

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held November 2, 2015

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:30 p.m. by Chairman William B. Hawk, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

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

Also in attendance was George Wolfe, Township Manager; Jeff Kline, Public Works Director; 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 business meeting minutes of October 6, 2015 and October 20, 2015. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Public Comment

Mr. Hawk noted that this is the time to provide public comment on anything that is not on the agenda. He requested that the crowd limit their comments and not be repetitive providing duplicate comments. He requested each person to identify themselves and provide their home address, and if the public comment session gets out of control, he will bring it to a close.

Ms. Virginia Alexander, 5906 Pine Hollow Court distributed a handout to the Board members. She noted that she shares a property line with the Township land where the Public Works facility is currently located off of Locust Lane near the VoTech. She noted that the Board

was provided a letter from the realtor that originally sold the development in the late 1980's. She noted that it states his professional opinion of the devaluation of the properties due to the proposed expansion of the Public Works building, addition of the District Justice office and reduction of one ball field. She noted that it is a substantial hit to her property values.

Ms. Alexander noted that she would also like to discuss the notice process she should have received for a project of this magnitude and one that will be most intrusive to all neighbors surrounding it. She noted that the Township Manager stated that it is not legally required to notify us. She noted that a Board member stated that it was an oversight. She noted that they would like to know which it is, whether or not the Board was legally required to notify us, it is our opinion as elected officials, you had an ethical obligation to tell us. She noted that two recent Township projects that were brought to the Board were initially tabled, in part, because neighbors had not been notified. She noted that the first was the McNaughton proposed development off of Parkway West and the other was Blackberry Alley, David Kepler's garage expansion. She noted that it seems to us that there is precedent that the Board wanted neighbors input before the projects were approved. She noted that it is assumed that the Board wants to work with the residents of Lower Paxton Township. She noted, in going back to reviewing the meeting minutes on the earthworks project, not one of the Supervisors or Manager asked how it would affect the neighborhood that adjoins the Township property. She noted that our only notification was bulldozers crashing trees in our backyard before 6:30 a.m. on Wednesday, October 7th. She questioned why the residents of Pine Hollow were treated differently and not notified. She noted that it gives the appearance that the Township doesn't hold itself to the same standard that they do their residents, and it give the appearance that the Township is not treating all residents the same. She noted as elected officials, your job is to look out for the best interest of the residents, and this is a big project and most intrusive on our lives and property values. She

questioned who was looking out for us. She noted that there are many issues for this project that will be discussed briefly this evening and going forward it is our hope and desire the Board will work with us to answer our questions honestly and to mitigate the damages to us and our properties. She noted that we look forward to further discussions with the Board and thank you for your time.

Janis Macut, 1509 Pine Hollow Road distributed two pictures to the Board for their review. She noted that she is present to express her concern for the work being done beside her development in which the Township is excavating the three different projects: the DJ's Office, ball field and the Maintenance Facility expansion.

Ms. Macut noted that she does not want this project and she is not happy with the Township not being forthcoming for the use of the land for the process. She noted that it is her understanding, regardless of who it is or what the request of the use of the land is to be, that the neighboring communities are to be informed for the public comment rather than the heavy equipment shaking their homes as their first introductions. She noted that the current vegetation has been totally destroyed behind one house which provided screening and privacy for them. She noted for the other homes, the vegetation is very minimal at best and it could be changed because they are still moving dirt. She noted that her concern for the proposed DJ's office is the element of people being transported right beside our neighborhood along with the increase of traffic and noise day in and day out. She noted that the proposed expansion of the Maintenance Facility, this new addition would bring the building even closer to her home, along with the increased noise including the mind numbing beeping which is becoming louder on a daily basis. She noted that she can't, for the life of her, figure out why the new maintenance addition has to go where the plan shows it. She truly believes that there could have been another area on the property which would have provided a better option for the neighborhood. She noted that she would like

to know what the Township and County plan to do to provide a man-made or vegetative buffer for all the homes along the property line where all the trees and shrubs were removed. She noted that a couple of trees and a retention wall will not fix the problem. She noted that her recommendation is as follows: Since you have the earth moving equipment on site, we would request that the whole area along the property line from Locust Lane to the wooded area, to be determined by all parties, be graded with dirt and to provide a noise buffer. She noted in addition a 10 to 12 foot high privacy fence, with the retaining walls, where needed to run along the property line add vegetation with fast growth potential to provide even more privacy. She noted in accordance with Section 803, buffer requirements and Section 804 landscaping of the Township ordinances, this work is to be done, would be on the Township property and not on the resident's side. She noted that we don't want to be able to see anything going on from outside. She noted with all four working in conjunction with each other, the grading, retention walls where needed, along with privacy fencing and planting, this will help to provide the buffer needed to get back the privacy that they deserve. Thank you.

Mr. Dana Fields noted that trees crashing down and heavy equipment running full throttle at 6:15 a.m. a few weeks ago is how her neighborhood was awakened. She noted after several complaints and a meeting this is how we learned about the redesigned and installation of the Babe Ruth Baseball Field, an extension of a current municipal building and the selling of part of the Township property behind her home for a District Magistrate's Office. She noted that she never liked hearing or feeling the daily beeping of vehicles and booming of equipment that shakes her home during the week, the incessant construction noise and vibration has taken the rattling to a whole new level.

Ms. Fields proceeded to play audio from her phone to depict the rattling from her home. She noted that what you will hear is her home shaking and rattling because of the current

construction. She noted that it was not just simple rattling but the physical vibrations traveling through her home at 5904 Pine Hollow Court resulting in nail pops and cracks in the new hardwood floor. She noted that her home is the closest in proximity to the property line, this rattling and vibrations can be felt as far as the homes on Pine Hollow Road. She noted that this is felt from the front to the back to the top and bottom of her home. She noted that a neighbor removed items from her walls that were fragile valuables. She noted that until a noise and vibration study is completed she requests that the construction cease before further damage is done.

Ms. Fields noted regarding the municipal building, she requests that the Board consider putting it towards the back of the property versus the front near the neighboring property line. She noted that it would redirect the vibrations from the regular driving and moving of large vehicles and equipment, redirect the beeping and the booming of equipment which is also the result of the vibrations, and redirect vehicle emissions to the back of the building. She noted that the placement of trees is imperative and essential to the blocking of vehicle emissions. She noted what is important to her: considering the redesign of the baseball fields, a privacy fence and the replacement of trees and vegetation. She noted as a citizen and a voting resident of the Lower Paxton Township for 22 years, she says no to the District Justice Office moving in as her neighbor. She noted that it is imperative that the Board consider these requests as we risk our property and quality of life being forever damaged and devalued. She noted that the rumbling has resulted in the cracking of her new floor and nail popping as her home is not the only one that has experienced this. She thanked the Board for its time and consideration.

Mr. Don Haschert, 5908 Pine Hollow Court, noted that he moved in last year and had the interior of their home painted in July 2014 prior to moving in, so he knows that there were no serious drywall issues at that time. He noted that there have been several occurrences of severe

and damaging vibrations to his house that he has personally observed. He noted when other residents started to express concerns that they were having damage to their houses, he took a very close look at the drywall at his house. He noted from the first vibration he notice several small nail pops along the living room ceiling. He noted that he met with Mr. Kline at the Township building to express his concern and he stated he would look into it. He noted at that time he provided him with a document from the Federal government related to proper procedures for excavation that included steps for planning, monitoring and recording. He noted that he asked if these procedures were being followed and he said he would look into his concerns.

Mr. Haschert noted that he was out of town on Monday, October 26th, a day that other neighbors reported severe vibrations all day. He noted when he got home on Tuesday, October 27th, he took another look at his walls and found additional damage to the ceiling in his second floor bathroom. He noted that he met Mr. Kline at the Township building again to express his concerns. He noted that later that day when Mr. Kline and the engineer visited his property the machine was not causing noticeable vibrations at that time. He noted that he also called York Excavation to express his concerns and they informed him that they were not aware of any problems reported by any other neighbors relating to this project. He noted they informed him that they were working at the direction of the Township and that he needed to contact the Township.

Mr. Haschert noted as of today he has heard discussions about monitoring but no specific or written detailed plans. He noted that he realized that the schedule for activities varies according to the work schedule but specifics for type, duration and whatever plan will be set up to monitor vibration could be disclosed to us now. He noted that it does not need to wait for a sunny day, we would like to know what that is now so we can look at it.

Mr. Haschert noted that this evening, at a meeting at the Township's facility building, he asked the engineer that visited his property on October 27th if he thought the damage was related to the vibrations and he said no. He noted that it appears that the Township is not being open and honest with the residents and are not taking the residents' concerns seriously. He noted while at the Township building there is a plate on the wall that says, "Be honest at all time". He noted that unless you can demonstrate otherwise we made no progress with the Township Manger or Director of Facilities. He noted that he is now asking the Township Supervisors to stop the project until the vibration issues can be fully addressed, develop a plan to correct the damage that has occurred, and ensure that the damage to the properties that has occurred is safe from gas, water, and sewer leaks and future property damage. He noted that he wants a development plan to address damages that we do not yet know about caused by this project that it can be corrected by this project. He noted that failure to address these concerns and allow the project to move forward in his opinion is willful negligence. He thanked the Board.

Mr. Tim Murphy, 1524 Pine Hollow Road, noting that shortly after an article appeared on Penn Live about this project he happened to run into Mr. Wolfe. He noted that he asked him two very specific questions, will there be a public notification or hearing due to the subdivision and change land use. He noted that he answered that there was no need since there was no zoning change required on Township-owned land zoned for government use. He noted that we now know that the land is zoned R-1 so a hearing should have been held. He noted that the second question was where the new ball field was going to be constructed. He questioned if it was going to be built behind his property on Township land. He noted that Mr. Wolfe assured him that no new field would be built behind his home as there was no need since both ball fields were going to be reconfigured at Hurley Field. He noted that we now know that is not true.

Mr. Murphy wanted to discuss the loss of recreation space. He noted that the Township's Comprehensive Plan (CP), Chapter Three, Values Visions and Goals, lists the five most valued assets in the Township. He noted that the first value is high quality park and recreation facilities. He noted that the fourth value is open space. He noted that this project flies in the face of both of these values. He noted that the CP stated the need to identify potential park sites with level areas, for more athletic fields, and this project takes us in the opposite direction. He noted in the CP, Map 11, Township Vision and Map 12, Future Land Use, shows Hurley Field as an ongoing recreation area. He noted that the Township's Greenway Plan shows Hurley Field as a destination for off road trails and a neighborhood bikeway. He noted that the Public Works garage expansion and stormwater basin will block access from the plan to off road trails.

Mr. Murphy noted if the DJ Office is not built as a result of an honest and open planning process and the public Works building expansion were to go on the south side of the existing building, Hurley field would not have to be reduced to one small ballfield. He noted that now that the ballfields are destroyed we have the opportunity to reconfigure the full area of Hurley Field into a recreational asset for the community. He noted that we should decide the best use for the area and make it a recreational destination that it was meant to be.

Mr. Murphy noted in the absence of that how does the Township proposed to compensate for the loss of recreation space. He questioned what other area you will provide as an open space to replace this loss. He noted if a developer had submitted a subdivision plan the Township would be looking for recreation space or funding to secure such space. He noted that a developer would never be allowed to destroy an existing Township park. He noted that we are asking for the same consideration.

Mr. Murphy noted that the CP identifies the need to provide a model for dialogue between developers and residents to promote a collaborative approach to development. He noted

that the track record to date on this project is a bad precedent and a very poor model of how development should take place. He noted that we are ready to work with you to remedy the situation. He thanked the Board.

Mr. Forest Healey, 5917 Shope Place, noted that he does not have as much skin in the game as maybe some of the folks who spoke previously; however he and his wife's property looks down over Locust Lane onto this property. He noted that he hears what is going on, just not as intense. He noted that his question is will his neighborhood be safer because of what is going on there. He noted when he and his wife moved here, we choose this location from many others because of its semi-rural feel, such as farms, schools and ball parks. He noted that they knew that it would be a safe neighborhood for their children to grow up. He questioned if it will be safer as they are losing a ballpark. He questioned if it would be safer that Locust Lane will have more traffic because of a new court building, let alone more Township maintenance buildings. He questioned if it would be safer than the one proposed ball park replacement will be sandwiched between buildings and our kids will be walking through more traffic and pass criminals to get to the only ballpark. He questioned if it would be safer if the school goes into lockdown because someone put a court building right next to it. He noted that it is a well-known fact that the crime rate increases when a court building is introduced to a new neighborhood. He noted that that people who were involved in this bad planning should be ashamed of themselves. He noted that this government is not a representative of its people. He thanked the Board for its time.

Ms. Karen Hare, 5902 Pine Hollow Court, noting that her property shares the property line with the project site. She noted that she wants to address the District Justice Office at the corner of Locust Lane and Porsche Lane. She noted that the land is zoned residential and she did research for the ordinances and it appears that the Subdivision and Land Development Ordinance

Chapter 180 was ignored in this project. She noted if the process would have been followed it would have been apparent to the Township that the land that they were subdividing was zoned R-1. She noted that it would have also afforded the neighbors the opportunity to become involved in the planning process and proactive rather than a reactive way. She noted under Article 306.B.1, allowed uses in primary residential zoning district, page 3-8, states that a non-township government facility, in this case, a District Justice office, is only permitted in a residential zone with a special exception, which would require a Zoning Hearing Board approval. She noted, to her understanding that could only occur after a public hearing is held, per Article 1-116. She noted that the special exception use process is designed to allow careful review of uses that have potential conflict with the adjacent uses or areas. She noted that building a District Justice office beside a residential neighborhood, a Teener baseball field, and down the road from a school, definitely qualifies as being in conflict with the use of the adjacent areas. She noted especially since this land is zoned residential. She noted as such, the residents would like to see the documentation showing that a special exception use procedure was followed. She noted if the Township claims that it was followed, will the Board please provide the residents with a copy of the Zoning Hearing Board opinion granting Dauphin County a special exception to build the District Justice office on land zoned residential. She noted if it was not followed, they would like a copy of the regulation law which permitted an exemption from this procedure. She noted the common consensus of the residents is that we do not want a District Justice office in our backyard and we have made our concerns known regarding this project. She noted if the residents would have been given the proper notification, they would have been able to work with the Township before any work would have been done. She noted that their goal is to work with the Supervisors to address these concerns and come up with a resolution that will work for everyone.

She noted at this time we are requesting for a commitment from all of you to personally work with us to accomplish this goal. She questioned if we have that commitment.

Mr. Hawk thanked the seven people who spoke and he suggested that even though he has taken notes, and the minutes will be transcribed, he would like the residents to collectively provide, in writing, specific questions that you want answers to. He noted that the Board will then respond to those questions with written answers to your questions.

Ms. Hare questioned if the Board would be willing to meet with the people since we are voting residents of the Township; she noted that you are supposed to be looking out for our best interest, we hope that you will be willing to work with us personally in discussions to resolve some of these issues.

Mr. Hawk noted that we have listened and the Board will address the questions but he would like to have them all in writing. Mr. Hornung noted that they have them in writing.

Mr. Tim Murphy noted that he would like to add one more statement as time is of the essence as this has been going on for three weeks and the earth is being moved, the landscape is being changed, and we have been put off repeatedly by Township staff. He noted that we don't need to submit questions that will languish for weeks or months. He noted that we need answers now, and in the interim, the equipment needs to sit idle at the site.

Mr. Frank McKamey, 5910 Locust Lane, stated that he lives directly across from where all this is taking place. He questioned if a traffic study had been done to assess the impact of all the additional vehicles. He noted that he lives directly across so he sees every police car, every ambulance, fire truck and rescue vehicle that goes in and out of the facility fueling up 24/7. He noted that he hears everyone at night and he hears the anti-static chains on the back of the ambulance as it drives in the middle of the night that wakes him up. He noted that many nights it is hard enough to leave his property to make a left onto Locust Lane to go to the gym between 5

p.m. and 6 p.m. He noted that he might wait five minutes to make a left turn from his driveway to go to Nyes Road. He questioned what will be done about the traffic, the increase of traffic. He noted that he wants to see a solution to that and takes into account all the extra vehicles that will be coming in and out of the neighborhood.

Ms. Karen Hare noted that she put something in writing in regards to the special exception, submitting a Right-To-Know request. She noted that the Supervisors were copied on that request and it was denied. She noted that she asked for Mr. Wolfe to reconsider it and there was a decision made by the solicitor that concluded that the upper government does not have to go by the lower government's regulations. She noted that she has not gotten that document as she received a response that she would have to submit an appeal. She noted that she wanted to go on record that she did submit a Right-To-Know request.

Mr. Seeds thanked everyone for their comments. He noted that back in the middle 1990's when he and Mr. Hornung came on the Board they saw the need for more parks and at that time they looked at the Hurley field and noticed the vacant land in front of the Public Works building. He noted that we had more children and needed more park space. He noted that he was not aware of any opposition to those parks back then. He noted in the meantime, the Township has grown a lot and we have outgrown the Public Works building. He noted that there has been a great need to add on for many years and if you visit the site in the winter time, especially during snow time, you would see how packed that building is. He noted that we already had the building and the land and room so the Board made the decision to move ahead and borrow \$4 million to build onto that building.

Mr. Seeds noted that Dauphin County had been looking for a site that was needed very badly. He noted that it is a long history of Dauphin County looking for a place and when they heard what the Township was doing, they went out and looked at the land. and in retrospect, he

personally had no idea... he noted that we discussed this for a couple of years, the loss of the one field which we knew we have to do and in the meantime, Colonial Park Baseball folded. He noted that they have Mateer Field and the Township is leasing those fields. He noted we really gained one field, and the Board did not want any children to suffer because we were taking away a field. He noted that we have met with all the athletic organizations over a period of a couple of years and they are okay with what we were doing. He noted that everyone bought into it and it involved the athletic groups, Dauphin County and the Township. He noted that he never in this world thought that there would be any problems with what occurred out there. He noted that obviously with vibrations or noise or the earthmoving, he honestly never thought, he noted that a lot of times we have groups and we have hearings especially, but he never thought, and he was sure that all of us would think the same way, we would certainly, although maybe not required by law, in retrospect we probably should have had a community meeting. He noted that we have sold the land to Dauphin County and construction has started so where do we go from here and what do we do to help the situation. He noted that he does not know if we can go back now. He questioned what we can do in the future to alleviate some of the concerns and the problems. He noted that is the question, where do we go. He thanked all the people for their excellent thoughts and he appreciates it, he wanted to hear it, and he apologized personally that we did not somehow foresee this kind of problem. He noted that we didn't because we already had ballfields there and we weren't losing any fields as we gained other ones and we already drastically had a need to expand the public works facility. He noted that he did not see any problems with this but there are, so maybe he learned a lot.

Mr. Greg Hare, 5902 Pine Hollow noted that the young lady in the Pokka dots is his spouse. He noted that based upon Mr. Seeds comments it sounds like you are not going to consider halting the project. He noted that there is nothing you can do to halt the project. Mr.

Seeds noted that he does not know personally, but Mr. Wolfe and our solicitor who could not be here since we are meeting on Monday due to Election Day, we do this all the time. Mr. Hare noted if things were not followed correctly. Mr. Seeds noted that he is sure there weren't any intentional violations of any laws. Mr. Hare responded that we do not know that, but in any case do you, or does anyone on the Board know if there is a place that a citizen who does not have financial means, to get a law firm to find out if the County and Lower Paxton Township operated ethically and followed procedures correctly. He noted that he can't afford to hire a law firm to research it. He noted that it seems to him that it should be very easy to lay out the paperwork, here is the minutes, here's the votes, here's the rules and regulations. He noted that those who deal with it every day should hand it to us and say guess what we are screwed. He noted that they can do what they are doing.

Mr. Seeds noted that the Board pays the solicitor and it is his job to tell us that we are doing everything okay. He noted if we are not we want him to tell us. Mr. Hare questioned who the citizens can contact at the Dauphin County level to make sure they followed the correct procedures. He noted that we are looking for help as citizens and some of us have been here 25 plus years if not 30. He noted if you can't answer that question, he understands. Mr. Seeds answered that he does not know.

Mr. Hare noted from what his wife researched, and we haven't slept together for the last three weeks as she has been up on the computer all night. He noted that he should not have said that and he apologized. He noted that it doesn't pass the smell test in his opinion and against the residents recommendation, he contact Ms. St. Hilaire from Channel 27 figuring that she would have resources at the Lower Paxton Township level and at the County level that they may respect her inquiries because her investigation on the Borough of Steelton water plant impressed him. He noted that he went to her as he does not have the financial means to get an attorney.

Mr. Seeds noted from a personal standpoint, he has never done anything to deceive anybody and had he known this; the problem is we have gone this far now... Mr. Hare noted that there is still no building. Mr. Seeds noted that to his knowledge we have never done anything that is against the law. Mr. Hare noted that he apologized and he thanked the Board for its time.

Ms. Sandra Stoner, 1516 Pine Hollow Road noted if the zoning code says it is zoned R-1, which Mr. Wolfe agrees now, that is correct and the code says for any governmental official to build a building in a R-1 zone, they need to get a special exception that means the County has to have a special exception before they can build. She noted the question is did the Zoning Hearing Board hold a hearing and grant the special exception. Mr. Hornung answered no. Ms. Stoner noted that they don't have the right to build here and unless you can show some way around that the law, they are not exempt from the zoning law. She noted that we are asking you, at least for the DJ project, to stop the building because it is not okay. Mr. Seeds noted that Mr. Wolfe had explained that already because he could answer that better because of the County and the State. Ms. Stoner noted that they are not exempt from zoning ordinances as it is a totally different thing. He noted what he talked about has nothing to do with the zoning ordinance and the County is not exempt, as your zoning code is specific and it prevails. She noted if the Zoning Hearing Board did not give them a special exception to build a building there then they don't have the right to do it. She noted if you allow that project to go forward, you are joining in them in violating the zoning code. She noted that it is that simple so at least to that you should stop it until that is resolved.

Mr. Hornung noted that our attorney feels differently. He noted that he investigated it and he does not agree with it. Ms. Stone questioned if he is saying that the County is exempt from the zoning ordinances. Mr. Hornung noted that he is not sure what he said, but I am telling you that

the procedures that we followed were in accordance with what he believes to be the law. He noted that he knows very little about legal issues, but he knows that he said that it is okay. Ms. Stoner questioned if we would have to get an injunction to stop this that is where she wants to go with this. Mr. Hornung suggested you would have to do that.

Ms. Crissman noted that is why we have asked to have these questions be reduced to writing. He noted if we are to work together it is easy to come in and just have discussions and it goes on and on. He noted if a specific question is asked the Township can then respond. He noted by counsel and not one of us sitting her saying, I think this is accurate. He noted that I think does not count in a court of law and that is why the chairman has asked for your help because we have had eight or nine speakers. He noted that some are overlapping and he understands that as well, but if they could be reduce to the specific questions taken from each one then the Township has the responsibility to respond so that your questions are clearly identified and the Township's position is clearly identified. He noted if there are issues as a result of the questions and the response, then it needs to be resolved as opposed to people saying, I think or I heard. He noted that does not gain any benefit for you or for the municipality.

Ms. Stoner questioned who the questions should be addressed to. She noted that the questions have already been sent to Mr. Wolfe and he said no. Mr. Crissman noted if the questions are different than the questions that have been raised, you can address them to the Board of Supervisors using this address. He noted that the questions will be distributed to the proper person for a proper response such as legal counsel as that is who the Board pays to provide those services since the taxpayers, and he as a taxpayer, are paying the solicitor for legal opinions who's area of expertise is municipal law.

Ms. Hare noted when she submitted the Right-to-Know request she was told that the Township solicitor had concluded that the government entity of the higher level government is

not governed to the lower level government's guidelines or regulations. She noted that she asked for that opinion and was told that they did not have to provide it because of attorney-client privilege. Mr. Hawk noted that is correct. Ms. Hare questioned how we will get a response and answer. She noted if you are telling me that there was a conclusion that the County was exempt from this ordinance, but you can't provide me with documentation to show me that they are exempt as a result of client/attorney privilege, how we are going to get that response. She noted that is the only comment she had to make and the Supervisors should have this since they were cc'd and it is documented.

Mr. Don Haschert noted that he is seriously concerned about the vibrations and damage to the property that is going on whenever that medium size roller hits a certain area and a certain combination of the stars and moon and dirt and everything else lines up, these houses shake and there is damage to the house. He questioned who he takes that to. He questioned if he has to get a lawyer and sue the Township for it. He questioned what his process is. Mr. Hawk noted that he heard a comment for vibrations at least once and we will get an answer. Mr. Haschert questioned by tomorrow or before the vibrations start again. He noted that he wants someone to come out and measure when this is going on because when it is done and finished and the grass is growing it is too late as the damage is done. He noted that there is no plan, no time frame and nothing. He noted that he is asking for consideration and all this other stuff is a little bit longer term but tomorrow morning when the vibrations start... He noted that he can't call Mr. Kline or Mr. Wolfe.

Mr. Hornung noted that Mr. Wolfe stated that the next vibrations won't be for a while. Mr. Crissman noted that he does not want to quote Mr. Wolfe as it is exactly what he just said earlier, he does not want to say that this is his opinion, but he believes that the Township is planning to do something about having an independent company that the Township will pay to

have the sounds recorded. He noted that this was shared with some of the residents. The residents noted that they were told that it would happen this week.

Mr. Wolfe noted that he discussed this early today in the meeting that he held with the residents where it was said that the vibration study would occur when the next series of vibrations or compaction will occur. He noted that it will be in two to three weeks after the retaining walls are constructed and as part of the backfilling for the retaining walls. He noted at this time there is no significant vibrations on site for compaction, that work has been completed for the fill and the next series of vibrations as discussed earlier this evening will occur when and after the retaining walls are in place. He noted then the geo-sonic firm will be in place to do specific testing.

Mr. Haschert questioned what about the current damage that has occurred to his house; what do I do with that. He noted that his drywall has been cracked.

Mr. Hawk noted that we can't provide a specific answer until they do the testing.

Mr. Hornung noted that he is not here to provide legal advice, noting if we provide an answer we are giving legal advice and it is typical that the Township has immunity to certain things and most of the time you have to go after the contractor himself. He stated that he does not know if that is factual and he is not a lawyer. He noted that typically that is what has to happen as well.

Mr. Haschert noted that he contacted the excavator and was told to go to the Township. Mr. Hornung noted that this question would be up to an attorney to determine the answer and that is why it is difficult as no one wants to provide an answer since we are not lawyers and we should not be giving legal advice.

Mr. Haschert noted that the Board has the ability to stop the project. Mr. Hornung answered that he does not know if we do.

Mr. Hawk thanked all those who came to the meeting and stated that he will get the answers to the people as quickly as the Board can.

Board Members Comments

No Board member comments were provided.

Manager's Report

Mr. Wolfe had nothing to report.

NEW BUSINESS

Action on an agreement with the Township Authority to replace the private sewer at the Township's property addressed as 5589 Walnut Street

Mr. Wolfe noted that the Township's sewer building on Walnut Street is in a sanitary sewer mini-basin project which will be undertaken in Paxtonia. He noted as part of the sanitary sewer mini-basin program, property owners in that area are being asked to sign an agreement with the Lower Paxton Township Authority that provides for the replacement of their building sewer and lateral. He noted that this is an agreement of the Township to the Township Authority and is necessary in that it is actually the Authority doing the work, not the Township. He noted that it will be done under a contract managed by the Authority and it is necessary for the Township to sign the Lower Paxton Township Authority sanitary sewer agreement to provide for the replacement of sewer and lateral for the Walnut Street building.

Ms. Lindsey questioned what is in that building. Mr. Wolfe answered that it is used for storage for the Authority and Public Works.

Mr. Crissman made a motion to approve the agreement with the Township Authority to replace the private sewer at the Township's property addressed as 5589 Walnut Street. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Improvement Guarantees

Mr. Hawk noted that there was five Improvement Guarantees and two Stormwater Guarantees.

Longhorn Steakhouse

A change in a financial institution for a bond with Westchester Fire Insurance Company, in the amount of \$4,895.00 with an expiration date of September 1, 2016.

Charleston Riding

An extension of a letter of credit with Susquehanna Bank, in the amount of \$72,721.00 with an expiration date of November 2, 2016.

Wilshire Estates, Phase I

An extension and 10% increase in a letter of credit with Jonestown Bank and Trust Co., in the amount of \$332,733.36 with an expiration date of November 2, 2016.

Kendale Oaks, Phase IV

An extension and 10% increase in a letter of credit with Integrity Bank, in the amount of \$1,318,885.20 with an expiration date of November 2, 2016.

Spring Creek Hollows, Phase 1A

A reduction in a letter of credit with Peoples Bank, in the amount of \$2,572.31 with an expiration date of July 7, 2016.

Stormsewer Guarantees

6539 Windmere Road – Myers, Drew E. and Brandy L.

A new escrow with Lower Paxton Township, in the amount of \$5,000.00 with an expiration date of November 2, 2016.

1078 Twin Lakes Drive – Jeremy Shyk

A new escrow with Lower Paxton Township, in the amount of \$5,000.00 with an expiration date of November 2, 2016.

Mr. Crissman made a motion to approve the five improvement guarantees and two stormsewer guarantees. Mr. Hornung 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, Purchase Cards for Lower Paxton Township and the Lower Paxton Township Authority, and Payroll checks. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Announcement

Mr. Hawk reminded everyone in the viewing audience that tomorrow is Election Day.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting, and the meeting adjourned at 8:23 p. m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

William L. Hornung
Township Secretary