

**Cumberland Township Board of Supervisors**

**1370 Fairfield Road, Gettysburg, PA 17325**

**July 26, 2022**

**Zoning Map Amendment Hearing for Stanley Clark – 4:30 P.M.**

**Zoning Text Amendment Hearing for Gettysburg Municipal Authority – 5:00 P.M.**

**Regular Meeting - 7:00 P.M.**

Chairman Toddes called the Zoning Map Amendment Hearing for Stanley Clark, Jr. and Candice Clark to order at 4:30 P.M. Present were all Supervisors: Toddes, Phiel, Ramsburg, Brauning and Biggins; Solicitor Sam Wisner, Township Manager Ben Thomas, Jr., Zoning Officer Michele Long, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman. Also present were Court Reporter Deb Zepp, applicants Stanley and Candice Clark, Hubert Gilroy, Terry Sheldon, Brian Redding and Jim Hale from The Gettysburg Times. The applicants are seeking a Zoning Map Amendment to rezone the southern portion of their property from Residential Medium High (RMH) to Mixed Use (MX). The northern portion of this same property is already zoned Mixed Use (MX). Solicitor Wisner conducted the hearing that was adjourned at 4:45 P.M. Please see transcript for the complete record of the hearing.

Chairman Toddes called the Zoning Text Amendment Hearing for Gettysburg Municipal Authority to order at 5:00 P.M. Present were all Supervisors: Toddes, Phiel, Ramsburg, Brauning and Biggins; Solicitor Sam Wisner, Township Manager Ben Thomas, Jr., Zoning Officer Michele Long, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman. Also present were Court Reporter Deb Zepp; Sean Delaney, Diana Young and Mark Guise representing Gettysburg Municipal Authority; approximately 60 residents / interested parties and Jim Hale from The Gettysburg Times. The applicant, Gettysburg Municipal Authority, is seeking a zoning text amendment to amend Chapter 27, Part 5, Section 503, Subsection 1 of the Code of Cumberland Township by amending the maximum height regulations for “essential services” to 175 feet from the current regulation of 35 feet in the residential zoning districts. Solicitor Wisner conducted the hearing that was adjourned at 6:35 P.M. Please see the transcript for the complete record of the hearing.

Chairman Toddes called the regular meeting to order at 7:00 P.M. Present were all Supervisors: Toddes, Phiel, Ramsburg, Biggins and Brauning. Also present were Solicitor Sam Wisner, Township Manager Ben Thomas, Jr., Township Engineer Tim Knoebel, Police Chief Matthew Trostel, Superintendent of Roads Chris Walter, Treasurer/Finance Director Camie Stouck-Phiel and Secretary Carol Merryman. Also present were the representatives from Gettysburg Municipal Authority, representatives from the Stanley Clark Hearing, Jim Hale from The Gettysburg Times and approximately 60 residents / interested parties.

Chairman Toddes led the Pledge of Allegiance.

Chairman Toddes reported that the Board held an Executive Session on July 19, 2022 at 3:30 P.M. and 6:00 P.M. for personnel matters.

Solicitor Wisner stated that the Board held a public hearing at 4:30 P.M. to receive public comment on a proposed zoning map amendment request from Stanley Clark, Jr. and Candice Clark. The request is to have the entire parcel placed in the MX (Mixed Use) zone. **Mrs. Biggins made a motion to approve the Clark’s zoning map change request seconded by Mr. Phiel and carried.**

Solicitor Wisner also reported that there was a second public hearing held at 5:00 P.M. to receive public comment on a proposed zoning text amendment request from Gettysburg Municipal Authority that would change the maximum height restriction for “essential services” in the residential zoning districts from 35 feet to 175 feet. **Mrs. Biggins made a motion to deny the request for the zoning text amendment from Gettysburg Municipal Authority seconded by Mr. Brauning and carried.**

**Mr. Phiel made a motion to approve the agenda seconded by Mr. Brauning and carried.**

**Mr. Brauning made a motion seconded by Mrs. Ramsburg and carried to approve the Minutes of the June 28, 2022 Regular Meeting.**

**Mr. Phiel made a motion seconded by Mrs. Ramsburg and carried to approve the bills in the amounts stated by the Chairman: \$214,822.80 from the General Fund, \$3,654.91 from the Escrow Fund, \$3,828.30 from the ARPA Fund and \$1,112.67 from the Fire Tax Fund.**

**Public comment: None**

**Engineer: Mrs. Ramsburg made a motion seconded by Mrs. Biggins and carried to approve a 90-day time extension for the Adams Electric Cooperative, Lot 3 Final Plan.**

**Mrs. Biggins made a motion seconded by Mr. Brauning and carried to approve a request for extension for Artillery Ridge Campground Plan until October 30, 2022.**

**Mr. Phiel made a motion seconded by Mr. Brauning and carried to approve a request for extension for Willoughby Storage Plan until October 30, 2022.**

**Mrs. Biggins made a motion seconded by Mr. Phiel and carried to approve a request for extension for The Crossings Preliminary Plan until October 26, 2022.**

Mr. Knoebel gave some background on the next request from the Meadow View I, L.P. Townhouse project located on Biglerville Rd to modify the requirements related to driveway slopes. He stated that the project is on the Misty Ridge property and consists of 36 townhouses. He also stated that the problem with the driveway slopes was discovered when the developer was submitting the as-built plans and stems from the use of previous roadway elevations for Misty Ridge that were incorrect. He added that there are ten of the units' driveways that exceed the maximum slope permitted. Mr. Jason Frey, Martin and Martin Engineering, showed the Board the ten units that are out of compliance and the maximum slope was 8.8%. Mr. Knoebel mentioned that PennDOT does allow an 8% slope. After discussion, **Mrs. Biggins made a motion to approve the modification request, as presented, seconded by Mr. Phiel and carried.**

Mr. Knoebel reported that the Township has received a Sewage Planning Module for the James and Joyce Knefley Final Plan located on Solomon Road. The plan proposes four new lots and a residual agricultural lot. He added that the Knefley's had previously submitted a Sewage Planning Exemption that was denied by PaDEP because there was a background well on the property with high nitrates that was part of the Township's Act 537 Plan. Mr. Knoebel reported that he has prepared a memo dated July 14, 2022 and this has been reviewed by the Township and Adams County Planning Commissions. **Mrs. Ramsburg made a motion to adopt the resolution for the James and Joyce Knefley Sewage Planning Module to be forwarded on to PADEP for their review and approval. The motion was seconded by Mr. Brauning and carried.**

Mr. Knoebel also reported that the Township has a Final Subdivision and Land Development Plan for Liberty RV of Gettysburg located on Knight Road. The plan proposes to create two small building additions and they are not creating any additional run-off. He added that there is one waiver request to submit a preliminary plan and there are some minor comments on his July 26, 2022 memo that he went

over. Mr. Knoebel confirmed that they do not need a Developer's Agreement and Solicitor Wisser concurred. **Mrs. Biggins made a motion to grant a waiver to Section 303 of the Subdivision and Land Development Ordinance that requires the submission of a separate preliminary plan seconded by Mrs. Ramsburg and carried. Mr. Phiel made a motion seconded by Mr. Brauning and carried to approve the Liberty RV of Gettysburg Final Plan subject to the comments on the July 26, 2022 memo from KPI Technology being addressed.**

Mr. Knoebel also reported that the bid for the MS4 Basin Retrofit projects (for credits for sediment load reduction) came in at \$236,760.00 and the Board did not act on this at the last meeting. He added that he and Mr. Thomas have been working with the contractor to get the price down and have been successful in getting a reduction of \$18,950.00. He reported that the maintenance department will do some of the work with the soil that gets mixed with sand and sifted and delivered to the job site when the contractor is ready for it. Mr. Knoebel also suggested that they could eliminate the smallest basin (Longview Blvd. east basin) and still meet what is required. The cost savings to eliminate the basin is \$34,855.00, bringing the total savings to \$49,600.00 and the total cost to \$187,600.00. He added that the Township also has a grant for \$123,200.00. Mr. Knoebel asked the Board to accept the bid from C. E. Williams Sons, Inc., in the amount of \$236,760.00, and authorize a cost reduction change order (\$49,600.00 +/-) to be prepared and presented at the next Board meeting. **Mrs. Biggins made a motion to award the contract for the MS4 work as outlined by the engineer, in the total amount of \$236,760.00, authorize the execution of a change order for a reduction in the amount of approximately \$49,600.00 and authorize the engineer and staff to work towards a "Notice to Proceed" so the work can begin. The motion was seconded by Mrs. Ramsburg and carried.**

