

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held May 16, 2011

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:34 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; Diane Myers-Krug, Associate Director, Tri-County Regional Planning Commission; Ted Robertson and Watson Fisher, SWAN.

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 May 3, 2011 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Chairman & Board Members' Comments

No comments were provided.

Public Comment

No public comments were provided.

Manager's Report

Mr. Wolfe noted that tomorrow is Primary Election Day in the Commonwealth of Pennsylvania and he reminded the viewing audience to vote early and vote often.

OLD BUSINESS

Presentation regarding the Tri-County Regional Planning Commission Regional Growth Management Plan and a proposed Memorandum of Understanding

Mr. Hawk invited Ms. Diane Myers-Krug to present the Tri-County Regional Planning Commission (TCRPC) Regional Growth Management Plan (RGMP).

Ms. Myers-Krug explained that she is the Associate Director for the TCRPC, and would like to provide background information on the TCRPC. She explained that the Commission was established in 1966 as a tool for Cumberland, Dauphin and Perry Counties. She noted that it is made up of a 31-member appointed Board which meets quarterly. She noted that a seven member Executive Committee meets monthly. She noted that TCRPC provides services to 103 municipalities that are grouped into ten planning development sections to which representatives are appointed by the County Commissioners from nominations it receives from the local municipalities. She noted that there are also representatives from the County Planning Commissions and County Commissioners on the Commission.

Ms. Myers-Krug noted that the TCRPC has four regional program areas. She explained that the Transportation Program provides staff support for the Harrisburg Area Transportation Study, (HATS), and Dauphin and Perry County Planning Commissions' support. She noted that Cumberland County reviews their own County Planning Department functions, but they continue to participate in the Regional and Transportation Programs. She noted that the TCRPC is staffed by eleven employees.

Ms. Myers-Krug noted that the TCRPC provides many services but has the authority to create only one plan and that is the Regional Growth Management Plan that was adopted in January 2011. She noted that the plan is based on local data and input, and establishes a strategy for local development in a manner that is conscious of the regions public investments in transportation and infrastructure systems and the protection of the environment. She noted that

the plan recommends a desired pattern of development for the Cumberland, Dauphin and Perry regions, but the implementation of the plan is through the activities and decisions made by each of the municipalities. She noted that the “Land Use” making decision authority in Pennsylvania lies at the local level with the municipality. She noted that TCRPC needs to work with the municipalities as well as municipalities working with each other in order to reach the goals that are outlined in the RGMP.

Ms. Myers-Krug explained that the first step in the implementation of the plan is the Memorandum of Understanding (MOU), which indicates that main points of the RGMP and ensures that everyone is on the same page.

Ms. Myers-Krug noted the second page of the MOU lists the four main points of the plan. She noted that the first is intergovernmental cooperation to coordinate with neighbors to communicate in local decisions to maximize funding opportunities. She noted that the second point is “Land Needs” planning, which basically calls on each municipality to use only the land that it really needs to, to determine how much development it wants, where it should be located, and to avoid environmental sensitive areas. She noted that the third point is infrastructure investment using past investments to the fullest by targeting existing capacity first, and once it is developed, to continue to operate and maintain it. She noted the last point is livability and sustainability principles, which are connecting and integrating all the things that a municipality works on, such as, land use, economic and workforce development, and transportation management to promote compact infill development which supports conservation and quality of life goals.

Ms. Myers-Krug requested, if the Board is comfortable with these four points, to sign the MOU. She explained if the Board is not comfortable with the MOU then that is okay too. She explained that TCRPC is using the MOU as a tool to gauge what it needs to do with its programs in terms of providing resources and tools for the municipalities to encourage activities at a local

level that will support the RGMP. She noted that one of the tools that was implemented within the last month is the Regional Connection Planning Grant Program that will help to provide funding for projects and activities at the local level.

Mr. Hawk noted that the TCRPC works very hard and does good work.

Ms. Myers-Krug noted that all this information is on the website as well as the contact information for staff.

Mr. Wolfe questioned if he should place the MOU on the June 7th agenda. Mr. Hawk agreed to that. Mr. Crissman agreed and he applauded the program.

Action on a lease from Fulton Bank for cardio equipment
at the Friendship Center

Mr. Hawk noted that this item has been pulled from the agenda at this time.

Action on an engagement letter with Hawke, McKeon & Sniscak LLP
for representation in certain sanitary sewer rate matters

Mr. Stine noted that the engagement letter from Scott Wyland of the law firm Hawke, McKeon and Sniscak, LLP for sanitary sewer rate issues is ready for action at this time. He noted that he would be happy to answer any questions the Board may have.

Mr. Crissman made a motion to approve the engagement letter with Hawke, McKeon, and Sniscak, LLC for representation in certain sanitary sewer rate matters. 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.

NEW BUSINESS

Action on bids for the 2011 Roadway Paving Program

Mr. Wolfe noted that staff opened bids for the 2011 Roadway Paving Program on May 9, 2011 with two bidders responding to the Township solicitation. He noted that Hempt Brothers

and Pennsy Supply Company were the bidders, with Pennsy Supply Company providing the lowest bid. He noted that the bid was reviewed by staff and the Township Engineer and it was determined it to be complete and acceptable. He noted that Pennsy Supply Company's total bid was in the amount of \$1,707,814.28. He noted that staff recommends an award of \$1,510,593.10 for the various paving projects. He explained that the award is composed of the base bid plus alternates A and B, however Alternate C, which is the paving of Huntsmen Drive in the amount of \$159,991.58 was not included. He noted, if the Board should act per staffs recommendation, it is important to note that the amount budgeted in the Public Works General Fund for paving is \$438,440.00, with the total Public Works costs for this contract in the amount of \$357,539.59. He noted that the remainder of the paving work to be performed, totaling \$1,190,283.11, would be for the paving of streets in the sanitary sewer mini-basins projects, to be paid by the Lower Paxton Township Authority. He noted that it is staff's recommendation to award the contract to Pennsy Supply Company, as the lowest responsible bidder, in the amount of \$1,510,593.10.

Mr. Seeds indicated that there was a mathematical mistake in the projected bid amount. He noted if you add the total amount of Township paving at \$357,539.59 to the total amount of \$1,190,283.11 for the Authority projects, it does not add up to \$1,510,593.10, instead it adds up to \$1,547,822.70. After reviewing the figures it was determine that the number quoted by Mr. Seeds was correct and that the total provided by Mr. Wolfe failed to include the amounts for Alternate A and B in the amount of \$37,229.60.

Mr. Crissman made a recommendation to approve the bid for the 2011 Roadway Paving Program to Pennsy Supply Company in the amount of \$1,547,822.70, which includes Alternates A and B, but not C. 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.

Resolution 11-08; Adopting the Hazard Vulnerability Assessment and
Mitigation Plan Update for Lower Paxton Township

Mr. Wolfe explained that this resolution is to adopt a plan amendment. He noted that the Board last took action on this plan in 2004. He noted that the Emergency Management Coordinator, Officer Ralph Palm, has participated in the development of this plan, and the plan is required to be prepared and developed by Dauphin County and its municipalities by the Federal Emergency Management Agency. He noted that the plan has been prepared to identifying all potential hazards, both manmade and natural, and it provides the potential costs associated with the plan. He noted that it also includes a mitigation plan should a disaster occur.

Mr. Wolfe noted that the plan includes flooding issues which are prone for the area, although not as much for Lower Paxton Township. He noted that it also looks at things that are not as obvious, such as a small section that discusses the potential for earthquakes. He noted that there has never been a reported earthquake in Dauphin County. He noted that the plan is complete; staff has participated in the preparation of the plan, and recommends that the Board adopt the plan at this time.

Mr. Seeds questioned if anyone read the 438 pages that made up the document, and the additional 151 pages. He noted that it is a very long document.

Mr. Crissman questioned if Officer Palm was the only Township employee involved in the development of the plan. Mr. Wolfe answered yes.

Mr. Crissman made a motion to approve Resolution 11-08, adopting the Hazard Vulnerability Assessment and Mitigation Plan Update for Lower Paxton Township. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous voted followed.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were seven Improvement Guarantees.

Huntleigh, Phase I

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$90,041.60, with an expiration date of May 16, 2012.

Amber Fields, Phase IV

An extension and 10% increase in a letter of credit with Sovereign Bank, in the amount of \$152,324.96, with an expiration date of May 16, 2012.

David Punt

An extension and 10% increase in a bond with State Farm Fire and Casualty Company, in the amount of \$58,839.99, with an expiration date of May 16, 2012.

Old Iron Estates, Phases I & III

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$34,872.75, with an expiration date of May 16, 2012.

Mindy Meadows, Phase I

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$11,382.80, with an expiration date of May 16, 2012.

Chelsey Falls, Phase I

An extension and 10% increase in a bond with Lexon Insurance Company, in the amount of \$119,724.00, with an expiration date of May 16, 2012.

Dauphin County Library System

An extension in a pledge of tax revenue, in the amount of \$2,904.00, with an expiration date of May 16, 2012.

Mr. Crissman made a motion to approve the seven listed improvement agreements as presented. Mr. Blain seconded the motion. Mr. Hawk called for voice vote and a unanimous vote followed.

Mr. Wolfe noted that he had an additional Improvement Guarantee for action this evening. He explained that he distributed to the Board members, prior to the meeting, an improvement guarantee for Weis Markets, 4300 Linglestown Road. He noted that staff has requested the Board to authorize staff to draw on the letter of credit, should it not be renewed by Weis Markets. He explained that the Township received notice from M&T Bank on behalf of Weis Markets that the letter of credit in the amount of \$47,729.66 would not be renewed, and the letter of credit expires before the next Board meeting. He noted that the improvement guarantee for the letter of credit expires at the end of this month. He noted that staff would like to be in a position to draw on the letter of credit should Weis Market not take the appropriate action. He noted that the appropriate action for Weis Market to take would be to renew the letter of credit or take action to nullify their subdivision and land development plan which had been approved by this Board several years ago. He noted that the plan and all its conditions have been recorded in the Court House. He noted that it is staff understanding that Weis Markets desires not to proceed with that plan, but they would need to take some affirmative action to either eliminate the plan or post the bond. He noted that staff is requesting the ability to draw on the letter of credit and as such, he would request that the Board authorize such a draw to the documents attached in the packet this evening.

Mr. Crissman made a motion to approve staff to draw on a letter of credit for the Weis Market Plan if needed. Mr. Blain seconded the motion. Mr. Hawk called for 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. Mr Hawk called for a voice vote, and a unanimous vote followed.

Announcement

Mr. Hawk announced that tomorrow is Primary Election Day. He noted that it is not an “off-yea” election because the people who will be elected tomorrow will have a direct influence in what occurs in the community. He requested the viewing audience to vote.

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 7:59 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary