

May 12, 2011
7:00 PM

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

ATTENDANCE

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|----------------------------------|--------------------------------------------|
| Samuel M. Simmons, III, Chairman | Marjorie Metzger, Administrative Assistant |
| A.W. Castle, III., Supervisor | James Bogar, Solicitor |
| John Dwyer, Sr., Vice-Chairman | Greg Rogalski, Zoning Officer |
| | Mark Bruening, Engineer |

PRESENTATION TO JOSEPH SIMPSON PUBLIC LIBRARY

The Supervisors presented a certificate to Sue Erdman on behalf of the library celebrating their 50th anniversary this year.

PRESENTATION TO FOSTER BERKHEIMER

The Supervisors presented a certificate to Foster Berkheimer for his 23 years of service on the Monroe Township Planning Commission.

SPEAKERS FROM THE AUDIENCE

Justin Loh, 1116 York Road, was concerned with the high water on his property, which also closed York Road for almost a week. He believes there is a pipe under the Norfolk Southern Railroad that is clogged and needs attention. He provided pictures of his property and the area. He had 3.5' of water in his basement and his back up septic area was covered. He asked for assistance from the township to get the railroad to clear the pipe. Mr. Rogalski has contacted Norfolk, who said they would clean out the pipe this spring. A letter of support from the township may be helpful if nothing is done. Mr. Bruening mentioned that area is shown on the flood maps. Mr. Loh said he did not need flood insurance when he built on the lot.

Jeff Amos, 1120 York Road, said he has lived there for 25 years and never saw water flow in the opposite direction like this time. The water was in his yard within 10' of his house and his basement had water in it. He knows the ground water table is high but it has never been this bad, and he agrees the pipe needs to be cleaned out by Norfolk. Mr. Simmons said the township cannot go on private property. Mr. Castle said he remembers when the subdivision plan came in they were told that area floods. It was flooded in 1972. Mr. Amos feels it is worse because of building more homes.

Phil Kehoe, 1344 Asper Drive, thanked the township and road crew for the work they did during the flooding. They have made repairs and had their hands full and he appreciates it. He was present with a concern about the Monroe Elementary School. He read a prepared statement about the possibility of the school being closed due to projected budgetary shortfalls, and the importance of

keeping the school open, and the importance of the community joining together to communicate and work together to express the importance of the school and its existence in Monroe Township. He suggested the township form a committee to develop an action plan to support the school. He asked the Board if the township has been approached in any way by any entity concerning the potential acquisition of the school, and the response was no.

Mr. Simmons said he met with Dr. Harner, School Superintendent, last week, who assured him the school would not be closed until at least 2013. Mr. Simmons said he is lifelong resident, his middle name is Monroe, and he went to that school. He has a kinship. He was invited to give a presentation to the Building Committee in August or September concerning the planned development in Monroe Township. There are over 1,000 new lots on the books. We were down this road in the 1970's when they wanted to shut down Shaul Elementary. Then in the 1980's they bused children to Monroe from other schools. People must show up at the meetings and be heard. This decision would have to be voted on. The values of property will go down if the school closes.

Mr. Castle appreciates Mr. Kehoe's support and interest in Monroe Township and the school. He went to a one room school. He suggested starting with the newsletter and asking for people to submit their names if they would be interested in serving on a committee to save the school.

Mr. Dwyer said the Board must adopt a Resolution voicing our opposition to any future closing, and send it to the Superintendent and the nine school board members. The incumbent school board member for Monroe Township had said he could not discuss the private discussion held behind closed doors.

Mr. Kehoe said the elected representatives are there to represent us. The Supervisors have been exceptional, stable, and always supportive. We are conservative in this community. We have a year to organize our approach. There is a fair amount of power in the community.

Mr. Castle was concerned with private, secret meetings being held by school board members when they are dealing with our money. Mr. Dwyer said this has been happening for over a year and we just found out last month.

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 draw up a resolution in support of keeping Monroe Elementary School open.

Randy Jackson, 314 Monroe Street, was concerned with Trindle Station and the preparation of their land. They have cut off all the drainage from the east to west. He had 2.5' of water, and he never had water in 28 years. Trindle Station is storing top soil. They are taking rock out of the hillside and back filling with it. He believes some of the large stone has been back filled over the sewer line. The Board agreed to have the engineer check on this matter.

Chandler Mathis, 16 Simmons Road, was concerned about the complaint filed against him. He has not turned his property into a multi-family unit. He submitted a Right-to-Know request for a copy of the complaint for a rebuttal. He did not remove the stairway. He does not feel he should have to

answer to his neighbors and feels he is being harassed. He feels the complaint is unfounded and frivolous. The Zoning Officer visited his home about two years ago and there was nothing to hide. A zoning permit has been issued for some work, and now there are more questions. He does not want any problems. He lives at his home and pays his bills. Mr. Bogar commended Mr. Mathis for attending the meeting. The only matter that involves the township is whether there is a violation of the zoning ordinance at this point. Mr. Rogalski said the alleged violation is not visible from the outside. He has not had the opportunity to go inside the house without permission. If Mr. Mathis allows him access, then he can verify and resolve the complaint. Mr. Simmons said the township is not the ones harassing or complaining. Mr. Mathis is concerned with his privacy and does not want to be violated. Mr. Rogalski said Mr. Mathis was in compliance about two years ago. Mr. Dwyer said the township's concern is with compliance with the zoning ordinance.

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 April 14, 2011 Regular meeting.

REPORTS

ROADMASTER'S REPORT

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

ZONING OFFICER'S REPORT

Mr. Rogalski said he has reviewed the dog ordinance. The text is fine but the fines should be increased to \$100 - \$600, which is consistent with the omnibus ordinance on the books. The District Justice does not acknowledge that ordinance. There have been some dog issues on Boiling Springs Road and the state police cited a resident for a dog, which he has never heard of before. There are certain issues related to the state wide laws that are enforced by the state dog wardens. The township ordinance deals with barking, running at large and defecating on others property.

With regard to the Solicitor and Peddler's ordinance, do we even want people coming around, probably not? Things are different today. Do we want to prohibit it in Monroe Township? The Board asked the Solicitor to review this ordinance and to update the dog ordinance.

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

UNFINISHED BUSINESS

TRI- COUNTY REGIONAL PLANNING COMMISSION – MEMO OF UNDERSTANDING

Tim Reardon and Diane Myers-Krug present. Their mission is to link land use and transportation for Dauphin, Cumberland, and Perry Counties. Phil Kehoe is the local representative. Their Regional Growth Management Plan was approved in January. The next step is to implement the plan, and that is where the Memo of Understanding comes into play. It covers intergovernmental cooperation, land needs, infrastructure investment, and livability and sustainability principles. There is no cost to the municipality, or any reporting requirements. There is no penalty for not signing up.

Mr. Dwyer mentioned the replacement of the Locust Point Bridge and asked if that is something the Tri-County Planning would provide assistance with or provide opinions of whether it is good or bad for the region. Mr. Reardon said there is a discussion scheduled for that topic next week, but ultimately it is a decision by HATS. Tri-County could provide an opinion.

Mr. Castle asked if they could assist with applying for grants or help with projects. Ms. Myers-Krug said they do not do design or cost estimate work. They are more about how things fit into the planning aspect.

STORM WATER MANAGEMENT ORDINANCE

Mr. Bruening has received comments from the Cumberland County Planning Commission. He will prepare the ordinance and get it ready for advertisement. There was discussion on whether or not to require storm water plans to be recorded, even for one lot with a rain garden, and making the township responsible for enforcement. The Board agreed not to get involved with recording or enforcement.

