

North Middleton Township Board of Supervisors May 29, 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 May 29, 2008. Vice Chairman Robert H. Shearer called the meeting to order at 6:00 p.m. Board members present were Supervisor Dennis E. Hurley, Supervisor Harry Kelso, Supervisor Robert Reisinger, Manager Deborah A. Ealer, Police Chief Jeffrey Rudolph, Codes Enforcement Officer Paul Fegley, Assistant Codes Enforcement Officer Ruben Lao, Township Engineer Greg Lebo and Recording Secretary Lori A. Coleman. Chairman Richard A. Bucher and Solicitor Mark Allshouse were not in attendance. Visitors: see attachment #1.

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

Subdivisions / Land Development Plans

Stryker Brigade Subdivision/LD #06-02 Expires 08/04/08

Brian Fincher of Lobar Associates informed the board that the ground breaking for the facility would occur on June 2 at 1:00 p.m. He indicated the state HOP was obtained. The only outstanding item was the NPDES approval. Mr. Fincher noted the NPDES was currently listed in the Pennsylvania Bulletin as of May 10, 2008. The earliest the developer could expect a response to the NPDES application would be June 10, 2008. Mr. Fincher added the stormwater management was improved and the permit was issued by PennDOT. He mentioned some important points: paving was reduced and replaced with stone parking areas, the building size was cut down by 20ft, and inlets and pipes were eliminated and replaced with open channel swales. Supervisor Shearer inquired if the system was an underground or above ground detention system. Mr. Fincher noted it was above ground with a 1% bottom which would reduce any stagnant or sitting water. Mr. Fegley had no issues with the plan. Mr. Lebo mentioned reviewing the stormwater management plan and had no concerns. Lee Koch of NMA inquired who was filing the HOP for the utilities. Mr. Fincher noted the permit was being headed up by the Department of Military Affairs. Mr. Koch referenced a discussion at a workshop meeting about two months ago in which an escrow was mentioned. Mr. Fincher noted he would follow-up on the concern. Mr. Koch noted the escrow since the state would be looking toward NMA for final restoration. Supervisor Reisinger noted the concern should be resolved before the HOP is signed.

Meadowbrook Farms Phase VII Final Subdivision #08-02 Expires 08/04/08

Mr. Fegley presented the plan to the board. He noted the subdivision is located in Middlesex and North Middleton Township. Twenty-four of the lots will be built in Middlesex and the twenty-fifth lot is designated as open space shared by both North Middleton Township and Middlesex Township. The area of the project which involves North Middleton Township does not include any buildable lots or improvements. Mr. Lebo, Mr. Koch and Mr. Fegley had no additional comments to offer.

Mountain View Estate Revisions

Mr. Lebo noted the consultant recently discovered wetlands on the property. Since the wetlands lied in a road, part of Appalachian Avenue had to be altered and redesigned. During the redesign, one of the streets that was formally a cul-de-sac was revised as a thru street which ended up

creating a few additional lots. From Mr. Lebo's standpoint, the plan had not changed substantially. He noted the board should determine if the plan should go back to the Planning Commission or if it could come in as a final plan.

John Clark and Fred Gettys discussed some of the revisions made to the plan. Mr. Clark explained the wetland discovery and how all relevant parties were notified. He added all the drainage and sanitary sewer would remain the same. Supervisor Reisinger asked if any site distances were an issue. Mr. Clark replied no. Mr. Clark pointed out waivers were requested in the original submission and the same waivers would be requested with the revision. Supervisor Shearer inquired about street lights in the development. Mr. Lebo noted the density was two units per acre and the code calls for a density requirement of four. Mr. Gettys noted the street light issue would be worked out with PP&L to have proper lumens for the street area.

Mr. Fegley reviewed a letter from the Road Master that preferred the change since it would be eliminating the cul-de-sac. Supervisor Shearer felt the revision was not major. Mr. Koch noted the NMA engineers were still reviewing the plan. Supervisor Kelso agreed the changes were minor, but they would need a master copy for comparison. Mr. Fegley noted they currently had the preliminary which was approved and a preliminary/final showing the changes. Supervisor Hurley questioned if a bog turtle study was completed. Mr. Gettys noted the study was done. Overall, Mr. Fegley was seeking the blessing of the board to proceed forward with the final of Phase I. Supervisor Shearer noted it would be voted upon next week. The Planning Commission would review the plan on Tuesday. Supervisor Shearer noted he had no issues with the plan going to the Planning Commission and a formal vote would be taken at the regular meeting.

Police Department

Chief Rudolph presented his report to the board. He mentioned receipt of reimbursements from PennDOT regarding the grant for the Buckle Up program. Chief Rudolph added the officers were doing very well on slowing traffic. Supervisor Hurley questioned if the department could get a speed monitoring device like the one utilized in the Borough of Carlisle. Chief Rudolph felt they may be able to get one from grant services. The board asked him to pursue the suggestion.

North Middleton Authority

Mr. Koch reported they were working on the code changes to try and hit the June advertisement date. Mr. Fegley added they were working diligently to get the changes completed. Supervisor Reisinger questioned the refinancing process. Mr. Koch reported it was memorialized at the last NMA meeting.

Solicitor's Report:

ZHB Application – Longs Gap Road

Supervisor Shearer noted the board had to make a decision to support, not support or offer no comment on the ZHB application. Mr. Fegley noted the property was given a special exception for a horse riding facility with conditions. One of the conditions was a 4ft high fence to be placed 10ft within the property line, and riding facilities would not be closer than 100ft to the property. The special exception was issued in 2001. It was brought to the township's attention that their issues were not in place. Township staff contacted the owner and indicated to them that they need to follow through with the ZHB decision. The owner was notified via certified letter in

2007. Mr. Fegley mentioned notification by a representative of the owner in which they were informed the owner was considering a subdivision so a meeting was set. After some failed meetings, a compliance letter was sent to the owner. The owner then decided to pursue a variance. Mr. Fegley noted the application and fees were sent in and slated to be reviewed at the June ZHB meeting. Overall, Mr. Fegley stated if the ZHB decides to grant the variance it will be the end of the issue. If it is not, then a court appearance is slated for June 30th.

Supervisor Shearer reviewed the application, and felt it would be an entirely new application. He also questioned if a riding school was permitted in the Agricultural Holding zone. Mr. Fegley stated it was a special exception in the Agricultural Holding zone. Mr. Fegley noted the concern of the riding area along the outer property line and jumping area. Supervisor Shearer asked the board to review the information before next week's meeting.

New Business

NMA Truck

Ms. Ealer noted NMA was selling their 1997 GMC pick-up truck. She mentioned the deteriorating condition of the current red Ford used by the Codes Department. She added the Codes Department did not budget for the truck this year, but the township does have funds available in the general fund if the board would like to authorize the purchase. The fair market value of the truck was listed at \$3500. The issue was added to the agenda for next week.

Marine Corps League Flag Disposal Box

Chester Fuller of the Marine Corps League provided a flag disposal box for residents of the township to dispose of their old flags. The box is located at the front entrance of the municipal building.

Fire Company Trucks

Ms. Ealer referenced a meeting with the Fire Chief to discuss the fire company's future needs. The Fire Chief indicated one of their future needs was the replacement of fire trucks. Ms. Ealer referenced an attachment in which the estimated replacement year and cost were outlined. Supervisor Shearer noted it was an issue in which the board would have to thoroughly look at for the future.

SEO

Ms. Ealer mentioned receipt of several complaints that perk tests were not being completed. Supervisor Shearer mentioned the concern of the timely response to the applications. Mr. Fegley stated he processes the application, contacts Mr. Reisinger, and then he sets a date with the applicant. Jonathan Reisinger stated everyone has been contacted and scheduled at this point. Supervisor Reisinger wanted to verify with Mr. Reisinger that he could complete the jobs in a timely manner. Mr. Reisinger noted he receives a lot of tests in the spring which are affected by the temperature and spring rains. Supervisor Kelso questioned if he uses a soil scientist. He noted he usually does not use a soil scientist and felt confident in standing behind his decisions. Supervisor Kelso asked if the state required notification. Mr. Reisinger stated they require a 10 day notification in which he has only seen a state representative show up at the site three times in 10 years. Ms. Ealer questioned his average turnaround time. Mr. Reisinger noted it was dependent on the time of the year, but he tries to turn it around in a month.

Shed Issue

Ms. Ealer noted staff had contacted a resident with respect to a shed not complying with the Township setback lines. After some verification, staff agreed the setback was not per code. At that time, the previous codes officer was in contact with the resident in which he indicated to the resident that a permit was not required. Runoff concerns were presented with respect to the location of the shed. Ms. Ealer was seeking direction from the board on how to proceed. Options offered: movement of the shed, apply for a variance, or leave it as is. Supervisor Shearer verified a letter was sent to the property owner indicating the violation. Mr. Lao verified a letter was sent outlining the ordinances that apply to the property, permit required, options available, and compliance time period. Mr. Lao stressed it was a notice. Mr. Lao added they try to work with residents to come to a resolution. Supervisor Hurley questioned if the ordinance differentiated between a permanent and portable building. Mr. Fegley stated there was no differentiation. Supervisor Shearer asked for an explanation of the setbacks. Mr. Fegley explained in the R1 no accessory structures are permitted in the front yard, side and rear yards are the only areas permitting an accessory structure, and the setbacks are 10ft from the side and rear yard. Mr. Fegley noted the proposed changes to the code include a maximum proposed height of 20ft, no accessory structures are permitted in the front yard, side yards will be 10ft on each side for buildings larger than 200ft, and 5ft for each side yard for buildings smaller than 200ft. Mr. Fegley added a majority of the buildings they see are under 200ft. Ms. Ealer noted the new proposed ordinance changes have no bearing on the issue being discussed. Supervisor Reisinger asked if a lot of the structures in the township are permitted. Mr. Lao stated it would require extensive work, time and research to complete, but could be done. Mr. Lao stated the current situation was blatantly obvious and the township received a complaint. Mr. Fegley reviewed the options. After some discussion, Supervisor Shearer commented it was a procedure. Supervisor Kelso noted the ordinance and procedures have to be followed.

Repository Sale

Ms. Ealer explained a repository sale is properties that were placed on Cumberland County's unsold properties listing. They were put up for tax sale, and did not sell. The properties are then put up for repository sale which means the township will not receive the tax dollars. Ms. Ealer noted the property is actually sold for a minimum bid and then put back into the tax generating status. The Tax Claim Bureau requests written consent be granted so the properties can be sold for the minimum bid, and can be placed back on the tax rolls. Ms. Ealer recommended moving ahead with the request. The issue was added to the agenda for next week.

Road Shoulder/Berm Sweeping

Supervisor Shearer mentioned his suggestion to complete an earlier sweeping of the road shoulders especially the main arteries. He pointed out the increase usage of bicycles and mopeds.

Old Business**Task List**

The task list was reviewed.

Burning Ordinance

Ms. Ealer noted staff met to discuss updating the township's burning ordinance. She noted the present burning ordinance was not consistent with the present DEP regulations. The Township

could potentially lose the annual recycling performance grant. Ms. Ealer noted some things require clarification such as limbs/tree trunks greater than 3 inches in diameter which are not considered solid waste and the definition of solid waste requires an update. Ms. Ealer noted the issue of outdoor boilers was discussed at the committee meeting, and they recommended outdoor boilers be allowed. She added burning by farmers would not be affected. Overall, Ms. Ealer noted the board would need to make a motion to update the definitions to reflect Solicitor Allshouse's memo. The issue was added to next week's agenda.

Electronic recording of meetings

Ms. Ealer was seeking direction from the board on what to do with the cd's after the minutes are approved. When tapes were used to record meetings, they were erased and reused after approval of the minutes. Ms. Ealer stated PSATS suggested the cd's not be kept. Supervisor Hurley suggested recording over them. Supervisor Shearer mentioned keeping cd's from special hearings. Supervisor Reisinger felt it could be determined on a case by case basis. The board decided to rewrite the cd's.

Updated Solid Waste RFP

Ms. Ealer mentioned securing a copy of Lower Paxton Township's RFP. She reviewed the information concerning a vehicle fuel adjuster. She noted the vehicle fuel adjuster would allow the successful bidder to decrease the residents' quarterly billing if fuel prices go down. If fuel prices go up, the successful bidder may adjust the billing, but the bidder does not necessarily have to do so. The benchmark for fuel pricing would be the US Department of Energy for the region rather than the private company of OPIS. She pointed out North Middleton would use a date in September. Ms. Ealer asked for direction from the board. She added if the board wanted to add the adjuster, she recommended listing it as a separate line item. The board agreed to have Ms. Ealer proceed forward with adding the vehicle fuel adjuster to the RFP.

Earned Income Tax Collector

Ms. Ealer noted the current tax collector is CAPTAX. She reviewed her memo with the board which outlined the issue, goal, background information and her recommendation for the collection of earned income and LST taxes for the township. She referenced attending the last CAPTAX meeting in which municipalities were given the opportunity to discuss why they considered seeking another collection agency. Ms. Ealer did speak on behalf of the township and shared some of the township's concerns. Later in the evening of the meeting, the chairman received the resignation of Bill Harbeson as Executive Director. The Assistant Director was moved into the position of acting Executive Director. Ms. Ealer stated she did not receive any information that would change her recommendation. Ms. Ealer reviewed her recommendation with the board as listed in her May 22, 2008 memo. She noted the board could make a decision at next week's meeting. Ms. Ealer added CENTAX indicated they would open a local office, and the local office would be open an additional 15 hours per week. In addition, they have gone through this transition with other municipalities.

Supervisor Hurley inquired if the local tax collector could do the collection of earned income and LST taxes for the township. Ms. Ealer stated she was elected and not equipped to handle the collection. Supervisor Shearer felt the issue should be a separate line item for next week's agenda. Supervisor Reisinger asked what the time frame was for notification. Ms. Ealer stated

CAPTAX should be notified before July 1. The collection agency selection should occur no later than September to permit 90 days for preparation for the new appointed agency Ms. Ealer pointed out the residents would have to file two separate tax forms. Supervisor Shearer noted the issue would be available for vote at the next meeting.

Joint Recreation with Carlisle report

Supervisor Shearer noted it was a good report put together by Sally Scharadin. Supervisor Shearer recommended Ms. Scharadin pursue the swimming pool fee for North Middleton residents.

Gypsy moth spraying

Supervisor Shearer noted sending a letter to residents in the affected areas to contribute to the gypsy moth spraying. Seventeen residences contributed for a total of \$1107.05. Some of the property owners offered 100% and more whereas others offered no contribution. Supervisor Shearer noted the citizens of the township subsidized the spraying of private properties. He stated it would be the last time he votes for such spraying. Supervisor Reisinger agreed with Supervisor Shearer. Supervisor Kelso asked if the county was contacted on how they plan to proceed for next year. Ms. Ealer noted the spraying process was just completed. She noted she would contact the county to follow-up for next year.

Background checks for parks personnel

Last year, the board set a policy to require background checks for those that would have contact with people in the parks. Staff felt individuals of the Summertime program should have background checks. The question came up if parks personnel should have a background check. Solicitor Allshouse felt those that have direct supervision with children should have the background check. Supervisor Shearer felt Chief Rudolph should offer input on the question. Ms. Ealer noted he supported the background checks. The board decided to proceed forward with background checks for the parks personnel.

LogistiCenter Conditional Use Terms

Supervisor Shearer referenced one of the documents submitted at the current conditional use hearing. He questioned who makes sure the conditions are fulfilled on previous conditional uses. He referenced item #18 from the LogistiCenter conditions. Supervisor Reisinger felt Ms. Ealer should follow-up to make sure the conditions are being applied. The board reviewed some of the conditions listed in the conditional use for LogistiCenter.

Special Fire Police Ordinance and Agreement

Ms. Ealer referenced the previously proposed intergovernmental cooperation ordinance from the Cumberland County Commissioners. The board decided to not support the agreement due to verbiage that the permits the county to spend the Township's funds. Ms. Ealer pointed out NMT was one of two municipalities that decided to not support the agreement. Ms. Ealer stated the agreement could be tweaked. Supervisor Shearer pointed out if the special fire police are deployed by the county for days at a time, then the township has no input. Supervisor Reisinger noted if they are needed in an emergency, then it was part of the township's responsibility to support them as a community. Supervisor Shearer felt if the county was going to run it, then they should fund it. Ms. Ealer noted the fire police work under the fire department. The board

decided to vote on the issue at next week's meeting as a separate line item. Supervisor Shearer noted his concern of another unfunded mandate.

McClures Gap Road extension

The board decided to put the project on hold. Supervisor Kelso asked if funds designated for the project were locked in only for this project. Ms. Ealer replied no. Supervisor Shearer mentioned his concern about the revenues and economy.

Executive Session: Personnel Matter

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

Adjournment

Supervisor Reisinger moved to adjourn the May 29, 2008 workshop meeting at 8:35 p.m., and Supervisor Kelso seconded the motion. The motion carried.

Respectfully submitted,

Deborah Ealer
Township Secretary

Lori A. Coleman
Recording Secretary