**Police Report:** Acting Police Chief Matthew Trostel presented an oral and written report of police activities for the month of June 2022 including: 297 calls for service, 40 traffic stops, 8 criminal incidents and 6,034 patrol miles. Some highlights of the report were:

- The two 2022 Dodge Durango's that were ordered are being built with expected delivery in August or September. These new cars replace the cars that have been and are to be sold on Muncibid.
- The Federal 1033 Surplus Military Container has been obtained, will become the Township's property after one year and will be used to house the inventory of the evidence room until the permanent renovations are made to the building.
- The station door is scheduled for replacement next week.
- Surplus equipment and abandoned vehicles from the impound yard are being taken to A & A Salvage for disposal at no cost to the Township.
- Chief Trostel started his Supervising Police Personnel class.
- Thanks to Suzanne's Bridal Shop for donating time and materials for uniform tailoring.
- Acting Sergeant Rosenberger reported that he does the yearly training for less lethal devices (taser, pepper spray and baton) as well as purchasing of those items and is currently the Acting Sergeant of "B" Squad. He also gave a 2022 Gettysburg Bike Week report, a report on Field Training and recommended that Officer Jered Marshall's status be updated to a probationary officer.

**Maintenance Department Report:** Mr. Walter gave the report for July and some highlights were:

- The new hire, Jake Sharrah, has started and is a welcome addition to the team.
- They had storm clean-up over the July 4<sup>th</sup> weekend.
- The seal coats and fog seals have been completed by Russell Standard.
- The new fuel tank has been delivered and he hopes to have it online within the next few weeks.
- The insurance claim for the damage to the traffic signal has been approved.
- The Township will be receiving a Green Light Go Grant, in the amount of \$105,520.00, to be used for safety improvements for the traffic signal at U.S. Route 30 and Herr's Ridge Road in 2023.

## **Active Business:**

Mr. Thomas read a letter from Gettysburg Fire Department's Chief Larry Weikert requesting a change to Box Alarm Cards to swap an engine from Barlow FD to an engine from Cashtown FD. Mr. Thomas added that Cashtown now has paid personnel. **Mrs. Biggins made a motion seconded by Mr. Phiel and carried to accept the correspondence from Gettysburg Fire Department and approve the requested change by signing the 2022 Municipal Box Alarm Card Review Form.**

Mr. Thomas also reported that he has been made aware that a long-time member and current Chairman of the Planning Commission has suffered a serious illness. He added that based on information from the family, he will be unable to return to the Planning Commission. He added that pursuant to the Municipalities Planning Code, the Township must notify the member, in writing, that a vacancy is being created unless the member requests a hearing within 15 days. He added that the notification has been sent and there was no request made for a hearing. Solicitor Wisner stated that no action is required by the Board but, there is now a vacancy that needs to be filled. The Board thanked Mr. Tallman for filling in for the Chairman.

Mr. Thomas also reported that the Township has a property that the owner can no longer take care of that is in violation of the weed/vegetative ordinance and has been since last year. He asked the Board to authorize the staff to hire a third-party contractor to mitigate the violation and then the Township will file a lien on the property for the cost of that service. **Mr. Phiel made a motion seconded by Mrs. Biggins and carried to authorize a third-party mowing service to mitigate the violation and file a lien for the cost.**

Mr. Thomas read an email from Dennis Hicketier regarding a trail feasibility study that C.S. Davidson will be starting for a trail that goes from the intersection of Carlisle Street and East/West Broadway to the new historical society buildings on Biglerville Road. This was discussed at length and Mr. Thomas will take the Board's questions back to Mr. Hicketier.

