



Mailing Address

P.O. Box 277
Dauphin, PA 17018

Office Address

10 Elizabeth Avenue
Dauphin PA, 17018

Phone: 717-921-8128

Fax: 717-474-8146

Middle Paxton Township

BOARD OF SUPERVISORS

REGULAR MONTHLY MEETING MINUTES
March 3, 2014

Call to Order

The March 3, 2014 regular monthly meeting of the Middle Paxton Township Board of Supervisors was called to order at 7:00 PM by Chairman Andrew Megonnell in the Township meeting room. Also present were Supervisor James Fisher, Vice Chairman and Secretary/Treasurer; Supervisor Mitchell Rissinger; Supervisor Jeffrey Smith; Julie Seeds, Township Manager and Assistant Secretary/Treasurer; Steve Stine, Township Solicitor; and Ed Fisher, Township Engineer. Supervisor Richard Peffer was excused due to illness.

Pledge of Allegiance and Public Comments

Following the Pledge of Allegiance, Chairman Megonnell invited public comments from those in attendance who otherwise were not listed on the agenda. There were no public comments presented.

Approval of Minutes

Chairman Megonnell requested a motion to approve the minutes from the February 18, 2014 workshop meeting. Motion by Supervisor Rissinger to approve the February 18, 2014 meeting minutes was seconded by Supervisor Smith. *Motion passed unanimously.*

Treasurer's Report/Monthly Financial Statement

Julie Seeds, Assistant Secretary/Treasurer, presented the monthly Treasurer's Report and reported the total of Fiduciary Funds (\$63,299.59), State Accounts (\$268,299.59), Certificate of Deposit #1825 (\$114,517.45) and General Account Funds (\$1,406,228.30) to be \$1,852,344.93 as of February 28, 2014. Ms. Seeds

also distributed the January - February Profit & Loss Statement and February General Fund Deposit Detail noting the P&L Statement net income was \$6,548.06 and that year to-date EIT receipts were approximately \$30,000 higher than the same period last year.

Ms. Seeds reported Dauphin County was still experiencing difficulties in processing the \$125,000 municipal building debt reduction payment to the Township for the 2012-2013 Gaming Grant cycle, but anticipated payment should be forthcoming in short order. The Township will also be able to request payment of the \$125,000 debt reduction grant awarded for the 2013-2014 grant cycle upon receipt of the award documents.

Ms. Seeds noted the Susquehanna Bank Certificate of Deposit #1825 matures on April 25. She suggested the Board consider taking action at its April regular meeting to transfer those funds into a money market account with the intent of using a portion of those funds to satisfy the municipal building mortgage upon receipt of the County's 2013-2014 Gaming Grant payment.

Motion by Supervisor Fisher to approve the Treasurer's Report to be filed for audit was seconded by Supervisor Smith. *Motion passed unanimously.*

Agenda Items

Award Presentation

Dauphin County Emergency Management Agency Director Steve Libhart addressed the Board to recognize the continuing education activities of Township Emergency Management Coordinator, Robert Rusbatch. Mr. Libhart awarded Mr. Rusbatch the Pennsylvania Emergency Management Agency's Professional Certification for Municipal Emergency Management Coordinators.

The Board commended Mr. Rusbatch on his continued commitment to emergency management protecting the lives and property of our residents and for having been recognized by his peers in the emergency management field.

Dauphin-Middle Paxton Park Authority

Ms. Shannon Scott reported the Park Authority received three quotes to complete the restroom facility upgrade with the lowest quote in the amount of \$14,905.00 submitted by Grady's Plumbing and Heating, a 100% woman owned business located in Summerdale, PA. The Park Authority awarded the contract to the low bidder in order for work to proceed and be completed prior to the 2014 season opening.

Ms. Scott noted completion of the restroom renovations will run \$8,365 beyond the initial project budget funded by the Township during 2013. On behalf of the

Park Authority, Ms. Scott requested the Township's consideration to either advance the first and second quarter payment of its 2014 operating funds budgeted by the Township or grant an additional budget allocation of \$8,365 to cover the project cost overrun.

Motion by Supervisor Smith to award the Park Authority an additional allocation of \$8,365 for the restroom facility upgrade project above the current 2014 budget allocation for annual park operations was seconded by Supervisor Rissinger. *Motion passed unanimously.*

Subdivision/Land Development Plans

1. Preliminary/Final Subdivision Plan for McKelvey Road – Lot 5

Brian Evans, P.E. (Evans Engineering, Inc.) representing owners Carol S. Epperly and Virginia A. Beaver presented a Preliminary/Final Subdivision Plan to subdivide Lot 5 into Lots 5A and 5B with three (3) requested waivers to the Township's Subdivision and Land Development Ordinance until such time that associated building permits would be requested:

- Section 308.C – Storm Water Management
- Section 305.AL – Erosion and Sedimentation Control Plan
- Section 305.W – Locations of Proposed Buildings

The Planning Commission reviewed and recommended approval of the plan and requested waivers. However, Township Engineer Ed Fisher noted an issue with driveway sight distances (Light-Heigel & Associates, Inc. correspondence dated February 3, 2014) upon review of EEI correspondence dated January 24, 2014 whereby EEI revised the plan to include driveway sight distances of 35 MPH (Lot 5B) and 45 MPH (Lot 5A). Township Engineer Ed Fisher found the driveway sight distances to be inadequate inasmuch as the speed limit for McKelvey Road was un-posted with the legal speed limit being 55 MPH for un-posted roadways.

EEI correspondence dated February 19, 2014 indicated the driveway sight distance for Lot 5B was revisited and increased from 35 MPH to 40 MPH based upon field verification versus having been approximated from the plan. EEI correspondence dated February 19, 2014 suggested McKelvey Road should be posted for a maximum speed limit of 35 MPH based upon Section 3362 of the Pennsylvania Vehicle Code.

Township Engineer Ed Fisher reiterated his recommendation that a speed study be conducted for posting of a maximum speed limit for McKelvey Road inasmuch as McKelvey Road did not constitute an 'urban district' as called forth in Section 3362 of the Pennsylvania Vehicle Code. Mr. Evans stated EEI would be willing to engage traffic engineering specialists Grove Miller Engineering, Inc. to conduct a speed study to support the posting of McKelvey Road.

Motion by Supervisor Smith to accept a time extension request for approval of the *Preliminary/Final Subdivision Plan for McKelvey Road – Lot 5* should a time extension request be granted by the applicants was seconded by Supervisor Fisher. *Motion passed unanimously.*

Mr. Evans submitted EEI correspondence dated March 3, 2014 granting the Township a 45-day time extension for approval of the *Preliminary/Final Subdivision Plan for McKelvey Road – Lot 5* on behalf of applicants Carol S. Epperly and Virginia A. Beaver.

2. Final Minor Subdivision Plan for Lands of James R. & Barbara C. Shuler and Marcia J. Mayer & Christine E. Rice

Jerry Gibbney (Burget & Associates, Inc.) representing owners James R. & Barbara C. Shuler and Marcia J Mayer & Christine E. Rice presented a Final Minor Subdivision Plan to swap land (Lot 1A and Lot 2A) between two non-conforming lots to correct an existing building encroachment with four (4) requested waivers to the Township's Subdivision and Land Development Ordinance:

- Section 301 – Preliminary Plan Submission
- Section 307 – Sheet Size
- Section 307 – Plan Scale
- Section 308.C – Stormwater Management Plan

The Planning Commission reviewed and recommended approval of the plan and requested waivers based upon Township Engineer Ed Fisher's recommendations noted within Light-Heigel & Associates, Inc. correspondence dated February 10, 2014 –REVISED.

