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Middle Paxton Township

BOARD OF SUPERVISORS

MONTHLY BUSINESS MEETING MINUTES

May 2, 2022

Call to Order

The May 2, 2022 monthly business meeting of the Middle Paxton Township Board of Supervisors was called to order at 7:01 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 Jamie Dunkelberger, P.E. representing the Township Engineer, *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 regarding items not listed on the published meeting agenda.

Jack McClain, 1220 Hagy Lane, noted that the streetlight at the intersection of Allegheny Street and Hagy Lane remains dark. Manager Seeds reported it is still an item on PennDOT's maintenance list. Mr. McClain also expressed his neighborhood's continued dismay concerning the accumulation of trash and what appear to be numerous unlicensed vehicles in the front yard and driveway of the residence at 1120 Hagy Lane. Manager Seeds reported a Notice of Violation had been issued to the property owner and that the township's Zoning and Codes Enforcement Officer was handling that case.

Robin Fry, 710 Cypress Drive, informed the Board of stormwater issues within the Miller Farm development noting that stormwater originating from the lack of box culverts to capture and divert the stormwater deluge on the east side of Miller Road is impacting his residence, as well as the neighbors below him on Hicks Drive. He requested township assistance to investigate and possibly remediate the situation. Supervisor Smith noted that the Miller Farm development pre-dated the more stringent requirements of the township's stormwater management ordinance, but requested staff investigate Mr. Fry's complaint.

Josh Rissinger, 111 McKelvey Road, questioned the township's enforcement of temporary sign placements which he perceives to be somewhat prejudicial. He was requested to address his specific concerns to the township's Zoning and Codes Enforcement Officer.

Bill Paule, 221 Denison Drive, expressed his dismay concerning the delay he experienced in obtaining a copy of a Zoning Hearing Board decision for a case in which he was granted party status and presented testimony. He was informed that once the ZHB decision was fully executed, a copy was mailed to his Towpath Road address of record that he had stated for the stenographer during the hearing process, but was later returned by the Post Office as being undeliverable due to that address having no mail receptacle.

Approval of Minutes

Motion by Supervisor Sudia to approve the minutes from the April 4, 2022 Monthly Business meeting was seconded by Supervisor Evans. *Motion passed with Supervisor Cooney abstaining due to having been absent from that meeting.*

Treasurer's Report/Monthly Financial Statement

The April monthly Treasurer's Report showed the total of the *PLGIT Prime* State Account (Liquid Fuels Fund) \$39,881.29; *Mid Penn Bank* Fire Hydrant Account \$8,714.54; Fiduciary Funds (Escrow & Fire Co. Vehicle/Equipment Accounts) \$424,317.36; *PLGIT Prime* General Fund (Building, Equipment, Parks & Rec Accounts) \$243,201.86; *PLGIT Term* Reserve Account (Capital & Sewer) \$1.49; *PLGIT* ARPA Funds \$268,431.68; *Mid Penn Bank* Money Market Account \$379,408.72; *Mid Penn Bank* General Fund (Public Safety & Operating) \$704,694.91; *Mid Penn Bank* Reserve Account (Capital & Sewer) \$549,473.23; and *Mid Penn Bank* FEMA Grant Account (Flood Mitigation Assistance Program) \$1.00 to be **\$2,618,126.08** as of April 30, 2022.

Manager Seeds noted that *PLGIT/Prime* investment rates have been gradually increasing and that the Finance Committee would be meeting to consider whether it would be advisable to recommend certain account funds be transferred from *Mid Penn Bank* to *PLGIT* to obtain a higher rate of interest. She also reported having submitted the ARPA grant fund report to U.S. Treasury by the April 30 deadline and that the township's Auditing Committee had successfully completed its audit of township financial reports for 2021. She noted that the Auditors intended to meet quarterly to review financial transaction records in order to reduce the time required to complete the annual audit.

Motion by Supervisor Smith to accept the April 2022 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

The HRG May 2 status report indicated the project has encountered a delay due to anticipated lead times for pre-cast concrete box culverts now being 6-9 months. HRG recommended bidding the project in July 2022 with plans for physical construction to begin the middle of winter with final roadway paving completed in the spring of 2023.

Manager Seeds reported having met with Dauphin County Economic Development (DCED) representatives concerning the anticipated increased costs of the Red Hill Road Bridge/Culvert Replacement project, as well as the proposed Potato Valley Road

Improvement project which were both intended to be funded with the remaining balance in the township's Dauphin County Infrastructure Bank (DCIB) loan. She stated that DCED recommends the township complete the Red Hill Road Bridge/Culvert Replacement project using the current DCIB loan funds and submit a new DCIB loan application for the Potato Valley Road Improvement project while noting that DCIB loan applications are due on May 20.

Addition to the Agenda

Motion by Supervisor Sudia to add an agenda item to enable the Board to take action on the proposed DCIB loan application for the Potato Valley Road Improvement project was seconded by Supervisor Evans. *Motion passed unanimously.*

Potato Valley Road Improvement Project DCIB Loan Application

Motion by Supervisor Fisher authorizing township staff to prepare and submit a DCIB loan application to cover the engineering estimate of cost for the Potato Valley Road Improvement Project including all associated roadway infrastructure requirements was seconded by Supervisor Evans. *Motion passed unanimously.*

Andrew Young – Eagle Scout Honor Garden Project Update

Eagle Scout candidate Andrew Young distributed a price list of items for the Honor Garden Project at the Joint Municipal Building showing funds raised to date of \$4,029 and the associated costs leaving an anticipated deficient of \$276. The Board noted that it had previously committed funding that would be more than adequate to cover the anticipated deficient and encouraged Mr. Young to continue his efforts to arrive at his expected project completion date of June 11.

Supervisor Smith also recognized Mr. Young for having volunteered to assist the Fire Company during its weekly Bingo nights, as well as commended him for his continued efforts to complete his Eagle Scout project.

Ricky Roadcap – Proposed On-Lot Sewage Management Program

Mr. Roadcap, 1330 Stone Glen Road, questioned the Board as to the status of the proposed ordinance to Add an On-Lot Sewage Management Program Governing Municipal Management of On-Lot Sewage Disposal Facilities which failed to be adopted following the March 4 public hearing. Solicitor Stine stated that the proposed ordinance would have to be re-advertised and a public hearing held before it could be reconsidered for adoption by the Board.

Mr. Roadcap inquired whether the Board would consider his recommendations for changes to the proposed ordinance. The Board acknowledged that any recommendations for changes to the proposed ordinance that are presented to the Board by township residents would be given due consideration.

Mr. Roadcap also noted that the township's telephone voice message needs updated to indicate the posted office hours and days in which the township office is open. Manager Seeds indicated that the township's current telephone system is considered obsolete, that the code is no longer available to make the suggested voice message change and that telephone system replacement is being planned.

Escrow Release Request for Lot 2-Rolling Hills

Motion by Supervisor Fisher to release the Improvement Guarantee in the amount of \$5,134.80 held for Lot 2-Rolling Hills pursuant to Light-Heigel & Associates, Inc. correspondence dated April 27, 2022 indicating that the required stormwater facilities have been completed in general conformity with the approved plan was seconded by Supervisor Sudia. *Motion passed unanimously.*

Well Isolation Distance Waiver Request – 1641 Fishing Creek Valley Road

A well isolation distance waiver request dated April 22, 2022 was received from the township's Sewage Enforcement Officer, Brian S. McFeaters, pertaining to the property located at 1641 Fishing Creek Valley Road (tax parcel No. 43-036-019) stating that correction of a malfunctioning on-lot sewage disposal system requires abandonment of the existing septic tank, installation of an *Eco-Flow* septic tank, installation of a UV light treatment system on the existing well water supply and a new absorption area that will encroach upon the regulated isolation distance of 100 feet to the existing well water supply. It was also noted that the proposed replacement absorption area will encroach upon the regulated isolation distance of 100 feet to the existing well water supply of the adjoining neighbor's property (tax parcel No. 43-036-021).

The waiver request noted that the proposed replacement absorption area is the only area on the lot determined to be suitable for the absorption area to be located and that the adjoining neighbor's septic system had previously been replaced a few years ago with the township having granted a waiver of the regulated isolation distance of 100 feet between their existing well water supply and replacement absorption area contingent upon a UV light treatment system being placed upon their well water supply.

Motion by Supervisor Fisher to approve a waiver of the regulated 100 feet well isolation distance for the property located at 1641 Fishing Creek Valley Road (tax parcel No. 43-036-019) contingent upon 1) installation of a UV light treatment system being placed on the existing well water supply, 2) execution of a hold-harmless and indemnification agreement prepared by the township's solicitor being properly executed, recorded and affixed to the property deed of record, and 3) execution of a corresponding hold-harmless and indemnification agreement prepared by the township's solicitor being properly executed, recorded and affixed to the adjoining property (tax parcel No. 43-036-021) deed of record was seconded by Supervisor Sudia. *Motion passed unanimously.*

Joint Municipal Building Archive Room Bid Results

Light-Heigel & Associates, Inc. correspondence dated April 29, 2022 summarized the bid results for the electric work and general construction, framing and finishing of the Archive Room build-out in the lower level of the Joint Municipal Building.

Motion by Supervisor Smith to enter into agreement with Spotts Brothers, Inc. to perform the specified electrical work for the bid amount of \$9,300 and to enter into agreement with Schirmer Construction LLC to perform the specified general construction, framing and finishing of the Archive Room to include an allowance for the epoxy flooring, step counter and dropping of the sprinkler heads below the ceiling for the corrected bid amount of \$78,525 contingent upon the township's solicitor review and approval of all bid/contract documents was seconded by Supervisor Sudia. *Motion passed unanimously.*

Waste Management Solid Waste and Recycling Agreement

Manager Seeds reported the 5-year agreement entered into with Waste Management of Pennsylvania, Inc. on September 30, 2017 granting the contractor the exclusive right and obligation to collect and dispose of municipal solid waste and collect and deliver recyclable materials from township residential establishments would end on September 30, 2022. She also reported that from her discussions with officials at Waste Management it did not appear likely the agreement provision for a contract extension for a total of not more than five (5) additional years on an individual or multi-year basis with a 2.75% annual escalation for each of the extension years was being considered.

Motion by Supervisor Fisher for the township's solicitor to prepare and advertise for bids from contractors interested in the exclusive right and obligation to collect and dispose of municipal solid waste and collect and deliver recyclable materials from township residential establishments was seconded by Supervisor Cooney. *Motion passed unanimously.*

Resolution 2022-04

Motion by Supervisor Fisher to amend Resolution 2022-04 by adding Jeff Gardner (employed by Barry Isett & Associates, Inc.) as the township's designated Zoning and Codes Enforcement Officer, as well as adding Barry Isett & Associates, Inc. as the PA Uniform Construction Code (UCC) third-party Building Code Official (BCO) was seconded by Supervisor Smith. *Motion passed unanimously.*

Addition to the Agenda

Motion by Supervisor Evans to add an agenda item to enable the Board to take action on engaging special legal counsel to handle a curative amendment application was seconded by Supervisor Smith. *Motion passed unanimously.*

Engagement of Special Legal Counsel

Motion by Supervisor Evans to engage Morgan, Hallgren, Crosswell & Kane, P.C. as special legal counsel to handle a curative amendment application was seconded by Supervisor Smith. *Motion passed unanimously.*

Reports

Township Engineer – Light-Heigel & Associates, Inc.

A written engineering report for the month of April was presented. Manager Seeds expanded upon details from the April 7 meeting regarding progress on the Kelly house elevation project being funded under the FEMA Flood Mitigation Assistance Program.

Public Works – Roadmaster Robert Hofer

A written activity report dated May 2, 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

A written Building-Zoning-Code Enforcement Activity Report for the month of April from Barry Isett & Associates, Inc. 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 report for the month of April was presented. Mr. Rusbatch expanded upon his report explaining that the FEMA damage assessment team had estimated costs associated

with damages from the 2021 Ida Storm to the culvert/cross pipe at McKelvey and Speece Roads, McKelvey and Caution Roads, the McKelvey Road bridge, the cross pipe at Fulton Road and debris removal required at the Potato Valley Road bridge and was reviewing whether those damages would be eligible for Federal reimbursement at 75%. Should Federal funding be approved, he reported the remaining 25% would be funded by PEMA.

Mr. Rusbatch also reported the fire company was participating in the \$2.2 million dollar SAFER grant awarded to CapCOG and would receive reimbursement under that grant for new firefighter candidate medical exams, as well as outfitting new firefighters with bunker gear estimated to cost \$8,000. He also invited residents interested in assisting the fire company with fund raising activities and administrative tasks to apply for membership.

Sewage Enforcement Officer – Brian McFeaters

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

Township Manager – Julie Ann Seeds

Manager Seeds indicated that a written activity report for the month of April would be emailed to the Board the following day. She also highlighted several items that were to be included in her written report. The Board thanked Manager Seeds for her efforts in assisting the Auditors to successfully complete the 2021 audit.

Committees/Organizations

- *Dauphin-Middle Paxton Joint Park Authority* – Supervisor Cooney reported the Authority selected the same firm, Simone Collins Landscape Architecture, to prepare the park's master site plan as had recently completed the master site plan for Dauphin County's Detweiler Park.
- *Capital Region Council of Governments (CapCOG)* – A written report dated May 2 was presented by Supervisor Fisher.
- *Dauphin-Middle Paxton Fire Company Oversight Committee* – A written report dated May 2 was presented by Supervisor Fisher.
- *Pennsylvania State Association of Township Supervisors (PSATS)* – A written report dated May 2 regarding the PSATS annual Educational Conference and Exhibit Show was presented by Supervisor Fisher.
- *Zoning Ordinance Update Committee* – No report was presented.
- *Dauphin County Tax Collection Committee (DCTCC)* – No report was presented.
- *Parks & Recreation Committee* – No report was presented.
- *Dauphin Borough School Building Replacement Committee* – Supervisor Evans reported an initial committee meeting had been held and that they intended to invite an architect to their next meeting.

Review/Approval of Bills

Motion by Supervisor Smith to pay all vendor bills listed for the May meeting including approval of HRG, Inc. invoices in the amount of \$11,053 to be submitted for reimbursement under the DCIB loan and 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

Informational items distributed to the Board included email correspondence from Laura Updegrave dated May 2 requesting approval for a Senior Drive Through event on June 6 to recognize Dauphin-Middle Paxton graduating seniors from Central Dauphin High School, email correspondence from Loni Warholic dated May 2 inviting the township's participation in the Middle Paxton Elementary School's May Fair on May 21, an announcement from SUEZ Water Pennsylvania's VP & General Manager John Hollenbach indicating SUEZ had completed its merger with Veolia, and correspondence dated April 22 from Capital Region Water's Community Relations Manager Steven Early pertaining to completion of a two-phase clearing project and future routine maintenance of their right-of-way to ensure access to the primary transmission line through township property.

Board Member Comments/Announcements

Supervisor Sudia acknowledged the Board's appreciation for Manager Seeds' diligence and continued efforts to steer the many and varied projects being accomplished by the township.

Adjournment

There being no further business, the meeting was adjourned at 8:35 PM upon a motion by Supervisor Smith, seconded by Supervisor Cooney. *Motion passed unanimously.*

Respectfully submitted,

SIGNATURE ON FILE

James H. Fisher, Assistant Secretary