

North Middleton Township Board of Supervisors November 6, 2008

The meeting of the North Middleton Township Board of Supervisors was held at the Township Municipal Building, 2051 Spring Road, Carlisle PA on November 6, 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, Police Chief Jeffrey Rudolph, and Recording Secretary Lori A. Coleman.

Visitors: see attachment #1.

Public Comment / Hearing of Visitor

No comments or concerns were presented.

Consent Agenda

Supervisor Kelso requested item (f) be removed from the consent agenda for further discussion in executive session. Supervisor Shearer indicated only two supervisors were present for the 10/15/08 Joint Intermunicipal meeting, and felt it could not be approved since a quorum was not present. Solicitor Allshouse noted minutes were not required if a quorum was not present. Solicitor Allshouse verified with Ms. Ealer that the meeting was advertised. She agreed. Solicitor Allshouse suggested having the individuals that were present affirm the minutes of the meeting are accurate, and just add them to the township record with the transcript of this meeting. The minutes for the 10/15/08 Intermunicipal Joint meeting minutes were removed and added as a line item under New Business. Supervisor Hurley stated he was not present at a number of the meetings listed of which he would like to abstain from the vote. Solicitor Allshouse noted under the Sunshine Law when an abstention is registered under a vote, the person should provide in writing a simple written statement as to why they wish to abstain from the vote. He noted it should be signed, dated, and given to the recording secretary to be placed with the minutes. Supervisor Hurley added he would like to have Resolution 2008-11 A. C. Kuhn Lot #11 Small Flow Treatment Facility removed from the minutes along with the Alternate Attorney issue. Supervisor Shearer stated the board made a recommendation on the Kuhn property of which a majority of the supervisors were present. He pointed out discussion occurred on the issue and he did not feel rediscussion was required. Supervisor Hurley noted he was not present for the discussion. Supervisor Bucher suggested the board vote on the consent agenda line by line.

- **9/22/08 Conditional Use Hearing #23**

Supervisor Reisinger moved to approve the minutes from the 9/22/08 Conditional Use Hearing #23, and Supervisor Shearer seconded the motion. The motion carried.

- **09/25/08 Workshop Meeting**

Supervisor Reisinger moved to approve the minutes of the 09/25/08 Workshop meeting, and Supervisor Shearer seconded the motion. The motion carried. Supervisor Hurley abstained from the vote.

- **09/25/08 Joint NMA/BOS Meeting**

Supervisor Reisinger moved to approve the minutes from the 09/25/08 Joint NMA/BOS meeting, and Supervisor Shearer seconded the motion. The motion carried, and Supervisor Hurley abstained from the vote.

- **10/02/08 Action Meeting**
Supervisor Reisinger moved to approve the minutes from the 10/02/08 action meeting and Supervisor Bucher seconded the motion. The motion carried.
- **Ordinance 2008-03 #4 Proposed Zoning Map Amendment Block Rezone Continuance**
Supervisor Reisinger moved to approve the minutes from Ordinance 2008-03 #4 Proposed Zoning Map Amendment Block Rezone Continuance, and Supervisor Bucher seconded the motion. The motion carried.
- **Ordinance 2008-05**
Supervisor Reisinger moved to approve the minutes from the public hearing for Ordinance 2008-05, and Supervisor Shearer seconded the motion. The motion carried.
- **Ordinance 2008-06**
Supervisor Reisinger moved to approve the minutes from the public hearing for Ordinance 2008-06, and Supervisor Shearer seconded the motion. The motion carried.
- **Ordinance 2008-07**
Supervisor Reisinger moved to approve the minutes from the public hearing for Ordinance 2008-07, and Supervisor Shearer seconded the motion. The motion carried.
- **10/15/08 Joint Intermunicipal Meeting**
Supervisor Reisinger stated he and Ms. Ealer attended the meeting. He added the minutes accurately reflect what took place at the meeting.
- **10/20/08 Conditional Use Hearing #24**
Supervisor Reisinger moved to approve the Motor Freight Conditional Use hearing #24 minutes, and Supervisor Bucher seconded the motion. The motion carried.
- **10/22/08 NMT Budget Meeting #3**
Supervisor Reisinger moved to approve the 10/22/08 NMT Budget Meeting #3 minutes, and Supervisor Bucher seconded the motion. The motion carried with an abstention from the vote from Supervisor Hurley.
- **10/22/08 Comprehensive Plan Meeting**
Supervisor Reisinger moved to approve the 10/22/08 Comprehensive Plan meeting minutes and Supervisor Shearer seconded the motion. The motion carried.
- **Tax Collector's Reports: #35-41**
Supervisor Reisinger moved to approve the Tax Collector's reports 35 through 41, and Supervisor Shearer seconded the motion. The motion carried.
- **Payment of bills: 10/16/08 & 11/06/08**
Supervisor Reisinger moved to approve payment of the bills for 10/16/08 and 11/06/08 as presented, and Supervisor Bucher seconded the motion. The motion carried.
- **Resolution 2008-11 –A.C. Kuhn Lot#11 Small Flow Treatment Facility**
Supervisor Reisinger moved to pass Resolution 2008-11 regarding the A.C. Kuhn Lot#11 Small Flow Treatment Facility. Supervisor Bucher seconded the motion, and the motion carried with a 4-1 vote. Supervisor Hurley voted nay.
- **Temporary Manager Policy**
Supervisor Reisinger moved to approve the Temporary Manager Policy, and Supervisor Shearer seconded the motion. The motion carried.
- **Resolution 2008-10- Peddlers Fees**
Supervisor Reisinger moved to approve Resolution 2008-10 for the Peddlers Fees, and Supervisor Bucher seconded the motion. The motion carried.

**Business of Township Officials:
Township Manager's Report****1. October Report**

Ms. Ealer presented her October report to the board. She discussed the Municipal Record Seminar she attended of which the Open Records Law was reviewed.

2. Financial Report

Ms. Ealer presented the financial report to the board.

3. Auditor RFP Results

Ms. Ealer discussed sending out RFP's for 2008-2010 Audit Services. She mailed out 3 RFP's to three local CPA firms for proposals to complete the Township's audit as well as an estimate to audit the Fire Company for the next three years. She recommended Smith, Elliot & Kearns since they provided the lowest bid. Supervisor Bucher commented Smith, Elliot & Kearns did a complete audit. He also questioned the broad range of fees concerning the Fire Company audit. Ms. Ealer commented the firms indicated they would not be able to provide an accurate fee with respect to the Fire Company since the Township did not have a previously completed audit for the CPA firm to review. Ms. Ealer recommended two board members have a meeting with an individual from Smith, Elliot & Kearns to discuss the matter further. Supervisor Kelso asked if funds were available to complete the fire company audit. Ms. Ealer noted funds were available to complete the Township audit and the Fire Company audit would be an additional cost. Supervisor Shearer moved to approve Smith, Elliot & Kearns to complete the Township audit in 2008, 2009 and 2010. Supervisor Reisinger seconded the motion, and the motion carried.

4. DP Partners Letter of Credit

Ms. Ealer noted the letter of credit was with respect to the landscaping and grass of the lot that runs parallel with Rt. 641. The letter of credit was not released at the October action meeting. Supervisor Shearer and Engineer Greg Lebo indicated they would visit the site. Ms. Ealer added Mr. Lebo did send a letter to DP Partners in which Eric Scott verified receipt. In response, the Township received a letter from ProLogis. Solicitor Allshouse noted the letter indicated to ProLogis that they need to comply with the conditional use of the land development. He stated it does not say that ProLogis is in agreement or that they are going to complete the work based upon Brehm-Lebo's letter. Solicitor Allshouse noted ProLogis did send a copy of a lawn maintenance agreement but it did not say that they would address the concerns of the Township. He noted the letter says that it will comply with the conditional use, but does not indicate anything about the items outlined in the Brehm-Lebo letter. Supervisor Kelso noted it does not state when the work will be completed. Supervisor Reisinger verified the gauge ProLogis will be measured is what is documented in the conditional use. Solicitor Allshouse agreed. Ms. Ealer pointed out Brehm-Lebo reported on what was listed in the land development plan. Solicitor Allshouse stated the land development and conditional use is covered. Supervisor Bucher wanted to make sure ProLogis understands what is required by the Township standards. He felt they were not on the same sheet of music. For clarification, Ms. Ealer verified the board was interested in a completion date, and were seeking acknowledgement of the Brehm-Lebo letter and the items that were listed in that letter.

