

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held July 3, 2012

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:39 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 Ted Robertson and Watson Fisher, SWAN.

Pledge of Allegiance

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

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the June 12, 2012 workshop meeting and June 19, 2012 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

Mr. Tyler Heaps, 1007 Top View Drive, questioned if anything has been decided in regards to the flooding in the area of Top View Drive and Harman Drive. He noted, during the June 12, 2012 workshop meeting, Mr. Mark Levine made some suggestions as possible solutions to the flooding problem and he questioned if any further discussions have been held in this regard. Mr. Wolfe noted that this question is in regards to the presentation made by Mark Levine who indicated several items, most of which were unfeasible or not possible to construct. He

explained that one proposal that Mr. Levine made was to have the Township investigate if the storage capacity that exists in the Lakeside Marina could be reduced. He noted that the pond could be drawn down in the summer conditions and it could be used as storage capacity for stormwater during wet weather events. He explained that he has discussed this matter with Steve Fleming from HRG, Inc. and Mr. Fleming is looking into this. He noted that the analysis has not been completed yet.

Mr. Gerald Hopple, 1009 Top View Drive, noted that he called Mr. Wolfe and left a message on his phone. Mr. Wolfe noted that Mr. Hopple failed to leave a return phone number and he did not have the phone number written down. Mr. Wolfe noted that the Township is not paving the street in front of his house. Mr. Hopple noted that he received a notice of “No Parking” from July 2 through July 13th due to street paving. He explained that sewer upgrades were not schedule for his area for some time and he questioned why the Township would pave the street and then dig it up later to do the sewer work. He noted that Mr. Hornung told him that there would be no sewer work in that area for sometime. Mr. Wolfe noted that he could only provide information on the upcoming projects. He noted that the sanitary sewer projects are Township-wide based upon the flow. He noted that the Board has prioritized locations based upon how bad the sewers are. Mr. Hopple noted that he did not care when it was done, but he was concerned that the roads would be paved only to be torn up later to have the sewer work done.

Mr. Hopple questioned if anything else has been considered in regards to Mr. Levine’s comments. Mr. Wolfe answered that the only thing the Township has discussed was a relief spillway or pipe as opposed to complete replacement of the culvert. He noted that idea was analyzed and determined not to be feasible. He noted that it would not work and the potential to

permit the facility with DEP is not probable. He noted that staff is looking at storing storm water in the large pond area that is further upstream.

Mr. Hopple noted that funds were allocated to fix the drainage for Curvin Drive but only the area of Brightbill Park was improved. He noted that the contractor is installing larger pipes to carry the water. Mr. Wolfe explained that the work involves the replacement of the existing pipes that have exceeded their useful life. He noted that the swale in Brightbill Park is the channelization of the existing stormwater, with no new facilities being installed in the drainage basin that the Township is working on.

Mr. Hopple suggested that he continues to see a problem with that work. He wanted the Township to get State approval for a Storm Drainage Board. He suggested that we should try to get federal money to do this.

Mr. Hawk noted that he has been exploring the possibility of setting up a Storm Sewer Authority. He noted that doing this takes time and a lot of effort. He noted a decision has to be made if it would be a Township-wide authority with everyone paying a fee or only having those living in specific areas paying a fee. He noted that there are options for raising the money, such as, pay for paving, or impervious coverage per lot as it related to the entire development, or impervious/pervious coverage. He noted with 28,000 residences in the Township, the Township could assess a monthly fee that would raise some funds; however the shopping centers, schools and non profits such as churches are tax exempt from these fees. He noted that these issues would have to be worked out, and hopefully, if things fall into place, there may be legislation that would expand the sewer authority to allow inclusion of storm sewers. He noted once staff gets this information together it will need to get input from the stakeholders such as people like you. He noted that the Board needs to know if the residents want to join in on this effort. He

noted that he will need to know if they would be willing to pay, for instance, \$3 per month and make it Township-wide effort even though it does not affect everyone Township-wide.

Mr. Hopple questioned if Mr. Hawk knew how many years he has been complaining about the stormwater issues at his home. He noted that he moved there in 1977 when the creek was about a foot and a half wide and two inches deep moving up to three feet high and five feet wide in a heavy rain storm. He noted then all the development was put in and now he has water problems. He noted that he is getting impatient, worrying about how far the water will come up in his yard every time it rains. He noted that something has to happen sometime soon, and even though Mr. Hawk is looking into a solution, it seems to him like it is dragging. He noted in 1995, when HRG, Inc. did the study, they recommended that the culvert be made larger, and now the water is coming into his yard.

Mr. Hawk noted that the ideal thing would be to set up an Authority; otherwise the Board would have to raise taxes, noting that it would cost around \$45 million to correct the problems. Mr. Hopple noted that it was only a couple thousand in 1995. Mr. Hawk noted that many people think that the Township has an unending bank account. He noted that the Board tries to pick areas that will create immediate relief but yet it knows that it will not be the end all solution.

Mr. Hopple noted that the Township needs to get some other political relief from the State or County governments. He noted that the Federal Emergency Management Agency (FEMA) set up meetings in this building to help with the heavy losses that people experienced, but he has never heard anything back from them. He noted that Rep. Ron Marsico was to see if he could do something, but it never seems to happen. He noted that the neighbors are getting edgy. He noted that he hopes that the Board members keep working on this problem. Mr. Hawk stated that the Board is trying to work on a long-term solution. Mr. Hopple requested that the Board continue to work on this problem.

Chairman & Board Members' Comments

Mr. Hawk noted that the State House of Representatives has agreed to an amendment that would create a state-wide comprehensive educative evaluation system for teachers, principals, and non-teaching professionals. He noted that the evaluation would be 50% objective and 50% would be based upon classroom observation.

Mr. Hawk noted that the prevailing wage bill has been put on hold until after the summer vacation.

Mr. Hawk noted that Act 73, that deals with the Pennsylvania Consolidated Statutes, prohibits municipal authorities funds from being used for any purpose other than a service or project directly related to the mission of the Authority.

Mr. Hawk noted that HB823 is a land use notification that would amend the Municipalities Planning Code to require municipalities to submit a monthly report to school district superintendents of any approved plans for residential development during the preceding month. Mr. Crissman noted that is for future planning purposes. He noted that the school districts can secure this information currently through the Pennsylvania Economy League (PEL). He noted that the PEL receives all the live counts for quick projections. Mr. Hawk noted that piece of legislation is on the governor's desk awaiting his signature.

Mr. Hawk noted that someone called him the other day to find out when a certain stop sign was installed. He explained that he was told that the date of installation is on the back side of the sign in the upper left corner, however, if you see an R in front of the date, that it the date it was replaced.

Manager's Report

Mr. Wolfe noted that Waste Management trash pickups will be delayed for one day for Wednesday, Thursday and Friday of this week due to the Wednesday 4th of July holiday.

Mr. Wolfe noted that motorists should be aware that starting Monday July 9, 2012, the contractor for PENNDOT will be closing a portion of Nyes Road between North Highlands Drive and Taunton Road to install a new gambrel wall. He noted that detours will be posted for non-local traffic. He noted that the contractor will also be realigning the stream channel as well. He explained that once that work is done, which is to take five to six weeks, Nyes Road will be opened; however, the contractor will be working at night to repave sections of Nyes Road. He noted that the paving work may extend until the end of October. He noted once this work is done, Nyes Road in Lower Paxton Township from Old Jonestown Road to the Swatara Township line, should be as close to new as it would ever get in our community.

Mr. Wolfe noted that the annual 4th of July Fireworks presentation will be held tonight at Koons Park starting around 9:30 p.m. He noted that the fireworks are sponsored by the Linglestown Fire Company and the Township.

OLD BUSINESS

No old business was presented.

NEW BUSINESS

Agreement with Dauphin County for mutual use of a public notification service

Mr. Hawk noted that the South Central Task Force is setting up a public notification service for public health and safety incidents.

Mr. Wolfe explained that the Board is asked to approve an intermunicipal agreement with the Dauphin County Commissioners whereby the Lower Paxton Township Police Department would be allowed to use the South Central Alert System. He noted that it will allow

the Police Department to make mass alert notifications to citizens in cases of emergency of a public safety nature. He noted that the system is designed with checks and balances whereby it is not intended to be used for non-emergency announcements. He noted that it could be used in the case of a snow emergency or regional flooding. He noted that the Township's effort would be coordinated through the Office of Emergency Preparedness. He explained that Public Safety Director David Johnson presented this agreement to him. He reviewed it and requests that the Board approve the agreement.

Mr. Seeds questioned what the cost for the program is. Mr. Wolfe answered that there is not cost to the participating municipalities as it is being borne by grant funds obtained by Dauphin County. Mr. Seeds questioned for what period of time. Mr. Wolfe answered the agreement is for the coming year. He noted that the agreement states that if the grant funding is not secured, then they will revisit the situation to determine if each municipality would want to continue the service at its own cost or discontinue the service.

Mr. Seeds questioned what type of notifications this service would be used for. Mr. Wolfe answered that it could be used for regionalized flooding, snow emergencies, a hazardous material spill on the highway... Mr. Seeds questioned if the system would call the residents living in that area. Mr. Wolfe answered yes.

Mr. Crissman made a motion to approve the intermunicipal agreement with Dauphin County for the mutual use of a public notification system. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Change Order No. 2 to the contract with Wexcon, Inc. for storm water improvements

Mr. Wolfe explained that Change Order No. 1 has not been submitted to the Township yet for this project and will be included in the next business meeting agenda. He noted that Change Order No. 2 for the 2012 Storm Sewer Project is in the amount of \$4,966.55 and

provides for the relocation of three sanitary sewer laterals that were found to be in the way of the replacement area for the storm sewer line. He explained that the change order was requested by the public works director and reviewed and approved by Steve Fleming from HRG, Inc. and is complete for action this evening.

Mr. Hornung questioned if this change order is for the work that is being done on Blue Mountain Parkway. Mr. Wolfe answered no, suggesting that this work is being done on Carolyn Street. He noted that they are working in several locations to complete the storm sewer improvements.

Mr. Crissman questioned if Change Order No. 2 is predicated on the information to be provided for Change Order No. 1. Mr. Wolfe answered that they are separate and independent of each other.

Mr. Seeds noted that this form does not show the before and after costs for the project. Mr. Wolfe suggested that HRG, Inc was using a different form. He noted that the overall contract was for several hundred thousand dollars and the change order is far less than 25% of the total project cost, the threshold for all change orders.

Mr. Crissman made a motion to approve Change Order No. 2 to the contract with Wexcon, Inc. for storm water improvements in the amount of \$4,966.55. Mr. Blain seconded the motion, and a unanimous vote followed.

Waiver request for the final land development plan for Laurel Ridge

Mr. Wolfe noted that no one from Laurel Ridge is in attendance at the meeting. He noted that they submitted a letter of request for a waiver. He explained that the Board has approved this plan and it has been recorded in the courthouse. He noted that the waiver is a request from not having to backfill sanitary sewer trenches or utility trenches in the private street to the top with stone material. He noted that the developer is requesting a waiver to backfill the trench with the

excavated material. He noted that Mr. Fleming's stated in his memorandum that he does not recommend backfilling utility trenches with excavated material; rather it should be backfilled with stone. He noted that without having a representative from Laurel Ridge present at the meeting, he could offer no further insight into the request.

Mr. Blain noted that Mr. Wolfe stated that it is a private street and if it would not be turned over to the Township. Mr. Wolfe answered that is correct. Mr. Blain noted that the home owners association would be responsible for the maintenance for that roadway. Mr. Wolfe answered agreed and explained that the current streets in that development are private and maintained by the association.

Mr. Hornung questioned who was asking for the waiver. Mr. Wolfe answered that the developer who owns the remaining tract who plans to build 96 townhome/apartment units.

Mr. Blain noted that the risk is that they would backfill the trenches with excavated material and there could be a potential for the road to collapse since it is not backfilled or impacted correctly with stone. He questioned if it could have an impact on the sewer line. Mr. Wolfe answered if the sanitary sewer line is properly bedded, it should not affect the sanitary sewer line. He noted that the road would not collapse; however, it is very difficult to achieve proper compaction using the excavated material resulting in trench settlement that results in dips in the road. He noted that is why the Township amended its public road specifications, especially since there is such a magnitude of sanitary sewer work going on in the Township and private streets. He noted that the backfill must be stone so that three years after the project has been completed the Township does not have roads with dips. He noted that it is very difficult to get proper compaction with the excavated waste material.

Mr. Blain noted that the developer will not be turning this road over to the Township. Mr. Wolfe answered that it correct. Mr. Hornung noted that the person asking for the waiver is

not the persons who will be maintaining the road. Mr. Wolfe suggested that it is a rental community, so they will own and maintain the road. Mr. Hornung noted that is true unless they sell it.

Mr. Blain noted what happens is when the road develops dips and the people are not happy with it, they will call the Township and expect us to do something about it. He noted that the Township will not be able to do anything about it since it is a private street. He noted that the owner would need to see what their budget allows for capital improvements and they may not make the repairs quickly, but in the meantime the Township will receive continued complaints about the condition of the road. Mr. Wolfe noted that is a possible scenario.

Mr. Crissman questioned if the applicant was told that they would not need to be in attendance. Mr. Wolfe replied that his discussion with the applicant was that if he received the request by noon on Friday, he would put it on the agenda for tonight's meeting.

Mr. Crissman noted that he has difficulty approving something when he does not have someone to talk to about the waiver request. Mr. Wolfe noted that it could be tabled until the next business meeting.

Mr. Blain noted that the plan was already approved and they would have to backfill the trench with stone as per the approved plan. Mr. Wolfe answered yes. Mr. Blain noted if the Board takes no action, then it wouldn't matter. Mr. Wolfe noted that the Board could take no action and they could make a request to come before the Board again. Mr. Blain noted that the Board could also deny the request.

Mr. Seeds noted that he is reluctant to go against the recommendation made by the Township Engineer which is not to grant the waiver even though it is not a Township road as it could cause problems with the sewer line or traffic. He noted that the residents will expect the

Township to fix it. Mr. Hawk noted that all the Board members are in agreement to what Mr. Seeds stated.

Mr. Blain made a motion to deny the waiver request from Laurel Ridge for the backfill specification. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Improvement Guarantee

Mr. Hawk noted that there was one improvement guarantee.

Keystone Center

A reduction in a letter of credit with Centric Bank, in the amount of \$2,205.59, with an expiration date of January 17, 2013.

Mr. Crissman made a motion to approve the improvement guarantee.

Mr. Seeds noted that he discussed Mr. Fleming's letter with him, and his concern with discarding the component of the Improvement Guarantee for the paving. He noted that Mr. Fleming stated that the paving was occurring on private land and he was under the impression that the paving was completed. Mr. Seeds noted that paving equipment is sitting on the site and it appears that they are getting ready to pave in the next day or so. He questioned if this should be a concern or not. He noted that a number of items need to be done but only the entranceway needs to be paved as part of the guarantee.

Mr. Crissman noted by virtue of Mr. Fleming's recommendation that he was fine with the reduction in the letter of credit. Mr. Wolfe noted that Mr. Fleming did check the site and he is satisfied with the reduction. He noted that Mr. Seeds raises the question because it is a private street and there is no reason to reduce the bond on the paving. Mr. Seeds noted that they appear to be paving the entire parking lot, noting that the surface is lower by an inch and a half from the adjoining hotel parking area.

Mr. Seeds questioned if it could be tabled at this time. Mr. Hornung suggested that the extension was for six months. Mr. Wolfe noted that typically the guarantees are one-year agreements; however sometimes they could be for a six month period, but from the information at hand, since it was set on January 17, 2012 he does not know the length of the agreement. He noted that a developer can always come in and ask for a reduction from a guarantee at any time once a certain amount of improvements have been completed. He noted that he does not know when the guarantee expires. He suggested that the safe action for this evening would be act to retain the current amount in force of \$27,889.70 until January 17, 2013. He noted if they are paving at this time, the guarantee could be acted upon at the July 17th meeting.

Mr. Crissman withdrew his motion. Mr. Stine noted that the Board does not have to do anything. He noted under the Municipalities Planning Code, if the engineer makes a recommendation to reduce the guarantee, the Board does not have the discretion to deny it. He suggested that you should check with Steve Fleming to insure that the dates are correct.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and the 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. Hornung made a motion to adjourn the meeting. Mr. Blain seconded the motion and the meeting adjourned at 8:21 p.m.

Respectfully submitted,

Approved by,

Maureen Heberle
Recording Secretary

Gary A. Crissman
Township Secretary