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Middle Paxton Township

BOARD OF SUPERVISORS

MONTHLY BUSINESS MEETING MINUTES

November 2, 2020

Call to Order

The November 2, 2020 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; 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.

Public Comments

Provisions were made to accommodate the public while maintaining adequate social distancing within the meeting room during the continuing Declaration of Disaster Emergency as a result of the imminent threat to the health, safety and welfare of the citizens of the Commonwealth posed by the novel coronavirus (COVID-19) pandemic.

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

Mr. Gene Stilp, 1550 Fishing Creek Valley Road, inquired about earth moving work observed at 2551 Fishing Creek Valley Road. Ed Fisher reported the property owner was issued a permit for construction of storage units after receipt of the necessary NPDES permit and E&S pollution control plan approval for earth disturbances by the Dauphin County Conservation District.

Approval of Minutes

Motion by Supervisor Smith to approve the minutes from the October 5, 2020 monthly business meeting after inserting the correct term "boarding house" in place of "multi-

tenant rental property” pertaining to use of the property at 717 Hunt Meadow Drive was seconded by Supervisor Evans. *Motion passed unanimously.*

Treasurer’s Report/Monthly Financial Statements

The October monthly Treasurer’s Report showed the total of the *PLGIT/Prime* State Account (Liquid Fuels) \$92,228.96; *Mid Penn Bank* Fire Hydrant Account \$8,480.66; Fiduciary Funds (Escrow & Fire Co. Vehicle Replacement) \$197,335.34; *PLGIT/Prime* General Fund (Building, Equipment, Parks & Rec) \$242,904.59; *PLGIT/Term* Reserve Account (Capital & Sewer) \$548,731.82; *Mid Penn Bank* Money Market \$373,619.91 and *Mid Penn Bank* General Fund (Public Safety & Operating) \$471,307.70 to be **\$1,934,608.98** as of October 31, 2020.

Manager Seeds reported a 90-day PLGIT CD (\$248,000 with \$460.37 interest at maturity on October 13) in the Capital Reserve Account was transferred to the Mid Penn Bank Money Market Account to take advantage of a higher interest rate.

Manager Seeds was pleased to report current year-to-date revenue and expenditures were on track with the 2020 budget despite the many issues related to the COVID-19 pandemic.

Motion by Supervisor Smith to accept the October 2020 Treasurer’s Report to be filed for audit was seconded by Supervisor Fisher. *Motion passed unanimously.*

Agenda Items

Potato Valley Road Bridge Replacement and Roadway Realignment Project Status

Manager Seeds presented the HRG monthly Status Report dated November 2 indicating the contractor has completed the wetland plantings and seeding, as well as re-routed the sidewalk at the Rowe property (1310 Potato Valley Road) that was restricting stormwater flow along the roadway shoulder. Final project documents will be completed and filed by HRG. Construction is now considered complete.

Dauphin County Purchase Offer for the Property at 930 Peters Mountain Road

Stephen Libhart, Department of Public Safety Director & EMC, presented October 29 correspondence from Chad Saylor, Chief Clerk/Chief of Staff, offering to purchase the property and improvements located at 930 Peters Mountain Road from the Township and Dauphin Borough for the fair market value of \$395,000 as set forth in the Appraisal Report of Mark Heckman Real Estate Appraisers dated September 2, 2020.

Director Libhart explained the Department of Public Safety intends to use the property as the permanent home for the County’s Hazardous Materials Response Team to store their vehicles and equipment, as well as provide a classroom training site. He also committed to assuming Township and Borough responsibilities under a current lease agreement with *Community LifeTeam EMS* to stage EMS vehicles and crew in the apparatus building when deemed necessary.

Motion by Supervisor Sudia to enter into an Agreement of Sale with Dauphin County to acquire the property and improvements located at 930 Peters Mountain Road for the fair market value of \$395,000 pending a corresponding action by Dauphin Borough was seconded by Supervisor Evans. *Motion passed unanimously.*

Final Minor Subdivision & Lot Addition Plan over lands of Maretta K. Schmidt and Adam D. & Christine E. Schmidt

A *Final Minor Subdivision & Lot Addition Plan over lands of Maretta K. Schmidt and Adam D. & Christine E. Schmidt* was presented by Ben Kirk with Burget & Associates, Inc. The purpose of the plan is to subdivide an existing 9.813 acre lot (Ex. Lot 1) to create a 7.126 acre lot addition (Pr. Lot 1A) to be added to adjoining lands (Ex. Lot 3 consisting of 4.039 acres) as a consolidation (Reconfigured Lot 3 consisting of 11.164 acres). Deeds associated with the proposed subdivision and lot addition shall be created and recorded upon the approval of this plan and no improvements are proposed at this time.

The Applicant submitted the following waiver requests via Burget & Associates, Inc. correspondence dated September 21, 2020 stating the grounds for claiming a hardship based on the physical condition of the land, the provisions of the ordinance involved and representing the minimum modification necessary:

- Section 304 – Preliminary Plan Submission
- Section 307 – Sheet Size
- Section 308.D – Steep Slope Report
- Section 305.O – Slope Percentages

Motion by Supervisor Fisher to grant the requested four (4) waivers was seconded by Supervisor Sudia. *Motion passed unanimously.*

Motion by Supervisor Smith to approve the *Final Minor Subdivision & Lot Addition Plan over lands of Maretta K. Schmidt and Adam D. & Christine E. Schmidt* subject to all plan review comments stated in Light-Heigel & Associates, Inc. October 12, 2020 plan review correspondence to the Board and Dauphin County Subdivision/Land Development Review Report No. 20-091 being satisfied was seconded by Supervisor Sudia. *Motion passed unanimously.*

Dauphin-Middle Paxton Fire Company No. 1 – Workers Compensation Coverage for Non-Fire Fighting Activities

Manager Seeds presented Ordinance 43 enacted July 6, 1993 recognizing Dauphin-Middle Paxton Township Fire Company as the officially recognized Fire Company to provide fire protection and related services to the Township; authorizing activities of the Fire Company, officers, and members of the Fire Company for the purpose of defining public firefighting duties and providing additional protection to firefighters under the Pennsylvania Worker’s Compensation Law.

The Board requested Manager Seeds correspond with the State Workers Insurance Fund (SWIF) to obtain a determination as to whether that ordinance was sufficient to ensure Workers Compensation coverage consistent with the fire company’s written request dated September 28 for a Resolution authorizing and extending Workers Compensation coverage for all fire company rostered members during non-firefighting activities.

Supervisor Fisher suggested the fire company name in Ordinance 43 should be amended to be Dauphin-Middle Paxton Fire Company No. 1. The consensus of the Board was to refer any requirements to amend Ordinance 43 to the Solicitor once a determination is obtained from SWIF regarding the adequacy of the ordinance to ensure Workers Compensation coverage for non-firefighting activities.

Miller Road Extended Property Address Change

Emergency Management Coordinator/Fire Chief Rusbatch reported having discussed with Dauphin County EMA the best approach to resolve the issue of two address numbers on Miller Road Extended duplicating those within the 1700 block of Miller Road. He suggested changing 1751 Miller Road to 1755 and 1760 Miller Road to 1762 versus the previous March 2 action of the Board to assign new address numbers beginning at 1800 for those residences located on Miller Road Extended.

Supervisor Fisher objected to changing street address numbering within the 1700 block of Miller Road versus readdressing Miller Road Extended residences as had previously been recommended by Dauphin County 911. The Board took no corresponding action.

Maintenance Garage Structural Crack Repair Quotes

Manager Seeds reported having received two contractor quotes to perform the scope of work specified by Light-Heigel & Associates, Inc. to correct the masonry issues at the maintenance garage and requested action be deferred pending further discussions with those contractors. The Board concurred to defer action on this matter until the next meeting.

Flood Mitigation Assistance Grant for Johnny A. & Carol A. Kelly, 1804 Towpath Road

Ed Fisher explained the notice of award and the process required to be undertaken by the Township to assist 1804 Towpath Road property owners, Johnny A. & Carol A. Kelly, to utilize the Flood Mitigation Assistance (FMA) grant to mitigate repetitive loss by elevating their floodplain property home.

Motion by Supervisor Cooney to adopt Resolution No. 2020-10 designating Township Manager Julie Ann Seeds as agent authorized to execute for and in behalf of Middle Paxton Township all required forms and documents for the purpose of obtaining financial assistance for the Flood Mitigation Assistance (FMA) program and to establish an interest bearing checking account at Mid Penn Bank to receive the grant award and disburse payment to contractor(s) engaged to perform the work at the 1804 Towpath Road property as authorized under the FMA program was seconded by Supervisor Evans. *Motion passed unanimously.*

Motion by Supervisor Smith to enter into an agreement with Johnny A. & Carol A. Kelly whereby they are obligated to cover any and all costs incurred above the FMA grant amount for the specified mitigation work performed at the 1804 Towpath Road property and include a hold harmless clause protecting the Township from any and all claims, demands, lawsuits or other causes of action arising out of work activities funded by the FMA program grant was seconded by Supervisor Sudia. *Motion passed unanimously.*

2021 Preliminary General Fund Budget

The Board reviewed the 2021 General Fund Budget draft presented by the Finance Committee. Manager Seeds noted that all budget requests received from Township supported organizations/agencies were able to be fully incorporated in the draft budget which was balanced with a total projected revenue and corresponding expense of \$1,456,511.

Motion by Supervisor Fisher to advertise the preliminary 2021 General Fund Budget for public inspection at the Township Office during normal business hours from the date of

the budget announcement publication and present it for adoption at the December 7 monthly Business meeting was seconded by Supervisor Smith. *Motion passed unanimously.*

Reports

Engineer – Light-Heigel & Associates, Inc.

A written report of items and activities completed during the month of October was presented. Ed Fisher also reported having received an October 22 email from Attorney Charles Courtney representing Jason Serrano, 2551 Fishing Creek Valley Road, providing notification that Mr. Serrano was withdrawing his request for a proposed Zoning Ordinance text amendment that had been tabled on August 10 by the Township Planning Commission at the request of Mr. Serrano.

Roadmaster – Robert Hofer

A written report dated November 2 was presented.

Zoning Officer/Codes Enforcement Officer – Ed Fisher

A written report dated October 29 was presented.

Emergency Management Coordinator – Robert Rusbatch

No report was presented.

Sewage Enforcement Officer – Brian S. McFeaters

A written activity report for the period October 1 – 31 was presented.

Manager – Julie Ann Seeds

A written report dated November 2 was presented.

Committee/Organization Reports

- Dauphin-Middle Paxton Joint Park Authority

Supervisor Cooney reported the Authority's annual audit should be completed this month.

- Dauphin-Middle Paxton Joint Public Safety Committee

No report was presented.

- Capital Region Council of Governments (CapCOG)

A written report dated November 2 was presented by Supervisor Fisher.

- Dauphin-Middle Paxton Fire Company Oversight Committee

A written report dated November 2 was presented by Supervisor Fisher.

- Zoning Ordinance Update Committee

Manager Seeds reported she was working with our consultant EP&D to complete the final draft of the Ordinance of Definitions for presentation to the committee.

- Detweiler Park Steering Committee

Manager Seeds reported the most current draft master site plan was distributed to the committee with comments due back by November 12.

Review/Approval of Bills

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

Executive Session

Motion by Supervisor Smith to enter into executive session at 8:29 PM to discuss personnel matters was seconded by Supervisor Sudia. *Motion passed unanimously.*

The Board reconvened the regular monthly business meeting at 8:56 PM.

Information Items/Letters Received

Manager Seeds had nothing of interest to report beyond that already included in the Manager's Report.

Board Member Comments

No comments were presented.

Adjournment

There being no further business, the meeting was adjourned at 9:15 PM upon a motion by Supervisor Cooney, seconded by Supervisor Evans. *Motion passed unanimously.*

Respectfully submitted,

SIGNATURE ON FILE

James H. Fisher, Assistant Secretary