

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

FEBRUARY 24, 2005

PRESENT: TOM FALEY, PHYLLIS GIVLER (Absent), JIM BAKER, BRYAN GEMBUSIA, RON REEDER; – SUPERVISORS; Rich Mislitsky – Solicitor; Barbara Wilson – Manager; Brian O’Neill – Engineer; Sandy Quickel – Recording Secretary; Robert Duncan; Chad Clancy; George Stapleton; Jud & Diane Horne; Robert Beers; Frank Burrows; Betty Williams; Vern Graham; Pat Vrabel; David & Jennifer Bandura; Steve & Tina Darchicourt; Eric Vorodi; William Keller; Attorney Steve Tiley; Derek Clepper; Joe Fay; Dean Clepper; Stephen Knight; Joe Carbine; Scott Bucher; Harold Edwards; Attorney James Strong; Mary Zeigler; George Gish; Tim Mellott; Brian Evans; Ray Porter; Paul Slifko; Attorney Susan Smith; Eric Harkreader – “The Sentinel”, Andrea Ciccocioppo – “The Patriot News”.

Chairman Tom Faley called the meeting to order at 6:05 pm.

PLEDGE OF ALLEGIANCE:

Chairman Tom Faley led the audience in the pledge of allegiance.

MOMENT OF SILENCE:

A moment of silence was observed.

OPENING ANNOUNCEMENTS:

The Board & staff members introduced themselves.

MINUTES: 02/10/05 – REGULAR MEETING:

Bryan made a motion to approve the minutes, as written. Ron seconded, & the vote in favor was 4 to 0.

**#05-03C SHENANDOAH PERSONAL COMMUNICATIONS COMPANY –
Conditional Use Public Hearing:**

Mr. Mislitsky opened the hearing & stated that the applicant requested a continuance of the hearing. The hearing was closed. The Solicitor left the meeting at this point in order for Special Counsel (Attorney Susan Smith) to open the hearing on the Shentel settlement ordinance.

ORDINANCE #05-03 SHENTEL SETTLEMENT – Public Hearing:

Special Counsel, Attorney Susan Smith, opened the hearing. This ordinance is a proposed settlement between Shentel & the Township changing the proposed site for a cellular tower from the Karns site on Forge Road to the Spring Meadows Park. The Board denied the conditional use for the Karns site & Shentel appealed the decision. Both the Township & Shentel agreed to continuance of the full litigation until settlement discussions could be held. A proposed settlement was reached & an ordinance was advertised on February 11th & 17th concerning the settlement. Ms. Smith stated the conditions of the settlement. They included: the tower will be

located in the southeast corner of Spring Meadows Park, which is large enough & that the appearance of the tower can be minimized; the tower height will be 155 ft. with a possible 10 ft. addition for co-locators; the tower will be camouflaged; screening & fencing will be added; Shentel agreed to construct the roadway into the site to Township specifications; the lease term will be on a 100 ft. x 100 ft. site at \$600/month with a 3% escalator cost every year thereafter, & \$5,000 will be contributed for each co-location. Any revenue from the settlement funds will be used for improvements to existing or future Township parks, maintenance of existing or future Township parks, and/or acquisition of land for public parks. Shentel will also contribute 10 cell phones to the Township. Jim feels that due to the bad weather, this hearing should be continued at a later date. Public comment was taken.

Dean Clepper, 8 Hickory Court, feels the placement of a tower at the park is ill-advised. He asked if a balloon test was done to show the height & feels the tower will have a negative impact on the village district. He added that the first site was commercial, & was not on agricultural land. He also questioned whether a tower is needed & asked the Board to reconsider this site. A balloon test was attempted, but due to windy conditions, it was never completed to date.

Robert Duncan, 201 W. Springville Road, said he uses the park & trail practically every day & has no objection to the tower being placed at this site. He stated that after some time passes, you will not even notice the tower, & does not feel that there is a safety concern. Mr. Duncan also said that he switched from AT&T to Nextel because of poor coverage, but people should have a choice about which carrier they want to use.

Vern Graham, Petersburg Road, feels there are already existing eye-sores in the area & suggested placing it on the water tower.

Derek Clepper, 340 W. First Street, does not want the tower in the park & feels it is a waste of resources. He also suggested placing an antenna on another tower.

Judson & Diane Horne, 402 W. First Street, both spoke & feel that the tower will cause the value of the homes to drop. They also feel there are radiation & safety hazards.

