

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held February 2, 2010

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:37 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; Steven Stine, Township Solicitor; and Watson Fisher, SWAN.

**Pledge of Allegiance**

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

**Approval of Minutes**

Mr. Blain made a motion to approve the minutes of the January 19, 2010 business meeting as presented. Mr. Seeds seconded the motion, and a unanimous vote followed.

**Public Comment**

No comments were provided.

**Chairman & Board Members' Comments**

No Board member comments were presented.

**Manager's Report**

Mr. Wolfe noted that the Census Bureau is launching its "Take 10" Program. He explained, during the critical months of March and April, the Census Bureau will escalate its outreach to urge residents to mail back their census forms. He noted that for each percentage point jump in mail response saves \$85 million in taxpayer dollars by reducing the number of

census workers who must go door-to-door to collect the data. He noted that the Census Bureau urges local and state elected officials to encourage their citizens to return their census forms. He noted that the Census Bureau would also like elected officials to issue challenges to their community to improve their response to the 2010 Census over the 2000 Census rates. He noted that the current population estimate for the Township is roughly 47,500 and it is expected that once the data is received from the 2010 Census, the new numbers will be between 47,500 and 49,500. H noted that the 2010 numbers could make Lower Paxton Township the largest municipality in Dauphin County and the 18<sup>th</sup> largest municipality in the Commonwealth of Pennsylvania by population.

## **OLD BUSINESS**

### Action on PENNVEST loan for sanitary sewer replacement projects

Mr. Hawk noted that an extensive amount of work is underway to replace the aging sanitary sewer in the Township. He explained that the Authority applied to PENNVEST for low interest loans in the amount of a little over \$16 million to be paid back over a 20-year period.

Mr. Wolfe noted that the Authority has already accepted the loan; however, due to the need to maintain a level debt service schedule with the Township and other financial issues, it is necessary to have the loan approved in the name of the Township. He noted that nothing else has changed other than the legal entity that the loan will be issue to.

Mr. Blain questioned if the Sewer Authority would be paying the principal interest for the loan and how that would be handled by transferring the payments from the Authority. Mr. Wolfe answered that this would be covered by a subsidy agreement that would be issued for the loan. He noted that as the Authority needs to pay for projects; they would borrow the money through the Township under the Township's general obligation powers. He noted that a subsidy agreement would cover the method of payments, noting that the Authority would use the

revenues from the sewer rates to pay the loan back to the Township. Mr. Wolfe explained that the loan is not paid with tax dollars, rather with the revenues from the sewer rates.

Mr. Seeds noted that total amount of the loan would be reduced by roughly \$2 million since PENNVEST has determined it would not lend money for the replacement of private laterals. Mr. Wolfe noted that this would be handled by an amendment once the final loan documents are prepared.

Mr. Blain made a motion to approve action on the PENNVEST loan for the sanitary sewer projects. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

### **NEW BUSINESS**

#### Resolution 10-06; adopting the Municipal Records Manual prepared by the PA Local Government Records Committee

Mr. Wolfe noted that the retention of records policy for the Township refers to the Pennsylvania Municipal Records Manual that was recently updated in July 2009.

Mr. Blain made a motion to adopt Resolution 10-06 that amends Resolution 09-27, for the Municipal Records Manual prepared by the Pennsylvania Local Government Records Committee dated July 29, 2009. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

#### Resolution 10-07; Declaring the Township's intent to provide interim financing to sanitary sewer construction that will be reimbursed by PENNVEST proceeds

#### Resolution 10-08; Declaring the Township's intent to use General Obligation funds as interim financing to sanitary sewer construction that will be reimbursed by PENNVEST proceeds

Mr. Hawk noted that both Resolution 10-07 and Resolution 10-08 include a letter of no prejudice.

Mr. Wolfe noted that Resolutions 10-07 and 10-08 do the same thing and have been prepared by bond counsel who participated in the PENNVEST loan process. He noted that the two resolutions allow the Township, as the management entity for the Township Authority, to use available funds to pay for PENNVEST approved projects, and then to be reimbursed by PENNVEST after the Township closes on the PENNVEST loan in March 2010. He noted that this process would allow the Authority to begin the projects that have been awarded through the bid process, pay for the work that is done using Township funds or Township general obligation funds, and be reimbursed by PENNVEST from the proceeds of the loan in the amount of \$16 million, which will be reduced to \$14 million at the time of the loan settlement.

Mr. Blain made a motion to approve Resolution 10-07, declaring the Township's intent to provide interim financing to sanitary sewer construction that will be reimbursed by PENNVEST proceeds relating to interim financing. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Mr. Blain made a motion to approve Resolution 10-08, declaring the Township's intent to use General Obligation funds as interim financing to sanitary sewer construction that will be reimbursed by PENNVEST proceeds. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

#### Action on PENNBID Service and License Agreement

Mr. Wolfe explained that Mr. Wendle, the CET Sanitary Sewer Engineer, suggested this electronic bid service which could be used, at no cost to municipalities and their engineering firms. He explained that bidders could obtain bid packets electronically and respond to those bid packets in an electronic format as opposed to purchasing huge volumes of specifications and preparing the bids in a paper format.

Mr. Wolfe explained, to participate in the PENNDBID service; the Township must approve the license agreement. He noted that staff, Mr. Wendle, and Mr. Stine have reviewed the

license agreement and have attended training for the PENNBID service, and have found it to be a good service, and highly suggested that the Township should participate in it. Mr. Wolfe questioned Mr. Stine if he determined the PENNBID process to be a legal way to procure bids. Mr. Stine answered yes. Mr. Wolfe noted that it would be appropriate for the Board to authorize the bidding process using the PENNBID service.

Mr. Blain made a motion to approve the use of the PENNBID service and to approve the license agreement which is part of the service. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Action on proposal from Brown Schultz Sheridan & Fritz to audit the LPTA grant received from the Commonwealth Financing Authority

Mr. Wolfe explained that the Commonwealth Financing Authority requires an individual audit of its grant, over and above the audit of the annual fiscal year. He noted that Brown Schultz Sheridan and Fritz, the Township and Authority auditors, have provided a fee of \$1,000 to perform that audit. Mr. Blain suggested that the fee is a very fair fee.

Mr. Blain made a motion to approve the proposal from Brown Schultz Sheridan and Fritz to audit the Lower Paxton Township Authority Grant #C000045929, for the period of January 1, 2007 through November 30, 2009, received from the Commonwealth Financing Authority in the amount of \$1,000.00. Mr. Seeds seconded the motion. Mr. Hawk called for voice vote, and a unanimous vote followed.

Preliminary/final land development plan for Monticello Heights

Mr. Wolfe explained that the Board of Supervisors previously approved this plan on September 15, 2009. He noted that this is a resubmission of a plan that was previously submitted in 2006 and approved September 15, 2009. He noted that this submission changes the name from Schiavoni LTD to Monticello Heights, and changes the type of development from a

condominium to a planned community. He noted that these are the only changes to the plan. He noted that staff recommends that the changes for this plan be approved as it had been in the previous form with the two waivers; 1) waiver of the requirement to submit a preliminary plan, and 2) waiver of the requirements to have the plan reviewed by the Planning Commission; and one general condition, the plan approved shall be subject to providing original seals and signatures. He noted that the plan was reviewed and approved by the Dauphin County Planning Commission on February 1, 2010.

Mr. Blain noted that this cleans the plan up, changing to a planned community as it would not require the deeding of 1/36<sup>th</sup> of the land to the individual owners, rather, the land would be owned by a Homeowners Association.

Mr. Blain made a motion to approve the preliminary/final land development plan for Monticello Heights, formerly known as Schiavoni, LTD, with the following waivers and conditions: 1) waiver of the requirement to submit a preliminary plan, 2) waiver of the requirements to have the plan reviewed by the Planning Commission, and 3) plan approved shall be subject to providing original seals and signatures. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

### **IMPROVEMENT GUARANTEES**

Mr. Hawk noted that there were three Improvement Guarantees.

#### Amber Fields, Phase III

A reduction in a letter of credit with Sovereign Bank, in the amount of \$14,784.48, with an expiration date of October 20, 2010.

#### Chateau Woods – Kings Pointe

An extension and 10% increase in a letter of credit with Integrity Bank, in the amount of \$10,432.70, with an expiration date of February 2, 2011.

Harrisburg Foot and Ankle

A 10% increase and extension in a letter of credit, with Commerce Bank, in the amount of \$30,800.00, with an expiration date of February 2, 2011.

Mr. Hornung noted that the Chateau Woods improvement guarantee has been going on for almost ten years, and he is not willing to extend it for another year. He noted that something should be done to resolve the issue and have the developer finish the work. He noted that the same issues have needed to be resolved since 2000. Mr. Seeds noted that E& S Controls, Swale-A construction, and basin outlet structure needs to be completed. He suggested that these are things that could be completed when the weather warms up. Mr. Wolfe suggested that it may be appropriate to only provide an extension of six months. Mr. Hornung noted that he does not see the developer having any sense of urgency to get the work completed and suggested a new extension date of June 2, 2010 may provide some sense of urgency.

Mr. Hornung made a motion to approve the three improvement guarantees as presented except for a new extension date of June 2, 2010 for the Chateau Woods, Kings Pointe development. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous voice vote followed.

**Payment of Bills**

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Blain seconded the motion, and a unanimous vote followed.

**Announcement**

Mr. Wolfe noted that immediately following this meeting, the Board members will continue to meet as the Lower Paxton Township Authority.

## **Adjournment**

There being no further business, Mr. Blain made a motion to adjourn the meeting, and the meeting adjourned at 7:58 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

Gary A. Crissman  
Township Secretary