

North Middleton Township Board of Supervisors April 30, 2009

The workshop meeting of the North Middleton Township Board of Supervisors was held at the Township Municipal Building, 2051 Spring Road, Carlisle PA on April 30, 2009. Chairman Robert Reisinger called the meeting to order at 6:00 p.m. Board members present were Vice Chairman Harry Kelso, Supervisor Richard A. Bucher, Supervisor Robert H. Shearer, Supervisor James E. Hare, Manager Deborah A. Ealer, Police Chief Jeffrey Rudolph and Recording Secretary Lori A. Coleman. Solicitor Mark Allshouse was not in attendance.

Visitors: see attachment #1.

The Pledge of Allegiance to the American Flag opened the meeting.

Craig Witmer – Smith Elliot Kearns - 2008 audit review

Mr. Witmer reviewed his audit packet with the board. He noted the township had a very good financial year along with a clean audit report in reference to the DCB information and financial statements. Mr. Witmer reviewed the management letter which covered: (1) findings and interior weaknesses/deficiencies, and (2) suggestions and/or general information. He pointed out less findings were reported in comparison to the previous year. He stressed the segregation of duties and the bond issue with North Middleton Authority was corrected from the previous year and was not listed in this year's findings. Mr. Witmer discussed the recording of certificates of deposit interest with the board. He noted the statements for interest for the certificates of deposit were not being received from the bank. He stated it was not uncommon, but it creates an issue with the interest being compounded into the cd. In turn, it increases the amount of the cd without being recorded. Mr. Witmer suggested contacting the bank to receive a monthly statement or create a way to retrieve the balance once a month to assure it is recorded on the general ledger. Mr. Witmer stated this was the only item listed in the letter that would be considered an internal control issue.

As he continued with the packet, Mr. Witmer added if the Township would ever receive over \$500,000 in federal monies, then the Township would be required to have a single audit which is more complex. Also, a DCD grant would require a specific program for an audit. Then, Mr. Witmer discussed the general fund, capital projects fund, and trusts and agency. Revenues and expenses for all the funds were examined and discussed. Next, Mr. Witmer reviewed the allocation of revenue sources. He discussed the graph showing the breakdown of expenses for 2008 in comparison to other years. Finally, Mr. Witmer reviewed the allocation of expenses for 2008 of which he mentioned the water and sewer, public safety, public works, etc. Overall, Mr. Witmer stated it was a positive audit. Supervisor Kelso questioned the information that was covered under public safety and expenses. Mr. Witmer noted it was a combination of planning and zoning, fire department and police department. Mr. Witmer added the main focus of an audit is to report on the fairness of the numbers in the financial statements of DCB reports. The second part is to review the internal controls. The board thanked Mr. Witmer for the presentation.

Subdivision and Land Development

a. Tree Deletion at Spring Road Family Practice

Codes Enforcement Officer Paul Fegley said Spring Road Family Practice just received an approved land development for the expansion of an existing parking lot. Part of the landscaping plan the board approved includes the southern part of the front yard which abuts the Two

Brothers Pizza restaurant. Upon a site visit prior to the release of bonding, Mr. Fegley noticed that a proposed location of a tree in the southern portion of the front lawn abutting Rt. 34 of the site has the possibility of interfering with the clear site triangle. Mr. Fegley recommended waiving the requirement for the tree. He did discuss the issue with Spring Road Family Practice and the landscaper. The board supported Mr. Fegley's recommendation and added the issue to the consent agenda.

b. New Building Design Lehman's Crossing

Mr. Fegley stated two units 110-116 and 120-126 were involved in the proposed change. Currently, the design for each structure has four living units, 30' wide. The proposed change would have three units at 40' wide. The overall footprint and area of impervious coverage would not change from the approved land development plan. Mr. Fegley indicated the developer wishes to widen the building for marketing purposes. The issue was added to the consent agenda. Supervisor Bucher questioned if action had to be taken on the plan. Mr. Fegley noted only the blueprint of the structure was changing. Supervisor Reisinger requested information be placed on the consent agenda indicating the change was acceptable to the board.

