

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held October 15, 2013

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:40 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 and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Steve C. Nicholas, Attorney for Shogun Fusion, Ricky K. Chen, Owner Shogun Fusion; and Watson Fisher and Ted Robertson, SWAN.

**Pledge of Allegiance**

Mr. Hawk suspended the recitation of the Pledge of Allegiance as it was recited at the previous Sewer Authority Meeting.

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes from the September 3, 2013 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

**Public Comment**

Ms. Arlene Stottlemyer, Eric Drive, explained that on Tuesday, October 8, 2013, there was some vandalism in the Meadowview Village over 55 development. She noted that ten homes were spray painted, one car was totally vandalized to the point that it cannot be repaired. She noted that the police were called but from what she was told by her neighbors, no pictures were taken by the police, no fingerprinting was done, and she was wondering, since they are an elderly community, is this normal that no police work is being done. She questioned if this was an isolated incident and if there is crime ongoing in the Township where people are destroying

property. She noted that the people's insurance rates will go up since they have to pay to have things repaired. Mr. Hawk answered that he was not sure he could answer the question without more information, however, Public Safety Director Johnson is in the audience and he could possibly shed some light on the incidents. He explained that he knew that one car had its tires slit. Mrs. Stottlemeyer suggested that the 2009 vehicle may have been totaled. She questioned what do we do, it is not safe, and many people are afraid to come out of their homes at night. Mr. Hawk assumed that the car that was vandalized was not locked otherwise they would not have gotten into it. Ms. Stottlemeyer answered that you are correct on that but the spray painting was on the outside, the tires that they punctured and flatten were on the outside, and the windshield wipers were pulled off. She noted her concern is that we don't have visible police protection in the Village. She questioned if she lives in a private development, if that is why the police don't patrol her neighborhood. She explained that she would like to have some answers to take back to the people.

Public Safety Director Johnson noted that he did not hear everything that Mrs. Stottlemeyer said, but he understood that there was a rash of vandalism in the Meadowview Village. He noted that he would pull the reports to see what the officers and investigators are doing for those incidents and would speak with her outside the meeting room to get more information and make contact with her first thing in the morning. He noted that Meadowview Village is one of the patrol zones that the officers regularly patrol, noting that the Department has four or five cars patrolling 28 square miles. He noted that Cpl. Sumbury is present at the meeting and he could address patrol assignments. He questioned Cpl. Sumbury if he had any information on that occurrence. Cpl. Sumbury answered that he was not familiar with those incidents. PSD Johnson stated that he would research the incident and call Mrs. Stottlemeyer with the information.

Mr. Hornung noted that the PSD Johnson reported some numbers to the Board about the Department's rate for solving crimes. He noted that we have one of the best Police Departments, and as far as helping Mrs. Stottlemeyer feel safer, PSD Johnson could provide some statistics for her. PSD Johnson noted that the Department solves over 40% of the crime that is reported within the Township with the national average being 20%. Mr. Hornung noted that the Department is twice the national average for solving crimes. He explained that sometime it looks like the Police Department is not doing something but that it is on purpose because they have various means to patrol areas. PSD Johnson noted that several police cars are unmarked and they are used to patrol neighborhoods but people may not be aware of their presence. Mr. Hawk noted that PSD Johnson would provide an answer to Mrs. Stottlemeyer's questions rather quickly.

#### **Chairman and Board Member's Comments**

No comments were provided.

#### **Manager's Report**

Mr. Wolfe noted that Trick or Treat will be held on Thursday, October 31, 2013 starting at 6 p.m. and ending at 8 p.m. He noted that residents are invited to participate by turning on their outdoor lights. He noted that the Police, Fire, and Ambulance personnel will be out in full force to serve as protection for the young participants.

Mr. Wolfe noted that the Lower Paxton Township Arts Council will be holding an event at the Friendship Center, presenting the movie, "Stage Door". He noted that Jamie Caffier, the Central Dauphin East High School Drama Director and Penn State Lecturer will introduce the film and explain its cultural content. The film will be showed on Friday, October 18, beginning at 7 p.m.

Mr. Wolfe noted that the Board has partnered with Lower Paxton Community Cats to provide safe handling for feral cats. He explained that LPCC will be sponsoring one more Trap

and Release seminar in regards to feral and free roaming cats with the community. He noted that the purpose of the program is to instruct residents how to trap free roaming cats to be neutered or spayed, and after appropriate care is provided, release the cats back into the wilds of the community. He noted the third seminar will be held at the Municipal Center on Wednesday, Thursday, November 7, 2013 at 7 p.m. until 9 p.m.

Mr. Wolfe noted that the Parks and Recreation Department will be sponsoring a pumpkin carving event at George Park on Saturday October 6th and Sunday October 7th from 6 p.m. to 8 p.m. with a fee of \$7 per pumpkin. He noted that hayrides will be conducted on October 25<sup>th</sup> through the 27th from 6 p.m. to 8 p.m. with a fee of \$3 per person.

### **OLD BUSINESS**

#### Amendment No. 1 to the Pennsylvania Redevelopment Grant for the Spring Creek Road Improvement Project

Mr. Wolfe noted that the Board previously adopted Resolution 13-34 on August 20, 2013. He noted that resolution authorized the submission of the grant as co-applicant with the Harrisburg Catholic Diocese and Bishop McDevitt High School. He noted that the project is to pay for the Spring Creek Road Improvements. He explained that the grant was awarded by the Pennsylvania Commonwealth Finance Authority (CFA) and is part of the Redevelopment Assistance Capital Grant Program. He noted that the total grant amount is for \$1,435,000 and Phase II's amount is \$710,000. He noted that a previous award of \$725,000 was received for this project. He explained that the Board has authorized the submission of this grant and it has now received the award. He explained that the Township acts as a conduit for the funds and it has no other role in the project. He requested the Board to act accordingly to accept the grant award on behalf of the Diocese and Bishop McDevitt High School.

Mr. Crissman made a motion to approve Amendment No. 1 to the Pennsylvania Redevelopment Grant for the Spring Creek Road Improvement Project. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

### **NEW BUSINESS**

#### Resolution 13-39; transfer of restaurant liquor license R-10212 Shogun Fusion, Inc., 5125 Jonestown Road

Mr. Wolfe explained, within Dauphin County, State Law permits the transfer of liquor licenses among communities as long as the receiving municipality accepts the transfer and by this resolution the Board is being asked to accept the transfer. He noted that Attorney Steve Nicholas will walk the Board through the process.

Mr. Stine noted that this is the time and date set for the public hearing on Resolution 13-29, the transfer of a restaurant liquor license R-10212 for Shotgun Fusion, Inc., located at 5125 Jonestown Road. He questioned Mr. Nicholas if he was representing the applicant. Mr. Nicholas answered that he was. Mr. Stine requested him to proceed with his testimony.

Mr. Steve Nicholas explained that he is the attorney for the applicant, Shotgun Fusion, Inc., which is a Pennsylvania business corporation. He noted that the company is solely owned by Ricky Chen who is present this evening. He explained that Mr. Chen is the sole officer, director and shareholder of the company and is available to answer any questions the Board may have.

Mr. Nicholas thanked the Board, Township Manger and Staff for their help with this application. He explained that he always feels welcome when he comes to the Township for any business. He noted that he is a business resident of the Township with his office located at 2215 Forest Hills Drive.

Mr. Nicholas explained that the purpose of his appearance is to request approval to transfer a retail restaurant liquor license #R10212 from Steelton Borough to Lower Paxton

Township, specifically at 5125 Jonestown Road. He noted that it is located in the Paxton Towne Centre and is adjacent to the Medicine Shop. He noted that the license is currently issued to a company known as Naples Pizza for use in Steelton Borough, and Mr. Chen is purchasing the license on an arms length transaction, noting that there is no connection between the seller and his client. He noted that he is present under Act 141 signed into law in December 20, 2000 that took effect February 9, 2001. He noted that it changed the quota system in Pennsylvania for how liquor licenses are distributed. He noted when the State first enacted the Liquor Code; you were permitted one license for every 1,000 inhabitants of a municipality. He noted that later it was changed to one license for every 2,000 inhabitants in a municipality. He noted that those licenses were probably over the quota, but it was restricting, in the case of population growth, the number of licenses you could have. He noted in 1986, when Act 141 was originally enacted, it changed the quota system from a municipal one to a County-wide quota system. He noted currently, in Pennsylvania, you can have one license for every 3,000 inhabitants in the entire county. He noted that did not result in the ability to issue new licenses as you still have to buy your license from existing licensees from the Pennsylvania Liquor Control Board.

Mr. Nicholas noted that Act 141 was designed to help stimulate economic growth and encourage investment in the local communities.

Mr. Nicholas noted upon approval of a transfer of a license from one municipality to another, the licensee cannot move that license outside the municipality; however it can be moved within the municipality.

Mr. Nicholas noted that the cost of a liquor license today, if you could buy it directly from the Liquor Control Board (LCB) and depending on where you live, would cost between \$400 to \$600; however there are no licenses available, so an applicant must negotiate with someone who has one, and the going rate for a liquor license in Dauphin County is between

\$90,000 and \$100,000. He noted if there is one available in Cumberland County, due to the population and the number that have been issued, it would be about \$250,000 because when the law was enacted, Cumberland County did not have the population that Dauphin County had, and the supply and demand makes the cost much higher on the west shore.

Mr. Nicholas noted if you are very careful with how you invest and operate your business, noting if you do so in a flimflam manner, it is a piece of paper. He noted that the LCB can take it away from you immediately if they want to.

Mr. Nicholas explained that the first step for the process is our appearance before this Board of Supervisors requesting approval of the transfer from Steelton Borough to Lower Paxton Township. He noted that the approval does not approve the license being issued to Lower Paxton Township; it just allows Mr. Chen to make application to the LCB. He noted at the time he makes application to the LCB, a poster will be displayed until the LCB has taken final action on the application. He noted that the poster informs residents and other people who are interested in the community, if they have an objection to the license being transfer to Lower Paxton Township, to please let the LCB know and they will follow up with that.

Mr. Nicholas noted that the second step is when he files the application with the LCB, there are several levels to go through, noting that the building that will house the liquor license must have sufficient square footage. He noted under the Liquor Code, the applicant is required to have 400 square feet. He noted that Shogun Fusion has 5,800 square feet. He noted if you picture 400 square feet with a barroom and a kitchen, storage and everything else, that is not a very big space. He noted that 6,000 square feet however is more appropriate. He noted that the applicant must show to the LCB that he or she has a good reputation, not being charged with any crimes. He noted that Ricky Chen has no criminal history but what impresses him about his client is that he was born in China and is 32 years old. He noted at the age of 14, his family was involved in

the restaurant business and he was chosen to start working in the business at that time and has been in that business for 18 years. He noted that Mr. Chen has elected to apply for citizenship.

Mr. Nicholas noted that the next step is to approve that the applicant can run a restaurant. He noted that Shogun Fusion will be open tomorrow for its first day of business, noting that you have to have personal funds to go into business and you may have to borrow money to do so as well. He noted that the restaurant is very nicely decorated and distributed a floor chart of the design. He noted that there are eight hibachi stations and seating that is very comfortable.

Mr. Nicholas noted that once the LCB approves the transfer then the enforcement begins. He noted that the LCB along with the Pennsylvania State Police have the sole responsibility for checking on licensees to ensure they comply with the law. He noted that they are permitted to conduct undercover surveillance and permitted to bring a minor into the premises to attempt to purchase alcohol. He noted that complaints are normally called into the LCB on an anonymous telephone line and the enforcement people will investigate until they are satisfied that all is well. He noted that many of those calls are made by disgruntled customers.

Mr. Nicholas noted that the business will be conducive for family eating and alcohol will only be served as a convenience. He noted that mistakes in the business can be very costly as the first violation for serving a minor is a fine of \$1,250. He noted that the second violation is \$2,250, and the third violation for serving a minor could be the loss of the liquor license.

Mr. Nicholas asked Mr. Chen to address to the Board, for the record, information on the type of menu that he will be serving. Mr. Chen explained that he will be serving a hibachi grill for a Chinese steakhouse with a dining area made up of two sections, having eight hibachi grills, where the chef makes the food in front of the customer putting on a show for them. He noted that he would also have a dining area for Fusion which is a modern French-style Asian Cuisine. He noted that it will have French-style sushi food, along with steak, wine and Saki.

Mr. Stine questioned if anyone in the audience wished to be heard on Resolution 13-29. He noted seeing no response it would be order to close the public hearing on Resolution 13-29 at this time and the Board may take action if it so desires.

Mr. Wolfe noted that the Resolution is actually 13-39 and not 13-29

Mr. Crissman made a motion to approve Resolution 13-39; transfer of a restaurant liquor license R-10212 Shotgun Fusion Inc., 5125 Jonestown Road. Mr. Blain seconded the motion.

Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on an agreement with Appalachia  
Technologies LLC to provide IT management services

Mr. Wolfe noted that the Township's IT Manager will be retiring in about four weeks and about three months ago, staff began a process to recruit a replacement for the IT Manager. He noted that the recruitment process did not go as expected, although he did have applicants and conducted interviews; in the final analysis the two candidates that staff was considering did not meet expectations.

Mr. Wolfe noted that roughly two weeks ago he reported to the Board that staff would need bridge services until he could retain an in-house IT Manager. He noted that the pending environment coupled with the installation of the new financial software that must be online and fully functional by January 1, 2014 required immediate services. He noted, at the same time, he reported to the Board that he was not able to secure a viable replacement for staff, there was a significant failure with one of the file servers that cost two weeks or more to recover from, thus necessitating even more the need for bridge IT services.

Mr. Wolfe noted that staff has investigated IT firms in the area that are familiar with the Township and that we are familiar with as well. He noted that he, along with the Human Resource Manager and current IT Manager has been involved in this process. He noted that staff has had significant discussions with four separate firms and the recommended firm is Appalachia

Technology, LLC. He noted that they have proposed to provide the bridge service that we need through a two-phase process. He noted that the initial phase is staff augmentation phase and Phase II that occurs after three months, would be monitoring with on-site help desk services. He noted that the total cost of the services, if Appalachia would continue through a 12-month period would be \$120,000 which given the rate of compensation and benefits of the current employee is only a slight increase in what the Township is current paying for these services.

Mr. Wolfe noted that he included Appalachia's agreement but wanted to explain that he has made two minor changes to the agreement in the boiler plate edition of the document. He noted that one Mr. Stine is very familiar with is the indemnification and hold harmless clause where it states that each party will indemnify and hold harmless the other party, noting that Mr. Stine has required that the Township state, to the extent permitted by law. He noted that Appalachia is willing to accept that change. He noted under the terminations provision of the agreement, it is intended to be a bridge service and the termination was initially five days and only presentation of information of poor performance on the part of the contractor, and a with cause termination. He noted that Appalachia is agreeable to a 30-day termination without cause by either party as it is one that the Township would require given it intents for this to be a bridge IT service.

Mr. Wolfe noted that the agreement is before the Board this evening and it is staff's recommendation that the Board act affirmatively and select Appalachia for requested IT services.

Mr. Blain questioned when he looked at some of the rates, Mr. Wolfe quoted \$120,000 for the annual services, how did he get to that number. Mr. Wolfe answered, if you go to page three of the agreement, the discounted rate is \$100 per hour for onsite three days per week for the initial Phase I services and after that, for five days a week it is \$50 a week for help desk services plus monitoring services at \$1,720 per month.

Mr. Blain questioned what if Appalachia provides more than those services for the Township. Mr. Wolfe answered that more would be more money and less would be less money. Mr. Blain noted that they set it as an hourly rate, within this contract, but he questioned if there is a not-to-exceed amount. Mr. Wolfe answered that there is none but if the Board desires one; he could add it as it should be it in the contract.

Mr. Blain question how many other companies' staff talked to. Mr. Wolfe answered in depth, three other companies. Mr. Blain questioned if the Township received proposals from those companies. Mr. Wolfe answered either in writing or verbal, he noted there was another proposal in writing, and he had verbal discussions with two others which did not firm figures but he did not feel comfortable with those firms. Mr. Blain questioned if Mr. Wolfe has numbers. He noted that he is looking at the contract and \$120,000 is a lot of money. He noted, in the past, the Township received proposals with those kinds of dollars and we have received formal proposals back from those that we were interested in having provide staff with proposals at which time the Board would vet them out to review. He noted that a good example would be the general ledger package as staff had Dallas Data Systems and two other companies provide proposals and the fees for that program was close to \$150,000. He noted that he is a little concerned that he does not know how to compare this proposal to others. Mr. Wolfe explained that it is staff's intention to accept the least cost proposal although he believed it to be a very reasonable proposal given what we are currently paying and having discussions with others. He noted that it is staff's intention to find what he believed to be the best fit for bridge IT services. He noted that his concern has been that when he got to the point where he did not have an IT manager, six weeks left before the current IT person was leaving, with a new financial management system coming on line, and the fact that the Township experienced a file server crash, he needed to make sure he had someone in house covering the Township that understood what it needed and he felt

comfortable with Appalachia. He noted that was his reason noting, understanding that in the past staff would typically have done a RFP but he did not believe there was enough time to do so. He noted that is why he considered this as it is priced out on a monthly basis, in phasing with the 30-day right to terminate.

Mr. Blain noted that he wanted to make sure he understood why we were going down the road that we are going down without making sure we have looked at all the options. Mr. Wolfe noted if the Board would desire to entertain formal requests for proposals along this line, he would not hesitate to do that but he needs to have secured someone in the interim because he does not believe he can go through the RFP process in four weeks. He noted that it would be an 8-week process and given the experience staff has had in getting Dallas up and running and also with the failure of the one file server, he did not believe that the Township was in the position to go naked for an extended period of time.

Mr. Hawk noted that a gentleman has approached the podium to speak.

Mr. John Frisch, owner of Higher Information Group, located in Lower Paxton Township explained that his business started out as Harrisburg Copiers two blocks away about 12 years ago. He noted that over that period of time he has grown to 65 employees and is one of the firms that came in to talk to Mr. Wolfe and Mr. Weisinger. He noted that he had a meeting along with a sales representative, on Wednesday and he thought it was a pretty good meeting, noting that he spent an hour with Mr. Wolfe and Mr. Weisinger and then spent another 45 minutes with Mr. Weisinger, looking at the infrastructure. He noted that he had two technicians assess the situation spending two hours, noting that his sales representative called Mr. Wolfe to state that they would present a proposal on Tuesday. He noted, at that point, he received an email from Mr. Weisinger that the decision was made to go with Appalachia.

Mr. Frisch noted that his firm has a lot of experience in IT. He noted that his clients include three public school districts that outsource all of their IT to his firm having five-full time staff working for those school districts. He noted that the Township has some infrastructure challenges, but he was told that the Township did not want to spend money at this point in time and he understands that; however, he would be remiss if he did not look at some of the numbers. He asked that he be given an opportunity to make a formal presentation or proposal. He noted that he had five copies of quick notes and distributed the notes to the Board members. He noted with dealing with school districts he has looked at what their current costs are and he normally schedules a mid tier technician on staff having 19 people in his IT staff and a data center location that he has invested well over \$1 million in. He explained that his senior technicians are excellent in what they do. He suggested that a full-time person would not be necessary on staff however; the Township would need someone who is available to handle the help desk issues. He noted with a proposal similar to this he would basically have a technology person which would be around a \$44,000 a year employee, retirement, taxes, health care, along with a 10% management fee to bring the total to \$65,000 or \$5,400 per month. He noted that he cannot believe that one person can be an expert in all of the different parts of IT. He noted that he has an expert in exchange, server, and network issues. He noted with that he would add a management overlay that would be around \$2,000 per month providing access to handle issues. He noted in the example that you talked about with the data center and the server going down, he has a data center in place, a virtual server that hosts over 60 clients at his locations and countless websites. He noted that he has the ability, in an emergency, to have the power to keep the Township going. He noted that it is vastly different the Appalachia. He noted if you haven't visited them, he suggested that you do so... Mr. Hawk stopped Mr. Frisch at this point noting that he was involved in a conversation with Mr. Wolfe. Mr. Wolfe noted that he was involved in discussions

with this firm. Mr. Hawk noted as a result of those conversations you are recommending Appalachia as opposed to this gentleman. Mr. Hawk noted that it is very unusual at this point... Mr. Frisch stated that he did not know if his IT technicians ticked off Mr. Weisinger, he noted that Mr. Wolfe was not in the second meeting with the technicians. Mr. Wolfe answered that he was not in that meeting. Mr. Frisch noted that he did not know what transpired and his apology for not having someone from his sales staff to be present, but he can promise the Board that his kids are very smart, but they are not sales people and he did not know if Mr. Weisinger was insulted. Mr. Hawk noted that he understood what he was saying but he did not think it was appropriate at this point to switch horses in the middle of a meeting without...Mr. Frisch apologized, noting that he has not been to one of these meetings so he was no sure how he should proceed. Mr. Hawk noted that Mr. Blain had some questions concerning pricing, but for him to sit here and read the information, it does not make a whole lot of sense this evening.

Mr. Hornung noted that it might make more sense at some point down the road in a reasonable time that we do more. He questioned Mr. Wolfe how quick it would take to get a full-time IT person on staff or is that not the direction he wants to go. Mr. Wolfe answered that he has advertised the second time for an IT Manager but he does not know what that deadline is but should he find a successful applicant, and complete the background investigation, and provide two weeks to vacate a current position, it would be at least 60 days. Mr. Hornung questioned if he was looking to change the compensation for the job as it might not be high enough. Mr. Wolfe answered that he has not gotten to that point yet. Mr. Hornung noted if it is a 60 day decision at this point, he would like if it would go beyond 60 days and if it is decided to use a consultant for IT services that we would do a RFP. Mr. Wolfe noted that the Board can direct this anyway it wants to.

Mr. Hornung noted that he understands the emergency to get someone in.

Mr. Crissman suggested that there are two issues; the first is that Mr. Weisinger is leaving and we need those services and overlap of services so that Mr. Weisinger's knowledge is shared with the person who will be doing the temporary work until the Board reaches a final decision. He noted that the second issue is to have someone in now working along side Mr. Weisinger because the Township is undergoing a major change in the financial software and it is essential that we have continuity. He noted that all staff needs is to have a breakdown in the service and the implementation of the financial package that is to come on line January 1, 2014, noting that a lot of prep work has to be done. Mr. Hornung noted that he did not think anyone would argue those points, but he was trying to get a hold on what the long-term solution would be. He noted that we need to look at a more formal process to determine that. Mr. Crissman noted that we need to set up someone to get us through the next three months that would provide the Board time to get through the emergency and transition and then do a formal assessment of the services that we are getting as it may want to consider using the consultant for a long-term relationship as opposed to hiring a person. He noted that it would provide Mr. Wolfe the opportunity to look at both solutions.

Mr. Hornung suggested that Mr. Weisinger had a huge input into this decision as he was looking for a good fit for him and for the Township. He noted, down the road, depending on which turn the Township takes, the Board should reconsider this decision after solving the emergency issue for timing.

Mr. Frisch noted that he appreciated the Board's time and consideration for this matter.

Mr. Hawk noted that is why he interrupted Mr. Frisch's presentation as it changed the momentum as we need to act on the immediate transition which is critical for the new systems that are being installed. He noted that it does not take Mr. Frisch out of the loop. Mr. Frisch suggested that it does; however, from the dollar standpoint, his program would be \$7,400 a

month for a full time person plus a senior staff oversight, and it is significantly less than a person who works three days for \$2,400 a week, at almost \$10,000 a month. He noted that he came into the process late, as he was only called on Wednesday, but he was in the neighborhood and figured that he would stop by and introduce himself. He appreciates that Board's consideration in this matter.

Mr. Blain questioned with professional services, does the Township need to bid that out. Mr. Wolfe answered no. Mr. Blain noted if we only have one service offering in front of us, does it hurt to say, give us your service offering by the end of the week and then we could look at it and make a decision. Mr. Wolfe noted that the Board can handle this anyway you want to.

Mr. Seeds noted that everyone has made good points, but staff has made a recommendation and we have an immediate problem as we need someone for a bridge and he would suggest that the Board approve a three-month deal with a limit on the amount of money, hiring Appalachia for three months, and then the Board could discuss it further looking for a more permanent solution. He noted that there is an immediate need so he would go with Appalachia as it is staff's recommendation.

Mr. Hawk noted that Mr. Weisinger will be leaving in November. Mr. Blain noted if Mr. Wolfe has to go back to make changes to the proposal, the Board would have to approve it with the changes and Appalachia would have to accept the changes. He questioned what if they don't accept the changes. He noted that they may not accept the not to exceed fee amount. He noted that Mr. Weisinger is leaving on November 18<sup>th</sup>, so what if you go to Appalachia with the changes and also go to Higher Information Group to allow them to provide a proposal by Friday. Mr. Seeds noted that Appalachia has offered a three month agreement to the Township. Mr. Blain noted that Appalachia has a Phase I and Phase II agreement, noting that Phase I is for the three months, but he noted that the rates per hour does not include a not to exceed amount. He

noted that it is missing and needs to be negotiated. He noted that maybe we should compare their agreement to someone else.

Mr. Seeds noted that we should make an offer for the three month agreement and if they turn it down then obviously we will have to go elsewhere. He noted that we would have to have another meeting to make a decision. Mr. Blain noted that we would have to advertise another meeting to take action on this.

Mr. Hornung questioned if Mr. Wolfe was aware of the price difference between Appalachia and Higher Information Group and made a judgment call for why he chose Appalachia. Mr. Wolfe noted if there is that much questioning in the Board's mind then you should do what Mr. Blain suggested. Mr. Hornung questioned Mr. Wolfe if he feels that he needs a decision now. Mr. Wolfe answered that it needs to be done as soon as possible.

Mr. Crissman questioned if the Board directs Mr. Wolfe to go back and do research, how long would it take him noting that it is crucial to get someone in now. Mr. Wolfe noted at this point, how long will depend on what you want and how much you need to participate in the process. He can't answer that.

Mr. Blain noted if the Board is having a budget meeting next week and if we had to have another session to approve the agreement, you need seven days to advertise. Mr. Wolfe answered that is not correct as the budget meeting has already been advertised and it is a public meeting. Mr. Blain noted if we wanted to delay the vote, we would have to make a decision on the 29<sup>th</sup>. Mr. Wolfe noted that it could be done at any business meeting.

Mr. Crissman questioned if there is the assumption that Appalachia could start the next day. Mr. Wolfe noted absolutely. Mr. Crissman noted if we require Mr. Wolfe to go back to get more information, he is losing seven days in this process. He noted that he has a concern about

that. Mr. Wolfe noted that he has to be honest with the Board in that he has allowed, subject to this agreement, Appalachia to be in the building to look at the equipment.

Mr. Hornung noted since the helpline desk costs so much an hour, how would you control the usage of the helpline desk. Mr. Wolfe answered that it would be through tickets that he would approve. Mr. Hornung noted that staff would not just call for help. Mr. Wolfe agreed. Mr. Hornung noted that that system could be reactivated. Mr. Wolfe answered yes, noting that we were supposed to have that system in place now but Mr. Weisinger has always addressed questions as they arise. Mr. Hornung questioned, knowing the flow of tickets, will it be enough time. Mr. Wolfe noted that currently it is. He noted that we currently survive with one person, noting that Mr. Weisinger works more than 40 hours a week, but essentially we survive at this level now. Mr. Hornung noted that Mr. Weisinger works 40 hours a week and the contract calls for 24 hours a week. Mr. Wolfe noted that the helpdesk person would be 40 hours a week. He noted that the onsite while Mr. Weisinger is still here to document the system is three days a week, using a high level technician, and after that it will be a helpdesk person for 40 hours a week.

Mr. Hornung noted that you won't have a \$100 an hour on site person for three days a week. Mr. Wolfe answered that was correct. Mr. Hornung assumed that three days a week would be for every week... Mr. Wolfe noted that it is only for the first three months during implementation.

Mr. Blain noted that Phase I states that a senior engineer will work three days per week on site providing supplemental support for the IT Department and a benchmark will be established and there will be documentation to provide monitoring assistance. He questioned if it is separate from the help desk. Mr. Wolfe answered that was correct. Mr. Blain noted that Phase II states that there is help desk support. Mr. Wolfe noted that it starts in month four. Mr.

Blain questioned who is doing the help desk support in month one. Mr. Wolfe answered at this time it is Mr. Weisinger, and of the three months, there will be one month of overlap; the help desk services during the two months will be done by the high level technician as part of the Phase I operation.

Mr. Crissman noted that we only have four weeks for overlap and if we wait another week to make a decision then we are down to three weeks. He noted that he would like to begin the three month contract to get this started to have four weeks of service but his long term concern is where we want to go beyond that period of time. He noted that within the three months that we provide staff the opportunity to do the assessment and come back to say that we want this to continue as it is working well or we still want to hire someone to keep permanently on staff. He noted that it would alter the proposal before the Board tonight but he questioned Mr. Wolfe if Appalachia would be amendable to what he just suggested. Mr. Wolfe suggested that he assumed that Appalachia will be but he also assumed that this would not be as big an issue for what we are doing so he did not want to make assumptions at this point. Mr. Crissman noted that he does not want to lock the Township into something that it may regret later but to be able to provide as many options as possible and at the same time he wants to make sure that the Township is secure. Mr. Wolfe noted that they are mutually exclusive. He noted to maintain the options, you can't oppose it.

Mr. Hornung made a motion that we postpone the decision for one week. Mr. Crissman noted if you don't make a motion, nothing will happen and Mr. Wolfe will have to bring it back to the agenda next week. Mr. Hornung noted that he does not want to go more than one week. Mr. Crissman agreed in fact he would be willing... Mr. Wolfe noted as long as the Board is in a public session, it can take action on an item, but typically the Board does not take action at workshop sessions but it could. He noted that the Board has one firm recommendation from

staff and one that showed up tonight to speak, but there are others out there. He questioned where he should stop. He noted that there are other firms that want the Township's businesses besides these two.

Mr. Hornung questioned how many firms have you interviewed. Mr. Wolfe answered four, but he knows of others. Mr. Hornung questioned for the four firms that you talked to, why he went with the firm that he was recommending. Mr. Wolfe suggested that we are beyond that at this point, if we are going to ask for others then... Mr. Hornung noted just the four that you evaluated. Mr. Wolfe noted that one was not capable, one was too much money, the two we are talking about right now are comparable but he felt more comfortable with Appalachia. He noted that the Board runs the Township so it has the opportunity to do something different.

Mr. Hornung questioned if he could explain why he felt more comfortable with Appalachia. Mr. Wolfe answered that he can't.

Mr. Seeds made a motion to approve the agreement with Appalachia Technologies, LLC, to provide IT management services to Lower Paxton Township for Phase I for a three-month period with a not to exceed amount of \$30,000. Mr. Blain questioned how you came up with that amount. Mr. Seeds noted that he figured \$2,400 a week time four weeks and three months. Mr. Wolfe noted that is how he did the math. Mr. Crissman seconded the motion.

Mr. Crissman noted if Mr. Wolfe receives conversation back from Appalachia that it was not their proposal... Mr. Wolfe noted that they would have that option. Mr. Crissman stated that he hoped that they would not say that because if we go with this they can start tomorrow. Mr. Seeds noted that they offered it to the Township so they should have to accept our request. He noted if they don't then we would have to take action at our next meeting to find someone else. Mr. Hawk noted that it seems reasonable. Mr. Crissman noted that it could backfire in the Board's face but then the Board must give Mr. Wolfe direction for what it wants him to do. He

noted that is the negative that he sees. Mr. Seeds noted that he is fearful that the Township will experience a shutdown as we just experience one and if we don't have services it can really mess up the whole Township and it could cost a lot more than \$30,000.

Mr. Hawk called for a roll call vote: Mr. Blain, nay; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Mr. Hornung noted that the Board, in many instances, goes with staff's recommendations, especially in these types of matters as staff is the group that must do the day-to-day operations as they have to work with the technology. He noted if the Board makes a decision to choose someone else, then the Board assumes the responsibility of that outcome of that decision. He noted if we go with Mr. Wolfe's choice then he would assume the responsibility for the decision. He noted that once you take the accountability away, the compromise and the operation, and if Mr. Wolfe makes the choice, he is accountable for what happens. He noted that is why he chose to go in this direction. He noted that there will be further discussion on this topic within the next three months to make another decision for what to do for future services.

Mr. Seeds questioned if Mr. Frisch could put a proposal in for services. Mr. Frisch noted that he wants the Board to understand that if he was in their position he would make the same decision. He noted that he has the contract for the business equipment and he hopes that his showing up at the meeting has not jeopardized his relationship with the Township. He wished the Board the best luck but he agrees that the Board was correct in getting someone in sooner than later. He apologized for taking up too much of the Board's time.

Change Order #2 to the 2013 roadway paving  
contract with Handwerk Site Contractors

Mr. Wolfe noted that Change Order #2 for roadway paving for \$14,083.68 is to install American Disabilities Act (ADA) acceptable curb ramps at certain intersections that have

sidewalk and curbing, specifically on Catherine Street. He noted that staff recommends that the Board accept the change order this evening.

Mr. Crissman made a motion to approve Change Order #2 to the 2013 roadway paving contract with Handwerk Site Contractors in the amount of \$14,083.68 for ADA curb ramps. Mr. Blain seconded the motion. Mr. Hornung questioned why the ADA curb was not part of the bid specifications. Mr. Wolfe answered; whoever did the specifications did not include it in the bid. He noted that he did not know if that was staff or HRG. Mr. Hornung questioned if we are paying a higher amount. Mr. Wolfe answered that curb ramps typically cost \$5,000 each. Mr. Crissman noted that we have no choice as the Township has to install the ramps. Mr. Hawk called for a voice vote and a unanimous vote followed.

### **Improvement Guarantees**

#### 2251 Patton Road

A reduction in a letter of credit with Metro Bank, in the amount of \$18,602.10, with an expiration date of March 19, 2014.

#### Old Iron Estates, Phases I, III & IV

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$44,891.00, with an expiration date of October 15, 2014.

Mr. Crissman made a motion to approve the two improvement guarantees. 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 and Lower Paxton Township Authority and the Purchase Cards register for the Township and 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, and the meeting adjourned at 8:52 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

Gary A. Crissman  
Township Secretary