Mr. Thomas asked the Board to affirm the submission of a RACP grant application, in the amount of \$3,000,000.00, for renovations/improvements to the Township Building, parking area, stormwater management and MS4. **Mrs. Ramsburg made a motion to authorize the RACP grant application seconded by Mr. Phiel and carried.**

**FINANCE COMMITTEE – Mrs. Ramsburg made a motion seconded by Mrs. Biggins and carried to approve the purchase of two Dodge Durango police vehicles and associated equipment, as budgeted.**

**Mr. Brauning made a motion seconded by Mrs. Ramsburg and carried to deem the mobile command unit (camper) and K9 dog kennel as surplus. The K9 dog kennel will be sold on Muncibid and the mobile command unit will be taken to A & A Salvage.**

**Mr. Phiel made a motion seconded by Mrs. Biggins and carried to approve the purchase of a new laptop computer based on the timeline for hiring a new Manager and availability.**

Mr. Phiel also reported that the Township was awarded a Green-Light-Go grant and he thanked the staff for their work obtaining the grant.

**PERSONNEL COMMITTEE – Mrs. Ramsburg reported that Jacob Sharrah has been hired to work in the Maintenance Department and as reported by Mr. Walter is a welcome addition. She added that the following items that were acted upon at the July 19, 2022 special meeting need to be affirmed by the Board. Mr. Brauning made a motion seconded by Mrs. Biggins and carried to make a conditional appointment of a candidate to fill the police officer position from the eligibility list. Mrs. Biggins**

made a motion seconded by Mr. Phiel and carried to approve the Camacho Consulting proposal for coaching for Chief Trostel of approximately \$3,600.00. Mrs. Biggins made a motion seconded by Mr. Brauning and carried to approve the promotional process for the position of Sergeant for the Police Department. Mrs. Ramsburg also reported that the Township is looking for someone to serve on the Planning Commission. Mr. Tallman mentioned that there may be a couple more vacancies at the end of the year.

**SOLICITOR:** Solicitor Wisner reported that he has reviewed the draft agreement with Pennsylvania Municipal Code Alliance (PMCA) and a couple of things have been clarified. He added that the agreement includes a fee schedule and the agreement is ready for action. The fee schedule, recouping of fees and termination of the agreement was discussed. **Mrs. Biggins made a motion seconded by Mrs. Ramsburg and carried to approve the agreement with PMCA for zoning, building code and code enforcement services to start at the earliest possible date as soon as their staffing allows.** Solicitor Wisner also reported that a hearing date has been set for August 23, 2022 at 6:30 P.M. for the amendment to the Buffers Section of the Zoning Ordinance. Solicitor Wisner also updated the Board on recent changes to the Pa. Fireworks Law (Act 74 of 2022) that does allow for some municipal regulation of the use of fireworks and he could start to look at this if the Board would like him to. He added that his firm will be distributing a model ordinance sometime in the future. Lastly, Solicitor Wisner updated the Board on the Township’s attempt to bring the developer of Cambridge Crossings into compliance with the improvements that remain incomplete in that subdivision. He added that KPI has been very active with this too and the developer remains in default, has been notified of the default and if they do not remedy the various items that need to be completed by August 18, 2022, the Board has the right to pull their financial security to complete the improvements.

**Committee Reports and comments from Board Members:**

**Park and Recreation** – Mr. Toddes reported that the park is doing well and the July 4<sup>th</sup> fireworks put on by the Rotary Club, Gettysburg Fire Department and GARA went very well.

**CTA** – Mr. Toddes reported that the Long Range Planning Committee has been looking at the future developments and the plants’ remaining capacity, they are re-doing some sewer pipes on the bridge over Willoughby Run and they are now set-up with a vendor from the Pa. Department of Human Services Low-Income Household Water Assistance Program and if someone is behind on their sewer bill, they can now apply for financial assistance.

**Highway, Planning and Zoning, COG, Economic Development – No reports**

The Zoning Officer and Treasurer’s reports were reviewed.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 9:23 P.M. for an Executive Session to discuss personnel with no action to follow.

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Carol A. Merryman, Secretary

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