

March 10, 2011  
7:00 PM

The regular meeting of the Monroe Township Board of Supervisors was called to order by Chairman Simmons.

ATTENDANCE

Samuel M. Simmons, III, Chairman  
A.W. Castle, III., Supervisor  
John Dwyer, Sr., Vice-Chairman

Marjorie Metzger, Administrative Assistant  
James Bogar, Solicitor  
Greg Rogalski, Zoning Officer  
Mark Bruening, Engineer

SPEAKERS FROM THE AUDIENCE

Bill Walker, 170 Brindle Road, raised concern of his property being flooded by run off from the new home that was built next to him. He feels the grading was changed and wants the township to do something to fix the problem. He has never had water problems until this house was built. He questioned if there was any escrow for the subdivision that could be used to correct the problem. He said the swale in front of the new property is perfect, but the water from the back yard comes on to his property and makes a swamp, which is unsanitary, unsightly, and inconvenient. He wants it stopped.

Mr. Simmons said the township engineer and roadmaster have already been out for a site inspection. All topography on the subdivision shows that area drains that way in the farm field. Little has changed. The bulk of the storm water from the house goes to the detention facility in the front and then discharged to the swale. It is now grass instead of the farmed field. It has been draining that way for a long time.

Mr. Dwyer asked for the address of the new home, which is next to Mr. Walker. He asked if Mr. Walker has talked to the home owner. Mr. Walker said the home owner said he would not do a thing because it has always been that way. He asked the township to do soil samples to show what has been moved.

Mr. Bruening said the amount of drainage is the same as it was before the home was built. The area of Mr. Walker's property is a low spot. This is an issue between neighbors.

Mr. Bogar advised the Board he knows Mr. Walker and has done legal work for him and he is not familiar with this problem. Clearly, if the topo's of ground before construction is the same as before, then there has been no change. How do you determine if additional top soil was put there. Mr. Bruening said the topo of the existing land showed the natural drainage in that direction. Two inches of top soil won't show that much difference.

Mr. Dwyer suggested Mr. Walker talk with the person who did the re-grading. The subdivision plan was approved by this Board. Mr. Rogalski mentioned the storm water ordinance which kicks in when a house is built. The water goes to a detention area. If Mr. Walker is getting ponding, he has a

low spot. We don't have an ordinance that prohibits someone from working on their lot.

Mr. Dwyer said the township cannot spend money for engineering work to help adjudicate a civil matter. That would be spending taxpayers money for personal reasons. He suggested approaching the neighbor, and if it can't be worked out then it is a civil matter.

Mr. Walker asked about putting up a 4" concrete fence on the property line that would hold the water and pond it on the neighbors property. Mr. Dwyer said he is not opposed to anything that is in accordance to the ordinances. Mr. Walker said he will stop the water from coming on his property, even if it means spending money, he will.

Mr. Bogar advised the Board not to agree or disagree to anything before knowing exactly what they are being asked to do.

#### APPROVAL OF MINUTES

**On the motion of Mr. Castle, and seconded by Mr. Dwyer, and by unanimous vote of the Supervisors it was duly RESOLVED to approve the minutes of the February 10, 2011 Regular meeting.**

#### PRESENTATION

The Board presented a certificate of appreciation to the Monroe Fire Company for their continued support and dedication to the Cumberland Valley community.

#### REPORTS

##### ROADMASTER'S REPORT

**On the motion of Mr. Simmons, and seconded by Mr. Dwyer, and by unanimous vote of the Supervisors it was duly RESOLVED to accept the Roadmaster's Report.**

Mr. Dwyer mentioned the speed limit on Boiling Springs Road has been reduced to 25 mph in the Churchtown area.

##### ZONING OFFICER'S REPORT

**On the motion of Mr. Simmons, and seconded by Mr. Dwyer, and by unanimous vote of the Supervisors it was duly RESOLVED to accept the Zoning Officer's report.**

Mr. Rogalski mentioned the meeting with Kirk Stoner to discuss an additional \$25,000 in grant money to institute some HVAC issues from the energy audit.

## UNFINISHED BUSINESS

### SPEED LIMIT PROPOSAL

Mr. Bruening provided a final draft of the traffic study that was done on various roads to determine proper speed limits. We must now enact a traffic ordinance to incorporate these changes, which must be advertised.

**On the motion of Mr. Dwyer, and seconded by Mr. Simmons, and by unanimous vote of the Supervisors it was duly RESOLVED to approve the recommendation provided by the engineer, and to direct the Solicitor to take the appropriate action to update the ordinance and advertise it.**

### STORM WATER MANAGEMENT ORDINANCE

Mr. Bruening made proposed changes to the draft storm water ordinance from Cumberland County, and the present ordinance of the township. Mr. Rogalski said there would be an increase in the amount of minor permits to be issued. When a certain threshold is met, then a land disturbance permit is needed. Mr. Bruening suggested the proposed ordinance be forwarded to the Planning Commission and county for their review and comment. The county is hoping for action by September. There may be some possible reimbursement from the state for this project.

**On the motion of Mr. Dwyer, and seconded by Mr. Simmons, and by unanimous vote of the Supervisors it was duly RESOLVED to refer the Storm Water Management ordinance to the Planning Commission for their review and comment.**

### ACT 537

Mr. Bruening spoke to DEP concerning the sewerage of Lisburn Meadows. To be in compliance with the 2001 plan, this is to be done in 2013. The township can formally submit a supplement to withdraw sewerage this area from our Act 537 Plan, or we can continue along and wait for something to happen. DEP is not concerned unless there are malfunctioning systems. At this point, there have not been any malfunctions, so all lots still have their back up sites.

Mr. Simmons said we gave those people in Lisburn Meadows a break and made others hook to sewer. Now if those people don't have to hook on like others had to, there will be some angry people who did hook up. That area is prone for sink holes.

Mr. Dwyer said the township acted in good faith at the time with the information we had. We have new information now. The sewer for that area is not designed or anything, which would be additional costs. That is an additional thirty years of bond money to put in a system we don't need.

Mr. Bruening said he believes there are 16 EDU's being held. It is a low pressure system, so grinder pumps would be required. A lot of sewer line would have to be run because of the size of lots.

Mr. Bogar said if the township decides to move forward with this sewer project, it could be tied into the bonding that is required for the upgrade of the South Middleton plant this year.

Mr. Dwyer said if this area is to be sewerred, then we need to give the people enough time to start saving money. Mr. Bruening will get some rough draft costs prepared for the next meeting.

The Supervisors asked for copies of minutes when the Lisburn Meadows sewer was discussed in the early 2000's, and what the costs were to hook up at that time, and what the costs would be today.

**On the motion of Mr. Dwyer, and seconded by Mr. Castle, and by unanimous vote of the Supervisors it was duly RESOLVED to have a letter prepared for the three of them to sign to go to South Middleton concerning the request to have representation on their Board, and the request for facts and figures and a time frame for the plan upgrade project. If the plant capacity will increase, then there is the question of whether Monroe would continue with 27% or if that would change. We need to know how much of the project costs are attributable to the upgrade and how much for the expansion.**

#### NEW BUSINESS

#### APPALACHIAN TRAIL CONSERVANCY

Kim Williams was thrilled to be involved in the project of purchasing land in the White Rock Acres area for the Appalachian Trail. They propose to put a trail head off Kuhn Road that will be located on the National Park Service land. It will be large enough for eight cars. The property purchase was completed the end of last month and a dedication is planned for April 9. It will be held at the Leidigh Park property and Supervisor Castle will represent Monroe Township, along with other speakers to include state, county, and South Middleton officials. The land that was purchased by the Conservancy was turned over to the National Park Service.

Ms. Williams asked if the township could possibly help with the trail head by donating the gravel, providing the equipment for grading the site, and any technical assistance. She sees it as a community project.

The Supervisors directed the engineer to review the project, which Mr. Bruening agreed to do at no charge. Mr. Dwyer asked about an intergovernmental agreement to do something like this. Mr. Bogar said he is aware of the Pennsylvania Intergovernmental Cooperation Act. A donation would be different than a cooperative agreement.

Mr. Bogar questioned if hunting would still be available on this parcel. Ms. Williams said the National Park Service does not allow any hunting on their land. She knows that will be an issue locally, but that is federal law. Mr. Simmons was concerned what would happen with all the deer if the land is now protected.

The Solicitor was directed to look into what can legally be done to lend assistance to the Appalachian Trail Conservancy with the trail head project.

## CHURCHTOWN CROSSWALK PROJECT

Mr. Bruening showed a picture of the proposed crosswalks at the intersection of Route 174 and Old Stone House Road. The four corners will have pressed curbs and an island on one corner. Street print material will be used. PennDOT is repaving Route 174 this year, so there will be new asphalt to work with. The township is responsible for the crosswalks in the PennDOT right-of-way. The crosswalks will be imprinted into the asphalt. The inlet will be upgraded to a Type C.

**On the motion of Mr. Dwyer, and seconded by Mr. Simmons, and by unanimous vote of the Supervisors it was duly RESOLVED to proceed with the bidding process for the crosswalk project in Churchtown.**

## ORDINANCE 8 OF 1963

Mr. Castle mentioned Ordinance 8 of 1963, which refers to a 1,600' distance for discharging firearms from the center of Churchtown. He would like to repeal this ordinance. Mr. Bogar mentioned in order to revoke an ordinance, you must enact a new ordinance to accomplish that. The Board agreed to look at all ordinances to see if there are any other obsolete ordinances on the book, and take action at one time for all of them.

## BILLS

**On the motion of Mr. Castle, and seconded by Mr. Dwyer, and by unanimous vote of the Supervisors it was duly RESOLVED to approve the bills as prepared.**

## STAFF COMMENTS

Mr. Rogalski said the House of Representatives have appealed the requirement for the sprinkler systems in new homes. The bill now moves to the Senate for review.

Mr. Bogar mentioned there have been two sewer liens paid off recently, which amounted to approximately \$10,000. The system does work, it just takes time.

Mr. Dwyer offered a moment of silence for the seven children who died in the fire in Perry County.

Mr. Castle asked for the troops and their families to be remembered. They are still dying, so show respect for their families. The next meeting is April 14. This Saturday the clocks must be turned one hour ahead. Road inspection is scheduled for March 26. The Easter flower sale is April 22 & 23. God Bless America.

**On the motion of Mr. Castle, and seconded by Mr. Dwyer, and by unanimous vote of the Supervisors it was duly RESOLVED to direct the Solicitor to review and draft an ordinance to set a distance for protesters at funerals and any required permits.**

Reza Azizkhan said as a citizen of this township he agrees with that suggestion. We are parents of a child we lost 28 years ago. He can't imagine people carrying signs and saying a child deserves to die. He is outraged and can't imagine what the Supreme Court was thinking when they based their decision for freedom of speech. It is outrageous and hurtful. He is sure when the Founding Father's made all these rules they didn't for a moment think this would happen.

Mr. Simmons mentioned all the fighting for rights and freedom all over the world, and how lucky we are. He mentioned the loss of one of our oldest farmers of the township, Wilbur Bucher, who was 97 years old and still driving. He was still an active person. He is one of the last of the old farmers in this township. He mentioned the death of the seven children, and said you can't know the devastation until you have lived it. It is terrible.

ADJOURN

**The meeting was adjourned at 8:45 PM.**

Respectfully submitted,

Marjorie E. Metzger  
Administrative Assistant