

MINUTES

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

APRIL 12, 2007

PRESENT: TOM FALEY, JIM BAKER, RON REEDER, RICK REIGHARD, BRYAN GEMBUSIA - (absent) – Supervisors, Barbara Wilson – Manager, Jarrett Sweeney – Assistant Manager, Richard Mislitsky – Solicitor, Brian O’Neill – Engineer, Tim Duerr – Zoning Officer, Sandy Quickel – Secretary, Doug & Helen Gale, Gayle Bolinger, Thomas Downs, Bob Geist, Dick & Ann Cummins, Paul Slifko, Donald & Cathy Baker, Tom & Ann Benjey, Marti Green, John Anderson, Attorney Nathan Wolf, Linda Larson, Thomas Whitcomb, Attorney Jim Hughes, Kurt Williams, Harry Roth, Tom Wilkins, Jennifer McKenna, Paul Cunningham, Phil Thompson, John Hilton – “The Sentinel”, Andrea Ciccocioppo – “The Patriot News”.

Chairman Faley called the meeting to order at 6:03 p.m.

PLEDGE OF ALLEGIANCE:

Chairman Faley led the audience in the pledge of allegiance.

MOMENT OF SILENCE:

A moment of silence was observed.

OPENING ANNOUNCEMENTS:

Chairman Faley noted that the meeting is recorded.

MINUTES: 03/29/07 Regular meeting

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

ORDINANCE #07-03 (ANIMAL NOISES) – Public Hearing:

Mr. Mislitsky opened the hearing & stated the procedure. Tim explained the ordinance. He stated that it would be illegal for any domestic animal to make noises for a certain period of time. A complaint may be filed with the District Justice. Tom feels that the ordinance may need fine-tuning. He suggested removing the jail time penalty from the ordinance, but to keep the fine section. Rick stated that if the complainant fails to appear before the District Justice, that person should have to pay the court costs, but not more than the fine that person would incur. Jim feels that if a neighbor complains about a barking dog, it will start a neighborhood war. Jim suggested having a Board member file the complaint instead of a resident. The Solicitor stated that the neighbors would already be at war if a complaint is filed. Ron stated that the Board members are busy & are working. He feels the person complaining should stand up for themselves if they are going to complain, & if they don’t show up for the hearing, they should pay all costs. Tom agreed that the complainant needs to appear at the hearing. Public input was taken. Ray Roth, 8 Laurel Oak Drive, had previously reported a problem with a neighbor’s barking dog. He asked what evidence would be needed if a complaint is filed. Tim replied that factual evidence is needed such as a video tape. Ron suggested keeping a log of the barking. A question was asked whether there is a buffer zone between the first, second & third violations? Tim explained that a seconded violation letter is sent before the complaint is filed at the D.J. Mr. Roth asked for the

amount of the fine. He was told that the D.J. would determine the amount, but that the Township can recommend an amount. Rick asked Mr. Roth if there has been any improvement with the barking since he reported it. Mr. Roth said that there has been some, but it is still occurring. Donna Roth, 8 Laurel Oak Drive, feels that if the complainant is an older person, they will not want to cause problems by filing a complaint. Marti Green, Derbyshire Drive, suggesting asking a veterinarian on ways to deter barking. Doug Gale, Derbyshire Drive, suggested publishing the vet's information on this issue in the newsletter.

The ordinance will be readvertised for May 31. The hearing was closed.

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

This plan was tabled.

#06-21 CARLISLE FORGE – Final Minor Subdivision:

This plan was tabled.

SOLICITOR REPORT:

A conference with the Judge was held regarding the Captax issue.

ENGINEER REPORT:

There is a request for a speed limit reduction, elimination of the southbound passing zone & a request for intersection warning signs at Rt. 74 & Mayapple Drive. The speed limit reduction request is to reduce the speed limit to 35 mph past Mayapple Drive. Tom made a motion to send a letter to Penn DOT asking for the three requested items. Jim seconded, & the vote in favor was 4 to 0.

The following time extensions were submitted:

Villas Estates, Section 2 (#05-40) until 8/5/07

Exel (#06-26) until 5/18/07

Ron made a motion to approve the time extensions as requested. Tom seconded, & the vote in favor was 4 to 0.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

The following requests for time extension were submitted:

Parkview at Boiling Springs Conditional Use until 6/30/07

Georgetowne Conditional Use until 6/30/07

The Townes at Summerbridge Village (90 day time extension)

Tom made a motion to approve the time extensions as requested. Jim seconded, & the vote in favor was 4 to 0.

MANAGER REPORT:

Tom made a motion to approve HB934 supporting the County's request to reinstate the administrative fees charged to benefit the County's solid waste programs. Rick seconded, & the vote in favor was 4 to 0.

Alternative schedules for future meetings on conditional use hearings have been discussed. Rick prefers the normal 6:00 p.m. start time. Ron agreed, & feels that starting at 5:30 p.m. is too early.

The Senior Expo will be held on May 23 from 1:00 – 4:00 p.m.

The Emergency Services Committee members approved box changes in order to improve the response times/service to residents. Ron explained the reason for the changes & that all 3 fire companies gave their input on this issue. Tom made a motion to approve the box changes as submitted. Rick seconded, & the vote in favor was 4 to 0.

Jim asked for approval to close the streets for the Memorial Day Parade. A letter of request needs to be submitted to the Township. Jim made a motion to approve the street closures & subject to the Township receiving a letter requesting the closure of several streets. Tom seconded. Jim brought up the issue with the fire police not assisting with traffic control last year. He was told that the fire police did not have insurance coverage at that time, but the issue was worked out prior to the event. Jim asked if the Township pays for their insurance. Barb said that they are covered as long as they are volunteers. Jim also noted that food will be available close to the BS Tavern after the parade. The vote in favor was 4 to 0.

An unfinished item for action was the letter of support requested by Carlisle Borough. The Borough will be applying for a DCNR grant for a linear park at the Exel property. Tom commented that he preferred a letter of the intention to use Giant Lane should be submitted to the Township. They may put restrictions on the use; such as limiting large trucks, etc. Tom made a motion to support the grant application by Carlisle Borough conditioned upon the Giant Lane usage intention being sent to the Township & subject to the Township's satisfaction. Ron seconded, & the vote in favor was 3 to 1 (Jim was opposed). He is not in favor of using Giant Lane or the linear park.

The street sweeper is scheduled to begin sweeping the streets the weeks of April 23 & April 30.

PUBLIC INPUT:

There was no public input.

SUPERVISORS' DISCUSSION:

Rick said he will be attending a meeting to discuss Act 537 with SMTMA staff.

Ron noted the new engine at Citizen's Fire Company. The engine went into service on April 6th. The fire company will also be seeing funds (along with Mt. Holly Springs Borough) to purchase mapping information, software, etc.

Jim questioned how much money was spent on the Captax issue. Jim commented that he had problems getting this information. Ron replied that the Township's portion is approximately \$101,000 & that it took awhile to review & compile the figures. Mr. Mislitsky asked Jim who asked him for the information. Jim replied that he asked for the information. He said that he has a connection to the school district, but this is public information. Ron asked Jim if he asked Captax how much money they spent stonewalling the Township. Jim replied no.

BILLS FOR PAYMENT:

Ron made a motion to pay the bills, as submitted. Tom seconded, & the vote in favor was 4 to 0.

(BREAK – 7:09 PM)

#06-20C TRAMMEL CROW SERVICES, INC. (Sparks Tract Lot #3) – Conditional Use Public Hearing:

Special Attorney, Mr. Clayton Wilcox, reconvened the hearing at 7:15 p.m. A court stenographer was present, & the transcript will be the official record. The hearing ended at 10:00 p.m. Public input was taken until 10:07 p.m. The next hearing will be on April 26th.

ADJOURNMENT:

Jim made a motion to adjourn the meeting at 10:07 p.m. Ron seconded, & the vote in favor was 4 to 0.

ATTEST:

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Sandra A. Quickel, Secretary

Thomas E. Faley, Chairman

Ronald L. Reeder, Vice Chairman

Bryan A. Gembusia, Member

James N. Baker, Member

Walter G. Reighard, Member