

MINUTES

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

APRIL 9, 2009

PRESENT: BRYAN GEMBUSIA, RICK REIGHARD, TOM FALEY, RON REEDER – (absent), JIM BAKER – Supervisors, Richard Mislitsky – Solicitor, Barbara Wilson – Manager, Jarrett Sweeney – Assistant Manager, Brian O’Neill – Engineer, Tim Duerr – Zoning Officer, Sandy Quickel – Secretary, Mark MacNamara, Doug & Helen Gale, Ron Hamilton, Carol Shetter, Amy Myers, Bob Geist, James Hutcheson, Eric Edstrom, Jim Rainey, Marti Green, Gene Giza, Andrea Ciccocioppo – “The Sentinel”, Linda Franz – “The Patriot News”.

PLEDGE OF ALLEGIANCE:

Chairman Gembusia led the audience in the pledge of allegiance.

MOMENT OF SILENCE:

A moment of silence was observed for the Pittsburgh State Policemen that lost their lives.

OPENING ANNOUNCEMENTS:

Chairman Gembusia stated that the meeting is recorded & to turn off cell phones.

MINUTES: 03/26/09 Workshop Meeting:

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

03/26/09 Regular Meeting:

Tom made a motion to approve the minutes. Rick seconded. Jim noted that at this meeting, he voted against paving the iron furnace parking lot, but has since changed his mind. The vote in favor was 4 to 0.

PUBLIC INPUT:

Carol Shetter, Gutshall Road, asked about the ordinance on outdoor furnaces. She was told that they are not prohibited, but just restrictions were placed on them, such as placement of them from properties, what can be burned in them, etc.

Eric Edstrom, 400 Front Street & a member of Cumberland Valley Chapter of Trout Unlimited, discussed the issue of paving the parking lot at the Iron Furnace. Trout Unlimited (T.U.) has to respond to the County by April 15, or the grant will be withdrawn. Mr. Edstrom explained that a special porous material will be used for the pavement & will help with water runoff. Currently, silt & debris washes off the lot & enters the Yellow Breeches Creek. Rick & Bryan said they agree with this concept, & a letter was sent to T.U. on 6/18/08 saying that the Township is in support of this project & is committing to the work & the matching funds. However, there is an issue with a maintenance agreement with the Municipal Authority (M.A.). The issue in question is a hold harmless clause. The M.A. wants the Township to perform ongoing maintenance work,

& to hold them (M.A.) harmless for any damages, but the Township does not own the property – it is owned by the M.A. Mr. Edstrom said it is not T.U.'s role to mediate between the Township & the M.A. He also said he is not aware of this agreement by the M.A. Bryan said that the Township cannot legally maintain property not owned by the Township. Tom said he is willing to run the risk with the agreement in order to proceed with the grant. Tom made a motion to proceed with the project & approve the maintenance agreement. Bryan asked what information the County requires for the grant. Mr. Edstrom said that they need affirmation of progress on this issue. Bryan said that the agreement can be approved subject to the satisfaction of the Solicitors. Jim seconded. Rick asked to amend the motion with the condition of omitting or modifying the indemnification clause, & subject to the satisfactory review by the Solicitors. Mr. Mislitsky stated for the record that he is T.U.'s attorney. He explained the indemnification clause. Mr. Edstrom said he will attend the M.A.'s meeting on Monday night & ask them to consider removing this clause. He also thanked Brian O'Neill for his assistance with this issue. The vote in favor was 4 to 0. Mr. Mislitsky asked Mr. Edstrom if T.U. is willing to actively support the streambank stabilization improvement project that was to be built last summer. Mr. Mislitsky said this was already approved by the Fish & Boat Commission & DEP. This is part of the Adopt a Stream program. Jim Hutchenson, T.U. President, said they have been in support of this project. The Solicitor encouraged him to push the issue. Mr. Edstrom said he will urge the board members to move on this issue. Rick stated that the furnace stack is in really bad shape & needs repaired.

Bryan displayed a plaque presented to the Township at Fire Company #36's banquet. The plaque had a photo of the vehicle donated to the fire company, for which the Township made a donation.

#08-03 WHEATSTONE – PHASE II – Final Subdivision:

This plan was tabled.

SOLICITOR REPORT:

No report was given.

ENGINEER REPORT:

A request was received to increase the maximum impervious coverage for Lot #48 on Westgate Drive. The increase will be from 2,300 s.f. to 2,875 s.f. This will be a one time exemption. Jim made a motion to approve the impervious coverage exemption. Rick seconded, & the vote in favor was 4 to 0.

Jim made a motion to approve a 6-month time extension (10/16/09) to fulfill the conditions of plan approval for Wheatstone, Phase II (#08-03). Tom seconded, & the vote in favor was 4 to 0.

Jim made a motion to approve a time extension until 7/9/09 for the Graystone Bank plan #08-31. They are waiting for their NPDES approval from DEP. Tom seconded, & the vote in favor was 4 to 0.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

Jim made a motion to approve Resolution #09-09 forwarding the Lorne Hoover Sewage Planning Module to DEP. Tom seconded, & the vote in favor was 4 to 0.

The Georgetowne, Westmooreland, & McCann School of Business Conditional Use Decisions are ready for signing.

Consensus was given to advertise the Westgate, Phase 8 & Brydan, Inc. Conditional Uses for hearings on April 30th.

Lawrence Markle is requesting a waiver of the ZHB fee for a setback variance to construct a handicap ramp at his house. Jim made a motion to approve the waiver of the ZHB fee. Tom seconded. Rick asked if the reason was financial, & if a condition could be added to remove the ramp when no longer needed. Tim said that this condition can be applied to the building permit. The vote in favor was 4 to 0.

The Solicitor stated that Trout Unlimited is not aware of the Municipal Authority's maintenance agreement. Brian will email a copy to them.

MANAGER REPORT:

All of the information has been received regarding using the parks trail for the Tour de Cure diabetes bike ride on May 30th. Tom made a motion to approve the request. Rick seconded, & the vote in favor was 4 to 0.

PUBLIC INPUT:

Marti Green, Derbyshire Drive, stated that the street signs at the Mayapple Development (off of Forge Road) need repainted & a pole has fallen over & needs fixed. She said that the signs are in the Township's right-of-way. Bryan asked if the signs are owned by the Township. He was told that the Homeowner's Association maintains the signs, & that they are not Township approved signs. She was told that the Homeowner's Association may paint/repair the signs.

Mark MacNamara, W. Penn Street, is a HACC student working on a Leadership project & asked the Board if they could meet with him after the meeting to answer a few questions for his class. Bryan, Rick, & Tom stayed to answer his questions.

Doug Gale, Derbyshire Drive, asked about duplication of street signs. He referred to the Mayapple street signs & the green/white street signs. He was told that PennDOT requires the street signs, as well as the Emergency Services so they can locate the streets.

Carol Shetter, Gutshall Road, asked if there was a decision on the police coverage issue. Tom said it is out of our hands & all are waiting to see what happens with the initiative. Barb added that there are several bills circulating.

SUPERVISORS’ DISCUSSION:

Rick stated that he will be attending the Municipal Authority’s meeting on Monday night.

Jim has 2 tickets to the Bubble Foundation dinner if anyone is interested. He also noted that the PSATS director’s salary is \$375,000. Tom said that the director is retiring, but was stunned to know that figure & thought it is too high. He feels this issue will be discussed at the convention in Hershey this month. Barb said that it was discussed at the convention 2 years ago, but the salary was never disclosed. Jim noted that Dickinson College is trying to do an agricultural program at the farm on Park Drive. He said that if the program is successful, they will not develop that land. The farm is in need of public water service. Jim wants to see the program succeed so the property is not developed. The issue was raised on preserving the land for perpetuity.

BILLS FOR PAYMENT:

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

ADJOURNMENT:

Bryan made a motion to adjourn the meeting at 7:05 pm. Tom seconded, & the vote in favor was 4 to 0.

ATTEST:

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Sandra A. Quickel, Secretary

Bryan A. Gembusia, Chairman

Walter G. Reighard, Vice Chairman

Ronald L. Reeder, Member

James N. Baker, Member

Thomas E. Faley, Member