

## MINUTES

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

**JULY 11, 2013**

**PRESENT:** BRYAN GEMBUSIA, RON HAMILTON, RICK REIGHARD, DUFF MANWEILER, & TOM FALEY – SUPERVISORS, Richard Mislitsky – Solicitor, Cory Adams – Manager, Jarrett Sweeney – Assistant Manager, Brian O’Neill – Engineer, Tim Duerr – Zoning Officer, Sandy Quickel – Recording Secretary, Pam Fisher, Attorney Thomas Nehilla, Mark Toigo, Attorney Hubert Gilroy, Gene & P.J. Heyman, Doug & Helen Gale, Nita Cook, Bette Szablewski, Jonathan Rudolph, Mary Jane Zeigler, Cindy Dunbar, Barbara Dorshimer Doug Brehm, LaDonna Miller.

Chairman 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:**

Chairman Gembusia announced that the meetings are recorded & to turn off cell phones.

**MINUTES:** June 27, 2013 (Regular Meeting):

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

**PUBLIC INPUT:**

Barb Dorshimer, 56 Gladwyn Drive, commented on the ongoing drainage problems in the Summerfield Development. She asked when the developer was going to fix the problem. Brian stated that he spoke with the developer’s office & they indicated they would be contacting Mr. Marbain to discuss the issue. Bryan asked what the process is to use the developer’s bond money to fix the issue. The Solicitor will report back at the next meeting on using bond money.

**#06-01T EUGENE F. HEYMAN, JR. – Conservation Plan:**

Attorney Hubert Gilroy & Gene & P.J. Heyman were present. Mr. Heyman is requesting approval of a conservation plan in accordance with the transfer of development rights to set aside 29.9 of 41.1 acres for conservation purposes. Mr. Heyman will then be able to sell 13 development credits in the RM or RH District. Mr. Gilroy stated that the language dealing with the covenants is to be reviewed by the Township Solicitor. Mr. Mislitsky stated that there are only minor language revisions. Tom made a motion to approve #06-01T, subject to the satisfactory review by the Township Solicitor. Duff seconded, & the vote in favor was unanimous.

**#2013-0002 JONATHAN R. & RUTH ANN RUDOLPH – Final/Minor Subdivision:**

Doug Brehm presented the plan. Mr. Rudolph was also present. The applicant proposes to subdivide a 3-acre parcel from a 94.3 acre parent tract located at the corner of Bonnybrook Road & Rt. 174. Mr. Brehm stated that no new construction is planned.

**Modifications:** Preliminary Plan, Stormwater Management Plan, Grading Plan, Landscape Plan, EIA Report, Professional Wetlands Certification, Additional Right-of-way, & Roadway Upgrades. Tom made a motion to approve the modifications. Bryan seconded, & the vote in favor was unanimous.

Tom made a motion to approve #2013-0002, subject to the applicant's acceptance of staff comments. Bryan seconded, & the vote in favor was unanimous.

**SOLICITOR REPORT:**

Mr. Mislitsky requested an Executive Session to discuss litigation.

**ENGINEER REPORT:**

Brian reported that previously the Board granted a waiver of the submission of land development for a parking lot expansion at Ames True Temper. However, the Board required submission of a stormwater management report & financial security for the improvements. All improvements have been completed & inspected. The applicant is asking for release of the security. Rick made a motion to approve the security release for the Ames True Temper parking lot expansion. Tom seconded, & the vote in favor was unanimous.

Penn DOT has approved the installation of duck crossing signs by the lake along Rt. 174.

Pam Fisher & Attorney represented Mark Toigo of Toigo Organic Farms. A greenhouse for growing organic fruits & vegetables is proposed along East Springville Road. The applicant submitted a waiver request of the submission of land development. Most of the truck traffic will be box trucks, with an occasional tractor trailer truck. There was discussion regarding tractor trailer trucks turning off of York Road onto Springville & having problems with the turn. Brian suggested no right turns. Pam suggested widening the cartway at the intersection. Duff said he is worried about the weight limit on Springville Road, as well as the road structure and turning radius. Brian will check the weight limit for Springville. The applicant, attorney, & Ms. Fisher left the meeting to discuss the issue.

**PLANNING/ZONING/CODES ENFORCEMENT REPORT:**

No report was given.

**MANAGER REPORT:**

Mr. Capozzi has a fireworks event scheduled for July 12 at 1655 Holly Pike. The applicant has provided all necessary information under the ordinance with the exception of two items – the authorization from impacted neighbors of the event & sufficient liability insurance. The ordinance references NFPA 1123 which requires permission from property owners within the fall-out zone for the display to go forward. The applicant provided emails from three affected property owners that they have been notified & will be attending the event. Also, the ordinance requires the applicant to obtain liability insurance in the amount no less than \$1 million in case

of damage to a person or property & to file the certificate of insurance with the Township. The Township has received an insurance certificate in the amount of \$500,000. The applicant has the ability to cover any damages beyond the \$1 million. Duff made a motion to reduce the liability insurance requirement for the Capozzi & Adler event from \$1 million to \$500,000. Tom seconded, & the vote in favor was unanimous. Rick made a motion to accept that the applicant's permit application meets the demands of our ordinance and to approve the issuance of the fireworks permit. Tom seconded, & the vote in favor was unanimous.

The SMTMA has received all permits, data, & has issued a notice to proceed on the Walnut Street project. It is expected to cost \$48,000, and no start date has been given. The project is anticipated to be complete after the start of the project.

Cory reported that Penn DOT will repave York Road from I-81 to Rt. 174 (Rutters). The project is to be completed by October 1.

The Municipal Authority informed the Township that the surveying work of the Iron Furnace property should be completed by the end of this week.

**PUBLIC INPUT:**

Mary Zeigler, 331 Allen Street, commented on a fundraiser for a young child. She asked the Board if two Supervisors could present something to the child. The event is July 27 at the Carlisle Fire & Rescue building from 11:00 am to 3:00 pm. Bryan stated that he can attend.

**SUPERVISORS' DISCUSSION:**

Bryan read a letter from a resident commending and thanking Bill McNaughton, Compost Site Attendant, for the exceptional service they received at the compost site.

**BILLS FOR PAYMENT:**

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

The discussion on the organic farm continued. Mr. Nehilla said they would have to check with Corporate regarding not using tractor trailers. He is concerned that to build the greenhouse, tractor trailers would have to be used to haul in material. Duff said it would be okay to haul the material in for the construction of the greenhouse, but not to use the road on a daily basis. Duff suggested the possibility of using Lindsey Road. Mr. Mislitsky said there is nothing in writing from the applicant on how the greenhouse will be constructed, how the operation will be run, etc. Mr. Toigo said he will be using only one trucking company, & will be growing tomatoes. Ms. Fisher will submit a narrative on operations, number of parking spaces, etc for the Solicitor to review. Duff made a motion to approve the waiver of land development submission, and that there be no tractor trailer access to Springville Road, & satisfactory review by Mr. Mislitsky of the narrative to be submitted by Pam Fisher. Tom seconded, & the vote in favor was unanimous.

Tom made a motion to adjourn to Executive Session at 6:52 pm. Duff seconded, & the vote in favor was unanimous.

**EXECUTIVE SESSION:**

The topic of discussion was litigation.

Rick made a motion to adjourn Executive Session at 7:26 pm. Tom seconded, & the vote in favor was unanimous.

The Board reconvened in regular session to discuss the Toigo organic farm. Duff reiterated his concerns with the possible weight and turning issues at Springville Road.

**ADJOURNMENT:**

Duff made a motion to adjourn the meeting at 7:37 pm. Ron seconded, & the vote in favor was unanimous.

**ATTEST:**

**SOUTH MIDDLETON TOWNSHIP  
BOARD OF SUPERVISORS:**

\_\_\_\_\_  
Sandra A. Quickel, Secretary

\_\_\_\_\_  
Bryan A Gembusia, Chairman

\_\_\_\_\_  
Thomas E. Faley, Vice Chairman

\_\_\_\_\_  
Walter G. Reighard, Member

\_\_\_\_\_  
R. Duff Manweiler, Member

\_\_\_\_\_  
Ronald P. Hamilton, Member