Motion by Supervisor Smith to approve the four (4) requested waivers and approve the *Final Minor Subdivision Plan for Lands of James R. & Barbara C. Shuler and Marcia J. Mayer & Christine E. Rice* subject to completion of those items noted as pending in Light-Heigel & Associates, Inc. correspondence dated February 10, 2014 – REVISED was seconded by Supervisor Rissinger. *Motion passed unanimously.*

3. Penn Vistas Lot 1 Final Subdivision Plan

Ken Vandenburg representing owner Rodd Melzer presented a Final Subdivision Plan for subdividing Penn Vistas Lot 1 into three (3) single family unit dwelling lots (Lots 1, 2 and 3) that was contingently approved by the Board on June 2, 2008. Items needing completed prior to plan recording were stated in Township correspondence dated June 11, 2008. Mr. Vandenburg's correspondence dated February 19, 2014 noted that *Section 507 – Approval of the NPDES Permit* was the last of the contingency items to be completed with the exception of furnishing the Improvement Guarantee in the revised amount of \$50,218.55.

Mr. Vandenburg explained approval of the initial NPDES permit could not be transferred from the original owner New Penn to the new owner Rodd Melzer due to disagreement on the language of the transfer agreement. The new owner decided to avoid litigation by waiting until the NPDES permit issued to New Penn expired in July 2013 and then applied for a permit in his own name.

Motion by Supervisor Smith to re-approve the *Penn Vistas Lot 1 Final Subdivision Plan* subject to receipt of the Improvement Guarantee and a final determination by Township staff that all contingent items noted in Township correspondence dated June 11, 2008 have been completed was seconded by Supervisor Rissinger. *Motion passed unanimously.*

CDBG-DR Grant – Potato Valley Road Bridge Replacement

Ms. Seeds reported she continues to work with the Dauphin County Department of Community and Economic Development (DCED) in seeking to obtain approval for our Township Engineer to complete engineering design and permit application under the pending CDBG-DR grant award for replacement of the Potato Valley Road Bridge. The initial CDBG-DR grant application was filed after the 2011 flood with an estimate of \$68,650 for those services. In the ensuring time, preliminary engineering design work completed by our Township Engineer suggests costs will exceed the initial estimate. Ms. Seeds noted the possibility that DCED will consider amending the CDBG-DR grant to take into consideration those additional costs.

Fire Commission Request – Opinion of Counsel Letter for PEMA/VLAP Loan

Supervisor Fisher presented the Fire Commission's request for the Township Solicitor to review and prepare an Opinion of Counsel letter concerning the PEMA Volunteer Loan Assistance Program (VLAP) loan agreement documents prepared for execution at the March 28, 2014 settlement for a \$110,000 loan on the 2014 KME Predator Pumper/Tanker. The 15-year 2% VLAP loan will replace the Juniata Valley Bank bridge loan that was entered into by the fire company to enable 100% pre-payment when the order was placed for the new pumper/tanker.

Based upon Township Solicitor Steve Stine's objection to undertake responsibility to act as counsel to the fire company, the Board deferred action on the Fire Commission's request and suggested it be referred to Dauphin Borough Council for action by their solicitor.

Reports

Solicitor – Steve Stine, Esq. – No report was presented.

Engineer – Ed Fisher, P.E. – See attached report.

Township Engineer Ed Fisher distributed a document listing exemption criteria options proposed to amend *Section 302. Exemptions/Modifications* of the Township's Stormwater Management Ordinance. DEP approved those three (3) options for amending municipal stormwater management ordinances and municipalities are being presented the opportunity to select the exemption criteria option that best suits the needs of the municipality.

Option 1 essentially maintains the current ordinance exemption criteria. Option 2 is a proposed amendment that may be best suited to more rural municipalities. Option 3 is a hybrid of options 1 and 2 based primarily on Option 2, but including elements of Option 1 as an additional exemption where the requirements of Option 2 cannot be met.

Motion by Supervisor Rissinger to prepare and advertise a proposed amendment of the Township's Stormwater Management Ordinance to incorporate Option 3 exemption criteria was seconded by Supervisor Smith. *Motion passed unanimously.*

Road Master – Robert Hofer – See attached report.

Road Master Bob Hofer suggested the Board consider the option of engaging a contractor to control undesirable vegetation around guiderails, signs and culverts through an annual spraying program versus the labor intensive manual trimming operations currently being employed. He distributed a quote received from DeAngelo Brothers, Inc. (DBI) in the amount of \$2,147 for a one-time application during 2014 with a 3-year follow-up program. A motion by Supervisor Smith to solicit prices for undesirable vegetation control services was seconded by Supervisor Rissinger. *Motion and second were both withdrawn as being unnecessary with Road Master Bob Hoffer directed to obtain additional quotes for the Board's consideration.*

Road paving for 2014 was discussed and the Board requested the Township Engineer prepare specifications and bid documents for full-depth reclamation of Hunt Meadow Drive, Hunt Wyd Drive and Hunt Glen Drive, as well as resurfacing McKelvey Road from Speece Lane to Miller Road and Stony Creek Road from Lindsey Lane to the cul-de-sac termination toward Ellendale.

Zoning and Codes Enforcement Officer – See attached report.

Emergency Management Coordinator – Robert Rusbatch

EMC Rusty Rusbatch reported having filed the necessary documents associated with the Township's snow emergency declarations. He also noted upcoming emergency management training sessions for local government officials being sponsored at Lancaster County on March 4 and March 8.

Manager's Report – Julie Seeds – See attached report.

Review/Approval of Bills

The listings of bills for the January meeting, as well as the February meeting were distributed to the Board for review/approval. Supervisor Fisher recommended seeking an 'out-of-warranty adjustment' for the \$6,613.14 cost associated with Truck # 1 turbo replacement performed by Rivers Truck Center inasmuch as turbo replacement has been a recurring service problem with that truck. Motion by Supervisor Fisher to pay all General and New Municipal Building bills for January and February was seconded by Supervisor Smith. *Motion passed unanimously.*

Information Items/Letters Received

Ms. Seeds presented items of general interest, as well as correspondence received by the Township during the previous month that did not require Board action.

Ms. Seeds noted that a 2-day PSATS sponsored workshop on Unpaved Dirt and Gravel Low Volume Roads was being held in Reading on March 26-27 and State College on April 22-23. Only municipalities attending those workshops can qualify to apply for corresponding grants through their county conservation districts. The Board authorized Road Master Bob Hoffer to register and attend the 2-day workshop being held in State College on behalf of the Township.

Ms. Seeds also mentioned receiving an email from Waste Management advising the Township that quarterly fees for trash pickup would be increasing due to an increase in incinerator tipping fees as deemed allowable under the Township's agreement with Waste Management. Waste Management will be providing notices of that fee increase to Township residents and businesses.

Board Member Comments

Supervisor Rissinger noted the Fire Commission was assembling documentation to support a request for the Township to release funds specifically designated in the 2014 budget for Fire Company training. That request should be forthcoming at the Board's April meeting.

Executive Session

The Board recessed into executive session at 9:46 PM to discuss matters pending litigation upon a motion by Chairman Megonnell, seconded by Supervisor Smith. *Motion passed unanimously.*

The Board reconvened into regular session at 10:14 PM and took the following action.

Motion by Supervisor Fisher to retain Attorney Michael Miller of Eckert Seamans Cherin & Mellott, LLC as special counsel at the quoted hourly rate of \$250 to represent the Township during labor negotiations with Council 90, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, was seconded by Supervisor Rissinger. *Motion passed unanimously.*

Adjournment

There being no further business, the meeting adjourned at 10:18 PM upon a motion by Supervisor Fisher, seconded by Supervisor Smith. *Motion passed unanimously.*

Respectfully submitted,

James H. Fisher, Secretary