

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

JULY 13, 2006

PRESENT: BRYAN GEMBUSIA, TOM FALEY, JIM BAKER, RON REEDER, RICK REIGHARD – SUPERVISORS; Barbara Wilson – Manager; Jarrett Sweeney – Assistant Manager; Richard Mislitsky – Solicitor, Brian O’Neill – Engineer; Tim Duerr – Zoning Officer; Sandy Quickel – Recording Secretary; Randy Diehl, Scott Akens, Mark Reed, Attorney Suzanne Hixenbaugh, Steve Yanek, Mark Mateya, Eric Edstrom, Bob Winters, Merri Lou Schaumann, Tom & Ann Benjey, Todd Lyons, Mark Propst, Bob Beers, Bob Geist, Richard Tritt, Attorney Marcus McKnight, Doug & Helen Gale, Pam Fisher, Richard Cummins, Micki Williams, Paul Slifko, Attorney Stephen Tiley, Bud Grove, Marti Green, Linda Norman, Ron Lebo, Fred Bohls, Attorney Rob Frey, 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:

Jim asked for a moment of silence for Raymond Diehl who broke a hip & wished him well.

OPENING ANNOUNCEMENTS:

Bryan noted that the meeting is being recorded.

MINUTES: 06/29/06:

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

PRESENTATION – CUMBERLAND VALLEY VISITOR’S BUREAU:

Merri Lou Schaumann stated that a year ago, the Visitor’s Bureau was formed. She handed out 2 brochures & noted that they have 100,000 copies of the visitor’s guide of which 40,000 copies will be placed in visitor’s centers along I-81. Tom stated that the guide is rich in history, is of good quality & is a wonderful effort. Bryan asked Ms. Schaumann if she had extra copies for the Township’s lobby. She said she would leave extra copies at the Township.

PRESENTATION – WITTLINGER DAM UPDATE:

Mark Mateya, 117 Race Street, introduced Richard Tritt, 33 Silver Maple Drive. Mr. Tritt is working on a project regarding Daniel Kauffman. He gave an update on the mill race, & said that the mill race is a 222 year old landmark. The mill was created in 1784. Mr. Tritt also distributed a photo album with photos of the dam. After Mr. Tritt’s presentation, Mr. Mateya thanked Dr. Davis for his assistance with this project. Mr. Mateya stated that the Army Corp of Engineers held a meeting with the Pennsylvania Historic Museum Commission. They indicated that they are not agreeable to the plan proposed by Art Bear. Mr. Mateya stated that the committee to save the race has raised under \$10,000. He said that the Boiling Springs Civic Association is pledging \$10,000 towards the project. Ron feels that this project will be an ongoing issue, & asked if a trust to maintain the race will be created. Mr. Mateya replied yes, & hopes the committee will

stay involved. Rick asked Mr. Mateya what he means when he says he wants the water level in the race returned to historic levels. Mr. Mateya said that the water level was 4 to 5 feet deep before the dam was breached. He feels that Mr. Bear's plan would elevate the water level to that depth. Mr. Mislitsky stated that with that water depth, the Township requires fences be installed around pools, detention ponds, etc., & could require a fence be placed around the race. Jim mentioned that in the 1950's, the water level in the race was not 4 to 5 feet deep. He feels it might have been 3 feet deep.

#05-08 LIMESTONE CREEK – Preliminary Subdivision/Land Development:

Attorneys Steve Tiley & Rob Frey, & Engineer Bud Grove were present for this plan. The parcel is on 100 acres along S. Spring Garden Street. The plan proposes 180 lots with 62 semi-detached duplex units & 117 detached single family homes. Mr. Tiley stated that the plan was revised with the stub street that was requested by the Board. Tom mentioned that another issue involved a right-out only. He now feels that this would create more problems, & that people will turn right, travel down the road, then turn around to go back the other way. Mr. Tiley stated 4 reasons why this is not a good idea. 1) It is perceived as a problem, but is not a real problem; 2) Not sure the proposed solution would work; 3) The proposed solution might make the perceived problems worse; & 4) The Board asked for a stub street & this street will address concerns of the perceived problems. Tom asked for clarification on a voluntary road contribution. Mr. Tiley stated that he & his partner have not come to a decision on that issue. He thought they would contribute \$20,000. Tom stated that this plan will create more traffic requiring future road improvements. He asked if they would be willing to contribute \$500 per lot. A break was taken for Mr. Tiley & Mr. Frey to discuss this issue. Returning from the break, Mr. Tiley agreed to a voluntary contribution of \$500 per lot. Mr. Mislitsky asked is this would be a voluntary contribution. Mr. Tiley & Mr. Frey both replied yes. Brian stated that the applicants will pay the contribution amount when each final plan is submitted & before the plan is recorded. One modification (Intersection on a curve) was already approved.

Tom made a motion to approve #05-08, subject to the applicant's acceptance of staff comments, & subject to a voluntary contribution of \$500 per lot towards road improvements. Bryan seconded, & the vote in favor was 4 to 1 (Jim was opposed – he feels that approving this plan will create unsafe conditions).

#05-17 NETHERBY, PHASE 2 – Final Subdivision:

Attorney Suzanne Hixenbaugh, Steve Yanek, & Scott Akens presented this plan. The applicant proposes the construction of 28 single family homes. The parcel is located along Lindsey Road. A building moratorium had been imposed until stormwater problems have been worked out. Ms. Hixenbaugh requested the Board lift the moratorium & approve the plan. The plan comments have been addressed. Rick asked if the moratorium was in place due to water problems with Mrs. Steigleman. Brian replied yes, & those problems have been resolved. He has visited the site & the Township has received a letter from Mrs. Steigleman's attorney stating that this issue has been resolved.

Jim made a motion to table the plan due to litigation issues until the next meeting. Ron seconded. Tom Benjey & his attorney, Marcus McKnight, presented photos of the site. The photos were taken after a modest rainfall & were 2 years old. Steve Yanek, builder in this development, showed recent photos taken after the recent heavy rains & explained the locations

of the photos. Scott Akens, Akens Engineering Associates, Inc. explained the drawing of the site plan. The Board asked Brian if he visited the Benjey property after the heavy rains to check for problems. Brian stated that he stopped by the area several times & did not see any stormwater problems. Mr. Akens explained the stormwater drainage plan. Mr. McKnight stated that his client does not have the recent stormwater management report that Mr. Akens is presenting. Ms. Hixenbaugh was asked to provide the stormwater discharge control information to the Township & to Mr. McKnight. A copy was provided to the Township at that time. Ron asked Mr. Benjey why he didn't have recent photos of the water problems. He replied that he had just returned from vacation & was too tired to take pictures. Ron stated that if he had the problems that Mr. Benjey claims to have, he would have taken photos. Ron withdrew his second to the motion. Jim suggested waiting 2 weeks until the next meeting to review the new stormwater plan. Bryan seconded the motion to table the plan. A roll call vote was taken & the vote in favor was unanimous to table the plan for 2 weeks.

Ron made a motion to lift the moratorium of the Netherby plan. Rick seconded. A roll call vote was taken & the vote in favor was 4 to 1 (Jim was opposed). The plan will be discussed at the July 27th meeting.

#06-04 CARLISLE FORGE – Final Minor Subdivision:

This plan was tabled.

#06-05 FAITH R. EVANS – Final Minor Subdivision:

The applicant proposes to take a 1 acre portion of Parcel #2 & add it to Parcel #1. The site is on Whiskey Springs Road. The 1 acre area contains a replacement area for an on-lot sewage disposal system that can be utilized by the existing residence on Parcel #1.

Modifications: Preliminary Plan, Stormwater Management Plan, Erosion & Sedimentation Plan, Grading Plan, Landscape Plan, EIA Report (required in the Woodland Conservation zoning district), Traffic Impact Study, Letort Regional Authority review & Plan scale – minimum required is 1" = 100 feet (1" = 150 feet provided). Tom made a motion to approve the modifications. Ron seconded, & the vote in favor was unanimous.

Tom made a motion to approve #06-05, subject to the applicant's acceptance of staff comments. Rick seconded, & the vote in favor was unanimous.

MANAGER REPORT:

Barb stated that the Committee to Save the Race has asked the Township to clean out several trees that have fallen into the race. The Township has performed this type of work before, but the road crew & parks crew are busy with paving projects & mowing. Barb suggested performing this work after the dam is removed & when there is little or no water in the race. Rick asked if these trees are on the Township's property. Barb replied that it is not known if they are on Township property or not. Consensus was given to send a reply to the committee as to the Board's decision to perform this work on Township property when time allows, most likely when the dam removal project is in progress.

