

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held April 7, 2015

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:38 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 George Wolfe, Township Manager; Steve Stine, Township Solicitor; Public Safety Director, David Johnson; Christine Hunter, H. Edward Black and Associates; and Watson Fisher, SWAN.

Pledge of Allegiance

Ms. Lindsey led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the business meetings held on March 3, 2015 and March 17, 2015, and a special meeting held on March 24, 2015. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Public Comment

No public comment was provided.

Board Members Comments

Mr. Hawk noted that he and members of the Board recently attended the appreciation banquet for South Central Emergency Medical Services (SCEMS). He noted that Chief Campbell sent him an email in regards to a cardiac arrest call at the dialysis center on Union Deposit Road. He noted that Colonial Park Fire Company, the Police Department and SCEMS were in attendance and were able to save the individual. He especially wanted to thank the

following members from SCEMS: Mike Crosley, Erin Patches, Jennifer Carter, Ryan Norcross, and David Dunkin as well as those members from the Fire and Police Departments who assisted in this response.

Oath of Office to a Police Officer

Public Safety Director David Johnson noted that it was his privileged to introduce Stephen Staats, who became a member of the Police Department on Monday, April 6, 2015. He noted that Stephen was born September 18, 1991 in Pittsburgh, Pennsylvania. He is the son David and Donna Staats who now live in Dillsburg, and has one older sister, Leah. He noted that Stephens's dad is a retired Pittsburgh City police officer. He explained that Stephen graduated from Northern High School in Dillsburg in 2010 and then graduated from Bloomsburg University with a Bachelor of Arts in Criminal Justice. He noted that Stephen recently graduated from the municipal police academy at Harrisburg Area Community College. He stated that Stephen is single and lives in the Dillsburg area.

Mr. Hawk proceeded to swear in Stephen Staats as a police officer for Lower Paxton Township. He was joined at the podium by other members of the Board who welcomed him to the Township after which pictures were taken.

Arbor Day Proclamation

Mr. Hawk proclaimed the Annual Arbor Day Proclamation and noted that Arbor Day will be celebrated this year on Wednesday, April 29, 2015 at 1 p.m. at the Friendship Center. He noted that all residents are encourage to attend the event.

Manager's Report

Mr. Wolfe noted that Saturday, April 18, Representative Ron Marsico will hold a Community Shredding and ID Theft event at Holy Name of Jesus Parish from 10 a.m. to 12

noon. He noted that residents of the Township will be permitted to bring two bags or boxes of paper to be shredded on a first come, first serve basis. He noted that the event will end at 12 noon.

Mr. Wolfe noted that the Parks and Recreation Department will host a Children's Yard Sale on April 25, 2015 beginning at 9 a.m. until it is done. He explained that children, ages five to 16, who have adult supervision, will be permitted to sell their old toys, etc.

Mr. Wolfe noted that the Township's Art Council will sponsor the 10th annual Trashcan to Treasure event that will take place wherein residents will be given a 55 gallon trash container to decorate that will be used to collect trash in the Township Parks. He noted that registration for this event closes on April 10th.

Mr. Crissman noted that we should mention the upcoming 5-K Run to be held at the Friendship Center. He noted that sponsors are being sought for this event. Ms. Lindsey noted that it will be held on Saturday July 18th.

OLD BUSINESS

Action on an appointment to the Greenway Committee

Mr. Hawk noted that the Parks and Recreation Board have conducted interviews and recommended the appointment of Tilman Larson to fill the unexpired term of Pricilla St. Jacques Glusko that expires December 31, 2015.

Mr. Crissman made a motion to approve Tilman Larson as a new member of the Greenway Committee. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on bids for the Heroes Grove amphitheater project

Ms. Christine Hunter, H. Edward Black and Associates noted that he is seeking approval of bids for the Heroes Grove Amphitheater Project for Phase 1 construction. She noted that four

bids were received and ECI Construction was the low bidder with a base bid of \$711,024.52. She noted that two alternates are also under consideration with the bid, sponsorship plaque on the bench at \$480.00 and foundation for future shade structure at \$9,094.00 for a total bid of \$720,598.52.

Ms. Lindsey noted that two weeks ago she passed the Rite Aid at Route 22 and Devonshire Road and saw two men standing there with a banner and it said, "Shame on you Rite Aid" and they were union people. She requested Ms. Hunter to find out if it has anything to do with ECI Construction as they were the company that built the new Rite Aid. Ms. Hunter answered that she would look into it. She noted that the Heroes Grove project is a prevailing wage project as per the requirements for the various grants and public funds that will fund the project.

Mr. Seeds noted that some of the alternates were dropped and others were added. He questioned if that was a decision made by the Heroes Grove Committee. He noted that the bids were too high so you dropped... Ms. Hunter noted at this point she is discussing the contract as bided, and after that, there will be a separate item for Change Orders.

Mr. Crissman questioned if there were any items where there was only one bidder. Ms. Hunter answered no as there were four bids and they included all the items.

Mr. Crissman questioned if the low bid was chosen for all categories. Ms. Hunter answered yes.

Mr. Crissman questioned with the expenditure of \$720,598.52, are there enough funds to cover this. He noted that the Township is the overseer of the funds and must pay the bills first and then seek reimbursement from the various grants. He noted that the answer needs to be yes. Mr. Stine noted that the answer is no. He noted that is what the change order is for that will be discussed after the bid is approved. He noted that it will delete items from the bids to lower the

price. Mr. Crissman noted that the answer is no based on what Mr. Stine stated as the Board needs to approve the bid and the next item on the agenda, the change order will reduce the overall price and then ask the question at that time with a positive response. Ms. Hunter stated that is correct.

Ms. Hunter stated that there are funds in the Township account at this time; however, many are structured that must be expended and then reimbursed. She noted that it will become a circulating fund. Mr. Crissman noted that he understands that the Township must provide documentation that the funds were expended providing 100% reimbursement.

Mr. Crissman made a motion to approve the bid to ECI Construction for Phase One Construction for the Heroes Grove amphitheater in the amount of \$720,598.52. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Change Order No. 1 to the contract for the Heroes Grove amphitheater project

Ms. Hunter noted that Change Order No. 1 for the Heroes Grove Amphitheater project includes the following 14 items: Substituting split face concrete blocks for retaining wall units; substituting a two-rail railing in lieu of a three-rail railing; reduction of skateboard deterrent nosing on walls to a total of 50 nosings; reduction of electric screen walls to one L shaped wall of 12'-8" length; owner to supply and deliver fill to site; owner to supply pavers for stage (donation by E. P. Henry); delete item #133 walkway; #141 walkway skateboard deterrents; #153 trees; #154 shrubs; #155 perennials; #156 ground cover; #158 sign base – segmental block; and #159 sign base for segmental block cap at a total reduction of \$121,343,00. She noted that it provides for a contract sum of \$599,255.52.

Mr. Seeds questioned if any fill has been delivered to the site yet. Ms. Hunter answered no.

Mr. Crissman made a motion to approve Change Order No. 1 to the contract for the Heroes Grove amphitheater project which reduced the total project from \$720,598.52 with a reduction of \$121,343.00 to a new total of \$599,255.52 with the assurances from Ms. Hunter that the money is or will be available to pay for the expenditures at 100%. Ms. Hunter noted that it takes into account the grant funds that were received and expenditures that have been made to date. Mr. Crissman noted that there are funds that have not been received and will not be received until payment is made. He noted that the Township will be paying the bills and will have to wait for reimbursement is that correct. Mr. Wolfe answered yes. Mr. Crissman questioned how long it will take the Township to receive the reimbursement. Ms. Hunter suggested 30 days for the County Gaming grants and CFA funds. She noted that DCNR provided funds for this project upfront and will provide the last percentage upon receipts of the bills.

Mr. Crissman questioned if the bills have not been paid after 30 days whose responsibility it will be to secure the funds. Mr. Wolfe answered that it would be his job to do so. Mr. Crissman noted that it should not be Mr. Wolfe as he has other things to do. Mr. Wolfe noted as long as we are operating within the terms of the grant contract, reimbursement will be received. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

NEW BUSINESS

Action on a lease of a 2015 Tymco Street Sweeper

Mr. Wolfe noted as part of the 2015 budget the Board approved this purchase. He noted that the purchase amount is budgeted at \$68,500 noting that it was proposed as a three-year lease as part of a State contract. He noted that the State Contract amount to lease the street sweeper provides for a 3.350% interest rate, an annual cost of \$64,238.74. He noted that staff requests the Board to approve the lease of this item.

Mr. Seeds questioned if there is a trade in with this lease. Mr. Wolfe answered no, it will be sold on Municibid. Mr. Seeds questioned if we have two sweepers. Mr. Wolfe answered yes but we are only selling one. Mr. Crissman questioned if this is a lease/purchase. Mr. Wolfe answered yes.

Mr. Seeds questioned if Mr. Wolfe expects to get more than \$10,000 for a trade in. Mr. Wolfe answered yes.

Mr. Wolfe noted that eight to ten years ago when the two sweepers were purchased, they were purchased in back to back years. Ms. Lindsey noted that the second one will be leased next year. She noted that they get used very hard.

Mr. Crissman made a motion to approve the lease of a 2015 Tymco Street sweeper in the amount of \$64,238.74. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Request from Dr. and Mrs. Greenberg for the waiver of a penalty
levied in regard to the real estate tax for 4076 Greystone Drive

Mr. Wolfe noted that the Board received a request from the Greenberg's attorney noting that they are prepared to pay principal tax due plus the \$30 bureau costs that have been imposed, but for the reasons that they set forth in their letter which basically says that they did not receive the bill, they request that Lower Paxton Township and Dauphin County waive the 10% penalty which works out to \$242.06. He noted that the reasons set forth by the Greenberg's are in the correspondence and this request is totally at the Board's discretion.

Ms. Lindsey noted that people know that the bills are coming in February and July and as a homeowner, if she did not receive her bill she would be calling. Mr. Hawk agreed.

Mr. Seeds noted under Section 3.1 it states that all real property taxes imposed upon the Greenberg Parcel until the Greenberg Parcel is ultimately transferred to the Trust, so the Trust was supposed to pay the taxes and obviously they didn't. He noted that it goes on to say that

under Section 5 f that all tax notices and municipal liens, shall be provided within fifteen days of their receipt to the trust. He noted if the Greenberg's got the bill they were to forward it to the Trust within 15 days and the Trust was to pay it. He noted that they are responsible but the Trust was to pay the taxes and they didn't. He suggested that it is a conflict between the Trust and the Greenberg's. Ms. Lindsey noted that knowing that the bill was coming due, they should have contacted the Trust to make sure that it was paid. Mr. Seeds stated that is correct. He noted that he does not know the Greenberg's and no one is present to represent them.

Mr. Crissman noted that he expected someone to be present to represent the Greenberg's.

Mr. Wolfe explained that the Dauphin County Tax Claim Bureau has agreed to grant the request. Ms. Lindsey questioned if they said why. Mr. Wolfe answered no. Mr. Seeds noted that only Dauphin County and the Township are involved with this. Mr. Wolfe answered yes. Mr. Seeds noted that it is not a lot of money, and if the County granted the relief we should do the same. Mr. Crissman noted that he would like to know why the County granted the relief. Mr. Hawk noted that it is \$242.06. Mr. Seeds noted that the documents states that the Trust will bear all tax obligations including but not limited to tax notices and municipal liens and the other part says that the Greenberg's must forward any tax notices to the Trust.

Mr. Wolfe noted if you look at the last page provided by counsel you will note that the Township penalty is only \$36.91.

Ms. Lindsey questioned Mr. Stine what he advises. Mr. Stine answered that it is purely within the Board's discretion; however, you are not obligated to do it, but you can if you want to. He noted that it is \$36.

Mr. Crissman noted in as much as Dauphin County has already done this then we should continue to support their action.

Mr. Crissman made a motion to approve the waiver of penalty levied in regard to the real estate tax for 4076 Greystone Drive in the amount of \$36.91. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on cleaning bids for cleaning services for municipal facilities

Mr. Wolfe noted that every two years the Township bids for cleaning services and it currently receives these services from Clean Net USA in the amount of \$46,035. He noted that the contract includes the Municipal Center, Friendship Center, Public Works and Sewer Operations Facilities office areas. He noted that Clean Net's price has been this amount since 2009.

Mr. Wolfe noted that the Township received two bids for cleaning services and advertise the same specifications that we have used for the past ten years. He noted that the bid from Clean Net USA is the same that it was in 2009, a total bid amount of \$46,035.00. He noted that the second bid received was from Preferred Janitorial Service in the amount of \$38,438.78. He noted that Preferred Janitorial Service did not provide a complete bid submission as part of the bidding documents. He noted that based upon the fact that the Township did not received a complete bid from Preferred Janitorial, although they are the lowest bid, he does not feel that they are responsible, and as such, staff recommends that the Board award to Clean Net USA in the amount of \$46,035.

Ms. Lindsey questioned how long we have been using Clean Net. Mr. Wolfe answered since 2009.

Mr. Crissman questioned Mr. Wolfe if he was satisfied with Clean Net USA's services. Mr. Wolfe answered that staff has had its ups and downs and have found that you have that when you use contract cleaning services. He noted that we have terminated cleaning services in the past but we have never come to that point with Clean Net USA. He noted that he finds them to

be acceptable. He noted that staff checked the references for Preferred Janitorial and of the five listed, three returned phone calls, with two being happy with their service and one was not.

Mr. Crissman questioned, if we have a bad experience, is there a 30-day termination notice clause. Mr. Wolfe answered that we do have termination for cause.

Ms. Lindsey questioned if these are Clean Net employees or contracted employees. Mr. Wolfe answered that they are Clean Net employees.

Mr. Stine questioned Mr. Wolfe if the bid was found to be incomplete therefore determined that the bid is not a responsible bid due to that. Mr. Wolfe answered that is correct as they did not return the bidding document, only the bid page.

Ms. Lindsey questioned if we contacted them to let them know that they did not do that. Mr. Wolfe answered that we will contact them afterward, he noted that we had a pre-submission conference where we showed them the buildings to be cleaned and told them what they had to do to submit a bid.

Mr. Seeds noted that the second bid is considerably less, almost \$8,000 difference. Mr. Wolfe noted that this is not the first time staff has encountered this situation as you have wrestled with this in the past.

Mr. Stine explained, when you do an invitation to bidders, it is not an offer, it is an invitation to accept offers. He noted that they gave the Township an incomplete offer as it was not in accordance with the bidding documents. He noted that the offer is incomplete and cannot be accepted as it is not what you asked them to do. He noted if they don't return the entire offer that is important as many of the terms for the offer are within the bidding documents that they did not return. He noted that they only returned the page that they filled in the prices without the specifications so technically it is not an offer that meets the Townships' invitation, so it can't be accepted.

Mr. Seeds noted that we could offer the award to Clean Net USA or rebid it. Mr. Stine answered that is always an option, but you can't accept the other bid as it was not a complete offer.

Mr. Seeds questioned when the current contract ends. Mr. Wolfe answered the end of this month.

Mr. Crissman questioned if it is a year contract. Mr. Wolfe answered that it is a year contract with a year renewal if prices don't increase.

Mr. Crissman made a motion to approve the bid for cleaning services for municipal facilities to Clean Net in the amount of \$46,035 for a one year contract. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on a request for support from the Manada Conservancy in its application for funds from the PA DCNR to acquire 51 acres of land in the Township

Mr. Wolfe noted as it is explained in the correspondence from the Manada Conservancy and indicated on the map provided from the Conservancy from the Township's Comprehensive Plan, it desires to purchase 51 acres of land on Blue Mountain which is a hillside and ridgetop land. He noted that they are asking for grant funds from the Pennsylvania Department of Conservation and Natural Resources (DCNR) to do this. He explained that the Conservancy request is that the Board provide a letter of support for the grant application. He noted in the past, the Board has supported the Boyd Big Tree tract of land which is partly in Lower Paxton Township. He noted that approximately 900 acres was provided to DCNR for a State Park facility by the Union Deposit Corporation and also for the formation of the Baloney Park which is an adjunct parcel to Boyd's Big Tree which was given to the Conservancy. He noted that was a play on Paul Mahoney and Alex Boyd's names to come up with Baloney. He noted that was also about 50 acres as well.

Mr. Wolfe noted that the purpose of the Conservancy is to continue the preservation of mountain land and they are asking the Board to support their efforts.

Mr. Seeds questioned if this land adjoins the other land. Mr. Wolfe answered that he did not think that it did. Mr. Seeds questioned if it is accessible from any roads. Mr. Wolfe answered that it is probably only accessible through the Darlington Trail.

Mr. Hawk noted that the Boyd Land is accessible from a road but this is not.

Mr. Stine explained that during their meeting last night, Middle Paxton Township approved a request for part of this request. He suggested that their approval was for more than 100 acres on their side of the Blue Mountain.

Mr. Crissman noted that he has no problem supporting the application but if the Conservancy is successful in receiving the grant do they administer the grant or does the Township do this. Mr. Stine answered that the conservancy administers the grants.

Mr. Crissman made a motion to approve the request from the Manda Conservancy in its application for funds from the Pennsylvania Department of Conservation and Natural Resources in its application to acquire 51 acres of land in Lower Paxton Township. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Improvement Guarantees

Mr. Hawk noted that there was one Stormwater Guarantee to approve.

Kathy A. and Joel A. Russo – 6569 Windmere Road

_____ A new escrow with Lower Paxton Township in the amount of \$4,000.00 with an expiration date of April 7, 2016.

Mr. Crissman made a motion to approve the stormwater guarantee as presented. Mr. Seeds 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, Lower Paxton Township Authority, Payroll checks, and Purchase Cards payments for 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

There being no further business, Mr. Crissman made a motion to adjourn the meeting, and the meeting adjourned at 8:31 p. m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

William L. Hornung
Township Secretary