

## MINUTES

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

SEPTEMBER 28, 2006

**PRESENT:** BRYAN GEMBUSIA, TOM FALEY, JIM BAKER, RON REEDER, RICK REIGHARD - (absent) – SUPERVISORS; Richard Mislitsky – Solicitor; Barbara Wilson – Manager; Jarrett Sweeney – Assistant Manager, Brian O’Neill – Engineer; Tim Duerr – Zoning Officer, Sandy Quickel – Recording Secretary, Mark Reed, Vicki Aycok, Paul Slifko, Bob Geist, Bob Geist, Bob Beers, Donald L. Baker, Donald R. Baker, William Aiello, Pam Fisher, Brown Vincent, Marty Dwyer, Steve Dell, Eric Slavin, Attorney Susan Smith, Mike Nawrocki, Alexa Mislitsky, Andrea Ciccocioppo – “The Patriot News”, John Hilton - “The Sentinel”.

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

#### **PLEDGE OF ALLEGIANCE:**

The pledge of allegiance was led by Chairman Gembusia.

#### **MOMENT OF SILENCE:**

A moment of silence was observed.

#### **OPENING ANNOUNCEMENTS:**

Bryan stated that the meetings are recorded.

#### **MINUTES: 09/14/06 Regular Meeting**

Ron made a motion to approve the minutes. Tom seconded. Jim had a correction to the minutes. He made a motion that all Agricultural land should be zoned Agricultural. The minutes were approved with this change. Vote in favor was 4 to 0.

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

Mr. Mislitsky reconvened the hearing. He stated for the record that the applicant would not be in attendance. The applicant has granted the Township a 60-day time extension & would like to schedule the hearing for 10/26/06. Tom made a motion to grant a 60-day time extension. Ron seconded. Jim asked if a 60-day extension is sufficient. Tim replied that the applicant offers the Township the time extensions. The vote in favor was 4 to 0. The hearing was closed.

#### **EMERGENCY SERVICES REPORT:**

The report was accepted, as submitted.

#### **RECREATION REPORT:**

The report was accepted, as submitted. Tom added that the Recreation Department discussed Dickinson Township’s Recreation Board’s idea regarding developing a park on the site of the former South Dickinson School. It was suggested that SMT could store materials at this site. After the Recreation Board discussed this subject, it was decided to not participate in this issue.

**ROADMASTER REPORT:**

The report was accepted, as submitted. Barb added that one more road (Meals Road) is scheduled to be paved this year.

**S.M.T.M.A.:**

No report was given.

**SOLICITOR REPORT:**

No report was given.

**ENGINEER REPORT:**

The Leaman's have requested the release of security for the construction of their rural residential lane (Leaman Subdivision plan #05-18). Jim made a motion to approve the request for the security release for plan #05-18. Ron seconded, & the vote in favor was 4 to 0.

As-built plans have been submitted for the Drew Stoken Land Development plan #04-20. Three items still need to be addressed. Jim made a motion to deny the security release request for plan #04-20. Ron seconded, & the vote in favor was 4 to 0.

S & A Homes have requested dedication of portions of Sentinel Drive, Forgedale Drive, Coventry Drive & Arlington Drive (Forgedale Crossing, Sections 3 & 4) be dedicated to the Township. As-builts have been submitted, & Brian has inspected the improvements. Tom made a motion to approve Resolution #06-17 accepting portions of Sentinel Drive, Forgedale Drive & Coventry Drive. Ron seconded, & the vote in favor was 4 to 0. Tom made a motion to approve the security reductions for Forgedale Crossing, Sections 3 & 4 to the maintenance amounts. Ron seconded, & the vote in favor was 4 to 0.

PennDOT has denied our request to reduce the speed limit on Forge Road to 35 mph. Brian said he has sent a follow-up letter asking if the speed could be reduced due to unique circumstances. This denial will not resolve the issue with residents on Forge Road & the left turn lane that is proposed in front of their homes at the Forgedale Crossing Development.

A petition was received from the residents residing on Liberty Court in the Mayapple Development. The residents are requesting that Liberty Court be dedicated to the Township. Jim wanted to postpone this discussion until he could notify the residents on Liberty Court in order to attend the next meeting for discussion. The Board decided to discuss this issue at this time. Bryan said that the Mayapple Conditional Use Plan was approved in 1988 & that Jim voted in favor of this plan. Jim said that he now knows the problems of living on a private street. Tom asked Jim if he is assessed a maintenance fee. Jim replied yes. The majority of the residents are retired & has to pay an additional \$500/year for maintenance. Bryan asked Jim if he was aware of the \$500 fee. Jim replied yes. Ron noted that the Township should not take over substandard streets; plus they do not have sidewalks. Jim felt that core samples can be taken of the road to determine the quality of the road surface. He also feels that the road is wide enough for dedication. Ron again pointed out that Jim made the motion to approve this development. Ron made a motion to deny the request to accept Liberty Court for street dedication. Tom seconded. Tom pointed out that he inherited a swale with his lot in The Oaks, & that he is responsible for cleaning out the swale or pays someone to clean it. Tom asked Jim if he is just requesting

Liberty Court be dedicated. Jim replied that Kitszell Drive is too narrow to be accepted, & that he doesn't like private roads. The vote in favor was 3 to 1 (Jim was opposed).

The Villas, Phase I (#94-28) has requested release of security in the amount of \$83,412.56 for completion of the wearing course. The remaining security for the maintenance amount will remain at \$206,337. As-builts plans have not been received & inspections will need to be performed. Bryan made a motion to approve the actions of security for the Villas Phase I (#94-28) as discussed. Tom seconded, & the vote in favor was 4 to 0.

Consensus was given to send a thank you letter to Cumberland County for their help with the Township's Comprehensive Plan & Zoning Ordinance updates. Brian stated that the County was very helpful with these topics.

**PLANNING/ZONING/CODES ENFORCEMENT REPORT:**

Tim stated that the Township has received a copy of Monroe Township's Comprehensive Plan. Tim will review the plan & will make comments regarding the plan.

Consensus was given to advertise the Robert & Elizabeth Griffin Conditional Use public hearing for October 12, 2006.

**MANAGER REPORT:**

The Humane Society contract for 2007 is ready for approval. The cost for the year is \$3,000, with an additional charge of \$65 for emergency calls (after hours, weekends, & holidays). Tom made a motion to approve Humane Society contract for 2007. Ron seconded, & the vote in favor was 4 to 0.

The West Shore COG has recently expanded to include East Shore members, & feel that a name change is in order. The name suggested was Capital Region of Council of Governments. Bryan made a motion to approve the name change to Capital Regional Council of Governments. Ron seconded, & the vote in favor was 4 to 0.

The MMO (Minimum Municipal Obligation) has been prepared for 2007 for the PMRS retirement obligation. Ron made a motion to approve the MMO as presented. Tom seconded, & the vote in favor was 4 to 0.

The revised PA PERCS traffic signal maintenance contract is ready for approval. They had been billing the Township under the new price structure since the company transferred ownership. Tom made a motion to approve the PA PERCS contract. Ron seconded, & the vote in favor was 4 to 0.

Consensus was given to not participate in the joint operation of land with Dickinson Township as previously discussed under the Recreation Report.

The VFW will be holding the Halloween Parade on October 19. They are requesting closure of certain streets in order to hold the parade. The rain date is October 26. Tom made a motion to approve the street closing for the parade. Ron seconded, & the vote in favor was 4 to 0.

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

Mr. Mislitsky reconvened the hearing. Issues of concern were the protection of water quality in the wellhead protection area & building in that particular area. A hydrologist was hired by the applicant to study these issues. The Township hired a consultant to review the information submitted by the applicant. The Township's consultant, Mike Nawrocki, is satisfied with the data provided by the applicant. Tom stressed to Mr. Vincent to be very careful where you build, & to expect sinkholes to appear. Pam Fisher stated that a sinkhole mitigation plan will be submitted. This plan will address what will be done to fix/repair sinkholes if they appear. Mr. Vincent said that Traditions of America will be proactive on dealing with this issue. If any sinkholes or other similar problems develops, he promised to stop work immediately & call the Township. He stated that this plan proposes an age-restricted community with 250 homes, private streets & a clubhouse. Mr. Vincent introduced Eric Slavin. Mr. Slavin is a hydrogeologist & said he was asked to look at this site for 2 reasons. 1) to determine if the development of this site will jeopardize well #2. He said that there are no fracture traces or other features that could potentially carry water from this site to the wellhead or could also divert water from the well. 2) to determine if this is a safe site to build on. He said that any site in Pennsylvania that is underlined by karst geology could harbor possible sinkholes. Mr. Slavin also said that investigations were done at the site to get an idea as to where possible sinkholes are/or will appear & how to avoid them. Mapping by the PA Geologic survey & specific karst maps that depict closed depressions/sinkholes were reviewed. No sinkholes have shown up on this property. Topography & sub-surface investigations were done. Mr. Mislitsky asked Mr. Slavin what is proposed if sinkholes, fracture traces, etc are found. Mr. Slavin said that if a suspected area is encountered, all construction will stop, & the Township Engineer will be notified to visit the site & determine the remediation of that sinkhole. Traditions of America will agree to fix the problems per the Engineer's direction. Mr. Vincent added that the Homeowners Association will be funded to fix them. He also noted that the homes will not have basements, & that the Homowner's Association will be very well funded & will have the financial ability to address all problems.

Mr. Mislitsky asked Mr. Nawrocki if the 7 items noted on a list that was distributed at the meeting are his recommendations. Mr. Nawrocki replied yes. Mr. Mislitsky entered 2 reports by Traditions of Amercia & 2 reports from Mr. Nawrocki into the record. Mr. Mislitsky asked Mr. Vincent for clarification of the construction phase. During this phase, the construction will only be done by Traditions of American, & not by individual builders. Mr. Vincent said that is correct. Attorney Susan Smith asked if the record is to include a document dated September 12, 2006. Mr. Mislitsky replied it will include all reports. Tom's advice is to alert potential buyers to purchase sinkhole insurance. Bryan asked if the same restrictions (as on the Wheatstone plan) should apply to this plan regarding a water quality document so people are warned about dumping solvents into the ground. It needs to be clarified how the homeowners will receive this information (in restrictive covenants, deeds, HOA documents, etc). It was suggested to place this information in the deeds & the HOA documents. A comment was placed in the deed stating that "this area is a sinkhole area & to purchase sinkhole insurance". Mr. Vincent was agreeable to doing this. Mr. Mislitsky suggested making the purchase of sinkhole insurance a requirement for the HOA. Mr. Vincent agreed. Traditions agrees to provide security, funding, insurance & some other acceptable financial means assuring that the HOA will correct, mitigate and/or repair problems, such as sinkholes, which may arise due to the geological conditions at the site. Jim asked why private streets are proposed instead of public streets. Mr. Vincent said that private

streets facilitate the community better with the design & flow of the community. Jim asked if it is less expensive than public streets. Mr. Vincent replied no. Marty Dwyer, Chief Operating Officer for Traditions of America stated that private streets offer a self-contained community, & the streets do not lead anywhere except to their own homes. Bryan asked if the homeowners will have to pay for the maintenance of the streets. Mr. Dwyer said yes. Bryan addressed Paul Slifko (SMSD Board) to confirm that school buses will not travel down private streets. Mr. Slifko said that is correct. Bryan suggested supplying a document to potential buyers stating that buses will not travel on these streets. Attorney Smith stated that this type of disclosure statement is required by law.

Mr. Nawrocki was asked to comment. He said that he agrees with everything that was said. There were 2 main issues. 1) wellhead protection – studies show there will be no impact on the wellhead; & 2) constructability of the site – several tests were performed & no sinkholes were found at this time. He said, however, that you cannot predict if or when any sinkholes will appear. There was no public input.

Tom made a motion to approve #06-10C, subject to staff conditions & the verbal agreements during the meetings. Ron seconded & read the conditions. They are: subject that the Outreach program will include deed warning about sinkholes & the availability of sinkhole insurance & the advance information to be provided to the potential homeowners concerning the possibility of sinkhole & the insurance associated with that, & subject to the same restrictions applied to the Wheatstone development be applied to this development regarding household contaminants, & subject to the applicant agreeing to provide security, insurance & other acceptable financial means assuring that the HOA will correct, mitigate and/or repair problems, such as sinkholes, which may arise due to the geological conditions at the site, & subject to the submittal of a sinkhole mediation plan at the Preliminary Plan stage. A roll call vote was taken. The vote was 3 to 1 (Jim was opposed). Jim explained that he feels people will not be happy with private streets. The hearing was closed.

**(BREAK)**

**PUBLIC INPUT:**

Don Baker, Forge Road, commented on the proposed left-turn lane out of the new phase of the Forgedale Crossing Development. He feels that the speed limit should be lowered first, and then that would eliminate the left-turn lane issue. When Mr. Baker was asked why he is in opposition of the left-turn lane, Mr. Baker replied that it is a safety issue & he will only be able to make a right-in & right-out turn (legally) out of his driveway.

**SUPERVISORS' DISCUSSION:**

Ron commented on an inlet on Woodview Drive. He said that the blacktop is sinking around it. Brian will look at the inlet.

Jim commented on the issue of installing a street light on Wood Lane. Brian said that there are poles along the road, but there is not a large amount of traffic traveling this road. Jim said that tractor trucks turn around in that area & it is too dark to see.

Bryan commented on a plywood weir at Indian Hills. He asked if the weir could be made of metal. Brian said yes. Bryan requested that the developer put in a metal weir at this area.

Jim added that he attended an event at Allenberry regarding housing. He noted that if you don't make a community nicer, people will stop coming to live in that area.

**BILLS FOR PAYMENT:**

Jim made a motion to pay the bills, as submitted. Tom seconded, & the vote in favor was 4 to 0.

**ADJOURNMENT:**

Bryan made a motion to adjourn at 7:25 p.m. Tom seconded, & the vote in favor was 4 to 0.

**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