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Middle Paxton Township

BOARD OF SUPERVISORS

MONTHLY BUSINESS MEETING MINUTES

July 7, 2022

Call to Order

The July 7, 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 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 of the Board of Supervisors was held immediately prior to this meeting to obtain legal advice from the Township Solicitor.

Public Comments

Supervisor Smith invited comments from those in attendance regarding items not listed on the published meeting agenda.

Andy Megonnell, 850 Mt. Pleasant Road, advised the Board that a directive issued by the Pennsylvania Emergency Management Agency (PEMA) and effective July 5, 2022 significantly expanded the prescribed training and certifications required of individuals serving as appointed municipal emergency management coordinators (EMC).

Approval of Minutes

Motion by Supervisor Cooney to approve the minutes from the June 6, 2022 Monthly Business meeting was seconded by Supervisor Sudia. *Motion passed unanimously.*

Treasurer's Report/Monthly Financial Statement

The June monthly Treasurer's Report showed the total of the *PLGIT Prime* State Account (Liquid Fuels Fund) \$39,944.67; *Mid Penn Bank* Fire Hydrant Account \$7,787.48; *Mid Penn Bank* Fiduciary Funds (Escrow & Fire Co. Vehicle/Equipment Accounts) \$424,749.28; *PLGIT Prime* General Fund (Building, Equipment, Parks & Rec Accounts) \$493,866.41; *PLGIT Term* Reserve Account (Capital & Sewer) \$500,353.97; *PLGIT* American Rescue Plan Act (ARPA) Funds \$268,858.33; *Mid Penn Bank* Money Market Account \$129,484.20; *Mid Penn Bank* General Fund (Public Safety & Operating) \$1,011,832.82; *Mid Penn Bank* Reserve Account (Capital & Sewer) \$49,553.06; and *Mid Penn Bank* FEMA Grant Account (Flood Mitigation Assistance Program) \$1.00 to be **\$2,926,431.22** as of June 30, 2022.

Manager Seeds reported the Commonwealth of Pennsylvania Liquid Fuels annual allocation in the amount of \$201,434.50 was received and transferred from the General Fund to the Liquid Fuels Fund yesterday, July 6th. She also reported the Finance Committee recommends moving the Public Safety Account from *Mid Penn Bank* to *PLGIT* in order to obtain a higher rate of interest.

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

Agenda Items

Red Hill Road Bridge/Culvert Replacement Project Status

Manager Seeds presented the HRG July 4 status report indicating HRG was addressing PennDOT's structural adequacy comments and would be resubmitting final structure plans to PennDOT, as well as submitting the final bid package to the township for review in the upcoming month.

Andrew Young – Eagle Scout Project

Mr. Young provided the Board with a highly detailed photo chronology of the events describing his Eagle Scout project which included fund raising, construction and landscaping of an Honor Garden at the entrance to the Joint Municipal Building, as well as the assembly and placement of pre-fabricated commercial grade benches and picnic tables at the fire station. Mr. Young noted that future arrangements for the purchase and placement of additional memorial bricks in the Honor Garden will be handled through the Fire Company.

The Board commended Mr. Young for his initiative and organizational skills, as well as recognized the work performed by members of Boy Scout Troop 233 and various community volunteers to assist him in completing the labor intensive project. It was suggested that a dedication ceremony be scheduled to coincide with the Fire Company's annual open house on Saturday, August 27th.

Graceful Acres (Halifax, PA) request for 2022-2023 Gaming Grant Support

Ms. Karen Alleman presented a request for the township to support Graceful Acres' application for a \$75,000 Local Share Municipal Gaming Grant to cover unanticipated escalation in building material costs incurred due to COVID-19 during construction of its new facilities and the purchase of an ADA lift for disabled riders. Graceful Acres is a 501(c)(3) non-profit organization bettering the lives of children and adults dealing with developmental, physical or emotional challenges within a 5-county area by utilizing the

proven techniques for Equine Assisted Therapy to strengthen and improve an individual's mental, physical and cognitive wellbeing.

Motion by Supervisor Fisher for the township to support the Graceful Acres Local Share Municipal Gaming Grant application as a co-applicant was seconded by Supervisor Evans. *Motion passed unanimously.*

The McNaughton Company – Proposed Zoning Ordinance Text Amendment for The Townes at Stoney Creek

Ed Fisher reported an email was received from the McNaughton Company only moments before the Board meeting asking that the subject agenda item pertaining to their requested text amendment to the Zoning Ordinance to reduce the front yard setback requirement for single family attached dwellings with an integral garage in the R-2 and R-3 Zoning Districts be rescheduled to next month. The Board deferred action on the subject agenda item to the August Board meeting.

Action in furtherance of the defense of an appeal filed by Pocono Business Park, LLC at the Dauphin County Court of Common Pleas, Case No. 2022-CV-4684-LU

The land use appeal filed by Pocono Business Park, LLC is a validity challenge to the township Zoning Ordinance and Zoning Map. The township retained *Morgan, Hallgren, Crosswell & Kane, P.C.* as special counsel to defend the Zoning Ordinance and the Zoning Map.

Motion by Supervisor Fisher to approve retaining the professional services of John K. Trant, Jr. AICP, Esq. to serve as an expert witness in the land use appeal filed by Pocono Business Park, LLC, docketed at Case No. 2022-CV-4684-LU, and to authorize the Township Manager to sign the engagement agreement proposed by *Strategic Solutions LLC* subject to any changes requested by the Township Solicitor and/or special counsel representing the township in the land use appeal was seconded by Supervisor Smith. *Motion passed unanimously.*

Supervisor Smith invited comments from those in attendance regarding the Board's action on this matter. Comments were presented by the following individuals:

- Ryan Evans, 1211 Clarks Valley Road, offered assistance from the Clarks Creek Watershed Association to support the township in defending the land use appeal.
- Brian Cuddy, president of Dauphin Borough Council, indicated the township had the full backing of Dauphin Borough Council in its defense of the land use appeal.
- Lisa Neiter, 6140 Hockers Drive, Harrisburg, PA, noted that Swatara Township was successful in defending an appeal regarding a similar case resulting in denial of a proposed warehouse construction project.
- Don Morse, 1021 Hicks Drive, requested further information regarding *Strategic Solutions LLC* and the background of the expert witness.
- David Racocy, 420 River Road, inquired whether the township was taking the best approach in its handling of the land use appeal.
- Bob Good, 1121 Hagy Lane, asked for a summary of the land use appeal.

Reports

Township Engineer – Light-Heigel & Associates, Inc.

A written engineering report for the month of June was presented. Ed Fisher also highlighted several items that were included in the written report.

Public Works – Roadmaster Robert Hofer

A written activity report dated July 5, 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 June 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 Rusbatch

A written activity report included a quote from *Motorola Solutions* to support Mr. Rusbatch's request for purchase of a Motorola APX 8000 all-band portable radio configured for local emergency management use under state contract terms. The report noted that the requested purchase was a budgeted line item for 2022.

Motion by Supervisor Fisher to purchase the Motorola APX 8000 all-band portable radio configured for local emergency management use under state contract terms as specified in the *Motorola Solutions* QUOTE-1795507 for a net total price of \$7,575.98 was seconded by Supervisor Sudia. *Motion passed unanimously.*

Sewage Enforcement Officer – Brian McFeaters

A written activity report for the month of June and an updated report for the month of May were presented. Supervisor Smith requested that any questions from the Board pertaining to items listed in those reports be presented to Manager Seeds.

Township Manager – Julie Ann Seeds

A written activity report for the Month of June was presented. Manager Seeds also highlighted several items that were included in her written report.

Committees/Organizations

- *Dauphin-Middle Paxton Joint Park Authority* – Supervisor Cooney reported the Authority held its first public meeting on June 27 to solicit input on the park's master site plan being prepared by its consultant Simone Collins Landscape Architecture. 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 July 7 was presented by Supervisor Fisher.
- *Dauphin-Middle Paxton Fire Company Oversight Committee* – A written report dated July 7 was presented by Supervisor Fisher.
- *Zoning Ordinance Update Committee* – Manager Seeds reported the committee met on June 25 and completed its review of the ordinance definitions. A follow up committee meeting is scheduled for July 25 to continue reviewing 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)* – Supervisor Evans reported the July meeting has been canceled with the next meeting to be held in September.
- *Parks & Recreation Committee* – Manager Seeds reported a meeting of the reconstituted committee will be scheduled during the month of August.

Review/Approval of Bills

Motion by Supervisor Smith to pay all vendor bills listed for the June meeting including the Schirmer Construction, LLC invoice in the amount of \$21,507.09 as a 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 June 6 email correspondence from Cheryl Lauer requesting the township consider installing deer crossing signs on S.R. 225 (Peters Mountain Road) in the vicinity of McElwee Road.

Board Member Comments/Announcements

No comments were presented.

Adjournment

There being no further business, the meeting was adjourned at 7:53 PM upon a motion by Supervisor Smith, seconded by Supervisor Sudia. *Motion passed unanimously.*

Respectfully submitted,

Signature on File

James H. Fisher, Assistant Secretary