

## **North Middleton Township Board of Supervisors February 22, 2018**

The workshop meeting of the North Middleton Township Board of Supervisors was held at the Township Municipal Building, 2051 Spring Road, Carlisle PA on February 22, 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, Manager Deborah Ealer, and Recording Secretary Lori Coleman. Solicitor Mark Allhouse and Police Chief Gary Carver were not in attendance.

Visitors: see attachment.

### **Public Comment / Hearing of Visitors**

#### **Gil Picarelli- Township SEO**

Mr. Picarelli discussed a property located at 2813 Longs Gap Road that was tested by the prior SEO Jonathan Reisinger. Since that time, the SEO has lost his license and DEP indicated they would like all the properties retested. The results for the property are about 10 years old. Mr. Picarelli noted Ms. Ealer researched all the properties that former SEO Jonathan Reisinger approved a Perc test and issued a permit for, but have not yet had a system installed. Of the 5 properties, only three have not been retested. Jacob Bear of 334 Shed Road, Newville Pa noted that he and his siblings were in the process of listing the property for sale as Perc tested until this recent issue occurred. He felt they should not be required to pay for the retesting. Mr. Picarelli noted the regulations states that if it is after 6 years, the property owner has to pay for the test. If it is less than 6 years, the township has to pay according to Title 25 Chapter 72.26 C. Mr. Picarelli added if the previous SEO wouldn't have lost his license, he would have accepted the previous test results.

Supervisor Reisinger stated Jonathan Reisinger was his second cousin. After referencing the email from Mr. Bear, Supervisor Reisinger inquired what happened to Mr. Reisinger's license. According to DEP, Mr. Picarelli said Mr. Reisinger turned in his license for a year. Supervisor Reisinger asked if he has written documentation from DEP. Mr. Picarelli referenced an email from DEP in which it states Mr. Reisinger received a notice of suspension for violations of regulations. Mr. Reisinger appealed the suspension, but ended up agreeing to a one year suspension from SEO work. Supervisor Reisinger asked if Mr. Picarelli could accept the results. Mr. Picarelli said he could accept the results, but DEP has found issues with other sites Mr. Reisinger has tested, so he did not want to go against the direction of DEP. Supervisor Kelso asked if Mr. Picarelli checked the results from Mr. Bear's property. Mr. Picarelli confirmed he did review the results. The total cost for the soil test, perc test and backhoe was around \$500. Mr. Bear indicated the prospective buyer would like to pick two spots. Mr. Picarelli added then the retest would have to be completed regardless since an additional location was being requested. Mr. Bear stressed he was being forced to complete the retest from the SEO that was hired by the township for being accused of doing substandard work. Mr. Bear added the property was slated to be retested on March 7<sup>th</sup> at 10am. After some discussion, Supervisor Reisinger moved to authorize the township to cover the cost of the retesting at the same initial location and the township will provide the backhoe to dig the holes. Supervisor Smith seconded the motion. Mr. Bear verified if the buyer wants a different location then it would be at his expense. Supervisor Reisinger agreed. The motion carried with a 4-1 vote. Supervisor Gembusia voted

may. Ms. Ealer would coordinate with Mr. Zook on the backhoe. Mr. Picarelli added if the prospective buyer wants the location somewhere else, then the whole coordination of this process is off the table. Mr. Bear stated he would relay the information to the prospective buyer, and notify Ms. Ealer with any change. Supervisor Reisinger requested Mr. Picarelli provide Ms. Ealer a copy of the email DEP sent to him regarding Mr. Reisinger's suspension. Ms. Ealer made a copy of the email.

### **Adrienne Vicari, P.E – HRG**

Ms. Vicari noted HRG works with a lot of municipalities to help develop strategies such as asset management and capital improvement planning to identify needs and define, prioritize, and schedule solutions. She was before the board this evening to discuss rates and charges relative to stormwater. She noted it was fairly new to Pennsylvania, since we did not have legislation to set stormwater fees until a few years ago. Ms. Vicari noted municipalities are facing pressure to address stormwater through various channels such as regulation, aging infrastructure, rainfall events, and capacity issues. With tax revenue remaining stable, municipalities are trying to find ways to fund projects. Ms. Vicari added legislation was passed granting authorities and 2nd Class Townships the ability to charge fees. Since that time, HRG has worked with 36 municipalities in Pennsylvania to assist in developing ways to charge fees and find better ways to distribute costs. She added stormwater fees are a more equitable way to distribute the costs to property owners than an added cost through taxes. All property owners pay for a service whether or not they are tax exempt, and the fees are determined by the area of impervious coverage on a property. Ms. Vicari noted they have seen a lot of success when stormwater fees are implemented as long as the correct messaging is provided to the property owners.

Ms. Vicari said the preliminary proposal for the township was to do an analysis of the stormwater system, develop some goals, and then determine some options for creating a stormwater program. HRG would assist the township in determining if it made more sense to use an authority to charge a fee or have a stormwater utility under the township. Another question to determine is if the township wants the fee to just cover stormwater and/or pavement management costs. Another area to consider is does the township cover all properties or just urbanized properties. Supervisor Kelso asked if they would assist with determining the fee to be charged. Based on the MS4 permit, Ms. Vicari noted the township should begin implementing the reduction plan over the next 4 ½ years. The fees would assist with costs for MS4 like infrastructure costs, pavement management, staffing, etc. Ms. Ealer noted HRG did put together the township's application, and the township has \$5 million dollars of projects to complete in the next 5 years. Ms. Vicari felt the clock starts ticking in March, and could be clarified by checking with DEP. Ms. Ealer confirmed the township has a single permit.

Ms. Vicari indicated the first phase would analyze the infrastructure and assist with identifying the level of service they want to provide to the community. Once determined, HRG will assist in developing different budgets that can handle issues as they occur or asset management to strategically budget. They will also develop goals and priorities. In reference to pavement management, Supervisor Reisinger inquired if the property has to be within MS4 area. Ms. Vicari replied no since the township is trying to manage the stormwater for the entire township. But if the township wanted to charge a fee in an area, they could do it by utilizing pavement management. Overall, Ms. Ealer noted the proposal was a study on how to pay for the

improvements. HRG would develop various options for the township to select. Ms. Ealer noted the township needs to determine if they would like to charge a fee only in the MS4 area or specific parts of the township. HRG would work with the township to develop a plan. Ms. Vicari said they have found fees are more favorably received if the residents are informed so it is important to have information available. Supervisor Reisinger asked when the change occurred that 2<sup>nd</sup> Class Townships could charge a fee. Ms. Vicari noted legislation was passed a year ago that amended the code to enable the townships the ability to charge a fee. The code states townships can charge stormwater fees that have the minimum to meet environmental and necessary regulations. Ms. Vicari added most municipalities have gone the route to utilize an authority to charge the fee.

Ms. Ealer asked about a timeline. Ms. Vicari indicated they would start with the initial study piece which would take about 4-6 weeks. After the data is reviewed, they would work with staff to gather the budgetary data. Within 2 months of authorization, it would take about another 8-12 months. Ms. Vicari discussed ways to gather the impervious coverage area either by aerial or another lower cost alternate. She noted any funding spent upfront can be reimbursed back to the township once the fees start rolling in. From the financial perspective, Ms. Ealer stated a new fund would be created for the fees. Supervisor Gembusia asked if this was the only proposal the township received. Ms. Ealer confirmed her inquiry. Ms. Vicari added HRG and their financial division have a good understanding of the technical and financial information for stormwater. They can develop comprehensive information to assist in deciding on the right direction for the township. Supervisor Gembusia recommended putting out an RFP for other bids.

#### **North Middleton Authority**

##### **a. February Manager's Report**

Supervisor Kelso presented the report.

##### **b. January Minutes**

Supervisor Reisinger noted 4 of the 5 properties located between Creek Road and Bellaire Avenue that expressed a desire to have public water service responded favorably. He noted Mr. Koch was working on getting firm costs for the installation. Supervisor Reisinger noted the Authority does have a mandatory connection ordinance.

#### **Solicitor**

No report presented.

#### **New Business**

##### **a. Manager**

##### **1. Resolution 2018.05 – Building Permit Files to be Destroyed**

Ms. Ealer presented the resolution to the board. She noted the files were entered into Laserfische. Supervisor Reisinger requested verification that the resolution was in reference to the statutory requirements as adopted in 2009-03. Ms. Ealer confirmed nothing has changed. Secondly, Supervisor Reisinger questioned the removal of some of incomplete building permits, and how they continue with no permit or inspection. He asked if the township could do anything. Ms. Ealer noted it would be an issue when they go to sell the property since they will not be able to issue a certificate of occupancy. Supervisor Hare asked if the owners were contacted. Ms. Ealer verified

Ms. Fordham diligently tried to make contact with the property owners various times. Supervisor Hare asked about legal ramifications. Ms. Ealer would have to check with Solicitor Allshouse. Supervisor Gembusia inquired about the timeframe of Laserfische and if a backup was available. Ms. Ealer agreed it was all electronic with a backup. Supervisor Kelso asked Ms. Ealer to verify no others existed. She felt this was the entire list. The item was tabled.

**2. Retirement- Rod Borda**

Ms. Ealer presented a retirement letter of notice from Rod Borda as the Building Codes and Zoning Officer effective April 30, 2018. The item was added to the consent agenda.

**3. Executive Session**

Ms. Ealer requested an executive session for a personnel matter.

**b. Police Chief**

**1. Patrick Bower Resignation**

Ms. Ealer presented a letter of resignation from Patrick Bower. The item was added to the consent agenda.

**Old Business**

**a. Longs Gap Road Perc Request**

Discussed earlier in the meeting.

**b. Liberal Leave Policy- Middlesex and South Middleton Township**

Ms. Ealer noted South Middleton Township does not have a liberal leave policy. She also provided a copy of the Middlesex policy for the board's review.

**c. Federal redistricting**

Ms. Ealer presented some information to the board. North Middleton is going to be covered by District 10 and District 13. She reviewed the coverage map and voting precincts with the board. Ms. Ealer made various phone calls and could not get an answer of where the divided line is located. Gary Shank of 1021 Enola Road said the districts may change if they are challenged in court. Supervisor Reisinger recommended contacting our local representatives to voice our concerns about the breakdown. Supervisor Gembusia recommended posting the information on the website to update the township residents as it occurs.

**d. MS4**

Supervisor Reisinger noted the township should verify everything that needs to be completed. He added the township has 5 years to comply, and additional information is required so the township knows what we are looking for as a potential fee schedule for stormwater. He agreed it needs to be done in the next few months.

**e. CAPCOG**

Supervisor Hare noted PPL has a program that converts mercury vapor lights to LED's. PPL allows for a no cost change if the lights are over 10 years old. But if the lights are less than 10 years old, then a prorated cost will apply. He recommended Ms. Ealer contact PPL to provide a presentation to the board about the program. He added 180 municipalities have requested LED conversions. Ms. Ealer asked who completed the conversion. Supervisor Hare said American Lighting and Signalization completes the conversion.

**Executive Session**

An executive session would be held following the meeting for a personnel matter. No vote would be taken.

**Adjournment**

The meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Deborah Ealer  
Township Secretary

Lori Coleman  
Recording Secretary