

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

JUNE 9, 2005

PRESENT: RON REEDER, TOM FALEY, JIM BAKER, PHYLLIS GIVLER & BRYAN GEMBUSIA (Absent) – SUPERVISORS; Richard Mislitsky – Solicitor; Barbara Wilson – Manager; Brian O’Neill – Engineer; Tim Duerr – Planning/Zoning/Codes Enforcement Officer; Sandy Quickel – Recording Secretary; Jarrett Sweeney – Assistant Manager; Bruce & Connie Lowe; Tom Kilko; Doug & Helen Gale; Pam Fisher; Howard Phillips; Bob Geist; Ron Hamilton; Tom Benjey; Martha Green; Eric Harkreader – “The Sentinel”; Andrea Ciccocioppo - “The Patriot News”.

Chairman Tom Faley called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE:

Chairman Tom Faley led the audience in the pledge of allegiance.

MOMENT OF SILENCE:

A moment of silence was observed.

OPENING ANNOUNCEMENTS:

The Board & staff members introduced themselves.

MINUTES: 05/26/05 (Regular Meeting)

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

06/01/05 – (Road Paving Projects Bid Opening)

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

BID AWARD – Road Paving Projects:

Village Drive - \$57,885.00 Ron made a motion to award the bid to Pennsy Supply, as noted. Phyllis seconded, & the vote in favor was 4 to 0.

E. Springville Road - \$30,384.00 Phyllis made a motion to award the bid to Wilson Paving, as noted. Ron seconded, & the vote in favor was 4 to 0.

Lindsey Road - \$30,245.25 Phyllis made a motion to award the bid to Handwerk Site Contractors, as noted. Ron seconded, & the vote in favor was 4 to 0. It was noted that Lindsey Road will be the last road to be paved if funds are available after the other roads are completed.

Forge Road Acres - \$73,710.00 Phyllis made a motion to award the bid to Handwerk Site Contractors, as noted. Ron seconded, & the vote in favor was 4 to 0.

#05-12 CARLISLE REGIONAL MEDICAL OFFICES – Final Land Development:

Pam Fisher was present for this plan. The applicant proposes to construct a 3-story office building on 4.7 acres on Alexander Spring Road. There will be 226 parking spaces. The only issue involves a contribution towards the impact on traffic. \$25,000 was offered to the Township & Ms. Fisher agreed to this amount on behalf of the applicant. Bruce Lowe, Emerson Drive, asked if the traffic study includes Allen Road & Walnut Bottom Road. Ron stated that the applicant is contributing towards traffic control; not towards the study. Brian stated that Allen Road will be improved with the Exit 44 improvement project. Mr. Lowe commented about the dangerous conditions at the Westmoreland Heights development area & asked if this area could be considered.

Modifications:

Preliminary Plan; Landscape Plan to be certified by Landscape Architect; Vehicular Parking Facilities (islands every 10 spaces); Sidewalks; Curbs & Gutters; Street Trees; Interior Parking lot trees; Infiltration facilities within the Wellhead Protection Area. Ron made a motion to approve the modifications, as requested & to include a note on the plan regarding the installation of sidewalks within 6 months if the Board desires. Tom seconded, & the vote in favor was 4 to 0.

Ron made a motion to approve #05-12, subject to the applicant's acceptance of staff comments & a satisfactory agreement for the \$25,000 contribution to the Township for traffic control. Phyllis seconded, & the vote in favor was 4 to 0.

EMERGENCY SERVICES REPORT:

The burn ban will be lifted.

RECREATION REPORT:

Super Saturday is approaching.

ROADMASTER REPORT:

The report was accepted, as written.

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

No report was given.

SOLICITOR REPORT:

An oral argument on the Captax issue will be held on Monday. Tom suggested placing the \$91,000 that was improperly withheld be placed in an escrow account. There have been 15 other municipalities that have had problems with this tax collection agency. Tom said that the school district has said they have not had any problems on their part. A 1993 agreement between Captax & the Township states that the tax collection agency is to continue collecting delinquent taxes. A letter to District Attorney Skip Ebert (from the attorney for Captax) stated that if the Township is willing to release Captax from its obligations to the Township to collect delinquent taxes, Captax will cease doing so. Jim made a motion release Captax from its obligations to the Township in collecting delinquent taxes & proceed with the subpoena to the school district to obtain records if needed. Ron seconded. Jim amended his motion to add to authorize the Solicitor to contact the school district's solicitor to discuss this issue. Tom suggested no action

until Mr. Mislitsky meets with the school's solicitor & to coordinate with the school district. Ron stated that it is not known if Captax is operating under the Township's authority or independently in filing the complaints. Ron withdrew his second to the motion, & suggested reviewing this issue at the June 30th meeting.

