

MINUTES
Cecil Township Board of Supervisors Meeting
August 2, 2021

Call to Order:

The Monday, August 2, 2021, Board of Supervisors' Regular Monthly Meeting was called to order at 7:00 PM by Board Vice-Chairman Supervisor Frank Egizio.

Members in attendance included:

- Supervisor Frank Egizio
- Supervisor Tom Casciola
- Supervisor Ron Fleeher
- Supervisor Eric Sivavec
- Noted as absent was Supervisor Cindy Fisher

In addition:

- Jacque King, Planning Director/Assistant Township Manager
- Shawn F. Bukovinsky, Chief of Police
- Bill Bottorff, Director of Public Works
- Noel McMullen, Fire Chief
- Engineer Dan Deiseroth of The Gateway Engineers
- Township Solicitor Gretchen Moore
- Absent was Don Gennuso, Township Manager
- 26 Residents

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.**

Resident Kara Shirdon of 58 North DePaoli Road addressed the Board regarding Resolution #133-2021 and inquired about the possibility of a published Planning Commission agenda on the website and the Board's knowledge of this proposed development. Dan Deiseroth addressed her inquiry as to the recommendation of the Planning Commission and the developer's submission of a concept plan regarding this item and the necessary process to proceed.

Additionally, Ms. Shirdon inquired about item #141-2021 and the purpose of this board. Solicitor Gretchen Moore addressed her inquiry and explained it had been in existence but was inactive. She noted the Board of Supervisors wished to get it active again and Ms. Moore recommended it be put into a Resolution for structure. Supervisor Casciola noted there are benefits to getting property into an Agricultural Security District and noted that in the past individuals requested to have their property added and once approved and lately no one has made any requests. Ms. Shirdon noted nothing was posted on the website about this Board or regarding any open position on this Board.

Citizens' Comments: (continued)

Resident Jeffrey Omatick of 349 Grange Road addressed the Board regarding item #142-2021 and noted that he will still subdivide.

TO CECIL TOWNSHIP RESIDENTS:

The Cecil Township Board of Supervisors will hold their monthly meeting on Monday, August 2, 2021. The Meeting Agenda will be available on our website www.ceciltownship-pa.gov prior to the meeting. This meeting is open to the public. Anyone attending this meeting who is fully vaccinated is not required to wear a mask. 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

Visit Our New Website:

Please visit our website at: www.ceciltownship-pa.gov and sign-up to receive information from the Township via email or SMS text message through the Notify Me button on the main page. The notifications sent by Notify Me include Agendas, Parks and Recreation events, Calendar additions, community announcements, and other non-emergency information. All emergency notifications will be sent via CivicREADY. Our new reverse 911 communication system is designed specifically for Cecil Township residents. Use the Notify Me button on the main page of our website to register for any of the notifications specified above.

CivicREADY is our independent, reverse 911 notification system implemented to keep our community informed of emergencies that impact specific areas or all of Cecil Township. As part of the Emergency Management program, CivicREADY will contact subscribers either by telephone, SMS text message, and/or email depending on subscriber preference. All notifications will be generated by the Emergency Management communications team and are independent of the Notify Me database. CivicREADY notification preferences can be changed by individual subscribers at any time. See the flyer on our website and the back of the meeting room or click the Civic Ready button on the main page of our website for details on how to subscribe.

ANNOUNCEMENTS:

NEW START TIME: The Cecil Township Historical Society will meet on Wednesday, August 18, 2021, at 7:30 pm in the municipal building. Anyone who is fully vaccinated does not have to wear a mask while attending a meeting in the municipal building.

Movie in the Park – Saturday, August 21, 2021, "Raya and the Last Dragon". Movie will begin at dusk.

RESOLUTIONS:

#130-2021 MOTION AND A SECOND TO APPROVE APPLICATION #2021-0015 FOR THE BELL LANDSCAPING LAND DEVELOPMENT PLAN, CONTINGENT UPON MOVING THE SIGN TO A LOCATION THAT COMPLIES WITH THE ORDINANCE REQUIREMENTS. LOCATION: 40 CECIL-HENDERSON ROAD, C-1 GENERAL COMMERCIAL ZONING DISTRICT, APPLICANT: OLIVER REAL ESTATE HOLDINGS, LLC. THE PLANNING COMMISSION RECOMMENDED APPROVAL ON JULY 15, 2021.

Engineer Dan Deiseroth addressed this item.

