

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held April 7, 2009

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:38 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 and Steven Stine, Township Solicitor.

Pledge of Allegiance

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

Approval of Minutes

Mr. Crissman made a motion to approve the minutes of the January 13, 2009 workshop meeting and the February 17, 2009 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

Ms. Tara Mead, 203 Knollwood Drive, provided testimony to the Board of Supervisors regarding a neighborhood noise complaint. A copy of her testimony is attached to the minutes.

Mr. Seeds noted that he did not have a copy of the Susquehanna Township Ordinance in front of him, and he questioned if the Planning Commission reviewed a copy of that ordinance. Mr. Wolfe noted that a copy was provided to Board members, prior to the start of the meeting. Mr. Seeds explained that he did not have an opportunity to read it yet.

Ms. Mead noted that the Planning Commission did not review the Susquehanna Township Ordinance; she noted that during the May 14, 2008 meeting, the issue was that the neighbor filed

a curative amendment to rescind the Township's ordinance. She explained that when the neighbor testified, during the meeting, he had a change of heart, but did not make it clear as to what he wanted to do. She noted that she did not want the Township to rescind the ordinance, as it provided a good level of protection. She suggested that the Township's ordinance could be revised to add some extra teeth by possibly adopting some of the provisions found in the Susquehanna Township Ordinance.

Mr. Wolfe noted that the neighbor filed a curative amendment claiming that the Township's Noise Ordinance was invalid. He explained that the Planning Commission recommended denial of the request, and when it was brought to the Board members, the applicant failed to show for the meeting, and did not process the curative amendment. He noted that the Board of Supervisors upheld the Planning Commission's recommendation.

Chairman & Board Members' Comments

No comments presented.

Oath of Office to Fire Police Officer

Mr. Hawk administered the Oath of Office for a Fire Police Officer to Dianne Witmer. Mr. Hawk requested the Board members to join him at the podium to congratulate Ms. Witmer.

Manager's Report

Mr. Wolfe noted that the Arbor Day ceremonies will take place, Tuesday, April 21, 2009, at the Friendship Center at 1:00 p.m. He explained that students from the Linglestown Elementary School would be present to assist in the planting of a tree, along with the Shade Tree Commission and Board members. He noted that this is the 17th year that the Township has celebrated Arbor Day, and has been recognized as a Tree City USA Community. He noted that everyone is invited to attend the event.

Mr. Wolfe explained that Deimler and Sons Construction have donated 23 trees to Lower Paxton Township, signifying the 23 projects they have completed in the Township over the past year. He noted that it is part of a green initiative that Deimler and Sons has brought to the Township.

Mr. Wolfe noted that the Township's Leaf Waste Program as part of the Waste Management weekly collection process started this week. He explained that the Leaf Waste collection occurs the day after the regular trash collection day. He noted that leaf waste includes leaves, trees and shrub trimmings, and garden waste, but it does not include grass clippings. He stated that grass clippings must be set out with the normal trash. He noted that leaf waste must be placed in Kraft bags, or loose plastic or metal containers, and tree trimmings should be bundle in lengths no more than five feet in length.

Mr. Wolfe noted that Berkheimer Tax Administrator is the Township's new tax collector for the 2009 Earned Income Tax and Local Services Tax. In addition, they have been selected to collect the taxes for the Central Dauphin School District, Swatara Township and several other local municipalities. He noted that Berkheimer has opened offices at 6003 Jonestown Road, Suite 233, with office hours Monday through Wednesday and Friday from 9 a.m. to 4 p.m.; Thursdays from 11 a.m. to 7 p.m. He noted that residents filing their 2008 income tax would continue to file with Capital Tax Collection Bureau.

OLD BUSINESS

Resolution 09-17; Amending Resolution 09-15 and 98-15 and authorizing the Township's participation as the Lead Local Government in the Pennsylvania League of Cities and Municipalities Municipal Utility Alliance for the procurement of electricity

Mr. Wolfe noted that this item of business was discussed at the previous Board meeting, at which time the Board agreed to participate in the Pennsylvania League of Cities and Municipalities (PLCM) Municipal Utility Alliance (MUA). He noted that the Township has been

a member of the PLCM for more than ten years; however, the alliance has been dormant recently. He noted, with the expected increase in electric costs, as the rate caps come off as part of the deregulation of electricity service in Pennsylvania, the MUA has been reformed and is purchasing electric service in bulk for municipalities in the PPL service area. He noted that the Township is a participant in the MUA, and has been asked by the PLCM to serve as the lead agency. He noted that the Township would be the signatory on the documents with chosen electric companies on behalf of the remaining participants. He suggested that the Board of Supervisors would be happy to be the lead agency and he has amended the previous resolution to designate the Township as the lead agency as opposed to an agency by joinder. He noted that the resolution is ready for action this evening.