c. Bennington Square Final Phase #1 Time Extension – Voting Item

Mr. Fegley noted the plan would expire this evening. Robert Noll, owner of the property, was seeking an extension of time for the development until August 7, 2009. Supervisor Kelso moved to approve the extension of time for the Bennington Square Final Phase #1 project until August 7, 2009. Supervisor Bucher seconded the motion, and the motion carried.

d. Hurley Bonding Request

Ms. Ealer referenced an email from Dennis Hurley concerning his subdivision. Mr. Hurley asked the Board of Supervisors to consider exempting him from having to put up a bond for his private driveway. As per the zoning ordinance, Ms. Ealer noted bonding is required. Mr. Madden was not present at the time of review, so the board decided to table the issue until later in the meeting.

Old Business

Triple Crown Horse Farm

Mr. Fegley noted a letter was sent to the owners of Triple Crown Horse Farm requesting they remove their website which indicates they are still operating a business. The agreement between the township and owners states that the business would be shut down. Mr. Fegley referenced a letter and email he received from the owners indicating they were using the website as a technique to sell the business. Mr. Fegley stated he has driven past the property numerous times since the agreement and has not witnessed anyone riding on the property. Mr. Fegley referenced conversations with Solicitor Allshouse on the matter. Supervisor Bucher noted viewing the website. Supervisor Shearer stated the neighbor brought forth the complaint. He pointed out the website indicated lessons at the farm. Supervisor Kelso asked if a formal complaint was made to the Township. Mr. Fegley indicated a formal complaint was not made since the agreement. Supervisor Reisinger was unsure if the Township could make the owners take down the website. He asked Chief Rudolph for any suggestions. He said they could watch and see if any form of money changes hands which would indicate a violation of the agreement. Supervisor Reisinger noted a formal complaint would have to be filed first before the board could address it. Supervisor Bucher recommended the codes department resend the violation to the party. Supervisor Kelso questioned why the violation was sent out if all the bases weren't covered. Mr. Fegley noted the codes department felt it was appropriate to send the violation.

North Middleton Authority**a. April minutes**

Supervisor Reisinger presented the April minutes.

b. Manager's Report

Supervisor Reisinger presented Manager Koch's report to the board.

Solicitor:**a. Municipal Records Retention Draft Resolution 2009-03**

Ms. Ealer reviewed the draft resolution declaring North Middleton Township's intent to follow the schedules and procedures for disposition of records as set forth in the municipal records manual approved on December 16, 2008. It was added to the consent agenda.

New Business**a. 2009 Road material bid**

Ms. Ealer noted the road material bids were opened last Friday. Mr. Brickner reviewed the bids and provided his recommendations. The issue was added to the consent agenda.

b. Fire Vehicles

Based upon the recommendation of the Solicitor, Ms. Ealer said the board has been exploring options with respect to which entity the fire vehicles should be titled to. Since the fire company's inception in 1975, the township has owned some of the vehicles and the fire company has owned some. She added the Township provides fuel maintenance and insurance for the township owned vehicles and pays for either the liability or collision (currently being researched by Strickler Agency) on the fire company owned vehicles. Ms. Ealer completed a comparison to see how the issue is handled in other municipalities. Middlesex and Dickinson Township do not have fire companies hence they own no vehicles. She noted ownership of fire vehicles varies from municipality to municipality. In the Borough of Carlisle, some are owned by the borough and some by the fire companies. South Middleton and West Pennsboro own all the fire vehicles. Ms. Ealer noted a conversation with the fire chief in which he indicated his concern with changing the titles is about future replacement of the vehicles. The fire company is not financially able to replace them in the future. She added the fire company also expressed a concern with respect to fuel and maintenance costs in the future. Supervisor Reisinger questioned the purchase of the last fire truck. Ms. Ealer explained the last purchase to the board. Overall, Supervisor Bucher felt the fire company's concerns of buying new vehicles were unfounded. He added the Board of Supervisor's were stewards of the resident's money and township, and would continue to fund the fire company as required. Supervisor Kelso suggested having a meeting with the Fire Chief before the next meeting. Ms. Ealer stated the Township would still provide the insurance coverage and maintenance if the titles are changed. Supervisor Shearer added the financial responsibility still remains with the municipality. Supervisor Bucher added it was part of the second class township code. The issue was added to the agenda as a separate line item.

