

North Middleton Township Board of Supervisors July 31, 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 July 31, 2008. Chairman Richard A. Bucher called the meeting to order at 6:00 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 A. Ealer, Township Engineer Greg Lebo, Codes Enforcement Officer Paul Fegley 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 announced an executive session was held prior to the meeting to discuss a potential litigation and personnel issue in which no vote was taken.

Subdivision and Land Development

Peace Center Land Development

Marcel Mileo of Dawood Associates stated the property was a 3.7 acre site located at 505 Cavalry Road. It is located in the campus industrial district with public water and sewer. The applicant is proposing to construct a house of worship. In addition, they were proposing two additions to the current building in which the private cemetery would remain. Details discussed include: a building capacity of 140 individuals, 49 parking spaces, conservation approval was acquired, PennDOT approval was in progress, Letort Authority approval was received after addressing their comments, and NMA comments were addressed. Supervisor Bucher questioned the highest peak on the building dome. Mike Williams, Peace Center representative, thought the height was around 38ft. Greg Lebo referenced his July 23rd memo in which all the comments were addressed except for the improvement guarantee. Supervisor Kelso asked if the PennDOT issues were resolved. Mr. Mileo mentioned a few issues were pending, but thought PennDOT would grant approval. Supervisor Bucher verified with the applicant that a booster may be required for water pressure as noted in Mr. Koch's May 13th memo. Mr. Mileo agreed with the statement. Supervisor Reisinger questioned the concrete pads and their intended use. Mr. Williams mentioned a location of a future shed. The estimated cost and design of the structure was discussed. Supervisor Reisinger asked what would happen to the cemetery if the property changed hands in the future. Solicitor Allshouse noted state law controls what happens to an existing cemetery. The issue was added to the agenda for next week.

Liberator Land Development

John Madden noted acquisition of a special exception for the use of the property and a variance for the driveway location. An easement was negotiated for the stormwater discharge. Solicitor Allshouse requested to review the agreement for the easement before Thursday. Mr. Fegley had no additional comments to offer. Ms. Ealer pointed out this particular business had various code infractions which continue to be an issue on the site the applicant has developed within the township. Ms. Ealer was seeking assurance from the applicant that the issues and concerns would cease with the new property. Mr. Madden noted it was a question for the owner. Mr. Madden agreed the site has an increased area and parking area, and felt the new site would lend itself to be better suitable for the applicant's usage. Ms. Ealer mentioned the various infractions

addressed by the codes department. Mr. Madden noted curbing was added to better define the entry area. With respect to the water and sewer, Mr. Koch noted the plan was ok. Mr. Lebo mentioned the need for improvement guarantees. Mr. Kelso noted the issues were pretty well addressed at the Planning Commission. Solicitor Allshouse recommended a developer's meeting to further discuss the easement being provided by the Township. He added without the easement, the business could not operate. The board directed Ms. Ealer to set up a meeting with the developer to discuss the future use of the property. Solicitor Allshouse clarified the meeting was not to make an enforcement notice on the property but rather to discuss the future use of the property the applicant intends to develop. The board understands that they cannot deny the plan based upon on how he is operating his other property, but the board can discuss with him whether the township is going to assist him with similar operations by providing the easement across the township property.

Evelyn Craig Preliminary/Final Subdivision #08-03 Lot Addition Expires 11/29/08

Mr. Fegley reported the property is located in the agricultural zone and is primarily located in Lower Frankford Township. Ms. Craig wishes to subdivide .3264 acres from her property to be adjoined to Marlin Kelley's property for the sole purpose of allowing Mr. Kelly to have an existing driveway located on a single lot. Two waivers were being requested. Mr. Lebo, Mr. Koch and Supervisor Kelso had no additional comments to offer.

North Middleton Authority

Carlisle Borough Pretreatment Program Ordinance

In June 1990, NMT and NMA (then CSA) entered into an intermunicipal pretreatment agreement with BOC, SMT and Middlesex Township. The agreement stipulates that NMT is part of the pretreatment program that is administered by the EPA for BOC, and NMT is a contributing jurisdiction. Under Section 3 of the agreement, it states that NMT promptly enact and enforcement the ordinances that conform to the minimum legal requirements pertained within the general pretreatment regulations. Recently, the NMA board directed CET to review the proposed changes which were also provided to Ms. Ealer and Solicitor Allshouse. After reviewing the changes, CET was also directed to prepare a suggested ordinance. CET has reviewed the info and felt the changes were in line with the normal EPA changes. In turn, they recommended adoption. Mr. Koch reviewed a proposed outline with the board for possible adoption of the ordinance. Mr. Koch noted it was the BOC's pretreatment program, and NMA was involved because they are a contributing jurisdiction. Mr. Koch noted NMA would prepare the ordinance and vote upon it in October.

Harrisburg Pike property

Mr. Koch reported the NMA board authorized him to send out sewer connection notices to four properties along on the Harrisburg Pike. They were part of the Keystone Arms subdivision extension. Three of the properties were residential and the other was operating as a bed and breakfast. In the spring of 2006, the bed and breakfast owner came before the board at a joint meeting asking why he could not have public sewer. Now that it is available, the owner does not want to pay for the multiple tapping fees because it is a nonresidential use and subject to a tapping fee based on consumption. Mr. Koch noted it has been an ongoing issue between NMA and the bed and breakfast owner. The NMA board felt they should remain consist with the usage. In turn, the 90 day notice was sent to the owner for the connection. The owner then sent a letter to NMA stating that he was discontinuing the bed and breakfast business effective November 1, 2008, and would like to defer connection until that time which would make the use a single

residential use. Mr. Koch noted the bed and breakfast had to obtain certain entitlements from the township to operate. Solicitor Allshouse stated anytime the use is changed the owner is required to come back to the township and meet the requirements for future use. Mr. Fegley noted the property lies in the campus industrial zone and if they relinquish the use the property becomes nonconforming. Supervisor Shearer noted the property may be rezoned through the Comprehensive Plan. Supervisor Bucher verified Mr. Koch received a letter from the owner noting that he plans to cease the use. Supervisor Bucher asked Mr. Koch to forward a copy of the letter to the Township. Mr. Fegley noted he would complete some research and then contact Mr. Koch.

Solicitor

Solicitor Allshouse mentioned receipt of a letter concerning the block rezone for Rt. 11 scheduled for August 7th. The applicant is seeking a continuance of the hearing to October 2, 2008. Secondly, he noted correspondence from Mr. Wolf seeking a continuance of the hearing for the rezone of Newville Road from September 4, 2008 to the first action meeting in January 2009. Thirdly, he reported LogistiCenter has contracted Acoustic Dimensions to perform the sound study, and a copy of the proposal was sent to the Township. Lastly, he presented a resolution of the Gail Rich matter. He noted the owner was willing to abandon the use that she originally received via variance and pay the court costs and attorney's fees. The owner is going to make monthly payments which are permitted by the court. Solicitor Allshouse reviewed his copy of the agreement that he presented to the supervisors. He proposed the board take a vote at the next meeting to execute the document. The issue was added to the consent agenda.

Draft Wood Burning Ordinance

Supervisor Hurley commented the ordinance was a little weak and a few items should be clarified such as the definition of nuisance. Solicitor Allshouse pointed out it was difficult to define every little instance that could qualify as a nuisance. He added the Pennsylvania Superior Court has determined a nuisance is subjective based upon entirety of the facts of the existing situation. After some discussion and explanation by Solicitor Allshouse, the board decided to leave the word nuisance in the ordinance. Supervisor Bucher referenced an article in the PSATS magazine which mentioned the minimum chimney height of 20ft. Supervisor Reisinger mentioned a chimney being the minimum height according to the manufacturer's specifications. Supervisor Hurley referenced various articles involving chimney height incidents, and felt the chimney height was a critical issue for proper operation. Supervisor Bucher agreed the chimney height was critical. Supervisor Kelso felt it was important to pass the ordinance first and then start making changes to it. Solicitor Allshouse pointed out the ordinance was already advertised as part of the code revisions. The board agreed the ordinance was a good starting point.

New Business

North Middleton Park Restrooms

Mr. Lebo referenced his July 29th letter concerning the project status update. Mr. Lebo noted the current restrooms were failing and required replacement. A holding tank permit was acquired and the tank was installed by the public works department. Mr. Lebo discussed the concern for vandalism and a lot of the cost involved in the project was to make the restrooms vandal proof. He discussed the interior plumbing, and security lighting around the building. The demolition of the existing facility was mentioned in which Ms. Ealer added Mr. Brickner's crew would take care of the removal. Then, Mr. Lebo reviewed the timeline for the project. Ms. Ealer added when

the timeline was developed, the focus was to have construction completed during of the offseason. The board reviewed the design of the project and various details.

Street Lights in North Ridge

Mr. Fegley discussed the spacing of the street lights in North Ridge. After review of the proposed plan submitted by PP&L, Mr. Fegley noted it was discovered a street light needs to be relocated. The spacing between the street lights should be 300ft and the one in error has a spacing of 360ft. Mr. Fegley noted the issue had to be submitted to PP&L. In addition, Supervisor Shearer questioned if streets lights were at the intersections along Cranes Gap Road and North Ridge. Mr. Fegley noted lighting existed at each of the intersections.

Trick or Treat Night

Ms. Ealer noted the BOC set their trick or treat night for October 30th from 6-8p.m. The board agreed to utilize the same date and add the issue to the consent agenda.

Village Park Pavilion

Supervisor Shearer mentioned visiting the new pavilion after a rain in which the floor was covered with rain. Other deficiencies he noticed were the leaning electric barbeque grill, location of the garbage can and an electrical concern. Ms. Ealer noted writing a letter to the engineer that was overseeing the job. The contractor visited the site and took photographs. She was awaiting a response from them. As for the grill, the issue can be fixed. Concerning the electric issue, Ms. Ealer noted she would complete additional research. Supervisor Reisinger felt the concrete should be fixed by the contractor.

Gypsy Moth Spraying

Ms. Ealer reviewed a letter from Cumberland County Vector Control. She noted if the board wanted to meet the county's timeline, payment was required by January 1, 2009. The board discussed the percentage of donations made by residents for spraying this past year.

Solid Waste Contract

Ms. Ealer reviewed her comprehensive memo concerning the solid waste contract. She noted the bids were opened on July 28, 2008 in which three bids were received. The board has the choice of awarding one of four options. The low bidder for all four options was York Waste. Supervisor Bucher asked for staff's recommendation. Ms. Ealer noted Mr. Mulligan from Recycle Bank has not returned any of her calls. Overall, she noted the township is currently using York Waste with option #1. Supervisor Shearer recommended option #1. Supervisor Kelso, Supervisor Hurley, and Supervisor Reisinger agreed. The issue was added to the agenda.

Upper Frankford Township

Ms. Ealer reviewed a letter from Upper Frankford Township expressing their interest in using the NMT UCC Appeals Board. They understand any cost associated with use of the board would be their responsibility. Ms. Ealer noted if the board agreed they would sign the same agreement as was completed by Lower Frankford. The board decided to add the issue to the consent agenda.

Repository Sale- Kingsbrook Civic Association

Ms. Ealer reviewed a letter from the Tax Claim Bureau of Cumberland County in which the property is under the ownership of Kingsbrook Civic Association. The parcel was to be an open

space park but is not conducive for a park. The county is asking the board to permit the sale under the repository sale. The issue was added to the consent agenda.

Old Business

Sale Property follow up

Ms. Ealer noted Ms. Sale attended the July 3, 2008 meeting and addressed the board with additional concerns of storm water runoff on her property. Ms. Ealer reviewed her memo to the board which discussed the time line with respect to Ms. Sale's issue. She did resend the October 27, 2007 letter to Ms. Sale outlining the storm water issues and notifying her that the Township was not going to replace the pipe on Wertz Run Road.

Traffic Signal Agreement

After reviewing the traffic signal security agreement, Solicitor Allshouse informed the board that the Township has \$1000 in escrow to be used for the maintenance of the traffic signal. He discussed condition #26 of the third amended conditional use approval which states, " if in the course of construction, the Township deems it necessary to control and direct traffic, the Applicant will reimburse the Township for expenses incurred with respect to said traffic control direction." Ms. Ealer noted the agreement expires in April 2009. Solicitor Allshouse noted the board can determine if the traffic signal adjustment is needed and the funding would be taken from the escrow first, and according to the agreement, DP Industrial would reimburse the Township for any additional costs. Supervisor Shearer mentioned several complaints on the timing issue, and the need for a left hand turn lane. He questioned why it was not added. When the traffic study was completed, Ms. Ealer noted the lane was not warranted. She stated that any change to a traffic signal must be completed through PennDOT. She recommended contacting Trans Associates and getting an estimate on how much it would cost to have a traffic study. Supervisor Shearer noted the traffic in that area has changed and the situation should be addressed. The board directed Ms. Ealer to contact the traffic engineer for an estimate on a traffic study.

Draft Peddlers Ordinance

Solicitor Allshouse presented the draft ordinance to the board. Ms. Ealer stated the police department would enforce the ordinance and it should be reviewed by Chief Rudolph. Ms. Ealer indicated the fees should be set by resolution. Supervisor Shearer felt the codes department should be reviewing the permits and possibly sign off on them. Mr. Fegley mentioned many of the issues are handled by the police department. Supervisor Shearer felt the codes department and police department should coordinate together to review the application before it is issued. Ms. Ealer noted the application could be updated so the codes department is also included in the review process of the application.

Intermunicipal Agreement with Middlesex

The agreement was for the construction, development and operation of a joint composting facility. Ms. Ealer mentioned reviewing the agreement and her only concern was with item 14 which was the term of the agreement. She noted it could be extended or amended. Solicitor Allshouse noted the implication was that the Township is going to pay ½ of the funding to establish the compost site and there is no obligation in 10 years for Middlesex to renew the agreement. Ms. Ealer noted the out of pocket cost was minimal since a majority of work would be done by man power and available equipment. She estimated the out of pocket cash at \$1000-\$2000. Supervisor Hurley asked about the benefits of the site. Ms Ealer noted a composting site

would be available for residents to use to take tree limbs, leaves, organic matter, etc. Supervisor Reisinger felt the wording should be revised to extent the agreement past 10 years.

Special Fire Police

First, the draft ordinance 2008-04 was discussed which would give authority to the manager to request deployment of the special fire police in a non-emergency situation. Secondly, Ms. Ealer noted the Township had the wrong ordinance for the intergovernmental cooperation agreement for the special fire police. After some follow-up, Dennis Marion sent Ms. Ealer a copy of the ordinance that was passed by Dickinson Township for the board's review. Ms. Ealer noted she would make the changes and present the draft to the board at the August meeting.

Centax

Ms. Ealer mentioned receipt of a copy of their contract. After she makes the respective changes, she will present it to the board for their review at the August meeting.

Scheduling of Hearing

Ms. Ealer reported a motor freight terminal hearing was scheduled for the same evening as the meeting for the public viewing and displaying of the Spring Road project. Supervisor Bucher suggested the conditional use hearing be rescheduled.

Procedure for Hearing

In reference to next week's public hearing for the code book updates, Solicitor Allshouse discussed the procedure for the hearing. He suggested having discussion on any issues and concerns after all public comment is made.

PSATS Magazine

Supervisor Bucher mentioned an article in PSATS which discussed legislation being considered to support volunteer fire fighters. He asked the board to review the information. If supported, the board could make a motion to send a letter to the local legislators to support the legislation at the next meeting.

Adjournment

Supervisor Shearer moved to adjourn the July 31, 2008 workshop meeting at 8:21 p.m., and Supervisor Reisinger seconded the motion. The motion carried.

Respectfully submitted,

Deborah A. Ealer
Township Secretary

Lori A. Coleman
Recording Secretary