at 7:00 p.m.

## Active Business:

At the workshop meeting, Mr. Thomas reported on the responses that were received from the invitation that was sent out to all municipalities that adjoin the Township regarding their interest in a regional Comprehensive Plan concept. Mr. Thomas reported that Gettysburg Borough needs an extra thirty days for their review and he recommended that the item be tabled for thirty days. **Mr. Shealer made a motion to table action on the regional Comprehensive Plan concept for thirty days, pending a response from Gettysburg Borough, seconded by Mr. Toddes and carried.** Chairperson Underwood suggested that an email be sent to all municipalities that indicated that they were interested that action was tabled for thirty days and acknowledge receipt of the responses from those municipalities who were not interested.

Chairperson Underwood reported that the Township received a letter, dated October 11, 2012, from Adams County Commissioner Chairman Randy Phiel requesting that the Township participate in a cooperative effort to repair and re-open the historic John Eisenhower Bridge for pedestrian and bicycle traffic. Mr. Thomas added that Commissioner Phiel has secured monetary donations to pay for the materials and the Township share would be labor only. Mr. Jim Paddock asked if the Township could use Park and Rec funds to reimburse the Township for the cost of the labor time. Solicitor Wisner stated that he feels that as long as the area is designated as a recreational area and is not open to vehicular traffic, that the funds could be used. He added that the Township should have the County agree that it will only be used for recreational purposes. **Mr. Toddes made a motion to move forward with the cooperative effort with Adams County to supply the labor to repair the John Eisenhower Bridge seconded by Mr. Ferranto and carried. Mr. Ferranto made a motion that the Park and Rec Committee make a recommendation regarding the use of Park and Rec funds seconded by Mr. Shealer and carried.**

Mr. Thomas reported that the Pension Review Board is recommending that the Supervisors authorize a Request for Proposal (RFP) for retirement plan investment and administrative services. He added that our Pension Plans

are now administered by Leonard J. Ferrara Company and they are recommending that the investments be moved from ING to Pershing. He added that Pershing appears to offer lower expenses and no extra revenue sharing costs. He added that Act 44 of 2009 requires a RFP to make a change and this will also allow other administrative and investment services to submit RFP's to the Township. Mr. Thomas reported that the RFP's would be reviewed by the Pension Review Board and they would make a recommendation to the Board for their action. **Mr. Ferranto made a motion to move forward with the Request for Proposal seconded by Mr. Toddes and carried.**

Mr. Thomas reported that the next recommendation from the Pension Review Board is for the Board to authorize the advertisement of an ordinance that would change the pension eligibility entry dates to June 30 and December 31. He added that this is a recommendation by the Township's Actuary because it would give the Township an additional year of State Aid for all future full-time employees hired in the second half of the year and secondly, if at some time contributions to the plans are required, new hires would start contributing a little bit earlier. Mr. Thomas added that it is the goal of the Pension Review Board to get the plans up to 100% funding. He added that the Solicitor has edited the ordinance provided by the Actuary and it has been shared with the employees. **Mr. Toddes made a motion to authorize the advertisement of the proposed ordinance regarding eligibility entry dates in the pension plans seconded by Mr. Ferranto and carried.** Mr. Thomas added that there will be a pension review meeting for the staff on November 14, 2012 at 10:00 a.m. and 4:30 p.m.

**Mr. Ferranto made a motion to approve a written request received from Mr. John Horner to withdraw his subdivision plan and to return to him any unused escrow money. The motion was seconded by Mr. Shealer and carried.**

Mr. Thomas reported that the Finance Committee is recommending that \$20,000.00 additional be paid on the principal with the mortgage loan payment that is due November 15<sup>th</sup> and to consider another \$20,000.00 additional payment at the end of the year. **Mr. Shealer made a motion to make an additional payment of \$20,000.00 on the mortgage loan principal and consider an additional \$20,000.00 payment at the end of the year, seconded by Mr. Toddes and carried.** The second recommendation is to move forward with replacing the four garage doors on the municipal building with three manual doors and one electric door at a cost of approximately \$7,500.00. The replacement of the garage doors was budgeted for 2012 and the doors would be insulated and more secure. The lowest of the three bids is from Interstate Garage Doors. **Mr. Shealer made a motion to approve the replacement of the four garage doors on the municipal building, as described, seconded by Mr. Toddes and carried.** Mr. Thomas added that the Finance Committee will also be coming to the Board with a recommendation to move \$60,000.00 from the General Fund to the new Capital Reserve Fund. He added that the Board will hear more about this at the budget hearing scheduled for November 8<sup>th</sup>.

**Mr. Shealer made a motion seconded by Mr. Ferranto and carried to authorize the re-signing of the Jayjyoti Land Development Plan that was originally approved on April 17, 2012.**

**Mr. Shealer also made a motion seconded by Mr. Toddes and carried to authorize the re-signing of the Gettysburg Middle School Land Development Plan originally approved on May 22, 2012.**

Mr. Thomas reported that the Board has a list of five unpaid Admission Tax programs that were completed in the Township in 2012 and a sample collection letter for review. He added that Solicitor Wisner has reviewed and approved the list of programs and the letter. **Mr. Shealer made a motion to send the five Admission Tax collection letters seconded by Mr. Ferranto and carried.**

Mr. Thomas reported that the Township received email correspondence from the Gettysburg Foundation requesting a modification to the traffic signal permit #81-25 located at the intersection of Baltimore Pike and their driveway. Mr. Thomas added that since the Township holds the permit for the traffic signal, they would be the one to contact PennDOT about the modification. Mr. Shealer added that the cost of the modification will not be funded by the Township. **Mr. Shealer made a motion to authorize a letter be sent to PennDOT's traffic engineer requesting the modification seconded by Mr. Toddes and carried.**

Chairperson Underwood reported that the Township received a Zoning map change request, dated October 15, 2012, from Marshall L. Miller and Tom Livelsberger for properties that they own located at 910, 914, 920, 930 and 941 Fairfield Road. Mr. Thomas added that if the Board does decide to move this request forward with a public hearing, the applicants will pay all associated costs. Mr. Thomas added that he feels that Solicitor Wisner should determine if the request constitutes “spot zoning” before we move ahead. Mr. Miller agreed to pay for the Solicitor’s time to make this determination. **Mr. Shealer made a motion to authorize Solicitor Wisner to make a determination on whether this request constitutes “spot zoning” seconded by Mr. Toddes and carried.** Mr. Thomas stated that they will get an estimate for the Solicitor’s time and get it to Mr. Miller so he can submit a check.

Solicitor Wisner reported that under the Local Tax Enabling Act there is a Taxpayer Bill of Rights provision that provides for an administrative appeals process, from any actions taken under the taxes imposed by the Act. He added that Resolution 2012-13 codifies the process for the taxpayer making an appeal, the Township staff and the Board of Supervisors. **Mr. Shealer made a motion to adopt Resolution 2012-13 implementing the requirements of the Local Taxpayers Bill of Rights by adopting rules and regulations adopting a disclosure statement, adopting a form of taxpayer petition and adopting administrative appeal procedure seconded by Mr. Ferranto and carried.**

**New Business:**

Solicitor Wisner reported that under the Developer’s Agreement that was entered into between the Township and Mason Dixon Resorts, there was an escrow amount that had to be posted by the developer and that amount has been held by the Township since the agreement was entered into. He added that it appears now that Mason Dixon Resorts will not be awarded a gaming license for use in the Township and Mr. Yannetti, on behalf of Mr. LeVan, has made a written request for the return of the escrow funds. Solicitor Wisner also stated that return of the escrow funds will terminate the Developer’s Agreement. **Mr. Ferranto made a motion to refund the money to Mason Dixon Resorts from the escrow fund and acknowledge that the Developer’s Agreement will terminate with the refunding of the escrow money seconded by Mr. Shealer and carried.**

**Reports:**

Mr. Thomas reported that the 2013 preliminary budgets and 3-year budget plan will be presented publicly at the November 8, 2012 workshop at 7:00 p.m. The workshop agenda will also include public comment on the Admission Tax Ordinance and the decision on the Shirley Wagner application for her property to be included in the Township’s Agricultural Security Area.

The Zoning Officer and Assistant Secretary’s reports were reviewed.

**Solicitor: No report.**

The meeting was adjourned at 8:09 p.m.

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Carol A. Merryman, Asst. Secretary

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