SOLICITOR REPORT:

The report was accepted, as written.

#06-12 FORGEDALE CROSSINGS, SECTION 6 – Final Subdivision:

Mark Reed was present for this plan. The applicant proposes to construct Section 6 of the existing development along Forge Road & Forgedale Drive. Forge Road & Forgedale Drive were to be connected during Phase 5, but was not done. Brian stated that there are no modification requests. Ron asked what the time frame is to connect the 2 roads. Mr. Reed stated that they are going through the permit process with Penn DOT, & are hoping to have approval by fall. Everything is contingent upon Penn DOT review. It was decided to not issue occupancy permits until this issue is resolved. Paul Slifko asked where the next section begins.

Ron made a motion to approve #06-12, subject to the applicant's acceptance of staff comments, & subject to not issuing any occupancy permits until Forgedale Drive & Forge Road is connected. Tom seconded, & the vote in favor was unanimous.

ENGINEER REPORT:

Brian presented a revision to the street cut repair ordinance. Consensus was given to advertise this ordinance for adoption.

A request was received to place stop signs on Springville Road at the intersection of Hamilton Road. The request was made due to people speeding more than the 25 mph speed limit. According to PennDOT requirements, this area does not warrant a stop sign. Bryan questioned how to deter speeding other than having the State Police patrol the road. He suggested looking into placing the signs that state the vehicle's speed. Jim feels a stop sign should be posted since it is a heavily traveled road. Ron said that he feels placing a stop sign at this intersection will create more accidents. Ron addressed Mr. Slifko (School Board President) & asked him to alert the staff & students to observe the 25 mph speed limit. Consensus was given to notify residents that a stop sign will not be placed on Springville Road.

When Forgedale Crossing, Sections 5-13 was approved, a traffic signal contribution for the intersection of Fairview Street & Forge Road was negotiated. The applicant's traffic study indicated that a traffic signal would be needed there in the future, but not now. Tom made a motion to monitor Fairview Street/Forge Road intersection, install a signal when necessary & to send a letter to PennDOT indicating such. Bryan seconded, & the vote in favor was unanimous.

A request for a 90-day time extension was received for the Constantinos J. Mallios plan #06-10. Tom made a motion to approve a 90-day time extension. Ron seconded, & the vote in favor was unanimous.

A request to re-approve the Stonehedge Lot C2 plan #04-31 in order to satisfy the conditions of plan approval. It was noted that this plan has received other time extensions in the past. Bryan made a motion to re-approve #04-31, subject to the original conditions & with the stipulation that this will be the last time extension that will be granted. Tom seconded, & the vote in favor was unanimous.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

Tim stated that the applicant for the Sable Chase Final Subdivision plan is requesting re-approval of the plan. The plan approval expired prior to the conditions of plan approval being met due to a new owner purchasing the development project. Tom made a motion to re-approve the Sable

Chase Final Subdivision plan #06-01 subject to original conditions. Ron seconded, & the vote in favor was unanimous.

SUPERVISORS' DISCUSSION:

Rick said that he has received comments about growths in the lake which may include an invasive species. The lake does not belong to the Township. It would be the Fish & Boat Commission's responsibility to clean up the lake. The lake was cleaned about 25 years ago, but was not owned by the Fish & Boat Commission at that time.

Jim suggested realigning Shughart Road to Lisburn Road as an alternative to making Mayapple Drive a connector road.

PUBLIC INPUT:

Bob Beers, Clifton Terrace, commented that Kimco is selling the Nells Grocery Center. He also asked if an ordinance exists or a state law that prohibits speed bumps being placed on properties. He was told that it is a PennDOT requirement & a liability issue.

Marti Green, Derbyshire Drive, reported a huge sinkhole at 7 Derbyshire Drive. It is on the road shoulder & a hole has opened up.

Bob Beers asked who was responsible if a sinkhole opens up on a person's property. He was told it is the homeowner's responsibility.

BILLS FOR PAYMENT:

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

ADJOURNMENT:

Tom made a motion to adjourn the meeting at 8:45 p.m. Rick seconded, & the vote in favor was unanimous.

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