

North Middleton Township Board of Supervisors February 1, 2018

The meeting of the North Middleton Township Board of Supervisors was held at the Township Municipal Building, 2051 Spring Road, Carlisle PA on February 1, 2018. Chairman Harry Kelso called the meeting to order at 6:00 p.m. Board members present were Vice Chairman Robert Reisinger, Supervisor James Hare, Supervisor David Smith, Supervisor Denise Gembusia, Solicitor Mark Allshouse, Manager Deborah Ealer, Police Chief Gary Carver and Recording Secretary Lori Coleman. Visitors: see attachment.

Public Comment / Hearing of Visitors

Gene Chabak of AMT Engineering provided the board with an update on the Cavalry Road/ Spring Road intersection. Mr. Chabak reached out to PennDOT in reference to some ongoing projects. PennDOT intends to do a mill and overlay on Cavalry Road up to the intersection which will be completed this year. The Cavalry Road/Spring Road intersection is slated for a full resurface with a depth reconstruction, guiderail, ADA and drainage in 2020. Ben Singer from PennDOT is the project manager. Mr. Chabak did speak with the PennDOT traffic department of District 8 about left turn phasing and warranting for the intersection. He also placed a call to PennDOT about a left turn lane due to the collisions and safety hazards. The caveat with the left turn lane would be the right of way acquisition. Mr. Chabak noted timing and coordination was needed for this project of which he going to stay in constant contact with PennDOT. Ms. Ealer noted the traffic light project has to be completed by June 2019 as per the grant. Mr. Chabak said it might be a challenge to obtain the left turn lane since it was very tight with the right of way, and it would take about 4-6 months to clear the right of way. With the traffic counts, he felt the left turn lane was a needed addition for operation and safety. The 2020 depth reconstruction is just from curb to curb. Mr. Chabak felt if the left hand turn lane was warranted, it could be worked out with PennDOT. Supervisor Kelso asked how long he thought it would take for PennDOT to possibly work on those changes. Mr. Chabak thought it would take a few weeks to get the left turn lane warranted with the traffic department of PennDOT, where as it might take a little longer with the 2020 project. Mr. Chabak would monitor the project and report updates to Ms. Ealer. Supervisor Reisinger inquired if the poles that are going to be mounted were located in the PennDOT or private right of ways. Mr. Chabak said they were in private right of ways, and thought if the new poles are installed in close proximity of the current poles for ADA compliance, they should be good. The board thanks Mr. Chabak for the update.

Consent Agenda

- a. Meeting Minutes: 01/02/18 Reorganization Meeting; 01/02/18 Meeting**
- b. Payment of the bills: 01/17/18; 01/22/18**
- c. Tax Collector Reports: 29-31, December monthly report**
- d. Resolution 2018.01 – 2018 Records Destruction**

Supervisor Reisinger moved to approve the consent agenda items a through d, and Supervisor Hare seconded the motion. The motion carried.

Business of Township Officials

Township Manager

- a. Financial Report**

Ms. Ealer presented the financial report.

b. January Report

Ms. Ealer presented her January report to the board. Supervisor Reisinger questioned an issue with PennDOT and the liquid fuels funding. He referenced a meeting with Ms. Billet and PennDOT concerning the overspending of \$2300. Ms. Ealer noted Ms. Billet completes the yearend report, but she would research the issue and provide an update.

c. Bear on lot septic testing request

Ms. Ealer reviewed an email from Jacob Bear. Mr. Bear and his siblings own a 16 acre parcel of land located at 2813 Longs Gap Road. In May 2008, the property passed a perc test performed by Jonathan Reisinger who was SEO at the time. In the fall of 2017, Mr. Bear contacted SEO Gil Picarelli to find out if the test was still valid. Mr. Picarelli said it was still valid. Since that time, the property was listed for sale in January 2018 with Realtor Bill Hench who learned from Mr. Picarelli that he would not honor the test performed in 2008. Ms. Ealer did contact Mr. Picarelli for verification. Since the time of the initial contact from Mr. Bear, Mr. Picarelli noted Mr. Reisinger's license was suspended by DEP. Hence, DEP contacted Mr. Picarelli strongly suggesting the perc tests completed by Mr. Reisinger be redone. Since Mr. Bear is caught in the middle, he is asking the fee for the second test be waived. The cost for a perc test is \$275. The property owner would also incur costs since he would have to get a backhoe out to the property to complete the digging. Supervisor Kelso verified two good perc have to be completed. Ms. Ealer agreed. Supervisor Reisinger asked if DEP was contacted to verify the retesting. Ms. Ealer noted she did not contact them personally. The board recommended contacting DEP for verification. If an issue exists, then the board would address it. Solicitor Allshouse noted many township residents have already paid for a second test due to Mr. Reisinger's error. For the record, Supervisor Reisinger noted Jonathan Reisinger was his second cousin. Supervisor Reisinger asked for a list of residents that have had perc tests completed by Mr. Reisinger but not received a permit. Supervisor Gembusia asked how long a perc test was good for. Solicitor Allshouse noted 10 years, but it depends on the location like being near a waterway. Supervisor Hare noted DEP did not mandate but strongly suggested it be recompleted. The board decided to get clarification from DEP first.

