

## MINUTES

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

JANUARY 21, 2021

**PRESENT:** BRYAN GEMBUSIA, RICK REIGHARD (via Zoom), RON HAMILTON, SHELLY CAPOZZI, DUFF MANWEILER - SUPERVISORS, Cory Adams – Manager, Jarrett Sweeney – Assistant Manager, Tim Duerr – Zoning Officer, Brian O’Neill – Engineer, Sandy Quickel – Recording Secretary, Bryan Salzmann – Solicitor (via Zoom), Ed Van Arsdale, Ray Jackson, Mickey Thompson, Attorney Craig Adler, Jiri Hnizda, Denise MacIvor, Judi Whitesell, David Baird (via Zoom).

**NOTE:** This meeting was simulcasted via Zoom. Those observing the meeting from the public remotely will not be included in the Minutes unless they made a comment during the meeting.

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.

#### **MINUTES: 01/04/2021 (Reorganization Meeting):**

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

#### **PUBLIC INPUT:**

There was no public input.

#### **#2020-0013 JIRI & MARTA HNIZDA – Final Subdivision:**

The applicant proposes to subdivide the proposed lot addition 1A and Lot 3 for a new residence along Baltimore Pike. A shared access agreement has been recorded.

**Modifications:** Landscape Plan, EIA Report, Shared Access, Hydrologic Soil Groups, Preliminary Plan, Scale of less than 1 inch = 100 feet minimum. Duff made a motion to approve the modifications. Ron seconded, and the vote in favor was unanimous.

Ron made a motion to approve plan #2020-0013, subject to staff comments. Shelly seconded, and the vote in favor was unanimous.

**#2020-0039 BURKENTINE STONEWALL, LLC (1201 WALNUT BOTTOM ROAD) - Conditional Use Public Hearing:**

**#2020-0028 1201 WALNUT BOTTOM ROAD – Master Plan:**

The hearing was opened for both plans. The plans were discussed simultaneously. A court stenographer was present. The transcript will be the official record. The hearing was closed. Both plans were unanimously approved.

**#2021-01 TAX COLLECTOR FEES – Public Hearing:**

The hearing was opened. Cory explained that this ordinance allows the Tax Collector to levy and charge fees for certifications, copies, duplicates, etc. There was no public input. The hearing was closed. Rick made a motion to approve Ordinance #2021-01, as presented. Ron seconded, and the vote in favor was unanimous.

**EMERGENCY SERVICES REPORT:**

The report was accepted, as written. Ron added that the 911 system had been down in an area, but is now working.

**RECREATION REPORT:**

There was no report. Cory noted that P&R Member, Mike Berk, has resigned to due relocating. Shelly made a motion to accept Mr. Berk’s resignation. Duff seconded, and the vote in favor was unanimous.

**PUBLIC WORKS/ROADS REPORT:**

The report was accepted, as submitted. Rick thanked Kurt for taking care of a vandalism issue.

**SOLICITOR REPORT:**

There was no report.

**ENGINEER REPORT:**

Brian O. reported on two plans for George & Tessie Mallios. Plan #2012-0012 involved a sign shop next to the Trindle Inn. Plan #2018-0017 involved a gun shop next to the sign shop. They both share a driveway. Cash was submitted for financial security for the first plan. When they submitted the second plan, they requested a reduction in the security for the first plan equal to the amount of security required for the second plan with the intention of leaving the cash in place. An as-built survey and a requested release in security were submitted. When Brian O. inspected the properties, he found some deficiencies with the plans. He is recommending denying the security release, but there can be a reduction in the amount of security being retained to cover the deficiencies. Shelly made a motion to deny release of security and approve a reduction of security in the amount of \$821.85 for plan #2012-0012 and a reduction of security in the amount of \$7,735.00 for plan #2018-0017. Duff seconded, and the vote in favor was unanimous.

A security reduction for the Parkview at Boiling Springs Phase 3 (plan #2018-0018) has been submitted. There are several issues not completed for this plan. They include issues with earthwork, erosion control, paving, trees. Brian O. is recommending denying the request. Duff made a motion to deny a reduction in financial security for reasons noted above. Rick seconded, and the vote in favor was unanimous.

A security reduction for Lots 8A & 8B – Alexandra Court (plan #2019-0030) has been submitted. Brian O. has inspected the site and recommends a reduction in the amount of \$156,000. Bryan G. made a motion to approve a reduction of security in the amount of \$156,000 for plan #2019-0030. Shelly seconded, and the vote in favor was unanimous.

Two ordinances have been drafted. One will prohibit trucks of a certain length on Alexander Spring Road. The second ordinance will lower the weight limit on a bridge on Pine School Road from 20 tons to 10 tons. Ron made a motion to authorize advertisement of both ordinances. Rick seconded, and the vote in favor was unanimous.

D.E.P. and PennDOT have begun issuing permits through an E-Permitting system. Brian O. explained that if a consultant is working on a project, they can submit a permit on behalf of the Township, but the Township has to give their permission. Currently, Cory is the authorized signatory. Since Brian O. is the Engineer, he needs Board authorization to be the signatory for projects. Attorney Salzman suggested drafting a resolution making Brian O. the signatory. Board consensus was given to proceed.

Attorney Craig Adler was present to discuss the Connector Road plan. Mr. Adler stated that the Letter of Credit (LOC) was submitted for the portion under the developer's control. The developer has had no response from Penn DOT for approval of the Performance Bond. On behalf of the developer, Mr. Adler is requesting a two-month time extension. Rick asked if there was anyone present, other than Mr. Adler, representing the plan. No one was in the audience or via Zoom. Doug Gale, Derbyshire Drive, asked if the applicant had PennDOT approval. Mr. Adler said they are still completing conditions of a conditional approval of the Highway Occupancy Permit. Rick noted that the Township had placed deadlines for the submittal of certain documents. The Penn DOT approval was to be in-hand at the Township by January 19, 2021 at noon. The Township LOC was to be in-hand at the Township by January 15, 2021. Brian O. said corrections were made to the LOC and was submitted by January 19, 2021. Rick asked if this would be the fifth time extension requested. Brian O. replied yes. The project is to be completed by 2022. Duff said he is okay with another time extension because the Penn DOT approval is out of their control. Bryan G. agreed. Tim Berndt, Palms Court, asked if the Penn DOT approval is for both end portions of the road. Brian O. replied yes. Tim Berndt asked if there is an agreement stating a deadline to complete the project. Attorney Salzman said there is a developer's agreement that states the project must be completed by May 30, 2022.

Duff made a motion to approve the time extension until April 29, 2021 under Paragraph 11C of the Developer's Agreement providing for approval by Penn DOT for the financial security for the portion of Penn DOT work. Bryan G. seconded. Shelly said she would be abstaining. A roll call vote was taken. Ron – nay, Rick – yes, Bryan G. – yes, Duff – yes. Shelly abstained due to a conflict of interest. The vote in favor was 3 to 1 in favor of the motion. 1 abstained.

#### **COMMUNITY DEVELOPMENT REPORT:**

Tim prepared revised job descriptions (MS4 Coordinator, Environmental Planner, and Assistant Zoning Officer. Tim recommended Kelly Kurtas be appointed to the position of Environmental Planner. Shelly made a motion to accept the new job descriptions. Duff seconded, and the vote in favor was unanimous. Shelly made a motion to appoint Kelly Kurtas to position of Environmental Planner. Rick seconded, and the vote in favor was unanimous.

Duff made a motion to approve Resolution #2021-04 adopting the Cumberland County 2020 Hazard Mitigation Plan. Shelly seconded, and the vote in favor was unanimous.

The following time extensions have been granted for Board action:

|                          |                   |
|--------------------------|-------------------|
| Keystone Fieldhouse      | May 11, 2021      |
| Jefferson Court Phase II | December 31, 2021 |
| Westmooreland Phase I    | April 21, 2021    |
| Francis & Karen Ciapanna | May 11, 2021      |

Rick made a motion to approve all four time extensions. Shelly seconded, and the vote in favor was unanimous.

**MANAGER REPORT:**

Cory said the Township has several different fee schedules covering separate topic areas. It was determined to consolidate them into one document. Duff made a motion to approve Resolution #2021-05 approving the consolidate fee schedule. Rick seconded, and the vote in favor was unanimous.

A job description (HR/Accounting Administrator) has been prepared for a new position. Shelly made a motion to approve the job description for the HR/Accounting Administrator. Duff seconded, and the vote in favor was unanimous.

**PUBLIC INPUT:**

There was no public input.

**SUPERVISORS DISCUSSION:**

Shelly said the Mt. Holly Springs Mayor told her about a pothole on Park Drive.

**BILLS FOR PAYMENT:**

Duff made a motion to pay the bills. Shelly seconded, and the vote in favor was unanimous.

Bryan G. made a motion to adjourn to Executive Session at 8:05 pm. Duff seconded, and the vote in favor was unanimous.

**ADJOURNMENT:**

Ron made a motion to adjourn at 8:25 pm. Rick seconded, and the vote in favor was unanimous.

**WITNESS:**

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Sandra A. Quickel, Secretary

**SOUTH MIDDLETON TOWNSHIP  
BOARD OF SUPERVISORS:**

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Bryan A. Gembusia, Chairman

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Shelly L. Capozzi, Vice Chairwoman

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Walter G. Reighard, Member

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R. Duff Manweiler, Member

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Ronald P. Hamilton, Member