

North Middleton Township Board of Supervisors September 4, 2008

The meeting of the North Middleton Township Board of Supervisors was held at the Township Municipal Building, 2051 Spring Road, Carlisle PA on September 4, 2008. Chairman Richard A. Bucher called the meeting to order at 6:07 p.m. Board members present were Vice Chairman Robert H. Shearer, Supervisor Harry Kelso, Supervisor Robert Reisinger, Solicitor Mark Allshouse, Manager Deborah A. Ealer, Police Chief Jeffrey Rudolph, and Recording Secretary Lori A. Coleman. Supervisor Dennis E. Hurley was not in attendance.

Visitors: see attachment #1.

Public Comment / Hearing of Visitors

Fred Gettys commented on the retirement of Mary Ann Hays. He recalled when Ms. Hays and Lester Bricker were the entire staff. He commented Ms. Hays has served the Township well and provided a good relationship with the clientele. He wished her well on her retirement.

Subdivision/Land Development Approvals

Liberator Land Development Preliminary/Final Expires 9/29/08

Supervisor Bucher reviewed the conditions for the plan: land developers agreement reviewed by the township solicitor and final plan details with respect to water and sewer are acceptable to North Middleton Authority. The applicant was seeking a waiver request for preliminary final subdivision Section 180-16. Supervisor Reisinger moved to approve the waiver request for preliminary final subdivision Section 180-16 for the Liberator land development plan #2008-02. Supervisor Shearer seconded the motion, and the motion carried. Then, Supervisor Shearer moved to approve the plan with the conditions as previously reviewed by Supervisor Bucher. The motion was seconded by Supervisor Bucher, and the motion carried.

Mt. View Estates Final Subdivision Expires 11/05/08

Supervisor Bucher reviewed the conditions for the plan: home owner's association agreement reviewed by the township solicitor, land developers agreement reviewed by the township solicitor, street light locations are acceptable and final plan details with respect to water and sewer are acceptable to North Middleton Authority. Mr. Gettys agreed the conditions were acceptable. Solicitor Allshouse reviewed the waiver request for Section 180-33N (4) (maximum grade intersections) for the following locations as listed by Hartman and Associates letter dated May 29, 2008: Appalachian Avenue & North Middleton Road, Appalachian Avenue & Tussey Trail, Appalachian Avenue & Blue Mountain Blvd, Appalachian Avenue & South Mountain Blvd, Appalachian Avenue & White Deer Way, Allegheny Lane & White Deer Way/North White Deer Way, and Allegheny Lane & Tuscarora Trail. Supervisor Shearer moved to approve the waivers as outlined in the Hartman and Associates letter dated May 29, 2008 and articulated by Solicitor Allshouse. Supervisor Reisinger seconded the motion, and the motion carried. Then, Supervisor Bucher moved to approve the Mountain View Estates Plan #2008-04 final subdivision with the four conditions he previously reviewed. Supervisor Kelso seconded the motion, and the motion carried.

Consent Agenda:

- a. **Meeting Minutes: July 31, August 7 Zoning Ordinance Hearing, August 7 Block Rezone Continuance, August 7 Action Meeting, August 20 Bridge Meeting, Motor Freight Hearings: August 4, August 11**
- b. **Tax Collector Reports: #26, #27**
- c. **Termination of Lease with NMA**
- d. **New Lease with NMA**
- e. **Resolution 2008-09- Agreement of Lease with NMA**
- f. **Carlisle Borough Pretreatment Program Ordinance 2008-07 advertising for 10/02 hearing at 6:30p.m.**
- g. **Cancellation of October 13 Motor Freight Hearing**
- h. **Resolution 2008-08 appointing CENTAX as the EIT and LST tax collector**
- i. **Approving CENTAX Contract**
- j. **Mary Ann Hays retirement letter**
- k. **Updating the Recycling Ordinance**
- l. **Township Website-appoint Tech Harmony to host**
- m. **Upward Football Trailer at NMT Park**
- n. **Special Fire Police Ordinance 2008-06 Approving draft and advertising for 10/02 hearing at 6:45 p.m.**
- o. **SPERT Agreement with County**
- p. **Intermunicipal Agreement with Middlesex Township**
- q. **SEO Phone Call bills**

Supervisor Shearer noted he was not present at the August 7th Zoning Ordinance Hearing, August 7 Block Rezone Continuance, and August 4 Action Meeting. He requested an abstention from those particular minutes. Also, he requested a separate vote and discussion on item h and item i. Supervisor Kelso requested item q be removed from the consent agenda. Thus, Supervisor Bucher moved to approve the consent agenda with the abstention of a vote for the August 7th Zoning Ordinance Hearing, August 7 Block Rezone Continuance, and August 4 Action Meeting from Supervisor Shearer, and remove items h, i, and q from the consent agenda. Supervisor Reisinger seconded the motion, and the motion carried.

