

MINUTES

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

JULY 12, 2007

PRESENT: TOM FALEY, RON REEDER, JIM BAKER, RICK REIGHARD, BRYAN GEMBUSIA, - Supervisors, Barb Wilson – Manager, Jarrett Sweeney – Assistant Manager, Richard Mislitsky – Solicitor, Brian O’Neill – Engineer, Tim Duerr – Zoning Officer, Sandy Quickel – Secretary, Linda Larson, Joe Fay, Ron Lucas, John Snyder, Ray Tennyson, Pam Fisher, Jennifer Garcia, Chris D’Angelo, John Anderson, Don & Cathy Baker, Robert Griffin, Bob Beers, Howard Phillips, Bob Geist, Helen Gale, Marti Green, Claire Brehm, Tom Benjey, Brian Evans, Charles Breslin, Gerald & Deborah Robertson, Kurt Williams, Allyn Perkins, Laura Lenhart, Larry Babitts, Todd Taylor, Tom Downs, Attorney Nathan Wolf, Tom Wilkins, Kirk Stoner, Ray Jones, Janice Thompson, Phil Thompson, Paul Slifko, Roy & Kim Linstrom, Bob Livingston, Morgan Price, John Newbold, John Hilton – “The Patriot News”, Andrea Ciccocioppo – “The Patriot News”.

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

PLEDGE OF ALLEGIANCE:

Chairman Faley led the audience in the pledge of allegiance.

MOMENT OF SILENCE:

A moment of silence was observed.

OPENING ANNOUNCEMENTS:

Chairman Faley noted that the meeting is recorded. Board & staff introductions were made.

MINUTES: 06/28/07 Regular meeting

Ron made a motion to approve the minutes. Tom seconded, & the vote in favor was 4 to 0. (Bryan abstained due to absence).

07/12/07 Japanese Knotweed Bid Opening

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

BID AWARD – JAPANESE KNOTWEED REMOVAL PROJECT:

Tom noted that 2 bids were received for this project. The Japanese Knotweed is an invasive species of plant, can grow up to 10 feet in height, & there is some located at the lake. The bids were: Angels Systems in the amount of \$42,000.00, & Weeds, Inc. in the amount of \$21,300.00. Tom made a motion to award the bid to Weeds, Inc. in the amount of \$21,300.00. Rick seconded, & the vote in favor was unanimous.

#07-02C THE TOWNES AT SUMMERBRIDGE – Conditional Use Public Hearing:

Mr. Mislitsky opened the hearing & stated the procedure. A court stenographer was present & the transcript will be the official record. Tom made a motion to approve #07-20C, subject to

staff comments & the June 15, 2007 Planning Department memo. Rick seconded, & the vote in favor was unanimous. The hearing was closed.

#06-14 FORGEDALE CROSSING, SECTION 7 – Final Subdivision:

This plan was tabled.

#07-02 LINDSAY D. OSBORN – Final Minor Subdivision:

This plan was tabled.

#07-07 IVO OTTO, III – Final Minor Subdivision:

Jennifer Garcia & Pam Fisher were present for this plan. The applicant proposes to subdivide an 88 acre lot along Lisburn Road into 2 lots (63.63 acres & 24.16 acres). Rick asked if the owner anticipates any improvements. Pam Fisher replied no. Mr. Otto wants a buffer around his property. Ray Tennyson, 50 Lisburn Road, asked to see the drawing. Ron asked what zoning district the property is in. It is in the I-1 district.

Modifications: Preliminary Plan, Contour intervals, Stormwater management plan, E&S plan, Grading plan, Landscape plan, Recreation fees, Sidewalks, Curbs & Gutters, Street trees, & Upgrade existing roadway. Tom made a motion to approve the modifications. Rick seconded. Jim asked if there was a note on the plan regarding installing sidewalks if required. Pam Fisher replied yes. The vote in favor was unanimous.

Jim made a motion to approve #07-07, subject to the applicant's acceptance of staff comments. Tom seconded, & the vote in favor was unanimous.