Hurley Bonding Request (continued)

Mr. Fegley stated the bonding was required as per code. Mr. Fegley noted he did visit the site and said that Mr. Hurley created a 20ft path with stone. Mr. Hurley felt he should not have to put the road in prior to the construction of the homes. Mr. Fegley said when heavy equipment goes in and out, the road will become deteriorated. Plus there is no indication of when the homes would ever be sold. On the other

hand, it would create a foundation for the final layer and eliminate bringing mud onto the highway. Mr. Fegley noted many of the points were valid by Mr. Hurley, but the code was clear. Supervisor Reisinger noted if he posted the bond, Mr. Hurley would not have to put the road in until after the house is built. He added the purpose of the bond was to assure a suitable road is installed. Mr. Fegley indicated if he puts in the road to satisfy the code and it gets destroyed, a maintenance agreement is in place which would let the Township and Mr. Hurley off the hook. The homeowners would be forced to address the issue. Supervisor Reisinger noted there was no guarantee that Mr. Hurley would install the road within the next 7 years. Supervisor Shearer added the reason for the road is due to the safety factor in the event of a fire call. John Madden stated the driveway is present and the entrance is installed per PennDOT. Supervisor Shearer questioned what assurance was available that the Township would get the bonding. Supervisor Bucher asked for a staff recommendation. Ms. Ealer and Mr. Fegley stated it was in the ordinance. Supervisor Reisinger noted once the road is in, then it would be a guarantee for a potential lot. The board decided to follow the ordinance.

c. TreeVitalize Grant

Ms. Ealer mentioned attending a meeting hosted by the Cumberland County Planning Department. They received funding for a "TreeVitalize" program. It is a state sponsored program to increase the number of trees in specific areas of the state. The grant requires a 50/50 match. The catch to the program is the township would need to start a tree management program which would be through ordinance, tree management plan or Shade Tree Commission. Through the grant process, Ms. Ealer stated there is a guarantee required that two people will go out, take care of the trees, and provide a report. Ms. Ealer recommended the board not pursue the program. The board agreed with the recommendation.

d. Spring Road Bridge Project Meeting

Ms. Ealer reported the meeting went very well, and Supervisor Kelso was present for the meeting. A resident suggested placing no truck signs on Wertz Run Road. After some research, Ms. Ealer noted Wertz Run Road was similar to Creek Road and would not see the increased traffic that Creek Road would. Supervisor Hare felt the road would see additional traffic, but not a great deal. The board felt it was not an issue. Supervisor Bucher asked when the Spring Road Bridge would be opened. Ms. Ealer stated it was to be open by November 22nd. If the top coat is not paved by the fall, then it would be completed by April 2010.

e. Per Capita Tax discussion

Ms. Ealer reported the County Commissioners are discussing eliminating the per capita tax. Some municipalities such as South Middleton and West Pennsboro have dropped the tax. Ms. Ealer stated the township spent 16% of the total per capita revenue to collect the tax. The collection rate for the tax is 90% for those residents on the rolls. As a comparison, the cost to collect real estate taxes is 2% of the total. Ms. Ealer noted the board may want to consider eliminating the per capita tax and replacing it with an equivalent increase in real estate tax. The millage rate would increase by .043. Ms. Ealer noted she could add the topic to the budget agenda. Supervisor Shearer agreed with eliminating the tax, but not with the caveat of adding it to the property tax. Supervisor Hare questioned how the homeowner would save money per property. Supervisor Kelso noted the township would save money because it costs more to collect the per capita tax than real estate tax. Supervisor Shearer pointed out the township would be facing an increase of the street light tax in 2010. The issue was added to the budget agenda.

