

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

AUGUST 10, 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; Steve & Kelly Hinton, Scott Akens, Attorney Suzanne Hixenbaugh, Rick Saunders, Jonathan Brice, Don & Cathy Baker, Doug & Helen Gale, Bob Winters, Claire Brehm, Attorney Marcus McKnight, Richard Moore, Mary Zeigler, Tom & Ann Benjey, Raymond Diehl, Randy Diehl, Bob Beers, Bob Geist, Howard Phillips, Frank Burrows, Ray Tennyson, Bill Brown, Paul Slifko, Deena Engle, Edward Kessler, John Bixler, Sonya Kivisn, Marge Klatt, 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:

A moment of silence was observed.

OPENING ANNOUNCEMENTS:

Bryan noted that the meeting is being recorded.

MINUTES: 07/27/06:

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

08/04/06 – Spring Meadows Park, Phase 2 Bid Opening:

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

BID AWARD – Spring Meadows Park, Phase 2:

Brian stated that no bids were received for the site work for this phase. There were 2 bids to complete the buildings, and 1 bid for the seeding. The Board can either reject or hold the bids. The time deadline to complete the projects was the fall of this year. Tom suggested re-bidding the project for the spring. Tom made a motion to reject the bids & to have Brian contact the contractors to see if they will extend their bids. Jim seconded. Rick mentioned that the Civic Association donated funds to this project & asked what the timeline is to use those funds. Brian will check on this issue. Tom also said that the Township has received a grant in the amount of \$200,000 & asked what the timeline was for using those funds. He was told that those funds are available until December 31, 2007. The vote in favor was unanimous.

#06-10C TRADITIONS OF AMERICA – Conditional Use Public Hearing:

Mr. Mislitsky opened the hearing. He stated that a court stenographer is not present because the applicant would not be present. The applicant has granted the Township a time extension until

August 31st to hold the hearing. Jim made a motion to approve the time extension until August 31, 2006. Bryan seconded, & the vote in favor was unanimous.

Rick made a motion to close the hearing. Ron seconded, & the vote in favor was unanimous.

#06-13C STEVE & KELLY HINTON – Conditional Use Public Hearing:

Mr. Mislitsky opened the hearing. Steve & Kelly Hinton were present. Mr. Hinton said that they are proposing to move their existing business (New Life Consignments) to their Mill Street home. A retail sales business handling consignment items, used furniture, home accessories & nursery & garden stock will be sold at the site. There will be 21 parking spaces. Jim asked if he foresees any traffic problems. Mr. Hinton replied that he does not foresee any problems & does not anticipate the parking lot to be full at any given time. There was no public input. Ron had questions about screening. Tim said that screening can be required if the neighbors want, but the Hintons have spoken to the neighbors, & the neighbors indicated that they did not want any screening installed. There will not be any glare from lights. Porch lights will be used. The business will close at 6:00 p.m.

Tom made a motion to approve #06-13C, subject to staff comments, & subject to submitting a land development plan if the impervious coverage is expanded or paved. Ron seconded, & the vote in favor. The hearing was closed.

ORDINANCE #06-02 STREET CUT ORDINANCE PUBLIC HEARING:

Mr. Mislitsky opened the hearing. Brian stated that this ordinance will revise the current ordinance. The ordinance was developed with input from the SMT Municipal Authority. There was no public input.

Tom made a motion to approve Ordinance #06-02, as written. Rick seconded. Ron suggested sending copies of the ordinance to the Municipal Authority. The vote in favor was unanimous. The hearing was closed.

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

Attorney Suzanne Hixenbaugh & Scott Akens were present for this plan. This plan had been tabled until stormwater management calculations could be verified by Mr. Benjey's experts since a new report was submitted. Ms. Hixenbaugh representing the applicant (Diehls) stated that the stormwater issues have been resolved. Tom asked about a problem at Bruce & Lisa Moore's property in this development. Brian stated that this problem has been resolved. Attorney Marcus McKnight, representing the Benjeys, expressed concern about the access on Lindsey Road, & feels the plan still needs better planning. Brian noted the 3 conditions/changes to the detention basin as proposed by Akens Engineering. These 3 changes are in a letter from Liberty Environmental, Inc. (Benjey's engineer) dated August 4, 2006. Mr. McKnight requested that new drawings are submitted showing that these items were addressed. He asked if the sinkholes were filled in on the Steigleman property. Randy Diehl stated that their agreement with Mrs. Steigleman is to fill in the sinkholes after the work on the pond is completed.

Ron made a motion to approve #05-17, subject to the applicant's acceptance of staff comments, subject to the 3 conditions on Benjey's engineer's letter dated 8/4/06 (1-Basin side slopes are approximately 3:1, compared to approximately 10:1 in the original grading design; 2- the

emergency spillway elevation was raised from elevation 540.9 to 541.2; & 3- the outlet structure configuration replaces one of the two 24” outlet pipes with an 18” pipe at a higher invert elevation, & subject to the submission of a revised plan depicting the 3 conditions proposed to the detention basin. Bryan seconded, & the vote in favor was unanimous.

#05-40 THE VILLAS ESTATES, SECTION 2 – Final Subdivision:

John Bixler was present for this plan. The applicant proposes to construct Phase 2 of the existing subdivision. This phase consists of 47 residential lots. Mr. Bixler noted that this is the second & final phase. There is public sewer & water. Tom asked for the timeline for completion of this phase. Mr. Bixler replied that the first phase is just over 75% complete. There are no modifications.

