

North Middleton Township Board of Supervisors October 2, 2008

The meeting of the North Middleton Township Board of Supervisors was held at the Township Municipal Building, 2051 Spring Road, Carlisle PA on October 2, 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, Solicitor Mark Allshouse, Manager Deborah A. Ealer, Police Chief Jeffrey Rudolph, and Recording Secretary Lori A. Coleman. Chairman Richard A. Bucher was not in attendance.

Visitors: see attachment #1.

North Middleton Park Restroom Bid Opening

Ms. Ealer opened and announced the bids from each company. She noted the bid could be awarded this evening. Before making a recommendation, Ms. Ealer stated the solicitor should review the bids for legal accuracy, and she would like to review the information with the engineer. She added an official decision could be made at the budget meeting slated for next week since it was an advertised meeting. Supervisor Hurley questioned if a performance bond would be required for the project. Ms. Ealer indicated a performance bond would be required from the contractor once the bid is awarded.

Public Comment / Hearing of Visitors

William Forsberg of 30 North View Drive reviewed a letter from the manager of the park of which he resides. The letter indicated the Township was terminating the contract for trash pickup services, and park management had contracted a trash pickup service in which a service charge would be assessed to the monthly lot rent. Mr. Forsberg noted he was upset with the increase in pricing for trash removal which would be assessed to his monthly lot rent. Secondly, Mr. Forsberg mentioned a new policy instituted by park management which would have any past due water/sewer bills that management is required to pay be collected as past due rent. Supervisor Shearer interrupted Mr. Forsberg, and stated the issues he was presenting were not issues that would be addressed by the Township. They were private issues that should be addressed through park management. Mr. Forsberg stressed his concern with the water bill. Solicitor Allshouse noted the issue concerning his water bill was a private issue with the park manager. Solicitor Allshouse explained North Middleton Authority was its own entity. Supervisor Reisinger stated he was a member of the NMA board and suggested Mr. Forsberg discuss his concerns with the NMA manager Lee Koch. Supervisor Reisinger asked for Mr. Forsberg's phone number which he would forward to Mr. Koch.

Consent Agenda

- a. Meeting Minutes: August 28 workshop; September 4 Action meeting; September 4 Public Hearing for Ordinance 2008.04, Public Hearing for 2007.05; September 17 Conditional Use Hearing**
- b. Tax Collector Reports: #30-#34**
- c. Payment of the bills: September 17, October 2**
- d. Updated Recycling Ordinance 2008.08**
- e. Intergovernmental Agreement Ordinance with Middlesex Township 2008.09**
- f. Intergovernmental Agreement with Upper Frankford Township**

- g. Intergovernmental Agreement Ordinance with Upper Frankford Township 2008.10**
- h. Open Records Policy**
- i. Vereen Sign Request -913 Gobin Street**
- j. Administrative Assistant**
- k. Alternate/Back Up Attorney**

Supervisor Shearer mentioned two corrections to the September 4 Action meeting minutes.

--Page 2, first paragraph, line 2 change August 4th to *August 7th*

--Page 2, first paragraph, line 6 change August 4th to *August 7th*

Thus, Supervisor Reisinger moved to approve the September 4th Action Meeting Minutes with the changes indicated, and Supervisor Kelso seconded the motion. The motion carried. Then, Supervisor Reisinger moved to approve the consent agenda, and Supervisor Kelso seconded the motion. The motion carried.

Business of Township Officials

Township Manager

September Report

Ms. Ealer presented her September report to the board.

Financial Report

Ms. Ealer presented the financial report to the board.

Bond Reduction Request – Villages at North Ridge Phase I

Ms. Ealer presented a bond reduction request for the Villages at North Ridge Phase I. Bill Green inspected the worked completed and recommended the board release \$456,209.08. Supervisor Kelso moved to release \$456,209.58 from the bond for the Villages at North Ridge Phase I. Supervisor Reisinger seconded the motion, and the motion carried.

Supervisor Shearer mentioned another bond reduction request for the Villages at North Ridge Phase I for water and sewer installation. Lee Koch inspected the work completed and recommended the release of \$414,026.11. Supervisor Reisinger moved to release \$414,026.11 from the bond for the Villages at North Ridge Phase I for water and sewer installation. Supervisor Kelso seconded the motion, and the motion carried.

