

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held July 19, 2011

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:33 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; Steven Stine, Township Solicitor; Richard Castranio, Alpha Consulting Engineers, Inc.; Ted Robertson and Watson Fisher, SWAN.

Pledge of Allegiance

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

Approval of Minutes

Mr. Crissman made a motion to approve the minutes of the June 7, 2011 and July 5, 2011 business meetings. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

No comments were provided.

Chairman & Board Members' Comments

No comments were provided.

Dauphin County Library Presentation

Mr. Wolfe explained that Richard Bowra, Executive Director of the Dauphin County Library, was scheduled to make a presentation, but he is not present at this time. Mr. Hawk noted

that he would continue with the meeting and afford Mr. Bowra the time to make his presentation when and if he comes in.

Manager's Report

Mr. Wolfe noted that effective immediately, Waste Management has been given permission from the Township to start their workday earlier due to the excessive heat, for the remainder of this week. He noted if a resident's trash was not picked up because they did not get their trash out early enough, they can call their office and they will return to pick up their trash. He noted if the heat wave continues into next week, they will continue the early pick up schedule.

Mr. Wolfe noted that on Tuesday, August 2, 2011, the Township will celebrate National Night Out for Public Safety, at the Thomas B. George Jr. Park starting at 6 p.m. He noted that the event is sponsored by the Lower Paxton Township Police Department. He explained that fire companies, emergency responders, and various other public service organizations and agencies will have displays. He noted that food and drinks will be served as well. He explained that George Park is located off of Nyes Road, south of the Paxtonia Elementary School.

OLD BUSINESS

Ratification of agreements with Constellation Energy for Purchase of electricity, as executed by the Township Manager

Mr. Wolfe explained that the Township participates in the Municipal Utility Alliance through the Pennsylvania League of Municipalities and Cities. He noted that the Township is one of the founding members of the Alliance, and has been purchasing electricity for the past two years through a competitive intermunicipal bid negotiated by the Alliance. He noted that the contract for services will conclude the end of this year.

Mr. Wolfe explained that the selected contractor for the Alliance was able to offer pricing for street lights which were not included in the current contract. He noted that

Constellation Energy, the current provider, has offered a street light quote and one for extending the current services for another 12 to 36 months. He noted that he discussed both the overall electric and street light pricings with Constellation Energy, and by mid-week he was able to obtain favorable price quotations that he was authorized to lock in by the Board members. He noted that the price for metered accounts, for a 12-month period beginning in December 2011 is \$.075882/kWh, resulting in a 10.4% reduction from the current rate and significantly less than PPL price which is \$.10170/kWh. He noted that the current price is \$.084717/kWh and the new contract would save the Township and Authority \$43,000 next year. He noted that the price for the Township's two street light accounts for a 16-month period is \$.062942/kWh. He explained that street lights are not metered; they are billed per type or size of street light bulb. He noted the new price would provide a savings of \$17,300 on an annual basis. He noted that Constellation Energy's proposal on an annual basis will save the Township \$60,300 and for the total contract it will save the Township an additional \$4,325 for the remaining six months for the street lights. He noted that the prices are locked in subject to the Board's ratifying the contract this evening.

Mr. Crissman made a motion to approve the agreements with Constellation Energy for purchase of electricity as executed by the Township Manager. Mr. Blain seconded the motion. Mr. Hawk call for a voice vote and a unanimous vote followed.

Action on bids for energy improvements involving
electrical items at the Friendship Center

Mr. Wolfe explained that this is the second time the Board members have seen this contract. He noted the first time this was bid, the Board awarded a bid for plumbing items and rejected the bids for electrical items, authorizing the rebid for electrical items. He noted that the Friendship Center Operating Board reviewed the electrical bids and recommended that the Board award the bid, as per the recommendation made by HRG, Inc, the Township Engineer.

Mr. Wolfe explained that four contractors responded to the Friendship Center bid for the electric project which includes: social hall lighting, gymnasium lighting, and switching to a variable frequency drive on the pool pumps. He noted that the total costs for this bid by the lowest bidder were Leer Electric, Inc. at \$49,615.38. He noted that the bid was reviewed by the Township Engineer and staff and found to be acceptable. He noted that the energy project is funded in part by the Pennsylvania Department of Conservation and Natural Resources grant fund. He noted that the other funds come from the cash on account from the Friendship Center. He explained that it is not General Fund expenditure.

