

North Middleton Township Board of Supervisors February 4, 2016

The meeting of the North Middleton Township Board of Supervisors was held at the Township Municipal Building, 2051 Spring Road, Carlisle PA on February 4, 2016. Chairman James Hare called the meeting to order at 6:00 p.m. Board members present were Vice Chairman Harry Kelso, Supervisor Robert Reisinger, Supervisor Pat McDowell, Supervisor David Smith, Solicitor Mark Allshouse, Police Chief Doug Reitz and Recording Secretary Lori Coleman. Manager Deborah Ealer was not in attendance.

Visitors: see attachment.

Executive Session

Supervisor Hare announced the January 28th meeting was canceled but an executive session was held for a personnel matter. No vote was taken.

Public Comment / Hearing of Visitors

a. Taylor Rynard-1883 Spring Road zoning permit

Mike Rynard mentioned receipt of a citation for installing a fence without a permit on his daughter's property. After the installation, Mr. Rynard was informed one side of the fence was too high which was a violation of the code. Mr. Rynard asked Mr. Lao if they could apply for a variance, and was informed the variance would probably not be granted since it was not a hardship. Supervisor Hare said the Board of Supervisors does not have the power to provide relief for the request. His request has to go before the Zoning Hearing Board. Mr. Rynard verified he could apply for a variance. Supervisor Hare agreed. Solicitor Allshouse explained that five requirements have to be met before applying for a variance. One of the requirements is that the hardship cannot be self-imposed. He suggested reviewing the 5 requirements before applying for the variance. Mr. Rynard thanked the board for the direction. Supervisor Kelso noted the property has two front yards. Mr. Rynard added the property does have a shrub line that runs behind the fence.

b. Robert Cauthon – Constable for North Middleton Township

Mr. Cauthon indicated that he would begin his certification training tomorrow. He would then be certified by the Pennsylvania Department of Crime and Delinquency of which would provide him the ability to complete more duties for the position. He swore his oath to the township last week.

c. Larry Boresow – 26 Coach Lane – Codes Issue

Mr. Boresow referenced his meeting from about a year and half ago concerning his property. He mentioned a hearing held at the magistrate office last week concerning some violations in reference to sump pump water issues. He noted those issues were resolved but he wanted to discuss the bigger picture. He would like to develop a time to meet with the supervisors to discuss the ponding issues that have been created by a violation and deviation of a grading plan that was approved by the township when his property was built 4-5 years ago. Mr. Boresow indicated the property was never checked and the builder was not fined. He added the property stormwater grading issue was never checked when installed. Mr. Boresow was seeking some help from the township to correct the problem. He stressed he had a \$400,000 home that is at risk and the builder continues to

build in his neighborhood. Mr. Boresow reviewed the recommendation from Brehm-Lebo Engineering. Mr. Boresow was seeking a meeting to discuss the problem. Supervisor Reisinger noted the issue has been discussed for some time. Solicitor Allshouse said a subcommittee could discuss the problem with Mr. Boresow and eventually the information could be presented to the board for a final decision. Supervisor Reisinger referenced the letter from Bill Green. Mr. Boresow said he corrected his issue to the satisfaction of the township, and he was not in any violation of any codes. One of the options being presented is not workable as per Mr. Boresow and he will not grant permission to complete the option on his property. He was seeking to come to a workable solution. Supervisor Hare verified that no water was going to the street from his sump pump discharge. Mr. Boresow agreed, but a river does flow across the sidewalk about 75ft up from his property due to the stormwater runoff. Supervisor Reisinger and Supervisor Kelso volunteered to have a meeting with Mr. Boresow to discuss the issues. Mr. Boresow indicated he has spent up to \$15,000 thus far to correct the issue. Mr. Boresow noted he was embarking to hire a professional landscaping company in the spring to fix his property. He was advised not to complete the landscaping in case the township had to complete some work on his property. Supervisor Reisinger and Supervisor Kelso would contact Mr. Boresow to schedule a meeting.

d. Pam Wiwel- 120 Darr Avenue

Ms. Wiwel wanted to recognize the Road Crew for the recent snow removal. She felt they did a good job getting the roads cleared and wanted to thank them for their efforts.

Consent Agenda

- a. Meeting Minutes: January 4, 2016 Reorganization Meeting; January 4, 2016 Action Meeting**
- b. Payment of the bills: January 11, 2016; January 26, 2016**
- c. Tax Collector Reports: #31, December 2015 Rep**
Supervisor McDowell moved to approve the consent agenda items a through c, and Supervisor Smith seconded the motion. The motion carried.

Business of Township Officials

Township Manager

- a. January Report**
Supervisor Hare mentioned information from the Codes Department and Road Crew.
- b. Financial Report**
Supervisor Hare presented the report.

Police Chief

- a. January Report**
Chief Reitz presented his report to the board.
- b. Resolution 2016-01 Revision to Police Pension Contribution**
Supervisor Reisinger moved to approve Resolution 2016-01 which was a resolution electing to amend its police pension plan administered by the Pennsylvania Municipal Retirement System pursuant to Article IV of the Pennsylvania Municipal retirement law; agreeing to be bound by all the provisions of the Pennsylvania Municipal retirement law

as amended and as applicable to member municipalities. Supervisor McDowell seconded the motion, and the motion carried.

Solicitor's Report: Mark Allshouse

a. January Report

Solicitor Allshouse presented his report to the board.

Engineer's Report

a. Sunoco Pipeline Update

Doug Brehm of Brehm Lebo Engineering reviewed his February 10th memo with the board. First, Mr. Brehm noted Sunoco has requested a consistency letter from the township regarding stormwater and floodplain. Secondly, Sunoco applied for driveway permits for the various locations in the township and street crossing permits for the pipeline. Mr. Brehm noted all the streets that would be crossed will be bored and there will be no open cuts. Mr. Brehm noted a discussion with Mr. Borda and Mr. Zook who had no issues with the permits. Thirdly, Mr. Brehm mentioned the easement request across the landfill site, and said an agreement should be completed. Mr. Brehm indicated that Sunoco did not know the site was a landfill. A meeting was slated with DEP and Sunoco to determine what is in the landfill and how it should be handled. Mr. Brehm noted the location of the line would be discussed. Mr. Brehm added a valve site would be installed. It will be a remote controlled site within a small equipment box. Supervisor Kelso asked if it was within the right of way. Mr. Brehm felt it would fit. Fourthly, Mr. Brehm mentioned the January 14, 2016 meeting with Sunoco representative Dan Zolandisiewicz, and Steve Kratz. They provided an update and status report of the overall project. Sunoco anticipates starting the project in early April. Mr. Brehm mentioned the boring through the North Middleton Authority's property and Ms. Ealer questioned the noise, hours of operation, etc. After the meeting, Sunoco provided answers to many of her questions. Finally, Mr. Brehm discussed the excess maintenance agreement for damages that might occur to the street and roads from the pipeline construction. He felt it should be in place to protect the township. Mr. Brehm reviewed the maps where the pipeline will run with the board. He discussed the boring sites, and damages that might occur.

New Business

a. North Middleton December Authority Minutes and January Manager's Report

Supervisor Hare presented the minutes and Manager's report.

b. Email addresses – Jim Hare

With the recent problems with email addresses, Supervisor Hare felt the board should have a discussion about utilizing North Middleton email addresses instead of private ones. The board decided to have North Middleton email addresses created for each supervisor.

c. MS4 – Bob Reisinger

Supervisor Reisinger noted the MS4 council consisted of North Middleton, South Middleton and Borough of Carlisle. He pointed out while all three municipalities agreed that a collaborative approach in some form should be pursued, the group determined that it is not necessary to file a joint permit in order to do so. Supervisor Reisinger stressed it was not a formal decision but more a recommendation. The council also recommended

that a joint municipal stormwater authority be created and comprised of representatives from North and South Middleton Townships and Carlisle Borough. Supervisor Reisinger was not in support of the recommendation. He would like to see the MS4 requirements be taken over by the Authority. Supervisor Reisinger mentioned their capability to charge a fee. He added there has been discussion about creating a law to permit townships and boroughs the ability to charge a fee. Supervisor Hare questioned when the permits needed to be in place. Supervisor Reisinger said in 2018. He added the township will have to hire someone to provide assistance with the MS4 application. A third item was the Chesapeake Bay Pollution Reduction plan in which the recommendation was to work jointly on the plan. Supervisor Reisinger stated he was unsure at this time on the direction of this plan. By working together, all three municipalities can ensure that any improvements constructed within the area covered by the plan will apply to all the municipalities permit requirements. Only issue as per Supervisor Reisinger is that a larger cost might be involved than if the plan is done individually. Overall, Supervisor Reisinger felt an RFP process will begin by summer.

d. 2015 Real Estate Taxes- exonerating Barbara Matter from collecting and turning them over to county tax collections

Supervisor Kelso moved to exonerate Tax Collector Barbara Matter from collecting the 2015 Real Estate Taxes and turn them over to the county tax collection agency. Supervisor Smith seconded the motion, and the motion carried.

e. 2015 Per Capita Taxes – exonerating Barbara Matter from collecting and turning them over to Penn Credit for collections

Supervisor Kelso moved to exonerate Tax Collector Barbara Matter from collecting the 2015 Per Capita Taxes and turn them over to Penn Credit for collection. Supervisor Smith seconded the motion, and the motion carried.

f. Approval of Labor Law Attorney

Supervisor Hare noted receipt of three applicants for assistance with the police contract for this year. After some discussion, Supervisor McDowell moved to hire McNeese, Wallace and Nurick LLC to be the Township Labor Law Attorney. Supervisor Kelso seconded the motion, and the motion carried.

g. Snow Plow Associate

Supervisor Reisinger moved to hire Richard D. Bear as a part-time snow plow associate. Supervisor McDowell seconded the motion, and the motion carried.

Old Business

a. Draft Fleet Policy update- still waiting for follow up from our insurance rep

Supervisor Hare noted Ms. Ealer was still waiting for some answers to her questions. The topic was tabled to the next meeting.

b. February 25th meeting

Supervisor Hare noted a PMRS representative will provide a presentation on the proposed retirement plan at the next meeting.

c. Emergency Management

Supervisor McDowell mentioned an email from Cumberland County Emergency Management noting awards were available to county staff members that performed exceptionally during the historic snow storm. He suggested sending him an email with potential candidates.

d. Executive Session

An executive session would be held following the meeting to discuss two personnel matters. No vote would be taken.

Adjournment

The meeting was adjourned at 6:56p.m.

Respectfully submitted,

Deborah Ealer
Township Secretary

Lori Coleman
Recording Secretary