

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held January 17, 2012

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:31 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 B. Seeds, Sr., William L. Hornung, and David B. Blain.

Also in attendance were Steven Stine, Township Solicitor; Steve Fleming, Township Solicitor, Adam Davis, Penn Terra Engineering, Inc.; and Ted Robertson and Watson Fisher, SWAN.

Pledge of Allegiance

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

Public Comment

Mr. Gerald Hopple, 1009 Top View Drive, explained that he wanted to know if anything is being worked on to solve the water problem behind his development in the area of Creek, Harman, and Top View Drives. He explained that he was flooded in August with over \$30,000 to \$40,000 worth of damage to his home and it condition surrounding his home will not get any better. He noted that in 1995, HRG, Inc did a study on the contributory to Goose Valley Run, and now, you could shoot that report full of holes. He noted that HRG stated that the culvert under Earl Drive would be able to take a 100-year flood event and would never come over the roadway. He noted in April, the water came over the roadway a little bit, however, in August it flew over the road. He noted that something needs to be done. He explained that the HRG study recommend replacing the existing 11x7 foot culvert with an 18x8 foot culvert. He noted that

HRG also stated that the culvert was creating, at that time, a 500 foot backwash which comes into his property. He noted that HRG recommended widening the channel but that can't be done since the sewer line runs along the stream and are within 200 feet of the culvert. He noted that when the Authority installed the new sewer lines they put big rocks in that area which narrowed the channel even more. He noted that nothing is being done to help the residents in his area.

Mr. Hopple noted that arrangements were made to meet with the Pennsylvania Emergency Management Association (PEMA) at the Township Municipal Center to apply for loans but he hasn't heard anything from them, however, the people who received damage in September from Tropical Storm Lee are getting all types of help. He noted that he and his two neighbors had to use their retirement funds to pay for the damages to their homes.

Mr. Hawk noted that he can't provide a specific answer to Mr. Hopple at this time, but the Board is working to create a list of the worst hit areas and determine how to approach it with the limited funds that it has. He noted that the Board reworked the budget to make more funds available for storm water improvements to address these issues. He noted that the Board can only do so much with the funds that it has. Mr. Hopple noted that he only has so much money to handle problems like this. He noted that he could never handle another flood event, mentally or finically.

Mr. Seeds noted that Mr. Robbins, the Public Works Director, has discussed this issue with the Board.

Mr. Wolfe noted that the storm events that occurred this year were far in excess of 100 year storms. He noted that he had a large number of Township facilities where the amount of water exceeded the capacity of things designed for 100-year storm. He noted that the Board does plan to borrow funds through a bond issue to undertake comprehensive storm water improvements, although they have yet to be identified. He noted it was discussed during budget

preparations. He noted in discussions with Mr. Robbins and in talking to Mr. Fleming, instead of replacing the culvert, it may be more prudent to add a spillway or bypass facility that would eliminate the backwash that Mr. Hopple mentioned. He noted that he does not have an immediate answer for Mr. Hopple but staff is working on the issue.

Mr. Seeds noted that Mr. Robbins mentioned putting a bypass pipe on top of the existing pipe. He noted that he was glad that Mr. Hopple came to the meeting to remind staff of the situation. Mr. Fleming noted that he met with Mr. Robbins earlier today to scope the various projects for this year and he identified projects that were already designed and other areas that need to be designed. He noted that this condition falls into the area that needs to be designed so he will be taking a look at it. Mr. Seeds questioned Mr. Fleming if he was aware of the 1995 report. Mr. Fleming answered yes.

Mr. Hopple noted that there has been more development since 1995 and he feels that the Federal Emergency Management Association (FEMA) should come back to do a restudy of that area as it was very much underestimated for their results. He noted that the Authority is fixing the sewer lines that were taking in water infiltration, and with the installation of new pipes, that water has to go somewhere, and it is going into the streambed. He noted that he has lived in that area since 1977 and never had a drop of water in his basement. He noted one time the water came up to the house so he build a wall around the back of his house and this last time it did not stop the water from coming into his basement. He explained that he did not understand why the people who had damage in August were not getting the same help as those who had damage in September. He noted that the water from the September event only came up half way into his yard. He noted that something needs to be done. He explained, in the 1980's the sewer backed up into his house and he was able to get that fixed by going to the newspaper. He noted that he has been complaining about the water situation since the 1990's.

Mr. Seeds noted that he visited Mr. Hopple's home after the August 6th event and he had four to five feet of water in his basement. Mr. Hopple noted that two other neighbors also received damage to their homes.

Mr. Hawk noted that Mr. Hopple and he had spoke about this situation a couple of weeks ago. He noted that the Board needs to take the steps to borrow the money for the bond. He noted that the Board will prioritize the issues as quickly as possible and move ahead with making the necessary corrections. Mr. Hopple explained that he would like to fix his place up again and they have put in new walls and floors, but they are hesitant to purchase furniture. He noted that something needs to be done. He stated that he appreciates the Board's time.

Approval of Minutes

Mr. Blain made a motion to approve the January 3, 2012 business meeting. Mr. Hornung seconded the motion, and a unanimous vote followed.

Chairman & Board Members' Comments

No comments were provided by the Board members.

Manager's Report

Mr. Wolfe stated that he had nothing to report.

OLD BUSINESS

Amendment #2 to the Installment Sales Agreement for Real Estate between the Township and James Spangler

Mr. Wolfe noted that last year, the Township was scheduled to make the final payment to purchase the Wolfersberger Tract, 95 acres of land in two parcels east of Wenrich Street and South of Linglestown Road. He noted that due to the financial considerations, and the fact that there are no plans to develop the facility for recreational purposes at this time, the Board entered into an amendment with Mr. Spangler to pay only \$5,000 on the final payment last year, with the remainder due this year. He noted that the budget situation has not improved and Mr. Spangler is

agreeable to extend the sales agreement an additional year making a \$5,000 payment this year with the balance of \$40,000 due in 2013. He noted that it is the same agreement that was approved last year except the dates have change. He noted that it is staff's recommendation to approve it this evening.

Mr. Blain made a motion to approve Amendment #2 to the Installment Sales Agreement for Real Estate between the Township and James Spangler in the amount of \$5,000. Mr. Hornung seconded the motion. Mr. Hawk called for a roll call vote, and a unanimous vote followed.

Resolution 12-04; amending and restating the Public Safety Committee

Mr. Wolfe noted that this resolution consolidates six previous resolutions and restates composition and purpose for the Public Safety Committee. He noted that this resolution changes the composition of the Committee to the following members: the presidents and fire chiefs of the Linglestown, Paxtonia and Colonial Park Fire Companies; a representative from the Township's emergency medical services provider; Public Safety Director; Fire Marshal; and the Emergency Operations Center (EOC) Coordinator. He noted what is new to the list is the EOC; and previously, there had been citizen representation without expertise in public safety areas. He explained that this resolution removes those members from the Public Safety Committee. He noted that there are a large number of duties and responsibilities assigned to the Public Safety Committee identified in the resolution and are basically the same as the previous resolution. He noted that there have been some additional duties added as well as consolidations from the previous resolutions. He noted that it is staff's recommendation that the Board take action to approve Resolution 12-04 this evening.

Mr. Seeds made a motion to approve Resolution 12-04; amending and restating the Public Safety Committee. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote, and a unanimous vote followed.

NEW BUSINESS

Action on lease agreement with Ford Motor Credit for four Chevrolet Caprice police vehicles

Mr. Wolfe noted that it is true that the Township is purchasing Chevrolets but leasing them from Ford Motor Credit. He noted that the General Motors Corporation has reissued the Chevrolet Caprice model for police vehicles this year. He noted that they had previously stopped producing that model several years ago. He explained that the total price for the four vehicles is \$105,945. The total price for the 36-month lease is \$112,174.50 with an annual price for leasing of \$37,391.50, and at the end of the third annual payment, the Township will own the vehicles. He explained that the vehicles will be entered into the municipal fleet at that time. He noted that it is staff's recommendation that the Board act affirmatively on this lease.

Mr. Hawk suggested that this is a good deal. Mr. Blain questioned if Ford Motor Credit is the credit facility for Chevrolet vehicles. Mr. Wolfe explained the Township purchases its vehicles through a piggyback contract through a Council of Governments from the Pittsburgh area. He noted that it has shopped the price of vehicles as well as financing and has selected Ford Motor Credit to do the financing no matter what vehicles are purchased.

