

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held October 19, 2010

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:32 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. Seeds led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes of the September 21, 2010 business and 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 the Trick or Treat Night for Halloween will occur on Thursday, October 28th from 6 p.m. to 8 p.m. He requested that parents dress their children in reflective

costumes and that they carry flashlights. He noted that residents who participate in the Trick or Treat event will have their porch lights on and he requested that children not approach homes that do not have their porch lights on. He asked that residents observe the 8 p.m. completion time for visiting homes.

Mr. Wolfe noted that the Board of Supervisors will meet on Monday, November 1st, instead of November 2nd as it is Election Day. He explained that the Board always reschedules its meeting on Election Day to afford Board members and residents unfettered access to the election polls.

Mr. Wolfe noted that the fall vacuum leaf collection service will begin the first week of November. He noted that the pick up schedule is posted on the Township's website, and that directions for raking leaves are also posted on the website.

OLD BUSINESS

Resolution 10-29; approving the mission statement, goals, and objectives of the Public Safety Committee

Mr. Wolfe explained that the Board of Supervisors formed the Public Safety Committee in 1996 and it has evolved over time. He noted that the Board tasked the Committee to develop its own mission statement, goals and objectives and this resolution is a result of their efforts. He noted that the Committee has made the following recommendation for a mission statement: The mission of the Lower Paxton Township Public Safety Committee is to advise the Board of Supervisors in the administration of public safety services in Lower Paxton Township. He noted that the goals and objectives are to: 1) Review and make recommendations regarding the Township's Fire Equipment Capital Plan and operating budgets for all fire and Emergency Management Service (EMS) organizations; 2) Review subdivision and land development plans

and provides comments to the Board of Supervisors regarding public safety concerns. Areas of review include access to public water, fire hydrant locations, the ability of emergency vehicles to access sites, and other items important to police, fire and emergency medical personnel; 3) Review requests for waivers of building code requirements related to public safety and issue recommendations to the Board of Supervisors. (Mr. Wolfe noted that the Committee only has the ability to make recommendations but not to act on waivers as that function is conducted through the Capital Region Council of Government.); 4) Review cases in which the fire companies cannot reach agreement on Call Box Assignments and recommend a resolution to the Board of Supervisors. (Mr. Wolfe noted that one of the reasons why the Committee was formed was to provide a forum for the fire companies to engage in communications on non fire emergency activities. He noted that there was a need for a means by which the three fire companies would discuss and agree on assignment or call boxes.); 5) Review and approve assignment of primary response territories for fire and emergency medical associations; and 6) Review and make recommendations regarding other public safety issues pertinent to the Township.

Mr. Wolfe explained that this resolution is complete and ready for Board action this evening.

Mr. Crissman made a motion to approve Resolution 2010-29, approving the mission statement and goals and objectives of the Public Safety Committee as presented by Mr. Wolfe. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

NEW BUSINESS

Change Order No. 1 to the contract with Rogele for paving and storm sewer rehabilitation

Mr. Wolfe noted that the change order amount of \$82,435.00 is extreme and is funded by Sewer Authority funds as related to sanitary sewer roadwork repairs or the Dauphin County Local Share Gaming grant for alley improvements in Linglestown. He explained that a miscommunication between himself and Mr. Robbins resulted in the omission of Raspberry Alley in the paving bid. He noted that it was an oversight on staff's part and the change order to including the alley will be done at the original bid prices for each lineal foot, by Rogele, as the lowest responsible bidder. He noted that there are additional improvements for the Irene Drive road reconstruction work as a result of sanitary sewer construction. He noted that Mr. Robbins provided a detailed explanation of the work needed to be done, and the last item is the cost to raise the sewer manholes for the Huntfield Road development where the roads are being paved.

Mr. Wolfe noted that it is staff's and engineer's recommendation to approve the change order.

Mr. Hawk noted that some of the funds would come from the Sewer Authority, Dauphin County grant funds, and Township General Improvement Fund. Mr. Wolfe noted that the change order is for additional work that was not included in the bid process. He noted that it is not for correcting work that has already been done or changes to work that is currently being performed.

Mr. Crissman questioned what would determine where the funds would come from to pay for the items listed in the change order. Mr. Wolfe noted that the grant money would pay for the Raspberry Alley paving and all other costs would come from the Sewer Authority.

Mr. Seeds noted that the Township received a grant from Dauphin County to pave the alleys in Linglestown for \$250,000, but he questioned if drainage work was also included in the

project. Mr. Wolfe noted that other work has been done. Mr. Seeds noted that the change order to pave Raspberry Alley is less than \$44,000 and he questioned if that was just for paving. Mr. Wolfe answered that it was just for paving Raspberry Alley. Mr. Seeds suggested that there will be money left over from the grant after the alleys are paved. Mr. Wolfe noted that storm sewer work will be done in the alleys as well as the paving. Mr. Seeds questioned if that work was included in the Rogele bid. Mr. Wolfe answered that it was completed by the Public Works Department or Rogele under a sanitary sewer contract. Mr. Wolfe suggested that the Township may not use all of the \$250,000 received in the grant. Mr. Crissman noted that the Change Order is for approval up to and not to exceed \$82,000. Mr. Wolfe agreed.

