

**Upper Paxton Township Board of Supervisors
Regular Monthly Meeting
April 8, 2015**

Those in attendance: Ron Hepner, John Orr, and Robert Stoner, Supervisors; Betty Warfel, Secretary/Treasurer; Peter Howland, Esquire; and Luanna Zimmerman, Manager; Stephen Erdman, Roadmaster. Tom Shaffer, William & Ellen Sylenko, Dale Erdman, Joshua Brown, Branden Hebert, Wally Gordon and Connie Soulies. Students from Mr. Keim's class: Kelsie Davis, Mickayla Armor, Tyler Koppenhaver, Tyler Mangle, Cole Hoover, Colin Kirkwood, Sierra Musa, Lucas Burke, Kelsey Koppenhaver, Hattie Enterline, Brook Shomper, John Geiling, Josh Enders, Megan Simpkins, Taylor Miller, Jade MacLean, Marlo Roadcap, Ty Coleman, Ethan Troutman, Collin Golden, Connor Keim, Mitchell Hahn, Darren Matter, Amber Roach, Jordan Lower, Chelton Behne, Lukas Cassa.

The meeting was called to order by Chairman Hepner at 7:00 p.m. All present recited the Pledge of Allegiance to the flag. Hepner welcomed the MHS students. Township personnel introduced themselves to the students. Hepner explained the functions of the township including taxes, budget, zoning and subdivision/land development.

Public Comments: None

Approval of Minutes and Financial Report: Minutes of the March 11th monthly meeting and the March 25th workshop meeting were reviewed by the Supervisors. John Orr made a motion to approve the minutes of the March monthly and workshop meetings. Second by Robert Stoner. With all in favor, motion carried. Treasurer Warfel presented a monthly financial report and list of bills for payment. Upon review of financial documents, Ron Hepner made a motion to accept the Treasurer's report as presented and pay the bills. Second by Robert Stoner. With all in favor, motion carried

Old Business:

1. Ron Hepner requested that the minutes reflect that the Board of Supervisors had met several times in the last 2-1/2 to 3 weeks due to an emergency sinkhole situation on Chelton Avenue. On different occasions, the Supervisors met with representatives from Millersburg Borough, Millersburg Area Authority and several engineers in order to devise a plan to repair the stormwater pipes and sanitary pipes and road surface in the area surrounding the sinkhole.
2. Supervisors proceeded to discuss whether to add cyber/data compromise insurance coverage to the Township's general liability policy. Research conducted on the issue revealed that the Township is a low risk for this type of cybercrime. Robert Stoner made a motion that the Board not accept the cyber/data compromise insurance coverage. Second by John Orr. All in favor, motion carried.

New Business

1. Roadmaster Erdman prepared a summary of proposed road projects and costs for the 2015 spring bid season. The summary included paving, patchwork, sealcoating, pipework and stone on various roads in the Township. The estimate also included rental of a Road Hog for reclamation work. The total cost of the work included in the summary

is \$418,286. A meeting with Scott Lehman of PennDot District 8 has been scheduled in order to determine which of the projects would be eligible for liquid fuels monies. For the students' benefit, John Orr explained that a road analysis had been done to determine the status of all roads in the Township. Roads needing reclamation or extensive repair are to be high priority, as well as, some maintenance work to maintain some roads that are in good condition in order to extend their lifespan. The costs of paving versus tar and chip were explained. Following discussion, John Orr made a motion to approve the road project listing for 2015 prepared by Roadmaster Erdman and that we move forward to prepare bid packages for the meeting with the PennDot representative in order to determine which projects will be done with liquid fuels monies and which ones will be done with other Township funds. Second by Robert Stoner. All in favor, motion carried.

2. Supervisors informed Attorney Howland that they are considering enacting an infrastructure tax. Howland advised that there are several ways that this could be accomplished whether a decision was made to increase an existing tax or establishing a new tax. Howland will review procedures for both of these avenues and report back to the Supervisors. Luanna Zimmerman explained the County and School tax bills for the benefit of the students.

3. Supervisors reviewed a Proposal to Perform Services regarding Wireless Facilities Management received from the Cohen Law Group. The proposal includes: (1) new developments in the wireless industry; (2) benefits of revising the current Township ordinance; (3) detailed scope of services; (4) professional background of the law firm; and (5) a cost of services on a flat fee basis. The proposed cost would be between \$3,900 and \$5,500. Revision of the township's current ordinance is required to regulate the placement of the mini-cell towers. Attorney Howland suggested that the Board discuss this matter with other area municipalities prior to entering into the agreement. Ron Hepner stated that he will place this item on the agenda for the upcoming Upper Dauphin COG meeting. The matter was tabled until further information is gathered in order to make a decision.

4. Chairman Hepner stated that the Township has several items of unused equipment which could be taken for auction. These items include a used roadside mower, and old tamper and two old tractor tires. John Orr made a motion to send these items for auction at the Cove. Second by Robert Stoner. With all in favor, motion carried.

5. The Board has been informed that Millersburg Borough is applying for grant monies to making needed improvements at MYO Park. Ron Hepner made a motion that the Board provide a letter of support to be included in the grant application being prepared by Millersburg Borough. Second by John Orr. All in favor, motion carried.

6. John Orr proceeded to explain the emergency sinkhole situation on Chelton Avenue. Stormwater runoff over many years has eroded the area under the Township's stormwater pipes causing the sinkhole. Complicating the situation is the Millersburg Area Authority sanitary sewer pipes that cross the stormwater pipes and both sets of pipes could be taken out by a heavy rainstorm. The survey done by Bill Burch for the Township will help the Authority redesign the sanitary sewer pipes and the Township's stormwater pipes.

(a) Brinjac Engineering has prepared the design for pipework to be done on the other side of Route 209 at Hillside Christian Fellowship to alleviate the stormwater issue on

that side of the roadway. This work is being done with grant monies obtained by Millersburg Borough. Supervisors discussed the option to wait until next year to perform work on Chelton Avenue in order to explore the possibility of obtaining some of the grant monies from this project for the needed work.

(b) Pete Howland explained that the Second Class Township Code provides for a municipality to have an exception from the bidding process when emergency work is a required. The possibility that heavy rainfall could pose a serious threat for damage on the stormwater and sanitary sewer pipes on Chelton Avenue and a public health hazard would constitute an emergency situation. The Second Class Township Code also provides for waiver of the bidding requirements for routine maintenance for public works as long as there is only replacement of pipework and not an extension of the same. Howland will provide a written memo setting forth these provisions of the Code.

(c) Brinjac Engineering has offered to prepare a design for the work on Chelton Avenue at a cost of \$40,000. Robert Stoner made a motion not to accept the Brinjac proposal. John Orr seconded the motion. All in favor, motion carried. A correspondence to Brinjac advising of the Supervisors' decision will be prepared.

(d) Bill Burch has prepared a design for the replacement of the Township's stormwater pipes. Burch has forwarded this design to Millersburg Authority's engineer to work with in replacing the sanitary sewer pipes. The Authority will need time to review the Township's proposal for work.

(e) The work required on Chelton Avenue crosses Borough and Township lines and the junction box will need to be placed on private property. Attorney Howland suggested that the Supervisors talk with Millersburg Borough regarding any easement agreement documents that may be required. He also suggested opening a dialog with the property owner. A special meeting may be required in order to get an Agreement in place.

(f) Ron Hepner made a motion to move forward with making repairs on Chelton Avenue by contacting contractors and engineers, preparing designs, and developing a plan for work which is also satisfactory with Millersburg Area Authority. Second by Robert Stoner. All in favor, motion carried.

7. Pete Howland provided an update on the UDITO lawsuit. The forensic accounting on the Powell, Rogers & Speaks financial records is proceeding. Progress is being made.

8. Ron Hepner informed the public that at the present time there is nothing further the Supervisors can provide with respect to the John Riehl dog kennel issue. The Zoning Hearing Board has 45 days in which to issue their report. The Board is bound by the Code of Ordinances and cannot address any moral issues with respect to this matter.

Public Comments:

1 Tom Shaffer informed the Supervisors that the monies being held in the Special Reserve Account are to be used in the event of a public safety emergency situation such as the one being experienced on Chelton Avenue. (a) Shaffer made a suggestion that the next hearing be held in a facility where the attendees can better hear the

proceedings. (b) Shaffer expressed his opinion that the Zoning Hearing Board and its attorney did not properly interpret the Special Exception Application section of the Township Code in the Riehl matter. (c) He also questioned how the development of a nutrient plan would be handled in order to protect the streams surrounding the proposed kennel. Shaffer stated that this is not really about a kennel, it is about the future of the township.

2 Dale Erdman addressed the Board to express his dissatisfaction regarding the manner in which his zoning permit application was handled by Light-Heigel. He felt that Marty Sowers misinterpreted the Zoning Ordinance and caused undo delay in receiving his permit. Attorney Howland stated that Light-Heigel is new to the Township's Code of Ordinances and this may have caused some issues during the permit process.

3 Joshua Brown, a resident of Washington Township, addressed the Board to state that he also was dissatisfied with Light-Heigel as Zoning Officer. Brown also had issues with information contained on the Township's website.

4 Ellen Sylenko inquired whether the Supervisors could provide any guidance or assistance to property owners whose lands are adjacent to John Riehl's property. The Supervisors will continue to have an open dialog with these landowners as the dog kennel matter develops.

With no further business to be discussed, Ron Hepner moved to adjourn. Second by John Orr. All in favor, meeting adjourned at 8:20 p.m.

Respectfully submitted,

Betty A. Warfel, Secretary