

North Middleton Township Board of Supervisors July 2, 2009

The meeting of the North Middleton Township Board of Supervisors was held at the Township Municipal Building, 2051 Spring Road, Carlisle PA on July 2, 2009. Chairman Robert Reisinger called the meeting to order at 6:00 p.m. Board members present were Vice Chairman Harry Kelso, Supervisor Robert H. Shearer, Supervisor Richard A. Bucher, Supervisor James E. Hare, Manager Deborah A. Ealer, 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.

Public Comment

Wanda Walters of 95 West View was before the board to discuss the property at the corner of Terrace and West View. Ms. Walters presented photos of the property to the board. She said the property has not been mowed and it constituted a safety hazard. Last year, she contacted the realtor who mowed the property once during the entire mowing season. This year she contacted the Township and spoke with Assistant Codes Enforcement Officer Ruben Lao. She later contacted Ms. Ealer with her concern. Ms. Walters indicated a small pond existed on the property which has been become a mosquito haven. She noted seeing the neighborhood children playing in the pond. Ms. Walters mentioned two additional properties that have not been mowed the entire season. She asked the township to take immediate action to either cite the properties or mow the lawns. Ms. Ealer stated she was made aware of the property on West View earlier this week, and forwarded the information to the codes department. The property owner was contacted and verbally assured the township that the property would be mowed this weekend. Ms. Ealer noted the township usually tries to work with the property owner. If the issue is not addressed, then a formal notice is sent. Ms. Ealer added the lot has been sold twice. Mr. Walters thought two springs were located on the property, and Ms. Walters noted it was a difficult lot to build a home on. Ms. Ealer felt the neighbors were using the property as a dumping site. Ms. Walters said she picked up trash from the property in early March. The other two properties were located at 60 West View and 25 West View. Ms. Walters noted 60 West View was up for sheriff's sale and 25 West View was never mowed. Supervisor Reisinger thanked Ms. Walters for coming to the meeting, and stressed the board has a procedure to follow. In the past, Supervisor Shearer added the township has placed liens on a property.

Paul Roush

Ms. Ealer noted she did have a verbal conversation with Mr. Roush and would complete a follow-up.

Rick Hoover of 1190 Newville Road wanted to extend a verbal thanks to Paul Fegley and Ruben Lao on behalf of the residents in the 1100 block of Newville Road for addressing the weeds and code violations at 1186 Newville Road and 1182 Newville Road. Mr. Hoover noted they worked extremely hard. In addition, he wanted to thank the police department and Chief Rudolph for addressing the ATV problem.

August Tokish of 60 Union Hall Road was before the board to discuss the current burning ordinance. Mr. Tokish noted he and his neighbors collect shrubbery and tree limbs, and then place the items in a large pit to be burned. Mr. Tokish said he has been burning the limbs and shrubbery for years. Mr. Tokish explained he always contacted the county before burning the items. Ms. Ealer explained the open burning of brush was now regulated by the state via DEP. The township found out that they should have not been permitting the residents to do the open burning. Ms. Ealer said the township had to pass an ordinance to not allow the residents to do any type of burning. Since the township participates in the states recycling program, the township could end up losing state subsidies and grants if they did not impose the ordinance. She added township residents were permitted to use the Borough of Carlisle organic waste recycling site located on Post Road. Mr. Tokish stated it was a large pile of brush. Supervisor Shearer noted the items could be set out in the fall for the township brush pick-up. Supervisor Reisinger stressed his options were to either use the compost site or wait for the fall brush pick-up. Supervisor Reisinger stressed it was the state law.

John Freilino of 281 Shatto Drive presented the board with a petition from 32 residents about the driving of a student located at 310 Shatto Drive. He did talk to the student's parents about his and the neighboring residents concern. He noted the issue started in 2008 when she started driving to school. The female student drives faster than the permitted 35mph. Mr. Freilino then noticed that many people drive over the speed limit on Shatto Drive. He stressed someone may get hurt since many young children live in the area. He asked the board send a letter to the family addressing the driving of their daughter. Mr. Freilino stated kids follow the patterns of their parents when it comes to driving. After a discussion with Chief Rudolph, Officer Jones was sent over to talk to the parents and the daughter. Mr. Freilino thought the conversation would have made her slow down, but it did not. Mr. Freilino asked the board to consider his request to send a letter to her parents to control their daughter before someone gets hurt. Another issue was a problem located on Shatto and Curtis Drive. Mr. Freilino stated 5 private driveways existed with a 6th one in the works. He noted many residents do not stop at the stop sign or they have to pull so far out into the cart path on Shatto Drive. He requested the Township Engineer check out the area to see if it qualifies to be a three way stop. Thirdly, he commented the website was very good. He suggested a speed stop area be added on the website. Finally, Mr. Freilino felt it was time for municipalities to stand up and say that the local police departments need radar guns. He has contacted the local representatives with his concern. Mr. Freilino said Pennsylvania was the only state that did not permit radar use by local police departments. He felt if the local police could have guns with bullets, then he felt they could handle a radar gun. Mr. Freilino left the board with a copy of letter he received from Representative Gabig.

August Tokish mentioned his concern with the speeding traffic on Union Hall Road. He noted it was a very busy area with sharp turns.

Consent Agenda

- a. **Meeting Minutes: 05/13/09 Conditional Use Hearing; 05/28/09 Workshop, 06/04/09 Action Meeting; 06/11/09 Conditional Use Hearing**
- b. **Tax Collector Reports: 11-18, 2008 & 2009 Reports**
- c. **Payment of bills: 06/15/09; 07/02/09**
- d. **Updating part time employee definition**

- e. **Resolution 2009-06 – resolution updating building inspection fees**
- f. **Resolution 2009-07 – resolution for destroying obsolete files**
- g. **121 Pearl Drive request**

Supervisor Kelso requested removing item d for additional discussion. Supervisor Bucher moved to approve the consent agenda minus item d, and Supervisor Shearer seconded the motion. The motion carried.

Business of Township Officials

Township Manager

1. June Manager's Report

Ms. Ealer presented her June report to the board.

Chief of Police

Corporal Peterson noted the department received a certificate for the Smooth Operator program for aggressive driving. He added Officer Johnson was recognized for his participation in the program. Supervisor Kelso asked about the traffic on Creek Road. Corporal Peterson stated there was increased traffic and some truck traffic. He added a speed trap was set up in which 10 vehicles were issued fines. Supervisor Hare mentioned the letter from local residents concerning the blind spot when turning left onto Longs Gap Road from Creek Road. Supervisor Shearer noted the issue was brought up during a subdivision plan. It was indicated the pipeline runs under the road so the hump could not be removed without being an expensive project. Supervisor Bucher asked if any fines were issued. Corporal Peterson said some trucks were fined for using Creek Road due to the weight restrictions. Supervisor Bucher asked if the portable scales could be used. Corporal Peterson noted the department did not have anyone that was certified. Supervisor Shearer inquired if Ms. Ealer received any response from PennDOT concerning the Rt. 34 southbound traffic speeding over onto Creek Road, while other vehicles try to pull out from the stop sign on Cranes Gap Road. Ms. Ealer noted that PennDOT said the signage was out as per the design plan. Supervisor Shearer suggested putting a stop sign at the end of Rt. 34 south when approaching the intersection. Ms. Ealer noted she would complete a follow-up. As for the Creek Road/ Longs Gap intersection, she did forward a letter to PennDOT.

Solicitor's Report: Mark Allshouse

1. June Report

Supervisor Reisinger presented the Solicitor's report.

New Business

a. Statewide Tax Recovery Exoneration Request

Ms. Ealer presented an exoneration request for delinquent Per Capita Taxes from Statewide Tax Recovery, Inc. for Raymond Ronan. Ms. Ealer noted he was deceased. Supervisor Shearer moved to approve the request for delinquent Per Capita Taxes from Statewide Tax Recovery, Inc. for Raymond Ronan, and Supervisor Kelso seconded the motion. The motion carried.

b. Swartz Codes violation

Ms. Ealer noted the board decided at the workshop meeting to pursue the codes violations and have the police department pursue the criminal violations to the fullest extent of the law. Supervisor Shearer added a supervisor should be present at the next hearing to

support the violations. Supervisor Bucher moved to approve to have the codes and police departments continue to abate the codes and criminal violations to the fullest extent that the law will allow, and to also have a supervisor in attendance at the next district justice hearing to support the township's stand on the Swartz code violations. Supervisor Shearer seconded the motion. The motion carried.

c. Updating part time employee definition

Supervisor Kelso felt the part-time hours for each individual job should be specified. Ms. Ealer reviewed the proposed definition to the board. Supervisor Hare felt the key word was "less". Supervisor Kelso noted his concern of a person being eligible for unemployment. Ms. Ealer said the board can create the definition but it will not supersede the state unemployment law. Supervisor Kelso felt set hours could be established for part-time employees. Ms. Ealer stated her part-time employees work 20 hours per week. Supervisor Hare noted any part-time employee hired from here on could be hired with a set amount of hours. Supervisor Reisinger questioned if the board wanted to establish the definition. The board discussed the current staff that works part-time and the possibility of claiming unemployment compensation. Thus, Supervisor Hare moved to adopt the definition for a part-time employee to: "One who is regularly employed on a weekly basis and scheduled to work 32 hours or less per week but may be called upon to work more than 32 hours per week on an emergency basis or during the initial training period and is on an hourly pay scale". Supervisor Kelso seconded the motion. The motion carried with a 4-1 vote. Supervisor Reisinger voted nay.

Old Business

1. Unemployment

Issue was discussed under the part-time employee definition.

Executive Session

An executive session would be held following the meeting to discuss a potential litigation and personnel issue.

Adjournment

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Deborah A. Ealer
Township Secretary

Lori A. Coleman
Recording Secretary