

North Middleton Township Board of Supervisors February 28, 2008

The workshop meeting of the North Middleton Township Board of Supervisors was held at the Township Municipal Building, 2051 Spring Road, Carlisle PA on February 28, 2008. Chairman Richard A. Bucher called the meeting to order at 6:00 p.m. Board members present were Supervisor Dennis E. Hurley, Supervisor Harry Kelso, Supervisor Robert Reisinger, Solicitor Mark Allshouse, Manager Deborah A. Ealer, Police Chief Jeffrey Rudolph, Codes Enforcement Officer Paul Fegley, Township Engineer Greg Lebo and Recording Secretary Lori A. Coleman. Supervisor Robert H. Shearer was not in attendance. Visitors: see attachment #1.

The Pledge of Allegiance to the American Flag opened the meeting.

Recycling Program – Bill Milligan York Waste

Municipal Marketing Manager Don Isabella of York Waste noted a meeting with Ms. Ealer and Supervisor Shearer to look at some alternative ways to enhance the recycling program of the Township. He introduced Bill Milligan of Recycle Bank who currently offers a recycling program. Mr. Milligan noted Recycle Bank was a program that started 2 ½ years ago in Philadelphia. It began with two entrepreneurs who wanted to increase recycling in the United States and started focusing on the intercities. They developed a concept of offering rewards for recycling as an incentive for participation. Mr. Milligan stressed Recycle Bank was a rewards and loyalty program which motivates people to recycle. The loyalty rewards program increases the value to the customer by offering rewards from sponsors. Mr. Milligan noted the amount of waste produced in the United States continues to increase. The opportunity was to reach into the waste stream and figure out a way to have individuals take the trash and place it into the recycle bins. Recycle Bank was composed of three components. The first component was the cart which was a little larger. Second was the technology in which they created, developed and patented. The technology retrofits to the haulers truck, and provides the capability to weigh and record the amount recycled by a customer via a radio frequency ID chip in the cart. Thirdly, the customer is rewarded for recycling.

Mr. Milligan has worked in the waste industry for 36 years. He originally owned his own company, sold it, then worked for BFI for 21 years and Allied for 4 ½ years until his retirement. With 30+ years, he serviced many customers so he had a good understanding of their habits. After a study done by Columbia University, it was determined if a customer is given a bigger cart, they will recycle more. He added 40-50% of today's household waste can be recycled with minimal effort.

Mr. Milligan displayed some photos via a power point presentation depicting the electronic weighing devise shown on the back of the hauler's truck. As the trash is being dumped, the ID chip identifies the actual home and the reader gathers the data for the amount being recycled. When the truck returns, the data is downloaded to the data center and the information can thus be displayed on the internet.

Mr. Milligan noted when a resident registers with the company after signing an agreement with the hauler, then the resident would receive the cart from the hauler along with a letter from the

municipality. A welcome packet from Recycle Bank would follow. The welcome packet will include their account number and website registration process. Once completed, the resident could view their savings, carbon footprint, points accumulated, etc. Mr. Milligan explained as a resident recycles, they can visit the home page, chose the coupon/rewards they would like and the coupons are sent to the resident's home. Mr. Milligan reviewed an example of a resident's savings with the board.

Mr. Milligan added they can provide various reports for the municipality. They work with DEP and Pennsylvania for grant funding. As the recycling increases, the grant funds also increase. Information can be provided with the grants to show the amount of recycling that is occurring in the municipality. Overall, the program is growing and he offered to help the Township in any way to help promote recycling.

Supervisor Kelso questioned if one or two trucks are used. Mr. Milligan noted one truck picks up the regular trash and the other gathers the recycled items. Mr. Isabella noted the items are then taken to the recycling center and sorted. He noted that alone encourages more recycling since the residents don't have to sort the items. Supervisor Bucher inquired what was recyclable. Mr. Isabella referenced sending an updated list to Ms. Ealer a few weeks ago, and added the list has expanded. Mr. Milligan noted the hauler would save, because it would reduce waste going to the dump site since more would be recycled.

At a minimum, Mr. Isabella asked the board to consider the option or an alternative bid that encourages recycling through programs. Supervisor Bucher asked Mr. Isabella if they had the program working in other areas. Mr. Isabella noted not locally but in areas of Virginia. Supervisor Reisinger questioned consumer privacy if some residents don't recycle. Mr. Milligan felt it should not be a concern since everyone should be recycling. Mr. Milligan noted they don't know exactly what they recycled, but only know that they participate by the pounds recorded. Supervisor Bucher inquired if the current rate to pick up trash would increase to pay for the Recycle Bank program. Mr. Isabella noted the fee involved would help control overall costs and disposal cost. Ms. Ealer questioned who would provide the reports. Mr. Isabella noted reports would be provided by the hauler and Recycle Bank. Ms. Ealer asked if the customer would have a choice of what rewards they want to use. Mr. Milligan noted that was the advantage of having a lot of partners providing choices to the residents.

Justin Miller, recycling coordinator of the Cumberland County waste management program mentioned the push to reward residents for recycling instead of penalizing them. Mr. Miller noted a cost would exist. Supervisor Bucher inquired if the cost for the waste program would increase per year. Mr. Milligan noted the cost would be around \$2 per month. The amount includes the cart and the amount saved from the disposal cost. Mr. Isabella pointed out their next biggest cost to payroll was the disposal cost. Ms. Ealer questioned the percentage increase in municipalities that already have a recycling program. Mr. Milligan thought about 100%. He noted some municipalities are working very hard to justify the program just through grant money. The board thanked Mr. Milligan for the presentation.

Early Trash Pick-up

Supervisor Bucher mentioned to Mr. Isabella complaints from residents of the trash being picked up too early in the morning. Mr. Isabella noted he would complete a follow-up.

Subdivisions / Land Development Plans**MacNamara Prelim/Final Sub 08- Expires 06/02/08**

Mr. Fegley reported the property is located near the intersection of Warwick Road and Longs Gap Road in the agricultural zone. Mr. MacNamara was seeking to subdivide the 48 acre property into two lots. The lot he wishes to subdivide is approximately 14 acres. A non-building declaration will be attached to Lot #4 which has been signed off by Vincent Elbel. Mr. Fegley noted a waiver was requested to review the plan as a preliminary final. Greg Lebo of Brehm-Lebo Engineering, Inc. noted a few clean up items were required regarding the lot width, and mentioned having non-building waiver language added. According to the February 5, 2008 meeting minutes, Mr. Fegley noted two waivers were being requested (Section 180-16 and 180-24b). Supervisor Hurley asked if an additional septic site was provided on the plan. At one time, Larry Neidlinger noted they did perk and probe for a separate building lot, but had subsequently got away from that. Instead it would be a lot addition. Supervisor Hurley asked if it had a secondary system on it as a lot addition. Mr. Neidlinger replied no. Supervisor Hurley asked why. Mr. Neidlinger noted they were not approved. Supervisor Hurley pointed out they were increasing or changing the lot. Mr. Fegley noted the existing house has a functional septic system. The parent tract did have a second site located. Supervisor Hurley asked why a second site was not required on the tract with the home. Mr. Fegley noted a second site was not located on the tract with the home. Supervisor Hurley referenced the code. The plan will be presented next week.

John Leister sewage site

John Leister was before the board to inquire if the secondary septic site is required or not. He noted he had not been contacted by any SEO for the last 6 months. He mentioned the previous plan just discussed and referenced another plan in Kendor Summit in which the property lines changed and a second site was not required. His subdivision has a non-building lot with a working septic system on each lot. Chris Hinkle representing Mr. Leister provided a summary of the issue. Mr. Leister owns a piece of property where he resides with an existing septic system. He owns approximately an acre. Adjoining him is an almost 4 acre parcel with existing septic. He desires to add a large portion of the adjoining tract to his as a simple lot addition. The issue arises since he is taking a large portion of the property from the adjoiner. The question that comes up in DEP eyes is the long term affects on the system and the back up to that residual. Mr. Hinkle noted the question was whether Mr. Leister was taking too much land and is too much land being taken from the adjoiner to be satisfied with a backup site in the future. Mr. Hinkle noted the question was whether or not a backup site was required. As he understood it, Mr. Hinkle stated DEP requirements were that lot line adjustments are typically not issued, but were rather at the discretion of DEP. Mr. Hinkle mentioned discussion about a back-up system from a treatment facility if nothing was suitable from this site for discharge to a small stream. Then, the issue arose about an easement for the discharge across the tracts. Overall, Mr. Hinkle was before the board to find out what is needed and get direction from the SEO.

Supervisor Hurley questioned why the SEO was needed since there is nothing in the ordinances which states that for an existing site that there has to be a backup system. He noted the ordinance does state that a new building lot must have two sites, but the ordinance does not state that an existing site must have a backup system. He asked why the issue was even in the discussion.

Mr. Fegley noted the concern was not the addition of the ground to Mr. Leister. The SEO at the time was concerned because the ground was being cut in half and questioned the well isolation distances because he was unsure if there be room to set up a secondary system if the system on Lot #2 were to fail. The concern a small flow could be established, but the board has been hesitant on granting easements for downstream discharge of the fluent. At that point, Mr. Elbel would not sign off on the subdivision until he felt there was a suitable area for a secondary site. He then went to DEP and explained the situation to them. DEP said it was fine and the second site would have to come out provided that some type of easement is provided for the lot. Mr. Fegley noted about that time, Mr. Elbel was no longer employed by the Township and Mr. Reisinger noted he would go out to check the site. To date, Mr. Reisinger had not checked the site. As for the code, Mr. Fegley noted if it was a newly established lot, it would have a primary and secondary site. He noted the lot will have the same parcel number, and could be argued either way. Mr. Fegley stressed a newly formed lot will have a primary and secondary site. Solicitor Allshouse noted the code was ambiguous.

Mr. Fegley reviewed the Form B waiver, and noted Mr. Elbel did inspect the lot in which the existing building and existing system were located. He concluded based upon soils evaluation that long term sewage disposal needs for this site and building currently served could be met. He did verify that no violations of the sewage facilities act occurred. Mr. Fegley explained that Mr. Elbel would not sign off on the lot since he was not satisfied that the reduced lot met the criteria. Supervisor Hurley questioned the size of the reduced lot. Mr. Fegley noted it was about an acre and a half. Supervisor Hurley stressed this lot was three times the size of the lots in Kendor Summit that do not have room for a backup system. Supervisor Kelso noted it was a new requirement after Kendor Summit. Supervisor Kelso added the issue was discussed at the Planning Commission in which the commission recommended the SEO and the engineer visit the site to make sure that the person with the acre and a half did have a place for a secondary site. Supervisor Hurley questioned why it was an arbitrary requirement since nothing existed in the code to back it up. Supervisor Kelso noted it would protect the land of the resident. Supervisor Hurley stressed there was no justification in reference to the code.

Mr. Fegley noted the board had to decide whether or not this was a newly formed lot. Supervisor Reisinger stated too many loose ends existed and he would like to hear from the SEO before making a decision. Ms. Leister noted their elderly neighbor could no longer take care of the land and just wanted to sell the land to them. Mr. and Mrs. Leister asked the board to make a decision so they could move forward with the subdivision. Supervisor Bucher noted many questioned existed. Solicitor Allshouse reiterated that if the board determines the lot is new, then the SEO has to sign off. If it is not new, then there was no requirement for the SEO to do anything. Solicitor Allshouse mentioned seeing Mr. Leister in front of the Planning Commission in January, and suggested getting some direction to the SEO to get this concern underway. He added Mr. Leister got caught up in the change of the SEO's. Supervisor Bucher asked if it was a new lot or an existing lot. Supervisor Hurley thought it was an existing lot. Supervisor Kelso

noted he did not want to make the property unusable. Mr. Leister stated the property he is purchasing is not any value to him or his neighbor for a secondary site. He noted the property is not suitable for a septic system. Solicitor Allshouse stated at some point the board will either have to amend the ordinance or set a consistent policy. Supervisor Kelso felt it was a new lot and couldn't understand why the SEO did not go out to check the site. Ms. Ealer added the SEO was asked to go out and check the site. Mr. Leister stated he got caught in the middle. Ms. Leister added the board needs to set a consistency. Solicitor Allshouse suggested if the board intends to amend the ordinance in the future, then they could make an exception without setting precedence since the board would be amending the ordinance to make it clear. Supervisor Hurley felt Mr. Leister should not incur the expense to have the SEO check the site. Mr. Fegley pointed out the SEO has to sign off on the Form B waiver either way. Mr. Leister verified that the SEO has to sign off on the subdivision. Mr. Fegley agreed. Supervisor Hurley stressed it was an existing lot. Supervisor Kelso felt it was a new lot. Supervisor Reisinger wanted to hear from the SEO before making a decision. Mr. Leister stressed the code was not clear. Supervisor Bucher stated for this evening they would look at it as an existing lot in which a secondary site is not required. Mr. Leister verified he would be contacted by the SEO. Supervisor Bucher noted the board would direct the SEO to contact him.

John Leister Preliminary/ Final Minor Subdivision 07-11 Expires 04/03/08

The board decided to address the subdivision once the sewage site issue is addressed. If a resolution does not occur on the sewage issue by next week, then another extension would be required.

STV Final Plan –Penn DOT

Brian Fincher of Lobar Associates was before the board to discuss the Striker Brigade at Cavalry Road. STV started the process. Since taking over the plans, Lobar had submitted a time extension to PennDOT for the HOP that was originally obtained by STV. A year extension was granted to STV in February 2007. Lobar proceeded to seek another extension in which PennDOT discovered an error in the permit they issued two years ago. The error consists of a permit being issued for a driveway, guide rail and drainage system within the right of way. Two issues arose with the driveway. First, PennDOT noted the drainage should have been submitted under the township name. PennDOT would like to see an application in the name of the Township for the drainage. Secondly, STV did not show any pipe sizes for the drainage system. Though the inspections and additional survey was completed, it was discovered the pipe was an 18" diameter pipe and would not permit the connection of a 24" pipe into an 18" pipe. Mr. Fincher noted he had to rework the storm water to hold more storm water on the site and discharge into the 18" pipe. Mr. Fincher mentioned meeting with Doug Brehm last week to review the preliminary storm water. Since the issue just arose, Mr. Fincher was hoping the board would see fit to authorize a member of the township to sign off on the plan once the corrections are made. Mr. Fincher was seeking an expedition of the whole plan instead of going through the whole process. Mr. Lebo noted theoretically they were ok with the plan. Mr. Fincher noted the application would be in the name of the Township. Ms. Ealer noted they have signed for traffic signals but never for storm water. Solicitor Allshouse questioned why the application should be in the name of the Township. Because the drainage conveys water from one side to the other in a closed system and flows through private right of ways, the easements would be in the name of the Township. Ms. Ealer noted the easements were installed in the 1970's since the residents

were consistently getting flooded out. Solicitor Allshouse asked if the system would fail and the residents get flooded, would it be the developer's responsibility if the permits are in the Township's name. Mr. Fincher was unsure. Lee Koch noted NMA signs these types of permits all the time since they are only signing for the connection within the highway. The Township would be signing the permission slip to tie into the highway. Solicitor Allshouse questioned if the system has the capacity to hold if the storm water calculations don't. Solicitor Reisinger noted the permit only gives permission to go in the PennDOT right of way to do work. Thus, Solicitor Allshouse inquired if the Township has the capability to permit engineering to oversee the work being installed for the permit that the Township is applying for. Mr. Fincher noted PennDOT inspectors would be present during the installation. Solicitor Allshouse verified they were only talking about the connection. Mr. Fincher agreed. Thus, the board decided to add the plan to the consent agenda.

Frank Linsenbach III / Wendy Hansen 08-01 Prelim/Final Minor Sub. Expires 05/05/08

Mr. Fegley noted the plan was a 59 acre lot zoned agricultural and located on Hoy Road. Proposed lot #1 would be approximately 27 acres and at this time is applying for a non-building waiver. Proposed lot #2 would be approximately 32 acres with an existing single family dwelling on it. The Planning Commission reviewed the plan and recommended the plan be approved by the Board of Supervisors. Mr. Fegley added the board would have to make a motion on the following waivers: review the plan as a preliminary/final subdivision – Section 180-16, Storm Water Management Plan – Section 180-16, and Overall grading plan – Section 180-28-C. Mr. Lebo noted all the comments were addressed except for the Form B waiver. He noted the SEO is required to sign the waiver. The SEO should be comfortable to determine if a perk will work or not. If they feel there is a threat, then they should go out and complete the test. Supervisor Hurley asked if the Form B waiver was a non-building waiver. Mr. Lebo noted it had to be tested to determine if it can be built upon. Supervisor Hurley referenced a DEP letter in which it states the non-building process was created for those situations where there is no present future need for sewage disposal facilities on a given site and may not be used as a simple deferment of sewage facilities. He stressed it is intended to never have sewage facilities on the property.

Rezone Request on Rt. 11/Cavalry Road

Mr. Fegley noted it was a group of residents located at the intersection of Cavalry Road and Rt. 11 in a north bound direction of which were seeking a request for a rezone. The area includes eleven lots on the north side of Rt. 11, across from Flight Systems. The rezone request is asking to change from the current R-1 zoning to the Highway Commercial zone. Mr. Fegley felt it was a complete application except for a surveyed plan indicating the boundaries of the proposed area to be rezoned. However, the application was submitted with deeds and titles to the properties, which are involved in the rezone. The properties owned by Joseph Brenner, Jr. were reviewed. Supervisor Bucher asked if deed restrictions were placed on the properties. When reading through the application and reviewing the minutes, Mr. Fegley could not locate the deed restriction issue. Mr. Fegley referenced conversation that if all the property owners went together that the deed restrictions could possibly be pulled. He added he had not researched the deeds. Solicitor Allshouse noted it was his understanding that the applicant did in fact have the restrictions removed. He added the applicant did provide a scaled map which identified each property by tax parcel. Mr. Fegley noted he developed the parcel map for the board's review.

Solicitor Allshouse added if the application is accepted, then a hearing date will have to be set. The board decided to set a hearing date at the next meeting.

Conditional Use Application for Verizon

Paula Leicht, attorney for Verizon Wireless, noted filing a conditional use application on February 15, 2008. Verizon Wireless wishes to install antennas on a water tank currently owned by NMA located off of Suncrest Drive. Ms. Leicht stated they have been working with NMA to make sure they were ok with the layout and lease agreement. Ms. Leicht added an existing driveway would be used and a shed will be erected on the east side of the tank. The shed will house equipment. Ms. Leicht presented photos of the area for the board's review.

North Middleton Authority

Water Service Agreement with Middlesex Authority

Lee Koch noted NMA has been working with Middlesex Township to purchase 500,000 gallons per day of water capacity. He added they were very close to finalizing the agreement.

A summary of the details:

- 500,000 gallons of water capacity per day
- Fixed cost of \$905,855.93 for the reserve capacity
- \$414,668.42 for the new jointly used facilities that are currently being constructed. This was an estimated cost.
- The total payment is \$1,320,524.35. Mr. Koch added Middlesex will credit NMA \$181,400.00 for their proportion of jointly used facilities.
- Two points of connection: Keystone Arms subdivision and Village Park
- Once the capacity is reserved and the connections are complete, North Middleton will purchase water from Middlesex based upon a formula in the agreement. The purchase price will be \$.60 per 1,000 gallons. He noted they were currently paying \$1.22 per 1,000 gallons from Middlesex and \$4.13 per 1,000 gallons from the Borough of Carlisle.
- It was a permanent, perpetual agreement with obligations on NMA's part with respect to paying a percentage of capital costs and to cover maintenance and necessary repairs for those portions of the Middlesex water system that are involved in providing water to North Middleton.
- Payment of 1.3 million will be made from existing monies in the Bond Redemption and Improvement Fund. He added the Authority is not doing any financing in connection with this water acquisition.

Supervisor Bucher asked if Middlesex would take over the Meadowbrook Farms building. Mr. Koch noted the building is a connection between NMA and Middlesex. Mr. Koch added Middlesex would be taking over the water mains. Supervisor Reisinger noted it was a great idea with a lot of savings. Supervisor Reisinger stated he worked for Glace Associates which is the engineer for Middlesex Township, and the firm provided the design for the Middlesex part of the system. He pointed out if the board felt it was an issue he would not vote on the agreement next week. The board members had no concerns. The issue was added to next week's agenda.

Old Business

Zoning Ordinance Update /SFTF Ordinance

Solicitor Allshouse presented an updated draft copy of the ordinance to the board. He added the ordinance was revised based upon discussions, and a few issues were still outstanding.

Some of the changes include:

- The number of gallons was changed to 600 gallons with a maximum of a 5 bedroom dwelling.
- Section 5 was added. Supervision of installing and constructing small flow sewage treatment facilities.
- Section 6B Minimum Land Area was amended to address lots having less than the minimum required in the applicable zoning district for new construction/land development. Also addressed minimum lot sizes for an existing lot in a repair situation and the language stating that the BOS has the ability to grant a waiver of the requirements if the applicant owns a pre-existing non-conforming lot and can show a hardship.
- Section 6C. Isolation distance requirements were discussed.
- Section 6C(2) The change to 600 gallons
- Section 6C(3) The addition of the language
- Section 6D Changes were made to reflect the current DEP manual
- Section 13 Application and permit required. Language outlined.
- Section 9 Maintenance and Security Deposit. The board did not make a decisive decision on when to collect the maintenance fees.

Areas awaiting the board's direction include: (a) Section 6C Isolation distance requirements, (b) easements and (c) security deposits.

Supervisor Kelso questioned the requirements for a large house and lot size. Mr. Fegley noted the issue went back and forth, and it would pertain to the lot size that was current for that zone. Solicitor Allshouse mentioned the minimum lot size as listed under Section 6.

Jim Hughes of 211 Shatto Drive mentioned he was a resident and also representing A.C. Kuhn who owns a number of lots in Kendor Summit. Mr. Hughes noted a minimum lot area is listed in the ordinance. He questioned what the systems were designed and asked if the 3 acre minimum was good or bad. He pointed out the ordinance does not address the non-conforming uses in Kendor Summit. He felt if the board was going to accept the small flow facility then it should be stated that there would be no requirement for a waiver. He felt the concern should be addressed. Mr. Hughes discussed Kendor Summit in which many of the lots will not perk and probe. He asked how the board would address these particular lots.

Mr. Hughes mentioned the issue of hardship as listed in the ordinance that can be interpreted differently. Solicitor Allshouse noted the word hardship could be removed, and added the board could grant a waiver. Mr. Hughes mentioned clarifying the issue for non-conforming lots. Mr. Hughes suggested if keeping the minimum lot size then additional language should be added for non-conformity so that a waiver is not required and it will be treated like a conformed one. Solicitor Allshouse noted Mr. Hughes was suggesting to make all of the lots that are approved and can't have septic to be treated like a conforming lot. Supervisor Reisinger verified it was just for the land use. Solicitor Allshouse agreed.

Solicitor Allshouse asked if the board wanted the ordinance to say that all preexisting nonconforming lots as of the date of the ordinance shall be treated as a conforming lot. Or would the board like to set criteria of when a waiver can be granted for a lot. Mr. Hughes noted option

one keeps it simple, but questioned if it was clear. Supervisor Bucher agreed with Supervisor Reisinger to keep it simple and apply to everyone. Solicitor Allshouse reviewed the verbiage, “in addition, all building lots in existence as of the date of this ordinance shall be treated the same as conforming lots for this specific provision of the ordinance”.

Mr. Hughes mentioned the enforcement issues and how often the systems will be inspected. He asked if an enforcement provision should be added. Supervisor Kelso recommended checking to see if the state had a provision. He then reviewed the yearly inspection information as listed in the DEP manual. After some discussion, Solicitor Allshouse noted he would insert a paragraph that would state that a copy of the inspection report should be provided to the Township. In addition, a sentence was added stating that all inspections shall be required as outlined in the DEP manual. Supervisor Kelso questioned if the Township was currently receiving reports. Mr. Fegley noted he receives a report from Eagles Crossing every two months.

Mr. Hughes questioned the indemnity signed by the land acknowledgement agreement. He suggested the board make it clear that the systems are on the land in the event the property is sold. Supervisor Kelso asked how to clarify the issue. Mr. Hughes just wanted to make sure the owner knows he has responsibilities upon purchasing the land. Solicitor Allshouse mentioned following the DEP requirements. Overall, the easements and isolation distances shall be handled via the DEP manual. Supervisor Hurley stated that down the road trouble would occur with easements going over other people’s property if the property is sold. Solicitor Allshouse noted he would make the changes and the ordinance will be reviewed at the next workshop meeting.

New Business

Recreation Fee Resolution 2008-02

Ms. Ealer noted the board directed her to increase the residential recreation fee to \$1000 during the Budget workshop meetings. She reviewed the resolution and it was added to next week’s agenda.

CAPCOG –Verizon Franchise Agreement

Ms. Ealer reviewed her memo with the board in which she indicated that Verizon is not presently planning to bring their services to either North Middleton or South Middleton. Ms. Ealer noted the Township has been participating in the franchise agreement work via the CAPCOG in anticipation of having Verizon in the area. She recommended the Board not participate in the contract due to the fact the board does not know when Verizon will be coming. She added technology changes so quickly. She suggested the Board consider working with other municipalities such as the Borough of Carlisle to negotiate a new franchise agreement. Supervisor Bucher mentioned a Verizon representative speaking at a recent Municipal Advisory meeting a few months ago in which he indicated it will occur in phases and will happen sooner or later. The issue was added to the next week’s agenda.

CAPCOG Chesapeake Bay Lawsuit

Ms. Ealer reviewed a letter from the law firm of Hawke, McKeon, and Sniscak LLP who are representing the municipalities in the lawsuit. She noted the board should decide on whether or not to sign the document. Solicitor Allshouse noted the current agreement was a much different agreement that what was sent by the COG. Solicitor Allshouse noted the document sent by the

law firm was a legal fee document with an hourly amount. The steering committee has the discretion to make the vote in which the board's voice would be one of many. He stressed the board could be entering into a fee agreement in which the board would not have necessary direct control over whether or not a fee is reasonable or not. Solicitor Allshouse noted it was the board's determination on whether or not they wanted to proceed forward. He added the board could take some risk but fees would be incurred. Solicitor Allshouse also mentioned caveats that could occur from the agreement. If the board would sign the fee agreement, NMT would be responsible for payment of fees to Hawke, McKeon, and Sniscak LLP at a rate of \$275 per hour for all time spent on behalf of challenging the legality of the strategy on behalf of North Middleton Township. Supervisor Bucher asked what NMA was going to do. Mr. Koch stated he did forward the information to Solicitor Gilroy. He added the agreements clearly state that the representation can be terminated at any time upon written notice at which they would request their prorated share of the fees be paid at that time. Mr. Koch noted the information discussed by Solicitor Allshouse was true in which the Township would be a named party and risk was associated with signing the agreement. In his 34 years in the business, Mr. Koch noted he has never seen local municipalities join together in such a large group to go against an issue brought on by DEP. He added the municipalities are not upset of what they are doing, but rather upset with the strategy. The COG was trying to put pressure on DEP to review the strategy. Mr. Koch felt the Authority would stay the course. Overall, Supervisor Kelso, Supervisor Reisinger and Supervisor Bucher supported the agreement. Supervisor Hurley noted he was unsure of the agreement. It was added to the agenda for next week.

CAPCOG –Humane Society

Supervisor Kelso noted the director of the Humane Society provided a presentation to the COG. The director indicated the fees would not decrease, and noted they do not have anyone to currently pick up the animals. Chief Rudolph added the agreement indicated they are to pick up a hurt or stray animal upon request by the Police Department. Supervisor Kelso stressed the fee would only increase, and alternatives should be researched.

Pelras Conference

Ms. Ealer noted it was the best conference she attends, but it will occur during the March workshop session. She was seeking direction from the board on whether she should attend the conference or workshop session. Supervisor Bucher felt it was worthwhile conference. The board would decide at the next meeting.

Captax Update

Supervisor Bucher mentioned the well attended meeting to review other tax agency presentations. He referenced a meeting with Carlisle Area School District representatives in which municipalities indicated they were disappointed and unsatisfied with Captax. The group invited CASD to come on board in finding another tax collection agency. Supervisor Bucher noted Ms. Ealer was seeking a firm commitment from the board to move toward utilizing a different agency.

Police Department

Chief Rudolph presented a letter of resignation from Patrolman Brian McVitty for personal reasons effective yesterday. He recommended the board accept the letter of resignation. Thus,

Supervisor Reisinger moved to accept the letter of resignation from Brian McVitty of the NMT Police Department and Supervisor Kelso seconded the motion. The motion carried. Then, Chief Rudolph recommended Patrolman Richard Grove fill the vacant position effective March 1st. Supervisor Reisinger moved to promote Patrolman Richard Grove to the full-time position vacated by Patrolman Brian McVitty. Supervisor Kelso seconded the motion, and the motion carried.

Old Business

Task List

The board reviewed the task list. Updates include:

- Zoning Ordinance Update: Mr. Fegley noted Section 164 Sewer and Water was contingent on the verbiage on the SFTF.
- Comprehensive Plan Update: Supervisor Kelso noted some maps were dropped off. Goals and action plans will be discussed at the next meeting.
- Organic Recycling Site: Grant was approved.

Health Insurance Coverage for elected officials

Ms. Ealer researched the eligibility according to the Second Class Township Code. She noted the board would need to approve a policy and it would become effective for the next elected official for 2009. It would be included with the personnel policy manual. Ms. Ealer noted she could add it to the consent agenda for the board to direct her to complete a draft. Supervisor Reisinger suggested taking some time to review the possible implications. The board decided to check with other municipality's policies before moving forward. The issue was added to the task list.

Waste Contract

Ms. Ealer asked if the board would like to consider Mr. Milligan's program as presented this evening. She felt it would have to be a separate section in the waste contract. Supervisor Reisinger felt the bids should be with and without the program. Supervisor Bucher asked when the RFP's would begin. Ms. Ealer mentioned soon.

Blighted Property

Mr. Fegley provided a memorandum update for each property. For the 1196 Newville Road property, Solicitor Allshouse directed the board to instruct Mr. Lao to file a complaint with the District Justice. For the 1126 Newville Road property, Mr. Fegley noted meeting with the owner. It was decided the building will be sealed and the owner will have it demolished. For the 21 Moongale Drive property, Mr. Fegley noted he would proceed forward with sending a citation under Section 403.46 (Unsanitary Conditions Unfit for Human Habitation). As for 949 Cavalry Road, Mr. Fegley felt it would be sealed and cited under the UCC code.

Sound System Update

Three companies submitted proposals. One proposal was incomplete and the other two companies were invited in for a meeting. Supervisor Kelso mentioned a few changes to the proposals: added two more microphones, microphone added at the Secretary's desk, and dropped the request for a handheld wireless microphone. One company provides a two year warranty and other offered a one year warranty. Supervisor Kelso suggested waiting until Supervisor Shearer had time to review the proposals. Supervisor Bucher asked why the wireless microphone was

dropped. Solicitor Allshouse mentioned the wireless microphone being passed around in the audience and potentially dropped. The wired microphones will be very sensitive and will pick up the slighted conversation.

Reminder: Joint SMT/Carlisle/Middlesex/NMT meeting on March 5 @ 7:30 am.

Executive Session

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

Adjournment

Supervisor Reisinger moved to adjourn the February 28, 2008 meeting of the Board of Supervisors at 9:38 p.m. Supervisor Bucher seconded the motion, and the motion carried.

Respectfully submitted,

Deborah Ealer
Township Secretary

Lori A. Coleman
Recording Secretary