

**Middleton Township Board of Supervisors  
January 7, 2008**

The meeting of the North Middleton Township Board of Supervisors was held at the Township Municipal Building, 2051 Spring Road, Carlisle PA on January 7, 2008. Chairman Richard A. Bucher called the meeting to order at 6:15 p.m. Board members present were Vice Chairman Robert H. Shearer, Supervisor Dennis E. Hurley, Supervisor Harry Kelso, Supervisor Robert Reisinger, Solicitor Mark Allshouse, Manager Deborah Ealer, and Recording Secretary Lori A. Coleman.

Visitors: see attachment #1.

**Public Comment / Hearing of Visitors**

No issues or concerns were presented.

**Consent Agenda**

- a. **Meeting Minutes: 11/07/07 Joint Meeting with South Middleton, Middlesex and Carlisle Borough, 11/29/07 Workshop, 12/03/07 Motor Freight Conditional Use Hearing, 12/06/07 Meeting, 12/06/07 Public Hearing for Ordinance 2007-06, 12/06/07 Joint Meeting**
- b. **Tax Collector's Reports: 51, 52, 53, 54, 55, 56**
- c. **Payment of Bills: 12/17/07, 12/27/07, 12/28/07**
- d. **Laserfiche Electronic Software Package**
- e. **John Rumberger resignation from Recreation Board**

Supervisor Shearer noted he was not present for the 11/7/07 Joint Meeting so he would abstain from those particular minutes. Thus, Supervisor Bucher moved to approve the consent agenda, and Supervisor Reisinger seconded the motion. The motion carried.

**Subdivisions / Land Development Plans**

**Resolution 2007-12 Stough SFTF**

Supervisor Shearer moved to approve resolution 2007-12 for the Stough small flow treatment facility, and Supervisor Bucher seconded the motion. The motion carried.

**Mountain View Estates Preliminary Subdivision #07 –Exp.03/31/08**

**Waivers: Satisfaction of Brenneman tract issue**

After some review, Ms. Ealer recommended the issue be tabled to permit additional time to review the traffic issues. She added the Township just received the waiver request around noon today in which staff did not have time to review. Chris McClure of Hartman & Associates noted the waiver request received around noon today was pretty much a duplicate of the one that was submitted back in September. He added they did receive a letter from Trans Associates who approved the waiver requests that were submitted today. From the last meeting, Supervisor Shearer noted questions by the engineer were not addressed. He added that he was concerned with the impact on Rt. 34, Cranes Gap Road, and Longs Gap Road. Supervisor Shearer stressed he was not comfortable moving forward until the entire traffic impact study is reviewed. Greg Lebo noted the engineer did make provisions to the plan as requested. He did review the plan, and contacted Jim Cullison from Trans Associates. Mr. Cullison did provide a letter to Mr. Lebo dated August 2, 2007 in which he did follow up with revisions to the traffic study. The memo

discussed the impacts to Rt. 34 and Cranes Gap. Mr. Lebo noted Mr. Cullison indicated that there was no justification for an upgrade at the intersection of Corman Road and Longs Gap Road. Mr. Lebo pointed out the outstanding issue as the impact on the intersection of Rt. 34 and Cranes Gap Road. Overall, the board agreed with the recommendation to table the plan. Ms. Ealer noted they would like to have the opportunity to review the traffic impact study. Thus, Supervisor Shearer moved to table the Mountain View Estates preliminary subdivision #07 plan, Supervisor Kelso seconded the motion, and the motion carried.

## **Business of Township Officials**

### **Township Manager**

#### **December Report**

Ms. Ealer presented her December report to the board.

#### **Financial Report**

Ms. Ealer presented the financial report to the board.

#### **Storm Damage Cleanup**

Ms. Ealer reported the Christmas tree pick up began today. In addition, the Road Crew will be picking up trees and limbs from storm damage. She added regular tree pickup guidelines apply.

Supervisor Bucher inquired about the gypsy moth letters that were sent to residents anticipated to be affected. Ms. Ealer noted two dozen letters were sent out in which the Township received some donations. Supervisor Hurley questioned the size of the state game lands. Ms. Ealer indicated the state game lands would not be sprayed. She referenced the information she previously provided to the board. Supervisor Bucher asked if the donations were being tracked. Ms. Ealer noted the funds were documented. Supervisor Hurley felt the state game lands should be sprayed due to the large acreage. The board requested Ms. Ealer complete a follow-up with the county to determine if the state game lands were going to be sprayed.

