

**Upper Paxton Township Board of Supervisors  
Regular Monthly Meeting  
August 8, 2012**

Those in attendance: John Orr and Joseph Snyder, Supervisors; Betty Warfel, Secretary/Treasurer; Peter Howland, Esquire; Randy Witmer, Zoning Officer; Russel Schadel and Mervin Adams.

The meeting was called to order by Vice-Chairman Joe Snyder at 7:00 p.m. All present recited the Pledge of Allegiance to the flag.

**Public Comments:**       None

**New Business:**

Kiwanis Club of Dalmatia Pennsylvania Trust:     Mervin Adams and Russel Schadel addressed the Board with a request to review and comment on a proposed trust agreement the Club has prepared to provide for the administration of the trust that would be created when the group should decide to disband. The principal of the trust would be derived from the sale of the 88-acre farm owned by the Club. The Kiwanis Club, formed in 1954, has 25 remaining members. The farm is located in Lower Mahanoy Township, Northumberland County, and Upper Paxton Township, Dauphin County. The farm is owned by the members of the Club and their desire is to have the money from its sale benefit the local communities. Interest earned by the trust would be used for scholarships and local community needs. Adams and Schadel have also provided this information to the Supervisors of Lower Mahanoy Township. In the proposed trust document, administration of the trust would be handled by three appointees – one Supervisor from Lower Mahanoy Township, one Supervisor from Upper Paxton Township and one representative from the local Kiwanis Club of Dalmatia. Attorney Howland will research this trust issue and make sure that it is legal to have a Supervisor serve as a Trustee on a charitable trust. Appointed representatives will need to engage a financial institution to help manage the trust funds. Howland will conduct research to determine whether the appointment of a Supervisor as a trust administrator is permitted and what the liability risks would be for the Supervisor as an individual. Adams and Schadel stated that the group has no immediate plans to disband, but wanted to provide a copy of the proposed document so that the Board could receive the advice of counsel and be prepared when the time comes to establish the trust.

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

Treasurer Warfel presented a monthly financial statement and list of bills for payment. Following review of the treasurer's report, John Orr made a motion to approve the bills for payment. Joe Snyder seconded the motion. With all in favor, motion carried.

**Old Business**

Early Bird/Night Owl Storage Land Development Plan:   No further information has been received. The Board had granted its approval with the approval contingencies that are out of its control. No further action is required at this time.

Sign Ordinance for Etzweiler and Middle Roads: Supervisors reviewed the proposed Ordinance prepared by Attorney Howland. A stop intersection would be established at Middle Road as it intersects with Etzweiler Road traveling east. A yield highway sign will be installed at Middle Road (southbound curve from Etzweiler Road to Middle Road) as it intersects with Middle Road traveling south. Traffic entering Middle Road from southbound Etzweiler Road shall yield to traffic entering and traveling on Middle Road from northbound Etzweiler Road. Fines for failure to comply have been set in accordance with other penalties set forth in the Township's Code of Ordinances. John Orr moved that the Board proceed to have this Ordinance advertised in the Upper Dauphin Sentinel for approval at the September monthly meeting. Joe Snyder seconded the motion. With all in favor, motion carried.

Unpaid Invoices for Clean-up Services provided by the Township's Road Crew: Supervisors reviewed two invoices for services that have not been paid. The first invoice, in the amount of \$275.88 was sent by Randy Witmer to Simeon Stoltzfus, of Stoltzfus Tree Service, on June 20, 2012, for cleanup of wood and chips dumped on James Road on June 15, 2012. The second invoice, in the amount of \$194.86, was sent to Noah & Rebekah Latshaw, on July 10, 2012, for removal of dirt the Latshaw's placed at the inlet end of a township drainage pipe located on Sheetz Road. Joe Snyder made a motion that the Board take District Justice actions against Mr. Stoltzfus and Mr. and Mrs. Latshaw for payment of the invoices. Motion died for lack of a second. Attorney Howland advised that a second request be sent to each of the parties and that the notice contain a statement that legal action may be initiated if payment is not received in a timely manner. Correspondence to the Mr. Stoltzfus and Mr. and Mrs. Latshaw will be prepared advising the parties of the Board's intended plan of action if payment is not received.

Unprocessed 2011 Earned Income Tax Returns: Attorney Howland provided information regarding 1700 2011 Earned Income Tax Returns for residents of Millersburg Area School District and Upper Dauphin Area School District that have not been processed by the Upper Dauphin Tax Office (Powell, Rogers & Speaks). Keystone Collections has offered to process these returns at a charge of \$3 per return, plus postage. Howland recommended that the Board approve this offer from Keystone Collections in order to have the returns processed for our constituents. John Orr made a motion to have Keystone Collections process the 2011 unprocessed Earned Income Tax Returns contingent on having Millersburg Area School District and Millersburg Borough agree to have them perform this task. Joe Snyder seconded the motion. All in favor, motion carried. Betty Warfel will contact Cathy Artz, of Millersburg Area School District, and Ann Bowman Jackson, of Millersburg Borough, to determine their Boards' decisions regarding Keystone's offer.

Metal Industries Reverse Subdivision Plan: Supervisors reviewed correspondence received from Attorney Terry Kerwin inquiring whether he would need to apply for a variance because the new boundary lines will be within the setback lines of the Zoning Ordinance. Randy Witmer stated that he did not feel a variance would be needed under Section 27.907 – Yard Regulations. Witmer will request that Bill Burch place a note on the plan.

**Public Comments:** None

With no further business to be discussed, Joe Snyder made the motion to adjourn. John Orr seconded the motion. With all in favor, meeting adjourned at 8:04 p.m.

Respectfully submitted,

Betty A. Warfel, Secretary