

MINUTES

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

MAY 31, 2007

PRESENT: TOM FALEY, RON REEDER, JIM BAKER, BRYAN GEMBUSIA, & RICK REIGHARD – SUPERVISORS; Richard Mislitsky – Solicitor; Jarrett Sweeney – Assistant Manager, Brian O’Neill – Engineer; Tim Duerr – Zoning Officer, Sandy Quickel – Recording Secretary, Linda Larson, Marty Dwyer, Attorney Chuck Zaleski, Bill & Kim Robinson, Paul Miller, Christopher Washabaugh, Pamela Bollinger, Attorney Bryan Salzman, Bony Dawood, James & Judy Mahoney, Steve Rose, Brent Shughart, Taylor Stong, Chad Beam, Bob Orner, Jerry Ponzar, Doug & Helen Gale, Bob Beers, Bob Geist, Ray Tennyson, James Cullison, Pam Fisher, Fawn Cassel, Paul Slifko, Marti Green, John Anderson, Tom & Ann Benjey, Donald Baker, Raymond Diehl, Cindy Dunbar, Joe Fay, Richard Moore, Ray & Betty Jones, Andrea Ciccocioppo – “The Patriot News”, John Hilton - “The Sentinel”.

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

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Chairman Faley.

MOMENT OF SILENCE:

A moment of silence was observed.

OPENING ANNOUNCEMENTS:

Tom noted that the meetings are recorded.

PRESENTATION:

SMT Fire Chief, Brent Shughart, presented a plaque to the Board that has a photo of the new fire truck recently purchased through a donation of \$145,000.00 from the Township. He thanked the Board & residents for their support.

MINUTES: 05/10/07 Regular Meeting

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

05/25/07 Paving Bids Opening

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

BID AWARDS – Road Paving Projects:

Tom made a motion to award the Rockedge Drive paving bid to Wilson Paving in the amount of \$78,271.00. Bryan seconded, & the vote in favor was unanimous.

Tom made a motion to award the Pine School Road paving bid to Wilson Paving in the amount of \$71,139.20. Rick seconded, & the vote in favor was unanimous. Rick noted the difference in the bid quotes between the low & high bidders.

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

Mr. Mislitsky reconvened the hearing & stated the procedure. A court stenographer was present, & the transcript will be the official record. The next hearing will be on June 14, 2007. The hearing was closed.

PUBLIC INPUT:

Judy Mahoney, W. First Street, discussed problems with trying to sell her vacant lot. She has tried to sell the lot, but has been denied a building permit. Tim stated that the Solicitor's office researched the deed. The property was 1 deed but 2 tracts & 1 tract was sold by an illegal subdivision in 2002/2003. The subdivision was never requested or recorded at the courthouse, just a deed. Mr. Mislitsky said that he has spoken to Buzz Wolfe (Mahoney's representative) & that Mr. Wolfe was not familiar with the history of this parcel. Rick asked Mrs. Mahoney to submit her attorney's information to the Township. Tim stated that a building permit was never officially submitted to the Township. The deed research information will be reviewed.

#07-03C SECOND STATE ENTERPRISES, INC. – Conditional Use Public Hearing:

Mr. Mislitsky opened the hearing & stated the procedure. A court stenographer was present, & the transcript will be the official record. The hearing was closed.

#06-09C PARKVIEW AT BOILING SPRINGS – Conditional Use Public Hearing:

Mr. Mislitsky opened the hearing & stated the procedure. A court stenographer was present, & the transcript will be the official record. The next hearing will be on June 28, 2007. The hearing was closed.

#07-01C TRADITIONS OF AMERICA AT BOILING SPRINGS – Conditional Use Public Hearing:

#07-05 TRADITIONS OF AMERICA AT BOILING SPRINGS – Preliminary Land Development:

Mr. Mislitsky opened the hearing & stated the procedure. Both plans will be discussed concurrently. A court stenographer was present, & the transcript will be the official record. The hearing was closed.

(BREAK)

#07-04C ANILE'S RESTAURANT – Conditional Use Public Hearing:

Mr. Mislitsky opened the hearing & stated the procedure. A court stenographer was present, & the transcript will be the official record. The hearing was closed.

DISCUSSION – Jefferson Court (snow easement):

Bill & Kim Robinson were present to discuss an issue with a lot in the Jefferson Court development that they are planning to purchase. There is a paved snow easement on the property. Ron has spoken with the Robinsons & asked them to place markers on the property in order to place the snow & a desalting area for the snow melt. Mrs. Robinson asked who would be responsible for maintenance if the ground is torn up while plowing the snow. She was told that they will be responsible for any maintenance. Bryan made a motion to lift the condition of this plan to have the 2 easements paved & subject to an agreement that the homeowners understand that it is still an easement & snow plowing will still occur, & subject that the Township will not

be responsible for replanting of grass or any damages from snow removal, & subject to the satisfactory review by the Solicitor of an agreement stating these terms, & subject to the homeowners placing marker posts on the property for the placement of snow. The vote was 4 to 0 (Jim abstained due to not visiting the site). There was also discussion that the mailboxes were to be grouped together & placed at the front of the cul de sac instead of in front of individual homes. Rick said that he lives on a cul de sac & the mailboxes have never been knocked down. Ron said that cul de sacs are a nightmare for snowplows. Rick made a motion to allow the mailboxes to remain in front of the individual houses. Jim seconded. A roll call vote was taken. The vote was 3 to 2 (Rick, Bryan & Jim voted yes) & (Tom & Ron voted no). Attorney Ralph Godfrey asked if he is to file new as-builts & an agreement. He was told yes. Mr. Robinson asked when the macadam pad can be removed. He was told anytime.

EMERGENCY SERVICES REPORT:

The report was accepted, as submitted.

RECREATION REPORT:

The report was accepted, as submitted. Tom mentioned the issue with Waggoners wanting to purchase the Woodcrafter's field. He does not want to see any loss of parkland. Jim made a motion to authorize staff to review this request & to make a recommendation to the Board. Ron seconded, & the vote in favor was unanimous.

ROADMASTER REPORT:

No report was given.

S.M.T.M.A. REPORT:

No report was given.

SOLICITOR REPORT:

No report was given.

ENGINEER REPORT:

Developer Francis McNaughton presented an option to the Board. He would like the Board to consider zoning changes/procedure in which the homes that are proposed for the Wheatstone Farm be built upon the Richie Farm. Mr. McNaughton controls 3 farms (Wheatstone, Richie & Shields). The Wheatstone farm has too many rocks & they are encountering problems. He proposed taking the TDR's & the homes that could be built on Wheatstone & move them to the Richie farm. Tom questioned why Mr. McNaughton did not get involved with the discussion when the zoning/comprehensive plan review was being done. Tom also told Mr. McNaughton that he is a bad neighbor. Complaints are being received regarding fill being dumped at the Wheatstone site & becoming an eyesore. Mr. McNaughton said that the ground will be moved around soon. Bryan said that he is not in favor of trading Agricultural land for more homes. Rick said that this would be using the TDR concept in reverse, & that he was surprised to know that he has now found rocks on the site & why this wasn't known beforehand. Tom agreed with Rick & Bryan. Ron said that it would further complicate the traffic issue on W. Springville Road. Jim said that he preferred that the Mentzer farm (Wheatstone) could be kept for farming & not for homes. The Board's consensus was not to accept this proposal.

There is an amendment (for a time extension) to the agreement with the PA. Fish & Boat Commission for the Whittlinger Dam removal. Bryan made a motion to approve the amendment to the agreement. Ron seconded, & the vote in favor was unanimous.

A request to change some tree species from the approved Forgedale Crossing Section 5 plan was received. This change will match the existing screening. Ron made a motion to approve the request to adjust the species of screening in Section 5. Tom seconded, & the vote in favor was unanimous. Rick asked what the status is on the issue of a second entrance. Brian replied that they are waiting on a response from Penn DOT.

A request was received to waive access spacing on a landlocked property off of Whiskey Spring Road in order to get the best safe sight distance. Ron made a motion to waive the access spacing requirements for Cliff Deardorff (364 Whiskey Spring Road). Tom seconded. Jim asked if the property is landlocked. Brian said that it will waive spacing between driveways. The vote in favor was 4 to 1 (Jim voted against).

The developer for Westgate is requesting an extension of the 5 year protection from changes in the ordinance based upon a revised phasing schedule. They have updated their street specifications to current standards. Rick made a motion to approve the extension of the 5 year protection & phasing schedule for Westgate, Phases 5, 6 & 7. Bryan seconded, & the vote in favor was unanimous.

Security reductions were requested for Carlisle Crossing, Lots 1, 5, 6, 7, & 8 (#05-38, #06-02, #06-03, #06-07, & #06-08). Brian noted all 5 plans have unresolved issues & recommends denial of the request. Rick made a motion to deny the security release. Ron seconded, & the vote in favor was unanimous.

Tom mentioned the Marsh Drive & Rockledge Drive intersection. He suggested making this a 4-way stop if possible. Jim agreed. Consensus was given to relook at this issue. Bob Beers, Clifton Terrace, said that this is a scary intersection because of the design. Marti Green, Derbyshire Drive, agreed & noted that this particular area is growing. Tom made a motion to authorize a traffic consultant to review this issue. Ron seconded, & the vote in favor was unanimous.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

Ron made a motion to approve a time extension to July 30, 2007 for Georgetown Conditional Use. Tom seconded, & the vote in favor was unanimous.

Consensus was given to advertise a public hearing for the Dickinson College Conditional Use. Rick asked where the property is located. Tim said it is on Park Drive. They are proposing a community supported agriculture program & will hold classes. The barn will also be repaired.

MANAGER REPORT:

Regarding the Board holding workshop meetings, consensus was given to hold the meetings on Saturdays at 7:00 a.m. at the Township building. The first meeting will be July 14.

A request was received to set up canopies/portable bike racks at Spring Meadows Park & to mark Township roads for the Boiling Springs Triathlon on August 25th from 7:00 a.m. to noon.

Jim made a motion to allow the use of Spring Meadows Park & road markings according to Ron Smith's instruction & with the group accepting liability/responsibility for safety issues. Tom seconded, & the vote in favor was unanimous.

The Senior Expo was held on May 23 with approximately 180 attendees. Darlene Anderson did an excellent job planning the event.

SUPERVISORS'S DISCUSSION:

Bryan mentioned that a trailer is sticking our halfway onto Whiskey Springs Road. Brian will look into this situation.

BILLS FOR PAYMENT:

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

ADJOURNMENT:

Ron made a motion to adjourn the meeting at 9:30 pm. Rick seconded, & the vote in favor was unanimous.

WITNESS:

Sandra A. Quickel, Secretary

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Thomas E. Faley, Chairman

Ronald L. Reeder, Vice Chairman

Bryan A. Gembusia, Member

James N. Baker, Member

Walter G. Reighard, Member