f. Special Police Request from Mechanicsburg

Ms. Ealer reviewed a request from the Borough of Mechanicsburg to utilize the special police on October 13, 2009 for their Halloween Parade. The board supported the request and added it to the consent agenda.

g. SEO-outstanding issues

Ms. Ealer noted five tests were completed in 2008 by the SEO of which permits have not been issued. Ms. Ealer noted it could be several years before a permit is requested. To close out the books for 2008, a suggestion was offered to have the paperwork returned to the municipality. Ms. Ealer said the SEO was contacted and he supported the suggestion. The board agreed.

h. Certificates of Appreciation for Cumberland Goodwill and West Shore EMS

At the request of the fire company, Ms. Ealer stated certificates of appreciation would be presented to the Cumberland Goodwill and West Shore EMS from the township. Ms. Ealer asked the board members to sign the certificates. The topic was added to the agenda.

i. First quarter 2009 budget review

Ms. Ealer reviewed her 2009 budget memo with the board. Some highlights include: a 9% decrease in real estate revenues, earned income tax is down by 8% over last year, 27% decrease in fines and forfeits, building permits down by 13% and the Planning Commission fees are at 0 due to no plans being submitted. As for expenses, Ms. Ealer noted the police pension was paid in January of this year. Payment was required to be made earlier. The police department budget expenses are 39% over last year's budget. Planning and Zoning expenses are below 2008. In addition, Ms. Ealer mentioned additional expenses such as the 800MHz radio purchase, crack sealer purchase, gypsy moth contributions, and Motor Freight Conditional Use Hearing. Supervisor Bucher asked Chief Rudolph why fines and forfeits were down. Chief Rudolph explained that by the time a hearing occurs and fines are paid, it is usually a total of 2-3 months. Chief Rudolph noted he completed a 2008 overtime comparison from last year with different departments. He noted the department was over in budget which would be reimbursed through grants. Supervisor Bucher asked how the issue would be handled if the department did not get grants, and what are they based upon. Chief Rudolph noted the grants are based upon PennDOT figures related to accidents and zones. He stated the department completes paperwork with the amount of vehicle stops, citations issued, etc. Ms. Ealer mentioned the creation of a new budget line for reimbursement of police wages. Supervisor Kelso questioned the amount of hours the part-time officer was scheduled. Chief Rudolph noted he averages 24 hours a week, but could work more dependent upon vacations, investigations, etc. Chief Rudolph noted funds received from grants would supplement any overtime and additional part time regular hours. Supervisor Reisinger questioned if it was reimbursement for the part-time officer or regular officers. Chief Rudolph noted the reimbursement was for overtime and straight time hours. Supervisor Reisinger said he thought a certain amount of funds were allocated for the part-time officer, and any grant funds went back into the budget to balance the budget. In addition, Chief Rudolph noted the new police vehicle will come in under budget. Supervisor Shearer recommended keeping the graphics on the new vehicle consistent with the others.

j. Sales Tax Proposal

Supervisor Kelso noted the issue was presented at a PSATS conference. The proposal was presented to the legislature last week. Each county would have the ability to vote on increasing the sale tax by 1%. The funds would be collected by the State Department of Revenue, and disbursed to the county. The county would keep 50% of the tax, 40% would go to the

municipalities and boroughs, and 10% would be kept by the county for municipal collaboration. Of the proceeds received by the county, 60% would have to be used to eliminate property taxes. If the proposal passes, the municipality would have to tell the county if they plan to participate or not. Supervisor Kelso noted it was supported by PSATS, and the associations of county commissioners, township supervisors and boroughs and municipalities. Supervisor Kelso indicated this proposal would provide a steady stream of funds that could help offset property taxes, etc. Supervisor Shearer verified the state would handle the funds. Supervisor Kelso confirmed his question.

k. Carlisle Wastewater Grant Request- Letter of Support

Ms. Ealer reviewed an email request from the Borough of Carlisle asking the township to consider contacting federally elected representatives by letter of support for a 2010 federal appropriation request. The funds will be used to upgrade the treatment plant. Ms. Ealer recommended approval since North Middleton Authority owns capacity in the plant. The board supported her recommendation.

l. Walking Dogs at Parks

Ms. Ealer noted the board had permitted dog walking at Village Park and Creekview Park as long as owner's dogs are leashed and they clean up after their pets. Ms. Ealer recommended permitting dog walking at North Middleton Park. The board had no concerns so the issue was added to the consent agenda.

m. Office Hours

Ms. Ealer recommended the office hours be changed from 8AM to 5PM to 8AM to 4PM. Ms. Ealer referenced her memo to the board. She noted the estimated savings, and the current hours of neighboring municipalities. Ms. Ealer reviewed three options. Option #1 would be to do nothing and keep the hours the same. Option #2 would change the hours to 8AM to 4PM. Hourly staff would work a 37.50 hour work week with a ½ hour working lunch. Under this scenario, staff would be paid 40 hours per week. Option #3 would change the hours of operation from 8AM to 4PM. Staff would take a ½ lunch and would be paid for 37.50 per week. If staff would need additional time to complete their work, they could come in early or work later without accumulating overtime. Ms. Ealer stated staff would be flexible if a person required an appointment after 4PM. Ms. Ealer added she did question staff on working 37.50 hours per week and they had no issues. Also, the codes department would maintain working 40 hours per week. After some discussion, the board decided to think about the options.

Old Business

a. Road Bonding Policy

Greg Lebo discussed a road bond policy with the board. He noted the board could only ask for the road to be bonded if a weight study was completed on the road. He recommended having a policy to ask for bonding a road. Supervisor Kelso reviewed a model wind ordinance with the board, and felt a road could be bonded. Mr. Lebo noted Solicitor Allshouse reviewed the information and concluded bonding could not be forced on a road unless a weight restriction study was completed. Mr. Lebo added a study would have to be completed for each road the township would like to bond. He mentioned a township wide study. After some discussion, the board decided to draft a policy to ask for bonding. Mr. Lebo noted he would work with Solicitor Allshouse on the draft policy.

b. Task List

Ms. Ealer reviewed topics from the task list. She mentioned the website was completed, playground equipment was up and just about finished at North Middleton Park, completion of the Creek Road study, and awaiting notification from DEP on the joint recycling project.

c. Wind Mill Ordinance

Ms. Ealer mentioned completing research on the wind mill ordinance. She noted PSATS did have a sample ordinance. She also provided the board with information from the American Wind Energy Association for local governments in reference to permitting wind systems. Some points for the board to consider: permit by right, which zone, height restrictions, set back from property line and other structures, noise issues, soil study requirement, abandonment requirement, and application process and inspection fees. Supervisor Kelso noted Pennsylvania has three model ordinances. He stressed the board had to determine the zone to permit a windmill. Supervisor Hare felt the township should be proactive on developing an ordinance. Supervisor Kelso and Supervisor Hare noted they would work on reviewing the information and provide an update to the board.

d. Energy Pool Meeting

Supervisor Bucher questioned Ms. Ealer on the meeting. She noted she was working on gathering more information. Supervisor Bucher explained it was companies that could gather pools of boroughs, townships, etc. to purchase power at a lower rate.

Executive Session

Ms. Ealer noted an executive session was required to discuss a potential litigation issue.

Adjournment

The meeting was adjourned at 8:11 p.m.

Respectfully submitted,

Deborah A. Ealer
Township Secretary

Lori A. Coleman
Recording Secretary

