

North Middleton Township Board of Supervisors July 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 July 30, 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, Solicitor Mark Allshouse, Manager Deborah A. Ealer, and Recording Secretary Lori A. Coleman.

Visitors: see attachment #1.

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

Announcement

For the Third Pine Floor Conditional Use hearing, Supervisor Reisinger stated a tentative public comment period is scheduled for August 12th and September 9th at 6:30 p.m. Ms. Ealer inquired if the individual parties could make public comment. Solicitor Allshouse replied yes.

Dave Marschka – Keystone Arms – Post Road units

Charlie Courtney of McNees Wallace & Nurick, LLC noted 32 units located along Post Road were previously approved. The 32 townhome units will be located within 4 townhome buildings and each unit would contain 8 units. Each 8 unit building is to be located on a separate lot. The plan proposes a common parking area and driveway that would serve the townhomes. At the time, common parking areas were proposed because it was contemplated that these 32 units would not have garages. To make the townhomes marketable, Keystone has decided to make a request to the board to make some changes. First, Mr. Courtney stated they would like to add garages. Mr. Courtney reviewed a sketch plan with the board that would reconfigure the common parking areas to a common drive with driveways that lead to a garage in each townhome. The changes would be minor and the building will remain in the current location. Mr. Courtney was seeking direction from the board on whether the change could be made administratively or did it have to be presented to the Planning Commission. Secondly, the units were considered to be footprint units under the Pennsylvania Uniform Planned Community Act (PUPCA). As a footprint unit, the owner of the townhome does not have or own the yard area. Mr. Courtney stated buyers today are looking to own a yard area. One possible solution would be to subdivide each one to create a traditional townhome lot. The only obstacle is lot area or impervious coverage which would require variances. The second option would not do a subdivision but create a dirt unit. The owner of each unit will have a fee simple title to the land area and dwelling unit. Instead unit lines would be created through an amendment to the declaration of planned community. The third option would be keep the unit as a footprint unit, and a yard area would be established for each unit as a limited common element. The owner of the townhome would have the exclusive right to use the yard area, but the yard area would be owned by the homeowner's association as a common element. Supervisor Bucher asked which option they would like to use. Mr. Courtney noted they would like to use the second option where the owner would have a fee simple title to the land area and dwelling unit. Supervisor Reisinger questioned if a change would occur from a building standpoint. Mr. Courtney noted a difference would exist since they would own the building and the yard. Supervisor Shearer verified the roads would be dedicated to the association upon build out. Mr. Marschka agreed. Supervisor Shearer noted the homeowner's

association documents should remain consistent so the homeowner understands the road is not the Township's responsibility. Supervisor Reisinger verified each townhome owner would be responsible for their property. Mr. Marschka confirmed the question. Supervisor Hare inquired when construction would start if the condition is granted. Mr. Marschka felt this year. Solicitor Allshouse noted his only concern was with the gray area for option two since it had a court case that was being reviewed by the PA Supreme Court. He felt the Township would not be right or wrong on making a decision. Greg Lebo of Brehm-Lebo Engineering commented that he wanted to make sure the stormwater remains the same. Supervisor Reisinger questioned the need for the changes. Mr. Courtney referenced a change in the current real estate market. Supervisor Bucher felt the change could be made instead of sending it to the Zoning Hearing Board. Supervisor Shearer agreed with Supervisor Bucher. Codes Enforcement Officer Paul Fegley questioned who was in charge of the homeowner's association. Mr. Marschka stated currently four people oversee the association. Upon build out, the homeowner's association will be responsible. Mr. Fegley referenced his concern with the association. Mr. Marschka noted a management company will continue to have a presence in the development. Supervisor Reisinger requested a formal document be sent to the township for review before the next meeting. He noted the board would make a decision at the next meeting.

Fire Company/ Vehicles

Lester Brickner, trustee for the NMT Fire Company noted discussion among the board and fire company personnel concerning titling the fire company apparatus from the township to the fire company. The biggest concern of the fire company was the replacement issue. Of the last five items purchased, money was borrowed. The fire company currently has two loans and was not in a position to financially borrow more money. If the current economy is taken into consideration, Mr. Brickner felt the fire company would not even be eligible. Mr. Brickner presented a list of assumptions that the fire company used to calculate how much money they would have to put aside to maintain the level of the fire department budget as well as the amount of funds that would be utilized for apparatus in the future. Mr. Brickner presented the board with reports reviewing the projected expenses and revenues of the fire company if the township would title all the apparatus to the fire company. In addition, he presented another report with the same scenario with the addition of a daytime driver beginning in 2015. As he reviewed the figures, Mr. Brickner noted other figures such as inflation, interest and insurance could greatly affect the projections. Mr. Brickner added the Borough of Carlisle payment was included in the projections. He was unsure how the Borough of Carlisle has encountered any expenses over and above fuel and maintenance since they have not purchased any apparatus or funded paid drivers to help protect North Middleton. He stressed the Borough of Carlisle payment was based on fuel and maintenance. The projected charge per call was \$100. Overall, he thought the calls could be limited to 60 calls per year. Shawn Brickner discussed the mutual aid agreements that were established in the 1980's. He reviewed the emergency and service calls the department responds to. Supervisor Reisinger noted the BOC issue has been just a discussion and not a formal decision. Mr. Brickner stressed any decision the board makes does not take any of the present burden off the fire company. The fire company still has to do the same fundraising, etc. The unknown is how the Township generates the revenue, and if it will have a negative impact. Supervisor Kelso questioned if the current figures included the present township contribution. Mr. Brickner noted it did. Supervisor Bucher questioned the need for a part-time driver in the year 2015. Mr. Brickner noted he and Ken Snyder were the primary drivers right now of which

they would be retired by 2015. Shawn Brickner added volunteerism has decreased and many volunteers have full-time jobs which do not provide them the flexibility needed to respond to fire calls. He added as fire fighters climb up the ladder, requirements increase with tests, certifications, etc. Mr. Brickner stated it was pertinent for the funds to be in place for the fire company to proceed forward. He added the fire company had no issues with titling the apparatus to the fire company as long as they knew there was a mechanism in place for funding. Supervisor Bucher noted it was the duty of the Board of Supervisors to make sure the funds are in place for the Township's fire protection. Ms. Ealer reviewed her 2010 projected fire tax millage document with the board. She discussed the two options which were based on the 2009 assessment. She added her estimates did not include the projected part-time driver. Next, Ms. Ealer reviewed her Municipal Fire Service memo with the board. She included the neighboring municipalities' general budget, fire budget, and fire expenditures. She noted Silver Spring and South Middleton have a fire tax, and many municipalities distribute the fireman's relief funds they receive to the neighboring fire departments. Supervisor Kelso asked how the fireman's relief funds are distributed. Ms. Ealer said the funds are collected under homeowner's insurance for fire insurance. The funds are then forwarded to the state which distributes them to the municipalities. The municipalities distribute the funds to the local fire departments. Ms. Ealer added the funds are restricted. They can be used only for the protection of the firefighter via equipment, training, etc. Supervisor Reisinger noted the board wanted to assure the funds were being used appropriately. Supervisor Bucher felt an audit should be done every year. Supervisor Reisinger added it was important to know the fire company's needs upfront so the board can plan accordingly. Supervisor Bucher asked how the fire company's fund raising was going. Mr. Brickner indicated the annual donation letter has seen an increase in donations, but the funds from the weekly bingo has decreased. Overall, Ms. Ealer recommended the board create a committee to start reviewing the information. The board agreed with the recommendation. If the fire company would take over the title of the vehicles, Supervisor Kelso asked if their costs would increase. Mr. Brickner said the insurance costs would increase.

