

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held July 5, 2016

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:31 p.m. by Vice Chairman Gary A. Crissman, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Crissman were: William B. Hawk, William C. Seeds, Sr., and Robin L. Lindsey.

Also in attendance was George Wolfe, Township Manager; Steve Stine, Township Solicitor; and Watson Fisher, SWAN.

Pledge of Allegiance

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

Approval of Minutes

Mr. Hawk made a motion to approve the minutes from the June 7, 2016 and June 21, 2016 Business meetings. Ms. Lindsey seconded the motion, and a unanimous vote followed.

Public Comment

Christ Chianos, 4227 Williamsburg Drive, Apt A, noted that he has property along Oak Park Road that he is trying to convince the Township to purchase. He noted that at the last meeting, the Chairman asked him to justify the price of \$100,000 that he was asking. He noted that it is a price for property that is located in the greenway and it's a green property in its natural state. He stated that he did not know if it was a reasonable price, but he suggested that someone from the Township would be in contact with him and he has not heard anything yet. He noted that he would be amenable to negotiate a lower price.

Mr. Crissman noted that he remembered the conversation in that Mr. Hornung stated that he would be the person who would be in contact with Mr. Chianos. He noted that he is not available and when he returns he will remind him of his commitment. He noted that we have Mr. Chianos phone number in order for Mr. Hornung to make contact with him.

Mr. Greg Hare, 5902 Pine Hollow Court, had a question regarding the wall that borders his property, noting that the vegetation is starting to get fairly high and he wanted to get permission to cut it down as two foot of the vegetation is on the Township's property and the rest is on his property. He noted that he would like to clear out the natural weeds that are growing in that area and wanted to know if he could clear up to the wall. Mr. Wolfe answered, under normal circumstances he would have no problem with that, but since the land is controlled by the contractor working on the project he would have the Township take care of it.

Mr. Hare noted that he watched the video taping of the public hearing that was held and he listened to the lawyer providing his presentation with his Power Point, but when the resident, Mary Ann Haschert got up, she was not allowed to give her Power Point. He questioned what the difference was and why the attorney was allowed to present a Power Point and Ms. Haschert was not. He noted that something did not seem right to him for why it was okay for one to provide a Power Point and the other could not. He questioned if there was a policy or procedure that a resident has to follow if they want to present a Power Point before the Board. Mr. Wolfe answered that as part of a public hearing process when the Board takes testimony, it has never had a practice where it would allow a Power Point presentation to be made during those situations. He explained if it was permitted, the number of Power Points that you would have could be long and involved, whereas the purpose of a public hearing is comment only, not a

presentation. He noted that during public hearing presentations, the Board never allowed people who want to give testimony the opportunity to have a Power Point.

Mr. Hare questioned if he was allowed to do that during the public hearing because he was an attorney. Mr. Wolfe answered that the person asking for the change has always been allowed to give evidence in regard to their request no matter what form the evidence is. Mr. Hare noted that the attorney was petitioning Lower Paxton Township for a change. Mr. Wolfe explained that he paid an application fee to request a change in zoning ordinance and as a result he had the opportunity to present his case for that.

Mr. Hare questioned that we as the defendants or residents don't have that same opportunity during the hearing to present something like that. Mr. Wolfe answered that it has never been the Board's practice to allow that.

Mr. Hare questioned if he wanted to present something to the Board today in an open public hearing is there a procedure that we should follow. Mr. Wolfe answered that you would make a request to the Board. He noted that we don't allow outside parties to connect to our system for security reasons. Mr. Hare questioned if he was an attorney could he have. Mr. Wolfe answered, unless you had applied for a change and were making a presentation in regard to that change, anyone making public comment was given the opportunity to comment, and a significant amount of time to do so, but we have never allowed presentation materials such as Power Point. He noted that public comment is allowed to be reduced to hard copy and distributed to the Board. Mr. Hare noted that is what they did.

Mr. Crissman noted that the official applicant was making his presentation.

Ms. Karen Hare, 5902 Pine Hollow Court, questioned when the clearing of the weeds will be done. Mr. Wolfe noted that he would talk to Mr. Kline tomorrow and he will get it done as soon as he can.

Board Members Comments

Ms. Lindsey wanted to thank the Linglestown Fire Company for contributing towards the fireworks that were held this past Sunday evening.

Oath of Office to Fire Police Officer

Vice Chairman Crissman administered the Oath of Office to Fire Police Officer Kenneth M. Peirson, Linglestown Fire Company, accompanied by the other Board members at the podium after which pictures were taken.

Township Manager's Report

Mr. Wolfe noted on Saturday, July 16th the Community Engagement Committee will hold the Arts and Parks 5K Race beginning and ending at the Friendship Center. He noted that registration begins at 6:30 a.m. with the race beginning at 8 a.m. He noted that all Lower Paxton Township residents are invited to participate. He explained that information on the registration fees can be accessed on the Friendship Center's website.

Mr. Wolfe noted on Tuesday, August 2nd the National Night Out for Public Safety event will be held at 5 p.m. until 8 p.m. at George Park. He noted that the Police Department, EMS, and Fire Services will have displays as well as the Public Works Department, Shade Tree Commission, Greenway Committee, and Parks and Recreation Department. He noted that it is a fun evening with food and refreshments and he encouraged all Township residents to attend.

Mr. Crissman questioned if residents can register the day of the event. Mr. Wolfe answered yes but it would be an additional fee of \$5 to do so. He noted if you preregister you will be provided with a t-shirt.

Mr. Crissman questioned how many times this race has been held. Mr. Wolfe suggested that it is the fourth time. (It really is the 3rd Annual Race.) Mr. Crissman noted that you can walk the race as well as run it.

OLD BUSINESS

Action on an agreement with All City Management Services for the 2061-2017 school crossing guard services.

Mr. Crissman noted that this item was removed from tonight's meeting.

NEW BUSINESS

Change Order No. 4 to the contract with JVH Excavating, Inc. for Wolfersberger Park Project

Mr. Wolfe noted that this is a decrease in project costs of \$39,857.49. He noted that it has been reviewed by the Township Engineer and determined to be complete. He explained that the deduction is due to a revised scope of services that the engineer believes to be justified.

Mr. Hawk made a motion to approve Change Order No. 4 to the contract with JVH Excavating, Inc for the Wolfersberger Park Project with a deduction of \$39,857.49. Mr. Seeds seconded the motion. Mr. Crissman called for a voice vote and a unanimous vote followed.

Action on a Settlement Agreement and Mutual Release with PACT Construction, Inc.

Mr. Stine explained that this agreement arises out of a contract dispute with regard to a claim that PACT made at the close out of the contract. He noted the Township and PACT went to mediation and worked out a settlement regarding the claim which is the basis for this agreement. He noted that it is ready for action this evening.

Mr. Crissman noted that this has been under discussion since it is a legal matter.

Ms. Lindsey made a motion to accept the Settlement Agreement and Mutual Release with PACT, Inc. Mr. Hawk seconded the motion. Mr. Crissman called for a voice vote and a unanimous vote followed.

Action to purchase permanent and temporary easements at 4500 Devonshire Road as part of the Winfield Street Storm Improvement Project

Mr. Wolfe noted that the permanent easement is provided at a cost of \$5,600 for 2,300 square feet of an on-lot easement area. He noted that a site plan is attached to the packet of information. He explained that the temporary easement is for an additional 4,600 square feet of lot area at a cost of \$1,000. He noted that it is staff's recommendation that the Board approved both the temporary and permanent easements for 4500 Devonshire Road. He noted that acquisition of these easements has occurred through the Township Engineer who recommended affirmative action by the Board as well.

Ms. Lindsey questioned how they determined the price for the easements; is it so much per square footage. Mr. Wolfe answered, for the Sewer Department, it is so much per square footage for right-of-way. Mr. Stine noted that he is not familiar with these easements and did not know how they determined the cost. Ms. Lindsey noted that they are all different prices. Mr. Stine noted that it depends on where the land is and what it is zoned. He noted that there are many variables used to determine the price, noting if it is only land in the building set back it would be one thing and not worth as much.

Mr. Seeds suggested that this one was negotiated with the Sewer Authority offering a standard fee and the property owner wanted a little more but going to litigation would have cost us more. Ms. Lindsey stated that is the one that we had two weeks ago.

Mr. Seeds noted that staff is recommending approval of this.

Ms. Lindsey made a motion to purchase the permanent and temporary easements at 4500 Devonshire Road in the amount of \$5,600 for the permanent easement and \$1,000 for the temporary easement. Mr. Hawk seconded the motion. Mr. Crissman called for a voice vote and a unanimous vote followed.

Resolution 16-29; Authorizing the submission of a CDBG application to Dauphin County for funds to replace the Possibility Place play surface

Mr. Wolfe noted that this application would help to fund the rubberized flooring that provides not only safety for all children playing but also accommodates children with physical disabilities so that wheelchairs are able to be used at this park. He noted that Possibility Place was designed for wheelchair use and this flooring rolls very well. He noted that the outdoor rubber flooring play surface has reached the end of its useful life and staff is looking to replace the play surface, with replacements estimated to be \$175,000. He noted that the grant application is for \$125,000 from the Dauphin County Community Development Block Grant Program with the Township providing a match of \$50,000. He noted with the Board's affirmative action, staff will prepare the remainder of the application and submit it to the Dauphin County Department of Community and Economic Development.

Mr. Seeds noted that this is pretty straight forward, knowing that it is a very popular place for children in our community to play. He noted that it is a worthwhile project as children with disabilities are able to enjoy it as well.

Mr. Seeds made a motion to approve Resolution 16-29 authorizing the submission of a Community Development Block Grant application to Dauphin County for funds to replace the Possibility Place play surface. Ms. Lindsey seconded the motion.

Mr. Crissman noted that park is available to some of our children who have disabilities but he also wanted to mention that there are members of our community who have volunteered to

come in and do the revitalization, saving the Township funds. He noted if we are awarded the grant, it will help us to restore this excellent piece of playground equipment for children.

Ms. Lindsey noted that she wanted to thank the Colonial Park Rotary Club for the volunteer time that they have put in. Mr. Crissman suggested that they have been out three times providing assistance in restoring the project.

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

Mr. Crissman questioned when we could hear about the grant application. Mr. Wolfe suggested that it may be a three month process and if we were successful in getting the grant before October, we could do the project this year. He noted, if not, it would be completed in the spring.

Presentation of the 1st Quarter Key Indicator Report

Mr. Wolfe explained that he normally does a Power Point presentation for the Key Indicator Report, but the Board recently reviewed the end of the year 2015 report and there are very few changes in the 1st quarter financial standings. He explained that he would run through the report quickly without a formal presentation and highlight items of importance.

Mr. Wolfe noted that the report begins with statements of the budgets for the General Fund, General Improvement Fund, Fire Equipment Capital Fund, Length of Service Awards Program Fund, State Aid Liquids Fuel Fund, Friendship Center Operating Board Fund, Lower Paxton Township Authority Fund and the two employee pension funds.

Mr. Wolfe noted that the report discusses financial trends that are on the upswing but conservatively so. He noted that the Township continues to see very moderate levels of growth in a manageable fashion.

Mr. Wolfe noted that the General Fund Board's policy is having 25% of any fiscal year expenditures on account, noting that 25% of the 2016 General Fund expenditures of \$22,695,000 would be a little more than \$5.6 million. He noted at the beginning of this year the account had \$8 million on account, and at the end of the 1st quarter, the Board was above the fund balance policy which is unusual for the 1st quarter in an amount of \$6,893,786.

Mr. Wolfe noted for the General Fund the revenues are up compared to the same time last year by 12%. He noted that the primary sources of revenues for real estate tax is up due to a real estate tax increase. He noted that the earned income tax is up 10% and the local services tax is up 49%, which is believed to be partially due to the timing of a payment. He noted that the Board borrowed \$4 million in General Obligation Bonds for storm water projects and it is a revenue posted to the General Improvement Fund. He noted for expenditures for the 1st Quarter, they are 7% higher than they were this time last year, but it is in accordance with the Township's budget. He noted that the Board prepared a higher level of spending in 2016 compared to 2015. He noted that the Board had bond expenses in 2016 that were not budgeted in the amount of \$250,000 and the payment of SCEMS for 2016 was made in the 1st quarter, whereas in 2015 it was made in the 2nd quarter. He noted that the 1st quarter spending for the General Fund was very good.

Mr. Wolfe noted the State Aid allocation from the State was received in the amount of \$1,446,444 with one third being spent so far. He noted that this fund will be spent down to zero by the end of the year.

Mr. Wolfe noted the Fire Equipment Capital Fund has had significant expenditures from this fund in the 1st and 2nd quarters of 2016. He noted the beginning fund balance for the year was \$1,389,033 with expenditures of \$1,343,806. He noted that two pieces of fire equipment were purchased in the 1st quarter, one for the Linglestown Fire Company and the other for

Colonial Park Fire Company, bringing the balance to \$45,902. He noted in the second quarter the Township purchased a third unit for the Paxtonia Fire Company which will have an expenditure against the fund of over \$1 million. He noted the Township will add its allocation of \$300,000 to the fund and each fire company has pledged \$100,000 each from the Firemen's Relief Fund for a total of \$300,000. He noted by the end of the year this fund is going to be in a negative position of about \$500,000.

Mr. Wolfe noted that the Length of Service Awards Program provides benefits to 11 firefighters or fire police officers having a balance of \$477,023. He noted that the rate of return on investments in the fund was 4.2%.

Mr. Wolfe noted for the General Improvement Fund, has budgeted capital projects over \$9 million, and in the 1st quarter \$152,182 was spent. He noted that revenues of \$4,489,960 were received from the \$29 million bond issue of which \$25 million went to the Sewer authority and \$4 million to stormsewer. He noted that you will see significant activity in the General Improvement Fund in the 2nd, 3rd and 4th quarters of this year.

Mr. Wolfe noted the Friendship Center Operating Fund has \$2.2 million budgeted and at the end of the 1st quarter it had a net positive position of \$231,919 as compared to \$162,672 in 2015. He noted that the operation is run very frugally so expenditures remain fairly comparable to 2015. He noted that the membership charts shows that memberships are on the rise significantly.

Mr. Wolfe noted for the Sewer Authority, there is a \$15.3 revenue budget against a \$15.1 million expenditure for operations with a capital plan of \$9.3 million. He noted that the Board borrowed \$25 million for sanitary sewer projects leaving a balance of \$35 million cash-on-hand for projects that should take the Authority through to 2019.

Mr. Wolfe noted that the information on the two employees' pension funds show positive gains between 2.5% and 3.1% in the 1st quarter.

Mr. Wolfe noted that we will be closing out the 2nd quarter this month and you will be receiving that report in a few short weeks to be used as part of the budget process to provide a better indication of where we are financially at midyear.

Mr. Crissman noted that Mr. Wolfe mentioned that the three fire companies are making a financial commitment to the purchase of the fire equipment. He noted that they are making a contribution to help this major financial burden to the Township in order to provide modern and up-to-date efficient equipment within the municipality. He stated that he wanted to applaud the fire companies as they make this contribution. He questioned when the funds will be received. Mr. Wolfe answered that they will be doing it over several payments and make final payments by the time the equipment is received. Mr. Crissman urged the residents to participate in the fund raising activities that the fire companies do.

Mr. Seeds noted that the Fire Equipment Capital Fund will have a \$500,000 deficit. He questioned if that is after the \$304,000 contribution from the Township is made. Mr. Wolfe answered yes. Mr. Seeds noted that it will take two years to replenish that fund. Mr. Wolfe explained that it is a faster period of time to get to zero than any prior phases that the Board has undertaken. Mr. Seeds noted that we will build the fund up for future purchases of equipment.

Mr. Don Haschert, 5908 Pine Hollow Court, noted that he was present a couple months ago when the purchase of the fire equipment was discussed and it was mentioned that the fire companies were reevaluating the purchase of a truck due to limitations of making certain turns on streets. He questioned what the final resolution was for that issue. Ms. Lindsey answered that

Colonial Park changed to a smaller truck. Mr. Haschert questioned if money was saved by doing that. Mr. Wolfe answered that it may have reduced total project costs by \$50,000 to \$75,000.

Mr. Haschert questioned about the Friendship Center Operations if they were in the positive or negative. Mr. Wolfe answered that the Friendship Center was still slightly negative for last year, about 5% with a budget of \$2.1 million.

Resolution 16-28; Planning Module transferring flow from
Paxton Creek to Beaver Creek basins

Mr. Wolfe explained that the Gateway Corporate Center installed a small pump station as there was not enough capacity in Beaver Creek to allow gravity flow into the sanitary sewer system. He noted that approval was provided to pump their sewage uphill into the Paxton Creek drainage basin into the flow in the City of Harrisburg. He noted with the significant efforts made by the Township in its Infiltration and Inflow program and the accumulation of building permits over time, the Township is now in a position to decommission the pump station and revert sewage flow by gravity into the Beaver Creek system. He noted that it will be a savings to the Township in the operation and maintenance of a pump station.

Mr. Seeds made a motion to approve Resolution 16-28, the planning module transferring flow from the Paxton Creek to the Beaver Creek basin. Mr. Hawk seconded the motion. Ms. Lindsey questioned if the pump station will be removed. Mr. Wolfe answered that they are typically removed but he does not know what the long-term plan is for this station. Mr. Crissman called for a voice vote and a unanimous vote followed.

Improvement Guarantees

Mr. Crissman noted that there were no improvement guarantees.

Payment of Bills

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

Announcement

Mr. Crissman noted that prior to or following this meeting the Board met to receive information from the Township Manager. He noted that the next meeting will be Tuesday, July 12th at 6 p.m.

Adjournment

There being no further business, Mr. Hawk made a motion to adjourn the meeting, and Mr. Seeds seconded the motion.

Mr. Greg Hare, 5902 Pine Hollow Road, noted that the Stipulation Agreement for the contractor that was approved by the Board had no amount mentioned. Mr. Crissman stated, if you are asking about the legal issue that has been discussed and approved, information publically will be forthcoming within the next couple of days. Mr. Hare questioned since it was a legal matter, we could not ask questions about the agreement. Mr. Crissman answered, not at this point. He noted that it will become public information once all the signatures are received.

Mr. Hare questioned if the quarterly report is online. Mr. Wolfe answered that he does not typically put that on line but a copy could be made available. Mr. Hare questioned if the annual report is available. Mr. Wolfe answered that we don't put it online but the budgets for 2016 are online. He noted that the financial summary for 2015 is posted as part of the annual report of the Township. He noted that it does not provide all the numbers, but they are available if you want them.

The meeting adjourned at 8:18 p. m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

William B. Hawk
Township Secretary