

MINUTES

**SOUTH MIDDLETON TOWNSHIP
520 PARK DRIVE
BOILING SPRINGS, PA. 17007**

JANUARY 23, 2020

PRESENT: BRYAN GEMBUSIA (absent), RICK REIGHARD, RON HAMILTON, SHELLY CAPOZZI, DUFF MANWEILER - SUPERVISORS, Cory Adams – Manager, Jarrett Sweeney – Assistant Manager, Tim Duerr – Zoning Officer, Sandy Quickel – Recording Secretary, Brian O’Neill – Engineer; Bryan Salzmann - Solicitor, Rick Olson, Douglas Metzger, Carol Shetter, David & Teresa Shakespeare, Victor Rivera, Attorney Jon Andrews, Mark Eyer, Lilo Bucher, Jonathan Bowser, Jim & Darlene Anderson, Rick & Jaime Fry, Troy Truax, Jeff Snyder, Andrew Snyder, Mike Hepler, Doug & Helen Gale, Jim Barnes, Jeffrey & Barb Smith, Raymond Montoro, Beth Roeder, Krista Wardecker, Gary Robinson, Doug Reader, Leon Blosser, Terry & Letty McDonough, Mike & Denise MacIvor, Abby Smith, Scott Shewell, Tim Yingst, Larry Kinn, Meredith Malone, Gene & P.J. Heyman, Eric Shoemaker, Shaun Witmir, Bill & Carol Walker, Chris Rice, Marti Green, Cynthia McGrath, Anthony DeLuca, Darlene Benoit, Frank & Deb Neumayer, Phyllis Zimmerman – “The Sentinel”.

The meeting was called to order at 6:00 p.m. by Vice Chairman Reighard.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Vice Chairman Reighard.

MOMENT OF SILENCE:

A moment of silence was observed.

OPENING ANNOUNCEMENTS:

Vice Chairman Reighard announced that the meeting is recorded and to turn off cellular phones.

Vice Chairman Reighard stated that an Executive Session was held from 5:00-6:00 pm to discuss real estate, personnel, and possible litigation.

MINUTES: 01/06/2020 (Reorganization Meeting):

Duff made a motion to approve the minutes. Shelly seconded, and the vote in favor was 4 to 0.

PUBLIC INPUT:

There was no public input.

PRESENTATION:

Rick Olen, VFW Post 477, presented Supervisor Ron Hamilton with a plaque for Firefighter of the Year Award. Mr. Olsen commended Ron for 53 years of service, and stated that Ron was at an event and saved a man who was choking. Ron will be entered into the state level competition.

ORDINANCE #2020-01 (ZONING ORDINANCE AMENDMENT – Suburban Commercial Rezoning & Amendments): - PUBLIC HEARING:

Rick opened the hearing. Attorney Jon Andrews and Jonathan Bowser were present for the discussion. Mr. Andrews stated that the property is part of 64 acres along South Spring Garden Street (Smith Farm). The property is currently zoned I-1. This amendment rezones the area to Suburban Commercial and allows for the inclusion of a “Community Campus Development”; which would allow a mixture of institutional, commercial and residential uses developed by a master plan. Both SMT and Cumberland County Planning Commissions have recommended approval of the ordinance. The Township’s Zoning Map would be changed to reflect this new zoning district. Public comment was taken. Larry Kinn, Bucher Hill Road, asked how the Township would benefit from this change. Mr. Andrews replied that the parcel was zoned I-1 for years and there has been no proposed development for years. This change will allow for diversity in development. The hearing was closed. Ron made a motion to approve Ordinance #2020-01, as presented. Duff seconded, and the vote in favor was 4 to 0.

