

MINUTES

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

JUNE 13, 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 Salzmann – Solicitor, Ron Waleslagle, Jerry & Velma Miller, John & Darlene Benoit, Doug Gale, Eddie Brannan, Scott Zacharda, Shaun Paul, Tim Berndt, Anne Franklin, Sean & Amy Owen, Rich Hilboky, Paul Wilson, Lewis & Amanda Jones, Akash Patel, Letty McDonough, Ben Ramirez, Linda Larson, Dean Otto, 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.

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, real estate and personnel.

MINUTES: 05/30/19 (Regular Meeting):

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

PUBLIC INPUT:

Dean Otto, 419 Chestnut Drive, suggested clarifying in the minutes which “Bryan/Brian” spoke at the meeting since there are three. He suggested putting the first initial of their last name for better clarification. He also said he feels round-a-bouts are a good idea. Mr. Otto also asked how much money is in the Reserves account since it was just approved to transfer \$1 million at a recent meeting. Rick said there is a couple of million dollars in the Reserve account.

Tim Berndt, 5A Palms Court, commented on the high grass at the Kmart property. Tim said a violation letter has been sent to the owner.

Ed Brannan, 498 Petersburg Road, reported speeding problems on Petersburg Road. He claims vehicles are going 50-60 mph. He also asked if a traffic signal will be installed at the end of Petersburg and York Roads. Brian O. said that that intersection is at an angle and would be hard to put one in. However, the developer of the Morgan’s Crossing plan will contribute to a signal either at this site or another location. The Township has discussed this issue with the developer at the old Farmer’s Market along York Road for possible future placement of a traffic signal.

Anne Franklin, 213 Pine Road, said she has been pumping water for over a month. Bryan G. said the water table has risen due to the rainfall over the last 20 months. Cory added that that area is in a flood zone and the Township is looking into different options to help.

#2019-0014 AT&T WIRELESS/SMALL CELL ANTENNA – Conditional Use Public Hearing (1417 Walnut Bottom Road):

The hearing was opened. A court stenographer was present. The transcript will be the official record. The plan was approved. The hearing was closed.

#2019-0015 AT&T WIRELESS/SMALL CELL ANTENNA – Conditional Use Public Hearing (357 Alexander Spring Road):

The hearing was opened. A court stenographer was present. The transcript will be the official record. The plan was approved. The hearing was closed.

ORDINANCE #2019-05 (Stormwater Maintenance District (Westgate Development) – Public Hearing:

The hearing was opened. Brian O. explained that this ordinance will establish a stormwater district in the Westgate Development. It will provide for the authorization for collection of a fee from all developed properties. The fee will be \$100/year for each resident and will pay for the mowing and maintenance of the stormwater management ponds. Duff stated that this issue has been ongoing for years and will not set a precedent due to the uniqueness of the issue. Bryan G. who lives in Westgate stated that he has received positive feedback from other residents with minor concerns. He stated that he will abstain from voting due to living in the development.

Doug Gale, 31 Derbyshire Drive, suggested placing the \$100 fee into the cost of any new building permits.

Ben Ramirez, 403 Limestone Road, asked if the \$100 fee would be added onto the water/sewer bills and if it would be a one-time charge or broke up over the year. Cory said that the Municipal Authority will either bill one-time or can bill quarterly. Mr. Ramirez also asked if the homeowners have any recourse to get their money back that was paid in the HOA. Bryan G. said it will be the homeowner's responsibility to get their money refunded.

Anne Franklin, 213 Pine Road, asked if the lack of maintenance impacts stormwater. Bryan G. said most of the maintenance involves some overgrown trees, a tree that has fallen onto the fence and has not been removed, etc.

Amy Owen, 215 White Oak Circle, asked if the Township will be mailing out letters to the residents for this issue. Bryan G. replied yes. The hearing was closed.

Rick made a motion to approve Ordinance #2019-05, as submitted. Duff seconded, and the vote was 4 to 0. (Bryan G. abstained).

RESOLUTION #2019-11 (Stormwater Management Fee and Credit Policy (Westgate Development) – Public Hearing:

Brian O. stated that this resolution will establish the fee for the Stormwater Management District in the Westgate Development. The fee will be \$100/year per resident. Duff made a motion to

approve Resolution #2019-11. Rick seconded, and the vote in favor was 4 to 0. (Bryan G. abstained from the vote due to living in that development).

#2018-0023 AKASH PATEL & ASSOCIATES – Preliminary/Final Land Development:

Paul Wilson presented this plan. The applicant is requesting plan approval to construct an 85 room hotel on 3.22 acres at 1501 Commerce Avenue. Mr. Wilson stated that originally a restaurant was also proposed, but has been removed. There will be one single access point and one access will be removed. Tom said he is happy that there is a tenant for the space. He asked Mr. Patel when construction will begin. Mr. Patel said that they will begin by tearing down the existing building very soon. Tim Berndt, 5A Palms Court, asked where on Allen Road it will be located. Mr. Wilson replied it is at the old State Police building.

Modification: Preliminary Plan. Tom made a motion to approve the modification. Ron seconded, and the vote in favor was unanimous.

Tom made a motion to approve plan #2018-0023, subject to staff comments. Ron seconded, and the vote in favor was unanimous.

#2019-0006 KEYSTONE AQUATICS – Final Land Development:

Rich Hilboky and Scott Zacharda were present for this plan. The owner is proposing construction of a 120 ft x 36.5 ft addition to an existing aquatics center at 103 Midway Drive. Mr. Hilboky said the plan will add 4,000 s.f. to the building and is to be used for out of the pool exercising. There are two waiver requests (Preliminary Plan and Sidewalks). The applicant is agreeable to installing sidewalks if required to put them in. Bryan G. noted that the overall parking is inadequate for the 200 occupancy level and is a safety concern. He asked if there is available parking at the former skating rink and if sidewalks can be installed. Rick asked if both facilities (aquatics & skating rink) could be open at the same time causing parking issues. Mr. Hilboky replied that it could be possible but are different uses. Scott Zacharda, who works at the aquatics center, said there is usually no more than 20-40 people and 54 parking spaces. He said that if there is a weekend event, that number could triple. Cory asked Mr. Zachardo how many swimmers there are if Trinity High School competes against Boiling Springs High School. He replied there are 60 swimmers for both teams. Cory said this number would not include visitors to the event. If both facilities are used, they are over the 54 parking spaces. Bryan G. said 2 weeks ago there were over 200 cars there and some were parked on Midway Drive. He also asked if there was a way to know the number of attendees. Mr. Zachardo replied no. Rick made a motion to authorize staff (Emergency Management Administrator Ron Hamilton and Fire Marshal Bill Coulson) to attend an event and get the number of attendees. Duff seconded. Tim Berndt, 5A Palms Court, asked if a crosswalk could be placed between the two buildings for safety. Rick amended his motion to include this comment. Duff seconded the amended motion. The vote in favor was unanimous. Rick noted that this road has a 50 ft r-o-w and that two tractor trailers can pass on the road. Brian O. questioned if the septic system can handle more than 200 people/day which would equal about 2,000 gallons/day. Brian O. suggested sending the Township SEO out to the site to look for any malfunction. Mr. Zachardo replied that Rosenberry Septic tested the system and said it can handle 3,000 gallons/day. They also added a flowmeter to see how much sewage is going into the system. Tim said that this documentation should be supplied to the SEO. Solicitor Salzmann said that there are two different property owners on either side of their properties. If sidewalks are installed, the other owners must install them also.

Rick made a motion to table the waiver requests. Duff seconded, and the vote in favor was unanimous.

Rick made a motion to table action on this plan. Ron seconded, and the vote in favor was unanimous.

SOLICITOR REPORT:

Solicitor Salzman commented on the S&K Settlement Agreement with the Lakeside Food Mart. He also commented on 36 Fairview Street (a home with alleged mold issues). He said in order to gain access inside the property would require the property owner to grant it or to pursue an administrative warrant. Thelma Miller, 34 Fairview Street said that the property is to be fixed up and taken of the blighted property list. Amanda Jones, 32 Fairview Street, said that once the roof was removed, the mold began flying around. Solicitor Salzman stated that the Township has to follow a process in reporting this issue. He advised the residents that they can also obtain an attorney to file a nuisance action.

ENGINEER REPORT:

There was no report.

COMMUNITY DEVELOPMENT REPORT:

The applicant for the Carlisle Farmers Market Conditional Use is requesting a time extension of approval for an additional year on top of the one year extension already granted by the Board at the May 9, 2019 meeting. Tom made a motion to approve the extension request until July 2, 2021. Duff seconded, and clarified that Robert Saidis told him that commercial development may need more time to finalize their plans. The vote in favor was unanimous.

MANAGER REPORT:

Rick made a motion to hire Kelly Ackley as swim coach. Tom seconded, and the vote in favor was unanimous.

PUBLIC INPUT:

Ed Brannan, 498 Petersburg Road, suggested placing a guiderail around the curve in the road at the hotel along Westminster Road. Brian O. said the Township can ask the developer, but the plan has already been approved.

Ben Ramirez, 403 Limestone Road, asked who pays for the special fire police that directs traffic during church service at the E-Free Church on Petersburg Road. Bryan G. said it is not paid for by taxpayers. Tim Berndt, 5A Palms Court, stated that the Church pays for the special fire police. Ron added that he called the State Police and they are fine with them handling the traffic flow from the Church.

Dean Otto, 419 Chestnut Drive, commented on drainage issues on Pine Road. He claims some of the problem is from Dickinson Township's new development along Mountain View Road. He also said he was at the swim meet at the Aquatic Center on Midway Drive and he had to park along the street.

Amanda Jones, 32 Fairview Street, commented on RKL Paving still using Lisburn Road and running over new drains that were installed. Bryan G. said they are the contractor doing work and are allowed there until the project is finished. Brian O. and Tim met with RKL Paving on a stormwater issue and told them not to use Lisburn road.

SUPERVISORS’ DISCUSSION:

Rick mentioned that there was a food truck at Spring Meadows Park for an event. He thought trucks were not allowed at the park. Cory said they would have to have authorization from the Township. Cory will check on this with the Recreation Department.

BILLS FOR PAYMENT:

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

ADJOURNMENT:

Tom made a motion to adjourn the meeting at 7:50 pm. Rick seconded, and the vote in favor was unanimous.

ATTEST:

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Sandra A. Quickel, Secretary

Bryan A Gembusia, Chairman

Thomas E. Faley, Vice Chairman

Walter G. Reighard, Member

R. Duff Manweiler, Member

Ronald P. Hamilton, Member