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Middle Paxton Township

BOARD OF SUPERVISORS

MONTHLY BUSINESS MEETING MINUTES

February 6, 2023

Call to Order

The February 6, 2023 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 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. Supervisor and Vice-Chairman Mike Sudia was absent.

Pledge of Allegiance

The meeting was opened with the Pledge of Allegiance.

Public Comments

Supervisor Smith invited comments from those in attendance who were not listed on the meeting agenda.

Bob Klutas offered to share his experience with left-turning tractor trailer trucks if that would be of assistance to the township in defense of the land use appeal filed by Pocono Business Park LLC. He once again suggested installation of "no parking" signs would have been more appropriate than the installation of multiple delineators to prevent parking along Allegheny Street at the intersection of Erie Street. He also noted he has been threatened with the possibility of being served with collection notices from *Waste Management of Pennsylvania, Inc.* resulting from his refusal to comply with the township's residential solid waste & recycling management program contract and, once again, commented upon the unsightly accumulation of trash and debris in the front yard of a residence in the 1100 block of Peters Mountain Road.

Approval of Minutes

Motion by Supervisor Evans to approve the minutes from the January 3, 2023 Annual Reorganization and Monthly Business meeting was seconded by Supervisor Smith. *Motion passed unanimously.*

Treasurer's Report/Monthly Financial Statement

The January monthly Treasurer's Report showed the total of the *PLGIT Prime* State Account (Liquid Fuels Fund) \$682.60; *Mid Penn Bank* Fire Hydrant Account \$6,759.35; *Mid Penn Bank* Escrow Account \$190,616.55; *PLGIT Prime & Term* Fire Company Vehicle/Equipment Fund \$197,257.46; *PLGIT Prime* DCIB-G Fund \$660,985.78; *PLGIT Prime* General Fund (Building, Equipment, Parks & Rec) \$504,657.82; *PLGIT Prime & Class Term* Reserve Account (Capital & Sewer) \$554,430.09; *PLGIT Prime* American Rescue Plan Act (ARPA) Fund \$545,289.03; *PLGIT Prime* Public Safety Account \$442,269.26; *Mid Penn Bank* General Operating Account \$245,981.17; *Mid Penn Bank* Money Market Account \$0.00; *Mid Penn Bank* Public Safety Account \$0.00; *Mid Penn Bank* Capital Reserve/Sewer Account \$0.00; and *Mid Penn Bank* FEMA Grant Account (Flood Mitigation Assistance Program) \$1.00 to be **\$3,348,929.11** as of January 31, 2023.

Manager Seeds highlighted the three (3) *Mid Penn Bank* accounts that were closed noting that the balance of funds in those accounts were transferred to the corresponding *PLGIT* accounts to obtain a higher rate of investment interest. She also provided the current interest rate sheet for *PLGIT* accounts, as well as a February 2, 2023 email from *PLGIT* Senior Marketing Representative Matt Conlin explaining that public funds invested with *PLGIT* are not required to be FDIC insured or collateralized per Act 72.

Motion by Supervisor Fisher to accept the January 2023 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

HRG email correspondence dated February 6, 2023 from Ryan J. Hostetter, PE noted that acquisition of the final remaining Right-of-Way (ROW) clearance is about to be finalized and that HRG will be coordinating with the township to advertise the project for an anticipated bid opening in March.

Tree Removal Concern on Potato Valley Road – Geoffrey Lincoln

Mr. Lincoln was not present to express his concern about the township's proposed removal of a white oak tree along Potato Valley Road for which he requested audience with the Board. In his January 12, 2023 email to Manager Seeds and the Board, Mr. Lincoln claimed said tree to be a 200 year old witness tree for the property corners and had value as a healthy tree.

Resolution 2023-03

Motion by Supervisor Smith to adopt Resolution 2023-03 to adopt and place into immediate effect the Emergency Operations Plan of Dauphin County to provide prompt and effective emergency response procedures to be followed in the event of a major emergency or disaster within the township was seconded by Supervisor Evans. *Motion passed unanimously.*

Chestnut Hill Holdings Request for Bond Release

A written request dated January 23, 2023 to reduce the bond amount held for the Phase 1 "Individual On-Lot Stormwater Facilities" of the subdivision known as Chestnut Hill to \$0.00 and be closed out was received from Chestnut Hill Holdings noting that the lots included have changed hands or the work is complete. The correspondence noted that the respective buyer of lots remaining in Phase 1 will be required to post their own bond for the units to be constructed. Light-Heigel & Associates, Inc. correspondence dated February 2, 2023 recommended release of the bond for Phase 1 "Individual On-Lot Stormwater Facilities" posted in the amount of \$80,000.

Motion by Supervisor Smith to release and close out the bond held for the Chestnut Hill Subdivision Phase 1 "Individual On-Lot Stormwater Facilities" was seconded by Supervisor Evans. *Motion passed unanimously.*

Custer Development Company – Sewer Treatment Agreement

An email dated December 30, 2022 from Stan Custer included a Sewer Treatment Agreement entered into between *Custer Development Company* and the *Fishing Creek Estates Homeowners' Association* transferring full ownership and responsibility, as well as full operational control, management and responsibility for the sewage treatment facility and access road to the Association. The aforementioned email correspondence also requested release of the \$50,000 Letter of Credit held by the township and township action to execute the Joinder to the Agreement.

There being no one present from either *Custer Development Company* or *Fishing Creek Estates Homeowners' Association* at that time during the meeting to answer questions from the Board regarding the aforementioned agreement, Supervisor Smith deferred action until later in the meeting should either representative make an appearance.

Having waited until after 8:00 PM without any representative of *Custer Development Company* or the *Fishing Creek Estates Homeowners' Association* appearing at the meeting, a motion by Supervisor Smith to table action on the requests presented by *Custer Development Company* until the March 6 Board meeting was seconded by Supervisor Evans. *Motion passed unanimously.*

Time Extension letter for the Final Minor Subdivision Plan over lands of WRTR Properties

A February 6, 2023 written grant of extension of plan review time until the May 2023 Board meeting to allow additional time for the attorney to review encroachment issues regarding the *Final Minor Subdivision Plan over lands of WRTR Properties* was received from Burget & Associates, Inc.

Motion by Supervisor Fisher to accept the grant of extension of plan review time until the May 2023 Board meeting for *the Final Minor Subdivision Plan over lands of WRTR Properties* was seconded by Supervisor Smith. *Motion passed unanimously.*

Declaration of Consolidation of Previously Subdivided Lots

Motion by Supervisor Smith to approve the Declaration of Consolidation of Previously Subdivided Lots to consolidate and combine Lot or Parcel No. 43-040-138 and Lot or Parcel No. 43-040-139 as shown on a certain subdivision plan of lots entitled *Final Subdivision Plan for Remaining Lots along Mockingbird Drive* into a single lot, piece or parcel of land

owned by Jacqueline A. Tokach whose address is 2181 Mockingbird Drive and abrogate and cancel the individual status of the component Lots was seconded by Supervisor Evans. *Motion passed unanimously.*

Final Subdivision Plan for Gary T. and Nancy L. Deimler

Antony Trost, Melham Associates, P.C., presented the *Final Subdivision Plan for Gary T. and Nancy L. Deimler*, 1510 Stony Creek Road, seeking the Board's approval to subdivide an approximate 2.7606 acre proposed Lot 24 from existing Lot 1 (tax parcel No. 43-043-023) within the Stony Mountain Meadows Subdivision to create a new building lot.

Motion by Supervisor Smith to approve the *Final Subdivision Plan for Gary T. and Nancy L. Deimler* contingent upon removal of the "proposed drive" entrance onto Sunbeam Drive and change of the "proposed drive" entrance onto Stony Creek Road to "driveway access" subject to all comments in Light-Heigel & Associates, Inc. correspondence dated February 6, 2023 and Dauphin County Subdivision/Land Development Review Report No. 22-105 being satisfied was seconded by Supervisor Cooney. *Motion passed unanimously.*

Potato Valley Road Improvement Project – Tree Removal Bids

Motion by Supervisor Fisher to reject the three (3) bids submitted for the Potato Valley Road Tree Removal Project and rebid the project inasmuch as the submitted bids were not responsive to the bidding requirements was seconded by Supervisor Smith. *Motion passed unanimously.*

2023 Healthcare Plan Renewals

Motion by Supervisor Smith to renew the *Capital BlueCross Silver PPO* healthcare plan with an increase in the township's HRA deductible thereby limiting the monthly premium cost increase to 2.3% and to renew the *United Concordia* dental and *Highmark* vision plans was seconded by Supervisor Fisher. *Motion passed unanimously.*

Proposed Addition to Township Employee Holiday Schedule

Motion by Supervisor Fisher to add Martin Luther King, Jr. Day (a Federal holiday observed on the third Monday of January) to the township employee holiday schedule was seconded by Supervisor Cooney. Upon Board discussion regarding the township's past practice of limiting the observance of holidays during the winter season, Supervisor Cooney withdrew his second and the motion failed due to lack of a second.

Reports

Township Engineer – Light-Heigel & Associates, Inc.

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

Public Works – Roadmaster Robert Hofer

A written activity report dated February 6, 2023 submitted by the township's Road Foreman Jeffrey Warfel was presented. Supervisor Smith requested that any questions from the Board pertaining to items listed in the 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 January was presented. Supervisor Smith requested that any questions from the Board pertaining to items listed in the report be presented to Manager Seeds.

Emergency Management Coordinator – Robert (Rusty) Rusbatch

EMC Rusbatch reported the Middle Paxton Elementary School will be exercising its All Hazards Plan and holding an evacuation drill at 1:00 PM on May 10 at which time students, teachers and staff will be relocated to the fire station which serves as the school's designated evacuation station.

Rusty also thanked the Board for having presented him with a plaque recognizing his 30 years of dedicated service to the residents of Middle Paxton Township and Dauphin Borough upon his retirement as Fire Chief on January 25. Supervisor Fisher noted that the plaque was presented on behalf of both Dauphin Borough and the township.

Sewage Enforcement Officer – Brian McFeaters

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

Township Manager – Julie Ann Seeds

A written activity report for the month of January including projected items to be addressed during February was presented.

Committees/Organizations

- *Dauphin-Middle Paxton Joint Park Authority* – Supervisor Cooney reported the Authority has scheduled a 7 PM public meeting at the township's Joint Municipal Building on February 13 for a final review of the proposed Master Site Plan with an Authority meeting to follow on February 27.
- *Capital Region Council of Governments (CapCOG)* – A written report dated February 6 was presented by Supervisor Fisher.
- *Dauphin-Middle Paxton Fire Company Oversight Committee* – A written report dated February 6 was presented by Supervisor Fisher. The report included the following slate of officers of the Fire Company and its Executive Board elected to serve during 2023:
 - Chief 38: Ryan Boyer
 - Chief 38-1: Larry Snyder
 - Chief 38-2: Shane Swenson
 - Chief 38-3: Matthew Shive
 - Captain 38: Jon Fleming
 - Lieutenant 38: Mike McKenna
 - President: Matthew Shive
 - Vice President: Mike McKenna
 - Treasurer: Bradley Field, Sr.
 - Recording Secretary: Jon Fleming
 - Trustees: Shane Swenson, Jimmy Smith, Al Smith and Jace Hilton

The Board recognized the newly elected Fire Chief Ryan Boyer who was present in the audience, as well as expressed its appreciation to the dedicated volunteers of the *Dauphin-Middle Paxton Fire Co. No. 1* for their continued services provided to protect the residents of the Dauphin-Middle Paxton community.

In response to a question from Fire Chief Boyer, Supervisor Fisher clarified that active volunteer firefighters residing in Dauphin Borough, as well as the township were eligible to obtain the \$250 real estate tax credit applicable to the 2022 tax year and subsequent tax years pursuant to the Dauphin County "Active Volunteer Real Estate Tax Credit Ordinance" adopted on January 18, 2023.

- *Dauphin County Tax Collection Committee (DCTCC)* – Supervisor Evans reported the DCTCC met on January 18 in the township's meeting room at which time Manager Seeds was re-elected to chair the Committee.

Review/Approval of Bills

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

Informational Items/Letters/Emails Received

Manager Seeds presented several items deemed to be of interest to the Board. She also noted that *Verizon* reported an unknown party had accessed the township's *Verizon* cellular phone account to fraudulently obtain mobile devices and that charges associated with the fraud incident have been removed from our account.

Board Member Comments/Announcements

No comments were presented.

Executive Session

Motion by Supervisor Smith to enter into executive session at 8:14 PM to discuss matters pending litigation was seconded by Supervisor Cooney. *Motion passed unanimously.*

The Board reconvened the Monthly Business meeting at 8:47 PM.

Adjournment

There being no further business, the meeting was adjourned at 8:47 PM upon a motion by Supervisor Smith, seconded by Supervisor Cooney. *Motion passed unanimously.*

Respectfully submitted,

SIGNATURE ON FILE

James H. Fisher, Assistant Secretary