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Middle Paxton Township

BOARD OF SUPERVISORS

MONTHLY BUSINESS MEETING MINUTES

June 1, 2020

Call to Order

The June 1, 2020 monthly business meeting of the Middle Paxton Township Board of Supervisors was called to order at 7:00 PM by Supervisor and Chairman Jeffery Smith in the Township meeting room. Also present were Supervisor and Vice-Chairman Mike Sudia; Supervisor and Treasurer Wilbur Evans; Supervisor and Assistant Secretary James Fisher; Supervisor Larry Cooney; Township Manager, Secretary and Assistant Treasurer Julie Ann Seeds; Solicitor Steve Stine; and Ed Fisher representing the Township Engineer, *Light-Heigel & Associates, Inc.*

Pledge of Allegiance

The meeting was opened with the Pledge of Allegiance.

Public Comments

Provisions were made to accommodate the public and maintain adequate social distancing within the meeting room during the coronavirus (COVID-19) pandemic. There were no public comments presented nor any email or telephonic comments submitted to the Board regarding the meeting agenda published in advance on the Township's website.

Approval of Minutes

Motion by Supervisor Smith to approve the minutes from the May 4, 2020 monthly business meeting was seconded by Supervisor Evans. *Motion passed unanimously.*

Treasurer's Report/Monthly Financial Statements

Manager Seeds presented the monthly Treasurer's Report showing the total of the *PLGIT/Prime* State Account (Liquid Fuels) \$235,601.11; *Mid Penn Bank* Fire Hydrant Account \$9,625.97; Fiduciary Funds (Escrow & Fire Co. Vehicle Replacement) \$167,268.99; *PLGIT/Prime* General Fund (Building, Equipment, Parks & Rec) \$242,610.02; *PLGIT/Term* Reserve Account (Capital & Sewer) \$793,926.91; *Mid Penn Bank* Money Market \$100,575.62 and *Mid Penn Bank* General Fund (Public Safety & Operating) \$466,767.90 to be **\$2,016,376.52** as of May 31, 2020.

Manager Seeds reported interest rates have continued to decrease for account funds held by both PLGIT and Mid Penn Bank as a direct result of the financial crisis resulting from the COVID-19 pandemic. Copies of the May *Deposit Detail* and *Revenues & Expenditures – 1st Quarter 2020* were also distributed to the Board. Manager Seeds noted the EIT revenue expected during the second quarter was anticipated to show a reduction due to the spike in unemployment being experienced as a result of business closures during the COVID-19 pandemic.

The Finance Committee will be reviewing the projected loss of 2020 revenue resulting from Governor Wolf's March 19 order for all businesses that weren't life-sustaining to be shut down as the state braced for exponential increases in the number of people sickened by COVID-19. Manager Seeds reported there is a possibility our *PennPrime* municipal insurance policy may cover some portion of the Township's revenue loss directly attributed to the COVID-19 pandemic.

Motion by Supervisor Fisher to accept the May 2020 Treasurer's Report to be filed for audit was seconded by Supervisor Sudia. *Motion passed unanimously.*

Agenda Items

Potato Valley Road Bridge Replacement and Roadway Realignment Project Status

Manager Seeds presented the HRG monthly Status Report dated June 1 indicating completion of bridge construction and the start of roadway paving, roadside grading, guiderail installation and line striping. Although the COVID-19 work shutdown was anticipated to impact the scheduled June 30 project completion date, the May 19 minutes of Progress Meeting #05 seem to indicate little if any change to the planned reopening of the Potato Valley Road bridge and realigned roadway on June 30. Wetland mitigation area ponds will be seeded, but plantings are proposed to be pushed to the fall planting season due to COVID-19 delays.

Declaration of Disaster Emergency

Pursuant to the provisions of Section 7501 of the Pennsylvania Emergency Management Services Code, the Board of Supervisors issued a Declaration of Disaster Emergency as a result of the imminent threat to the health, safety and welfare of the citizens of the Township posed by the novel coronavirus (COVID-19) on March 15 with the most recent extension of that declaration expiring on June 2.

Motion by Supervisor Sudia to issue a corresponding Declaration of Disaster Emergency that will expire on July 7 was seconded by Supervisor Cooney. *Motion passed unanimously.*

Ordinance 2020-03

Public notice had been given that the Board would be considering enactment of Ordinance 2020-03 establishing a speed limit of 25 MPH on Hickory Hollow Road, Pine Needles Drive, Mountainview Drive and Mountain Ridge Lane located in the residential subdivision known as *Fishing Creek Estates*.

Motion by Supervisor Fisher to adopt Ordinance 2020-03 *Establishing a Speed Limit for Hickory Hollow Road, Pine Needles Drive, Mountainview Drive and Mountain Ridge Lane and Providing Penalties for Violation Thereof* was seconded by Supervisor Smith. *Motion passed unanimously.*

Ordinance 2020-04

Public notice had been given that the Board would be considering enactment of Ordinance 2020-04 establishing a speed limit of 25 MPH on Hecks Drive located in a residential subdivision.

Motion by Supervisor Smith to adopt Ordinance 2020-04 *Establishing a Speed Limit for Hecks Drive and Providing Penalties for Violation Thereof* was seconded by Supervisor Evans. *Motion passed unanimously.*

Well Isolation Distance Waiver Request – 1771 Miller Road

A well isolation distance waiver request dated May 19, 2020 was received from Barbara and Daniel Bottiglier, owners of a property located at 1771 Miller Road, stating that correction of a malfunctioning on-lot sewage disposal system requires installation of an *Ecoflo* septic system and an at-grade absorption area that will encroach upon the regulated isolation distance of 100 feet to their existing well water supply.

The waiver request noted that the distance between the existing well and existing absorption area is approximately 95 feet, while the maximum distance that can be obtained between the existing well and the area on the lot deemed suitable by the Township's Sewage Enforcement Officer (SEO) for installation of the replacement absorption area is 85 feet due to the restrictions of lot size and required isolation distance to adjacent neighbors' wells. SEO correspondence dated May 20, 2020 validated the aforementioned waiver request and indicated the proposed replacement absorption area was the only suitable location available on the lot.

Motion by Supervisor Fisher to approve a waiver of the regulated 100 feet well isolation distance contingent upon installation of an UV light sterilizer on the Owner's water system and execution of a hold-harmless agreement prepared by the Township Solicitor being properly executed, recorded and affixed to the property deed of record for 1771 Miller Road was seconded by Supervisor Smith. *Motion passed unanimously.*

Preliminary/Final Land Development Plan for Zion Evangelical Congregational Church

William A. Burch, PLS with Burch Associates representing the Applicant, Zion Evangelical Congregational Church, presented the *Preliminary/Final Land Development Plan for Zion Evangelical Congregational Church* seeking the Board's approval following the Planning Commission's contingent recommendation for approval granted on May 11, 2020.

Documents presented and/or reviewed by the Board during Mr. Burch's presentation included:

- Plan titled "*Preliminary/Final Land Development Plan for Zion Evangelical Congregational Church*" dated May 20, 2020 and last revised May 18, 2020 prepared by Burch Associates
- Light-Heigel & Associates, Inc. Land Development Plan review comments to the Board dated May 8, 2020 indicating the Applicant had requested a waiver of Subdivision & Land Development Ordinance (SALDO) Section 304 (Preliminary Plans and Data) and Section 308.E (Traffic Impact Study)
- Dauphin County Subdivision/Land Development Review Report No. 19-054 dated June 26, 2019
- Burch Associates correspondence dated May 18, 2020 stating Applicant intends to complete the project and submit a letter of credit supporting its requested waiver of SALDO Section 304, noting Applicant's requested waiver of SALDO Section 308.E had been added to the plan General Notes, and providing a response to Light-Heigel & Associates, Inc. plan review comments including statements that "The church is in the process of applying for a Zoning Hearing" contesting the requirement for a parking screen buffer specified in Section 1304.C.1.f of the Zoning Ordinance as noted in the

plan review comments, i.e. Zoning comments 1., 2.a. and 3., SALDO comments 4. and 9., and Stormwater comments 3.b.

- Township Sewage Enforcement Officer (SEO) correspondence dated March 9, 2020 indicating observations during a February 25 site visit to evaluate Applicant's on-lot septic system and concurrence with DEP's recommendation that the septic tank should be enlarged to handle the increased flows from the proposed building addition.
- Township SEO email correspondence dated May 19, 2020 indicating the anticipated sewage flows as a result of the proposed building addition should not exceed the total capacity of the septic system replacement absorption area designed and permitted in 2004 and recommending the septic tank have a capacity of 2,187.5 gallons which will require installation of an additional tank to bring the capacity of the existing 1,500 gallon tank up to the acceptable size.
- DEP NPDES Permit No. PAD220007 issued April 7, 2020 for the project site

Supervisor Fisher questioned Applicant's stated intent of applying for a Zoning Hearing to contest the parking screen buffer specified in the Zoning Ordinance while noting the General and Landscape Notes on the plan clearly state "All required tree planting and landscaping used for screening shall comply with all landscaping requirements of the Middle Paxton Township Zoning and SALDO Ordinances". He also indicated and the Township Solicitor concurred that the Board could not approve a plan in advance of a Zoning Hearing Board determination of an applicable Zoning Ordinance provision that was intended to be contested by the Applicant.

Mr. Burch replied that the Applicant no longer intended to apply for a Zoning Hearing. The Board requested Mr. Burch meet with the Township's Zoning Officer and incorporate the parking screen buffer to be agreed upon through a cooperative effort between he and the Zoning Officer on behalf of his client as a condition of plan approval.

Supervisor Evans questioned whether the Applicant had satisfied the stormwater comments pertaining to sheets 1, 2 and 5 being required to show the full extent of the limit of disturbance. Ed Fisher indicated the revised plan submitted to the Board had satisfied that requirement.

Motion by Supervisor Smith to grant the requested waivers to SALDO Sections 304 and Section 308.E subject to the following conditions: 1) the Applicant works with and cooperates with the developer of the adjacent Chestnut Hill Subdivision for the required widening of the eastern side of Speece Lane to the intersection of McKelvey Road, 2) the widening of Speece Lane occur before the Applicant's driveway is extended to Speece Lane or a cooperation agreement between the Applicant and Chestnut Hill Subdivision developer be provided to the Township, and 3) in the event Speece Lane is not widened by the Chestnut Hill Subdivision developer prior to the Applicant's improvements, the Applicant agrees to widen Speece Lane from the new access drive to the intersection of McKelvey Road and contribute to the intersection improvements in an amount to be determined by the Township and to approve the *Preliminary/Final Land Development Plan for Zion Evangelical Congregational Church* subject to the Applicant incorporating the parking screen buffer requirements to be agreed upon through a cooperative effort with the Township's Zoning Officer and compliance with the plan elements, specifications and improvements stated in 1) *Light-Heigel & Associates, Inc.* May 8, 2020 plan review correspondence to the Board, 2) Township Planning Commission May 11, 2020 meeting minutes, 3) Dauphin County Subdivision/Land Development Review Report No. 19-054, and 4) all other outstanding items required to be submitted to and/or approved by the Township for Final Plan approval was seconded by Supervisor Cooney. *Motion passed unanimously.*

Final Minor Subdivision & Lot Addition Plan over lands of Flemish Down, LLC

A *Final Minor Subdivision & Lot Addition Plan over lands of Flemish Down, LLC* dated March 23, 2020 was presented by Ben Kirk of Burget & Associates, Inc. representing Flemish Down, LLC. The purpose of the plan is to subdivide a 400 acre tract (PR. Lot 2B) to create a lot addition to adjoining lands (Lot 1 of this plan) to be consolidated together. A deed consolidating Lot 2B plus Lot 1 shall be created and recorded upon the approval of this plan by Middle Paxton, Wayne and Halifax Townships and no improvements or earthmoving activities are proposed at this time.

The Applicant submitted the following waiver requests via Burget & Associates, Inc. correspondence dated March 23, 2020 stating the grounds for claiming a hardship based on the physical condition of the land, the provisions of the ordinance involved and representing the minimum modification necessary:

- Section 304 – Preliminary Plan Submission
- Section 307 – Sheet Size
- Section 308.D – Steep Slope Report
- Section 305.O – Slope Percentages
- Section 307.U – Contour Intervals

Motion by Supervisor Fisher to grant the requested five (5) waivers and approve the *Final Minor Subdivision & Lot Addition Plan over lands of Flemish Down, LLC* subject to all plan review comments stated in Light-Heigel & Associates, Inc. May 8, 2020 plan review correspondence to the Board and Dauphin County Subdivision/Land Development Review Report No. 20-045 being satisfied was seconded by Supervisor Smith. *Motion passed unanimously.*

Proposed Development Project – 2551 Fishing Creek Valley Road

Jason Serrano, owner of 2551 Fishing Creek Valley Road, presented his proposal to introduce a text amendment to the Zoning Ordinance intended to enable construction of a 70,000 sq. ft. food distribution center/storage facility with approximately 25% of that space to include refrigerated storage as a proposed use on his 200 acre property located in the Township's Agricultural and Rural Residential District (A-RR).

Mr. Serrano introduced Steve Prouse as project manager of the *Midwest Food Bank Pennsylvania*, a non-profit 501(c)3 organization chartered to address the food insecurities throughout Central and Eastern Pennsylvania that have dramatically increased during the rise in unemployment resulting from the world-wide COVID-19 pandemic. Mr. Prouse explained *Midwest Food Bank Pennsylvania* is able to receive large donations of food and produce from various sources throughout the eastern United States due to its 1% administrative cost of operating utilizing primarily volunteer labor and ability to receive and adequately store those products prior to distribution.

Mr. Serrano stated his intent to dedicate a 10 acre portion of his property for the proposed food distribution center/storage facility which will enable *Midwest Food Bank Pennsylvania* to receive and store donated food shipments for distribution to various volunteer and faith-based food bank agencies. Approximately 30 to 40 acres of his property will also be farmed for produce which will be contributed to *Midwest Food Bank Pennsylvania*. He projects an annual volume of food products valued in excess of \$35 million will be received and distributed through these efforts.

The Board thanked Messrs. Serrano and Prouse for their presentation and proposed initiative to feed the increasing numbers of folks experiencing food insecurities.

Fireworks Nuisance Complaints

Manager Seeds reported having received numerous complaints concerning “consumer” fireworks being used in residential neighborhoods during the Memorial Day weekend. A copy of the Fireworks Ordinance enacted by Lower Paxton Township was distributed for the Board’s information.

The Board took no action other than suggesting residents concerned about the use of “consumer” fireworks in their neighborhood should file a report with the Pennsylvania State Police and contact our elected Representative and Senator in the General Assembly and Governor who collectively enacted Pennsylvania Act 43 of 2017 permitting the sale and use of “consumer” fireworks by Commonwealth residents.

COVID-19 Update

Manager Seeds reported the office will go back to normal business hours when Dauphin County goes *Green* and be reopened to the public with safety precautions in place according to the Governor’s COVID-19 mitigation efforts. The Township’s Public Works Department operations have been returned to normal after discussions were held regarding the wearing of face masks and social distancing. All team/organized sports and the playgrounds at Hagy Park remain on hold inasmuch as crowds greater than 25 persons are not permitted to gather while Dauphin County remains under *Yellow* status. Additional notes are contained in the Manager’s report.

Reports

Engineer – Light-Heigel & Associates, Inc.

A written report of items and activities completed during the month of May was presented.

Roadmaster – Robert Hofer

A written report dated June 1 was presented.

Zoning Officer – Ed Fisher

A written report dated May 28 was presented.

Emergency Management Coordinator – Robert Rusbatch

A written report for the month of June was presented. The Board thanked EMC Rusbatch for his continued services during the COVID-19 pandemic.

Manager – Julie Ann Seeds

A written report dated June 1 was presented.

Committee/Organization Reports

- Dauphin-Middle Paxton Joint Park Authority

Supervisor Cooney stated there was nothing new to report.

- Dauphin-Middle Paxton Joint Public Safety Committee

Supervisor Cooney reported the insurance policy continuing Errors and Omissions coverage for the Dauphin-Middle Paxton Joint Public Safety Authority had been renewed by the Township.

- Capital Region Council of Governments (CapCOG)

A written report dated June 1 was presented by Supervisor Fisher.

- Dauphin-Middle Paxton Fire Company Oversight Committee

A written report dated June 1 was presented by Supervisor Fisher.

- Zoning Ordinance Update Committee

Manager Seeds reported a committee meeting will be scheduled once Dauphin County is designated *Green* status under the Governor's COVID-19 mitigation efforts.

- Detweiler Park Steering Committee

Manager Seeds reported Public Meeting #2 for Dauphin County's Detweiler Park Master Site Plan was held on Monday, May 11 via Zoom and that the majority of comments supported maintaining the site for passive recreation.

Review/Approval of Bills

Motion by Supervisor Smith to pay all vendor bills listed for the June meeting and authorize payment of all recurring monthly expenses upon receipt to avoid late-charge penalties was seconded by Supervisor Evans. *Motion passed unanimously.*

Executive Session

Not required.

Information Items/Letters Received

Manager Seeds presented items of general interest, as well as recent correspondence received by the Township.

Board Member Comments

No comments were presented.

Adjournment

There being no further business, the meeting was adjourned at 8:39 PM upon a motion by Supervisor Smith, seconded by Supervisor Evans. *Motion passed unanimously.*

Respectfully submitted,

SIGNATURE ON FILE

James H. Fisher, Assistant Secretary