Chief of Police

Chief Rudolph presented his report to the board.

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

Solicitor Allshouse presented his October report to the board.

Bower Rezone Continuance Date

Solicitor Allshouse mentioned reviewing a letter dated October 20, 2008 concerning the Bower Rezone Continuance. He discussed the applicant's previous request to continue the hearing date to a non-Board of Supervisors meeting day. He contacted the individual to provide clarification on the date for the Rt. 11 rezone. Thus, the individual sent the October 20, 2008 letter. Solicitor Allshouse noted the board would have to make a motion to correct the hearing date, and set it to March 5, 2009 pursuant to the letter. Supervisor Bucher moved to continue the Block Rezone on Rt. 11 (Bower Rezone) to March 5, 2009 at 7:00 p.m. Supervisor Shearer seconded the motion, and the motion carried.

Public Hearing @ 6:30 p.m.**Updated Recycling Ordinance 2008-08**

See attachment.

New Business**Deed of Dedication for Conifer Ridge; Pine Creek Drive in Cross Creek**

Ms. Ealer noted the two roads are located in the Cross Creek development and are being offered for dedication to the Township. Brehm-Lebo Engineering and Solicitor Allshouse have reviewed the legal descriptions and drawings. Supervisor Reisinger verified that Lester Brickner reviewed the information. Ms. Ealer agreed. Thus, Supervisor Bucher moved to approve the deed of dedication for Conifer Ridge and Pine Creek Drive which are located in the Cross Creek development. Supervisor Reisinger seconded the motion, and the motion carried.

Public Hearing @ 6:35 p.m.**Intergovernmental Agreement Ordinance 2008-09 with Middlesex Township**

See attachment.

James Bennett letter of resignation from Zoning Hearing Board

Supervisor Bucher reviewed the letter of resignation. Then, Supervisor Shearer moved to accept the letter of resignation from James Bennett from the Zoning Hearing Board. Supervisor Bucher seconded the motion, and the motion carried.

Appointment of Mark Carpenter to the Zoning Hearing Board

Ms. Ealer discussed the opening with Mr. Carpenter at the county convention in which he decided to accept the position. Mr. Carpenter is a township resident. Thus, Supervisor Reisinger moved to appoint Mark Carpenter to the Zoning Hearing Board. Supervisor Shearer seconded the motion, and the motion carried.

Carlisle Water Plant Emergency Action Plan

Ms. Ealer discussed an email from Michael McFadden, Water Plant Supervisor for the Borough of Carlisle. Mr. McFadden noted ARRO Engineers just completed an Emergency Action Plan for their water plant located in the Township. Mr. McFadden requested Ms. Ealer review and sign the plan. Ms. Ealer contacted Lee Koch of NMA to also review the plan. As a general comment, Ms. Ealer recommended Mr. Koch be added to the contact list. She also suggested having the Township Engineer or Supervisor Reisinger review the information. Supervisor Reisinger stated he would review the information before Ms. Ealer signs the plan.

Public Hearing @ 6:40p.m.**Intergovernmental Agreement Ordinance 2008-10 with Upper Frankford Township**

See attachment.

Flood Plain Ordinance

Solicitor Allshouse noted the state was requiring the Township to update their flood plain ordinance to match the states. He indicated the ordinance was a significant number of pages with a significant number of options. He mentioned a meeting between Mr. Fegley and he of which a copy of the suggested provisions was provided to Mr. Fegley. Solicitor Allshouse added Mr. Fegley was reviewing the optional sections and then would provide to him a recommendation so he may draft an ordinance that is as close to the existing ordinance the township currently has in place. He felt a draft could be completed by the December workshop meeting.

Executive Session

Supervisor Kelso noted he had another personnel issue to discuss in the executive session.

Old Business**Task List**

The board reviewed items on the task list:

- Comprehensive Plan: Next public hearing slated for November 18th at 6:00 p.m. Tentative approval would occur at the December 4th meeting. Supervisor Kelso inquired if Solicitor Allshouse would be present. Ms. Ealer noted she would check with him.
- Blighted properties: Ms. Ealer noted a significant amount of work was done on the property.
- Gypsy Moths: Supervisor Kelso verified the Township would not participate in the spraying program in 2010. He was unsure if the board actually voted to not participate in the program in 2010, and wondered if the board wanted to wait and make the decision next year. Ms. Ealer noted the Township would participate in 2009, and wanted to give the county fair notice that the Township would not participate in 2010. Supervisor Shearer explained the board wanted to indicate that the Township would not participate to fund the gypsy moth spraying in 2010. He noted the county could directly contact the property owners affected to fund the program. Supervisor Bucher and Supervisor Reisinger agreed with Supervisor Shearer's statement. Supervisor Kelso questioned how the county interpreted the letter sent from the Township. He felt a follow-up was appropriate. Ms. Ealer noted she would contact the county to verify their interpretation and would report back to the board.
- Bennington Square: Ms. Ealer heard the development was for sale.

Humane Society

Supervisor Bucher noted the board decided to not sign the Humane Society agreement, and asked Chief Rudolph for input. Chief Rudolph noted placing a call to the state dog warden. He indicated to him that they have a policy in place to pick up stray dogs. Chief Rudolph discussed some incidents and issues that have occurred in the past with stray dogs. Supervisor Kelso discussed an incident in reference to a cat. Supervisor Hurley suggested paying the contract and consider it a public service. Ms. Ealer noted the contract amount was \$4900. Supervisor Bucher mentioned it was the owner's responsibility to take care of a hurt animal. Supervisor Hurley stressed many animals were drop-offs. Chief Rudolph noted it was police policy to not dispose of an animal unless it is aggressive. He added many animals have good homes and it is important to think of the owners. Thus, Supervisor Kelso moved to add the Humane Society contract in the amount of \$4900 back into the 2009 proposed budget, and Supervisor Hurley seconded the motion. The motion carried.

Comp Plan Zoning

Supervisor Kelso noted they were in the process of finalizing the Comp Plan, and felt some funding should be set aside to start redoing the zoning ordinance so the Comp Plan could be implemented in a timely manner. He felt some funding could get the process started. Ms. Ealer noted an RFP would have to be written along with the hiring of an engineering firm. She estimated around \$15,000-\$20,000. Supervisor Reisinger stated the budget was not balanced and said he would not move funds from the budget until he had definite information. Ms. Ealer noted a line item could be added to the budget later. She felt Supervisor Kelso and she could work on an estimate to present to the board.

Recess

The board took a recess at 7:24 p.m. to enter into an executive session and returned at 7:33 p.m.

Alternative Attorney: Hubert Gilroy

Supervisor Bucher moved to appoint Hubert Gilroy as the alternate attorney for the township when Solicitor Allshouse is not available. Supervisor Reisinger seconded the motion, and the motion carried.

Adjournment

Supervisor Reisinger moved to adjourn the November 6, 2008 Board of Supervisors meeting at 7:34 p.m., and Supervisor Shearer seconded the motion. The motion carried.

Respectfully submitted,

Deborah A. Ealer
Township Secretary

Lori A. Coleman
Recording Secretary