Mr. Crissman made a motion to approve Change Order No. 1 to Rogele for paving and storm sewer rehabilitation in the amount, not to exceed, \$82,435.00. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 10-28; authorizing execution of a Cable Franchise Agreement with Comcast of Southeast Pennsylvania, LLC

Mr. Wolfe noted that this agreement is a continuation of service with Comcast of Southeast Pennsylvania, LLC., that has been ongoing in the community for many years. Mr. Stine explained that the Comcast agreement originated with Sammons Communications and was switched to Suburban Communications, then to AT&T and finally Comcast. Mr. Wolfe noted that the agreement continues to be with Comcast and it is a renewal of the franchise agreement for a period of ten years. He explained that the terms and conditions of the agreement were negotiated through the Capital Region Council of Governments on behalf of 28 municipalities who participated in the franchise renewal negotiations.

Mr. Wolfe noted that the franchise is very similar to the one that is in existence now with Verizon and doesn't change services much for Comcast. He noted that the most significant change is that Comcast will be required to provide Lower Paxton Township with two government access channels. He noted, at this time the, Township shares a channel with the City of Harrisburg and other municipalities, but under this agreement the Township will receive two dedicated channels for its own use. He noted that when he activates the first channel, Comcast will provide the Township with a \$46,000 PEG grant, a cash payment to the Township for costs incurred while making the channel fully functional. He noted that other than that, the terms and conditions for the agreement are very similar to those in effect right now. He noted that the Board of Supervisors held a public hearing on the franchise renewal on September 21, 1999 as required by the Federal Communications Act. He noted that the Board is free to act upon the franchise agreement and renew services with Comcast for another ten years.

Mr. Seeds questioned when the new agreement would take effect. Mr. Wolfe explained that the agreement will back date to the end of the original agreement since that agreement expired in 2009. He noted that the Township is operating under the terms of the old agreement. Mr. Crissman noted that the new agreement is for a ten year period. Mr. Wolfe answered that was correct.

Mr. Crissman made a motion to approve Resolution 2010-28, authorizing the execution of the franchise agreement between the Township and Comcast of Southeast Pennsylvania, LLC. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Extension of the preliminary plan and
phasing schedule for Shadebrook

Mr. Hawk noted that the proposed Shadebrook development is a Traditional Neighborhood Development (TND) located off Union Deposit Road between Fairmont Drive and Cider Press Road. He noted that the developer has requested an extension in his phasing schedule as a result of the slow down of the economy.

Mr. Hawk noted that Phase 1 for the project has been submitted to the Planning Commission and is under review. He noted that Phase 1 was originally slated to start in 2007 and be completed in 2008. He noted that Phase 2 has been changed from the start/end dates of 2009/2010 and moved to a start date of July 2015. He noted that Phase 3 has been changed from 2011/2012 to July 2020, and Phase 4 was originally to start/end in 2013/2014, however, the end date will be 2025. Mr. Wolfe noted that the Board is not obligated to approve this, however, staff would recommend that it does. He noted that Mr. Stine can tell you if it is not approved and the preliminary plan expires, then subject to certain conditions, you can apply ordinance changes to the plan when it is resubmitted. He suggested that the Board is not interested in doing this. Mr. Stine explained if the Board fails to approve the re-phasing schedule; it would not matter since the Budget legislation for the Commonwealth calls for an automatic three year extension for all approvals and permits until 2013.

Mr. Seeds noted that they are asking for a five-year extension. Mr. Wolfe noted that it is more than a five-year extension. Mr. Blain noted that they still want to do the project; however, they are pushing it out 15 years. He noted that he does not see anything wrong with this. Mr. Seeds questioned if the Township approved Phase 1. Mr. Wolfe noted that Phase 1 is before the Planning Commission; the Township only approved the preliminary plan. Mr. Seeds noted that the Board does not have much choice, but the thing that bothers him is when the subsurface is

placed for the roads, by the time the wearing course is added, the subsurface will need to be replaced. He noted for this long term phasing he suggested that they may have to replace the base course before final paving or the Township may have to replace it.

Mr. Hawk noted that the positive thing is that the developer is required to build a certain square footage of commercial development in each of the four phases. Mr. Wolfe noted it should be remembered that just because the developer is pushing the phasing schedule out to 2025, it does not mean that he can't complete the job faster.

Mr. Blain made a motion to approve the extension of the preliminary plan phasing schedule for Shadebrook. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were two improvement guarantees.

Willow Brook, Phases V & VI

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$67,291.14 with an expiration date of October 19, 2011.

Mr. Blain made a motion to approve the improvement guarantee for Willow Brook, Phases V and VI. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Mr. Hawk noted that the second improvement guarantee was received into the office late this afternoon.

6690 Linglestown Road

A new letter of credit with Graystone Bank, in the amount of \$65,000 with an expiration date of October 19, 2011.

Mr. Blain made a motion to approve the improvement guarantee for 6690 Linglestown Road. Mr. Seeds 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 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 adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 7:57 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary