

MIDDLESEX TOWNSHIP
SUPERVISORS MEETING
September 5, 2001

OFFICIALS PRESENT:	SUPERVISORS:	Robert Eppley - Absent Chuck Shughart Vic Stabile
	SOLICITOR:	Keith Brenneman
	ENGINEER:	Bud Grove
	POLICE:	Chief Barry Sherman
	ZONING OFFICER:	Mark Carpenter
	RECREATION:	Eileen Ettleman - Absent
	FIRE CHIEF:	Ed Beam - Absent
	SECRETARY:	Mary Justh

CALL TO ORDER AND PLEDGE TO THE FLAG

Vice Chairman Chuck Shughart called the meeting to order at 7:05 PM stating that Mr. Eppley was attending a meeting in Washington. Police Chief Barry Sherman led the pledge to the flag.

**PUBLIC HEARING – AMENDING ORDINANCE 3-89 CREATING GP-
GROUNDWATER PROTECTION OVERLAY DISTRICT AND AMENDING RT-
RESIDENTIAL TOWNE DISTRICT**

– Mr. Shughart turned the meeting over to Township Solicitor Keith Brenneman for the public hearing. Mr. Brenneman stated that this is the time and place for the public hearing on the amendments to the Middlesex Township Zoning Ordinance, establishing a Groundwater Protection Overlay District and amending the RT- Residential Towne Zoning District. Mr. Brenneman stated that notice of the hearing was posted in the Sentinel on August 13 and August 20, 2001 and a full text of the Ordinance was provided to Cumberland County. There was also a copy of the Ordinance on display at the Township Building. For the record Mr. Brenneman asked Mr. Carpenter if the notice was posted. Mr. Carpenter explained that it was posted on August 24th and 25th, 2000 at 15 locations. Mr. Brenneman stated that comments have been received from both Middlesex Township Planning Commission and the Cumberland County Planning Commission and both of those bodies have recommended approval of the Ordinance. The hearing is being recorded and is being conducted under the authority of the Pennsylvania Municipalities Planning Code. Mr. Brenneman then opened the hearing for public comment. Mr. Brenneman submitted several exhibits: 1. The full text of the Ordinance, 2. Hearing notice and summary, 3. The August 16, 2001 comments from the Cumberland County Planning Commission, and 4. The Proof of Publication. Mr. Brenneman then asked Mr. Carpenter to give an overview of the Ordinance. Attorney Paula Leicht representing Mr. Long, Attorney Chuck Zoleski, representing Joe Capuano, Bob Line, Joe Capuano Tom Wonsienicz, and Bob Fry were all given an opportunity to speak concerning the Groundwater Protection Ordinance. The biggest complaint seem to be concern with the restrictions associated with the Ordinance. After all comments were given Mr. Brenneman turned the meeting over to Mr. Shughart. Mr. Stabile made a motion to close the record. Mr. Shughart seconded the motion and the motion passed. Mr. Stabile noted several items that need attention: Page 4 - the definition of Karst is it still applicable and the definition of Professional. Page 5 – the general district provisions are stated as only being permitted by special exception

before the Zoning Hearing Board. They should be changed from Special Exception to a conditional use so that the land use applications would come before the Supervisors. Page 6 & 7 the hazardous material provisions are confusing and sources of reports should be referenced. Mr. Stabile was concerned with landscaping and maintenance of open space on page 16. Mr. Stabile asked that bonding be considered for landscaping maintenance in the event of an absent landlord. Mr. Stabile asked that the comments be reworked into the Ordinance.

APPROVAL OF MINUTES

Supervisor Stabile made a motion to approve the minutes of August 8 and 24. Mr. Shughart seconded the motion and the minutes were approved.

AUTHORIZE PAYMENT OF BILLS

On a motion by Mr. Stabile, seconded by Mr. Shughart, approval was given for payment of bills represented by the bill list for August, summarized as follows:

General Fund Checks #11802 thru #11940	\$ 58,153.13
Escrow Fund Checks #177	86.90
State Fund Check #131 thru #134	26,337.73
Transfer for Payroll #16, #17 & #18	85,676.95

PUBLIC COMMENT – Mr. Walter Sunday, 320 South Middlesex Road stated that he is having a problem with water at this address. Mr. Walter is complaining about the water and how it seems to be dammed up because of the new surface on the roadway. Chief Sherman explained that the culvert under the road is as large as it can be for the road, but he will look at it. **Darlene Bear complimented the Township** on the way the hearing was conducted. **Mr. Joe Capuano of Middlesex Township** asked why a culvert was put under South Middlesex Road. Chief Sherman explained that it was out the road toward Trindle Road. Mr. Capuano asked why the Township was taking over Claremont Road and South Middlesex Road. Mr. Stabile explained the reasons for doing that. Mr. Stabile stated that there have been several drainage areas that the Township has asked the state to correct and in order to have them corrected and maintained we needed to have the road as our responsibility. Pyrotek will be cooperating with the Township to have this corrected, since the problem concerns them. Also, the Municipal Authority needs to run water and sewer in that area and with us taking over the roads, the Authority won't have to jump through hoops to get permits from the state for these improvements. Mr. Capuano asked if the roads were going to be posted for trucks. Mr. Stabile stated that he did not want Claremont Road and South Middlesex Road to become a truck route. Mr. Capuano asked if Mr. Stabile would guarantee that the road would not be posted. Mr. Stabile stated he would not post the road to prohibit all trucks, but he can only speak for himself. He hoped that it would be posted for local delivery only. Mr. Capuano asked what would happen to the local businesses. Mr. Stabile stated that he is not trying to stop development but would try to provide a road posted for local delivery only so that businesses on Claremont Road would not be affected. Mr. Capuano asked why we took over South Middlesex Road. Chief Sherman explained that PennDOT has 4,000 ft of road with nowhere to go and asked the Township to take it over after the roadway is up to grade.