SOLICITOR REPORT:

Mr. Mislitsky stated that the Carlisle Forge Conditional Use plan was denied. A written decision is due on Monday. He suggested that Tom or another board member be authorized to sign the decision in case all the Board members are not available to sign it. Tom made a motion to authorize Rick to sign the Carlisle Forge Conditional Use Decision (#05-08C). Bryan seconded. The vote in favor was unanimous. Jim mentioned that he was not at the meeting when the plan was denied. The Solicitor said that Jim would not be able to sign the decision if he didn't vote on it.

Ron discussed the Special Fire Police Agreement/Ordinance. He noted that the policy is as it is currently, & that they exist at the will of the fire companies. The Solicitor noted that the County can send the fire police to another county if needed. Jim asked if the members are required to go if asked. Mr. Mislitsky said yes, according to the agreement. Ron said that they can't be forced to go because they are volunteers. It was suggested to revise the agreement to read "volunteers not required to go".

Rick said that South Middleton is the only township signing the RESTF contract & that worries him. Bryan said that the committee approved signing the contract.

ENGINEER REPORT:

A 90 day time extension was requested by the Villas Estates, Section 2 (#05-40) to meet conditions of plan approval. Bryan made a motion to approve the 90 day time extension. Ron seconded, & the vote in favor was unanimous.

The applicant for Netherby, Phase 1 (#03-19) has requested a reduction in security. Brian recommended that since the pond is located in Phase 1, & there are still pending issues with it, that a \$25,400 letter of credit be held separately & remains throughout the project. The applicant has agreed to this. Rick made a motion to reduce the security in the amount of \$356,867.11. Ron seconded. Jim asked if Tom Benjey would like to comment on this issue. Mr. Benjey replied no, but asked if there is a weed ordinance. He was told that there is an ordinance & to call the office if there is a complaint.

The applicant for Sable Chase (#06-01) has requested a reduction in security. Bryan made a motion to reduce the security, as recommended. Rick seconded. Jim mentioned that this development is situated close to I-81. Brian stated that it meets the setback requirements. The vote in favor was unanimous.

The applicant for Misty Meadows, Phase 1 (#98-20) has requested a reduction in security. Ron commented that the lot by the retention pond is not being maintained. Tom commented that Springville Road was torn up & has not been repaired. Brian stated that this area will be repaired when Pennsy Supply paves Hamilton Road. Ron made a motion to table the security reduction request at this time. Tom seconded, & the vote in favor was unanimous.

James & Linda Jones have asked for a waiver of access spacing to place a driveway at 430 Petersburg Road. This is a farm across Petersburg Road from Oak School Road. The farmer would like to subdivide off 1 lot for a family member & then place the remainder of the land in agricultural preservation easements. They would like to place the subdivided lot in the corner of the parcel, thus needing an access spacing waiver. After some discussion, Ron made a motion to deny the access spacing waiver request & to encourage the owner to move Lot 2 to the existing driveway. Rick seconded, & the vote in favor was unanimous.

At a previous meeting, a request was discussed to request a change to the paving of Lindsey Road by S & A Homes. They would like to switch the cross section from one where they are providing a widening & curbs to one where they widen the entire road to 24 ft. & overlay the entire width. The plans call for a widening to 18 ft. from the centerline & concrete sidewalks. Brian described what S & A Homes is proposing. However, the problem is that they don't continue the paving all the way to Forge Road & label a section as "Township Responsibility". Tom made a motion to approve a change with the condition that Lindsey Road is improved between Forge Road & the property by S & A Homes & the hump in the road be removed. Rick seconded, & the vote in favor was unanimous.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

The owner of the P. Hastings Corporation/BP on Walnut Bottom Road is requesting a modification from the Subdivision & Land Development Ordinance to waive the requirement for the submittal of a formal land development plan. This was discussed at a previous meeting & no action was taken at that time because of concerns by the Stonehedge Homeowners Association.

The owner proposes to construct a walk-in freezer & cooler to the rear of the property which would create an additional 160 sq. feet of impervious coverage. The owner & the Stonehedge Homeowners Association have reached an agreement on the issue. Tom made a motion to approve the waiver from land development subject to the submitted conditions. Bryan seconded, & the vote in favor was unanimous.

The Dickinson College Conditional Use Decision is ready for signing.
Consensus was given to advertise a public hearing for the Georgetowne Conditional Use plan.

MANAGER REPORT:

The committee of Bryan Gembusia & Troy Truax has recommended appointing Duff Manweiler to fill Jesse Moose's term. Barb noted that Marti Green had also applied for the position. Jim asked if the committee reviewed Marti Green's letter. Barb stated that her letter was not received in time for them to review. Jim made a motion to table the appointment until the committee can review Ms. Green's application. There was no second, & the motion died. Rick said he was glad to see interest in the position. Ms. Green said that she sent the letter via email, but it didn't go through. Rick stated that the letter will be kept on file. Rick made a motion to appoint Duff Manweiler to the Planning Commission to fill Jesse Moose's unexpired term (12/31/09). Bryan seconded, & the vote in favor was 4 to 1 (Jim was opposed).

Tom made a motion to approve Resolution #07-16 allowing the Township to participate in the Central Westmoreland C.O.G. purchasing program. Jim seconded, & the vote in favor was unanimous.

The YMCA has requested closure of Alexander Spring Road & Commerce Avenue to hold their annual 5K run. Ron made a motion to approve the street closures, as requested. Tom seconded. Rick noted that the State Police assisted with traffic control last year, & asked if they will do the same for this year. He was told yes, the State Police will provide traffic control.

SUPERVISORS' DISCUSSION:

Rick asked if staff looked at the water issue at the football field. Brian stated that it was constructed per the plan, was inspected & security was released on the project. Rick noted that a meeting will be held next Tuesday to discuss the driveway access issue at Sycamore Drive. There will be another meeting to discuss the Act 537 plan. Rick also noted that 34 trees were planted on a sewer easement at Carlisle Crossings.

Ron stated that the driveway access at the house Wib Diehl constructed should be onto Pine Road, not Sycamore Drive.

Jim wants to move on the dog ordinance. Tim said that it would have to be readvertised. Jim made a motion to readvertise the dog ordinance. There was no second, & the motion died. Rick suggested discussing it at the workshop meeting. Bryan said he is not in favor of a dog ordinance. Ron would like to see the number of incidents/cases reports. Jim stated that there are no stop signs at the Cold Stone Creamery building in the Carlisle Crossing Center. Jim said he attended the ZHB meeting, but was not present when the Griffin case was presented. He noted that Bryan & Ron gave their opinion on the Robert Griffin case. Ron stated that his opinion letter was as a citizen. Bryan said that his opinion was as a citizen too.

BILLS FOR PAYMENT:

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

PUBLIC INPUT:

Gerald & Deborah Robertson, 5 Orion Road, were present to discuss their issue. Dump truck loads of dirt were dumped forming 20 ft high piles of dirt. There are also large rocks, broken concrete, some with metal protruding, & also weeds. Mrs. Robertson read a few ordinances which she feels should apply to this situation. Tom said that the Robertsons contacted him & he notified the Township to send a violation letter to the developer. Tom feels this is an eyesore & the developer is a bad neighbor. Tim said he would review the junk yard ordinance for a determination.

Don Baker, Forge Road, questioned the time span on completing improvements at Forgedale Crossing. He was told that Phase 7 of the plan is on hold at this time.

**#06-20C TRAMMEL CROW SERVICES, INC. – (Sparks Track Lot #3) –
Conditional Use Public Hearing:**

The hearing was reconvened at 7:15 p.m. A court stenographer was present & the transcript will be the official record. The hearing will reconvene on July 26, 2007. The hearing was closed.

ADJOURNMENT:

Tom made a motion to adjourn the meeting at 10:20 p.m. Ron seconded, & the vote in favor was unanimous.

ATTEST:

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