

North Middleton Township Board of Supervisors May 1, 2008

The meeting of the North Middleton Township Board of Supervisors was held at the Township Municipal Building, 2051 Spring Road, Carlisle PA on May 1, 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 Ealer, and Recording Secretary Lori A. Coleman. Supervisor Robert H. Shearer was not in attendance.

Visitors: see attachment #1.

New & Old Business

2008 Road Materials Bid and Project Award

Ms. Ealer reviewed the memorandum from Lester Brickner concerning the road material bids. The bids were opened and reviewed by Mary Ann Hays, Lester Brickner, and Solicitor Allshouse. Ms. Ealer reviewed the recommendations by Mr. Brickner. Thus, Supervisor Bucher moved to approve the recommendations for bid awards as outlined in Lester Brickner's memorandum of which was reviewed by staff and Solicitor Allshouse. Supervisor Reisinger seconded the motion, and the motion carried. Supervisor Bucher inquired if staff noticed any abnormal issues in the bids. Solicitor Allshouse pointed out the increase of stone due to fuel prices. Supervisor Bucher asked if enough funds were budgeted. Ms. Ealer stated it was covered.

Old Business

Solid Waste RFP

Ms. Ealer noted the information was discussed at the workshop meeting. She mentioned the board was seeking additional information with respect to delinquencies in the mobile home parks. After some research, Ms. Ealer reported the delinquencies in the mobile home parks contribute to 45% of the total delinquencies. She reviewed three options: (1) include the MHP with the other commercial groups whereby if there are 4 or more units in park, then the parks will have to contract for their own solid waste hauling (2) allow the hauler to bill the owner for the cost of the waste removal when the account becomes delinquent, or (3) leave the contract as is with respect to the mobile home parks. Staff recommended option #1 to treat them like a commercial group since that is the way apartment buildings are treated. Supervisor Bucher verified NMA bills the owner if the tenant becomes delinquent. Supervisor Reisinger agreed. Solicitor Allshouse added it would make the mobile home park owner responsible and he would be able to collect from the tenants. Supervisor Hurley asked what obligates the mobile home park owner to have a contract. Ms. Ealer noted the tenant pays rent so the trash fee could be included in the rent. She added it was a township ordinance to participate in recycling and solid waste removal. Supervisor Reisinger asked if the owner had to use the township waste hauler or could they contract another. Solicitor Allshouse noted they could choose their own as long as they participate. Supervisor Reisinger supported Ms. Ealer's choice. Supervisor Bucher added then the waste hauler would not have to deal with delinquent accounts. Supervisor Bucher asked if the Township monitor's the delinquencies. Ms. Ealer reported the Township monitors the delinquencies since it affects recycling grants. She added the trash hauler provides a monthly report. Solicitor Allshouse stated the ordinance has been enforced 3 or 4 times.

Supervisor Bucher reviewed some details of the contract such a liability insurance, missed service pick-ups, due date of the bills, bid options, missed service call fines and suggestion of another toter. Ms. Ealer responded to the inquiries. After some discussion, Supervisor Reisinger moved to proceed forward with Option #1 and the modifications as outlined in Ms. Ealer's 04/28/08 memorandum to the board. Supervisor Bucher seconded the motion, and the motion carried.

Public Comment / Hearing of Visitors

No public comment was offered.

Consent Agenda:

- a. **Meeting Minutes: 03/27/08 workshop meeting, 03/27/08 Cellco Conditional Use Hearing, 04/03/08 action meeting, 04/03/08 Rt. 11 Bower Zoning Map Amendment Hearing, 03/11/08 Motor Freight Conditional Use Hearing, 03/18/08 Motor Freight Hearing, 04/02/08 Motor Freight Hearing, 04/16/08 Motor Freight Hearing.**
- b. **Tax Collector Reports: #4, 5, 6, 7**
- c. **Payment of Bills: 04/16/08, 05/01/08**
- d. **David Stough Final Minor Subdivision #07-10, exp. 08/04/08**
- e. **Senate Bill 596- Pension reform**
- f. **HB Bill 934 Solid Waste Fees**
- g. **Resolution 2008-06 Hearing Fees**

Supervisor Bucher noted he was not present at the 04/16/08 motor freight hearing, and Supervisor Hurley was not present at the 04/02/08 and 04/16/08 motor freight hearings. Since the 04/02/08 and 04/16/08 motor freight hearings do not have the majority vote present to approve the minutes, Solicitor Allshouse recommended removing the two sets of minutes from the consent agenda. Thus, Supervisor Bucher moved to approve the consent agenda minus the 04/02/08 and 04/16/08 motor freight hearing minutes. Supervisor Reisinger seconded the motion, and the motion carried. Then, Supervisor Kelso moved to table the 04/02/08 and 04/16/08 motor freight hearing minutes until the next meeting. Supervisor Bucher seconded the motion and the motion carried.

Business of Township Officials

Township Manager

April Report

Ms. Ealer presented her April report to the board. Supervisor Bucher questioned the municipal manager's meeting. She noted the earned income tax collection issues and Senate Bill 1063 were discussed. As for the CCPC, Ms. Ealer reported most of the information she brought back was forwarded to the codes officer. In addition, Ms. Ealer noted a potential director was interviewed for the girls' softball program.

Financial Report

Ms. Ealer presented the financial report to the board.

Chief of Police

No report presented.

Solicitor's Report: Mark Allshouse**April Report**

Solicitor Allshouse presented his April report to the board.

Code Issues Update

Solicitor Allshouse discussed the property located at 941 Longs Gap Road (Gail Rich-horse farm). At the hearing, the district magistrate provided them time to file an application to the Zoning Hearing Board. At the workshop meeting, it was reported nothing was filed. Solicitor Allshouse noted the hearing was slated for May 20th. As of April 25, 2008, an amendment to the special exception was filed. He added council for the applicant has submitted a piece of paper asking the board for a continuance of the hearing before the district justice since it took a lot of time to prepare the attachment, application and documents. He added another Zoning Hearing Board meeting would not take place before May 20th. Solicitor Allshouse asked if the board would grant an extension. Solicitor Allshouse noted he generally permits one continuance. Overall, the board had no issues with granting the continuance. Solicitor Allshouse added even with the continuance, no commercial enterprise will be going on. Supervisor Bucher asked if any official action was taken. Solicitor Allshouse felt no action was taken.

Conditional Use Hearing schedule

Solicitor Allshouse noted he had a scheduling conflict with the May 7th conditional use hearing date. He added Supervisor Hurley also had a conflict with the May 7th meeting. The board had no issue with canceling the hearing. Solicitor Allshouse noted he would send an email to Mr. Lucas and Mr. Wolf and follow-up with a hard copy concerning the scheduling conflict. Thus, Supervisor Bucher moved to cancel the May 7, 2008 conditional use hearing. Supervisor Reisinger seconded the motion, and the motion carried.

Executive Session

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

Adjournment

Supervisor Bucher moved to adjourn the May 1, 2008 Board of Supervisors meeting at 6:39 p.m., and Supervisor Kelso seconded the motion. The motion carried.

Respectfully submitted,

Deborah Ealer
Township Secretary

Lori A. Coleman
Recording Secretary