

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

**MARCH 9, 2006**

**PRESENT:** BRYAN GEMBUSIA, TOM FALEY, JIM BAKER, RON REEDER, RICK REIGHARD – SUPERVISORS; Karl Ledebom – Acting Solicitor; Barbara Wilson – Manager; Jarrett Sweeney – Assistant Manager; Brian O’Neill – Engineer; Tim Duerr – Zoning Officer; Sandy Quickel – Recording Secretary; Mark & Doreen Mullen; George Akens; Ron Hamilton; David Baric, Bob Winters, Doug & Helen Gale, Alan Galbraith, Attorney Robert Saidis; Howard Phillips, Bob Geist, Bill Wolfe, Sandra Shumberger, Robert Highlands, Nancy Burkholder, James & Helen Morton, John Weidner, Joan McBride, Paul Slifko, Duke Slifko, Stephanie Slifko, Harriet White, Connie McHugh, Matt Starner, Brian Fischbach, Andrea Ciccocioppo – “The Patriot News”; John Hilton – “The Sentinel”.

Chairman Bryan 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:**

The Board & staff members introduced themselves.

**MINUTES: 02/23/06:** Ron made a motion to approve the minutes. Rick seconded. Jim had a change on a comment made by Tom Faley under the Solicitor’s report. Jim felt that Tom said that the Township “would not” use Captax again. The minutes state “can not” use. The vote in favor as amended was unanimous.

**DISCUSSION: Summerfield Development Shooting:**

Tom discussed the recent shootings in the Summerfield Development. This area is in a wooded area, & bullets have entered through at least two homes. State Trooper Rymer was present. He stated that the police are still investigating this issue & are concerned with the issue of safety. Tom said that people should be responsible when using a weapon. Nancy Burkholder, 37 Summerfield Drive, said that her house was one that was hit by a bullet. She stated that she called the State Police & they checked into the matter, but last Sunday when she called again, the dispatcher said that the police couldn’t investigate again since they didn’t find anything the first time they investigated. Trooper Rymer said he would check into this issue. Helen Morton, 40 Summerfield Drive, said that there are two old houses nearby & she has seen kids shooting in this area. The police will investigate this issue.

**#05-20C CARLISLE CHURCH OF THE BRETHREN IN CHRIST CHURCH – Conditional Use Public Hearing:**

**#05-21C THE HOLLINGER GROUP – Conditional Use Public Hearing:**

Mr. Ledebohm opened both hearings. Both applicants have requested to begin their hearings on April 13<sup>th</sup> & have submitted letters stating that the time period will begin on April 13<sup>th</sup>. There was no public input.

Jim made a motion to continue both hearings on April 13<sup>th</sup>. Rick seconded, & the vote in favor was unanimous. Both hearings were closed.

**#05-20 SPRING COURT – Final Land Development:**

Attorney Robert Saidis & Steve Yanek were present for this plan. Mr. Yanek is proposing to construct 11 single-family attached townhouses at the intersection of Rt. 174 & Ridge Road. Adjacent to the proposed development are 6 similar units that were constructed in 1984. These 6 were part of a proposed 21 unit development, but the zoning changed before the rest of the units could be built. A variance was obtained in 2003 to allow construction of the 11 townhomes that make up this project. Mr. Saidis said there was an issue regarding a triangle-shaped parcel thought to be owned by the Township & creating a landlocked issue. It has been found that this parcel is part of the Allenberry Hills development. Mr. Saidis provided a copy of the recorded plan. The existing condominiums cannot take possession of this parcel because their option to expand has expired. They only had 3 years to expand & the last amendment was in 1992. Brian stated the 2 issues of concern: 1) if the new development is built, it would close off access & land lock this parcel; & 2) whether the Township wanted to get rid of it. This plan was approved in 1965. The area in question was originally identified as a park area as part of the Allenberry Hills plan, not the Allenberry Court condos. Mr. Ledebohm said that there was no zoning ordinance in 1965. He asked Mr. Saidis if he brought the title forward to ascertain whether or not that access is still valid. Mr. Saidis replied that he did not. Tom asked if the Township would want this area for greenspace. The consensus was no, due to a hardship in maintaining this parcel. Steve Yanek pointed out that the access is needed as a drainage easement. Mark Mullen, 497 Petersburg Road, presented copies of a 1956 article depicting the Sunniglow Gardens. Doreen Mullen said that she has lived across from this area & there has never been a park/playground area.

Ron noted that several trees along Rt. 174 have been removed. He asked Mr. Yanek about the trees on his property. Mr. Yanek said that he plans to keep as many of the older trees as possible. Brian added that Mr. Yanek agreed to install 6 pole lights along the front of Rt. 174 at the Planning Commission meeting.

**Modifications :** Preliminary Plan; Landscape Architect Certification on Landscape Plan; Additional right-of-way & improvements; Sidewalks; Curbs & Gutter; 40 ft. screen buffer (along the back of the property); Access spacing for driveway onto Ridge Road; & Upgrade existing roadway to current standards. Tom made a motion to approve the modifications. Ron seconded. Jim questioned the request for a Landscape Architect Certification. He feels that an architect should look at the plan. Brian stated that the ordinance requires how many trees, the type of trees, & where to place them. This requirement is basically the same as what a landscape architect would do. The vote in favor was unanimous.

Tom made a motion to approve #05-20, subject to the applicant's acceptance of staff comments. Ron seconded, & the vote in favor was unanimous.

**#05-31 MICHAEL MARHEVKA – Final Minor Subdivision:**

This plan was tabled.

**#05-32 MOUNTAIN VIEW TERRACE – Final Minor Subdivision:**

This plan was tabled.

**#05-43 CUMBERLAND MEDICAL PROPERTIES, LLC – Final Land Development:**

Engineer Bill Wolfe presented the plan. The applicant proposes to construct a 10,250 s.f. medical office building at the corner of Alexander Spring Road & Commerce Avenue. The site is located on a 1.4 acre lot across from the new hospital. The office will house 7 physicians. Brian stated that the E & S plan approval has been received. Jim asked if anyone walks out in this area. He was told there are no adjacent sidewalks. There was no public input.

**Modifications:** Preliminary Plan, Landscape Plan certified by a Landscape Architect, Use one 9 ft. parking island, another 9.5 (10 ft required), Sidewalks, Curbs & Gutters, Use of stormwater retention facilities, Allow use of Commerce Avenue & Alexander Spring Road to access property – access spacing below minimum; & Upgrade roadway to current specifications. Tom made a motion to approve the modifications. Rick seconded, & the vote in favor was unanimous.

Tom made a motion to approve #05-43, subject to the applicant's acceptance of staff comments. Ron seconded, & the vote in favor was unanimous.

**SOLICITOR REPORT:**

The report was accepted, as submitted.

Barb mentioned the lease agreement with the SMT Youth Baseball Association. Consensus of approval was given for the lease agreement. Karl noted that the Mechanics Lien (when a contractor hired by someone else does work on property they do not own) is not enforceable against townships. He suggested inserting a Stipulation Against Liens into each of the contracts with both contractors or suppliers, & recording the agreement before any construction occurs & to take photos of the area prior to any construction.

**ENGINEER REPORT:**

The developer for Westgate, Phase 2 has requested a reduction in security in the amount of \$3,000.00. There was 2 outstanding items remaining. One was \$1,000.00 to raise the electrical box (108 Woodview Dr). The second was for \$2,000.00 to fix the drainage problem (107 Woodview Dr). The work at 107 Woodview has been completed. Bryan spoke with the neighbors & they are happy with the work. The electrical box was raised, but the grading has not been completed. Brian recommended only reducing the security in the amount of \$2,000.00 & holding \$1,000.00 until the grades have been raised. Jim made a motion to approve the security reduction in the amount of \$2,000.00 as recommended. Tom seconded, & the vote in favor was unanimous.

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

Jim made a motion to approve a 90 day time extension for Stonehedge, Lot C-2 Final Minor Land Development. Ron seconded, & the vote in favor was unanimous.

Draft decisions for Merrick & Fair, Global Renewal & AFC Washco-Carlisle Crossing Lots 7 & 8 have been written.

**MANAGER REPORT:**

Barb reported that the agreement for fire services is ready for approval. Ron made a motion to approve the agreement. Tom seconded, & the vote in favor was unanimous.

The American Diabetes Association Tour de Cure fundraising bike race will be held on June 10<sup>th</sup>. They are not asking for any roads to be closed, but have submitted their route for the race. Barb was authorized to send a letter to the Association stating that they are in charge of traffic control.

Tom made a motion to approve Resolution #06-09 closing the usual streets for Foundry Day on June 3 & to post No Parking signs on all streets mentioned. Ron seconded. Jim commented that if the route goes from 3<sup>rd</sup> Street to High Street, it will close traffic through town. Barb stated that Walnut Street will still be open, & this route is due to changing the shuttle bus route for better boarding & exiting the buses. The vote in favor was unanimous.

Rick made a motion to approve Resolution #06-08 to dispose of old records as indicated. Tom seconded, & the vote in favor was unanimous. Jim commented to be careful of what is disposed of.

The Letort Regional Authority has asked for a letter of support for their grant applications to Cumberland County.

Tom made a motion to approve a letter of support for the Letort Regional Authority for grant applications as a team. Ron seconded, & the vote in favor was unanimous.

Consensus was given to advertise for a used pick-up truck.

Anyone wishing to attend the Citizen's Fire Company banquet should rsvp as soon as possible.

Barb requested an Executive Session in order to discuss a litigation matter.

**SUPERVISORS' DISCUSSION:**

Jim said that he received a call from a resident asking why the Board keeps approving developments when the Township is already swamped with development. He asked the other Board members how they would answer this question. Tom said that the Board is bound by law & by zoning. Bryan added that the Township is also bound by the zoning map. Rick feels that the proposed clustering ordinance should help with development.

Ron commented about the amount of used vehicles for sale along Forge Road. He said that at the one site, the vehicles can be parked on their property, but there is a site beside Karns that have vehicles sitting out. Tim will check into this matter.

Tom stated that there appears to be abandoned vehicles (at the Jumper property) along Rockledge Drive that may serve as targets for the shootings.

Ron said that he hopes the publicity regarding the shooting incident will help with the problem. Rick asked if ballistic testing can be done on the bullets. Trooper Rymer said that tests will be done.

**(BREAK)**

**PUBLIC INPUT:**

Doug Gale, Derbyshire Drive, commented about traffic backing up on Westminster Drive. He asked if a left turning lane will be installed. Brian stated that the plans for the shopping center didn't anticipate this happening. The proposed Rite-Aid store will be asked to review this when conducting their traffic study.

Trooper Rymer asked the audience if they had any questions for him. Helen Morton asked if the State Police will get angry if someone calls in with problems/complaints every few minutes. He told her the Police are here to serve & they should be contacted if there are problems. Tom added that they State Police are very professional & provide a great service to the community. Nancy Burkholder said that the shooting (near the Summerfield Development) happens at night also.

**BILLS FOR PAYMENT:**

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

The meeting was recessed into Executive Session at 7:18 p.m. The topic of discussion was litigation.

The regular session reconvened at 7:32 p.m. Ron made a motion to file a rule on Plaintiff in response to a writ of summons filed by Tom Benjey to ascertain what, if any claims will be filed & discovery will be taken from the Township. Tom seconded. A roll call vote was taken, & the vote in favor was 4 to 1 (Jim voted no & stated that the letter sent by the Solicitor is unclear).

**ADJOURNMENT:**

Jim made a motion to adjourn the meeting at 7:36 p.m. Bryan seconded, & the vote in favor was unanimous.

**WITNESS:**

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**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

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James N. Baker

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Walter G. Reighard