

**Upper Paxton Township Board of Supervisors  
Regular Monthly Meeting  
November 13, 2013**

Those in attendance: Ron Hepner, John Orr and Joseph Snyder, Supervisors; Betty Warfel, Secretary/Treasurer; Peter Howland, Esquire; Tom Shaffer; Brian McFeaters, SEO; and John Brabits and Sean Grimm, EMCs.

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

**Public Comments:**

1. Tom Shaffer addressed the Board with respect to unauthorized vehicles using the turnaround at Woodside Station. The gravel turnaround area, at the end of a private gravel road, is owned by Tom Shaffer and the Township has been granted permission for the Township's vehicles to use the same when plowing snow. Visitors are using the turnaround to park vehicles while accessing the grounds of the Ned Smith Center. Shaffer requested that "No Parking" signs be placed at the turnaround area. John Orr made a motion that the Township place "No Parking" signs since it is favorable to have Township trucks be allowed to use this turnaround and not have the area blocked by unauthorized vehicles, and also, placement will be contingent upon Attorney Howland not finding any regulation or case law which would cause an objection to the signs' placement. Second by Ron Hepner. All in favor, motion carried. There is a potential for visitors to the proposed Rails to Trails to use this area for parking as well. Discussion ensued with respect to notifying the adjoining Township landowners of the Millersburg Area Authority's land, as a gesture of good will, of the plans for the proposed rail trail. Millersburg Borough has applied for and received grant monies for the Rails to Trails project and bids for the work have been advertised and awarded. Representatives of Millersburg Borough never approached the Board of Supervisors to request municipal approval to take the trail through the Township's area. The plan for the project was made available for viewing by the Supervisors; however, a copy was not provided until it was requested. The trail's design may not include a geological marker and drainage that has been installed along its proposed path.

2, Brian McFeaters proceeded to give his annual activity report to the Board. McFeaters provided a copy of his proposed fee schedule for 2014. The sewage issue at the Chubb property is the most difficult problem McFeaters has encountered during 2013. In response to the Board's inquiry, McFeaters reported that there are no other major points of concern in the Township at the current time. Sewage enforcement issues have been steady during the past year.

**New Business:**

1. John Brabits and Sean Grimm addressed the Board to explain participation in the planning process of the Dauphin County Multi-Hazard Mitigation Plan Update 2016. This plan identifies natural and man-made hazards and provides suggestions to mitigate the hazards. In upper Dauphin County, these hazards include wildfires and areas prone to flooding. There is no cost to participate in the plan. If the Township would choose not to participate, there would be considerable time, effort and money required to develop its own plan. In 2016, the Township would approve the update to the plan by Resolution.

Secretary Warfel has prepared a letter to provide the Township's contact information to be included in the application for inclusion in the completed plan. Sean Grimm will be named as the point of contact person for the Township. Ron Hepner made a motion to approve execution of the letter stating that the Supervisors agree to participate in the planning process of the Dauphin County Multi-Hazard Mitigation Plan Update 2016. John Orr seconded the motion. With all in favor, motion carried.

Approval of Minutes: Minutes of the October 9th monthly meeting and the October 23rd workshop meeting were reviewed by the Supervisors. John Orr made a motion to approve the minutes of the October monthly meeting with a correction to Item 9 under Old Business and the October 23<sup>rd</sup> workshop meeting. Joe Snyder seconded the meeting. With all in favor, motion carried.

Financial Report: Treasurer Warfel presented a monthly financial report and list of bills for payment. Upon review of the Treasurer's report, Joe Snyder made a motion to pay all the outstanding bills. Second by John Orr. All in favor, motion carried.

### **Old Business:**

1. Attorney Howland provided an article with respect to public and private nuisances for the Board's review.

2. Chairman Hepner reported that progress in the cleanup effort is visible at the DS Recycling site. Documentation of code violations has been provided to an attorney representing Owen Erdman. If cleanup of the site continues to be a problem, an action could be initiated at the District Justice's Office.

3. The first upper Dauphin County Electronics Recycling event held on Saturday, November 9<sup>th</sup> was a success. A truckload full of electronic items was collected. The next collection event will be held on December 14<sup>th</sup>.

4. Attorney Howland has received a communication from Kristen Ritchey regarding the requested changes in the Comcast Franchise Agreement. Howland will keep the Supervisors updated on progress of the preparation of the Agreement. When it is finalized, this Agreement should be passed as an Ordinance.

5. Chairman Hepner has contacted the Dauphin County Planning Commission and engineers for the Nature's Edge Land Development/Subdivision Plan and has not received a response from either one. Light-Heigel advised that no building permits have been issued. The only recorded Plan approved by the Board of Supervisors was the one prepared by William Burch & Associates in 2005. According to Bill Burch, another firm prepared a subsequent plan which has not been presented to the Supervisors for review. This subsequent plan appears to have changes to proposed streets and no longer contains a pond. The original 2005 plan states that the developers would need to seek a variance regarding parking in the development. The 2005 plan also does not show that the streets would be dedicated to the Township. If the current development is not in accordance with the approved plan, the Board could take action to stop any work that is taking place. In 2009, a law or statute was enacted which extended the life of approved plans to 2016 subject to new ordinance changes. Supervisors and Howland reviewed the permit application request and DCCD's response. John Orr suggested that the Board send a letter requesting clarification of the Plan being used and whether the

changes made to the approved Plan have been extensive enough for the Supervisors to request a new plan for review. The Board will request that the developers attend the November 27<sup>th</sup> workshop meeting to discuss the Plan.

6. Supervisors and Attorney Howland discussed the progress being made in the legal action against the Upper Dauphin Income Tax Office, Susquehanna Banks, Powell Rogers & Speaks and the Estate of Allen Shaffer. Howland attended the hearing presided over by Judge Turgeon.

Public Comments: None

With no further business on the agenda, Ron Hepner moved to adjourn. Joe Snyder seconded the motion. With all in favor, motion carried. Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Betty A. Warfel,  
Secretary