

**Cumberland Township Board of Supervisors
Minutes of the May 22, 2012 Meeting**

At 6:30 p.m., Chairperson Underwood called a Conditional Use Hearing to order for Harrisburg Area Community College for their application to expand their parking facilities by 300 spaces in the flood fringe of Rock Creek. Solicitor Wisner conducted the hearing and it was adjourned at 6:50 p.m. Please see transcript for the entire record of the hearing.

The regular meeting was called to order at 7:00 p.m. by Chairperson Underwood. Present were all Supervisors; Manager Ben Thomas, Jr., Solicitor Sam Wisner, Assistant Secretary Carol Merryman, Police Chief Don Boehs, Engineer Tim Knoebel and Zoning Officer Bill Naugle. Visitors present were: Dale Molina, Carolyn Greaney, Don Sangirardi, Barry and Jean Stone, Bob Sharrah, Jim Paddock, Speros Marinos, Steve Tallman, Jim Henderson, John Horner, Larry Redding, Mr. and Mrs. Lowell Ladd, Ron Cline, Shannon Harvey, Steve Snyder, Mark Walters from The Gettysburg Times and Tim Prudente from The Evening Sun. The meeting was recorded.

Chairperson Underwood led the Pledge of Allegiance.

Mr. Waybright made a motion to approve the Minutes of the April 12, 2012 workshop meeting and the April 17, 2012 regular meeting seconded by Mr. Toddes and carried.

Mr. Waybright made a motion to pay the bills, in the amount of \$100,212.32 from the General Fund and \$3,131.50 from the Escrow Fund, seconded by Mr. Shealer and carried.

Engineer:

Mr. Knoebel reported that the Leda Lydia Smith Final Plan is a two-lot subdivision that creates one new building lot on Country Club Lane. The plan has been recommended by the Planning Commission and was reviewed at the workshop. He reported that they have reviewed the revised plan and the Board has a report dated May 22, 2012. He stated that there is a drainage easement on Lot 2 that needs to be noted on the plan in reference to the proposed easement agreement. He also reported that a letter has been received from Gettysburg Municipal Authority which states that they do not have capacity to serve the new lot at this time. Mr. Knoebel recommended that the Sewage Planning Exemption could be approved and sent on to PA DEP. **Mr. Shealer made a motion to approve the Sewage Planning Exemption for Leda Lydia Smith Final Plan seconded by Mr. Toddes and carried.** Mr. Sharrah requested approval of the plan, without a water connection at this time, so the new lot can be marketed. **Mr. Shealer made a motion to approve the Leda Lydia Smith Final Plan contingent upon all of the comments in KPI's March 22, 2012 memo being addressed and a note being placed on the plan indicating that Lot 2 is a non-buildable lot until verification of capacity is received from Gettysburg Municipal Authority seconded by Mr. Waybright and carried.**

Mr. Knoebel reported that the Gettysburg Area Middle School Land Development Plan is located mainly in Gettysburg Borough, but there is stormwater management and a detention basin located in Cumberland Township and he is reviewing that portion of the plan. He stated that the applicant has addressed the technical comments on the plan and they are waiting for an estimate for financial security and a stormwater agreement. He added that the applicant is requesting a waiver from the requirement of Section 507.2.G.2.b of the Subdivision and Land Development Ordinance and he does not have a problem with the Board granting the waiver. **Mr. Shealer made a motion to grant the waiver to Section 507.2.G.2.b for the emergency spillway discharge to be less than 40 feet from the adjoining property line seconded by Mr. Ferranto and carried.** **Mr. Shealer also made a motion to approve the Gettysburg Area Middle School Land Development Plan subject to the applicant addressing any remaining comments from KPI's May 16, 2012 memo and providing evidence that they have acquired approval of the Erosion Control Plan and the NPDES permit seconded by Mr. Ferranto and carried.**

Public Comment:

Mr. Jim Paddock, 1777 Fairfield Road, stated that he has been supportive of the Township's consideration of the closure of Bream Hill Road and a section of Herr's Ridge Road. He added that he feels that the public is not aware of the possible permanent closure of a portion of Herr's Ridge Road.

Mr. Speros Marinos, 912 Baltimore Pike, suggested that the Township send a report to the other Townships that Cumberland's Police assist for possible donations. Mr. Marinos also asked that the zoning of the Baltimore Pike corridor be changed to MX or Commercial.

Mrs. Jean Stone, 1745 Mummasburg Road, submitted more signatures in support of the citizen's proposed text amendments. The public hearing on the proposed changes was held last week.

Mr. Lowell Ladd, 18 Carlisle Street, Suite 104, stated that he represents the North-South Marathon and the Blue-Gray Half Marathon. He encouraged the Board to reevaluate the application of the Admission Tax going forward. He stated that many Townships have the Admissions Tax, but it is not normally applied to events like his and is not in the best interest for business because it brings people into the area. He added that these events will move to other Townships that do not charge the tax.

Mr. Barry Stone, 1745 Emmitsburg Road, asked if there is a time-limit on speaking at tomorrow night's Conditional Use Hearing. Solicitor Wisner stated that there is not a time-limit in these types of hearings, but he hopes that those testifying will be cognizant of repetitious questions.

Police Report:

Police Chief Don Boehs presented a written and oral report of police activities for the month of April including 427 complaints, 96 combined arrests, 114 traffic stops, 10 traffic accidents and 14,174 patrol miles. He added that they assisted other agencies 8 times and they were assisted 3 times.

Active Business:

Chairperson Underwood reminded everyone that the Board will discuss and take public comments on a citizen's petition request to permanently close Bream Hill Road and possible vacation of a portion of Herr's Ridge Road on June 7, 2012 at 7:00 p.m.

Chairperson Underwood reported that a Conditional Use hearing was held prior to the regular meeting regarding an application from Harrisburg Area Community College to build 300 parking spaces in the flood fringe of Rock Creek. Mr. Thomas made the following recommendations for conditions of approval:

1. Applicant to produce and implement an Emergency Action Plan for life safety and personal property mitigation in reference to the closure of the parking lot when necessary due to high water.
2. Affirmation of the Land Development Plan submission. (They did testify that they will submit a plan.)
3. Affirmation with the Land Development Plan that includes the Emergency Action Plan and the gating enclosure of the parking lot. (This was also testified to.)

The applicants indicated that they have no objections to the conditions outlined by Mr. Thomas. **Mr. Shealer made a motion to grant the Conditional Use with the conditions stated by Mr. Thomas seconded by Mr. Toddles and carried.** Solicitor Wisner stated that written notice of the decision will follow and there is a 30-day appeal period so any construction of the project would be at their own risk.

Mr. Knoebel reported that the Stormwater Ordinance update is complete and he will be forwarding it to the Solicitor and the Township for review. Mr. Knoebel suggested that, in the interest of time, the Board authorize the advertisement of the ordinance, subject to the Solicitor's review. He added that the ordinance has to be adopted by July 25, 2012. **Mr. Toddles made a motion to advertise the amended Stormwater Ordinance Act 167 of 2011, subject to Solicitor Wisner's review, seconded by Mr. Ferranto and carried.**

New Business:

Mr. Thomas reported that the Board is required to re-approve their Emergency Operations Plan (EOP), which was adopted in 2009, every two years and there have been no substantial changes to the EOP. He added that this is a confidential document. **Mr. Waybright made a motion to adopt Resolution 2012-09 Municipal Plan Resolution placing the Emergency Operations Plan of Cumberland Township into immediate effect seconded by Mr. Ferranto and carried.**

Mr. Shealer reported on the proposed 2012 road projects as follows:

1. Township obligation for Belmont Bridge - \$35,000.00
2. Full-depth re-build of Lakeview Drive T-511 - \$38,000.00

Double Seal Coat as follows:

3. Belmont Road T-348 - \$31,050.00
4. Black Horse Tavern Road T-334 - \$28,770.00
5. Ridge Road T-404 - \$29,800.00
6. Plank Road T-325 - \$24,675.00
7. Hospital Road T-818 - \$37,000.00
8. Russell Tavern Road T-340 - \$17,250.00

Base Repair as follows:

9. Park Avenue - \$12,000.00
10. Country Club Lane - \$10,000.00

Equipment Rental joint project with Straban and Mt. Pleasant Township - \$20,000.00

TOTAL PROPOSED \$283,545.00 TOTAL AVAILABLE \$324,000.00

Mr. Toddes made a motion to advertise the road projects for bid, as stated by the Road Superintendent, seconded by Mr. Waybright and carried.

Mr. Thomas reported that the staff will be reviewing our recreation funds in regards to the PA Interfaith Community Program's request to use the funds that they paid for their two projects; Misty Ridge and Anthony's Place, to purchase property adjoining the two projects for recreational use. Mr. Thomas suggested that the findings of this review be given to the Board at the June 21, 2012 workshop so they can begin their decision making process and respond back to PA Interfaith Community Program.

Reports:

Mr. Thomas reported that he has had a couple of conversations with Mr. John Horner regarding the subdivision of a non-buildable lot from his property and Mr. Horner was asked to put this in writing and he has done that.

Mr. Thomas reminded the Board that there is a Conditional Use hearing tomorrow afternoon at 5:00 p.m. at Barlow Fire Company and on June 7, 2012 there will be a hearing at 7:00 p.m. for an expansion change for non-conforming uses. The workshop will commence after this and the Board will discuss and take public comments on the citizen's petition request to permanently close Bream Hill Road and possible vacation of a portion of Herr's Ridge Road. Mr. Thomas also reminded the Board that they will have to decide on a location to hold the hearing on the Township's text amendments that is scheduled for June 20, 2012.

The Zoning Officer reported that we issued 15 building permits in May and six of them were for new homes.

The Assistant Secretary's report was reviewed.

Mr. Ferranto reported that he attended two meetings yesterday; the 150th Commemorative Committee meeting and they will begin to meet monthly in July. Mr. Ferranto handed out a list of activities and he will continue to bring information to the Board. He also reported that Chief Boehs will be attending the Logistics Committee meeting tomorrow. Mr. Ferranto also reported that he attended the Gettysburg Municipal Authority (GMA) meeting and there will be an assessment forthcoming from their solicitor regarding the expansion of the GMA Board from five to seven members to facilitate the Township having representation on the GMA Board. He added that they talked about whether or not they would be keeping Well #5 that is located near Renn Kirby

since it is contaminated with uranium.

Mr. Shealer reported that we are on target with our budget at about 33% for the year. He also reported that the potential purchase of a new 2012 Dodge Charger police vehicle was discussed by the Finance Committee. Chief Boehs presented a Proposed Fleet Assignment and Chairperson Underwood explained that the new car would replace Car #4 in a primary service role. Car #4 will be retained and used as an Investigator's vehicle and kept in reserve. She added that having an extra car for 2013 would be advantageous because of all of the events that will be going on for the 150th Commemoration. She also reported that Adams County is currently funding a radio project and will be providing every municipality with a police radio for every police vehicle in their fleet. Mr. Shealer reported that the purchase would be financed and the best interest rate is from ACNB Bank (3.81%) and a down payment may be taken from capital reserve to lower the payments. **Mr. Shealer made a motion to purchase a 2012 Dodge Charger police vehicle, as budgeted, with partial financing through ACNB Bank at a rate of 3.81%, dollar amount of \$35,000.00, with equipment being moved from the old car to the new car. The motion was seconded by Mr. Waybright and carried.** Mr. Thomas added that the vehicle is being purchased through the COSTARS program and this took around \$10,000.00 off of the price. Mr. Ferranto stated that there are many different needs, computers etc. that we need to plan for.

Solicitor:

Solicitor Wisner stated that if Gettysburg Municipal Authority is amending its' Articles of Incorporation it would require approval by the governing body and it is positive to hear that they are looking at that option.

Solicitor Wisner also reported that the Township has received a request from Gettysburg Bike Week, Inc. for their special event permit for their Parade of Chrome to reduce the amount of liability insurance required from \$5 million to \$1 million each occurrence and \$2 million aggregate. Solicitor Wisner added that since this event does include the closure of two state roads; PennDOT requires the Township to be the applicant for approval of the road closure and requires the Township to indemnify PennDOT from any and all liability that may result from the road closure. The Township in turn will require the party holding the special event to indemnify the Township from any and all liability and Solicitor Wisner has drafted an Indemnification, Assumption, and Reimbursement Agreement and this has been reviewed and signed by Gettysburg Bike Week, Inc. **Mr. Waybright made a motion to grant the Special Events Permit liability waiver request from \$5 million to \$1 million for Gettysburg Bike Week, Inc. seconded by Mr. Shealer and carried. Mr. Toddes made a motion seconded by Mr. Ferranto and carried to enter into an Indemnification, Assumption and Reimbursement Agreement with Gettysburg Bike Week, Inc.**

Solicitor Wisner reported that he saw an editorial in The Evening Sun that stated that the Supervisors had denied the citizen's request for text amendments numerous times and the only action that has been taken by the Supervisors is to hold the public hearing. Solicitor Wisner stated that there is no requirement for the Supervisors to make a decision on the citizen's text amendment request, but he believes it is the Supervisors intention to make a decision within 90 days of the date of the public hearing and they are waiting for the transcript from the stenographer.

Mr. Waybright reported that there was a meeting of the Zoning Review Committee scheduled for May 30, 2012 and that will be postponed until possibly September due to the back-log of hearings.

At 8:30 p.m., the meeting was adjourned for an Executive Session with no deliberations to follow.

Carol A. Merryman, Asst. Secretary

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_____) Supervisors
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SUBJECT TO APPROVAL