

MINUTES

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

SEPTEMBER 27, 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, Steve Bisbee, Curt Varner, Mike Hess, Doug & Helen Gale, Bob Geist, Wayne & Linda Burkett, Bob & Auralia Whiting, Paul & Stephany Primrose, Jim & Holly Decker, John & Ann Wesner, Donald Baker, Tom & Ann Benjey, Erica Moffitt, Matt Tolk, Martha Green, Don & Cathy Baker, Cindy Dunbar, John Anderson, Attorney Jim Hughes, Attorney Nathan Wolf, Charles Breslin, Ron Hamilton, Tom Wilkins, Paul Cunningham, Becky Blue, Allyn Perkins, John & April Newbold, Ray Jones, Attorney Bryan Salzman, Attorney Clayton Wilcox, Matt Miller – “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.

OPENING ANNOUNCEMENTS:

Tom noted that the meetings are recorded.

MINUTES: 09/13/07 Regular Meeting:

Rick had a correction under Supervisors’ discussion. The correct wording should be water/sewer services “because of demolition” & the hook up cost “would” be ducted at the time of closing. Bryan made a motion to approve the minutes, as amended. Rick seconded, & the vote in favor was 3 to 0. (Ron abstained).

#07-09C ALLEN DISTRIBUTION – Conditional Use Public Hearing:

Mr. Mislitsky opened the hearing & stated procedure. A court stenographer was present. Attorney Hubert Gilroy & Engineer Brian Evans were present.

Jim arrived at 6:06 p.m. The plan was approved. The hearing was closed.

#07-09 WALNUT BOTTOM GROVE – Preliminary/Final Subdivision:

Mike Hess, HRG, presented this plan. The applicant proposes the consolidation of 6 single family residential lots with an agricultural lot. The lot will be subdivided into 2 lots (1 commercial & 1 residential). Tom said that this area was ugly. Mr. Hess had submitted photos of the cleaned up area. A demolition permit will be needed. Ron asked if any building materials from the homes will be salvaged. Mr. Hess said he does not know the developer’s intent on that

subject. Ron Hamilton said he spoke to the owner, & he will allow the EMS companies to use the buildings for training purposes before demolition occurs. Doug Gale, Derbyshire Drive, asked if there were any underground oil tanks on the properties. Mr. Hess said their survey did not show any. Jim asked if an electronic or visual survey was done. Mr. Hess said that the environmental site assessment looks at different data sources & historical records, walk the area & do site inspections. Jim questioned whether an electronic survey should be performed. Brian said that the applicant will probably do one with the geological testing. Certain size storage tanks must be registered with DEP. Ron noted that some underground tanks have been abandoned & are not visible. He feels an inspection should be done on each house to determine what type of heating source was used & that no tanks are on site.

Modifications: Preliminary Plan, Letort Regional Authority review, Stormwater Management Plan, Erosion & Sedimentation Plan, Grading Plan, Landscape Plan, Sidewalks, Curbs & Gutters, Access spacing, Upgrade existing roadway. Bryan made a motion to approve the modifications. Ron seconded, & the vote in favor was unanimous.

Tom made a motion to approve #07-09, subject to staff comments & to require an inspection of each home to determine if any underground storage tanks exist on the properties. Rick seconded, & the vote in favor was unanimous.

UPDATE – S & A HOMES (Forgedale Crossing):

S & A Homes representative, Steve Bisbee, was present for this discussion. He stated items/issues that have been completed in Phase 6 (mowing of lots & open space, street sweeping, reseeded areas in the open space). A list of outstanding items was developed with the Homeowner Association's assistance. Work has begun on the Forgedale Drive/Forge Road connection. The Highway Occupancy Permit was approved & received, as well as, an approved supplemental utility design for the utility adjustments. Jim told Mr. Bisbee to have a flagman directing traffic when heavy equipment backs out onto the road. Jim said there was a flagman ahead sign, but none was present. Ron asked if S & A are boring or cutting Forge Road for the water connection. Mr. Bisbee said they are boring under the road. He stated the paving schedule. He also said he will apply to Penn DOT to request extending paving after Penn DOT's October 15th deadline. Rick commented on the October 15th deadline. He said that Penn DOT could allow paving after the deadline, but could require the paving to be torn up & repaved in the spring. Jim commented on the letters from future homeowners & asked if S& A had considered paying some of their expenses. Mr. Bisbee said they had not, but S & A is working on various contingencies. Ron suggested working on Saturdays, & to complete the paving as soon as possible. Rick clarified a few points in the homeowner's letters. One, the Township does not enforce Homeowner Association regulations. Secondly, he explained the connection of an ingress & egress. Thirdly, the Township does not have an option on not issuing building permits with this phase. It can be an option for approval of the next phase. He added that this condition was placed on S & A in July, 2006, so this should not have surprised any future homeowners. Tom Benjey, E. Springville Road, commented on snow plowing on non-dedicated streets. Brian said that the wearing coarse has been placed on Section 5. Section 6 does not have any homes occupied.

Public input was taken. Paul Primrose asked what issuing the occupancy permit has to do with the road connection. Rick said that all the construction vehicles & traffic from the current

houses has been moving through the older sections of the development & over dedicated roads, & that is having an impact on traffic & maintenance of these roads. Mr. Primrose said that construction vehicles use the 2 connections at this time. Auralia Whiting said that residents may never use the new road depending on which direction they want to go. Bryan clarified that S & A knew about this about this condition since July, 2006, & it's their fault for deceiving the people. The homeowners stated that the condition was not made known to them. Jim Decker said suing S & A would only delay action, & he just wants to move into his house. After further discussion, Bryan made a motion to allow occupancy for 6 homes, for S & A to pay the future homeowners \$2,000 each, & for the homeowners to release S & A from any further responsibility dealing with occupancy permits. Rick seconded. Ron asked how many people have approved mortgages & are waiting on a settlement date. One family said yes. Mr. Bisbee agreed to the condition of the motion. The Board asked each perspective new homeowner if they agree to this condition. Paul Primrose – yes, Auralia Whiting – yes, Linda Burkett – yes, John Wesner – yes, & Jim Decker – yes. The vote in favor was unanimous. Mr. Mislitsky asked Mr. Bisbee to forward the checks (for the owners) to him so he knows that they have been paid. Rick asked Mr. Bisbee to put up construction entrance signs when this entrance is open, as well as the opening to Lindsey Road. Mr. Bisbee agreed.

EMERGENCY SERVICES REPORT:

The report was accepted, as submitted.

RECREATION REPORT:

The report was accepted, as submitted.

ROADMASTER REPORT:

The report was accepted, as submitted.

SOLICITOR REPORT:

No report was given.

ENGINEER REPORT:

Tom made a motion to approve Resolution #07-20 accepting Jennifer Court for dedication & to begin the 18-month maintenance period. Ron seconded. Rick commented about tractor trailer trucks turning around there, & questioned whether signs could be placed at this site. The vote in favor was unanimous.

Tom made a motion to approve Resolution #07-21 accepting East Creamery Road & portions of Jane Lane & East Countryside Drive for dedication. Bryan seconded, & the vote in favor was unanimous. Rick made a motion to not begin the 18-month maintenance period until all remaining items are complete. Ron seconded, but commented that the swales are not constructed. The vote in favor was 4 to 1 (Ron was opposed).

Jim made a motion to approve the security reduction in the amount of \$37,952.71 for Westgate, Phases 5, 6 & 7 (#06-24). Bryan seconded, & the vote in favor was unanimous.

The developer for Indian Hills, Phase 3 will be paving these streets in October & would like to dedicate the streets to the Township. Brian said there is no benefit to the Township accepting

them after the Penn DOT deadline for liquid fuels monies. Consensus was to not accept these streets in October.

A letter was received for Carlisle Borough asking the Township to attend a meeting with the Borough to discuss traffic issues. Tom explained that the Borough wants the Township to possibly joining them on a comprehensive traffic study. Tom made a motion to authorize Brian to join Carlisle Borough in these talks, & to advise the Township of the focus of the study. Ron seconded. Rick added that Barb should also attend the meeting. The vote in favor was unanimous.

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

The applicant for the Georgetown Conditional Use has granted a time extension to hold a hearing until December 31, 2007. Jim made a motion to approve the time extension noting the 100 days to present the case has not begun yet. Bryan seconded, & the vote in favor was unanimous.

Consensus was given to schedule the Carlisle Crossing, Lot #6 conditional use public hearing for October 25, 2007.

Consensus was given to advertise the fire code amendment when ready.

MANAGER REPORT:

The VFW is requesting street closure to hold the Halloween Parade. Rick made a motion to approve the street closures on October 18 from 7:00 – 9:30 p.m. as indicated on their letter. Bryan seconded, & the vote in favor was unanimous.

Several petitions for tax assessment appeals have been received. Usually the Township does not take a position on these because they have little effect on the Township. Jim made a motion to write a letter to the school board of support to fight the assessments. Ron seconded. There were 2 yes votes & 3 no votes. Bryan made a motion not to participate in the tax assessment appeals. Ron seconded, & the vote in favor was 4 to 1 (Jim was opposed).

PUBLIC INPUT:

P.J. Heyman, Lerew Road, discussed traffic concerns on Walnut Street. She stated that there have been numerous accidents & construction vehicles on this street. She had suggestions to improve the safety. Brian noted that he & the Roadmaster had looked at this site & will contact a property owner to see if they will remove a tree that is blocking the sight distance. It was also suggested that possibly painting the curb so people will park so many feet from the stop sign may also help with safety conditions.

(BREAK)

#06-20C TRAMMEL CROW SERVICES, INC. (Sparks Track Lot 3) – Conditional Use Public Hearing:

Attorney Clayton Wilcox reconvened the hearing at 7:48 p.m. A court stenographer was present & the transcript will be the official record. The next hearing will be November 8th. The hearing was closed at 9:25 p.m.

SUPERVISORS’ DISCUSSION:

Rick congratulated Brian on a letter from Mr. Hendrick praising Brian’s helpfulness. He also noted that the opposing traffic at the mall does not stop at the intersection & asked Brian to check into the engineering study for Penn DOT approval for a right turn on red. He asked Barb to check into an attendance log on projects. Rick also asked if there should be a 4-way stop at Eppley Drive. Brian said a 4-way stop is not warranted. A joint meeting will be held with the Municipal Authority & Township on the Act 537 plan. The Boiling Springs Livable Community hearing will be held on November 14th at 6:00 p.m. It was suggested placing this information on the website & in flyers.

Jim asked for an explanation on the EMS donation. He commented on the Township paying \$10,000 toward repair of the high school swimming pool. It was explained that his issue will be brought to the Board’s attention at the next meeting. He noted that the dam is gone & seeding will be done on Friday.

BILLS FOR PAYMENT:

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

ADJOURNMENT:

Ron made a motion to adjourn the meeting at 9:30 p.m. Rick seconded, & the vote in favor was unanimous.

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