

DRAFT MINUTES

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

AUGUST 12, 2010

PRESENT: TOM FALEY, RICK REIGHARD – (absent), DUFF MANWEILER – (absent), BRYAN GEMBUSIA, RON REEDER – Supervisors, Richard Mislitsky – Solicitor, Barbara Wilson – Township Manager, Jarrett Sweeney – Assistant Manager, Brian O’Neill – Engineer, Tim Duerr – Zoning Officer; Sandy Quickel – Secretary, Eric Edstrom, Paul Matter, Ron Stephens, Chris & Angie Fisher, Cindy Dunbar, Doug & Helen Gale, Dave Weihbrecht, Ron Hamilton, Ken & Jeanne Kieber, Dave & Marti Green, Bob Geist, Mary Anne Murtoff, Fern Wilson, Jeff Line, Amy Myers, Paul Christopher, Lee Bothell, Walt Nickel, Elaine Mallios, Charlie Mallios, Paul Reichart – “The Patriot News”; Joe Cress – “The Sentinel”.

Chairman Faley called the meeting to order at 6:03 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 stated that the meeting is recorded & to turn off cell phones.

MINUTES: 07/29/10 (Regular Meeting):

Ron made a motion to approve the minutes. Bryan seconded & the vote in favor was 3 to 0.

PUBLIC INPUT:

Doug Gale, Derbyshire Drive, commented on the Mayapple Restaurant’s sign. He asked if Mr. Mallios meets the requirements of the PRD. He feels that the grade is too high for the sign, & that it does not meet the requirement. Tim replied that it should be 6 ft. – either the sign or the grade must be raised. Tim said that you should not see the sign poles, & that the dirt mound can be landscaped to make it aesthetically pleasing. Ron pointed out that this is still a civil matter between Mr. Mallios & the Homeowner’s Association. Ken Keiber, HOA President, stated that he has a statement from the sign company quoting prices of the Mayapple Village sign. Mr. Mallios said he will move the sign to where the HOA wants the sign, as long as it meets the Township’s requirements.

Eric Edstrom, 400 Front Street, discussed a public safety issue. He said that the Werner Enterprise trucking company abuses the roads in Boiling Springs, & have damaged the mill & the humpback bridge. Now, the trucks are travelling down 4th Street. Mr. Edstrom said that there was an incident last Friday at 10:45 pm. Chris & Angela Fisher who live at 400 Walnut Street, also spoke. Mr. Fisher saw a truck outside his window that struck his house porch. The driver did not stop & Mr. Fisher saw tire tracks on his property. The impact shook the house & dislocated a

roof support column. He is not sure what the estimated damage will be to his house's structure. His porch posts are pulling away from his house.

Mary Murtoff, Front Street, said that a truck driver tried to make the turn from Fourth Street onto Front Street, couldn't make it. It then tried to back up & almost hit their car. She said he was not a capable driver, & that the truck idled until 1:00 a.m. Mrs. Murtoff said that this was the third incident in a month.

Jeff Line, Walnut Street, asked if the drivers could be arrested. Brian stated that they could be charged with a violation of the vehicle code.

Paul Matters, 401 Front Street, said that a truck has knocked a guiderail off.

Mr. Mislitsky asked Mr. Edstrom if he could give him Werner's motor carrier number. Mr. Edstrom felt he should not have to do this. Ron also suggested contacting the PUC.

Doug Gale, Derbyshire Drive, stated that there is a Werner drop-off lot on Park Drive, & to contact that office on this issue.

Rob Murtoff, said that trucks attempt to turn left from Fourth Street into Front Street.

Bryan suggested mounting no truck signs on steel reinforced concrete posts sturdy enough to cause damage to the tractor-trailer. He figures if the trucks are damaged, the drivers would realize they can't use these streets.

Tom suggested that the Township Engineer conduct a traffic study for area. Mr. Edstrom suggested that the Board contact Werner stating that they are causing safety issues.

**#2010-0012 SOUTH MIDDLETON MEDICAL CENTER – Preliminary/Final
Subdivision & Land Development:**

Dave Weichbrecht presented this plan. The applicant plans to subdivide a 6-acre parcel between York & Forge Roads at Westminster Drive. A medical center is planned for the 1 parcel. The NPDES permit will need to be updated to account for the plan. The plan was revised in compliance with staff comments. No new streets are proposed.

Modifications: Preliminary Plan, Landscape Architect Certification on Landscape Plan, & Sidewalks along Westminster Drive. Bryan made a motion to approve the modifications. Tom seconded, & the vote in favor was 3 to 0.

Bryan made a motion to approve #2010-0012, subject to the applicant's acceptance of staff comments. Tom seconded, & the vote in favor was 3 to 0.

#2010-0014 OLDE FORGE STATION, PHASE 2 – Final Subdivision:

Ron Stephens, Dawood Engineering, represented this plan. The plan proposes to construct Phase 2 (28 lots) of the Olde Forge Station, located along Forge Road. There are no modifications.

Tom made a motion to approve #2010-0014, subject to the applicant's acceptance of staff comments. Bryan seconded, & the vote in favor was 3 to 0.

SOLICITOR REPORT:

The report was accepted, as submitted.

ENGINEER REPORT:

No report was given.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

The applicant for Lot #10 Hillmount Subdivision Minor Land Development is requesting a 1-year time extension to meet conditions of plan approval. Tim noted that the extension may already be authorized by the state due to Act 46. Bryan made a motion to approve the time extension. Ron seconded, & the vote in favor was 3 to 0.

The Neil Flenniken Conditional Use Decision is ready for signing.

MANAGER REPORT:

R.S.V.P.'s are needed for attendance at the Cumberland County Convention in October.

Randy Watts has resigned from the Municipal Authority Board & as Emergency Services Co-Administrator. Tom made a motion to accept Randy Watt's resignation with regret & to thank him for a great job. Bryan seconded, & the vote in favor was 3 to 0. Randy will stay on the Board until a replacement for the position is found. The Municipal Authority is seeking representatives with accounting or engineering experience, if possible.

Citizen's Fire Company has asked to borrow the Township's tractor & wagon for their hayride at their annual fair. Tom made a motion to approve Citizen's Fire Company use of the tractor & wagon. Bryan seconded, & the vote in favor was 3 to 0.

The Township has been asked for a donation of up to \$5,000 towards the fireworks event. Tom made a motion to donate up to \$5,000 towards this event. Ron seconded, & the vote in favor was 3 to 0.

PUBLIC INPUT:

There was no public input.

DISCUSSION – Westgate Impervious Coverage:

Brian stated that when this exemption restriction was implemented, it was intended for the homeowners, not building contractors. If the owner had a larger lot, the impervious could reach up to 2,875 s.f. Now, the builders are building larger homes, & the homeowner is unable to request an exemption to place a shed or expand the driveway after they buy the house. Contractor Walt Nickel, a builder at the Westgate Development, said he was unaware of this restriction. This restriction was enacted on September 29, 2005. He said he has always tried to build to the 2,200 s.f. to 2,300 s.f. However, with the later phases of the plan, there is an additional 575 s.f. available. Bryan told Mr. Nickel that he is not the homeowner. Charlie Mallios, developer, said that there are only 10 lots that are not sold. Elaine Mallios stated that the

older population want a one-story house. No action was needed since the Board voted to deny the last request for an increase in impervious.

SUPERVISORS' DISCUSSION:

There was no discussion.

BILLS FOR PAYMENT:

Ron made a motion to pay the bills, as submitted. Bryan seconded, & the vote in favor was 3 to 0.

ADJOURNMENT:

Tom made a motion to adjourn the meeting at 7:30 pm. Bryan seconded, & the vote in favor was 3 to 0.

ATTEST:

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Sandra A. Quickel, Secretary

Thomas E. Faley, Chairman

Walter G. Reighard, Vice Chairman

Ronald L. Reeder, Member

Bryan A. Gembusia, Member

R. Duff Manweiler, Member