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Middle Paxton Township

BOARD OF SUPERVISORS

REGULAR MONTHLY MEETING MINUTES
May 2, 2016

Call to Order

The May 2, 2016 regular monthly meeting of the Middle Paxton Township Board of Supervisors was called to order at 7:00 PM by Chairman and Treasurer Jeffery Smith in the Township meeting room. Also present were Supervisor James Fisher, Vice-Chairman and Assistant Secretary; Supervisor Richard Peffer; Supervisor Wilbur Evans; Supervisor Larry Cooney; Julie Ann Seeds, Township Manager, Secretary and Assistant Treasurer; Township Solicitor Steve Stine; and Township Engineer Ed Fisher.

Pledge of Allegiance

The meeting was opened with the Pledge of Allegiance.

Public Comments

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

Pennsylvania State Police Cpl. Dave Beard addressed the Board and reported PSP has deployed increased traffic patrols on Route 22/322 during the 3-month closure of Route 11/15. Cpl. Beard also reported PSP has not observed anything out of the ordinary as far as crime reports within the Township. The Board thanked Cpl. Beard for being present and complimented PSP for having stepped up its traffic speed enforcement efforts along Route 22/322 noting that additional speed enforcement along Route 225 between the Route 22/322 interchange and Elizabeth Avenue would be appreciated.

Approval of Minutes

Motion by Supervisor Peffer to approve the minutes of the April 4, 2016 regular monthly meeting was seconded by Supervisor Evans. *Motion passed unanimously.*

Treasurer's Report/Monthly Financial Statement

Manager Seeds presented the monthly Treasurer's Report showing the total of State Accounts \$223,176.80; Fiduciary Accounts \$99,087.31 and General Accounts \$1,437,620.37 to be \$1,759,884.48 as of April 30, 2016. Manager Seeds distributed the January 1 - May 2, 2016 P&L statement and noted year-to-date EIT income is approximately \$30,000 above 2015 and expenditures approximately \$8,000 below 2015. Manager Seeds also reported the Commonwealth's 2016 Liquid Fuels Fund distribution in the amount of \$192,349 was anticipated in the near term.

Motion by Supervisor Fisher to accept the April 2016 Treasurer's Report to be filed for audit was seconded by Chairman Smith. *Motion passed unanimously.*

Agenda Items

Stony Creek Road 'S' Turn Paving Project Bids

Solicited bids for paving 1.1 miles of Stony Creek Road from Lindsey Lane through the 'S' turn (base bid) with an optional 0.5 miles section extending to Greider Lane/Stone Glen Church were received from the following contractors:

- *Meckley's Limestone Products* - \$136,800.00 base bid, \$57,600.00 optional bid and \$12,000.00 bid for topsoil and stone edges
- *Pennsy Supply, Inc.* - \$136,876.00 base bid, \$57,080.00 optional bid and \$14,131.20 bid for topsoil and stone edges

Light-Heigel & Associates, Inc. correspondence dated May 2, 2016 reported both bidders were responsive and met all bid requirements. Engineer Fisher also presented engineering recommendations for the Township to improve stormwater management from Killinger Lane into the 'S' turn approach.

Motion by Chairman Smith to select engineering Option #2 requiring installation of three (3) inlets with piping between those inlets to the culvert outfall crossing Stony Creek Road and to engage the Township's excavating contractor to perform the work was seconded by Supervisor Cooney. *Motion passed unanimously.*

Motion by Chairman Smith to award a contract to Meckley's Limestone Products in the amount of \$136,800.00 for the base bid work and \$12,000.00 for the topsoil and stone edge work was seconded by Supervisor Fisher. *Motion passed unanimously.*

GBT Realty/Dauphin DDP LLC – Zoning Ordinance Text Amendment Request

Reed Smith LLP attorney Sean P. Delaney representing *GBT Realty/Dauphin DDP LLC* (Developer) in connection with the proposed development of real estate on the southeast corner of the intersection of Peter's Mountain Road and Elizabeth Avenue submitted correspondence dated April 26, 2016 requesting the Board's consideration to amend certain commercial development standards within the Township's Zoning Ordinance to permit development of the property as proposed by the Developer. The requested text amendments were outlined within the

aforementioned correspondence as they pertain to commercial requirements within the following sections of the Zoning Ordinance:

- Section 1700 – General Parking Regulations
- Section 903.E – Off-Street Parking Location
- Section 1304 – General Buffer and Screening Regulations

Attorney Delaney acknowledged the requested Zoning Ordinance text amendments resulted from the Zoning Hearing Board's denial of certain variances requested by the Developer intending to construct a *Dollar General* store at the aforementioned property. Supervisor Fisher noted the legal and advertising costs associated with amending the Zoning Ordinance and questioned whether the Developer would consent to reimburse the Township for all costs related to the requested Zoning Ordinance amendments should the Board consider undertaking the requested action. Attorney Delaney replied that a letter committing the Developer to reimburse the Township for any and all expenses related to the requested Zoning Ordinance text amendments would be forthcoming.

Motion by Chairman Smith to forward *Reed Smith LLC* correspondence dated April 26, 2016 to the Planning Commission for review and, upon approval by the Planning Commission to undertake corresponding text amendments to the Zoning Ordinance, to direct the Township Solicitor to prepare the Zoning Ordinance amendment for subsequent action by the Planning Commission was seconded by Supervisor Peffer. *Motion passed unanimously.*

Requests for Release of Stormwater Improvement Guarantees

- Light-Heigel & Associates, Inc. correspondence dated April 20, 2016 indicated the required stormwater facilities have been completed in general conformity with the approved plan for the Joseph R. Petroski property located at 1526 Potato Valley Road and recommended release of the remaining improvement guarantee being held in escrow.

Motion by Chairman Smith to release the remaining \$750.00 improvement guarantee being held in escrow for completion of the stormwater facilities on the Joseph R. Petroski property located at 1526 Potato Valley Road pursuant to Light-Heigel & Associates, Inc. April 20, 2016 correspondence was seconded by Supervisor Evans. *Motion passed unanimously.*

- Light-Heigel & Associates, Inc. correspondence dated May 2, 2016 indicated the required stormwater facilities have been completed in general conformity with the approved plan for the Jesse Stoner property located at 380 McKelvey Road (Lot #5B) and recommended release of the improvement guarantee being held in escrow.

Motion by Chairman Smith to release the \$5,626.50 improvement guarantee being held in escrow for completion of the stormwater facilities on the Jesse Stoner property located at 380 McKelvey Road (Lot #5B) pursuant to Light-

Heigel & Associates, Inc. May 2, 2016 correspondence was seconded by Supervisor Evans. *Motion passed unanimously.*

- Motion by Chairman Smith to deny a request from John J. Saponsky III and Joann A. Morgan for release of a \$3,300.00 improvement guarantee being held in escrow for completion of stormwater facilities for a single family dwelling located at 403 Teglyn Drive (Lot #35) based upon Engineer Fisher's recommendation was seconded by Supervisor Evans. *Motion passed unanimously.*

Ordinance Codification Proposal

A proposal dated April 28, 2016 solicited from *General Code, LLC* offering to provide the necessary professional services for codification of the Township's ordinances and adoption of a new Code including a complete text of the Code being digitized for the Township's website in an easily navigated and fully searchable format was reviewed by the Board.

Motion by Chairman Smith to enter into a professional services agreement with General Code, LLC for a total codification project in the amount of \$12,900.00 as detailed in the proposal dated April 28, 2016 was seconded by Supervisor Cooney. *Motion passed unanimously.*

Draft Snow Emergency Ordinance

A draft ordinance prepared by Solicitor Stine at the request of the Board intended to establish a procedure for a snow emergency declaration and to regulate parking of motor vehicles and snow and ice removal during a declared snow emergency was distributed for review. The Board deferred discussion on the draft ordinance until the next regular meeting.

Dauphin-Middle Paxton Fire Company Request for Early Release of Equipment Fund Contribution

Manager Seeds reported having received an email from the Dauphin-Middle Paxton Fire Company requesting the Township advance the total 2016 budgeted amount of \$15,000 being deposited in quarterly payments to the fire company vehicle fund (Mid Penn Bank account #9119) in order to make those funds available for purchase of a new utility vehicle during the third quarter of 2016.

The Board deferred action on the fire company's request pending receipt of a written request and acknowledgment from the Fire Commission that the fire company's proposed utility truck purchase had been reviewed and approved.

Potato Valley Road Bridge and Roadway Realignment Project Update

Manager Seeds reported the Dauphin County Infrastructure Bank (DCIB) loan documents have been filed with our designated note counsel *Eckert Seamans Cherin & Mellot, LLC*. Manager Seeds also reported HRG's assigned project

manager, Chris Bauer, has departed the engineering firm and that Michelle Madzellan has been assigned as our project manager.

Given the delay encountered with funding the DCIB loan, a reported change in bridge construction funds being made available by the state versus federal government and a report that bridge replacement/construction is intended to be rescheduled from 2017 to 2019 on the TIP, Manager Seeds recommended a workshop meeting be held on May 17 to include the HRG project manager, a representative of TCRPC, and the newly assigned PennDOT District 8 project manager in order to get the project back on track. The Board requested Manager Seeds extend an invitation to the aforementioned individuals to attend the Board's workshop meeting on Tuesday, May 17 to provide an update on project status.

Reports

Engineer – Ed Fisher, P.E.

An engineering report for the month of April 2016 was presented.

Motion by Chairman Smith to release partial payment in the amount of \$141,300 to *Agpoint Construction Services* for construction of the joint municipal salt storage shed with \$15,700 (10% of construction cost) payable upon backfilling and final inspection of the construction site was seconded by Supervisor Peffer. *Motion passed unanimously.*

The Board reviewed a Light-Heigel & Associates, Inc. memorandum dated May 2, 2016 pertaining to stormwater complaints investigated at 1796 and 1520 Potato Valley Road. The Board concurred with Engineer Fisher's assessment of the issues presented as being the responsibility of the respective property owners to correct and directed Manager Seeds to send correspondence to the property owners advising them of Engineer Fisher's recommended corrective actions intended to address their complaints.

Roadmaster – Robert Hofer

A written report dated May 2, 2016 was presented. Roadmaster Hofer also reported having scheduled replacement of the culvert under Stony Creek Road at the 'S' turn for June 21-23. The Board requested a lighted sign be placed on Stony Creek Road in advance of the scheduled roadwork and that Manager Seeds provide written notification to all Stony Creek valley residents residing beyond the work site of possible road closure during the scheduled work.

Zoning and Codes Enforcement Officer – Julie Ann Seeds

A written report dated May 2, 2016 was presented.

Emergency Management Coordinator – Robert Rusbatch

A written report dated May 2, 2016 was presented.

Manager – Julie Ann Seeds

A written report dated May 2, 2016 was presented.

Committee/Organization Reports

- Dauphin-Middle Paxton Joint Park Authority – no report was presented.
- Dauphin-Middle Paxton Joint Public Safety Authority – Supervisor Fisher reported the Authority met on April 13 and that a copy of those meeting minutes would be distributed to the Board once approved by the Authority. The next Authority meeting is scheduled for July 13 at 6 PM in the Township meeting room.
- Capital Region Council of Governments (CapCOG) – Supervisor Fisher reported the CapCOG Board of Delegates met on Monday, April 18. Agenda action items included approval of a resolution requesting the State to amend the Covered Device Recycling Act 108 to create a more stable and comprehensive manufacturer implemented electronics recycling infrastructure; announcement of the 2016 auction to be held on July 20; and distribution of the following resolutions for municipal consideration: *Support of a Citizens Commission for Legislative Redistricting and Congressional Reapportionment* and *Calling on the State to install protection devices in grassy medians to prevent crossover crashes*. The next meeting of the Board of Delegates is scheduled for Monday, May 16 at 7:00 PM in the Hampden Township municipal building.
- Fire Commission – Supervisor Fisher reported the next meeting of the Fire Commission was scheduled for Tuesday, May 3 at 5:30 PM in the Township meeting room.

Review/Approval of Bills

The listing of vendor bills for April was distributed to the Board for review/approval.

Motion by Chairman Smith to pay all vendor bills listed for April and to ascertain whether the Dauphin Borough sewer bill for 50 Elizabeth Avenue represents the agreed upon residential billing rate was seconded by Supervisor Peffer. *Motion passed unanimously.*

Information Items/Letters Received

Manager Seeds presented items of general interest, as well as recent correspondence received by the Township.

Board Member Comments

Supervisor Fisher reported on having attended the PSATS annual education conference at Hershey from April 17-20 and that all proposed resolutions were approved during the general session including 16-40 (seeking legislation to authorize radar use by township police) and 16-44 (seeking legislation to amend

the Sewage Facilities Act 537) for which he entered a NO vote expressing the desire of a majority of the Board.

Supervisor Fisher also noted having been advised the *Pennsylvania Dirt, Gravel and Low-Volume Road Maintenance Program* had no applicants for the \$120,000 funds annually allocated for municipalities within Dauphin County with \$240,000 currently being available under the program. He suggested contacting Chris Hopper at the Dauphin County Agriculture and Natural Resources Center to determine whether reducing the roadway width and paving the Hunt Meadow, Hunt Wyd and Hunt Glen roadways would qualify for low-volume road maintenance funding inasmuch as that project would address water quality impact to the Clarks Creek watershed.

Supervisor Evans questioned whether *Verizon Fios* had been extended into the Township inasmuch as there would be a franchise agreement required for delivery of that service.

Chairman Smith thanked Manager Seeds, as well as Supervisors Fisher, Evans and Cooney for having attended the PSATS annual educational conference and various other meetings during the past month on behalf of the Board.

Executive Session

Not required.

Adjournment

There being no further business, the meeting was adjourned at 8:54 PM upon a motion by Chairman Smith, seconded by Supervisor Evans. *Motion passed unanimously.*

Respectfully submitted,

SIGNATURE ON FILE

James H. Fisher, Assistant Secretary