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*Middle Paxton Township*

**BOARD OF SUPERVISORS**

MONTHLY BUSINESS MEETING MINUTES

November 7, 2022

**Call to Order**

The November 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.

**Public Comments**

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

- Bob Klutas expressed his adamant refusal to pay the increased “tag-a-bag” costs associated with the township’s residential solid waste & recycling management program contract recently awarded to *Waste Management of Pennsylvania, Inc.* and advised the Board he intended to handle his own waste disposal.
- Rick Roadcap presented several recommendations he suggested would decrease the cost of the township’s residential solid waste & recycling management program.

**Approval of Minutes**

Motion by Supervisor Smith to approve the minutes from the October 3, 2022 Monthly Business meeting was seconded by Supervisor Cooney. *Motion passed unanimously.*

Motion by Supervisor Smith to approve the minutes from the October 18, 2022 Workshop meeting was seconded by Supervisor Evans. *Motion passed unanimously.*

## **Treasurer's Report/Monthly Financial Statement**

The October monthly Treasurer's Report showed the total of the *PLGIT Prime* State Account (Liquid Fuels Fund) \$243,289.20; *Mid Penn Bank* Fire Hydrant Account \$6,552.30; *Mid Penn Bank* Fiduciary Funds (Escrow & Fire Co. Vehicle/Equipment Accounts) \$378,155.60; *PLGIT Prime* General Fund (Building, Equipment, Parks & Rec Accounts) \$499,296.62; *PLGIT Prime & Term* Reserve Account (Capital & Sewer) \$502,488.18; *PLGIT* American Rescue Plan Act (ARPA) Fund \$271,049.99; *PLGIT* Public Safety Account \$401,741.96; *Mid Penn Bank* Money Market Account \$129,653.44; *Mid Penn Bank* General Fund (Public Safety & Operating) \$472,727.68; *Mid Penn Bank* Reserve Account (Capital & Sewer) \$49,617.61; and *Mid Penn Bank* FEMA Grant Account (Flood Mitigation Assistance Program) \$1.00 to be **\$2,954,573.49** as of October 31, 2022.

Manager Seeds reported the second and final payment of the American Rescue Plan Act (ARPA) funds in the amount of \$269,072.88 direct deposited to the *Mid Penn Bank* General Operating Account will be transferred to the *PLGIT* American Rescue Plan Act (ARPA) Fund this week. She also reported the Commonwealth of PA Fire Relief Funds received in the amount of \$35,879.93 will also be transferred to the Fire Company's Volunteer Firefighters' Relief Association this week.

Motion by Supervisor Fisher to accept the October 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 reported HRG has been unable to complete the one remaining Right-of-Way (ROW) acquisition for the project to proceed despite negotiations having been diligent and persistent for more than four months since offers for ROW and temporary construction easements were presented. Recommendations to complete the remaining ROW acquisitions have been presented to the Board and design documents are being finalized by HRG for the Board's review.

### Stoney Creek Manor Stormwater Issues

Stoney Creek Drive adjoining landowners Richard Davis and Rue Megonnell presented their respective stormwater management issues and requests for the township to take corrective action. Mr. Davis requested the township replace the deteriorating metal pipe under his driveway that carries stormwater before entering the township's catch basin located in the Stoney Creek Drive right-of-way. Mr. Davis claims the pipe under his driveway was initially installed by the township.

Mrs. Megonnell requested the township take corrective action to mitigate excessive stormwater that courses through the swale on the east side of her property. Mrs. Megonnell claims the township has an easement across her property through which stormwater flows before entering the inlet of the pipe underneath Mr. Davis' driveway.

Supervisor Smith stated an easement across Mrs. Megonnell's property would have been placed on the deed by the original Stoney Creek Manor developer, not the township and that the township's engineer has determined the pipe crossing underneath Mr. Davis' driveway was located on private property outside the township's right-of-way.

Solicitor Stine advised the Board that the actions requested by Mr. Davis and Mrs. Megonnell could not be considered inasmuch as the township cannot expend public funds for projects on private property.

#### Verizon Wireless Communications Tower Facility

Carl Humenik with Airosmith Development reported the lease agreement approved by the Board on September 8, 2022 was in the process of being executed by Cellco Partnership d/b/a Verizon Wireless and inquired whether the Board had any unresolved issues pertaining to the proposed communications facility to be erected, maintained and operated by Verizon Wireless.

The lease agreement will permit Verizon Wireless to install, maintain and operate communications equipment upon a portion (approximately 10,000 square feet) of township property which will include a 50' x 50' telecommunications compound to include a 150' monopole antenna tower, equipment storage and backup generator inside a 100' x 100' fenced area within the township's brush and roadway material storage site located to the north of the upper maintenance garage.

The Board inquired whether other cellular carriers will be permitted to lease space on the tower and requested a propagation map depicting anticipated cellular coverage improvement to Stoney Creek Valley residents, as well as a corresponding site plan be presented to the Board for review and approval before any construction commences.

Clarks Valley Zion Evangelical Congregational Church Stormwater Escrow Release Request  
Motion by Supervisor Fisher to release the remaining Improvement Guarantee in the amount of \$12,134 held for the Clarks Valley Zion Evangelical Congregational Church property located at 210 McKelvey Road pursuant to Light-Heigel & Associates, Inc. correspondence dated November 4, 2022 indicating the As-Built Plan has been completed and the NPDES Permit closed out was seconded by Supervisor Smith. *Motion passed unanimously.*

#### 2023 Preliminary Draft Budget

Manager Seeds presented a preliminary draft of the 2023 Budget based upon the Board's recommendations during the October 18 Workshop meeting including all 2023 budget requests submitted to the Board during the October 3 Monthly Business meeting. Manager Seeds requested Board members complete their review of the 2023 preliminary draft budget and provide her with any recommended changes to be incorporated in the final draft for the Board's consideration at the November 15 Workshop meeting.

Adoption of the 2023 Budget will be placed on the December 5 Monthly Business meeting agenda following the required legal advertisement of the final draft 2023 Budget being available for public review.

## **Reports**

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

A written engineering report for the month of October was presented. Ed Fisher noted the FEMA grant funding gap between the awarded funds and the sole bid received through *PennBid* for the Kelly house flood mitigation project was approximately \$50,000. Mr. Fisher indicated the project will be on hold until the FEMA grant funding gap issue is resolved between PEMA and the property owners.

#### Public Works – Roadmaster Robert Hofer

A written activity report dated November 7, 2022 was presented. Supervisor Smith requested that any questions from the Board pertaining to items listed in the 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 October was presented. Supervisor Smith requested that any questions from the Board pertaining to items listed in the report be presented to Manager Seeds.

#### Emergency Management Coordinator – Robert Rusbatch

A written report was presented. EMC Rusbatch invited any interested Board members to attend the Hazard Mitigation meeting to be held on November 17 at the Dauphin County Agriculture and Natural Resources Center. He also noted that *Miller Road Extended* addresses will be changed from 1700 to 1800 numbers when houses are listed for sale or ownership transfers in order to eliminate confusion with addresses within the 1700 block of Miller Road.

#### Sewage Enforcement Officer – Brian McFeaters

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

#### Township Manager – Julie Ann Seeds

Manager Seeds reported recent activities included completing and submitting a CDBG grant application to Dauphin County for funding to install an elevator between the lower and upper levels of the Joint Municipal Building, presenting the township's Local Municipal Share Gaming Grant project applications before the County's Gaming Grant Committee, attending the Dauphin County Agriculture Security and Agriculture Preservation workshop with Supervisors Evans and Fisher, and compiling a preliminary draft of the 2023 Budget.

#### Committees/Organizations

- *Dauphin-Middle Paxton Joint Park Authority* – Supervisor Cooney reported the Authority has scheduled a 7 PM public meeting at the township's Joint Municipal Building on November 14 to present the proposed final Master Site Plan.
- *Capital Region Council of Governments (CapCOG)* – A written report dated November 7 was presented by Supervisor Fisher.
- *Dauphin-Middle Paxton Fire Company Oversight Committee* – A written report dated November 7 was presented by Supervisor Fisher.
- *Zoning Ordinance Update Committee* – Manager Seeds reported the township's consultant Environmental Planning & Design, LLC was formatting the final draft of the proposed Zoning Ordinance update for printing which would then be presented to the Planning Commission for their review.
- *Dauphin County Tax Collection Committee (DCTCC)* – Supervisor Evans reported the DCTCC would be meeting at 6:30 PM on November 16 in the township's meeting room.
- *Parks & Recreation Committee* – Manager Seeds reported a convenient meeting date for all members has not yet been determined.

## **Review/Approval of Bills**

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

## **Informational Items/Letters/Emails Received**

No items were presented.

## **Executive Session**

Motion by Supervisor Smith to enter into executive session at 8:02 PM to discuss legal matters pending litigation was seconded by Supervisor Cooney. *Motion passed unanimously.*

The Board reconvened the Monthly Business meeting at 8:22 PM.

## **Board Member Comments/Announcements**

No comments were presented.

## **Adjournment**

There being no further business, the meeting was adjourned at 8:23 PM upon a motion by Supervisor Smith, seconded by Supervisor Cooney. *Motion passed unanimously.*

Respectfully submitted,

SIGNATURE ON FILE

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James H. Fisher, Assistant Secretary