

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

MAY 11, 2006

PRESENT: BRYAN GEMBUSIA, TOM FALEY – (Absent), JIM BAKER, RON REEDER, RICK REIGHARD – SUPERVISORS; Barbara Wilson – Manager; Brian O’Neill – Engineer; Tim Duerr – Zoning Officer; Sandy Quickel – Recording Secretary; Larry Warner, Bob Winters, Mark Mateya, Jim Garling, Patricia Mateya, Mikki Williams, John Garman, Linda Norman, Attorney Robert Saidis, Vicki Aycock, Bob Beers, Bob Geist, Mark Pennell, Nate Huffman, Ken & Shirley Garman; Allen Galbraith, Dawn Shughart, Bob Dunham, Wallace Koster, Richard Cummins, Linda Stoltz, Paul Slifko, David & Jen Marrs, Mike Wilson, David Prescott, Dixie Hair, Doris Whitcomb, Gregory Line, George Stapleton, Doug Glass, Ken Hollinger, Dave Martin, Thomas Baltz, David Shakespeare, Jennifer Bandura, Pam Fisher, & Andrea Ciccocioppo – “The Patriot News”.

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 dedicated to Supervisor Tom Faley who is in the hospital, but is doing well.

OPENING ANNOUNCEMENTS:

Bryan noted that the meeting is being recorded. He also mentioned that there are coupons for a fundraiser to benefit the Touchdown Club.

MINUTES: 04/27/06:

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

WITTLINGER DAM DISCUSSION:

Patricia Mateya, Race Street, presented a petition to the Board of people that want the race saved. She read some of the names on the petition, & stated that they want the Board to vote to delay action on the removal of the dam. Mark Mateya, Race Street, asked for people in the audience to stand up if they are in favor of saving the race. He addressed the Board with his presentation. Mark Pennell, URS Engineering said that American Rivers has prepared the design plan for the removal of the dam. Mr. Mateya outlined his plan of action. Part of his plan calls for cleaning 1/3 of the dam. Some areas are damaged, & rebar needs to be removed. He said the school district contacted him to see if the students could help with this process. Also, signage needs to be placed at the dam, which the Township has the signs to be posted. Creation of a riffle would occur under Mr. Mateya’s plan. Rick asked for the depth of the water. Mr. Pennell said that URS Engineering surveyed it last August & the water was 6-1/2 feet deep. Brian added that soil testing for heavy metals/contamination was performed. The proposed plan also includes a sedimentation plan. Mr. Mateya said that he has contacted the Army Core of Engineers, & they are in support of this type of proposal. Mr. Mateya said he has spoken with a representative from

American Rivers & that grant funding is available. The representative said they can work with the Township to change the plan, & that they knew that the race existed, but did not know the historic value of it. Bryan stated that the Board's decision to remove the dam was based on safety & financial issues. Mr. Mateya said he would organize a committee to work with the Township & Mr. Pennell.

Mr. Pennell stated that USR Engineering was paid \$25,000 in grant money by American Rivers for this project. The Fish & Boat Commission has pledged \$25,000 for restoration of the dam. Mr. Pennell said that Mr. Mateya's plan is workable, but may cost approximately \$100,000. Bryan feels that Mr. Mateya's plan is similar to the rock weir option, but better. He asked Mr. Mateya to bring written confirmation of support from the Fish & Boat Commission & American Rivers to the Board. Mr. Pennell said he could get an addendum to keep the project moving. There are restrictions as to when you can work in the streams due to fish spawning. The dates work can be done is from June 15th to October 15th. Resident Greg Line's concerns involve keeping the water level up & keeping the existing & emerging wetlands upstream of the dam. Action will be delayed until the May 25th meeting.

#05-31 MICHAEL MARHEVKA – Final Minor Subdivision:

Pam Fisher & Michael Marhevka were present for this plan. The applicant proposes to subdivide a 29 acre parcel along Ladnor Lane & create 3 lots accessed by a rural residential lane. The new lot sizes are 7, 10, & 11 acres. Brian stated that revised plans were received to address staff comments. Restrictive covenants applicable to the transfer of development rights are required for the sending area. The Solicitor & staff should review the covenants for approval. Brian added that most of the comments were administrative issues.

