

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held August 4, 2009

A 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., Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Dianne Moran, Planning and Zoning Officer; and Acting Police Chief, David Johnson.

Pledge of Allegiance

Mr. Hawk suspended the recitation of the Pledge of Allegiance as it was recited during the prior Authority meeting.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes of the July 7, 2009 and the July 21, 2009, business meetings. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

Mr. Ben Fennell, 6293 Farmers Lane, explained that he had a concern regarding the Police Department. He noted, on the morning of July 28, 2009, at 4 a.m., he had two of his vehicles parked on the street in the Sunny Hill Farms development. He noted that it is a new subdivision, and in the two years since the development has opened, there have been dozens of officers who have driven through the development. He noted, on this particular night, he parked his vehicle against traffic, and Officer Bell, without issuing a warning, issued a parking ticket to

his vehicle. He noted that he paid the \$10 parking ticket, but he questioned the approach that Officer Bell used as it seemed to be a little heavy handed in light of all the previous police officers patrolling the area. He noted that no one in his development was given so much as a warning, not to park against traffic. He noted that his neighbor was also given a parking ticket and he told him that Officer Bell withdrew his ticket. He stated that he was going to look into this matter.

Mr. Fennell explained, in the process of paying his parking ticket, he complained about it to the person at the window, explaining that it was not a good way to develop a relationship with the community. He suggested that the officer did not show a fair-minded balanced approach instead of going after the situation with a sledge hammer, since no previous warning was issued. He noted, in the process of paying the parking ticket, he was under the impression, from his neighbor, that his ticket would be withdrawn. He explained, after paying the ticket, he questioned why his ticket was not withdrawn, to the person at the window, who checked with her supervisor. He noted at the same time, a police officer walked through the lobby carrying a shotgun, and another officer approached him and asked him what he was doing with the shotgun. He noted that the officer responded by saying, "None of your dam business". He noted that he was the only person in the lobby and the response caught his attention. He noted that some small talk occurred between two officers, and one officer stated that it was not a shotgun, but a rifle. He noted that the officer was asked what he was doing with the rifle. He noted that the officer answered that "I'm going to shoot anyone that pisses me off". He noted at that point he went around the corner and asked the officer his name. He noted that he supplied him with his name, and he asked the officer if he thought the comment was appropriate to state in public. He

explained that the officer stated that it was probably not an appropriate comment to make in public.

Mr. Fennel questioned the Board members if the Police Department was out of control. He noted that the officer went against, what he contends, is fair-minded police, but he questioned why the other two officers did not place him in check for his comments. He noted that he did not know if the comment was made to frighten him, but he noted that the officer did not do that, rather, he embodied him to come to the meeting to speak to the Board members about this. He noted that this officer works in the evidence room, and he questioned, if he should be concerned, if this officer with that type of attitude, when something arises, would be fair-minded and balanced within the confines of the law.

Mr. Fennell noted that he wants to know what is going on and he would like to know if there is an issue in the Police Department. He suggested that some of his concerns are too sensitive to discuss in an open format at this meeting.

Mr. Hawk requested the gentlemen to provide him with his full name and address. Mr. Ben Fennell, 6293 Farmers Lane, in Harrisburg. Mr. Hawk questioned if his zip code was 17111. Mr. Fennell answered yes.

Mr. Hawk noted that he would have someone provide Mr. Fennell with the information that he requested.

Chairman & Board Members' Comments

No comments presented.

Manager's Report

No comments presented.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Action on bids for Willow Road Stormwater Remediation

Mr. Wolfe explained that on July 30, 2009, staff opened bids for the Willow Road stormwater project. He noted that the Township received eight bids, with the low bid of \$107,422.00 submitted by Justice Excavating, Inc. He noted that the bid was reviewed by staff and the Township's engineer and found to be acceptable. He noted that he provided information on eight bids in the Board's packets.

Mr. Wolfe requested the Board members to award the bid to Justice Excavating, Inc. He noted that the Township has had no prior work experience with Justice Excavating, Inc., but the bid is complete and acceptable.

Mr. Crissman questioned if the Township knows anyone who has had a work experience with Justice Excavating, Inc. Mr. Wolfe answered that the bidders were not required to provide references as per the bid documents, however, HRG, Inc. had reviewed the bid and they knew of no reason not to award the bid to Justice Excavating, Inc.

Mr. Seeds questioned if Justice Excavating, Inc. provided the necessary bid bond. Mr. Wolfe answered that they did, as well as the performance bond.

Mr. Crissman made a motion to award a contract to Justice Excavating, Inc., in the amount of \$107,422.00, for the Willow Road Stormwater Remediation. Mr. Blain seconded the motion. Mr. Crissman noted that it was very positive that the Engineer's estimate for this project was \$167,274.00, and the bid was only \$107,422.00.

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

Action on bids for the Briarsdale Road Rehabilitation

Mr. Wolfe noted that the Township plans to reconstruct Briarsdale Road from Union Deposit Road south into the business park. He noted that the road receives a lot of truck traffic and was not built to accommodate the heavy loads. He explained that the rehabilitation will require complete reconstruction, and the Township advertised for bids. He noted that bids were opened on July 30, 2009, and two bids were received. He noted that the low bid was submitted by Handwerk Site Contractors in the amount of \$137,808.54. He explained that the bid was reviewed by staff and HRG, Inc. and found to be acceptable. He noted that the Township has worked with Handwerk in the past and found their work to be acceptable. He noted that the engineer's estimate for the work was \$152,000.00 and the low bid was lower than the engineer's estimate.

Mr. Crissman made a motion to approve a contract with Handwerk Site Contractors, in the amount of \$137,808.54, for the Briarsdale Road Rehabilitation. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Memorandum of Understanding with Dauphin County for use of identified Township facilities as Temporary Debris Storage and Reduction Sites

Mr. Wolfe explained that this update to the Dauphin County Emergency Management Plan has been before the Board twice in workshop sessions. He noted that Dauphin County is updating its plan as to where it could store debris after a significant natural disaster. He noted, in the past, the materials have been stored at the Compost Facility and various Township parks. He noted that the Board members decided, that given the maturity of the Compost Facility, and the current equipment that is used at that site, that all debris should be taken to the Compost Facility for storage. He noted that the length of time that the debris would be stored at the facility would be up to two weeks, and the site would be managed by personnel from Dauphin County. He

noted that the Compost Facility is currently listed in the TDSR plan, and an affirmative vote would continue to list the Compost Facility as a TSDR site. He noted that the request is to continue the operations by entering into a Memorandum of Understanding.

Mr. Crissman made a motion to approve the Memorandum of Understanding with Dauphin County for the use of the Compost Facility as a Temporary Debris Storage and Reduction site. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Preliminary/final subdivision plan for Select Medical

Ms. Moran noted that the purpose of this plan is to subdivide the existing parcel into two lots. Lot 1 will contain 4.88 acres and Lot 2 will contain 1.31 acres. The property is zoned IN, Institutional District, and is located at the northeast corner of Avila Road and Old Union Deposit Road. The property is the former Villa Teresa Nursing Home and associated convent building. The property is served by public sewer and public water. She noted that no construction is proposed with this plan.

Ms. Moran noted that on June 25, 2009, the Zoning Hearing Board granted a variance allowing a reduced side yard setback of 14.65' on each lot, and on July 8, 2009, the Planning Commission recommended approval of the plan and waiver request.

Ms. Moran noted that the applicant has requested the following waiver: Waiver of the requirement to provide a preliminary plan, which staff supports.

Ms. Moran noted that Mr. John Murphy from Alpha Engineers, and Mr. Ken Richards from Select Medical, are present to represent the plan.

Mr. Crissman questioned Mr. Murphy and Mr. Richards if they were able to represent the applicant for the plan. Mr. Murphy and Mr. Richards both stated that they were authorized to speak for the plan.

Mr. Crissman noted that the applicant has requested one waiver, and he questioned Mr. Murphy if he was in agreement with the waiver request. Mr. Murphy answered yes.

Mr. Crissman noted that there was one site specific comment, and he questioned Mr. Murphy if he was in agreement with the site specific comment. Mr. Murphy answered yes.

Mr. Crissman noted that there were seven general conditions, to include item seven, the 11 comments from HRG, Inc., dated July 27, 2009, and he questioned if Mr. Murphy could complete all the listed items. Mr. Murphy answered yes.

Mr. Crissman questioned Mr. Murphy if he was in agreement with the one staff comment. Mr. Murphy answered yes.

Mr. Crissman made a motion to approve the preliminary/final subdivision plan 09-12, for Select Medical with the following waivers and conditions: 1) Waiver of the requirement to provide a preliminary plan; 2) Provide a cross parking easement agreement for Lots 1 and 2 that shall be reviewed and recorded with the plan; 3) Plan approval shall be subject to DEP's approval of a sewage facilities planning module ; 4) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 5) Plan approval shall be subject to providing original seals and signatures; 6) Plan approval shall be subject to the payment of engineering review fees; 7) Plan approval shall be subject to the

establishment of an improvement guarantee for the proposed site improvements; 8) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 9) Plan approval shall be subject to addressing all 11 comments of HRG's memo dated July 27, 2009; and 10) All signage shall meet the Sign Ordinance requirements. A sign permit is required prior to the erection of any new signage. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Mr. Hawk explained that the Board of Supervisors has joined the modern technological age and has now become a paperless Board with the use of computers, in place of paper agendas.

Resolution 09-35; Planning Module for Robert and Bette Kaneda

Mr. Wolfe noted that the Planning Module for Robert and Bette Kaneda is a two-lot subdivision, and anything more than one unit with the extension of a sewer line requires a planning module. He noted that the property is located on Forest Lane, and is made up of a little less than five acres, dividing one lot into two, with an extension of a sanitary sewer line.

Mr. Crissman made a motion to approve Resolution 09-35, the Planning Module for Robert and Bette Kaneda. 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 four Improvement Guarantees.

Mindy Meadows, Phase 2

An extension and 10% increase in a bond with Eastern Atlantic Insurance Company, in the amount of \$705,430.00, with an expiration date of August 4, 2010.

Mountain Road Carwash

A new letter of credit with M&T Bank, in the amount of \$52,900.00, with an expiration date of August 4, 2010.

Hawthorne Suites

An extension and 10% increase in a letter of credit with M&T Bank, in the amount of \$108,230.71, with an expiration date of August 4, 2010.

Willow Brook, Phase IV

A reduction in a letter of credit with Fulton Bank, in the amount of \$24,847.02, with an expiration date of January 16, 2010.

Mr. Seeds questioned if the Hawthorne Suites project has started. Ms. Moran answered that it has not. Mr. Seeds noted, for the Willow Brook, Phase IV Guarantee, there was a mistake on a previous change for June 16, 2009; it should state increase instead of reduced. Ms. Moran noted that she will make the necessary correction.

Mr. Seeds made a motion to approve the four Improvement Guarantees with the noted correction. Mr. Crissman 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. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Action on appointment of a delegate and alternate delegate to the
Dauphin County Earned Income Tax Committee

Mr. Blain noted that he would like to discuss who would be named as a delegate to Dauphin County Tax Collection Committee. He noted that he would like to make a recommendation that Mr. Hawk serve as the delegate and Mr. Crissman serve as the alternate.

Mr. Hawk noted that Act 32 is the new legislation for the Earned Income Tax Collection. He explained that each County in Pennsylvania must call an advisory meeting with a representative from each municipality and school district. The Committee will determine who the sole tax collector will be for its County.

Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Mr. Hawk questioned if a resolution should be passed. Mr. Wolfe answered that he would respond accordingly to Dauphin County.

Announcements

Mr. Hawk noted that the 11th Annual Night Out for Public Safety at Koons Park is currently underway until 8:30 p.m. this evening. He noted that a tremendous amount of people were in attendance earlier this evening and he invited the viewing audience to stop by Koons Park. He wanted to thank all the volunteers who work to make it such a great success.

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 8:09 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary