

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

AUGUST 31, 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; Diane Hollinger – Acting Secretary; Bony Dawood, Mark Gaines, Rob Frey, Lesa Bonner, Bob Winters, Mark Mateya, Bob Borden, Pam Fisher, Vicki Aycock, John Killinger, Duane Jumper, Bob Beers, Bob Geist, Fran Burrows, Claire Brehm, Dick Moore, Bill Brown, Paul Slifko, Ray Tennyson, Carl Risch, Ray Wolfe, Jr., William Webb, Leona Webb, Charlotte Killinger, Wilmot Jumper, Sr., Mary Jumper, Dean Jumper, Linda Gangai, Joseph Gangai, Mark Wettstein, Joe Fay, Resident of 11 Hilltop Drive, Zachary Wettstein, John Hilton – “The Sentinel”, Andrea Ciccocioppo – “The Patriot News”.

Chairman Bryan Gembusia called the meeting to order at 6:00 PM.

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:

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

Mark Mateya, 117 Race Street, Boiling Springs, representing the Committee to Save the Historic Boiling Springs Mill Race, asked whether the Township would clean the millrace, and if so, when it would be done. Rick replied that not all the land involved is Township property. Mr. Mateya said that he knows that. Regarding when a cleanup would be done, Brian explained that the Township has received authorization from the Army Corps of Engineers, and also from PA DEP to remove the dam. He also said that since the Yellow Breeches is a trout stream, any disturbance in the stream is prohibited from October 15 to December 15. He added that it would be January or February of 2007 before any work might begin. Mr. Mateya asked that the committee be kept up-to-date on the clean up work. Brian said that Mrs. Brenneman has been contacted, and has agreed to allow access across her property for heavy equipment to be moved to access the site. Mr. Mateya then distributed copies of the list of committee members. He added that, historically, according to several people with whom he spoke, the race depth was four

and a half to five feet. Rick said that for more than 20 years the depth has been between 18 and 24 inches. Tom asked what the committee's goal is for fundraising. Mr. Mateya replied that the committee would like to raise \$100,000

#05-08C CARLISLE FORGE – Conditional Use Public Hearing:

Mr. Mislitsky opened the hearing. Brian stated that the amendments to the traffic study that the Township had requested have not been completed. He said that the applicant has granted a 30-day time extension to September 28. Bryan made a motion to schedule the hearing for September 28. Rick seconded, and the vote in favor was unanimous. The hearing was closed.

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

Mr. Mislitsky opened the hearing. Geotechnical comments have yet to be addressed on this plan. The applicant has granted a 30-day extension to September 28. Bryan made a motion to schedule the hearing for September 28. Tom seconded, and the vote in favor was unanimous. The hearing was closed.

#06-10R REZONING REQUEST – RUTH V. JUMPER – Public Hearing:

Mr. Mislitsky recused himself from the hearing and left the room. Barb opened the hearing. Attorney Carl Risch and realtor "Buz" Wolfe presented this rezoning request for the estate of Ruth Jumper. Mr. Risch indicated the property in question on a map. Mr. Risch explained that there are 10 heirs and 3 executors involved, and the will had indicated that the estate be divided. He further stated that since the heirs could not come to agreement during the 5 years since Mrs. Jumper's death on the disposition of the property, the only option that remains is to sell the property. He added that Judge Guido had ordered the applicant to appear before the Board of Supervisors with this request for rezoning.

Rick said that in that area, the AC district is bounded by commercial and residential districts in many places, and that the AC district does permit some residential development. He also said that the steering committee that is examining the comprehensive plan and zoning ordinance has already denied this rezoning request, as has the Township's Planning Commission.

Tom said that there is already enough residential development in the Township. He also said that he would not want to start a precedent of allowing junked vehicles to accumulate on a property in hopes of having their land rezoned.

Mr. Risch suggested rezoning part of the parcel.

Tom asked Mr. Wolfe whether he had received any offers on this land. Mr. Wolfe replied that he thinks this land would be a good investment, and that a developer would buy the property and hold it to await possible future changes in zoning. Mr. Wolfe also said that offers had been made predicated upon a rezoning. He said that he feels the Jumper family would benefit by having the property rezoned, rather than to have an agreement to sell, subject to rezoning. Tom said that 20% of the land could be developed as it is presently zoned. Brian and Tim agreed.

Ron said that if this property is rezoned, other property owners could likewise request a rezoning. He also said that the heirs themselves could clean up the property and then develop the 20%. He added that the property is an eyesore.

One of the executors, John Killinger, stated that he is concerned that the fences from the abutting Summerfield development are encroaching on the Jumper property. He asked whether this property would ever be rezoned. He was told that a future Board of Supervisors might rezone it. He then asked about the difference between a request and a formal application. Bryan replied that, in this instance, both a request and a formal application for rezoning had been submitted. The formal application requires an application fee, a public hearing and a decision by the governing body. Brian explained that the comprehensive plan steering committee had received other requests for rezoning.

Jim asked Mr. Wolfe whether he had received offers from anyone wanting to farm this land. Mr. Wolfe replied no. He then asked whether a conditional use would be required to develop 15 to 20 acres. Tim replied yes. Tom suggested that the applicant apply for a conditional use. Mr. Killinger asked about the remainder of the land. Tim replied that it would be placed in a restrictive covenant as open space.

Public Comment:

Mark Wettstein, 1123 Rockledge Drive, said that he lives across the road from the Jumper property, and that the Jumpers have already been warned by the Township to clean up this property. He said that he does not agree with the rezoning request.

Joseph Gangai, 1130 Rockledge Drive, stated that he wants the Township to enforce its ordinances.

Robert Frey said that he has a small interest in farms adjoining this property, and that he has no objection to the rezoning.

William Webb, 1137 Rockledge Drive, stated that the junked vehicles have not been removed, but were moved to the back property line. He said that he is against the rezoning, and that the Jumpers, on the whole, have not been good neighbors.

Bryan said that if this property were rezoned to residential, a developer would clean up the property, and then home would be built there. It would no longer be a farm.

Jim made a motion to deny the rezoning request. Ron seconded, and the roll call vote in favor was unanimous. The hearing was closed.

ORDINANCE #06-03 Transfer Agreement (Westminster Drive & Forge Road) – Public Hearing and RESOLUTION #06-14 Transfer Agreement (Westminster Drive & Forge Road)

Barb opened the hearing. Brian explained the transfer agreement, in which the Township would

take ownership of the Forge Road cul-de-sac, from the new intersection at Westminster Drive, and PennDOT would own the new section of Westminster Drive from Forge Road to York Road. Jim made a motion to approve Ordinance #06-03 and Resolution #06-14. Ron seconded, and the vote in favor was unanimous. The hearing was closed.

EMERGENCY SERVICES REPORT:

The report was accepted as written.

RECREATION REPORT:

The report was accepted as written.

ROADMASTER REPORT:

The report was accepted as written.

S.M.T.M.A. REPORT:

There was no report.

SOLICITOR REPORT:

The report was accepted as written.

ENGINEER REPORT:

Leaman Subdivision #05-18 Brian said that property corners and monuments are still needed, and recommended reducing the security to \$2,650. Ron made a motion to approve the security reduction, as received by Brian. Bryan seconded, and the vote in favor was unanimous.

Modification request for Parkview at Boiling Springs – Conditional Use Application #06-09C Pam Fisher, Dawood Associates, said that this conditional use had been submitted, and that a modification of road access requirements was being requested to relocate the access for this proposed development. She explained the history of the basis for this modification request. Tom said that PennDOT only has authority if the access is on Rt. 174. If the access would be on W. Springville Road, the conditions at the intersection of Rt. 174 and W. Springville Road would be worsened.

(BREAK)

Mark Gaines, Dawood Associates, said that the proposed realignment at Rt. 174 and W. Springville Road would also involve raising the intersection for better sight distance. He also said that PennDOT does not encourage access onto a state-owned road. He added that 2 options were presented. One option would be a right-turn only lane. Ms. Fisher said that the applicant favors the W. Springville Road access, but that the Board of Supervisors are not in favor of that. The other option is to access through the Indian Hills development. The Board expressed concern that there is enough traffic through that development now, and that this access would only add to it. Ron noted that the proposed turn lane is not long enough. Mr. Gaines said that the

hill would be reduced. Bony Dawood said that the Planning Commission had already expressed concern about the Rt. 174/W. Springville Road intersection. He also said that there is a propose reconstruction of Rt. 174 by changing the grade and elevations in the middle of the road, and widening the shoulders and the road. Board consensus is not to direct more traffic onto W. Springvilled Road.

Public Comment:

School Board representative, Paul Slifko, stated that the School Board is not in favor of an access onto W. Springville Road, mainly because of the school traffic using this route.

Claire Brehm, 617 Forge Road, Boiling Springs, said that she is concerned with children's safety.

Tom made a motion to deny the modification request for Section 716-1 for Parkview at Boiling Springs. Rick seconded, and vote in favor was unanimous.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

Tim recommended that the conditional uses for both Doug and Jane Kiehl and Carlisle Sports Complex (Connor Club, Inc.) be scheduled for public hearings at the September 14, 2006 meeting. Board consensus was to advertise the hearings as recommended.

Tim reported that the Steve and Kelly Hinton condition use decision is ready to be signed by Board members.

MANAGER REPORT:

Cumberland County must be notified by September 1st concerning compliance with NIMS training. Supervisors who have passed the test should return documentation ASAP in order for the certifications to be submitted in time.

Lou Marinacci has submitted a letter of resignation from the SMTMA Board. Randy Watts has expressed interest in holding this position. Tom made a motion to accept Lou Marinacci's resignation, and to appoint Randy Watts to serve the unexpired term. Ron seconded, and the vote in favor was unanimous.

SMTMA has sent a resolution for authorization to pursue those in the new service areas (Bonnybrook Road and Walnut Terrace area) for non-connections. They also ask that the Operations Manager be deputized to enforce all their established rules and regulations. Ron made a motion to approve Resolution #06-16 with the provision that the Township first approves any non-compliance list before any action takes place. Bryan seconded, and the vote in favor was unanimous.

An ordinance has been received to enter into an intermunicipal agreement with Cumberland County for the Township to accept \$50,000 in grant funding for the Leaman Farm. Consensus was given to advertise for adoption of this ordinance at the September 14th meeting.

PUBLIC INPUT:

Claire Brehm read a letter written by Mr. Baker that thanked Brian for his assistance in the request for having the speed reduced on a section of Forge Road. She also said that she opposes the construction of Section 5 of Forgedale Crossing.

SUPERVISORS' DISCUSSION:

Rick asked whether anyone had heard anything about the weed removal. Tim commented that this weed problem is not unique to the lake in Boiling Springs. He also asked or said whether there was any action on the request to PennDOT about the "jake brakes" request. Brian replied that he had not received anything from PennDOT yet.

Ron asked whether there are any ordinances regarding ECHO housing. Tim replied that it is allowed by conditional use.

Jim commented on the new sound system that was installed at the Dickinson Township Municipal Building.

BILLS FOR PAYMENT:

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

ADJOURNMENT:

Bryan made a motion to adjourn the meeting at 8:00 PM. 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