

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held September 20, 2011

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

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

Also in attendance were Steven Stine, Township Solicitor; Rick Martsolf, Serratelli, Schiffman and Brown, and Ted Robertson and Watson Fisher, 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 August 16, 2011 business meeting minutes. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

Mr. Michael Coleman, 6454 Taunton Road noted that he and his significant other, Lucy, have been residents of the Township for 19 years and he would like to thank the Township for its outstanding leadership and quality of life. He noted that he has never had any issues with local government or with the neighbors; however, this has recently changed. He noted that his neighbor who lives at 6435 Taunton Road has planted a number of towering Poplar trees that have reached heights of 65 to 70 feet. He noted that normally when you think of the distribution

of leaves you think of fall and a one or two day cleanup. He noted that he has brought this issue to the Heatherfield Community Association and to Ms. Amanda Gourley, Codes Enforcement Officer. He noted that the sheer volume of leaves that are generated from this household begins in mid July, tapers off in August, and is reinstated in the fall. He noted that the leaves are a nuisance; they tower over his house and come into his gutters and sun deck resulting in almost a daily cleanup. He noted that the leaves have caused several slips and falls, and there have been wet leaves that have been deposited on the apron of Nyes Road and Taunton Road where vehicles turning into the community have skidded, and on two occasions they nearly hit parked cars.

Mr. Coleman noted that Township Ordinance Section 302.1 states, "That all exterior property and premises shall be maintained in a clean, safe and sanitary condition." He noted that it is not clean, not safe and not sanitary. He noted even though his neighbor makes a diligent effort to clean up the leaves when there is wind, they have clogged the sewers with branches and leaves. He asked the Board to take some affirmative action because these trees don't belong in this neighborhood, they are huge trees and the neighbor is planting two or three additional trees. He asked the Board for its cooperation in this matter.

Mrs. Andrew Donchak, 5718 Oak Avenue noted that she lives in the Meadowbrook development. She stated that she believes that she has a runoff problem on her property that originates from the playground that is located one house above her home. She noted that she took pictures that she brought with her of the last rainfall and even though it was a very large amount of rain, this has been ongoing for quite some time. She noted that the water runs from her neighbor's yard through her yard all the way down to Ms. Thomas's yard located at 5708 Oak Avenue. She noted that she counted the storm sewers in her neighborhood and only found

two on her street; however, all around there are many more. She noted that she drew a map of the storm sewers and she has also brought a listing of the rainfall since April. She noted that she has had problems with water runoff since that time.

Ms. Paula Thomas, 5708 Oak Avenue, explained that she lives at the bottom of Oak Avenue and the water comes from the park and ends up on her property. She noted that the water flows from the park and picks up speed as it reaches her property and she gets all the water in her yard. She requested that the Township put drains in her yard, or holding tanks, or pipe the water out to the street. She noted that she has talked to the neighbors and they are willing to allow the Township to access their properties to install some type of basin or catchall in their yards to be piped to the street to keep the water out of their basements.

Mr. Hawk questioned if Ms. Thomas was referring to the rainstorm that occurred in August where the Township experienced a greater downpour than the September event. Ms. Thomas answered all of them. She noted that she is referring to rain, period. She noted when there is a heavy rainfall, she had a problem. She noted that she has had a problem for the past two years, and at one point she had her neighbor move his downspouts into the street and not into her yard. She noted that she has had a problem with water flowing from her neighbors for years, and this is nothing new. She noted this year is the worst that she ever experienced and it was due to the heavy rains that have occurred. She noted that she did not know how to address the issue.

Mr. Hawk noted that the Township experience 19 inches of rain in Tropical Storm Lee. Ms. Donchak noted that she had over seven inches of rain. Ms. Thomas noted that the problem did not start this year; she has had issues with this for some time. She noted that other people are now getting more water than they had in the past, noting that there have been water in her

basement and others for years. She explained that she was told to bring the matter to the Board of Supervisors and that is why she is here now. She noted that it is not a new issue.

Ms. Donchak presented pictures of the rain problem to the Board members.

Mr. Blain noted that staff will come out to look at the situation to determine if anything can be done from a storm water management perspective.

Chairman & Board Members' Comments

No comments were provided.

Manager's Report

Mr. Wolfe explained that Dauphin County Emergency Management Agency (DEMA) in conjunction with the Pennsylvania Emergency Management Agency (PEMA) will conduct a workshop at the Township's Municipal Center on September 21, 2011 from 11 a.m. until 7 p.m. He noted that the purpose of the workshop is to obtain information from individuals in regards to damages sustained during the August 6th and 7th storm event and to determine if there was enough damage to provide low interest loans to residents through the Small Business Administration (SBA) for disaster and flood recovery. He noted that anyone affected by the flooding that occurred on August 6th and 7th is encouraged to come to the Municipal Center to file a report.

Mr. Wolfe noted in regard to the Tropical Storm Lee event that occurred from September 5th through the 7th, citizens are encouraged to visit FEMA locations throughout the area. He noted that the Township's website contains an 18-question survey for citizens to complete that will be forwarded to FEMA. He strongly encourages all citizens to complete this information so that FEMA can do a damage assessment for the Township.

Mr. Wolfe noted that the Village of Linglestown Merchant's Association is sponsoring a fall festival October 21 through October 23. He noted that there are many events and activities scheduled and on Friday, October 21st at 11 a.m. there will be a flag raising and dedication ceremony at the Square for the Linglestown Road Improvement Project. He noted that the Board of Supervisors, as well as many other federal, state, and local dignitaries will be in attendance. He noted that the residents of the Village as well as all Township residents are invited to attend.

Mr. Wolfe wanted to remind the community that recycling pays. He noted that it certainly does for the Township. He noted as part of solid residential waste collection, recycling at curbside is provided to residents on a weekly basis. He noted that Waste Management takes an unlimited amount of recyclables from curbside and residents do not pay additional costs for that service. He noted that recyclables are taken to a recycling center operated by Penn Waste and they reimburse the Township on a monthly basis for the recyclables. He noted this past month; the Township received its largest check in the amount of \$27,500. He noted that it is a huge amount and it shows the Township that citizens are very good recyclers and that the recycling market has rebound from a significant slump in 2009 and 2010. He noted that it benefits the Township financially and environmentally as well. He encouraged all citizens to recycle.

Mr. Hawk noted that residents are encourage to complete the survey on the Township's website concerning the Tropical Storm Lee damage, which will give the governmental agencies an opportunity to evaluate the overall damage; however, if anyone had personal damage that they feel may be covered, the survey would not start that process. Mr. Wolfe answered that it does not. He noted that they must do that individually by make a direct contact with FEMA. Mr. Hawk noted that the phone number to call to contact FEMA is 1-800-621-FEMA or 1-800-622-

FEMA. He noted that will start the process. He instructed the citizens to take accurate records, take photographs of the damage, and don't assume that something is not covered. He explained that it is better to let FEMA determine what is or is not covered. He noted that citizens can get the forms from FEMA directly.

OLD BUSINESS

Action on the engagement of Lewis and Associates to perform an audit of Comcast cable franchise fees

Mr. Hawk explained that he is pulling this item from the agenda as the Board members needs to take a second look at it before making a decision.

NEW BUSINESS

Ordinance 2011-08; amending Chapter 176, Article III of the Codified Ordinances as it relates to utility separation from sanitary sewer lines

Mr. Wolfe explained that this ordinance, in one section requires that the utility that is working in the Township must comply with the Pennsylvania One-Call law. He noted in another section it provides for separation distances from sanitary sewer lines. He noted that the horizontal separation is ten feet and the vertical separation is three feet. He noted that the ordinance is complete for Board action this evening. He noted that the need for this ordinance is due to recent fiber optic installations in the Township that have actually been installed on top of sanitary sewer lines making the rehabilitation extremely difficult and costly. He noted that it is staff's opinion that there is a need to mandate separation from the Township's utility in the ground. He noted that it would be appropriate for Mr. Stine to conduct the public hearing at this time.

Mr. Stine noted that this is the time and date set for a public hearing on Ordinance 2011-08, that would amend Chapter 176, Article III of the Codified Ordinances as it relates to utility separation from sanitary sewer lines. He questioned if anyone in the audience wished to be heard on this ordinance. He noted, since there was no response, it would be appropriate to close the public hearing on Ordinance 2011-08 and the Board may take action if it chooses to do so.

Mr. Crissman made a motion to adopt Ordinance 2011-08, amending Chapter 176, Article III of the Codified Ordinances as it relates to utility separation from sanitary sewer lines. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Change Order No. 5 to the contract with Rogele for paving and storm sewer work

Mr. Wolfe noted that this change order is in the amount of \$16,942.93 for last year's paving project that was in operation at that time. He noted that the work that staff authorized Rogele to perform was emergency work after the August 6th and 7th storm event, and it requires the repair of a storm sewer endwall in Highland Court. He noted that staff recommends that the Board approve the change order. He noted that it was an emergency repair authorized in accordance with prices from a bid arrangement. He noted that this work was not performed outside of a competitive bid.

Mr. Hornung noted that he received a complaint from someone who lives in Colonial Crest and he questioned if it was the same contractor. Mr. Wolfe answered no.

Mr. Crissman made a motion to approve Change Order No. 5 to the contract with Rogele for paving and storm sewer work in the amount of \$16,942.93. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Resolution 2011-21; accepting the Minimum Municipal Obligation for the police
and non-uniformed employees pension plans

Mr. Wolfe explained that the Minimum Municipal Obligation (MMO) for the Township's two pension plans as recommended by staff for the Police Pension Plan is \$522,235 and for the non-uniformed employee pension plan is \$476,490. He noted that these MMO's have been prepared in accordance with the Township's 2009 Actuarial Valuation and it is the Township's wish to smooth the MMO in accordance with Pennsylvania Act 44 of 2009. He noted that those actions provide for the lowest MMO for 2012 that the Township could experience. He noted that the Board does have the option to use the MMO prepared in accordance with the 2011 Actuarial Valuations for the employee pensions plans, however if it would choose to do this, the Township's budgetary allocation for 2012 increases from under \$1 million to \$1,374,000. He noted that the MMO would increase by roughly \$374,000 if the 2011 Actuarial Valuations are used. He noted that the Township is legally entitled to use the 2009 Actuarial Valuations this year and staff recommends that it does so. He noted that this report was presented to the Audit Committee at its meeting held prior to this meeting, and it was their recommendation to use the 2009 Actuarial Valuations.

Mr. Hornung noted that it does not look like the funds are going in the right direction. Mr. Wolfe agreed, but he stated that the preliminary budget amount is within \$2,000 of the actual valuation prepared in accordance with the 2009 actuarial valuations.

Mr. Blain made a motion to accept Resolution 2011-21, accepting the MMO for the Police and non-uniformed employees pension plans using the 2009 actuarial valuation. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Agreement between the Township and Triple Crown Corporation
regarding financial security for Stray Winds Farm, Phase I

Mr. Stine noted that an agreement has been prepared pursuant to a request made by Mark and John DiSanto and Triple Crown Corporation (TCC), during the recent workshop session concerning their financial security for Phase I of the Stray Winds Farm Plan. He noted that the request is that the letter of credit be suspended and withdrawn since they have no desire to move forward with the development. He noted that TCC requested to withdraw the Letter of Credit. He noted that the agreement was prepared by Attorney Rick Martsolf making certain requirements on TCC and the DiSanto's concerning the financial security be withdrawn, certain negative covenant as well as other terms and conditions which would allow for it to happen. He noted that the agreement is ready for action at this time. He noted that he made amendments to the original draft and Mr. Wolfe has also reviewed the documents and all parties are satisfied with its current form.

Mr. Crissman made a motion to approve the agreement between the Township and Triple Crown Corporation regarding financial security for Stray Winds Farm, Phase I as prepared by Mr. Martsolf and concurred by Mr. Stine and Mr. Wolfe. 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. Martsolf expressed his thanks to the Board on behalf of TCC.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there was one Improvement Guarantee.

Wilshire Estates, Phase I

A reduction in a letter of credit with Fulton Bank, in the amount of \$308,100.00, with an expiration date of September 20, 2012.

Mr. Blain made a motion to approve the one improvement guarantee as presented. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Payment of Bills

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

Announcement

Mr. Hawk noted that October Fall Festival sponsored by the Linglestown Merchant's Association will be held the weekend of October 21st.

Mr. Hawk noted that residents should take advantage of the Workshop to be held tomorrow at the Municipal Center and also the area FEMA centers that have opened.

Mr. Hornung questioned when Blue Mountain Parkway will be opened at Linglestown Road. Mr. Wolfe answered that he did not know but he had a phone call in to the engineer to find out.

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 8:00 p.m.

Respectfully submitted,

Approved by,

Maureen Heberle
Recording Secretary

Gary A. Crissman
Township Secretary