

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held Tuesday, July 1, 2008

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:33 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; and Lori Wissler, Community Development Manager.

Pledge of Allegiance

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

Approval of Minutes

Mr. Seeds made a motion to approve the minutes from the special business meeting held May 13, 2008. Mr. Blain seconded the motion, and the motion was unanimously approved.

Public Comment

Dr. Mark Guise, 2336 Forest Hills Drive, explained that he wanted to complain regarding his continual problem, for almost a year, with the runoff of water and silt from an abutting neighbor's property. He noted that he was told that certain items were to be taken care of, and those promises have never been fulfilled. He explained that he was told that a storm sewer project would be completed by the 20th of June, but it has not happened. He noted that he was told that, by today, there would be the commencement of the project, but nothing has been done. He explained, with each recent rainfall, his driveway continues to be impacted with rain and silt, and his driveway is the only one that experiences this problem. He noted that the Township has

tried to work with the property owner, but there seems to be a lot of foot-dragging. He questioned when the Township would be able to help him get the situation rectified.

Mr. Hawk noted that he visited the location, and questioned if two property owners were involved. Dr. Guise answered that water runoff also impacts another neighbor's property, explaining that there is a large stone pit, and it pulls the water through in an illegally placed pipe and shoots the water down through his property. He noted this past Friday, when a fast thunder storm came through the area; the silt had washed out onto the road more than four feet. He noted that the neighbor acknowledged the problem, but that was all he did.

Mr. Seeds questioned if there was an agreement between the two parties. Mr. Stine noted that there is no agreement; he noted that the attorney for the other property was to prepare a maintenance agreement for the storm water facility that was to be built. He noted that the attorney was to send this agreement to him for his review. Mr. Seeds requested Mr. Stine to check on this. Mr. Stine explained that he spoke with Mr. McCormick who represents Dr. Guise, and was told by him that he would call the property owner's attorney to find out what the status was for the draft agreement. Mr. Seeds noted that the Township needs to keep on top of this.

Mr. Hornung questioned what pressure the Township could put on the neighbor to resolve the issue. Mr. Wolfe explained that storm water management issues are enforced by the Dauphin County Conservation District, (DCCD). He noted that the Township has reported violations to DCCD when they occur and Mr. Robbins, the Public Works Director, has been out with DCCD personnel on many occasions for this issue. He noted that Mr. Robbins has been working on a plan with the property owner to correct the problem, but the property owner is not moving forward like he should. Mr. Hornung questioned if the Township has no means to put pressure on the property owner to rectify the problem. Mr. Wolfe answered that he is not aware of any specific regulation that the Township has, other than erosion and sedimentation control

which is enforced through DCCD. Mr. Hornung questioned if the neighbor is meeting the design for the erosion and sedimentation control. Mr. Wolfe answered that the neighbor has had violations throughout the construction process; lack of sedimentation controls, a storm sewer pipe that needs to be replaced with a new system which he supposedly agreed to do; the site was unseeded for several months until sod was placed, and it has been a never ending battle with the property owner.

Chairman and Board Member's Comments

None was presented

Recognition of 80th Anniversary of William and Christine Sheetz

Mr. Hawk explained that it was his great pleasure to present a proclamation to William and Christine Sheetz, who celebrated their 80th wedding anniversary on June 28, 2008, and have resided at 4512 Marblehead Street for 53 years. He noted that Mr. Sheetz was 102 years of age, and Mrs. Sheetz was 96 years of age. He invited his fellow Board members to come to the podium to congratulate Mr. and Mrs. Sheetz.

Oath of Office to New Police Officers

Chief Bair introduced Dhenin Brock, who was born in Binghamton, New York. He explained that Mr. Brock graduated from Messiah College in 2007, with a Bachelor's Degree in Communications. He noted that since graduation, he has worked in retail sales.

Chief Bair introduced William Wable, who attended Bradford Area High School in Bradford, Pennsylvania in 1994, graduating at the top 10% of his class. He explained that he attended Ohio State University and graduated in 1998 with a bachelor's degree in Criminology. He noted that Mr. Wable entered the Army in 2001 where he attained the rank of captain, was awarded the Bronze Star during one of his two tours in Iraq, and received an honorable discharge in 2007.

Chief Bair explained that Mr. Brock and Mr. Wable will attend the Municipal Police Officer's Academy at Harrisburg Area Community College beginning July 7, 2008.

Mr. Hawk swore in Dhenin Brock and William Wable as police officers for Lower Paxton Township.

Mr. Hornung explained that he had an incident at his business where he was the recipient of a bad check, and he wanted to commend Detective Brumaghim in his handling of the case. He noted that citizens should be proud of the effort and professionalism exhibited by the members of the Police Department. He suggested that the citizens of the Township do not recognize how well protected they are, and he wanted to thank the Police Department for their efforts.

Manager's Report

Mr. Wolfe noted that the Lower Paxton Township Parks and Recreation Department, along with the Linglestown Fire Company, will once again, sponsor a fireworks display at Koons Park, on Saturday, July 5th at dusk, rain or shine. The public is invited to attend this event.

Mr. Wolfe noted that the next TGIF Summer concert will be held on July 11, with *Jeffrey Gains*; July 18, *One More Time*, (L.P. Variety); and July 25, *Steven Courtney Band*. The concerts start at 7 p.m. at Brightbill Park

Mr. Wolfe stated that Waste Management's new contract starts July 2, 2008 and continues until June 2013. He explained that the new contract provides for all residents to receive bi-monthly leaf waste collection April through December, as well as the collection of Christmas trees in January. He noted that leaf waste would be collected the day following the trash collection, and it must be placed at curbside; lose in containers or in Kraft bags. He noted that items placed at curbside include all leaf waste, brush, and tree trimmings, but not grass. He explained that tree trimmings must be no longer than six feet long, and two inches in diameter

and must be bundled; any tree trimmings over the two inch restriction must be taken directly to the Compost Facility.

OLD BUSINESS

None was presented.

NEW BUSINESS

Ordinance 08-06; Amending the zoning designation of properties located on Crums Mill Road at Doehne Road from Low Density Residential to Business Campus

Ms. Wissler explained that the Township has proposed an amendment to the Zoning Map for two properties located on Crums Mill Road (Parcels 35-024-041 and 35-024-056). The properties are currently zoned R-1, Low Density Residential District, and BC, Business Campus District. The amendment would rezone these properties to R-1, Low Density Residential District.

Ms. Wissler noted that with all rezonings, it is important to review the surrounding zoning of the area to ensure compatibility of land uses. The subject parcel is abutted to the north and east by the R-1, Low Density Residential District, to the south is BC, Business Campus District and to the west, in Susquehanna Township, the zoning is RC, Residential County (north of Doehne Road) and BOR, Business Office Residential District (south of Doehne Road).

Ms. Wissler explained that the 2004 Comprehensive Plan's Future Land Use Map shows the area to be Low/Medium Density Residential, and the existing uses for the properties are a single-family dwelling on Parcel 35-024-056, and Parcel 35-024-041 is vacant.

Ms. Wissler explained that the Dauphin County Planning Commission reviewed the Township's proposed amendment on June 2, 2008, and recommended the proposed zoning change because of the location of the parcels and the existing conditions. She explained that the

Lower Paxton Township Planning Commission reviewed the amendment on May 14, 2008 and recommended the proposed amendment be approved.

Ms. Wissler explained that on June 11 and 18, 2008, a public notice appeared in The Paxton Herald, indicating that the Board would conduct a public hearing and consider the enactment of Ordinance 08-06 on July 1, 2008. She noted that on May 30, 2008, the Township mailed notices to property owners surrounding the area of the proposed rezoning. The notices indicated that the Board would consider the rezoning at a public hearing on July 1, 2008. She stated that on June 23, 2008, notices were posted on the parcels being considered for rezoning.

Mr. Stine noted that this is the time and date set for the public hearing for Ordinance 08-06; amending the zoning designation of properties located on Crums Mill Road at Doehne Road from Low Density Residential, and Business Campus to Business Campus. Mr. Stine questioned if anyone in the audience wanted to be heard on this Ordinance. He explained that, seeing no response, that it would be appropriate to close the public hearing on Ordinance 2008-06, and the Board may take action if it so desires.

Mr. Seeds made a motion to approve Ordinance 08-06; amending the zoning designation of properties located on Crums Mill Road at Doehne Road from Low Density Residential, and Business Campus to Business Campus. Mr. Blain seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Action on bids for sanitary sewer maintenance and emergency repairs

Mr. Wolfe noted that this contract has been in place for many years in the Township for the Sanitary Sewer Department Operations. He noted that it provides for a contractor, on an on-call basis, to address emergencies, and to undertake repairs that are encountered during the course of a year that are beyond the scope of the Township to rectify in-house. He noted that the

contract is not based upon specific known items, but on quantities estimated by the engineer for the Township Authority, and bid specifications are based upon those estimate of quantities.

Mr. Wolfe explained that the Township received one bid for the emergency maintenance repair contract and that bid was submitted by Rogele, Inc. in the amount of \$257,684.50. He noted that staff and the Township Engineer reviewed the bid, determined the bid to be complete, and it is staff's recommendation that the Board act to award the bid at this time. He noted that Board members have had concerns in the past, that only one bid was received for this item, but he explained that Rogele, Inc. has been the successful bidder for this contract for many years. Mr. Wolfe explained that this is not a normal construction contract where any bidder from the Central Pennsylvania or East Coast Area could address the bid. He noted that bidders for this type of work would have to be based in the Harrisburg area where they could respond to the Township's needs. He noted that Rogele, Inc. has been available in that capacity for many years, and has found that Rogele, Inc. is comfortable doing business with the Township in that environment. He noted that no other bidders seemed interested in the work, and it could be because other bidders are more interested in true construction work.

Mr. Blain made a motion to award the bid for sanitary sewer maintenance and emergency repairs to Rogele, Inc., in the amount of \$257,684.50. Mr. Hornung seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Action on bids for Paxton Creek Trunk A sanitary sewer replacement

Mr. Wolfe explained that bids for the replacement of Trunk A have been prepared by the engineer for the Township Authority, and seven responses have been received from the advertisement indicating very competitive bidding. He noted that the low bid was submitted by D&M Contracting Incorporated in the amount of \$363,410.00. He noted that three contractors

submitted very similar bids in the amounts of \$363,410, \$365,125, and \$405,375. Mr. Wolfe explained that it is the engineer's and staff's recommendation that the bid be awarded to D&M Contracting Inc., to include a warranty item that brings the total base bid plus the alternate for the warranty to a total of \$363,410.

Mr. Wolfe explained that D&M Contracting, Inc., has no prior work experience for the Township, and as such CET engineers checked their references and received glowing reviews from customers who have used them for similar work in other parts of Pennsylvania.

Mr. Hornung questioned if there was an engineer's estimate for the bid. Mr. Wolfe answered that the engineer's estimate was \$357,325, and that does not include the alternate for the warranty; therefore, the bid is slightly less than the engineer's estimate.

Mr. Blain made a motion to award the bid for the Paxton Creek Trunk-A sanitary sewer replacement to D&M Contracting Inc., in the amount of \$363,410 to include the warranty alternate. Mr. Hornung seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 08-29; Authorizing the submission of a Community Development Block Grant application to Dauphin County for the Winfield storm sewer project

Mr. Wolfe explained that the application requests \$188,540.00 from the Dauphin County Community Development Block Grant (DC-CDBG) Program for a storm sewer project to benefit Winfield and surrounding streets. He noted that Winfield Street is located between Devonshire Road and Jonestown Road and west of North Houcks Road. He noted that the total project cost is estimated at \$370,000, and the Township is requesting funds from Dauphin County to pay for materials for the project with the facilities to be installed by the Lower Paxton Township Public Works Employees. He noted that this is the second time the grant application was submitted, as it was submitted last year, but was not funded by Dauphin County. He requested the Board to

approve the submission of the CDBG grant to Dauphin County for the Winfield Street storm sewer project.

Mr. Hawk noted that CDBG money is getting harder to acquire.

Mr. Blain made a motion to approve Resolution 2008-29 authorizing the submission of a CDBG application to Dauphin County for the Winfield Street storm sewer project in the amount of \$188,540. Mr. Hornung seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 2008- 27 and Resolution 2008-28: Applying for funding for police officers training from the Municipal Police Officers Education Training Commission

Mr. Blain made a motion to approve Resolution 2008-27 and Resolution 2008-28, applying for funding for two police officer's training from the Municipal Police Officers Education Training Commission. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Improvement Guarantees

Mr. Hawk noted that there were nine improvement guarantees for consideration.

Spring Creek Hollows, Phase IB

A reduction in a letter of credit with Commerce Bank, in the amount of \$99,471.90 with an expiration date of November 30, 2008.

Kendale Oaks, Phase I

A new escrow with Lower Paxton Township, in the amount of \$20,235.44 with an expiration date of June 25, 2009. (This is a change in the financial institution.)

Kendale Oaks, Phase I

A release in a bond with Hartford Fire Insurance Company, in the amount of \$20,235.44

Huntleigh, Phase I

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$78,803.19 with an expiration date of August 30, 2009.

Willow Brook, Phase IV

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$37,417.44 with an expiration date of August 3, 2009.

David Punt – 6009 Jonestown Road

An extension and 10% increase in a bond with State Farm Fire and Casualty Company, in the amount of \$44,207.35 with an expiration date of August 3, 2009.

110 Sunset Avenue

An extension and 10% increase in an escrow with Lower Paxton Township, in the amount of \$7,343.93 with an expiration dated of August 16, 2009.

The Townes at Autumn View

A change of developer and bonding company in a bond with Developers Surety and Indemnity Company, in the amount of \$32,540.75 with an expiration date of June 28, 2009.

The Townes at Autumn View

A release in a letter of credit with M&T Bank, in the amount of \$32,540.75 with a release date of July 1, 2008,

Mr. Blain made a motion to approve the nine listed improvement guarantees as presented. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and the improvement guarantees were unanimously approved.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Announcements

Mr. Blain noted that he would like to congratulate the Central Dauphin High School Girl's Soccer Team for winning the State Championship two years in a row.

Mr. Blain also wanted to congratulate, Hyleas Fountain, a 2000 graduate of Central Dauphin East High School, who qualified to represent the United States in the Olympic Track and Field Heptathlon. Mr. Seeds noted that there are also other local students in the running to represent the United States in other sports as well.

Mr. Seeds noted that the Central Dauphin School District won 12 State Championships within the last 12 months in various sports.

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Hornung seconded the motion, and the meeting adjourned at 8:13 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary