

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

JUNE 8, 2006

PRESENT: BRYAN GEMBUSIA, TOM FALEY, JIM BAKER, RON REEDER (absent), RICK REIGHARD (absent) – SUPERVISORS; Barbara Wilson – Manager; Jarrett Sweeney – Assistant Manager; Brian O’Neill – Engineer; Tim Duerr – Zoning Officer; Sandy Quickel – Recording Secretary; Mark Mateya, Paul Wilson, Doug & Helen Gale, Dan Flohr, Tom & Ann Benjey, Bob Beers, Howard Phillips, Bob Geist, Marti Green, Ray Tennyson, Bernie Farrell, Dave Martin, John Hilton – “The Sentinel”, 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 observed.

OPENING ANNOUNCEMENTS:

Bryan noted that the meeting is being recorded. He also mentioned that there will be an update on the mill race project.

MINUTES: 05/25/06:

Tom made a motion to approve the minutes. Jim seconded & noted a correction. The correction should state that Randall Shughart is a Big Springs graduate, not Boiling Springs. The vote in favor was 3 to 0.

MILL RACE DISCUSSION:

Mark Mateya, 117 Race Street, updated the Board on this issue. He said that a committee was formed to save the mill race. The committee’s name is “The Committee to Save the Boiling Springs Mill Race”. Donations will be accepted by the non-profit organization. Mr. Mateya stated that he is working with several agencies (URS Engineering, Fish & Boat Commission & the Army Corps of Engineers) on this issue. The Committee will be endorsing Art Bear’s plan that was presented at a previous meeting. The Committee held a presentation at Foundry Day. They will also be in attendance at Super Saturday & Anything Floats for more presentations. He thanked staff for working with him on this project. He also added that John Bixler has cross-sections of the race that will be helpful on this project. Tom commended Mr. Mateya on a team effort with this project.

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

Mr. Mislitsky reconvened the hearing. The applicant was not present. The Solicitor asked staff if they have a status report. Brian said that the applicant is continuing to work on the items that were given to them to address. They plan on submitting them on June 20th. Mr. Mislitsky pointed out for the record that he did not hire a stenographer for this evening because he knew

they weren't coming. He asked Sandy to make the minutes part of the record when the hearing is reconvened. Public comment was taken.

Marti Green, Derbyshire Drive, asked for clarification on the 90-day time extension. Tim said that it is 90 days from June 5th. That's how long they have to give their portion of the testimony – its 100 days. Than any opponents would have 100 days after that. Brian added that the extension expires on the last meeting in August.

Tom Benjey, 546 E. Springville Road, passed out copies of a photo. Mr. Benjey stated that once again he is confused about Carlisle Forge. Mr. Benjey said that while out driving along Trindle Road, he took a photo. Mr. Mislitsky asked Mr. Benjey if he wants the photo entered into the record. Mr. Benjey replied yes. Mr. Mislitsky asked Mr. Benjey if he had entered other exhibits into the record. Mr. Benjey replied yes. Mr. Mislitsky said to let the minutes reflect that this exhibit be marked as the next Benjey number sequence. Tom asked Mr. Benjey where he saw the sign. Mr. Benjey said it was on the Trindle Road past Leo's Ice Cream. He believes it is the former Otto tract, & that the zoning is consistent with the former Otto tract. He said that this sign is confusing to him based on what Mr. Mathais previously said. Mr. Mislitsky said to let the record reflect that the photo is of a For Sale sign, 163 acres, Commercial/Retail/Light Industrial, & being marketed by Buz Wolfe with a sign stuck to it saying "Lot for Sale" & stamped under it is "Under Option". Tom asked if the size of the Otto lot is 163 acres. Brian replied yes – it is consistent with what we were told, & that the land was for sale & Shah Mathais has it under option. Tom said that his words were "I have that under control". Tom said at first he thought he said he bought it, but that was cleared up. Then he said it was "under my control". Brian stated that when a developer has property under option, they do not own it. For instance, Ivo Otto never sold that land to Keystone. Keystone had an option on it, & they paid Ivo money for the option so he could not sell the land to anyone else. Once the conditions of that option are met, then the sale takes place. Tom said if the option fails, then we are looking for additional buyers. Brian said that someone could call the Realtor to see how long the option lasts. Tom suggested that the Solicitor call Shah Mathais & ask him for his interpretation. Tom feels he should be asked how long of an option he has. Mr. Benjey stated that he feels the timing of the sign going up is confusing & appears to be a fresh sign. Ray Tennyson, 50 Lisburn Road, stated that the sign has been there a long time, but the sticker saying "under option" is new. It was about a week or 10 days after the Board asked him to clarify it.

Dave Martin, 5 Clifton Terrace, asked if the property of Carlisle Forge is on York & Fairview. He was told that the property goes across to Trindle Road. Mr. Benjey said that Mr. Mathais incorporated this property into the first hearing.

It was decided to ask Mr. Mathais to come into a meeting with a status report on June 29th. Bryan said only if he has made some progress. If he doesn't want to show up, he should send a letter to the Township if nothing has been accomplished to date. The hearing was closed & will reconvene on June 29th.

#05-37 EVANGELICAL LUTHERAN CHURCH – Final Minor Subdivision:

Paul Wilson represented this plan. The applicant proposes to re-subdivide 2 lots on McLand Road. There is a 1.43 acre lot with the existing church & an adjacent .89 vacant adjacent lot that the church owns. They will subdivide the lots so that the lot with the church becomes 1.67 acres.

The other lot will be subdivided into two 0.29 & 0.35 acre lots which each contain one side of a duplex. Thus, the lot line for the church will be moved further to the west.

Modifications: Preliminary Plan; Erosion & Sedimentation Plan; Landscape Architect Certification on Landscape Plan; Sidewalks; & Financial Security. Jim made a motion to approve the modifications. Tom seconded, & the vote in favor was 3 to 0.

Jim made a motion to approve #05-37, subject to the applicant's acceptance of staff comments. Tom seconded, & the vote in favor was 3 to 0.

#06-06 HOLLY PIKE ANIMAL HOSPITAL – Final Minor Land Development:

Paul Wilson represented this plan. Brian stated that this plan received conditional use approval. The plan will be done in 2 phases, & is located at the corner of Holly Pike & State Avenue. The applicant proposes to combine Tracts 1 & 2 to form a 1 acre lot. A 3,644 s.f. animal hospital will be built, with provisions for an additional 3,418 s.f. expansion in the future.

Modifications: Preliminary Plan; Landscape Architect Certification on Landscape Plan; Evergreen shrubs within 10 feet of the property line; Parking within 10 feet of a building; Island every 10 spaces in parking lot; Sidewalks; Curbs & Gutters; & Upgrade of existing road. Tom made a motion to approve the modifications. Jim feels that people walk their pets while at hospitals & there are no sidewalks there. Tom agreed & modified his motion. Tom made a motion to approve all of the modifications except for Section 707 sidewalks. Jim seconded. Mr. Wilson asked if sidewalks are going to be required for the rest of State Avenue. Tom replied no, but said that Jim had a good point. Tom said that we could start requiring sidewalks on other lots. Tim said that most of these lots predate the ordinance. Mr. Wilson said that this street does not have curbing, & if sidewalks are built, there might be drainage problems. He also asked if sidewalks would be required along the Holly Pike side. Jim said they should be on the State Avenue side. Tim said that a modification would still be required for only part of the property. The motion & second were withdrawn. Tom made a motion to approve the modifications minus Section 707 (sidewalks) modification, & to request sidewalks along the State Avenue side, but not along the Holly Pike side. Bryan seconded, & the vote in favor was 3 to 0.

Tom made a motion to approve #06-06, subject to the applicant's acceptance of staff comments. Jim seconded, & the vote in favor was 3 to 0. Jim asked the Board if they would consider sidewalks in the future for the future expansion of the site. The Board agreed to consider it.

#06-08 CARLISLE CROSSING, Lot #8 – Final Minor Land Development:

Paul Wilson & Dave Martin were present for this plan. The applicant proposes to construct a 5,625 s.f. commercial building on a 1.98 acre lot in the Carlisle Crossing shopping center.

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. Tom made a motion to approve the modifications. Bryan seconded. Jim asked for clarification on the modification for islands every 10 spaces in the parking lot. Brian said that this is for circulation of the traffic. Jim asked about the condition of the trees. Brian stated that the trees are growing. The vote in favor was 3 to 0.

