

**Upper Paxton Township Board of Supervisors
Regular Monthly Meeting
July 10, 2013**

Those in attendance: Ron Hepner, John Orr and Joseph Snyder, Supervisors; Betty Warfel, Secretary/Treasurer; Peter Howland, Esquire; Brian McFeaters, SEO; Scott Isenberg, Todd Kissinger, Steve Quigley, Skip Wingard, Owen Erdman and Jeff Wilhelm.

The meeting was called to order by Chairman Ron Hepner at 7:00 p.m. All present recited the Pledge of Allegiance to the flag.

Public Comments: None

Approval of Minutes: Minutes of the June 12th monthly meeting and the June 24th workshop meeting were reviewed by the Supervisors. Ron Hepner suggested a minor change to the Workshop meeting minutes. Joe Snyder made a motion to accept the minutes of the June meetings. Second by John Orr. All in favor, motion carried.

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

Old Business:

Concerns Regarding Recycling Business on Route 25: Scott Isenberg addressed the Board with a list of concerns he has regarding the recycling business operated by Owen Erdman, being Parcel # 65-022-106 located beyond the intersection of Queen of Peace Road and Route 25 (south side). Isenberg referenced the May 8th meeting minutes and expressed his appreciation for the Supervisors' cooperation in having another neighbor clean up the garbage on his property. Isenberg was seeking clarification of the term "trash" as defined in Chapter 10, Part 2 Section 52. Isenberg addressed the Board with respect to questions he had regarding Erdman's recycling business citing various sections in Chapters 9, 10, 11, 20 and 27 of the Township's Code of Ordinances.

- In response to Isenberg's inquiry, Chairman Hepner clarified that the area in which the recycling business is located is zoned as commercial. Provisions of the Township Code of Ordinances (Part 9, Section 27-902, #2, category z) which apply to properties zoned as industrial also apply in those zoned as commercial.
- The Board is not aware of any obnoxious odors, dust or emissions being generated by the recycling business or of any burning taking place at the facility.
- With respect to chainsaw and other mechanical noise coming from the facility on a Sunday morning, Owen Erdman stated that the business is not open in the morning and offered to provide surveillance video to support this assertion.
- When conducting a site visit to the business, Supervisors have observed wood, styrofoam, cardboard, plastic and metal bands, but have not seen any hazardous items. Erdman stated that the business is no longer dismantling trucks at the facility.
- Isenberg inquired whether the restriction requiring an establishment housing hazardous materials to be situated 200 yards from any water supply for a dwelling, well or water intake as set forth in Part 11, Section D is applicable to this facility. Supervisors will check into this question.

- Erdman is waiting on equipment to have the pallet and cardboard baled and shipped out.
- The Board is not aware whether an E&S Plan has been filed with DEP; however, a plan would only be required if there has been significant earth disturbance.
- Isenberg referred to the provisions of PA Act 241 and provisions of Township Code Chapter 20, Part 1, Section 8 referring to garbage, refuse, bulky waste and combustible refuse or rubbish with respect to materials stored at the facility. Chairman Hepner responded that all recyclable materials are neither considered rubbish nor waste. Attorney Howland will look into Isenberg's question regarding Chapter 20, Part 1, Section B as it relates to this property.
- In response to Isenberg's inquiry, Supervisors did not clarify the difference between properties zoned as commercial and those zoned commercial/residential at this time.
- In response to Isenberg's concern regarding the deterioration of the wooden pallets which are currently housed outdoors at the facility, Erdman responded that materials are being removed from the facility each week.
- With respect to Chapter 10, Sections 2 & 3 (Nuisances), Section 53 and Section 102 (Dangerous Property), Isenberg expressed concerns regarding the disabled tractor trailer on site, the accumulation of garbage from manufacturing and rodents, weeds and trash that would deem the facility as unsanitary or unsafe. Supervisors have not spoken with any of Isenberg's neighbors regarding these concerns.
- Trailers are no longer being dismantled on the property. Erdman is dumpstering what comes in and not dismantling. It is now strictly a recycling business. Erdman is no longer using torches for dismantling. Torches are only used to repair equipment.
- Isenberg has spoken with local fire company officials to assess the danger of a fire at the facility. He reported that these officials believe that a fire at the facility could not be extinguished and that the best outcome would be to have a fire contained to the property. In summary, Isenberg stated that he believes that this is a very dangerous property. Although he has no proof of flammable materials being present on the site, he believes that the potential for a fire is highly possible. He also has health and safety concerns with regard to water contamination and rodents.
- Erdman stated that he is working hard to clean up the site. He plans to have all of the items processed and into trailers. This is Erdman's only outdoor recycling facility.
- Supervisors will look into these some of these concerns and they will talk with Fire Chief Doug Snyder and with Attorney Howland. This matter will be discussed at the July 24th workshop meeting.

Request for Co-Applicant Status for Dauphin County Gaming Grant: Steve Quigley of the Ned Smith Center addressed the Board to request that the Township be Co-Applicant for a Dauphin County Municipal Gaming Grant for the purchase of a Utility Vehicle, Field Maintenance Equipment and EMS Equipment and Modifications. The requested amount of the grant is \$29,300. This vehicle would also be used by the Millersburg Fire Company, but would be housed at the Ned Smith Center. The vehicle would also be used to move stone and equipment to repair the trails. Joe Snyder was not in favor of approving this request. John Orr stated that he would like to have more information before deciding to approve the request to become a co-applicant on the grant application. The Board will act on this request at the July 24th workshop meeting.

Review of the Revised Personnel Policy: Tabled for further review.

Report on Stormwater Forum: John Orr reported on the Penn State Center Green Infrastructure and Stormwater Management Forum he recently attended. This event was held in conjunction with the Chesapeake Bay Foundation. Orr stated that the value of attending this conference was learning that

local governments could not afford the huge budgetary requirements needed to cover the cost of stormwater components and the fines that would be imposed if requirements are not met.

Obamacare Seminar Report: Ron Hepner reported on the Obamacare informational seminar conducted by Deibler, Straub and Troutman. The healthcare law is extremely complicated. Businesses will have difficulty funding the cost of the mandated healthcare for their employees.

Purchase of a Roadside Mower: The road crew has made a site visit to another municipality to observe a flail mower being used for roadside mowing. John Orr made a motion that the Board proceed to purchase the Tiger flail mower from Stephenson Equipment. Second by Joe Snyder. With all in favor, motion carried. Chairman Hepner will execute the contract and order the mower following the meeting.

New Business:

Discussion of the Township's Fuel Tank: Tabled for discussion at a future meeting.

Removal of tree at Lightner property: The rotted tree is located in the Township's right-of-way, but it belongs to the landowner. The quote to have the tree removed is \$1,200. The Lightners have agreed to have the tree removed, but have not been advised of the cost of removal service. Attorney Howland will conduct research to determine if the tree should fall onto the roadway whether the Township can bill the landowner for removing it from the road. Supervisors will send the landowners a certified letter advising them of the hazards posed by the rotted tree. Orr expressed the opinion that this is an expense that the Township should not incur.

Annual Humane Society Agreement: Attorney Howland reported that the Township is not required to have an Agreement with the Humane Society of Greater Harrisburg. This is merely providing a public service for the residents to surrender animals not at their own expense. Under State Law, stray and unlicensed dogs are the responsibility of the dog warden or the State Police. The animals are not the responsibility of the municipality. Licensed animals can be housed for several days by the municipality, but housing is not required.

Procedure for Posting Weight Limits on Township Roads: Attorney Howland outlined the procedure for posting weight limits on roadways. Supervisors would need to pass an ordinance and have a study done by the Township's engineer to conclude what the weight limit should be. Several sections of the Vehicle Code deal with this matter. Supervisors would have to determine whether the weight limits would target a specific business and require the business to provide a bond in order to collect the fees for damages to the road surface. Enforcement would be difficult. A study would be conducted at the beginning and the roadway would be continually checked over time. A claim would be placed against the business for damages; and if monies could not be collected voluntarily, then costs for damages would be collected from the bond. Proving whether the damage was caused by truck traffic or weather conditions could be difficult. This could prove to be a costly process for the Township. Supervisors will talk with individuals who own businesses that use the roadways being considered for posted weight limits and try to avoid having to go through this costly process.

Responsibility of Landlords to Maintain Rental Properties: Without maintaining a list of landlords and requiring inspections by Township officials, there is little the Board can do to require landlords to maintain their rental properties. Landlords could be cited for violations under the nuisance or

dangerous properties provisions of the Township Code of Ordinances. Administratively, this type of regulation could prove to be a nightmare.

Dust Suppressant on South Malta Road: Todd Kissinger addressed the Board to inquire whether any plans had been made to apply dust suppressant on South Malta Road. Supervisors informed Kissinger that the decision to apply dust suppressant had been made at the June Workshop meeting; however, this will not be done until later in the summer months. Kissinger inquired whether any further decisions had been made with respect to paving South Malta Road. Supervisors advised that a road inspection will be performed prior to preparing the 2014 budget. At that time, the Board will continue to develop the prioritized list of roads to be paved. Crack sealing has been done to preserve the current roads. Winter weather and its effect on the roads will also play a factor in preparing a prioritized list of paving projects. New paved roads are a serious expense for the Township.

Water Runoff and Sewage Problem at the Robert Chubb Property:

- Jeff Wilhelm reported that he has a stormwater runoff problem at his property since PennDot made improvements to Route 25 at his property. PennDot raised the road surface by 5 inches, and as a result, Wilhelm's property receives water runoff in his swale from Neagley Road. This runoff is causing erosion on his property. Supervisors will make a site visit to Wilhelm's property to try and resolve this issue.
- SEO Brian McFeaters and Jeff Wilhelm discussed the sewage problem which may be coming from the Robert Chubb property. The ground at the Wilhelm and Warfield properties adjacent to the Chubb property appear to be saturated with water and possible contaminates. McFeaters has been to the property six times and had performed dye tests and cannot find any indication to substantiate that it is sewage causing the saturation and mossy smell. During the entire process, McFeaters has been in touch with DEP and had been advised not to contact the complainants directly. McFeaters will conduct further tests for caffeine, phosphates and detergents; however, these tests are costly and he would need to bill the township for costs incurred. Brian will contact T & T to inquire if they had made any observations when the sewage system was last pumped. Supervisors gave their approval for McFeaters to proceed with the tests in order to get to the bottom of the problem. Brian will inform the Chubbs that he needs to proceed with the tests. John Orr requested that McFeaters provide the Board with an outline of what his next steps will be in order to be kept informed of future costs.

Ownership of Berry Mountain Spring Water Company property: Attorney Howland reported that according to his review of the documentation the Township clearly owns the property and that the deed is clean. He did not feel a title search was necessary.

Public Comments: None

With no further business on the agenda to be discussed, Ron Hepner moved to adjourn. Second by John Orr. With all in favor, meeting adjourned at 9:00 p.m.

Respectfully submitted,

Betty A. Warfel, Secretary