

MINUTES
Cecil Township Board of Supervisors Meeting
Monday, April 4, 2022

Call to Order:

The Monday, April 4, 2022 Board of Supervisors' Regular Monthly Meeting was called to order at 7:00 PM by Board Chairperson Supervisor Cindy Fisher.

Members in attendance included:

- Supervisor Cindy Fisher
- Supervisor Frank Egizio
- Supervisor Tom Casciola
- Supervisor Ron Fleeher
- Supervisor Darlene Barni

In addition:

- Donald A. Gennuso, Township Manager
- Chief of Police Shawn Bukovinsky
- Planning Director/Assistant Township Manager Jacque King
- Engineer Joe Sites of The Gateway Engineers for Dan Deiseroth
- Attorney Gretchen Moore, Township Solicitor
- Public Works Director Bill Bottorff
- Fire Chief Noel (Mac) McMullen
- 37 Residents in Attendance

Citizens' Comments:

Comments will be taken at this time for any item to be voted on by the Board that appears on the agenda. General Township comments or questions will be addressed after Board of Supervisors Discussion of Old Business. **PLEASE STEP TO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.**

There were no Citizens' Comments

TO CECIL TOWNSHIP RESIDENTS: The Cecil Township Board of Supervisors **will hold their monthly meeting on Monday, April 4, 2022, at 7:00 pm.** Meeting Agenda will be available on our website www.ceciltownship-pa.gov **prior to the meeting.** This meeting is open to the public. Seating is preset to social distancing requirements and should not be moved by attendees for any reason.

If you are uncomfortable attending the meeting in person, we will stream the meeting live at 7:00 pm on our YouTube Channel: Cecil Township PA. The meeting agenda will be available prior to the meeting and comments about **agenda items can be made via email: comments@ceciltownship.com**

Board Chairperson Supervisor Fisher added two items to the ANNOUNCEMENTS.

ANNOUNCEMENTS:

Cecil Township Historical Society will not have a meeting this month.

The Municipal Offices will be closed on Friday, April 15, 2022, in observance of Good Friday. The offices will open on Monday, April 18, 2022, at 8:00 am.

The Cecil Township Parks & Recreation Board will sponsor an Easter Egg Hunt on Saturday, April 9, 2022, from 10:00 am to 1:00 pm. Registration form is posted on Cecil Comm-UNITY Parks & Recreation page and on the Township's website. The event is open to Cecil Township residents ages 12 and under. Age groups will be assigned a start time, the start time will be indicated on the registration form.

Please arrive at the registration table at least 15 minutes prior to your child's (children's) scheduled time. Registration will be near the concession stand.

The Cecil Township Parks & Recreation Board will sponsor a Fishing Derby on Saturday, April 30, 2022, from 10:00 am to 1:00 pm. Event is open to Cecil Township residents only ages 3 to 12. Registration form will be posted in Cecil Comm-UNITY Parks & Recreation page and on the Township's website at the end of March. Please arrive between 9:30 am and 9:45 am to check in at the registration table near the concession stand. Information and instructions will be presented at 9:45 am; Derby starts at 10:00 am. Fishing through the park will be limited to the fishing derby children during this event.

A Family Bingo, sponsored by the Cecil Volunteer Fire Company #3 Ladies Auxiliary, will be on Sunday, April 24, 2022, at Fire Company #3, 3351 Millers Run Road, Cecil, PA. Doors open at 11:00 am and Bingo begins at Noon. Admission is \$5. Kitchen opens at Noon. Chinese Auction – 50/50 – Door Prizes. Tickets on sale at the Cecil Township Municipal Building only. All proceeds benefit Cecil Volunteer Fire Company #3.

Washington County has a list of the ten (10) Must See Things in Washington County and the #4 item on the list is the Coal Miners' Memorial in Cecil Park.

DISCUSSION ITEMS:

1. Discuss the request of the Low Bidder for the 22 Mawhinney Road Site Clean-Up Project to Withdraw Their Bid.

Joe Sites addressed this item noting there was a letter received from the low bidder to withdraw their bid. He noted that the second lowest bidder is ready to proceed. Supervisor Fleeher noted he wants to make sure the company is going to a land fill certified for asbestos and also provide a weight slip for each truck. Joe Sites noted it is part of the bid requirement but they will reinforce it.