Executive Session

The board entered into executive session to discuss a personnel issue at 6:20 p.m. and returned at 6:37 p.m.

Business of Township Officials**Township Manager (continued)****d. Recreation Board Applicant – Robert Fehnel**

Ms. Ealer presented a letter of interest from Robert Fehnel to fill the open Recreation Board position. Supervisor Smith moved to appoint Robert Fehnel as a member of the Recreation Board. Supervisor Hare seconded the motion, and the motion carried. Supervisor Gembusia asked how long his term was for. Ms. Ealer would check on it and provide an update.

Police Chief**a. January Report**

Chief Carver presented his January report. Supervisor Kelso questioned the number of cases that used Narcan. Chief Carver noted the officers carry two doses. Supervisor Hare appreciated the

911 information provided by Chief Carver but felt it was a lot of work for him to add to his monthly report. Supervisor Hare suggested scaling back the information.

b. Resolution 2018.03- approving the Police Department Policy Manual

Chief Carver presented the resolution to the board. Supervisor Smith moved to approve Resolution 2018.03, and Supervisor Gembusia seconded the motion. The motion carried.

Solicitor's Report: Mark Allshouse

a. January Report

Solicitor Allshouse presented his report to the board.

b. Fireworks Ordinance

He provided an email to the board with information with regard to the state fireworks law and the maximum fines available depending on the grade of the incident. The maximum would be 90 days in jail or \$300. He also reviewed information for a fireworks display completed by a commercial entity and the ability to designate an individual like the Fire Chief to inspect a fireworks site for safety. Solicitor Allshouse noted PSATS was taking the lead on the issue. Supervisor Kelso mentioned residents setting off fireworks in their backyards. Solicitor Allshouse noted it was hard to regulate since the township does not have the authority, but commercial is regulated through a permit and insurance. The board discussed various examples of fireworks usage.

New Business

a. Executive Session

Supervisor Smith moved to sustain Chief Carver's determination of Officer Lively's discharge and direct Ms. Ealer to contact the labor attorney and send a letter to Officer Lively and the union. Supervisor Reisinger seconded the motion, and the motion carried.

Old Business

a. Resolution 2018.02 – Non-Uniform Personnel Policy Manual update

Ms. Ealer noted the policy was in reference to distracted driving and liberal leave. Ms. Ealer said Pelras recommended the policy. The board discussed the use of GPS and a Bluetooth. Supervisor Smith felt the policy was more restrictive than the state law. Solicitor Allshouse reviewed different scenarios of liability and what the insurance company will and will not cover. Supervisor Kelso asked if Pelras provided an example for the distracted driver's policy. Ms. Ealer would research the information. Supervisor Reisinger verified the policy would not affect the current insurance. Ms. Ealer agreed. Supervisor Kelso asked if Ms. Ealer checked with South Middleton or Middlesex Township to see if they had a policy. She did not, but she would check with them. Supervisor Kelso felt the township did need some policy for phone usage when driving. Supervisor Smith noted the township trucks already had radios. Solicitor Allshouse added the board could create a policy for distracted driving that could include and limited to various examples. This way a policy would be created. Ms. Ealer noted the policy was recommended from attorneys at Pelras. Solicitor Allshouse confirmed a state law is available. Supervisor Reisinger recommended putting in the manual that an employee needs to follow the state law. Ms. Ealer felt it was already in the job description.

As for liberal leave, Supervisor Reisinger asked if it was an issue. Ms. Ealer noted it was in reference to a previous snow storm in which staff was permitted to leave early. Supervisor Kelso

asked if the manager could make the decision in reference to liberal leave. Supervisor Reisinger felt Ms. Ealer could make the decision and if she had a question, she could contact the Chairman or Vice Chairman. Ms. Ealer verified the board did not want to use the liberal leave policy and wanted more information on the distracted driver policy. Supervisor Smith agreed a policy for distracted driving was needed, but recommended keeping it simple. Solicitor Allshouse inquired how the future board members would know the policy if it is not documented as a policy. Supervisor Reisinger noted the information would be listed in the minutes.

Adjournment

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Deborah Ealer
Township Secretary

Lori Coleman
Recording Secretary