

**North Middleton Township Board of Supervisors
August 7, 2008**

The meeting of the North Middleton Township Board of Supervisors was held at the Township Municipal Building, 2051 Spring Road, Carlisle PA on August 7, 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, Township Engineer Greg Lebo, and Recording Secretary Lori A. Coleman. Vice Chairman Robert H. Shearer was not in attendance.

Visitors: see attachment #1.

Public Comment / Hearing of Visitors

Michael Keiser of 2220 Circle Road mentioned sending a letter to the manager's attention seeking to be placed on the agenda. Mr. Keiser noted appearing before the Zoning Hearing Board on July 8th requesting a variance of which was denied. The appeal period for the decision ends on August 20th. Before he proceeds forward with an appeal, he pointed out one of the issues this evening involved in the proposed zoning ordinance was setbacks which would affect the location of his shed. He asked the board to suspend enforcement against his ZHB decision until a final decision is made on the ordinance. Supervisor Bucher wanted to let the ordinance play out because his request may be a moot point. Supervisor Reisinger felt it would appropriate to not do enforcement until the ordinance is complete. Supervisor Bucher verified with Solicitor Allshouse that if the ordinance is passed this evening the issue becomes a moot point. Supervisor Bucher suggested reviewing the request at the end of the meeting if the ordinance does not get passed. The issue was added to New Business.

Marcel Mileo of Dawood Associates was seeking a copy of the conditions for the Peace Center approval. Ms. Ealer provided a copy to him.

William Fry questioned if the outdoor boiler ordinance would be discussed this evening. Supervisor Bucher stated it was part of the zoning ordinance hearing.

Rick Hoover of 1190 Newville Road asked if public comment would be permitted during the hearing. Supervisor Bucher replied yes.

Consent Agenda

- a. **Meeting Minutes: Motor Freight Hearings: 07/29/08; Workshop 06/26/08; 07/03/08
Action meeting; 07/03/08 Zoning Ordinance update**
- b. **Tax Collector Reports: #18-#25**
- c. **Payment of Bills: 07/16/08; 08/07/08**
- d. **Special Fire Police Ordinance 2008-04**
- e. **Gail Rich Agreement**
- f. **Trick or Treat Night 10/30/08**
- g. **Solid Waste Contract**
- h. **Upper Frankford UCC Appeals Board**
- i. **Repository Sale – Kingsbrook**

Supervisor Hurley had a question on payment of the bills and Supervisor Reisinger noted a correction on the Motor Freight Hearing minutes of 07/29/08. Supervisor Reisinger discussed the corrections for the minutes:

--Page 1, first paragraph, line 3, removal of the following sentence, "*August 14 will stay the same.*"

--Page 1, first paragraph, line 4, change August 14th to *August 11th*. Thus, Supervisor Kelso moved to approve the consent agenda minus the payment of the bills and with the correction made to the Motor Freight Hearing minutes of 07/29/08. Supervisor Reisinger seconded the motion, and the motion carried.

Concerning payment of the bills, Supervisor Hurley had a question on the SEO invoice. He asked if the township received the reports from probe testing. For the future, Supervisor Hurley suggested devising a policy that will limit payment of perk testing and soil testing to the SEO until copies of the soil test is received by the Township. He noted the SEO does the testing and the township does the permitting. He felt it was important to have the soil report prior to issuing a permit since contingencies could exist. If so, a resident could come back to the township and get a refund, while the SEO would have already received payment for completing the testing. In addition, Supervisor Hurley questioned the charge for 4 hours of phone calls. Supervisor Hurley felt the charges were too ambiguous, and a breakdown of the charges should be provided. Ms. Ealer noted the prior SEO charged less and never charged for phone calls. Thus, Supervisor Reisinger moved to approve payment of bills less the \$161.00 phone charge on the SEO invoice. Supervisor Hurley seconded the motion, and the motion carried. Supervisor Bucher agreed he would like to see detailed information on the invoices.

Business of Township Officials

Township Manager

1. July Report

Ms. Ealer presented her July report to the board.

2. Financial Report

Ms. Ealer presented the financial report to the board.

3. Draft Volunteer Firefighter letter of support

Ms. Ealer presented the draft letter to the board. The board directed Ms. Ealer to send the letter of support to the local legislators.

Chief of Police

Discussion was deferred to the next meeting.

Solicitor's Report: Mark Allshouse

1. July Report

Solicitor Allshouse reviewed his July report with the board.

Old Business

Task List

The board reviewed the task list.

--Comprehensive plan- a hard copy will be reviewed at the September workshop.

- Fire Company Revenue – Supervisor Bucher, Supervisor Kelso and Ms. Ealer will attend the next meeting to discuss the possibility of a fire tax.
- Organic Recycling – Ms. Ealer noted Middlesex did approve the verbiage.
- Longs Gap Horse Farm property – agreement approved earlier in the meeting.
- Emergency Services- meeting scheduled for August 27th.
- Waste Contract- addressed on consent agenda.
- Blighted properties- Moongale property is moving ahead, Newville property addressing asbestos issue, and the Spring Road property will be monitored.
- Right to Know policy and resolution-an ongoing issue.
- Carlisle Events- NMT/BOC line-the issue was resolved.

Peace Center Land Development

Supervisor Bucher moved to approve the waiver request to view the plan as a preliminary/final subdivision (Section 180-160) for the Peace Center #2008-01. Supervisor Reisinger seconded the motion and the motion carried. Then, Supervisor Kelso moved to approve the Peace Center preliminary/final plan #2008-01 subject to obtaining the HOP and to the township receiving an LDA including proper securities. Supervisor Reisinger seconded the motion, and the motion carried.