Eric Viordi, 25 Sheeley Lane, feels the tower will detract from the park setting & asked what other sites were considered. He was told that existing tower sites were looked at, but Shentel could not meet their coverage goals. They couldn't get the height needed at the water tower & there are too many co-locators on that tower. The Township hired an R.F. Engineer to do some testing on coverage areas. It was determined that the South Middleton Township Park's elevation was too low, & land adjacent to the water tower was not available.

Chad Clancy, Sheeley Lane, asked if there is a problem with lead-based paint for the tower. He was told that different types of paint can be used. He asked why another tower should be built. He questioned co-location on this tower, & was told that by allowing other companies to co-locate on the tower, the need to build more towers in this area would be eliminated. Mr. Clancy

feels safety is a concern & asked if the tower would be inspected on a regular basis. He was told that federal law requires periodical inspections of the tower.

Scott Bucher, 591 W. First Street, feels the Karns site will have an impact on the historic area. He feels the tower should be placed in a remote site & not near residential areas. He also feels that the park will be defaced with a tower on the property. Mr. Bucher asked if the Leaman farm was considered. He was told that it was, but elevation is too low & this site is another mile away from the targeted area for needed coverage.

Jen Bandura, 4 Meadowood Place, feels that more public notice is needed in order for people to attend the meeting. She stated several reasons of concern: wellhead protection area, health issues, aesthetic reasons, vandalism, lower property values & the maintenance of the tower.

Joe Fay, 327 W. First Street, appreciates the Board's position, but feels that money should be spent to fight the location of the tower. He feels everyone in the Township can afford more tax money if such is needed to continue to fight the tower. He does not want it placed in the park. He stated that this is a commercial venture to suit Shentel.

Joe Carbine, 18 Sheeley Lane, stated he is opposed to the tower, & feels the community will back the Board to fight the location of the tower.

Harold Edwards, 631 W. First Street, asked if Shentel considered any land in Monroe Township. He was told that there is a problem with distance in Monroe Township.

David Bandura, 4 Meadowood Place, feels this is corporate extortion & that the Board should fight Shentel.

Jen Bandura asked if the tower is just to serve the Boiling Springs area. It is for coverage in the Boiling Springs area & along Rt. 174.

Derek Clepper asked if the proposed site meets current zoning requirements.

Jim Baker commented that towers may be ugly, but sheds & accessories are also visible.

The hearing will be continued on March 10th. The hearing was closed.

(BREAK)

PUBLIC INPUT:

Mary Zeigler, Allen Street, commented about vehicle use among Township employees. She stated that an ex-Supervisor & now a Roadmaster at North Middleton Township uses a Township vehicle all the time & that Barb only uses the vehicle for work-related business.

SOLICITOR REPORT:

Mr. Mislitsky mentioned that Washco (Carlisle Crossings) have not submitted their bonding for their plan. A check for recreation fees was paid, but now the applicant is asking the Township to return the check (which was deposited). Bryan stated that the developer may have changed hands & asked if the Township could rescind plan approval. Ron & Jim both stated that the developer has been pushy with their dealings with the Township & now it is unknown who the developer is. It was suggested to request Washco representatives to attend the March 10th meeting to clarify their new structure. Barb will send a letter to them to attend the next meeting. Chris Dellinger, engineer for this plan, confirmed that Washco has changed partners & is reorganizing.

The remainder of the report was accepted, as written.

#03-09 McCoy INTERSTATE PARK WEST (LOT 3A) – Final Subdivision/Land Development)

Brian Evans represented this plan proposing the construction of a 300,000 s.f. warehouse along Allen Road & Commerce Avenue. There is an easement to the Dennison property from Commerce Avenue into Dickinson Township. (**Jim Baker left at this time**). The developer has asked for a time extension until 4/30/05 for plan #01-26 (McCoy Interstate West Lot 3 Final Subdivision) in order to record the subdivision plan without the easement.

Bryan made a motion to approve a time extension until 4/30/05 for plan #01-26 in order to remove the easement from the plan. Ron seconded, & the vote in favor was 3 to 0.

Ron asked if there will be an emergency services access through Alexander Spring Road. Mr. Evans replied yes. Barb asked if Dickinson Township's Planning Commission approved this plan with the easement. Mr. Evans replied yes, but the plan will be presented to Dickinson Township's Supervisors without the easement on the plan.

Ron made a motion to send a letter to Dickinson Township stating that South Middleton Township is denying the easement on this plan. Bryan seconded, & the vote in favor was 3 to 0. Bryan made a motion to approve the modification request of Section 601(b) 3. Tom seconded, & the vote in favor was 3 to 0.

Bryan made a motion to approve a modification of Section 601(b)3 (to show proposed & existing tract boundary lines, r-o-w lines of streets, easement s & other r-o-w & property lines of residential lots). Tom seconded, & the vote in favor was 3 to 0.

Tom made a motion to approve #03-09, subject to the applicant's acceptance of staff comments. Ron seconded, & the vote in favor was 3 to 0.

#04-31 STONEHEDGE DEVELOPMENT, LOT C2 – Final Minor Land Development:

The applicant proposes to construct a 6,850 s.f. 3-unit office building located between Friendly's & the Rockland Village condominiums along Walnut Bottom Road. Brian Walter represented

this plan & stated that the lighting plan will be revised so the lights will not shine onto the residential property. There will be an increase in the tree size from a 4 ft Douglas Fir to 6 ft Firs per the ordinance. However, the Homeowners Association requested 8 ft Firs. The developer agreed to planting larger trees. Attorney Steve Tiley, Stonehedge's attorney, noted the 3 concerns (tree size, lighting & the placement of a trash dumpster). He requested that a written agreement include these 3 conditions.

Modifications: Preliminary Plan; Curbs & Sidewalks along Stonehedge Drive; 40 foot landscape buffer on side yard; Modified EAI report; Wellhead Protection Map & Report & Infiltration in Wellhead Protection Area. Bryan made a motion to approve the modifications subject to an acceptable agreement between the developer & the Homeowner's Association. Tom seconded, & the vote in favor was 3 to 0.

Mr. Walter asked if Comment #2 (lighting) could be amended to state "where the lamp & any glass or plastic cover is recessed into the lighting fixture & not visible from any point on the lot perimeter line bordering any residential uses". Mr. Tiley agreed to this change.

Bryan motion to approve #04-31, subject to the applicant's acceptance of staff comments & a satisfactory written agreement on the 3 requested conditions. Ron seconded, & the vote in favor was 3 to 0.

#04-34 WHEATSTONE – Preliminary Subdivision:

Attorney James Strong, Francis McNaughton & Engineer Tim Mellott were present. The proposed development will consist of 180 residential homes along Springville Road. There are 2 issues: 1) the paving width required; & 2) the extent of improvements along Lindsey Road from Springville Road to Ridge Road. Mr. Mellott said that the developer is willing to perform improvements to Lindsey Road with the Phase 2 construction. The developer is proposing a paving section that matches the other side of Lindsey Road which is a 22 ft. cartway. They are willing to extend the cartway from Springville Road to Ridge Road. A 24 ft. cartway was the original alternative paving schedule width, but Lindsey Road has a 22 ft. cartway. Brian clarified the issue of the cost differential with the 2 different width options. Joel McNaughton said that they are proposing to pave Lindsey Road 22 ft. wide from Springville to Ridge, & to ask the Township for assistance in obtaining permission to remove trees, stone walls, & utility poles along within the r-o-w on Lindsey. Plus, they want to apply the \$25,000 promised towards road improvements & use that money for these improvements instead. Attorney Strong stated that even at full build-out, a signal will not be warranted at this site. Mr. Mellott added that the number of phases has been reduced from 8 to 7. Phase 2 has been expanded to encompass the majority of the lots that will front on Lindsey. It was agreed that Mr. Strong will draft the agreement on what has been agreed upon. The other issue is street lighting. Individual pole lights will be installed at each house. Seven major intersections have been identified that may require a street light. Discussion returned to the road width as to whether to pave 24 ft. or 36 ft (as per the ordinance). Mr. McNaughton agreed to a paving width of 24 ft. for Lindsey Road from Springville Road to Ridge Road.

Modifications: EIA report; Use slant curb in lieu of vertical curbs; Reduce the number of concrete monuments; & Intersection spacing less than 300 feet apart. Bryan made a motion to approve the modifications. Tom seconded, & the vote in favor was 3 to 0.

Bryan made a motion to approve #04-34, subject to an agreement outlining the 24 ft. paving width on Lindsey Road from Springville Road to Ridge Road, the applicant's acceptance of staff comments, & that the Township will assist in securing r-o-w easements along Lindsey Road. Ron seconded, & the vote in favor was 3 to 0.

#04-35 RED ROBIN RESTAURANT – Final Land Development:

This plan was tabled.

#05-02 OTTO PROPERTY – Final Minor Subdivision:

Chris Dellinger was present for this plan. The applicant proposes to subdivide the Otto property located at the "point" of the York Road & Forge Road intersection. Two lots are proposed & a dedicated r-o-w for the extension of Westminster Drive through the property to intersect with York Road. This plan is necessary to acquire land in order to complete the improvements for the Carlisle Crossing development. There are several modifications. A note will be placed on the plan stating that access points that meet access standards will be at the Board's discretion. The location of future access to these lots will be in accordance with Township standards, or as determined by the Township in its sole discretion.

Modifications: Preliminary Plan; EIA report; Traffic Impact Study; LeTort Regional Authority review; Sewage planning module exemption; Stormwater Management plan; Erosion & Sedimentation plan; Grading plan; Landscape plan; Show access points that meet access standards; Sidewalks; & Curbs & Gutters. Tom made a motion to approve the modifications. Bryan seconded, & the vote in favor was 3 to 0.

Tom made a motion to approve #05-02, subject to the applicant's acceptance of staff comments & that a note is added to the plan stating that the access points will be decided by the Board of Supervisors. Bryan seconded, & the vote in favor was 3 to 0.

ENGINEER REPORT:

The developer for the Indian Hills, Section 1 (plan #93-11) has requested a security release for this plan. The swale was corrected, but grass has not been established. Also, the trees have not been planted on Lot 16 & curbing repairs have not been completed. Tom made a motion to deny the security release for plan #93-11. Ron seconded, & the vote in favor was 3 to 0.

The developer for the Indian Hills, Section 2 (plan #98-01) has requested a security release for this plan. There are numerous items not completed on this plan. Ron made a motion to deny the security release for plan #98-01. Bryan seconded, & the vote in favor was 3 to 0.

The developer for the Indian Hills, Section 3 (plan #02-02) has requested a security reduction for this plan. The developer did not submit a breakdown of which items have been completed &

what the request is for. Bryan made a motion to deny the security reduction for plan #02-02. Ron seconded, & the vote in favor was 3 to 0.

The majority of the items to the update to the Wellhead Protection Plan have been completed. Consensus was given to send the report to DEP for comments.

Brian stated that when Carlisle Crossing did their plans, they named the portion of Fairview Street (from Trindle to the 3-way intersection into the shopping center) as Army Heritage Drive. All the approved plans & PennDOT plans show it this way. Consensus was given to change the name to Army Heritage Drive.

The remainder of the report was accepted, as written.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

Brian presented Tim Duerr's report. Ron made a motion to approve a 45 day time extension for Stonehedge PRD, Phase 2 Final Subdivision plan. Tom seconded, & the vote in favor was 3 to 0.

Consensus was given to schedule the following conditional uses as follows:

Doug George – March 10, 2005

Donald Diehl – March 31, 2005

Shenandoah Personal Communications Company – March 31, 2005

MANAGER REPORT:

Ron made a motion to approve Resolution #05-10 to close the streets & post "No Parking" signs as requested for Foundry Day. Bryan seconded, & the vote in favor was 3 to 0.

An agreement has been received from the auditor to complete this year's audit at a cost not to exceed \$8,650. Ron made a motion to accept the audit proposal from Smith Elliott Kearns & Company. Bryan seconded, & the vote in favor was 3 to 0.

At the joint meeting with Carlisle Borough & North Middleton Township, we were asked to pass a resolution of support in favor of having the Army War College & Carlisle Barracks remain in North Middleton Township. Tom made a motion to approve Resolution #05-09 in support of the Army War College & Carlisle Barracks remaining in North Middleton Township. Bryan seconded, & the vote in favor was 3 to 0.

An agreement has been drafted between the Township & CENTAX. Ron made a motion to approve the agreement with CENTAX. Bryan seconded, & the vote in favor was 3 to 0.

The EMS Committee has recommended approving Randy Watts as a citizen at large on the EMS Committee. Ron made a motion to approve Randy Watts as noted. Bryan seconded, & the vote in favor was 3 to 0.

SUPERVISORS' DISCUSSION:

Ron asked if Mr. Mislitsky has received information regarding an ordinance. The Solicitor replied that he has the school crossing guard ordinance. This will be advertised for the next meeting in March.

BILLS FOR PAYMENT:

Bryan made a motion to pay the bills, as submitted. Ron seconded, & the vote in favor was 3 to 0.

ADJOURNMENT:

Tom made a motion to adjourn the meeting at 9:20 PM. Ron seconded, & the vote in favor was 3 to 0.

WITNESS:

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Thomas E. Faley, Chairman

Bryan A. Gembusia, Vice Chairman

James N. Baker

Phyllis W. Givler

Ronald L. Reeder