Mr. Seeds questioned if staff must go to Pittsburgh to pick up the vehicles. Mr. Wolfe answered yes, noting that staff has been picking up vehicles for several years.

Mr. Blain made a motion to approve the lease agreement with Ford Motor Credit for four Chevrolet Caprice police vehicles in the amount of \$112,174.50. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Action on a proposal from HRG, Inc. for preparation of a schematic design and funding application to HATS TIP for improvements to the intersection of Devonshire Heights and Nyes Road in the amount of \$7,800.00

Mr. Wolfe noted that the Board members have discussed improvements for this intersection for years and recently Mr. Blain suggested that the Township should prepare a proposal to the Harrisburg Area Transportation Study (HATS) to begin the process on its Transportation Improvement Program (TIP). He noted that he asked Mr. Fleming, the Township Engineer, to prepare a proposal for the design work and the application. He explained that the more information provided to HATS for what the suitable corrective action should be, the better chance the Township has of HATS including the plan on its TIP. He noted that Mr. Fleming is present to explain the proposal.

Mr. Steve Fleming noted that the objective of the proposal is to prepare a package for HATS for the TIP. He noted that he would include in the proposal collecting new traffic counts, preparing a capacity analysis of the existing and proposed intersection, as well as preparing an accident analysis. He noted that an alternative analysis with two sketches would be prepared, and right-of-way and pavement history of Nyes Road would be obtained from PENNDOT. He noted that planning level cost estimates of the alternatives will be prepared and representatives from HRG will attend up to two meetings, one with the Board of Supervisors and one with the Tri-County Planning Commission. He noted that the sketches will be based upon aerial imagery and readily available mapping.

Mr. Hawk questioned if this would include the revamping of the area. Mr. Fleming explained, currently the Devonshire Heights and Nyes Roads intersection is a substandard geometrical design. He noted that it provides for poor sight distance and high traffic volume which provides for a high accident count. He noted that the improvement would better align that intersection. He noted that there is a high volume of traffic coming from Devonshire Heights

Road which conflicts with the high volume of traffic from Nyes Road. He noted that the sight distance to cross Nyes Road presents an issue. He suggested that there will be environmental impacts, with drainage on both sides of Nyes Road, as well as a pond, and steep slopes on at least three of the corners of the intersections. He noted that it will not be an easy job.

Mr. Seeds noted that he was pleased to see this and he thanked Mr. Blain for taking the lead on this item. He noted that PENNDOT plans to do more paving work from Red Top Road to Jonestown Road. Mr. Blain explained that PENNDOT is already doing a lot of improvements with storm water at this time. He suggested that PENNDOT plans to widen and resurface the road in the spring from Highlands Court to Jonestown Road. Mr. Seeds noted that it would be great if this work could be completed as part of that work. He noted that people are very happy with the work that has been completed on Nyes Road to date.

Mr. Hornung explained that he has seen accidents at that location, but he questioned how that intersection fairs in regards to the other intersections in the Township. Mr. Fleming explained that he has not pulled the accident information for that intersection yet. Mr. Wolfe answered that that intersection is one of the higher volume intersections and one that is prone to accidents. He noted that the Township was successful in lobbying for a traffic signal at Locust Lane and Nyes Road for a small amount of funds, and he questioned if something similar to that could be done for this intersection. Mr. Wolfe noted that staff cannot get it included in the current PENNDOT project but it can prepare the work for future consideration. He noted he would suggest that it might take two to four years before something would happen. Mr. Seeds noted that sometimes the Board was able to get things moved up. Mr. Wolfe noted that is true, but it took a long time to get the traffic signal installed at Locust Lane and Nyes Road.

Mr. Blain made a motion to approve the proposal from HRG, Inc. for preparation of a schematic design and funding application to HATS TIP for improvements to the intersection of

Devonshire Heights and Nyes Road in the amount of \$7,800.00. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

2012 Municipal Domestic Animal Protection Services Agreement with the
Humane Society of Harrisburg Area

Mr. Wolfe explained that this agreement is very similar to the agreement that the Board executed with the Humane Society last year that provides for the collection and storage for stray dogs and cats. He noted that the amount of services is approximately \$1,300 per month, on a deposit basis at which time the money is drawn based upon a schedule of costs for the type of animal collected. He noted if the total monthly funds are not utilized, they are credited towards future costs, and if the monthly funds are used, then the Township would be billed as needed. He noted that this billing format was negotiated last year by the Public Safety Director and it has been very favorable to the Township. He noted that it resulted in a cost reduction of 30% from the last calendar year. He noted that it is staff's recommendation that the Board approve the agreement.

Mr. Hawk noted that the cost to collect a dog is \$122, whereas a cat is \$135.70. Mr. Seeds noted that the cost for a pit bull dog is \$265.00. Mr. Hawk noted that the Humane Society will not accept feral cats, as they need more medical attention. Mr. Seeds noted that there are separate spay and neuter programs for feral cats.

Mr. Seeds questioned if the Township can utilize the optional emergency service at the cost of \$75. Mr. Wolfe answered yes. Mr. Seeds questioned if the Township delivers the animals to the Humane Society. Mr. Wolfe answered that it occurs in both manners, noting that the Township maintains a kennel at the Public Works Department that is used to house dogs for overnight or weekends. He noted that issues may come into play such as the weather and the length of time. He noted that an animal would not be kept in the cold or extreme heat for a long period of time. Mr. Hawk noted that the Humane Society continues to use a truck to pick up

animals. Mr. Seeds noted that the \$75 fee would be in addition to the normal fee depending on the type of animal.

Mr. Seeds made a motion to approve the 2012 Municipal Domestic Animal Protection Services Agreement with the Humane Society of Harrisburg Area. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 12-05; adopting a report maintaining the
Administrative employee compensation plan

Mr. Wolfe explained, annually he is required to present this resolution to the Board and the attached report. He noted that it is very similar to the report presented in past years, noting that it is composed of employment market conditions, an assignment of employees to a specific grade, and a salary structure with a minimum, midpoint and a maximum level of compensation for each grade. He noted that this program was initiated in 1992 and it has been followed for the last ten years. He noted that the annual activities include reviewing the report and making recommendations in regards to potential changes, undertake a survey of comparable municipalities and compare it with the Consumer Price Index (CPI), and provided for a blended average increase which is applied not to employees but to the salary structure. He noted that the blended average increase was 2.7% and that amount has been applied to the salary structure for the nine grades of positions in the Administrative Compensation Plan. He noted that the plan provides for the Board to institute employee increases based upon the plan, however, based upon this year's budget preparation, the Board of Supervisors approved, by budget, a base salary increase of 2% for administrative employees. He noted that although the plan does provide for additional adjustments for employees based upon the midpoint of the plan or bonus compensation for employees who have performed at high levels, the budget prohibits those two functions from being included in the plan this year. He noted that the plan has been prepared but the implementation of the plan is based upon a strict 2% increase in administrative employees.

Mr. Blain made a motion to approve Resolution 12-05; adopting a report maintaining the Administrative employee compensation plan. Mr. Hornung seconded the motion. Mr Hawk called for a voice vote, and a unanimous vote followed.

Preliminary/final land development plan for 990 Briarsdale Road

Mr. Wolfe noted that the Township has received a plan for a building addition at 990 Briarsdale Road. The proposed improvements include an 11,000 square foot building addition with associated parking and a loading dock. The proposed 11,000 square foot addition is located over a portion of the existing parking lot. The property is zoned GI, General Industrial, consists of 3.345 acres and is served by public sewer and public water. The property is located north of Corey Road and west of Briarsdale Road. A small portion of the property is located within Susquehanna Township.

Mr. Wolfe noted on December 14, 2011 the Planning Commission recommended approval of the plan with one waiver request of sidewalks along Briarsdale and Cory Roads. He noted that there are no sidewalks in the entire business park. He noted that there were five conditions and one staff comment.

Mr. Wolfe noted that Mr. Adam Davis from Penn Terra Engineering, Inc. is present to represent the plan.

Mr. Seeds questioned if this is the Harrisburg News building. Mr. Davis answered yes. Mr. Seeds questioned if this was part of The Patriot-News. Mr. Davis suggested that it was.

Mr. Blain questioned if Mr. Davis was able to speak for the plan and state that anything that is within the requirements will be completed. Mr. Davis answered yes.

Mr. Blain made a motion to approve the preliminary/final plan with the following waivers and conditions: 1) Waiver of the requirement to provide sidewalks along Briarsdale and Corey Roads; 2) Plan approval shall be subject to providing original seals and signatures; 3) Plan

approval shall be subject to the payment of engineering review fees; 4) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 5) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 6) Plan approval shall be subject to addressing the five comments of HRG's memo dated January 5, 2012; and 6) A street/storm sewer construction permit is required and is 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.

Mr. Hornung 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 twelve Improvement Guarantees.

Sunnyhill Farms - North

An extension in a letter of credit with Mid Penn Bank, in the amount of \$6,844.67 with an expiration date of January 17, 2013.

Mid-Penn Oral and Maxillofacial Surgery

A release in a letter of credit with First National Bank, in the amount of \$1,540.00.

Kendale Oaks, Phases II & III

A change in financial institution from a bond with Arch Insurance Company to a letter of credit with M&T Bank, in the amount of \$303,605.66 with an expiration date of November 1, 2012.

Victoria Abbey at Forest Hills, Phase 2

An increase in a bond with the INSCO/DICO Group, in the amount of \$156,000.00 with an expiration date of January 17, 2013.

Amesbury

An extension and increase in a bond with Liberty Mutual Insurance Company, in the amount of \$47,300.00 with an expiration date of January 17, 2013.

Autumn Ridge, Phases II & III

An extension and increase in a letter of credit with Fulton Bank, in the amount of \$66,988.53 with an expiration date of January 17, 2013.

The Townes at Forest Hills

An extension and increase in a bond with the InSCO Insurance Services, Inc., in the amount of \$101,248.64 with an expiration date of January 17, 2013.

Rite Aid Corporation

An extension and increase in a bond with Westchester Fire Insurance Company, in the amount of \$65,547.76 with an expiration date of January 17, 2013.

Kings Crossing, Phase C

An extension and increase in a letter of credit with Fulton Bank, in the amount of \$46,821.92 with an expiration date of January 17, 2013.

Keystone Center

An extension and increase in a letter of credit with Centric Bank, in the amount of \$27,378.67 with an expiration date of January 17, 2013.

Quail Hollow, Phase IV

An extension and increase in a bond with the Developers Surety and Indemnity Company, in the amount of \$85,744.23 with an expiration date of January 17, 2013.

Quail Hollow, Phase V

An extension and increase in a bond with the Developers Surety and Indemnity Company, in the amount of \$277,492.93 with an expiration date of January 17, 2013.

Mr. Hornung questioned where the Keystone Center was located. Mr. Blain responded that it is located at the corner of Route 22 and Mountain Road, the old Dutch Pantry. He suggested that the owners were very smart in not removing the existing sign as it does not conform to the existing standards, and as long as they leave it up they can continue to use it.

Mr. Seeds made a motion to approve the twelve improvement guarantees. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

MAINTENANCE GUARANTEE AGREEMENT

Olde English Gap – Professional Park

A release in an escrow with Lower Paxton Township, in the amount of \$8,650.13.

Mr. Seeds questioned if Mr. Fleming visited the sight. Mr. Fleming answered no. Mr. Wolfe explained that it was a development that filed for bankruptcy and Pinnacle Health posted a maintenance guarantee and completed the improvement; however staff failed to return the funds to Pinnacle Health due to a mislabeling in the plan. He noted that the work was completed but the funds were never released. He noted that the Pinnacle Health has contacted the Township on several occasions but since the name plans did not match it took up until now to figure out that they were owed the funds. He noted that the 18-month maintenance period has expired on the street for the maintenance guarantee.

Mr. Seeds noted that there are a couple undeveloped lots. He questioned if there is an improvement guarantee for those lots. Mr. Wolfe answered no since there has been no land development activity. Mr. Seeds noted that the sidewalks for those lots will be covered when the land development plans are filed with the Township.

Mr. Hornung made a motion to approve the release of the maintenance guarantee agreement. Mr. Blain 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 Card system. 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 and the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary