

**MIDDLESEX TOWNSHIP
SUPERVISORS MEETING MINUTES
SEPTEMBER 1, 2010**

OFFICIALS PRESENT:	SUPERVISORS:	Chairman Victor P. Stabile Vice-Chairman Donald S. Geistwhite, Jr. Steve Larson
	SOLICITOR:	Keith Brenneman
	ENGINEER:	Bud Grove - Absent
	POLICE:	Chief Barry Sherman
	ZONING OFFICER:	Mark Carpenter
	FIRE CHIEF:	Ed Beam
	MANAGER:	Eileen Gault

CALL TO ORDER AND PLEDGE TO THE FLAG: Mr. Victor Stabile called the meeting to order at 7:01 PM in the Middlesex Township Building, with Mr. Mike Buchannon leading the pledge to the flag.

PUBLIC HEARING: Mr. Stabile announced that the first order of business is a Public Hearing for Ordinance No. 3 – 2010 amending the Middlesex Township Zoning Ordinance for regulating the placement, construction, operation, maintenance and decommissioning of Wind Turbines and Conditional Use Approvals. Mr. Stabile turned the meeting over to the Township Solicitor Keith Brenneman. Mr. Brenneman reported that this hearing was originally convened by the Board of Supervisors at their regular meeting on August 4, 2010 and was continued by motion at that meeting to this evening September 1, 2010. Mr. Brenneman reported that this public hearing was properly advertised in the Sentinel twice and as required by law a copy of the ordinance was provided to the Township Planning Commission and the Cumberland County Planning Department prior to the hearing.

The Ordinance allows personal stand alone Wind Turbines and Wind Energy Facilities, the latter, by Conditional Use Approval by the Board of Supervisors. Mr. Brenneman asked that one change is noted for the record as follows: Since the Ordinance was submitted and reviewed a reference to the Zoning Hearing Board appeared in the original version of the Ordinance on page 18. That reference has been changed to the Board of Supervisors since the Zoning Hearing Board is not able to hear Conditional Use Hearings only the Board of Supervisors can hear those requests. This was a typographical error and the correction is not a substantial change to the Ordinance. That being stated, Mr. Brenneman asked if there were any comments from anyone in the audience. There being no further questions, Mr. Brenneman turned the hearing over to Mr. Stabile. Mr. Stabile expressed his appreciation to the Planning Commission, particularly Mr. Larry Claycomb and Mr. Mike Buchannon for the work and technical detail given to developing this Ordinance. There being no further comments, Mr. Stabile declared the hearing closed.

PUBLIC COMMENT: Mr. Brian Keefer presented pictures of a neighbor's property in which he had reported and addressed a year ago regarding the lack of maintenance on the property. Mr. Keefer's main concern was the swimming pool has stagnant water, the car has an expired inspection sticker and has not been moved and the owner no longer resides at the property. Mr. Carpenter stated that he has taken previous action against the property owner but did not follow up on the matter. The Police Department has taken care of the vehicle matter. Mr. Stabile has asked Mr. Carpenter to immediately send an enforcement notice to the property owner.

Mr. Dwayne Nieves presented a letter which he read from a spouse of a patient who wanted to express his gratitude to the West Shore EMS. The letter was presented to the Board of Supervisors to be entered into record.

Mr. Larry Claycomb addressed the matter of the kind appreciation given to the Planning Commission for doing the Wind Turbine Ordinance when it was Mr. Mike Buchannon who had done most of the work.

APPROVAL OF MINUTES: On the motion of Mr. Geistwhite, seconded by Mr. Larson, it was unanimously agreed to approve the minutes of July 7, 2010. On the motion of Mr. Stabile, seconded by Mr. Geistwhite, with Mr. Larson abstaining since he was absent, it was unanimously agreed to approve the minutes of July 30, 2010.

AUTHORIZE PAYMENT OF BILLS: On the motion of Mr. Geistwhite, seconded by Mr. Stabile, it was unanimously agreed to authorize the payment of the bills for August 20, 2010 & September 3, 2010.

REPORTS:

Solicitor: None

Engineer: Absent

Police: Entered into record.

Zoning: Entered into record. Mr. Stabile commented on the increase of building permits. Mr. Carpenter presented his request to attend the Annual Pennsylvania Building Officials Conference in which he will receive credits towards renewing his certification. On the motion of Mr. Geistwhite, seconded by Mr. Larson it was unanimously agreed to approve Mr. Carpenter attending the Pennsylvania Building Officials Conference from October 13 -15, 2010 at the estimated cost of \$565.00, which is within the current budget.

Recreation/Recycling Coordinator: Entered into record.

Fire/EMC: Entered into record. Mr. Beam reported that he and Mr. Carpenter have been working with Carlisle Hotel going over protocol on their upgraded alarm system and that there seems to be some effort on their part to improve things.

Municipal Authority: Mr. Geistwhite reported that the well is pumping 350 thousand gallons a day which is about 45% of what its daily capacity would be. This slower process helps to keep the turbidity under control. Mr. Geistwhite also reported that the staff is currently working on getting prices for what it would cost to extend water & sewer to the Cumberland County Fire Training Center on Army Heritage Drive.

Secretary: Mrs. Gault reported that York waste has contacted the office with the dates for Fall Clean-up which has been set for October 9 for Thursday trash pick-up and October 16 for Friday trash pick-up. Mrs. Gault then requested a confirmation date changing the October 6 meeting. On the motion of Mr. Geistwhite, seconded by Mr. Larson, it was unanimously agreed to reschedule the October 6, 2010 meeting to September 30, 2010. On the motion of Mr. Geistwhite, seconded by Mr. Larson, it was unanimously agreed to authorize Mrs. Gault to advertise the meeting date change in accordance with the law.

OLD BUSINESS:

Fireworks Ordinance: Mr. Brenneman presented a draft ordinance reporting that the state does not allow any Pennsylvania Resident to use or possess what is called Consumer or Display Fireworks. The only type of fireworks that a resident may use is what are called caps,

sparklers or little novelty type fireworks. If you live out of state, you can buy in Pennsylvania from a licensed state facility the very fireworks that are illegal for Pennsylvania Residents to use or buy. Mr. Brenneman suggested that a probable way for a resident to use or possess consumer or display fireworks is to have a permit for their use in the Municipality in which they will be possessed or used. State Law delegates to Municipalities reasonable regulations for issuing permits to cover the use of consumer / display fireworks. Mr. Brenneman has used various items from the state law and has added provisions such as distance of use, clean-up of all debris & waste generated by the use of fireworks, penalties for violation of any provisions of the ordinance, as well as the enforcement which allows the Police Department, Fire Chief, Zoning Officer or any other Township Representative to stop the use. The State allows the State Police and Township Police to confiscate any illegally possessed or used fireworks. Mr. Carpenter and Mr. Brenneman will work together to come up with reasonable fees for a permit application. This is being tabled until the Workshop Meeting.

Easement for PPL Utilities at the Compost Site: Mr. Stabile is concerned about the easement from PPL stating that PPL is granted the right anytime in the future to construct, operate and maintain from time to time any additional fixtures and apparatus along this property. Mr. Brenneman had reviewed this easement and sent his comments to Mrs. Gault. Mrs. Gault is to submit these comments to the PPL Representative that sent the easement. Mr. Sherman will indicate specifically on the diagram where the easement is to be and will contact PPL.

Army Heritage / W. Trindle Road Intersection: Mr. Stabile had asked Mr. Carpenter to send over the Traffic Report from Grove Miller whose recommendation was to not put in a left turn arrow in, but to simply change the signal timing adding another five (5) seconds to the light. At this point Mr. Sherman would prefer to do a traffic study at various times documenting his findings to have more accurate data for a resolution to this on-going situation of what is generating all the extra traffic during peak hours.

Mr. Sherman requested permission from the Supervisors to bid for 2-A recycled material for at the Composting Site which would be half the cost of non-recycled material. On the motion of Mr. Geistwhite, seconded by Mr. Larson, it was unanimously agreed to authorize Mr. Sherman to solicit bids for 2-A recycled material.

NEW BUSINESS:

Adoption of Wind Turbine Ordinance NO. 3 - 2010: The hearing on this ordinance was conducted earlier in the meeting. There being no further discussion, on the motion of Mr. Geistwhite, seconded by Mr. Larson, it was unanimously agreed to adopt Ordinance 3-2010 relating to the regulation placement, construction, operation, maintenance and decommissioning of Wind Turbines and Conditional Use Approvals.

Sheetz Route 11 – Request for Release of Maintenance Security: On the motion of Mr. Geistwhite, seconded by Mr. Larson, it was unanimously agreed to adopt the Engineers recommendation to release the full Maintenance Security in the amount of \$5,575.85.

The next meeting will be Friday, September 24, 2010 at 7:30 AM. There being no further business, upon the motion of Mr. Geistwhite, seconded by Mr. Stabile it was unanimously agreed to adjourn the meeting at 8:30 P.M.