ALL FOUR (4) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#131-2021 MOTION AND A SECOND TO APPROVE APPLICATION #2021-0020 FOR THE KLAPHAKE SUBDIVISION PLAN, CONTINGENT UPON ADDRESSING COMMENTS FROM THE TOWNSHIP ENGINEER. LOCATION: 416 COLEMAN ROAD, R-1 LOW DENSITY RESIDENTIAL ZONING DISTRICT, APPLICANT: CECYL KLAPHAKE. THE PLANNING COMMISSION RECOMMENDED APPROVAL, WITH THE CONTINGENCY, ON JULY 15, 2021.

Engineer Dan Deiseroth addressed this item noting that all technical comments have been Addressed and noted it is a two-lot subdivision changing the lines.

ALL FOUR (4) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#132-2021 MOTION AND A SECOND TO APPROVE APPLICATION #2021-0021 FOR THE REVISED DOMINICK A. DALBO PLAT ADJUSTMENT PLAN. LOCATION: 10 MUSE-BISHOP ROAD, C-2 CONVENIENCE COMMERCIAL ZONING DISTRICT, APPLICANT: ROBERT MIKULSKI. THE PLANNING COMMISSION RECOMMENDED APPROVAL ON JULY 15, 2021.

Engineer Dan Deiseroth addressed this item. Supervisor Fleeher noted the E&S for this location was not submitted and it appears equipment is being stored on site and that wood and shrubs were hauled in to burn. Mr. Mikulski addressed the Board noting the reason for the revision is that the property line was off on the original survey and not straight with the road.

Additionally, he stated people were bringing debris and cardboard there and dumping it on the property. Dan Deiseroth noted this item is a revision of the lot lines and is a corrective subdivision. He will take up Supervisor Fleeher's concerns with the Zoning Officer regarding site work. Supervisor Egizio inquired as to what was going to be on the property. Mr. Mikulski indicated there will be apartments.

ALL FOUR (4) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

RESOLUTIONS: (continued)

#133-2021 CONSIDER SETTING A DATE FOR A PUBLIC HEARING REGARDING CONDITIONAL USE APPLICATION #2021-0024 FOR THE SILVER CREEK CLUSTER HOUSING DEVELOPMENT. LOCATION: REISSING ROAD, R-1 LOW DENSITY RESIDENTIAL ZONING DISTRICT, APPLICANT: MARONDA HOMES. THE PLANNING COMMISSION RECOMMENDED APPROVAL, CONTINGENT UPON ADDRESSING COMMENTS FROM THE TOWNSHIP ENGINEER, ON JULY 15, 2021.

BY A GENERAL CONSENSUS OF THE BOARD, MONDAY, AUGUST 16, 2021, AT 7:00 PM WAS SET AS A DATE AND TIME FOR THE PUBLIC HEARING.

#134-2021 MOTION AND A SECOND TO APPROVE APPLICATION #2021-0025 FOR THE DOMINICK DALBO PLAN OF LOTS SUBDIVISION PLAN. LOCATION: 17 MUSE-BISHOP ROAD, C-2 CONVENIENCE COMMERCIAL ZONING DISTRICT, APPLICANT: DOMINICK DALBO. THE PLANNING COMMISSION RECOMMENDED APPROVAL ON JULY 15, 2021.

Engineer Dan Deiseroth addressed this item noting all conditions have been met. He added Lot #1 is being created, a 1.369 acre lot. Mr. Deiseroth added that no application has been submitted yet for the property.

ALL FOUR (4) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#135-2021 MOTION AND A SECOND TO APPROVE RESCINDING THE PREVIOUS APPROVAL FOR THE OMEGA BUILDING COMPANY LAND DEVELOPMENT FOR A SELF-STORAGE FACILITY AND APPROVING THE CONDITIONAL USE AND SITE PLAN AS FOLLOWS:

- 1. RECEIVING WRITTEN NOTIFICATION FROM WEST PENN POWER TO USE THEIR RIGHT-OF-WAY.**
- 2. APPLYING THE NOTICE OF THE REQUIREMENT OF A STATE HIGHWAY OCCUPANCY PERMIT PER SECTION 504C.2.f. OF THE TOWNSHIP UDO TO THE LAND DEVELOPMENT PLAN.**

Engineer Dan Deiseroth addressed this item and recapped the information he received regarding Mr. Robinson having legal access off the road and offered his opinion on getting involved in policing the HOP. He added that West Penn Power has yet to give their approval. Dennis Sluciak commented from the audience regarding his property being landlocked and the right-of-way. Solicitor Moore and Dan Deiseroth addressed Mr. Sluciak's comments.

