

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held January 20, 2015

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:30 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, Gary A. Crissman, and Robin L. Lindsey.

Also in attendance was Steve Stine, Township Solicitor; 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 November 25, 2014 workshop meeting, and December 16, 2014 and January 5, 2015 business meetings. Mr. Seeds seconded the motion, and a unanimous vote followed.

Public Comment

Joseph M. Fraraccio, 2517 Patton Road explained that he and his wife purchased their home on Patton Road in the Township and he wanted to thank the Board for allowing him to be heard this evening. He noted he put a deposit on his home in July of 2013 and has had nothing but problems with the developer, trying to resolve many issues with little to no success. He noted that a major issue came up three weeks ago that he does not understand.

Mr. Fraraccio explained that his mortgage company requested a termite inspection and certification. He stated that he can't accomplish this due to the fact that the wooded area at the rear of his property has a majority of trees that are diseased, rotted, decayed, and infested with

termites, carpenter ants, etc. He noted on January 2, 2015 he started to clean up the area as there was high grass, weeds, poison ivy, dead trees laying down and debris. He hired a contractor as did his next door neighbor, Gerry Peters. He noted on Monday, a stop work order was issued by Sam Robbins and Matt Miller under a complaint issued by Mr. and Mrs. Tom Diecidue, who live in the home at the rear of his property. He noted that the complaint was regarding a violation of the Township's Stormwater Management Ordinance. He noted that he was never made aware of this when he put a deposit on the house and when he closed on the house he was told that there were no restrictions at all. He noted that Matt Miller requested Mr. Fraraccio to provide a letter of intent which he did on January 6, 2015 to provide the direction that he was planning on going because of the mortgage company.

Mr. Fraraccio noted with the stop work order Mr. Miller produced a sketch which does not mean anything as it was not labeled. He noted that he retained an attorney as well as a surveyor and they said that there was nothing memorialized as to an ordinance requesting this. He noted that he did more research and was able to retain drawings that show nothing about a stormwater management system. He noted that he contacted the zoning officer and they indicated that they had nothing for this. He noted that he contacted the attorney who closed the mortgage for the title and searched documentation and they had nothing. He noted that he contacted Classic Communities who was the developer he purchased the home from and they had nothing. He noted that he met with Sam Robins a couple of days ago, and was told that he was working on a package to provide to the five homes effected in that area. He noted that it poses a problem to him as the window is slowly closing for him to do the work. He noted that everything is hearsay and nothing is in writing.

Mr. Fraraccio noted when Sam Robbins and Matt Miller came on his site on January 6, 2015, they stated that he was allowed to remove trees that are rotted and diseased and are causing a public hazard and safety problem. He noted that the high grass and weeds and poison ivy was growing over five feet in height. He noted that there is an ordinance that prohibits anything from growing over ten inches.

Mr. Fraraccio noted that Mr. and Mrs. Diecidue, 2526 Tanza Court, have been dumping grass clippings, twigs, and dead bushes onto the properties and they have a sump pump discharge pipe, which is in violation of the ordinance, discharging on the corner of his property and the Peter's property. He noted that it comes down onto his property and everything is sloped from the first house which is three houses up on Patton Road and 80% of it slopes into the last two houses. He noted that he is the second to the last house next to Seth Black who lives in the last home.

Mr. Fraraccio noted that there are no drawings or indications that it is a wetlands situation in the rear of his property and everything pitches to his home. He noted that his finished floor on the first floor is lower than the back of his property. He noted that he has 80% runoff coming down from the first house which is three houses up, and he has been working unsuccessfully for the past year and a half with Classic Communities to no avail. He explained that he hired a surveyor to address the issues and he is looking for guidance. He noted that he was told by Sam Robbins that the trees that are dead, rotted and diseased, could be remove, but he can't bring any equipment in to take them down. He noted that it is conceivably impossible for a person with a chainsaw not to cut them down, but to do it in such small sections that they have to be hand carried out to the front of the house where the dumpster would await them. He noted that they claim that equipment is not allowed on that piece of property which he never heard of and the

high grass, weeds and poison ivy etc. should remain there and they should basically navigate through this in order to take down the bad trees.

Mr. Fraraccio noted that the mortgage company has been driving him for the past six months to a year with the certification that he can't provide to them. He noted that he has tree stumps in the back that have been there for a long time. He noted that he is not supposed to touch them even though they are diseased. He noted that he is looking for guidance in this. He noted if he is not to use the property which he thought was his, due to conditions or ordinances that aren't there, then he would want to get some sort of a waiver of liability since he doesn't want the rotten diseased trees that exist on other people's property to fall on anyone to include himself and his wife and on our houses. He noted that there are children on both sides of the house.

Mr. Hawk noted that the Board has an idea of what your problem is and he questioned if some of this is a civil matter between the buyer and seller. He noted that Mr. Robbins had told Mr. Fraraccio that he would do some research and get back to him but he has not had a chance to do that so, and should hear from him in a day or so.

Mr. Fraraccio noted that he was to receive some direction from Mr. Miller and Mr. Robbins and they contradict themselves when he talks to them. He noted that he wants something in writing so he can go back to the mortgage company.

Mr. Hawk noted if you give Mr. Robbins a day or so to get back to you it would be the best way to resolve the issue as the Board cannot resolve this tonight.

Mr. Stine noted that Mr. Robbins is preparing a package of documents not only for Mr. Fraraccio but for all the people that live in that subdivision that will include one of the plan sheets from the land development plan set that provides that the areas in the back of the lot where everything is grown up is called a stormwater Best Management Practices (BMP). He noted that

the plan requires that area to remain and that is why Mr. Robbins came out to your house and informed you of that. He noted that the land development plan refers to the sheet but that sheet was not recorded as it does not have to be recorded. He noted that it refers to that sheet that discusses the Stormwater BMP. He noted that the stormwater management ordinance provides for whatever is in the stormwater management plan to be complied with by the property owners. He noted that is where the enforcement action came from that was started by the stop work order. He noted that is the basis for all of that and that area has to be left alone as it is part of the stormwater BMP for infiltration purposes.

Mr. Fraraccio asked if it is a little too late at this point. He questioned if he should have been notified about this. Mr. Stine noted that it is not the Township's job to notify you of things that are in your plan. He noted that you should have been notified by the person selling the property and if they didn't know they should have found out from the previous seller that sold the property to them. Mr. Fraraccio noted that Triple Crown was the original developer. Mr. Stine answered that is correct. Mr. Fraraccio noted that it was a verbal with the land owners of the complex. He noted that there is nothing memorialized. Mr. Stine answered there is something memorialized. He noted that there is a stormwater management plan. Mr. Fraraccio questioned if it has been memorialized with respect to his property. Mr. Stine answered that it was part of the approved plan set which is a public record. Mr. Fraraccio noted that there is nothing in public record as he has a surveyor... Mr. Stine questioned if he came into the Township and asked for a copy of the plan set. Mr. Fraraccio answered yes, there was nothing and he was told this by Amanda. Mr. Stine noted that he saw a copy of the plan set himself so he knows it exists.

Mr. Fraraccio noted with due respect, he has a plan sheet that shows a preliminary/final which does not make sense to him because you can't have both on the same sheet. Mr. Stine answered that actually you can.

Mr. Fraraccio noted that it shows nothing on this drawing by R.J. Fisher. Mr. Stine noted that the one Mr. Fraraccio has may not show it but as part of the plan set there are more than just two pages, there are a number of pages and one of the pages showed the Stormwater BMP. Mr. Fraraccio noted that there were eight pages, and only three are memorialized. Mr. Stine noted that only three are recorded as that is all that is required to be recorded. Mr. Fraraccio noted that it doesn't show anything with respect to his problem. Mr. Stine answered that he knows that. He noted that the sheet with the stormwater BMP is here in the Township.

Mr. Fraraccio asked how he can obtain a copy. Mr. Stine responded that he needs to come in and ask for it. He noted that you could ask Mr. Robbins or Mr. Miller. He noted that it would be part of the packet that they are providing to him.

Mr. Fraraccio questioned how he addresses this as he has to sit with this stop work order until he gets the package. Mr. Stine answered that you can't go back and do any work in that area as it is precluded by the stormwater management ordinance. He noted that you can't disturb that area, noting that it has to remain as it is. He noted that it does not mean that you can't do some maintenance or plant some other types of plantings or keep it trimmed but you can't remove the vegetation.

Mr. Fraraccio questioned if he could remove the dead diseased trees. Mr. Stine noted that Mr. Robbins and Mr. Miller already told you that you could do that. Mr. Fraraccio noted that he said it verbally but not in writing. He noted that he would like to get something in writing so if

he proceeds accordingly to remove those trees he is not hit by another stop work order in violation.

Mr. Hawk noted if Mr. Robbins stated that he will get back to you he will.

Ms. Lindsey questioned when the last time you sent an email to Mr. Robbins was. Mr. Fraraccio answered that it was the 6th of January. He noted that it is going on three weeks. Mr. Hawk noted that he will make contact with Mr. Robbins to make sure that the gets back to Mr. Fraraccio in a timely manner.

Mr. Hornung questioned what Mr. Fraraccio's address was. Mr. Fraraccio responded that it was 2517 Patton Road.

Mr. Fraraccio noted that his understanding with the Board is if he removes the diseased trees to comply with the mortgage company to get a termite infestation certification. Mr. Stine questioned why he would have to remove the trees before you did a termite... Mr. Fraraccio noted that the trees are all diseased. Mr. Stine noted that they do a termite check of your house, not of your trees. Mr. Fraraccio noted that they wanted to do an inspection of the house but he couldn't because according to four landscapers from Pennsylvania and a horticulturist from New Jersey, the trees in the back wooded area are so diseased that the termites are probably working their way through underground now as we speak.

Ms. Lindsey questioned if Mr. Fraraccio had his house checked to see if there are termites there. Mr. Fraraccio answered no because its futile to have it done now while we all know that less than 100 feet from the house the trees etc. are all diseased and have termites. Ms. Lindsey noted that you will never know until you have the test done. Mr. Fraraccio answered that he can't do a termite inspection now. Mr. Stine noted that he does not understand why you can't do that. Mr. Fraraccio answered that everything is underground for termites. He noted that there

is no evidence in the house but he killed some carpenter ants and wood spiders but no termites yet. He noted that everything is underground, way down in the ground, there is nothing now, because everything is frozen, but the trees are diseased. He noted that Mr. Robbins and Mr. Miller both testified to that when we met at the house. Mr. Stine noted that termite tests are done year round and it doesn't matter what season it is done. Mr. Fraraccio noted if he gets a termite inspection now on the house and they are still underground, come summer when everything thaws out, what is the purpose of it.

Ms. Lindsey questioned if he had a termite inspection done when he purchased the home. Mr. Fraraccio answered no. Ms. Lindsey questioned if he required it at that time. Mr. Fraraccio noted at that time the mortgage company did not require it. He noted that he asked for it but Classic Community said the mortgage company isn't requesting it at this time and there is no reason. He noted that he would not get it done, the developer should do it.

Mr. Stine stated that he still does not understand why Mr. Fraraccio does not get it done now and if it comes back and there are no termites then that is all the mortgage company will want to know. He noted that it doesn't matter if it is summer, winter, spring or fall if there is an infestation, it will be present year round, it will not come and go. Mr. Fraraccio noted that the mortgage company is aware that the wooded area is infested with termites. Mr. Stine noted that they don't care about the wooded area, they care about whether your house is infested, because that is what the security is on, your house. Mr. Hornung noted that he lives in the mountains and they don't care about the mountains, having a lot of dead wood with infestations, they care about the clearance on the house.

Mr. Fraraccio noted that he had no control on his property. Mr. Stine answered for the BMP area which is set forth on the plan, it is what it is. He noted that it is described on the plan

as a natural grassy area. He noted that you cannot go in there and remove the vegetation. He noted that you can cut down dead trees but you can't just fill in and clear cut the area because it is supposed to remain as a natural area.

Mr. Fraraccio questioned if he can put a shed up or gazebo. Mr. Stine answered no. Mr. Fraraccio noted that he does not have use of that property. Mr. Stine answered that you can't build on it. Mr. Fraraccio questioned if he could put a basketball court in that area. Mr. Stine answered no. He noted that the entire lot is not in the BMP area, just part of it. Mr. Fraraccio noted that he was told that it was 300 feet deep and it goes all the way back to Jeff Philips property and to Tom and Stephanie Diecidue. Mr. Stine noted that the part of your lot where the house is located is not within the BMP area so you have use of that. Mr. Fraraccio noted that according the R. J. Fisher his property goes all the way back. Mr. Stine noted that he is sure that it does. Mr. Fraraccio asked for help to understand this, he noted that there is approximately a 90 by 100 foot piece of a stormwater management area that he is paying taxes on and he can't use it to the fulfillment that he was told he could when he purchased the property. Mr. Stine answered that is correct as it is the way the developer designed the plan, he noted that the Township did not impose it, the developer chose to design it that way.

Ms. Lindsey questioned what Mr. Fraraccio wanted to do with the property if you were going to clear it out. Mr. Fraraccio answered that he would like to clear out the dead and diseased trees. Ms. Lindsey questioned if over 50% of the trees are dead. Mr. Fraraccio answered if not more, noting that he had four landscapers and a horticulturist from New Jersey confirm it. He stated to put that aside for a second; he was told according to R.J. Fisher's drawings, Classic Communities, etc. and that he had to be 30 feet back from the property line. He noted that he can't afford to put a pool in due to the grades and the contours. He noted that Classic

Communities is still giving him a rough time because he has 80% of runoff from the first house to his house which is the fourth house coming into his basement. He noted that he has water coming in there, and runs two sump pumps and when it rains they run 24/7 every sixty seconds they are cycling. He stated when he had a power failure a couple of times, he had to put backup batteries on them as he does not want to get water as it was coming up to the room. He noted that it is a brand new house and he should not be experiencing this but he put aside that because at Classic Communities, which he has been battling for a year and a half to resolve the issues with the grade, he'd like to get contractors from Pennsylvania to straighten out the grade, to take the water away from his house. He noted that everything is pitched towards his house. He noted that the storm management system in the back is not doing anything. He noted that the elevation at the property line where Jeff Phillips homes is located is higher than his finished floor. He noted that it is all coming down towards the house instead of the stormwater BMP. He noted if he would have known this he would have never purchased the house especially for the taxes that he is paying on property that he can't do anything with.

Mr. Fraraccio noted that he would like to plant a vegetable garden back there and put a small gazebo in so he can enjoy the summer nights, some sort of a garden that is landscaped properly with some religious statues. He noted that he can't do anything. He noted that it is preventing him from using property that he thought he had and for the taxes that he is paying between the school and real estate, it is unfair.

Mr. Hawk noted that you are asking us... Mr. Fraraccio noted that he is asking as follows, according to all the professionals, the surveyors, engineers, lawyers and Classic Communities, having a stop work order on an ordinance that is not memorialized according to them, doesn't mean anything. He noted to appeal this does not mean anything because it doesn't

exist. He noted that he asked in his email that he sent to Mr. Miller less than 24 hours after the stop work order was issued to rescind it so he could clean out because his window of opportunity was closing. He noted that he would have been finished with getting the diseased rotted trees and stumps that have been there for many years etc. He noted if the property was maintained by Triple Crown years ago before it was sold to Classic Communities we probably would not be having this discussion. He noted that nothing is known anywhere but he will ask Mr. Robbins by phone call tomorrow to see if he can obtain the drawing that memorializes it because he only has three drawings and they have nothing to do with the stormwater management program. He noted that he explained to Mr. Robbins and Mr. Miller as well as Classic Communities but knowing their reputation, their closing words were have your attorney give us a letter and we will pass it along to our attorney. He noted that he does not want litigation noting that he would rather put the money in cleaning up the site and putting trees where he can, a gazebo and a vegetable garden to appease his wife, but knowing this now, it is disappointing that he is paying this money for taxes when he can't even ride a wheel barrow on this property according to what he was told. He noted that it is contradicting what he was told and he asked again for clarification as he was told something else. He noted that the minutes are being recorded for future reference but he questioned Mr. Robbins and Mr. Miller if he can cut the diseased trees and they said yes and then they said no and that he could not go in there with equipment. He noted what would take a week to clean out would take six months if it has to be done by hand picking up small sections of fallen trees that are diseased and walking it out to the front of the property because he can't get a bobcat or a piece of equipment to load it up to do it expeditiously.

Ms. Lindsey questioned why all of a sudden the mortgage company wants Mr. Fraraccio to have a certificate for termites. Mr. Fraraccio answered that they have been after him since

January of this year. Ms. Lindsey questioned why they did not require it when you purchased the house and now all of a sudden do they want it. Mr. Fraraccio noted that it is not that they didn't want it in the beginning, Classic Communities said he didn't have to have it. He noted when the mortgage company contacted him in January they noted that they did not have documentation for termite contact. Ms. Lindsey questioned if it has been a year and a half and they just noticed it now. Mr. Fraraccio noted that he closed on the house in October of 2013 and in January of 2014 they wanted the certificate. He noted that he can't get it yet and they said they made an inspection and it is because of the wooded area and he said yeah. He noted that Classic Communities said that they don't do inspections, the buyer does. He noted that he has to get it, the wooded area is diseased so he fought it and Classic Communities is dragging its feet on everything. He noted that he has items that have gone on for a year and a half and they still haven't done anything. He noted that he is not here because of that, he is here because of the issue with the storm management situation because for 90 by 100 feet of his property he had no use of it. He noted that he can't enjoy that area of land in the back. He noted that Mr. Diecidue made the complaint, and as far as he knows he is dropping water from his sump pumps.

Mr. Hornung noted that he understands that Mr. Fraraccio did not know that 90 by 100 feet of the land was designated as a stormwater runoff sanctuary. Mr. Fraraccio answered that is correct. Mr. Hornung noted that there is a lot of water runoff from the rest of the houses that is coming into your basement and causing significant water problems inside your house. Mr. Fraraccio answered that is correct. Mr. Hornung noted that the three pages that you said were memorialized to you, the other five pages are irrelevant. Mr. Fraraccio answered that he does not know what they are and he has not seen them. Mr. Hornung noted that once we give them to you it will remedy that problem as far what is designated to be a sanctuary. Mr. Fraraccio answered

no that it doesn't but it will qualify and clarify from the Board's position, but it doesn't do anything for him because if he had known this was a designated area... Mr. Hornung noted that the Township is not required to make you aware of it. Mr. Fraraccio noted that the developer is and so is R.J. Fisher.

Mr. Hornung noted that once the Board approves the plan we do not have the ability to modify the plan or change it. Mr. Fraraccio answered that he does not know that and you are telling me that now. He noted that he has known plans to be modified and ordinances changed because he sat as Vice Chairman and Secretary of the Planning Board for the Township of Lyndhurst. Mr. Hornung noted that from sitting on that Board he should be aware that zoning and planning are two different things. Mr. Fraraccio noted that is correct.

Mr. Hornung noted for the Board to change the plan it would require approval of every property owner at that location in that land development plan. He noted that they would be required to sign off on any changes. Mr. Fraraccio noted that he knows of four homeowners that would jump to do so. Mr. Hornung noted that he is not sure it is possible to do anything as the Board would have to review the original requirements and the ordinances that governed that plan to see if it could be allowed to happen but it is one possibility that you could petition the Township and ask them to change that particular condition but until it is changed the Township is required to enforce the plan as it was approved. He noted if you feel that the contours were improperly done and do not meet the plan that we have recourse back to the developer at that point. Mr. Fraraccio noted if he has to file complaints with respect to Classic Communities he will be back at the end of this week. Mr. Hornung suggested that Mr. Fraraccio employs a professional to determine what contours are on the plan versus what was actually built. He noted that may be very helpful. Mr. Fraraccio noted as built is not what is shown on the drawings, so

there is a problem. He noted that he would be most willing at the end of the week to file a complaint against Mr. Diecidue with respect to their stormwater runoff from the sump pump that is not helping the situation. He noted that there is an ordinance that prohibits sump pump discharge directly onto a neighboring property as is the ordinance that grass cannot be higher than ten inches. He noted that he has been trying to comply to be a good citizen and resident.

Mr. Hornung noted that Mr. Robbins is putting together a package that will delineate every issue that you have and give you a response from the Township as to what our position is. Mr. Fraraccio questioned if he should expect something from Mr. Robbins by the end of the week. Mr. Hornung noted that he can't speak for Mr. Robbins but he will be encouraged to have it by the end of the week.

Mr. Hawk suggested that Mr. Fraraccio should try to get a copy of the plan that Mr. Stine referred to and speak with Classic Communities. Mr. Fraraccio noted that it is a waste of time as he has tried to speak with them professionally and diplomatically and they are not very responsible or a respected developer. He noted if he had known that he would not be here now. Mr. Hawk noted that he would call Mr. Robbins. Mr. Fraraccio noted that it would be good if we both called and if he could pick up that plan in the next day or as soon as possible.

Mr. John Trish, 600 Prince Street, wanted to inform the Board of the good work that the Lower Paxton Township Police Officers did in handling the gentleman last week. He noted that he saw all the activity and since we are going to get our own police dog, our officers had to wait a long time for Harrisburg's police dog to get to the scene. He noted that he watched the dog go through the parking lot up Devonshire Road where they cornered the gentleman. He noted if we would have had our own dog it would have saved time and they may not have gotten the

hostages and it would have been a lot quicker. The noted that the guys in uniform did a great job and normally he complains about spending money but this is money wisely spent.

Mr. Trish noted during last week's meeting, the retaining wall situation, why are we not requiring the developers to finish the job. He noted that you have the ladies from Meadowview Village and if it is part of the plan to put the retaining wall in, why don't we just make them do it. Mr. Hawk noted that it is part of the plan that they are supposed to put it in and... Mr. Trish noted that we have a lot of what we could be doing and then it turns into a Judge Judy thing and it turns into a civil thing.

Mr. Hawk noted that the police always critique incidents and they will go over it. Mr. Trish noted that it would have saved the police four and a half hours of sitting in the snow. Ms. Lindsey noted that the dog will be on duty May 11th if all goes well. Mr. Trish noted that he had some people comment to him that we are sending people to Europe. Ms. Lindsey noted that is not true, but the dogs come from Europe.

Board Members Comments

Mr. Hawk introduced Adam Arch, a Boy Scout from Troop 256 affiliated with Faith Presbyterian Church who is present with his dad, Ken. He noted that Adam is working on the "Citizenship in the Community" Badge.

Mr. Ken Arch noted that his son wanted to see how the Township operates. He noted that it shows how you use guidance to make a better decision, and the one specific requirement for the badge is to listen to opinions from both sides and then try to make a determination on his own for what he would think.

Mr. Hornung questioned if he made a determination on the last item discussed. Mr. Arch noted that we will discuss "buyer beware". He noted that it is an important lesson to learn as

well. Mr. Hawk thanked Adam for coming to the meeting and for being involved in the Boy Scouts and for working on his badge in order to learn more about what is happening in the Township. He thanked Mr. Arch for his part in bringing up his son to be a Boy Scout. Mr. Arch noted that he and his son are glad to be a part of the community.

Mr. Hornung noted that he recalled seeing the success rate of young men who were Boy Scouts versus those who were not. Mr. Crissman answered that there is a very high success rate for people who serve in community roles and leadership rolls both in government and professional careers who have gone through a scouting program. He noted that Adam is in the first step of leadership in his community.

Ms. Lindsey noted that she wanted to thank the Lower Paxton Township Police Department for the way they conducted themselves this past Thursday and that the Board is very proud of its Police Department.

Mr. Hawk explained that Pennsylvania has about 1,200 municipal police departments with the rest of the area covered by the Pennsylvania State Police. He noted that the Township is less than 100 police departments that have been accredited continuously by the Pennsylvania Chiefs of Police Organization.

Mr. Seeds noted that he was also going to mention that in light of all that is going on across the nation, that we are very proud of our police force as they did what was necessary for public safety

Manager's Report

Due to Mr. Wolfe's absence, no report was provided.

OLD BUSINESS

Amended Memorandum of Understanding between the Township, Dauphin County Industrial Development Authority, and Capital Area Soccer Association (CASA), Paxton Baseball Association and Linglestown Baseball Association regarding the Hurley Fields

Mr. Hawk noted that Jim Weaver and David Blain are present to discuss this item. He noted that the item is an amended Memorandum of Understanding between the Township, Dauphin County Industrial Development Authority, and Capital Area Soccer Association (CASA), Paxton Baseball Association and Linglestown Baseball Association regarding the Hurley Fields.

Mr. David Blain, 1197 Knacklyn Farms Court noted that he is the President of the CASA organization. He noted that Jim Weaver, Commissioner/President of the Paxton Baseball Association is also present to discuss this item. He explained that the only change that he had for the agreement is that it should be with the Paxton Baseball Association and not the Paxton Athletic Association. He noted that separation of the Baseball Association from the Paxton Athletic Association occurred after January 1, 2015. Mr. Hawk noted that the change was made to the agreement. Mr. Blain noted that the baseball associations and soccer association is in agreement with the Memorandum of Understanding.

Mr. Seeds questioned if they are separated from the Paxton Athletic Association. Mr. Weaver answered that starting January 1st, the three sports entities, baseball, basketball and football separated. He noted that the basketball association will keep the Paxton Athletic Association name but the football has gone out to another named organization merging with some other football organizations and baseball has elected to go out as well. He noted that this has been under discussion for a couple of years.

Mr. Crissman made a motion to approve the Amended Memorandum of Understanding between the Township, Dauphin County Industrial Development Authority, and Capital Area Soccer Association (CASA), Paxton Baseball Association and Linglestown Baseball Association regarding the Hurley Fields. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

NEW BUSINESS

Resolution 15-05; supporting the submission of a grant application by CASA to the Eastern Pennsylvania Youth Soccer Association to fund soccer field improvements at the Township's Ranger Fields and George Park

Mr. Hawk noted that Resolution 15-05 supports the submission of a grant application by CASA to the Eastern Pennsylvania Youth Soccer Association to fund soccer field improvements at the Township's Ranger Fields and George Park.

Mr. David Blain, 1197 Knacklyn Farms Court noted that he is the President of CASA and wanted to explain that the grant application from the Eastern Pennsylvania Youth Soccer Association allows CASA to apply for soccer funds through US Soccer to use for field improvements. He noted that George Park and Ranger Fields are significant fields for CASA to use and as such, invests a significant amount of money into those fields. He noted that CASA put about \$120,000 into the two fields at George Park to upgrade the turf. He noted that there are costs for ongoing maintenance for those fields that costs \$25,000 a year for aeration, fertilization, and over seeding using Hummer Turf. He explained that Hummer Turf is responsible for maintaining the turf fields at Penn State, Citizen's Bank Park, and Camden Yards. He noted that having funds to put toward that work would be a great help to continue to build the turf. He noted that he appreciates the Township's consideration in sponsoring the grant application. He

noted that the US Soccer organization had to know that CASA will have some type of access for the use of those fields.

Ms. Lindsey questioned if CASA has applied for grants before. Mr. Blain answered yes and stated that they have been unsuccessful in the past but are hoping that having the Township's sponsorship will help in obtaining this money. He noted that is the first time the Township has sponsored this grant application.

Mr. Crissman noted that anytime we have the opportunity to get funds to enhance the fields for all children, he highly supports it.

Mr. Hawk noted that it works out as a win-win situation for everyone.

Mr. Crissman made a motion to approve Resolution 15-05; supporting the submission of a grant application by CASA to the Eastern Pennsylvania Youth Soccer Association to fund soccer field improvements at the Township's Ranger Fields and George Park. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Change Orders No. 2 to the contract with JVH Excavating, Inc.
for the Wolfersberger fill project

Mr. Hawk noted that the reason for Change Order No. 2 to the contract with JVH Excavating, Inc. for the Wolfersberger fill project is that they discovered a tremendous amount of rock formation that was not obvious upon the initial review of the area. He noted that the change order is for \$37,859.85 to remove the rock formation.

Mr. Crissman noted that we had no choice in this one as the rock was there and it had to be removed. He made a motion to approve Change Order No. 2 to the contract with JVH Excavating, Inc. for the Wolfersberger fill project in the amount of \$37,859.85. Mr. Seeds seconded the motion.

Mr. John Trish, 600 Prince Street, noted that the work was already done and we have a change order. He noted we got a rock formation and they removed it. He questioned if someone in the engineering part needs to do a better job before we start awarding bids because we have this change order and last year we had change orders in the amount of \$2,600,000 that have been going on for three years. He noted that it is still almost \$3 million. He noted that every time we have a change order we say we have to do it. He said not necessarily, go around the rocks. Mr. Hawk noted that the rock is there and it has to be removed. Mr. Trish suggested that the engineer should be boring holes to find these things. Mr. Seeds noted that he had asked that question of Mr. Wolfe and he stated that we did not pay the engineers to do core study which would have cost a lot more money. He noted that now we are paying to have the rock excavated.

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

H. J. Towing and Salvage Junk Yard License renewal

Mr. Hawk noted that the Board needs to take action on the salvage junk yard license renewal for H. J. Towing. Mr. Crissman noted that this is a change of name as it used to be owned by Hutches. He made a motion to approve the salvage junk yard license for H. J. Towing. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Resolution 15-02; authorization to dispose of identified municipal records

Mr. Hawk noted that Township has a schedule for the disposal of certain municipal records and it follows that schedule very closely. He noted that Resolution 15-02 is the authorization to dispose of the listed municipal records in Exhibit A.

Mr. Crissman made a motion to approve Resolution 15-02 authorizing the disposal of identified municipal records. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on a proposed interest-free grace period for 2014 Township real estate taxes

Mr. Hawk noted that Dauphin County is requesting the Township to provide an interest-free grace period for the 2014 Township real estate taxes. He noted that we did this in 2013 and will probably continue this for next year as well. He noted that it provides a grace period for people to pay their back taxes interest free. He noted that it ends January 31, 2015. Mr. Seeds noted that the Central Dauphin School District must also agree to this as well. He noted that they have found in the past that more people would pay their past due taxes when they were interest free.

Mr. Crissman made a motion to approve the interest free grace period for 2014 for the Township real estate taxes. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Resolution 15-03; reaffirming the Township's Emergency Operations Plan

Mr. Hawk noted that there is no change in the Township's Emergency Operations Plan and this resolution is to reaffirm the plan, something that is required every two years.

Mr. Crissman made a motion to approve Resolution 15-03 reaffirming the Township's Emergency Operations Plan. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Resolutions 15-04-01, 15-04-02; and 15-04-03; applications for traffic signal Operation for Jonestown Road intersecting with Colonial Road and two I-83 ramps

Mr. Hawk noted that PennDOT is doing some upgrades in the Township as part of the I-83 Master Plan. He noted that it involves three traffic signals that will be upgraded along Route

22 at Colonial Road. He noted that the Township will be responsible for the maintenance of those lights once the project is completed.

Mr. Crissman made a motion to approve Resolutions 15-04-01, 15-04-02; and 15-04-03; applications for traffic signal Operation for Jonestown Road intersecting with Colonial Road and two I-83 ramps. 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 seven Improvement Guarantees to approve.

Spring Creek Hollows/Kendale Oaks, Phase 1A, B, C

A release in a letter of credit with Orrstown Bank in the amount of \$130,116.60.

2521 Patton Road

An extension and 10% increase in a letter of credit with Metro Bank in the amount of \$20,462.31 with an expiration date of January 20, 2016.

Hearthside East

An extension and 10% increase in an escrow with Lower Paxton Township in the amount of \$16,105.10 with an expiration date of January 20, 2016.

Mindy Meadows, Phase I

An extension and 10% increase in a letter of credit with Fulton Bank in the amount of \$16,665.56 with an expiration date of January 20, 2016.

Huntleigh, Phase 1

An extension and 10% increase in a letter of credit with Fulton Bank in the amount of \$131,939.89 with an expiration date of January 20, 2016.

Old Iron Estates, Phase II

An extension and 10% increase in a letter of credit with Fulton Bank changed to Centric Bank in the amount of \$43,560.00 with an expiration date of January 20, 2016.

Chelsey Falls, Phase I

An extension and 10% increase in a bond with Lexon Insurance Company in the amount of \$175,287.90 with an expiration date of January 20, 2016.

Ms. Lindsey questioned where Hearthside East was located. It was noted that no one knew where it was located. Mr. Crissman made a motion to approve the seven listed improvement guarantees. Ms. Lindsey seconded the motion. Mr. Hawk 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 and the purchase cards for the Township and Authority. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting, and the meeting adjourned at 8:38 p. m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

William L. Hornung
Township Secretary