REPORTS

SOLICITOR: No report.

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ENGINEER: Mr. Grove explained the J. Michael Brill brought a land development plan for the first 2 lots on Roadway Drive and Rt. 11 to the Township. They have drainage problems because the culvert may not have been installed to grade. Mr. Grove got an original plan for Roadway Park, but is asking permission to go out and have the information verified. Mr. Grove wants to know if they are required to make the corrections. Mr. Brenneman stated that if we have passed on the plan we have no recourse. Mr. Stabile asked if he is certain that we can't require compliance. Mr. Brenneman explained that it is a similar issue as Pilot. Mr. Stabile stated that Mr. Grove should investigate the situation.

RECREATION: Report ordered to file.

FIRE/EMC: Report ordered to file.

MUNICIPAL AUTHORITY: Supervisor Stabile had nothing to report.

POLICE: Presented by Chief Sherman and ordered to file.

ZONING OFFICER: No report

SECRETARY: No report

OLD BUSINESS

(#01-15) PETRO STOPPING CENTER PETROLUBE FACILITY PRELIMINARY /FINAL LAND DEVELOPMENT PLAN – Mr. Scott Akens and Mr. Clark Rudy presented the plans for the Petro Stopping Center Petrolube Facility. Mr. Akens explained that they have included a BMP infiltration trench and an added safety feature. Mr. Grove stated that Mr. Akens is trying to comply with Best Management Practice for the facility. Mr. Stabile asked what measures are being taken to protect guard against spills at the fueling island. Mr. Carpenter asked if they had updated the plan for the Municipal Authority. Mr. Stabile made a motion approve the 6 waiver for the Petro Stopping facility, first dated July 30 2001, last revised September 5, 2001 as 1. 501 Preliminary Plan Submission, 2. 502a Planning Module for Land Development, 3. 708 Driveways, 4. 709 Sidewalks, 5. 717 Traffic Impact Study, and 6. XII landscaping Plan. Mr. Shughart seconded the motion and it passed. Mr. Stabile made another motion for the Petro Stopping facility, first dated July 30 2001, last revised September 5, 2001 that the plan be approved 1. subject to financial security being posted for the filter trench facility subject and agreed upon by our Engineer and Solicitor, 2. that the maintenance provision as noted in the supplemental environmental report be listed on the plan and be satisfactory to the Township Engineer, 3. that they satisfy the comments of Middlesex Township Municipal Authority, 4. that they satisfy the comments of the Township Engineer under his letter of September 5, 2001, and 5. that they secure approval of their erosion and sedimentation control plan from the County Conservation office and provide that approval to the Township. Mr. Shughart seconded the motion and it passed. Chief Sherman asked Mr. Akens about a signal box that had been knocked off and just who would be responsible for the cost of the repairs. Mr.

Rudy told Chief Sherman that the invoice should be billed to his attention and he would handle it.

(#01-12) DONALD D. & HARRIET PEAK PRELIMINARY/FINAL LAND

DEVELOPMENT PLAN – Mr. Delvan Zullinger presented the Peak Plan and a letter from Mark Mills stating that the septic will not interfere with any wetlands on the property. Mr. Carpenter stated that the parking would only be removed if Deer Lane was widened. Mr. Carpenter stated that this will be a permit exempt system, because this plan was before the Board prior to the Township Ordinance being passed. Mr. Carpenter stated that there is one lot that has a request for a Form B request for a non-building waiver, and Mr. Elbel needs to sign the 10 acre exemption form. Mr. Grove requested that the wetlands be shown on the plan. Mr. Stabile asked that the note on the plans be revised to state that a study indicates the extend of wetlands which is noted in the letter from Mark Mills. Mr. Stabile made a motion to approve the ten requested waivers as listed on the final subdivision plan of Donald D. & Harriet K. Peak. Mr. Shughart seconded the motion and it passed. Mr. Stabile made a motion on the final subdivision plan dated March 19, 2001 last revised August 30, 2001 that the Township recommends the use of the Form B non-building waiver for lot number 4 be submitted to DEP for approval. Mr. Shughart seconded the motion and it passed. Mr. Stabile made a motion to recommend that the 10 acre exemption for the on lot system for lot #1 will be subject to review by Township SEO, Vince Elbel. Mr. Shughart seconded the motion and it passed. Mr. Stabile made a motion that the plan be approve with the condition that note #8 be revised to reflect the findings of the National Wetlands Inventory Maps and to reflect the delineation by Mr. Mark Mills of wetlands on the property and that the letter be incorporated in the note. Mr. Shughart seconded the motion and it passed.

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NEW BUSINESS

GASB Statement 34 – Mr. Stabile asked Mrs. Justh to comment on the letter received from Tracey Rash of McKonly and Asbury Accounting Firm. Mrs. Justh explained that if you have never been required to have an outside audit done, you will not be required to conform with GASB Statement 34 until the Township receives funds from the State or Federal government and an audit is called, and she stated that it might be based on the grant amount.

The meeting was adjourned at 10:55 on a motion from Mr. Shughart and seconded by Mr. Stabile.