

Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
April 26, 2022 –7:00 P.M.

The regular meeting was called to order at 7:00 P.M. by Chairman Toddes. Present were all Supervisors: Toddes, Phiel, Ramsburg, Brauning and Biggins. Also present were Solicitor Sam Wiser, Township Manager Ben Thomas, Jr., Township Engineer Tim Knoebel, Acting Police Chief Matthew Trostel, Road Superintendent Chris Walter, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman. Also present were Bob Sharrah, approximately 8 residents and Jim Hale from The Gettysburg Times. There were also several viewers on Zoom.

Chairman Toddes led the Pledge of Allegiance.

Chairman Toddes reported that the Board held an Executive Session on April 19, 2022 to discuss personnel issues.

Mr. Phiel reported that Mr. Walter received word this morning that the price of the dump truck chassis that has been on order has gone up to a total of \$118,127.00 and the agenda needs to be modified to show the higher cost. **Mr. Phiel made a motion to approve the agenda with this modification seconded by Mrs. Ramsburg and carried.**

Mr. Phiel made a motion seconded by Mr. Brauning and carried to approve the Minutes of the March 22, 2022 Regular Meeting.

Mrs. Biggins made a motion seconded by Mr. Brauning and carried to approve the bills in the amounts stated by the Chairman: \$313,815.53 from the General Fund, \$7,780.57 from the Escrow Fund, \$12,782.48 from the ARPA Fund, \$5,651.00 from the Capital Reserve Fund and \$3,539.83 from the State Fund.

Mr. Kevin Stauffer, CPA from Smith, Elliott, Kearns and Company presented information regarding the 2021 Audit via ZOOM. Mr. Stauffer stated that the audit consists of three key items including: confirmation of significant revenues, testing a sampling of invoices, and payroll testing by tying the amounts back to reports that are submitted to the IRS. He added that they issued an unmodified audit opinion, there were no findings and 2021 was a positive year financially. Mr. Stauffer also presented current revenues and expenditures in comparison with those from previous years and included a comparison of the Township's current revenues and expenditures with other municipalities in the county and also statewide.

Mr. Stephan Lewis, 25 Skyline Court, representing the Ridgeview Homeowner's Association, requested the Township's support / administrative assistance in applying for a Watershed Restoration and Protection Project grant to request funds to repair or restore a berm on their stormwater management pond. The stormwater pond is located on a neighboring property owned by Keith Rhinehammer and a formal agreement with him would be needed along with numerous other things required by the Township Code. This was discussed at length and more information is needed.

Ms. Karey Burkholder, 127 Battalion Lane, President of the Cannon Ridge Homeowner's Association, also commented in support of Mr. Lewis's request.

Chairman Toddes read the following statement:

“This evening you are going to hear a report from the independent auditors of this Township. The

auditor's role is to express an opinion on the financial statements prepared by Township staff. The auditors are highly qualified, well-educated professionals that specialize in municipal audits. As part of this process, the auditors review electronic and paper files, spend many days on site in the Township office, and review any information they feel is necessary to provide an opinion on the financial statements. The auditors consider the internal controls of the Township and the appropriateness of accounting policies used by the Township.

For many years Cumberland Township has received unqualified audit statements from the independent auditors. This means that there were no adverse findings in the audit. This is due to the hard work and diligence of Cumberland Township administrative staff. Unfortunately, despite a record of clean audit reports, unfounded accusations of financial impropriety continue to be advanced by a very small group of citizens. While the motivation for leveling such unsupported allegations is unclear, they result in nothing more than a diversion of resources from the essential functions of the Township. These accusations are coupled with a crusade to bombard the Township with Right-to-Know requests, which consume countless hours of staff time and consume taxpayer funds. If there is an effort to find an inefficient use of Township resources look no further than this crusade. While the Board supports citizens' right to access information and offer public comment, I ask that before burdening the taxpayers with an unfounded crusade, consider the impact of your actions on the other taxpayers of the Township. The non-uniform staffing level has remained the same for approximately 15 years now as the work-load has significantly increased for a variety of reasons. These employees are highly dedicated to their fiduciary, daily, weekly, monthly, and annual tasks that are ever changing and increasing due to additional government regulations, emails, phone calls, citizens' requests, and employee requests with benefits, pensions, and collective bargaining unit needs.

I believe this Board has full confidence in our dedicated staff.

Is there any member of the Board who doesn't have confidence in the Township Manager?

All Board members answered No.

Is there any member of the Board who doesn't have confidence in the Township Secretary?

All Board members answered No.

Is there any member of the Board who doesn't have confidence in the Township Finance Director? Mr. Toddes, Mr. Brauning and Mrs. Biggins answered No. Mr. Phiel and Mrs. Ramsburg abstained.

Is there any member of the Board who doesn't have confidence in the Zoning Officer?

All Board members answered No.

Since February the cooperation amongst Township Departments has increased significantly and morale across the Township has improved. I am certain that, regardless of the distractions, the employees of Cumberland Township will continue to provide great service to our community.

I am proud of all the staff, the office, the police department, and the highway department, and the various township committees. They have worked hard the last couple months to make our township really come together for the benefit of the citizens and all the employees of the township. It's great to have everyone working together."

Steve Toddes, Chairman – Cumberland Township Supervisors

Public comment:

Janet Davis, 1350 Fairfield Road, spoke regarding the 2020 Liquid Fuels Audit which indicated a finding that authorized signers were related and was in contradiction to Solicitor Wiser's statement made at the February 23, 2022 meeting.

Susan Sadowski, 1326 Fairfield Road, spoke about the Audit, the 2020 Liquid Fuels Audit, the fact that

the Board did not allow residents to question Mr. Stauffer after his Audit presentation and her credentials.

Mr. Keith Rhinehammer, owner of the property where the Ridgeview development's stormwater pond is located, spoke about the situation with the pond and asked the Board to speak with him before any decisions are made. He asked the Board to take this very seriously.

Engineer:

Mr. Knoebel reported that the Township has a request for bond reduction from Cambridge Crossing, Phase I, located on Table Rock Road and he has prepared a memo dated April 26, 2022. He added that the development was subject to a Notice of Default, a punch list of uncompleted items was made, most of the items have not been completed and his recommendation is to deny the request for bond reduction until the punch list items are addressed or a schedule is approved by the Board. Mr. Knoebel also stated that the estimates need to be raised due to inflation. **Mrs. Biggins made a motion to deny the request for bond reduction, authorize KPI to determine the costs of the remaining improvements at today's values, authorize a corresponding demand for an increase in financial security to 110% of the improvements and direct the Solicitor to send an additional demand that the improvements be completed timely. The motion was seconded by Mrs. Ramsburg and carried.**

Mr. Knoebel reported that the next item deals with Cambridge Crossing, Phases II and III, there is a different developer for these two phases and it is not contiguous with Phase I. He added that Mr. Sharrah has requested a waiver to the requirement that the driveways be 12 feet in width and the current plan shows the driveways 10 feet in width. Mr. Knoebel also reported that the Planning Commission recommended that this waiver be denied. Mr. Sharrah presented some drawings so the Board could have a visual and this was discussed at length. **Mr. Phiel made a motion to require the driveways to be 12 feet wide seconded by Mrs. Ramsburg. Mr. Phiel and Mrs. Ramsburg voted aye. Mr. Brauning, Mr. Toddes and Mrs. Biggins voted nay. The motion did not carry. Mr. Brauning made a motion to grant the waiver to section 405.1.A to allow the driveways to be 10 feet wide, as requested by the applicant, seconded by Mrs. Biggins. Mr. Brauning, Mrs. Biggins and Mr. Toddes voted aye. Mr. Phiel and Mrs. Ramsburg voted nay. The motion carried.**

Mr. Knoebel reported that there is also a request for bond reduction from Old Mill Overlook and he has prepared a memo dated April 26, 2022 that recommends that \$1,022,593.00 be released, retaining \$1,692,869.20. **Mr. Brauning made a motion to approve the request for bond reduction for Old Mill Overlook, in the amount of \$1,022,593.00, as recommended by Mr. Knoebel, seconded by Mr. Phiel and carried.**

Mr. Knoebel reported that the Township has a request for extension to the timeframe to act on the Adams Electric Cooperative – Lot 3 Final Subdivision plan for 90 additional days. **Mrs. Biggins made a motion to approve the request for a 90-day extension for Adams Electric Cooperative – Lot 3 seconded by Mrs. Ramsburg and carried.**

Lastly, Mr. Knoebel updated the Board on the MS4 projects including detention basin retrofits and some new work here at the Township Building. He added that there is some grant funding that needs to be spent, they have a preliminary design and by the May meeting would be ready for the projects to be authorized to be put for bid. Solicitor Wisner reported that Adams County will be expanding upon the work that the Township is proposing to do so there will be some documents from them for the Township to review. Mr. Knoebel also reported that the stream restoration projects have more extensive permitting requirements and should be ready to be put out for bids if not by the end of this year by the early part of next year.

Police Report: Acting Police Chief Matthew Trostel presented an oral and written report of police activities for the month of March, 2022 including; 272 calls for service, 62 traffic stops, 19 criminal incidents and 6,965 patrol miles. Some highlights of the report are:

- Officer Ryan Eiker applied for and received a Wal-Mart grant, in the amount of \$1,500.00, and that money will be going to a speed timing device.
- Officer Jered Marshall is nearing completion of his field training.
- The Police Department and Road Maintenance Department will be working together to paint lines used for speed enforcement.
- All officers will now be issued their own rifles once qualified and this is made possible by citizens' donations.
- The Department's computer server crashed due to a major component failing and they were impacted for about ten days. The part was covered under warranty and they are back up to date.
- Keystone Healthcare Coalition and Emergency Health Services Federation has donated three Hemorrhage Control Kits.
- The department will participate in the 22nd National Drug Take Back Initiative on April 30th and will assist with Gettysburg Area Elementary Career Days.

Maintenance Department Report: Mr. Chris Walter, Superintendent of Roads, gave a report for the month of April and some highlights are as follows:

- They have painted the snowplows and cleaned and treated the salt spreaders.
- Continue with storm water pipe replacements and repairs on Hospital, Sachs and Solomon Roads.
- Finished the pad for the new fuel tank that is scheduled to be delivered late June / early July.
- Attended a work detail at Oak Lawn Cemetery along with Adams County and help from Cumberland Township Authority.
- The 2022 contracted road projects are on track to start the first of May.
- They are working with TelePlus to fabricate and assist in the installation of the emergency phones.

Active Business:

Mr. Thomas asked the Board to authorize the Board Chair to sign an Endorsement Letter, Proclamation and Resolution in support of "Pennsylvania 811 Safe Digging Month." **Mrs. Biggins made a motion to authorize the Board Chair to sign the documents in support of the Pennsylvania 811 Safe Digging Month seconded by Mrs. Ramsburg and carried.**

Mr. Thomas reported that the Township has received a Conditional Use hearing application for a self-service storage facility in the VMX zoning district (revision to existing application approved 6/22/2021). **Mrs. Biggins made a motion to schedule the Conditional Use hearing for May 24, 2022 at 6:30 P. M. prior to the regular meeting. The motion was seconded by Mr. Phiel and carried.**

Mr. Thomas reported that the Adams County Conservation District will be holding a Tire Recycling Event on Saturday May 21, 2022 and advanced registration and payment is required.

Mr. Thomas also updated the Board on the outstanding grant applications including: PennDOT Green Light Go Grant (\$131,900), MAP grant for planning efforts (\$20,000), PA Gaming for three new police vehicles in 2023 (\$146,262) also Cumberland Township Authority has submitted the same grant for (\$1,000,000) for engineering for future sewer systems and a Federal grant for future sewer systems (\$1,400,000) and we have received the Adams County Soil Conservation grant through PennDOT for MS4 (\$136,000). He added that we are attempting to receive just under \$3,000,000 this year and next.

FINANCE COMMITTEE: Mr. Phiel reported that the committee is recommending the approval of an increase in cost for the dump truck replacement to a total of \$118,127.00 and the committee is recommending moving forward with this purchase because the prices just keep increasing. **Mrs. Biggins made a motion to approve the additional \$10,593.00 for the dump truck replacement seconded by Mrs. Ramsburg and carried.** Mr. Phiel reported that the next item is a quote from Crouse Electric, in the amount of \$3,715.00, for new cabling in the Police department to have their server totally on its' own wiring and to clean up the existing wiring. **Mrs. Ramsburg made a motion to approve the quote from Crouse Electric, in the amount of \$3,715.00, for new cabling seconded by Mr. Phiel and carried.** Mr. Phiel reported that the next item is for approval of a joint letter with Cumberland Township Authority to go to the Adams County Commissioners requesting consideration when they are appropriating their American Rescue Plan Act (ARPA) funds for the Greenmount Sewer System. **Mrs. Biggins made a motion to approve the joint letter seconded by Mr. Brauning and carried.** Mr. Phiel reported that the Township received a letter from Ellen Dayhoff regarding the funds budgeted for Ag Land Preservation. **Mrs. Biggins made a motion to use the full \$30,000.00 budgeted in 2022 to be used in conjunction with county and state funds for Ag Land Preservation of a farm in Cumberland Township seconded by Mr. Phiel and carried.** Mr. Phiel reported that the committee recommends approval of the newly created Purchase Policy. **Mr. Brauning made a motion seconded by Mrs. Biggins and carried to approve the Purchase Policy.** Mrs. Biggins reported that some police officers were allowed to accrue compensatory time in excess of what was legally allowed and that has been addressed in the new Collective Bargaining Agreement. Mrs. Biggins added that these officers must be paid for their excess compensatory time in a lump-sum payment, this could have been avoided if properly tracked and was anticipated and budgeted for in the 2022 budget. **Mrs. Biggins made a motion to authorize the lump-sum pay-outs to the affected police officers, as budgeted, seconded by Mr. Brauning and carried.**

PERSONNEL – Mrs. Ramsburg reported that the Township has received official notice from Secretary Carol Merryman and Manager Ben Thomas, Jr. of their retirements at the end of 2022 and as part of succession planning the Board has budgeted to hire an Assistant Secretary and Assistant Manager to work under the Secretary and Manager's direction as soon as qualified candidates can be hired. The Board also budgeted to add an entry-level maintenance employee to that department. **Mrs. Biggins made a motion to authorize taking applications and proceed with the hiring process for an Assistant Secretary, Assistant Manager and Skilled Laborer and authorizing the Solicitor to prepare a legal contract for the Assistant Manager's position. The motion was seconded by Mr. Phiel and carried.**

Mr. Brauning thanked Mrs. Merryman and Mr. Thomas for their service to the Township. **Mrs. Ramsburg made a motion to accept their notices of retirement, with regret, seconded by Mrs. Biggins and carried.**

Mrs. Ramsburg reported that the Township did receive one Citizen's Interest Form for the vacancy on the Zoning Hearing Board. **Mrs. Ramsburg made a motion seconded by Mrs. Biggins and carried to appoint Matthew Bird to the Zoning Hearing Board to fill the vacancy and his term will expire on 12/31/25.** Mrs. Ramsburg also reported that there is still a vacancy on the Agricultural Security Area Advisory Committee. Mr. Toddes reported that he does have someone interested in serving on the ASAAC Board.

SOLICITOR: Solicitor Wisner congratulated and thanked Mrs. Merryman and Mr. Thomas.

Committee Reports and comments from Board Members:

Public Safety – Mrs. Biggins complimented Acting Police Chief Trostel for his in-depth reporting, she is hearing good comments from the community regarding more visibility of our police and traffic stops have

increased. She added that they hope to have a report from Chief Camacho at the next meeting.

Highways – The Board thanked Chris Walter for the department’s work at Oaklawn and their cooperation with the Police Department.

Park and Recreation – Mr. Toddes reported that they may be needing a replacement for Steve Williams who does maintenance in the park who is moving out of the area.

Mr. Brauning reported that Barlow VFC is having a gun raffle and the Wounded Warrior Bike Ride was last week and it was a great event.

Planning and Zoning, CTA, COG, Economic Development – No reports

Mr. Thomas reported that the 2021 Audit will be placed on the website as soon as possible and he congratulated Mrs. Stouck-Phiel and Mrs. Merryman for that. Mr. Thomas also thanked all of the employees for the cooperation between the departments.

Mrs. Stouck-Phiel reported that she attended the PSATS Convention along with Michele Long and Chris Walter and they got a lot of good information from it. Mrs. Biggins thanked them for attending, continuing their education and bringing back the information.

The Zoning Officer and Treasurer’s reports were reviewed.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 9:30 P.M. for an Executive Session to discuss personnel and real property matters with no action to follow.

Carol A. Merryman, Secretary

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_____) Supervisors
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