

**MINUTES
REORGANIZATION MEETING**

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

JANUARY 3, 2006

PRESENT: BRYAN GEMBUSIA, TOM FALEY, RON REEDER, JIM BAKER, & RICK WREIGHARD - SUPERVISORS; Barbara Wilson - Manager; Sandy Quickel – Recording Secretary; Jarrett Sweeney – Assistant Manager; Carolyn Reighard; Mary Zeigler; Bill Rozier; Pam Fisher; Duff Manweiler; Doug Gale; Phyllis Givler; Bob Winters; Bill Brown; Jeff Lobach; Steve Hanzik; Raymond Cartwright; Attorney Susan Smith; Attorney Tiffany Cartwright; June Hoch; John Anderson; Brown Vincent; Andrea Ciccocioppo – “The Patriot News”; & Sean Smyth – “The Sentinel”.

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

PLEDGE OF ALLEGIANCE:

Chairman Faley led the audience in the pledge of allegiance.

MOMENT OF SILENCE:

A moment of silence was observed.

OPENING ANNOUNCEMENTS:

Tom thanked the Board & staff for their support to him as Chairman.

TEMPORARY CHAIRMAN:

Tom made a motion to appoint Bryan Gembusia as Temporary Chairman for 2006. Ron seconded, & the vote in favor was unanimous. Bryan asked for a nomination for Chairman.

CHAIRMAN, BOARD OF SUPERVISORS:

Tom made a motion to nominate Bryan Gembusia as Chairman for 2006. Ron seconded. A roll call vote was taken & the vote in favor was unanimous.

VICE CHAIRMAN:

Bryan made a motion to nominate Tom Faley as Vice Chairman for 2006. Ron seconded. A roll call vote was taken & the vote in favor was unanimous.

SECRETARY:

Sandra Quickel as Secretary for 2006.

ASSISTANT SECRETARY:

Barbara Wilson as Assistant Secretary for 2006.
Page 2 – Reorganization Meeting – 01/03/06

TREASURER:

Barbara Wilson as Treasurer for 2006 & setting the bond at \$2 million dollars.

ASSISTANT TREASURER:

Jarrett Sweeney as Assistant Treasurer for 2006.

SOLICITOR:

Richard Mislitsky as Solicitor for 2006 at the rate of \$110.00/hr.

ENGINEER:

Brian O’Neill as Engineer for 2006 and consultant engineers, as needed.

VACANCY BOARD CHAIRMAN:

Duff Manweiler as Vacancy Board Chairman for 2006.

ALTERNATE S.E.O.:

Edward Elbel as alternate S.E.O. for 2006.

EARNED INCOME TAX/OPT TAX COLLECTOR:

Central Tax Bureau of PA as Earned Income Tax/OPT Tax Collector with a 2% commission by agreement for 2006.

Jim made a motion to appoint the above positions as noted. Tom seconded, & the vote in favor was unanimous.

DEPOSITORY FOR TOWNSHIP FUNDS:

Legg Mason, P.L.G.I.T., Orrstown Bank, Sovereign Bank, M&T Bank, PNC Bank, Commerce Bank, MidPenn Bank, W.H. Newbold’s, Community Banks & F&M Bank as depositories for township funds for 2006. Tom made a motion to approve the depositories for Township funds for 2006. Ron seconded, & the vote in favor was unanimous.

PLANNING COMMISSION APPOINTMENTS:

Phyllis Givler – term to expire 12/31/08 (filling Rick Reighard’s term)

Rick made a motion to appoint Phyllis Givler to the Planning Commission. Bryan seconded, & the vote in favor was unanimous.

Jesse Moose – term to expire 12/31/09 (reappointment)

Tom made a motion to reappoint Jesse Moose to the Planning Commission. Rick seconded, & the vote in favor was unanimous.

Tom Houf – term to expire 12/31/06 (filling unexpired term of Doug Wendt)

Tom made a motion to appoint Tom Houf to the Planning Commission. Rick seconded, & the vote in favor was unanimous.

Page 3 – Reorganization Meeting – 01/03/06

Richard Mislitsky – Planning Commission Solicitor

Ron made a motion to reappoint Richard Mislitsky as Planning Commission Solicitor for 2006 at a rate of \$110.00/hour. Ron seconded, & the vote in favor was unanimous.

ZONING HEARING BOARD APPOINTMENTS:

Michael Landis – term to expire 12/31/10

Ron made a motion to reappoint Michael Landis to the Zoning Hearing Board. Tom seconded, & the vote in favor was unanimous.

Victor Neubaum as Zoning Hearing Board Solicitor at a rate of \$95/hour for 2006.

Ron made a motion to reappoint Victor Neubaum as Zoning Hearing Board Solicitor. Rick seconded, & the vote in favor was unanimous.

LETORT REGIONAL AUTHORITY:

Tom made a motion to appoint John Greenbaum to the Letort Regional Authority with a 5 year term to expire 12/31/10. Bryan seconded, & the vote in favor was unanimous.

EMERGENCY SERVICES COMMITTEE CHAIRMAN:

Tim Yingst as Emergency Services Committee Chairman for 2006. Ron made a motion to reappoint Tim Yingst as EMS Committee Chairman for 2006. Rick seconded, & the vote in favor was unanimous.

EMERGENCY SERVICES CO-ADMINISTRATOR:

Bryan made a motion to reappoint Ron Hamilton & Doug Glass as Emergency Services Co-Administrators for 2006. Ron seconded, & the vote in favor was unanimous.

AGRICULTURAL SECURITY AREA CHAIRMAN:

Gene Heyman as Agricultural Security Area Chairman for 2006 (no term limit).

Tom made a motion to reappoint Gene Heyman as Agricultural Security Area Chairman. Bryan seconded, & the vote in favor was unanimous.

RECREATION BOARD APPOINTMENT:

Sam Glesner - term to expire 12/31/10 (filling Steve Knisely's expired term).

Ron made a motion to appoint Sam Glesner to the Recreation Board. Tom seconded, & the vote in favor was unanimous.

Eric Vorodi – term to expire 12/31/08 (filling Bob Johnson's unexpired term).

Tom made a motion to appoint Eric Vorodi to the Recreation Board. Rick seconded, & the vote in favor was unanimous.

Two (2) additional members were added to the Board.

Brady Pyers & Cindi Good.

Page 4 – Reorganization Meeting – 01/03/06

Tom made a motion to appoint Brady Pyers (term to expire 12/31/07) & Cindi Good (term to expire 12/31/10) to the Recreation Board. Rick seconded, & the vote in favor was unanimous.

S.M.T.M.A. BOARD APPOINTMENT:

Gerald Christopher - term to expire 12/31/10.

Ron made a motion to reappoint Gerald Christopher to the SMTMA Board. Tom seconded, & the vote in favor was unanimous.

VOTING DELEGATE TO STATE ANNUAL CONVENTION:

Bryan made a motion to appoint Barbara Wilson as the Voting Delegate for 2006. Tom seconded, & the vote in favor was unanimous.

AUDITOR:

Robert Cairns – term to expire 12/31/09 (filling Michael Berk’s unexpired term – elected to SMSD). Ron made a motion to appoint Robert Cairns as Auditor. Tom seconded, & the vote in favor was unanimous.

LIQUOR LICENSE TRANSFER (RED ROBIN RESTAURANT) – Public Hearing:

The hearing was opened. Steve Hanzik & Attorney Jeff Lobach were present for the hearing. Attorney Lobach stated that Red Robin originally applied for an Economic Development Liquor License since a regular license was not available at the time they applied. Since a license became available, they want to transfer the Economic Development License to a regular license. Tom stated that the new license was obtained from Capital City Commons, & is being purchased from Cumberland County. Red Robin will have to surrender the Economic Development License when the normal license is obtained. There was no public input. Bryan added that Red Robin is a wonderful neighbor.

Jim made a motion to approve Resolution #06-01 approving a liquor license for Red Robin Restaurant. Tom seconded, & the vote in favor was unanimous. The hearing was closed. Tom agreed with Bryan & added that the restaurant donated to the fire companies.

DISCUSSION – TRADITIONS OF AMERICA:

Attorney Tiffany Cartwright, Attorney Susan Smith, Brown Vincent & Pam Fisher were present for this discussion. The plan proposes an active adult community which would be age-restrictive. Attorney Tiffany Cartwright provided information stating that these types of communities are legal. Jim stated that he just received this information today & would like more time to study the information. He was told

that the applicant is scheduled to appear before the Zoning Hearing Board on February 9th. The applicant is requesting several variances. Ron said that he read the information & it has eliminated any questions or concerns that he has. Ms. Cartwright stated that this type of development meets federal & state law requirements. Rick asked if there were any examples of this type of development that later became an open community. Ms. Cartwright stated that she does not know of any, but the opposite has occurred. Tom stated that he spoke with a Raymond Cartwright of the Commonwealth of Pennsylvania Human Relations

Page 5 – Reorganization Meeting – 01/03/06

Commission regarding this issue. Tom said that he was told that this is a gray area, & that developers may be proceeding at their own risk. He was also informed that the Township may want to secure a hold harmless agreement in the event that a lawsuit would occur. The applicant's attorney & Township Solicitor will be working on this agreement. Mr. Cartwright stated that there is no language that prohibits this type of development. He also added that the hold harmless clause should be in all documents. Tom feels that the possibility will always exist that this type of development is questionable, but is not against the law.

Duff Manweiler, 124 S. Ridge Road, spoke highly of Brown Vincent, developer, & stated that he lives near the area where this development is proposed. Mr. Manweiler stated that Mr. Vincett has been very pleasant to work with in discussing this plan. He asked the Board to support this proposed plan. Mary Zeigler, Allen Street, asked if there will be any low-income housing & the price range. Mr. Vincent stated that the pricing rates have not been set. Jim feels the Board should not support the variance requests at the Zoning Hearing Board, but to let the applicant stand on their own at the meeting. Jim also does not like the proposed private streets, feels the applicant is asking for too many variances, & feels that the housing boom may be over causing the houses not to be marketable. Tom said that 240 houses are proposed & zoned correctly for this area. Duff commented that the applicant could construct between 270 to 300 houses according to the ordinance, but are asking for less. Ron pointed out that Mayapple has private streets, is a mixed use of homes, & when approved, it was not a whole complex. Tom stated that the condo units will not have to maintain (mow) their own yards. Mary Zeigler pointed out that this type of development will save taxpayers money on maintaining Township-owned roads. Doug Gale, Derbyshire Drive, stated that this type of development makes sense for the Township as long as it stays the way it is proposed. He does not want to see it revert back to an open community. Attorney Smith said that a change like that would have to taken before the Board for a vote.

Tom made a motion to authorize the Solicitor to show support at the Zoning Hearing Board for this concept & subject to the applicant submitting a hold harmless clause agreement to the Township. Ron seconded. Bryan stated that Mr. Mislitsky will not be available on the night of the meeting, but could send a letter of support. It was decided that Barb will deliver the letter to the Zoning Hearing Board. Rick asked if the Township currently has an age-restrictive development (Strawberry Court). He was told that Strawberry Court just happened to turn into that type of development. Jim feels it should not be age-restricted. The vote in favor was 4 to 1 (Jim was opposed).

SUPERVISORS' DISCUSSION:

Jim commented that the same people apply for open positions. New people are needed for various committees.

Ron noted that Waste Management will be changing their collection days. Instead of Friday pick-ups for the entire Township, they will be changing back to a 5-day pick up schedule.

Page 6 – Reorganization Meeting – 01/03/06

Notification will be through postcards & voice mail messages. He feels they are very responsive to calls/complaints.

(BREAK)

PUBLIC INPUT:

Jim stated that the open space initiative is still a good idea.

David Masland, Heisers Lane, distributed an article on air quality. He stated that this area is the unhealthiest in the state. Health concerns & air pollution are issues of concern. Dr. Masland stated that he is disturbed by the Township extending sewer service into Dickinson Township for service to warehouses. Another concern is that the new hospital is surrounded by warehouses, & is in a dangerous place. He is concerned that if the Royer Farm is developed, another warehouse will be built. He stated that the west winds take pollutants into the area. Bryan stated that he feels that only local government should not be targeted on this issue. He stated how he converted his car to run on waste vegetable oil, that the trucking industry should change over to alternate methods of fuel & that they shouldn't be dependent on oil. Bryan said that he has already suggested that the Township use waste vegetable oil in the Township vehicles. Jim said that there is a lot of cancer in the Township, & that the 240 houses planned by Traditions of America won't be using waste vegetable oil. Jim suggested making a copy of the meeting tape for the school district to listen to the discussion. Mary Zeigler, Allen Street, commented that Letterkenny has an ethanol plant. She asked about the last set of minutes. She was told they will be approved at the next meeting. She also asked if the issue of the deed transfers for Touchstone Drive has been resolved. Barb replied that she doesn't have any further information at this time. Mary said that she gave a copy of the deed transfer to Duff Manweiler for him to check into the issue. She also asked how the Open Space committee members were chosen, & stated that she did not receive any cards from the Home Builders Association on the open space referendum. Barb explained that the Board asked for volunteers & every person who sent a letter to the Township was placed on the committee. Mary asked if the people were well educated/knowledgeable. Barb said that the people were from every walk of life (e.g. young, old, laborers, professionals). Mary said that low-income people do not vote. She said that a lot of senior citizens voted for the open space tax, but they would not be affected by it. She said that the more-educated people that have better jobs do not mind donating to the open space. She added that a lot of people did not receive the information from the Home Builders Association. She also said that she was proud of Rick Rovegno's stand on this issue &

of his \$500 check towards preserving open space. She said she will try to get the low-income people to vote. Ron stated that the Township did not pass the \$52 EMS tax. The Township's tax is strictly a property tax for the fire services. He feels the EMS tax does not do what it is supposed to do. The EMS tax can be used for repairing streets; & not just for fire services.

June Hoch, 25 Orion Road, said that she is interested in open space, & was disappointed that the initiative did not pass. She said she is willing to pay a donation, & asked if an open space fund

Page 7 – Reorganization Meeting – 01/03/06

will be established. Bryan said that this is a path the Township may take & that Rick Rovegno donated \$500 towards a fund for open space.

PLANNING/ZONING/CODES ENFORCMENT REPORT:

Barb presented this report. Jim made a motion to approve 90-day time extensions for the following plans: West Shore Properties Final Minor Land Development, Carlisle Regional Medical Offices Final Minor Subdivision, Carlisle Regional Medical Offices Final Minor Land Development & Eastgate Professional Center Final Minor Land Development. Rick seconded, & the vote in favor was unanimous.

SOLICITOR REPORT:

The report was accepted, as submitted.

MANAGER REPORT:

Barb stated that she, Ron Smith & Brian O'Neill have met with Don Group regarding the Indian Hills issues (snow removal, signage & roadway obstructions). Mr. Group & his attorney (Jim Hughes) are willing to proceed on this matter.

The State Convention will be in April. RSVP any attendance by January 16th.

The 2006 mileage reimbursement rate is 44.5 cents per mile. Ron made a motion to approve the mileage reimbursement rate for 2006. Bryan seconded, & the vote in favor was unanimous.

Regarding review of the Comprehensive Plan, Bryan made a motion to schedule a joint meeting between the Board & the Planning Commission to discuss this issue. Rick seconded. Ron asked that the meeting be held on a regular meeting day. Tom suggested the first meeting in February. The vote in favor was unanimous. The staff was asked to begin the preliminary work for the process & distribute the information before the joint meeting.

BILLS FOR PAYMENT:

Barb added 2 more checks to the list for payment: SMTFC's 1st quarter 2006 donation in the amount of \$10,000 & a check to Pitney Bowes in the amount of \$1,413.00 for postage.

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

The 2006 Liaison Appointments were made as follows:

- SMSD – Bryan (Rick – alternate)
- Emergency Services – Bryan & Ron
- SMTMA – Jim
- Carlisle Regional Representatives – Barb
- Planning Commission – Tim Duerr
- Finance/Personnel – Ron & Bryan

Page 8 – Reorganization Meeting – 01/03/06

- Road Dept. – Jim & Tom
- Recreation – Tom
- Citizen’s Advisory Committee – Bryan & Barb (Tom – alternate)
- Farmland Preservation – Jim (Bryan – alternate)
- West Shore COG – Barb (Jarrett – alternate)

Jim made a motion to approve the liaison appointments as listed. Ron seconded, & the vote in favor was unanimous.

ADJOURNMENT:

Tom made a motion to adjourn the meeting at 7:50 p.m. Rick seconded, & the vote in favor was unanimous.

WITNESS:

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Bryan A. Gembusia, Chairman

Thomas E. Faley, Vice Chairman

James N. Baker

Ronald L. Reeder

Walter G. Reighard