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Middle Paxton Township

BOARD OF SUPERVISORS

MONTHLY BUSINESS MEETING MINUTES

August 2, 2021

Call to Order

The August 2, 2021 monthly business meeting of the Middle Paxton Township Board of Supervisors was called to order at 7:01 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; Township 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. Supervisor Smith reported that an executive session was held immediately prior to the Board meeting to obtain legal advice from the Township Solicitor related to matters of pending litigation.

Public Comments

Supervisor Smith invited comments from those in attendance who wished to address matters that were not listed on the meeting agenda.

- Paula Zankel, 321 Clarks Valley Road and Clarks Creek Watershed Preservation Association (CCWPA) president, thanked the Board for the courteous manner in which the July 6 meeting was conducted considering the rather extensive public comments that were presented regarding the Pocono Business Park, LLC (PBP) rezoning request.
- Ryan Evans, 1211 Clarks Valley Road and representing CCWPA expressed disappointment that the Township solicitor was not in attendance at the prior monthly meeting and presented CCWPA Board of Directors correspondence dated July 26, 2021 citing their objections to the PBP rezoning request together with an attached 10-page listing of signatures/addresses and manila folders labeled as *Appendix A* enclosing a copy of an article entitled "The Big Picture: Mega-warehouses take toll on environment, localities" from the *Bay Journal*, *Appendix B* enclosing a copy of an article published by the *Environmental Defense Fund* entitled "100% zero-emissions trucks: How close are we?", *Appendix C* enclosing a copy of the 131 page Comptroller General's Report to

Congress entitled "Excessive Truck Weight: A Expensive Burden We Can No Longer Support" and *Appendix D* enclosing a copy of a 5/11/2020 court decision in the case of Allen Distribution v. West Pennsboro Township Zoning Hearing Board.

- Jim Kopenhaver, 1511 Miller Road summarized and presented copies of an article entitled "The big picture: Warehouse take toll on environment, localities" published in the July-August 2021 issue of the Bay Journal.
- Lucretia Crum, 824 Gingrich Lane expressed objections concerning the PBP rezoning request and questioned why PBP representatives did not appear at either this meeting or the July 6 meeting. Supervisor Smith responded that PBP had made a specific request that their rezoning request not be placed on the July 6 agenda and that the matter be tabled temporarily.
- Joe Dux, 1130 Hecks Drive questioned whether a copy of the PBP rezoning request had been submitted to the Dauphin County Planning Commission. Supervisor Smith responded that the Dauphin County Planning Commission is not involved in the process until the Township takes action to publish a notice of intent to enact an ordinance for a zoning map amendment followed by a public hearing.
- David Rakocy, 420 River Road questioned how the wastewater from the LDI development would be handled. Supervisor Smith responded that the LDI development plan proposed wastewater would be pumped to the Dauphin Borough sewage treatment plant.
- Lucretia Crum, 824 Gingrich Lane questioned how water was to be provided to the LDI development properties. Supervisor Smith responded that Suez Water was proposed as the supplier of water for the LDI development.
- Sam McElwee, 731 Sam Hill Lane recommended the Township "force their hand" in reference to bringing PBP to the table in order to take action on their rezoning request.

Approval of Minutes

Motion by Supervisor Smith to approve the minutes from the July 6, 2021 Monthly Business Meeting was seconded by Supervisor Cooney. *Motion passed unanimously.*

Treasurer's Report/Monthly Financial Statement

The July monthly Treasurer's Report showed the total of the *PLGIT Prime* State Account (Liquid Fuels Fund) \$185,690.52; *Mid Penn Bank* Fire Hydrant Account \$11,175.48; Fiduciary Funds (Escrow & Fire Co. Vehicle Replacement Accounts) \$414,717.10; *PLGIT Prime* General Fund (Building, Equipment, Parks & Rec Accounts) \$243,010.39; *PLGIT Term* Reserve Account (Capital & Sewer) \$549,009.53; *Mid Penn Bank* Money Market Account \$378,605.64; *Mid Penn Bank* General Fund (Public Safety & Operating) \$923,633.29; and *Mid Penn Bank* Public Funds Account (FEMA Flood Mitigation Assistance Grant Program) \$1.00 to be **\$2,705,842.95** as of July 31, 2021.

Manager Seeds requested the Finance Committee meet to review the interest rates currently being offered by PLGIT versus commercial banking interest rates to determine whether funds should be transferred to obtain a higher yield. She noted that the Fire Company Oversight Committee has requested the Fire Company Equipment Fund currently under investment with PLGIT at an interest rate of 0.04% be transferred to a Mid Penn Bank Money Market Account being offered at an interest rate of 0.35%.

Motion by Supervisor Smith to accept the July 2021 Treasurer's Report to be filed for audit was seconded by Supervisor Sudia. *Motion passed unanimously.*

Agenda Items

Final Minor Subdivision & Lot-Addition Plan over lands of Kenneth M. & Mary K. Clemens

Chris Hinkle of Burget & Associates, Inc. presented the Final Minor Subdivision & Lot-Addition Plan over lands of Kenneth M. & Mary K. Clemens dated June 21, 2021. The purpose of the plan is to subdivide an existing 2.701 acre tract (Ex. Lot 2) to create a Lot addition (Pr. Lot 2A) to be consolidated with an adjoining lot (Ex. Lot 1) to comprise a Reconfigured Lot 1 consisting of 4.209 acres and a Reconfigured Lot 2 consisting of 1.046 acres with no improvements or earthmoving activities proposed as part of the plan.

Burget & Associates, Inc. submitted a formal request of waivers from Section 304 (Preliminary Plan Submission) and Section 307 (Sheet Size – 18" x 24") dated June 21, 2021. Dauphin County Planning Commission Subdivision/land Development Review Report No. 21-091 included review comments and Light-Heigel & Associates, Inc. correspondence dated July 9, 2021 also proposed specific review comments for incorporation into the plan, as well as indicated no objection to granting the requested waivers.

Motion by Supervisor Fisher to grant the requested waivers from Section 304 and Section 307 of the Township's SALDO and to approve the Final Minor Subdivision & Lot-Addition Plan over lands of Kenneth M. & Mary K. Clemens dated June 21, 2021 conditioned upon incorporation of the comments stated in the Dauphin County Planning Commission Subdivision/land Development Review Report No. 21-091, as well as those comments stated in the Light-Heigel & Associates, Inc. correspondence dated July 9, 2021 was seconded by Supervisor Sudia. *Motion passed unanimously.*

Clarks Valley Zion Evangelical Congregational (CVZEC) Church Escrow Release Request

Light-Heigel & Associates, Inc. correspondence dated July 30, 2021 stated the CVZEC Church site development project infiltration basin and paving work was completed and the light pole standard bases in place and recommended the township release an additional \$54,003 of the improvement guarantee while retaining \$53,305 of the improvement guarantee until additional project work is completed and inspected.

Motion by Supervisor Fisher to release an additional \$54,003 of the improvement guarantee for the CVZEC Church site development project and retain \$53,305 of the improvement guarantee until additional project work is completed and inspected was seconded by Supervisor Evans. *Motion passed unanimously.*

Hagy Park Athletic Field

Manager Seeds presented an estimate from Anthem Sports, LLC for the purchase of an *Enduro Fence* package consisting of 471 feet of portable fencing and ground sockets in the amount of \$2,446.25 to contain soccer balls from entering the southwest embankment adjacent to the playing field.

Motion by Supervisor Smith to accept the Anthem Sports, LLC quotation No. 63253 in the amount of \$2,446.25 to purchase the *Enduro Fence* package was seconded by Supervisor Evans. *Motion passed unanimously.*

Manager Seeds introduced the *Gordian ezIQC Cooperative Purchasing Network* as a solution under which the Township could obtain repairs, renovations, upgrades or new construction by competitively awarded contractors in similar fashion to products obtained through

COSTARS. She proposed engaging with *Gordian ezIQ*C to prepare bid specifications and obtain quotations for the work deemed necessary to restore Hagy Park athletic field turf which has deteriorated over the past couple of years.

It was the consensus of the Board for administrative staff to prepare a set of specifications detailing the work necessary to restore the Hagy Park athletic field turf and to solicit quotations from local landscape contractors to be presented for review during the next Board meeting.

Municipal Building Parking Lot ADA Compliance

Manager Seeds reported the slope of the handicapped parking spaces in front of the municipal building main entrance were determined not to be in compliance with ADA requirements in order for the building to be deemed handicapped accessible by the Dauphin County Bureau of Elections.

Motion by Supervisor Smith to direct Light-Heigel & Associates, Inc. to prepare bid specifications for the necessary corrective action to bring the handicapped parking spaces into ADA compliance and solicit bids in an attempt to complete the work prior to the November 2nd General Election was seconded by Supervisor Evans. *Motion passed unanimously.*

September 2021 Board of Supervisors Meeting Date

Motion by Supervisor Fisher to reschedule the Tuesday, September 7th scheduled meeting of the Board of Supervisors to Thursday, September 16th in order for the Township solicitor and Township engineer representative to be present was seconded by Supervisor Smith. *Motion passed unanimously.*

2003 F350 Pick-up Truck

Manager Seeds reported the 2003 F350 pick-up was placed out of service and reportedly requires major transmission work, as well as new tires and lower body panel corrosion repair to pass state inspection with a total estimate of \$6,500 to complete those repairs. The 18-year old vehicle has in excess of 200,000 miles on its odometer.

Motion by Supervisor Sudia to obtain dealer quotes under the COSTARS program for a utility body vehicle to replace the 2003 F350 pick-up was seconded by Supervisor Cooney. *Motion passed unanimously.*

2021 – 2022 Dauphin County Local Share Municipal Grant Applications

Manager Seeds presented three (3) projects proposed for submission under the 2021 – 2022 Dauphin County Local Share Municipal Grant program:

- Project #1 – debt reduction for the DCIB loan for the Potato Valley Road Bridge replacement and roadway realignment project and the pending Red Hill Road bridge replacement project
- Project #2 – installation of an elevator in the municipal building for access to the lower level archive room and proposed community room project
- Project #3 – debt reduction for the fire company's new Squad 38 emergency response vehicle

It was the consensus of the Board to submit applications under the Dauphin County Local Share Municipal Grant program for the aforementioned projects and increasing the fire

company debt reduction service request to include the entire cost of vehicle procurement and outfitting of Squad 38.

Dauphin-Middle Paxton Fire Company Vehicle Rescue Training Site Request

Dauphin-Middle Paxton Fire Company correspondence dated July 26, 2021 requested use of the northeast corner of the Municipal Building parking lot for vehicle rescue training on Wednesday evenings from 6 to 9:30 PM during the month of August with the vehicle to be removed no later than August 31.

Motion by Supervisor Smith to approve the request of the Dauphin-Middle Paxton Fire Company to conduct vehicle rescue training on the northeast corner of the Municipal Building parking lot pursuant to their letter of request dated July 26, 2021 was seconded by Supervisor Evans. *Motion passed unanimously.*

Proposed Addition to the Agenda

Motion by Supervisor Smith to add the Pocono Business Park, LLC Application for Zoning Amendment as an agenda item failed to receive a second.

Acting in his capacity as Board chairman, Supervisor Smith requested the Pocono Business Park, LLC Application for Zoning Amendment be included on the September 16th meeting agenda to set a hearing date.

Departmental Reports

Township Engineer

Light-Heigel & Associates, Inc. submitted a written report of items and activities completed during the month of July. Ed Fisher reported the chip seal and fog seal road projects were scheduled to commence the week of August 16th weather permitting.

Public Works

Road Master Robert K. Hofer II submitted a written report dated August 2. Supervisor Smith requested all future reports include total mileage and/or hours of operation for all Township vehicles and equipment.

Zoning & Codes Enforcement

Zoning Officer Ed Fisher and Assistant Zoning Officer Julie Ann Seeds submitted a written report dated July 29. Ed Fisher also reported the Zoning Hearing Board (ZHB) determined the applicant requesting a use variance for a detached garage conversion into an in-law apartment at 5525 North Front Street (Case No. 2121-04) did not need a variance based upon the ZHB's interpretation of the Zoning Ordinance.

Motion by Supervisor Fisher authorizing the Township solicitor to appeal the ZHB decision pertaining to Case No. 2021-04 to the Dauphin County Court of Common Pleas was seconded by Supervisor Cooney. *Motion passed unanimously.*

Emergency Management Coordinator

EMC Robert Rusbatch reported the costs incurred by the Township in responding to the Dauphin County declaration of disaster emergency pertaining to the Coronavirus COVID-19 pandemic did not meet the FEMA cost threshold to be filed for reimbursement.

Sewage Enforcement Officer

SEO Brian S. McFeaters submitted a written activity report for the month of June.

Township Manager

Manager Seeds submitted a written report summarizing items and activities completed during the month of July, as well as an update on projects and matters currently being addressed. She reported an employment offer was accepted by local resident Rachel Sweeney, one of the candidates interviewed to fill the vacant position of part-time Clerk/Receptionist.

Committee/Organization Reports

Dauphin-Middle Paxton Joint Park Authority

Supervisor Cooney reported the Authority was unable to obtain a quorum to meet during the month of July.

Capital Region Council of Governments (CapCOG)

Supervisor Fisher submitted a written report dated August 2.

Dauphin-Middle Paxton Fire Company Oversight Committee (aka Joint Fire Commission)

Supervisor Fisher submitted a written report dated August 2.

Motion by Supervisor Smith to transfer the Fire Company Equipment Fund currently under investment with PLGIT at an interest rate of 0.04% to a Mid Penn Bank Money Market Account offered at an interest rate of 0.35% was seconded by Supervisor Fisher. *Motion passed unanimously.*

Zoning Ordinance Update Committee

No report was presented.

Dauphin County Tax Collection Committee

No report was presented.

Approval/Payment of Bills

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

Informational Items/Correspondence Received

Manager Seeds reported the electric range in the kitchenette at the Fishing Creek Community Center was not working and noted the refrigerator and microwave appliances were also over 20-years old.

Motion by Supervisor Cooney to replace all kitchenette appliances in the Fishing Creek Community Center was seconded by Supervisor Sudia. *Motion passed unanimously.*

Manager Seeds presented items of general interest and distributed copies of recent correspondence received by the township. Board members also acknowledged having individually received via FedEx a July 13th "River View at Middle Paxton – Development Fact Sheet" prepared and distributed by LDI Associates/Dauphin, LLC and Pocono Business Park, LLC, as well as July 22nd correspondence from *Concerned Citizens of Middle Paxton*

Township and Dauphin Borough signed by Joe Dux voicing opposition to the Pocono Business Park, LLC rezoning application.

Board Member Comments/Announcements

Supervisor Evans stated that he supported adding the Pocono Business Park, LLC Application for Zoning Amendment as an agenda item for the September 16th Board meeting.

Supervisor Fisher requested Manager Seeds poll the Board members and complete registrations for those interested in attending the PSATS Centennial Celebration Dinner and Annual Business Meeting scheduled for October 14 and 15 at the Hershey Lodge.

Supervisor Smith requested Solicitor Stine provide a summary of the recently enacted legislation updating the state's Sunshine Act and establishing requirements for posting of meeting agendas and making changes to published agendas during meetings.

Adjournment

There being no further business, the meeting adjourned at 8:46 PM upon a motion by Supervisor Sudia, seconded by Supervisor Cooney. *Motion passed unanimously.*

Respectfully submitted,

James H. Fisher, Assistant Secretary