

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held August 3, 2010

A 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., William L. Hornung, Gary A. Crissman, and David B. Blain.

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

**Pledge of Allegiance**

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

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes of the July 20, 2010 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

**Public Comment**

No public comment was provided.

**Chairman & Board Members' Comments**

No comments were presented by Board members.

**Manager's Report**

Mr. Wolfe noted, prior to this meeting, the Board of Supervisors were in attendance at the National Night Out for Public Safety event held at the Thomas B. George Jr. Park located off of

Nyes Road. He explained that this was the first year the Township has conducted the event at George Park. He suggested to the viewing audience, if you are sitting at home, watching the meeting, and it ends early, a quick trip to George Park would be worth while. He noted that the event includes a tent filled with exhibitors from community service providers, a live band providing entertainment, and food and drinks are available. He explained that the Police Department, Colonial Park, Paxtonia, and Linglestown Fire Companies, South Central EMS, and other public safety service providers are in attendance. He thanked all those who are participating in the event, noting that it would not be a success without the support of the citizens.

### **OLD BUSINESS**

#### Ordinance 10-03; Accepting Raspberry Alley, east of North Mountain Road in the Village of Linglestown as a public right-of-way

Mr. Wolfe noted that this is the third alley in the Village of Linglestown that will become a public right-of-way, if the Board chooses to adopt the ordinance. He noted that the first was Blackberry Alley between Blue Mountain Parkway and North Mountain Road, in the northwest quadrant; the second alley was Raspberry Alley in the southwest quadrant from North Mountain Road west 700 feet. He noted that this ordinance includes Raspberry Alley, east from North Mountain Road to Balthaser Street, the southeast quadrant. He explained that this alley abuts Koons Park and other private properties.

Mr. Wolfe explained that upon acceptance of this alley, all three alleys will be paved by the Township. He noted that some storm sewer and sanitary sewer improvements have been made to these alleys. He stated that the ordinance is complete for Board action, as it has been advertised for a public hearing, and it would be appropriate to conduct the hearing at this time.

Mr. Hawk requested Mr. Stine to conduct the public hearing.

Mr. Stine noted that this is the time and date set for the Public Hearing on Ordinance 2010-03, the acceptance of Raspberry Alley, east of North Mountain Road, in the Village of Linglestown as a public right-of-way. He questioned if anyone in the audience wished to be heard on Ordinance 2010-03. He noted that seeing no response, it would be appropriate at this time to close the public hearing on Ordinance 2010-03.

Mr. Seeds noted that he was told that speed tables will be installed when the alley is paved. He noted that he has received complaints regarding the excessive speed of vehicles in the alley, and with the ongoing sewer construction, it is very dusty. He requested drivers to drive through the alleys as if they lived there. He noted that he does not see much of a difference between what will occur and what has occurred in the past with the alley as the Township has maintained the alley in the past. He noted that it will be an improvement to the alley with the addition of the speed tables.

Mr. Seeds made a motion to adopt Ordinance 2010-03, accepting Raspberry Alley as a public right-of-way from North Mountain Road to Balthaser Street. Mr. Crissman seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

### **NEW BUSINESS**

#### Action on bids for tree removal services in the PC 1A/1C sanitary sewer mini-basin

Mr. Wolfe explained that the Board members have been provided a memorandum by Mr. Wetzel in regards to the bid process. Mr. Wolfe noted that the bids for tree removal services were open on July 29, 2010. He explained that tree removal precedes sanitary sewer mini-basin replacement work, and noted that the Shade Tree Commission reviewed the trees in question and determined which trees should be removed.

Mr. Wolfe noted that the low bid for tree removal was from ProMark Landscaping, Inc., in the amount of \$28,875.00. He explained that ProMark Landscaping Inc., and the second lowest bidder, Ritchie's Tree Service did not provide and return all bidding documents with their bid submissions. He noted that this is a requirement of the bidding process. Mr. Hawk questioned if it was an oversight on the part of the two companies. Mr. Wolfe noted that it is staff's opinion that it was an oversight and staff requests the Board to consider waiving the requirement, noting that the appropriate documents would be submitted at the time the contract is signed. He noted that staff recommends awarding the bid to the low bidder, ProMark Landscaping, Inc., in the amount of \$28,875.00, conditioned upon executing a contract that includes the required bidding documents as part of that package.

Mr. Wolfe asked Mr. Stine to speak to the issue. Mr. Stine suggested that it was an oversight by the bidder, noting that the bidder did submit with the bid package, a form agreement that was signed and included the specifications that he would have otherwise attached. He noted that the bidder did not gain any competitive advantage by not including those items with his bid. He explained that he does not see that there would be an issue with waiving the requirement that the bid documents be submitted at the time the contract is signed.

Mr. Crissman questioned, if the Board waives the requirement, does the Board need to take additional action so it is recorded in the minutes. Mr. Stine suggested that the Board would award the bid excusing the bidder from the requirement that the documents be enclosed, with the condition that the bidder executes a signed agreement which includes the specifications.