Resolution 2008-08 appointing CENTAX as the EIT and LST tax collector

Supervisor Shearer mentioned his concern with section 3 of the resolution which stated the Board of Supervisors of North Middleton Township does hereby adopt the rules and regulations as prepared by CENTAX. He was unsure of what the board would be approving, and questioned if they are in line with the ordinances of the Township. Ms. Ealer noted the section could be removed from the resolution. After some discussion, Solicitor Allshouse pointed out the Section could read, "the Board of Supervisors of North Middleton Township hereby adopt the rules and regulations as prepared by CENTAX which are not in conflict or in opposition of any rules and policies of the Township of North Middleton for earned income and local services tax." Supervisor Shearer noted he would be comfortable with the verbiage outlined by the solicitor. Then, Supervisor Shearer moved to approve Resolution 2008-08 appointing CENTAX as the EIT and LST tax collector with the change in verbiage of Section 3 as outlined by Solicitor Allshouse. Supervisor Bucher seconded the motion, and the motion carried.

Approving CENTAX Contract

Supervisor Shearer questioned paragraph 7 of section I. He noted his concern with the section and how CENTAX has the ability to choose their auditing firm. He felt the board should have a

voice in the selection of their auditing firm. Since they have offices in different locations, Supervisor Kelso felt they use a CPA firm. Because of their business structure, Supervisor Reisinger thought they probably have a relationship with a CPA firm. Supervisor Shearer felt the board should have the ability to review and approve their auditing firm. He suggested the language that "CENTAX shall contract with a firm of certified public accountants subject to review and approval by the North Middleton Township Board of Supervisors to perform an annual audit". Supervisor Bucher verified it was the entire business audit done for all municipalities. Solicitor Allshouse agreed. Supervisor Shearer verified the audit was for the entire firm and not just for NMT. Ms. Ealer agreed. Secondly, Supervisor Shearer discussed his concern with the location of the office. Ms. Ealer noted speaking with a CENTAX representative after last weeks' discussion. She stated a signed contract was not completed, but indicated the office would either be located in the square of Carlisle or at Carlisle Commons. The representative did assure Ms. Ealer that a representative would be available at the Township building for anyone that needed assistance with their 2008 local tax returns. It would not occur until the late winter of 2010. Dates and appointments would be established for local residents. Supervisor Shearer agreed the information provided by Ms. Ealer was good, but was not in a contract form. He felt the office location in the contract should be changed from 10 miles to 5 miles for the township residents. Supervisor Kelso asked Solicitor Allshouse if the change could be made to the contract. Solicitor Allshouse noted it would be like a counter offer. Supervisor Kelso stressed his concern with holding up the contract. Supervisor Reisinger added he did not want to hold up the contract. Supervisor Shearer pointed out NMT was contracting CENTAX not vice versa. Supervisor Shearer stressed he would not vote for approval if the mileage was not changed. Thus, Supervisor Shearer recommended the change to paragraph 24 of the CENTAX contract for the local service office to read, "a local office located within 5 miles of the Cumberland County Court House, etc". Then, Supervisor Shearer moved to approve the CENTAX contract with the modification he just recommended, and Supervisor Reisinger seconded the motion. The motion carried.

SEO Phone Call bills

Supervisor Reisinger wanted to verify the board was not paying the SEO phone bills. Ms. Ealer agreed. Then, Supervisor Reisinger moved to not pay the SEO phone bills for June and July. Supervisor Shearer seconded the motion, and the motion carried.

Business of Township Officials

Township Manager

August Report

Ms. Ealer presented her August report to the board.

Financial Report

Ms. Ealer presented the financial report to the board.

DP Partners Bond Release Requests

Ms. Ealer reviewed her memorandum for the LogistiCenter bond releases. The first reduction was for the letter of credit no. 308385 for Lot 4 Land Development in the amount of \$15,000.00. Supervisor Bucher moved to reduce the letter of credit no. 308385 by \$15,000.00 which would eliminate the LogistiCenter bond. Supervisor Shearer seconded the motion, and the motion carried. Then, Supervisor Bucher moved to reduce the letter of credit no. 308386 for Lot 4 by

\$20,000.00 eliminating the bond. Supervisor Shearer seconded the motion, and the motion carried.

Minimum Municipal Obligation

Ms. Ealer presented the non-uniform and uniformed Minimum Municipal Obligations to the board. She noted the non-uniform MMO was required by state ACT 205. Supervisor Bucher moved to approve the 2009 Minimum Municipal Obligation for the non-uniform pension in the amount of \$69,264.50. Supervisor Shearer seconded the motion, and the motion carried. Then, Supervisor Reisinger moved to approve the 2009 Minimum Municipal Obligation for the police pension fund in the amount of \$14,444.89. Supervisor Bucher seconded the motion, and the motion carried.

Schedule Budget Meetings

Ms. Ealer reviewed her memorandum concerning the 2009 budget meetings. After some discussion, Supervisor Bucher moved to schedule the 2009 budget meetings for October 8th, October 15th, October 22nd and October 29th that will begin at 5:00 p.m. Supervisor Reisinger seconded the motion, and the motion carried.

Request

Ms. Ealer discussed a request from a gentleman that wanted to address the board at one of the budget meetings to discuss the Letort Authority and donations. She asked the board if she should schedule the meeting or met with him to get the information to present to the board. The board decided to have her get the information.