Mr. Blain made a motion to approve Resolution 09-17, Amending Resolution 09-15 and 98-15, and authorizing the Township's participation as the Lead Local Government in the Pennsylvania League of Cities and Municipalities Municipal Utility Alliance for the procurement of electricity. Mr. Crissman seconded the motion.

Mr. Seeds noted that he is in favor of this, but he questioned if it would cost the Township anything to be the Lead Agency. Mr. Wolfe answered that there is no additional cost to the Township.

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

NEW BUSINESS

Proclamation 09-01; Designating Arbor Day in Lower Paxton Township

Mr. Hawk proceeded to read the Proclamation declaring Tuesday, April 21, 2009, as Arbor Day in Lower Paxton Township. He noted that the local celebration will occur on the same date at the Friendship Center at 1 p.m.

Mr. Crissman made a motion to adopt Proclamation 09-01; designating Arbor Day in Lower Paxton Township. Mr. Blain seconded the motion, and a unanimous vote followed.

Mr. Seeds questioned if this was the 16th year that the Township has been designated a Tree City. Mr. Hawk noted that it was the 17th year. Mr. Seeds expressed his thanks to the Shade Tree Commission for all the work they do in the Township.

Action on bids for cleaning services

Mr. Wolfe explained that staff opened bids for cleaning services on April 3, 2009, for three contracts; Contract #1 for the Municipal Center; Contract #2 for the Friendship Center, and Contract #3 for the Public Works and Sewer operations buildings. He noted that three bids were received.

Mr. Wolfe explained that current services are provided by two vendors, MEF Commercial Cleaning Services for Contracts #1 & 2, and Clean Net of Philadelphia for Contract #3. He noted that he listed the current prices that the Township is paying for services.

Mr. Wolfe noted that the low bid was submitted by Top Notch Cleaning in the amount of \$36,612.61. He noted that this was an optional bid submitted for one year's service for all three contracts. He explained that the bid specifications were changed this year to permit the contractor to bid on each individual contract, and then to offer a discount if one contractor was awarded the bid for all three contracts. He noted that Top Notch Cleaning Services bid for all three contracts with the discount in the amount of \$36,612.61. He noted that the Township currently pays \$45,020.04 under three contracts for services with two separate contractors.

Mr. Wolfe noted that Top Notch Cleaning Services' bid was complete; however, they omitted the boiler plate general stipulations. He explained that he requires bidders to return the entire bid package, and pledge to the fact that they will adhere to it. He noted that he discussed the issue with Mr. Stine, and although it is a defect that could cause the Board to reject the bid, the Board could condition the award of a contract on the general stipulations being a detailed

item with in the contract. He noted that it is staff's recommendation that the Board award the bid to Top Notch Cleaning Services with that condition. He noted that staff has checked the references provided by Top Notch Cleaning Services and they have been found to be acceptable. Mr. Wolfe noted that the 2009 budget includes the current amount for what the Township is paying for services.

Mr. Hawk noted that Top Notch Cleaning Services was the only bidder to attend the bid opening. Mr. Wolfe explained that he conducted a pre-submission meeting and MEF Commercial Services and Clean Net of Philadelphia were in attendance as well. He noted that they are the current provider of custodial services to the Township.

Mr. Crissman questioned if anyone in the audience was from Top Notch Cleaning Services. No one responded. Mr. Hawk noted that there were no representatives from any of the bidders in the audience.

Mr. Crissman made a motion to approve a conditional award for cleaning services to Top Notch Cleaning Services in the amount of \$36,612.61, with the return of the general stipulations of the bid specifications to be included as part of the contract. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Change Order #8 for George Park roadway improvements under contract
with Handwerk Site Contractors

Mr. Wolfe noted that this is a minor change order for a decrease in the cost for service in the amount of \$5,881.00. He noted that the decrease is the result of minor changes to the Department of Environmental Protection joint permit application and PENNDOT's American Disabilities Act accessibility requirements.

Mr. Crissman made a motion to approve Change Order #8 to the contract with Handwerk Site Contractors for George Park roadway improvements with a decrease in the amount of

\$5,881.00. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 09-16; Authorization to acquire an occasional flowage easement

Mr. Wolfe explained that, as part of the permitting for the remaining work at the Thomas B. George Jr. Park, the Department of Environmental Protection has determined that the Township needs to acquire a temporary flowage easement to accommodate storm water flows that would be deposited on the down-stream property located at 298 M Street. He noted that staff has authorized taking the appropriate steps to present the Board with the acquisition to include negotiating with the property owner, and if required, processing the acquisition through to eminent domain.

Mr. Crissman made a motion to approve Resolution 09-16, authorizing the acquisition of an occasional flowage easement from tax parcel #35-048-001 located at 298 M Street. Mr. Blain seconded the motion.

Mr. Seeds noted, as part of the agreement, the Township was to provide 200 feet of pipe to Mr. Gardner. Mr. Wolfe noted that Mr. Gardner has asked for the pipe, but staff has not agreed to do that yet. He noted that the Township could not provide Mr. Gardner with pipe that would cost more than the acquisition of the easement. He noted that the Township could only provide Mr. Gardner with pipe up to the amount of the easement.

Mr. Seeds questioned if staff knew the value of the easement. Mr. Wolfe answered that staff has an estimate of the easement. Mr. Wolfe noted that it may end up being the end result for settlement that would be presented to the Board. He noted that this action is needed to start the process, and also allow for condemnation, if needed.

Mr. Hornung questioned if it was a temporary easement for construction. Mr. Wolfe explained that the easement is needed for when it rains. Mr. Stine noted that it is an intermittent permitted easement.

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

Authorization to transfer a Hay Buster Tub Grinder to West Earl Township
in accordance with the DEP 902 Grant Program

Mr. Hawk noted that the Department of Environmental Protection (DEP) must approve the transfer to West Earl Township of the Hay Buster Tub Grinder that must be used exclusively for recycling during its useful life. Mr. Wolfe explained that DEP has brokered the deal, noting that West Earl Township is in need of the equipment, and they would like the tub grinder to go to them. He noted that the Township would receive a reimbursement of the Township's prorated share of the value of the unit which is \$4,000. He noted that the Township only paid for 10% of the unit when it was originally purchased as it was partially funded by a DEP grant. Mr. Wolfe noted that the Board took similar action in regard to the packer truck which was sold to the City of Harrisburg.

Mr. Crissman made a motion to authorize the transfer of a Hay Buster Tub Grinder to West Earl Township in accordance with DEP 902 Grant Program guidelines. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were thirteen Improvement Guarantees.

Quail Hollow, Phase IV

An extension and 10% increase in a bond, with Developers Surety & Indemnity Company, in the amount of \$123,330.46, with an expiration date of April 7, 2010.

Quail Hollow, Phase V

An extension and 10% increase in a bond, with Developers Surety & Indemnity Company, in the amount of \$455,774.33, with an expiration date of April 7, 2010.

Kings Crossing, Phase C

An extension and 10% increase in a letter of credit, with Fulton Bank, in the amount of \$35,178.00, with an expiration date of April 7, 2010.

Stratford Woods, Phase III

An extension and 10% increase in a letter of credit, with Fulton Bank, in the amount of \$10,133.75, with an expiration date of April 7, 2010.

Keystone Center

An extension and 10% increase in a letter of credit, with Members 1st Federal Credit Union, in the amount of \$20,570.00, with an expiration date of April 7, 2010.

Briarsdale Road – 4 Story, 30 Room Hotel

A reduction and extension in a letter of credit, with Graystone Bank, in the amount of \$26,352.38, with an expiration date of April 7, 2010.

Autumn Ridge, Phases II & III

An extension and 10% increase in a letter of credit, with Fulton Bank, in the amount of \$50,272.20, with an expiration date of April 7, 2010.

Schiavoni, LTD

A reduction in a letter of credit, with PNC Bank, in the amount of \$81,783.00, with an expiration date of December 2, 2009.

Estates of Forest Hills, Phases I, II, III, IV-A, IV-B, V

An extension and 10% increase in a letter of credit, with Susquehanna Bank, in the amount of \$3,479.96, with an expiration date of April 7, 2010.

Estates of Forest Hills, Phase VI

An extension and 10% increase in a letter of credit, with Susquehanna Bank, in the amount of \$21,518.64, with an expiration date of April 7, 2010.

Amesbury

An extension in a bond, with Liberty Mutual Insurance Company, in the amount of \$570,420.68, with an expiration date of April 7, 2010.

Rite Aid Corporation

An extension and 10% increase in a bond, with Westchester Fire Insurance Company, in the amount of \$49,247.00, with an expiration date of April 7, 2010.

Old Iron Estates, Phase IV

An extension and 10% increase in a letter of credit, with Fulton Bank, in the amount of \$24,585.00, with an expiration date of April 7, 2010.

Mr. Crissman made a motion to approve the thirteen Improvement Guarantees as presented. 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. Mr. Crissman seconded the motion, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 8:11 p.m.

Respectfully submitted,

Approved by,

Maureen Heberle
Recording Secretary

Gary A. Crissman
Township Secretary