

North Middleton Township Board of Supervisors July 3, 2008

The meeting of the North Middleton Township Board of Supervisors was held at the Township Municipal Building, 2051 Spring Road, Carlisle PA on July 3, 2008. Chairman Richard A. Bucher called the meeting to order at 6:05 p.m. Board members present were Supervisor Robert H. Shearer, Supervisor Dennis E. Hurley, Supervisor Harry Kelso, Supervisor Robert Reisinger, Solicitor Mark Allshouse, Manager Deborah Ealer, Police Chief Jeffrey Rudolph, and Recording Secretary Lori A. Coleman.

Visitors: **see attachment #1.**

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

Executive Session

Supervisor Bucher noted an executive session was held prior to the meeting to discuss a personnel issue. No vote was taken.

Public Comment / Hearing of Visitors

Chris Houston – LeTort Greenway Study

Mr. Houston was the chairman of the Letort Regional Authority and was before board to provide a power point presentation concerning the LeTort Greenway study. **See attachment #2.** He discussed applying for a grant through Cumberland County to complete a feasibility study of creating a trail/urban greenway linking the communities of Middlesex Township, North Middleton Township, Borough of Carlisle and South Middleton Township. Mr. Houston reviewed the study area. He discussed the feasibility report content, analysis of proposed parks, schools, and trails for trail connection suitability, phasing plan, acquisition tools, identification of grant and funding sources, and cost estimate. Then, Mr. Houston reviewed the connection points for each municipality. He mentioned proposed corridors such as streets, alleys and the old Northfolk Southern rail line that could be used as rails with trails. He reviewed examples of communities that have used this option. He noted the Letort Regional Authority was asking each municipality to adopt a resolution which deems that the plan is acceptable. Thus, the plan could be used to guide future land development, acquisition, and conservation initiatives. Mr. Houston felt it was timely since the Township was updating the comprehensive plan. He felt it was important for the planners to review the plan and look at the ideas and concepts since some of the concepts could be incorporated into the comprehensive plan. Mr. Houston discussed the conclusions and recommendations such as obtaining funding, construction funding, and recommendations for each municipality.

Supervisor Bucher asked if a time line existed to complete the projects. Mr. Houston noted a time line did exist, but no dates were set. He felt the most important part was to organize the planning process. Supervisor Bucher asked if funds would be requested from the municipalities. Mr. Houston noted it was dependent on the build out. Ms. Ealer pointed out the resolution was listed under the consent agenda. The board thanked Mr. Houston for the presentation.

Paul Monosmith – Wood burning stoves

Mr. Monosmith of 3431 Waggoners Gap Road noted he has put over \$1000 worth of upgrades to his current outdoor boiler/wood burner to try and address his neighbor's concerns. He mentioned placing a timer on his burner so it would only burn at certain times of the day. He personally

invited the supervisors to visit his residence to see his upgrades. Mr. Monosmith visited Middlesex Township and had a discussion with Mark Carpenter about the times of the year the burner can be used. Mr. Monosmith mentioned using his burner in May to heat his home. He felt the issue should be considered if the burner is used to heat a residence. He noted many of the new boilers emit less smoke. As an update, Solicitor Allshouse stated copies of the new ordinance (Section 93) were available at the township, Cumberland County law library and on the township website. He added comments would be appreciated at the public hearing.

Culverts on Wertz Run

Janet Sale of 110 Wertz Run asked Ms. Ealer if the Township had decided what they were going to do with the culverts on Wertz Run Road. She thought the state came through in September to complete a walk through. Ms. Sale was seeking an update. Ms. Ealer noted she was unaware of the walk through completed by the state. Ms. Ealer added she would complete a follow-up on the issue and contact Ms. Sale with an update.

Consent Agenda

- a. **Meeting Minutes: Motor Freight Hearings: 05/15/08, 05/20/08, 06/11/08, 06/23/08; 05/29/08 Workshop meeting; 06/05/08 Action meeting; 06/05/08 Ordinance 2007-05 hearing; 06/05/08 Ordinance 2008-03 Hearing**
- b. **Tax Collector Reports: 12-17**
- c. **Payment of Bills: 06/13/08, 07/03/08**
- d. **Special Fire Police Ordinance 2008-04**
- e. **Recreation Cooperative Agreement**
- f. **LeTort Greenway Study Resolution 2008-07**
- g. **Brandon Jones resignation**
- h. **Hiring of replacement officer**
- i. **Finance Committee**
- j. **Paving Contract**

Supervisor Reisinger moved to approve the consent agenda, and Supervisor Bucher seconded the motion. The motion carried.

Business of Township Officials

Township Manager

June Report

Ms. Ealer presented her June report to the board.

Financial Report

Ms. Ealer presented the financial report to the board.

Pine Manor Phase I and II Bond reductions

Ms. Ealer reviewed her memo concerning the bond reductions for Pine Manor. Supervisor Bucher moved to approve the bond reduction for bond no. S11230 for Pine Manor Mobile Homes Park Phase II in the amount of \$84,048.00. Supervisor Reisinger seconded the motion, and the motion carried. Then, Supervisor Bucher moved to approve the combining of the balance of Phase I with Phase II bonding, contingent upon the submittal of an updated LDA. Supervisor Shearer seconded the motion, and the motion carried.

Commons at Parker Spring

Ms. Ealer reported the board had a concern with the reduction of the bond with respect to some road work. Bill Green visited the site to check on the depth of the binder pavement placed at seven locations, and recommended the release of the \$12,206.00 from the bond. Thus, Supervisor Shearer moved to release \$12,206.00 from the bond of No. 4 and No. 5 for the Commons at Parker Spring. Supervisor Reisinger seconded the motion, and the motion carried.

Chief of Police

Chief Rudolph thanked the board for their consideration of hiring of Matthew Johnson as a replacement to fill the full time vacancy. He would also like to recommend the hiring of Ronald Lee Minck Jr. to fill the part-time officer position. He added District Justice Paula Correal was present to swear in the officers this evening. Supervisor Bucher noted he would like to welcome the officers to North Middleton. (**Special Note:** the vote was taken toward the end of the meeting). Supervisor Reisinger moved to approve the hiring of Ronald Lee Minck Jr. to fill the part-time officer position. Supervisor Shearer seconded the motion, and the motion carried.

Chief Rudolph presented his monthly report to the board. He mentioned a busy month for the department. He added the department would be purchasing new Glock 45 caliber hand guns with a donation made by an anonymous citizen. The guns are replaced every 5 years. Also, the smooth operator program was underway.

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

Solicitor Allshouse reviewed his June report with the board. He discussed spending time on updating ordinances for the code book update.

Updates on hearings

- Longs Gap Road Horse Farm- Defendant paid fine, and the defendant is going to issue the township a letter releasing their variance and special exception to run a commercial riding school. No further commercial entity will exist on the property. Overall, the defendant is going to abandon the use.
- Moongale- Defendant pleaded guilty and paid the fine. The exterior of the property was abated. As for the interior of the property, a written report was received from Tuckey and the UCC inspector. He noted Mr. Fegley has to check the interior of the property. Mr. Lao did check the exterior of the property and indicated some odor still existed. The defendant was advised of the odor.
- Spring Road- The owner abated his nuisance and paid the fine.
- Two other properties that have abatement issues- Newville Road property which was going to be demolished but asbestos was discovered. Overall, the work is in progress. The second property on Newville Road is also in process.

LogistiCenter Maintenance Contract

Solicitor Allshouse noted his review will be ready for the workshop meeting.

Special Fire Police Ordinance 2008-04

Solicitor Allshouse noted the ordinance is ready for advertisement. He recommended advertising the ordinance in August for the September action meeting. The board supported the recommendation.

Transient Vendor Draft Ordinance

The draft ordinance is complete and will be available for discussion at the July workshop meeting.

July 9 Third Pine Floor Conditional Use Hearing

Supervisor Shearer moved to cancel the July 9, 2008 Third Pine Floor Conditional Use Hearing and continue it to July 29, 2008. Supervisor Bucher seconded the motion, and the motion carried. In addition, Solicitor Allshouse mentioned August 4, 2008 as another date to continue the hearing. He asked if any board members had an issue. No concerns were expressed. Solicitor Allshouse stated he would send a notice of cancellation to Mr. Wolfe, Mr. Moore and Mr. Lucas.

New Business**Hiring of replacement public works employee**

Ms. Ealer was seeking permission from the board to place an ad in the newspaper to advertise for the open public works position. Supervisor Shearer noted he would like to be informed of the starting salary. Ms. Ealer noted she would send a memo to the board.

Mowing of open space

Ms. Ealer discussed a piece of land off of Creek Road and just below the North Ridge development. Home owners in North Ridge have called and asked for the land to be mowed. Options include: (1) do nothing, (2) contract with an individual that would mow and bail the material, or (3) plant trees and let it go back to being a wooded area. The acreage involved was around 10. Supervisor Bucher supported using a contractor. Supervisor Shearer noted the Township has an obligation to keep the property mowed. The board supported using a contractor.

Old Business**Keiser ZHB application**

Supervisor Bucher noted the board had to decide to support, not support or offer no comment to the ZHB. Supervisor Hurley noted he was neutral. Supervisor Kelso offered no comment. Supervisor Reisinger supported the application. Supervisor Shearer noted he supported the application contingent upon the applicant addressing the stormwater issue by installing spouting to redirect the water from the neighboring property. Supervisor Bucher supported the application. Supervisor Bucher moved to have the Assistant Codes Enforcement Officer Ruben Lao inform the ZHB that the BOS supports the Keiser ZHB application contingent upon the applicant installing spouting on the subject shed to direct the stormwater away from any neighboring properties. Supervisor Shearer seconded the motion, and the motion carried with a 3-2 vote. Supervisor Hurley and Supervisor Kelso voted nay. Solicitor Allshouse noted the BOS was only reviewing the application. They take no hearing and have no decision making ability. The ZHB makes the decision and all comments are addressed at the ZHB.

Intermunicipal Agreement with Middlesex Township

Ms. Ealer noted the issue was on hold. Solicitor Allshouse noted he reviewed the ordinance and it could be discussed at the next workshop meeting.

CPEC lawsuit

Ms. Ealer reported the change in suppliers will cost the township \$7674.00 for gas and \$13,785.00 for diesel. She added NMT pays the \$.01/ per gallon surcharge which goes to CPEC for operating expenses. Solicitor Allshouse noted CPEC plans to file a lawsuit for breach of

contract for failure to supply what was agreed upon. Thus, Supervisor Reisinger moved to support the CPEC lawsuit with the caveat that no additional costs will be involved for services or increases to NMT as a result of the litigation being undertaken. Supervisor Shearer seconded the motion, and the motion carried.

Public Hearing Proposed SFTF/Zoning Ordinance

See attachment.

LogistiCenter Study

Supervisor Bucher asked if the board would like the study completed. Ms. Ealer noted the issue was discussed with the engineer who indicated the study was not that costly. The engineer and staff recommended the study be completed. Thus, Supervisor Bucher moved to direct LogistiCenter to complete the noise study as per the condition of the conditional use hearing. Supervisor Shearer seconded the motion, and the motion carried.

EIT/LIS Tax Collector

Supervisor Bucher noted the board terminated CAPTAX and did not appoint another tax collector for 2009. Supervisor Reisinger moved to appoint CENTAX to collect the EIT/LST tax beginning in January 1, 2009. Supervisor Bucher seconded the motion. Supervisor Shearer noted CENTAX indicated they would open an office in the Carlisle region of which they did not indicate where or when. He felt it should be a caveat of the motion. Ms. Ealer noted it would be open starting January 1, 2009. She added it could be added to the contract. She indicated to the board that CENTAX was currently checking some locations in Carlisle. As the amended motion, Supervisor Reisinger move to appoint CENTAX to collect the EIT/LST tax beginning in January 1, 2009 contingent upon CENTAX establishing an office in the Carlisle Community by that date. Supervisor Bucher seconded the motion, and the motion carried.

Special Fire Police – SPERT County Agreement

Supervisor Bucher discussed a meeting he had with Commissioner Rovengo concerning the agreement in which he directed his inquiry to Dennis Marion. It was indicated the Township received the wrong agreement. Supervisor Bucher suggested holding off on the vote until a copy of the agreement is received. The board agreed.

Adjournment

Supervisor Shearer moved to adjourn the July 3, 2008 Board of Supervisors meeting at 7:14 p.m. Supervisor Reisinger seconded the motion, and the motion carried.

Respectfully submitted,

Deborah A. Ealer
Township Secretary

Lori A. Coleman
Recording Secretary