

MINUTES

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

APRIL 10, 2008

PRESENT: RICK REIGHARD, BRYAN GEMBUSIA, TOM FALEY, RON REEDER, JIM BAKER - Supervisors, Richard Mislitsky – Solicitor, Jarrett Sweeney – Assistant Manager, Brian O’Neill – Engineer, Tim Duerr – Zoning Officer, Sandy Quickel – Secretary, Bony Dawood, Bob Borden, Carol Shetter, Amy Myers, Randy Watts, Doug & Helen Gale, Mark Juliana, Fawn Cassel, Howard Phillips, Bob Geist, Scott Donahue, Bill Bashore, Andrea Ciccocioppo – “The Sentinel”, Linda Franz - “The Patriot News”.

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

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 meeting is recorded & to turn off cell phones. He thanked Vice Chairman Gembusia for running the last meeting in his absence.

MINUTES: 03/27/08 Regular meeting:

Tom made a motion to approve the minutes. Ron seconded, & the vote in favor was 4 to 0. (Rick was absent at this meeting).

PUBLIC INPUT (Non-Agenda Items):

Amy Myers introduced herself as Union Fire Company’s President. Ms. Myers stated that a federal grant was received & they will be hiring a paid driver. Tom asked about the status of the museum. Ms. Myers stated that the company is trying to raise funding in order to get the living quarters finished, and then they will begin working on the museum.

Carol Shetter, Guttshall Road, asked if there was an ordinance on outdoor stove, & if they will be outlawed. Rick said no ordinance exists at this time, but the Township may like to control where they can be used.

ORDINANCE #08-02 SPECIAL FIRE POLICE INTERGOVERNMENTAL AGREEMENT FOR MUTUAL AID AND ASSISTANCE – PUBLIC HEARING:

Mr. Mislitsky opened the hearing & stated the procedure. Rick explained the ordinance. He said that this ordinance allows asking other municipalities for assistance of events from their special fire police & vice versa. There was no public input. Tom made a motion to approve Ordinance #08-02. Bryan seconded. Jim asked about insurance coverage, & asked if they get paid if attending another municipality’s events. The Township’s insurance will cover them if they are volunteers no matter which municipality they are in. However, if they attend other

municipality's events, and are paid, they will not be covered under South Middleton Township's insurance. The vote in favor was unanimous. The hearing was closed.

#07-17 THE UNITED TELEPHONE COMPANY OF PENNSYLVANIA – Final Minor Subdivision:

Scott Donahue was present for this plan. The applicant proposes to subdivide the lot that contains the existing Embarq headquarters on Sprint Drive into 2 parcels. The 1 lot will be approximately 27 acres for the existing building & a 14 acre lot north of the existing building. Tom asked Mr. Donahue if the lot will be sold. Mr. Donahue replied that he did not know if a buyer for the lot exists. Tom thought the lot could become a medical related use.

Modifications: Preliminary Plan, Preliminary Plan requirements – PUC certificate, Preliminary Plan requirements – Letort report, Planning Module, Grading Plan, Landscape Plan, Conformity with EIA & Traffic study, & Spacing between driveways. Tom made a motion to approve the modifications. Bryan seconded, & the vote in favor was unanimous.

Bryan made a motion to approve plan #07-17, subject to the applicant's acceptance of staff comments. Ron seconded, & the vote in favor was unanimous.

#08-02 WHEATSTONE – PHASE II – Final Subdivision:

This plan was tabled.

#08-04 PARKVIEW AT BOILING SPRINGS – Preliminary Subdivision & Land Development:

Fawn Cassel presented this plan. The applicant proposes to construct 109 dwelling units north of Rt. 174 & Springville Road. The 72.9 acre parcel is within the Wellhead Protection District. Conditional use approval has been obtained in the RM zoning district. Ms. Cassel said that the applicant has no problem in addressing staff comments. She stated that the trees that will be removed will be shown on the revised plan. It will show a conservation easement. Brian clarified that this area will be in between a 50 ft. no disturbance area near the water tower. Tom asked about the widening of E. Old York Road & Springville Road. Brian said this issue was discussed at the conditional use stage. The conditional use plan was approved with the condition that these roads would not have to be widened & improvements completed. The applicant had given the Township preliminary Highway Occupancy Permit (HOP) plans from Penn DOT. As a condition, the applicant will construct & redo the intersection as per that plan in lieu of widening the road & installing sidewalks. Tom asked about the sidewalk modification. Bryan said it would only apply to one area along York Road. Jim state that this is a dangerous intersection at the point & this plan will generate more traffic. Ms. Cassel said that the knob will be cut down to help with visualization. Ron said that these issues are not shown on the plan. Brian said that it is shown on the HOP plan. Ron feels that Springville Road should have a left turn lane. Ms. Cassel pointed out that the Township hired a traffic engineer to review the plan & to make recommendations, which were agreed upon at the conditional use plan. It was suggested tabling this plan for further review.

Bony Dawood stated that Penn DOT will make the final recommendation on the HOP plan & whether a left turn lane is needed. Robert Borden, applicant, expressed displeasure that the Board wants to further review the plan since the conditional use plan was already approved. Mr.

Borden said he has done everything that he was asked to do. Tom said that the Board has the legal right to take extra time to review the plan. He added that developers always say they are in a hurry, yet nothing has been done with this plan over the last 2-3 years. Ron said that Penn DOT won't be responsible if someone gets killed at this intersection – it will be the Township's responsibility. Ron questioned an access easement between 2 lots to provide access to Spring Meadows Park. He asked why a sidewalk is not provided for. Brian said it is not shown on the plan, but will be constructed.

Jim made a motion to table #08-04 until April 24, 2008. Bryan seconded, & the vote in favor was unanimous.

#08-05 314 PETERSBURG ROAD – Final Minor Subdivision:

Bill Bashore was present for this plan. The applicant proposes to subdivide 76.46 acres into 2 parcels. The property is along Petersburg Road. The one parcel contains the existing farmhouse. The other residual tract will be developed as the Morgan's Crossing plan. There will be no access off of Petersburg Road. Tim said that the applicant should request a waiver of the requirement for final plan submittal.

Modifications: Sidewalks, Curbs & Gutters & Requirement for final plan submittal. Tom made a motion to approve the modifications. Bryan seconded, & the vote in favor was unanimous.

Bryan made a motion to approve plan #08-05, subject to the applicant's acceptance of staff comments. Tom seconded, & the vote in favor was unanimous.

SOLICITOR REPORT:

The Solicitor will be on vacation from April 22 through April 30.

ENGINEER REPORT:

The applicant for the Villas Estates Section 2 (#05-40) plan is requesting an additional 90 days to meet conditions of plan approval. Tom made a motion to approve a 90 day time extension (July 30, 2008). Ron seconded, & the vote in favor was unanimous.

Regarding the Michael Marhevka plan (#05-31), Mr. Marhevka will complete the improvements in lieu of posting financial security. He needs more time in order to complete the paving, & is requesting a 90 day time extension. Jim made a motion to approve a 90 day time extension to meet conditions of plan approval. Bryan seconded. Ron mentioned that this project includes a rural residential lane & asked if it will be paved. Brian said that the lane is constructed & just needs to be paved. The vote in favor was unanimous.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

The applicant for the Trammel Crow Services Inc/Sparks Tract Final Subdivision has granted a time extension until June 30, 2008 to take action on the plan. Jim made a motion to approve the time extension until June 30, 2008. Bryan seconded, & the vote in favor was 4 to 0 (Ron abstained since he is Dickinson Township's Manager).

The applicant for the Walnut Bottom Grove Conditional Use has granted a time extension until May 29, 2008 in order to hold a public hearing. Jim made a motion to approve the time extension until May 29, 2008. Bryan seconded, & the vote in favor was unanimous.

MANAGER REPORT:

Previously a motion was made to appoint Michael Scherer as Solicitor to the Appeals Board & not as an alternate member to the Zoning Hearing Board due to a possible conflict. The Ethics Commission was contacted for a ruling on this issue. It was determined that there is no conflict with serving in both positions. Bryan made a motion to appoint Michael Scherer as an alternate member to the Zoning Hearing Board. Ron seconded, & the vote in favor was 4 to 1. (Jim was opposed & stated that several attorneys have applied for this position & shouldn't be put in a conflicting position).

PennDOT & Norfolk Southern are undertaking railroad crossing upgrades at Tanger Road & Race Street/Mountain Road. They will pay for the construction work if the Township pays the cost of engineering. The Township's cost will be up to \$13,000. Jim made a motion to approve Resolution #08-03 undertaking the engineering expense for the railroad crossing upgrades at Tanger & Mountain Roads. Tom seconded & noted that both crossings can really use the improvements. They both had bad sight problems. The vote in favor was unanimous.

The school board wants to improve communications with the Township & discuss issues of mutual concern. Consensus was given to meet with the school board.

A resident at 125 Third Street is requesting a handicapped parking space in front of her house to care for her elderly mother. Tom made a motion to approve the request for a handicapped parking space at 125 Third Street. Jim seconded. Rick asked if there is a time limit for allowing the handicapped space. Bryan said it should be removed if no longer needed. Tom added to the motion – subject to letting the Township know when the space is not needed. Rick questioned the issue of Foundry Day. He was told that handicapped parking spaces are made available on Front Street. The vote in favor was unanimous.

PUBLIC INPUT (Non Agenda Items):

Randy Watts mentioned the vehicular accident with 8 victims. Some victims were trapped & had to be air lifted & there was one fatality. He said that this accident was resolved within 25 minutes. He commended the EMS & Fire Company for a great job with their response time & action.

SUPERVISORS' DISCUSSION:

Bryan mentioned performing computer support in Jarrett's absence. He said he would be willing to fill in if the Board supports the idea. The pay rate would have to be approved by the auditors. Jim said that a supervisor has helped out in the past (citing Hal Mortimore helping as treasurer). Consensus was given for Bryan to assist with computer work, when needed.

Jim suggested the Board read information that was presented by the Nature Conservancy. He also mentioned he would like to continue flying a POW flag at the Township building & park. Jim made a motion for the Township to order POW flags. Tom seconded. Randy Watts said he

would be willing to pay for the flags if cost is an issue. Rick said they could fly the flags in his honor for his volunteer work. The vote in favor was unanimous.

Ron said someone from the public approached him & asked questions about the Pinto property with the truck drop-off lot. The person asked if the house could stay on the site, & why the Township doesn't preserve houses.

Rick mentioned issues he would like the Board to think about for upcoming projects/discussions. They include: public works building/renovations to existing township building, road program, funding for road programs, green space development & funding, parks program, growth in the township (if more personnel is needed) & regional police force.

BILLS FOR PAYMENT:

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

ADJOURNMENT:

Ron made a motion to adjourn the meeting at 7:10 p.m. Tom seconded, & the vote in favor was unanimous.

ATTEST:

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Sandra A. Quickel, Secretary

Walter G. Reighard, Chairman

Bryan A. Gembusia, Vice Chairman

Ronald L. Reeder, Member

James N. Baker, Member

Thomas E. Faley, Member