



**Mailing Address**

P.O. Box 277  
Dauphin, PA 17018

**Office Address**

10 Elizabeth Avenue  
Dauphin PA, 17018

Phone: 717-921-8128

Fax: 717-474-8146

*Middle Paxton Township*

**BOARD OF SUPERVISORS**

MONTHLY BUSINESS MEETING MINUTES

May 6, 2019

**Call to Order**

The May 6, 2019 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 Fishing Creek Community Center 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; Solicitor Steve Stine; and Ed Fisher representing Light-Heigel & Associates, Inc.

**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. No comments were presented.

**Approval of Minutes**

Motion by Supervisor Evans to approve the minutes from the April 1, 2019 monthly Business meeting was seconded by Supervisor Cooney. *Motion passed with Supervisor Smith abstaining due to having been absent from that meeting.*

**Treasurer's Report/Monthly Financial Statements**

Manager Seeds presented the monthly Treasurer's Report showing the total of the *PLGIT Prime* State Account (Liquid Fuels) \$341,301.48; *Mid Penn Bank* Fire Hydrant Account \$4,408.39; Fiduciary Funds (Escrow & Fire Co. Vehicle Replacement) \$170,957.76; *PLGIT Prime* General Fund (Building, Equipment, Parks & Rec) \$135,560.54; *PLGIT Term* Reserve Account (Capital & Sewer) \$773,071.25; and *Mid Penn Bank* General Fund (Public Safety & Operating) \$318,821.34 to be **\$1,744,120.76** as of April 30, 2019.

Manager Seeds reported the PLGIT Term (Reserve Account) investment fund in the amount of \$251,463.29 has a maturity date of May 8 and would need to be reinvested following that date. The Board directed the Finance Committee to make a determination as to the most appropriate PLGIT Term in which to reinvest those funds. Manager Seeds also reported the annual Liquid Fuels Fund payment in the amount of \$221,142.41 was received.

Motion by Supervisor Fisher to accept the April 2019 Treasurer's Report to be filed for audit was seconded by Supervisor Sudia. *Motion passed unanimously.*

## **Agenda Items**

### Potato Valley Road Bridge Replacement and Roadway Realignment Project Update

HRG project manager, Ryan Hostetter, presented the May 6 project status report and was pleased to announce that solicitation for bids would be advertised in the PennDOT ECMS on June 6 with a bid letting (opening) date of July 11. He anticipates the Township should be able to make a contract award at its August 5 monthly business meeting with PennDOT notice to proceed being issued to the contractor on or about October 7.

### Pennsylvania State Police (PSP) Quarterly Report

Cpl. Hoy presented the following summary report of PSP responses within the Township during the months of January thru April 2019 and noted the Township truly enjoys a rather low rate of incidents reported to PSP:

- 39 accident investigations (approximately 2/3 of those occurring on SR 22/322)
- 16 misdemeanor and/or felony citations issued
- 15 dispute investigations
- 4 warrants served

Cpl. Hoy also reported a total of 257 traffic citations were issued primarily on SR 22/322. The Board thanked Cpl. Hoy for attending the meeting and noted the Township's appreciation of the public safety services performed by the Pennsylvania State Police.

### Dauphin-Middle Paxton Soccer Association (DMPSA) – Hagy Park Field User Fees

Manager Seeds reported the Finance Committee met with representatives of DMPSA and Dauphin Athletic Association (DAA) on April 30 and distributed the Committee's May 6 memorandum to the Board summarizing the results of that meeting.

The Committee recommended no change to the corresponding fee schedule established under Resolution 2019-01. In addition, the Committee recommended the Township enter into a rental agreement with DAA to include all organized teams operating under the DAA umbrella for Hagy Park field use during the 2020 season and review field user fees for all organized sports not under the DAA umbrella.

Motion by Supervisor Sudia to immediately resume imposing fees for Hagy Park field use as established under Resolution 2019-01 was seconded by Supervisor Smith. *Motion passed unanimously.* (NOTE: During its April 1 Business Meeting, the Board waived fees for only recreation teams utilizing Hagy Park playing fields until the 2019 fee schedule could be revisited and a subsequent recommendation presented to the Board.)

### Peter Walsh – Short Term Rentals

Peter Walsh, 2331 Spruce Drive, deferred to Braxton Ditty, 441 Straw Hollow Road, to address the Felicita neighborhood complaint about resident safety, loud noise, alleged theft, additional traffic, etc. resulting from short-term rental of the property at 400 Straw Hollow Road.

Mr. Ditty distributed an *Airbnb* listing which advertises the private home at 400 Straw Hollow as a secluded get-a-way for hosting 16+ guests in 5-bedrooms, a 6<sup>th</sup> bedroom that can hold up to 6 guests, a rec room and living room that together can provide additional sleeping capacity for guests on optional air mattresses/sleeping bags. Mr. Ditty also cited the frequency of loud music emanating from the property, fireworks and gunshots, response of the fire company and PSP to the property, as well as excessive vehicular traffic at all hours to and from the property.

Mr. Ditty presented a May 4 letter from Jeff Leid, 2321 Spruce Drive, representing his concerns related to the foregoing complaint issues, as well as Supreme Court of Pennsylvania Middle District decision J-97-2018 which determined the purely transient use of a house is not a permitted use in a residential zoning district limiting use to single-family homes by "a single housekeeping unit".

Manager Seeds explained that the Township's current Zoning Ordinance does not address short-term rentals, but is under review with a comprehensive update of that ordinance intended to be published and adopted latter this summer. In the meantime, the Township will send a letter advising the property owner of the complaints filed by neighboring residents and request the Sewage Enforcement Officer to investigate whether the on-lot septic system was designed for the advertised rental occupancy of the property versus the number of bedrooms stated when the original building permit was issued.

### Declaration of Consolidation of Previously Subdivided Lots

James L. Goldsmith, 1650 Towpath Road, introduced James C. Hockenberry, PLS to present a Lot Consolidation Plan prepared for James L. & Cynthia R. Goldsmith to consolidate and combine existing tract 1 (Tax Parcel 43-007-031) and adjacent existing tract 2 (Tax Parcel 43-007-032) into a single new lot consisting of 3.0754 acres.

Motion by Supervisor Smith to approve the Declaration of Consolidation of Previously Subdivided Lots for Tax Parcels 43-007-031 and 43-007-032 subject to the Declaration presented to the Board being recorded as a covenant running with the land comprising said Lots and evidence of recording being presented to the Township was seconded by Supervisor Fisher. *Motion passed unanimously.*

### Final Minor Subdivision & Lot Addition Plan – Flemish Down, LLC and D.W. & K.S. Wech

Cody Jones of Burget & Associates, Inc. presented a Final Minor Subdivision & Lot Addition Plan over lands of Flemish Down, LLC and Douglas W. & Katherine S. Wech to subdivide an 81.023 acre tract (Proposed Lot 2A) and create a lot addition to adjoining lands (Existing Lot 1) to be consolidated as Reconfigured Lot 1 consisting of 215+/- acres.

Burget & Associates, Inc. correspondence dated April 8, 2019 requested the following waivers associated with the Final Minor Subdivision & Lot Addition Plan and provided a corresponding explanation for those waivers:

- Section 304 (Preliminary Plan Submission)
- Section 307 (Sheet Size – 18" x 24")
- Section 308.D (Steep Slope Report)
- Section 305.O (Slope Percentages)
- Section 307.U (2' & 5' Contours)

Motion by Supervisor Smith to approve the aforementioned waivers requested in the Burget & Associates, Inc. correspondence dated April 8, 2019 was seconded by Supervisor Evans. *Motion passed unanimously.*

Motion by Supervisor Smith to approve the Final Minor Subdivision & Lot Addition Plan over lands of Flemish Down, LLC and Douglas W. & Katherine S. Wech contingent upon compliance with all review comments stated in Light-Heigel & Associates, Inc. correspondence dated April 5, 2019 and Dauphin County Subdivision/Land Development Review Report No. 19-031 was seconded by Supervisor Evans. *Motion passed unanimously.*

#### Preliminary Land Development Plan - Chestnut Hill

Elliot Shibley with Integrated Development Partners representing Chestnut Hill Holdings, LLC displayed the *Preliminary Land Development Plan – Chestnut Hill* seeking the Board's approval to subdivide a 68 acre tract of land situated between Clarks Creek and Speece Lane (Parcel ID 43-017-192) into 39 building lots including all site improvements required by the Township's Subdivision and Land Development Ordinance (SALDO), Zoning Ordinance and Stormwater Management Ordinance.

Integrated Development Partners correspondence dated April 30, 2019 requested a waiver of Sections 502.F and 502.I.2.b to reduce the SALDO requirement for a 30-foot wide cartway with vertical curbing to a 22-foot wide cartway with a 2-foot wide rolled curb at a height of 3.25" for a total road width of 26 feet and provided a corresponding explanation for that waiver.

Motion by Supervisor Smith to approve the Applicant's requested waiver to Sections 502.F and 502.I.2.b contingent upon on-street parking being prohibited; the Applicant being fully responsible for posting all proposed subdivision roadways for no parking and bearing all costs associated with acquisition and placement of all required signage, as well as preparation and advertising of the required No Parking Ordinance; and compliance with the associated waiver request review comments stated in Light-Heigel & Associates, Inc. correspondence dated May 2, 2019 was seconded by Supervisor Evans. *Motion passed unanimously.*

The ELA Group, Inc. April 23, 2019 review of the Transportation Impact Study (TIS) for Chestnut Hill prepared by HB Engineering, Inc. indicates there is no currently posted speed limit on Speece Lane. However, the Sight Distance Evaluation for the proposed Chestnut Hill access drives on page 4 of the TIS used a suggested speed limit of 25 mph for calculating the required sight distances versus the speed limit of 55 mph for an unposted roadway. Solicitor Stine advised the Board that Title 75 of the Pennsylvania Consolidated Statutes (commonly referred to as the Vehicle Code) allows municipalities to reduce the speed limit to 25 mph on township roads without engineering and traffic studies in "residence districts" as defined in the Pennsylvania Vehicle Code.

Motion by Supervisor Fisher to recognize the area of the proposed Chestnut Hill subdivision as a residence district as defined in the Pennsylvania Vehicle Code and post the speed limit at 25 mph for the entire length of Speece Lane contingent upon the Applicant bearing all costs associated with acquisition and placement of the required signage was seconded by Supervisor Smith. *Motion passed unanimously.*

In response to comments noted within the March 11, 2019 Planning Commission meeting minutes, the Board inquired whether the Applicant would consider widening Speece Lane the remaining distance to McKelvey Road versus the plan showing a widening of Speece Lane only to the extent of the parcel being subdivided. Mr. Shibley stated the Applicant will provide a financial guarantee to widen the eastern side of Speece Lane by an additional 2-feet including a base and wear coat for the remaining distance to McKelvey Road.

Motion by Supervisor Smith to approve the *Preliminary Land Development Plan – Chestnut Hill* contingent upon compliance with all review comments stated in Light-Heigel & Associates, Inc. correspondence dated May 2, 2019 and Dauphin County Subdivision/Land Development Review Report No. 19-002 and the Applicant bearing all costs associated with widening the east side of Speece Lane by an additional 2-feet including a base and wear coat for the remaining distance to McKelvey Road was seconded by Supervisor Sudia. *Motion passed unanimously.*

#### House Bills 510 and 511

Motion by Supervisor Fisher to notify Representative Sue Helm and Senator John DiSanto that the Township supports House Bill 510 amending Title 53 of the Pennsylvania Consolidated Statutes to enable the adoption of intergovernmental agreements by Resolution which now require an Ordinance and the corresponding House Bill 511 amending the Second Class Township Code by deleting the requirement for an Ordinance to make agreements with other municipal corporations was seconded by Supervisor Evans. *Motion passed unanimously.*

#### Stormwater Escrow Release – Design Build Custom Construction, LLC

Motion by Supervisor Fisher to release guarantee bonds in the amount of \$3,058.52 for the stormwater control plan for Tax Parcel 43-009-059 (1768 Miller Road) and in the amount of \$3,282.00 for Tax Parcel 43-009-009 (800 Mountain Road) upon receipt of a check in the amount of \$250.00 for each property to be held until those project sites have been stabilized in accordance with Light-Heigel & Associates, Inc. correspondence dated April 26, 2019 was seconded by Supervisor Smith. *Motion passed unanimously.*

#### Resolution 2019-05 Revised Schedule of Appointments

Motion by Supervisor Smith to adopt Resolution 2019-05 designating Ed Fisher (Light-Heigel & Associates, Inc.) as the Township Zoning Officer, Marty Sowers (Light-Heigel & Associates, Inc.) as the Township Code Enforcement Officer and Julie Ann Seeds and Linda Megonnell as Assistant Code Enforcement Officers was seconded by Supervisor Evans. *Motion passed unanimously.*

#### Central Pennsylvania Conservancy

Motion by Supervisor Smith to send a letter to DCNR Community Conservation Partnerships Program (C2P2) indicating Township support for the Central Pennsylvania Conservancy proposed acquisition of land consisting of 404 acres on the north and south

side of Peters Mountain which includes two miles of the Appalachian Trail and the Peters Mountain Shelter, as well as one mile of the historic Victoria Trail with that tract of land intended to be transferred to the National Park Service and the PA Game Commission shortly after acquisition was seconded by Supervisor Evans. *Motion passed unanimously.*

#### Old Salt Shed Repair Proposal

Motion by Supervisor Fisher to award a contract to Matt Smith Construction in the amount of \$6,015.00 to repair the old salt shed located at the Public Works Garage as specified in proposal No. 1068 dated April 22, 2019 was seconded by Supervisor Cooney. *Motion passed with Supervisor Smith abstaining due to the contractor being a sibling.*

#### Municipal Building and Public Works Garage Overhead Door Repair Proposal

Motion by Supervisor Sudia to award a contract in the amount of \$3,468.47 to Hershocks to furnish and install materials required to address the remote door operator radio signal strength issue being experienced at the fire station, replace bottom door seals at that location, replace vinyl molding door seals, track and a bottom garage door section at the Public Works Garage as specified in proposal dated April 30, 2019 was seconded by Supervisor Fisher. *Motion passed unanimously.*

## **Reports**

#### Engineer – Light-Heigel & Associates, Inc.

A written report for the month of April was presented.

#### Roadmaster – Robert Hofer

A written report dated May 6 was presented.

#### Zoning Officer

A written report dated May 2 was presented.

#### Emergency Management Coordinator – Robert Rusbatch

No report was presented.

#### Manager – Julie Ann Seeds

A written report dated May 6 was presented. Manager Seeds noted that the auditors would be recommending our QuickBooks consultant, Mary Coble, reconcile all accounts on a monthly basis.

#### Committees/Authorities/Organizations

- *Dauphin-Middle Paxton Joint Park Authority* – Supervisor Cooney reported the April 13 opening day for the park was a rousing success with the dedication ceremony for the renovated Joseph A. Kennedy Field grandstand having been well attended by local, county and state officials. He also reported the Authority's John Deere tractor would be taken for service once the battery is replaced.
- *Dauphin-Middle Paxton Joint Public Safety Authority* – A written report dated May 6 was presented by Supervisor Fisher. Supervisor Fisher also noted Authority documents requested by Solicitor Stine on behalf of the recently appointed *Joint Public Safety Committee* were hand delivered this evening.
- *Capital Region Council of Governments (CapCOG)* – A written report dated May 6 was presented by Supervisor Fisher.

- *Dauphin-Middle Paxton Fire Company Oversight Committee* – A written report dated May 6 was presented by Supervisor Fisher. Supervisor Fisher also noted the next meeting date was changed to May 21 with the meeting location to be in the Fire Station due to the Township meeting room being in use for the Primary Election.
- *Zoning Ordinance Update Committee* – Manager Seeds reported the committee will be reconvened to complete its review of the remaining Sections 14 – 18 of the Zoning Ordinance, as well as the associated Ordinance of Definitions.

## **Review/Approval of Bills**

The listing of vendor bills for the May meeting was distributed to the Board for review/approval. Motion by Supervisor Smith to pay all vendor bills listed for the May meeting and authorize payment of all recurring monthly expenses upon receipt to avoid late-charge penalties was seconded by Supervisor Evans. *Motion passed unanimously.*

## **Executive Session**

Not required.

## **Information Items/Letters Received**

Manager Seeds indicated that all items of general interest, as well as recent correspondence received by the Township were included in her Manager's Report.

## **Board Member Comments**

Supervisor Evans suggested more than one bid should be solicited for procurement of contracted services even though the cost of those services falls below the state-mandated bidding threshold.

Supervisor Sudia reported the 97<sup>th</sup> Annual PSATS Educational Conference and Exhibit Show at Hershey was of great benefit to all and thanked Manager Seeds for handling the arrangements facilitating our participation in that event.

## **Adjournment**

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

Respectfully submitted,

SIGNATURE ON FILE

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James H. Fisher, Assistant Secretary