

## MINUTES

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

OCTOBER 11, 2007

**PRESENT:** TOM FALEY, RON REEDER, JIM BAKER, RICK REIGHARD, BRYAN GEMBUSIA, - Supervisors, Barb Wilson – Manager, Jarrett Sweeney – Assistant Manager, Richard Mislitsky – Solicitor, Brian O’Neill – Engineer, Tim Duerr – Zoning Officer, Sandy Quickel – Secretary, John Snyder, Cindy Dunbar, Michael Berk, Chris Rice, Judd Dayton, Howard Phillips, Bob Geist, Ken Kieber, Marti Green, Joe Fay, Ray Tennyson, Pam Fisher, Tom & Ann Benjey, Ryan Heishman, John Anderson, Paul Slifko, Donald Baker, Linda Franz - “The Patriot News”, Andrea Ciccocioppo – “The Sentinel”.

Chairman Faley called the meeting to order at 6:00 p.m.

#### **PLEDGE OF ALLEGIANCE:**

Chairman Faley led the audience in the pledge of allegiance.

#### **MOMENT OF SILENCE:**

A moment of silence was observed.

#### **OPENING ANNOUNCEMENTS:**

Chairman Faley noted that the meeting is recorded.

#### **MINUTES: 09/27/07 Regular meeting**

Bryan noted a change on the S&A Homes discussion. The wording should be “responsibility in relationship to occupancy permits”. Ron made a motion to approve the minutes, as amended. Bryan seconded, & the vote in favor was unanimous.

#### **#06-14 FORGEDALE CROSSING, SECTION 7 – Final Subdivision:**

This plan was tabled.

#### **#06-23 THE TOWNES AT SUMMERBRIDGE VILLAGE - Preliminary Subdivision:**

The applicant proposes to utilize the remaining 4.4 acres of residential land in what was previously the Neighborhood District (now Village Commercial) & subdivide the parcel in order to construct 26 townhomes. Conditional use approval for wellhead has been granted for the townhomes. Representative John Snyder pointed out the area & stated the three modification requests. Tom asked about the comment pertaining to hydrants being shown in the area of future sidewalks. Mr. Snyder said that the hydrants are not drawn to scale for the proposed sidewalks. They will be relocated in the future. Bryan asked about the missing section of sidewalk. Brian said that this section of sidewalk (north side) will be deferred until the remainder of the site is developed. Mr. Snyder asked if stone/macadam could be used for the extended sidewalk. The Board agreed to this option.

**Modifications:** Recreation fees in lieu of land dedication, Sidewalks along entire length of new roadway, & Runoff capture design. Tom made a motion to approve the modifications. Rick seconded, & the vote in favor was unanimous.

Ron made a motion to approve #06-23, subject to the applicant's acceptance of staff comments & to the conditions of the sidewalk extension. Bryan seconded, & the vote in favor was unanimous.

**#07-10            44 CARLISLE SM FORGE ASSOCIATES, LLC  
44 CARLISLE SM TWO ASSOCIATES, LP – Final Minor Subdivision:**

This plan was tabled.

**#07-12            ALLEN DISTRIBUTION – Preliminary/Final Subdivision:**

The applicant proposes to add 4 parcels of land on the existing lot of Allen Distribution on Allen Road. Tim said that this plan has received conditional use approval for an additional parking lot. This subdivision will combine the 4 parcels into 1 lot. Attorney Chris Rice stated that the applicant agrees to staff comments, & that the Planning Commission has recommended approval. The plan will be presented to Dickinson Township for approval. Rick clarified that this lot is not to be used as a parking lot for other buildings. This stipulation is listed in the conditional use decision. Brian said there are 2 additional modification requests (sidewalks & curbs/gutters).

**Modifications:** Preliminary Plan, Stormwater Management Plan, Environmental Impact Statement, Grading Plan, Landscape Plan, Erosion Control Plan, Sidewalks, & Curbs & Gutters. Ron made a motion to approve the modifications. Rick seconded, & the vote in favor was unanimous.

Ron made a motion to approve #07-12, subject to the applicant's acceptance of staff comments. Bryan seconded, & the vote in favor was unanimous.

**SOLICITOR REPORT:**

No report was given, but the Solicitor requested an Executive Session to discuss litigation.

**ENGINEER REPORT:**

Jim made a motion to approve the security reduction in the amount of \$33,296.80 for Westgate, Phases, 5, 6, & 7 (#06-24). Bryan seconded, & the vote in favor was unanimous.

Ron made a motion to approve the security release for Walnut Bottom Medical Center (#03-28). Rick seconded, & the vote in favor was unanimous.

A 90-day time extension has been requested for The Villas Estates, Section 2 (#05-40). Jim made a motion to approve the time extension until 2/1/08. Ron seconded, & the vote in favor was unanimous.

**PLANNING/ZONING/CODES ENFORCEMENT REPORT:**

Ron made a motion to approve Resolution #07-22 to forward the Traditions of America at Boiling Springs Planning Module to DEP. Bryan seconded, & the vote in favor was unanimous.

Ron made a motion to approve a time extension until 11/30/07 to hold the first public hearing for the Nesbit Conditional Use. Tom seconded, & the vote in favor was unanimous. Consensus was given to advertise the Nesbit Conditional Use hearing for November.

**MANAGER REPORT:**

Ron made a motion to approve the intergovernmental agreement for the RESTF grant. Bryan seconded, & the vote in favor was unanimous.

The high school pool needed repairs this year which cost about \$25,000. The Parks & Recreation Board recommended that the Township pay \$10,000 towards this expense. Tom made a motion to approve the \$10,000 contribution towards the pool repairs. Ron seconded. Rick asked if the school district could pay the entire amount since the same taxpayers would be paying for the cost. He said that the P&R department lost \$1,100 in cancelled swimming lessons. Ron asked what went wrong with the repairs. Joe Fay, SMSD Board member, explained that after the renovations were completed, a leak was found. The vote in favor was unanimous.

**SUPERVISORS' DISCUSSION:**

Rick said that he & Planning Commission member Tom Houf attended a zoning seminar. He stated that Attorney Jim Hughes attended the Municipal Authority meeting, but did not discuss the Trammel Crow agreement. A meeting will be held next week to discuss this issue. Rick asked if S&A Homes sent the check due the 6 homeowners. Mr. Mislitsky said they have been distributed. He asked when the joint meeting will be held with Carlisle Borough to discuss traffic study issues. Barb said a date has not been set.

Ron stated that he is on the long range planning committee for the Penn State Extension Office for Cumberland County. There will be a report forthcoming on the functions of the Cooperative Extension office & to include a possible 4-H site development. He also noted that the Fireman's Relief amounts to approximately \$114,000, & will be divided between the 3 fire companies that serve the Township.

Jim asked if the other fire companies share their portion with the Township. Ron replied no. Jim questioned the possibility of finding a tax collection agency that the Township & school district can agree on. Tom asked Jim if he would research this issue. Jim agreed. The Board gave consensus for Jim to research this issue.

**PUBLIC INPUT:**

Tom Benjey, E. Springville Road, distributed photos taken of high weeds at the Netherby Development. Tim will check with the codes department to see if a violation letter was sent out.

**BILLS FOR PAYMENT:**

Rick made a motion to pay the bills, as submitted. Tom seconded, & the vote in favor was 4 to 0.

The meeting was adjourned to Executive Session at 6:35 p.m. The topic of discussion will be litigation.

**EXECUTIVE SESSION:**

Ron made a motion to adjourn Executive Session & reconvene the regular meeting at 7:08 p.m. Rick seconded, & the vote in favor was unanimous. The strategy for litigation was discussed.

**ADJOURNMENT:**

Ron made a motion to adjourn the meeting at 7:09 p.m. Bryan seconded, & the vote in favor was unanimous.

**ATTEST:**

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Sandra A. Quickel, Secretary

**SOUTH MIDDLETON TOWNSHIP  
BOARD OF SUPERVISORS:**

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Thomas E. Faley, Chairman

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Ronald L. Reeder, Vice Chairman

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Bryan A. Gembusia, Member

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James N. Baker, Member

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Walter G. Reighard, Member