

Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
February 26, 2019 Meeting Minutes

At 6:00 p.m., as advertised, Chair Underwood called the Public Hearing for the Central Adams Joint Comprehensive Plan to order. Present were Supervisors Underwood, Paddock, Toddes and Phiel. Also present were Manager Ben Thomas, Jr., Solicitor Sam Wiser, Secretary Carol Merryman, Zoning Officer Michele Long, Court Reporter Deb Zepp, members of the Township's Planning Commission and Andrew Merkel from the Adams County Office of Planning and Zoning. There were approximately twenty-two residents (interested parties) present along with Mary Grace Keller from the Gettysburg Times. Solicitor Sam Wiser presided over the hearing. Please see the transcript for a complete record of the hearing.

The hearing adjourned at 6:47 p.m.

The meeting was called to order at 7:00 p.m. by Chair Underwood. Township Engineer Tim Knoebel joined the meeting.

Chair Underwood led the Pledge of Allegiance.

Mr. Toddes made a motion seconded by Mr. Phiel and carried to approve the Minutes of the January 7, 2019 Reorganization Meeting and the January 22, 2019 regular meeting.

Mr. Phiel made a motion seconded by Mr. Toddes and carried to approve the bills and transfers in the amounts stated of: \$82,575.61 from the General Fund, \$3,066.75 from the Escrow Fund, \$14,135.71 from the Capital Reserve Fund, \$18,223.22 from the State Fund and \$27,609.89 transfer from the General Fund to the Health Insurance Account.

Public comment:

Mr. Joseph Rhinier, 599 Barlow Greenmount Road, stated that his address is on Barlow Greenmount Road, but his driveway comes out onto Ridge Road Ext. and that road is not being plowed or maintained. Mr. Rhinier asked who is responsible for the road and he stated that he had to clear the snow at his own expense. Mr. Rhinier asked if the Township would reimburse him for that. Mr. Thomas asked Mr. Rhinier for his phone number because the Township will have to research this and get back to him.

Mr. Speros Marinos, 912 Baltimore Pike, on behalf of the Cumberland Township Historical Society, reported that their next meeting is Monday, March 4, 2019 at the Church of the Brethren at 7:00 p.m. The topic is the Shriver House and the Shriver family was from the Barlow area of the Township.

Mr. Doug Gross, 938 Barlow-Greenmount Road, spoke and presented pictures to the Board showing water flowing onto his property and then onto their neighbor (Mr. Fitzgerald's) property from the Keystone property and it has been doing this since the last time Keystone de-watered their infiltration pond. He added that they believe that Keystone is in violation of Section 3.301.C of the Township's Stormwater Ordinance. He stated that allowing the change of the infiltration pond to a retention pond causes them great concern especially for the presence of mosquitos.

Mr. Chris Oechler, 1037 Blackhorse Tavern Road, thanked the Board for the Joint Comprehensive Plan and encouraged the Board to adopt it.

Ms. Susan Sadowski, 1326 Fairfield Road, in response to the discussion paper presented at the March 7, 2019 workshop regarding the scaled-down building renovations to the Township Building, stated that she did research in old Township Minutes and gave her findings regarding the long-term debt for the Maintenance Building. Ms. Sadowski reported on the initial amount borrowed, the need for extra funds to

be borrowed, the term of the loan and the Township's desire to have the loan paid off in 15 years. Ms. Sadowski asked how the Township intends to pay-off this debt, as well as the two equipment leases by 2026 and that debt-management should be discussed prior to any discussion regarding renovation of the Township Building. She added that the Township has received a petition against any tax increase with signatures of 260 residents and the Minutes are quite revealing regarding the inability of the Township to manage its debt. Ms. Sadowski stated that the entire report will be placed on the Concerned Residents of Cumberland Township's Facebook page.

Mr. Brian Fitzgerald, 914 Barlow-Greenmount Road, stated that his lower field is un-useable because of the water running from the Keystone property and he doesn't feel that the residents should have to keep spending their resources to prove that there is still a problem that is getting worse and worse. Mr. Fitzgerald stated that Penn State has confirmed that the excess water in his back field is killing his trees.

Engineer/Plans:

Mr. Knoebel updated the Board on the Keystone Services (KSS) project. He reported that they have received a final as-built plan, reviewed it and produced a memo with their comments and met with KSS representatives to go over the comments. He added that they have not received any updated as-built plans or anything formally addressing their comments. He also received a report from Yingst Engineers dated January 9, 2019 which is a concept design for an alternate to the original design that was approved and prepared a report on that. He added that they have been asking for a long-term control plan which is something that would ultimately be part of the plan, result in an amendment to the Stormwater Operation and Maintenance Agreement and provide for a more sustainable solution with regard to some of the stormwater problems. He added that their alternate plan is to convert the infiltration basin to a wet/retention pond and establish a 2' water depth in the pond with additional storage and they would continue to mechanically de-water the pond and divert the water to the rear of the property where it would flow towards the back of Fitzgerald property. He added that they have numerous problems with what they are proposing and he concluded that based on the status of the site and as-built plans without any resolution of the long-term issues that the site and the plan as it exists now is inadequate and non-compliant with the approved land development plan. He added that a change as proposed by the January 9, 2019 report would have to be re-submitted and go through the formal approval process and is too significant to be handled through as-built plans or amendments to as-built plans. He added that the pond is not infiltrating and they have essentially already converted it into a retention pond with a liquid elevation in it. He stated that changes how the pond functions and there is seepage through the berm, the pond was enlarged so that it didn't have to be de-watered on a consistent basis and this is a significant change.

Solicitor Wisner reported that the Zoning Officer has already determined that Keystone needs to submit an amended plan to address an alternative plan for stormwater management that would have to go through the approval process. He added that there are a number of permitting issues that need to be addressed. Solicitor Wisner also reported that Keystone has requested a Certificate of Occupancy and that cannot be granted at this time for a number of reasons. The Board acknowledged the Zoning Officer's determination.

Mr. Thomas reported that the Board and applicant have entered into two agreements regarding the pumping of the stormwater pond, that has not been happening and he feels that the Township needs to proceed with either a Notice of Violation or a remedy along with the leaching onto the neighboring property.

Mr. Brett Woodburn, Attorney for Keystone Services, stated that Mr. Knoebel's report contained some inaccuracies. He stated that the plan that was submitted and approved would have worked to manage the water from Keystone's property, but they are repeatedly being requested to take on additional water from the road and other properties that is not theirs to manage. He added that it is completely inaccurate to say that the detention basin was enlarged because of the inadequacy of the approved plan. He stated that the

detention basin was enlarged because they were asked, and did, take on more water. He added that the ability to use their property has been continuously taken and altered by request from and on behalf of the engineering for the municipality and these takings have not been compensated. He added that de-watering has occurred every time it has been possible and the manual de-watering was part of the approved plan. Mr. Woodburn stated that KPI repeatedly requested that they come up with alternative plans and to represent that Keystone has proposed that they want to change the de-watering system to a retention pond is inaccurate. He stated that it was one of the alternate solutions that was suggested per request and that is why it is not a formal plan. He stated that the violations on the site have all been addressed with the exception of the slope and this water problem has plagued the neighborhood long before Keystone was there.

Ms. Long, Zoning Officer, presented the Minor Subdivision Plan for the Gettysburg Presbyterian Church. She stated that only a very small portion (6,300 sq. ft.) of the property is located in Cumberland Township, with the majority being located in Gettysburg Borough, so the plan was given a cursory review and the Board Chair will have to sign the plan. The small lot is going from the Gettysburg Area School District to the church. Ms. Long also reported that the plan was reviewed by the Planning Commission and they recommended approval. **Mr. Toddes made a motion to approve the Minor Plan for Gettysburg Presbyterian Church seconded by Mr. Paddock and carried.**

Police Report: Police Chief Don Boehs presented a written and oral report of police activities for the month of January, 2019 including: 295 complaints - Psych/suicide-8, Disturbances-5, Assault/Harassment-4, Domestic-6, Criminal Mischief-0, Suspicious Activity-8, Thefts-0, Alarms-13, Medical Emergency-3, 911 Hang Up-3, Cruelty to Animals – 0, Wanted Person – 1, Reported Drug Activity – 1, Welfare Checks – 6, Shots Fired – 2, Fraud – 2, Burglary – 0, Sexual assault-1, Follow-up Investigation- 28, SRO Calls – 13 with 1 arrest for disorderly conduct; 64 traffic stops, 58 combined arrests, 9 traffic accidents, 16 targeted enforcements and 8,601 patrol miles. He added that they assisted other agencies 11 times and they were assisted twice. Assists to Pa. State Police were four as follows: Straban - 1, Liberty - 1 and Mt. Joy - 2. Police Chief Boehs reported that they had 65 walk-in complaints. Police Chief Boehs also reported that Officer Joshua Goodling was recognized and given an award from the Center for Traffic Safety for his work with Aggressive Driving details issuing 34 citations and Sergeant Timothy Biggins, Coordinator for the Aggressive Driving and Seatbelt (Buckle-Up Pa) grants and details was also recognized.

Active Business:

Mr. Thomas recommended that the comments (entered as exhibits) that were received from the public for the hearing held prior to the meeting be attached to the Township's approval of the Central Adams Joint Comprehensive Plan rather than approval being tabled and the comments going back to Adams County Office of Planning and Development with the possible need for review by Straban Township and Gettysburg Borough. He added that the process has taken five-years and doesn't want to hold it up any longer. The implementation of the plan (zoning update) was discussed. **Mr. Toddes made a motion to adopt, by Resolution, the Central Adams Joint Comprehensive Plan to include exhibits presented at the public hearing seconded by Mr. Paddock and carried.**

Mr. Phiel made a motion seconded by Mr. Toddes and carried to affirm the Snow Emergency Declaration #1 for the February 19, 2019 snow fall and freezing rain. Mr. Thomas stated that he does not believe that there will be any Federal Assistance for this storm, but that is the reason for the motion.

Mr. Thomas reported that the E-cycling events for 2019 will be held on March 16th in Straban Township at the Emergency Services Building, June 8th at the Cumberland Township Building, September 14th at the Abbottstown Rec Park and December 7th at the East Berlin Rec Park. All events will take place on a Saturday between the hours of 8:00 a.m. and 10:00 a.m. Mr. Thomas added that you must bring a photo I.D. and a copy of your Waste Connections bill. This information is posted on the Township's website.

Mr. Thomas also asked the Board to affirm the Township's participation in the Hazard Mitigation Grant Program which will provide funding for the update of the Adams County Multi-Jurisdictional Multi-Hazard Mitigation Plan UPDATE and the county will provide coordination of all planning activities. **Mr. Toddes made a motion seconded by Phiel and carried to affirm the Township's participation in the Hazard Mitigation Grant Program.**

Mr. Thomas also reported that the Township has received information from PennDOT Connects for their Transportation Improvement Program (TIP) candidates and there are three bridge replacements: Sachs Road Bridge, Pumping Station Road and Taneytown Road. The letting begins in 2023 and the Township can provide comments.

Mr. Thomas reported that the Township received a letter from the Cumberland Township Historical Society in partnership with the Adams County Historical Society regarding an event being held in honor of Cumberland Township's 270th Anniversary at the Mary Penn Bed and Breakfast located at 716 Mason Dixon Road on June 1, 2019. The event will be an all-day affair.

Mr. Thomas gave an update from the Adams County Tax Collection Committee which he and Mr. Toddes are members of. He stated that he is very pleased to announce that Adams County and York County have ratified Articles of Agreement and that has taken about three years to occur. He added that the York Adams Tax Bureau is very pro-active with their collections and their gross fee is 1.258% for collections. He also reported that there have been studies done in Harrisburg regarding the PA Dept of Revenue collecting this tax and their fee may be as high as 8%.

Mr. Thomas went over the 2019 CUMBERLAND TOWNSHIP BUILDING RENOVATIONS Discussion Paper that he authored and presented at the February 7, 2019 Workshop meeting. The paper consisted of eight staff recommendations for a scaled down office building / grounds renovation project. Mr. Thomas reported that the Board took no action and it is the hands of the Building and Grounds Committee at this time.

- NEW CONSTRUCTION – office front addition including ADA bathroom (suggestion - add alternate to include the addition to go the entire width of the front of the building)
- NEW CONSTRUCTION – corner addition to Police Department
- Current garage area remains as a storage facility
- Maintenance of existing Township offices and meeting room
- Additional large signage (6X8) directing public to POLICE DEPARTMENT
- New above ground fuel tanks – abandon current tanks and also utilize Sunoco WEX cards
- New parking lot configuration designed by Jim Paddock and Chris Walter
- Purchase Topper property (reimburse Park and Rec Fund)

Mr. Thomas reported that the Township received an invitation from the Adams County Office of Planning and Development to apply for grant funding for land preservation projects under the Adams County Parks, Recreation, and Green Space Grants Program.

Mr. Thomas reported that he recently attended a Stakeholder Meeting for the Adams County Watershed Implementation Plan (WIP III) given by the Adams County Office of Planning and Development. He stated that a lot of information was disseminated including: goals, potential recommendations for legislative changes and there was someone present from PaDEP to answer questions.

Mr. Thomas reported that the 2018 Annual Audit is complete and Power Point presentation will be presented at the March 26, 2019 meeting at 7:00 p.m.

FINANCE COMMITTEE: Mr. Thomas reported that the committee is requesting, as budgeted, the purchase of a replacement 2019 Ford F-550 Dump Truck through the Dept. of General Services COSTARS Program. The cost of the chassis is \$47,050.00 and the cost of the aluminum J & J dump body

equipped with snow plow and anti-skid spreader is \$36,812.00. Total cost for the truck is \$85,029.00 to be paid from the Capital Reserve Fund. He added that we should be billed for the chassis in May and the dump body in September. There will be some money re-cooped from the sale of the old truck. **Mr. Phiel made a motion to deem the 2004 dump truck as surplus and to authorize the purchase of the 2019 Ford F-550 Dump Truck as described by Mr. Thomas, seconded by Mr. Toddes and carried.**

Mr. Thomas also reported that the committee is recommending a purchase to expand the Township's information technology support with Treysta. The required monthly fee is \$2,419.00, but the Township will no longer be paying approximately \$1,200.00 per month for software support making the net cost to the Township \$1,219.00 per month. He added that this will cover all of the Township's computers and file server inventory. He added that this will be a much more pro-active program, there will be a Treysta employee dedicated to Cumberland Township and the Township will know exactly what to budget each year. **Mr. Phiel made a motion seconded by Mr. Paddock and carried to approve the Treysta Managed Service Proposal; cost to be shared between departments.**

Solicitor: Solicitor Wisner reported that he has three items for Executive Session and they are very close to having the Comcast Franchise Agreement finalized. He reported that the final item that needs resolution is the implementation of a PEG fee to help fund ACTV.

Committee Reports and comments from Board Members:

Highways – The Board thanked the Maintenance Department for the great job they do plowing snow.

Parks and Recreation – Mr. Toddes reported that GARA is starting a fundraiser for money to redo the parking lots and they will be having other fund raisers this spring.

CTA – Mr. Toddes reported that they are working at the bridge extending the sewer line. They also took dedication of the sewer lines for Cumberland Village Phases 1B and 1C. The new truck is in operation and they are cleaning and televising lines and updating their Rules and Regulations.

COG – meets Thursday morning.

CT411 – Chair Underwood reported that she and Mr. Thomas met with Congressman Dr. John Joyce and talked about unfunded mandates like MS-4.

Personnel, Public Safety, Parks and Recreation, Planning and Zoning, Building and Grounds, Economic Development – No reports.

Mr. Thomas affirmed that the Township has a surplus 2010 Chevy Tahoe for sale through Municibid. He added that Governor Wolf has proposed a sliding-scale State Police fee and if any residents feel that this is a good idea they should contact their state representative.

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

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 8:52 p.m. for an Executive Session with no report to follow.

Carol A. Merryman, Secretary

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_____) Supervisors
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