

**South Middleton Township Municipal Authority — July 10, 2023**  
**Regular Meeting**

**Board Members Present:** Bryan Gembusia, Chairman, Duff Manweiler, Secretary, Steve Aichele, Treasurer & Maurita Abeln, Asst.Sec/Treas

**Staff Present:** Josephine Hall, Manager

**SMTMA Professionals:** Cindy Zawrotuk & Bryan Salzman, Solicitor

**Public/Visitors:** Brian O'Neill, SMT Engineer  
 Charles & Nancy Garner, Sandbank Road  
 Cory Adams, SMT Manager  
 Phil Garland, Developer

Mr. Gembusia called the meeting to order at 6:00 p.m.

**Public Comment**—Charles and Nancy Garner, owners of 707 & 709 Sandbank Road, were present to ask the Board to allow connection of the public sewer to a vacant lot which adjoins 709 Sandbank Road. They attended the meeting on June 12 and were asked to attend the meeting on July 10. They are asking for permission to connect the vacant lot through an easement agreement between the two lots and install a new service lateral to the vacant lot. Ms. Hall asked Mr. Garner if he confirmed with the SEO that it is not viable to do a on lot. Mr. Garner did not confirm with SEO. Ms. Hall recapped for Mr. Gembusia that the Board would have to waive one of the requirements for the Rates, Rules, and Regulations for the Garners to connect to the public sewer on Sandbank Road. Ms. Hall expressed that the board should look at the fact that there is no alternative before the Garners are able to connect to the sewer. Ms. Hall explained that it would not be extending the public system but would be to run a private lateral across a parcel to the public system. **Mr. Gembusia made a motion to waive Rates, Rules, and Regulations to allow connection to sewer on Sandbank Road and conditioned on recorded easement and payment of all fees. Mr. Manweiler seconded the motion. The motion carried 4-0**

The minutes from the meeting of July 10, 2023, were presented for approval. **Ms. Abeln made a motion to approve the minutes. Mr. Aichele seconded the motion. The motion carried 4-0.**

The following requisition was presented for payment from the **M & T Trust Company 2013 Sewer Bond Redemption Fund:**

<u>Req. No.</u>	<u>Payee</u>	<u>Amount*</u>
622	GHD, Inc.	\$ 736.23
623	Insight Pipe Contracting, LLC	\$203,408.10

The following requisition was presented for payment from the **M & T Trust Company 2013 Water Bond Redemption Fund:**

<u>Req. No.</u>	<u>Payee</u>	<u>Amount*</u>
524	GHD, Inc.	\$ 3,219.75
525	DOLI Construction Corp.	\$199,192.50
526	GHD, Inc.	\$1,166.00

\* A Description of all payments is shown on the Summary of Requisitions report distributed in the meeting packet and will be filed with the minutes as a permanent record.

**Mr. Manweiler made a motion to authorize payment of the following requisitions from the M & T Trust Company 2013 Sewer Bond Redemption and Improvement Fund: Req. No. 622 and 623, the M & T Trust Company 2013 Water Bond Redemption and Improvement Fund: Req. No. 524, 525, 526, and the M & T Trust Company 2013 Sewer Clearing Fund: Req. No. 40. Mr. Aichele seconded the motion. The motion carried 4-0.**

**SMT Update/Issues**—No information to present from the Township.

**MANAGER'S REPORT**— Ms. Hall's monthly report was included in the meeting packet for the Board's review. (A copy of the Manager's report is filed as a permanent record with these minutes. She provided a brief overview of the items mentioned in the report.

**Monthly Budget Review**—The monthly budget report was included in the meeting packet and will be filed with the public minutes.

**Limestone Creek Development Sewer Capacity Request:** Mr. Garland is requesting to purchase capacity for sewer use. Ms. Hall explained that there is not enough capacity to serve. The Authority's capacity at that point of allocation is 10,000 gallons per day. Mr. Salzman suggested the first direction that should be taken is to work with Carlisle Borough. Mr. Salzman said at this time there is no capacity for sewer use. Mr. Garland will have to withdraw his request for the 701 units and submit a new request based on the current allocation. **Mr. Manweiler made a motion to deny 701 units. Mr. Aichele seconded the motion. Motion carried 4-0. Mr. Manweiler made a motion for staff, etc. to enter into an agreement to set parameters for future capacity. Mr. Aichele seconded the motion. Motion carried 4-0.**

**Smith Farm Development Sewer Capacity Request:** Smith Farm came to the township with a revised land development plan for an additional 44 units. Originally provided a will serve for 460 units. Ms. Hall reviewed the request and stated that SMTMA does not have the capacity to serve the additional 44 units. Ms. Hall met with the Smith Farm engineer and expressed to him that there is a shortage of capacity. No one was present for Smith Farm. **Mr. Manweiler made a motion to deny an additional 44 units. Mr. Aichele seconded the motion. Motion carried 4-0.**

**Performance Bond Reduction Request for Forgedale Crossing Phase 10A:** Ms. Hall stated that SMTMA did receive a performance bond reduction request and that GHD did review the documentation and agree that it is acceptable. Ms. Hall explained that it is being reduced from \$942,484 to \$21,018. Ms. Hall confirmed that it is a 95% reduction. **Mr. Manweiler made a motion to accept the Performance Bond Reduction request. Mr. Aichele seconded the motion. Motion carried 4-0.**

**CONSULTING ENGINEER'S REPORT (GHD)** – Ms. Zawrotuk presented the monthly memorandum, as distributed in the meeting packet, detailing the progress of the Task Orders prepared by GHD. (Memorandum will be filed with these minutes as a permanent record).

**South Spring Garden Project**—Ms. Zawrotuk explained that the South Spring Garden Project entails putting a new water main in South Spring Garden Street. She stated that she met with Ms. Hall and others to discuss how to move the project forward. Ms. Zawrotuk advised that they are constructing the project around SMTMA's original portion and then making the connection to Smith Farm in the area of Heatherfield Road. Ms. Zawrotuk said that they will bid the piece that the developer potentially would construct as an alternate. Ms. Zawrotuk discussed what it would take for engineering to make those revisions to the plan's specifications. Those changes and the additional work will be around \$8,500 according to Ms. Zawrotuk. Ms. Zawrotuk is requesting authorization for GHD to make these changes. Ms. Zawrotuk suggested that she can reallocate some of the funds for York Road construction phase services into the design budget. Mr. Salzman stated there is a grant for the project and are holding up the project because of the issue with Smith Farm. Mr. Salzman explained that the idea of bidding an alternate deduct is the direction to go because of the project incurring additional costs by continuing to hold up the project. Ms. Zawrotuk stated that when it is bid as an alternative it can isolate those specific costs. **Mr. Aichele made a motion to allow GHD to do the engineering work necessary to put the project out to bid, including the disputed section of the waterline. Mr. Manweiler seconded the motion. Motion carried 4-0.**

**Carlisle Pump Station No. 2 Update**—Ms. Zawrotuk stated it is in construction, but the contractor has not mobilized it yet. Ms. Zawrotuk explained that in the pre-construction meeting held on June 30, 2023, it was discussed that PSI and WYE Electric are

saying that the pumps and generator are 40+ weekly time for ordering them. Ms. Zawrotuk stated that final completion was to be by the end of April 2024; GHD is waiting for a schedule from the contractors as it relates to the lead time on multiple components and will provide an update to the Board once received. Ms. Zawrotuk stated there is positive progress with the bids. Mr. Salzman stated that at the August meeting, SMTMA will draw up a financial support letter for Carlisle Borough to review to select at their September meeting.

Pump Station No. 6 Update—No update at this time.

Ms. Hall informed the board that Steve Rose requested a right to know regarding all communications relating to Pump Station No. 6. Mr. Rose received a 30-day extension letter from SMTMA on July 10, 2023.

**SOLICITOR'S REPORT**—Mr. Salzman reported on the following items:

**Discussion and Potential Action for Developer Agreement for Lot 6 in Smith Farm Development:** Mr. Salzman stated that it is Burkentine Developers, and they are aware of how the development agreement works. The lot has 84 EDUs and the sewer tapping fees are \$444,465 and water system tapping fees are \$230,574. The tapping fees are due upon execution of the agreement. Mr. Salzman explained that Burkentine Developers will begin paying \$2,985 per quarter for each reserved EDU. Mr. Salzman stated that once they close it will be transferred to Smith Farm Partners, LLC. Burkentine asked if they could pay 30% of the tapping fees upfront and then stagger it over time. Mr. Salzman stated that Burkentine will pay 60% at the time of execution and 40% when they pull the first building permit. **Ms. Abeln made a motion for SMTMA to enter into the developer's agreement for Lot 6 with Smith Farm Partners, LLC and Burkentine Builders, Inc. and to table the modifications. Mr. Aichele seconded the motion. Motion carried 4-0.**

**Discussion and Potential Action for Easements needed for Carlisle Forcemain Installation-Resolution 07-10-2023-01:** Mr. Salzman discussed the resolution and stated that in the event that we need to, you're authorizing us to pursue eminent domain for the easements. Mr. Salzman stated that it is not a good idea to enter a financial commitment letter at the August meeting if we don't have easements for where the pipe is going to go. Mr. Salzman stated that Letort regional authority has taken action to say they will enter into whatever agreement SMTMA needs from them. Mr. Salzman said he was going to give a couple more days for Heims, Kuykendell and Willow Crossing. Mr. Salzman discussed that once you file eminent domain, the property owner has 20 days to respond to it and if they don't respond, it is yours. **Mr. Manweiler made a motion to adapt and pursue eminent domain. Mr. Aichele seconded the motion. The motion carried 4-0.**

### **SPECIAL COMMITTEE REPORTS**

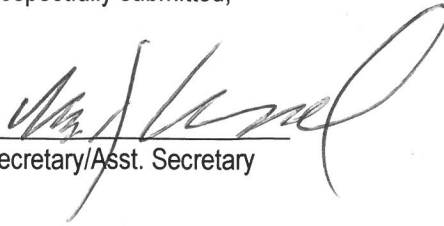
**Capital Projects Committee**—Ms. Hall will be setting up a meeting in the next couple of weeks.

**Tapping Fee Committee**—Nothing to report.

**New Business:** Nothing to Report.

At 7:10 p.m. Mr. Aichele asked to move to the executive session to discuss personnel and potential litigation. Mr. Aichele made a motion to adjourn the regular meeting and enter executive session. Mr. Manweiler seconded the motion. Motion carried 4-0.

Respectfully submitted,



A handwritten signature in black ink, appearing to be 'M. J. ...', written over a horizontal line.

Secretary/Asst. Secretary