Highway Department Update

Mr. Brickner noted major damage occurred on Easy Road and Willow Grove Road. Numerous other locations throughout the township had damage. All of the minor issues except for two were repaired. North Middleton Authority provided assistance with the repairs which allowed the Road Crew to devote their time on the worst roads. Mr. Brickner added Easy Road was completed today. As for Willow Grove Road, Mr. Brickner noted a couple 100ft of macadam was damaged and large washouts occurred. He noted it was substantial damage and hoped to have it repaired before the start of school. According to the residents, Mr. Brickner said over 5 inches of rain fell in that area.

Subdivision and Land Development

Darr subdivision #09.01

Mr. Fegley noted the property is located on 1040 Longs Gap Road. Mr. Darr wishes to separate 1.5 acres labeled Lot 1A to be joined to Dennis Thomas labeled Tract #1. He noted it was a simple lot addition which would not require a Form B waiver. Mr. Fegley provided the board with the following: subdivision application, Cumberland County Planning Commission memo dated 6/22/09, Navtech Inc. waiver request dated 7/10/09, Navtech Inc. response letter to engineering comments dated 7/2/09, legal description of proposed property dated 7/2/09, Brehm-

Lebo Engineering memo dated 7/14/09 with reference to revised prints following Planning Commission meeting, and PC minutes dated 7/7/09. Supervisor Kelso noted the Planning Commission did recommend approval based upon satisfaction of the engineering comments, county comments and deed of consolidation. Solicitor Allshouse added the deed of consolidation should be recorded prior to or with the plans. The subdivision was added to the consent agenda.

Hurley Road Bonding

Mr. Fegley stated the Hurley subdivision was approved with conditions. One of the conditions for approval was to either post a bond for a private driveway or install the driveway to township standards. Mr. Hurley elected to install the driveway. Mr. Fegley said before the subdivision plan could be recorded, the driveway had to be inspected to ensure it was constructed to township standards. Doug Brehm inspected the driveway and provided a memo. Mr. Fegley noted it was the codes department's belief that Mr. Hurley has met the standard. Supervisor Kelso questioned if this was the road in which bonding was involved. Mr. Fegley explained the concern of Mr. Hurley's to put up a \$2000 bond for a road that may or may not be needed until he sells any lots. He also argued that he could just install the road now and not have to put up a bond. Mr. Fegley noted he elected to install the road now. Mr. Fegley added the state did issue a permit for HOP use. Mr. Lebo stated the road was structurally alright. His only concern was the swale shown on the drawing, but not installed. Mr. Lebo added fire trucks can access the road. Supervisor Reisinger reviewed Mr. Hurley's July 18, 2009 letter and suggested Mr. Lebo check the site and provide an update at the next meeting.

North Middleton Authority Minutes

Supervisor Reisinger presented the NMA meeting minutes.

Manager's Report

Supervisor Reisinger presented Manager Lee Koch's report.

Solicitor's Report

Solicitor Allshouse indicated he was completing a follow-up with Dawood to provide three sets of plans for review at the August 12th meeting. Secondly, he mentioned the request for the Block Rezone to be moved to the first BOS meeting in November. The letter will be presented at the next meeting. Thirdly, Solicitor Allshouse discussed attending the Swartz property violations hearing at the district justice's office. Mr. Swartz was found guilty on three citation violations and was placed on a payment plan. He mentioned the possibility of filing a civil complaint and explained the procedure and process to the board. Solicitor Allshouse suggested researching all the violations from all the agencies and determine if it was worth proceeding forward. The board agreed with his suggestion.

Engineer's Report

Mr. Lebo mentioned a discussion with Jim Cullison concerning some new regulations by PennDOT in reference to the truck terminal. He asked if Mr. Cullison should review the plan since the regulations have changed. Solicitor Allshouse noted the review would be based upon the regulations that were in effect at the time the plan was filed. After some discussion, the board decided to have Jim Cullison review the plan if there were no new comments. Solicitor

Allshouse suggested Mr. Lebo review the report first to see if any new comments existed. If no new comments, then Mr. Lebo could write a report. The board agreed with the Solicitor's recommendation.

New Business

Draft Engineering RFP for Zoning Ordinance Update

Ms. Ealer noted the next step was to take the revisions from the Comprehensive Plan and incorporate them into the Zoning and Subdivision ordinances. Ms. Ealer reviewed her request for proposal with the board. She was seeking approval from the board to move forward, so she could stay on the time line and have figures available to put into the 2010 budget. Supervisor Shearer asked about the cost last time. Ms. Ealer noted she was unsure of the total amount. Supervisor Shearer questioned the long time line. Ms. Ealer explained the process to the board. The topic was added to the consent agenda.

Resolution 2009-07 – updating part time employee definition

Ms. Ealer presented the draft resolution to the board. Solicitor Allshouse did review the draft resolution. The resolution was added to next week's agenda.

Police Vehicle

Supervisor Reisinger mentioned a meeting with Chief Rudolph to review the options for a police vehicle. Ms. Ealer noted the township would get \$5700 from insurance and they were still waiting for funds for the damaged equipment. Supervisor Bucher inquired about full coverage on the vehicles. Ms. Ealer noted the only vehicles with full coverage were the fire vehicles. Supervisor Reisinger asked Ms. Ealer to research the cost for full replacement coverage on new vehicles. Supervisor Kelso asked if Chief Rudolph had a recommendation for a new vehicle. Supervisor Reisinger noted they prefer the Dodge Charger. Supervisor Hare inquired if the car had to be replaced. Supervisor Reisinger noted Chief Rudolph should answer the question but added the schedule was based on usage. Ms. Ealer noted the car was not a budgeted item. The board decided to discuss the issue with Chief Rudolph for justification on the new vehicle.

Second Quarter Budget review

Ms. Ealer noted revenues were down by 11%, and the EIT tax was also down (due to unemployment and change in tax collection agency). She added the LST revenue and real estate transfer tax were down. She noted the Township has only received one subdivision this year. The township has not received the 2007 recycling performance grant to date. Yet, Ms. Ealer noted an increase in revenue from the car shows and real estate taxes. She reviewed the general fund expenditures to date. Ms. Ealer noted having a meeting with the department heads and stressed all overtime was to be approved by her, and directed them to cut expenses wherever possible.

County Convention – October 1

She asked the board members to notify Annette if they planned on attending the county convention.

Gypsy Moth Participation

Supervisor Kelso questioned the township's participation in the program. Ms. Ealer noted the board decided to not participate in the program in 2010, and a letter was sent to the county.

Supervisor Kelso thought the board should rethink the issue. Supervisor Shearer recommended bringing up the issue at the county convention. Supervisor Kelso thought residents should have the ability to choose if they want the spraying and pay up front. He felt the residents should be given a better time frame. Ms. Ealer noted the property owner contacts the county which then checks the area to determine if it should be added to the list for spraying. Supervisor Kelso felt the property owners should pay as long as they had proper time notification.

Burning Ordinance

Supervisor Reisinger noted a resident questioned him about outside burning, and he told him the township was in the process of an ordinance update and it would be addressed at that time.

Old Business

Task List

Supervisor Shearer noted he would like more research done on individual wind units on small residential lots. He noted the units can be attached to a roof. He felt they should be looked at closely. Supervisor Kelso and Supervisor Hare discussed various wind systems that are available and noted that technology is constantly changing.

Act 32

Supervisor Bucher asked if the board received Kirk Stoner's minutes from the last meeting. He attended the last meeting and indicated the process was moving very quickly. He mentioned West Shore tax agency representatives were present at the last meeting. He expressed his opposition of tax collection agencies being present at these meetings. Some of the representatives felt the tax collection agencies brought knowledge on how to collect taxes. Supervisor Bucher noted he would forward a copy of the minutes to each supervisor. Supervisor Shearer verified no funds were available for the program. Supervisor Bucher agreed. He stressed his concern of the committee not having the taxpayer's best interest at hand.

Executive Session

Supervisor Reisinger noted an executive session would be held following the meeting to discuss a personnel matter.

Adjournment

The workshop meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Deborah A. Ealer
Township Secretary

Lori A. Coleman
Recording Secretary