Mr. Crissman made a motion to award the bid to ProMark Landscaping Inc., in the amount of \$28,875 for tree cutting, stump and root grinding in the PC-1A/1C Mini-Basin, to include the waiving of the requirement to post the bid documents, noting that the forms would be

part of the signed agreement. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Mr. Seeds noted that he wanted to thank the members of the Shade Tree Commission for the work they do for the Township and Sewer Authority in the assistance of determining what trees should be removed or kept as part of a project. He noted that they also assist in the planting of new trees in the Township. He noted that members of the Shade Tree Commission were also present at the National Night Out event.

Action on bids for road paving and storm sewer replacement work

Mr. Wolfe noted that this is the bid to do the work for the Township's 2010 paving and storm sewer replacement projects. He explained that the low bid was provided by Rogele Inc., in the amount of \$869,000, and the work to be performed includes the following: paving and storm sewer work for Rosewall Court, Toftree Drive, Highland Circle, Irene Drive, Huntfield Development, Continental Drive, and Timber Line Court, and paving for Raspberry and Blackberry Alleys. He noted that funding for this work would come from the General Fund, Sewer Fund, and grant funds from the Dauphin County Local Share Grant. He requested Mr. Steve Fleming, Township Engineer, to summarize the bids at this time.

Mr. Steve Fleming, HRG, Inc., explained that the projects to be completed this year are located at various sites throughout the Township, and it was thought since the Township has multiple projects it would be advantageous to bid all the projects as one contract. He explained that there are deadlines for each individual project, and by setting contract milestones he hopes to have all the projects completed by the end of the year.

Mr. Hawk noted that Mr. Fleming's letter dated July 28, 2010 recommends that the bid be awarded to Rogele, Inc. in the amount of \$869,000. Mr. Seeds noted in the first paragraph in

that letter, Mr. Fleming had an incorrect date of April 14, 1993. Mr. Fleming noted that it should be corrected to July 28, 2010.

Mr. Seeds noted when Raspberry Lane was accepted as a public right-of-way, it was noted that speed tables would be installed. He questioned if the bid included speed tables to be installed in the alleys at a certain distance. Mr. Wolfe answered that the speed tables have not been designed for the alleys, but there are sufficient funds to install them.

Mr. Seeds questioned when the work will begin. Mr. Fleming answered that he is unable to dictate when the contractor will start working but there is a milestone for the paving as it must be completed by October 15, 2010.

Mr. Crissman questioned how the amount of \$869,000 compares with the budget numbers. Mr. Wolfe answered that the bid compares favorably, however, it is a little over the amount, but the project is okay. He noted that the Dauphin County Local Share Grant pays for the paving for Blackberry and Raspberry Alleys, and the Sewer Authority is responsible for Irene Drive. Mr. Seeds suggested that less than a third of the projects would be funded by Township funds. Mr. Wolfe explained that it would be closer to 60% coming from the General Fund's paving and storm sewer line items.

Mr. Hornung questioned how much money was received from the grant to pave the alleys. Mr. Wolfe answered that it was \$250,000. He noted that some storm sewer work has been completed in the alley, and the grant will pay for the asphalt for the alleys. He explained that it would not include satellite parking; however it would include the Pennzsuppress product that has been used to control the dust. He noted if the funds are not used, they must be returned to Dauphin County.

Mr. Crissman made a motion to approve the bid for road paving and storm sewer replacement to Rogele, Inc., in the amount of \$869,000, subject to receiving an acceptable Performance and Payment bonds. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Mr. Hornung noted that no date has been set to start the paving in the alleys in Linglestown, but he wanted to be assured that there will be some control on their work in light of the ongoing road construction on Linglestown Road. Mr. Fleming explained that there is a coordination requirement that was discussed at the pre-bid meeting, noting that the contractor must coordinate their work with the contractor working the Linglestown Road project to ensure that there are no traffic conflicts. Mr. Wolfe noted that the conflicts that had occurred in the past were due to a second contractor doing work when he was told not to do it. He noted that Rogele, Inc. has been doing sanitary sewer work in that area and they are well aware of what is going on and the issues with road construction.

Resolution 10-22; accepting the Municipal Winter Traffic  
Services Agreement with PENNDOT

Mr. Hawk noted that this is an annual agreement that the Township has with PENNDOT to plow and apply anti-skid materials for certain State roads in the Township.

Mr. Wolfe noted that the agreement must be accepted annually by resolution. He explained that the Traffic Services Agreement with PENNDOT is for the following roads: Rutherford Road, Locust Lane, Colonial Road, Union Deposit Road, Nyes Road, Blue Ridge Avenue, and Mountain Road. He noted that the maintenance is for anti-skid materials and the plowing of snow. He explained that PENNDOT paid the Township \$23,940 for this past year, and they included some additional funding due to the extreme winter conditions. He noted the 2010/2011 agreement has been increase slightly to \$24,539. He noted that it is staff's

recommendation that although the payment from PENNDOT does not cover the costs for services, it is certainly better for the citizens of the community that the Township maintains these roads as they are primary roads for the Township. He noted that the Township plows must drive over these roads to get to the Township neighborhoods.

Mr. Hornung noted, for some reason the citizens think the Township gets a large amount of money to plow the State roads, but the reality is that it never covers the cost to do the plowing. Mr. Wolfe explained, for the Township to maintain a total of 17 miles of State Roads which are the widest and most heavily traveled routes in the community, for a winter season, the funds received do not come close to the Township's costs for winter maintenance.

Mr. Seeds noted that the Township does received Liquid Fuel funds from the State. Mr. Wolfe noted that those funds are based upon the Township roads, not the State roads, and it is usually in the amount of \$1 million. Mr. Hornung questioned how many miles of roadway the Township is responsible for. Mr. Wolfe answered that it is close to 290 miles of municipal roadways. He noted that the Township filed two disaster declarations this past winter and was able to apply for federal disaster relief, and received approximately \$85,000 in funds. He noted that it covered 70% to 80% of the funds that were applied for in the application.

Mr. Hawk noted that \$1 million sounds like a lot of money, but overall, from the State's perspective, the percentage of money collected is down from the previous years. Mr. Wolfe noted that the Liquid Fuels allocation has been decreasing over the past few years.

Mr. Crissman made a motion to accept Resolution 2010-22 accepting the Municipal Winter Traffic Service Agreement with PENNDOT. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 10-23; authorizing the acquisition of road right-of-way  
from property identified as 4300 Meadowcrest Road

Mr. Wolfe noted that this resolution has been placed on the agenda to provide for the road right-of-way acquisition for improvements as part of the Stray Winds Farm Development. He noted that Mr. Stine can answer any questions the Board members may have for this resolution.

Mr. Stine explained that this is the last easement needed to complete the McIntosh and Colonial Road project. He noted that it is only a temporary construction easement.

Mr. Crissman made a motion to approve Resolution 2010-23; authorizing the acquisition of road right-of-way from property identified as 4300 Meadowcrest Road. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 10-24; authorizing the submission of a Local Share Grant application  
to Dauphin County by the Colonial Park Fire Company

Mr. Wolfe explained that this resolution is a request from the Colonial Park Fire Company to submit a Local Share Grant application to Dauphin County. He noted that the Fire Company is requesting \$289,989.11 for its building construction project to include the following: epoxy floor coating of the engine bay, station furniture, building security improvements, replacement of antiquated computer equipment, a station alerting and associating equipment, and geo-thermo heating for the engine bay. He noted for this grant to be processed by Dauphin County it must have an authorization by the Board of Supervisors.

Mr. Seeds questioned if the Colonial Park Fire Company must piggyback on an adjoining Township. Mr. Wolfe answered yes. He noted that the Fire Company has more work to do on this grant application. Mr. Seeds noted that they are seeking the approval of the Township to move ahead with this grant application.

Mr. Crissman made a motion to adopt Resolution 2010-24; authorizing the submission of a Local Share Grant application to Dauphin County by the Colonial Park Fire Company. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

### **IMPROVEMENT GUARANTEES**

Mr. Hawk noted that there were five Improvement Guarantees.

#### Victoria Abbey at Forest Hills, Phase 2

An extension and 10% increase in a bond with INSCO/DICO Group, in the amount of \$138,704.35, with an expiration date of August 3, 2011.

#### Wilshire Estates, Phase 1

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$370,150.00, with an expiration date of August 3, 2011.

#### Dauphin County Library System

A reduction in a Pledge of Tax Revenue, in the amount of \$2,904.00, with an expiration date of June 15, 2011.

#### Maiden Creek

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$75,618.10, with an expiration date of August 3, 2011.

#### Sunnyhill Farms - North

An extension and 10% increase in a letter of credit with Mid Penn Bank, in the amount of \$6,844.67, with an expiration date of August 3, 2011.

Mr. Seed suggested that the expiration date for the Sunnyhill Farms North guarantee only be extended for six months. He noted that Ms. Moran checked with Mr. Leo earlier today and he

was fine with the six month extension. Mr. Hawk noted that the new date would be February 3, 2011.

Mr. Hawk noted that there seems to be many requests for extensions this year. Mr. Wolfe explained, without a housing market in the community, the builders are not moving forward with public improvements; therefore they are extending the improvement guarantees. He suggested that it may be a trend for a few more years. Mr. Seeds noted that he spoke to Ms. Moran about the Victoria Abbey extension as there has been no action on the plan since September 2004, and she told him that it is due to the lack of sales in the housing market. Mr. Wolfe noted that the Commonwealth has recognized this issue and extended the approval period for governmental permits for development activities for three years until 2014.

Mr. Crissman made a motion to approve the five listed Improvement Guarantees with the noted change of expiration date for the Sunnyhill Farms North Improvement Guarantee. Mr. Blain 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. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

### **Announcements**

Mr. Hawk reminded the viewing audience that National Night Out is still ongoing this evening at the Thomas B. George Jr. Park until dusk.

## **Adjournment**

There being no further business, Mr. Crissman made a motion to adjourn the meeting.

Mr. Blain seconded the motion, and the meeting adjourned at 8:02 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

Gary A. Crissman  
Township Secretary