### **Solicitor's Report**

#### **December Report**

Solicitor Allshouse reviewed topics listed in his memo with the board.

#### **Property Maintenance update- Moongale Drive, Newville Road, Cavalry Road**

Solicitor Allshouse reported Moongale Drive and the two properties on Newville Road were filed by the Codes department and waiting for hearing dates for enforcement in front of District Justice Correal's office. He has worked with Mr. Lao to discuss the posting of the property located at Moongale Drive as uninhabitable. As for the two Newville Road properties, the same procedure would apply. The owner of the Cavalry Road property is currently in extended care for an illness. His granddaughter was in the process of finding a contractor to complete the exterior repairs to the property, but was having some difficulties. A suggestion was offered to contact the Cumberland County Area on Aging to see if funding was available to assist the property owner. Solicitor Allshouse stated a few of the issues were addressed, and he suggested Mr. Lao contact the granddaughter to schedule a meeting to see if she had a plan of action in place to address the

property. Supervisor Bucher questioned the hearings on the other properties. Solicitor Allshouse noted they were hearings for the violations.

### **Police Department**

Corporal Peterson was present this evening representing Chief Rudolph. Corporal Peterson welcomed Supervisor Kelso to the board and looked forward to working with him. He reported the alarm system at Village Park was not working since installed. They did contact the alarm company who was slated to replace the punch board today. Secondly, he noted the police department received a grant to purchase two push bumpers. Thirdly, the department received another grant for a smooth operator enforcement program targeting Rt. 11, Post Road, Spring Road, Claremont Road and part of Trindle Road. The grant was for \$2000 in which they would direct officers to patrol that area during the suggested period of time to target aggressive drivers. Corporal Peterson noted the state is targeting that area, and they have issued up to 30-40 citations and warnings to date for aggressive drivers. He added they have issued citations for overloaded trucks. Fourthly, Corporal Peterson asked about the Humane Society contract. Ms. Ealer noted she would provide an update later in the meeting. Finally, he stated the department was busy handling domestic issues during the month of December. Supervisor Hurley questioned the size of the trucks. Corporal Peterson noted they were about 52 ft. Supervisor Bucher mentioned the hauling of heavy equipment in that area for the War College renovations. In addition, Supervisor Bucher asked if they had any issues during the ice storm. Corporal Peterson mentioned the department worked with the fire department concerning downed trees, etc. He added a majority of the power outage was on the south end near Longs Gap Road. Also, Corporal Peterson stated the department has agreements concerning alarms. The department issued anywhere from 200-300 citations last year.

### **New & Old Business**

#### **New Business**

No issues were presented

#### **Old Business**

##### **ZHB applications – Keith Shaw / Atar**

In terms of the Keith Shaw application, Supervisor Shearer felt the Codes Department did a good job outlining their concerns. He felt the board should be concerned with any waivers for the ingress/egress. He hoped the ZHB would not favorably consider the waiver since it would be a safety issue. The other waiver they were seeking was for outdoor storage. Supervisor Bucher felt Mr. Lao would appropriately represent the Township on the issues.

As for the Atar application, Supervisor Shearer noted Mr. Atar has put “the square pegs in the square holes”, but stressed the noise issue has not been addressed from the barking dogs. He mentioned the kennels would be inside, but the recreation area would be outside. He questioned the current noise ordinance of the Township. Even though the operation would be during the daylight hours, he mentioned some residents and children sleep during the daylight hours. Mr. Fegley mentioned the Township does not have a noise ordinance. Corporal Peterson stated the police department has cited residents under the dog ordinance. A warning is given first and then a citation as a second violation. Solicitor Allshouse stated the dog ordinance is enforced by the police department for a single dog or kennel. He added nothing existed in the current ordinances

concerning the decibels. Supervisor Shearer added the Township does not have anyone on staff qualified to enforce the decibel issue.

Mary Wohler of 70 Easy Road stated she and her husband sleep with the windows open during the summer. She felt it would be abusing the police department to call about a barking dog. She added that she tries to be a respectful resident. Ms. Ealer noted she should attend the ZHB hearing to voice her concerns.

Don Wohler of 70 Easy Road stated they have a camper in which they do use a generator. The generator operates around 50 decibels. When the decibels increase to 70 or more over 15 minutes, it becomes an issue. Mr. Wohler noted they were not against dogs, but rather the threat of the noise over a period of time.

Howard Bear of 130 Echo Road asked what constitutes the disturbing of the peace. He noted the previous kennel was an issue. Supervisor Bucher noted the comment was appropriate for the ZHB hearing.

Supervisor Shearer felt the codes department should emphasize to the ZHB that the BOS has a concern with the barking dog situation and the health factor. He added the board has a responsibility to protect the health and welfare of the citizens of the municipality in that area. Solicitor Allshouse noted the codes officer is part of the ZHB since he presents the application to the board. The ZHB and ZHB decision is taking in evidence via a hearing. Supervisor Shearer stated he would be present at the hearing if the board desired. He added he would be only testifying on the concern of the dogs barking. Supervisor Bucher noted the board could vote to have a representative or Supervisor Shearer could go as a private citizen. Supervisor Shearer noted he would not go as a private citizen. Supervisor Reisinger asked if the ZHB would verify that the application would apply to the ordinances. Solicitor Allshouse agreed. Supervisor Kelso questioned if the property was tested for perk. Supervisor Bucher noted it was not that far along. Mr. Fegley noted a septic tank can be used since it would be a commercial use. Thus, Supervisor Bucher moved have Supervisor Shearer represent the Board of Supervisors at the ZHB hearing concerning the issues discussed. Supervisor Reisinger seconded the motion. The motion carried with a 4-1 vote. Supervisor Kelso voted nay.

**Public Hearing @ 7:00p.m.for Gettys Rezone Application Ordinance 2008-01**  
**See attachment**

**Chesapeake Bay Resolution 2008-01**

Supervisor Shearer mentioned an article from the The Patriot News and Supervisor Bucher mentioned an article in the Central PA Business Journal concerning the Chesapeake Bay. Supervisor Shearer mentioned the phosphorous in dams, and questioned why the state was not working to clean them up. Lee Koch of NMA stated they were unsure of how to handle the current pollutants in the dams. Yet, Supervisor Shearer noted in the mean time the citizens were the ones that were going to pay. Supervisor Bucher felt it was appropriate to approve the resolution. Supervisor Shearer commented it was a well written document. Thus, Supervisor Bucher moved to approve Resolution 2008-01, and Supervisor Shearer seconded the motion. The motion carried.

**SPCA Contract**

After the inquiry at the workshop meeting, Ms. Ealer noted receipt of a phone call from the SPCA outlining how the current bill is calculated. Supervisor Kelso questioned if the rates change each year. Ms. Ealer replied yes, and mentioned that the SPCA has been struggling the last few years with their budget. They use to ask for a flat rate. But since under new management, the rates were reviewed and increased substantially. Supervisor Bucher asked if the animals collected are returned to their owners. Ms. Ealer noted the animals are usually examined, and then they try to contact the owner if the animal has a license. Supervisor Shearer mentioned the potential for an ordinance which would have the resident reimburse the Township for the cost of the animal pick up. Corporal Peterson added if the dog is tagged and goes to the Humane Society, then the owner is cited under the state dog law. He noted 9 out of 10 times the animal has no license for identification. Corporal Peterson mentioned many animals are dropped off at the state game lands and the police department is left dealing with the issue. Ms. Ealer stressed an ordinance would cost from \$1500-\$2000 to put in place. Thus, Supervisor Kelso moved to approve the SPCA contract. Supervisor Shearer seconded the motion. Ms. Ealer verified the funds were budgeted. The motion carried.

**Workshop Session**

Supervisor Shearer asked for an update on the brush pick-up done in September, so the board could make a decision for the spring and possibly add the update to the spring newsletter.

**Executive Session**

An executive session would be held following the meeting to discuss a personnel issue.

**Adjournment**

Supervisor Shearer moved to adjourn the January 7, 2007 Board of Supervisors meeting at 7:27p.m., and Supervisor Kelso seconded the motion. The motion carried.

Respectfully submitted,

Deborah Ealer  
Township Secretary

Lori A. Coleman  
Recording Secretary