



**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  
August 4, 2014

**Call to Order**

The August 4, 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 Jeffrey Smith; Supervisor Dick Pepper; Supervisor Mitch Rissinger; Julie Seeds, Township Manager and Assistant Secretary/Treasurer; Steve Stine, Township Solicitor; and Ed Fisher, Township Engineer.

**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 July 7, 2014 meeting. Motion by Supervisor Rissinger to approve the July 7, 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 (\$150,206.20), State Accounts (\$377,432.86) and General Account Funds (\$1,319,815.13) to be \$1,847,454.19 as of July 31, 2014.

The outstanding Fire Truck loan balance is \$101,317.13 and, upon Juniata Valley Bank's receipt of the \$125,000 wire transfer of debt reduction funds provided under the Dauphin County Local Share Gaming Grant, a check in the amount of \$43,622.99 was disbursed from the Building Fund to pay off the outstanding balance of the Joint Municipal Building mortgage.

Supervisor Smith acknowledged the Board's gratitude to the Dauphin County Board of Commissioners for grant funding that enabled the Township to satisfy the Joint Municipal Building 10-year mortgage in only four and one-half years. A mortgage burning ceremony will be held during the September 27<sup>th</sup> open house.

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

## **Agenda Items**

### Pennsylvania State Police – Sgt. Matthew D. Nickey

Sgt. Nickey provided a breakdown of police incidents and traffic citations issued during the past 12-months within the Township noting the rather low rate of incidents requiring police response within the Township. Sgt. Nickey invited any requests for additional information be forwarded to his attention at the Harrisburg barracks (telephone 717.671.7500).

### CDBG-DR Grant – Potato Valley Road Bridge Replacement Project

Ms. Erin Letavic with Herbert, Rowland & Grubic (HRG) presented three options for the Potato Valley Road bridge replacement project, as well as additional details concerning the Dauphin County Office of Community and Economic Development (DCED) Community Development Block Grant Disaster Recovery (CDBG-DR) Assistance Program bundling delivery option introduced during the Board's July 7<sup>th</sup> meeting. HRG has been retained by DCED to provide engineering services in support of the county's CDBG-DR bundling delivery option.

Under the proposed county-directed project delivery bundling option, the Township would enter into a memorandum of understanding (MOU) to delegate responsibility for CDBG-DR project delivery to Dauphin County. DCED would administer the grant, procure services and construction contracts, and deliver the project with DCED overseeing the project delivery process from design through bidding, construction, and commissioning.

Ms. Letavic recommended project design be initiated under the \$75,000 CDBG-DR Assistance Program grant awarded to the Township with bridge construction funds provided under the Transportation Improvement Program (TIP), a Dauphin County Infrastructure Bank (DCIB) loan or a hybrid of those programs that could include supplemental roadway realignment for approaches to the bridge.

Elijah Yearick with Tri-County Regional Planning Commission (TCRPC) reported the Potato Valley Road bridge replacement project is the only Dauphin County municipal bridge on the updated TIP listing and suggested that funds for bridge construction could possibly be shifted to enable construction to occur during 2017. Ms. Letavic noted, however, that roadway realignment could not be funded under TIP and suggested the Township could apply for a DCIB loan to cover that portion of the project.

DCED director, Skip Memmi, was also present and suggested the Township could apply for debt service funding under the Dauphin County Local Share Gaming Grant Program to repay monies borrowed from the DCIB for the Potato Valley Road bridge and roadway realignment project.

In response to Board questions regarding the project delivery bundling option, Ms. Letavic acknowledged HRG would review and, where feasible, incorporate the preliminary engineering design and any site work already completed by Light-Heigel & Associates pertaining to the bridge replacement.

Motion by Supervisor Fisher to accept Option 2a presented for the Potato Valley Road bridge replacement and supplemental roadway realignment project and to: 1) execute the Dauphin County CDBG-DR Bundling MOU to initiate project design; 2) send a letter to TCRPC with updated project costs and notification that the Township is prepared to participate in the project at 100% of preconstruction costs including 500 feet supplemental roadway realignment construction costs; and 3) authorize the Township Manager to request a pre-application conference with DCIB representatives in advance of the October 17, 2014 application deadline was seconded by Supervisor Smith. *Motion passed unanimously.*

#### Well Isolation Distance Waiver Request for 150 Stony Creek Road

Township SEO, Matt Williard, presented a well isolation waiver request dated July 10, 2014 from April Tichenor, owner of a property located at 150 Stony Creek Road. Mr. Williard noted the property owner has submitted a request to DEP for approval of an alternate system design to replace a malfunctioning on-lot sewage disposal system and is requesting a waiver from the Township pursuant to 25 PA Code Section 72.33. The property owner's current well is approximately 90 ft. from the malfunctioning absorption field and the proposed new drip dispersal area will be 67 ft. from the well versus the regulated isolation distance of 100 ft.

Motion by Supervisor Smith to grant a waiver of the 100 ft. separation distance between a well and a septic absorption area on the property located at 150 Stony Creek Road conditioned upon the property owner's execution of a Hold Harmless and Indemnification Agreement prepared by the Township's Solicitor and attachment of that Agreement to the recorded deed of property with all associated

legal and recording costs being borne by the property owner was seconded by Supervisor Rissinger. *Motion passed unanimously.*

#### Fried Drive Drainage Easement for Stormwater Pipe Extension – Young Property

Following replacement of the catch basins in the Township right-of-way (ROW) and drainage pipe crossing Fried Drive, property owners Michael and Amy Young reported they were given the understanding the Township would also replace the approximate 60 lineal feet of the deteriorated stormwater pipe extension that continued onto their property within a drainage easement. Mr. Young stated that the area where the existing stormwater pipe extension connects to the catch basin is collapsing and the ground has further eroded making an unsafe condition within the drainage easement on his property.

While noting work was not permitted outside the Township ROW and the drainage easement was on private property, the Board acknowledged a misunderstanding as to the extent of the roadway stormwater improvements intended to be completed had occurred. Chairman Megonnell advised Mr. and Mrs. Young the Board would offer a solution to this matter immediately following an executive session to be held this evening to discuss personnel matters that may have precipitated this misunderstanding.

#### Hagy Park – Quotes for Restroom Door Time Locks

Ms. Seeds reported having received quotes from A&S Electric and Shearer Locksmith to install electric locks, time clock and sensors on the Hagy Park restroom doors. An additional quote from Knight Security is anticipated and Ms. Seeds recommended that action be deferred until the September Board meeting in order to present three quotes for the Board's consideration.

#### St. Matthews Church Landscape Screening

Light-Heigel & Associates correspondence dated August 4, 2014 indicated receipt of a hand-sketched plan dated July 7, 2014 marked 'as built' for the St. Matthews Church bank planting and screening. Township Engineer Ed Fisher noted the screening has not been installed per the approved development plan that calls for two rows of evergreen trees and, inasmuch as the plantings represented on the 'as built' drawing were significantly different than the approved plan, he could not recommend approval of the screening or release of the site improvement guarantee.

The Board took no action on this matter other than to concur with Mr. Fisher's previous recommendation that St. Matthews Church should provide a plan based on the Zoning Ordinance screening requirements and seek approval prior to making any changes to a previously approved plan.

Resolution 2014-03 opposing the request of Sunoco Pipeline to be designated a utility by the Public Utility Commission

Motion by Supervisor Smith to adopt Resolution 2014-03 opposing the request of Sunoco Pipeline to be designated a utility by the Public Utility Commission was seconded by Supervisor Rissinger. *Motion passed unanimously.*

Resolution 2014-04 Linden Lane Dedication

Motion by Supervisor Rissinger to adopt Resolution 2014-04 accepting Linden Lane dedication as part of the public road system of the Township was seconded by Supervisor Fisher. *Motion passed unanimously.*

2015 Dauphin County Gypsy Moth Suppression Program

Ms. Seeds reported Dauphin County was seeking local municipality interest in participating in the Gypsy Moth Suppression Program planned for 2015. Costs to participate in the program were estimated to be \$20-\$25 per acre with the County to cover 50% of the program cost. Previously the Township shared the remaining program cost with participating property owners.

Motion by Supervisor Rissinger for the Township to participate in the 2015 Dauphin County Gypsy Moth Suppression Program with funding provided from the General Fund used to cover 50% of the municipal cost share and the remaining 50% of the municipal cost share with funds collected from participating property owners was seconded by Supervisor Smith. *Motion passed unanimously.*

Joint Municipal Building Water Intrusion Repairs

Having discussed the masonry repair work completed on the Joint Municipal Building to mitigate water intrusion of the mezzanine area single-wythe block walls and the findings of D'Huy Engineering, as well as the contractor retained to perform that work during an executive session with special counsel Matt Chabal preceding the Board meeting, the Board took the following actions.

Motion by Supervisor Rissinger to award a change order to Jones Masonry in the amount of \$9,500 to repoint and water-seal the single-wythe block wall areas on the south side of the Joint Municipal Building to be consistent with the work completed by Jones Masonry on the mezzanine area single-wythe block walls was seconded by Supervisor Smith. *Motion passed unanimously.*

Motion by Supervisor Rissinger to obtain three quotes to restore the Fire Company day room interior wall to its original finish, replace the carpeting within the day room, and restore the interior wall of the upper mezzanine area to its original condition prior to the discovery of water damage and sampling/testing of the block mortar joints was seconded by Supervisor Smith. *Motion passed unanimously.*

## Reports

### Committee/Organization Reports

- Dauphin-Middle Paxton Joint Park Authority

No report was presented.

- Dauphin-Middle Paxton Joint Public Safety Authority

Chairman Megonnell reported the lease agreement between *PinnacleHealth Community LifeTeam* and the Authority for use of Station 12 is still under negotiation.

### Solicitor – Steve Stine, Esq.

Solicitor Stine reported a demand letter had been sent to PPL for unpaid damages in the amount of \$3,999 for replacement of sections of the Stony Creek Road guiderail at Stone Glen and that an action would be filed with the District Magistrate should payment not be received.

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

Road Master – Robert Hofer – See attached report.

Zoning and Codes Enforcement Officer – See attached report.

Ms. Seeds also reported the Zoning Hearing Board would meet on August 8<sup>th</sup> to conduct a continued hearing on the Fort Hunter Station Adaptive Reuse application for a special exception.

Emergency Management Coordinator – Robert Rusbatch – No report was presented.

Ms. Seeds reported having attended a second planning meeting conducted by McCormick Taylor Engineering regarding the planned closure of Routes 11/15 during the summer months of 2015 and 2016 for a contractor to clear rocks and stabilize mountainside areas near Marysville and Duncannon. Alleghany Street has been identified as a possible incident route for diversion of traffic from 22/322 in the event of an accident.

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

Ms. Seeds reported Dauphin County Local Share Gaming Grant applications were due on September 2<sup>nd</sup> and noted the fire company intended to directly submit a grant for debt service.

Motion by Supervisor Rissinger for the Township to submit a letter of support for the Dauphin-Middle Paxton Fire Company's Local Share Gaming Grant application for debt service was seconded by Supervisor Smith. Motion passed unanimously.

### **Review/Approval of Bills**

The listing of bills for July was distributed to the Board for review/approval. Motion by Supervisor Rissinger to pay all General and New Municipal Building bills for July was seconded by Supervisor Fisher. *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.

### **Board Member Comments**

Supervisor Fisher distributed a summary of actions undertaken during the July 21<sup>st</sup> CAPCOG meeting, reported on having met with Mr. Robert Keyser on July 18<sup>th</sup> at his request concerning traffic noise emanating from Routes 22/322, and discussed the need to replace the exterior doors on the Fishing Creek Community Building to provide better security, as well as reduce heat loss during the winter months.

### **Executive Session**

The Board recessed into Executive Session at 9:29 to discuss personnel matters and matters pending litigation upon a motion by Supervisor Rissinger, seconded by Supervisor Smith. *Motion passed unanimously.*

The Board reconvened into regular session at 10:55 and took the following action.

Motion by Supervisor Smith to remove the 18" pipe and two culvert boxes recently installed on Fried Drive, install new culvert boxes and 15" smooth line corrugated plastic pipe crossing Fried Drive within the Township right-of-way including 1) removal and replacement of approximately 60 lineal feet of 15" metal drainage pipe within the Young property drainage easement, 2) install rip rap to stabilize ground at pipe discharge outlet and 3) backfill and rough grade disturbed earth contingent upon agreement with property owners Michael and Amy Young to 1) execute a temporary construction easement, 2) reimburse the Township for the material cost of the approximate 60 lineal feet 15" smooth line corrugated plastic pipe installed within their drainage easement and 3) perform final grading and

seeding of disturbed areas was seconded by Supervisor Rissinger. *Motion passed with Supervisor Megonnell abstaining from voting on the motion.*

### **Adjournment**

There being no further business, the meeting adjourned at 10:57 PM upon a motion by Supervisor Smith, seconded by Supervisor Rissinger. *Motion passed unanimously.*

Respectfully submitted,

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James H. Fisher, Secretary