

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held March 1, 2016

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:30 p.m. by Chairman William L. Hornung, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hornung were: William C. Seeds, Sr., William B. Hawk, Gary A. Crissman, and Robin L. Lindsey.

Also in attendance was George Wolfe, Township Manager; Steve Stine, Township Solicitor; Public Safety Director Dave Spotts; Willian Weaver, Sewer Authority Diretor; Kevin Shannon, GHD; and Watson Fisher, SWAN.

**Pledge of Allegiance**

Mr. Crissman led in the recitation of the Pledge of Allegiance.

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes from the February 2, 2016 special workshop meeting. Mr. Hawk seconded the motion, and a unanimous vote followed.

**Public Comment**

No public comments were presented.

**Board Members Comments**

No comments were presented

**Manager's Report**

Mr. Wolfe noted that PennDOT implemented the InSync Adaptive Traffic Signal System last Thursday. He noted that it covers the intersections in Dauphin County from the City of

Harrisburg to the eastern end of Lower Paxton Township at Shannon Drive along Route 22. He explained that this system adjusts the timing of the green phase to accommodate changing traffic volumes and patterns along the corridor to help reduce and ease congestion. He noted that they do not work within the defined pattern that most people are used to, for instance, the turning arrows are no longer in the beginning of the sequencing of lights. He noted that the light's sequence have changed and as the system works to become more intuitive, traffic should move much smoother. He noted that the system is gathering the data needed to become more intuitive.

Mr. Wolfe noted on Saturday March 19<sup>th</sup> the Parks and Recreation Board in cooperation with Bidding Recreation will conduct the 20<sup>th</sup> Easter Egg Stravaganza in Brightbill Park. He noted that the event begins at 1 p.m. and is open to children ages 2 to 10 years.

### **OLD BUSINESS**

#### **Resolution 16-15; creating the rank of Police Captain in the Police Department**

Mr. Wolfe requested Public Safety Director Dave Spotts to comment on his memorandum dated January 22, 2016, which provides for a reorganization of command structure in the Lower Paxton Township Police Department. He noted by this resolution, the Board will adopt and approve the reorganization plan.

PSD Spotts noted that this is part of an overall strategic plan for the Police Department. He noted that creating the rank of Police Captain for the Administrative Division recognizes that there will be a renewed and increased emphasis on professional responsibility within that division for the entire Department. He noted that it also solidifies the command structure by providing a clear second in command to the agency.

Mr. Crissman noted that the Board had a good discussion and it is very pleased with the creation of the new structure and look forward to working in this new format. He made a motion

to approve Resolution 16-15 which creates the position of Police Captain in the Police Department. Mr. Hawk seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed

Resolution 16-14; approving amendments to the  
Administrative Employee Compensation Plan

Mr. Wolfe noted this amendment to the Administrative Employee Compensation Plan provides for a change in the salary structure for employees that are non-overtime eligible within the administrative workforce. He noted that it provides for more market-based rates of compensation that previously existed in the plan. He noted that the Board has seen this resolution and the attached report. He noted that it is complete for action this evening.

Mr. Crissman stated that the Board has had discussions on this for some time and it is comparable to our own community and also those within the Commonwealth of Pennsylvania.

Mr. Hornung noted that Mr. Crissman has had a lot of experience in this area and really played a heavy part in formulating this plan. He wanted to commend him for his efforts knowing that it is nice to have that kind of expertise on the Board.

Mr. Crissman made a motion to approve Resolution 16-14, approving amendments to the Administrative Employee Compensation Plan. Ms. Lindsey seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

**Recognition of Police Officer Promotions**

PSD Dave Spotts noted as the Director of Public Safety for a little over three months he is extremely impressed with the dedication, talents, and ability of the men and women who make up the Lower Paxton Township Police Department. He noted that many are in attendance this evening for this event.

PSD Dave Spotts introduced Officer Zach Fehrenbach, Corporal Tom Bell, Sergeant Justin DePasqua, and Lieutenant Mark Zerbe. He requested Mr. Hornung to join him at the podium as he will present a promotional certificate to each individual officer.

PSD Spotts explained that Officer Zach Fehrenbach graduated from the Police Academy in June 2005 and began his career in law enforcement with the Dane County Sheriff's Office in Madison, Wisconsin. In May 2007, Zach was hired by the Lower Paxton Township Police Department. He has been a member of the Patrol Division since the time of his hire, and has served as a Field Training Officer and as a member of the Honor Guard. He graduated from Nathan Hale High School in West Allis, Wisconsin and earned a Bachelor of Science Degree in Psychology with a Certificate in Criminal Justice from the University of Wisconsin. Officer Fehrenbach Zach resides in Mechanicsburg with his wife Emily and their daughter, Ellie.

PSD Spotts explained that Corporal Tom Bell graduated from the Municipal Police Recruit School in 1998 upon which time he began his career in law enforcement. In September 1998, Tom was hired by the Lower Paxton Township Police Department and has worked as a patrol officer until his promotion to Corporal in 2009. He has been assigned to the Patrol Division of the Police Department for his entire career; has been a member of the Directed Patrol Unit for two years, and has been the Corporal of Platoon B since his promotion. Tom has been a member of the Dauphin County Crisis Response Team since 2003 and has served as Sniper Team Leader since 2008. Corporal Bell graduated from West Perry High School and served four years in the United States Marine Corps as a Military Policeman. He resides in Blain with his wife Lori and their 3 girls Emma, Hanna, and Leah.

PSD Spotts noted that Sergeant Justin DePasqua graduated from the City of Atlanta Police Department Training Academy and began his career in law enforcement in Atlanta

Georgia in 2001. In January 2004 Justin was hired by the Lower Paxton Township Police Department, and he has worked as a patrol officer for four years until his promotion to Corporal in 2008, and promotion to Sergeant in 2012. He noted that Justin has been assigned to the patrol division for the majority of his law enforcement career. He was a member of the Directed Patrol Unit for two years, one of which he supervised the unit as a Corporal. Justin has twice been recognized as Lower Paxton Township's Uniformed Officer of the Year. He graduated from Williamsport Area Senior High School and earned a Bachelor's degree in Criminal Justice from Shippensburg University. Justin resides in Dillsburg with his wife Sherri and their two children, Anslee and Ambrose.

PSD Spotts noted that Lieutenant Mark Zerbe graduated from the Municipal Police Recruit School in December 1988 upon which time he began his career in law enforcement. Mark has worked for the following police departments prior to beginning his career with the Lower Paxton Township Police: Carroll Township Police in York County; Derry Township Police; Pennsylvania State Police; and Fairfax County Police Department. He noted in January 1996 Mark was hired by the Lower Paxton Township Police Department and has worked as a patrol officer until his promotion to Corporal in 2001, his promotion to Sergeant in 2003, and his promotion to Lieutenant in 2005. He noted that Mark has been assigned to all three divisions of the Police Department with the last six years being the commander of the administrative division. Mark graduated from Central Dauphin East High School and earned a degree in Business Administration from Millersville University. He is also a graduate of Northwestern University's School of Police Staff and Command. Mark resides in Lower Paxton Township with his wife Amanda and their five children.

PSD Spotts requested all officers in the room to stand at attention. He gave the following commands: detail-ten hut; detail-present arms; detail-order arms; and detail-at ease. He noted that it was his pleasure to present to those present Corporal Zach Fehrenbach, Sergeant Tom Bell, Lieutenant Justin DePasqua and Captain Mark Zerbe. At this time pictures were taken with the Board members.

Mr. Hornung noted that this is the finest Police Department in all of Pennsylvania. He explained that it is a great honor to be part of what the officers have done. He stated that being in the public all the time, the few complaints that he gets is unbelievable with the amount of work that the officers have done and the statistics that they have produced is really impressive. He noted if you look at what they have accomplished it is truly impressive. He noted that it has far reaching implications because people want to live where they are safe and the officers have created that environment. He noted that it has made the Board's job much easier in making this a more attractive community for people to live in. He thanked the officers as it is easy for him to stand up here as you are out in the trenches every day touching thousands of people and every one of those touch points creates an overall emphasis that we are a community. He noted that you do a great job and make great judgement decisions in split seconds and in some cases it is a matter of life and death.

Ms. Lindsey wanted to thank Dave Spotts for all that he has done in the past three months. She congratulated the officers who were promoted and thanked all the officers for what they have done for the Township.

Mr. Seeds wanted to thank the Police Department noting that we all realize that you are public servants just as the Board members are public servants and what makes him proud of the police force is that most of its actions, 99% of them are meant to be corrective and not punitive.

He noted that the police is working to save lives and you correct problems to do that and you keep all of us safe.

Mr. Hawk noted that our community should be very thankful and proud of our Police Department as it is one of very few in Pennsylvania that has been accredited consistently in the top echelon of police work. He thanked the officers for their work, dedication, and professionalism.

Mr. Crissman congratulated the four officers who were promoted. He thanked Mr. Spotts for joining the Police Department as you have an excellent team and he thanked all the officers for being part of a team, a team that makes us a great community.

### **NEW BUSINESS**

#### Action on bids for the PC-4 C/E sanitary sewer mini-basin project

Mr. Wolfe noted that Mr. Weaver will be explaining the bids to the Board at this time.

Mr. Hornung requested Mr. Weaver to explain what PC-4 C/E means. Mr. Weaver answered that it is a designation for the Paxton Creek, the sewers that drain towards the Paxton Creek Interceptor. He noted that the C and E designate the neighborhood for each mini-basin. He noted that it is the Paxtonia area, north and south of Route 22 from Paxton Towne Center to the Karns store.

Mr. Hornung questioned when the work will commence. Mr. Weaver answered that it will start in May of 2016 and will finish in May of 2018 as it is a two year project.

Mr. Weaver noted that the bids were opened on Friday and it took some time for GHD to prepare a recommendation. He noted that the project received a very low bid from Doli Incorporated. He noted the packet contains a follow up to a letter dated February 26<sup>th</sup>, a summary of the bids received, a certified tabulation of the six bids received, and a letter requested from

Doli Construction signed and acknowledged today that they will not submit a claim related to cost adjustments if the estimated quantities are under or over the estimated quantities provided in the bid form.

Mr. Kevin Shannon, GHD noted that he would be happy to answer any questions you may have about the bid. He noted that he believes that Doli has the experience and equipment to complete the project. He noted that they have completed two projects for the Authority in the past three or four years, doing BC-6, the area around the Municipal Center and Spring Creek, I-E. He noted that the Authority has a lot of experience with Doli and feel that they can do the job. He noted that his staff was concerned with some of their unit prices and the fact that their bid was so low. He noted that it was more than \$1 million lower than the engineer's estimate and he was assured by Doli that they want to keep their guys busy. He noted that they are not withdrawing their bid and we recommend that you award your contract to Doli.

Mr. Seeds questioned if there were any errors or omissions. Mr. Shannon answered that Doli said no.

Ms. Lindsey noted that she is concerned that there will be a lot of change orders and they could try to make up for the amount. Mr. Shannon noted that we have experience with this contractor and they tend to file claims for mismarked utilities which is common. He noted that based on the PA One Call Act there are claims that are denied and claims that are accepted but we would have that with any contractor. He noted there are some unknown conditions as not all the utilities are where you think they should be. He noted that the Township will manage the work.

Mr. Crissman noted that he will hold Mr. Shannon to that; and with their past work experience that was done was satisfactorily. He noted that he wants Doli to be well aware that he

will be very careful in motoring change orders as he does not like to be low-balled with a low bid with the contractor trying to recoup the initial money that they want through a change order. He noted that he wants all change orders scrutinize very carefully. Mr. Shannon noted that they will have monthly progress meetings with the contractor to stay on top of these things as the work progresses. He noted that they have done this with the current contractor as well.

Mr. Crissman made a motion to approve the bids for the PC-4 C/E sanitary sewer mini-basin project to Doli Construction Corporation in the amount of \$8,459,350.00. Mr. Hawk seconded the motion.

Mr. Hornung noted that staff does a good job in keeping change orders to a minimum but people know when they come to work for the Township that we are difficult in handing out change orders and he wanted to commend Mr. Shannon and Mr. Weaver for that. He noted that contractors come in and they find out their expectation for change orders is not that easy.

Mr. Hornung called for a voice vote and a unanimous vote followed.

Change Order No. 2 to the contract with Joao and Bradley Construction for the PC-5 C/D, BC-6 and BC-N sanitary sewer mini-basin project

Mr. Wolfe noted that this is a final adjusting change order for the contract that is now nearing completion. He noted that it is a large change order that Mr. Weaver will detail but it is based upon quantities that were required to complete the project as opposed to issues filed by a contractor.

Mr. Weaver noted the Change Order No. 2 is the final quantities and cost adjustment for the PC-5 C/D, BC-6 and BC-N which is everything north of Route 22 at Prince Street to the Friendship Center and east and west to Colonial Commons. He noted that the project went very well with Joao and Bradley, and the results have been very good for the flow metering. He noted that the change order took some time since Mark Hilson, the prior engineer took a new position a

few months ago, and so it took time for GHD to get the final quantities for the field inspector to verify these costs adjustments. He noted that the summary provided by GHD concerns additional base and overlay paving, as the roads were in poor shape. He noted that many of the roads had to be rebuilt from the ground up, some in Devon Manor. He noted that there was additional paving included as part of the project noting that there were areas where the sewer stopped from one project to another. He noted that rather than having a block of a street between two projects that was not paved, it was decided, since the pricing was favorable, to overlay that block area. He noted that additional sanitary sewer work was done in Beaufort Manor for a grinder pump, and small repairs outside of the sanitary sewer due to settlement issues. He noted that the \$1.7 million change order is mainly for paving and curbing. He noted that the final adjustment is for \$1,714,175.58. He noted that it increases the contract amount from \$4,462,505 to \$6,176,680.

Mr. Weaver explained that Mr. Shannon is present to answer any questions you may have on the change order.

Mr. Crissman made a motion to approve Change Order No. 2 to the contract with Joao and Bradley Construction for the PC-5 C/D, BC-6, and BC-N sanitary sewer mini-basin project in the amount of \$1,714,175.68. Mr. Seeds seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Action on a Mutual Release with Capital Region Water Authority  
Regarding past sanitary sewer transmission and treatment charges

Mr. Stine noted that this is a mutual release between Capital Region Water Authority (CRW) and all the suburban customers of that system. He noted that it deals with two pots of money. He noted that one is for funds CRW has maintained for a couple of years, claims that they had against suburban municipalities for underpayment in certain years even though technically we did not think we had under paid then. He noted that there was a second pot of

money called the frozen funds where the receiver in 2012 ordered the City of Harrisburg not to use those funds on anything other than the sewer system. He noted that those funds have continued to be frozen. He noted that the mutual release will required CRW to release all claims for any alleged underpayments from years past and the suburban municipalities are releasing the frozen funds so that CRW can use those funds to upgrade the sewer system to do any maintenance work that needs to be done.

Mr. Stine noted that CRW has fully executed the mutual release and all that needs to be done is to have the suburban municipalities execute the document. He noted that the release is ready for Board action at this time.

Ms. Lindsey questioned if all the suburban municipalities are participating in this mutual release. Mr. Stine answered yes as far as he knows.

Mr. Seeds questioned if any have voted on it yet. Mr. Stine answered that he does not know who has voted and who has not voted.

Mr. Seeds questioned if this mutual release was negotiated. He questioned how much was in the frozen funds. Mr. Stine answered that he did not know. Mr. Seeds questioned if those funds must be used for improvements in the City of Harrisburg. Mr. Stine answered that he does not know where they will be used; but it will be used for the sewer system.

Ms. Lindsey questioned if this could be executed even if all suburban municipalities don't participate. Mr. Stine noted whoever does not participate doesn't, but he expects that everyone will as it is in everyone's best interest to do so.

Mr. Crissman requested Mr. Stine to repeat what he said in that the CRW already signed the document. Mr. Stine answered yes. Mr. Crissman questioned if he had a copy of the signed document. Mr. Stine answered that he did.

Mr. Crissman made a motion to approve a Mutual Release with Capital Region Water Authority regarding past sanitary sewer transmission and treatment charges as presented by counsel. Ms. Lindsey seconded the motion.

Mr. Seeds questioned if Mr. Stine is recommending the Board to sign this. Mr. Stine answered yes.

Mr. Hornung called for a voice vote and a unanimous vote followed.

Action bids for the sale of municipal vehicles

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~~Mr. Crissman made a motion to approve the bids for the two vehicles as indicated by Mr. Wolfe for the 2006 Explorer and 1997 Chevy as well as the authorization to re-advertise bids on the other vehicles. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.~~

**Improvement Guarantees**

Mr. Hornung noted that there were two ~~two~~ Improvement Guarantees ~~and one~~ Stormwater Guarantee.

Spring Creek Hollows, Phase 1A

A change from a letter of credit with Peoples Bank to an escrow with Lower Paxton Township in the amount of \$2,572.31, with an expiration date of March 1, 2017.

Wilshire Estates, Phase

A reduction in a letter of credit with Jonestown Bank and Trust Company in the amount of \$273,869.89, with an expiration date of November 2, 2016.

Mr. Crissman made a motion to approve the two Improvement Guarantees. Mr. Hawk seconded the motion. Mr. Hornung called for a voice vote, and a unanimous vote followed.

### **Payment of Bills**

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority, Lower Paxton Township Purchase Cards, and payroll checks. Mr. Crissman seconded the motion. Mr. Hornung called for a voice vote, and a unanimous vote followed.

### **Announcement**

Mr. Hornung noted that the workshop meeting will start next Tuesday at 6 p.m.

### **Adjournment**

There being no further business, Mr. Hornung adjourn the meeting at 8:10 p. m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

William B. Hawk  
Township Secretary