

TOWNSHIP OF SOUTHAMPTON MINUTES
FOR THE REGULAR MEETING OF THE BOARD OF SUPERVISORS
SOUTHAMPTON TOWNSHIP MUNICIPAL BUILDING

6:00PM

June 23, 2015

MEMBERS PRESENT

Paul Witter – Chairman
Greg Richardson – Vice Chairman
Samuel Cressler – Secretary/Treasurer

OTHERS PRESENT

Carol Redding Esq. – Township Solicitor, via Skype
Doug Shields – Code Enforcement
Maria Misner – Planning/Recording Secretary

VISITORS PRESENT

Melvin Wadlinger – Resident
Bob Franks – Sheetz Inc.
Jeff & Karen Showaker – Incoming Resident
Todd Wilson – Alpha Consulting
Carl Bert – CBA – UBP
Matt Banks – Disgruntled Resident
Brian Zullinger – Resident
Robert Zimbicki – Mainsville Rd.
Dave Sciamanna - CVRDC
Galen Burkholder – News Chronicle
Dale Heberlig – Public Opinion
Bill Naugle – 870 Remington Dr.

Chairman Witter called the meeting of June 23rd, 2015 to order at 6:00pm and announced the meeting was being recorded.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

VISITOR REMARKS

There were no visitor remarks.

APPROVAL OF THE BOARD OF SUPERVISORS MINUTES FOR THE REGULAR MEETING OF MAY 26TH, 2015.

The minutes from the May 26th meeting, were approved as presented.

OLD BUSINESS

Township Investment Policy - Supervisor Richardson stated that he contacted Mr. Todd Alexander regarding the principal guarantee investments or others that would fall within Township guidelines. On June 10th, another follow-up text was sent to Mr. Alexander who replied back saying he would research and forward his findings for the current Board meeting. Mr. Richardson speculated that Mr. Alexander's interest is closed on the matter. Supervisor Richardson stated he was prepared to let it rest.

NEW BUSINESS

Resolution 2015-005 Apply to PennDOT for Traffic Signal Rowe Road & US 11
Supervisor Witter stated that PennDOT will not accept a co-applicant application with the Borough of Shippensburg for the Rowe Road Traffic Signal. It must be done individually.

MOTION: Supervisor Richardson moved to sign the application to PennDOT for the Traffic Signal at Rowe Road & US 11. Supervisor Witter seconded the motion which passed. Samuel Cressler abstained.

90-Day Notice for Possible Uniform Construction Code

Supervisor Cressler stated in 2004, Southampton Township agreed to use Commonwealth Code Inspection Agency through Franklin County Council of Government. There has been a split from Commonwealth Code and a lot of municipalities are going with the new company. The Township Agreement states that if the Township would like to consider other options, it requires a 90-day notice to Commonwealth Code.

MOTION: Supervisor Witter moved to give Commonwealth Code a 90-day notice that we are considering other vendors. Supervisor Cressler seconded the motion which passed unanimously.

Comp Plan Update

Maria Misner stated that the neighboring municipalities, boroughs and school district have received a copy of the Comprehensive Plan to review and comment on for 45 days. That deadline will expire in the middle of July. The Planning Commission will hold its public meeting for comment at 6:30 on July 21st meeting. It will be ready for the Supervisors to take action on the 28th.

MOTION: Supervisor Witter moved to advertise to hold a public hearing for the Comp Plan Update at 6:30 on July 28th. Samuel Cressler seconded the motion which passed unanimously.

Search for Additional Zoning Board Member

One of the Zoning Board Members moved to the Planning Commission, an alternate has yet to be replaced.

MOTION: Samuel Cressler moved to advertise for an additional Zoning Board Member to be appointed at the next Board Meeting. Supervisor Richardson seconded the motion which passed unanimously.

6:15pm - PUBLIC HEARING FOR PROPOSED ORDINANCES

Chairman Witter closed the Board of Supervisor's meeting at 6:15 and opened the Public Hearing for Proposed Ordinances for lighting:

- Ordinance 2015-004 - Amendments to the Subdivision and Land Development Ordinance
- Ordinance 2015-005 Amendments to the Zoning Ordinance

Doug Shields stated that he had some concerns regarding Section 1001.21 Of Ordinance 2015-005 on facilities and enforcement and would like to table the Ordinance until Supervisors, Staff and Engineer can meet and discuss.

Mel Wadlinger asked if 1001.11 Parcel delivery and tradesman services are being considered to move into the Commercial rather than Industrial Zone?

Samuel Cressler stated that this is one of the issues that need to be discussed because it doesn't have a definition.

Supervisor Richardson asked that Dickenson Township and Carlisle Borough be researched and compared for Zoning Ordinances.

Mr. Wadlinger suggested that other issues that may be vague in the ordinance are also addressed in the ordinance such as vibrations and odor.

Supervisor Witter closed the public hearing for Proposed Ordinances at 6:25 and re-opened the regularly scheduled Board of Supervisors meeting.

MOTION: Supervisor Witter moved to adopt Ordinance 2015-004 Amendments to the Subdivision and Land Development Ordinance and table Ordinance 2015-005 Amendments to the Zoning Ordinance. Samuel Cressler seconded the motion which passed unanimously.

Southampton Township vs. US Xpress Legal Action Agreement

Carol Redding, Township Solicitor stated that as a result of a denial of a Land Development Plan in summer of 2014, US Xpress filed an appeal. The Township has been working for about nine months with US Xpress to solve the litigation. All supervisors have been provided with the resolution which has been arrived at between US Xpress and the Township. She believes it is the best resolution and recommends it be accepted and signed to resolve litigation.

Supervisor Cressler stated that the matter boils down to Industrial Use and the definition thereof. Township Solicitors recommended trying to obtain a resolution with USX because they are claiming they are not an Industrial Use but Commercial. The Zoning Ordinance does not clearly define it. Prior case law indicated that we did not have a very strong case. If this situation went to trial and the Township lost, then US Xpress would be granted a 20 foot setback because they are not an Industrial Use. The plan as it stands now is vegetated 100-foot buffer.

Mr. Cressler explained that in December the supervisors met and they designated him to check into a vegetative screening. He met with a forester and asked what it would cost to landscape the whole way around the corner so all of the houses along Mainsville road would get protection through time. The estimate would cost the Township about \$16,000 in trees, plus what US Xpress is going to put in. The choice was to roll the dice and possibly get a 20-foot setback and pay all US Xpress' legal fees, or get a 100-foot setback with a large number of trees.

This agreement will now go to US Xpress for their acceptance.

Greg Richardson stated for the record that the original matter was filed because of a lack of filing paperwork.

Samuel Cressler added that the meeting for US Xpress that night was for a zoning decision and he got caught up in the request of the attendees to deny the plan. He did not realize that he only had 15-days to send them an official denial letter. Since their Attorney and Engineer were present.

Maria Misner stated that the Township Ordinance gives 60-days to notify that a plan has been denied, but the MPC only allows 15-days, and it supersedes the Township Ordinance.

Mr. Matt Banks asked if the Township sought specific commercial real estate attorneys?

Solicitor Redding replied that the in-depth research was geared towards Commercial vs. Industrial use and how that industrial use based upon case law would likely result for the Township which she felt would be a 20' buffer and the lack of screening was also at risk.

Mel Wadlinger stated that the 100' foot buffer is fine, but he has some difficulty with using Taxpayer money to purchase the trees. Why have the supervisor's agreed to pay \$16,000 to improve the property?

Supervisor Witter replied that was what came out of the litigation.

Supervisor Cressler stated that was all for the residents. That's why there are surplus funds, when only a few people are affected; the Township can improve that situation.

MOTION: Chairman Witter moved to accept the agreement with US Xpress. Supervisor Cressler seconded the motion which passed. Supervisor Richardson opposed.

SUBDIVISIONS

SD2015-009 Sheetz – Final Land Development Plan

Maria Misner stated that a detailed presentation on the Sheetz site was given to the Planning Commission the previous month, but due to a significant amount of General and Design comments, it was tabled. This month the Planning Commission revisited the plan on June 16th, and found most of the comments satisfied. They approved the plan conditionally upon outside agency approvals and bonding being satisfied.

Bob Franks and Todd Wilson gave a presentation of the proposed Sheetz on Olde Scotland Road to the Supervisors. Mr. Franks stated that a variance for a 120 ft. sky-sign was approved by the Zoning Hearing Board.

Supervisor Cressler asked if they were aware of the maintenance agreement with United Drive?

Mr. Sciamanna stated they have a signed maintenance agreement.

MOTION: Supervisor Richardson moved to approve SD2015-009 Sheetz – Final Land Development Plan, pending all outstanding agency approvals and bonding being satisfied. Samuel Cressler seconded the motion which passed unanimously.

SD2015-011 – Shippensburg Borough Authority

Lot addition to Randall Chamberlin. There were no outstanding comments.

MOTION: Supervisor Cressler moved to approve the Non-Building Waiver. Supervisor Richardson seconded the motion which passed unanimously.

MOTION: Supervisor Cressler moved to approve SD2015-011 Shippensburg Borough Authority. Supervisor Witter seconded the motion which passed unanimously.

SD 2015-012 CVRDC – Lot Subdivision

This plan is a subdivision/consolidation plan. Mr. Carl Bert and Mr. Dave Sciamanna were present to answer questions.

Mr. Bert explained there was a Master Roadway Plan that went all the way to Mainsville Road. This subdivision is designed to meet those criteria. There is a

specific note on the plan that states it will not be part of this plan, but will be when any development occurs involving Lot 6.

MOTION: Supervisor Richardson moved to approve SD2015-012 CVRDC Modification of Plan Scale (700.1.E) and Modification of Topographic Contours (600.1.E). Supervisor Witter seconded the motion which passed unanimously.

MOTION: Mr. Cressler moved to approve the non-building waiver. Mr. Richardson seconded the motion which passed unanimously.

MOTION: Supervisor Witter moved to approve SD2015-012 CVRDC Final Land Subdivision Plan. Samuel Cressler seconded the motion which passed unanimously.

SD2013 - 010 Reuben Oberholtzer - Lot Addition to CVRDC

Mr. Carl Bert requested that Reuben's Plan be re-approved so it can be recorded within 90-days. At the time of approval 11-26-13, it was stated that as a lot-addition, it would not be recorded unless it was with a new land-development or new subdivision plan. They would like to record it in conjunction with SD2015-012 CVRDC's approved plan.

SD2015-013 Jeff and Karen Showaker – Stormwater Waiver Request
Install 50' x 150' Agricultural Shed at 2649 Roxbury Road.

MOTION: Supervisor Richardson moved to approve SD2015-013 Stormwater Waiver request contingent upon Mr. & Mrs. Jeff and Karen Showaker completing the purchase of the property and satisfactory performance of the proposed methods of controlling the runoff: 1) having gutters drain to the southeast side of the property (towards Shippensburg) and 2) building up the fencerow on the northwest side. If proposed methods are not sufficient, and it is determined that stormwater is running onto neighboring property, the owners would be responsible to submit and implement a stormwater management plan.

SD2015-014 J. Paul Zimmerman – Stormwater Waiver Request

Remove a 70' x 18' section of an existing loafing shed, and build a 60' x 60' section.

MOTION: Supervisor Richardson moved to approve SD2015-014 – J. Paul Zimmerman, Stormwater Waiver, on conditional approval. If stormwater is found to be running onto neighboring properties the owner will be responsible for

installing corrected stormwater management. Supervisor Witter seconded the motion which passed unanimously.

REPORTS OF TOWNSHIP OFFICIALS AND AGENCIES

Temporary Lease for Park and Rec. – Solicitor Redding is working on the lease, and it will be sent out to everyone for review when completed.

P & G Lighting – Doug Shields, Code Enforcement – talked with Mr. Alderman from Liberty Property, in reference to the lights. The manufacturer has failed to come up with a prototype on the lighting shield. He is going to engage a fabrication shop in central PA to come up with shielding devices. Some of the problem he is running into is that fabricators don't want to make just one. They need to experiment.

ACTION ON PAYING THE BILLS

MOTION: Supervisor Richardson made a motion to pay the general fund in the amount of \$51,213.74. Supervisor Witter seconded the motion, which passed unanimously.

The meeting was adjourned by Supervisor Witter at 7:18pm.

Respectfully Submitted

Maria Misner
Recording Secretary