Bond Reduction Request – LogistiCenter

Ms. Ealer presented three bond releases for LogistiCenter at Carlisle. The first bond release request was for the letter of credit no. 3087406 for Lot 2 land development in the amount of \$25,000. Brehm Lebo reviewed the information and recommended release of the \$25,000. Ms. Ealer added the Township received a letter of responsibility from ProLogis noting they are now responsible for the landscaping. Supervisor Shearer noted areas still existed in which vegetation had not grown in. He asked if it was part of the bond. Ms. Ealer noted that it is part of the bond and ProLogis has indicated they should be contacted with any concerns. Solicitor Allshouse verified the Township would be releasing the bond and ProLogis has written a letter stating they would now be responsible for landscaping. Supervisor Reisinger felt comfortable waiting until the issue is thoroughly reviewed. The board agreed with his statement. Solicitor Allshouse reviewed the Brehm Lebo letter dated September 18th with the board. Supervisor Shearer suggested reviewing the conditional item before the next meeting.

Secondly, Supervisor Shearer reviewed the bond release request for the letter of credit no. 200147W for Meadowbrook Road repairs in the amount of \$50,000.00. Supervisor Reisinger moved to reduce the letter of credit no. 200147W for Meadowbrook Road repairs by \$50,000.00 eliminating the bond.

Thirdly, Ms. Ealer reviewed a bond reduction request for the letter of credit no. 3083579 in which \$10,000.00 was being retained for the as-builts in reference to the water and sewer lines. Lee Koch verified that he received acceptable as-bulits, and recommended the board release the \$10,000.00 thus eliminating the letter of credit upon a written condition and acknowledgement from ProLogis stating they understand their obligation to provide water easements and formats suitable to the Township and Authority. Ms. Ealer mentioned receipt of email acknowledgements. She responded the Township required a written format. After consulting Solicitor Allshouse, he agreed the board could make a motion to release the bond with the condition, but the funds would not be released until the letter was in hand addressing Mr. Koch's request. Thus, Supervisor Reisinger moved to release the \$10,000.00 thus eliminating the letter of credit upon a written condition and acknowledgement from ProLogis stating they understand their obligation to provide water easements and formats suitable to the Township and Authority. Supervisor Kelso seconded the motion, and the motion carried.

Public Hearing @ 6:30 p.m.

Pretreatment Program Ordinance Hearing 2008-07

See attachment.

Chief of Police

Chief Rudolph provided his monthly report to the board. He commented the department would be reimbursed \$3000 for overtime for their efforts on the smooth operator and buckle up safety grants. Chief Rudolph stated the department will apply for the same grants next year. Also, Chief Rudolph commented the new officers were working out very well.

Public Hearing @ 6:45 p.m.

Special Fire Police Ordinance 2008-06

See attachment.

Solicitor's Report: Mark Allshouse

September Report

Solicitor Allshouse reviewed his September report with the board.

New Business

Bennington Square Final Subdivision Extension Request

Supervisor Shearer reviewed a request for an extension of time from the developer of Bennington Square. The developer was seeking an extension until January 31, 2009. Thus, Supervisor Kelso moved to grant the extension request for Bennington Square final subdivision plan be extended until January 31, 2009. Supervisor Shearer seconded the motion, and the motion carried.

Donald Adams Subdivision Extension Request

Supervisor Shearer noted the developer was seeking an extension request to March 3, 2009. Supervisor Shearer moved to grant the extension request for the Donald Adams subdivision until March 3, 2009. Supervisor Kelso seconded the motion, and the motion carried.

Public Hearing @ 6:50 p.m.**Peddlers Ordinance 2008-05**

See attachment.

Old Business**Gypsy Moth Spraying**

Ms. Ealer mentioned providing a copy of information to each board member concerning the gypsy moth spraying. The properties and acreage for spraying were identified. Ms. Ealer added the issue would be reviewed during the budget process, and the county has to be notified by November 1 on whether or not the Township would participate. Supervisor Kelso discussed the areas in Kendor Summit which were identified. Since certain acreage was required for spraying, Solicitor Allshouse noted a group of neighbors could apply. Ms. Ealer pointed out the issue could be added to the workshop agenda. Supervisor Shearer noted his concern of the area to be sprayed. He suggested staff contact Vector Control to get an informal feedback on the targeted area, so the board can determine how to make a decision on whether or not to participate. The issue was tabled to the next budget meeting.

Public Hearing @ 7:00 p.m.**RT 11 Block Rezone Hearing- Extension Request to 03/03/09**

See attachment.

Meeting Date

Supervisor Shearer indicated a meeting date was scheduled for October 29th at 6:00 p.m., and a Board of Supervisors meeting scheduled for October 30th at 6:00 p.m. He noted possibly two supervisors may not be available for the October 30th meeting. Since a budget workshop meeting is scheduled for the 29th, he suggested readvertising the meeting and incorporating the workshop meeting for October 29th. Supervisor Kelso noted he would not be available for the October 29th or 30th meetings. Supervisor Reisinger and Supervisor Hurley had no issues with the change. Ms. Ealer added the October 29th budget meeting is advertised if needed. Ms. Ealer stated a start time for the meeting would have to be designated since she would have to readvertise the meeting. Solicitor Allshouse discussed the required verbiage for the public notice. Ms. Ealer stated she would write the notice and have the Solicitor review it. After some discussion, Supervisor Reisinger moved to have Ms. Ealer advertise to move the October 30th workshop meeting to October 29th at 6:05 p.m. Supervisor Kelso seconded the motion, and the motion carried.

Task List

Supervisor Shearer asked for an update on tracking the Zoning Hearing Board and Conditional Use conditions. Ms. Ealer noted the system was created and information was being inputted. Supervisor Reisinger and Supervisor Shearer asked for a copy to review.

Keystone Arms Traffic Study – Letter of Support

Supervisor Reisinger noted he was in support of the proposal but would like to see what they are recommending before offering approval. Ms. Ealer noted she did try to contact the developer after the workshop meeting, but he was on vacation. Ms. Ealer noted she could invite Mr. Marschka to the October 29th meeting. If Mr. Marschka cannot be available, the board requested a sketch or their engineer be present to discuss the proposal.

UCC Hearing Board

Supervisor Kelso noted Upper Frankford was seeking an estimate of the costs involved for use of the UCC Hearing Board. Ms. Ealer noted she would provide the information to them.

SEO Fees

Supervisor Hurley noted he was researching possible improprieties in the administration of the reimbursement process. Supervisor Reisinger asked if it was a particular project or just in general. Supervisor Hurley noted it was important to understand the reimbursement process. Supervisor Reisinger noted if he requested records from Ms. Ealer, she provides the records to him and he completes the research process. He noted he was not in favor of having staff going through a ton of information. He felt the files should not leave the building and staff should not be completing the work. Supervisor Kelso thought 5 years worth of files and cash receipts was extensive. He asked Supervisor Hurley what he was looking for. Supervisor Hurley replied he would provide a report after he researched the files and receipts. He added he would have to look over all the cash receipts to determine which ones apply. Supervisor Reisinger noted he had no issue with reviewing the information as long as staff member is present. Ms. Ealer noted some of the information was in storage. Supervisor Hurley noted he could pull the information from the record room and review it whenever he had time. Supervisor Reisinger stated he was not comfortable with him accessing records from the record room if a staff member was not present. Supervisor Kelso agreed that he was not comfortable with a supervisor going through the records unless staff was present. Supervisor Kelso noted he would not even think about doing it unless a staff member was present. Supervisor Hurley said he could provide a list of the records he was seeking and staff could pull them or make copies for his review. Supervisor Hurley noted DEP would provide the records to him. Supervisor Reisinger discussed how DEP permits the review of records since he had completed task before. Overall, the board concluded that if Supervisor Hurley wanted information from the records room he should come in during regular office hours.

Public Comment

Rick Hoover of 1190 Newville Road referenced the screening at LogistiCenter. He noted the developer made a valiant effort to complete the screening but planted it during the dry weather in 2007. He added the current grass was very coarse looking, and better pine trees could have been planted to provide a better sound barrier. Supervisor Shearer noted he would have to review the plans to review the vegetation required. Supervisor Reisinger added a separate irrigation system was available at the site. Also, Mr. Hoover asked if the Comp Plan was available for review. Ms. Ealer noted it was available for public review during regular business hours.

Benecon

Ms. Ealer noted she was working on the information and would present it to the board for their review once she gathered all the details. She mentioned contacting current users of Benecon and had received positive responses. Overall, she felt it was looking very positive.

Marine Corp League

Supervisor Shearer noted the flag retirement ceremony would be held on October 4th at 9:30 a.m. at Thornwald Park.

Adjournment

Supervisor Kelso moved to adjourn the October 2, 2008 Board of Supervisors meeting at 7:29 p.m. Supervisor Reisinger seconded the motion, and the motion carried.

Respectfully submitted,

Deborah Ealer
Township Secretary

Lori A. Coleman
Recording Secretary