

MINUTES

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

DECEMBER 14, 2006

PRESENT: BRYAN GEMBUSIA, TOM FALEY, JIM BAKER, RON REEDER, RICK REIGHARD – Supervisors, Barbara Wilson – Manager, Richard Mislitsky – Solicitor, Jarrett Sweeney – Assistant Manager, Brian O’Neill – Engineer, Tim Duerr – Zoning Officer, Sandy Quickel – Secretary, Debra Russell, Don Rickards, Charles Breslin, Ray Jones, Steve Dell, Paul Wilson, Doug & Helen Gale, Charles Elliott, Del Hawbaker, Bob Geist, Bob Beers, Rita Duryea, Bob Winters, Paul Slifko, John Anderson, Marti Green, Donald Baker, Mark & Doreen Mullen, Attorney Jim Hughes, Attorney Robert Saidis, George Lulos, John Snyder, William Aiello, John Hilton – “The Sentinel”, Andrea Ciccocioppo – “The Patriot News”.

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 noted that the meeting is recorded. Ron asked for a moment of silence for his cousin (Sgt. Brent Dunkleberger) who was recently killed in Iraq.

MINUTES: 11/30/06 Regular meeting

Rick made a motion to approve the minutes. Tom seconded, & the vote in favor was 4 to 0. (Changes had been made earlier & new copies were distributed to the Board per the Solicitor).

12/14/06 Leaman Farm Demolition Bid Opening

Bryan read the bid amounts. Ron made a motion to approve the minutes. Tom seconded, & the vote was 4 to 0.

(Jim arrived)

#06-10S MAYAPPLE VILLAGE PRD AMENDMENT – Sketch:

The Solicitor noted that he received a call from Attorney Bill Duncan, & that he had a conflict with tonight’s meeting & could not be in attendance. Mr. Duncan indicated that he is aware of the restrictions of the PRD. Tom stated that the golf course’s open space is to remain as open space in perpetuity, & that the Board may not have the authority to change the PRD. Tom made a motion to authorize the Solicitor to correspond with the applicant that the Board is not of the opinion to continue on with the PRD amendment plan. Rick seconded, & the vote in favor was

unanimous. The Solicitor was also instructed to obtain a copy of the document which was recorded as a public record. Rick asked for the definition of a collector road. Brian explained it. Rick noted that the PRD document indicates Mayapple Drive is to be used as a collector road.

#06-19C RW HOLDINGS ASSOCIATES LP – Conditional Use Public Hearing:

Mr. Mislitsky opened the hearing & stated the procedure. The applicant is proposing to construct a commercial center containing mixed use businesses. The site is located on Commerce Avenue (C District). Paul Wilson represented this plan, & added that the building will be 12,000 s.f. with 41 parking spaces. The applicant is requesting relief from the requirement for 2 separate points of ingress & egress because of the limited frontage along Commerce Drive. They are proposing a single driveway. Tim noted that the land development plan will need to show the parking spaces calculations on the plan. Mr. Wilson said that they will also add handicap parking spaces. There was no public input.

Tom made a motion to approve #06-19C, subject to the applicant's acceptance of staff comments, & to allow relief of the second access. Ron seconded, & the vote in favor was unanimous. The hearing was closed.

BID AWARD – Leaman Farm Demolition:

Ron made a motion to award the bid for the Leaman Farm demolition to BWB Inc. in the amount of \$61,980.00 & subject to a satisfactory review of the bid by the Solicitor. Tom seconded, & the vote in favor was unanimous.

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

This plan was tabled.

#06-15 TRADITIONS OF AMERICA – Preliminary Subdivision:

This plan has been previously tabled. The applicant proposes to subdivide the John Anderson parcel which surrounds the Otterbein Church on Forge Road. The plan proposes 53 building lots. Steve Dell & Marty Dwyer were present. There is an issue with a possible connector road. Connecting to the cul de sac will not work. The Otterbein Church will be purchasing 3 lots to use for additional parking. Ron said he was disappointed to hear that there will not be a collector road. He stated that he, as well that the road crew, do not like cul de sacs. Jim disagreed. He feels that lots on cul de sacs are the highest priced lots & people with children prefer cul de sacs because of the low traffic volumes. Ron asked if a stub street could be located on the north side of the site, & then the Board could allow the Brandt property to make that a public street. Brian said that the Brandt property received a special exception to permit townhouses, & that private streets are not permitted. A 90-day time extension was received for this plan. The applicant was advised to meet with staff to further discuss this plan. The plan was tabled.

#06-20 CARLISLE CHURCH OF THE BRETHREN IN CHRIST CHURCH - Final Minor Land Development:

The applicant proposes Phase 1 of their expansion plans previously approved as a conditional use plan. Paul Wilson represented this plan. The property is located along Walnut Bottom Road.

Phase 1 includes a 15,256 s.f. building expansion & an additional parking area with 161 parking spaces.

Modifications: Preliminary Plan, Landscape Architect Certification on Landscape Plan; Island every 10 spaces in parking lot, Sidewalks, Curbs & Gutters, Runoff Capture Storm, Runoff values, & Street trees. It was decided to defer action on the Sidewalks, Curbs & Gutters & Street trees modifications until Penn DOT makes a decision on future improvements to Walnut Bottom Road. Bryan made a motion to approve all of the other modifications. Tom seconded, & the vote in favor was unanimous.

Bryan made a motion to approve #06-20, subject to the applicant's acceptance of staff comments & the decision to not require monitoring wells. Ron seconded, & the vote in favor was unanimous.

