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*Middle Paxton Township*

**BOARD OF SUPERVISORS**

REGULAR MONTHLY MEETING MINUTES  
December 7, 2015

**Call to Order**

The December 7, 2015 regular monthly meeting of the Middle Paxton Township Board of Supervisors was called to order at 7:02 PM by Chairman Andrew Megonnell in the Township meeting room. Also present were Supervisor James Fisher, Vice-Chairman and Secretary; Supervisor Mitch Rissinger; Supervisor Richard Pepper; Julie Ann Seeds, Township Manager and Assistant Secretary/Treasurer; Steve Stine, Township Solicitor; and Ed Fisher, Township Engineer. Supervisor Jeffery Smith, Treasurer, was absent.

**Pledge of Allegiance**

The meeting was opened with the Pledge of Allegiance.

**Public Comments**

Chairman Megonnell invited comments from those in attendance who were not listed on the meeting agenda.

Ron Hull, a member of the Dauphin-Middle Paxton Joint Park Authority, reported the Authority had taken action at their November 23<sup>rd</sup> meeting to approve the proposed transfer of Dauphin Recreation Association (DRA) property to the Authority upon execution of an operating lease agreement whereby DRA would be directly responsible for continued swimming pool operations. The Board requested the Authority present a copy of the proposed operating lease agreement with DRA for review by the Board and its solicitor prior to execution.

**Approval of Minutes**

Chairman Megonnell requested a motion to approve the minutes from the November 2, 2015 regular monthly meeting. Motion by Supervisor Rissinger to approve the minutes from the November 2, 2015 regular monthly meeting was seconded by Supervisor Pepper. *Motion passed unanimously.*

Chairman Megonnell requested a motion to approve the minutes from the November 17, 2015 workshop meeting. Motion by Supervisor Fisher to approve the minutes from the

November 17, 2015 workshop meeting was seconded by Supervisor Peffer. *Motion passed unanimously.*

### **Treasurer's Report/Monthly Financial Statement**

Julie Ann Seeds, Assistant Secretary/Treasurer, presented the monthly Treasurer's Report showing the total of Fiduciary Accounts \$115,804.67, State Accounts \$199,319.34 and General Accounts \$1,460,272.30 to be \$1,775,396.31 as of November 30, 2015. Township Manager Seeds also reported she was requesting interest rate quotes from Mid Penn Bank, BB&T, Centric Bank and PLIGT (Pennsylvania Local Government Investment Trust) as a result of having received notice from Centric Bank that the interest being paid on the General Reserve Account #3935 would be reduced from 0.8% to 0.5%.

Motion by Supervisor Fisher to accept the November 2015 Treasurer's Report to be filed for audit was seconded by Supervisor Rissinger. *Motion passed unanimously.*

### **Agenda Items**

#### Bid Award – Joint Municipal Salt Storage Shed

Township Manager Seeds reported having received six (6) bids ranging from \$395,000 to \$157,000 for construction of the Joint Municipal Salt Storage Shed. Agpoint Construction Services of Quarryville, PA submitted the lowest bid in the amount of \$157,000 that was signed and included a bid bond in the amount of 10% of the bid. Supervisor Rissinger noted that construction and the required site preparation costs would be reimbursed under a Dauphin County grant awarded to the Township in the amount of \$165,000.

Motion by Supervisor Fisher to award a contract to Agpoint Construction Services in the amount of \$157,000 for construction of the Joint Municipal Salt Storage Shed contingent upon the contractor providing the required performance/payment bond and certificate of insurance was seconded by Supervisor Rissinger. *Motion passed unanimously.*

#### Bid Award – Maintenance Garage Connection to Dauphin Borough Sewage Collection System

Township Manager Seeds reported having received bids from Custer Excavating (\$13,140.45), Keystone Contracting (\$23,546.00) and Robinson Excavating & Mulch (\$2,600.00) for connection of the Township maintenance garage to the Dauphin Borough sewage collection system necessary to proceed with construction of the Joint Municipal Salt Storage Shed that will serve both the Township and Dauphin Borough.

Motion by Supervisor Rissinger to award a contract to Robinson Excavating & Mulch in the amount of \$2,600 for connection of the Township maintenance garage to the Dauphin Borough sewage collection system was seconded by Supervisor Fisher. *Motion passed unanimously.*

#### Patricia Stockard – Sewage Enforcement Officer

Patricia Stockard, an employee of Light-Heigel & Associates, introduced herself to the Board as our new Sewage Enforcement Officer (SEO) having recently replaced Matt Williard who is no longer employed with Light-Heigel & Associates designated as the Township's SEO for 2015.

#### Kathleen McCann – Request for Stormwater Escrow Release

Kathleen McCann requested release of \$7,500 being held in escrow for completion of stormwater facilities on the McCann property located at Singer Lane, Lot 3. Light-Heigel & Associates December 7, 2015 correspondence noted the required stormwater facilities had been completed in general conformity with the approved plan.

Motion by Supervisor Rissinger to release the \$7,500 being held in escrow for completion of the stormwater facilities on the McCann property located at Singer Lane, Lot 3 pursuant to Light-Heigel & Associates December 7, 2015 correspondence was seconded by Supervisor Peffer. *Motion passed unanimously.*

#### Hagy/Hecks Concerned Citizens Action Committee

Don Morse, 1011 Hecks Drive, representing the committee addressed the Board and distributed copies of October 27, 2015 correspondence previously mailed to members of the Board pertaining to the preliminary land development plan submitted by LDI Associates, LLC for the River View at Middle Paxton. Mr. Morse provided a summary of alleged plan deficiencies and reviewed the 'talking points' contained within the committee's October 27 correspondence. Mr. Morse noted the committee was satisfied with the proposed development access being limited to the lower access road from Hagy Lane with the primary access being from Allegheny Street. However, the committee was requesting the Board place a condition on preliminary plan approval denying any future access to the development site from Hagy Lane.

#### Rick Roadcap – Stony Creek Road 'S' Curve Project

Rick Roadcap, 1321 Stony Creek Road, addressed the Board regarding the proposed Stony Creek Road 'S' Curve Project including replacement of the culvert under the roadway and widening of Stony Creek Road through the "S' Curve. Mr. Roadcap asked who would be responsible for maintaining the rip-rap at the culvert discharge and requested the name of the individual to contact at DEP who discourages the use of cement to bond rip-rap at the point of discharge. Township Engineer Fisher responded that the Township would be responsible to maintain the rip-rap "energy dissipater" at the culvert discharge and provided Mr. Roadcap with a contact name at DEP.

In response to Mr. Roadcap's question regarding the status of the speed study to be conducted through the 'S' curve beginning at the Stone Glen Church and ending at the Stoney Valley Service Center prior to roadway widening, Township Engineer Fisher noted that speed tubes would be placed next week to determine what changes, if any, have occurred in comparison to the speed study completed on Stony Creek Road during 1999.

Mr. Roadcap questioned whether the Board was aware of correspondence dated September 9, 1980 from Mary Farrell then chairperson of the Board of Supervisors to Erwin Roadcap indicating the Township would not widen Stony Creek Road without landowner permission. The Board reminded Mr. Roadcap the proposed widening project would be performed fully within the Township's Right-of-Way, that he was afforded the opportunity to review and comment on the project engineering drawing at the Board's November 7 meeting, and that the Board included the conduct of a speed study prior to undertaking the project at his request within the recorded action to solicit bids for the project at that meeting.

Christian S. Daghir, Esquire/Howard & Nancy Clemm – Stony Creek Road 'S' Curve Project  
Attorney Daghir representing Howard & Nancy Clemm, 1311 Stony Creek Road, distributed two photographs indicating two separate areas on the opposite (north-west)

side of Stony Creek Road from their property and suggested visual sight distance would be improved for exiting the Clemm driveway onto Stony Creek Road should those areas be excavated. Township Engineer Fisher indicated such work would require rather extensive excavating and grading due to the slope of the hillside, extend beyond the Township's Right-of-Way and require cooperation of the landowner for the taking of land necessary for such an action.

#### Paris Uniform Contract

Township Manager Seeds reported having received a quotation to buyout the Paris Uniform contract prior to the expiration of the 2017 contact term. The quoted \$2,646.72 buyout includes the two floor mats with the screen printed Township logo. Motion by Supervisor Rissinger to buyout the Paris Uniform contract at the quoted price of \$2,646.72 was seconded by Supervisor Fisher. *Motion passed unanimously.*

#### Equipment Update

Township Manager Seeds reported the Township backhoe had a valve seal leak and that Stephenson Equipment provided the lowest repair estimate at \$2,592.76. The Board concurred on having Stephenson Equipment complete the required repairs.

#### Liquid Fuels Tax Fund Audit

Township Manager Seeds distributed a copy of the Liquid Fuels Tax Fund audit for January 1, 2013 through December 31, 2014. Audit findings from those two years indicated the Township expended \$29,664 for sealcoating and \$10,777.00 for pipe from the Liquid Fuels account for which quotations were not available for inspection, \$2,754.50 in excess of the approved amount for construction project No. 14-22211-001 and \$774.67 for ¼ inch commercial stone which is a non-permissible expenditure. The audit findings did not identify any deficiencies in internal control considered to be material weaknesses. Motion by Supervisor Rissinger to transfer \$43,970.17 from the General Operating Account No. 3367 to reimburse \$43,970.17 to the Liquid Fuels Fund Account No. 9044 upon official notification by the Department of Transportation was seconded by Supervisor Fisher. *Motion passed unanimously.*

#### Stipulation and Settlement Agreement

Chairman Megonnell announced the Board had met in executive session immediately prior to convening this evening's Board meeting to discuss litigation in the United States District Court for the Middle District of Pennsylvania, No. 1:14-CV-1209 CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS, Plaintiff vs. THE MIDDLE PAXTON TOWNSHIP ZONING HEARING BOARD AND MIDDLE PAXTON TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA, Defendants/Appellees.

Motion by Supervisor Fisher to approve the Stipulation and Settlement Agreement with Cellco Partnership d/b/a Verizon Wireless whereby the parties agree Action No. 1:14-CV-1209 shall be settled, discontinued and withdrawn by Verizon Wireless upon execution of the Stipulation and Settlement Agreement was seconded by Supervisor Rissinger. *Motion passed unanimously.*

### **Reports**

#### Engineer – Ed Fisher, P.E.

See attached report. Supervisor Fisher reported Dauphin Borough would not be contributing toward the cost of the speed study for Elizabeth Avenue inasmuch as the

Borough's ordinance establishing a statutory speed limit category of 25 MPH for residential streets applies to the portion of Elizabeth Avenue within the Borough limits. It was also noted that the Borough had just recently installed 25 MPH speed limit signs on their side of Elizabeth Avenue.

Road Master – Robert Hofer

See attached report.

Zoning and Codes Enforcement Officer – Julie Seeds

See attached report.

Emergency Management Coordinator – Robert Rusbatch

Mr. Rusbatch provided an end-of-year review of activities and reported a December 10<sup>th</sup> meeting at the Dauphin Borough building had been scheduled where a representative of the Pennsylvania State Police would discuss continuing preparations for the May-July 2016 closure of Route 11/15 and diversion of traffic to Routes 22/322.

Manager's Report – Julie Seeds

See attached report. Township Manager Seeds also reported the Dauphin County Commissioners had approved the Township's request to reallocate \$165,000 Gaming Grant funds previously awarded for construction of the Joint Municipal Salt Storage Shed (now being funded by an allocation of Dauphin County Liquid Fuels Tax Funds) for the proposed energy-efficiency project to install solar photo voltaic panels on the Joint Municipal Building.

Committee/Organization Reports

- Dauphin-Middle Paxton Joint Park Authority – No report was presented.
- Dauphin-Middle Paxton Joint Public Safety Authority – Chairman Megonnell reported the Authority would meet on Wednesday, December 9<sup>th</sup> at 6:00 PM in the Joint Municipal Building.
- Capital Region Council of Governments (CapCOG) – Supervisor Fisher reported he attended the November 16<sup>th</sup> meeting and noted the following items:
  - State Representative Sheryl Delozier provided updates on recent activities within the General Assembly.
  - Jerry Ozog, Hampden Township Fire Chief and HACC Firefighter Instructor presented recommendations intended to improve volunteer fire service response times.
  - Delegates approved the 2016 Budget including 5% salary increases for administrative staff.
  - The December meeting was cancelled.
  - The Annual Dinner meeting would be held on January 18<sup>th</sup> at the West Shore Country Club.
  - CapCOG intended to enlist the assistance of a consultant to review current fire company systems and inventories to determine areas where joint efforts would be beneficial.

**Review/Approval of Bills**

The listing of vendor bills for November was distributed to the Board for review/approval. Motion by Supervisor Rissinger to pay all vendor bills listed for November was seconded by Supervisor Peffer. *Motion passed unanimously.*

### **Information Items/Letters Received**

Township Manager Seeds presented items of general interest, as well as recent correspondence received by the Township that did not require Board action.

### **Board Member Comments**

Supervisor Peffer suggested the meeting room in the maintenance garage need not be heated at all times.

Chairman Megonnell distributed written correspondence announcing his resignation from the Board of Supervisors effective December 31, 2015 due to personnel reasons that prevent him from fulfilling the duties of his elected office.

### **Executive Session**

The Board recessed into executive session at 9:03 PM to discuss personnel matters upon a motion by Supervisor Fisher, seconded by Supervisor Rissinger. *Motion passed unanimously.*

The Board reconvened into regular session at 9:23 and took no corresponding action.

### **Adjournment**

There being no further business, the meeting was adjourned at 9:24 PM upon a motion by Supervisor Rissinger, seconded by Chairman Megonnell. *Motion passed unanimously.*

Respectfully submitted,

SIGNATURE ON FILE

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James H. Fisher, Secretary