

## MINUTES

### SOUTH MIDDLETON TOWNSHIP 520 PARK DRIVE BOILING SPRINGS, PA. 17007

APRIL 27, 2006

**PRESENT:** BRYAN GEMBUSIA, TOM FALEY, JIM BAKER, RON REEDER, RICK REIGHARD – SUPERVISORS; Richard Mislitsky – Solicitor; Barbara Wilson – Manager; Brian O’Neill – Engineer; Tim Duerr – Zoning Officer; Sandy Quickel – Recording Secretary, Ron Hamilton, Jeff & Natasha Haulman, Steve Dell, Ken Stoltz, Mark & Patricia Mateya, William Aiello, Doug & Helen Gale, Tom Imholte, Dean Clepper, Shah Mathias, John Melham, Pam Fisher, Bill Brown, Bob Beers, Howard Phillips, Bob Geist, Mikki Williams, Bob Winters, Ray Tennyson, Marti Green, George Stapleton, Pete & Susan Cusani, Steve Tiley, Rob Frey, David Getz, Michael Danko, Fred Bohls, Mary Ann Taylor, Jim & Pat Barnes, Brent Shughart, Jim Crowther, Eric Harkreader - “The Sentinel”, Andrea Ciccocioppo – “The Patriot News”.

The meeting was called to order by Chairman Gembusia at 6:00 p.m.

#### **PLEDGE OF ALLEGIANCE:**

The pledge of allegiance was led by Chairman Gembusia.

#### **MOMENT OF SILENCE:**

A moment of silence was observed for Nate Graybill, a 2003 Boiling Springs graduate, who was seriously injured in a biking accident. Also a moment of silence was observed for Paul Shambaugh who passed away. Mr. Shambaugh was a WWII veteran, a Seabee & a Boy Scout leader for 50 years.

#### **OPENING ANNOUNCEMENTS:**

Bryan noted that the County is demonstrating a new voting machine outside of the meeting room. Residents were encouraged to demonstrate the new machine.

#### **MINUTES: 04/13/06**

Tom made a motion to approve the minutes. Ron seconded, & the vote in favor was unanimous.

#### **#06-08C JEFFREY & NATASHA HAULMAN – Conditional Use Public Hearing:**

Mr. Mislitsky opened the hearing & stated the procedure. Jeffrey & Natasha Haulman presented their plan. Mrs. Haulman stated that the facility is the old Stamm’s Restaurant on Heisers Lane. She & Cortney Fearnbaugh plan to operate a kennel at the site. They also plan to breed dogs & have a retail shop with the facility. Her house is within the 100 ft. setback requirement. The Haulmans are requesting a waiver of this requirement. They plan to use the existing entrance, exit & loading area. There are 30 parking spaces. A 6 foot privacy fence will be installed between her site & any future neighbor. A 50 ft. x 60 ft. exercise run will be built. She has met with the dog warden & was given some recommendations by the warden. Bryan asked if relief can be granted for the 100 ft. setback. Tim replied yes. Bryan also asked if they provide medical assistance with animals with certain health conditions. Mrs. Haulman stated that they will have a mobile vet service that can travel to your home & give needed medical shots to the animals. They will not give any vaccines except for rabies vaccine, & will be using the Hillmount

Veterinary for other services. Tom questioned any noise problems with barking dogs. Mrs. Haulman stated that the dogs will be inside except when they are exercised outside in the exercise run. When the dogs are outside, she or another person must be with the dogs. There was no public input. Ron asked where the privacy fence will be installed. Tim stated that the fence will be around the exercise run. Tim asked if the driveway will be at least 11 feet wide. Mr. Haulman replied yes.

Tom made a motion to approve #06-08C, subject to the applicant's acceptance of staff comments. Ron seconded. Bryan asked if the waiver for the 100 ft. setback needs to be acted on. Tim replied that it is granted through plan approval. The vote in favor was unanimous.

**#05-08C CARLISLE FORGE – Conditional Use Public Hearing:**

Mr. Mislitsky reconvened the hearing. A court stenographer was present, & the transcript will be the official record of the hearing. The hearing will reconvene on May 25<sup>th</sup>.

**#05-08 LIMESTONE CREEK – Preliminary Subdivision/Land Development:**

Rob Frey & Steve Tiley were present for this plan. The applicant has submitted revised plans. The revisions are due to DEP comments on stormwater management. These comments have affected some of the roadway network & significantly affected the stormwater management. The Solicitor advised the Board to determine if the changes are significant enough to send the plan back to the Planning Commission for review. Brian stated that the cul de sac to the south was removed & these lots will be connected, & that the stormwater changes are substantial. Also, the applicant is proposing to dedicate a portion of the land to Trout Unlimited. Rick feels the plan should go back to the Planning Commission. Jim said that the Board relies on the Planning Commissions' recommendations, & that this Commission is the best that the Township has had. He agreed with Rick. Mr. Frey said that he has no problem with the plan being reviewed again by the Planning Commission. He also said that the detention basin had to be increased, & the road to the south had to be reconfigured (this area originally proposed 2 cul de sacs, but is now going to be connected to another road). Jim made a motion to send #05-08 back to the Planning Commission for review. Ron seconded, & the vote in favor was unanimous.

**#06-04S WILSON PROPERTY – SKETCH:**

Brian stated that due to perks & probes location, only 2 lots on 44 acres are realistic. The site is in the Agricultural District on Frost Road. The applicant is proposing 2 lots with a rural residential lane. The Planning Commission thought the rural residential lane concept was overkill for 2 lots. Although it is not permitted in the ordinance, the Planning Commission suggested a shared access instead of the rural residential lane or 2 separate driveways. Jim suggested that no future subdivisions should be allowed if the waiver is granted.

**PUBLIC INPUT:**

Ken Stoltz, Race Street, commented on the decision to remove the dam. He feels there are historical, recreational & ecological aspects with the dam. He doesn't feel there is any danger with the dam, & feels that the race will dry up if the dam is removed. Mr. Stoltz said that the floodgates at the lake are more dangerous, & suggested placing warning signs at the dam.

Patricia Mateya, Race Street, read comments from a statement on the dam issue. She asked if the wording in the notice mentioned the race. Mr. Mislitsky stated that the order to remove the dam

came from DEP. Mrs. Mateya feels the dam & race are 2 separate issues, & would like the Board to reconsider the decision to remove the dam. She would like to present information to the Board at the May 11<sup>th</sup> meeting. Rick stated that he was not on the Board at the time the decision was made, but remembers a lengthy discussion on this issue. Tom added that the Board is caught in a liability situation. The dam is a low-head dam & is dangerous.

Public input was interrupted at this moment for another topic that the Solicitor brought up. Mr. Mislitsky asked the Board if they agree with the Planning Commission's decision on performing geological testing on the Traditions of America, Parkview & Georgetowne plans. The Board agreed. Jim made a motion to approve the testing for the 3 mentioned proposed developments, as discussed. Tom seconded, & the vote in favor was unanimous.

Public input was reconvened. Mikki Williams, 113 Race Street, showed photos of her view of the race area from her home. She sees walkers & wildlife all the time along the race.

Mark Mateya, 117 Race Street, said that he was not aware that the Township had hearings on removing the dam. Tom read a newspaper article stating that if the dam is removed, it may affect the race. Bryan pointed out that several hearings were held, & that a decision has already been made to remove the dam. He asked if American Rivers has committed the funds to remove the dam. Brian said that they have spent funds on engineering, & that plans & the permit application have already been submitted. Ron stated that the Township did not have any plans for the dam until DEP sent a letter on the dangerous condition & liability issue of it.

Mary Ann Taylor, Front Street, said that about 5-6 years ago, a study was done to see how to preserve the lake & the race after the dam was breached.

The Board agreed that if the residents can present alternative solutions in order to keep the race before the dam is removed, the Board will listen to the alternatives.

**EMERGENCY SERVICES REPORT:**

The report was accepted, as submitted.

**RECREATION REPORT:**

The report was accepted, as submitted.

**ROADMASTER REPORT:**

The report was accepted, as submitted.

**S.M.T.M.A.:**

No report was given.

**SOLICITOR REPORT:**

Rich explained an addition to the fee schedule. The addition will allow the Township to charge fees for independent plan reviews. Tom made a motion to approve Resolution #06-11 adopting the revised fee schedule. Jim seconded, & the vote in favor was unanimous.

**ENGINEER REPORT:**

The Township had discussed a turnback agreement with PennDOT. The Township will take over the Forge Road cul de sac & PennDOT will take over the new portion of Westminster Drive. Jim made a motion to approve Resolution #06-12 approving Barb Wilson as the person who can execute the turnback agreement with PennDOT. Ron seconded, & the vote in favor was unanimous.

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

Rick made a motion to approve 90-day time extensions for: Bret J. & Peggy Sue Whitcomb Final Minor Subdivision, Evangelical Lutheran Church Final Minor Subdivision, & Netherby, Phase 2 Final Subdivision. Jim seconded, & the vote in favor was unanimous.

Regarding the Trindle Commerce Center Conditional Use, the applicant is requesting an 18-month time extension of the approval to complete the land development process for the proposed development. A condition of the conditional use decision was that the approval was only valid for 18 months. A revised conditional use decision would need to be drafted. Rick made a motion to deny an extension of conditional use approval #04-10C subject to an amended decision. Bryan seconded, & the vote in favor was unanimous.

Consensus was given to advertise a public hearing for the Anile's Restaurant Conditional Use on May 25<sup>th</sup>.

Bryan made a motion to approve a time extension until June 9<sup>th</sup> for Parkview at Boiling Springs & Georgetown Conditional Uses. Tom seconded, & the vote in favor was unanimous.

**MANAGER REPORT:**

Phyllis Givler has resigned as the Township's Summerfair representative. Russ Yinger has volunteered to be the representative. Jim made a motion to appoint Russ Yinger as the Township's Summerfair representative. Ron seconded, & the vote in favor was unanimous.

SMTMA has offered to pay \$12,500 (1/2 of what it will cost to repair the road) for reconstructing Bonnybrook Road due to their water/sewer project last year. As a compromise to put this project behind the Township & SMTMA, staff recommends accepting their offer. Jim made a motion to approve the acceptance of \$12,500 to improve Bonnybrook Road. Bryan seconded, & the vote in favor was unanimous.

Sherwood Kepner has requested waiving the \$50.00 zoning permit fee for a deck due to disabilities & limited income for his family. The deck is needed due to medical reasons for easier access into their home. Jim made a motion to waive the fee as requested. Rick seconded, & the vote in favor was unanimous.

Information was received regarding two proposed legislative bills. The first proposed bill being considered would eliminate municipal franchising authority over cable operators. The second proposed bill would create national franchise for companies such as Verizon & other Bell companies. Jim made a motion to approve Resolution #06-13 in opposition of the proposed legislative bills. Tom seconded, & the vote in favor was unanimous.

**BILLS FOR PAYMENT:**

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

**SUPERVISORS' DISCUSSION:**

Tom mentioned that the traffic signal at Westminster Drive & York Road. He said that eventually a left-turn arrow will be installed when the next development near this site occurs. Brian will secure a cost estimate of adding a left-turn arrow to the signal. Jim added that there is a safety issue with this area.

Rick asked for clarification on the requested traffic study for the proposed Carlisle Forge development. He thought the study & recommendations would include a one-half mile radius of the area. Brian said that the Township did not receive what it wanted from the study. Rick thought the study would look at the overall scenario of the area. Brian said that the area is constantly changing as new stores open up & more traffic is generated. An aerial study can be done, but will be very costly.

**ADJOURNMENT:**

Ron made a motion to adjourn at 9:25 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