

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held October 6, 2009

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:40 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 David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Dianne Moran, Planning and Zoning Officer; and Jeffrey Staub, Dauphin Engineering.

Pledge of Allegiance

Mr. Hawk suspended the recitation of the Pledge of Allegiance since it was recited during the Authority meeting.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes of the September 8, 2009 workshop meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

John Trish, 600 Prince Street, questioned if the Township was broadcasting its televised meeting on the Comcast network. Mr. Hawk answered yes. Mr. Trish questioned, for the Verizon customers, what channel the Township meetings are televised. Mr. Hawk noted that Mr. Trish is not the first person to ask this question. Mr. Trish noted that part of the contract agreement with the Township was to televise the Township meetings. Mr. Wolfe noted that Mr. Trish is partially correct. He explained that Verizon is to provide a cable access channel that would televise the

governmental meetings, but it is subject to Verizon's ability to get a direct feed through Comcast, and the two entities have not come to an agreement on that yet, therefore, Verizon has no ability to provide the service. He noted that there are conditions that have to be met through the two providers in that they would share certain parts of their systems to accommodate Cable Channel 20.

Mr. Trish noted that he would like the Board members to know that much has happened in the Township, and he is unaware of those things since he cannot view the televised meetings. He noted that he would prefer to have the same access to the televised meetings as the Comcast customers. He noted that he does not appreciate that he, as a Fios customer, is discriminated against, and cannot view the televised Board meetings. He noted that he did not like Comcast's product so he switched to Verizon. He noted that the Board told him that he could switch providers, and that it was a good product, since they brought Verizon into the Township. He noted that he uses the Verizon Fios system, and he feels that he is discriminated as he cannot view the meetings. He noted that his neighbor informed him that he would have to pay \$10 to use the Compost Facility. He noted that he finds it very disheartening that he has been a Verizon customer for eight months and has been unable to view the meetings on his television at home.

Mr. Wolfe noted that the Township never made a quality judgment in regards to Verizon, noting that it is a service that is available to the public, but the Township has never stated that the residents should or should not take advantage of their services. He noted that both Comcast and Verizon are franchise services that are allowed to provide cable television to the Community.

Chairman & Board Members' Comments

Mr. Hawk introduced Christian Brice, from Troop 108, Saint Joan of Arc parish in Hershey. He noted that Christian is working on his "Citizenship in the Community Badge". He

noted that he is present with one of his troop leaders, his mother, Edna Brice, and his father, Milton Brice.

Mr. Christian Brice stated that he has been working on his merit badge for quite a while and he is happy to be at the Township meeting. Mr. Hawk noted that Christian is one of the first Boy Scouts who was willing to come to the podium to make a presentation.

Manager's Report

Mr. Wolfe noted that it is his pleasure to introduce to the Community, the Township's new Public Safety Director, David Johnson. He explained that this action was authorized through the Board of Supervisors this date. He noted that David Johnson was appointed a probationary police officer on July 19, 1982, was promoted to Sergeant on July 23, 2000, and promoted to Lieutenant on March 10, 2003. He noted that he has been serving as the Acting Public Safety Director/Chief of Police since April 16, 2009, and accepted the promotion to Public Safety Director this date.

Mr. Wolfe explained that the position of Public Safety Director requires the administration of all municipal police functions, including management of personnel, the budget, and implementation of project specific activities. In addition, it requires the coordination of other public safety functions, including, but not limited to fire services, emergency medical services, emergency management services, and emergency communication services.

Mr. Wolfe noted that the Public Safety Director is an administrative/managerial position. He noted that Mr. Johnson is not a sworn police officer, but a civilian employee. He noted that it was his pleasure to introduce Public Safety Director David Johnson. Mr. Wolfe invited the Board members to join him at the podium to congratulate Mr. Johnson.

Public Safety Director Johnson expressed his thanks to the Board members for allowing him to service as the Public Safety Director. He noted that it has been his honor and privilege to serve with the Lower Paxton Township Police Department for the past 27 years. He noted that he has worked closely with various municipal, state, and federal agencies, and through his experience he has learned that the men and women of the Police Department are second to none. He noted that he has spent more than half his life working for the Township Police Department, and he realized that he would not be in this position if it was not for the support of his fellow police officers. He noted that the members of the force are outstanding and serve the community well. He explained that he would like to thank his wife Lydia and his daughter who are in attendance. He noted that he looks forward to working with Mr. Wolfe and the members of the Board in the future to provide the best police service possible to the citizens of Lower Paxton Township.

Mr. Hawk thanked Lydia Johnson for loaning her husband to the Township more times than she ever dreamed over the past 27 years of service. He congratulated David Johnson on his achievements. He noted that the Township has a tremendous Police Department.

Mr. Hornung noted that he is looking forward to a new era of police enforcement in the Township, and the surrounding area, especially with the Drug Task Force. He noted that the Township has an incredible leader and police force.

Mr. Crissman noted that he appreciates the work that Mr. Johnson does on a daily basis, and that he has a superlative team to make the operation successful.

Mr. Wolfe explained, that evenings in the community are very trying due to the amount of road construction in the area. He noted that contractors are attempting to complete road work

on Route 22 from Colonial Road to the Township line eastbound, I-83 from Union Deposit Road to the I-83/81 connector, and Nyes Road in the vicinity of the entrance to George Park. He noted that these locations are subject to detours, delays, and night work. He noted that much of the night work starts at 6 p.m. right before dusk. He noted that the flagmen are difficult to see, and motorists are in a rush to get home from work. He requested the motoring public to be patient with the construction work, as it will soon be done or closed-up for the winter, in a few weeks time. He noted that traffic will be re-coordinated on Route 22 as the loop detectors are reinstalled in the new roadway.

OLD BUSINESS

Action on Letter of Agreement between the Township and its AFSCME bargaining units in regard to a retirement incentive window

Mr. Wolfe explained that the retirement incentive window is being offered in a cost containment measure on the part of the Township. He noted, with the current economic crisis, it is affecting businesses and governments on a nation-wide, state-wide, and local basis. He noted that the Township has been adversely affected and expects financial shortfalls in 2009 and 2010, although, the Township is starting to get those under control. He noted that the Township did experience a shortfall in the 2008 budget year as well. He noted that the incentive window is being offered as a severance packet to encourage eligible employees to retire. He noted that the incentive eliminates the early retirement penalty for anyone in the AFSCME bargaining units and management who is age 55, and older. He noted that this comes into play for anyone who is between the ages of 55 and 60. He noted, if the Board members adopt the agreement with AFSCME, and the subsequent ordinance that amends the pension plan, it would provide for an early retirement without penalty. He noted that employees must make their intention to retire to

the Township on or before November 30, 2009, and if they are age 55 this year, they must retire by December 31, 2009, or if they are age 54, they must retire in the month they turn 55 in 2010.

Mr. Wolfe noted that the addendum also provides for a health insurance payment for employees who drop health care coverage and piggy-back coverage on their spouses, and it also tolls the contracting out provisions during such time as the Township has a financial hardship for all three bargaining units.

Mr. Wolfe noted that he would be happy to answer any questions, on the agreement or the ordinance, however, he noted that staff recommends the approval of the agreement, and adoption of the ordinance.

Mr. Crissman made a motion to approve the Letter of Agreement between the Township and the three AFSCME bargaining units with regard to the retirement incentive program. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Ordinance 09-12; amending the non-uniformed employee pension plan to provide for a retirement incentive window

Mr. Hawk noted that this ordinance amends the non-uniformed employee pension plan to provide for a retirement incentive window.

Mr. Crissman made a motion to approve the ordinance, amending the non-uniformed employee pension plan to provide for a retirement incentive window. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye

NEW BUSINESS

Action on bids for the sale of vehicles and equipment

Mr. Hawk noted that a list of the bidders, the vehicle, and the price of the bid amounts are found on the attached sheets for the five items. Mr. Wolfe noted that there is a discrepancy between the memorandum from Mr. Robbins and the bid tally sheet. He noted that there is a discrepancy between the 1999 Crown Victoria and the 2004 Crown Victoria. Mr. Hornung noted that one sheets lists both vehicles at \$883, while the second sheet has two different amounts. Mr. Crissman questioned which amounts were correct, the bid tabulation sheet or the memo. Mr. Wolfe noted that the Wheel Loader to C&Z Construction for \$13,200.00, the 1990 Case Wheel Loader to Frank Robbins for \$5,326.00, and the International 2444 Tractor to Clendon Thomas for \$527.50 are all good amounts. He noted that the 2004 Crown Victoria to Sulli Motors is also a good bid, in the amount of \$883.00, but he would need to confirm the bid for the 1999 Crown Victoria. He noted that it was his recommendation to award to all but the 1999 Crown Victoria, or make the bid awards subject to staff confirming the fifth bid.

Mr. Blain suggested that a motion to award the four bids with the exception of the 1999 Crown Victoria be made. Mr. Crissman made a motion to award the four bids with the exception of the 1999 Crown Victoria. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 09-40; establishing a fee for the issuance of Certificates of Occupancy in instances of altered use or change of occupancy

Mr. Wolfe explained that this resolution would establish a fee of \$100 for the issuance of a certificate of occupancy for instances where there is only a change of use or a change of occupant, but not where a building permit is involved. He noted, when someone applies for a

building permit, a certificate of occupancy is included in that permit. He noted that there are instances where a new tenant will occupy a new space, and require that the Township do an inspection to satisfy their corporate office or insurance company to ensure that all municipal requirements are met. He noted that the Township would issue a certificate of occupancy, and the inspection costs on the part of the Township would not be covered, therefore, it is staff's recommendation to institute a fee of \$100 for those situations.

Mr. Blain made a motion to adopt Resolution 09-40 to establish a fee for the issuance of certificates of occupancy in instances of altered use or change of occupancy in the amount of \$100. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 09-42; adding a \$10 per lot fee for the recording of subdivision plans in addition to existing subdivision application fees

Mr. Hawk noted that this resolution would allow the Township to recap the recording fee that Dauphin County has implemented. He noted that it would add a \$10 per lot fee, for the recording of subdivision plans, in addition to the existing subdivision application fees. He noted that the Recorder of Deeds has established this fee effective May 1, 2009. He noted that the Township would pass this \$10 fee along to the developer to recoup its expense. Mr. Wolfe noted that the fee is \$10 per lot. He noted that this can only be charged to plans approved after this date and time.

Mr. Crissman made a motion to approve Resolution 09-42, adding a \$10 per lot fee for the recording of subdivision plans in addition to the existing subdivision application fees. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Preliminary/final subdivision plan for James Musumeci and
Devin Fortney, Lots 2 & 3 on Cider Press Road

Ms. Moran noted that the purpose of this plan is to adjust a lot line between parcels 35-066-326 (Lot 2) and 35-066-327 (lot 3). The properties are located north of Union Deposit Road and west of Cider Press Road. The properties are zoned Traditional Neighborhood Development Overlay District. Lot 2 will consist of 2.4557 acres and Lot 3 will consist of 2.4742 acres. The properties will be served by private wells and public sewer. There are no new public or private improvements proposed as part of this plan.

Ms. Moran noted that this plan was recommended for approval by the Planning Commission at its August 12, 2009 meeting. She noted that the applicant has requested the following waivers: 1) Waiver of the preliminary plan requirement; 2) Waiver of the curb requirement along the frontage of Union Deposit Road; 3) Waiver of the requirement to provide a stormwater management plan; 4) Waiver of the requirement to provide an erosion and sedimentation control plan; 5) Waiver of the requirement to submit a detailed hydrogeological study; and 6) Waiver of the requirement to provide elevation contours for the project.

Ms. Moran noted that HRG's comments are included in the Board member's packets, and Mr. Jeff Staub from Dauphin Engineering is present to represent the plan.

Mr. Staub noted that he received the comments from Ms. Moran and HRG yesterday, and he would like to address two of the comments. He noted the first one would be Ms. Moran's site specific comment number one, and HRG's comment number seven. He noted that they both deal with the issue of the applicant providing a new wetland delineation. He requested the Board to consider granting the applicant relief from conducting the wetland delineation. He noted that there are several reasons for his request. He noted that the original subdivision plan created the

three lots, two of which were created in 2004. He noted that he had a wetland delineation completed, at that time, by a wetland biologist, Wes Wolfe, from Downingtown, for this property. He noted that it showed that there are wetlands on the site, but they are removed from the area that the houses would be constructed on. He noted that the closest house is 140 feet away and 35 feet higher than the wetland area. He noted that there would be no impact at all for the construction of a single-family home. He noted that the owners could build the homes without doing the lot line adjustment, noting that it is only a small lot line adjustment to even up the lot sizes. He noted that he is asking forgiveness from the Board in having to pay for an additional unneeded wetland delineation. He noted that the reason the wetland delineation is included in the ordinance is to insure that there are no adverse impacts on the wetlands. He noted that he already demonstrated that in 2004.

Mr. Crissman noted that Mr. Staub was asking that comment seven from the HRG letter be removed from consideration. Mr. Crissman noted that no one from HRG was present to respond, and questioned if Ms. Moran could respond to Mr. Staub's request. Ms. Moran noted that she could not speak on Mr. Fleming's behalf, noting that she spoke to him concerning what would happen if this was an issue when he received Mr. Staub's comments. She noted that Mr. Staub's response to the comments from September 21, 2009, when the plan was first processed, was that a copy of the wetland's study was no longer available. She noted that she asked Mr. Fleming what he wanted, since a note was not placed on the plan to verify the wetlands nor was a signed wetland study completed. She noted that Mr. Fleming wanted to see the study. Mr. Crissman questioned if Mr. Fleming knew that this might have been an issue at tonight's meeting. Ms. Moran answered that she did not know that it would be an issue. Ms. Moran questioned if Mr. Staub spoke to Mr. Fleming. Mr. Staub answered that he did not speak to Mr.

Fleming. Ms. Moran noted that she did not know that it would be an issue and she did not think that Mr. Fleming thought it would have been an issue.

Mr. Staub noted that his office spoke with his wetland biologist, Mr. Wolfe, and he indicated that a wetland study has a shelf life of three years. He noted that after three years, according to the Department of Environmental Protection (DEP) and US Army Corps, they are no longer valid studies. He noted that to have Mr. Wolfe sign and validate a delineation that he did four years ago, and reissue a new report with signature, he would have to go out and redo the entire study, to include re-flagging the wetlands, and recreate the report which costs a substantial amount of money, in excess of \$1,000. He noted that since the study would cost that amount of money, he requested relief from that delineation study.

Mr. Staub noted that the Zoning Ordinance is very loosely written, noting that the ordinance does not require the delineations to be done, noting that the Township may ask that they be done subject to whether the engineer considers it to be necessary to determine if there would be any impacts. He noted that he can clearly show that there are no impacts. He questioned if there are no impacts, why reinvent the wheel.

Mr. Wolfe questioned if the 2004 report is available. Mr. Staub noted that it is not available since it was never completed. He noted the reason it was never completed was that it was determined that there was no impact once the delineation was completed. He noted that Mr. Wolfe verified the delineation line at that time, but the report was never completed.

Mr. Stine questioned if the wetland delineation is a requirement of the zoning ordinance or the subdivision and land development ordinance. Mr. Staub answered that it is included in the zoning ordinance. Mr. Stine noted that the Board could not waive the requirement if it is part of the zoning ordinance, a variance could only come from the Zoning Hearing Board. Mr. Staub

noted that he used the word, waived, very loosely. He noted that the issue is that the Township may require it, but it does not state that it shall be required. He suggested that it was written that way to avoid making applicants, like his, to request a variance. Mr. Stine noted that the person who would require it would be the zoning officer, since he/she is in charge of that ordinance. He noted that the Board would have nothing to do with that ordinance except to enact it, amend it, and grant re-zonings. He noted that the Township would be the party to require the study. Mr. Staub noted that he would have to defer to Ms. Moran.

Mr. Wolfe questioned if it would be appropriate to act on the plan this evening subject to a determination from the zoning officer. Mr. Stine answered that it would be fine. Mr. Hawk noted that the other option would be to delay action until the problem is resolved. Mr. Crissman requested the Chairman to delay any action until he heard from Mr. Fleming who provided the comments. He noted that Township staff cannot appropriately address Mr. Staub's request as the engineer is not present at the meeting.

Mr. Hornung noted that he has a problem with all the red tape that this means, especially since the applicant is only asking to move a lot line, noting that a wetland delineation was completed in 2004, and it has been shown that the wetlands are a far distance from where they are planning to construct a house. He noted that this is another example of government getting involved in a lot of red tape. He noted that some procedural issues must occur, but he did not understand why the plan could not be approved and let staff figure out the procedural issues. Mr. Hawk noted that Mr. Hornung is not advocating approving the plan without staff resolving the issues. Mr. Hornung answered that there are issues as to who has the right to waive the comments, and whoever it is, if they do, then the plan would be approved. He noted that it is a request for a simple lot line movement, and it has gotten blown out of proportion, since it has

been shown that it would not be an issue with the wetlands. He noted that there is very little risk of any problems occurring as a result of the Township passing the plan. He noted that the risk does not dictate that the Board takes any particular effort to resolve the issue.

Mr. Crissman noted that he would not want to make a decision when someone from Staff that the Township pays for their professional expertise, writes a comment, without that individual to state that he had no problem with the request. He noted that he would have appreciated if Mr. Fleming would have been present at the meeting. Mr. Hornung noted that the Board has the right to make up its own mind and make a conclusion. He suggested that the conclusion is pretty simple and straightforward. Mr. Crissman noted in Mr. Hornung's opinion it is, but not in his.

Mr. Seeds noted that the reason for the issue is that the applicant must prove that there is no impact on the wetlands. He suggested that comment seven could be changed that the applicant shall provide proof that there is no impact on any wetlands. Mr. Staub noted that he would have to rely on the 2004 delineation, and from the regulatory side of it, that delineation is no longer valid. He noted, as a practical matter, the wetlands did not change. He noted that this is a dilemma. He apologized for not calling Mr. Fleming to discuss his side of the story.

Mr. Hawk noted that he would not want to run afoul of Mr. Stine's comments that the Board does not have the right to waive a zoning requirement. He noted if it can be resolved via a motion that would be fine. Mr. Hornung noted that Mr. Stine made a recommendation and he would like to follow it; however, he could not see why it could not be resolved by a motion, with the problem being rectified at some point in the future. Mr. Hawk suggested the other alternative would be to take into consideration the impact before the Board. He noted, if it can be resolved by a motion, then he would be fine with that.

Mr. Stine noted that the Board could approve the plan subject to the outstanding conditions; whether the zoning officer requires a wetland delineation. He noted that it is the zoning officer's decision, not the Board's decision. He noted if the zoning officer wishes to enlist the services of the engineer in order to determine whether or not it is needed, that is fine as she can do that. He noted that the Board could approve the plan subject to the conditions, one being that the zoning officer makes a determination if a wetland delineation has to be done. He noted that whatever decision she makes would be binding.

Mr. Crissman questioned if the Board could withdraw the plan, resolve the issue, and bring it back in two weeks. Mr. Stine noted that that could be done also. Mr. Crissman noted that the plan would be clean. Mr. Hornung noted that the plan is clean, noting that he trusts the zoning officer to make the appropriate decision. He noted that that is what the Township pays staff for. Mr. Crissman noted that he would like the issue resolved prior to a vote.

Mr. Hornung made a motion to approve the Preliminary/final subdivision plan for James Musumeci and Devin Fortney, Lots 2 & 3 on Cider Press Road with the following waivers and conditions: 1) Waiver of the preliminary plan requirement; 2) Waiver of the curb requirement along the frontage of Union Deposit Road; 3) Waiver of the requirement to provide a stormwater management plan; 4) Waiver of the requirement to provide an erosion and sedimentation control plan; 5) Waiver of the requirement to submit a detailed hydrogeological study; 6) Waiver of the requirement to provide elevation contours for the project; 7) Provide the Township with a copy of the wetland study for its review; 8) Plan approval shall be subject to providing original seals and signatures on the plan; 9) Plan approval shall be subject to the payment of engineering review fees; 10) Plan approval shall be subject to addressing all comments of HRG's memo dated October 2, 2009; and 11) Plan approval is conditioned on the zoning officer's review of the

requirements for a wetland delineation to determine whether it is appropriate or not. Mr. Blain seconded the motion.

Mr. Seeds questioned if he needs to include HRG's letter with comments. Mr. Hornung noted that he would include HRG's comments in his motion. Mr. Seeds suggested that he would not want to include comment seven from HRG's letter. Mr. Hawk noted that Mr. Staub did not have any issues with the other comments provided by HRG in their letter with the exception of comment seven. Mr. Staub answered that was correct. Mr. Seeds noted that comment seven would be deleted, and the zoning officer would make the decision for the wetland delineation. Mr. Staub noted that it would include Ms. Moran's site specific comment number one as well as HRG's comment number seven. He noted that they are essentially the same. Mr. Hornung agreed. Mr. Crissman suggested that it would make no difference to wait two weeks to approve the plan. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, nay; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Mr. Staub noted that he would make it a point to call Mr. Fleming at HRG, first thing in the morning.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were ten Improvement Guarantees.

Spring Creek Hollows, Phase IB

An extension and 10% increase in a letter of credit with Commerce Bank, in the amount of \$109,419.09, with an expiration date of October 6, 2010.

Old Iron Estates, Phase III

A release in a letter of credit with Fulton Bank, in the amount of \$66,076.20.

Bern6, LLC

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$8,461.20, with an expiration date of October 6, 2010.

New One Story Office Building

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$21,186.99, with an expiration date of October 6, 2010.

Willow Brook, Phase IV

A reduction in a letter of credit with Fulton Bank, in the amount of \$5,808.00, with an expiration date of January 16, 2010.

Old Iron Estates, Phase IV

A reduction in a letter of credit with Fulton Bank, in the amount of \$13,000.00, with an expiration date of April 7, 2010.

Old Iron Estates, Phase II

A reduction in a letter of credit with Fulton Bank, in the amount of \$109,206.00, with an expiration date of May 18, 2010.

CGOH – Oncology Center

An extension and 10% increase in a letter of credit with Wachovia, in the amount of \$230,000.00, with an expiration date of October 6, 2010.

Old Iron Estates, Phase I & II

A reduction in a letter of credit with Fulton Bank, in the amount of \$31,702.50, with an expiration date of June 9, 2010.

Stray Winds Farm, Phase I

A reduction in a letter of credit with M&T Bank, in the amount of \$2,125,000.00, with an expiration date of October 6, 2010.

Mr. Seeds noted that Ms. Moran had a clarification on the Old Iron Estates, Phase IV guarantee. Ms. Moran noted that she spoke to Mr. Fleming, and he explained that traditionally, when the engineer goes out to make an inspection of improvements, they typically make the reduction, however, during the inspection, he found several items that have deteriorated, and the engineer feels confident that with the money that are held for the guarantee, there is enough to cover the additional deteriorating items. He noted that those items would be rechecked, and no monies would be released until the additional items were completed. Mr. Seeds noted that the money in the reduction request would cover the newly found deficiencies. Ms. Moran answered that that was correct. Mr. Seeds noted that the last date for that guarantee needed to be corrected to April 7, 2008. Ms. Moran answered that she would see that the correction was made. Mr. Seeds noted that he is fine with that Improvement Guarantee.

Mr. Crissman made a motion to approve the ten Improvement Guarantees as presented. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Mr. Hornung noted in relationship to the Stray Winds Farm Improvement Guarantee, there was a reduction in the letter of credit due to a contractor who provided a price that was less than what was originally required based on the engineer's estimate. He questioned, due to the environment of low bidding at this time and the economy, should that be reflected in the request, and questioned if the guarantee should be reduced that low. He noted that the project would be ongoing for some time, and he questioned if it is wise to do this as it may have to be increased in

the future. Mr. Wolfe noted that the Township has the legal right to increase the improvement guarantee as times goes on, noting that it can be increased yearly by 10%. Mr. Wolfe noted that the contractor is permitted to provide his estimate of costs for the Township to establish the improvement guarantee. Mr. Stine noted that Mr. Wolfe is correct, and if there comes a time when the prices increased dramatically, if the engineer reevaluates, there is a automatic 10% increase allowed each year without doing anything further, however, if the engineer finds the improvements that need to be done would not be covered by the amount, then it could be increased more than 10% at one time. Mr. Seeds noted that it has been raised 10% four or five times in the past, and the price of construction has dropped, therefore, it was higher than what it actually was since the prices have not increased but declined.

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.

Adjournment

Mr. Hawk invited Mr. Brice to join the Board members after the meeting in Executive Session for a snack. Mr. Hornung questioned Mr. Brice if he learned anything. Mr. Brice nodded, yes.

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 8:33 p.m.

Respectfully submitted,

Approved by,

Maureen Heberle
Recording Secretary

Gary A. Crissman
Township Secretary