Mr. Dwyer mentioned the properties he and Mark have visited over the past month with water problems. Neighbors don't keep their ditches cleaned, or the culverts clean from leaves. Whose responsibility is it to keep the culverts open? It is not the township's responsibility to clean pipes under driveways. Culverts between streets, yes. Mr. Bruening mentioned the rain gardens on each lot are outside the right-of-way. Mr. Bogar said under civil law, people can seek recourse on their neighbor who diverts water or changes the flow. Mr. Dwyer agrees with neighbors handling the issues with their neighbors and keeping government out of people's lives.

APPALACHIAN TRAIL CONSERVANCY

Mr. Bogar reviewed the memo from Kim Williams. It would be appropriate to have someone attend the meeting to discuss this matter. There are liability issues, and can the township do what is being asked? Mr. Dwyer said we are trying to be good neighbors but the federal government must draw up a specific document of what they intend to do and what they want us to do. We need to know the requirements. Mr. Simmons said the township must protect themselves. Mr. Castle said if they want free help, they must give us something from the federal government releasing the township and holding us harmless.

Mr. Dwyer mentioned the aggregate that is being dug up in White Rock. Mr. Rogalski said it

cannot be used because of environmental concerns. It has to be hauled away when it could be used right there.

Mr. Simmons suggested they have someone attend the meeting and tell us what they want us to do and what protection there is for the township.

REVOKING PRIOR ORDINANCES

On the motion of Mr. Castle, and seconded by Mr. Dwyer, and by unanimous vote of the Supervisors it was duly RESOLVED to adopt Ordinance 2011-02, which repeals ordinance 8 of 1963 dealing with discharging a gun or fire arm; and repeals ordinance 2 of 1969 dealing with specifications for road construction.

DELINQUENT SEWER ACCOUNTS

The Board reviewed information collected from other Authorities on their policies for collecting delinquent sewer fees. Mr. Simmons said most do the liens like us, just sooner at a lower amount. Mr. Bogar suggested getting a recommendation from the Municipal Authority on getting updates to the policy and then have the Supervisors take action. Mr. Bruening liked the idea of working with the water companies and shutting off service. Mr. Rogalski will contact the water companies in our township.

On the motion of Mr. Dwyer, and seconded by Mr. Castle, and by unanimous vote of the Supervisors it was duly RESOLVED to proceed with modifying the lien policy for delinquent sewer fees and to get a recommendation from the Municipal Authority.

NEW BUSINESS

ROAD BIDS

On the motion of Mr. Dwyer, and seconded by Mr. Castle, and by unanimous vote of the Supervisors it was duly RESOLVED to award the road material bids to the low bidders as follows:

**2-A Aggregate to Hempt Bros. @ \$6.75/ton FOB and \$9.75/ton DEL
Super pave Binder to Pennsy Supply @ \$54.20/ton FOB
Bituminous Seal Coat to Hammaker @ \$1.09/sq. yd.
Paving for Stumpstown Road to Pennsy Supply – Super pave Wearing @ \$72.73/ton
Line painting to Alpha Space Control – double yellow @ \$.0912/linear foot and single
white edge @ \$.0456/linear foot
Diesel fuel to Leffler Energy @ \$3.6366/gal.
Heating Oil to Leffler Energy @ \$3.495/gal.**

INSURANCE RENEWAL

On the motion of Mr. Castle, and seconded by Mr. Dwyer, and by unanimous vote of the Supervisors it was duly **RESOLVED** to renew the package and workers compensation insurance policy with Selective Insurance, through Kocman agency at a price of \$36,054.00.

HARRISBURG BICYCLE CLUB

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 request of the Harrisburg Bicycle Club to hold their Three Creek Century Ride on September 28, 2011 and to use a small portion of the Leidigh Park parking area that day as long as they provide the proper insurance coverage.

CHURCHTOWN – CONDITION STATEMENT FOR HIGHWAY OCCUPANCY PERMIT

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 Condition Statement for the Highway Occupancy permit for the Churchtown project, which requires the township to maintain the cross walks in the future.

Sue Sunday said there were two bids received, which came in under budget. We are ready to move with construction and they are excited. Mr. Bruening said there was a savings of about \$10,000 since PennDOT is paving Route 174 this year.

BOILING SPRINGS TRIATHLON

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 Boiling Springs Triathlon holding their event on August 13, 2011, as long as they provide the proper insurance coverage.

ALLENBERRY – CONDITIONAL USE EXTENSION

On the motion of Mr. Castle, and seconded by Mr. Dwyer, and by unanimous vote of the Supervisors it was duly **RESOLVED** to grant a time extension to the Breeches at Allenberry conditional use through December 31, 2011, as requested.

ENERGY GRANT

On the motion of Mr. Dwyer, and seconded by Mr. Simmons, and by unanimous vote of the Supervisors it was duly **RESOLVED** to approve proceeding with putting out an RFP for the Retro-Commissioning testing to figure out the issues and knowing how to proceed with making energy upgrades. \$25,000 is being made available from Cumberland County for this project.

FOSTER BERKHEIMER

Foster Berkheimer made a presentation on behalf of the Joseph Simpson Library, which was a publication on the 50th anniversary of the library. This is Monroe Township's library. It takes money to run the library, so he asked the township to be gracious when they consider contributions.

He complimented the Board on their meeting and how it was run well. He is very concerned about the school situation. He was one of the school board directors when Monroe was funded. He offered to assist with the school committee if there is something he can do. There are ways to get to the school board directors. There is no reason to take the elementary school out of the township. Common sense should prevail. It can be done privately, calmly, and with good judgment.

The Board asked for the hours and events of the library to be included in the newsletter. The Board thanked Foster for all he has done for the township and library.

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. Bruening mentioned the two bids received for the Churchtown project were from Lamb and Rogele. There have been a number of storm water complaints. On Sinclair, the swale for Trindle Station did work.

The H2O grant was approved for the amount we wanted. The 1/3 payment the township must make has already been spent. This money will be used to make sewer upgrades in the southern district. Mr. Simmons thanked Mr. Bruening for working on the grant, and for Senator Vance who helped follow through.

Mr. Rogalski said hopefully by the next meeting, the property at 1634 Williams Grove Road will be cleared up. The realtor expects a contractor within the next two weeks. All the neighbors are aware.

Mr. Bogar mentioned the tax assessment appeal matter, and the compromise amount proposed by the assessment office. The Board agreed to the compromise amount.

Mr. Dwyer said the township needs a plan to mitigate the flooding in White Rock. He suggested an information briefing or public awareness announcement or to hold a meeting here. Who is responsible for what? A lot of neighbors for many years are accusing neighbors of not taking care of their properties. Who is responsible for the swales, ditches, grading, leaf accumulation in pipes and so on. The Board agreed to have the engineer, roadmaster, and solicitor write up something and send it with the sewer bills.

Mr. Dwyer feels something needs to be done at the intersection of Dogwood and Kuhn and the

intersection of Dogwood and Blossom with the storm water issues.

Mr. Castle reminded people of the troops. The next meeting is June 9. The School fair is tomorrow night. May 17 is Election Day. The H2O grant was approved for \$408,000. Memorial Day is May 30. He had some small flags available for those who do not have one. Community Day is June 18. God Bless America. We should be thankful we live here.

Mr. Simmons mentioned Senior Day was a success with attendance being up. He asked for a letter to be sent to the Recreation Board for their hard work and to thank them.

He attended the South Middleton Township Municipal Authority meeting. He was concerned there seems to be one board member that largely influences the meetings and decisions. They are to let us know soon how much we will owe for the upgrade project. They feel we should have taken more capacity. Mr. Bogar said to change our capacity would require a new agreement, and what we have is a good agreement now. The request to have representation on their Board is still an outstanding item. Mr. Bogar said we could request representation and ask them to vote on it. The Board agreed to get copies of the South Middleton Authority and Mechanicsburg Authority meeting minutes.

Mr. Simmons reminded everyone to vote and to keep on top of the Monroe School issue. It will affect everyone.

ADJOURN

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Marjorie E. Metzger
Administrative Assistant