

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held September 21, 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; and Watson Fisher and Ted Robertson, SWAN.

Pledge of Allegiance

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

Approval of Minutes

Mr. Crissman made a motion to approve the minutes of the August 10, 2010 workshop minutes. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

No comments were presented by the public.

Chairman & Board Members' Comments

No comments were presented.

Manager's Report

Mr. Wolfe explained that he had no items to present at this time.

OLD BUSINESS

Resolution 10-26; authorizing condemnation of a storm sewer easement through property owned by Michael J. Pinci and addressed as 6267 Linglestown Road

Mr. Wolfe noted that the Board members reviewed this agenda item during its September 14th workshop session with Mr. Robbins, who explained, at that time, the need for the storm sewer easement. He noted that the purpose of the project is to take water away from existing properties that are part of a street collection system and a Clearwater Collection System for the sanitary sewer system and route the water to Linglestown Road. He noted that several residents were in attendance at the meeting that spoke in favor of the Township undertaking this project. He noted that this would provide the Township the authority to acquire, and if necessary, by way of condemnation, of the storm sewer easement through the affected properties.

Mr. Crissman made a motion to approve Resolution 10-26, authorizing condemnation of a storm sewer easement through property owned by Michael J. Pinci and addressed as 6267 Linglestown Road. Mr. Blain seconded the motion.

Mr. Michael J. Pinci, 6267 Linglestown Road, explained that the easement is for 10.5% of his property which is 6,000 square feet, and he noted that there is a historic spring located on the property. He noted that it is the first historic spring outside of the colonies from 1718, and the easement engulfs that spring. He noted that he does not want the Township easement to be encapsulated into that and take away his historic spring. He noted that he can prove that the spring is on the said premises and that it was founded by Hanna and Joseph Berryhill in 1718. He noted that this historic significance means a lot to him and his family. He explained if the Township has an easement in that area, he cannot have beneficial enjoyment of that spring.

Mr. Pinci explained that he loves history and the Lord has given him this wonderful historic property and it is not for the Township to take the property from him by way of an easement that would prevent him from having the ability to draw water out of the historic spring, and someday sell water if he wanted to. He noted that there is a lot of historic value associated with the spring and there are 23 “first’s” to the property. He noted that four churches were formed on this property; the Presbyterian, Lutheran, Reformed Movement, and Episcopalian Churches were formed on said premises, along with Fort Berryhill. He noted that it was a stage coach stop where all the Conestoga wagons, stage coaches, and chuck wagons would stop to distribute the water, and this spring provided water to Fort Hunter. He noted that it was the first distribution of water to Fort Hunter. He noted that it is a very historic piece of property and he does not want to lose it. He noted that the easement is in the location of the spring. He noted that he could not accept the proposals presented to him last month based upon the historic location of the easement.

Mr. Seeds noted that this is the first that he ever heard of this. Mr. Pinci noted that he has spoken to the Board at several meetings. Mr. Seeds answered, “Not to me”. Mr. Pinci said yes, and that Mr. Seeds responded to him at that time that he was very grateful for the history lesson. Mr. Crissman noted that this is the first that he ever heard of this. Mr. Pinci noted that his wife’s church was founded on his property. Mr. Seeds noted that he did not remember Mr. Pinci ever coming to a meeting. Mr. Pinci noted that he has attended meetings and was thanked by Mr. Seeds for the history lesson.

Mr. Blain questioned why, when the Township Sewer Authority and Public Works Department had tried to discuss this easement with Mr. Pinci, he never responded back to them. He questioned why Mr. Pinci did not present this information to them last month when they were

in discussions with him. Mr. Pinci stated that he did, but no one seems to care about history, only about easements. Mr. Blain noted that he is a history buff himself and he wouldn't say that he doesn't care about history. He noted that he is trying to understand why he did not communicate this to the Sewer Authority or the Public Works Directors in a more meaningful manner. He noted that the Board did not have any of this information. Mr. Pinci stated that he did show the information to them but they don't have any respect for it. He noted that he has been to the Historical Society meetings, and have spoken to Lutheran Church members, Presbyterian Church, and the Township's Historical Society, but no one seems to care about history, only him.

Mr. Crissman noted that this is the first time that he has heard this, and he questioned in addition to identifying this historical spring, what Mr. Pinci has done or is currently doing to preserve this historical site. Mr. Pinci answered that he has hired a history major from Penn State; adding that, "he's got my book in progress now". He has also talked to several teachers, and has attended other historical meetings. Mr. Crissman questioned if this has occurred with the last five or ten years, and wanted to know what Mr. Pinci has done to preserve the site. He noted that he has been a long-time resident in the Township and he does not know about this historical significance. Mr. Pinci noted that after you tell someone so many times, he wanted to write it down in a book, he explained that you get so wearing of trying to explain and show everyone, that after he talks to people for hours, it gives him a headache, and he gets tired of it because nobody cares. Mr. Crissman noted that this is the first that he has heard of this.

Mr. Blain suggested Mr. Pinci be careful of his comments stating that the Board does not care, as it does care. Mr. Pinci noted if the Board cared, would it want to run water on his property and flood this historic property. Mr. Blain noted that Mr. Pinci never disclosed this information to the Board members, and he noted that Mr. Pinci never spoke to him about this.

He noted that he can't speak for the other Board members but he has the feeling that the majority of the members did not know about this. He explained that we can debate the fact that you told someone or you didn't but it is not going to get to where we need to get to for this discussion. He noted if this issue is that important to Mr. Pinci, he questioned why he did not bring this to the Board's attention. Mr. Blain noted that even if it makes Mr. Pinci as weary as he says that it does, he still should have taken the time to talk to the Board of Supervisors about this because it is important, and he should have realized that he should have done this before the Board met and not seconds before the Board made a motion to condemn or take easements from his property. He questioned why he did not call the Township about this or contact Mr. Wolfe about this. Mr. Pinci questioned Mr. Wolfe if he was going to say that he never heard of the historical value to this property. Mr. Wolfe answered that he never heard of any historical value to the property. Mr. Hawk suggested that the discussion is going around in circles. (Mr. Hawk hit the gavel.) He requested Mr. Pinci to let him finish his statement as he was kind enough to let Mr. Pinci have his say. He noted that he has never heard of the historic value to this property, noting all he has ever heard is that Mr. Pinci was continually opposed to allowing an easement through his property. He noted that the reason for the easement is due to the tremendous problem that is occurring in the neighborhood and it has to be abated in a sufficient manner. He noted that he appreciates the value of history, but he is not sure what impact it would have. He noted that there are two problems: one, Mr. Pinci would like to preserve the integrity of his property; second, the Township has a water issue that needs to be corrected.

Mr. Pinci noted that running the water to the street at Route 39 won't work, noting that he has pipes that lead to the street from his basement and if the street in that area of Route 39 floods, allowing the way... Mr. Hawk questioned if Mr. Pinci has a water issue as a result of the water

condition. Mr. Pinci noted whether or not it is from surface or underground water is an expert question. He noted that there have been law suits before, mentioning the historic value. Mr. Hawk questioned if the easement and corrective action would ease the water problem in Mr. Pinci's basement. Mr. Pinci answered that no expert can answer that.

Ms. Jean Pinci, wife of Mr. Pinci, noted that she has experienced a water problem for 23 years, noting that she has a letter from Mr. Wolfe that the Township won't do anything, and now, all of a sudden, the Township wants to do something. She questioned how she would know if will be proper for her, and not just for the people who live behind their home. She noted that the Township will be putting the water to a street where they have a pipe that drains from their basement that can't hold the capacity now. She noted that there is a shutoff valve and when it does rain, she has to shut the valve from her basement. She noted that it has been an ongoing problem since she moved there. She noted that there is a trench that Mr. Robbins stated that he would not fill in after all this was corrected.

Mr. Blain noted that he is miffed about this situation. Ms. Pinci noted that she has been miffed for 23 years. Mr. Blain explained that the Township has been trying to discuss this issue with Mr. and Mrs. Pinci, and now they are telling him that this is a historical item.... Ms. Pinci questioned how long the Township has discussed this issue, noting that she only heard from Mr. Robbins last month when he proposed the plan. She noted that there are no stakes locating the easement, noting that they just came to her and stated that they want to put an easement on their property. She noted that she was told by Mr. Robbins that they would have to maintain it. Mr. Hornung noted that easements do not mean that the Township owns the land; rather it provides the Township the right to go through the property, but the Pinci's would continue to own the land. Ms. Pinci noted that the Township wants to install an 18 inch pipe on her land, noting that

she has grandchildren. Mr. Hornung noted that it would be covered up; he noted that it would not be an open 18 inch pipe. Ms. Pinci questioned how the water would come out of the pipe. Mr. Hornung noted that there would be a grate at the end of the pipe. He noted that the interest is in correcting the problem, rather than dumping the water in the yards, by placing the water into the storm sewer located on Route 39.

Mr. Pinci noted for 23 years the problem has been eroding their property, noting that when the trench was first dug by the Township, it was a foot deep, but now it is four to five feet deep and now the Township wants to put in the easement and allow the damage to stay there. Mr. Hawk noted that the trench would not remain five feet deep. Ms. Pinci noted that Mr. Robbins stated that the trench would remain, and that he would not help them to fill it in or anything. Mr. Hawk noted that he could not speak to that. He questioned if they were willing to sacrifice other families for the preservation of the history of their land. Mr. Pinci responded that it was Mr. Hawk's history as well. Ms. Pinci noted that she tried to have something done and the State blamed the Township, and she noted that they just have to deal with it. She noted that now the Township is telling her that the neighbors are having a problem but it wasn't okay when we had a problem.

Mr. Hornung noted that it was never okay, and that is what the Board has heard. He noted that there are a lot of allegations going on and the bottom line is the Township is going to fix the problem, noting that the Township can sit and work with the Pinci's, trying to come up with a solution that would be more amenable to them, but the bottom line is the Township needs to fix the problem. He noted that this information is new to all the Board members and he suggested that Mr. Robbins should search to find if there is a way to circumvent the Pinci spring, but the bottom line is that the Township is going to transfer the water from where it is coming out now,

over to Route 39. He noted that it is a matter of working with the Pinci's to come up with a solution that would meet their needs and everyone's needs.

Ms. Pinci noted that she only sees where two pipes are being connected, but there is actually a third drain. Mr. Horning questioned if the Township knows about that drain. Ms. Crissman noted that it would be extremely helpful if the Pinci's could provide the documentation for the historic value of that spring, especially since the Township has a problem that it needs to resolve. Mr. Pinci noted that he has the documentation. Mr. Crissman noted that it appears that there is a need for more discussion on this matter, and the Pinci's need to provide additional information to the Township as the Township needs to move forward to resolve this problem.

Mr. Blain noted that the Pinci's needs to be willing participants in trying to help the Township resolve the problem, He noted, the bottom line is as Mr. Horning stated, that the Township is going to fix the problem. He noted that you can't just walk away from it saying that it hasn't been fixed in the past and nothing is going to happen. He noted that something is going to happen and if the Pinci's want it to happen in the way they want it to happen, they need to be willing participants. Ms. Pinci noted that there are some issues with this since Mr. Robbins stated that the Township would leave the trench in its location which is unacceptable to them. She noted that they think the trench should be filled in to become a mowable piece of ground.

Mr. Hawk noted if the Board would pass the resolution at this meeting, the work would not start tomorrow. He noted that the Board has always been a listening board and he would be willing to have the Pinci's come to a workshop session to discuss their concerns, but he noted that it is a big problem that must be fixed. Mr. Crissman noted that the Board needs to set a timetable for the Pinci's to discuss this issue with staff in order to come back to the Board with a resolution. He noted that both sides need to be actively working on this issue. Mr. Pinci noted

that it is no problem. Mr. Crissman questioned Mr. Wolfe when the next opportunity would be to discuss this issue. Mr. Wolfe suggested that it should be on the workshop agenda for October.

Mr. Crissman noted that he would withdraw his motion for approval of the resolution. Mr. Blain noted that he would withdraw his second to the motion. Mr. Hawk noted that this will be an agenda item for the October 12th workshop meeting. Mr. Hornung noted that it would be helpful if Mr. Robbins was in attendance at the workshop meeting. Mr. Seeds requested Mr. Pinci to provide documentation for the historic value for his property. Mr. Pinci answered that he would do that.

NEW BUSINESS

Resolution 10-27; accepting the 2010 MMO's for the police and non-uniformed employee pension plans

Mr. Wolfe noted that the Board must take action to accept the Minimum Municipal Obligation (MMO) for the budget for the pension plans before the end of September. He noted that it is a requirement of State Act 205, and the Board has the ability to amend this action from now until it adopts its budget for 2011. He noted that the Board has done that in the past.

Mr. Wolfe explained that the Township's actuary has prepared the MMO for the police and non-uniformed pension plans and he has done so in two fashions. He noted that is due to the Township's pension plans qualifying for a distressed level one, noting that they are not fully funded plans, with some level of distress. He explained, as a result of a new State law that took effect last year, there are three levels of distress, the least offensive being level one. He explained when a municipality reaches a level of distress, there are mechanisms to use to budget and pay for pension benefits including the annual smoothing of pension liabilities over a significant period of time to reduce the MMO's for budget purposes.

Mr. Wolfe explained that the police MMO for 2011 has been prepared in two fashions. He noted that the first is the normal benefit that produces an obligation to the plan of \$584,813, and it includes employee pension contributions to the plan in the amount of five percent of compensation. He noted that the smoothing method produces an MMO of \$512,754, a reduction of \$60,000 as a result of State Act 44. He noted that both methods including employee contributions.

Mr. Wolfe explained the non-uniformed employee pension plan has a smoothing MMO of \$436,034, however, without the smoothing process; the MMO would be \$478,621, noting that the non-uniformed pension plan has employee contributions as well. He noted that this is the first year the Township has introduced employee contributions to the police pension plan.

Mr. Wolfe explained that the total MMO for all plans for 2011, using staff recommendation of the smoothing process in accordance with PA Act 44, is \$948,788. He noted that is what the Township has to pay out of its general fund. He noted that it is an increase of \$110,000 over what the Township paid in 2010, noting that last year's MMO was \$836,106. He noted that with the addition of employee contributions and the smoothing process, it is staff's recommendation to adopt the MMO for both pension plans in the amount of \$948,788.

Mr. Crissman made a motion to approve Resolution 2010-27, accepting the 2010 MMO's for the police and non-uniformed employee pension plans with the smoothing of both plans, for a Township contribution of \$948,788. 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.

Action on proposals to provide the Township and Authority
with property and liability insurances

Mr. Hawk noted that the Township requested proposals to provide property and liability insurance for the Township and the Authority and only one submittal was received. He noted that that proposal was from Brown and Brown, the current insurance carrier to the Township for quite a few years.

Mr. Wolfe explained that Brown and Brown has marketed the Township's coverages and come up with a package for the 2010/2011 insurance year in the amount of \$109,081, noting that last year's cost for coverage was \$102,826. He noted that there has been minor increases in individual items, noting that staff believes that the Brown and Brown proposal provides the same level of coverage that the Township has been accustomed to with no real increase in cost other than inflation. He noted that the proposal for the Authority for the 2010/2011 year is \$26,567 which is slightly less than last year's coverage at \$27,326. He noted, in most instances, the Township is staying with the same carrier, but there have been some minor changes. He noted that the Township's coverage for errors and omissions will change based upon pricing.

Mr. Wolfe noted that Brown and Brown also provided the Board with information in regard to an option to increase insurance coverage in an umbrella package. He noted that the premium quote to increase the public official's liability from \$1 million to \$3 million is \$25,163 with a total increase in cost of about \$20,000, noting that the current \$1 million coverage costs \$5,000.

Mr. Wolfe noted, in the past, the Board members have received this proposal but have chosen not to act upon the increase; however Brown and Brown recommend that the Township consider the extra coverage.

Mr. Wolfe noted that this item is complete for Board action this evening. He noted that the Board members need to determine if they are comfortable with the current umbrella coverage or if they desire to increase that coverage. Mr. Hawk noted that the Board has not increased the coverage in the past five years. Mr. Seeds noted that this is only for the umbrella, but the omissions and errors remains the same. Mr. Wolfe answered yes. He noted if the increase from the \$1million to \$3 million was chosen, it would increase the premium from \$5,200 to \$25,000. Mr. Wolfe noted that Brown and Brown recommend that the Board do this. Mr. Wolfe noted that the Board has chosen in the past not to do this. He noted as a governmental entity, the Township is immune from a large number of civil actions. Mr. Seeds noted that he was questioning why it was costing that amount of money. Mr. Hawk noted that he was not convinced that it was necessary to increase the coverage, and suggested that it remain at the \$1million coverage. Mr. Seeds questioned if it is a different carrier. Mr. Wolfe explained that Brown and Brown is the agent. Mr. Seeds noted that the overall coverage has an increase of \$6,000. Mr. Wolfe noted that is true if the coverage remains as is. He suggested that the insurance rates for the past few years have been pretty level. Mr. Blain noted that the insurance premiums came down significantly last year since the market was soft for this type of coverage. He suggested that the fee came down roughly \$25,000 to \$35,000. He noted that it is going up \$6,000. Mr. Seeds noted that the Township did not receive any other quotes, and that the new insurance year for coverage starts October 1st. Mr. Wolfe noted that other agents have looked at the Township's current prices and found that they were unable to compete with those prices. Mr. Hawk suggested that the umbrella coverage remain at \$1million. Mr. Blain noted that he is fine with that.

Mr. Crissman made a motion to accept the proposal from Brown and Brown to provide the Township and Authority with property and liability insurances using the lower quote for

errors and omissions. 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.

Action on recommendation from the Audit Committee in regard to
Proposals to perform the annual audit of the Township and Authority

Mr. Hawk noted that this item has been removed from the agenda.

Change Orders 1 and 2 for the energy improvement contract with A. P. Williams, Inc.
for improvements to the Friendship Center and the Public Works Building

Mr. Wolfe explained that he is requesting the Board disapprove Change Order One as it was a price proposal to increase the level of insulation to be applied in the project. He noted that staff agreed that it was too expensive to do. He noted that Change Order Two is to add a small number of lights in the Public Works Building and delete additional wiring that was originally contemplated in the project for a net change order of \$1,049.

Mr. Hornung questioned if the savings did not justify the expense for the additional insulation. Mr. Wolfe answered that the savings may have justified the expense, but the Township does not have the money to do this, as it was over the grant amount from the Energy Efficient Conservation Block Grant funds, and there is no other source of funds to do this work. Mr. Hornung questioned if the rate of return was that good, would it be a good idea to have the Township pay the difference. Mr. Wolfe noted that this was never programmed as a Township project, and if the decision was made to use Township funds, insulation would have been installed in the natatorium, before doing anything else. He noted that under the terms of the grant, the Township was not allowed to install insulation in a wet space. He suggested that it would be better suited to install insulation in the natatorium instead of additional insulation at the Public Works Building.

Mr. Seeds questioned if this could be done at a later date. Mr. Wolfe answered that it could be done any time. He noted that the mobilization for the spray insulation material is minimal, but the set up for the area that they do is significant. He suggested that the Board would be impressed when it views the insulation that was sprayed in the Public Works Building and in the Friendship Center fitness center and gymnasium on the Road Tour. He noted that the Board will also be impressed with the lighting in the Public Works Building.

Mr. Seeds questioned if Change Order Two can be done while the Friendship Center is open. Mr. Wolfe answered that Change Order Two is for the Public Works Building. He noted that Change Order One is for additional thickness of insulation that is over and above available funds. Mr. Wolfe noted that the work would have to be done next August during the shutdown week. Mr. Seeds suggested that the Friendship Center Operating Board could discuss the necessity of the savings in regards to the costs. Mr. Wolfe explained that he was told that you can always add to the insulation.

Mr. Crissman made a motion to deny Change Order One for the Lower Paxton Energy Improvement Project and approve Change Order Two for additional lighting in the Public Works Building in the amount of \$1,049.00. 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.

Preliminary/final subdivision plan for Lot 141,
the Estates of Forest Hills, Phase 7

Mr. Wolfe noted that the purpose of this plan is to subdivide Lot 141 equally, combining proposed Lot 141A to existing Lot 139 (2438 Kensington Way) and combining Proposed Lot 141B to existing Lot 142 (2442 Kensington Way). Proposed Lot 139 will contain 5.82 acres and proposed Lot 142 will contain 3.66 acres. The total tract area is 9.4817 acres. The properties are

located on Kensington Way in Forest Hills and are zoned R-1 Low Density Residential District. The proposed lots are currently served by private wells and public sewers. The plan is a simple lot line adjustment and no public or private improvements are proposed as part of this plan.

Mr. Wolfe noted on August 11, 2010 the Planning Commission recommended approval of the plan and four waiver requests: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to provide a stormwater management plan; 3) Waiver of the requirement to provide an erosion and sedimentation control plan; and 4) Waiver of the requirement to provide two (2) permanent concrete monuments. He noted that no construction is planned at this time, and staff is in agreement with the four requested waivers.

Mr. Wolfe explained that the three general conditions include: 1) Plan approval shall be subject to providing original seals and signatures; 2) Plan approval shall be subject to the payment of engineering review fees; and 3) Plan approval shall be subject to addressing the eight comments of HRG's memo dated September 15, 2010. He noted that HRG, Inc. comment number four in regards to a waiver for the requirement to provide proper elevation contours for the project was not support by the Township Engineer. He noted that this item has already been addressed and is no longer applicable.

Mr. Wolfe noted that Jeff Staub, Dauphin Engineering Co., is present to represent the plan.

Mr. Crissman questioned if Mr. Staub was in agreement with staff comments for waiver 2, for the requirement for a stormwater management plan. He noted that staff was in agreement with the waiver provided that future development would not exceed the impervious coverage considered in the original subdivision plan. Mr. Staub noted that it would not happen since the change eliminates a building lot.

Mr. Crissman noted that staff supports waiver 3 for the requirement to submit an erosion and sediment control plan, as long as there is no development proposed on this lot. Mr. Staub noted that there would be none.

Mr. Crissman questioned Mr. Staub if he was in agreement with HRG, Inc.'s comments dated September 15, 2010, especially comment 4, noting that this waiver request has been satisfied. Mr. Staub explained that he would add them to the drawings.

Mr. Crissman made a motion to approve the preliminary and final subdivision plan for the Estates of Forest Hills, Phase 7, Lot 141 with the following waivers, staff comments, and conditions: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to provide a stormwater management plan (Staff supports this provided that future development will not exceed the impervious coverage considered in the original subdivision plan); 3) Waiver of the requirement to provide an erosion and sedimentation control plan (Staff supports this provided there is no development proposed on this lot); 4) Waiver of the requirement to provide two (2) permanent concrete monuments; 5) Plan approval shall be subject to providing original seals and signatures; 6) Plan approval shall be subject to the payment of engineering review fees; and 7) Plan approval shall be subject to addressing the eight comments of HRG's memo dated September 15, 2010. Mr. Crissman questioned if comment number 4 needs to be recorded that it has been satisfied. Mr. Wolfe suggested that given the questioning of Mr. Crissman, the record would reflect that the item has been satisfied.

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 was one Improvement Guarantee.

Bern6, LLC

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$9,307.32, with an expiration date of September 21, 2011.

Mr. Seeds noted that many of these items could be done before the next year. He noted that the fifth comment notes that the applicant has requested relief from this plan requirement for the screen plantings per the plan. Mr. Hornung questioned what they are requesting relief from. Mr. Seeds suggested that it must be the planting of trees. Mr. Hornung noted that this is a good time of the year to plant trees. Mr. Seeds noted that the applicant does not want to plant what was agreed upon in the plan. Mr. Hornung noted that this plan has been ongoing for five years with most of the same improvements remaining, and he suggested that the owner should be called on their remaining improvements. Mr. Seeds noted that he would not want to provide another year to complete this work. Mr. Hornung noted that the Township pays an engineer to inspect the premises and write a response letter, and this has been going on for five years. Mr. Wolfe noted that the property owner does pay for the improvement guarantee inspection. He noted every year the Township increases the cost of the security by 10% as required by the Municipalities Planning Code. He noted that he does not know why this has gone on for so long. Mr. Hawk noted that these improvements have been pending since 2005. Mr. Hornung noted that he does not want to approve the Improvement Guarantee. Mr. Seeds suggested that the time could be shortened. Mr. Hornung questioned when the Improvement Guarantee expires. Mr. Wolfe suggested that it expires December 21, 2010. Mr. Hornung noted that is plenty of time to complete the \$9,000 worth of work, and if they can't do that within a month, shame on them.

Mr. Wolfe noted that the improvement guarantee was established on December 21st and they normally run for one year. Mr. Stine questioned when this would expire. Mr. Wolfe explained that the agreement would expire, but the guarantee would not expire. Mr. Stine suggested that it might expire. He noted that it was last increased October 6, 2009, and he would assume that it may expire on October 6th of this year. Mr. Blain suggested that you could provide the owner 90 days to finish the work. Mr. Hornung noted that 90 days is fine with him. Mr. Hawk noted that it would be 90 days from today's date. Mr. Hornung noted if they do not finish the work within that time, the Township could call on that letter of credit. Mr. Stine answered that was correct.

Mr. Hornung made a motion to approve the Bern6, LLC Improvement Guarantee with a new expiration date of December 6, 2010, in the amount of \$9,307.32. Mr. Crissman 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.

Adjournment

There being no further business, Mr. Crissman made a motion to recess the meeting to Room 174 to discuss the solar farm in a workshop session. Mr. Blain seconded the motion, and the meeting recessed at 8:30 p.m.

After conducting a workshop session in Room 174, Mr. Crissman made a motion to reconvene the business meeting. Mr. Blain seconded the motion. Mr. Crissman made a motion to adjourn the business meeting. Mr. Blain seconded the motion, and the meeting adjourned at 9:20 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary