

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held July 6, 2010

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

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; and Watson Fisher and Ted Robertson, SWAN.

Pledge of Allegiance

Mr. Seeds led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Blain made a motion to approve the minutes of the June 1, 2010 and June 15, 2010 business meetings, and June 8, 2010 workshop meeting as presented. Mr. Seeds seconded the motion, and a unanimous vote followed.

Public Comment

Tara Mead, 201 Knollwood Drive, explained that she is speaking on behalf of her family and the Stray Winds Area Neighbors Association (SWAN) with regard to efforts to upgrade the current Township Noise Ordinance. She noted that she would like to provide some of the background for the proposed noise ordinance. She noted that she believes that the ordinance is essential to protect all Township residents, and that SWAN would welcome input and dialogue

on this issue at its next meeting to be held at the Epiphany Lutheran Church located on 1100 Colonial Road on July 19, 2010 at 7 p.m.

Ms. Mead noted that two members of SWAN, as well as their families, have had to deal with the disrespectful and inconsiderate actions of their neighbors for their right to privacy and peace in their homes. She noted that her horrible situation began March of 2008. She noted for those who believe that changes are not needed, imagine what it would be like to come home each day wondering if you would have a peaceable evening or one filled with noise, made up of excessive screaming and yelling, revving of a car engine, or music loud enough to be heard in your bedroom or your children's bedrooms. She noted that she has called the police, time and time again, only to find out that their hands were tied, and that they could not do anything to help her. She explained that you would know what it is like if you have heard a boom car while stopped at a traffic light, with a loud muffler and loud stereo with amplified base. She requested the public to imagine what it would be like to live next door to someone who feels it is their right to infringe on your family's right to privacy so they can be as loud and disruptive as they want. She noted that her family did not ask for this, and that she respects other people's privacy and all she wants is the same in return.

Ms. Mead explained that due to the inaction of this situation, she had to hire an attorney and only then did she get some relief. She noted that Public Safety Director (PSD) David Johnson took her concern seriously and after looking at her family's 30 plus page noise log and documentation from another SWAN member, he clearly saw that something needed to be done to protect all residents from loud noises. She noted that he has worked diligently to come up with an ordinance that would protect a resident's right to privacy in his or her home as well as provide the police more enforcement power. She noted that this effort will not change anything for the

general public unless you are consistently violating the noise ordinance that is currently in place. She noted if police visits are a regular occurrence to your home, then you would have cause to be concerned. She noted that it is not about the police acting like the Gestapo, patrolling neighborhoods, and waiting outside to write a citation if you are having an outside party or barbecue, or if you are mowing your lawn. She noted that the ordinance is forward thinking, and is not going to be abused by the Township. She noted that it provides the police officers the enforcement teeth they do not currently have, and it was modeled on Susquehanna Township's ordinance. She noted if as a resident you feel the proposed ordinance is troublesome, you should contact Chief Martin of the Susquehanna Township Police Department. She noted that he has told her that it is a good ordinance as it protects the residents and ensures their rights to peace, rest, and quiet in their home, and it provides the police with the tools to protect those rights.

Ms. Mead explained that many towns across the nation have enacted a noise ordinance to curb such disturbances including one to curb the boom cars in which studies have shown have resulted in significant hearing loss and an increase in stress and blood pressure in all levels from babies to the elderly. She noted that Derry Township and Cumberland Township in Adams County have enacted a noise ordinance, and Gettysburg is working to enact one as well. She noted that instead of reading the incorrect bias and misguided prose from The Paxton Herald she suggested that the residents review the draft ordinance under consideration. She noted that the draft is not written in stone, and she believes that Township staff is willing to listen to concerns from residents and there may be some areas where revisions will be needed, but she urged the residents to take a close look at the proposed ordinance.

Mr. Hawk questioned when the SWAN meeting would be held. Ms. Mead answered that the meeting would be held on Monday, July 19 at 7 p.m.

John Trish, 600 Prince Street, requested the Township to do something about all the dead animals that can be found in the Township. He noted for roughly two weeks, a dead skunk has been in the middle of Lancer Street. He noted if it had been near his home, he would have cleaned it up. He noted that there is a rabbit near his home that is deteriorating in the heat. He noted that the Township has trucks, shovels, and a dumpster and he questioned why staff drives by the dead animals and does not pick them up. He noted that in the area that he walks his dogs, there are over 20 dead animals. He noted that he would be surprised if the Township did not get a call about the dead skunk.

Mr. Seeds questioned if the employees picks up the animals when a complaint is called in. Mr. Wolfe answered that he did not know what the policy was for dead animals but he would look into it. He noted that the Township does not receive many complaints about dead animals, however, he would find out what the policy is. Mr. Seeds noted that he has seen a lot of dead animals on the state roads, but not on the Township roads. Mr. Trish noted that he picks up the dead animals that are located in front of his house.

Chairman & Board Members' Comments

No comments were presented by Board members.

Manager's Report

Mr. Wolfe explained that the Annual Report describes the financial and administrative activities of the Township for the 2009 fiscal year. The preparation of the Annual Report is a requirement of the Township Manager, as set forth in Chapter 23, Section 23-6. B. (9) of the Codified Ordinances of Lower Paxton. The following is a summary of the 2009 Annual Report

- The Township is a dynamic community, with a population estimate of over 47,000 residents in its 28 square miles.
- In 2009, annual operating, enterprise, capital, and fiduciary fund budgets totaled \$60 million.
- These budgets funded police, fire, and emergency medical services; public works; community development; sanitary sewer; parks and recreation; employee pension plans; and capital projects.
- The Township employed 146 full-time and nearly 400 part-time and seasonal workers.
- It maintained over 190 miles of local roads, 250 miles of sanitary sewers, 320 acres of parkland.
- The Township contracted or franchised refuse collection and cable television.

Administration

- In 2009, the Board of Supervisors and staff worked to meet the financial impacts posed by the national economic crisis.
- The municipal workforce has been reduced to 136 full-time employees from a 2009 budgeted compliment of 146 and a 2007 high of 152.

Finance Department

- The General Fund budget for 2009 was \$19,153,859.
- Actual General Fund revenues were \$16,899,845 and expenditures were \$18,693,433, producing deficit of (\$1,793,589).
- For operations-only expenditures, the Township ended the 2009 fiscal year with a deficit of (\$858,589).
- Transfers from the 2009 General Fund totaled \$935,000 to fund capital projects in the General Improvement Fund.
- As a result of the national recession, the Township experienced revenue shortfalls in several significant sources of municipal funds. Nearly all Community Development Department revenue line items were under budget as construction and land development came to a virtual halt. The Health Department experienced a collapse of markets for recyclables, producing less than budgeted income in the Township's revenue sharing contract with Penn Waste. Earned Income Tax, Local Services Tax, and Real Estate Transfer Tax receipts were all less than budgeted. Income from interest earnings was almost nonexistent. Without mid-year budget adjustments, the Township could have been faced with further depletion of its reserve funds and/or an increase in its Real Estate Tax rate (a 2010 increase was avoided).

Community Development

- Building construction, subdivision and land development, were significantly below past experience.
- New single-family housing starts were an indicator of the severity of the recession, with only 51 occurring in 2009. The ten-year average prior to 2009 was 181 new single-family housing starts per year.

- The Supervisors and the Planning Commission continued work on a new subdivision and land development ordinance (SALDO).

Health Department

- Managed the collection contract with Waste Management, providing service to approximately 14,000 residential customers. Waste Management collects solid waste, recyclables, and leaf waste.
- Managed the contract with Penn Waste for the sale of recyclables.
- Provided for monitoring, metering, and testing at the closed municipal landfill.
- Performed SEO functions.

Parks and Recreation Department

- Managed 320 acres of municipal parkland, including 4 regional parks (Brightbill, Kohl/Lingle, Koons, and George) and several neighborhood parks.
- Provided 752 programs, activities, and events to 16,267 participants.
- Coordinated 30 sports organizations, with more than 5,000 participants using park facilities.
- Opened the Happy Tails Dog Park.
- Completed construction of Thomas B. George, Jr. Park.

Friendship Center

- A 62,000 square foot, indoor facility that provides educational, health, recreational, and social opportunities to our community.
- Houses the Parks and Recreation Department, the Friendship Senior Center, and a PinnacleHealth physical therapy center.
- Memberships at the Friendship Center totaled 2,205, representing more than 5,000 individuals, and 657 programs were held at the Center serving 8,566.

Police Department

- The approved compliment of police officers was reduced from 62 to 57.
- Prepared for the conversion of personnel to work 12-hour shifts.
- The Department investigated 1,206 Part I criminal offenses and achieved a 54% clearance rate.
- The Department investigated 1,633 Part II criminal offenses and a 69% clearance rate was achieved.
- The Department investigated 566 traffic accidents, issued 5,449 traffic citations and 13,370 written warnings. The Department conducted 1,539 selective traffic enforcement details.
- The Department maintains a Citizen's Police Academy, Rapid Response Team, School Resource Officer program (SROs), Community Service Officer (CSOs) detail, Warrant Officer, Fire Officer, and Honor Guard.

- Members of the Department serve on the Dauphin County Drug Task Force and the Dauphin County Crisis Response Team. The Police Department has partnered with the Dauphin County Victim/Witness Program to provide program services from the Municipal Center.

Fire Departments

- The Township's three volunteer fire companies, Linglestown, Paxtonia, and Colonial Park, responded to 796 incidents within our municipality during 2009.

Public Works Department

- Maintained 194 miles of road; 150 acres of parkland; 35 signalized intersections; over 4,500 street signs; over 100 vehicles operated by all Township Departments.
- Maintained the Township's storm sewer system.
- Performed winter maintenance on most state routes within the Township.
- Maintained the Township's compost facility.

Sewer Department

- The sanitary sewer system owned by the Lower Paxton Township Authority (LPTA) is comprised of 250 miles of sanitary sewer lines, 6 pumping stations, and a package treatment plant.
- The Authority is under the direct control of the Board of Supervisors. Through a management agreement, the Township's Sewer Department provides for the day-to-day operation of the sanitary sewer system.
- The Department continued Township-wide efforts to remove or treat infiltration and inflow from the sanitary sewer system.

The following contracts were under management during 2009:

- Earl Drive Interceptor rehabilitation contract was completed in the 3rd third quarter of 2008, with punch list items completed in the 2nd quarter of 2009.
- Trunk A Sewer contract was completed in December, 3008, with punch list items completed in the 2nd quarter of 2009.
- Asylum Run A project design began in 2008. A contract was awarded to Abbonizio Contractors, Inc. in the amount of \$3,395,775 in 11/09.
- Mini Basin PC 4B-6C was designed and bid, with an award to Michael F. Ronca in the amount of \$7,243,700. Construction is slated to begin February 2010.
- Mini Basin PC 3B and BC 1A was designed, with a bid award to Rogel, Inc. Construction in the amount of \$1,792,535 is slated to begin February 2010.
- Linglestown Road Pump Station contracts were awarded in November, 2009. A contract was awarded to PSI Pumping Solutions for \$249,870 and to Robert P. Lepley Electrical Contractors for \$64,262.

Conclusion

Lower Paxton Township is a full-service municipal government. In providing services, the Board of Supervisors relies upon input from Township citizens to address the needs of our community. The Annual Report details, by area of operation, Lower Paxton Township's 2009 activities and accomplishments.

Mr. Hawk thanked Mr. Wolfe for the comprehensive report, and noted that that the Board worked hard to be diligent in its spending. He wanted to thank Mr. Wolfe and his staff for their hard work in saving money and cutting costs. He noted that many projects are now done in-house by both the Public Works and Sewer Departments. He noted that the three volunteer fire companies are maintaining coverage for the Township but are struggling to attract more volunteers to maintain the current service level. He noted that the Township has provided a Length of Service Awards Program (LOSAP) for the volunteers, to provide a nominal form of retirement to encourage volunteerism and to maintain the current volunteers. He noted that bond issues were taken advantage of this year using very good interest rates, and staff is very much involved in applying for grants for the Township. He noted that this is the result of staff and Board members working together to provide the best services to the residents in spite of the current loss of jobs, and decrease in housing starts and earned income tax receipts. He noted that much of the credit goes to staff who has stepped up to the plate to provide the best services at the best cost to the residents.

Mr. Seeds noted that he is very proud of the three fire company's volunteers and explained that he attended the fireworks held at Koons Park last night. He noted that he walked around to thank the volunteers and also the volunteers from adjoining fire companies who assisted with crowd control. He noted that there was a huge amount of people present at the fireworks, and he wanted to thank staff noting that the Board tries to do a good job. He wanted to thank all the volunteers who serve the Township as firefighters, serve on committees and boards

and also those who help with the athletic groups. He noted that the people had a good time at fireworks.

NEW BUSINESS

Change Order No. 4 for the PC4B/6C sanitary sewer improvement contract with Michael F. Ronca and Sons for replacement of a stormwater system in Raspberry Alley

Mr. Wolfe explained that Change Order No. 4 provides additional compensation to the contractor, Michael F. Ronca and Sons, for replacement work on a stormwater system located in Raspberry Alley. He noted that the storm sewer pipe from the Otto property on the eastern side of the alley, crossing North Mountain Road and following Raspberry Alley past the Mack property to the Archibald property has collapsed. He noted that it was made up of terra cotta pipe that is full of stone, and carries relatively no water at this time. He explained when Mr. Mack spoke to the Board during a recent Public Hearing held to accept Raspberry Alley as a Township Alley, he noted that he had problems with stormwater on his property and this is why.

Mr. Wolfe explained that Ronca provided a change order in accordance with the PC 4B/6C contract pricing to replace the storm sewer in the amount of \$33,440. He noted that the change order has been reviewed by Mr. Robbins and found to be acceptable. He explained that the pricing for the labor and pipe are in accordance with the bid contract, and it is staff's recommendation that the Board authorize this change order so the work can be performed as soon as possible.

Mr. Wolfe explained that there is an option not to accept the proposal and put the work out to bid but it would cause a delay to the project of at least 60 to 90 days. Mr. Hawk noted that it would hold up the entire project for the sewer work. Mr. Seeds questioned if the work has been done. Mr. Wolfe answered no.

Mr. Seeds questioned if the project could be paid with the grant funds or sanitary sewer funds. Mr. Wolfe answered that it is an eligible grant expense, and it would be more appropriate for county grant reimbursement.

Mr. Seeds suggested that this would help Mr. Mack with his stormwater issues. Mr. Hawk noted that it should abate those issues. Mr. Seeds noted that the water would flow into the wetlands off of the alley.

Mr. Blain made a motion to approve Change Order No. 4 to Michael F. Ronca and Sons, for the PC-45/6C sanitary sewer contract for the replacement of storm sewer pipe in Raspberry Alley in the amount of \$33,440. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote and a unanimous voted followed.

Resolution 10-17; authorizing the submission of a grant application to PA DCNR requesting funds for Phase 2 of Friendship Center energy conservation

Resolution 10-18; authorizing the submission of a grant application to PA DCNR requesting funds for Wolfersberger/Koons Park planning

Mr. Hawk explained that the next two resolutions authorize the submittal of two grants to PA DCNR for funding for Phase 2 of the Friendship Center energy conservation, and the Wolfersberger/Koons Park planning.

Mr. Wolfe explained that Mr. Luetchford provided the Board members with a summary of the grant applications during a recent workshop session. He noted that Resolution 2010-17 would authorize additional insulation and HVAC improvements at the Friendship Center to decrease overall energy costs, and Resolution 2010-18 would authorize funds to develop a comprehensive look at the northeast quadrant of the Township for recreational purposes in light of the potential development of Wolfersberger Park and the current Koons Park. He noted that the two locations are within a short walking distance of each other, and that Mr. Luetchford

pointed out that the two parks should be designed to maximize both facilities. He noted that it is staff's request to authorize the submission of both grant applications.

Mr. Blain made a motion to adopt Resolution 2010-17 authorizing a grant application for additional insulation and HVAC improvements at the Friendship Center, and Resolution 2010-18 authorizing a grant application to develop a comprehensive plan for recreational purposes for the of Wolfersberger Park and the current Koons Park. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Final Subdivision plan for Chelsey Falls, Phase II

Mr. Wolfe explained that Phase II involves approximately 14.52 acres of land located south of Goose Valley Road. The tract is zoned R-1, Low Density Residential District, FP, Flood Plain Conservation District and SS, Steep Slope Conservation District. Phase II is comprised of nineteen (19) single family dwelling lots and they will be served by public sewer and public water.

Mr. Wolfe noted on March 14, 2007 the Planning Commission recommended approval of the plan subject to addressing the review comments.

Mr. Wolfe noted on April 6, 2010 the Board of Supervisors tabled the plan until the applicant could provide an agreement for the driveway, between property owners using the driveway, as well as the developer outlining the responsibility for paving and maintenance. A copy of the agreement has been provided in the packet. He noted that Mr. Stine is able to speak to that agreement.

Mr. Wolfe noted that the following waivers were granted with the preliminary plan: 1) Waiver of the requirement that the minimum centerline horizontal curve radii of a minor street to be 275 feet, and 2) Waiver of the requirement which requires a low flow channel and under drain

to be provided in detention basins from each point of inflow to the outlet facility. He noted that an additional waiver has been requested by the developer: 3) Waiver of the requirement for driveway intersection separation distance and driveway slope in regard to the private driveway agreement requested by the Board of Supervisors. He noted that there are additional site specific conditions and comments: 1) Modify the phasing schedule dates; 2) All conditions of the preliminary plan shall be complied with; 3) Plan approval shall be subject to providing original seals and signatures on the plan; 4) Plan approval shall be subject to the payment of the engineering review fees; 5) Plan approval shall be subject to the review and approval of sanitary sewer construction drawings by Lower Paxton Township Authority; 6) Plan approval shall be subject to planning module approval; 7) Final plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 8) Final plan approval shall be subject to the payment of fee-in-lieu for nineteen (19) lots at \$1,500.00 per lot; 9) Plan approval shall be subject to addressing the ten (10) comments of HRG, Inc. memo dated March 29, 2010; 11) A street/storm sewer construction permit is required and to be obtained prior to earthmoving activities. A pre-construction meeting is to be held prior to starting the project. Contact Matt Miller at 657-5615 to schedule the meeting. This may be held in conjunction with the Conservation District meeting; and 12) All signage must meet the requirements of the Lower Paxton Township Zoning Ordinance. He noted that the plan is complete for approval tonight.

Mr. Seeds noted that two of the waivers were approved as part of the preliminary plan so there is only one additional waiver to be approved.

Mr. Stine explained that the Township required an agreement between Mr. Gaiski and the builder with regard to a driveway that will access private residences, noting that it must be paved

at least 50 feet so the stones are not transported onto a paved street. He noted that a maintenance agreement was necessary since more than one party would be using the driveway. He noted that an agreement has been signed for the paving and maintenance of the driveway. Mr. Seeds questioned Mr. Stine if he was comfortable with the agreement. Mr. Stine answered that he was fine with what the agreement proposes. Mr. Seeds noted that the agreement states that it is pending completion of a contract for the other utilities. He questioned if they would be completed. Mr. Stine stated that he assumed they would be completed. He noted that the utility issue is not the Township's issue. Mr. Stine noted if they do not do what is in the agreement then an enforcement action could be taken by the Township since it is an ordinance requirement to have the driveway paved. Mr. Seeds explained when the plan came to the Board back in April it was mentioned that it could be grandfathered and that is why it was tabled to provide time for an agreement between the land owners and the developer. Mr. Seeds questioned if the agreement was okay. Mr. Stine answered that it was okay, noting that the people who drafted the agreement are not lawyers. Mr. Seeds noted if Mr. Stine is comfortable with the agreement... Mr. Stine noted that he is not sure that the Township would get anything much better than what they have written down unless they have someone else draft another agreement.

Mr. Hawk noted that Mr. Seeds could turn the discussion into a motion. Mr. Seeds stated that he did not want to do that. He questioned if anyone else had a question. Mr. Hawk questioned if any Board members had any additional questions since Mr. Stine is comfortable with the agreement presented to the Township, and the parties seem to be fine with the agreement. Mr. Seeds noted that there have been problems with this development in the past.

Mr. Hornung made a motion to accept the final subdivision plan for Chelsey Falls, Phase II with the following waivers and conditions: 1) Waiver of the requirement that the minimum

centerline horizontal curve radii of a minor street to be 275 feet; 2) Waiver of the requirement which requires a low flow channel and under drain to be provided in detention basins from each point of inflow to the outlet facility; 3) Waiver of the requirement for driveway intersection separation distance and driveway slope; 4) Modify the phasing schedule dates; 5) All conditions of the preliminary plan shall be complied with; 6) Plan approval shall be subject to providing original seals and signatures on the plan; 7) Plan approval shall be subject to the payment of the engineering review fees; 8) Plan approval shall be subject to the review and approval of sanitary sewer construction drawings by Lower Paxton Township Authority; 9) Plan approval shall be subject to planning module approval; 10) Final plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 11) Final plan approval shall be subject to the payment of fee-in-lieu for nineteen (19) lots at \$1,500.00 per lot; 12) Plan approval shall be subject to addressing the ten (10) comments of HRG, Inc. memo dated March 29, 2010; 13) A street/storm sewer construction permit is required and to be obtained prior to earthmoving activities. A pre-construction meeting is to be held prior to starting the project. Contact Matt Miller at 657-5615 to schedule the meeting. This may be held in conjunction with the Conservation District meeting; and 14) All signage must meet the requirements of the Lower Paxton Township Zoning Ordinance. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were four Improvement Guarantees.

Mindy Meadows, Phase II

An extension and 10% increase in a bond with Eastern Atlantic Insurance Company, in the amount of \$775,973.00, with an expiration date of July 6, 2011.

Hawthorne Suites

An extension and 10% increase in a letter of credit with M & T Bank, in the amount of \$119,053.78, with an expiration date of July 6, 2011.

Stratford Woods, Phase III

A release in an escrow with Lower Paxton Township, in the amount of \$11,147.13.

Sir Thomas Court, Lot 5-D, New Medical Office

A reduction in a letter of credit with Fulton Bank, in the amount of \$360.00, with an expiration date of September 22, 2010.

Mr. Hornung questioned why the concrete sidewalk for Sir Thomas Court is a very small amount. Mr. Wolfe noted that it is a very small amount, and it could be because they are waiting for a utility to be installed. He noted that he had a concern that it would be completed. Mr. Wolfe noted that normally a developer would not want the Township to act on an Improvement Guarantee as it would look bad for them.

Mr. Blain made a motion to approve the four listed Improvement Guarantees. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote, and a unanimous voice vote followed.

Payment of Bills

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

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Seeds seconded the motion, and the meeting adjourned at 8:19 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary