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Middle Paxton Township

BOARD OF SUPERVISORS

MONTHLY BUSINESS MEETING MINUTES

August 1, 2022

Call to Order

The August 1, 2022 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 Assistant Secretary James Fisher; Supervisor Larry Cooney; Township Manager, Secretary and Assistant Treasurer Julie Ann Seeds; and Ed Fisher representing the Township Engineer, Light-Heigel & Associates, Inc. Supervisor and Treasurer Wilbur Evans and Township Solicitor Steve Stine were absent.

Pledge of Allegiance

The meeting was opened with the Pledge of Allegiance.

Supervisor Smith announced that immediately prior to this meeting, the Board of Supervisors held an executive session with Attorney Jason Hess, special counsel to the township, to discuss information and strategy in connection with litigation in the land use appeal filed by Pocono Business Park, LLC, which is docketed at the Dauphin County Court of Common Pleas as Case No. 2022-CV-4684-LU.

Public Comments

Supervisor Smith invited comments from those in attendance regarding items not listed on the published meeting agenda. No comments were presented.

Approval of Minutes

Motion by Supervisor Smith to approve the minutes from the July 7, 2022 Monthly Business meeting was seconded by Supervisor Sudia. *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) \$241,652.64; *Mid Penn Bank* Fire Hydrant Account \$7,478.75; *Mid Penn Bank* Fiduciary Funds (Escrow & Fire Co. Vehicle/Equipment Accounts) \$424,780.50; *PLGIT Prime* General Fund (Building, Equipment, Parks & Rec Accounts) \$494,977.42; *PLGIT Term* Reserve Account (Capital & Sewer) \$500,628.44; *PLGIT* American Rescue Plan Act (ARPA) Funds \$269,226.68; *PLGIT* Public Safety Account \$400,000.00; *Mid Penn Bank* Money Market Account \$129,504.78; *Mid Penn Bank* General Fund (Public Safety & Operating) \$235,797.13; *Mid Penn Bank* Reserve Account (Capital & Sewer) \$49,560.93; and *Mid Penn Bank* FEMA Grant Account (Flood Mitigation Assistance Program) \$1.00 to be **\$2,753,608.27** as of July 31, 2022.

Manager Seeds reported the *Mid Penn Bank* Public Safety Account was transferred to *PLGIT* at the recommendation of the Finance Committee to take advantage of the 1.61% interest rate versus 0.20% interest rate at *Mid Penn* Bank.

Motion by Supervisor Fisher to accept the July 2022 Treasurer's Report to be filed for audit was seconded by Supervisor Cooney. *Motion passed unanimously.*

Agenda Items

Red Hill Road Bridge/Culvert Replacement Project Status

Manager Seeds presented the HRG August 1 status report indicating HRG was finalizing the bid package for presentation to the township for review in the upcoming month, as well as completing ROW acquisitions with property owners and utility coordination. Advertisement for bids is scheduled for September with project award and construction notification to proceed during November.

Friends of Dauphin Pool Request for Municipal Sponsorship as Gaming Grant Co-Applicant

Ms. Susan Kenyon, treasurer, presented a request for the township to support the Friends of Dauphin Pool's application for a \$75,000 Local Share Municipal Gaming Grant to help cover needed infrastructure repairs and address ADA compliance issues. Friends of Dauphin Pool is a 501(c)(3) non-profit organization providing recreation and wellbeing activities for children and adults, as well as employment opportunities.

Motion by Supervisor Fisher for the township to support the Friends of Dauphin Pool Local Share Municipal Gaming Grant application as a co-applicant was seconded by Supervisor Sudia. *Motion passed unanimously.*

Final Minor Subdivision Plan for Sean & Elizabeth Miriello Time Extension

An August 1, 2022 written grant of extension of plan review time until October 4, 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 Smith to accept the grant of extension of plan review time until October 4, 2022 for the *Final Minor Subdivision Plan for Sean & Elizabeth Miriello* was seconded by Supervisor Cooney. *Motion passed unanimously.*

Final Subdivision Plan for Fishing Creek Estates Residual Lot

Mr. Stan Custer presented the Final Subdivision Plan for Fishing Creek Estates Residual Lot intending to subdivide an approximate 10 acre lot labeled "Reserved for Future Development" on the previously approved final subdivision plan phase 1 Fishing Creek Estates into a proposed open space lot and the residual lot area will remain as the lot "Reserved for Future Development".

The subject property is located within an area having defined floodplain and floodway subject to the township's Floodplain Management Ordinance and the proposed subdivision plan presented to the township's Planning Commission on July 11, 2022 failed to adequately address the comments provided within the Light-Heigel & Associates, Inc. review correspondence dated April 29, 2022, as well as the Dauphin County Subdivision/Land Development Review Report No. 22-050 and the township Zoning Officer's land development zoning review dated May 9, 2022. Accordingly, the Planning Commission recommended the Board of Supervisors deny the subject subdivision plan.

Motion by Supervisor Smith to deny the Final Subdivision Plan for Fishing Creek Estates Residual Lot pursuant to the Planning Commission's recommendation and the developer's failure to adequately address the review comments of Light-Heigel & Associates, Inc., Dauphin County Planning Commission and the township's Zoning Officer was seconded by Supervisor Sudia. *Motion passed unanimously.*

Chestnut Hill Final Phase 2 Subdivision and Land Development Plan

Mr. Elliot Shibley, Integrated Consulting, representing Chestnut Hill Holdings, LLC (landowner and developer) presented the Final Phase 2 Subdivision and Land Development Plan for the Chestnut Hill subdivision seeking the Board's approval for Phase 2 construction for Lots 9, 10, Lots 17-24 and Lots 35-39.

Motion by Supervisor Smith to approve the Final Phase 2 Subdivision and Land Development Plan for the Chestnut Hill Subdivision subject to all comments in Light-Heigel & Associates, Inc. correspondence dated June 13, 2022 and Dauphin County Subdivision/Land Development Review Report No. 22-070 being satisfied was seconded by Supervisor Sudia. *Motion passed unanimously.*

Preliminary/Final Subdivision Plan for 2201 Fishing Creek Valley Road

Mr. Mike Neumayer, Act One & Associates, representing King Drive Corporation (Source of Title-Lot#1) and Manor at Mountainview, LLC (Source of Title/Applicant-Lot#2), presented the Preliminary/Final Subdivision Plan for 2201 Fishing Creek Valley Road seeking the Board's approval to subdivide Interim Lot#3 from existing Lot#1 and add it to existing Lot#2 with all lots to be unified by deed and no improvements, construction or earth disturbances proposed on the lot addition plan.

ACT ONE & Associates correspondence dated May 16, 2022 requested the following waivers associated with the Preliminary/Final Subdivision Plan for 2201 Fishing Creek Valley Road and provided a corresponding explanation for those waivers:

- Section 304 (Preliminary Plat Submission)
- Section 305.O (Percent slope of all lots)
- Section 307 (Sheet Size – 18" x 24" and scale of either 50 feet to the inch or one hundred feet to the inch)

- Section 307.H (Street layout at scale of 1' = 800')
- Section 307.U (Proposed contours at intervals of five feet or at two feet if the general slope of the site is less than 10 percent)
- Section 308.D (Steep Slope Report)
- Section 402.B (Waiver of placing monuments at all intersections of street ROW lines, etc.)

Motion by Supervisor Fisher to approve the aforementioned waivers requested in the ACT ONE & Associates correspondence dated May 16, 2022 pursuant to Light-Heigel & Associates, Inc. correspondence dated July 11, 2022 was seconded by Supervisor Cooney. *Motion passed unanimously.*

Motion by Supervisor Smith to approve the Preliminary/Final Subdivision Plan for 2201 Fishing Creek Valley Road subject to all comments in Light-Heigel & Associates, Inc. correspondence dated July 11, 2022 and Dauphin County Subdivision/Land Development Review Report No. 22-076 being satisfied was seconded by Supervisor Sudia. *Motion passed unanimously.*

McKelvey Road Culvert/North Wall Deterioration

Ed Fisher reported the north wall of the McKelvey Road box culvert which extends approximately 2 feet above the roadway was damaged and is deteriorating. He recommended the exposed wall be saw-cut and guiderail be installed in its place. It was the consensus of the Board to authorize the roadcrew to perform the recommended corrective action.

Potato Valley Road Improvement Project

Manager Seeds reported the township's application for participation in the Dauphin County Infrastructure Bank (DCIB) loan financing program was reviewed by the DCIB Advisory Board and approved by the Dauphin County Board of Commissioners in the amount of \$649,000 to be used for infrastructure improvements and repaving of Potato Valley Road.

Motion by Supervisor Smith to accept Dauphin County's offer to participate in the DCIB Financing and complete the actions outlined in Dauphin County's notification of DCIB loan award correspondence dated July 22, 2022 was seconded by Supervisor Sudia. *Motion passed unanimously.*

Motion by Supervisor Smith to adopt Resolution No. 2022-09, Declaration of Official Intent to Reimburse General Funds or Short-Term Borrowed Funds used to Construct Improvements to Potato Valley Road with Funds Received from the Dauphin County Infrastructure Bank-General, was seconded by Supervisor Sudia. *Motion passed unanimously.*

Reports

Township Engineer – Light-Heigel & Associates, Inc.

A written engineering report for the month of July was presented. Ed Fisher highlighted several items in the written report including receipt of the July 19, 2022 notice from the Pennsylvania Department of Environmental Protection granting the township a waiver from NPDES Municipal Storm Sewer System (MS4) permitting requirements.

The Board expressed its sincere appreciation to Light-Heigel & Associates, Inc. for its efforts in completing the township's application requesting the MS4 permit waiver which has a 5-

year term and exempts the township from needing to implement costly and burdensome MS4 program requirements.

Public Works – Roadmaster Robert Hofer

A written activity report dated August 1, 2022 was presented. Supervisor Smith requested that any questions from the Board pertaining to items listed in that report be presented to Manager Seeds.

Zoning & Codes Enforcement – Barry Isett & Associates, Inc.

A written Building-Zoning-Code Enforcement Activity Report for the month of July was presented. Supervisor Smith requested that any questions from the Board pertaining to items listed in that report be presented to Manager Seeds.

Emergency Management Coordinator – Robert Rusbach

A written activity report dated August 1, 2022 was presented by EMC Rusbach which identified FEMA obligated funding for damages attributed to the 2021 Hurricane Ida storm. He also suggested the township request the Pennsylvania State Association of Township Supervisors (PSATS) consider incorporating the training programs required under PEMA's emergency management certification program directive D2022-02 into 1 or 2 day workshops to be held at various state-wide locations and/or the annual PSATS educational conference to enable municipal EMCs to either attain or maintain the Associate and Professional levels of certification required under Title 35, Section 7502(e) in a much more efficient manner.

Sewage Enforcement Officer – Brian McFeaters

A written activity report for the month of July was presented. Supervisor Smith requested that any questions from the Board pertaining to items listed in that report be presented to Manager Seeds.

Township Manager – Julie Ann Seeds

A written activity report for the Month of July was presented. Manager Seeds highlighted several items included in her written report and noted the Municipal Solid Waste bids are due on August 11 and a recommendation for award will be presented to the Board at the August 16 workshop meeting.

Committees/Organizations

- *Dauphin-Middle Paxton Joint Park Authority* – Supervisor Cooney reported the Authority has scheduled a Master Site Plan steering committee meeting for August 15. He also requested interested parties to complete the Master Site Plan survey which can be accessed via the township's website.
- *Capital Region Council of Governments (CapCOG)* – A written report dated August 1 was presented by Supervisor Fisher. Manager Seeds reported the township's F350 pickup truck which had to be towed to the Annual CapCOG Surplus Equipment and Vehicle Auction held on July 20 sold for \$6,000.
- *Dauphin-Middle Paxton Fire Company Oversight Committee* – A written report dated August 1 was presented by Supervisor Fisher. He noted the fire company was restarting its weekly BINGO fundraiser on September 1 and that dedication of the recently completed Honor Garden at the township's joint municipal building by Eagle Scout candidate Andrew Young is scheduled for September 18.

- *Zoning Ordinance Update Committee* – Manager Seeds reported the committee met on July 25 and completed its review of the draft ordinance. Once the committee’s recommended revisions are incorporated in the draft, a follow up committee meeting will be held in August to review the final draft of the proposed Zoning Ordinance update before it is presented to the Planning Commission for their review.
- *Dauphin County Tax Collection Committee (DCTCC)* – Manager Seeds reported DCTCC officers will be visiting the Keystone Collections facility in Irwin, PA on August 11. DCTCC has oversight of Keystone Collections which annually collects over \$200,000,000 in earned income tax (EIT) funds for Dauphin County municipalities and school districts.
- *Parks & Recreation Committee* – Manager Seeds reported a committee meeting will be scheduled during the month of August.

Review/Approval of Bills

Motion by Supervisor Smith to pay all vendor bills listed for the July meeting including the Schirmer Construction, LLC invoice in the amount of \$28,099 as a second draw against the contracted work for the archive room buildout and to authorize payment of all recurring monthly expenses upon receipt to avoid late-charge penalties was seconded by Supervisor Sudia. *Motion passed unanimously.*

Informational Items/Letters/Emails Received

Informational items distributed to the Board included Dauphin County correspondence dated July 27, 2022 providing notice of intent to revise the County’s Municipal Solid Waste Plan for a ten-year period covering 2023-2032 and Enbridge correspondence dated July 27, 2022 providing notice that Texas Eastern Transmission, LP has scheduled routine maintenance requiring access to mow the easement area on township property (Ibberson Park) during the month of August.

Board Member Comments/Announcements

No comments were presented.

Adjournment

There being no further business, the meeting was adjourned at 8:23 PM upon a motion by Supervisor Smith, seconded by Supervisor Sudia. *Motion passed unanimously.*

Respectfully submitted,

SIGNATURE ON FILE

James H. Fisher, Assistant Secretary