

**MIDDLESEX TOWNSHIP
SUPERVISORS WORKSHOP MEETING
November 19, 1999**

OFFICIALS PRESENT:	SUPERVISORS	Robert Eppley Joe Capuano Chuck Shughart
	SOLICITOR	Keith Brenneman
	ENGINEER	Bud Grove – Absent
	POLICE	Chief Barry Sherman
	ZONING	Mark Carpenter
	SECRETARY	Mary Justh - Absent
	RECORDING	
	SECRETARY	Deb Vogel

CALL TO ORDER

Chairman Robert Eppley called the meeting to order at 7:50 AM in the Middlesex Township Municipal Building.

CITIZEN PARTICIPATION – None

DAVID DUNCAN & LOIS JEAN DUNCAN RETAINING TANK ESCROW

DEPOSIT AGREEMENT – Township Solicitor Brenneman commented that provisions were made to the Agreement regarding default of non-payment. Mr. Brenneman stated that if the Supervisors are in Agreement with the terms he recommends that the Supervisors authorize execution upon the Duncans' signature. Mr. Carpenter mentioned that he was concerned with the implementation date of December. The Supervisors agreed to change the implementation date to January. Mr. Brenneman stated that if the Duncans' can sign the Agreement this month, he will change the terms regarding the implementation date. Mr. Capuano made a motion to authorize the execution of the David Duncan & Lois Jean Duncan Retaining Tank Escrow Deposit Agreement upon the Duncans' presenting a signed copy to the Township. Mr. Shughart seconded the motion and it passed unanimously.

WEIGHT RESTRICTION ON COUNTRY CLUB ROAD - Chief Barry Sherman reported that the Township's Engineer completed their recent study on Country Club Road for Weight Restrictions. The study shows that the weight limit is 20,000 pounds or 10 Ton. There is no sub-base under this road. Chief Sherman recommends that the Solicitor prepare an Ordinance to limit the weight restriction on Country Club Road. On a motion by Mr. Shughart, seconded by Mr. Capuano the request was approved.

SPEED LIMIT UPDATES FOR SOUTH MIDDLESEX ROAD AND OLD STONE HOUSE ROAD (South Middlesex Road from Claremont Road over to Trindle Road and Old Stone House Road) and **UPDATE ON STOP INTERSECTIONS AT SEVERAL LOCATIONS** - Chief Sherman reported that approximately 10 years ago the

Township received back Old Stone House Road from the State. The State reissued Township numbers because they are Township Roads. The Township never updated the Ordinance to reflect the Township numbers. Mr. Sherman recommends that the Township update the numbers. Mr. Sherman stated that whenever there is a violation on this road the Township number is used, but he has to take documentation to court to prove that the roads were Grandfathered. Mr. Sherman also mentioned that Penn Dot has only "Local Deliveries" on this road and so the Township needs an Ordinance to bring this into compliance. Mr. Sherman requests that a separate Ordinance needs to be adopted for Tiffany Drive for "No Trucks except local deliveries" to bring them into compliance also.

Mr. Capuano stated that he thought when the Township takes over a street that all this is taken care of. Mr. Sherman stated that it "fell through the cracks" and that it is the Township's responsibility once we adopt the public right-of-way. Mr. Capuano suggested that there should be a format designed to follow to check all of these procedures to prevent this from happening in the future.

Mr. Sherman reported that Ordinances need to be prepared for the following locations:

SPEED LIMITS

- No trucks on Tiffany Drive except local deliveries
- No trucks on Old Stone House Road (T626 from South Middlesex Road (T590 to the Silver Spring line except local deliveries.
- 40 MPH Speed Limit on South Middlesex Road (T590) from Claremont Road to Trindle Road.
- 35 MPH Speed Limit on Old Stone House Road (T626) from South Middlesex Road to Silver Spring Township line.
- 25 MPH Speed Limit on Appaloosa Way (T545)

STOP INTERSECTIONS

<u>THROUGH ROAD</u>	<u>STOP INTERSECTIONS</u>	<u>DIRECTION</u>
T545 Appaloosa Way	T545 Appaloosa Way	East
T574 Bernheisel Bridge Road	T540 Fieldstone Drive	East
T499 W. Middlesex Drive	Cranberry Road	North
T499 W. Middlesex Drive	Country Side Road	North
T496 N. Middlesex Road	Leida Drive	East

Mr. Shughart made a motion that the Board of Supervisors directs the Solicitor to prepare and advertise ordinances for the above speed limit and stop intersection locations. Mr. Capuano seconded the motion and it passed unanimously.

OLD BUSINESS

BEITZEL SUBDIVISION – Mr. Carpenter presented a letter of request of dedication of Cedar Road to Middlesex Township. Mr. Grove will be inspecting this site and will report at the December 1st meeting.

MEADOWBROOK FARMS – PHASE II - Mr. Carpenter reported that the contractor has completed the work at Countryside Road and that the Engineer is requesting permission to reduce the letter of credit from \$320,244.73 to \$90,694.10.

Carlisle Springs – (Frank Fry Property) - Mr. Eppley asked Mr. Carpenter if there is anything the Township can do about the condition of this Carlisle Springs property. Mr. Carpenter replied that he had received a phone call from an interested individual in purchasing the house and renovating. Mr. Carpenter said he would go and inspect and make note of any violations according to the Township, but that is all he can enforce. Mr. Eppley asked if there was anything Mr. Brenneman can do. Mr. Brenneman replied that there is not much the Township can do unless this becomes a nuisance and that could be taken care of with what the Township's Zoning Officer's enforcement. Mr. Eppley said that the property is beyond that. Mr. Brenneman replied that until the Township adopts a Property Maintenance Code, the Township couldn't enforce any other violations other than nuisance. Mr. Carpenter reported that another option is that the County has adopted an ordinance that properties like this could be turned over for condemnation and be rebuilt by the County Rehabilitation Authority. Mr. Carpenter said he would do that if the Supervisors would agree. Mr. Shughart asked when the last time was when Mr. Carpenter corresponded with the property owner. Mr. Carpenter replied he never has been able to contact him. Mr. Shughart would like to correspond with the property owner before taking a drastic action. Mr. Carpenter replied that he would inspect the property and send an enforcement letter. Mr. Eppley mentioned that the Township has been through four Zoning Officers with this subject and nothing has been done. Mr. Shughart stated that there is very little that can be done on a legal aspect. Mr. Brenneman mentioned that suing the property owner by equity action to have them clean-up the property is about the only thing that can be done. Mr. Capuano suggested that Mr. Carpenter should call the County. Mr. Carpenter replied that he did talk to Chris Gulotta and they would consider the property for condemnation and rebuilding of a structure. Mr. Capuano asked if this property is restorable. Mr. Carpenter replied that it appears to be beyond repair, but maybe it could be restored.

Mr. Carpenter stated that since the Governor has passed the **BOCA Code** statewide, along with this, he suggests that the Township should adopt a Fire Protection Code that would give the Township more leverage in a situation like this. A Fire Protection Code goes hand in hand with the BOCA Codes in cases where there are hazards like this. Mr. Brenneman responded that he is not aware of a Fire Protection Code but that he is aware that the Property Maintenance Code is included in BOCA and that it would be ideal to address a situation like this. Mr. Capuano asked when does the BOCA Code take effect. Mr. Carpenter replied that Labor and Industry can do certain types of inspections, but L & I is not permitted to do one or two family residential and that we have 90 days to make a decision. Mr. Brenneman corrected that to 180 days. Mr. Capuano feels that a third party should be hired when the need arises. Mr. Carpenter replied that the Township should consider L & I to do the commercial and industrial buildings due to liability that

the Township will bear for inspections. Mr. Shughart feels that the County would create a position for an Inspector and than the builder or property owner would go through the Township. Mr. Carpenter mentioned that there has been discussion about several townships in the area hiring a common codes official. Mr. Capuano feels that the Township is not in the financial situation to hire a full-time Codes Enforcement Officer. Mr. Carpenter said he is training and could to do the residential part of BOCA enforcement, but may need another person if the Supervisors want him to enforce the commercial and industrial.

Mr. Eppley asked if Bud Grove will be submitting the status on **Meadowbrook Farms – Phase II**. Mr. Carpenter replied that Mr. Grove has been studying this site and has reported that the developer has completed the roads, curbing, storm sewer, water and that they are requesting a reduction, which he will submit at the next meeting.

Mr. Eppley reported that there are two openings on the Zoning Hearing Board and two openings on the Planning Commission. Mr. Capuano asked if they have been advertised. Mr. Carpenter reported no. A motion was made by Mr. Capuano to advertise the vacancies. Mr. Shughart suggested that the advertisement should have a deadline date for submission of applications for these vacancies by 15 calendar days from the date of the advertisement, with the exception of holidays and weekend days. Mr. Carpenter reported that the Zoning Hearing Board would like to have input on whom is placed on the Board. They would like to have the Supervisors consider more energetic individuals to be appointed. Mr. Capuano said that the Supervisors have always done that. Mr. Shughart suggested maybe a representative should attend the Zoning Hearing Board interviews. Mr. Brenneman recommended that the Supervisors do not permit that due to the Zoning Hearing Board being a judicial body and this could be a conflict.

Mr. Eppley asked if the Board of Supervisors appoint a Solicitor for the Zoning Hearing Board. Mr. Brenneman replied that the Supervisors do not but he recommends the Supervisors approve any appointments made by the Zoning Hearing Board. Mr. Carpenter responded that the Planning Commission and Zoning Hearing Board members function in a decent manner and that it is working very well. Mr. Capuano replied that he was not referring that the Zoning Hearing Board wasn't. Mr. Carpenter said that there has been two times this past year there were only 3 members out of 5 attending.

Mr. Capuano made a motion to adjourn the meeting. Mr. Shughart seconded the motion. Meeting adjourned at 8:33 AM.