

**MIDDLESEX TOWNSHIP
SUPERVISORS MEETING
December 3, 2008**

OFFICIALS PRESENT:	SUPERVISORS:	Vic Stabile Don Geistwhite Steve Larson
	SOLICITOR:	Keith Brenneman
	ENGINEER:	Bud Grove
	POLICE:	Chief Barry Sherman
	ZONING OFFICER:	Mark Carpenter
	SECRETARY:	Mary Justh

CALL TO ORDER AND PLEDGE TO THE FLAG

Mr. Vic Stabile called the meeting to order at 7:03 PM in the Middlesex Twp Building with Solicitor Brenneman leading the pledge to the flag.

PUBLIC COMMENT - None

APPROVAL OF MINUTES – Minutes 5 & 21 November – Approval of the minutes was tabled until the Workshop Meeting on December 30th.

AUTHORIZE PAYMENT OF BILLS – November Bill List – Mr. Larson made a motion to authorize payment of bills. Mr. Stabile seconded the motion and it passed unanimously.

REPORTS

Solicitor – No Report

Engineer – Mr. Grove reported that PennDOT has approved the application for Sheetz on Trindle Road. Mr. Grove recommends that it be subject to Solicitor and Engineer comments and approval. Mr. Stabile made a motion to approve and execute the HOP provided by PennDOT application #227820 for the Sheetz development at Army Heritage Drive and Trindle Road, subject to satisfactory review by the Township Engineer and Solicitor before execution by the Chairman of the Board.

Police – Ordered to File

Zoning – Ordered to File

Recreation – Ordered to File

Fire/EMC – Ordered to File

Municipal Authority _ Mr. Geistwhite reported on the Municipal Authority and their budget for 2009 is down \$266,000.00 because of refinancing of bonds. They are continuing to test well one and expect to be up and running in 2009.

Secretary – Mrs. Justh has no report to night, but asked the Board who would be available for the ribbon cutting for the Rutter’s store.

OLD BUSINESS

Verizon Franchise Agreement – Mr. Brenneman made minimal changes to the COG agreement with Verizon. It is substantially the same as the COG agreement, but without benefits for which the township would not be eligible. Mr. Geistwhite made a motion to authorize the Solicitor draft and advertise an Ordinance that would allow us to accept and execute a Franchise Agreement between the Township and Verizon on December 30,2008. Mr. Larson seconded the motion and it passed unanimously.

Kabro/Kensington Preliminary Plan – Mr. Peter Russo and Mr. Chris Zampogna on behalf of the Guido Group, LLC, presented the plan to the Supervisors. Due to the default of Kabro on the purchase of the property from the Guido Group, the Guido Group desires to continue to obtain preliminary plan approval for the property. According to Mr. Russo there is only one condition that needs to be addressed for DEP approval and Dawood is asking to be paid by Kabro and Dawood will not go forward without getting paid. Mr. Grove explained that he is still waiting for DEP approval to move forward, and once they had approval we would examine the plan. Mr. Brenneman explained that they want a time extension on the plan. On the original plan their name appears on the plan as owners of the property. Mr. Brenneman stated that the Township approved the preliminary plan with conditions, awaiting DEP approval. They want to substitute the land owner for the developer and Mr. Brenneman does not have a problem with that, provided the Township does not have plans for rezoning the land where the proposed development is located and provided that the property owner indemnify the Township. Mr. Russo stated that he has no problem indemnifying the Township, but they still need a one year extension of time. Mr. Stabile made a motion to extend the previous conditional approval for Kabro and that, the applicant be granted one additional year on the extension agreement that was part of the original approval to resolve the issues with DEP, subject to an appropriate agreement being executed between the land owner and the Township acceptable to the Solicitor. Mr. Geistwhite seconded the motion and it passed unanimously.

Flying “J” – Rex Ausburn - Waste Resource Manager for Flying “J” – Mr. Rex Ausburn reported to the Board that Flying “J” is trying to expand the support group to take care of these facilities as far as the environment is concerned. He realizes that the Peat Moss beds need to be replaced at the facility and there is a meeting set up for tomorrow with Mr. Grove and Mr. Carpenter. This is the only facility that has this kind of system and he is still trying to understand how it works. There is a check list which each operator has to fill out and properly file to help keep the facility clean and operating correctly.

Ordinance 13-2008 Amending the Middlesex Township Solid Waste and Recycling Ordinance #2-99 – Mr. Geistwhite made a motion to adopt Ordinance 13-2008

Amending the Middlesex Township Solid Waste and Recycling Ordinance 2-99. Mr. Larson seconded the motion and it passed unanimously.

Ordinance 14-2008 Amending Ordinance #13-2007 – Mr. Geistwhite made a motion to adopt Ordinance 14-2008 Amending Ordinance 13-2007. Mr. Larson seconded the motion and it passed unanimously.

Surplus Property – Chief Sherman explained that the person who made the highest bid was from Delaware and has not responded to his phone call for the Roto-Matic. The second highest bidder was Pat Miller from Meadow Drive, Carlisle at \$391.03. Mr. Stabile made a motion to rescind the original motion for the highest bid of \$432.08 for failure to perform in favor of Pat Miller the second highest bid of \$391.03. Mr. Geistwhite seconded the motion and it passed unanimously.

Julie Johnsen Vacant Property – Julie Johnsen was present. Mr. Brenneman reported that he sent changes in the proposed agreement to Hal Irwin and received handwritten changes back from him and has since heard nothing. Mr. Stabile stated that he will not discuss the changes with Julie since she has legal counsel, but she does have the right to enter into the house and get her personal items. Julie stated that Jasmine is out of town and when she comes back on December 15, they are willing to sign the agreement.

NEW BUSINESS

2009 Fire Company Contracts – Mr. Stabile was hoping that Union Fire Company would be in attendance. Obviously the decision is budget driven, but Carlisle Borough is becoming difficult to work with and the fact that they want to charge us for the services. How did this happen that companies that are closer than Union are not serving the Township, when Union is over on the other side of Carlisle. Fire Chief Beam explained that the Army War College is willing to serve the Township. It has only been within the last 8 months that they have been able to run the calls outside the Barracks. Fire Chief Beam stated that the Township will have to consider increasing the amount of funding they give to the Fire Companies in the near future. The new vehicle that Carlisle wants to purchase is not the way that Mr. Stabile wants his money spend. Fire Chief Beam explained that the biggest part of the change will be County Control. Mr. Stabile asked what needs to be done to have this ready for the end of the year. Mr. Stabile made a motion to authorize Fire Chief Ed Beam and the Township Solicitor to negotiate and revise agreements for Army War College, New Kingstown, North Middleton and Shermans Dale to provide fire coverage for Middlesex Township commencing January 1, 2009, so that we can terminate or non renew the existing contract with Union Fire Company. Mr. Geistwhite seconded the motion and it passed unanimously. Mr. Stabile asked Mrs. Justh to write a letter stating that on behalf of the Board of Supervisors, we have evaluated our requirements for fire coverage in Middlesex Township. With the availability of the Army War College Fire Company and the willingness of the other fire companies in close proximity to the Township's boundaries to provide additional fire service to us, it will no longer be necessary for Middlesex Township to contract with

Union Fire Company effective January 1, 2009. We wish to thank you for your years of service to Middlesex Township and the residents. Discussion followed about the quality of protection for the Township.

Chief Barry Sherman stated that the price of paving has gone up and he is concerned for the roads in the Township. He asked the Board if he could oil and chip the roads to help save them. Mr. Geistwhite will go with Chief Sherman and check the roads. According to the Chief, Clinton is starting to fail and it is a total 800 feet of road that needs to be paved. Mr. Stabile would like to give Clinton Road back to Petro. Mr. Brenneman stated that it takes time to give the road back to Petro and it would involve all those people that use that roadway. Chief Sherman will knock on doors and see who is interested in giving the road back to Petro.

Agreement to Authorize Electronic Access to PennDOT Systems – Mrs. Justh stated that this is to allow the Township to file all PennDOT files on line. Mr. Stabile asked Mrs. Justh to research this more for the meeting on December 30th, as far as cost and accessibility.

Mr. Stabile asked if Mr. Grove is able to get started on the stormwater Ordinance. Mrs. Justh reported that all funds for the project have been received. Mr. Grove will supply an outline for the project.

Penn Terra reduction of security will be ready for December 30th according to Mr. Grove.

Mrs. Justh reported that Mr. Tarka wanted the Board to know that he was not happy with the way we did the leaf collection and the way we set up for York Waste to pickup the leaves. He would like to see a street sweeper collect the leaves.

Mr. Geistwhite made a motion to adjourn the meeting at 8:53 am. The motion was seconded by Mr. Larson and it passed unanimously.