#06-21 CARLISLE FORGE – Final Minor Subdivision:

This plan was tabled.

EMERGENCY SERVICES REPORT:

The report was accepted, as submitted.

RECREATION REPORT:

Jim mentioned that the pool attendant is late or doesn't show up when he has taken his grandchildren to the pool at the school for swimming.

ROADMASTER REPORT:

The report was accepted, as submitted.

S.M.T.M.A.:

No report was given.

SOLICITOR REPORT:

Regarding the Robert & Elizabeth Griffin Conditional Use plan, the Griffin's attorney feels that failure to act on their plan, by the Board, constitutes a deemed approval. Mr. Mislitsky disagrees, & stated that if it is a deemed approval, the Township must publish a notice indicating that it was approved by operation of law. If the Township refuses to publish such notice, the Griffins would have to publish the notice. Consensus was given to the Solicitor stating that the Township did not make an error & will not publish a notice. Tom made a motion that the Township did not make a mistake & will not publish a notice, & that the plan is not deemed approved. Ron seconded, & the vote in favor was unanimous.

ENGINEER REPORT:

Time extensions have been requested from Forgedale Crossing, Section 7 (#06-14) until March 18, 2007 & Traditions of America (#06-15) until April 15, 2007. Ron made a motion to approve the time extensions for these two plans. Rick seconded, & the vote in favor was unanimous.

The applicant for the Walnut Bottom Medical Center (#03-28) has requested a release in security. All issues have been addressed. Tom made a motion to approve the security release. Ron seconded, & the vote in favor was unanimous.

Carlisle Regional Medical Center has submitted a request for a large security reduction. The office building adjacent to the hospital, so security will need to be kept for improvements of that building. The engineer is requesting that the requirement for as-built surveys throughout the site be waived. Tom made a motion to not grant a waiver of Section 1303 for plan #03-41. Ron seconded, & the vote in favor was unanimous. Bryan made a motion to not reduce the security, as requested. Tom seconded, & the vote in favor was unanimous.

A request has been received from Dickinson Township for conveyance capacity for 100,000 gpd of sewage to the Borough's plan. First, an intermunicipal agreement would be required. Secondly, the SMTMA would have to grant the conveyance capacity. Dickinson Township Supervisor, Ray Jones, was present & stated that Dickinson is working on their Act 537 plan & needs to know how to plan the coverage areas. Bryan made a motion to send a request to SMTMA for their review. Rick seconded, & the vote in favor was unanimous.

(BREAK)

COMPREHENSIVE PLAN & ZONING ORDINANCE AMENDMENTS – Public Hearing:

Attorney Jim Hughes addressed property across from Jefferson Court & the Cobblestone development. He submitted correspondence dated 9/8/06 concerning this property. Mr. Hughes said that he understands that the Board is not in favor of rezoning agricultural land. He was told that the committee recommended denying rezoning agricultural land to RH.

The area of Holly Pike between Lindsay Lane & Sigmans Mobile Home Park request was recommended denial. Bob Beers said he agrees with this decision. He noted that it is a bad intersection.

The Doug & Lisa Baker property request was recommended denial & was suggested to rezone the area to VC. Attorney Robert Saidis represents the Bakers & said they are happy with the recommendation.

The remainder of the list was completed. Barb suggested reconvening the study committee, & to readvertise the hearings through March, if needed. Brian pointed out that if changes are made, the comprehensive plan, zoning ordinance & zoning map will need to be readvertised. Also, changes will need to be sent to the County & adjacent Townships for review.

John Snyder, representing Trust Investment Group, asked when the changes will be final. He asked that the Summerfield area be changed from C to VC.

Mark Mullen feels that if anyone is interested in rezoning, they should have attended the meetings.

Consensus was given to advertise the hearings until April 12th if needed. They will be at 7:00 p.m. on February 8 & 22, March 8 & 29, & April 12.

(BREAK)

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

Tim stated that the Hooke, Hooke & Eckman Conditional Use decision is ready for signing if there are no changes.

MANAGER REPORT:

Information has been received from PSATS regarding the 2007 convention. Rick stated that he would like to attend.

The SMT Fire Company is short funds to cover its paid personnel account for 2006. They are asking the Township for \$6,068 to cover the shortfall. It was noted that the driver was converted from a 40 hr/full time position to part time. Jim made a motion to approve this expense. Ron seconded, & the vote in favor was unanimous.

PUBLIC INPUT:

There was no public input.

SUPERVISORS' DISCUSSION:

Ron wished the Board, staff & public a happy holiday.

Jim asked how many acres in the WAM property. He was told there were 100 acres. He also noted that the Board meeting was not listed in the newspaper.

2007 REAL ESTATE TAX RATE:

Tom noted that there is no real estate tax, but there will be an increase in the fire tax which will bring it to .22 mills. Tom made a motion to approve Resolution #06-20 approving the 2007 real estate tax rate. Ron seconded, & the vote in favor was unanimous.

2007 BUDGET:

Tom made a motion to approve Resolution #06-21 adopting the 2007 budget, as presented. Ron seconded, & the vote in favor was unanimous. Barb added that the budget is \$4.1 million including about \$1.1 million in grant funding.

BILLS FOR PAYMENT:

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

ADJOURNMENT:

Ron made a motion to adjourn at 8:00 p.m. Tom seconded, & the vote in favor was unanimous.

ATTEST:

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Sandra A. Quickel, Secretary

Bryan A. Gembusia, Chairman

Thomas E. Faley, Vice Chairman

Ronald L. Reeder, Member

James N. Baker, Member

Walter G. Reighard, Member