ALL FOUR (4) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#136-2021 MOTION AND A SECOND TO APPROVE PAY APPLICATION NO. 1 IN THE AMOUNT OF \$67,761.00 TO THORNBURY, INC. FOR WORK TO DATE ON THE RIDGEWOOD DRIVE BRIDGE.

Engineer Dan Deiseroth addressed this item.

ALL FOUR (4) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

RESOLUTIONS: (continued)

#137-2021 MOTION AND A SECOND TO APPROVE PAY APPLICATION NO. 1 IN THE AMOUNT OF \$93,397.50 TO INDEPENDENT ENTERPRISES, INC. FOR WORK TO DATE ON THE CREEDMORE STREET BRIDGE.

Engineer Dan Deiseroth addressed this item.

**THREE (3) OF THE FOUR (4) BOARD MEMBERS IN ATTENDANCE VOTED AYE.
SUPERVISOR EGIZIO ABSTAINED.**

MOTION PASSES WITH THE MAJORITY OF THE BOARD MEMBERS IN ATTENDANCE VOTING AYE.

#138-2021 MOTION AND A SECOND TO APPROVE THE PURCHASE OF TWO (2) F550 DUMP TRUCKS WITH PLOW AND SPREADER AT A COST OF \$94,637 EACH. THE UNITS WILL BE PURCHASED UNDER COSTARS CONTRACT #25-032.

Public Works Director Bill Bottorff addressed this item noting that these items were conditionally approved in May; however, they were waiting until they had an actual cost.

#139-2021 CONSIDER A FIREWORKS DISPLAY FOR THE CECIL TOWNSHIP FALL FESTIVAL AT A COST OF \$3,500.

Supervisor Sivavec requested this item be tabled. He would like to speak with Parks & Recreation Board to see if there is a better venue for the fireworks display. There was Board discussion regarding this item.

**MOTION BY SUPERVISOR SIVAVEC TO TABLE THIS ITEM
THERE WAS NO SECOND
MOTION FAILED FOR LACK OF A SECOND**

MOTION AND A SECOND TO APPROVE A FIREWORKS DISPLAY FOR THE CECIL TOWNSHIP FALL FESTIVAL AT A COST OF \$3,500.

**THREE (3) OF THE FOUR (4) BOARD MEMBERS IN ATTENDANCE VOTED AYE.
SUPERVISOR SIVAVEC VOTED NO.**

MOTION PASSED WITH THE MAJORITY OF THE BOARD MEMBERS IN ATTENDANCE VOTING AYE.

#140-2021 MOTION AND A SECOND TO APPROVE THE ADDITION OF ALCOHOL SALES, MANAGED BY THE MUSE AND LAWRENCE FIRE COMPANIES, PER THE PARKS & RECREATION BOARD'S REQUEST LETTER DATED JULY 27, 2021.

Supervisor Fleeher expressed his opinion that the sales should be managed by all three fire companies in order to have them all receive some of the funds. Supervisor Egizio noted that perhaps the police department could oversee the sale. Chief Bukovinsky responded the police could not oversee the sales or be at the location but they will respond if there are any issues. He asked that whoever is serving the alcohol, be aware who they are serving and if they appear intoxicated, not to serve them. Fire Chief McMullen noted he spoke with Lawrence and they did offer to help out. Chief Dennis Berty of Cecil VFC #3 of Millers Run, Inc., who was in the audience, was asked by Supervisor Egizio if they would like to participate; Chief Berty declined noting that it was discussed at their organization's meeting and the members voted not to participate for liability reasons.

RESOLUTIONS: (continued)

#140-2021 (continued)

Jacque King noted that Muse VFC #2 has the liquor license, the sales will be at Pavilion #3, and the sales will fall under the fire company's license. Mr. King explained the proposed process for the beer sales: a package deal including a T-shirt, a plastic mug with the Cecil Township crest, one beer and one refill. Additionally, there would be a ticketing situation for additional sales that will be handled by the fire companies.

Solicitor Gretchen Moore added there is a liability provision in the vendor agreement.

ALL FOUR (4) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#141-2021 CONSIDER THE RECOMMENDATION OF ACTIVE FARMERS JOHN YAGO, BRUCE GAZVODA, AND PAUL SHARKADY AS AGRICULTURAL SECURITY ZONE BOARD MEMBERS.

Solicitor Gretchen Moore addressed this item noting there is a resolution on boards and open positions and recommended posting the information regarding this board and the duties for the public and perhaps drafting a resolution for the September meeting.

MOTION AND A SECOND TO TABLE THIS ITEM.

ALL FOUR (4) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

#142-2021 CONSIDER MOTION TO APPEAL DECISION OF THE COURT OF COMMON PLEAS TO COMMONWEALTH COURT RELATED TO THE OMATICK ZONING MATTER.

SUPERVISOR SIVAVEC MADE A MOTION TO NOT APPEAL THE DECISION OF THE COURT OF COMMON PLEAS TO COMMONWEALTH COURT RELATED TO THE OMATICK ZONING MATTER. SUPERVISOR FLEEHER SECONDED, WITH AN AMENDED MOTION BY SUPERVISOR CASCIOLA NOT TO APPEAL SUBJECT TO A CONTINGENCY OF OBTAINING A LETTER FROM PROPERTY OWNER TO SUBDIVIDE. SUPERVISOR SIVAVIC SECONDED.

A discussion ensued. Solicitor Gretchen Moore noted the deadline to appeal is August 18 and she is not sure the subdivision would be completed before the deadline. There was discussion regarding this item with Dan Deiseroth noting there may be environmental concerns with the DEP regarding comprehensive sewage for the remainder of the property and Solicitor Moore noted the implications of setting a precedent in the township. There was no vote, but rather a motion to table until the next meeting.

MOTION BY SUPERVISOR CASCIOLA AND A SECOND BY SUPERVISOR FLEEHER TO TABLE THIS ITEM AND SET A SPECIAL MEETING FOR MONDAY, AUGUST 16, 2021, AT 6:30 PM AS A DATE AND TIME TO ACT ON THIS ITEM.

ALL FOUR (4) BOARD MEMBERS IN ATTENDANCE VOTED AYE TO TABLE THIS ITEM.

RESOLUTIONS: (continued)

**#143-2021 MOTION AND A SECOND TO APPROVE THE REVISED PHASE 1 AND PHASE 2
ADDENDUM TO DEVELOPERS' AGREEMENTS FOR THE TRADITIONS OF AMERICA PLAN.**

Solicitor Moore addressed this item.

ALL FOUR (4) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

**#144-2021 MOTION AND A SECOND TO APPROVE THE APPOINTMENT OF JASON WHEELER TO
THE PARKS AND RECREATION BOARD TO SERVE UNTIL JANUARY 2025.**

ALL FOUR (4) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

**#145-2021 MOTION AND A SECOND TO APPROVE THE BOARD OF SUPERVISORS MINUTES
FROM THE TUESDAY, JULY 6, 2021, BOARD OF SUPERVISORS REGULAR MONTHLY MEETING.**

ALL FOUR (4) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

**#146-2021 MOTION AND A SECOND TO APPROVE THE GENERAL FUND INVOICES FROM
JULY 1 THROUGH JULY 31, 2021.**

ALL FOUR (4) BOARD MEMBERS IN ATTENDANCE VOTED AYE.

NEW BUSINESS:

THERE WAS NO NEW BUSINESS

OLD BUSINESS:

Supervisor Sivavec made inquiry regarding the ABB Draft Settlement & Release and why the amount we have invested was not addressed in the document. Solicitor Moore reiterated what she stated at the July meeting that it is a mutual walk away unless the Board wants to enter into litigation. Supervisor Sivavec noted his opinion is that we should try to recoup the monies spent or turn the property into a park.

Supervisor Sivavec also inquired about the status of the Bernard Schultz appeal paperwork. Solicitor Moore addressed his inquiry noting the appeal deadline was today. Range filed an appeal last week and the Township filed a Notice of Appeal (Protective Notice) related to the conditions. There was discussion regarding this appeal and settlement discussions.

CITIZENS' COMMENTS:

Resident Kara Shirdon of 58 North DePaoli Road addressed the Board and inquired of Supervisors Sivavec and Casciola if they provided written confirmation to the solicitor that they did not want to pursue the motion that Solicitor Moore filed. Solicitor Moore indicated she filed the appeal today at 3:30 pm and noted it was a one piece document and she explained the process moving forward.

Michelle Stonemark of 40 North DePaoli Road addressed the Board and inquired if there were times when Supervisor Sivavec was Board Chairman if he contacted the solicitor. Supervisor Sivavec addressed her inquiry.

ADJOURNMENT:

With no further business to come before the Board, the meeting was adjourned by Vice-Chairman Frank Egizio at 8:30 pm.