

MINUTES

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

MAY 30, 2019

PRESENT: BRYAN GEMBUSIA, TOM FALEY, RICK REIGHARD – (absent), RON HAMILTON, 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; Tibben Zerby, Zach Klueber, Doug & Helen Gale, Carol Shetter, Jerry & Velma Miller, Clarence Raudabugh, Attorney James Strong, John Benoit, Mark Nesselroad, Bill & Cathy Reisinger, Andy Dapkins, Shelly Capozzi, Michael Coyle, John Benoit, Cheryl Hoffman, Marti Green, Linda Larson, Phyllis Zimmerman – “The Sentinel”.

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

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Chairman Gembusia.

MOMENT OF SILENCE:

A moment of silence was observed.

OPENING ANNOUNCEMENTS:

Chairman Gembusia announced that the meeting is recorded and to turn off cellular phones. He also stated that an Executive Session was held from 5-6:00 pm to discuss real estate and litigation.

MINUTES: 05/09/19 (Regular Meeting):

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

PUBLIC INPUT:

There was no public input.

#2019-0009 PARADIGM ARCHITECTURE PROPOSED LOT B/GLENMARK HOLDING – Conditional Use Public Hearing:

The hearing was opened. A court stenographer was present and the transcript will be the official record. After the presentation, the hearing was closed. The plan was approved by a 4-0 vote. There was no public input.

EMERGENCY SERVICES REPORT:

The report was accepted, as submitted. Ron stated that there is a pending bill in the House that will allow State Police to be hired by Townships to enforce ordinances. There would be a fee charged for the services.

RECREATION REPORT:

There was no report.

PUBLIC WORKS REPORT:

The report was accepted, as submitted.

SOLICITOR REPORT:

Solicitor Salzman reported on the settlement agreement with S&K Inc. dba Lakeside Food Mart and the Township. It was agreed that there will be one access point, and the Front Street intersection will be closed. There will be a right-in/right-out at First and Front Streets with other improvements to be made on the property. A crosswalk is also planned as part of a grant. The gasoline sales will be limited to the present number of pumps – it cannot be increased. A typo was pointed out that Subparagraph 12 should be listed as 10. Duff made a motion to approve the settlement agreement between S&K and the Township subject to Subparagph 12 being changed to Subparagraph 10. Ron seconded, and the vote in favor was 4 to 0.

ENGINEER REPORT:

Brian O. described the 8 phases in the Westgate Development and 3 stormwater ponds. These ponds were turned over to the HOA. However, some residents in the earlier phases were not required to join the HOA. Currently, the HOA is defunct. The intent is for the Township to establish a stormwater district and charge fees to all residents for the maintenance of the ponds. The fee would cover any repairs/mowing grass at the ponds. The fee would be \$100/per developed property. Andy Dapkins, 25 Westgate Drive, said there are no HOA members. He is in favor of this fee. Solicitor Salzman clarified that the \$100 is not a tax, but is a fee like any public utility charges. Bill Reisinger, Lindsey Road, suggested getting prices to make the repairs in the first year. Bryan G. replied that an assessment of the repairs has been done. Mike Coyle asked if a subcontractor that would mow the grass would have to adhere to the Township's weed ordinance. Bryan G. replied yes – it cannot be over 12 inches high. Cathy Reisinger asked if other developments would want to do this. Bryan G. replied there has been another development that asked about it. Solicitor Salzman said that this would only be done by a case by case basis. Doug Gale, asked if the HOA documents are recorded and where is the money paid by the residents to the HOA. Bryan G. said he now has one. Duff said the money issue can be researched for the banking information.

COMMUNITY DEVELOPMENT REPORT:

Ron made a motion to approve the Kee Medical/Steven Rose Stormwater Operation and Maintenance Agreement. Tom seconded, and the vote in favor was 4 to 0.

Tom made a motion to approve the Memorandum of Understanding with the Cumberland County Soil Conservation District. Duff seconded, and the vote in favor was 4 to 0.

The Karen Bert Conditional Use hearing will be held on June 27, 2019, as well as Laurel Forge and Phillips & Frey Industrial Park.

The Planning Commission had a number of comments and suggestions for the Solar Energy Ordinance. The ordinance will go back to the review process with the County as well.

The decision for the Seventh Day Adventist Church Conditional Use is ready for signing.

The Joseph Clark property at 28 Appalachian Trail Road has a malfunctioning septic system. A violation letter has been sent to the Clarks. The system was pumped the system in May. There are financial and family issues involved. This has been an on-going issue since 2016 and is in a trust. Bryan G. added that the people living there don't own the property. He said the property is in an estate and they are having an issue with evicting the people living there.

MANAGER REPORT:

UGI submitted a financial security bond for the gas line installation and paving project to cover work done on Petersburg Road and Westminster Drive. Duff made a motion to approve the release of the UGI security bond. Bryan seconded, and the vote in favor was 4 to 0.

Staff feels it is appropriate to transfer some money from the General Fund to our General Fund Investment Account. The amount requested to transfer is \$1 million. Ron made a motion to approve the requested funds transfer. Tom seconded, and the vote in favor was 4 to 0.

Cory stated that the Township has received a \$17,500 DCED MAP grant to cover the master plan study of the Walnut Bottom Corridor. In addition, the Township was awarded \$35,000 in Tri-County Regional Planning Commission funding. Since the latter funding is Federal, we are required to choose our consultant through a competitive selection process. The Township had already selected Michael Baker as our consultant before that information was known. Duff made a motion to void the contract with Michael Baker. Tom seconded, and the vote in favor was 4 to 0. Duff made a motion to send out RFQ. Tom seconded, and the vote in favor was 4 to 0.

The Township has an agreement with Monroe Township, the Municipal Authority, and Trinity (Allenberry Developer), and SMTMA. Our Authority will provide sewer and water to the "Porches at Allenberry) development in Monroe Township. South Middleton will also do plan reviews and building inspections for those houses. An Intermunicipal Agreement Ordinance will be implemented to conduct this inspection program.

The April 2019 State Police reports were submitted.

The May 2019 CapCOG Board of Delegates report was submitted.

Mowing has begun Mayapple Golf Course. There was a previous complaint about the high grass/weeds.

PUBLIC INPUT:

Thelma Miller, 34 Fairview Street, asked for an update on 36 Fairview Street. Cory said that the property has been turned over to the Cumberland County Blight Board. A notice will be sent to the property owner. The County sent this 2 weeks ago. Tim added that the property owner was given a list of things that need corrected. Mrs. Miller stated that she has been having breathing problems due to the condition of the house at 36 Fairview. She claims there is also a mold issue. She was informed by her doctor that her issues are caused by an environmental issue. Bryan asked if the property can be condemned if it is a health issue. Brian stated that the Township's BCO (Building Code Officer) can determine if it needs to be condemned under the building code. Tim will contact the County for more information.

SUPERVISORS DISCUSSION:

There was no discussion.

BILLS FOR PAYMENT:

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

Bryan made a motion to adjourn to Executive Session at 7:50 pm. Duff seconded, and the vote in favor was 4 to 0.

Ron made a motion to adjourn the Executive Session at 8:44 pm. Bryan seconded, and the vote in favor was 4 to 0.

ADJOURNMENT:

Ron made a motion to adjourn at 8:45 pm. Bryan 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

Thomas E. Faley, Vice Chairman

Walter G. Reighard, Member

R. Duff Manweiler, Member

Ronald P. Hamilton, Member