

MIDDLESEX TOWNSHIP
WORKSHOP MEETING
29 AUGUST 1997

OFFICIALS PRESENT:	SUPERVISORS:	Robert Eppley
		Joseph Capuano
		Charles Shughart
	SOLICITOR:	Keith Brenneman
	ENGINEER:	Dana Aunkst
	POLICE:	Barry Sherman
	ZON.OFFICER:	Mark Carpenter
	SECRETARY:	Gail Jensik
	PLANING COMM.	Ed Kessler
		Tracy Gleim

The meeting was called to order at 7:40 AM in the new Municipal Building by Supervisor Chairman Robert Eppley.

HAMPTON INN SECURITY REDUCTION REQUEST - Acting on a recommendation from the Township Engineer (see Grove memo of 28 August), Mr. Capuano moved to reduce the amount of required security from \$83,264.89 to \$3,526.73. The motion was seconded by Mr. Shughart and passed unanimously.

GCW PROPERTIES TIME EXTENSION - Acting upon a request from the developer, Mr. Capuano moved to extend the plan review period, the extended period to end on 31 October 1997. Motion seconded by Mr. Shughart and passed unanimously.

RECREATION SPECIALIST ADVERTISEMENT - On a motion by Mr. Capuano which was seconded by Mr. Shughart and passed unanimously, the Board authorized the Secretary to place an advertisement for an individual to assume the duties of Recreation Specialist.

DAVID MAYBERRY PRELIMINARY / FINAL SUBDIVISION PLAN, #97012 - Represented by John Mayberry, nephew of David Mayberry. Discussion centered on ways to improve the sight distance from the proposed driveway, in particular, keeping the vegetation cut down to 6" and grading the bank to the west of the driveway. Tabled until the 10 September meeting.

MYRL HOCKENBERRY ZONING CHANGE REQUEST - On a motion by Mr. Shughart which was seconded by Mr. Capuano and passed unanimously, the Board authorized Mr. Brenneman to advertise a public hearing on the Hockenberry Zoning change request for 7 PM on 1 October 1997.

MOUNTAIN VIEW TRAILER PARK SEWAGE MALFUNCTION UPDATE -

Chief Sherman ran a video recording taken the previous day showing that the holding tank had been poured, but no backfilling had, as yet, taken place. It was mentioned that it will be necessary for SEO Vince Elbel to inspect and report on the completed installation.

SHADY LANE / HARRISBURG PIKE SIGHT DISTANCE PROBLEM - Chief Sherman then showed a video recording showing substantially decreased sight distance at the intersection of the Harrisburg Pike and Shady Lane due to PaDOT's changing the traffic pattern to allow for a turn lane into the new Giant headquarters. Mr. Carpenter indicated that he would take steps to address the situation.

MEADOWBROOK FARMS PHASE I, SUBMISSION OF SECURITY FOR COMPLETION OF IMPROVEMENTS - Mr. Capuano moved both to authorize the execution of the financial security agreement between the Township and Pamay Corporation and to re-approve the Plan dated 6/6/96 as revised 8/14/97, subject to the execution of the security agreement. Motion seconded by Mr. Shughart and passed unanimously

THE RIDINGS, APPALOOSA WAY AGREEMENT - On a motion by Mr. Capuano which was seconded by Mr. Shughart and passed unanimously, the Board authorized the Chairman and Secretary to execute the agreement between the Taylor Trust and the Township concerning Appaloosa Way.

MASS GATHERING ORDINANCE REVIEW UPDATE - Mr. Brenneman reported that his research has uncovered nothing which would lead one to believe that the proposed mass gathering ordinance is either unconstitutional or, in any way, legally unenforceable. He cited New York State as an example of mass gatherings being regulated by state legislation. Bernheisel Bridge Road resident John Lake indicated that he is still opposed to any permitting process for gatherings, but that he would not oppose a "pre-notification process". Mr. Brenneman indicated that he will meet with Chief Sherman, Mr. Lake and Mr. Gene McCallips, pastor of Middlesex United Methodist Church, to attempt to develop a mutually acceptable regulatory procedure.

STREET LIGHT ORDINANCE - On a motion by Mr. Capuano which was seconded by Mr. Shughart and passed unanimously, the Board directed Mr. Brenneman to amend the draft of the proposed ordinance to include setting of fees by resolution annually. John Mumma, proprietor of a business on Claremont Road, said that he felt that businesses should receive individual notification whenever the Township considers taking any action which would include the levying of a tax or any type of fee.

HICKORYTOWN ROAD SPEED LIMIT ORDINANCE - Mr. Shughart moved to authorize the Secretary to advertise the proposed ordinance for consideration by the Board at the 1 October meeting. Motion seconded by Mr. Capuano and passed unanimously.

PUBLIC COMMENT

John Gleim, owner of a business on Stover Drive and North Middlesex Road resident, indicated that he opposes the proposed deletion of warehousing / distribution center as a permitted use in the LI District because it would, he believes, have a negative impact on his investment in property in that district. He feels that, due to its location between a railroad and major highway system, the area is best suited for light industrial development and that while the present road system is not totally adequate to support the traffic that would be generated by a distribution center, it could be upgraded.

Charles Zaleski, attorney with Eckert Seamans Chernin and Mellott, LLC, representing Equilibrium Equities, suggested that the Board of Supervisors withdraw their petition to the Pennsylvania Supreme Court opposing the plan for a distribution center along South Middlesex Road. Mr. Zaleski commented that he believed the Board's actions to be motivated by "bruised egos", that they wasted the taxpayers' money and that the purchase of lottery tickets might be a better use of public funds. He further indicated that he felt that the proposed ordinance amendments were intended against his client and should be abandoned.

John Peffer, owner of a farm on Wolfs Bridge Road, inquired as to whether any of the proposed changes would affect property in the RF District. Mr. Capuano informed Mr. Peffer that the areas affected by the proposed changes were Industrial General, Light Industrial and Commercial Highway, and that amendments affecting other zoning districts would be presented at a later date.

Randy Reese, owner of Cumberland Woodcrafters on Stover Drive, commented that, while the proposed ordinance changes do not affect his business, he is concerned that they may indicate an "anti-business trend" which could affect him. If, for instance, the Board rezones his area to residential making his business a non-conforming use, it could drastically limit his ability to expand. Mr. Shughart answered that the Supervisors were not "anti-business" but were attempting to "strike a balance"; that is, protect the legitimate interests of businesses in the district while limiting uses involving high-intensity truck traffic. He explained that the proposed amendment deleting warehousing was necessitated by the appellate court's decision which left the Township no way to allow traditional warehousing while limiting the higher intensity use. Mr. Capuano then responded to Mr. Shughart saying that he did not feel that the proposed amendment was the right solution, in part because it affects both the value of the investment that property-owners in the LI District have in their property as well as the right to use that property for the purpose for which they purchased it, or, at least, had in mind when they purchased it.

Tracy Gleim, Sherwood Drive farmer and resident and member of the Middlesex Township Planning Commission, gave real estate tax figures for unimproved land and also for Bearings, Inc. a distribution center on Claremont Road and said that businesses of this type do, in fact, pay for the services provided by the Township as well as provide valuable services to the community.. He also commented that he did not believe that additional truck traffic generated by distribution centers in the LI District would have as detrimental an effect as members of the Planning Commission and many other people fear.

Ed Kessler, member of the Middlesex Township Planning Commission and Clemson Road resident, indicated that he felt that the representatives of Equilibrium Equities were being misleading in representing that they had repeatedly tried to work with the Township; that, in fact, they had been adamant about what they wanted and preferred to take the

matter to court rather than try to compromise. Mr. Kessler also mentioned that while it is reasonable to attempt to locate distribution centers with easy access to rail lines, in this case the local road system would not be able to handle the amount of traffic that would be generated by such a facility.

Richard Reed, co-owner of property on Claremont Road in the LI District, reported that potential buyers for his property on Claremont are interested in the property as a site for a distribution center using, basically, the railroad and Harmony Hall / Rt. 11 for access to the facility. He mentioned that he and the other co-owners of the Claremont Road property had donated approximately six thousand dollars toward the upgrading of Harmony Hall Road.

John Mumma, owner of a Claremont Road business, then related why he feels that warehouses / distribution centers are substantially different from truck terminals. Mr. Mumma also mentioned that he believed that businesses in the Township contribute the "lion's share" of taxes to the Township.

John Lake, Bernheisel Bridge Road resident, indicated that he feels that the traffic situation on South Middlesex Road just south of Harrisburg Pike is already just "barely acceptable" without the addition of another five hundred or more trucks per day as projected for the proposed distribution center.

Jerry Duffie, attorney for Applied Industrial Technologies, owner of Bearings, Inc. on Claremont Road, suggested to the Board that business interests be given more opportunity to offer comment on the proposed changes and also to find other, more acceptable, solutions.

Susan Wagner, Office Manager for Bearings, Inc., extended an invitation to the Board and any other Township personnel to come and tour Bearings in order to learn more about the operations of a distribution center.

Cindy Poole, daughter of John Gleim and North Middlesex Road resident, said that she felt that the Township had no right to affect her father's retirement investment by enacting the proposed amendment.

The meeting was adjourned at 9:55 AM, at which time the Board went into executive session for personnel matters.