

**DRAFT MINUTES**

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

**OCTOBER 9, 2008**

**PRESENT:** RICK REIGHARD, BRYAN GEMBUSIA, TOM FALEY, RON REEDER, JIM BAKER – Supervisors, Richard Mislitsky – Solicitor, Barbara Wilson – Manager, Jarrett Sweeney – Assistant Manager, Brian O’Neill – Engineer, Tim Duerr – Zoning Officer, Sandy Quickel – Secretary, Sandra Diehl, Attorney Thomas Smida, Ryan Brockman, Brad Remig, Attorney Jim Hughes, Phil Garland, John Madden, Dwayne Bender, Mary Zeigler, Attorney Dana Scaduto, Attorney Steve Weigarten, Nick Stamos, Michael & Carla Arnold, Joe Fay, Bill Bashore, Attorney Kurt Williams, Eric & Sandy Orke, John Thrush, Roland & Josephine Freund, Bryon Pittenger, Donald Group, Marti Green, Attorney Greg Knight, Mark Juliana, Bob Grochalski, Andrea Ciccocioppo – “The Sentinel”, Linda Franz – “The Patriot News”.

**PLEDGE OF ALLEGIANCE:**

Chairman Reighard led the audience in the pledge of allegiance.

**MOMENT OF SILENCE:**

A moment of silence was observed.

**OPENING ANNOUNCEMENTS:**

Chairman Reighard noted that the meetings are taped & to turn off cell phones.

**MINUTES: 09/25/08 Regular Meeting:**

Jim noted a correction with the start time of the Halloween Parade. It is 7:00 pm instead of 6:00 pm. Tom made a motion to approve the minutes, as amended. Ron seconded, & the vote in favor was unanimous.

**PUBLIC INPUT:**

There was no input.

**ORDINANCE #08-08 Authorizing & Directing Issuance of General Obligation for \$4.2 M for building project – Public Hearing:**

Mr. Mislitsky opened the hearing & stated the procedure. A court stenographer was present. Brad Remig & Ryan Brockman of Public Financial Management Inc. and Attorney Tom Smida of Mette, Evans & Woodside were present. Mr. Remig stated that RFPs were sent out to solicit proposals from banks for financial purposes. Seven banks responded. He felt Orrstown Bank provided the best proposal for the financing which included a fixed interest rate of 3.95% for 15 years, & a 24-month draw period (only draw what money is needed for the project). The loan proposal is valid through October 31, 2008, & has a closing date before Thanksgiving.

Attorney Smida stated that he prepared the ordinance. The ordinance authorizes the obligation of debt for a 15-year term. Public input was taken. Mary Zeigler, Allen Street, thanked the Board for allowing the public to hear this information & the explanation of the process. She felt it is the proper way to handle this issue. Rick said that the timing is fortunate with the lower interest rates, & that the money may not be available in the future. Bryan said that 3.95 percent is a great rate. He feels this is a smart way to handle the money, & is needed for the project to proceed, plus the Township will be working with a local bank. Tom said that he prefers the pay as you go method. He is uncomfortable with the project. He would like to use the \$1.3 M dollars in the reserve account & apply it to the project instead of borrowing the full amount. He feels there are economic concerns for the entire area. Rick pointed out that the reserves can be applied to the loan anytime during the 15 years. Barb stated that right now a lot of the reserve accounts are still earning 4-6% interest. Rick said that the Township would lose money if the reserves are used at this point. Jim said that the Board knows his feelings on this issue. Bryan made a motion to adopt Ordinance #08-08. Ron seconded. The roll call vote in favor was 3 to 2 (Jim & Tom were opposed). The hearing was closed.

**#06-11C      GEORGETOWNE – Conditional Use Public Hearing:**

Mr. Mislitsky reconvened the hearing. There was no discussion & the applicant was not present. The hearing will be continued on November 13, 2008. The hearing was closed.

**#07-12C      MORGAN’S CROSSING – Conditional Use Public Hearing:**

Mr. Mislitsky reconvened the hearing & stated the procedure. A court stenographer was present & the transcript will be the official record. The hearing will be continued on November 13, 2008. The hearing was closed. Public input was taken. Roland Freund, 382 Petersburg Road, said that he is a member of the Letort Watershed Committee. He showed two photos of the quarry (taken from the quarry property). Mr. Freund feels that every development has a negative impact on the community. He does not want taxes to increase because of new developments. He feels new developments also impacts the school district’s revenues. There was no other input.

**#08-01C      RESIDENTIAL HOMES (JEFFERSON COURT II) – Conditional Use Public Hearing:**

Mr. Mislitsky reconvened the hearing & stated the procedure. A court stenographer was present & the transcript will be the official record. The hearing will be continued on November 13, 2008. The hearing was closed. Public input was taken. Mary Zeigler, Allen Street, questioned whether or not a new sewer plant would be needed due to the construction of new homes/developments. Bryon Pittenger, 385 Petersburg Road, questioned sight distance at this location. Bob Grochalski, 379 Petersburg Road, had concerns with blasting, & water quality if a new pump is located near the quarry.

**#08-03      WHEATSTONE – PHASE II – Final Subdivision:**

This plan was tabled.

**#08-18 119 PETERSBURG ROAD – Preliminary/Final Land Development:**

Engineer John Madden presented this plan. The applicant proposes a 5,000 s.f. building at 119 Petersburg Road. The lot is located behind the Farmer’s Market, & currently has an existing building on the property. This plan was approved as a conditional use.

**Modification:** Preliminary Plan. Tom made a motion to approve the modification. Bryan seconded, & the vote in favor was unanimous.

Ron made a motion to approve #08-18, subject to the applicant’s acceptance of staff comments. Bryan seconded, & the vote in favor was unanimous.

**DICKINSON COLLEGE FARM – SEWER DISCUSSION:**

Nick Stamos, Attorneys Dana Scaduto & Steve Weigarten were present. Mr. Stamos stated that the College has established an organic farm along Park Drive. They would like to tap onto the sewer line for showers, restroom facilities, etc. At the last meeting, the Township granted permission to hook-onto the sewer line if the College sold their development rights to the Township for \$1.00. Mr. Stamos said that the College could not agree to this stipulation. He also said that they do not want to develop the land. Tom questioned why the land is not placed into the County’s Farmland Preservation Program. Rick noted that in 2002, a resolution was approved that allowed for sewer hookup along the Park Drive force main if any property had failing septic systems. Jim added that sewer connections make a property more profitable. Mr. Weigarten said that the College does not want to create a magnet for developing along Park Drive. He has reviewed the two ordinances, & feels that this is an organic farm & is not a commercial, industrial, or residential use. Ron mentioned the development of property along Rt. 11 that the College owned. Mr. Weigarten pointed out that this property was sold, & that the College did not develop it. (Supervisor Baker left at 8:45 p.m). Mr. Weigarten said that an agreement can be finalized between the Township & Dickinson College. He also added that the Township can remove the sewer laterals at the College’s expense if a problem occurs. Tom said that he wants the farm to be successful. Rick noted that there was another effort to buy the development rights to the property. Barb replied that 2 years ago, the property was approved by the County for purchase of the development rights. Rick said he is not opposed to the organic farm, but doesn’t understand why they won’t agree to sell the development rights. Mark Juliana stated from the audience that to truly be considered an organic farm, composting toilets & recycling of gray water should be utilized. Mr. Weigarten was asked if the Board of Trustees would be willing to enter into discussion with the County or Township to secure the development rights. He replied yes. Bryan said he is willing to trade the sewer lateral for the development rights. Mr. Stamos will discuss this issue with their Board.

**SOLICITOR REPORT:**

The agreement regarding roadway improvements (Walnut Bottom Grove Conditional Use plan) has been worked out with Attorney Jim Hughes. Ron added that he would like to encourage speeding up the process of installing a traffic signal at Rt. 34 & Marsh Drive.

Also, with the Walnut Bottom Grove Conditional Use plan, Bryan made a motion to accept a time extension for final approval of the conditional use decision. Ron seconded, & the vote in favor was 4 to 0. Tom made a motion to approve a new decision on the Walnut Bottom Grove Conditional Use plan. Ron seconded, & the vote in favor was 4 to 0. Bryan made a motion to rescind the first Walnut Bottom Conditional use decision. Ron seconded, & the vote in favor was 4 to 0.

**ENGINEER REPORT:**

Lawrence Smarr, Bonnybrook Road, submitted a waiver request for a plan approved in 2004. They want to eliminate the cul-de-sac of a rural residential lane that serves two lots. Rural residential lanes are no longer in our ordinance. Bryan made a motion to approve the waiver request. Tom seconded, & the vote in favor was 4 to 0.

West Pennsboro Township has made a request to Carlisle Borough to obtain some of their sewer capacity. Due to the inter-municipal agreement, any time anyone sells some of their capacity to someone else, it has to be offered to the members of the agreement. The SMTMA has reviewed & approved the request. (Bryan left the room at this point). Tom made a motion to approve the request from West Pennsboro to acquire capacity from Carlisle Borough. Ron seconded, & the vote in favor was 3 to 0.

(Bryan returned to the room)

The applicant for the Villas Estates, Section 2 (#05-40) has requested a 90 day time extension to meet conditions of plan approval. The new deadline would be January 26, 2009. Tom made a motion to approve the time extension until January 26, 2009. Ron seconded, & said that this should be the last time extension. The vote in favor was 4 to 0.

Regarding the Condemnation Agreement (Rt. 34/174 – Cala J Farm (Purcell), the County purchased the development rights for the Cala J Farm on the corner of Holly Pike & Rt. 74. As part of the project to put a permanent signal at the intersection, along with turn lanes, Penn DOT needed to condemn some additional right-of-way along the property. As part of the agreement, the Purcells, the County, & the Township would be entitled to compensation from Penn DOT for the condemnation. The Township will receive \$1,683.00. Ron made a motion to approve the Penn DOT settlement agreement for condemnation of right-of-way at Rt. 34 & Rt. 174 at the Cala J Farm). Bryan seconded, & the vote in favor was 4 to 0.

The applicant for the Wheatstone, Phase 2 plan (#08-03) is granting the Township an additional 6 months to render a decision on the plan. The new deadline would be April 16, 2009. Tom made a motion to accept the time extension. Ron seconded. Brian has spoken with the Geotechnical Engineer, & he is sending out the geotechnical report tomorrow. The vote in favor was 4 to 0.

The applicant for the Meed Penn Group has submitted as-builts & requested a release of security. Brian recommended a release in the amount of \$47,453.86. Tom made a motion to approve the security reduction. Bryan seconded, & the vote in favor was 4 to 0.

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

Robert Griffin is requesting a waiver of the fee for a Zoning hearing Board (ZHB) application. He is applying for a special exception for a 140 ft. expansion to the second building of the day care facility. The addition is to provide separate bathroom facilities for each sex & is needed to comply with requirements of the building code. Ron made a motion to deny the waiver of the ZHB fee. Rick seconded, & the vote in favor was 3 to 1 (Bryan was opposed).

Two conditional use decisions are ready for signing (Daniel & Tamara McCann & Cellco Partnership/Verizon Wireless).

A report on the inspection at the South Mountain/Quarter Aces Dragway was provided.

**MANAGER REPORT:**

Ron made a motion to approve Resolution #08-16 adopting the NIMS procedure as the requisite emergency management system. Tom seconded, & the vote in favor was 4 to 0.

Vector Control sent information regarding the gypsy moth spraying program. It amounts to \$21.00 per acre. Tom made a motion to approve the gypsy moth spraying in the amount of \$17,500 for 2009. Bryan seconded. Ron asked if any residents contributed toward spraying of their property. Barb replied that a few residents offered to pay for their property. The vote in favor was 4 to 0.

Union Fire Company is requesting the Township participate in a public outreach program (Change your Clock, Change your Battery) to remind residents to change the batteries in their smoke detectors when they change their clocks. Rick made a motion to support the program. Bryan seconded, & the vote in favor was 4 to 0.

**PUBLIC INPUT (Non Agenda Items):**

Joe Fay commended the Board on how they handled the sewer issue with Dickinson College.

**BILLS FOR PAYMENT:**

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

**SUPERVISORS' DISCUSSION:**

Rick stated that a letter from Dickinson Township on the boundary issue would have to be reviewed. Barb stated that the letter was dropped off today. Ron said that it was dropped off because Dickinson had their meeting on Monday evening. He also noted the meeting held with the Fish & Boat Commission regarding work done at the lake. He asked if there was any information about the York Road & Westminster Drive traffic signal as far as the timing is concerned. Brian has contacted PERCS about this issue. Rick also asked if any of the developers

requested paying the Township for snow removal for streets that have not been dedicated. Barb replied none at this time have requested the services.

Bryan has met with the Sentinel reporter on the RESTF issue. An article will be in the newspaper.

**ADJOURNMENT:**

Bryan made a motion to adjourn the meeting at 9:40 pm. Tom seconded, & the vote in favor was 4 to 0.

**ATTEST:**

**SOUTH MIDDLETON TOWNSHIP  
BOARD OF SUPERVISORS:**

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Sandra A. Quickel, Secretary

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Walter G. Reighard, Chairman

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Bryan A. Gembusia, Vice Chairman

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Ronald L. Reeder, Member

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James N. Baker, Member

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Thomas E. Faley, Member