

**MIDDLESEX TOWNSHIP
SUPERVISORS WORKSHOP MEETING
December 30, 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

Mr. Vic Stabile called the meeting to order at 7:39 AM in the Middlesex Twp Building/

PUBLIC COMMENT – Larry Rhody a resident of the Township living on Claremont Road and a member of Union Fire Company and CO of the State Correctional Facility in Camp Hill. Mr. Rhody called Ed Beam on the 19th and asked him why the Supervisors would not use Union Fire Company. Mr. Rhody also talked to Mrs. Justh on the 22nd trying to understand the decision. After additional comments from Mr. Rhody, Mr. Stabile explained that Fire Chief Ed Beam has followed up on the decision to go with the Barracks and if things don't work out we are open for change and we are not going to sacrifice safety. There will not be a savings to the Township, but we will not be spending any more either. Mr. Rhody made some additional comments about the response time. Mr. Stabile asked him to keep the Board informed. Mr. Geistwhite and Mr. Larson expressed their satisfaction with the decision and confidence with the safety of the residents would not be compromised.

APPROVAL OF MINUTES – Minutes 5 & 21 November and 3 & 18 December. Mr. Geistwhite made a motion to approve the minutes of 5 and 21 November. Mr. Larson seconded the motion and it passed unanimously. Mr. Geistwhite then made a motion to approve the minutes of 3 & 18 December. Mr. Larson seconded the motion and it passed unanimously.

KABRO/KENSINGTON PRELIMINARY PLAN - Mr. Stabile made a motion to approve and execute the agreement dated December 30th between the Guido Group and Middlesex Township. Mr. Geistwhite seconded the motion and it passed unanimously.

TRUCK STOP MINISTRIES – Mr. Dave Nesbit and Mr. Dan Lehigh presented information concerning the Truck Stop Ministry. Mr. Nesbit explained that this is not a unique situation, but nationwide it is being done. Chaplain Dan Lehigh explained what he does and how it affects the trucking industry. Mr. Carpenter explained that the trailer was set on the property with no zoning approval and no occupancy permit granted and it is not handicap accessible. Mr. Stabile stated that this is something desirable that the truck stops need although we don't want to set precedence. Mr. Brenneman told the

Board that it could be a stand alone accessory use, but don't waive the Land Development Plan. Mr. Nesbit explained that the ADA does not apply to religious organizations, referencing the law and Mr. Brenneman agreed. Mr. Stabile made a motion to craft an appropriate amendment to the zoning ordinance narrowly tailored to permit this use. Mr. Geistwhite seconded the motion and it passed unanimously. Mr. Carpenter wanted to go on record that he knows of no exemption to accessibility under PA law. Mr. Brenneman will research the law concerning ADA and religious establishments.

PENNDOT COUNTY MAINTENANCE FACILITY PRELIMINARY LAND

DEVELOPMENT PLAN – Mr. Fran Greene from Ang Associates presented the plan to the Supervisors. Mr. Greene stated that the building is approximately 3 ½ acres. There is a pipe under the road that should not be a problem. The Middlesex Township Planning Commission recommended along with Mr. Grove in addition to the 5 waivers there are 2 additional waivers requested, street trees along Rt. 81 and Traffic Impact Study, to meet the comments of a letter from Mr. Grove dated December 22nd, a letter from Cumberland County Planning Department dated October 10th, a letter from Larry Claycomb dated December 21st must all be met. They are applying for a Planning Exemption from DEP through the postcard process. Mr. Stabile stated that a lighting plan that meets our standards will have to be included. Mr. Carpenter stated that they are trying to reduce the amount of impervious area. The Municipal Authority still has some outstanding comments for the plan. Mr. Grove has no problem with the stormwater for the plan. Mr. Greene stated that in a catch all for the water, we will have to adjust the grade and PennDOT has a procedure that needs to be applied to the plan. Mr. Stabile would like to see that note, for the future and possible contamination. Mr. Grove will send a note about sink holes to Mr. Greene. Mr. Grove explained that the Rain Garden is really a BMP. Mr. Stabile asked for a letter with all 8 waiver requests with an additional request for security agreement requirement. Mr. Stabile stated that spill prevention, oil and water separator, sink hole, must all be addressed to the supervisors prior to the plan being recorded. Mr. Brenneman stated that the Supervisors need to approve these at a public meeting. Mr. Grove will send a memo when these conditions have been met to make the Board aware and be placed on the agenda. Mr. Stabile made a motion that with respect to the Commonwealth of Pennsylvania Department of General Services Preliminary/Final Land Development Plan dated August 21, 2008 revised November 26, 2008 that we grant the waivers of the applicant noted on the Engineers comments of December 22, 2008 that we will grant 3 additional waivers being, the Traffic Impact Study, the Street Trees along 181, and any Security Agreement being confirmed in writing to the Board. The motion was seconded by Mr. Geistwhite and unanimously approved. Mr. Stabile made another motion to approve this plan subject to the following conditions, 1. That the Applicant satisfy the engineers comments of 12/22/08, 2. Satisfy the Middlesex Township Planning Commission comments 1-2-3 as noted in their minutes of December 22, 2008, 3. That the Cumberland County Planning Department comments be satisfied dated 10/10/08, 4. That the comments be satisfied of Larry Claycomb, Chairmen of the Planning Commission under his memo dated 12/20/08, 5. That the Variance note on page C4 be removed, 6. Prior to filing, that the Applicant receive approval of it's permit to DEP of the Sewer Planning Exemption Module, 7. That the Applicant submit a lighting plan to the

Township Engineer subject to the Engineers approval of that submission, 8. That the Applicant must provide an addendum to this plan specifically addressing the stormwater run off and oil and water separation issues 1. PennDOT Spill Procedure for this plan, 2. Provide detail and design for the additional manholes for oil and water separation system, 3. that a connection detail for this plan, and 4. finally that the plan also reflect sink hole repair detail, and 5. that final approval must be given by the Supervisors. Mr. Geistwhite seconded the motion and it passed unanimously.

ORDINANCE 16-2008 VERIZON PENNSYLVANIA FRANCHISE AGREEMENT
ORDINANCE – A representative from Verizon presented the agreement to the Board. Mr. Geistwhite made a motion to adopt Ordinance 16-08 for a franchise agreement between Middlesex Township and Verizon. Mr. Larson seconded the motion and it passed unanimously.

SHENTEL TOWER FINANCIAL SECURITY – Mr. Grove reported that in his recommendation of 12/15/08 that the financial security for Shentel should be \$83,000.00. Mr. Stabile made a motion to approve the financial security for Shentel of \$83,000.00 as recommended by Mr. Grove in his memo of 12/15/08 for the construction and disposal of the tower on Beagle Club Road. Mr. Geistwhite seconded the motion and it passed unanimously.

CUMBERLAND RECYCLING RELEASE OF SECURITY – Mr. Grove will have a report at the next meeting 1/5/09.

MEADOWBROOK FARMS REDUCTION OF SECURITY – Mr. Grove recommended in his memo of 12/29/08 that Phase VI should be reduced to \$19,220.00. Mr. Geistwhite made a motion to reduce Phase VI of Meadowbrook Farms to \$19,220.00. Mr. Larson seconded the motion and it passed unanimously.

TRAVEL CENTERS OF AMERICA – Mr. Grove reported on a letter that he received from Petro concerning the detention pond at Petro. Mr. Grove made him aware of the situation and any changes need to be shared with Mr. Grove. Mr. Carpenter believes that there is a pipe that flows directly in to the Letort. Mr. Grove asked Mr. Carpenter to give him a memo of what has been said. Mr. Stabile asked Mrs. Justh to send Senator Pat Vance a copy of the letter from Petro. Mr. Carpenter will talk to Mr. Funk about the situation. Mr. Grove also reported on the Flying “J” and that they have started some of the work.

ORDINANCE 15-2008 AMENDING THE AMUSEMENT TAX ORDINANCE – Mr. Brenneman explained that the Ordinance took out a loophole that needed to be amended to include videos. Mr. Geistwhite made a motion to amend the Amusement Tax Ordinance. Mr. Larson seconded the motion and it passed unanimously.

WEST SHORE TAX BUREAU COST OF COLLECTION ORDINANCE – Mr. Brenneman explained to the Board that Mr. Al Timko wanted to adopt an Ordinance that would provide for the cost of collection to be charged to the taxpayers. Mr. Geistwhite

made a motion to authorize Mr. Brenneman to draft and advertise an Ordinance to allow the West Shore Tax Bureau to Impose and Retain Those Costs and Fees Associated with the Collection of Delinquent Taxes in Accordance with Act 192 of 2004. Mr. Larson seconded the motion and it passed unanimously.

ADOPTION OF THE 2009 BUDGET – Mr. Stabile made a motion to adopt for 2009 the budget in the amount of \$2,491,540.00 with no tax increase to the residents of the Township. Mr. Geistwhite seconded the motion and it passed unanimously. Mr. Stabile asked Mr. Carpenter about hiring a Codes Officer. Mr. Carpenter told him that if we don't hire a person we can always use an independent certified codes officer.

RESOLUTION 2008-22 ADOPTION OF THE 2008 TAX RESOLUTION OF .87 MILLS \$1.01 FOR STREET LIGHTS – Mr. Geistwhite made a motion to set the millage rate at .87 mills and the street lights at \$1.01. Mr. Larson seconded the motion and it passed unanimously.

RESOLUTION 2008-23 ADOPTION OF THE RESOLUTION ASSESSING THE PARCEL FOOT FRONTAGE – Mr. Geistwhite made a motion to adopt Resolution 2008-23 adoption of the Foot Frontage Assessment. Mr. Larson seconded the motion and it passed unanimously.

RESOLUTION 2008-24 MIDDLESEX TOWNSHIP RIGHT TO KNOW LAW – Mr. Brenneman explained that this Resolution will be enacted in its entirety to include the fee schedule, replacing the original Resolution. Mr. Geistwhite made a motion to adopt Resolution 2008-24 Middlesex Township Right To Know Law including the fee schedule. Mr. Larson seconded the motion and it passed unanimously.

MOBILE HOME BEHIND THE EXPRESSWAY MINI MART – Mr. Carpenter explained that they were setting up a mobile home and he told them they needed to come to the Township and file a Land Development Plan, this was not a permitted use. Chief Sherman and Don Geistwhite both contacted Mr. Carpenter about the situation. **GULF STATION SIGN** on Rt. 11, since the building has been demolished we need to try to have the sign taken down, because it was an accessory use to the station. Mr. Brenneman was asked to work on the Gulf Station Sign. Discussion followed about the Steak House on the pike and how that property was going to be developed.

2009 FIRE COMPANY CONTRACTS – Mrs. Justh stated the Fire Chief Ed Beam was to have them for the meeting this morning. Mr. Stabile and Mr. Geistwhite attended a breakfast with Mr. Steve Heitch and Mr. Don Grell from Carlisle Borough about not including Union Fire Company with out contracts for 2009. Basically Union would not commit without coverage in the interview. The Fire Chief from Union would provide coverage during the interim. Mrs. Justh was asked to email Ed about the contracts for 2009 and see that they are given to Mr. Brenneman so that they can be checked prior to the meeting on 1/5/09.

AGREEMENT TO AUTHORIZE ELECTRONIC ACCESS TO PENNDOT SYSTEMS – Mr. Geistwhite made a motion to authorize and execute the Electronic Access to the PennDOT System dated 12/3/08 between PennDOT and Middlesex Township. Mr. Larson seconded the motion and it passed unanimously.

Mr. Stabile asked about a letter from the Army to inform us of the next phase of the **Army Heritage Museum**. Chief Sherman told Mr. Carpenter that he needs a bond for the roadway for the new driveway.

Mrs. Justh reported on the **Authorization for the County GIS** for 2009 of zoning maps for the Township. Mr. Stabile asked Mrs. Justh to check on this to see if there was a cost to the Township and place it on the agenda for 1/5/09.

Mrs. Justh reported on a letter from **Benecon** providing benefits for domestic partners. AT this time we are not providing this benefit, but according to Mr. Stabile if this is a problem bring it before the Board's attention and we will deal with them as fairly as possible.

The meeting was adjourned at 10:10 am.