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Middle Paxton Township

BOARD OF SUPERVISORS

MONTHLY BUSINESS MEETING MINUTES

April 4, 2022

Call to Order

The April 4, 2022 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; Township Manager, Secretary and Assistant Treasurer Julie Ann Seeds; Township Solicitor Steve Stine; Ed Fisher representing the Township Engineer, *Light-Heigel & Associates, Inc.*; and Township Sewage Enforcement Officers Brian McFeaters and Carrie McFeaters. Supervisor Larry Cooney was absent.

Pledge of Allegiance

The meeting was opened with the Pledge of Allegiance.

Public Comments

Supervisor Smith invited comments from those in attendance regarding items not listed on the published meeting agenda. Those in attendance intending to present comments during the forthcoming public hearing regarding the advertised Ordinance 2022-01 to establish an On-Lot Sewage Management Program for the township were requested to reserve their comments until the public meeting was opened.

Ryan Evans, 1211 Clarks Valley Road, informed the Board that the February 7 Board meeting minutes were not yet published on the township's website and that 2022 meeting minutes for the Planning Commission and the Zoning Hearing Board were also not published on the website. He recommended the township take steps to keep its residents better informed in a more timely fashion.

Public Hearing

Township Solicitor Stine opened the advertised public hearing regarding the Board's consideration to enact Ordinance 2022-01 establishing an On-Lot Sewage Management Program for the township and requested the township's Sewage Enforcement Officer, Brian

McFeaters, summarize the provisions of the proposed ordinance and explain the pumping and system inspection process intended to protect the township's primary ground water source and its surface waterways.

Following Mr. McFeaters presentation, Solicitor Stine invited residents wishing to present comments regarding the proposed Ordinance 2022-01 to approach the podium and state their name and address for the record before making their comments. The following individuals cited their concerns and/or objections to the proposed Ordinance 2022-01:

- Rick Roadcap, 1330 Stone Glen Road
- Kirk Gibson, 2441 Fishing Creek Valley Road
- Donna Lantz, 430 Straw Hollow Road
- Clint Kreiger, 410 Church Lane
- David Rakocy, 420 River Road
- Bill Paule, 221 Denison Drive
- Jenny Irwin, 640 Iron Bridge Lane
- Alicia Kocher, 910 Mountain Road
- Todd Mumma, 1021 Fishing Creek Valley Road
- Paula Zanko, 321 Clarks Valley Road
- Richard Brown, 212 South 31st Street, Harrisburg (Susquehanna Township)
- Jim Huffman, 1320 Stoney Creek Road
- Ryan Evans, 1211 Clarks Valley Road

Several of the above individuals presented additional comments during the course of the public meeting.

Following conclusion of the above public comments, Solicitor Stine closed the public hearing at 8:15 PM and the Board collectively thanked those individuals who presented their comments. Supervisor Smith also announced the Board had met in executive session at 11 AM on Thursday, March 17 and at 2 PM on Monday, March 28 to obtain legal advice from the township solicitor.

Approval of Minutes

Motion by Supervisor Smith to approve the minutes from the March 7, 2022 Monthly Business meeting was seconded by Supervisor Evans. *Motion passed unanimously.*

Treasurer's Report/Monthly Financial Statement

The March monthly Treasurer's Report showed the total of the *PLGIT Prime* State Account (Liquid Fuels Fund) \$39,866.46; *Mid Penn Bank* Fire Hydrant Account \$8,713.16; Fiduciary Funds (Escrow & Fire Co. Vehicle/Equipment Accounts) \$424,286.16; *PLGIT Prime* General Fund (Building, Equipment, Parks & Rec Accounts) \$243,111.39; *PLGIT Term* Reserve Account (Capital & Sewer) \$1.49; *PLGIT* ARPA Funds \$268,331.83; *Mid Penn Bank* Money Market Account \$379,348.44; *Mid Penn Bank* General Fund (Public Safety & Operating) \$688,275.96; *Mid Penn Bank* Reserve Account (Capital & Sewer) \$549,385.93; and *Mid Penn Bank* FEMA Grant Account (Flood Mitigation Assistance Program) \$1.00 to be **\$2,601,321.82** as of March 31, 2022.

Manager Seeds noted that *PLGIT/Prime* investment rates had increased from 0.21% to 0.3509% and that the Finance Committee would be meeting to consider whether it would

be advisable to recommend certain account funds be transferred from Mid Penn Bank to PLGIT to obtain a higher rate of interest.

Motion by Supervisor Smith to accept the March 2022 Treasurer's Report to be filed for audit was seconded by Supervisor Sudia. *Motion passed unanimously.*

Agenda Items

Ordinance 2022-01

Consideration to enact Ordinance 2202-01 *Adding On-Lot Sewage Management Program Governing Municipal Management of On-Lot Sewage Disposal Facilities* was placed before the Board after having previously concluded the required public hearing.

Motion by Supervisor Evans to table consideration of Ordinance 2202-01 until such time all Board members are present was seconded by Supervisor Sudia. Following discussion, Supervisor Sudia withdrew his second of the motion.

Motion by Supervisor Smith to not adopt Ordinance 2202-01 was seconded by Supervisor Sudia. *Motion failed with Supervisors Smith and Sudia voting aye and Supervisors Evans and Fisher voting nay.*

The McNaughton Company – The Townes at Stoney Creek

Lauren M. McDaniel representing The McNaughton Company presented an application dated March 17, 2022 for a proposed Zoning Ordinance Text Amendment whereby the front yard setback requirement for single family attached dwellings with an integral garage in the R-2 Zoning District and in the R-3 Zoning District would be reduced to twenty-five (25) feet. Ms. McDaniel indicated the proposal for amendment was submitted in accordance with Section 1809 of the Zoning Ordinance and Section 609 of the Pennsylvania Municipalities Planning Code and requested the Board schedule and hold a public hearing on the proposed amendment.

Motion by Supervisor Fisher to refer The McNaughton Company application for Zoning Ordinance Text Amendment to the township's Planning Commission and the Dauphin County Planning Commission for their review and comments was seconded by Supervisor Sudia. *Motion passed unanimously.*

Red Hill Road Bridge/Culvert Replacement Project Status

The HRG April 4 status report indicated the project remains on schedule for a June bid opening with award/construction notice to proceed during July and substantial completion during November 2022.

Resolution 2022-05

Motion by Supervisor Smith to adopt Resolution 2022-05 in support of the township's application to the Pennsylvania Department of Conservation and Natural Resources (DCNR) for a grant to undertake the Hagy Park Phase II Walking/Fitness Trail & Pavilion project and to be bound by the terms of the DCNR Grant Agreement was seconded by Supervisor Evans. *Motion passed unanimously.*

Final Minor Subdivision Plan for Sean & Elizabeth Miriello Time Extension

A March 31, 2022 written grant of extension of plan review time until June 7, 2022 to allow time to resolve outstanding issues pertaining to the Final Minor Subdivision Plan for Sean & Elizabeth Miriello was received from Melham Associates, PC.

Motion by Supervisor Fisher to accept the grant of extension of plan review time until June 7, 2022 for the *Final Minor Subdivision Plan for Sean & Elizabeth Miriello* was seconded by Supervisor Smith. *Motion passed unanimously.*

Waste Management Solid Waste and Recycling Agreement

Manager Seeds reported the 5-year agreement entered into with Waste Management of Pennsylvania, Inc. on September 30, 2017 granting the contractor the exclusive right and obligation to collect and dispose of municipal solid waste and collect and deliver recyclable materials from township residential establishments would end on September 30, 2022. Upon mutual agreement between the parties, the agreement includes a provision for a contract extension for a total of not more than five (5) additional years on an individual or multi-year basis with a 2.75% annual escalation for each of the extension years.

Waste Management has been requested to advise the township whether it would agree to extend the contract under the terms stated in the agreement for one or more years. Otherwise, the township will be required to issue a request for bids from contractors to continue the collection and disposal of municipal solid waste, as well as the collection and delivery of recyclable materials from township residential establishments.

Reports

Township Engineer – Light-Heigel & Associates, Inc.

A written engineering report for the month of March 2022 was presented. Ed Fisher also reported roadway base repair contracted to Farhat Excavating LLC was anticipated to begin on or about the week of April 19.

Public Works – Roadmaster Robert Hofer

A written activity report dated April 4, 2022 was presented.

Zoning & Codes Enforcement

A written Building-Zoning-Code Enforcement Activity Report for March from Barry Isett & Associates, Inc. was presented. A written activity report for March from Light-Heigel & Associates, Inc. detailing work initiated by that firm prior to the township entering into a Professional Services Agreement effective February 21 with Barry Isett & Associates, Inc. to provide PA Uniform Construction Code (UCC) plan review and inspection services, Building Code Official (BCO) administration services, and Zoning and Code enforcement services was also presented.

Emergency Management Coordinator – Robert Rusbatch

Mr. Rusbatch reported he was still working with the FEMA and PEMA damage assessment teams for the township to be able to request cost reimbursement for damages and work performed during the declared disaster emergency for the 2021 Ida Storm.

Sewage Enforcement Officer – Brian McFeaters

A written activity report for the month of March was presented.

Township Manager – Julie Ann Seeds

A written activity report for the month of March was presented. Manager Seeds also highlighted several items summarized on her report.

Committees/Organizations

- *Dauphin-Middle Paxton Joint Park Authority* – No report was presented.
- *Capital Region Council of Governments (CapCOG)* – A written report dated April 4 was presented by Supervisor Fisher.
- *Dauphin-Middle Paxton Fire Company Oversight Committee* – A written report dated April 4 was presented by Supervisor Fisher.
- *Zoning Ordinance Update Committee* – No report was presented.
- *Dauphin County Tax Collection Committee (DCTCC)* – Supervisor Evans congratulated Manager Seeds upon her election as chairperson of the DCTCC during its March 16 meeting held in the township's meeting room.
- *Parks & Recreation Committee* – No report was presented.

Motion by Supervisor to accept all committee/organization reports as presented was seconded by Supervisor Smith. *Motion passed unanimously.*

Review/Approval of Bills

Motion by Supervisor Smith to pay all vendor bills listed for the April meeting including approval of HRG, Inc. invoices in the amount of \$38,832.48 to be submitted for payment under the DCIB loan and authorize payment of all recurring monthly expenses upon receipt to avoid late-charge penalties was seconded by Supervisor Evans. *Motion passed unanimously.*

Informational Items/Letters/Emails Received

Manager Seeds extended an invitation to the Board on behalf of HRG for the supervisors to attend a reception on Monday, April 25 from 5:30 – 7:30 PM during the PSATS 2022 Annual Educational Conference and Exhibit Show at Hershey Lodge and Convention Center. She also encouraged supervisors to consider attending HRG workshop presentations: *A Holistic Approach to Stormwater Capital Planning*; *How Different Communities Approach Hot Topics in Zoning*; and *Creative Public Engagement Strategies to Get Diverse Input* scheduled during the conference.

Copies of the Zoning Hearing Board decisions on the application of Arthur Warren for a special exception to amend a prior special exception decision and a variance from the one-year time limitation when reconstructing a nonconforming building, as well as the application of Ted Berencz and Christine Berencz for a special exception for a Special Occasion Home were also distributed to the Board.

Board Member Comments/Announcements

Supervisor Fisher noted that his "nay" vote on the motion to not adopt Ordinance 2202-01 reflected his understanding that putting a motion in the positive is a rule in parliamentary procedure. If you don't want to do something, then no motion needs to be made. He stated he would never vote in favor of a negative motion which is counterproductive to the duties of a township supervisor during the transaction of business.

Adjournment

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

Respectfully submitted,

SIGNATURE ON FILE

James H. Fisher, Assistant Secretary