

MINUTES
SOUTH MIDDLETON TOWNSHIP BOARD OF SUPERVISORS
520 PARK DRIVE
BOILING SPRINGS, PA. 17007

FEBRUARY 10, 2005

PRESENT: RON REEDER, TOM FALEY, JIM BAKER, PHYLLIS GIVLER & BRYAN GEMBUSIA – SUPERVISORS; Richard Mislitsky – Solicitor; Barbara Wilson – Manager; Brian O’Neill – Engineer; Tim Duerr – Planning/Zoning/Codes Enforcement Officer; Sandy Quickel – Recording Secretary; Doug & Helen Gale; Ron Hamilton; Bob Geist; Howard Phillips; Dick Cummins; Martha Green; Paul & Sandra Slifko, Mike & Mari Anne McCoy; Paul Robinson; Mike Hill; James McHugh; Eric Harkreader – “The Sentinel”; Andrea Ciccocioppo - “The Patriot News”.

Chairman Ron Reeder called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE:

Chairman Ron Reeder led the audience in the pledge of allegiance.

MOMENT OF SILENCE:

A moment of silence was observed.

OPENING ANNOUNCEMENTS:

The Board & staff members introduced themselves.

MINUTES: 01/27/05 (Regular Meeting)

Bryan made a motion to approve the minutes, as written. Phyllis seconded, & the vote in favor was 4 to 0 (Ron was absent at this meeting).

EMERGENCY SERVICES REPORT:

The report was accepted, as submitted. Ron Hamilton complimented the contractor (Handwerk Contractors) working at the Carlisle Crossing site. They are chipping or selling the trees instead of burning them. By doing so, the surrounding neighbors do not have to put up with smoke/ashes onto their property.

RECREATION REPORT:

The report was accepted, as submitted.

ROADMASTER REPORT:

The report was accepted, as submitted. Jim commented on the part-time help with snow removal. He asked if the Township checks age, physical condition, if they have a CDL & asked if they are covered under the Township’s insurance. Barb said there are copies of each person’s CDL license in the file & yes they are covered for insurance purposes.

S.M.T.M.A. REPORT:

No report was given.

SOLICITOR REPORT:

On the Keystone issue, Attorney Gilroy & Mr. Stabile has worked out an arrangement in which Mr. Stabile will withdraw Middlesex Township's Notice of Intervention & file a Petition.

Regarding the Shentel settlement case, the trial will be continued due to a possible settlement. Mr. Mislitsky stated that the Board could hold the settlement in Executive Session or in public session. Tom feels it should be done publicly. All other Board members agreed. The settlement discussion will be discussed at the Planning Commission meeting on February 15th, the Supervisor's meeting on February 24th, & at the February Parks & Recreation meeting.

Mr. Mislitsky stated the procedure for the lawsuit filed against the Capital Area Tax Collection Bureau (CATCB). An alternative procedure is to request an injunction relief. This request would allow a quick hearing & judicial intervention. He feels that this case will not be able to be worked out between the Township & CATCB. The CATCB is not cooperating with turning over the Township's records. Paul Robinson & Mike Hill, representatives from the Township's new tax collection agency (CENTAX), were present to discuss this issue. Mr. Robinson said that CENTAX is looking forward to working with the Township. He said they will be mailing information to the residents introducing themselves as the new tax collection agency. He also stated that the prior tax administrator must surrender the requested documents, & that CENTAX will assist the Township in securing the documents. CENTAX has an immediate need for these documents/data in order to start performing their duties. Tom pointed out that the injunction is appropriate, & noted how abusive CATCB has been to the residents. He hopes CENTAX will be citizen-friendly. Mr. Robinson said that CENTAX will send regular & certified letters before any legal action is taken. Mr. Mislitsky pointed out that getting a court injunction will not be easy, but CATCB needs to know that the Township is serious on this issue. Ron confirmed he is agreeable with an injunction. Phyllis asked why they would refuse to turn over the records. Mr. Robinson said he does not know why; it is usually a smooth process, & that CATCB is breaking their agreement. Bryan feels that CATCB is breaking the law, & that the injunction is necessary. Jim wished CENTAX good luck.

Dick Cummins, Greenfields, asked what records were requested. Currently, CENTAX has no information. Mr. Robinson explained why the records are important & contain a lot of detailed information that the Township does not have.

Doug Gale, Derbyshire Drive, feels there may be something more sinister in not turning over the records, & that the records may not be as accurate as they should be. He agreed that the Township should request an audit on CATCB.

Bryan made a motion to file the injunction against Capital Area Tax Collection Bureau. Ron seconded, & the vote in favor was unanimous. The Board thanked Mr. Robinson & Mr. Hill for their input.

ENGINEER REPORT:

Ron made a motion to release the security for the Southview Estates plan #97-25. Phyllis seconded, & the vote in favor was unanimous.

A security reduction request was submitted for Midway Park Mini Storage, but there was no breakdown noting which items were completed. Ron made a motion to not approve a security reduction for the Midway Park Mini Storage plan #99-26. Bryan seconded, & the vote in favor was unanimous.

A security reduction request was submitted for Jefferson Court #03-08, but a complete breakdown was not listed. Brian recommends a reduction in the amount of \$119,994.16. The amount requested was \$180,186.40. Bryan made a motion to approve the security reduction, as recommended. Jim seconded. Phyllis asked if the problem with the mud has been resolved. Brian explained that the homeowners were told they could move into the house, but a certificate of occupancy will not be issued until the roads are in a “mud-free condition”, as per the MPC. The homeowners were living in a hotel since they couldn’t move in. Six inches of stone was placed on the road to keep the road mud-free so the owners could move in. Brian asked the owners to sign a waiver of liability in case emergency vehicles could not get to their property if an emergency occurs. Once the owners signed the waiver, an occupancy permit was issued. Brian suggested adding a definition to the ordinance defining a “mud-free condition” as the placement of a binder course of pavement so that it is clearly defined in the future. Bryan withdrew his motion. Bryan made a motion to deny the security reduction. Ron seconded, & the vote in favor was unanimous. The Planning Department was asked to research this issue & to see if the Township can fine the developer/builder in the future.

The traffic signal plans are completed for Carlisle Crossings. They include:

<u>Resolution #</u>	<u>Intersection</u>
#05-02	York Road & Fairview Street
#05-03	York Road & Westminster Drive
#05-04	York Road & I-81 Northbound Exit Ramp
#05-05	Trindle Road & I-81 Southbound Exit Ramp
#05-06	Trindle Road & Fairview Street
#05-07	Fairview Street & Carlisle Crossing Driveway

Ron made a motion to approve Resolution #05-02 through #05-07. Bryan seconded. Phyllis asked why a signal at Forge Road & Westminster Drive is not listed. Brian said that the state approved the traffic study, & that intersection did not warrant a signal. Ron stated that the next development proposed in that area may end up warranting a signal at that time. The vote in favor was 4 to 1 (Phyllis was opposed).

PLANNING/ZONING/CODES ENFORCEMENT REPORT:

Phyllis made a motion to approve a 90-day time extension for the Carlisle Church of the Brethren in Christ Final Minor Land Development plan. Bryan seconded, & the vote in favor was unanimous.

Phyllis made a motion to approve a 90-day time extension for the Carlisle Reformed Presbyterian Church Final Minor Land Development plan. Bryan seconded, & the vote in favor was unanimous.

Phyllis made a motion to approve a 90-day time extension for the David D. & Jody L. Boore Final Minor Land Subdivision plan. Bryan seconded, & the vote in favor was unanimous.

The Doug George property at 99 S. Spring Garden Street (Windriver Enterprises) was discussed. Mr. George had submitted a zoning permit application for a truck (tractor trailers) repair & service facility after being informed that an ordinance amendment was up for approval to change the zoning in the area of the property to I-1 (light industrial). This change would have prohibited the proposed truck repair use at the property. A meeting was held with Mr. George to discuss the issue & some conditions will apply (limitation of hours & installing screening where necessary). Bryan made a motion to issue the Zoning Permit subject to the conditions as noted: supplying a copy of the lease agreement, no repairs will be conducted after 10:00 pm., & to install screening where necessary as soon as possible. Ron asked about restricting the morning hours to no repairs before 9:00 am. Staff said that the owner would probably not have a problem with this restriction. This proposed use will be less intrusive than the previous use at this site. All work will be done inside a garage. The vote in favor was unanimous.

MANAGER REPORT:

The agreement with Michael Frank (Heritage Conservancy) to assist through the open space preservation process is ready for approval. Ron made a motion to approve the agreement with Heritage Conservancy/Mike Frank as presented. Phyllis seconded, & the vote in favor was unanimous.

The school district passed a resolution to approve the concept of hiring school crossing guards for traffic control at the schools. An ordinance needs to be done to formalize this process. Consensus was given to advertise the ordinance when prepared.

Barb mentioned that there has been discussion about her driving the Township vehicle to & from work. She said he drives the vehicle only during the winter season to support the road crew in case a road needs checked or they need food. Phyllis noted that the Municipal Authority's manager uses an authority vehicle all year, & Barb only uses it during the winter season. The Fire Chief also has a car to use, as well as employees of other municipalities have company vehicles to use. She wants to see this issue put to rest. Ron added that he is allowed to use a company car in bad weather, but uses his own car except when he has meetings to attend. Jim stated that this is his issue of concern. He feels it is a business perk, & should be listed on her income tax. Jim asked Barb if she pays for the gas. Barb said she has the same arrangement as the Roadmaster. She periodically buys gas. Jim asked Barb if she claims this on her income tax. She replied no. Jim asked if she gets paid for mileage. Barb replied not unless she drives her own vehicle. Ron stated that Barb is on call 24 hours a day/7 days a week. Tom feels Barb needs the means to accomplish any tasks that may arise. Jim feels the vehicle use is not an appropriate use of the citizen's money. Ron made a motion to authorize the Township Manager to use the vehicle at her discretion for the purposes as discussed including road surveys & responding to incidents as requested during the months of inclement weather, & when needed because the use of the vehicle is part of her job duties. Phyllis seconded. Bryan asked Barb what months she was using the vehicle. She stated that she started using the vehicle the 2nd week of January of this year. The vote in favor was 4 to 1 (Jim was opposed).

(BREAK)

PUBLIC INPUT:

James McHugh, 17 Annendale Drive, commented on the issue he spoke about at the last meeting. He said there is a problem with clearing trees & mud off of Walnut Bottom Road. Silt fencing has been placed along the entire development to deal with the erosion problem. But he's still concerned with the size of the burn piles. Tim stated that the piles cannot be larger than 15' x 15' x 8'. Mr. McHugh had smoke & fire ashes covering his property from burning done on the property last week. The Fire Chief was to be monitoring the controlled fire. Barb said it was reported to her that the Fire Chief lit the fire, but is responsible for enforcement of the burning ordinance. He is also concerned about another burn pile that is approximately 60' x 25' x 25'. This larger pile could not be burned because the wood is too green. Another pile behind his house is over 200 feet long. Barb stated that indication was given to the Township that they would not be burning for at least a month since the wood is green & were told to limit the size of the piles. Bryan suggested sending a letter to the fire company to limit the pile size & note the proximity from the neighboring properties. Tim said that the fire chief said that the piles will be 500 feet from any properties. Tom suggested notifying the fire company & to take some photos of the piles.

Dick Cummins, Greenfields, asked if there will be another cell tower plan at the next meeting. The plan he was referring to is not for a new tower, but to place an antenna on the tower located along Mill Street. He also asked about the new gate that is along the road across from Graham Motors. He was told that this is a construction entrance for Dr. Burkett's house.

SUPERVISORS' DISCUSSION:

Ron brought up the issue of a revision to the Township's tax collector's compensation. He explained the percentages & millage rates.

Ron made a motion to adopt the Township Tax Collector's compensation as follows: 1) the Per Capita rate remains at 5% commission; 2) Property Tax – if total millage is equal to or less than 0.5 mills, the commission will be 5%; 3) if total millage is greater than 0.5 mills, the first 0.5 mills, the commission will be 5% & if it is above .5 mills, the commission will be 2.5%. Phyllis seconded. Doug Gale commented that the tax collector also gets paid by the County. Phyllis added that she is also paid by the school district. Jim said he would like to speak to the tax collector because it will have a large affect on her. Just after she was elected, she was affected when the Township dropped the property tax to 0 mills, & she lost a lot of income. School Board member, Paul Slifko, stated that the deadline to act is February 15th because her term ends this year. The election petitions can be circulated after this date in order for a person running for election to know the details of the position. The vote in favor was 4 to 1 (Jim was opposed). Jim asked if this decision is deadlocked over the next 4 years. He was told yes, because it would be illegal to change the compensation after the election.

BILLS FOR PAYMENT:

Bryan made a motion to pay the bills, as submitted. Phyllis seconded, & the vote in favor was unanimous.

ADJOURNMENT:

Phyllis made a motion to adjourn at 7:45 p.m. Ron seconded, & the vote in favor was unanimous.

WITNESS:

**SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:**

Thomas E. Faley, Chairman

Bryan A. Gembusia, Vice Chairman

James N. Baker

Phyllis W. Givler

Ronald L. Reeder