Tom made a motion to approve #06-08, subject to the post approval items. Bryan seconded, & the vote in favor was 3 to 0. Mr. Martin, Project Manager for the Carlisle Crossing center, thanked everyone for their assistance with the project, & stated that he enjoyed working with the Township staff.

SOLICITOR REPORT:

A request was made from M&T Bank to remove a paragraph in the Township's Letter of Credit form. Bryan said that they submitted to the Township the Letter of Credit forms request in the past. He recommended not removing the language that they requested. Jim made a motion to require the Township's standard Letter of Credit form for M&T Bank. Bryan seconded, & the vote in favor was 3 to 0.

Regarding the Netherby/Benjeys issue, Mr. Mislitsky reported that there was an article in the paper stated that the Benjeys fled a lawsuit against the Township on May 25, 2006. The Township has never received a copy of the document. Mr. Benjeys said he would speak to his attorney as to why the Township has never received the document. Mr. Mislitsky noted that the stormwater issue with Mrs. Steigleman has been resolved with the Diehls.

ENGINEER REPORT:

A professional engineer & geologist (Michael Nawrocki) has been contacted to review the geotechnical testing for the Traditions of American, Georgetowne & Parkview at Boiling Springs conditional use plans. Tom made a motion to approve Michael Nawrocki as a consultant to review the 3 above mentioned conditional use plans. Jim seconded. Jim asked if the fees can be passed on to the developers. He was told yes. The vote in favor was 3 to 0.

A security reduction was requested from the Moffitt Heart & Vascular Group (#04-22). The stormwater management pond was not draining properly last fall. There has not been sufficient rainfall to determine if the pond is operating correctly. Brian recommended retaining \$5,000 to make repairs to the pond in case there is a long term problem. Jim made a motion to not release any additional security at this time. Bryan seconded, & the vote in favor was 3 to 0.

A security reduction was requested from the Alexander Spring Professional Center (#04-24) in the amount of \$13,869.91. Tom made a motion to approve the security reduction as requested. Jim seconded, & the vote in favor was 3 to 0.

Tom made a motion to advertise for bids for Spring Meadows Park Phase 2. Jim seconded, & the vote in favor was 3 to 0.

A sketch plan for 157 homes (Snyder property) has been submitted. Most of the homes will be located in Dickinson Township. This plan anticipates public water & sewer being extended into Dickinson Township. An intermunicipal agreement for water & sewer would be required. Since this project is planned using water & sewer from South Middleton Township, Dickinson Township Supervisors must first request these services before South Middleton Township can review the sketch plan.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

The Anile's Restaurant Conditional Use Decision is ready for signing.

MANAGER REPORT:

The Central Cumberland County Task Force (CCCTF) is asking for support to discuss the elected tax collector issue with state representatives. The CCCTF is asking that each municipality be given a choice – either having an elected tax collector or an appointed one. Tom & Bryan both spoke with the Township’s tax collector on this issue. Bryan said he would support the option, but not to pursue a change until the current tax collector does not seek re-election; then a change could occur if needed. Jim made a motion to support this request of having an elected or appointed tax collector at the discretion of the Board. Tom seconded, & the vote in favor was 3 to 0.

PUBLIC INPUT:

Bob Beers, Clifton Terrace, asked if the weed ordinance can be enforced at Lot C2 of the Stonehedge development. Tim said that he would look into it. He explained the process before a citation is issued. Barb stated that she turned in this complaint to the codes office.

Doug Gale, Derbyshire Drive, commented on the tax collection issue. He also commented that Forge Road is to be paved.

SUPERVISORS’ DISCUSSION :

Tom commented on Carlisle Borough’s problem with Exel’s berm, & asked if the Township has received correspondence on this issue. Barb replied yes, & that a meeting will be held with the Borough, Township & Exel on this matter.

BILLS FOR PAYMENT:

Tom made a motion to pay the bills. Bryan seconded, & the vote in favor was 3 to 0.

ADJOURNMENT:

Tom made a motion to adjourn the meeting at 6:45 p.m. Bryan seconded, & the vote in favor was 3 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