

**MIDDLESEX TOWNSHIP
SUPERVISORS MEETING
1 OCTOBER 1997**

OFFICIALS PRESENT:	SUPERVISORS:	Robert Eppley
		Joe Capuano
		Chuck Shughart
	SOLICITOR:	Keith Brenneman
	POLICE:	Chief Barry Sherman
	ZONING OFFICER	Mark Carpenter
	SECRETARY:	Gail Jensik
	RECREATION:	Greg Coon
	FIRE CHIEF:	Ed Beam

CALL TO ORDER AND PLEDGE TO THE FLAG

The meeting was called to order at 7:00 PM in the new Municipal Building by Chairman Robert Eppley. Mr. Chuck Shughart then led the assembly in the pledge to the flag.

APPROVAL OF MINUTES

On a motion by Mr. Capuano which was seconded by Mr. Shughart, the Board voted unanimously to approve the minutes of 10 and 26 September as submitted.

AUTHORIZE PAYMENT OF BILLS

On a motion by Mr. Shughart, seconded by Mr. Capuano and passed unanimously, the Board approved payment of bills represented by the bill list for September, summarized as follows:

General Fund: checks #6355 through #6437, inclusive, for a total of \$115,884.49
 Escrow Fund: checks #130 through #132, inclusive, for a total of \$1,456.65
 Capital Reserve for Recreation: checks #135 through #138, inclusive, for \$1,778.57
 General Capital Reserve: checks #543 through #546, inclusive, for \$1,466.78
 Recreation Program: check #107 for \$30.00
 State Fund: check #217 for \$64,582.50
 K-9 Fund: checks #103 & #104 for \$140.00

CITIZEN PARTICIPATION

Ron Chilcoate, manager of All-American Truck Plaza, offered comments on the proposed Street Light Ordinance. Mr. Chilcoate said that All-American owns five properties in the area in which street lights are to be installed, three of which have recently been equipped with effective outdoor lighting systems. Taking into consideration both the above and also the disruption caused to these businesses by the Miracle Mile Project, Mr. Chilcoate requested that the Board consider exempting these properties from the proposed assessment.

REPORTS

SOLICITOR: Mr. Brenneman indicated that he would present his comments on agenda items as they come up.
ENGINEER Mr. Grove also said that he would present his comments later in the meeting.

POLICE: Presented by Chief Sherman and ordered to file. Township.

ZONING: Presented by Mr. Carpenter and ordered to file. Mr. Carpenter also reported that the holding tank installation at Mountain View Trailer Park has been completed and is fully operational.

RECREATION: Mr. Coon reported on the recent Fall Festival and related that the Christmas Tree Lighting Party has been scheduled for 7 December. He also conveyed the recommendations made by the Recreation Advisory Board that their membership be increased from seven persons to nine. Mr. Coon then thanked the Board for having given him the opportunity to serve the Township as Recreation Specialist. The Supervisors expressed their appreciation for his efforts during the past year and wished him well in his future endeavors.

FIRE/EMC: Presented by Chief Beam and ordered to file

SECRETARY: Ms. Jensik gave the Board a copy of a notice of assessment appeals for Middlesex Township. On a motion by Mr. Capuano which was seconded by Mr. Shughart and passed unanimously, the Board directed Mr. Brenneeman to approach the school district about challenging the appeals.

SUBDIVISION AND LAND DEVELOPMENT

JP and DR Associates Preliminary / Final Land Development Plan, #97013 - Represented by Mike D'Angelo. On a motion by Mr. Capuano which was seconded by Mr. Shughart and passed unanimously, the Board waived the following requirements of Ordinance 8-90:

1. Sect.303, separate Preliminary and Final Plans
2. Sect.709.a, sidewalks
3. Sect.710.a, curbs
4. Sect.717, traffic impact study
5. Sect.718, street trees
6. Sect.1001, Stormwater Management Plan

Then Mr. Capuano moved to approve the Plan as prepared by Mr.D'Angelo, dated 7/22/97 and revised 9/12/97, contingent upon receipt of County Conservation District approval of the Erosion and Sedimentation Control Plan. Motion seconded by Mr. Shughart and passed unanimously.

Carlisle Stor-Mor Preliminary Land Development, #97010 - Represented by Richard Helwig of Hartman and Associates who explained that the only portions of the 21 townhouse development that lie in Middlesex Township are a stormwater drain pipe and the driveway. On a motion by Mr. Capuano which was seconded by Mr. Shughart and passed unanimously, the Board approved the Plan as prepared by Hartman, dated 6/19/97 and revised 9/24/97.

Mentzer Preliminary / Final Subdivision Plan, #97011 - Represented by Donald Mentzer and John Clark of Hartman and Associates, who presented a revised Plan showing a new driveway location for lot #3 of the three lot subdivision. On a motion by Mr. Capuano which was seconded by Mr. Shughart and passed unanimously, the Board approved waivers from the following sections of Ordinance 8-90:

1. Sect.303, separate Preliminary / Final Plans
2. Sect. 501.p, field run topography
3. Sect.502.e, verification of wetlands
4. Sect.703.c.2, street widening requirement
5. Sect.709.a, sidewalks
6. Sect.710.a,curbs
7. Sect.1001,Stormwater Management Plan

8. Sect. 1203, Street Trees

Mr. Capuano then moved to approve the Preliminary / Final Plan as prepared by Hartman & Associates, dated 8/18/97 and revised 9/26/97. Motion seconded by Mr. Shughart and passed unanimously.

Next, Mr. Capuano moved to approve the submission of a Sewer Plan Exemption Module for the Mentzer's, due to public sewer being available at their location.

NEW BUSINESS

Giant Request for Signal Light - Represented by Doug Gosik, J. Michael Brill & Associates. Mr. Capuano moved to authorize the execution and submission of the appropriate request to PaDOT contingent upon the execution of an installation and maintenance agreement approved by the Township Solicitor. Motion seconded by Mr. Shughart and passed unanimously.

West Shore Tax Bureau Budget and Computer Conversion Budget - Mr. Shughart moved to approve both the general budget and the computer conversion budget for the bureau. Motion seconded by Mr. Capuano and passed unanimously.

Resolution 97-16, Commending Mike Coulson for Work on Behalf of Recreation - On a motion by Mr. Capuano introduced Resolution 97-16, recognizing Mike Coulson's contributions towards the development of recreational facilities and programs in Middlesex. The Resolution was seconded by Mr. Shughart and unanimously approved.

Recycling Referendum - Due to the County Election Board's unwillingness to allow the Township's referendum question to be placed on the November ballot, the Township will conduct its own referendum outside the polls. The Board directed the Secretary to advertise a special meeting on Thursday, 9 October, for any interested persons to come and discuss procedures for the balloting.

OLD BUSINESS

Ordinance 9-97, Providing for a Posted Maximum Speed of 35 MPH on Hickorytown Road - On a motion by Mr. Shughart which was seconded by Mr. Capuano and passed unanimously, the Board approved Ordinance 9-97.

TV CABLE Franchising Agreement - Mr. Shughart moved to direct Mr. Brenneman to draft an ordinance regulating TV cable operations in Township rights-of-way. Mr. Capuano seconded the motion which was passed unanimously.

Zoning Ordinance Amendment - Mr. Shughart moved to direct the Solicitor to incorporate into the proposed amendment the changes suggested by the Planning Commission and then to advertise both the revised amendment and also a hearing to be held on the amendment at the November Supervisors meeting. At this time Mr. Eppley called for an executive session to discuss pending litigation. At 8:05 the meeting was recessed for the executive session. At 8:30 the meeting was reconvened. Mr. Shughart's motion was not seconded. Mr. Eppley then explained that he thought it would be helpful to obtain the services of a professional planner in order to find a "win-win" solution to the LI District land use / traffic problem. Mr. Capuano then moved to direct the Township Engineer to submit three to five names of qualified planners from which the Board might choose a consultant. Mr. Eppley seconded the motion. The motion was passed with all Supervisors voting in favor. Mr. Shughart indicated that, while he was not against using a Planner, he felt that it was a mistake not to enact the zoning amendment which would effectively limit construction of trucking intensive facilities in the LI District while a Planner studies the area in order to propose a long term solution.

HOCKENBERRY ZONING HEARING

Mr. Brenneman announced the duly advertised hearing and recognized Myrl and Veda Hockenberry. Mrs. Hockenberry, 1 N. Letort Drive, explained that because their property is located adjacent to commercial properties, it has little or no value as a residential property; but because it is zoned residential, it cannot be used for any commercial use. They are, therefore, asking that the property be rezoned Commercial-Highway, or, if that is not possible, Village-Center, so that they can clear enough money from its sale to be able to relocate nearer to their son, who is institutionalized in Ebensburg. She further explained that, while a change to V-C would be an improvement over the present zoning, it still would not allow a potential purchaser to efficiently utilize the property in conjunction with the adjacent commercially zoned property currently for sale.

Carol Surniak, 100 Sunnyside Drive, asked Mrs. Hockenberry what business the prospective purchase was considering establishing on the property. Mr. Hockenberry replied that she did not know. Mrs. Surniak related that her mother lives at 10 N. Letort Drive and they have no objection to a rezoning of the Hockenberry property but they would prefer rezoning to V-C rather than C-H.

Cathy Weigl, 13 N. Letort Drive, asked for a clarification of the difference between what is allowed in the V-C District and what is allowed in C-H. Mrs. Hockenberry replied that she knew that the V-C District was more restrictive in what it would allow but that she could not say precisely what the differences were. Mrs. Weigl stated that she also has no objection to a rezoning of the Hockenberry property.

At 8:58, Mr. Eppley directed that the hearing be closed.

HOCKENBERRY REZONING REQUEST

Mr. Shughart reported that the Planning Commission had recommended changing the zoning to V-C, indicating that they wished to accomodate the Applicant and felt that a change to V-C would "open doors" to limited commercial development without allowing development which might negatively impact the neighboring residential area.

Mr. Capuano moved to approve the zoning change from R-S to V-C. Motion seconded by Mr. Shughart and passed unanimously. Mr. Shughart then moved to authorize amending the Zoning Map to reflect the rezoning. Motion seconded by Mr. Capuano and passed unanimously.

There being no other matters to come before the Board, the meeting was adjourned at 9:05 PM.