

North Middleton Township Board of Supervisors March 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 March 1, 2018. Chairman Harry Kelso called the meeting to order at 6:00 p.m. Board members present were Vice Chairman Robert Reisinger, Supervisor Jim Hare, Supervisor David Smith, Supervisor Denise Gembusia, Solicitor Mark Allshouse, Manager Deborah Ealer, Police Chief Gary Carver and Recording Secretary Dana Billet.

Visitors: See attachment.

Public Comment/ Hearing of Visitors

Steve Kratz and Brad Bonner - Sunoco

Mr. Kratz, from Sunoco, came before the Board to ask for 24/7 drilling access for a horizontal directional drill under the Conodoguinet Creek known as drill number 2 and 24/6 drilling access for a horizontal directional drill at a second creek crossing known as drill number 1, located on the west side of the Conodoguinet Creek.

Supervisor Hare asked if the west side was the one right down the road. Mr. Bonner stated that the drill set up in the horse pasture is actually the east side drill and it is drill number 2. Drill 2 will go under the creek and come out behind the North Middleton Authority. Drill 1 is at the far end of the horse pasture, goes under Creek Road and comes out behind the Pine Creek Development.

Mr. Bonner stated that the crew is back from their training and they are prepared to complete the pilot hole. Due to the timeline they need to get drill 2 completed. The plan would be to have 2 - 12 hour shifts, 24 hours a day, 7 days a week.

Supervisor Kelso asked how close they were to being done at the drill down the road. Mr. Bonner stated it is $\frac{3}{4}$ done. Mr. Bonner stated the pilot hole is the path.

Supervisor Kelso asked if the other one would be back Creek Road and up the hill. Mr. Bonner stated that was correct. There is a valve setting on the back of the hill and that is the critical piece of the infrastructure.

Mr. Bonner stated the drilling should take 2 months to complete with continuous drilling. Supervisor Gembusia asked what they were operating at now. Mr. Bonner stated that they are working 10 hours a day, 6 days a week. They would like to go to 2 - 12 hour shifts working 7 to 7.

Supervisor Hare asked how much noise was being generated. Mr. Bonner stated it is about 85 decibels. Mr. Bonner stated it is a diesel powered machine. There is no banging or hammering.

Mr. Bonner stated that they can set up a sound barrier if the Board requests them to.

Supervisor Reisinger asked how long the rig has been set up in the pasture. Mr. Bonner stated it has been there since Christmas.

Supervisor Reisinger asked if we had received any complaints from the drill running. Ms. Ealer stated that we did not receive any complaints.

Ms. Ealer stated that the Township has an Ordinance that states they cannot work between the hours of 8:00 pm and 6:30 am.

Mr. Bonner stated that the noise could travel across the creek.

Mr. Kratz stated that as Mr. Bonner said they do have the ability to install a sound mitigation wall.

Supervisor Gembusia stated that Mr. Bonner said that it would be 2 months if they had the 24 / 7 time frame, how long would it take if they kept it at the 6 days a week, 10 hours a day. Mr. Bonner stated it would take about 3 ½ months.

Supervisor Kelso asked if they installed the sound wall, how much would it reduce the decimals. Mr. Bonner stated that the ones they installed in Silver Spring Township cut the sound to 60 decibels. It is a sound curtain and stands about 15 feet tall. The sound wall looks like a moving blanket that sits on 4 x 4's. Mr. Kratz stated that a dishwasher runs at about 50 decimals.

Supervisor Reisinger asked if there was a noise issue how long would it take to install the sound curtain. Mr. Bonner stated it would take about a week.

Solicitor Allshouse stated that under the nuisance ordinance, the Board would have to determine whether it is affecting the health, safety and welfare of the residents. Supervisor Kelso asked if the Township received complaints could they stop the drilling. Solicitor Allshouse stated you could make it a condition.

Supervisor Kelso asked if the sound curtain doesn't work can they stop the drilling. Solicitor Allshouse stated they could.

Mr. Cress, of the Sentinel, asked if there are any effects to local wells. Mr. Kratz stated that has all been addressed by DEP and the Environmental Hearing Board. If they drill within 450 feet of a well, Sunoco makes the offer to provide supplemental water to the home owners effected.

Supervisor Smith made the motion to grant the 24 hour access for the pipeline drilling, with the contingency that any complaints would addressed by the Board and the driller would then install sound barriers to reduce the decibel level and/or agree to cease action. Supervisor Gembusia seconded the motion. All in favor, motion carried.

Solicitor Allshouse asked if Steve Kratz and Brad Bonner agreed to the conditions and if there is a complaint the Board will meet with them to discuss and to determine a reason for the complaint. The first step would be to install a sound barrier. If there are too many problems, they will go back to where they are now. Mr. Bonner and Mr. Kratz agreed to the conditions.

Supervisor Hare asked when they would start. Mr. Bonner stated it would take approximately a week.

Dennis & Fay Garman

Mr. and Mrs. Garman have a farm on McClures Gap Road. Tractor trailers have been coming down McClures Gap Road and turning around on their property which is causing damage to their property. Mr. and Mrs. Garman have been working with the Police Department to try to resolve this issue.

Mr. Garman stated this month, they have had two trucks try to turn around in their field. The tractor trailers go down to his old barn and where they back in to turn around. People driving on McClures Gap Road go 40 to 50 mph and he is concerned that someone is going to get hurt. Mr. Garman stated that the police officers have been good to work with.

Supervisor Hare asked what has been done. Chief Carver stated he has had officers out there and that there was a DOT inspection. The Borough has been having the same problem. Chief Carver stated they cited 6 trucks in February. When they are there and they see the "No trucks past this point" they cite them.

Chief Carver stated the trucks do not pay attention to the signs, they are following their GPS.

Mr. Garman stated they have at least 6 trucks a day come out his road.

Supervisor Smith asked if there were signs there. Chief Carver stated there are signs on Allen Road and Newville Road. Once you hit the truck terminal on the Newville Road they are not supposed to be past that point.

Supervisor Smith stated that we have done everything with the signage.

Chief Carver stated that the drivers are following their GPS to Pepsi and Pepsi has them entering the emergency access.

Mr. Garman stated that most of the drivers are decent people. He fights with the companies to get compensation for the damage. Chief Carver stated the Police Department can help them with that.

Supervisor Reisinger asked if there was a substantial fine. Chief Carver stated the average is around \$400.00.

Mr. Garman stated it costs trucks \$750.00 to get pulled out and if it would have been dark, the cost would have been \$1,250.00.

Supervisor Smith asked if the trucks are going to Pepsi. Chief Carver stated the majority of them are going to Pepsi. Supervisor Smith asked if they have had any discussion with Pepsi. Chief Carver stated they have spoken with the dispatchers and they said they would take care of the problem.

Supervisor Reisinger stated the problem has to change at the GPS level.

Mr. Garman stated a lot of the trucks are Western Express. Mrs. Garman stated she called Western Express and they said they would take McClures Gap Road off their maps.

Supervisor Kelso asked if they can be fined for being over the weight limit for that road. Chief Carver stated they can.

Supervisor Kelso asked if it would do any good to go talk to Pepsi. Chief Carver stated they had spoken to Pepsi. Pepsi stated it is the carriers who are contracted to bring the loads in. Chief Carver stated you have different carriers and independent drivers. Supervisor Smith asked if we should post signs on McClures Gap Road. Chief Carver stated that the trucks are not to be down that far.

Mrs. Garman stated they have their property posted and they have had to replace their light pole twice in a short period of time.

Supervisor Kelso suggested that Chief Carver speak to Pepsi.

Mr. Garman asked if they are liable since the trucks are turning around on their property. Chief Carver stated they are not liable the driver is.

Supervisor Hare asked if we could get PennDOT to put up more signage on McClures Gap Road. Chief Carver stated that PennDOT said there is sufficient signage. Chief Carver stated he will reach out to PennDOT and Pepsi and he will report back to the Board.

Supervisor Gembusia asked if the Borough has asked for a traffic study. Chief Carver stated they did not.

Consent Agenda

- a. Meeting Minutes: 01.25.18 Workshop Meeting**
- b. Payment of the Bills: 02.05.18; 02.20.18**
- c. Tax Collector Reports: 32, January 2018 Monthly Report**
- d. Rod Borda – Retirement**
- e. Patrick Bowers - Resignation**

Supervisor Reisinger made the motion to approve the consent agenda items a through e, Supervisor Hare seconded the motion, with 5 yeas the motion carried.

Business of Township Officials

Township Manager

a. Financial Report

Ms. Ealer presented the financial report to the board. Supervisor Reisinger asked about the Employers Mutual Casualty bill. Ms. Ealer stated it was for the building, equipment and vehicle insurance.

b. February Report

Ms. Ealer presented her February report to the Board. There were no comments or questions.

c. Dennis Hurley – PC Resignation

Ms. Ealer informed the Board that Mr. Hurley has moved out of the Township so he is no longer eligible to be on the Planning Commission Board.

Supervisor Kelso asked for a motion. Supervisor Smith made a motion to accept the resignation of Dennis Hurley from the Planning Commission, Supervisor Reisinger seconded the motion, with 5 yeas the motion carried.

Ms. Ealer stated she does have someone who is interested in replacing Mr. Hurley on the Planning Commission. Brent Shelhammer sent Ms. Ealer an email late this afternoon expressing interest on serving on the Board. Ms. Ealer stated Mr. Shelhammer moved into the Township last year. He used to live in Carlisle Borough and was on the Borough's Planning Commission. If the Board would choose to do so, they could appointment Mr. Shelhammer to the Planning Commission this evening.

Supervisor Reisinger made the motion to appoint Brent Shelhammer to fill the term vacated by Dennis Hurley, Supervisor Gembusia seconded the motion, with 5 yeas the motion carried.

d. Bennington Square Phase 1 Plan – Time Extension Request to May 31, 2018

Ms. Ealer stated that there were a lot of comments on the plan and they would like to have the time to address the comments.

Supervisor Smith made the motion to accept the time extension for Bennington Square, Supervisor Hare seconded the motion, with 5 yeas the motion carried.

e. Resolution 2018-04 North Middleton Authority – Transfer of Funds

The North Middleton Authority would like to transfer funds from the sewer fund the Township is holding into their future capital projects or expense account. It

needs to be done by Resolution. The Authority is requesting \$906,261.00. Should the request be granted, the remaining balance in the account would be \$850,000.00.

Supervisor Reisinger stated that the Authority sends out bills, collects the money, then the money goes to the township to deposit into the account. The funds would be used for the Marion Avenue Pump Station. This will be an \$800,000.00 project. Supervisor Gembusia asked if funds would be removed from the water fund. Supervisor Reisinger stated they will not. Supervisor Hare asked if this was a one-time request. Supervisor Reisinger stated it would be a one-time request.

Supervisor Reisinger made a motion to approve Resolution 2018-04 North Middleton Authority Transfer of Funds, Supervisor Smith seconded the motion, with 5 years, the motion carried.

Ms. Ealer stated that she is requesting an Executive Session for a personnel and legal matter. Supervisor Kelso asked if there would be a vote. Ms. Ealer stated no vote was necessary.

Police Chief

a. February Report

Chief Carver presented his February report to the Board. Supervisor Kelso asked when the body cameras were going to come. Chief Carver stated that they were installed today but they are having technical issues with them. IT hopes to have the technical issues fixed tomorrow.

Chief Carver stated that since Officer Bowers is leaving he would like to promote the current part-time officer, Joseph Murphy to full-time officer. Chief Carver would like for him to start full-time on Monday, March 5th.

Supervisor Smith made the motion for Joseph Murphy to a full-time position on March 5th to replace Patrick Bowers, Supervisor Reisinger seconded the motion, with 5 years the motion carried.

Supervisor Smith asked the Chief if he was going to search for another part-time officer. Chief Carver stated he would like to. Supervisor Reisinger stated he would like to discuss the part-time position, and assistance from the State Police for certain times. Chief Carver stated that the Corporal was still out. Supervisor Kelso stated that he has no problem hiring another part-time officer. Supervisor Smith stated he will never be in favor of the State Police coming in.

Supervisor Smith made a motion for Chief Carver to begin searching for a part-time officer, Supervisor Hare seconded the motion, Supervisors Smith, Kelso and Hare voted in favor of the motion; Supervisors Reisinger and Gembusia voted not in favor of the motion, with a 3-2 vote, the motion carried.

Supervisor Hare stated he would still like to have the discussion regarding State Police.

Chief Carver stated that in light of the recent tragic events, the police officers have been doing foot patrols at Bellaire and Crestview Elementary schools. Their appearance has been favorable.

Solicitor's Report: Mark Allshouse

a. February Report

Solicitor Allshouse stated his report was sent electronically. There were no questions or comments.

Engineer's Report

There was none.

New Business

a. Exit 48 / 49 Public Official Briefing March 20, 2018 at 7:00 pm at AHEC

Supervisor Kelso stated that he has been on the committee for about 6 months. They are looking at doing a complete intersection at Trindle Road. The reason they were looking at the Trindle Road area is because the state currently owns all the land. Supervisor Hare asked if this was a recommendation to PennDOT. Supervisor Kelso stated it was.

Supervisor Kelso stated that the same night as the Public Officials Briefing, there is also a Municipal Advisory Board meeting at the same time and he was looking for someone to take his place. Ms. Ealer stated that she would attend the Municipal Advisory Board meeting.

Old Business

a. Resolution 2018-05 Building Permit Files

Ms. Ealer stated that this was discussed at last week's meeting. She had two conversations with Solicitor Allshouse. Mark noted any permits that were on the list but had moved, there was nothing they could do. Five of those properties had already moved, and one of the applicants was deceased. In regards to the other 6, Ms. Ealer sat down with Mr. Borda to discuss them. Mr. Borda went out and inspected 2 of them today; one of them has a certificate of occupancy, the other one, the certificate of occupancy is being sent out. The remainder of the properties, when Mr. Fegley did the inspections, he took the certificate of occupancy with him and would issues it out upon completion of the inspection. Ms. Ealer believes it is a paperwork issue. Ms. Ealer stated they will have to redo the list and bring back an updated list with the Resolution.

Ms. Ealer stated that we are getting the new building permit software and that will track all permits. Until we get the new program, Ms. Ealer is working with Mr. Borda and Ms. Fordham for reviewing permits on a monthly basis.

Supervisor Gembusia asked the name of the new software. Ms. Ealer stated it was AccuFund. The current permit software program we have is defunct and the company is out of business. Each time we upgrade our server the permit software becomes more unstable. The township is getting a new server this year and the permit software may not work. Rod – going through building permits on a monthly basis.

Supervisor Hare stated he has a meeting with PPL at 9:00 am on March 6th. Supervisor Gembusia stated she is unable to attend. Supervisor Kelso stated he is available to attend.

Executive Session

Chairman Kelso stated that an executive session would be held following the meeting to discuss a personnel and legal issue. No vote would be taken.

Adjournment

The meeting was adjourned at 7:03 pm.

Respectfully submitted,

Deborah Ealer
Township Secretary

Dana Billet
Recording Secretary