ORDINANCE #2020-02 (STOP INTERSECTION – Indian Hills) & (ESTABLISHING BUCHER HILL ROAD A ONE-WAY ROAD) – PUBLIC HEARING:

Cory gave a presentation proposing making Bucher Hill Road a one-way road. Some of the points involved the Boiling Springs Community group that has been meeting since 2013, discussing ways in which to improve the Village area and to implement certain provisions of the 2009 Livable Communities Plan which would include installing sidewalks, street-scaping and pedestrian/walking areas. When construction begins at the Lake, Bucher Hill Road will be closed in 2020/2021. Currently people walk on the road cartway creating a dangerous situation. One option was to permanently close Bucher Hill Road. A second option was to make the road a one-way road. Plus, the state needs direction from the Township so they can proceed with the Lake project.

Solicitor Salzman opened the hearing on Ordinance #2020-02. Public comment was taken.

Doug Gale, 31 Derbyshire Drive, commented that if Bucher Hill Road becomes a one-way road, Front Street should also become a one-way road.

Larry Kinn, 107 Bucher Hill Road, is new to the area, but spends time around the lake. He would like to get more details and a risk analysis to make it a one-way road. Mr. Kinn would like to see the speed limit lowered to 25 mph.

Letty McDonough, 1636 Leidigh Drive, agrees that there should be a study done before action is taken. She stated that she drives, runs, and walks her dogs on Bucher Hill Road on a daily basis and has never felt unsafe. She feels this will create more traffic on Front Street and Rt. 174.

Gene Heyman, 691 Lerew Road, fished along Bucher Hill Road. He said it is dangerous with cars coming down Bucher Hill Road.

Carol Walker, 551 Mountain Road, said she was concerned with EMS vehicles not being able to use this road. Also, she feels there will be an impact on the smaller bridges slowing down EMS vehicles, and would place too much traffic on Front Street. Tim Yingst, Citizen’s Fire Company Fire Chief, stated that they do not use Bucher Hill Road for EMS calls – they use Front Street so making it one-way would not impact them. Ron mentioned that in an emergency, if necessary, emergency vehicles can go the wrong way.

Sam Moriello, Whiskey Spring Road, asked if farmers have room to turn up Bucher Hill Road. Duff said that they are doing it now so it wouldn't affect them turning up the road – they just wouldn't be able to go down the road.

Theresa Shakespeare, 124 Third Street, asked for clarification on if you would be able to turn left at the top of Bucher Hill Road. Cory replied that you will be able to still turn left going up the road – it's just dangerous turning left from Rt. 174 onto Bucher Hill Road across traffic.

Jim Barnes, 211 Front Street, feels that Front Street should be made one-way if Bucher Hill Road becomes one-way. He feels this will improve pedestrian safety. He asked if the road can be reversed back to two-ways if it doesn't work out. Duff replied yes.

Rick Fry, 3 Joseph Drive, feels more vehicles and vibration can cause damage to the area at the lake in need of repair. He would like a traffic study done. Cory said a vehicle count could be done, but would delay the work on the lake, specifically permitting and design.

Krista Wardecker, 413 Front Street, is concerned that Front Street will get more traffic.

Meredith Malone, 111 Race Street, asked if there would be a stop sign at Front and Race Streets.

Gary Robinson, 101 Race Street, thinks making Front Street a one-way road would be beneficial to the lake project. He said it is hard to cross the road at the Boiling Springs Tavern and at the Post Office.

Mark Eyer, 283 Tanger Road, travels Bucher Hill Road to avoid Front Street because of the dip in the road and the stop sign on Second Street. He feels a traffic study should be done.

Eric Shoemaker, 8 Jenny Drive, does not want any more stop signs on Front Street. He suggested not having fishing in an area close to the road.

Bill Walker, 551 Mountain Road, suggested encroaching into part of the lake area when construction begins to make the road wider.

Lilo Bucher, 106 Bucher Hill Road, stated that cars race down Bucher Hill Road causing a danger to people walking on the road. She feels making it one-way will make the road safer.

Carol Shetter, 647 Gutshall Road, said that horse trailers travel down Bucher Hill on their way to the Bonnybrook Riding Club on Mountain Road.