Tom made a motion to approve #05-40, subject to the applicant’s acceptance of staff comments. Ron seconded, & the vote in favor was unanimous.

#06-04 CARLISLE FORGE – Final Minor Subdivision:

Jim made a motion to table this plan. Tom seconded, & the vote in favor was unanimous. (The developer has a conditional use hearing in the process for this plan).

#06-13 RW ASSOCIATES HOLDINGS, LLC – Final Minor Land Development:

Pam Fisher was present for this plan. The applicant proposes to construct a 12,000 s.f. medical office building with 41 parking spaces. The site is on Commerce Avenue (Lot 16 – McCoy Business Center). No sidewalks or curbs currently exist in that area.

Modifications: Preliminary Plan, Landscape Architect Certification on Landscape Plan; Parking within 10 ft. of a building, Island every 10 spaces in parking lot, Sidewalks, & Curbs & Gutters. Tom made a motion to approve the modifications. Rick seconded, & the vote in favor was unanimous.

Tom made a motion to approve #06-13, subject to the applicant’s acceptance of staff comments. Rick seconded, & the vote in favor was unanimous.

SOLICITOR REPORT:

No report was given.

ENGINEER REPORT:

Brian stated that Exel has begun constructing a warehouse on the Royer Tract. Dirt was placed along the properties of the residents of Carlisle Borough, & the residents thought this was the permanent berm. During the conditional use approval, there were specific criteria as to where the berm was to be located. Now the Borough residents want the berm moved further back. Representatives of Exel are willing to do this, but do not want to compromise their conditional use approval with the Township. Jim said to keep it where it is. Ron questioned if the buildings will be changed if the berm is moved. Bryan feels it should not be moved. Rick noted an incorrect statement in the letter from the Borough residents. Barb added that the residents spoke to Carlisle Borough, but not to the Township. Tim stated that it is possible, that if the berm is moved further back, the residents might be able to see more of the warehouses, buildings & lighting. Brian will send a response letter to the residents.

The applicant for the Bret J. & Peggy Sue Whitcomb plan has submitted a request for a 90-day time extension in order to meet conditions of plan approval. Bryan made a motion to approve a 90 day time extension. Rick seconded, & the vote in favor was unanimous.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

The applicants for the Georgetown & Parkview Conditional Use Plans have submitted a 60-day time extension. Ron made a motion to approve a 60-day time extension for these plans. Rick seconded, & the vote in favor was unanimous.

MANAGER REPORT:

No report was given.

PUBLIC INPUT:

Donald & Kathy Baker represented residents along Forge Road. They are concerned about the placement of a left turn lane into the Forgedale Crossing Development. They stated that they will not be able to turn left out of their driveway if this turn lane is constructed. Another concern is Penn DOT's refusal to lower the speed limit on Forge Road. Mr. Baker is also concerned with a proposed development behind the Otterbein Church that would have 2 entrances off of Forge Road. He feels this should be sufficient cause to lower the speed limit. Bryan asked Barb to contact Penn DOT that the Township supports lowering the speed limit on Forge Road. Brian noted that S&A Homes received a letter from Penn DOT that the turn lane will not be constructed until the Highway Occupancy Permit is issued. Brian & Tim were asked to check into the legality (with the State Police & Penn DOT) on making a left turn out of a development once a left turn lane is constructed. Ron feels that S&A Homes will have to revise their plan if a Highway Occupancy Permit is not issued. Doug Gale, Derbyshire Drive, said that S&A Homes is not in favor of the construction of a left turn lane.

Mary Zeigler, Allen Street, asked if the use of jake brakes could be restricted on Trindle Road. She noted that on September 9th, there will be a classic car, cycle & airplane events at the Carlisle Airport. She also noted that she cannot receive a response from SMT Fire Chief George Stapleton for their assistance for the event. She would like the fire company to bring a fire truck & their trailer to the event.

Ed Kessler, Greenfield Development, stated that he is proud of the trails & parks in the Township, but he has to drive 7 miles to walk at the park. He noted that people walk along Rockledge Drive, & feels that road shoulders should be made wider on the roads. He also feels that the wellhead area would be a nice place to develop walking trails. Mr. Kessler also commented on the Carlisle Sports Complex has closed & is now to be storage facility.

Mary Zeigler asked Ron where he is living at since his house has been sold. He said he is living in the Mt. Holly Springs area.

Paul Slifko, Lindsey Road, asked when the extension of Eastgate Drive will be completed. He thought it was to be the fall of 2006.

Bob Beers, Clifton Terrace, asked if the Township has any leverage on speeding up the Eastgate Drive extension. He was told no.

SUPERVISORS’ DISCUSSION:

Rick asked if a response was received from Penn DOT on prohibiting the use of jake brakes on York Road. He was told no. He also mentioned the erosion problem at the Getty Mart. Tim will check into this issue. Rick also mentioned an article in the Township News regarding wind farms. Jim said that this issue was brought up about 1-2 years ago.

Ron mentioned funding requirements for emergency services. After a short discussion, Ron made a motion that the Board of Supervisors authorize the Liaisons & Personnel Committee to handle funding issues involving any of the contracted emergency service providers concerning non-performance of required obligations involving their individual funding. Rick seconded. Jim said that it is a good idea, but he feels that the entire Board should be involved with decision making, not just the liaisons. A roll call vote was taken & the vote was 4 to 1 (Jim was opposed).

Jim mentioned a resident’s problem with an overpayment to Captax & in receiving a refund.

BILLS FOR PAYMENT:

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

ADJOURNMENT:

Bryan made a motion to adjourn the meeting at 7:35 p.m. Ron 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