

DRAFT MINUTES

**SOUTH MIDDLETON TOWNSHIP
520 PARK DRIVE
BOILING SPRINGS, PA. 17007**

AUGUST 30, 2007

PRESENT: TOM FALEY, RON REEDER, JIM BAKER, BRYAN GEMBUSIA, & RICK REIGHARD – SUPERVISORS; Richard Mislitsky – Solicitor; Barbara Wilson – Manager; Jarrett Sweeney – Assistant Manager, Brian O’Neill – Engineer; Tim Duerr – Zoning Officer, Sandy Quickel – Recording Secretary, Ron Hamilton, Linda Larson, Attorney Robert Saidis, Doug & Helen Gale, Larry Lahr, Jon Starr, Bob Geist, Bob Beers, Wayne & Linda Burkett, Steve Rose, Mark Heeb, Jim Barnes, Tom & Ann Benjey, Donald Baker, Darren Spotts, Steve Bisbee, Claire Brehm, Marti Green, Paul Slifko, Richard Baumgartner, John Anderson, Linda Franz – “The Patriot News”, Andrea Ciccocioppo - “The Sentinel”.

The meeting was called to order at 6:00 p.m. by Chairman Faley.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Chairman Faley.

MOMENT OF SILENCE:

A moment of silence was observed for Master Sgt. Scott Ball who was killed overseas.

OPENING ANNOUNCEMENTS:

Tom noted that the meetings are recorded.

MINUTES: 08/09/07 Regular Meeting

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

08/30/07 Wittlinger Dam Removal Bid Opening

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

#07-08C SPRINT/NEXTEL – Conditional Use Public Hearing:

Mr. Mislitsky opened the hearing & stated the procedure. A court stenographer was present. The conditional use plan was approved. The hearing was closed.

ORDINANCE #07-06 (4-Way Stop Intersection – Rockledge/Eastgate/Marsh Drives) – Public Hearing:

Mr. Mislitsky opened the hearing & stated the procedure. Brian explained that a traffic engineering study was performed & the study recommended a 4-way stop intersection. There was no public input. Ron made a motion to approve Ordinance #07-08C. Rick seconded, & the vote in favor was unanimous. The hearing was closed.

BID AWARD – WITTLINGER DAM REMOVAL:

Tom explained the DEP has determined that the dam presents a hazardous situation. A grant was received to assist in removing the dam. Several options were presented for consideration. It was

determined to remove the dam. The Township has worked with several agencies, such as the Fish & Boat Commission, Army Corps of Engineers, American Rivers Association & DEP. The project was bid & 3 bids were received. The low bid was from Flyway Excavating at \$26,800. Tom made a motion to award the bid to Flyway Excavating in the amount of \$26,800. Ron seconded, & the vote in favor was unanimous.

BID AWARD – BOILING SPRINGS LIVABLE COMMUNITY (RETTEW \$24,950):

Resident Jim Barnes was present to discuss this award. The intent is to establish a heritage conservation district in the village. He stated that a steering committee reviewed applicants & narrowed the applicants down to 2 firms. The firms were interviewed & Rettew Associates were selected. Rettew will write an ordinance for this plan. There will not be a Historic Architectural Review Board to place restrictions on the properties. Mr. Barnes said there was a CDBG grant in the amount of \$20,000, but was increased to \$25,000 for this project. Bryan made a motion to award the bid to Rettew Associates for the Boiling Springs Livable Community study in the amount of \$24,950. Ron made a motion to approve the amended agreement with CDBG to increase the amount to \$24,950. Bryan seconded, & the vote in favor was unanimous.

PRESENTATION – LETORT REGIONAL AUTHORITY – TRAIL MASTER PLAN:

Mark Heeb of BL Companies presented a power point demonstration. Mr. Heeb was hired by the Letort Regional Authority to create a trail network system connecting Middlesex, North Middleton & South Middleton Townships & Carlisle Borough. Mr. Heeb stated the history of the project. He said that public land & rights-of-ways of state, township & county roads would be used. The trail could connect existing trails with schools, parks & other trails. The second phase of the study would entail obtaining voluntary easements.

UPDATE – S & A HOMES (FORGEDALE CROSSING)

S & A Homes representative, Steve Bisbee, gave an update on several outstanding issues with this development. Resolved issues include shutting down sales in Phase 6, cleaning up 2 detention basins deeded land to the Homeowner's Association (HOA) & planted trees. The unresolved issues include dense spots in the matting in the detention area, weeds in the mulch, mowing to be done more frequently, getting Amhearst Drive accepted for dedication & forming a better relationship with the HOA. Mr. Bisbee said that the traffic impact study has not been approved by PennDOT. He added that the construction is more extensive than just paving & will involve water/sewer force main tie-ins prior to paving. Rick said he is glad that Penn DOT is taking its time reviewing the highway occupancy permit since Forgedale Crossing is the largest development in the Township. A resident at 6 Forgedale Drive said he has been on the HOA for 4-5 years, & they have always had problems with S & A Homes. Richard Baumgartner, 3 Fenwick Drive, stated that the pond areas are mowed, but not up to curbside, that the lot on Coventry Drive is in bad shape, & that the turnover of land to the HOA is not suitable to the HOA. He wants S & A Homes to take the land back until it is suitable for dedication to them. Ron said that these problems should not have to be discussed in this forum, & that the residents have been very patient for a long time. He told Mr. Bisbee to get these issues cleaned up. Mr. Bisbee said that they have made many mistakes, but was pleased with the progress over the last 2-1/2 months. Bryan urged them to get their list of issues of concern completed. Mr. Mislitsky stated that the HOA should talk to their counsel. Mr. Bisbee was asked to return in about a month to provide the Board with an update.

PUBLIC INPUT:

Marti Green, Derbyshire Drive, stated that 2 homes have been burglarized recently in their development. She said she is working with the State Police to start a Neighborhood Crime Watch. She would also like to contact other Homeowner's Associations to work with them on this issue. Ms. Green commented that fire trucks could not reach the Tennyson property when their barn caught fire due to cars parked along the road. She also suggested that the Township revisit the issue of having a police force. Jim said that the Mayapple development is a heavily traveled area, & asked Barb to contact the State Police for patrol cars to patrol the area. Barb said she has already asked the State Police to patrol the area.

Paul Slifko, SM School District, noted that the student count is down by 15 students from last year. Also, regarding the school district's position on sharing an air monitoring unit with the Township, the school board does not have an interest in purchasing one. They do not see a use for the monitor.

(BREAK)

EMERGENCY SERVICES REPORT:

The report was accepted, as submitted.

RECREATION REPORT:

The report was accepted, as submitted.

ROADMASTER REPORT:

Rick asked about cleaning stones up at Karns Grocery store. He noted that this is along a state road. Barb replied that water washes the stones out onto the road, but we usually take care of this problem even though it is on a state road.

SOLICITOR REPORT:

Mr. Mislitsky requested an Executive Session to discuss on-going litigation. Jim asked if it is in relation to Captax. He was told yes.

Tom commented on the zoning of the Carlisle Forge area (east of Fairview St). It is currently zoned R-HD. He suggested rezoning this area to R-MD. He feels this would cut traffic by one-half with the new zoning. Ron does not want to reward a developer with the R-HD zone so they can make a profit, especially since they want to delay building the connector road for a long time. Rick added that the developer has not committed to building a connector road – it could be 10 years or more before one is built. He feels the only way to control the amount of traffic is to control the density. Bryan agreed with the comments. Jim said he can accept medium density if the Board won't rezone to low density. Marti Green asked if this is spot zoning. Tom said he believes this is not spot zoning & the change in zoning will help with traffic control. Tom made a motion to rezone the R-HD tract east of Fairview Street to R-MD, & to authorize staff to advertise for a public hearing on this issue. Ron seconded, & the vote in favor was unanimous. The Solicitor will notify Attorney Ron Lucas of this decision.

The applicant for the Parkview at Boiling Springs Conditional use plan has no plans for the intersection at Springville Road & Rt. 174. Mr. Mislitsky suggested that someone review this

intersection & deem it safe or unsafe due to the proposed development. He has contacted TASA (Technical Advisory Service for Attorneys) on this issue. The cost would be \$294.00/hour. He asked the Board to think about this issue & decide at a later date about hiring someone.

ENGINEER REPORT:

The developer is asking for plan reapproval for Eastgate Professional Center & that the 5-year protection remains from the original date of approval. No reason was given for the delay in acting on the plan. Rick made a motion to not accept plan reapproval for Eastgate Professional Center (#05-23). Bryan seconded, & the vote in favor was unanimous.

The applicant has submitted as-built plans & has requested a release of security for the Boiling Springs Animal Hospital (#05-15). Jim made a motion to release the security, as requested. Rick seconded, & the vote in favor was unanimous.

The applicant for Westgate, Phases 5, 6 & 7 (#06-24) has requested a reduction in security. Jim made a motion to approve the security reduction per the Engineer's recommendation. Ron seconded, & the vote in favor was unanimous.

The applicant for Carlisle Crossing, Lots 7 & 8 (#06-07 & #06-08) has requested a reduction in security. The site work has been completed on these lots. Rick suggested a remaining balance of \$10,000 be retained instead of \$5,000. Rick made a motion to approve the security reduction, but to keep a remaining balance of \$10,000 each for each plan. Tom seconded, & the vote in favor was unanimous.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

Decisions are ready for signing for the Orchards at Marsh Run & St. Patrick's Church Conditional Use plans.

Consensus was given to advertise the Allen Distribution Conditional Use plan for the September 27 meeting.

MANAGER REPORT:

The Township's waste removal & recycling contract is due to expire on March 2, 2008. The Board can choose to exercise the option years or to rebid the contract for another 3 years. Bryan asked if staff can prepare the bid & see what the amounts will be before extending the contract. The Solicitor will review the legalities of this suggestion.

The MMO (Minimum Municipal Obligation) for the retirement system has been prepared. Ron made a motion to approve the MMO for 2008. Rick seconded & the vote in favor was unanimous.

The Board has been invited to the County's 13,000 Acre Celebration on September 10 at 10:30 a.m. Any Board member wishing to attend is to RSVP to Barb.

A letter was received from D. L. Geesaman requesting a traffic study/review of the Trindle Road in the vicinity of Middlesex Road. He has forwarded a copy of his letter to Penn DOT, but usually the Township also submits a letter of request to Penn DOT. Consensus was given to request a Trindle Road traffic study as noted in Mr. Geesaman's letter.

SUPERVISORS’S DISCUSSION:

Jim asked where the \$15.00 per person soccer registration money goes to. He was told that it goes to the soccer association, not the Township.

Rick commented on the sidewalk ordinance. He asked if the Township can require repairs of existing sidewalks or to require sidewalks to be installed where they did not previously exist. The standard sidewalk note is put on all plans. He asked if a street could be chosen & require the developer to put in sidewalks. Barb stated that you cannot choose any one street – you must require them to be installed district wide. Rick liked Eric Vorodi’s phasing idea for shade trees for at the park. He asked for an update on the RESTF contract. Mr. Mislitsky said that he has the contract finished, but he has not prepared the intermunicipal agreement. Rick asked if the developer for the Parkview conditional use have submitted an application for a highway occupancy permit. Brian replied no. Rick asked Jim if he checked on renting/sharing the air monitor from the Unitarian church. Jim replied that the church has places to do the tests, & they do not wish to extend the monitor to the Township at this time.

BILLS FOR PAYMENT:

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

The meeting was adjourned to Executive Session at 8:24 p.m. to discuss on-going litigation.

EXECUTIVE SESSION:

The topic that was discussed was on-going litigation.

The regular session was reconvened at 8:34 p.m. Rick made a motion to appoint Ron Reeder & Bryan Gembusia to negotiate a settlement on behalf of the Township in the upcoming mediation for the on-going Captax litigation. Tom seconded, & the vote in favor was unanimous.

ADJOURNMENT:

Ron made a motion to adjourn the meeting at 8:35 p.m. Bryan seconded, & the vote in favor was 4 to 0.

WITNESS:

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