Mr. Wolfe noted that it is staff's recommendation to award the bid to Leer Electric, Inc. in the amount of \$49,615.38.

Mr. Crissman made a motion to approve the bid for energy improvements involving electrical items at the Friendship Center to in the amount of \$49,615.38. Mr. Blain seconded the motion. Mr. Seeds questioned if this was a 50/50 grant, with 50% paid by the Friendship Center and the other 50% paid by the grant. Mr. Wolfe answered that was correct. Mr. Hawk called for a voice vote, and a unanimous vote followed.

NEW BUSINESS

Resolution 11-12; authorizing Lower Paxton Township Police Department police officers to make warrantless arrests under Section 8902 of Title 42 of the Pennsylvania Consolidated Statutes

Mr. Wolfe explained that the Township Police Department is in the process of its reaccreditation review and the reviewers have determined that part of the policy need to include an authorization, as required by the Pennsylvania Consolidated Statutes, for police officers to conduct warrantless searches for four summary offenses. He noted the four summary offenses are: disorderly conduct, public drunkenness, obstructing highways and other public places, and the underage purchase, consumption and transportation of liquor, malt or brewed beverages. He

noted that there has been some recent case law in the State where municipal police officers have arrested people based upon these warrantless searches and the attorneys defending these individuals have questioned whether the municipalities have adopted, by policy, authorization for the police officers to do so. He noted that it is recommended that if a municipality has not done this that it pass a resolution to protect its police officers.

Mr. Seeds questioned who recommended this. Mr. Wolfe answered that it is the review team for the recertification of the accreditation for the Police Department that occurs every three years. Mr. Seeds questioned if it was a house keeping issue. Mr. Wolfe answered yes.

Mr. Crissman made a motion to approve Resolution 11-12; authorizing the Township Police Department's police officers to make warrantless arrests under Section 8902 of Title 42 of the Pennsylvania Consolidated Statutes. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Preliminary/final subdivision and land development plan for Kings Pointe

Mr. Wolfe noted that the purpose of the plan is to subdivide the Murphy Rentals parcel #35-011-074 into two tracts (1A and 1B). He noted that Tract 1A will be added to Tract 2 (35-011-082), creating Lot 1, and Tract 1B will be added to the existing Cornerstone Kings Pointe lands to create Lot 2. He explained that Lot 2 will be developed with six (6) townhome units to be added to the overall Kings Pointe development. He noted that the property is zoned R-2, Medium Density Residential District, and Lot #1 will consist of .69 acres and Lot 2 will consist of 8.89 acres. He noted that the property is served by public sewer and public water and is located on the south side of Linglestown Road, east of Crums Mill Road. Mr. Wolfe noted that the developer has not requested any waivers; however there is one site specific condition, eight general conditions, and one staff comment.

Mr. Wolfe noted that Richard Castranio of Alpha Consulting Engineers, Inc was present to represent the plan.

Mr. Castranio noted that there are 41 existing units and they will be adding six units to the Homeowners Association, for a total of 47 units. He noted that the road is already constructed in front of where the townhomes will be built, as a private access drive. He noted that he has read all the conditions and is in agreement that they will be met prior to the recording of the plan.

Mr. Seeds questioned which parcel on the plan is Murphy's Rentals. Mr. Castranio noted that it is shown as Lot #1 on the plan, to the rear of the property. He noted that it is a single-family residence and he will subdivide the tract and build six additional townhomes to the overall development. He noted that the existing lot will retain the single-family home.

Mr. Seeds questioned where the parcel of sidewalk is that HRG, Inc. referred to in its July 5, 2011 memo. Mr. Castranio noted that it is located at the end of the Graystone Bank and it needs to be extended from the drive to the traffic light. Mr. Seeds suggested that it is only five to seven feet in length, and has nothing to do with the area in front of Dr. Boland's home. Mr. Castranio noted that the only sidewalk that is missing from this plan is the short section coming into the development. Mr. Seeds noted that there is a missing section of sidewalk near the detention area to the west along Linglestown Road. Mr. Castranio stated that if it is located on the Kings Pointe parcel, they will install it. Mr. Seeds questioned if the detention pond was created as a part of the Kings Pointe development. Mr. Wolfe answered yes. Mr. Seeds noted that there is no sidewalk in that location. Mr. Seeds noted that he would like to require that that section of sidewalk be installed as part of this plan. Mr. Castranio noted that he would be agreeable to that. He noted that he would add that they would add sidewalk to those sections that abut Linglestown Road. Mr. Seeds noted that there is sidewalk in front of the UPS store, but not

in front of Dr. Boland's office. Mr. Castranio noted that the section in front of the detention pond was missed in the original plan.

Mr. Crissman questioned Mr. Castranio if he was authorized to speak on behalf of the applicant. Mr. Castranio answered yes.

Mr. Crissman questioned if he had a copy of the memo from Ms. Moran dated July 15, 2011, listing the conditions for the plan. Mr. Castranio answered yes.

Mr. Crissman noted that there are no waiver requests, but he questioned Mr. Castranio if he was in agreement to the two site specific agreements. He noted that the first involves providing a copy of the Homeowners' Association documents. Mr. Castranio noted that the attorneys are working on that document at this time and it will be done before the recording of the plan. Mr. Crissman noted that he would be adding the second site specific condition that the sidewalk will be installed near the traffic signal and in front of the detention pond along Linglestown Road. Mr. Castranio answered that he was in agreement to this.

Mr. Crissman questioned Mr. Castranio if he was in agreement to the eight general conditions, including number eight that contains the 14 comments from the HRG's memo dated July 5, 2011. Mr. Castranio answered that they will be complied with.

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

Mr. Crissman made a motion to approve the Preliminary/Final Subdivision and Land Development Plan for Kings Pointe 11-04 with the following conditions: 1) Provide a copy of the Homeowner's Association documents for review by township solicitor prior to plan recording; 2) Sidewalks will be provided along Linglestown Road in front of the detention pond and at the traffic light where needed; 3) Plan approval shall be subject to providing original seals and signatures; 4) Plan approval shall be subject to the payment of engineering review fees; 5) Plan approval shall be subject to the establishment of an automatically renewable improvement

guarantee for the proposed site improvements; 6) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 7) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 8) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 9) Plan approval shall be subject to the recreational fee-in-lieu payment of \$2300.00 per unit for six units; 10) Plan approval shall be subject to addressing the fourteen (14) comments of HRG's memo dated July 5, 2011; and 11) A street/storm sewer construction permit is required and is to be obtained prior to earthmoving activities. A pre-construction meeting shall be coordinated with Township staff and the Conservation District prior to the start of work. 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.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were four Improvement Guarantees.

Maiden Creek

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$83,179.91, with an expiration date of July 19, 2012.

Wilshire Estates, Phase I

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$370,150.00, with an expiration date of July 19, 2012.

Briarsdale Road – 4 Story, 30 Room Hotel

An extension in a letter of credit with Graystone Bank, in the amount of \$5,590.20, with an expiration date of July 19, 2012.

Victoria Abbey at Forest Hills, Phase 2

An extension and 10% increase in a bond with The INSCO/DICO Group, in the amount of \$152,574.78, with an expiration date of July 19, 2012.

Mr. Seeds noted that the Briarsdale Road was only extended the last time for six months, and he questioned if it should be extended again for another six months. He noted that Mr. Miller, who did the inspection, found that there was more work to be done to comply with the Americans with Disabilities Act requirements. He suggested that he would only want to renew it for six months. He noted that staff should send the property owner a letter citing the items that Mr. Miller noted in his memo from his inspection of the property.

Mr. Seeds noted that the Victoria Abbey Improvement Guarantee was last reduced in 2004, and it needs the wearing course and sidewalks. He noted that he can understand that the sidewalk is not completed since the homes are not built. He questioned if this was the development that people came to a meeting to complain about in regards to the wearing course, and the snow removal. Mr. Wolfe answered that he did not know. He explained that he gets the streets in those developments confused since they are so closely named. He stated that he would have to pull the plan to answer Mr. Seeds' question. He noted that staff was told that that the streets in the development that they had received numerous complaints for would be paved this summer. Mr. Seeds noted that he had no problem with extending it but he wanted to mention if it is a problem that we should have some discussions with the developer because of the concerns from the existing residents.

Mr. Seeds noted that he would only want a six-month extension for the Briarsdale Road Improvement Guarantee. Mr. Hawk noted that it is only for \$5,500. Mr. Seeds noted that according to Mr. Miller, it would take more money than that for the Township to complete those requirements. He noted that the Board only extended the Improvement Guarantee for six months the last time. Mr. Hornung questioned what made Mr. Seeds think that the developer will

complete the work in six months. Mr. Seeds answered that nothing makes him think that, but he is hoping that if they are sent a letter they will, otherwise, the Township would have to draw on the funds and do the work itself.

Mr. Hornung suggested that a developer does not like it when someone collects on a letter of credit as it goes against their credit ratings. He noted that they would not take that lightly, so even though we may not have enough money to cover what needs to be done, there is a huge negative for the developer when the Township acts on an Improvement Guarantee. He suggested that it should only be extended for three months, and they should receive a letter explaining if the work is not completed that the Township will act on the Improvement Guarantee. He noted that they have gone six months and done nothing, and they will go another six months and do nothing until we send them a letter warning if they don't get the work done within three months, the Township will collect on the letter of credit. Mr. Hawk noted that the line of credit was a little more than \$5,000 on March 2, 2010 and \$5,500 on February 1, 2011, after providing a six-month extension. Mr. Hornung questioned if everyone was okay with the three-month extension. Mr. Hawk and Mr. Crissman agreed.

Mr. Hornung noted that during the Road Tour, it was noticed that there was a problem that the builders have not completed a lot of the road work because the houses were not built yet. He noted with the present economy housing is not selling well. He noted that because the wearing surface is not installed, the roads are deteriorating through the winters and now the Township has bonds on roads that are not sufficient to complete the work if the Township has to do the work. He noted that some of these projects have gone for five or six years and the roads are deteriorating since there is no wearing course. He noted that someone mentioned that the construction trucks do not cause that much damage to a wearing surface. Mr. Wolfe noted that he did not know if there is a solution to this problem, other than the fact that you can force the developers to pave now and live with the damage that could be caused by construction material

trucks. He noted that he did not have a good answer to this problem. He noted that we have not experienced this situation in the past since developments have built out; however, there are now private streets with binders that have weathered more than one winter which it is not supposed to do. Mr. Hornung noted that some have weathered four or five winters. Mr. Wolfe noted that the Township makes the developers dig up portions of the roadway that have failed or mill the road and redo the binder. He noted that it is not an ideal situation and we don't have a good solution for it.

Mr. Hornung questioned if the Township can increase the line of credit in light of the fact that there is additional road work. Mr. Wolfe noted that question should be addressed to Mr. Stine. Mr. Stine answered, if the engineer inspects the road and makes a determination that the previously approved improvements cannot make the amount of deterioration that needs to be redone, the Township can increase the letter of credit, and it is not bound by the 10% annual limitation.

Mr. Hornung questioned if there is any truth that putting the wearing course down and driving construction vehicles over it is going to cause anymore damage than having it run on top of the binder. Mr. Wolfe noted that construction equipment will tear up the wearing course.

Mr. Hornung noted that he would like to hold off any approvals for Maiden Creek, Victoria Abbey at Forest Hills, Phase 2, and Wilshire Estates, Phase I, and bring them back to the August 2, 2011 meeting if there is enough time. Mr. Wolfe noted that it would be within the 12 month limitation for Maiden Creek and Victoria Abbey. Mr. Seeds noted that Wilshire Estates would also be within the August 2, 2011 deadline.

Mr. Hornung noted that the only IG to be approved would be for Briarsdale and only for three months. He noted that he hated to rub salt into the wounds of the builders since they are struggling with the economy, but he feels we need to look into this. Mr. Seeds noted, after the initial 18 months have passed after the Township has accepted a road, then it must make the

repairs to the road. Mr. Hornung questioned if there was an instance where the builder was no longer in the area and the Township had to install the wearing course. Mr. Wolfe answered that has happened before. Mr. Hornung noted that he did not want to get into the same situation as before.

Mr. Crissman made a motion to approve the Briarsdale Road – 4 Story, 30 Room Improvement Guarantee with a three month extension and requested that a warning letter be sent to the property owner. Mr. Hornung 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, and the Purchase Card Payments. Mr. Crissman seconded the motion. Mr Hawk called for a voice vote, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting, and the meeting adjourned at 8:10 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary