

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held April 1, 2014

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, Gary A. Crissman, and Robin L. Lindsey.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Tom Smida, Mette Evans and Woodside; Jay Wenger, Susquehanna Group Advisors; and Watson Fisher, 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**

Mrs. Lindsey made a motion to approve the minutes from the March 4, 2014 business meeting. Mr. Seeds seconded the motion, and a unanimous vote followed.

**Public Comment**

Public comment was provided at the end of the meeting.

**Chairman and Board Member's Comments**

Mr. Hawk noted that he had the opportunity to do a ride along with South Central Emergency Medical Services (SCEMS) this past Thursday. He explained that they are very organized and do an outstanding job. He noted that SCEMS was involved with an incident with Chief Tom Swank, Colonial Park Fire Company and he noted that SCEMS and the fire services work very well together. He noted that this is also true for the Police Department.

## **Presentation for Service to Ernest Gingrich**

Mr. Hawk requested Mr. Ernest Gingrich to come to the podium as well as the other Board members to join in this special presentation. He explained that he has known Mr. Gingrich for a long time going back to when he worked for Michael Baker Engineers at 4<sup>th</sup> and Division Streets. He noted that Mr. Gingrich approaches what he does with diligence, dedication, commitment and enthusiasm, and as a result the Township stands as a leader across the Commonwealth thanks to Mr. Gingrich's service on the Planning Commission. He noted that the purpose of life is for life to have a purpose and it emulates Mr. Gingrich's dedication to the Township. He noted that the Board appreciates everything that Mr. Gingrich has done over the years. He explained, as a member of the Planning Commission, Mr. Gingrich would review the plans, and ask the tough questions to make the Board's job easier when the plans finally came to the Board for its approval.

Mr. Hawk acknowledged that Fred Lighty, Chairman of the Planning Commission is also present this evening. He thanked him for coming out to support Mr. Gingrich.

Mr. Hawk noted that Mr. Gingrich had a smile on his face when he walked into the room, noting that there is an old saying that a smile on your face is like a light in the window that lets the world know that your heart is at home. He noted that although Mr. Gingrich is retiring as an active member of the Planning Commission, his wish is that his heart would always be at home and be remembered fondly for all the time and effort that he has expended for the Township.

Mr. Hawk noted that Mr. Gingrich joined the Environmental Advisory Board in 1977 and was appointed to the Planning Commission in 1981 until he served his last term ending in December 2013.

Mr. Hawk requested Mr. Gingrich's wife, daughter Jan, and son-in-law Dave Sanko to join him at the podium. He thanked Mrs. Gingrich for allowing her husband to take the time to

serve the Township and then presented to Mr. Gingrich a plaque commemorating his years of service to the Township.

Mr. Gingrich stated that he always had a heart for serving in the community and organizations that he believed in. He noted that he and his wife moved to Lower Paxton Township in 1964 and in 1977 he joined the Environmental Advisory Council and in 1981 the Board of Supervisors appointed him to the Planning Commission. He stated that he worked on at least three Comprehensive Plans while a member of the Planning Commission. He thanked Fred Lighty for attending the meeting and for his service as the Chairman of the Planning Commission, and noted, at his age, he requested not to be appointed again. He expressed his appreciation for the recognition that the Board provided to him.

### **Manager's Report**

Mr. Wolfe noted that the Leaf Waste Collection Program will start with Waste Management's collection starting the week of April 7<sup>th</sup>. He noted that the Compost Facility will reopen on Tuesday, April 1, 2014, and it will be open on Tuesdays, Thursdays, and Saturdays from 7:30 a.m. to 5 p.m. He noted that residents must purchase a permit to bring items to the Compost Facility; the rates are unchanged from last year. He explained that the rate for an annual pass is \$35; a day pass is \$10; a commercial annual rate is \$500; and a day pass is \$50. He noted the permits can be bought at the Municipal Center or Hornung's Hardware Store; however, permits are not available for purchase at the Compost Facility.

Mr. Wolfe noted that curb side collection of leaf waste by Waste Management will start the week of April 7<sup>th</sup>. He noted that it is collected twice a month from April through December as well in January for the collection of holiday trees.

Mr. Wolfe noted that the Easter Egg–Stravaganza will be held on Saturday, April 12, starting at 1 p.m. at Brightbill Park. He explained that the egg hunt is for children ages two to ten and all are invited to come and watch.

## **OLD BUSINESS**

### Delegate to serve on the Dauphin County Tax Collection Committee

Mr. Wolfe noted that the Board appointed, during its organizational meeting in January, a delegate and alternate to serve on the Dauphin County Tax Collection Committee. He noted that due to conflicts in schedules the delegate and alternate have been unable to attend a couple meetings this year; therefore, the Finance Director attended on their behalf. He explained that he received a communication from the DCTCC questioning the status of the Finance Director while attending the meeting. He noted that the Finance Director cannot vote on behalf of the Township if he is not an appointed delegate. He questioned if the Board would like to reconsider its appointments, considering making Mr. Houck an alternate for this Committee.

Mr. Hawk noted that he has been the delegate to this Committee since its inception, for about three years, and he would like to suggest that Mr. Houck be the delegate and he would act as the alternate. Mr. Wolfe noted that he would have no problem with that.

Mr. Hornung made a motion to appoint Tim Houck, Finance Director, as the representative and delegate to the Dauphin County Tax Collection Committee with William Hawk as the alternate. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

### Ordinance 14-02; authorizing the issuance of General Obligation Bonds, not to exceed \$39 million

Mr. Tom Smida explained that Ordinance 14-02 authorizes the issuances in the aggregate principal maximum amount of \$39 million. He noted that the debt issue will not be \$39 million but it is being structured this way so that the Underwriter and Financial Advisor can structure the

financing at an optimum time to get an optimum rate providing room within the various maturities to be able to do that.

Mr. Smida noted that this is a standard ordinance that provides standard types of things that have been done before noting that the Township pledges its full faith and taxing credit for the General Obligation Debt. He noted that the Lower Paxton Authority is subsidizing the principal amount of \$25 million with the balance of the amount to be finally determined for use for Township projects that consist of renovations of the Public Works Facility and other items.

Mr. Smida noted that the ordinance sets forth the substantial form of the bonds, various requirements of the IRS Code, Securities Act of 1933, authorizing the filing of transcripts with the Department of Community and Economic Development (DCED) for approval, and authorizes the submission of the subsidy agreement to have the debt excluded from the borrowing base so the \$25 million does not count against the Township in the event the Township needs to borrow again. He noted that the Township is well within its debt limit for coverage for the \$25 million.

Mr. Smida noted that the appendix lists the maximum debt service; however the maximum maturity schedule does contemplate borrowing \$39 million as the total amount has not yet been determined. He explained that he is asking for approval of an interest rate of 5% which is above the market levels at this point in time. He noted that it will be less and when it is ultimately determined, he will file a corrective statement with DCED as well as an adjusted subsidy agreement.

Mr. Wolfe noted that the Township project which are approximately \$7 million include addition and alterations to the Public Works Facility as well as ongoing stormwater projects in accordance with a list provided by the Public Works Director.

Mr. Hawk questioned Mr. Wenger if he had anything to add. Mr. Wenger answered that he is working through the rating agency process and documents, being a day or two from having a draft of the preliminary official statement ready for distribution. He explained that he spoke with Mike Bova, the Underwriter, earlier today and he would expect to be in the market before the end of the month, closing sometime in mid-May.

Mr. Seeds made a motion to approve Ordinance 14-02 authorizing the issuance of General Obligation Bonds not to exceed \$39 million. Mrs. Lindsey seconded the motion. Mr. Hawk called for a roll call vote: Mrs. Lindsey, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

### **NEW BUSINESS**

#### Change Order No. 1 to the contract with M. F. Ronca and Son, Inc. for the PC- 2C & 2D sanitary sewer mini-basin project

Mr. Wolfe explained that Change Order No. 1, which is the only change order for this contract, is significant in the amount of \$854,253.79 on a total contract amount of \$4,843,000. He explained that it would bring the final contract price to \$5,697,253.79. He noted that the purpose of this change order is to authorize work that was conducted for the construction of sanitary sewers in Linglestown and Mountain Roads. He noted that this work was done in advance of the Linglestown Road improvement project. He noted that the Authority mobilized quickly to install new sanitary sewers in Linglestown and Mountain Roads knowing that once the road was repaved they would not want to dig it up again for sanitary sewer mini-basin work.

Mr. Wolfe explained that the Authority did not have a contract in place for this work; however, it had the option of utilizing the PennDOT contactor or one of the Township's contractors for a change order. He noted that it was determined at that time that the best price the Township would receive for the work was a price for quantities from M. F. Ronca and Sons, Inc, in accordance with an existing contract the Township had in place for the Paxton Creek 2C and

2D mini-basin. He noted that M. F. Ronca and Sons was authorized to do the extra work which was significant as it was determined to be the most economical way to have the work completed in a substantial and complete fashion. He noted that this work did not change any of the bid prices that were obtained from M. F. Ronca and Sons, Inc. in its bid response to Lower Paxton Township. He explained that it allowed the quantities of materials per the bid price to increase due to the increase quantity authorized by the Township for the work in North Mountain and Linglestown Roads. He requested that the Board act favorable on this change order this evening.

Mrs. Lindsey made a motion to approve Change Order No. 1 to the contract with M. F. Ronca and Sons, Inc. for the PC-2C & 2D sanitary sewer mini-basin project. She noted that the total add on would be \$854,253.79; bringing the total amount of the project to \$5,697,253.79. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Request from Jason Lucas for waiver of sanitary sewer connection and rental fees associated with an unreported unit at 137 Sunset Avenue

Mr. Wolfe explained that Mr. Lucas desires to sell a property that he has owned for several years. He noted in the due diligence process, the Township was asked if approval was given for the three units to exist legally. He noted that the Township believed the property to be a legally, existing, non-conforming use, in that it has existed as three units prior to the 2006 Lower Paxton Township Zoning ordinance. He noted when the Township was questioned on the number of units, a cross checked revealed that the Authority had only been billing for two units even though it has been occupied for three units for some time. He noted that staff computed the past amount due for the property that would go back prior to the time that Mr. Lucas owned the property to include a tapping fee of \$8,845.69. He noted that the determination goes back prior to the time of Mr. Lucas's ownership, and as a result, Mr. Lucas is present to request the Board's consideration of a reduced fee.

Mr. Lucas explained that he bought the property three years ago and according to Statute 53BS, 7143, it clearly states that a lien has to be filed and can only go back three years. He noted that he does not feel that he could be charged anymore than three years since the Authority did not file a lien. He noted that he has copies of deed searches that go back to 1987 as there were three deed transfers before his calling this a three-unit property. He noted that he does not want to be responsible for sewer bills for the years before he owned it. He explained that he has ten different properties in this Township and has never had a code problem, he just wants to pay the sewer bill for the three years that he should have been paying for a third unit.

Mr. Hawk noted that the Authority is allowed to bill for back charges. He noted that the question becomes should the Board waive that and only bill for the time that Mr. Lucas owned the property.

Mr. Seeds noted that he agreed with Mr. Lucas as he does not think he should have to pay for anything prior to his owning the property.

Mr. Stine noted that Mr. Lucas made a reference to the length for a municipal lien, but he has to remember that this was concealed from the Authority. He noted that the Authority did not know that there were three hookups as the property owner did not pay a tapping fee to properly connect the third sewer line. He noted that that Statute of Reference does not make a difference in this instance as the Authority was never notified that there was another unit, and in fact couldn't bill for it because it did not know it existed. He noted that it was concealed by the previous property owner.

Mrs. Lindsey questioned if Mr. Lucas was not aware that he was not being billed for the third unit these past three years. Mr. Lucas answered that he was being billed for two units and he didn't know, explaining that he has properties in nine different municipalities, but this is for the one that he lives in. He noted that some municipalities don't bill for a full house and an

apartment as he has two small efficiencies, about 300 square feet, that are above his unit and when he was getting a bill for two units he thought that is how they do it here and he did not question the bill. Mrs. Lindsey stated that she is also in favor of the waiver and that he should only pay for the bill resulting since he bought the property.

Mr. Hornung questioned Mr. Stine if the Title Insurance Company should be paying for this. Mr. Stine answered that it depends on what the Title Policy said, as sometimes there are exclusions. He noted that this would not have been a lien of record. Mr. Stine noted that it may have been excluded from the policy because it was unknown, noting when the Title Company did the search, there is no way they could have discovered that there would have been unpaid sewer bills based upon a unit the Authority did not know existed.

Mr. Seeds questioned if the Authority was to back charge Mr. Lucas, one alternative would be for him to go back to the Title Search Company and go after them. Mr. Hornung noted that it would depend on their policy.

Mr. Wolfe noted if the Board decides to grant relief, it needs to be specific in regard to the sewer rental fee and the tapping fee. He noted that they are two different items.

Mr. Hornung questioned why this decision would not be made by the Sewer Authority Board and not the Township. Mr. Wolfe noted that the Authority may be the more appropriate party; however Mr. Lucas is in a time constraint to sell the property. He noted that the prior sewer meeting was not advertised to accommodate Mr. Lucas's issue and the next meeting is in May.

Mr. Seeds questioned Mr. Lucas if he was selling the property. Mr. Lucas answered yes.

Mr. Hawk questioned if Mr. Lucas would make the new owner aware of the situation.

Mr. Lucas answered that the new owner is aware of the issue.

Mr. Hornung made a motion to waive the past fees for Mr. Jason Lucas, noting that he would only pay the past fees from February 7, 2011 to the present for the sewer fees for three units, but also to waive the tapping fee. Mrs. Lindsey seconded the motion. Mr. Hawk called for a roll vote; Mrs. Lindsey, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

### **Improvement Guarantee**

Mr. Hawk noted that there were no Improvement Guarantees to approve.

### **Payment of Bills**

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

### **Public Comment**

Dr. Thomas Czarnecki, 4101 Ridgeview Road, wanted to thank Mr. Hawk and the Supervisors for letting him speak. He explained that some time ago, the Township Supervisors approved a fence to protect his property from cars turning around on his property. He noted that Ridgeview Road is a dead-end street and across from his property is a State owned turnaround which is adequate for cars to use. He noted, prior to the Supervisors approving his fence, drivers would use his lawn as a turnaround. He noted that the fence has been incapacitated due to a vehicle striking it and he has a police report noting the accident. He explained that he would like to replace the old wooden fence with a new one, one that would stand the test of time, be environmentally friendly, and enhance the property appearance. He noted that the new fence would consist of bollard columns roughly 36 to 48 inches in height. He noted that they would be placed near where the Township built a new dead-end fence, which is on the property, where they did some work around it putting up plastic reflectors. He noted that the columns would not only protect his property but the work that was done by the Township. He noted that the bollards

would be painted with a primer and covered with a reflective tape so that they would be visible at night.

Dr. Czarnecki noted that he and his wife have discussed getting some boulders to put around the entire length of the property, bordering the street, so that it would enhance the value of the property and also the neighborhood.

Mr. Hawk questioned if Dr. Czarnecki wants to build this fence. Dr. Czarnecki answered that he is getting to that. He noted that the bollard column work would be done by Deck Enterprises overseen by Dave Fetterman. He noted that Mr. Fetterman is requesting a letter of approval from the Township Supervisors for the new fence at 4101 Ridgeview Road, prior to his starting the work. He noted that he has photographs to show the Board for the damage done by a vehicle about ten days ago.

Mr. Wolfe noted that it would be appropriate for Dr. Czarnecki to submit the proposal and pictures for the Board to have the Traffic Safety Unit review in regard to overall proper signage and the type of barricade that is necessary and then he could have the Public Works Department also look to see if the Township's facilities are installed properly. He noted that the installation of a permanent barrier in a public right-of-way such as boulders is not really a permissible activity, objects in the right-of-way that don't direct or warn motorists that can cause damage to vehicles if they are hit possess a liability hazard to the property owner if they place them, or to the Township, is it places them.

Dr. Czarnecki begged to challenge Mr. Wolfe because Mr. Wolfe was a problem when he first put up the fence ten years ago. He questioned why... Mr. Wolfe noted that he is relying on the solicitor... Dr. Czarnecki noted that Mr. Wolfe should be patient and let him finish what he is talking about. He noted that Mr. Wolfe has done this before to him and he doesn't know why he is doing it again. He explained that he took photographs as Mr. Wolfe is stating that no

stones are allowed in the right-of-way, but if you drive around the circle off of Jonestown Road, Oak Park Circle, there are boulders all along the property. He noted when you are saying that there are no boulders in the right-of-way, you are mistaken. Mr. Wolfe noted that is not what he said. He noted that the Township can't approve the installation of boulders... Dr. Czarnecki questioned why Mr. Wolfe has such a hatred for him. He noted that Mr. Wolfe gave him such a hard time a few years ago and He doesn't understand why. He questioned why he does this to him.

Mr. Wolfe requested Mr. Stine to clarify the issue.

Mr. Stine explained that boulders in the right-of-way cause a liability issue to the Township and the property owner if you place them there. Dr. Czarnecki noted that they will not be in the right-of-way, only on his property. Mr. Stine questioned if Dr. Czarnecki understood that the right-of-way extends probably ten or fifteen into the yard. Dr. Czarnecki noted that is no problem. He explained that he wants to put the boulders there so the cars will not use his private property as a turnaround as they are not going to be on the road or next to the road but will be placed back. Mr. Stine noted if Dr. Czarnecki wants to put boulders in his yard, outside of the Township's right-of-way, that is fine; however, they can't be placed within the right-of-way.

Dr. Czarnecki noted that is what he is here to clarify within the realm of righteousness, not to involve any type of heated discussion or any type of arbitrary problems, he is here to present a case, needing clarification, to see if the Board can do this for me or not. He noted, looking at the floor by the podium, if the cord is the end of the property line, and right here is the road, he will not put the boulder next to the road, but back so it does not encompass Township property. Mr. Stine noted that someone from the Public Works Department could help Dr. Czarnecki determine where the right-of-way line ends.

Mr. Hawk noted the boulders on Oak Park Circle are outside of the right-of-way. Dr. Czarnecki. noted that the boulders on Oak Park Circle is (hand action) distance from the road and the boulders. Mr. Hawk suggested that it be added to the Road Tour schedule with the Board doing a drive by. He noted that Mr. Robbins will be present and he can provide an indication of the location for the right-of-way line. He noted that he can't provide an affirmative answer without seeing the location, and that the Township is not trying to be difficult.

Dr. Czarnecki noted that the only one being difficult is Mr. Wolfe and for what reason he has no idea.

Mr. Seeds questioned Dr. Czarnecki what he is asking the Township to do. Mr. Hawk noted if we look at it on Road Tour... Mr. Seeds questioned if he was asking the Township to put this fence in. Mr. Hornung answered that Dr. Czarnecki is putting the fence in. Dr. Czarnecki. noted that he is having Deck Enterprise put in the fence and he is negotiating with someone for some boulders to put on his property as a protective mechanism so cars don't use his property for a turnaround. Mr. Seeds questioned if he need permission to do that. Mr. Stine answered, not on his property.

Mr. Hawk noted that we will take a look at it and then we can be on the same page.

Mrs. Lindsey questioned if there is a dead-end sign when you enter Ridgeview Road. Dr. Czarnecki answered yes. He noted that the Township put up a new barricade last summer as his road abuts I-83. He noted that they also put some reflective poles near the huge reflective sign where the road ends. He explained that it is a State-owned turnaround where the vehicles can drive in or back in to turn around. He noted that before he put the fence up people would back in the circle and come up on his lawn and tear it to bits. He noted that you know how much it costs to keep up the lawn.

Mr. Hawk noted that the Board will drive by on April 22 while on Road Tour to look at the situation. Mr. Hornung noted that we will all be traveling in a van in the evening. Dr. Czarnecki questioned if the Board would be looking at Oak Park Circle as well. Mr. Hornung answered yes.

Mr. Hawk took the opportunity to introduce Mr. Dave Sanko, the Executive Director of the Pennsylvania State Association of Township Supervisors. He noted that he has done an outstanding job for the Association.

Mrs. Lindsey noted that she is looking forward to attending the PSATS Education Conference in April in Hershey.

### **Adjournment**

There being no further business, Mrs. Lindsey made a motion to adjourn the meeting, and the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

William L. Hornung  
Township Secretary