

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held June 15, 2010

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:37 a.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, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Victor Banks; Jackie Broughton; and Watson Fisher, SWAN.

Pledge of Allegiance

Mr. Hawk suspended the recitation of the Pledge of Allegiance as it was recited during the Sewer meeting.

Approval of Minutes

Mr. Seeds noted that he had two corrections to the minutes. He noted on page seven, the second sentence in the third paragraph should read, "Mr. Seeds noted that he wants the Township to pipe the water to the stream valley near the sewer pumping station." Also, on page eight, the last sentence should read, "Mr. Seeds noted that Mr. Kessler wants the Township to pipe the additional water to near the new pump station." Mr. Seeds made a motion to approve the minutes of the May 11, 2010 workshop meeting with the two noted corrections Mr. Crissman seconded the motion, and a unanimous vote followed.

Public Comment

Mr. Victor Banks, 6551 Lyters Lane, noted that he lives near the proposed solar site. He questioned if information was available or accessible for anyone to review and assess the plan, such as they are, that the Township's Committees are reviewing. He noted that he has not found any published minutes of the meeting. He explained that he is the president of the Hodges Heights Neighborhood Association (HHNA). He noted that many questions have been posed to him from members of his association about two scenarios that have been proposed for the closed municipal landfill. He noted that he was told that the site was proposed to be used as a solar farm and a windmill farm. He noted that he is not clear on any details for these rumors, and he would like to share this information with his community as it abuts this area. He noted that he would like to know so that he can make adjustments and be prepared, as there are scenarios of economic development that are to be proposed, not for his community, but the neighboring Township, and if those things are correct in any way, he would like to weigh in on the discussion. Mr. Wolfe noted that there has never been.... Mr. Banks noted that if minutes are available that is what he would like to have. Mr. Wolfe noted that he would like to answer Mr. Banks question. He noted that there has never been any presentation or proposal or discussion or interest by this Board in anything dealing with windmills. Mr. Banks noted that it came from the Wind Committee. Mr. Wolfe responded that there is no Wind Committee. Mr. Banks noted that there is one on the website that meets with the Planning Commission. Mr. Wolfe explained that the Planning Commission has a sub-committee that is working to develop regulations for the zoning ordinance for windmills for private residential use. Mr. Banks noted that it is a committee that he does not know about and he is asking for minutes of those discussions. Mr. Wolfe stated that he did not know if that subcommittee has even met. Mr. Banks noted that he

did not know if they met yet, he is only asking for minutes. Mr. Wolfe noted that Mr. Banks could have anything that he wants, as minutes are public records. Mr. Banks noted that is if they are published. He noted that he was just asking for the minutes. Mr. Wolfe noted that Mr. Banks can have any minutes that he wants. Mr. Banks noted that he is not here to argue, but if the minutes are available, when they are available, he would like to have the minutes to have discussions about those activities.

Ms. Jackie Broughton, 6640 Jordan Drive, noted that it was discussed last year to have another road built around the Compost Facility. She noted that she has not seen any evidence of that occurring. Mr. Wolfe noted at a community meeting at the Hodges Heights Park last year, the representatives of the HHNA provided very definite direction to the Township not to build the road, so the Board has not pursued any further action. Ms. Broughton noted that was not her understanding, rather that it was to make the road one-way to exit out of the neighborhood and people could not enter the neighborhood. Mr. Wolfe noted that he did not recall any discussions making the road one-way; the consensus was unanimous not to build the road behind the properties on Conway Road. Ms. Broughton questioned Mr. Banks if that was true. Mr. Wolfe noted that it was his understanding that no one wanted that road built. Ms. Broughton noted that was not the understanding that she had, and suggested that the minutes should be reviewed. She noted that the people were not opposed to building the road as they did not want more traffic. She noted if a Lower Paxton Township Police Officer was stationed on Conway Road they would see how fast people drive coming from Union Deposit Road, up the big hill and going around through the neighborhood. She noted that she is not saying that the residents do not drive fast; however, you can view how fast the vehicles are driven, especially since Nyes Road was

closed. She noted that the area has picked up a tremendous amount of traffic, and regarding the road, that is not her understanding, and she is a resident, and has been for many years.

Mr. Hawk suggested that this could be checked. Mr. Wolfe noted that there is nothing to check as it was a neighborhood meeting and the Township did not take minutes at that meeting. He noted that he attended the meeting with Ken Shoaff and Sam Robbins. He noted that it was an evening in the park and there were roughly 25 residents. Ms. Broughton stated that she was not in attendance. He noted that it was clear to him that no one wanted the proposed bypass road at that point.

Mr. Blain requested Mr. Banks to put something in writing to the Township that states the position of the Hodges Heights Neighborhood Association in regards to that road. Mr. Banks noted that it is not clear to him what the purpose of the meeting was for, noting that a letter was circulated to the residents along Conway Road and not to the entire neighborhood. He noted that it was not a neighborhood meeting, but rather a meeting to discuss the berm that was to be installed behind the homes adjacent to the Compost Facility. He noted that the residents objected to the berm being installed behind their homes, adding ten to 12 feet of earth that was not secured, as they felt the dirt might wash into their yards or their pools. He noted that the residents did not receive any assurances that it would not happen so they objected to the scenario of putting dirt there with no retaining grass to hold the dirt in place. He noted that the purpose of installing a berm was to stop the sound from the Compost Facility. He noted that is what was rejected, and as for the road scenario, he assumed from earlier meetings that the Township would move ahead and that it was supposed to be built as soon as the Kendale Oaks Development got to a certain point as they had some work to do, and then the Township would build the road. He noted that that does not seem to be happening now. Mr. Wolfe noted that he hated to disagree

with Mr. Banks, but his understanding was somewhat different. He noted that the residents stated that they did not want a berm, not because it wasn't compacted or planted, noting that it would have been compacted and planted, they did not want the berm as it would be installed on property owned by the Township but utilized by the residents as part of their backyard. He noted that he certainly understands that, and at the same time as part of the continued discussions, there wasn't one person at the meeting who spoke in favor of keeping the plan for the bypass or realigned Conway Road active. They were all adamant that the Township not construct the road. He noted that Mr. Blain's proposal is very good; noting that correspondence from the HHA stating their position would be viewed as very appropriate by the Board at this time. Mr. Banks noted that he would not object to circulating yet a second letter since he thinks he already came to the Township meeting, but he stated that he would circulate another letter to clarify his understanding of the meeting, and he would do that after he has a meeting to confirm what everyone else had heard at that meeting. He noted that is clearly not his understanding. Mr. Blain noted that Sam Robbins was in attendance at the meeting. Mr. Wolfe noted that he and Mr. Shoaff were also in attendance at the meeting. Mr. Blain noted that he remembered staff reporting back to the Board members that they did not want the road. He noted that there must be some misunderstanding as to the purpose of that meeting. Mr. Banks noted that he has correspondence of the circulation calling for the meeting. Mr. Wolfe noted that it was clear to him that those in attendance didn't want the berm and they didn't want the road constructed behind their properties. He noted that he reported back to the Board members immediately after that that they did not want it.

Ms. Broughton noted that was for the people who live on Conway Road and not those along Jordan Drive. Mr. Wolfe noted that is correct.

Ms. Broughton questioned if the Township plans on closing the Compost Facility, noting that the May 17th minutes mention that the Township received a grant of \$3 million from the Commonwealth Financing Authority to build the solar farm and that the Township was applying for a second grant to the Pennsylvania Energy Development Administration. She noted that the second grant would be available in the middle of June. She questioned if this is for the same property that she was talking about. Mr. Wolfe answered yes, noting that there is room for both the Compost Facility and the solar farm on the same site. Ms. Broughton questioned if the Township would keep the Compost Facility. Mr. Wolfe noted that it would remain. She questioned if there is a layout of where the solar panels would be placed. Mr. Wolfe answered yes. Ms. Broughton questioned if they were small solar panels, can people see these from... are we still going to have the playground. Mr. Wolfe answered yes. She questioned if it would be placed down behind the little building where there is a stream. Mr. Wolfe noted that the solar panes would be south of the playground, along the sides, and behind the Compost Facility where there is more than 14 acres. He noted that he had a schematic layout that she could view. Ms. Broughton noted that she would not benefit from it. Mr. Wolfe noted that the Township benefits from it. Ms. Broughton questioned how, because the Township would receive a payment from Swatara Township. Mr. Wolfe noted that was the initial proposal in that the Township pays for 70% of the energy costs generated to run the Swatara Township facility. He noted that most likely, the Township would sell the energy on the open market.

Ms. Broughton questioned if the grant funds needed to be repaid. Mr. Wolfe answered no. He noted if the Township proceeds with the facility and actually develops it, noting that the Board has made no commitment at this time, there is no repayment necessary for the grant funds.

Ms. Broughton questioned what impact it would have on the valuation on the homes in their area. Mr. Wolfe answered that he would assume that it would not affect the value whatsoever. He noted that they are solar panels that sit above ground, they make no sound, create no dust, and have no environmental impacts that he is aware of. Ms. Broughton noted that as far as putting it on the compost area that has emissions. Mr. Wolfe explained that it would not be located on the Compost Facility, but along side. She questioned if they would be using any of the grounds that have the nice stuff at the bottom of it that has emissions coming up from using the property, and is the reason why nothing can be built on it. She questioned if she could be assured that there are no emissions from that. Mr. Wolfe noted that there are no emissions from the solar panels. He noted that the panels are very light and those panels could be put on the landfill and it would not hurt anything. She noted that the compost could be moved to his area with all this stuff put in your backyard and put solar panels, right. Mr. Wolfe noted that he would have no problems with placing solar panels any place, they are very environmentally friendly. She noted that she is not talking about the solar panels; she is talking about using an area which already has problems. She noted that Lower Paxton has many farmlands as there is one right behind her home. Mr. Hornung noted that the Township does not own that farmland. She noted that for what the Township owns, it does what it wants to do.

Ms. Broughton questioned if the Township was planning on advising the neighboring people, in the Kendale Oaks and Spring Hill Developments. She questioned if they would received letters explaining what the Township plans to do or does it just show up. Mr. Hornung noted that there are some people who are already aware of it. She noted that she found out from an exercise instructor who is building a home in the Spring Hill Development.

Mr. Wolfe noted that there has been no approval of the project. Ms. Broughton noted that the Township already has received funding. Mr. Wolfe noted that the total funding for the project is \$16 million, and until the Board determines a way to secure the total project costs, there is no decision to move forward. Ms. Broughton questioned if the residents will get official notice before the Township moves forward. Mr. Wolfe answered that there is no requirement for official notice, but he can certainly provide notice to her. Ms. Broughton noted that nothing is required and the Township can just do what it wants because it is Township property. Mr. Wolfe answered yes. He noted that it would be a permitted use by the zoning ordinance.

Ms. Broughton questioned if the Township talked to any realtors to determine if it would shift the property values. Mr. Wolfe answered no.

Mr. Blain noted that the Township is only in the investigative stage at this point. Ms. Broughton answered that she got that. He noted that even though the Township received \$3 million in grant funds; it does not have to use it. He noted that the Township is going through the process to review the economic analysis behind whether it is economically feasible to do it. He noted that it looks favorable to make it happen, but the Township is getting a second opinion from another firm. He noted, until the Township receives that report, the Board is not ready to make any final decision in regard to the solar farm. He noted that a layout was put in place to go about the process of securing grant funds, however, the Township has not secured all the funding to do the project, and the Board is not sure if it will proceed with the project. He explained that the Township is in the process of analyzing whether it makes sense to do the project as it tries to fund sewer operations in the Township and pay for the transmission of sewer to the Swatara Township Treatment Plant. He noted that once it is finally determined to do the project, then he would go about the process of informing all the neighbors and developments as to what it intends

to do to be good citizens. He noted that at this point, the Township is only analyzing the project. He suggested that Ms. Broughton let the Township complete its analysis first to determine if is economically feasible to do the project. He noted that it may be found that the investment dollars are not to be found.

Chairman & Board Members' Comments

No comments were presented by Board members.

Manager's Report

Mr. Wolfe noted that Lower Paxton Township Firework's display will be held at Koons Park on July 5th at dusk. This event is co-sponsored by the Linglestown Fire Company. He noted that persons attending the events need to remember that Linglestown Road is under construction and alternate routes will need to be taken. He asked all those attending the event to please be patient when leaving Koons Park after the fireworks.

Mr. Wolfe noted that the Township's Newsletter provided inaccurate information regarding the Waste Management schedule for trash pick-up the week of July 5th. He noted that Monday, July 5th is not a holiday for Waste Management; therefore the normal weekly schedule will follow for the week of July 5th.

OLD BUSINESS

Resolution 10-16; authorizing the destruction of specific municipal records

Mr. Hawk noted this resolution authorizes the destruction of specific municipal records as per the Pennsylvania Historical and Museum Commission. He noted that the Township must comply with the standards set forth for the retention and destruction of municipal records.

Mr. Seeds questioned if the dates on the resolution are correct. Mr. Hawk noted that modification were made in the retention schedule, and then revised for the Right-To-Know Law.

Mr. Crissman made a motion to approve Resolution 10-16; authorizing the destruction of specific municipal records as required. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Action on a proposal from K& W Engineers to provide engineering services in regard to improvements for Page and Spring Creek Roads

Mr. Wolfe noted that the Board discussed this proposal during its recent Workshop session, and he explained that this proposal would be funded with Dauphin County Local Share Grant Funds. He noted that the proposal is in the amount of \$9,635 for the basic fee, and \$3,275 for construction observation services. He explained that it provides for bid specifications, construction documents, construction administration, and observation of construction once the work begins. He noted that it is anticipated that the project would be let in late fall of 2010 or early spring of 2011. He noted that staff recommends the Board approve the K&W proposal.

Mr. Crissman made a motion to approve the proposal from K&W Engineers to provide engineering services in regard to improvements for Page and Spring Creek Roads. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Bain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

NEW BUSINESS

Change Order Nos. 14 & 15 to the contract with Handwerk Site Contractors for George Park Roadway Improvements

Mr. Hawk noted that there are two change orders to the contract with Handwerk Site Contractors for George Park Roadway Improvements.

Mr. Wolfe noted that Change Order #14 is for \$5,362.71 for the milling and restoration of pavement on Nyes Road due to water ponding as part of the George Park Improvement. He

noted that the water ponding occurred in the vicinity of the Penn State Medical Center driveway entrance. He noted that PENNDOT believed that this condition was as a result of the paving that occurred by the contractor, and PENNDOT mandated that the work be done, and the contractor has completed this work.

Mr. Wolfe noted that Change Order #15 is for \$5,188.30, for the establishment of a proper end-wall rock lining for the southern end of M Street. He noted as part of the George Park Driveway project, M Street was relocated and the left-hand turn movement was reconfigured to be a proper right angle, and this required the removal and reinstallation of a culvert. He noted that PENNDOT required, after completion of construction, additional treatment to the end of the culvert. He noted that both change orders were reviewed by the Township Engineer who has recommended approval of the change orders. He noted that the work has been completed since PENNDOT required the Township to do this work. He noted that it is staff's recommendation to authorize Change Orders 14 and 15 for the Nyes Road/George Park contract with Handwerk Site Contractors.

Mr. Seeds noted that the Township requested the contractor to do this additional work at PENNDOT's request. Mr. Wolfe answered yes. Mr. Seeds questioned that the entrance to the Penn State Medical Center is a distance from the George Park entrance. Mr. Wolfe noted that ponding occurred after the work was completed and PENNDOT stated that the Township had to fix it. He noted that the road was paved up to that location to include a new turn lane.

Mr. Crissman made a motion to approve Change Order No. 14 in the amount of \$5,362.71, and Change Order No.15 in the amount of \$5,188.30 to the contract with Handwerk Site Contractors for George Park Roadway Improvements. Mr. Blain seconded the motion. Mr. Hawk stated, since PENNDOT mandated the work it must be done, and it would not be fair to

penalize the contractor for extra work required by PENNDOT. Mr. Hawk called for a voice vote and the motion unanimously passed.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were seven Improvement Guarantees.

Mindy Meadows, Phase 1

An extension and reduction in a letter of credit with Fulton Bank, in the amount of \$10,348.00, with an expiration date of June 15, 2011.

Autumn Oaks, Phase 1

A new letter of credit with F & M Trust, in the amount of \$910,700.00, with an expiration date of June 15, 2011.

Amber Fields, Phase IV

An extension and 10% increase in a letter of credit with Sovereign Bank, in the amount of \$138,477.24, with an expiration date of June 15, 2011.

Keystone Center

A change in a letter of credit from Members 1st to Centric Bank, in the amount of \$22,627.00, with an expiration date of June 15, 2011.

Willow Brook, Phase IV

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$6,388.80, with an expiration date of June 15, 2011.

Dauphin County Library System

An extension and 10% increase in a Pledge of Tax Revenue, in the amount of \$48,318.44, with an expiration date of June 15, 2011.

Huntleigh, Phase 1

An extension and reduction in a letter of credit with Fulton Bank, in the amount of \$81,856.00, with an expiration date of June 15, 2011.

Mr. Seeds noted that he did not want to provide a full year extension to the Willow Brook, Phase IV improvement guarantee and he suggested that they should only be allowed a six- month extension. Mr. Hawk noted that the Willow Brook, Phase IV improvement guarantee's expiration date would be changed to December 31, 2010.

Mr. Seeds questioned if the Dauphin County Library work has been completed. He noted that they have done some parking lot work. Mr. Crissman noted that they have done extensive work to the inside of the facility as well. Mr. Wolfe noted that they have not requested a reduction in the Pledge of Tax Revenue.

Mr. Crissman made a motion to approve the seven listed Improvement Guarantees with a change in the Willow Brook, Phase IV expiration date to December 31, 2010. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous voice vote followed.

Payment of Bills

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

Announcements

Mr. Hawn noted that the fireworks will be held on July 5th at Koons Park at dusk.

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Crissman 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