Jim Barnes, 211 Front Street, suggested a round-a-bout at Front and Race Streets.

(BREAK – 7:30 pm)

Gary Neumayer, 85 Wise Lane, suggested requesting PennDOT place a 35 mph ahead sign on Rt. 174 and to lower the speed from 45 mph. He also suggested building a pier and to reduce the speed limit on Bucher Hill to 20-25 mph.

Darlene Benoit, 217 Front Street, noted that GPS systems won't tell people the road is a one-way road. She also said that people don't always stop at the stop signs on Front Street.

Deb Neumayer, 85 Wise Lane, suggested a crosswalk on Bucher Hill Road. She said cars sometimes stop and let people cross now even though there is no crosswalk. She said she does not want a round-about.

Jim Barnes, 211 Front Street, said he was involved with the Livable Community Committee and the plan was intended for pedestrians, not cars.

Mark Eyer, 283 Tanger Road, thanked the Board for listening to the residents and for tabling action at this time.

Shelly made a motion to table action on this ordinance at this time. Ron seconded, and the vote in favor was 4 to 0.

EMERGENCY SERVICES REPORT:

The report was accepted, as submitted. Ron commented that all the calls were handled with the highest level of service from all fire and ambulance companies.

RECREATION REPORT:

The report was accepted, as submitted.

PUBLIC WORKS/ROADS REPORT:

The report was accepted, as submitted. The Zion Road bridge replacement will begin on February 10, 2020.

SOLICITOR REPORT:

No report was given.

ENGINEER REPORT:

Three proposals were received for the design of the Boiling Springs Pedestrian Safety Improvement Project. The prices are: HRG - \$124,050, Rettew - \$91,230, & TPD - \$149,050. Brian explained the differences between the proposals. HRG included the basic and necessary engineering. Rettew did not include several items in the proposal. TPD included approaches to items such as mid-block crosswalks, signage and pedestrian access. Their proposal would include stormwater management bio-retention areas to comply with MS4, as well as the look of the project. Also, TPD's price would not exceed \$149,050. Duff made a motion to award the design contract for the Boiling Springs Pedestrian Safety Improvements Project to Traffic, Planning, & Design (TPD) for a cost not to exceed \$149,050. Shelly seconded, and the vote in favor was 4 to 0.

The construction of the Connector Road has begun. Erosion control measures have been installed, and grading has started. As per the developer's agreement, they were required to begin construction prior to December 31, 2019. Also, per the agreement, the developer was required to submit financial security within 90 days of the date of the agreement (October 10, 2019), which would have been January 8, 2020. However, the Board granted an additional 90 days making the

new deadline April 7, 2020. The developer was to have secured a PennDOT Highway Occupancy Permit by March 1, 2020 or the agreement would be null and void unless the Township modifies that deadline. Duff said the contract has been bringing more dirt out onto York Road. Brian will look at this issue.

A security reduction was requested for the Laurel Estates Plan #20100021. Ron made a motion to approve a reduction in security for Plan #20100021 in the amount of \$65,538.11. Duff seconded, and the vote in favor was 4 to 0.

The applicant for the Netherby Phase 2 Plan #05-17 has requested a release in the maintenance security in the amount of \$68,406.52. The street light has not been installed even though it has been 3 years since the security has been posted. It seems that there has been no effort to get it installed. Ron made a motion to deny the release of maintenance security for the Netherby Phase 2 Plan #05-17 in the amount of \$68,406.52. Duff seconded, and the vote in favor was 4 to 0.

The traffic signal pole at Walnut Bottom Road and Alexander Spring Road keeps getting hit by tractor trailer trucks. The pole is located on the corner of the Hoss' restaurant. Trucks keep jumping the curb due to not being able to make the sharp turn onto Alexander Spring Road. Recently, the pole was knocked over again and a temporary signal was installed. A temporary berm was installed and was also hit by a truck. It was discussed with a traffic engineer that a study would be necessary. Rettew has submitted a proposal to perform the study. Shelly made a motion to award design services for Alexander Spring Road improvements to Rettew Associates for a cost of \$23,000. Ron seconded, and the vote in favor was 4 to 0.

