

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held October 18, 2016

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 8:09 p.m. by Chairman William L. Hornung, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

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

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

Pledge of Allegiance

Mr. Hornung dispensed with the recitation of the Pledge of Allegiance as it was recited at the beginning of the previous Sewer Authority Meeting.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the September 20, 2016 business meeting and the September 27th, 2016 budget workshop meeting. Ms. Lindsey seconded the motion, and a unanimous vote followed.

Public Comment

Ms. Karen Hare, 5902 Pine Hollow Court noted that she wanted to thank the Board for the work that Mr. Kline, his staff and Davis Landscaping did. She noted that she was very pleased with the work that was done in her backyard. She explained that they went beyond what they needed to do and they were very cooperative, listening to us. She noted on behalf of herself and her husband, she wanted to thank all for the work that was done.

Mr. David Dettinger, 501 California Avenue noted that the reason for his coming tonight is that there seems to be a problem on Wyoming Avenue. He noted that there is a particular family that has quite a number of kids that are playing on the street all the time. He noted that they have a basketball hoop on the street, and this evening at 6:54 p.m. there was a two-year old in a little car in the middle of the street. He noted that last week, two boys from the same family were playing football in the street and they are renters at 4916 Wyoming Avenue. He noted that last year he was driving down Wyoming to turn up his street noting that the family has a little motorized go cart. He noted that the boy that drives it is about ten, and he was flying down the hill with an infant in-between his legs and almost went up underneath his truck. He noted that this family does not want to remove the basketball hoop from the street and the kids are constantly on the street.

He noted that he wanted to bring this to the attention of the Board noting that a child was killed last week on the West Shore as he was hit by a car. He noted that on the internet he read that there was a child ten years of age that was hit at 18 mph who was thrown 33 feet. He noted that he is coming here to see if the Board can do something about it. He noted that he is not blaming the Police Department as it is not their job to raise these children, but is there anything that can be done to have this family, I mean we have yards over there, they are not big but they are yards and they have a yard and toys. He noted if they were going to play on the street for a little bit Nevada Avenue would be better as their street is a thoroughfare. He noted that they come up on Wyoming, noting that there is a pastor that lives on that street and that man stays with his children every night if they are on a bicycle on the street. He noted that these kids are left to be on their own. He noted that he raised his children and didn't have them play on the street, thank God they made it to adult age. He questioned if we can do something about this. He

noted that it needs to be looked into. He stated that he brought it to people's attention, and he understands that there is a process, but for some reason people don't want to do anything about it. He noted that there was a baby car in the middle of the street tonight at 6:53 p.m.; a two-year old in the middle of the street. He noted that it needs to be addressed.

Mr. Hornung questioned what we can do with the ordinances that we have. Mr. Wolfe answered that the property owner; basketball hoops in public right of ways are not permitted and they have been sent a notice by the Codes Enforcement Office that it is a violation of the ordinance. Mr. Dettinger noted that they are not the owner of the property. Mr. Wolfe explained that we have to notify the owner of the property. He noted that the property owner is responsible for seeing that the violation is resolved.

Mr. Dettinger questioned what about the children playing in the middle of the street. Mr. Wolfe answered that he knows of no violation other than calling the police when a child is unsupervised in the street, he knows of no other way to handle the situation.

Mr. Hornung questioned Mr. Wolfe that they would not be allowed to use power vehicles on the street. Mr. Dettinger explained, last year, he was not the only neighbor who brought this to the attention to the police, and they did respond to it. He noted that we hadn't seen the vehicle for a while but it reappeared. He noted, thank God, he was tired driving home that evening as he was doing about 15 mph, but had he been going slightly faster than that, they would have been underneath his truck. He noted that it is dangerous, especially when the kids are out there unsupervised. God forbid a kid gets killed.

Mr. Crissman noted, in as much that Mr. Dettinger has done the observation and you identified those children being at a very young age with little or no parental supervision, if it was him, he would make his first phone call to Dauphin County Children and Youth. He noted that

he would have a concern for the safety and welfare of the children. He explained that he is not the first-hand observer that you are and for you to make that phone call, or someone who has observed that to Children in Youth, let them take the situation under advisement and let them pursue it.

Mr. Dettinger noted that he flagged down an officer when the child was under his vehicle. He noted that you can't blame the children as kids will be kids; it is poor parenting. Mr. Crissman noted that he agreed 100%.

Mr. Seeds noted that you need to contact Dauphin County. Ms. Lindsey agreed. Mr. Dettinger noted that the onus is being put back on him and he is coming to the Township because he does not want to come over here and drive in and flag down an officer every single time. He questioned what it takes till something happens. He noted that he will use another street. He noted that he has close calls with these kids; what's it going to take, someone else taking them out. He questioned what will the excuse be, if someone goes to the paper and the fact, that is why I am bringing it to the Township's attention, God forbid, we be like somebody on the West Shore, that they lost a child. He noted that obviously the parents don't care.

Ms. Lindsey noted what you should do tomorrow is start with Dauphin County Children in Youth, the family will not know who reported it, and they will start the process of placing a social worker with them. She noted that maybe by your calling and their coming out to visit, it will bring it to their attention that the children are unsupervised and you could save a child's life by doing that tomorrow. She noted that we can't do anything here but that would be the first place to start.

Mr. Dettinger questioned if the Township can't enforce kids playing on streets. Ms. Lindsey answered that we can't do that. She noted that the police can drive by and tell them that

they shouldn't be playing on the street as they should be playing up on the sidewalk but by the time they go to the next street they could be back playing again. She noted that the phone call to Dauphin County Children and Youth, if the kids are that young and they are unsupervised and playing in the street, that is the first place to start.

Mr. Dettinger noted that no one follows the speed limits and South Houck Road being 35 mph is ridiculous as it should be a 25 mph with the school and firehouse. Ms. Lindsey noted if you are concerned about the children's welfare that is where you should start.

Mr. Dettinger noted that is why he has been present the last three weeks in a row and he has flagged down officers. He noted that he has raised his children and he feels like he has done more than a lot of people would have done.

Mr. Crissman noted that the issue for him is that children playing in the street is bad enough, but more importantly there is poor parenting, and in his professional opinion, that is neglect of a child. He noted that is why he is urging Mr. Dettinger to make the phone call. Mr. Dettinger answered that you will not have any disagreement on his part.

Mr. Hornung noted if Mr. Dettinger sees any of the children out in a toy vehicle, take a picture of it, and then call the police. He noted the police will have some evidence as they could then call Children's services if they feel that the supervision is not what it should be. He suggested that may be another avenue.

Mr. Dettinger noted that it is not the police's responsibility to parent. Mr. Hornung noted that he knows that the school system sees a lot of this unfortunately.

Mr. Dettinger thanked the Board for its time as he wanted to bring this to its attention. Mr. Crissman pleaded with Mr. Dettinger to make the phone call.

Ms. Virginia Alexandre, Pine Hollow Court, distributed a handout to the Board members. Ms. Lindsey noted since she read the handout, she would remove herself from the discussion as she did not sign the agreement.

Ms. Alexandre noted under Section 4.02A of the contract between the Township and the residents, it provided for a landscape buffering. She noted that it went in last week and she wanted to thank the Board for replacing the trees that were taken down, and in a few years it should be a big help.

Ms. Alexandre noted that unfortunately the rest of her statement is not positive. She noted that she is disappointed that after a year we are back here fighting this fight. She noted that page eight of the contract was included with the material that she distributed to the Board members that was signed by the residents of the Pine Hollow Development and the Township representative. She noted that she also included copies of the relevant page of the minutes from the May 10, 2016 Board of Supervisors meeting that was voted on unanimously, except Supervisor Lindsey who recused herself, and pictures of the west side of the Public Works expansion.

Ms. Alexandre noted that many months, many hours, and lots of time off work and lots of dollars were spent to work out this contract that was signed by all parties. She noted under section 4.02D it states, "Lighting/Windows, there shall be no lighting or windows on the western side of the addition to the public works garage. There shall be one light on the northern side of the addition to the public works garage located over the garage door, which shall be a wall pack downlight fixture to prevent light spill over onto adjacent properties." She noted if you look at the pictures, clearly, almost a third of the western side of the building is windows. She noted as she has been made aware, you are trying to play a wordsmithing game as you are calling them

translucent panels. She questioned what happened here. She noted that we don't want any more games played; we want the honest to God truth; we want to know what transpired that made you break our agreement, not just the window part but also now the lighting part. She questioned what happened, and how did this change from the last time we met in May when the agreement was signed. She questioned how this all of a sudden changed when we last left you we were assured that the new addition was going to look exactly like the existing addition, and it doesn't, as the existing addition has no windows, no lights, and no windows. She questioned what happened and why we were not notified.

Mr. Hornung noted that it appears that the manufacturer calls them panels, so consequently, and he will not argue at this point in time, whether they are windows or panels, he is just saying, you asked me how we got here. He noted that the engineer knew that we were not allowed to put windows here, but the manufacturer calls them panels. He noted that you can look at it and say that it is wordsmithing, but he is saying that is how it got here. He noted, in the engineer's mind, because they are called panels they felt that they were not putting windows in. He stated that he sees that Ms. Alexandre sees it as something different. He noted that he gets that as you and I have talked, and he told her that we would discuss this at tonight's meeting to come up with a next step as to how to resolve the situation. He noted, at this point in time, he would recommend an option to bring back the people who signed the contract, noting that you don't want to have another meeting, and he gets that, but he would like to take a look at what options we may have to resolve this situation and sit down with the people who signed the contract. He noted that you had asked if lawyers had to be there, no they don't have to be there, as he asked Mr. Stine if it was necessary. Mr. Stine answered no as there is no requirement.

Mr. Hornung noted that we could meet in the evening so you don't have to take off work and we could try to resolve this to see what we can do. Someone in the audience stated that we are here now. Mr. Hornung noted that there is more, as he would like to have the meeting only with the people who signed the agreement as they are the ones who signed the contract. He suggested that one or two supervisors should be at the meeting.

Ms. Fields noted that we don't want any windows.

Ms. Alexandre noted in one fell swoop it broke both agreements because if it is configured like a window and it lets light in and out, it is a window. She noted that you need to call it what it is. She noted that she has found research where they are called translucent windows panels, but it is still a window. Mr. Hornung noted that he gets it. Ms. Alexandre noted that she was unable to be at last week's meeting, but she could watch from home and it seems like the rest of the Board members pleaded ignorant as to it being in the contract.

Mr. Hornung noted that we all knew that it was windows but the panels are part of the problem. He noted it is confusion on our part and he apologized for that. He noted the he would like to have a meeting with two supervisors and the people who signed the contract. He questioned if that will work. She noted that she can't speak for everyone. She stated that the windows are in as of today.

Mr. Crissman noted if Mr. Hornung is willing to do this he would support it. He suggested that it is a good suggestion to sit down and talk with the five people who signed the agreement. Ms. Alexandre noted that it is four families.

Mr. Hornung requested Mr. Wolfe to set up the meeting. Ms. Alexandre noted that he can email all of us to set up the meeting. Mr. Wolfe noted that he will be in touch with Ms. Alexandre tomorrow. Mr. Hornung noted that it will probably be a week before we get together,

as he needs his people to look at all the different options and the costs associated with those options. Mr. Wolfe noted that he would set up an evening meeting to be held at the building site.

Mr. Tim Murphy, 1524 Pine Hollow Road, noted that he is not privy to that group that signed the agreement and he had his reasons for not signing the agreement, but he has an interest. He noted that it is tied to why he did not sign the agreement. He noted that he needs some clarifications: at last week's meeting we were told by the Board members that these are panels and he wants to understand what they are. He questioned what they are made of. Mr. Hornung questioned if Mr. Kline had a sample of the panel. Mr. Kline answered that it is back in the office. Mr. Hornung questioned if Mr. Kline got it would it help if you saw a sample of it. Mr. Murphy noted that he could live with a description. Mr. Kline noted that he does not know exactly what they are made of. Mr. Hornung noted that it looks like it is made out of fiberglass panels and an aluminum frame and they are insulated by a vapor barrier. Mr. Murphy questioned how thick they are. Mr. Hornung answered that they are about four inches thick. Mr. Kline agreed.

Mr. Murphy noted that the purpose is what. Mr. Hornung answered to let natural light in.

Mr. Murphy noted at last week's Board meeting we were told by Board members that the so called panel would be opaque. He noted that is not the case because if they were opaque it would not let any light in, would it. Mr. Crissman answered yes. Mr. Murphy noted that it is a solid surface, slapping his hand against the podium. Mr. Hornung noted that he is not going to get into a discussion of what opaque is. Mr. Murphy noted that those light fixtures are translucent. Mr. Hornung noted that he is not going to argue with him. Mr. Murphy noted that I think you want light to come through it. He noted that they are translucent. He noted that Ms.

Alexandre stated that they are translucent window panels. He noted that it is not just his opinion, as he went to a resident architect and he knows that, including the dictionary.

Mr. Murphy noted that we know you don't want to call them windows because a window would be a violation of the agreement, so that is why you will have to figure out how you will get around it. He noted that he wanted to throw some ideas out here. He noted, let's consider the definition of a window. He noted that a window is an opening in a wall that allows the passage of light, and if not closed or sealed, air and sound. He noted the windows will let through light, which is what you want. He noted that modern windows are usually glazed, covered in glass or colored with some other transparent or translucent material. He noted that windows are held in place by frames. He noted that these have aluminum frames, sound good to me. He noted that windows do not have to be made of glass. Mr. Hornung requested Mr. Murphy to make this short as it is a little bit redundant. Mr. Murphy answered that it is not. Mr. Hornung questioned, if he was in favor of them or not. Mr. Murphy answered absolutely not as they are a violation of the agreement. Mr. Hornung noted that is all he needed to hear. Mr. Murphy noted that he is entitled to speak his peace. Mr. Hornung noted that is true but it is getting rather... Mr. Murphy noted that paper windows were widely used in ancient Far East countries. He noted in 19 century America, pioneers used greased paper windows. He noted today a common substitute for glass windows is what you might call Plexiglas, poly methyl methacrylate, and it is also known Acrylite or Lucite, a transparent thermal plastic, sounds like the material you are talking about. He noted that they are windows and they don't have to be made of glass. He noted in architecture, a clerestory window is a high section of wall that contains windows above eye level. He noted the purpose is to admit light, fresh air or both. He note that the so called panels clearly meet the functional definition of a window, and specifically that of a clerestory window.

He noted that a window is a window, let's stop playing word games, be sincere, and do the right thing as you are legally bound.

Mr. Hornung thanked Mr. Murphy for the history lesson.

Mr. Don Haschert, 5908 Pine Hollow Court, noted that he is not part of the agreement, however, the agreement is signed by the Supervisors and the residents. He noted that the document and agreement is an agreement between the residents and the Township, therefore it is public and he does not think that this meeting should be held in private. He noted that it is a public issue and he is not part of that, and he thinks that he should be entitled to participate in that meeting. Mr. Hornung answered that Mr. Haschert will have an opportunity to speak your peace, but this meeting will just be the people who signed the contract. He noted that you will be getting the information from that, obviously anything that has to be decided will be decided in a public meeting, so you will have the opportunity to come in and make comment. He noted that this Board does listen.

Mr. Haschert questioned if there is no action at this time. Mr. Hornung answered there is no action.

Board Members Comments

No comments were presented.

Manager's Report

Mr. Wolfe noted that he had nothing to report at this time.

OLD BUSINESS

Action on a project assignment proposal by the Township Engineer to provide technical assistance for the Township's NPDES MS4 permit application

Mr. Wolfe noted that this was an agenda item at the workshop meeting last Tuesday night and the substance of this agreement is that the Township Engineer will assist staff as it

makes the application for a NPDES MS4 permit. He noted that we are now required to have an individual permit under the NPDES Permit standards in this upcoming permit round because we have limitations in the Paxton Creek Watershed for sediment. He noted, an individual permit has a few more steps to take in applying for the NPDES Permit. He noted that HRG, in preparing this assignment proposal and estimates through the course of the year their efforts will result in total billable hours at a cost of \$29,550. He noted that the scope of work is detailed within the proposal. He noted that staff's recommendation is that we approve this assignment this evening.

Mr. Crissman noted that we had much discussion about this at the previous meeting and it needs to come to the Board for formal action.

Mr. Hornung questioned if anyone in the audience wanted to make comment. He apologized to Mr. Murphy and thanked him for the history lesson.

Mr. Crissman made a motion to approve the proposal submitted by HRG to provide technical assistance for the Township's NPDES MS4 permit application with the compensation to be at \$29,550 as presented by Mr. Wolfe. Ms. Lindsey seconded the motion. Mr. Hornung requested a roll call vote since Mr. Hawk has left the room: Ms. Lindsey, aye; Mr. Crissman, aye; Mr. Seeds, aye; and Mr. Hornung, aye.

NEW BUSINESS

Resolution 16-38; authorizing the destruction of specified municipal records

Mr. Wolfe noted that we do this multiple times during the year in accordance with our retention disposition of records policy. He noted that the records consist of old audit reports, unemployment compensation reports, time cards, contract files, Liquid Fuels Tax information, payroll earnings, and Right to Know requests. He noted that all records have a specific retention schedule, the year of records is listed and the quantity as well. He noted from the year of the

record and the retention period, everything is outside the retention period, and as such, staff recommends that the Board authorize the destruction of the reference records.

Mr. Crissman made a motion to approve Resolution 16-38 which authorizes the destruction of the specific municipal records identified by Mr. Wolfe as listed in Exhibit A. Mr. Seeds second the motion.

Mr. Seeds noted that there are different requirements for how long you have to keep a certain record. Mr. Wolfe noted that is correct. Mr. Seeds noted that some have to be kept longer than other as some are for two years and some are longer.

Mr. Tim Murphy, 1524 Pine Hollow Road, questioned what time are we talking about. He questioned how old are the records that are being disposed of. Mr. Wolfe answered within the State Standard for Records Disposition, Audit Reports can be destroyed after five years, 2005-2007; Right To Know forms can be destroyed after two years, 2013; Unemployment Compensation forms can be destroyed after four years, 2006-2007; Fire/EMS/Library Taxes after seven years, 2007; Application for employment when a person was not hired can be destroyed after two years, 2013-2014; Time cards can be destroyed after three years, 2011; Contract Files can be destroyed after 12 years, 1995; Liquid Fuel Tax information can be destroyed after seven years, 2006 through 2008; and payroll earnings information can be destroyed after seven years, 1989 through 1992. Mr. Murphy thanked Mr. Wolfe noting that it was more detail than he cared to have.

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

Action on a three-year proposal to perform the annual audits of the Township and the Authority

Mr. Wolfe noted that the Auditor, Zelenkofske Axelrod, LLC (ZA) has provided a three year proposal to audit 2016, 2017, and 2018 years for a fee for the Township of \$23,260;

Authority \$11,030; and the Friendship Center, \$2,840. He noted that these are the same costs incurred by the Township for preparation of the audit for 2015, not counting new GASB requirements that had to be addressed in 2015. He noted that ZA proposes to carry its price through for the audit years of 2016 and 2017 with no increase from 2015; however for 2018, they propose a 2.5%. He noted that the Audit Committee recommends approval of this agreement by the Board.

Ms. Lindsey wanted to thank Mr. Crissman and Mr. Hawk for negotiating the prices that they did. Mr. Crissman noted that it is a finely negotiated contract, noting that he sits on the Dauphin County Library Board and today they accepted proposals which did not include a no increase over the next three years, rather an increase that exceeded the 2.5% which we will not incur until 2018. He noted that he is extremely pleased and proud that we can present this with a recommendation for approval.

Mr. Crissman made a motion to approve the three year proposal from ZA to perform the annual audits for the Township and the Authority in the same amounts for 2016 and 2017 and with a 2.5% increase for 2018. Mr. Hawk seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Action on a proposal from HRG to perform right-of-way acquisition services
in regard to the Jonestown Road Bridge replacement project

Mr. Wolfe noted that Lower Paxton Township and West Hanover Township selected HRG to design the replacement bridge for the Jonestown Road Bridge over Beaver Creek. He noted that it has been identified that there are three properties that rights of way need to be acquired to provide for the reconstruction of the bridge. He noted in accordance with federal acquisition standards, HRG has submitted a proposal in the amount of \$12,170.68 to perform this work. He noted staff received a second proposal that was previously reviewed with the Board

and it has been recommended by staff that the Board take action to accept the agreement from HRG in the amount of \$12,170.68.

Ms. Lindsey questioned when they will be starting this. Mr. Wolfe questioned if she meant the work on the bridge. Mr. Wolfe suggested that it won't be until 2018 for construction.

Mr. Hornung noted that this is a shared cost with West Hanover Township. Mr. Wolfe answered that we jointly own the bridge with West Hanover Township. He noted that the municipal share of costs is 5% of the overall project and we split that in have with West Hanover Township.

Mr. Crissman made a motion to approve the proposal from HRG to perform the right-of-way acquisition services in regard to the Jonestown Road Bridge replacement project with a not-to-exceed amount of \$12,170.68. Mr. Hawk seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Resolution 16-37; accepting Buckingham Road in the Charleston Riding development

Mr. Wolfe noted that this resolution would accept Buckingham Road in the Charleston Riding Development. He noted that the packet of information includes the resolution, deed of dedication, release of liens and the inspection report from HRG. He noted that it has been updated to state that all items have been checked and everything is completed as required.

Mr. Seeds questioned when we will be approving the maintenance agreement. Mr. Wolfe noted that the Township has the release of liens.

Mr. Hornung questioned how we have the assurance of the quality of the road over time. Mr. Wolfe noted that we had a detailed inspection of the roadway done, but in regards to Mr. Seeds' question, there is no maintenance bond provided at this point so we will have to wait until the next meeting to take action on this.

Mr. Crissman noted that we will withdraw this from the agenda at this time.

Improvement Guarantee

Mr. Hornung noted 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, payroll checks, and Lower Paxton Township purchase cards and Lower Paxton Township Authority purchase cards. Mr. Crissman seconded the motion. Mr. Hornung called for a voice vote, and a unanimous vote followed.

Announcements

Mr. Hornung noted that prior to or following this meeting the Board will meet to receive information from the Township Manager.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. The meeting adjourned at 8:53 p. m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

William B. Hawk
Township Secretary