

MINUTES

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

NOVEMBER 13, 2014

PRESENT: BRYAN GEMBUSIA, TOM FALEY, RICK REIGHARD, RON HAMILTON, DUFF MANWEILER – SUPERVISORS, ANNIE REYNOLDS – JR. TOWNSHIP SUPERVISOR; Richard Mislitsky – Solicitor, Cory Adams – Manager, Jarrett Sweeney – Assistant Manager, Brian O’Neill – Engineer, Tim Duerr – Zoning Officer, Sandy Quickel – Recording Secretary, Nita Cook, Cindy Dunbar, Bette Szablewski, Mike Berk, Carol Shetter, Cynthia Thompson, Attorney Hubert Gilroy, Attorney Jeff Ernico, Doug & Helen Gale, Suzanne Kunkle, Matthew Kunkle, Christine Vorodi, John Snyder, Brian McNew.

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

PLEDGE OF ALLEGIANCE:

Chairman Gembusia led the audience in the pledge of allegiance.

MOMENT OF SILENCE:

A moment of silence was observed.

OPENING ANNOUNCEMENTS:

Chairman Gembusia announced that the meeting is recorded & to turn off cell phones. He also announced that an Executive Session was held at 5:00 pm. The topic of discussion was litigation. No decision was made.

MINUTES: October 23, 2014 (Regular Meeting):

Tom made a motion to approve the minutes. Rick seconded, & the vote in favor was unanimous.

PUBLIC INPUT:

There was no public input.

AMELIA GIVIN LIBRARY – Discussion:

Cindy Thompson, Amelia Given Library Director, had previously asked for a donation from the Township, and discussed the fact sheet she distributed that night. Ms. Thompson cited SMT figures – (1,646 SMT cardholders, 243 kids registered for the summer reading program, & over 55,031 items borrowed in 2013 from the library). She stated that since the State has cut funding five years ago, they lost approximately \$40,000. Tom asked for the dollar figure donation requested. Ms. Thompson said it is \$1,500. This request will be included for budget consideration. No action was taken at this time.

PUBLIC INPUT:

Attorney Hubert Gilroy represented the applicant for the Stonehill Conditional Use Plan (Plan #2011-0014). The applicant is requesting additional time to submit a subdivision plan. The Zoning Ordinance states that the applicant has one year from approval of the conditional use to submit a subdivision plan. This applicant is past the year from their approval. Tim added that the

applicant will soon be securing a sewage line easement for the site. Tom made a motion to approve the time extension until July 25, 2015. Rick seconded, & the vote in favor was unanimous.

#2014-0014 CROCK & HENDERICKSON – Final Minor Subdivision:

This plan was tabled due to not receiving their Sewage Planning approval from DEP. The applicant granted a time extension to the Township until January 31, 2015. Tom made a motion to accept the time extension until January 31, 2015. Duff seconded, & the vote in favor was unanimous.

#2014-0007 SUMMERBRIDGE PHASE I – Final Subdivision & Land Development (Discussion – Financial Security):

Attorney Jeff Ernico represented Brian McNew (developer) on this plan. The issue of concern is the applicant's submittal of financial security. At the last meeting, a sample Letter of Credit (LOC) from M&T Bank was given to the applicant's attorney. However, M&T Bank does not want to use this LOC form. The applicant would be submitting two LOC's instead of one. Mr. Ernico stated that he has checked with other banks, and that none of them want to sign this version of the LOC. The applicant would like to submit a Bond(s), which is acceptable per the Ordinance and the MPC. Mr. Ernico stated that in both the Conditional Use approval and in the Developer's Agreement, the language states that a "LOC" must be submitted for posting financial security. Mr. Ernico asked the Board if they will accept a Bond instead of a LOC. Mr. Ernico commented on several email discussions with Solicitor Mislitsky on this issue. He claims an issue with some of the language proposed by Mr. Mislitsky. Rick asked Mr. Mislitsky how great is the risk to the Township if a bond is submitted instead of a LOC. Mr. Mislitsky replied it is a low risk. Rick made a motion to modify the original Conditional Use approval to accept a bond instead of a Letter of Credit, and subject to the Solicitor's review and acceptance of the corporate documents and bond language. Duff seconded, & the vote in favor was unanimous.

SOLICITOR REPORT:

No report was given.

ENGINEER REPORT:

The applicant for the Old Forge Station Phase 2 (Plan #2010-0014) has requested a security reduction. There are still some outstanding issues that need corrected. Rick made a motion to deny the security reduction. Duff seconded, & the vote in favor was unanimous.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

The George and Tessie Mallios Conditional Use Decision is ready for signing.

The Township's Sewage Enforcement Officer has submitted a revision to his fee schedule for 2015. Consensus was given to advertise a new fee schedule as presented.

MANAGER REPORT:

A vacancy currently exists on the SMT Municipal Authority Board. The vacancy has been advertised, but a suitable candidate has not been selected. Tom made a motion to appoint Ron Hamilton to the SMTMA Board to fill the current vacancy (term expires 12/31/15). Rick seconded. Rick thanked Ron for volunteering his time. Ron also added that the Municipal

Authority Board will be reducing the number of members to five. The vote in favor was 4 to 0 (Ron abstained).

A Pre-Bid meeting was held on November 5, 2014 with waste/recycling haulers for the upcoming waste/recycling contract. Sealed bids will be accepted on December 1, 2014 and the contract will possibly be awarded at the December 18, 2014 meeting.

The Parks and Recreation Board Ordinance will be revised and advertised for adoption at the meeting on December 18, 2014. The P&R Board will be given a copy of the ordinance at their November 20, 2014 meeting for comments.

The Township has received a grant in the amount of \$3,750 from the Cumberland County Visitor's Bureau to erect new gateway signs in the village of Boiling Springs. Cory thanks the Boiling Springs Civic Association and the Boiling Springs VFW for their assistance of \$1,000 each for the project.

Both DEP and the U.S. Army Corps of Engineers are satisfied with the Township's remediation work performed along South Spring Garden Street in the vicinity of the Letort Spring Run.

The next meeting of the Spring Meadows Park Master Plan Review Committee will be November 20, 2014 at 6:00 pm.

PSP – Carlisle Station Criminal Arrest Reports for September 2014 were submitted for review.

A joint meeting of the Board of Supervisors and the Planning Commission will be held on December 16, 2014 at 6:00 pm. The meeting will discuss a number of issues and topics concerning the operation of both boards.

The Cumberland County Planning Commission is seeking to fill a vacancy on its board.

The next Board of Supervisors meeting will be Tuesday, November 25, 2014 due to the Thanksgiving holiday.

Cory requested an Executive Session to discuss a personnel matter.

Duff mentioned that several applicants were received for the Junior Township Supervisor position. Duff said he would like to change the format with more involvement with the interviews with the Supervisors. Duff and Rick volunteered to interview the applicants.

PUBLIC INPUT:

Bette Szablewski, Eastgate Drive, asked for an update if the Bonanza Restaurant will be rebuilding. Tom said no - another business is looking to locate at the site, but nothing has been confirmed yet.

SUPERVISORS’ DISCUSSION:

Rick made a motion to appoint Mike Scherer as Planning Commission Solicitor for 2015. Duff seconded. Duff would like Mr. Scherer invited to join the joint Board of Supervisors and Planning Commission meeting in December. The vote in favor was unanimous.

Bryan commented on a request from School Board member Mike Berk. He requested that the Township contact the new DEP Secretary, and former Township employee/resident, Dana Aunkst, to see if progress could be made on the school project. The School District’s plan has not received their NPDES permit. Solicitor Mislitsky will make the contact with Mr. Aunkst.

BILLS FOR PAYMENT:

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

Bryan made a motion to adjourn to Executive Session at 7:15 p.m. Tom seconded, & the vote in favor was unanimous.

EXECUTIVE SESSION:

The topic of discussion was personnel.

Tom made a motion to enter the regular session at 7:27 p.m. Ron seconded, & the vote in favor was unanimous.

ADJOURNMENT:

Tom made a motion to adjourn the meeting at 7:28 p.m. Ron seconded, & the vote in favor was unanimous.

ATTEST:

Sandra A. Quickel, Secretary

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Bryan A Gembusia, Chairman

Thomas E. Faley, Vice Chairman

Walter G. Reighard, Member

R. Duff Manweiler, Member

Ronald P. Hamilton, Member