

MINUTES

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

MAY 25, 2006

PRESENT: BRYAN GEMBUSIA, TOM FALEY, JIM BAKER, RON REEDER, RICK REIGHARD – SUPERVISORS; Richard Mislitsky – Solicitor; Barbara Wilson – Manager; Jarrett Sweeney – Assistant Manager, Brian O’Neill – Engineer; Tim Duerr – Zoning Officer; Sandy Quickel – Recording Secretary, Brent Shughart, Bob Johnson, Kitty Gelinas, Linda Norman, Eric Edstrom, Don Grell, George Stapleton, Kirstin Bishop, Leah Pace, Bob Winters, Ron Shambaugh, Patricia Mateya, Molly Lindsey, Bob Geist, Frank Burrows, Paul Slifko, Bill Swanick, Ray Tennyson, Steve Tiley, Rob Frey, Greg Hammond, Kate Stuber, Sue Stewart, Mark Pennell, Scott Carney, Bill Weihbrecht, Martha Green, Christine Laurills, Mark Mateya, Joe McCorkel, Ken Stoltz, John Hilton - “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 all veterans who have served in the military.

OPENING ANNOUNCEMENTS:

Bryan stated that the meetings are recorded, & that 4 high school students are observing the meeting. Jim noted several Memorial Day events. West Perry School District is having a dedication to Vietnam Veterans, the Boiling Springs Memorial Day Parade will be held on Sunday, & a dedication to Big Springs classmate of 1976 (Randall Shughart) will be held in Newville (the post office is naming the office after him). Tom noted a ceremony will be held at the Mt. Holly Springs Cemetery on Saturday at 2:00 p.m. Bryan announced that the Township was awarded grant money in the amount of \$150,000 towards the purchase of the Leaman Farm.

MINUTES: 05/11/06

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

05/19/06 (Road Paving Bids)

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

ROAD PAVING BID AWARDS:

The low bidders for the road paving bids were:

Zion Road	Pennsy Supply	\$91,132.80
Hamilton Road	Pennsy Supply	\$42,616.00

Forge Road Acres	Pennsy Supply	\$73,244.00
Meals Road	Wilson Paving	\$59,862.50
Bonnybrook Road	Hempt Bros.	\$12,562.00

Rick made a motion to award the Forge Road Acres & Bonnybrook Road bids, as indicated, & the remaining bids (Meals, Zion & Hamilton) to be awarded as funds allow. Ron seconded, & the vote in favor was unanimous.

FUNDING COMPANY #35 – FOR ENGINE:

Ron stated that money in the Capital funds account has been allocated for purchasing new equipment for the South Middleton Fire Company. A new engine will be purchased to replace a 1990 engine. Ron made a motion to approve the allocation of \$145,000.00 to South Middleton Township Fire Company toward the purchase of a new engine from E-ONE with the condition that no additional capital funds be requested or approved for a period of not less than 8 years from the date the money is paid which shall be paid just prior to actual delivery, not before the first quarter of 2007. Rick seconded. Fire Chief George Stapleton expressed his appreciation to the Board, & stated that the engine will be a state of the art engine that will last for decades. The Fire Company will contribute \$165,000.00 towards the purchase price. Rick expressed his thanks to the fire company for the jobs that they do. Fire Company Member, Brent Shughart, noted that this engine meets EPA’s standards. The vote in favor was unanimous.

WITTLINGER DAM DISCUSSION:

Patricia Mateya, Race Street, read from a statement, & that keeping water in the race is important. She stated that she has met with Lois Martin (Donald Wittlinger’s sister) & she is concerned that the dam is to be removed. The Mateyas have been contacted by the Boy Scouts & local clubs to help with this project. Mark Mateya recognized Scott Carney, Fish & Boat Commission & Art Bear, South Middleton Township Municipal Authority.

Scott Carney, Fish & Boat Commission representative, stated that he has helped with approximately 100 dam removals. He disagrees with the language “natural” state, because the race has been modified several times. The dam is in disrepair, is a public safety hazard, is degrading the water quality of the stream & is a continuous liability for the Township. Removing the dam can restore the water quality again. He said that at one time the race was of historic value, but has been modified several times & is no longer of historic value. Tom asked if the Board can seek future financial support from the Fish & Boat Commission for help with the race. Mr. Carney replied yes, & that the Commission also has obligations to the Children’s Lake.

Mark Mateya stated that he has contacted DEP, Fish & Boat Commission, American Rivers & the Army Core of Engineers regarding this issue. He stated that he knows people that may help financially. He asked that the Board delay their decision. Tom asked Mr. Mateya to be more specific. Mr. Mateya stated he was concerned with the race, & stated that he would like to see a fish ladder installed at the breach of the dam. Tom stated that a letter received from the American Rivers addresses the rock weir issue. They feel it may be unstable, but would like to preserve the race. The Township was awarded an additional \$10,000 to remove the dam, & this funding would be jeopardized if the Township does not reaffirm its decision to remove the dam by June 1. After that, the funding is lost. The Fish & Boat Commission’s letter addresses the

issue of the Township honoring the agreement to remove the dam. Mr. Mateya stated that he needs more time to help finance this project. He stated that he has the potential to receive \$100,000 in donations for this project.

Art Bear, SMT Municipal Authority, handed out drawings & explained “Plan B” to keep water in the race. Mr. Bear stated that regardless of what is done to the dam, it will not dry up the tail race. He also brought along a model of a device that can accomplish this goal. Mr. Bear discussed a plug that was put in 10 years ago to keep the lake from draining whenever the water came up the race into the Yellow Breeches. Since then, the plug has started to erode. If it continues to erode, it will lower the lake elevation. Mr. Bear contacted Dick Mulfinger of the Fish & Boat Commission & it was decided to put the sluice gates back in at the outfall along Mountain Road. This sealed it with 90% of the water stopped flowing out. The elevation of the head race has been considerably raised. The water is flowing uphill towards the Yellow Breeches. Mr. Bear described the model & how it will work. The device would be placed at the upper end of the lake. Mrs. Brennanman has agreed to allow this device to be tied into her property as long as there is a way to keep people from walking onto her property. Mr. Bear said this can be done.

Ken Stoltz, Race Street, asked if this device has to be installed before the dam is removed. Mr. Bear replied that it can be installed before or after removal – it will not make a difference. Bryan asked Mr. Bear to explain his profession. He replied that he is the Operations Manager of the SMT Municipal Authority. He has 30 years of experience dealing with waterflows & waterways. Jim said that the Board is dedicated to trying to keeping water in the race. Mr. Mateya wants the Board to endorse Mr. Bear’s plan.

Linda Norman, 202 W. First Street, commented that she walks the race everyday, & that people care about the fish, ducks, etc. She said that children used to fish the race, but not any longer. She feels more places are needed for habitat.

Tom said he is agreeable to researching the feasibility of Mr. Bear’s plan, but wants Mr. Mateya’s help too, especially with funding.

Mark Pennell, URS Engineering, submitted a summary as an alternative to returning the flowing water to the race. Mr. Pennell explained his summary.

Tom made a motion to reaffirm the decision to remove the dam, & to explore the options discussed tonight to look for a feasible solution for keeping water in the race. Ron seconded. Jim Barnes noted that several ranges of water levels were discussed (from 1-1/2 ft. to 4 ft.). He feels that 1-1/2 feet is not desirable for the water level. Mr. Pennell said that the level will be similar to the stream level, but would be narrower. Tom & Ron withdrew their motion & second.

Tom made a motion to reaffirm the decision to remove the dam, & in the meantime, we actively explore the options discussed tonight in a timely manner & affirm our desire to keep water in the race if possible, when the dam is removed. Ron seconded. Mr. Mateya still wants the Board to confirm its commitment to this project. Rick asked Mr. Mateya if he would confirm his funding to the project. Mr. Mateya did not reply. A roll call vote in favor was unanimous.

(BREAK)

#06-12C ANILE’S RESTAURANT – Conditional Use Public Hearing:

Mr. Mislitsky opened the hearing & stated the procedure. Tim started to explain the plan, but Joe McCorkel, representing Anile’s, arrived. Mr. McCorkel stated that a 432 s.f. addition to the kitchen is proposed at the existing restaurant at 6 Front Street. There is no additional seating. There will be no increase in traffic or number of employees. The Solicitor asked if there are any other issues of concern. Tim replied no. Jim asked Mr. McCorkel if he is agreeable to staff’s comments. He replied yes. There was no public input.

Jim made a motion to approve #06-12C, subject to the applicant’s acceptance of staff comments. Tom seconded, & the vote in favor was unanimous. The hearing was closed.

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

Mr. Mislitsky reconvened the hearing. Tim stated that the applicant has submitted a 90-day time extension. Brian said that staff has met with the developer to address several issues discussed at the last hearing. Jim made a motion to approve a 90-day time extension. Tom seconded, & the vote in favor was unanimous. The hearing was closed & will reconvene on June 8th.

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:

The report was accepted, as submitted.

ENGINEER REPORT:

Tom made a motion to approve a 90-day time extension for the Villas Estates, Section 2 (#05-40). Jim seconded, & the vote in favor was unanimous.

The applicant for Limestone Creek (#05-08) has submitted a waiver request for Section 703 of the Subdivision & Land Development Ordinance. This section states: Where adjoining areas are undeveloped Residential, Village or Commercial tracts as defined in the Zoning Ordinance, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets to the boundaries of the undeveloped tract. Streets in a new subdivision bordering an existing development shall be coordinated, & be of such widths & grades & in such locations as deemed necessary to accommodate prospective traffic, & facilitate fire protection. This section entails that the streets in Limestone Creek need to be stubbed out to the adjacent parcel to the east. Tom stated that stub streets should interconnect to the other areas, & would like to see

them on the plan. Attorneys Steve Tiley & Rob Frey were present. Tom made a motion to deny the waiver request from Section 703 b. Jim seconded. Mr. Tiley said that he just needed clarification on this issue & would change the plans to include stubbing the streets. Jim felt that waivers should not be given, & that developers should adhere to the ordinances. The vote in favor was unanimous.

