

## MINUTES

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

OCTOBER 26, 2006

**PRESENT:** BRYAN GEMBUSIA, TOM FALEY, JIM BAKER, RON REEDER, RICK REIGHARD – SUPERVISORS; Richard Mislitsky – Solicitor; Barbara Wilson – Manager; Jarrett Sweeney – Assistant Manager, Brian O’Neill – Engineer; Tim Duerr – Zoning Officer, Sandy Quickel – Recording Secretary, Joe & Paula Fay, Craig Mellott, John Melham, Attorney Hubert Gilroy, Corporal Yunk, Attorney Charles Shur, Robert Griffin, Bob Winters, Ray Tennyson, Doug & Helen Gale, Howard Phillips, Bob Geist, Don & Cathy Baker, Ashley Pasquariello, Clare Brehm, Pam Fisher, Bony Dawood, Paul Slifko, Dave Bandura, Dick Moore, Michael Berk, Andrea Ciccocioppo – “The Patriot News”, John Hilton - “The Sentinel”.

The meeting was called to order by Chairman Gembusia at 6:00 p.m.

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

The pledge of allegiance was led by Chairman Gembusia.

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

A moment of silence was observed.

#### **OPENING ANNOUNCEMENTS:**

Bryan stated that the meetings are recorded.

State Police Corporal Yunk spoke. He noted that there have been 366 police incidents in the Township this year. Several thefts were reported, as well as 50 accidents over the last 8 weeks.

#### **MINUTES: 10/12/06 Regular Meeting**

The Solicitor noted a change under Supervisors discussion. The correction was “the Board can be a party in any matter before the ZHB”. Ron made a motion to approve the minutes, as amended. Rick seconded, & the vote in favor was unanimous.

#### **#05-08C CARLISLE FORGE – Conditional Use Public Hearing:**

Mr. Mislitsky reconvened the hearing. The applicant & engineers were present. A court stenographer was present & the transcript will be the official record. The hearing will be reconvened at a later date.

#### **#06-16C ROBERT & ELIZABETH GRIFFIN – Conditional Use Public Hearing:**

Mr. Mislitsky convened the hearing. Mr. Mislitsky asked if both parties are represented by council. Attorney Charles Shur represents the Griffins & Attorney Hubert Gilroy represents the Fays. Mr. Mislitsky asked Mr. Shur if he is of the opinion that this matter does not have to be before the Board. Mr. Shur replied yes. Mr. Mislitsky addressed Mr. Gilroy & asked him if he believes that this matter should be before the Zoning Hearing Board. Mr. Gilroy replied that is correct. Mr. Mislitsky stated that this Board is in concurrence but for different reasons that this matter is not properly before this body.

Ron made a motion, because the Board does not feel that this issue is properly before the Board of Supervisors, to return all funds received in this application process & to conclude this hearing before it begins. Mr. Mislitsky said that this is on the basis that all parties & the Board agree that this matter should not be before this Board. Tom seconded, & the vote in favor was unanimous. Mr. Gilroy asked if something was filed by the Griffins that he did not see. Mr. Mislitsky replied no. Mr. Shur said that he did not file a brief. Mr. Mislitsky told both attorneys that he advised the Board & staff not to give legal advice to either party. Mr. Gilroy asked if the Township is going to enforce the existing ordinance. Mr. Mislitsky asked Mr. Gilroy whether he felt he had any alternate recourse. Mr. Gilroy answered yes. He also advised counsel to refrain from asking staff for opinions or direction on how to proceed.

**EMERGENCY SERVICES REPORT:**

The report was accepted, as submitted.

**RECREATION REPORT:**

The report was accepted, as submitted. Tom noted that people can park in the hospital's parking lot in order to walk the trail that the hospital developed around its building.

**ROADMASTER REPORT:**

The report was accepted, as submitted. Jim noted that Overfield Drive needs line-striped; especially around the curve.

**S.M.T.M.A.:**

No report was given.

**SOLICITOR REPORT:**

The report was accepted, as submitted.

**ENGINEER REPORT:**

Ron made a motion to approve the security release for Sunrise Meadows, Phases 1 & 2 (#94-01) & (#02-04). Tom seconded, & the vote in favor was unanimous.

When the Township did the turnback with PennDOT to accept the right-of-way of Forge Road at the cul-de-sac, we inherited a right-of-way on either side of the cul-de-sac. This area of roadway can be vacated by agreement. An agreement to vacate this area has been submitted for review & can be approved at the November 9<sup>th</sup> meeting.

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

The applicant for the Villas Estates Section 2 Final Subdivision is requesting a 90-day time extension to meet conditions of plan approval. Bryan made a motion to approve a 90-day time extension. Ron seconded, & the vote in favor was unanimous.

Consensus was given to advertise a conditional use hearing for Hooke Hooke & Eckman for November 9<sup>th</sup>.

The draft decision for Traditions of America Conditional Use has been written & will be ready for signing.

Consensus was given to advertise the Massage Therapist Ordinance for a public hearing as soon as possible.

**MANAGER REPORT:**

At a previous meeting, a resolution was approved allowing the SMT Municipal Authority to act as the Township's deputy to enforce ordinances relative to sewer & water provisions. SMTMA's solicitor has revised the resolution & is asking for reapproval of the resolution. Rick made a motion to approve Resolution #06-18 allowing SMTMA to act as the Township's deputy to enforce ordinances relative to sewer & water issues & repealing Resolution #06-16. Ron seconded, & vote in favor was unanimous.

A decision will be made at a later date regarding recommending a Board member for the County's Land Preservation Board.

Joe Winton has submitted his resignation from the SMT Municipal Authority effective the end of the year. Ron made a motion to accept the resignation with regrets effective the end of the year. Tom seconded, & the vote in favor was unanimous.

**PUBLIC INPUT:**

Ray Tennison, Lisburn Road, asked if the minutes are posted on the website after approval. He was told yes.

**SUPERVISORS' DISCUSSION:**

Jim said that he received a call from the Carlisle Clean Air Board. They indicated that they are trying to form a tri-county wide organization. Jim has information if anyone wishes to attend their meetings on the first Thursday of the month.

**BILLS FOR PAYMENT:**

Bryan made a motion to pay the bills, as submitted. Tom seconded, & the vote in favor was unanimous.

**ADJOURNMENT:**

Tom made a motion to adjourn at 6:50 p.m. Ron seconded, & the vote in favor was unanimous.

**WITNESS:**

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Sandra A. Quickel, Secretary

**SOUTH MIDDLETON TOWNSHIP  
BOARD OF SUPERVISORS:**

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Bryan A. Gembusia, Chairman

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Thomas E. Faley, Vice Chairman

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Ronald L. Reeder, Member

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James N. Baker, Member

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Walter G. Reighard, Member