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*Middle Paxton Township*

**BOARD OF SUPERVISORS**

REGULAR MONTHLY MEETING MINUTES  
November 3, 2014

**Call to Order**

The November 3, 2014 regular monthly meeting of the Middle Paxton Township Board of Supervisors was called to order at 7:00 PM by Chairman Andrew Megonnell in the Township meeting room. Also present were Supervisor James Fisher, Vice-Chairman and Secretary/Treasurer; Supervisor Dick Peffer; Supervisor Mitch Rissinger; Julie Ann Seeds, Township Manager and Assistant Secretary/Treasurer; Steve Stine, Township Solicitor; and Ed Fisher, Township Engineer. Supervisor Jeffrey Smith's absence was excused and Chairman Megonnell noted the Board's thoughts and prayers were with Supervisor Smith as he recovers from an accidental injury.

**Pledge of Allegiance and Public Comments**

Following the Pledge of Allegiance, Chairman Megonnell invited public comments from those in attendance who were not listed on the agenda.

Matt Williard, Township SEO, presented the Light-Heigel & Associates 2015 fee schedule for on-lot sewage testing, permitting and inspection which represented no fee increase from 2014.

Lynn Wilhelm, 312 Lakewood Drive, requested an update on a code enforcement complaint filed against the owners of a property located at 331 Lakewood Drive indicating that trash and waste products continue to pile up outside the residence attracting vermin. Ms. Seeds reported the Township was following the required code enforcement steps and that a civil complaint would be filed with the Magisterial District Judge should the property owner not comply with the most recent enforcement notice within the 3-week period granted in that notice.

## **Approval of Minutes**

Chairman Megonnell requested a motion to approve the minutes from the October 6, 2014 meeting. Motion by Supervisor Rissinger to approve the October 6, 2014 meeting minutes was seconded by Supervisor Peffer. *Motion passed unanimously.*

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

Julie Ann Seeds, Assistant Secretary/Treasurer, presented the monthly Treasurer's Report showing the total of Fiduciary Accounts (\$153,419.41), State Accounts (\$307,825.06) and General Accounts (\$1,285,406.53) to be \$1,746,651.00 as of October 31, 2014. The Fire Truck loan balance is \$95,069.877 with no other Township indebtedness at this time.

Motion by Supervisor Rissinger to approve the Treasurer's Report to be filed for audit was seconded by Supervisor Peffer. *Motion passed unanimously.*

Supervisor Fisher reported having reviewed the naming of the various funds and accounts listed in the State Accounts, Fiduciary Accounts and General Accounts itemized in the Treasurer's Report. Ms. Seeds had previously advised the Board that monies held in a designated "fund" were restricted solely for the purpose stated in a resolution establishing the fund, while "accounts" do not have the same restrictions.

Motion by Supervisor Fisher to designate the *Recreation Fund* (Mid Penn Bank Money Market Account #0117) as a Fiduciary Account versus General Account, close Mid Penn Bank Money Market Account #9101 (*Public Safety Authority*) and transfer those funds to Mid Penn Bank Money Market Account #5923 (*Public Safety Account*), rename the Building Fund (Mid Penn Bank Money Market Account #9093) as the *Building Account*, rename the Sewer Fund (Mid Penn Bank Money Market Account #9127) as the *Sewer Account*, rename the Operating Fund (Mid Penn Bank Account #3367) as the *General Operating Account*, rename the Equipment Fund (Mid Penn Bank Money Market Account #9135) as the *Equipment Account*, rename the Parks & Recreation Board Fund (Mid Penn Bank Money Market Account #6079) as the *Parks & Recreation Board Account*, and replace the Debit Card (Mid Penn Bank Account #1876) with a Credit Card was seconded by Supervisor Rissinger. *Motion passed unanimously.*

## **Agenda Items**

### 2015 Budget Requests

- Dauphin-Middle Paxton Fire Company No. 1 – Tom O'Connell, Chairman of the Fire Commission, submitted the 2015 budget, 2011-2013 financial statement and current training and certification assessment schedule on behalf of the

- Dauphin-Middle Paxton Fire Company No. 1. Operating funds requested to be allocated in the Township's 2015 budget totaled \$27,500.
- Dauphin-Middle Paxton Park Authority – Shannon Smith submitted a financial analysis listing projects completed during 2014, projected 2015 operating expenses (\$18,600) and park improvement projects (\$7,500). Ms. Smith also thanked the Board for mowing the park property during 2014 and requested those services continue during 2015.
  - Dauphin-Middle Paxton Joint Public Safety Authority – Chairman Megonnell reported the Dauphin-Middle Paxton Joint Public Safety Authority would require no budgetary assistance from the Township during 2015.

#### St. Matthews Catholic Parish – Request for Release of Improvement Guarantee

Light-Heigel & Associates engineering report dated October 2014 indicated satisfactory completion of the landscape screening for the St. Matthews Catholic Parish and recommended release of the improvement guarantee.

Motion by Supervisor Rissinger to release the improvement guarantee funds being held in escrow for the St. Matthews Catholic Parish pursuant to the Township Engineer's recommendation was seconded by Supervisor Fisher. *Motion passed unanimously.*

#### Board/Authority/Commission Vacancies and Term Expirations

Ms. Seeds distributed a listing of Township appointees to various boards, authorities and commissions indicating current vacancies and appointment terms expiring at the end of 2014.

#### Stony Creek Road Guiderail Damage Civil Compliant – Settlement Offer

Solicitor Stine reported PPL proposed a settlement offer in response to the Township having filed a civil complaint with the Magisterial District Judge to recover costs for replacement of the Stony Creek Road guiderail damaged by a PPL vehicle. Based upon "Sudden Emergency Doctrine" case law, PPL proposes to pay \$2,000 in lieu of continuing to litigate the Township's \$3,999 civil complaint.

Motion by Supervisor Fisher to accept the PPL settlement offer in the amount of \$2,000 was seconded by Supervisor Rissinger. *Motion passed with Supervisor Peffer voting nay.*

#### Ordinance Amendments

Supervisor Fisher noted at last month's meeting, Joe Fetterhoff, 181 Stone Arch Lane, suggested the Township consider amending its Zoning Ordinance whereby existing buildings already encroaching upon a front set-back line be granted an exception to permit construction of an addition that does not extend beyond the

existing building line. Motion by Supervisor Fisher to refer Mr. Fetterhoff's suggestion to the Planning Commission for review and consideration was seconded by Supervisor Rissinger. *Motion passed unanimously.*

Supervisor Fisher reported *Conclusion of Law #9* (page 27) in the Zoning Hearing Board's Decision Conditionally Granting Special Exception for Public Parks and Recreation Facilities (Application No. 2013-7 by Dauphin County for adaptive reuse of Ft. Hunter Station) maintains that "*Ordinance 70 has not repealed or replaced Article 12 of the Zoning Ordinance concerning the establishment of the Flood Plain District as an overlay zoning district*". Further, *Conclusion of Law #12* (page 28) maintains that "*Ordinance No. 91 does not repeal Article 12 of the Zoning Ordinance in toto...Instead, based on its plain meaning, Ordinance No. 91 only repeals those parts of Article 12 that are in conflict*".

Supervisor Fisher noted the conclusions of law stated within the Zoning Hearing Board's decision document are clearly contrary to the Township's adoption of a single purpose, standalone floodplain management ordinance intended to replace Article 12 (Sections 1200 to 1204) of the Zoning Ordinance in its entirety. Motion by Supervisor Fisher to refer this matter to our solicitor to determine what action is necessary to ensure Article 12 (Sections 1200 to 1204) of the Zoning Ordinance has been repealed in its entirety and replaced with Ordinance No. 91 (Flood Plain Management) was seconded by Supervisor Rissinger. *Motion passed unanimously.*

#### Proposed Request for Qualifications – Zoning Hearing Board Solicitor

Motion by Supervisor Fisher to advertise a Request for Qualifications for the position of Middle Paxton Township Zoning Hearing Board Solicitor was seconded by Supervisor Rissinger. *Motion passed unanimously.*

#### 2015 Preliminary Budget Review

Ms. Seeds distributed a preliminary 2015 budget for the Board's review in preparation for continuing 2015 budget deliberations. Ms. Seeds noted that additional budget information regarding proposed Dauphin County Infrastructure Bank (DCIB) line of credit draw down related to the Potato Valley Road bridge project during 2015 is being requested from HRG. Supervisor Rissinger also requested a 2014 year-to-date P&L statement be distributed in advance of the November 18<sup>th</sup> workshop meeting where 2015 budget line items will be reviewed in more detail.

### **Reports**

Solicitor – Steve Stine, Esq.

No report was presented.

Engineer – Ed Fisher, P.E. – See attached report.

The Board discussed the proposed widening of Stony Creek Road at the Stone Glen “S” curve in conjunction with Phase II of the Stony Creek Road repaving project. Engineer Fisher reported Light-Heigel & Associates would dispatch a crew to survey that half-mile section of roadway and prepare a plan to address both widening of the roadway, as well as stormwater concerns. It was the Board’s consensus the Phase II repaving project be delayed in order for the Township to properly address traffic safety improvements and stormwater management in that narrow section of roadway during 2015.

Road Master – Robert Hofer – See attached report.

Road Master Hoffer reported the boiler of the maintenance garage oil furnace was cracked and the furnace needed replaced as it was no longer functional. Ms. Seeds reported having requested quotes from Eshenaur, Heim, McClure and HL Bowman for furnace replacement with alternate pricing for installation of a natural gas furnace. Motion by Supervisor Rissinger to authorize the Township Manager to award a contract to the lowest responsible bidder for replacement of the maintenance garage furnace was seconded by Supervisor Fisher. *Motion passed unanimously.*

Zoning and Codes Enforcement Officer – See attached report.

Emergency Management Coordinator – Robert Rusbatch

No report was presented.

Manager’s Report – Julie Seeds – See attached report.

Ms. Seeds reported having received only one quote for water damage repairs and restoration of the fire company’s day room to its original as-built condition after having solicited three contractor quotes. Solicitor Stine advised the Board a contract could be awarded to a single bidder based upon the Second Class Township Code (53 P. S. §§ 68102 and 68107) and the total dollar amount of the project being less than \$10,300. Motion by Supervisor Rissinger to award a contract to Deimler & Sons Construction in the amount of \$5,969.77 to fully restore the fire company’s day room per bid specifications was seconded by Supervisor Peffer. *Motion passed unanimously.*

Committee/Organization Reports

- Dauphin-Middle Paxton Joint Park Authority

No report was presented.

- Dauphin-Middle Paxton Joint Public Safety Authority

No report was presented.

- Capital Region Council of Governments (CapCOG)

Supervisor Fisher reported CapCOG awarded a contract to Morton Salt for sodium chloride at \$75.75/ton delivered (5-7 days business delivery from Baltimore) and that four other salt vendors refused to submit a bid due an uncertainty whether they could meet supply requirements. CapCOG is requesting members to add new items to the joint bid list for 2015.

It was reported the governor signed Act 135 of 2014 amending the Municipalities Planning Code (MPC) to permit municipalities to use developer Recreation Fees for non-contiguous parks and for acquiring, operating or maintaining park or recreational facilities.

The CapCOG Executive Committee has recommended the Executive Director position be increased from part-time to full-time and the salary increased from \$40,000 to \$80,000 per year. The 2015 budget draft has been distributed to CapCOG delegates with no member dues increase proposed. It was the Board's consensus that Supervisor Fisher should vote his conscience regarding the proposed CapCOG 2015 budget as the Township's delegate.

### **Review/Approval of Bills**

The listing of bills for October was distributed to the Board for review/approval. Motion by Supervisor Rissinger to pay all vendor bills for October was seconded by Supervisor Peffer. *Motion passed unanimously.*

### **Board Member Comments**

No Board member comments were presented.

### **Executive Session**

The Board recessed into executive session at 9:34 PM to discuss personnel matters upon a motion by Supervisor Fisher, seconded by Supervisor Rissinger. *Motion passed unanimously.* The Board reconvened into regular session at 9:40 PM and took the following action:

Motion by Supervisor Rissinger to approve Road Master Bob Hoffer's request to use three (3) consecutive weeks vacation leave between November and December, subject to being recalled due to winter conditions requiring road clearing operations, was seconded by Chairman Megonnell. *Motion passed unanimously.*

### **Adjournment**

There being no further business, the meeting adjourned at 9:44 PM upon a motion by Supervisor Rissinger, seconded by Supervisor Peffer. *Motion passed unanimously.*

Respectfully submitted,

SIGNATURE ON FILE

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James H. Fisher, Secretary