

Rush Township Building
Hometown, PA 18252

Minutes of the Rush Township Board of Supervisors

A meeting was held at the Rush Township Municipal Building on November 20, 2023, at 7:00 PM. In attendance were Chairman Shawn Gilbert; Vice Chairman Robert Leibensperger; Supervisor Jeaninne Motroni; Kristin Woleslagle, Admin Asst; Bill McMullen, Engineer; Christopher Riedlinger, Solicitor; Rick Weaver, Chief of Police.

Chairman Shawn Gilbert called the meeting to order.

Pledge of Allegiance was recited.

Chairman Gilbert called for a moment of silence for Mary Beth Elias, a former Rush Township Police Officer.

Police Report – A Motion was made by Chairman Gilbert to approve the police report for the month of October 2023. Vice Chairman Leibensperger approved; Supervisor Motroni seconded. Kristin Woleslagle polled the board. All members voted in favor of the motion; motion carried.

Fire Company Report- A motion was made by Chairman Gilbert to approve the Fire Company Report for the month of October 2023. Vice-Chairman Leibensperger approved; Supervisor Motroni seconded. Kristin Woleslagle polled the board. All members voted in favor of the motion; motion carried.

Minutes of Previous Meeting - A motion was made by Chairman Gilbert to approve the previous meeting minutes of October 2023. Vice Chairman Leibensperger approved; Supervisor Motroni seconded. Kristin Woleslagle polled the board. All members voted in favor of the motion; motion carried.

Treasurer's Report – A motion was made by Chairman Gilbert to approve the treasurer's report as of October 2023. Vice Chairman Leibensperger approved; Supervisor Motroni seconded. Kristin Woleslagle polled the board. All members voted in favor of the motion; motion carried.

Approval of current township and sewer bills through November 19, 2023.

A motion was made by Chairman Gilbert to approve the current township and sewer bills through November 19, 2023. Vice Chairman Leibensperger approved; Supervisor Motroni seconded. Kristin Woleslagle polled the board. All members voted in favor of the motion; motion carried.

Approval of municipal reports (sewer, road, Arro, Prodesign) – A motion was made by Chairman Gilbert to approve the municipal reports for October 2023. Vice Chairman Leibensperger approved; Supervisor Motroni seconded. Kristin Woleslagle polled the board. All members voted in favor of the motion; motion carried.

Attorney's Business – None

Old Business – None

NEW BUSINESS –

1. **Motion to approve Change Order #1 to H & K Group for the 2023 Road Improvement Project in the amount of \$6,333.52.** Vice Chairman Leibensperger approved; Supervisor Motroni seconded. Kristin Woleslagle polled the board. All members voted in favor of motion; motion carried.
2. **Motion to approve Application for Payment of H & K Group for the 2023 Road Improvement Project in the amount of \$167,981.66.** Vice Chairman Leibensperger approved; Supervisor Motroni seconded. Kristin Woleslagle polled the board. All members voted in favor of motion; motion carried.
3. **Motion to accept resignation of Deb DeFranco as Secretary/Treasurer as of 11/2/23.** Vice Chairman Leibensperger approved; Supervisor Motroni seconded. Kristin Woleslagle polled the board. All members voted in favor of motion; motion carried.
4. **Motion to hire Susan Bettis as Secretary/Treasurer at the rate of \$23.00 per hour.** Vice Chairman Leibensperger approved; Supervisor Motroni seconded. Kristin Woleslagle polled the board. All members voted in favor of motion; motion carried.
5. **Motion to approve Kristin Woleslagle as signee for transfer of Police Vehicle title.** Vice Chairman Leibensperger approved; Supervisor Motroni seconded. Kristin Woleslagle polled the board. All members voted in favor of motion; motion carried.
6. **Motion to conditionally approve the Preliminary/Final Subdivision and Land Development Plan for Wawa. This approval is conditioned upon the applicant 1) addressing each of the concerns set forth in the ARRO letter of October 31, 2023; 2) the Planning Commission's review of the highway occupancy permit; 3) the Planning Commission's review of the cross-easement agreements between and among the 3 lots created; and 4) the Planning Commission's review of the storm water maintenance agreement.**

