

## MINUTES

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

**JULY 9, 2009**

**PRESENT:** BRYAN GEMBUSIA, RICK REIGHARD, RON REEDER, TOM FALEY, JIM BAKER – Supervisors, Richard Mislitsky – Solicitor, Barbara Wilson – Manager, Jarrett Sweeney – Assistant Manager, Brian O’Neill – Engineer, Tim Duerr – Zoning Officer, Sandy Quickel – Secretary, Curt Clifton, Mary Ann Taylor, Carol Shetter, Gayle Gutshall, Dave Nesbit, Doug & Helen Gale, Ron Hamilton, Bob Geist, Bob Beers, Howard Phillips, Frank Burrows, Jim Barnes, Doug Brehm, Marti Green, Attorney Steve Tiley, Dan Morosky, Mary Zeigler, Attorney Rob Frey, Linda Franz – “The Sentinel”.

**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 stated that the meeting is recorded & to turn off cell phones.

**MINUTES: 06/25/09 (SMTMA Joint Meeting):**

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

**06/25/09 (Regular Meeting):**

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

**PRESENTATION – Mary Ann Taylor:**

Mary Ann Taylor, Boiling Springs Civic Association member, presented a plaque to the Township naming Boiling Springs as the Best Small Town in Central Pennsylvania. She asked that the plaque be hung in the Township building. Jim made a motion to thank Ms. Taylor & to hang the plaque in the Township building. Tom seconded, & the vote in favor was unanimous.

**PUBLIC INPUT:**

Bob Geist, Clifton Terrace, asked about the lighting from the Arby’s restaurant. Tim said that he contacted the business, & they will either shield or angle the lighting so it doesn’t shine onto any properties. It was decided to wait until the next meeting before taking any further action with Arby’s.

Bob Beers, Clifton Terrace, asked if the Township was aware of the new flood zone maps. He asked what will happen to areas that were not previously in the flood zone, but are now located in the flood zone. Barb said there were minor adjustments. Tim clarified that the boundaries

have not changed. Brian added that the old maps were not very detailed. The new maps are more clearly defined. Properties now in the flood zone will have to purchase flood insurance, which is expensive. Barb added that flood insurance covers from ground-level up.

Doug Gale, Derbyshire Drive, stated that when buying a property, a flood search should be done. Property values can be affected if in a flood zone. Information can be obtained from the FEMA website.

Jim Barnes introduced Dan Morosky. Mr. Morosky is the President of the Boiling Springs Civic Association.

Carol Shetter, Gutshall Road, asked about the lilies on Ridge & Rt. 174.

**#08-03 WHEATSTONE – PHASE II – Final Subdivision:**

This plan was tabled.

**#09-04 BRYDAN, INC. – Final Minor Land Development:**

Doug Brehm represented this plan proposing the construction of a mini-storage facility at the Golden's Supply on Commerce Drive. There will be new security fencing & the parking/drive aisles will be reconfigured.

**Modifications:** Preliminary Plan, Landscape Plan, Professional Wetlands Certification, Stormwater Management Plan Submission, & Curbs & Gutters. Sidewalks will not be required. Tom made a motion to approve the modifications. Ron seconded, & the vote in favor was unanimous.

Tom made a motion to approve #09-04, subject to the applicant's acceptance of staff comments, & the installation of curb & gutters, but not sidewalks. Ron seconded, & the vote in favor was unanimous.

**#09-06 L.I.T. INDUSTRIAL LIMITED PARTNERSHIP – (Revised) Final Land Development:**

Dave Nesbit & Ron Secary presented this plan. The applicant is revising the plan to construct a truck drop-lot onto the Pinto property at the intersection of I-81 & Allen Road (northeast corner of Exit 44). A final plan was approved with only one phase. The revised plan proposes to construct only a portion of the lot & minor adjustments to grading & stormwater management. Mr. Secary said that this plan was approved in 2008 for the trailer storage drop-off lot with 465 trailer spaces. No construction has occurred due to the economy, so the plan has been revised. Whirlpool is the tenant for a portion of the site. Phase 1 will be built first with the principle access between this property & Whirlpool. Tom asked about an emergency access – he thought there were to be 2 separate accesses. Mr. Secary said that the emergency access is still at the same location as on the original plan. All of the traffic must come into Whirlpool's existing access & onto the guard shack. Rick said that the access through the guard house is a good idea. The guard house will be continuously manned. Rick asked if Whirlpool will take up the entire

space. Mr. Secary said he does not know at this point. Dave Nesbit, representing L.I.T., said that Whirlpool was always the initial tenant, but there were to be multiple tenants. Mr. Nesbit said that there will be parallel separate drives – a 24 ft wide driveway & a 15 ft. wide driveway that goes the whole length, & will be separated by a jersey barrier for an emergency access. Bryan feels this concept does not represent the intent of Condition #18 of the conditional use plan (#18 stated that the emergency access is to be provided by a means other than the primary driveway. The emergency access is not being used as part of the primary driveway). The intent is to have separates points of entry in case that driveway becomes blocked. Mr. Nesbit stated that the jersey barrier becomes a separate driveway. It was noted that this area does not have curbs, & an emergency vehicle could go around it if the driveway is blocked. Ron said that fire trucks will not go over grass – they will stay on the macadam. Mr. Nesbit noted that there will not be any hazardous material on site. Bryan stated that diesel fuel is hazardous material. Rick questioned whether or not a new conditional use with a phasing plan should be resubmitted. Jim asked how far it is from the jersey barrier to the other end of the drive. It is about 100 feet. Jim feels that 2 roads could be done. The question arose on what action the Planning Commission took on the plan. They passed it on without a recommendation. Mr. Secary requested a moment to talk to Mr. Nesbit. (BREAK)

Discussion resumed. Mr. Secary stated that he spoke with Penn DOT about inquiring access off of Allen Road. His first question to Penn DOT was if he could use the original driveway, gate it, & only use it for an emergency. Since Penn DOT is reconstructing the intersection at Allen Road – it seems logical to locate the driveway far away from this intersection, and then the jersey barrier would not be needed. The Solicitor asked Mr. Nesbit if a new conditional use plan showing the proposed emergency access onto a Penn DOT road would be needed. The Board would decide is a new plan is needed. Mr. Nesbit said that repositioning the emergency access onto Allen Road would satisfy Condition #18. Mr. Mislitsky said this would have to be shown on the plan & Penn DOT approval is needed. Mr. Nesbit said that the land development plan will be revised. The original conditional use plan preceded the land development plan. Also, the developer has a lighting plan, which needs to be submitted. Issues to be completed are – obtain Penn DOT permit, submit a lighting plan, get a dumpster near the entrance gate & securing the gate. The plan was tabled until a permit from Penn DOT is received.

**SOLICITOR REPORT:**

Mr. Mislitsky will be sending a letter to Penn DOT regarding the condition of the road at the intersection of Rt. 34 & Rt. 174.

**ENGINEER REPORT:**

Rick made a motion to approve the security release for Misty Meadows, Phase 2 (#03-04) subject to a final inspection. Tom seconded, & the vote in favor was unanimous.

A complaint was received regarding the 4 way stop intersection at Rt. 174 & Walnut Street. The concern is that vehicles travelling on Rt. 174 are not stopping at the stop sign. The complaint was forwarded to Penn DOT since these are state roads. The response was that they could resolve the problem with a flashing light, but the municipality would have to do an engineering study, get a

permit from Penn DOT, & pay for the installation. Rick said that he has witnessed vehicles not stopping. Bryan suggested having the state police monitor this area. Jim suggested reviewing the cost to perform a traffic study of this location. Tom made a motion to authorize Barb to contact the state police to monitor the area & for Brian to review the cost to perform a study. Ron seconded, & the vote in favor was unanimous.

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

Mayapple Golf Course has requested a waiver from the weed ordinance to allow their grass to be greater than 12 inches in height. Ron made a motion to approve the waiver request. Jim seconded. Marti Green, Mayapple HOA, expressed concern for resale values of the properties. She said the thistles are very high, & the tall grass can be a breeding ground for ticks/animals. She feels that if the waiver is approved, it will allow the weeds to be high. She thought the waiver was for the grass, not the weeds. Ron amended his motion to approve the waiver for the height of the grass, not the weeds, & to have an effective weed control program. Mr. Mislitsky questioned how to distinguish the weeds from the tall grass. Jim seconded, & said that if there is a problem with the definition of weeds, the parties should come back to the Board. Mary Zeigler, Allen Street, said that birds carry seeds that sprout weeds, & that the golf course has made improvements to the site, provide fund raising events, & feels that they should not have too many restraints. Doug Gale, Derbyshire Drive, feels the owner will spend more money on weed control than if the grounds were mowed. Ron said that the taller grass is to make the course more challenging. He withdrew his motion & Jim withdrew his second. This issue was tabled & the owner will be invited to attend the next meeting on July 30<sup>th</sup> to discuss this issue.

**MANAGER REPORT:**

Another box of records is ready for disposal according to the State's record retention schedule. Tom made a motion to approve Resolution #09-21 disposing of old records. Ron seconded, & the vote in favor was unanimous.

Russ Yinger was commended for his involvement in Anything Floats & Summerfair. Rick said that everything went well & Russ did a great job.

Regarding HB1500 (state police coverage), consensus was given to send a letter opposing the bill with Bryan's signature as Chairman. The bill proposes charging \$156.00 per person for state police coverage. The total cost to SMT would be approximately \$2.3 million & would include every resident regardless if they rent or own property. College students would also be included in that charge. The committee is encouraging residents to comment on this issue.

**PUBLIC INPUT:**

There was no public input.

**SUPERVISORS' DISCUSSION:**

Ron thanked the Roadmaster for fixing the road on Terri Drive.

Rick thanked the Roadmaster for fixing the sinkhole on Lindsey Road. He asked about the high weeds on a property on Creamery Road. Tim stated that a violation letter was sent & the weeds have been cut. He also asked about the ponding situation at the townhomes along Rt. 174 (past the post office). No action has been taken on this issue. Rick asked about the traffic pattern at the Yellow Breeches School. Barb replied that staff has met with school representatives & this issue will be discussed at the next meeting on the Zoning Officer's report.

Jim noted that the next school board meeting has been cancelled.

**BILLS FOR PAYMENT:**

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

**ADJOURNMENT:**

Tom made a motion to adjourn the meeting at 8:00 pm. Ron seconded, & the vote in favor was unanimous.

**ATTEST:**

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Sandra A. Quickel, Secretary

**SOUTH MIDDLETON TOWNSHIP  
BOARD OF SUPERVISORS:**

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Bryan A. Gembusia, Chairman

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Walter G. Reighard, Vice Chairman

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Ronald L. Reeder, Member

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James N. Baker, Member

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Thomas E. Faley, Member