

**MIDDLESEX TOWNSHIP
WORKSHOP MEETING
September 24, 2010**

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

Supervisor Mr. Stabile called the meeting to order at 7:34 am in the Middlesex Township Building

PUBLIC COMMENT: The Fraternal Order of Eagles had Attorney Duncan present as well as Mr. Bob Walsh, former President of the Eagles. There was a brief introduction of the Eagles and their history and involvement with fund raising for charities. Mr. Duncan mentioned that one of the intents of the Eagles is community service & families and that some of their members have come up with a community event to present to the Supervisors. This would be an annual event that would occur from Thursday thru Saturday. It would be much like a carnival and would include but not limited to a horseshoe tournament, food, games, carnival rides and fire/police company involvement. The dates in mind are May 12 - 14, 2011. The Eagles are aware that they would need to provide ample parking, be handicap accessible and provide enough room for emergency entrance/exit. The Supervisors are in support of this idea and have offered additional venues for the Eagles to look into for participation at this event. Mr. Stabile suggested that they contact Middlesex Recreation Director to advertise this event in the Newsletter.

WEST SHORE TAX BUREAU – Al Timko, Representative from Westab, reported on Act 32, a new state law requiring the West Shore Tax Bureau to do distributions based on actual detail instead of estimates as currently being done. This change will cause a delay in the cash flow which members of Westab will experience in March 2011 as this will be the transition year for this new process. Mr. Timko also presented the EIT analysis reports as well as the EIT budget analysis reports for Middlesex Township. These reports presented reflected total wages reported, current distributions to date, as well as distributions if being done on actuals today. There was discussion on the collections that were done as far back as 2001 and showed the gross EIT collected, administrative fee refunds, interest and close out distributions and the net collections paid. Mr. Timko reassured the Supervisors that the West Shore Tax Bureau will do their best to keep Middlesex Township posted on the cash flow distributions and transition.

8 IRONSTONE DRIVE – SEWAGE RETAINING TANK: The realtors for both the seller (Mr. Dang – Remax) and buyer (Nicole – Century 21) were present with regards to 8 Ironstone Drive. Mr. Dang read a letter from his clients (the sellers) asking for a reduction to the required \$3,500 holding tank escrow account which is an undue hardship for them at this time. The sellers did have two “over-flow” tanks installed at the property due to septic system failure from a real-estate related inspection, although the property had not failed before. Mr. Carpenter stated that

the Supervisors will be seeing this type of matter more often and that installing holding tanks is a privilege. Mr. Brenneman recommended that the Supervisors could grant the sellers relief presently and then doing an ordinance amendment that takes into consideration this specific situation and reducing the escrow. Mr. Stabile stated that since the property is sold and is under contract actions cannot be taken contrary to the present law nor can the law be changed and then relief be granted, therefore, he suggested that the retaining tank ordinance be modified with an ordinance to be effective prior to the date when the sellers made the holding tank escrow deposit and to require a more realistic escrow amount based on the unique circumstances associated with the use of over-flow tanks, which are different than a holding tank. Mr. Geistwhite asked Mr. Carpenter to check with the SEO Mr. Elbel and see whether he has any comments or concerns regarding this matter.

FIREWORKS ORDINANCE UPDATE: Mr. Brenneman reported that Mr. Carpenter & Mr. Beam reviewed the ordinance and proposed some ideas and suggestions. Mr. Beam suggested that for larger fireworks displays it should be required that a fire company is present and is reimbursed in accordance with an agreement. Mr. Stabile stated that million dollar bond should remain in place and that there needs to be a distinction between the sizes of fireworks displays. Since there is a sixty (60) day window between the application and the granting of the permit Mr. Brenneman suggested that a provision is added that the Board of Supervisors can pose a condition that a fire truck at the cost of the applicant is present if it is warranted or recommended by the Township Fire Chief. The Supervisors were in agreement to Mr. Brenneman amending the ordinance with the bond remaining at a million dollars and with the provision being added. Mr. Stabile asked that Mrs. Gault place this matter on the agenda whenever Mr. Brenneman is ready for it.

FRANK MACKEY ESTATE: Mr. Stabile reported that years ago there was a large plot of land on Rt. 34. Most of the land was North on 34 and there was a piece of the land that was below Rt. 34. The owner at the time came in with a subdivision plan to subdivide the land into two parcels, however, the plan only showed the portion of land North on Rt. 34 and that was the plan that was approved for subdivision. Now there is an individual that would like to purchase the small portion of land below Rt. 34 to add it to their property that adjoins it. Mr. Brenneman suggested that since there is a plan (the current one) that shows the third lot, that a note be added to the plan. Mr. Stabile asked Mr. Brenneman to draw up the note to be added to the plan amending the plan.

PROLOGIS ASSESSMENT: On the motion of Mr. Geistwhite, seconded by Mr. Stabile it was unanimously agreed to approve the Prologis Reassessment Agreement.

ARMY HERITAGE DRIVE TRAFFIC STUDY: Mr. Stabile had spoken to Mr. Mike Perry from AHEC asking if the Army Heritage Center could contribute to this matter since it is a high traffic area. Mr. Perry informed Mr. Stabile that they would have to renew the request and ask for some type of funding. In order to be clear as to what they would be asking for Mr. Stabile suggested that both ends of the road are monitored for the study in order to formulate a request. Chief Sherman reported that he had four (4) hours of traffic study that was done at various times of the day throughout a two (2) week study. On a day that there was an event at the Heritage Center there was over 8,000 vehicles that traveled that road in one day. During peak hours only there is approximately 354 traveling the road. Mr. Stabile asked Mr. Sherman to set up a meeting to include Army Heritage, the County, Sheetz and other stake holders that have a possible impact on the traffic. The discussion should include the improvements that have to be

made and where the money will come from and how it will be allocated. Mr. Sherman asked that this is postponed until sometime in October so that he can have more time to do a complete traffic study at both ends of Army Heritage Drive.

MICHAEL SHANE RORKE-21 MOUNTAIN ROAD, CARLISLE, PA – DEP SEWAGE FACILITIES PLANNING MODULE TO ALLOW PROPOSED SMALL FLOW TREATMENT FACILITY AS ALTERNATE ON-LOT SEWAGE SYSTEM TO SERVE EXISTING SINGLE FAMILY DWELLING: Mr. Carpenter reported that Mr. Rorke had demolished the existing house, built a new house with the existing septic system and as a backup Mr. Rorke is proposing to the Supervisors to install a small flow treatment system in case his current system fails. Because of the way it is being discharged it requires a DEP permit. The Planning Commission & the County have already signed off on it. On the motion of Mr. Stabile, seconded by Mr. Geistwhite, it was unanimously agreed to adopt Township Resolution No. 2010 – 6, a form DEP resolution for a plan revision for a new development related to the sewage planning module submission for a small flow treatment facility proposed by Michael Shane Rorke at 21 Mountain Road, Carlisle.

MEADOW BROOK FARMS PHASE 7 SUBDIVISION PLAN REQUEST FOR REDUCTION OF IMPROVEMENT SECURITY: On the motion of Mr. Stabile, seconded by Mr. Geistwhite, it was unanimously agreed with respect to the request of Meadow Brook Farms Subdivision Phase 7 requesting a surety reduction from \$631,606.34 to \$231,140.98 that we grant that request as per the recommendation of the Township Engineer dated September 23, 2010.

PILOT TRAVEL CENTER: Mr. Beam made sure that DEP was made aware of the oil spill that occurred at Pilot Travel Center and that it was cleaned up.

ALL AMERICAN TRUCK PLAZA: Mr. Carpenter reported that the All American Truck Plaza has had an on-going clean up of ground water that was contaminated. They are trying to get a total release from DEP stating that the Plaza has been cleaned up to an acceptable standard. The Plaza did receive for three (3) consecutive quarters where they had below the statewide levels of spl's in the water. DEP is not in agreement with the methodology they used to do the testing and they are asking for additional recourse. Mr. Carpenter stated that this matter doesn't involve the Township.

REPOSITORY SALE CONSENT: Mr. Brenneman reported that after two (2) years if real estate taxes are not paid the property goes to an upset sale, if the property is not sold there it goes to a judicial sale, if not sold there it goes to the county repository of properties. At that time the County can then sell the property for the amount to get the costs of the Tax Claim Bureau and handling the property up until that point. Mr. Brenneman informed the Supervisors that the County needs their consent to sell the five (5) properties listed in Middlesex Township for Repository. On the motion of Mr. Stabile, seconded by Mr. Geistwhite, it was unanimously agreed to consent to Cumberland County selling the five (5) properties listed on their Repository List under their cover letter of September 17, 2010 in Middlesex Township.

PMRS – MINIMUM MUNICIPAL OBLIGATION (MMO): On the motion of Mr. Geistwhite, seconded by Mr. Larson, it was unanimously agreed to approve the 2011 MMO for the Middlesex Township Pension Plan in the amount of \$31,137.00 for Non-Uniform Employees. On the motion of Mr. Geistwhite, seconded by Mr. Larson, it was unanimously

agreed to approve the 2011 MMO for the Middlesex Township Police Pension Plan in the amount of \$48,118.00.

TRANE ENERGY CONSERVATION PROPOSAL ACCEPTANCE: On the motion of Mr. Geistwhite, seconded by Mr. Larson, it was unanimously agreed to accept Trane's Energy Conservation Proposal of August 5, 2010 to implement conservation measures in the Township Building for the contract amount of \$19,356.00.

DATE FOR TAX COLLECTOR INTERVIEW: Mrs. Gault reported that ten (10) resumes had been received for the position of Tax Collector. Mr. Stabile asked Mrs. Gault to call and arrange interviews for the Thursday September 30 meeting and the October Workshop Meeting.

Mr. Geistwhite mentioned that he, Mr. Sherman & Mr. Carpenter had attended a meeting to look at the new plans for the proposed round about at the top of Mountain Road. Mr. Geistwhite feels that it is a good plan. Mr. Sherman mentioned that this plan is in Middlesex Township and he feels that the Township will be required to handle the expense of the maintenance of this round about. After much discussion it was agreed that when the time comes other parties need to share in the responsibility of this round about and not just the citizens of Middlesex Township.

Mr. Brenneman reported on Act 46 of 2010 which extends Municipal approvals until 2013. Mr. Brenneman informed the Supervisors that the Act allows the Municipalities to charge a fee for confirmation by developers that have approvals to indicate whether or not their approval is still in existence during this extension period. On the motion of Mr. Geistwhite seconded by Mr. Larson, it was unanimously agreed to authorize Mr. Brenneman to draft a resolution authorizing fees for plan certification approvals.

Mr. Sherman stated that he has been trying for two (2) months now to get electricity up at the Composting Site and has been held up by the wording of the easement. Although we had crossed out some of the wording of the easement it was rejected since it is PPL's policy and standard form. On the motion of Mr. Stabile, seconded by Mr. Geistwhite, it was unanimously agreed to authorize Mr. Brenneman to execute the easement agreement proposed by PPL for Middlesex Township's Composting Site subject to Mr. Brenneman crossing out and eliminating those provisions that give PPL the right to do whatever else they want on Township property other than what is necessary to install the line. Mr. Brenneman stated that he would make the change for the Manager to execute.

On the motion of Mr. Larson, seconded by Mr. Stabile, the meeting was adjourned to Executive Session at 10:35 A.M. to discuss possible litigation. The Board adjourned from Executive Session at 11:05 A.M. No action was taken by the Board as a result of the executive session.

The next meeting is September 30, 2010. There being no further business, on the motion of Mr. Geistwhite, seconded by Mr. Larson, it was unanimously agreed to adjourn the meeting at 11:05 A.M.