Bill McMullen asked the representatives from Wawa if they accepted the above conditions. They accept. The Traffic Engineer stated that emergency traffic could be managed with the 3 lanes out, 1 lane in, separated by a median. Bill McMullen also mentioned the cameras, streetlights, a right-in and a right-out, and how these items will be addressed at the HOP meeting. The Wawa Engineer showed a map of the plans. They proposed roping off an area in front of the Beer Barn to allow for Emergency Vehicle entrance. Vice Chairman Leibensperger wants a definitive plan first and a future access agreement on the Bates property. The Board was discussing possible turnouts at the rear of the property, but there are no agreements with the adjacent two properties to tie in and use the land. A 500-page traffic study was completed, and PennDOT reviewed the study. Wawa will be addressing three of the above conditions at the HOP submission and gave their intent to oblige. PennDOT wants span-wire replaced with mast arms and requires cameras and lights. Vice Chairman Leibensperger asked about pedestrian crossing and Wawa replied that the design will be modified and will be submitted a second time to PennDOT. They will start the design for the HOP process once they hear back from PennDOT. Emergency access was mentioned again, and Bill McMullen and Vice Chairman Leibensperger both prefer that the access not be in from the Bates property but rather pushed down farther. The Board agreed to conditionally approve at this time.

Vice Chairman Leibensperger approved; Supervisor Motroni seconded. Kristin Wolesslagle polled the board. All members voted in favor of motion; motion carried.

7. Motion to approve 2024 budget for public review. Vice Chairman Leibensperger approved; Supervisor Motroni seconded. Kristin Wolesslagle polled the board. All members voted in favor of motion; motion carried.

8. Motion to approve the Preliminary Land Development Plan for the 92 Progress Avenue Storage Expansion. The 92 Progress Ave applicants were in attendance and accepted the proposed conditions. There will be no construction on the preliminary plans until it goes through a final phase. At that time, they will come back to the Board for final approval. Vice Chairman Leibensperger brought up stormwater monitoring. The applicants mentioned that PennDOT, DEP, and the owner monitor this. Applied for NPDES permit and O&M permit. A plan has been accepted and the Township officials can inspect it at any time. There is an E&S Plan on how to construct and what needs to be done. Once that is finalized there is a PCS, which stays in place after the construction. Silt fences need to be installed and inspected by DEP. Zoning Hearing Board Chairman, Wayne Postupack, asked if a bond is in place. The applicants responded yes, per DEP. Solicitor Chris Reidlinger stated there will be a new bond with the final permit, and that bond will be reviewed annually. Planning Commission Chairman, Bob Ritsick, suggested a change in the process of moving the raw material into the facility. He asked about a clamping device to lift the bags instead of puncturing the bags with a forklift. Bill McMullen stated that the Township cannot control how they do it, but if something gets broken, it needs repaired at the processing stage. The Progress Ave representative stated they researched the equipment needed, and there will be a blunt pin in a sleeve on a roll to place the items in the hopper so there will be no piercing of the containment bags. This will reduce any damage. He will send the information to the Planning Committee.

Vice Chairman Leibensperger approved; Supervisor Motroni seconded. Kristin Wolesslagle polled the board. All members voted in favor of motion; motion carried.

PUBLIC COMMENT-

Resident Chris Hartz asked about cinder collection and street cleanup and asked if it would be expanded for next year. Vice Chairman Leibensperger stated that the Township has used the broom on Church St. and Orchard. The road conditions need to be just right when using the broom. It cannot be dry when it is used or there will be a dust storm. It must be damp. Chris asked if there is a schedule. Vice Chairman Leibensperger stated there is no schedule, and the Road Crew must work it in between their other duties of cutting back brush, filling potholes, etc. Each item is weather-dependent, and the ground temperature needs to be 50 degrees.

Resident Charles Haldeman asked Chairman Gilbert who gives him the authority to tear down signs on easements. Vice Chairman Leibensperger stated we have a signed ordinance that states it is illegal to put signs up that don't meet certain criteria. Election signs are paid for by the candidate, and they have 3 days after the election to remove their signs. Charles also asked if the property at Liberty Street was open to the residents for their yard waste from clearing lots and trees. Vice Chairman Leibensperger stated that only the township utilizes this area, and it is not open to everyone. Liberty Street is a Township Road and is used as staging to temporarily move dirt.

Zoning Hearing Board Chairman, Wayne Postupack, asked about the Garcia Property. Bill McMullen mentioned that there is a Magistrate hearing on January 17, 2024. The representing lawyer from the other side asked for a continuance, and that is why it was moved. This is regarding citations for code violations. The party involved can be found guilty or not guilty of Civil and Criminal offenses. There have been repeated calls to DEP about the situation. The Township cannot control DEP, so we are enforcing things through a hearing. Bill McMullen suggested they keep reaching out to DEP.