2. Discuss the Fuel Surcharge Adjustment Request from Stewart Contracting.

Joe Sites addressed this item referencing the memo from Dan Deiseroth. He noted there is nothing in the contract regarding the surcharge adjustment. There was discussion regarding a price index and noting earth work (excavation) will have to be monitored month to month. Supervisor Egizio noted that other companies doing work in the township are not offered an adjustment on fuel or materials because of a price increase.

3. Discuss the Schedule for Completion of the 2021 Paving Contract A.

Joe Sites addressed this item noting a letter was received from Youngblood with a time line noting work should be completed by April 22 for Ridgewood Drive & Wilson Avenue.

4. Discuss Bid Received for the 2022 Pavement Maintenance Contract.

Joe Sites addressed this item noting one (1) bid was received for the 2022 Pavement Maintenance Program on Southpointe Blvd. from Morganza Road South to North Technology Drive and Russell Standard was the bidder at a cost of \$228,200. Mr. Sites noted they estimated the cost of the project to be \$294,625. There was discussion regarding the product to be used on the road.

DISCUSSION ITEMS: (continued)

5. Discuss the bid received for the Hahn Road Bridge Repairs.

Joe Sites addressed this item noting there was one (1) bidder, Thornbury, Inc., in the amount of \$242,250. This item is on the agenda for the Board's consideration. Mr. Sites added there were ten (10) contractors that were provided the bid documents and six of the ten advised they were not bidding. He contacted the others that did not bid to get feedback and was advised some had problems with communicating with the railroad and others had subcontractors that did not want to work on the bridge due to the train traffic. There was discussion regarding the requirement for flaggers on the railroad five days a week until the project is completed.

6. Discuss the capping of a gas well in the McConnell Trails Development.

Joe Sites addressed this item noting the Developer is working with the DEP to get the well capped off and there is no cost to the Township.

7. Discuss the request of the Ironwood HOA for Speed Control Devices to be placed on Ironwood Drive.

Board Chairperson Supervisor Cindy Fisher addressed this item noting that a proposed agreement from Township Solicitor Gretchen Moore was presented to the HOA and it was red-lined by their organization. Supervisor Fisher noted their organization requested to have access to the data collected and to split the cost with the Township. Supervisor Fisher noted the item could not be added to a future agenda unless the original agreement was agreed upon. Resident and Vice-President of Ironwood/Wedgewood Homeowners' Association, Rich Miller, addressed the Board from the audience. There was discussion regarding the data their organization is requesting. Supervisor Fisher noted the item could possibly be placed on a future agenda for consideration if an agreement is made.

RESOLUTIONS:

**#75-2022 MOTION AND A SECOND TO APPROVE PAY APPLICATION NO. 3 AND FINAL IN THE AMOUNT OF \$65,197.26 TO YOUNGBLOOD PAVING FOR WORK COMPLETED ON CONTRACT B OF THE 2021 PAVEMENT MAINTENANCE PROGRAM.
ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.**

RESOLUTIONS: (continued)

#76-2022 MOTION AND A SECOND TO APPROVE THE 4TH RELEASE OF FINANCIAL SECURITY POSTED FOR THE INSTALLATION OF PUBLIC IMPROVEMENTS FOR THE OVERLOOK AT SOUTHPOINTE PHASE 7 FROM \$117,308 TO \$55,058.30, A TOTAL REDUCTION OF \$62,249.70, AS RECOMMENDED BY THE TOWNSHIP ENGINEER.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#77-2022 MOTION AN A SECOND TO AWARD THE 22 MAWHINNEY ROAD SITE CLEAN-UP CONTRACT TO STRNISHA EXCAVATION, INC. IN THE AMOUNT OF \$59,000 AND THAT THE COMPANY GOES TO A LAND FILL CERTIFIED FOR ASBESTOS AND THEY ALSO PROVIDE A WEIGHT SLIP FOR EACH TRUCK.

THREE (3) OF THE FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

SUPERVISORS FLEEHER AND BARNI VOTED NO.

MOTION PASSED WITH THE MAJORITY OF THE BOARD MEMBERS PRESENT VOTING AYE.

#78-2022 MOTION AND A SECOND TO AWARD THE HAHN ROAD BRIDGE REPAIR CONTRACT TO THORNBURY, INC. IN THE AMOUNT OF \$242,250.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#79-2022 MOTION AND A SECOND TO TABLE APPROVING A CHANGE ORDER FOR PUBLIC WORKS EARLY SITE CONTRACT TO STEWART CONTRACTING IN THE AMOUNT OF \$_____ FOR A FUEL SURCHARGE ADJUSTMENT.

Supervisor Fisher requested a letter be sent to Stewart Contracting if they would be agreeable to tracking the work month by month and then a percentage amount would be decided upon.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE TO TABLE THIS ITEM.

#80-2022 MOTION AND A SECOND TO APPROVE REZONING APPLICATION #2021-0033 FOR SILVERCREEK. LOCATION: SILVERCREEK LANE, McDONALD. REQUESTED CHANGE FROM R-1 LOW DENSITY TO R-2 MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT. APPLICANT: MARONDA HOMES.

Board Chairperson Supervisor Cindy Fisher noted a Public Hearing was held on March 21.

FOUR (4) OF THE FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

SUPERVISOR BARNI VOTED NO.

MOTION PASSED WITH THE MAJORITY OF THE BOARD MEMBERS PRESENT VOTING AYE.

#81-2022 MOTION AND A SECOND TO DENY APPLICATION #2021-0039 FOR 0 WEST END DRIVE. LOCATION: WEST END DRIVE, McDONALD. REQUESTED CHANGE FROM R-3 VILLAGE RESIDENTIAL TO C-1 GENERAL COMMERCIAL ZONING DISTRICT. APPLICANTS: ROLAND AND LYNN GAGLIA.

THREE (3) OF THE FIVE (5) BOARD MEMBERS PRESENT VOTED AYE TO DENY THE APPLICATION.

SUPERVISORS EGIZIO AND BARNI VOTED NOT TO DENY THE APPLICATION.

THE MOTION PASSED TO DENY THE APPLICATION WITH THE MAJORITY OF THE BOARD MEMBERS PRESENT VOTING AYE TO DENY

RESOLUTIONS: (continued)

#82-2022 MOTION AND A SECOND TO APPROVE APPLICATION #2022-0003 FOR THE BARNES BROS. CONSOLIDATION PLAN SUBJECT TO THE VACATION OF THE SCHOOL STREET RIGHT-OF-WAY BY THE TOWNSHIP. LOCATION: 212 MUSE-BISHOP ROAD, MUSE. C-3 VILLAGE COMMERCIAL ZONING DISTRICT. APPLICANT: HMT & ASSOCIATES. THE PLANNING COMMISSION RECOMMENDED APPROVAL ON MARCH 17, 2022, CONTINGENT UPON ADDRESSING THE COMMENTS FROM THE TOWNSHIP ENGINEER'S LETTER DATED MARCH 14, 2022.

Engineer Joe Sites noted that all the comments from the Township Engineer have been addressed except for some spelling corrections.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#83-2022 MOTION AND A SECOND TO AUTHORIZE THE TOWNSHIP SOLICITOR TO PREPARE THE ORDINANCE REGARDING THE VACATION OF A PORTION OF SCHOOL STREET ASSOCIATED WITH THE BARNES BROS. CONSOLIDATION PLAN.

Resident Brad Barnes addressed the Board and there was discussion regarding a portion of the Township road being on their property.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#84-2022 MOTION AND A SECOND TO APPROVE APPLICATION #2022-0005 FOR THE PASSIEU CONSOLIDATION PLAN. LOCATION: 110 CAMBRIDGE LANE, CECIL. R-3 VILLAGE RESIDENTIAL AND C-3 VILLAGE COMMERCIAL ZONING DISTRICTS. APPLICANT: AUGIE PASSIEU. THE PLANNING COMMISSION RECOMMENDED APPROVAL ON MARCH 17, 2022, CONTINGENT UPON ADDRESSING THE COMMENTS FROM THE TOWNSHIP ENGINEER'S LETTER DATED MARCH 14, 2022.

Joe Sites noted that all the Engineer's comments have been addressed.

Township Solicitor Gretchen Moore requested to review their deeds after the meeting to assure the property lines are correct.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#85-2022 MOTION AND A SECOND TO APPROVE APPLICATION #2022-0006 FOR THE PASSIEU SITE PLAN. LOCATION: 110 CAMBRIDGE LANE, CECIL. R-3 VILLAGE RESIDENTIAL ZONING DISTRICT. APPLICANT: AUGIE PASSIEU. THE PLANNING COMMISSION RECOMMENDED APPROVAL ON MARCH 17, 2022, CONTINGENT UPON ADDRESSING THE COMMENTS FROM THE TOWNSHIP ENGINEER'S LETTER DATED MARCH 14, 2022.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#86-2022 MOTION AND A SECOND TO ENACT ORDINANCE #2-2022, AN ORDINANCE MODIFYING THE UDO BY DELETING AND REPLACING SIGN REGULATIONS.

Township Solicitor Gretchen Moore noted there was a Public Hearing held and some minor changes were made. She added that the ordinance is posted on the Township's website.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

RESOLUTIONS: (continued)

#87-2022 MOTION AND A SECOND TO TERMINATE THE EXISTING CMYSA AGREEMENT RELATED TO USE OF KLINGER PARK.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#88-2022 MOTION AND A SECOND TO APPROVE A TEMPORARY USE AGREEMENT WITH CMYSA FOR THE SPRING SOCCER SEASON AT KLINGER PARK. THE AGREEMENT WILL TERMINATE ON 7/31/2022 IF NOT RENEWED.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#89-2022 BY A GENERAL CONSENSUS OF THE BOARD SET MONDAY, APRIL 25, 2022, AT 7:00 PM AS A DATE AND TIME FOR A WORKSHOP ON AMENDING THE INTERNATIONAL FIRE CODE.

#90-2022 MOTION AND A SECOND TO APPROVE THE MINUTES FROM THE MONDAY, MARCH 7, 2022 MONTHLY MEETING OF THE CECIL TOWNSHIP BOARD OF SUPERVISORS.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#91-2022 MOTION AND A SECOND TO APPROVE THE GENERAL FUND INVOICES FROM MARCH 1 THROUGH MARCH 31, 2022.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#92-2022 MOTION AND A SECOND TO ADD AGENDA ITEM INCREASING THE WAGE FOR PARK EMPLOYEE, JAMES PASSIEU, TO \$18/PER HOUR.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#93-2022 MOTION AND A SECOND TO APPROVE INCREASING THE WAGE FOR PARK EMPLOYEE, JAMES PASSIEU, TO \$18/PER HOUR.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#94-2022 MOTION AND A SECOND TO ADD AGENDA ITEM TO AWARD WINNING BID FOR SALE OF 2006 FORD EXPLORER.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#95-2022 MOTION AND A SECOND TO AWARD THE SALE OF A 2006 FORD EXPLORER TO HECTOR LOPEZ AT A PRICE OF \$1,713.

ALL FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

AT THIS TIME, BOARD CHAIRPERSON SUPERVISOR CINDY FISHER ANNOUNCED THE BOARD HELD AN EXECUTIVE SESSION ON MARCH 21, 2022 FOLLOWING THE REZONING HEARING. THE EXECUTIVE SESSION WAS REGARDING LEGAL ADVICE RELATED TO KLINGER PARK NEGOTIATIONS WHICH WAS PENDING LITIGATION AT THE TIME; IT HAS SINCE BEEN VOTED ON TODAY ON THE AGENDA.

Board Chairperson Supervisor Cindy Fisher addressed the issue regarding the recent lane change (to merge right instead of left) on SR50. She read a letter received from PennDOT in response to Don Gennuso's letter to them dated March 10, 2022. There was discussion regarding continuing to contact PennDOT. There will be a link to PennDOT posted on the Township's website.

Supervisor Fleeher reported the tractor trailer traffic is coming down from the Turnpike and turning around in the parking lot of Cecil Alliance Church because they cannot go under the trussell. Additionally, he noted he and State Representative Jason Ortity worked with PennDOT and they got all the inlets along Millers Run Road, from DePaoli Road to the four lane cleaned out last month.

CITIZENS' COMMENTS

Resident Wendy Johnson of 1402 Yorktowne Drive addressed the Board regarding tractor trailers blocking Georgetown Road when they cannot fit under the railroad trussell. She requested the Board get in contact with the state to have them somehow draw attention to the height restriction for the underpass. Ms. Johnson supplied a petition with 100 signatures requesting that the Board contact the state regarding the safety issue. Board Chairperson Supervisor Cindy Fisher stated the Board will contact State Representative Jason Ortity and the state.

Resident Ken Strain of 4022 Sir James Drive addressed the Board and thanked them and Don Gennuso for their part in getting the street light installed on North DePaoli Road and King Edward Drive.

Tom Irwin of 105 Patridge Way, the new Vice-President of CMYSA, addressed the Board and thanked them for giving their organization a chance to make things right. He noted their Board has all new members.

At this time, Supervisor Darlene Barni addressed Board Chairperson Supervisor Fisher regarding a settlement offer made to the Township regarding the Connor Samuel Well Pad. Supervisor Barni inquired if a vote should be taken at a public meeting to make a decision on the settlement offer. Supervisor Fisher noted that a public vote was taken to deny the Conditional Use Application. Supervisor Fisher added that Range did submit a settlement offer but the Board was not interested in considering; therefore, it goes back to the original vote.

**#96-2022 MOTION AND A SECOND TO ADD TO THE AGENDA TO CONSIDER APPROVAL OF THE SETTLEMENT OFFER MADE BY RANGE RESOURCES, BEFORE THE APRIL 20, 2022 HEARING, FOR THE CONNOR SAMUEL WELL PAD.
FOUR (4) OF THE FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.
SUPERVISOR FLEEHER ABSTAINED.**

There was discussion regarding this item with Supervisor Fisher noting her reasons as the Connor Samuel Well Pad being in close proximity to the Augustine Well Pad and the Intermediate School. Additionally, she referenced an impact on the residents and the method Range suggested for notifying residents in the event of an emergency would be to go door to door and turn it over to our fire department. She feels that is impossible to accomplish and it should not fall upon the Township.

Resident Cathy Pigford commented from the audience regarding the train passing through and inquired as to how far the Township willing to take this issue.

Resident Kara Shirdon of 58 North DePaoli Road addressed the Board noting it is the right of the residents to know the details of the settlement.

Supervisor Fisher inquired to Supervisor Barni if this item could be an agenda item in May. There was Board discussion regarding Connor Samuel Well Pad.

Supervisor Barni inquired as to the removal of an agenda item from the DRAFT regarding the presentation of a check by PA State Representative Jason Ortitay and a representative from Range Resources. Supervisor Fisher and Jacque King addressed her inquiry noting that Jason Ortitay could not be in attendance this evening; therefore, it was agreed that it will be moved to May at his request.

Township Solicitor Gretchen Moore noted she did notify the Board Members as soon as the April 20 argument was rescheduled and that there more than likely will not be a decision made at the April 20 argument.

#97-2022 MOTION AND A SECOND TO TABLE CONSIDERATION OF THE SETTLEMENT OFFER MADE BY RANGE RESOURCES FOR THE CONNOR SAMUEL WELL PAD AND ADD IT TO THE MAY AGENDA.

**FOUR (4) OF THE FIVE (5) BOARD MEMBERS IN ATTENDANCE VOTED AYE.
SUPERVISOR FLEEHER ABSTAINED.**

ADJOURNMENT:

With no further business to come before the Board, the meeting was adjourned by Chairperson Supervisor Cindy Fisher at 8:10 pm.