Chief of Police

Chief Rudolph presented his report to the board with the highlights of last month, and a reimbursement report from grant money and what was still available. Supervisor Bucher asked if he noticed any trends. Chief Rudolph mentioned some areas of focus for August and September. Supervisor Reisinger commented he supported Chief Rudolph's procedure for processing of citations.

Solicitor's Report: Mark Allshouse

August Report

Solicitor Allshouse presented his report to the board.

Draft Peddler's Ordinance 2008-05

Solicitor Allshouse noted he made the suggested changes to the ordinance as offered at the workshop meeting. Supervisor Reisinger moved to authorize Solicitor Allshouse to advertise the public hearing for the Draft Peddler's Ordinance for October 2, 2008 at 6:50 p.m. Supervisor Kelso seconded the motion, and the motion carried.

November 24th meeting

Solicitor Allshouse advised the board that he would not be present for the November 24th workshop meeting, but would be available for the December 4th action meeting.

New Business

Per Capita Exoneration Request

Ms. Ealer presented a memo from Mary Ann Hays requesting to exonerate three individuals from the Township per capita tax. The individuals are deceased. Supervisor Bucher moved to

approve the exoneration request for delinquent per capita taxes as indicated on the memo from Mary Ann Hays. Supervisor Reisinger seconded the motion, and the motion carried.

Bills: August 18, 2008, September 4 & American Arbitration bill

Supervisor Reisinger recommended payment of the American Arbitration bill. After some discussion, Supervisor Shearer moved to approve payment of the bills which included the American Arbitration bill. Supervisor Reisinger seconded the motion, and the motion carried.

Public Hearing

Block Rezone Application Hearing- Extension Request

See attachment.

Public Hearing

Ordinance 2008-04 –Delegating Authority to Manager to Call out Special Police

See attachment.

Old Business

Task List

Items discussed include:

- Comp Plan- Supervisor Kelso commented the draft should be ready for the board's review by the end of September.
- Fire Company Revenue- a fire department tax and fire company audit was mentioned.
- EMC-a meeting was held recently. A municipal emergency response plan was received from the county. The supervisor's may have to take additional NIMS courses to be compliant.
- Blighted properties- Ms. Ealer referenced the codes department two memos to the board.
- Right to Know Policy and Resolution- will be reviewed at the September workshop.
- Carlisle Events – Ms. Ealer noted she had to discuss getting back taxes with Solicitor Allshouse.
- Gypsy Moths- will be discussed at the next workshop
- Open action items- Supervisor Shearer suggested adding the trash can issue in the parks to the list. Ms. Ealer noted it was added to the 2009 discussion items.

Public Comment

Rick Hoover of 1190 Newville Road noted being contacted by an individual that wanted to provide a presentation to the BOS concerning Corridor One. Mr. Hoover stated the individual has provided a 3-5 minute presentation to various municipalities. Ms. Ealer discussed the information with the board last week. Supervisor Reisinger noted he wanted to get more information on what the individual wanted to discuss before adding him to the agenda. Supervisor Shearer discussed his understanding of the Corridor One and the release of \$9 million dollars. Mr. Hoover stated he would forward the information to the board if they were interested. Supervisor Bucher noted they did not see any proposed resolution from the individual. Mr. Hoover felt the information directly affected the Township. Supervisor Shearer indicated he would attend the presentation being made to the Borough of Carlisle and he would provide a report to the board.

Public Comment during meetings

Supervisor Bucher wanted to review the procedure with the board. By the Second Class Township Code, the board is only required to have one meeting a month. The township has chosen to have an action and workshop meeting. Most issues are discussed and reviewed at the workshop meeting so they can be acted upon at the action meeting. Public comment is only taken at the action meeting, and individuals seeking to make a presentation should contact the Township Manager to be placed on the agenda. Supervisor Bucher noted public comment is not taken at the workshop meeting. Solicitor Allshouse noted the work session was established to work through things previously presented to the board or general administrative issues. Supervisor Reisinger discussed questions about items on the consent agenda. Solicitor Allshouse reviewed the procedure if a question arises about an item on the consent agenda.

Executive Session

Supervisor Bucher noted an executive session was held at the end of the last workshop meeting to discuss a personnel issue. A vote was not required. In addition, an executive session would be held following tonight's meeting to discuss a personnel issue.

Resolution 2002-15 /Rules of conduct

Supervisor Shearer felt the resolution should be reviewed prior to the end of the year. He noted the appointments for the reorganizational meeting were changed. The board agreed it should be reviewed at a workshop meeting.

Sound Study for LogistiCenter

Supervisor Kelso questioned if the sound study would be reviewed and explained. Supervisor Bucher noted it was a complex report. Supervisor Reisinger added it was a base line study. Supervisor Shearer questioned the back-up beepers at LogistiCenter. Mr. Hoover heard the beepers a few times, but nothing has occurred in the last month.

Adjournment

Supervisor Shearer moved to adjourn the September 4, 2008 Board of Supervisors meeting at 7:32 p.m. Supervisor Bucher seconded the motion, and the motion carried.

Respectfully submitted,

Deborah A. Ealer
Township Secretary

Lori A. Coleman
Recording Secretary