Modifications: Preliminary Plan, Contour interval, Landscape Plan certified by a Landscape Architect, Runoff channel velocity, Modified EIA Report, & As-built plan. Rick made a motion to approve the modifications. Ron seconded, & the vote in favor was 4 to 0.

Rick made a motion to approve #05-31, subject to the applicant's staff comments, subject to the submittal of a rural residential lane agreement, & subject to Solicitor & staff review & approval of the deeds & covenants. Ron seconded, & the vote in favor was 4 to 0.

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

Pam Fisher was present for this plan. The applicant proposes to combine 2 parcels along the Holly Pike consisting of 80.927 acres, & then subdivide them into 4 lots. The 3 20+ acre lots will use a rural residential lane for access. The current tract #4 is zoned commercial. The other lots are zoned agricultural & conservation. The main issue of concern was road access. Ms. Fisher stated that the driveways will be moved closer to the rural residential lane. There will be a restriction on the plan that no future subdivisions will be allowed.

Modifications: Preliminary Plan, Contour interval, Plan scale, Landscape Plan certified by a Landscape Architect, Runoff velocity in channels, Road Access requirements, & As-built plan. Ron made a motion to approve the modifications. Bryan seconded, & the vote in favor was 4 to 0.

Rick made a motion to approve #05-32, subject to the applicant's acceptance of staff comments, approval of the deeds & covenants, & subject to approval of the rural residential lane agreement. Ron seconded, & the vote in favor was 4 to 0.

#05-42 DAWN COMMONS – Final Land Development:

Jim Garling, Wallace Koster, Dawn Shughart & Bob Dunham were present. The applicant proposes to construct a 10,560 sq.ft. office/retail building along Walnut Bottom Road. The existing building would be removed. Mr. Garling stated that this plan received conditional use approval. A bio-remediation detail to the plan was added. Bryan asked why a modification was submitted for the EIA report. Tim said that it is in the wellhead protection area & is a requirement. The applicant is asking for a waiver. Brian said that a geological report was submitted. There was a lengthy discussion on possible sinkholes/depressions. Mr. Garling mentioned placing limestone in swalets, putting the bio-remediation device in place, & placing limestone in the bottom of the infiltration area. If a sinkhole is found, it can be repaired so it doesn't grow any larger. Mr. Koster explained the process of dealing with sinkholes. He said that placing a limestone liner in the hole can help mitigate a sinkhole. Ron pointed out an example of a sinkhole at the school several years ago causing a portion of the building to fall in the hole. It was noted that the hospital was granted a waiver for the same issue. Brian said the topography of the lot drains to the sinkhole. A question was raised on whether the stormwater management plan can be designed without entering a sinkhole. Brian replied yes, by placing curb & piping it & moving the retention pond. However, the testing was done only on the surface & it could end up moving the retention pond into a sinkhole. Rick added that the outstanding water quality must be maintained. He stated that he would be willing to waive this requirement if additional studies are done to find the best place to site the stormwater management pond.

Dawn Shughart, 950 Walnut Bottom Road, asked why she is being asked to do more studies when other buildings in the area did not have to submit more data. Bryan stated that 3 other buildings had to do extra studies. Her building is also closer to the wellhead protection area. Rick said that it is unknown what type of businesses will locate at the site. Ms. Shughart named a few future tenants (Sushi House, Nextel, a real estate office, a bank, & a store that recycles printer cartridges)

Modifications: Preliminary Plan, EIA Report, Landscape Architect Certification on Landscape Plan, Additional right-of-way & improvements, Parking facilities within 10 feet of a side yard, Traffic islands every 10 spaces, Sidewalks, Curbs & Gutters, Street Lighting, Street trees, Interior tree for every 5 parking spaces, Interior landscaping in the parking lot, Stormwater retention facilities in the Wellhead Protection Area, Stormwater facilities shall not be located within 25 feet of any features identified in Section 1108 a (3), & Stormwater shall not be directed into a sinkhole or closed depression. Ron made a motion to approve the modifications & to include the standard comment about installing sidewalks within 6 months if required by the Board. Bryan seconded. Jen Bandura suggested that the Board review the type of stores locating in the facility; such as the store that recycles printer cartridges. She feels there should be an emergency plan in place in case any accidents occur. Bryan asked Ms. Shughart to include in the tenant's lease agreement that "this site is in the wellhead protection area & any disposal of chemicals must be disposed of properly so it doesn't harm the environment or end up in the retention area". Ms. Shughart agreed to submit a copy of a lease with this language in it. The vote in favor was 3 to 1 (Rick was opposed).

Ron made a motion to approve #05-42, subject to the applicant's acceptance of staff comments, subject to the requirement of notification of hazardous materials disposal in the leases, & to provide a copy of the lease to the Township. Bryan seconded. Jim asked if there is any type of businesses that could be less of a threat to the wellhead. Brian said it could be an office with no chemicals. The uses were already approved with the conditional use approval. The vote in favor was 3 to 1 (Rick was opposed).

#06-07 CARLISLE CROSSING – Lot #7 – Final Minor Land Development:

Pam Fisher, Dave Martin & Attorney Robert Saidis were present. The applicant proposes to construct a 9,830 s.f. commercial building on Lot #7 (1.764 acres) of the existing Carlisle Crossing shopping center. This plan received conditional use approval. Jim asked about sidewalks along Westminister Drive. Ms. Fisher stated that they are on the plan. Jim asked if the area is well illuminated. Ms. Fisher said that additional lighting is planned. Jennifer Bandura asked if the Township addresses reducing lighting on plans. Mr. Martin explained what type of lighting will be used. Jim asked for clarification of the modification of Section 711 b(2) – (excess number of trees planted in Carlisle Crossing to count towards this plan. Ms. Fisher said that a buffer will be shared between 2 lots.

Modifications: Preliminary Plan, Landscape Architect Certification on Landscape Plan, Island every 10 spaces in parking lot, Landscaping Plan scope – allow excess number of trees planted in Carlisle Crossing to count towards this plan. Bryan made a motion to approve the modifications. Ron seconded, & the vote in favor was 4 to 0.

Bryan made a motion to approve #06-07, subject to the applicant's acceptance of staff comments. Rick seconded, & the vote in favor was 4 to 0.

(BREAK)

PUBLIC INPUT:

Dick Cummins, Greenfields, stated that many developments have sidewalk ordinances as far as removing snow from the walkways. He suggested that the Township implement an ordinance. Rick asked if Homeowner Associations can require snow removal. He was told that this restriction can be placed in covenants. Consensus was given to prepare an ordinance for sidewalk snow removal.

David Sheakespear, Third Street, asked questions regarding filing his income tax return due to taxes being paid to 2 tax collection bureaus. School Board President, Paul Slifko, stated that the problem can not be solved this year since another tax year has begun.

Jennifer Bandura, 4 Meadowwood Place, had several comments involving drinking water, updating the wellhead ordinance, ownership of alleys & if there is an ordinance that deals with barking dogs. She also commented on the appearance of the Getty Station in Boiling Spring. They are storing trash & items/containers behind the store. Tim said he can send a junk/debris letter. She asked about detergents being used at the carwash. Tim said that they are supposed to use a drain inside the building. It was noted that they are washing the cars outside of the building. Tim can include this issue in the letter.

Doug Glass, Hilltop Drive, commented about travel homes/trailers parking along the streets & creating an eyesore. He asked if an ordinance can be implemented.

Jennifer Bandura also said that there is an unlicensed truck near the race.

Mike Wilson introduced himself. He is a candidate for the 199th District.

SOLICITOR REPORT:

Barb presented the report. She stated that the Township has been receiving inquiries from other municipalities regarding Captax. If the Board has no objections to answering these inquiries, a motion of support should be made. Ron made a motion that staff & Board members are authorized to address inquiries, & provide information to other municipalities. Rick seconded. Jim asked if a form has to be filled out for this information to be given out. Barb thought that Jim was asking about the Right to Know policy form, but he was referring to another case that is in litigation. The vote in favor was 3 to 1 (Jim was opposed).

ENGINEER REPORT:

Brian has received a waiver request of access spacing for someone trying to relocate their driveway at 750 Baltimore Pike. This violates the access spacing requirements, but improves the sight distance. Jim made a motion to approve a waiver of the access spacing requirements, as requested for 750 Baltimore Pike. Ron seconded, & the vote in favor was 4 to 0.

Spring Meadows Park, Phase 2 will soon be under construction. The land development plans were developed with parking islands in the lot as per the ordinance. Since the parking lots will be gravel, Kurt is concerned that when these areas are mowed, gravel will be kicked up & possibly damage vehicles. Jim made a motion to approve a waiver request for Section 706 f & 706 g for Spring Meadows Park. Ron seconded, & the vote in favor was 4 to 0.

A 90 day time extension was received for the Carlisle Forge Subdivision plan. Jim made a motion to approve a 90 day time extension. Ron seconded, & the vote in favor was 4 to 0.

Ron brought up the issue of traffic impact studies for the Parkview & Carlisle Forge plans. Brian stated that staff has met with Penn DOT on this issue. Carlisle Forge has not submitted a Highway Occupancy Permit (HOP). Brian explained the process. The developers must get the scope of the traffic impact study, then approval of the traffic study before they can submit a HOP. Carlisle Forge is still in this process phase, & will be conducting an amended traffic impact study. That is the reason they have not submitted a HOP. With the Parkview plan, no streets will access state roads. Thus, the current plan does not need a HOP. Ron suggested notifying the developers that the Board will not waive the access spacing requirements for Springville Road, & that they will need to apply to Penn DOT for driveways onto Rt. 174. Consensus was given to notify the developer of this decision.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

Tim presented Conditional Use decisions for Board approval for The Hollinger Group, Carlisle Church of the Brethren in Christ Church, & Jeffrey & Natasha Haulman.

MANAGER REPORT:

Barb reported that Phyllis Givler submitted her resignation letter from the Summerfair Board. Jim made a motion to accept Phyllis' resignation from the Summerfair Board with thanks. Bryan seconded, & the vote in favor was 4 to 0.

Global Renewal is requesting closure of Third Street on June 10th from 2:00 p.m. to 4:00 p.m. for their ribbon cutting ceremonies. They have invited Township officials to attend the ceremony. Barb suggested closing the street from 1:30 p.m. to 4:30 p.m. to give them time to set up/tear down. Jim made a motion to approve the street closing request. Ron seconded, & the vote in favor was 4 to 0.

Elected officials are required to participate in the NIMS training before September 30th. Participants may either sign up for the course or take it on-line. Doug Glass has offered a staff member to assist with the training. A question was raised as to why all the Board members must take the training. George Stapleton stated that if an emergency occurs, & the Township building is used as a headquarters facility, then all elected officials must have the training whether or not they can make any decisions.

Cumberland County has lifted its burn ban, but the Township's is still in effect. Barb has been contacted by a farmer who needs to burn some brush in order to plant one of his fields. The farmer asked if the fire company could burn the brush for him. Jim made a motion to lift the burn ban. Rick seconded. Doug Glass noted that several days of rain are expected. He has no problem lifting the ban if the Board agrees to revisit the issue if conditions warrant. Mr. Glass asked that consensus from 3 Board members is given to reinstate the ban if needed. Ron questioned whether to lift the ban totally or to only allow for farmers/orchards to burn & for recreational/campground fires. He said that the orchards & farmers are the ones suffering, & that other people should not be burning regardless of a ban. The vote was 1 aye & 3 nays (Ron, Rick & Bryan voted against this motion). Ron made a motion to continue the burn ban with the exclusion of recognized campgrounds, orchards & farmers being allowed to burn brush, & that all burns are to be reported to the local fire companies. Bryan seconded, & the vote in favor was 3 to 1 (Jim was opposed).

SUPERVISORS' DISCUSSION :

Rick commented on the farmer that said he would pay the fire company to burn his brush. Rick asked Barb to contact him & tell him to notify the fire company of any burning. Rick also commented about a letter the Township received about possible future sidewalks along Westminster Drive. He feels the intent is to request sidewalks along both sides of Westminster Drive when the vacant lots are developed. Barb has responded to the sender of this letter.

BILLS FOR PAYMENT:

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

ADJOURNMENT:

Jim made a motion to adjourn the meeting at 8:50 p.m. Ron seconded, & the vote in favor was 4 to 0.

WITNESS:

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Bryan A. Gembusia, Chairman

Thomas E. Faley, Vice Chairman

Ronald L. Reeder

James N. Baker

Walter G. Reighard