

**Upper Paxton Township Board of Supervisors  
Regular Monthly Meeting  
May 9, 2012**

Those in attendance: Ron Hepner, Joseph Snyder, and John Orr, Supervisors, Betty Warfel, Secretary/Treasurer; Peter Howland, Esquire; Randy Witmer; Students from MHS Social Studies Class: Jason Myers, Adelyn Enders, Ashton Baker, Ethan Strauser, Decker Klawitter, Austin Mumford, Lawrence Loncar, Patrick Cooper, Rebeckah Leitzel, and Nate Daniels; Terry Maiden, Gary Lenker, Shelby Verworren, Robert Paul, Cheryl Shadle and Ken Kline.

The meeting was called to order by Chairman Ron Hepner at 7:00 p.m. Hepner welcomed the students from the MHS Social Studies Class and introduced the members of the Board and other township officials present.

**Public Comments:**       None

Minutes of the April 9<sup>th</sup> Workshop Meeting, the April 11<sup>th</sup> Regular Monthly Meeting and the April 30<sup>th</sup> Workshop Meeting were reviewed. Joe Snyder made a motion to accept the meeting minutes of the April meetings as presented. Second by John Orr. All in favor, motion carried.

Treasurer Warfel presented a financial statement and list of bills for payment. Following review of the treasurer's report, Joe Snyder made a motion to approve the payment the township's bills with the exception of the street sweeping invoice from A&H Hagy Company. John Orr seconded the motion. With all in favor, motion carried.

**Old Business:**

Progress on Early Bird/Night Owl Storage Land Development Plan: Chairman Hepner stated that the Supervisors had received the revised plan for review. The revised plan will also be reviewed by DEP in several weeks. Gary Lenker advised that Patrick Brown, Buchart-Horn engineer, stated that he would provide a consistency letter for stormwater management in order for the township to issue a contingent approval permit. Supervisors could consider issuing a contingent approval permit; however, they are not required to take this action. Supervisors agreed with Lenker that most of their concerns had been addressed in the revised plan presented at the April 9<sup>th</sup> Workshop Meeting. John Orr informed Lenker that he still had a concern about infiltration at the basin area which could result in mosquito breeding problems in standing water. The Dauphin County Conservation District has concerns with the plan and has forwarded it to DEP for further review. Following review and approval from DEP, Supervisors can make a motion at a future meeting to approve all changes made to the plan.

Update on Stormwater Problem on Water Company Road at Ned Smith Center: Steve Quigley was unable to attend this evening's meeting. John Orr has spoken with Quigley and H.E. Black's engineers have determined that the 5' pipe (about 60' in length) will be more than adequate to handle the water runoff. Orr instructed Quigley to contact H.E. Black in order to determine a cost for the project using 3' or 4' pipe.

## **New Business:**

**Burned Out One-half Duplex House in Lenkerville:** Cheryl Shadle, who lives in the other half of the home at 110 Maple Street, addressed the Board with her concerns regarding problems that will result from the burned out property at 108 Maple Street. The owner of the burned out property has made no effort to clean up or restore the property. She has removed belongings from the property, but debris remains. Shadle's insurance carrier installed a safety wall to block out the smell. Shadle has concerns about rodents and mold. Attorney Howland advised that the Township could address this problem under the dangerous properties provision of the Code of Ordinances. Under this provision, the Township would send the owner a written notice stating the timeframe in which the property would need to be cleaned up. If the owner fails to comply, a District Justice action could begin. Should the owner still fail to comply, a judgment could be entered against the property. In the event that the Township would clean up or restore the property, a municipal lien could be placed against the property to get the money back. Ken Kline stated that because the original structure was once a single family home it would be difficult to take the burned out portion of the house down. The owner allegedly informed the insurance carrier and Mr. Kline that she has no intention of making repairs. Shadle provided contact information for the property's owner. Chairman Hepner will call the owner of the burned out property and inform her of the code violation. He will let Shadle know the outcome of this discussion.

**Request to Install a Holding Tank:** Terry Maiden addressed the Board to request that he be allowed to install a holding tank on his property located a 431 Charles Road. The purpose for installing the tank is to construct a small house or place a mobile home in which a relative may reside. His property is currently zoned as agricultural. Maiden will need to hire an engineer to prepare a land development plan and receive approval from the Sewage Enforcement Officer. The holding tank would only be approved if all other avenues have been exhausted. The Land Development Plan would need to be approved by the Supervisors and the Dauphin County Planning Commission.

**Stormwater Runoff Problem:** Terry Maiden also informed the Supervisors that the water runoff issue at his property continues to be a problem and that erosion is occurring. Maiden believes that the pipe under the roadway is too small and that the problem could be remedied if the Township would install a larger pipe. The Supervisors will take a look at the pipe, erosion and roadway at the next road inspection.

**Changes to Assembly of God Church Land Development Plan:** Robert Paul, who administers the Bread of Life program, addressed the Supervisors with a request to allow the church to install a carport area to provide cover for his vehicle while church members unload the food items he brings back from the Bethesda Mission. Shelby Verworren indicated on the current plan the location that the church desires to construct two additional covered carport areas for their vans. These roofed structures will change the water runoff outlined on the original plan. Light-Heigel has informed the church that the basins are close to capacity with the proposed roofed structures included on the plan. With respect to erosion control, they do not intend to disturb more than one acre of ground. There are also plans for future development which include construction of a pavilion. The original plan was approved under the old stormwater guidelines. Construction of new carports would be under the new stormwater guidelines. The church board will need to provide a new drawing of the land development plan containing location of carports and notes indicated on the plan. Supervisors will require verification that the stormwater runoff will be adequate under the new stormwater regulations.

Letter of Approval for tour deMillersburg Bike Race: Skip Wingard has requested that the Supervisors grant their approval to have a portion of the 2012 bike race to utilize township roadways. John Orr made a motion that the Board grant approval for the tour deMillersburg Bike Race to be held on August 11<sup>th</sup> and August 12<sup>th</sup> to utilize the Township's roads. Second by Joe Snyder. All in favor, motion carried. Secretary Warfel will prepare correspondence advising Wingard of the Board's decision.

Rails to Trails Concerns: The plan for the walking trail has been modified with respect to the Township's roads. The new trail now extends from Pearl Street to Wiconisco Street and along Goodling Road to lands owned by the Millersburg Water Authority. This portion of the trail would include no sidewalks and is not handicapped accessible. Supervisors are concerned that installing signs indicating that this is a walking trail could increase the Township's liability in the event of an accident. Attorney Howland stated that this liability question should be directed to our insurance carrier. Pedestrian traffic on the trail could increase significantly if it should also be designated as a biking trail. Ron Hepner will converse with Chris and advise him of the Board's concerns about safety.

Progress in Rezoning the Susquehanna River: Attorney Howland has prepared a draft Ordinance for amending the Zoning Ordinance to include all those portions of the Susquehanna River within the boundaries of the Township in the Conservation District. New zoning maps will need to be prepared. Chairman Hepner will contact Dauphin County officials to begin the process of revising the maps.

Proposed Permit Modifications for Dauphin Meadows Landfill: The Board reviewed the correspondence received from Waste Management dated April 16<sup>th</sup> regarding permit modification for the Dauphin Meadows and Fulkroad Landfills. The permit modification proposes revising the existing groundwater monitoring system by decommissioning three groundwater monitoring wells and adding one monitoring well. Modification also proposes revising the frequency of groundwater and surface water sampling from quarterly to semi-annually, revising the current list of parameters to the quarterly list of parameters, and reducing the frequency of benthic macroinvertebrate sampling and reporting in steps to once every five years. Due to the highly technical terminology contained in the DEP regulations, Attorney Howland suggested that the Supervisors reach out to other municipalities affected by this modification to point them in the right direction when preparing a response to this communication. Ron Hepner will contact Washington Township officials to inquire the course of action they plan to take to respond to this permit modification issue.

Adoption to the Building and Zoning Sections of the Amended Floodplain Ordinance: Attorney Howland explained to the students that the Floodplain Ordinance needed to be amended to have the text match the new floodplain maps that have been prepared. This amendment process would allow the State and Federal language appear the same in documents. The changes to the original Ordinance are mainly definitions and specific words. Secretary Warfel advised that Chapter 5 (relating to Buildings) had been duly advertised one time in the April 24, 2012 issue of the Upper Dauphin Sentinel. Chapter 27 (relating to Zoning), Parts 2, 3, 12 and 18, had been advertised two times in the April 24<sup>th</sup> and the May 1, 2012 issues of the Upper Dauphin Sentinel. Joe Snyder made a motion to adopt the Ordinance Amending Chapter 27 (relating to Zoning), Parts 2, 3, 12 and 18 of the Township of Upper Paxton Code of Ordinances. John Orr seconded the motion. All in favor, motion carried. John Orr made a motion to adopt the Ordinance Amending Chapter 5 (relating to Buildings) of the Township Code of Ordinances, identifying Certain Floodplain Areas. Second by Joe Snyder. With all in favor, motion carried.

Request to Borrow Township Equipment: Berrysburg Borough has requested the use of several items of the Township's equipment in order to have road repairs made by borough laborers. Following

discussion, Ron Hepner made a motion that the Board offers to allow Berrysburg Borough to use the Township's chains and roller as long as the lending of these items does not interfere with our work structure. Second by Joe Snyder. All in favor, motion carried.

Limited Time Offer for Purchase of Crack Sealant: Quality Pavement Repair is making available a limited time offer through Lowe's Home Improvement. With the purchase of two pallets (54 boxes) of crack sealant at a cost of \$1,900, QPR will give the Township a \$1,500 machine to spread the material at no additional cost. Following discussion to discuss the feasibility of this expenditure, John Orr made a motion to purchase the sealant and get the free spreader. Joe Snyder seconded this motion. With all in favor, motion carried. Chairman Hepner will travel to Lowe's to make this purchase.

Preparation of new Township Road Maps: In a special offer made available at the PSATS Conference, Municipal Publications will obtain advertisers and prepare new road maps for the Township at no cost to us. They will provide 2,000 maps for our use and distribution. John Orr made a motion to engage Municipal Publications to prepare new Township road maps. Ron Hepner seconded the motion. All in favor, motion carried.

Parks and Roadside Mowing : Randy Witmer is currently mowing the Hottenstein/Kocher Glen and the MYO Park. Tom Shaffer has volunteered to assist in mowing the Glen. Robert Hooper is currently doing the roadside mowing. Joe Snyder voiced concern about liability for driving the township's lawnmower along public roadways. This question should be directed to the Township's insurance carrier.

Payment of Street Sweeping Invoice: Roadmaster Erdman was unable to complete the street sweeping due to problems he encountered with the machine provided by A & H Hagy Company. The township did not use all of the allotted hours in the contract due to the repair work that was required. Ron Hepner will visit A & H Hagy (Pa Public Works Equipment) in person to discuss getting the machine for additional hours or proration of the bill for unused hours.

**Public Comments:** None

With no further business to be discussed, John Orr made the motion to adjourn to Executive Session. Joe Snyder seconded the motion. With all in favor, meeting adjourned to Executive Session at 8:15 p.m.

**Executive Session:**

An Executive session was immediately reconvened to discuss pending litigation. John Orr moved to appoint the law firm of Kegel, Kelin, Almy & Lord LLP as special counsel on the terms of its proposed engagement letter and authorize special counsel to seek an accounting and distribution of Upper Paxton Township' tax funds (along with the other referenced municipalities and school districts referenced in the engagement letter) collected by Upper Dauphin Tax Office, Inc., and/or Powell Rogers and Speaks, Inc., and take all necessary legal action against persons or parties responsible for the accounting and distribution of funds. Joe Snyder seconded the motion. All in favor, motion carried. John Orr made a motion to adjourn. Second by Joe Snyder. With all in favor, Executive Session ended at 8:29 p.m.

Respectfully submitted,

Betty A. Warfel, Secretary