A resident professed concerns about the townhouse development that will be occurring on Joyce Street. The neighbors do not want people from eight townhouses looking right into their windows. He is also concerned about stagnant water and mosquitoes from a retaining pond as well as traffic issues. He stated these townhouses will have four hundred cars-an average of two cars/house and wants to know where the traffic is going to go. He stated that the neighborhood way of life will no longer be a quiet one. Bill McMullen reiterated that there is nothing before us now, so we can only wait to see what the developers are doing, and the Board cannot comment on anything. Chairman Gilbert mentioned that this subdivision plan was approved in 2008. Bill McMullen said that the developers will have to resubmit their plans with revisions, if any, on exactly what was approved before. The residents have many concerns about the water runoff and low-income housing rumors. Bill McMullen repeated that he has no idea when they are submitting plans, but the residents are welcome to attend any Planning Committee meeting which meets the first Thursday of each month (when needed) at 6:00 pm. The 2008 plan allowed for approximately 160 homes. Everything is still up for approval and will need reapproval for the original plans or revised plans. A second resident asked if it would be zoned as R3 or R4 like the other houses are in that area and if they would be held to the same standards with lot coverage requirements. He is concerned with the amount of volume of traffic. Vice Chairman Leibensperger stated that the developers are following regulations, and we cannot stop it if they follow those regulations, and we cannot stop someone from sub-developing. Bill McMullen stated that the first plan of action is with the Planning Committee. They will review the Subdivision Land Development and traffic study. One resident asked then if it would be high-income housing? Vice Chairman Leibensperger stated there is no chance of low-income housing. Resident Larry Curvey spoke about the run-off water and how it sits in his basement. Will this development change that? Bill McMullen said that this will not solve his water problems but there will not be additional stormwater. That is regulated by an Ordinance. The location of the pond is not dictated by the State. NPDS requires infiltration.

A resident asked if we had any information on the Lincoln Drive bridge. Vice Chairman Leibensperger said that the date went from 2027 to 2026. It is not open to local traffic either because parts are falling on the Railroad. Charles Haldeman asked if the bridge by Air Products is inspected. Vice Chairman Leibensperger responded that it is federally inspected.

Resident George Nesbitt mentioned the new no parking signs along Heckman Road. Vice Chairman Leibensperger told him that we have received complaints from the school stating their buses cannot get through, also Fire trucks and Township trucks are having trouble getting through on that road, and it's a safety issue, so we needed to put the signs up. He also mentioned that the large RV that is parked along that road is an issue. George said the RV belongs to him, so Vice Chairman Leibensperger said that George's RV is the cause of the problem, and it should be parked off to the side on a different street. Another resident asked why there was no warning that the No Parking signs were going to be installed. Vice Chairman Leibensperger stated that the Township doesn't have to send out letters. George Nesbitt asked if he could have a handicapped parking spot on the street. That was denied and Vice Chairman said there is no road parking! He stated that we are responsible for the safety of the roads. Chairman Gilbert interjected that Heckman Street is not wide enough.

Resident Robert Filloy spoke up and said that this Board is very disrespectful to its residents and the people in attendance. He added that Chairman Gilbert was yelling at Charles Haldeman. Robert Filloy proceeded to ask about the "moon craters" on Oak Street and Sunset and how he had contacted the girls in the office on several occasions and was told that it was to have storm drain work and be paved. Vice Chairman Leibensperger said that bids are going out in December or January and that we fill the holes with stone, but the road cannot be fixed without a base. Mr. Filloy said we have not filled the holes with stone, and the road needs to be milled and fixed; otherwise, Township equipment will be destroyed when plowing the road. Vice Chairman Leibensperger told him we have rubber plow blades that won't break.

A resident asked about the sewer going down to Meadow Ave once the townhouses are developed. She asked where does it go? Vice Chairman Leibensperger stated that the route is Purnell, the highway, by McDonald's, the gas station, and then down 309. The resident asked if the Board was confident that there would be no sewer runoff. Bill McMullen chimed in and stated that we cannot say anything in confidence at this time until we see the plans.

Chris Hartz asked, just to clarify, if the plans for the townhouses were approved or not approved. Bill McMullen reiterated that we will still need to approve the plans, but if it is replicated, it is approved.

One woman asked if there is a projected cost to the Township because of the townhouses. Vice Chairman Leibensperger said there is no cost to the Township. He said that any roads that will be put in will be owned by Rush Township. Bill McMullen agreed that eventually, the new roads would be turned over to the Township.

SUPERVISORS COMMENT-

Administrative Office will be closed Thursday, November 23 and Friday, November 24 in observance of the Thanksgiving holiday.

There will be no garbage pickup on Friday November 24 for Thanksgiving. Garbage will be collected on Saturday, November 25.

ADJOURNMENT- Have a Great Night! Meeting Adjourned.