

## MINUTES

### SOUTH MIDDLETON TOWNSHIP BOARD OF SUPERVISORS 520 PARK DRIVE BOILING SPRINGS, PA. 17007

MAY 9, 2019

**PRESENT:** BRYAN GEMBUSIA, TOM FALEY, RICK REIGHARD, DUFF MANWEILER, RON HAMILTON – SUPERVISORS, Cory Adams – Manager, Jarrett Sweeney – Assistant Manager, Tim Duerr – Zoning Officer, Sandy Quickel– Recording Secretary, Brian O’Neill – Engineer, Bryan Salzman – Solicitor, Doug & Helen Gale, Michael Coyle, Shelly Capozzi, Mike Hepler, Carol Shetter, Mike Berk, Elizabeth Eaken, John Benoit, Curtis Connors, Tim Berndt Daniel Berndt, Matthew Blanchard, Emma Troutman, Olivia Christman, George Taney, Conrad Baker, Ana Sparages, Marti Green, Lauren Draper, Phyllis Zimmerman – “The Sentinel”.

Chairman Gembusia called the meeting to order at 6:00 p.m.

#### **PLEDGE OF ALLEGIANCE:**

Chairman Gembusia led the audience in the pledge of allegiance.

#### **MOMENT OF SILENCE:**

A moment of silence was observed for Supervisor Faley’s wife, Susan, who passed away and will be buried on Friday at Arlington National Cemetery.

#### **OPENING ANNOUNCEMENTS:**

Chairman Gembusia announced that the meeting is recorded and to silence any cell phones. An Executive Session was held from 5:00 – 6:00 pm to discuss litigation and real estate.

#### **MINUTES: 04/25/19 (Regular Meeting):**

Tom made a motion to approve the minutes. Duff seconded, and the vote in favor was unanimous.

#### **MINUTES: 05/01/19 (Road Projects Bid Opening)**

Duff made a motion to approve the minutes. Rick seconded, and the vote in favor was unanimous.

#### **BID AWARD – Road Projects:**

Bryan read the low bidders.

Shughart Road – Wilson Paving \$226,515.00

Zion Road – Wilson Paving \$129,022.00

Heisers Lane – Wilson Paving \$98,917.50

Valley Street – New Enterprise Stone & Lime - \$109,540.00

Lerew Road – Wilson Paving - \$59,880.00

Rick made a motion to award the bids to the lowest bidder. Ron seconded, and the vote in favor was unanimous.

**PUBLIC INPUT:**

Elizabeth (Sue) Eaken, 29 Appalachian Trail Road, commented about the property at 28 Appalachian Trail Road. The residents were supposed to install a sand mound, but have not. She claims their septic system is malfunctioning and sewage is flowing onto the road. Tim stated that a violation letter has been sent to the residents. They were to have the septic system pumped every month. They have been fined in the past and have paid the fine. Tim said that the system was to be replaced this year, but has not due to the property is in a trust. Duff questioned what to do if they pay the fine, but the sewage is still running onto the road. Tim said they can be fined daily. Duff asked if a letter could be sent with a deadline to fix it. Mr. Salzman said yes. Rick made a motion to authorize the Solicitor to work with staff on this issue. Ron seconded, and the vote in favor was unanimous. Cory commented on Ms. Eaken's previous issue regarding the condition of Appalachian Trail Road. He stated that the Township has fixed issues in the past. The road was never dedicated to the Township. Cory is researching what can be done to provide minimal service to the road.

Carol Shetter, 47 Gutshall Road, commended the road crew on the great job fixing the road at the intersection at Gutshall and Mountain Roads.

Curtis Conners, 319 E. Old York Road, commented about a billing problem with his trash bill. He was doubled billed.

Marti Green, 28 Derbyshire Drive, commented on the high grass at the Mayapple Golf Course. She asked what the Township's regulations are for grass. Cory replied it cannot be over 12 inches tall. Ms. Green is worried about lyme disease and the thistle problem. Cory will set up a meeting with representatives of the Mayapple Board and Board of Supervisors.

**SOLICITOR REPORT:**

Solicitor Salzman reported on the Lakeside Mart. The applicant filed a Special Exception to the Zoning Hearing Board (ZHB). Cory and the Solicitor were directed by the Board to oppose their case at the ZHB. Lakeside Mart appealed the ZHB decision. The Township can file a notice of intervention in order to seek a resolution/settlement to this case. Rick made a motion to authorize the Solicitor to file an intervention. Duff seconded, and the vote in favor was unanimous.

The Township is in talks regarding purchasing the Swisher property at 535 Park Drive. It is over 4.7 acres. The purchase price is \$450,000. A \$5,000 down deposit will be required. The Township may inspect the property within 30 days. An appraisal should be done on the property. Rick stated that the Township would acquire stream frontage and will be a good opportunity for the Township, the park system, and community organizations. Duff noted that the Township owns the property adjacent to the Swisher property. Ron made a motion to authorize entering into an agreement of sale for the real estate of the Jay C, Jr. and Diane Swisher property and to authorize staff to execute the agreement. Rick seconded, and the vote in favor was unanimous.

**ENGINEER REPORT:**

The applicant for the Summerbridge Phases 3 & 4 has submitted a security reduction request. Brian has visited the site and found the outstanding items have been completed. Tim Berndt, 5A Palms Court, commented on some other issues – retention pond doesn't drain and erosion issues.

Brian said those items are not completed yet, and funds will be kept until those items are completed. Tom made a motion to approve the security reduction in the amount of \$632,802.59. Duff seconded, and the vote in favor was unanimous.

Regarding Old Forge Station, Phase 1 (plan #08-07), Brian is recommending releasing \$10,000 in financial security. Duff made a motion to release the security in the amount of \$10,000. Tom seconded, and the vote in favor was unanimous.

**COMMUNITY DEVELOPMENT REPORT:**

Rick made a motion to approve a 60-day time extension for Kee Medical Services, LLC Final Land Development. Ron seconded, and the vote in favor was unanimous.

The applicant for the Carlisle Farmers Market Conditional Use plan is requesting a 2-year time extension on the conditional use approval for the project. Previously in 2017, a 2-year extension was granted. Duff asked if there have been any updates on the project. No updates have been given. Cory suggested approving a one-year extension. Duff made a motion to deny the 2-year extension, and grant a one-year extension. Tom seconded, and the vote in favor was unanimous.

Decisions have been drafted for Mountain Creek Distribution Center and Group & Group Conditional Uses.

Mr. George Taney, 298 Heisers Lane, is requesting a waiver from the Township access spacing requirements of the SALDO in order to construct/maintain a second driveway on the property. Mr. Taney wants direct access from his detached garage to Heisers Lane. He claims the Township keeps taking part of his property due to a telephone pole issue on the other side of the road. Rick asked Mr. Taney if he could eliminate one driveway. Mr. Taney said it would not make any difference. Ron made a motion to deny the waiver request of access spacing for the second driveway. Rick seconded, and the vote in favor was unanimous. Bryan G. asked if there are any other options for Mr. Taney. Cory said that Heisers Lane is to be widened this year. He suggested waiting until the work is completed, then revisit this issue.

**MANAGER REPORT:**

The Carlisle United Methodist Church has requested the Township forgive the Rollback Tax penalty for the work they are performing on the Smith Farm. The property is in Clean and Green. Under the Clean and Green Program, a property receives preferential tax assessment if it remains in agriculture or open space. A change from these uses results in a penalty which is seven years back taxes plus six percent interest. The determined amount would be \$209.90. Both the School and County have forgiven their portion of the penalty. Tom made a motion to forgive the Tax Rollback penalty for the Carlisle United Methodist Church property. Duff seconded, and the vote in favor was unanimous.

Franklin & Marshall College (F&M) performed a study on the source of water in the Bubble. The researchers would like to continue and expand their research and have asked the Township for assistance to purchase equipment related to the project. Two options for equipment were presented to the Township. Rick made a motion to approve partnering with Franklin & Marshall College on future Bubble studies, by purchasing equipment requested under Option 1, and pursuant to entering into a consultant services agreement pursuant to the Solicitor and Manager

approval. Ron seconded, and the vote in favor was unanimous. The Township will have ownership of any data.

The Township has received a request from the County to continue to participate in its Community Development Block Grant and Home Investment Partnerships Programs. The participation will be for the years 2020-2022. Duff made a motion to approve continued participation in Cumberland County's Urban County Program. Tom seconded, and the vote in favor was unanimous.

The Township was successful in its DCED MAP (Municipal Assistance Program) grant application for a proposed Walnut Bottom Road corridor study. The grant was due May 8. When the township received it, Cory was unable to present it to you at a public meeting. At the March 29, 2019 meeting, the Board approved Resolution #2019-09 allowing the Township to apply for the grant, and for Bryan Gembusia and Cory to sign it. So, Cory is seeking the Board's retroactive authorization for the signatures. Ron made a motion to retroactively approve the signature of the DCED MAP Agreement. Rick seconded, and the vote in favor was unanimous.

The Township is recommending Michael Baker be appointed as the consultant for the Walnut Bottom Road Corridor Study. Tom made a motion to appoint Michael Baker as consultant on the Walnut Bottom Corridor Study and pursuant to entering into an agreement satisfactory to Solicitor and Manager approval. Duff seconded, and the vote in favor was unanimous.

Staff has met with the Appalachian Trail Conservancy (ATC) to discuss ensuring that they always have an office in the Township. That may require the Township purchasing their current building and leasing it to them. Rick stated that numerous people stop in at their office to ask general questions (not trail related), such as activities in the Boiling Springs area. Duff said that approximately 10,000 people stop in at the ATC office each year. Rick made a motion to authorize staff to work with the ATC to allow them to remain in Boiling Springs. Ron seconded, and the vote in favor was unanimous.

Staff is developing the stormwater district ordinance covering the Westgate Development A draft ordinance is being reviewed by Rettew and will be forwarded to the Township Solicitor for review.

The South Middleton Township Authority will be holding an informational meeting regarding the second phase of the Forge Road Acres Sewer and Water replacement project. It will be held on May 15 at 6:00 pm.

Requests for proposals have been finalized for the master plan to cover the SMT, Leaman, and Yellow Breeches parks. It is anticipated to have chosen a consultant for approval at the June 13 meeting.

Bryan commented on a letter that was received from a student (Nicolas Dell). The student did not leave any contact information in order to be contacted regarding his complaint. Bryan asked the students in the audience to have Nicolas Dell contact the Township with his phone number.

**PUBLIC INPUT:**

Doug Gale, 31 Derbyshire Drive, asked what will happen to the holes in the yards of the residents along Forge Road due to the construction project. Bryan said that the contractor will restore the yards.

**SUPERVISORS' DISCUSSION:**

There was no discussion.

**BILLS FOR PAYMENT:**

Duff made a motion to pay the bills, as submitted. Tom seconded, & the vote in favor was unanimous.

**ADJOURNMENT:**

Ron made a motion to adjourn the meeting at 7:20 pm. Rick seconded, and the vote in favor was unanimous.

**ATTEST:**

**SOUTH MIDDLETON TOWNSHIP  
BOARD OF SUPERVISORS:**

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Sandra A. Quickel, Secretary

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Bryan A Gembusia, Chairman

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Thomas E. Faley, Vice Chairman

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Walter G. Reighard, Member

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R. Duff Manweiler, Member

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Ronald P. Hamilton, Member