Evelyn Craig preliminary/final subdivision #08-03 lot addition

Ms. Ealer noted the property was primarily located in Lower Frankford Township. The board reviewed the plan last week and felt comfortable approving the plan. Thus, Supervisor Bucher moved to approve the waiver to view the plan as a preliminary/final subdivision (Section 180-16), and Supervisor Kelso seconded the motion. The motion carried. Supervisor Bucher moved to approve the waiver request for Section 108-24-B-16 for not having to show the contours of the lot due to the fact that the subdivision does not involve earth moving for the Evelyn Craig plan #2008-03. Supervisor Reisinger seconded the motion, and the motion carried. Then, Supervisor Reisinger moved to approve the Evelyn Craig preliminary/final subdivision plan #2008-03. Supervisor Kelso seconded the motion, and the motion carried.

Township Engineer: Greg Lebo NM Park restroom update

Mr. Lebo discussed lighting for the exterior of the building. He mentioned the motion sensors and wattage. He suggested using 35 watt bulbs which would cost about \$65/ per year for electric.

Recess

Supervisor Bucher moved to recess the regular meeting at 6:33 p.m. and readjourn at 7:00 p.m. to conduct the public hearings. Supervisor Kelso seconded the motion, and the motion carried.

Public Hearing at 7:00 p.m.

Rt. 11 Block Rezone Continuance request

See attachment.

Proposed SFTF/Zoning Ordinance

See attachment.

New Business**Keiser Letter**

With the passage of the ordinance, Supervisor Bucher felt his letter was moot. Mr. Keiser felt the letter was not moot if the board was going to look at accessory structures in the township. If the board intends on correcting the problems, then the letter is not moot. Supervisor Reisinger noted if the board intends on addressing the other issues in his neighborhood then it is not a moot point. Solicitor Allshouse stated the board would have to direct the codes officer on whether to continue with enforcement or delay enforcement until receiving further notification from the Board of Supervisors. Supervisor Kelso asked why the board shouldn't continue enforcement. He added as issues are brought to the attention of the township, they are usually enforced. Most are brought to the attention of the township via a complaint. Supervisor Reisinger noted he had an issue of enforcing when so many problems exist. Supervisor Hurley recommended leaving the issue alone because he did not want to set precedence on a specialized decision based on one incident under the code. No motion to support the issue was offered. Ms. Ealer asked for clarification from the board. Supervisor Bucher noted the board was not going to address his letter since it became a moot point. Ms. Ealer verified that Mr. Keiser's compliance had to be made by August 21st unless he decides to file an appeal. Supervisor Kelso asked when the ordinance goes into effect. Solicitor Allshouse thought 5 days from today's date.

Public Comment**Phoebe Attia – Foreclosure**

Ms. Attia who resides at 82B University Manor East, Hershey PA was a medical student. She introduced Doctor Shorab Sohrabi. They were before the board to discuss the current situation and share some information regarding the banking and foreclosure crisis specifically House Resolution 418. As the board is aware, banks all over the United States are in trouble and residents are having issues paying their mortgages. They wanted to discuss with the board on how to revert this type of crisis and situation in the local area. Ms. Attia provided the board with some information.

Dr. Sohrabi of 372 E. Glenn Apt #1, Hershey PA 17033 noted the situation mentioned by Ms. Attia is a global situation. He discussed the mortgage / banking crisis that was spreading across the east and west coast. He stressed the mortgage and banking crisis would cause financial debt that would come down on the shoulders of all the citizens. House Resolution 418 which is widely passed and supported across the state of PA along with many other states in the United States would offer homeowners and banking protection. Mr. Sohrabi stressed the federal and state chartered banks require protection since they would drastically hurt the vast majority of the population if they default. Supervisor Bucher and Supervisor Reisinger asked Mr. Sohrabi what he was requesting North Middleton to do. Mr. Sohrabi asked the board to support the homeowners and banking protection act. Supervisor Bucher asked how supporting the resolution would help the residents of North Middleton Township. Mr. Sohrabi noted the residents of NMT were already feeling the affect of the debt through rising food prices, health care prices, etc. He stressed this was pushing many residents into a position to default on their mortgages. If this continues to progress, the residents of NMT will be affected. Mr. Sohrabi was seeking for the board to make a motion to protect the citizens against foreclosure and protect their livelihood from vaporizing by protecting the state and federal banks that hold their incomes and assets. Supervisor Bucher inquired what other municipalities they have approached. Mr. Sohrabi

mentioned Derry Township, Susquehanna, Swatara, etc. Supervisor Bucher asked what the other municipalities were doing after his presentation. Mr. Sohrabi noted many local governments were unaware a bill was passed. Ms. Ealer asked if it was a state or federal bill. Mr. Sohrabi noted it was a state bill. Mr. Sohrabi stated it was passed in September 2007. He mentioned a strong speculator who was working to block the legislation in PA. Supervisor Reisinger asked if he had a copy of what other municipalities have passed. Ms. Ealer noted she would research the particular resolution online and present it to the board. Mr. Sohrabi thanked the board for their time.

Adjournment

Supervisor Bucher moved to adjourn the August 7, 2008 action meeting of the Board of Supervisors at 8:22 p.m. Supervisor Kelso seconded the motion, and the motion carried.

Respectfully submitted,

Deborah Ealer
Township Secretary

Lori A. Coleman
Recording Secretary