On the Keystone case, oral arguments have been rescheduled & the Solicitor is still waiting for status on the intervention status. Marti Green, Derbyshire Drive, asked how long Prologis has options on the property. It is not known. Tom Benjey, Springville Road, asked if there is a deadline in order to hold a hearing. Mr. Mislitsky said there is no specific deadline, but cases cannot languish forever. There are provisions in the law to prevent this from happening. Bruce Lowe, Emerson Drive, asked if there is a time period to file motions. Mr. Mislitsky said yes. Andrea Ciccocioppo asked if legal fees are still being paid while awaiting further action on the case. The Solicitor stated that they are very minor costs.

ENGINEER REPORT:

Brian stated that Fairview Street will be closed on Friday for tree removal.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

Tim reported that the owner of the Carlisle Digestive Disease Association facility is requesting a modification from the Subdivision Ordinance to waive the requirement for the submittal & approval of a land development plan in order to construct 5 new parking spaces at the existing office (241 Alexander Spring Road). Jim made a motion to approve the waiver of the land development process. Tom seconded. Jim asked about the impervious coverage amount. Tim said that they are well under the required coverage amount. The vote in favor was 4 to 0.

MANAGER REPORT:

Several meetings ago, the Board took action not to allow access into Dickinson Township from the Commerce Drive cul de sac to serve the Dennison tract. Staff has met with Dickinson Township staff to see their long term plan for this area, & feel they know what issues need to be addressed. It is staff's recommendation to now allow access into the business/industrial district through Dickinson Township through Commerce Drive. Ron feels this scenario will create a better traffic route. A "T" intersection will remain at the intersection of Commerce Drive & Alexander Spring Road. A modified "T" intersection can be placed further west in Dickinson Township that will keep trucks from going further west on Alexander Springs Road. Phyllis agreed. Jim feels that if we allow access, it will increase our demand on sewer lines & open up the area for development. Ron said that this will not increase residential traffic; the Dennison tract is as far as the access will go to. Jim suggested speaking with Art Bear next Monday before sending a letter to Dickinson Township. Ron said that the road system is a separate issue from the sewer issue. Ron made a motion to approve access into Dickinson Township's business/industrial district through Commerce Drive & to submit a letter to this affect conditioned upon Commerce Drive & Alexander Springs Road is a "T" intersection & further west will be a "Y" intersection in Dickinson Township if they choose to do so, & subject to Dickinson Township submitting any development plans for this area to South Middleton Township for approval. Phyllis seconded. The vote in favor was 3 to 1 (Jim was opposed).

The letter of request was received from the Springville Terrace development requesting street closure during their annual Labor Day Block Party (Sept. 4th from noon to 8 pm). Ron asked how

many years they have been having the block party. Barb said it has been held since before the fireworks event. Tom made a motion to approve the street closing, as requested. Phyllis seconded, & the vote in favor was 3 to 1 (Jim was opposed).

SUPERVISORS' DISCUSSION:

Jim asked Barb to contact the state regarding potholes on Forge Road. He also asked if permits were issued for Carlisle Crossing. He was told yes.

Ron discussed the Assistant Mechanic position. Ron made a motion to authorize employment for this position at \$14 to \$15/hr depending on qualifications & a 50 cent pay increase after a 6-month satisfactory probation period. Phyllis seconded. Jim asked if a person was hired yet. Barb said that the position has not been offered to anyone yet. Jim asked if the applicant being considered lives in the Township & has a CDL. He was told the answer was yes to both questions. The vote in favor was 4 to 0.

PUBLIC INPUT:

Bob Geist, Clifton Terrace, expressed his thanks for repairing the pothole on Village Drive.

Doug Gale, Derbyshire Drive, agreed that Forge Road is in a terrible condition. Barb stated that Mill Street was to be paved last year, & then Forge Road, but money restraints delayed the paving from occurring as previously planned. She feels Forge may not be paved until next year.

Marti Green, Derbyshire Drive, overheard someone saying that Forge Road will not be paved until next year. She also thanked the Board & Tim for working on the tree issue. The golf course is removing trees that are interfering with utility lines. The Mayapple Homeowner's Association wants to save the trees.

EXONERATIONS:

There was 1exoneration for a resident that is active in the military. Ron made a motion to approve the exoneration. Tom seconded, & the vote in favor was 4 to 0.

BILLS FOR PAYMENT:

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

ADJOURNMENT:

Ron made a motion to adjourn the meeting at 6:59 p.m. Tom seconded, & the vote in favor was 4 to 0.

WITNESS:

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Thomas E. Faley, Chairman

Bryan A. Gembusia, Vice Chairman

Phyllis W. Givler

James N. Baker

Ronald L. Reeder