The applicants for the following have granted time extensions to the Township in order to hold public hearings until July 13th: #06-09C Parkview at Boiling Springs, #06-10C Traditions of America & #06-11C Georgetowne. The 3 applicants need more time to complete the geotechnical work requested of them. Tom made a motion to approve the time extensions for the 3 plans until July 13th. Rick seconded, & the vote in favor was unanimous.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

Tom made a motion to reapprove the Joseph J. Katkocin Final/Minor Subdivision plan (#05-36) to meet conditions of plan approval. Ron seconded, & the vote in favor was unanimous.

The applicant for the Exel Preliminary Subdivision & Land Development plan is requesting a 2-year extension on the 5-year protection from changes in the Zoning & Subdivision & Land Development Ordinances in accordance with Section 508 of the MPC. Preliminary Plan approval was granted on December 20, 2001, & the applicant has not completed the necessary improvements to ensure protection from ordinance changes. Ron made a motion to approve a 1-year time extension. Bryan seconded. Jim said he is not in favor of granting waivers so an applicant can avoid meeting ordinance requirements. Tim said that there was a lot of compromises with Carlisle Borough on this plan. Rick asked if there are any other concerns. Brian said that the road was just built. The vote in favor was 4 to 1 (Jim was opposed).

Jim made a motion to approve 90-day time extensions for the Carlisle Church of the Brethren in Christ Final Minor Land Development, the Carlisle Reformed Presbyterian Church Final Minor Land Development, & New Beginnings Loft Final Minor Land Development. Tom seconded, & the vote in favor was unanimous.

MANAGER REPORT:

The Elks have invited the Board to attend their Flag Day ceremony on June 10th at 11:00 a.m.. There was discussion regarding participation. Ron said that he would be attending the ceremony.

A request was received to close the Sheeley Lane in the Springville Terrace Development for their annual block party on September 3rd from noon to 8:00 p.m (raindate is September 4th). Tom made a motion to approve the street closure request. Ron seconded. Jim asked if this was the night of the fireworks. He was told yes. The vote in favor was 4 to 1 (Jim was opposed).

Grace Mead-Brill has submitted her resignation from the Parks & Recreation Department. Tom made a motion to accept the resignation. Jim seconded & the vote in favor was unanimous. Jim suggested that Barb talk to her on why she has resigned.

PUBLIC INPUT:

Martha Green, Derbyshire Drive, asked for clarification on the 90-day time extension for the Carlisle Forge Conditional Use Hearing. She also submitted a map that is connected to the

Keystone Project. She was told to submit the map at the next Carlisle Forge hearing. She also asked when public input could be taken for the comprehensive plan meetings. She was told that written comments from the public were due on April 15th. The meetings are held at 4:00 p.m. prior to the Supervisors' meetings. She said that the information was not on the website. Ms. Green also suggested updating the township map. She suggested showing potential growth areas on the map. Rick stated that some developments have 5-10 years build outs & that it would be difficult to show what she suggested.

Paul Slifko, School Board President, commented about the zip code changes for Carlisle addresses. Tom addressed Mr. Slifko regarding the Township & the School District requesting a standard tax return form. Tom volunteered to work on a committee dealing with this issue. Rick also agreed to help. Bryan asked Mr. Slifko if he wants any of the Supervisors to be on the committee to discuss the earned income tax. Mr. Slifko said that the School District decided to form a committee. Then, two weeks later a rogue board member came in & decided to add a sub-committee. This was approved, but they were not given any powers or any specific task. So, he said he was not sure if this was going to take place. Mr. Slifko feels the Board is overestimating the powers of the School Board. He feels this problem is best handled by the School's Business Manager, Jeff Ammerman, because he deals with these Captax on a weekly basis. Superintendent Sanker & Mr. Ammerman met with Township staff today to discuss this issue & what needs to be addressed. Barb said that Ms. Sanker & Mr. Ammerman wanted to meet with the School District & Board of Supervisor's representatives. Tom added that Duff Manweiler agreed to sit on this committee.

Sue Stewart, 30 Derbyshire Drive, asked if the website lists potential plans. She was told that approved & pending plans are listed in the newsletters & the meeting agendas are on the website.

SUPERVISORS' DISCUSSION:

Jim asked if the fire police have been scheduled for the Memorial Day Parade. Tom thought that this issue was already worked out.

Rick noted that the traffic study for the proposed Carlisle Forge development did not review the one-half mile radius. The traffic engineer was not asked to perform this extensive study. Rick said he would like a neutral party to perform the study. Brian pointed out that this extensive study would cost approximately \$50,000. Rick suggested that vehicle counts could also be performed.

BILLS FOR PAYMENT:

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

ADJOURNMENT:

Bryan made a motion to adjourn at 8:15 p.m. Jim seconded, & the vote in favor was unanimous.

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