Since there has been a number of tractor trailer accidents at the bridge over the Letort Spring Run, Brian will prepare an ordinance to prohibit trucks over 25 feet long from using Bonnybrook Road. Duff made a motion to authorize the Township Engineer to prepare an ordinance and schedule a hearing to prohibit trucks over 25 feet long from using Bonnybrook Road from the Holly Pike to South Spring Garden Street. Shelly seconded, and the vote in favor was 4 to 0.

COMMUNITY DEVELOPMENT REPORT:

The applicant for the Westmooreland Phase 1 Final Subdivision has granted a 90-day time extension in order to take action on the plan. Ron made a motion to accept the time extension. Duff seconded, and the vote in favor was 4 to 0. The new approval deadline is May 4, 2020.

Drayer Physical Therapy had applied to the Zoning Hearing Board, but has since withdrawn their application. They are asking for a refund of the fees. Shelly made a motion to approve the refund of the Zoning Hearing Board application. Ron seconded, and the vote in favor was 4 to 0.

The Zoning, Building, Conditional Use, and Zoning Hearing Board fee schedule has been revised. There was an issue dealing with pool permits. Duff made a motion to approve Resolution #2020-04 approving the new fee schedule. Shelly seconded, and the vote in favor was 4 to 0.

MANAGER REPORT:

The Election Bureau has asked to use the Township building as a polling location for the April 28 Primary and the November 3 General Election. Ron made a motion to approve allowing the

Township Building to be used as a polling location. Duff seconded, and the vote in favor was 4 to 0.

Shelly made a motion to appoint Natalie Frye as Community Development Coordinator. Ron seconded, and the vote in favor was 4 to 0. The Board congratulated her on a great job.

Supervisor Capozzi has requested she and her family be added to the Township's health insurance plan. Duff made a motion to approve adding Shelly and family to the plan. Ron seconded, and the vote in favor was 3 to 0. (Shelly abstained).

Gerald Martin, 4 Wincroft Court, sent another letter asking the Township to create a stormwater district for the Uplands Subdivision of the Greenfields Development. Mr. Martin has sent other letters and presented this issue at Board meetings. Cory advised Mr. Martin that the Township will not be pursuing his request at this time or in the immediate future.

Monroe Township has forwarded minutes from their November 14, 2019 meeting describing the residents concerns over the use of food processing residuals on Township farms. Cory described what is involved with this process. Duff asked the Solicitor to check into this practice.

The Fairfield Inn and Suites, 1538 Commerce Avenue has applied for a hotel liquor license.

Cory was re-elected as Vice President at the recent CapCOG meeting.

PUBLIC INPUT:

Carol Shetter, Gutshall Road, complimented the road crew on another great job during the last snow/ice storm.

Marti Green, Derbyshire Drive, commented on the Connector Road project. She also spoke of how some farmers are spreading chicken parts on the fields causing a terrible smell. She claims it affected a person's skin, and questioned this practice affecting water sources. Brian O. said that townships are restricted from regulating agricultural practices, but as mentioned above, the Solicitor will further review this particular matter.

SUPERVISORS DISCUSSION:

There was no discussion.

BILLS FOR PAYMENT:

Ron made a motion to pay the bills. Shelly seconded, and the vote in favor was 4 to 0.

ADJOURNMENT:

Shelly made a motion to adjourn at 8:45 pm. Duff seconded, and the vote in favor was 4 to 0.

WITNESS:

Sandra A. Quickel, Secretary

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Bryan A. Gembusia, Chairman

Walter G. Reighard, Vice Chairman

Shelly L. Capози, Member

R. Duff Manweiler, Member

Ronald P. Hamilton, Member