

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held September 6, 2011

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:35 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 Steven Stine, Township Solicitor; and Ted Robertson and Watson Fisher, SWAN.

Pledge of Allegiance

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

Approval of Minutes

Mr. Blain made a motion to approve the August 16, 2011 budget workshop meeting. Mr. Seeds seconded the motion, and a unanimous vote followed.

Public Comment

Mr. Robert Diak, 200 Miller Road, noted that he would like to go over the animals at large ordinance. He noted that he is paying someone's tuition. He stated that he is constantly getting cited for dogs at large. He questioned if someone could pull up the ordinance. He noted that, in the ordinance, can we revisit the ordinance and add in the words "leash" so it's specified. He noted that the ordinance does not mention a leash, it states "under control". He noted that Mr. Hawk would believe that to be something and he would believe it is something else. He noted that he took the training, I have, his name is R-u-t-k-i-s-s, constantly getting cited. He noted when he takes an attorney to our MDJ, he gets off, but when he goes by himself, it is sent

to Dauphin County which floods the system. He noted if the Township could make an amendment to that ordinance he would really, really, appreciate it.

Mr. Diak noted that he is present in a suit and tie, and there are two individuals that do not have a suit and tie sitting behind the panel. You are gentlemen, representing Lower Paxton... the ones that have a suit and tie, I appreciate it, also, with Mr. Wolfe, Monday at 2 p.m., last Monday, and Tuesday from 8 to 9 a.m., and Friday, 2 p.m., and today, this morning, I get an individual stating, put everything in writing. He noted that the member does not know what this is about, that is why I am here tonight. He noted, as he stated before, he does not want to be here. He noted that this is for the public; this is our concern, so my only concern is if everything needs to be in writing then please send him a letter. He noted that once again, all these individuals who come up here, you don't tell them to put it in writing, you always say, what's your number. He noted that he has been here many times, it's called equal opportunity. He noted that everyday is a Saturday to him and I have all the time in the world. I will comply, I've been here for five years, and I will continue to be here. He noted that there are concerns going on that you are very well of, very aware of, so instead of fueling the fire, if you would take a personal touch to find out what is really going on, instead of blowing me off like Mr. Wolfe. And sir if I am not mistaken, I never received a phone call when I called you. That is all I have to say, thank you very much, again, gentlemen, you represent Lower Paxton, I would really appreciate you being in a tie.

Mr. Hawk noted that it is a rare occasion that he does not wear a tie, but he will be leaving the meeting this evening to drive to Washington, D.C. to meet with several legislators, and since it is a long drive, he dressed to be a little casual for the drive. Mr. Hornung noted that he does not wear a tie, so deal with it.

Ms. Sherry Long, 5016 Berkley Street, noted that she does not have a tie either. She noted that she is present to discuss the overflow of water. She noted in the year 2005, her roads were dug up and the sewer line was replaced. She noted ever since then she has been getting

water in her basement. She noted when she first moved in she had a little bit of water for severe weather events, but after the sewer was replaced, the rain came bubbling out of the cracks in her basement. She noted that she called the Township and was told that it was not that Department's job, and when she made a second phone call to another Department, no one ever came out to her home. She provided the Board members with pictures of the rain events that were taken two days after the August 7th event. She noted that Oakmont Drive, the street across from her home has roughly five drains, and on Berkley Street where she lives, there are none. She noted that all the water comes down Oakmont Road and into her backyard and is supposed to go under the road, but it goes under the road somewhat, and then it comes out and from that point out the pipe is crushed and it bubbles out in the crack in the pipe and it sits and stagnates in that location. She noted that she had a \$6,000 waterproofing system installed with two sump pumps and it was overwhelmed with the rain, and they added another sump pump. She noted that when they were digging out the area around her home, the water came in from where the sewer line was replaced. She noted that two other neighbors are also in the audience and they want to know, when the road was dug up why weren't storm drains put in. She requested if someone from the Township could come out and clean out the storm drains, especially the crushed pipe. She noted that she would really appreciate it.

Mr. Hawk noted that Staff will follow up on the complaint and the pictures will be provided to them. He noted that the area is expecting a considerable amount of rain over the next couple of days, so people should make sure that their downspouts are directed away from the house and that their gutters are clean.

Ms. Sherry Rode, 5007 Berkley Street, noted that she has lived in her home for 55 years. She noted when she built her home, the Township, because of the water, as she knew there would be water problems, made a gutter that was directed down where the Penn Colonial Pool is now located. She noted that they made a deep gutter to carry the water away. She explained, in

the 55 years that she has lived there it has closed up and she keeps calling the Township asking someone to come out and reopen the gutter. She noted that the water is backing up into her basement. She noted that she never had water but since the sewer pipes were replaced, it just filled up the entire drainage system. She noted that her basement was finished off nicely, but it is no looking so nice now, because every time it rains she gets water in her basement. She noted that she realized that the water events are unusual, but this happens all the time. She noted that the girls run their sump pumps and as soon as it reaches that level, in those pictures, the water comes over the road, but the pipe under the road must not be very substantial anymore. She noted that it can't carry the water and she looked at the other end of the road to see if the water was flowing through and it is hardly flowing through. She noted that it is obvious that it is all backing up to her place. She noted that she has a terrible water problem and she can't figure out why... the Township... all it would take is a backhoe to reopen the gutter that leads down to the woods. She noted that there is no place for the water to go so it lays there and comes to a certain level and enters her house. She pleaded with the Township to do something.

Ms. Judy Barn, Berkley Street, noted that her two neighbors covered almost everything, but the difference for her home is since the new sewer line was installed she is getting winter events. She noted up to the past two years she only got summer events. She noted that the pipe that runs from Oakmont Road empties out into her backyard and all the water from Oakmont Road is flowing into her yard. She noted it flows too fast in a heavy rain, and it will come out the other side, but when it reaches a lower level the water doesn't come out the other side of the pipe. She noted that that system needs to be fixed.

Mr. John Trish, 600 Prince Street, noted that the street sweeper was in his neighborhood this morning, doing a quick sweep over the two drains, and left. He noted that there were piles of leaves along the roadway but they were not picked up. He noted that he raked them up and put them at the curb for the street sweeper to pick up but it did not come back. He noted that there

are leaves from the previous storm and if the street sweeper was in the neighborhood he should have picked up the leaves. He noted that his intersection is a problem.

Mr. Trish questioned if the citizens will be informed of what the Township will be doing in regards to the repairs that have been requested by citizens of the Township in regards to water issues.

Mr. Hornung noted that the Public Works Director has presented to the Board members a list of storm sewers that need to be replaced. He noted that it is close to \$300,000 in costs, noting that much of the metal pipe that was installed 30 to 50 years ago is now rusting and creating major water issues. He noted that the weather has made it much worse and that we had two 100-year storms back-to-back. He noted that there are major storm sewer issues but the problem is that the Township has a \$1 million shortfall for the 2012 budget. He noted that the Township can't print the money so it will either have to cut back on services, raise taxes, or a combination of the two. He noted that staff is studying this issue really hard, making a list of all the storm water problems. He noted that the Department Directors are trying to determine what they can cut from their already lean budgets. He noted that the Township has to balance its budget and determine what we need to do.

Mr. Trish noted that he understands that we are in bad times, but he wants to know if the Township would expend funds on private property to do repairs when it is the homeowner's responsibility and not the taxpayers. Mr. Hornung noted that the Township does not have the right to go on people's property to make repairs and staff is very careful in that it deals with those issues appropriately. Mr. Trish noted that the Township needs to be make public what it can fix and what it can't fix. He noted it is different if the individual property owner's problem is as a result of something that the Township did, then the insurance company should fix it. He noted that he would like to know what the Township is doing with the taxpayer's dollars. He noted that he has had water problems for years, but when the leaves are clogging the drains so

the water can't drain away, then it is the Township's problem. He noted that he does not expect the Township to fix his basement, it is his basement, but if he is getting water since the drains are clogged, and he cleans them as much as he can, when a truck drives by to clean up the leaves, he needs to do his job. He noted that there is a lot of debris throughout the Township, and maybe he was just driving around to clean out the drains, but he only did two out of the five that are near his home and they weren't done that great, since he had a lot of drains to clean out. Mr. Hornung noted that Mr. Wolfe took notes and he will look into it. Mr. Hawk noted that what Mr. Hornung stated is correct, that staff is trying to develop a logical plan to solve these issues.

Mr. Hawk noted that there are some technological problems with tonight's broadcast and the sound is not going out to the television broadcast. He noted that the podium microphones are not working as well.

Mr. Tyler Heap, 1007 Topview Drive, noted that he had questions about water issues and how this Township should be handling it. He questioned if there are any corrective or preventative measures for mitigating flood damage and flood issues for places along the tributaries to Paxton Creek and Goose Valley Creek, specifically in the area of Earl Drive, Devonshire Road, and Jonestown Road. Mr. Wolfe answered that he had no information on that. Mr. Heap noted that means that there are no structures to mitigate flood issues. Mr. Wolfe noted that he did not know what Mr. Heap was asking. Mr. Heap noted that he was asking if the storm water in that area can be correctly handled before it is dumped into the streets. He questioned if there are devices such as detention ponds, and things like that in these areas that can help keep water from gushing in places. Mr. Wolfe noted that there are detention facilities in Paxton Creek. Mr. Heap questioned if they are considered adequate. Mr. Wolfe noted that he does not have an opinion in regard to their adequacy. Mr. Heap questioned if Mr. Wolfe knew anything about the maintenance schedules or upcoming plans to improve these structures. Mr. Wolfe noted that they are all privately owned. Mr. Heap questioned if the Township plans to put

anything in. Mr. Wolfe answered no, noting that the Board has no plans to install a facility. Mr. Heap noted for existing structures such as storm drains, what is the maintenance schedule for those. Mr. Wolfe noted that he does not have that information at this time and it would be part of the MS4 Plan which he requested and staff is responding to Mr. Heap in regard to that. He noted that much of the information that Mr. Heap is asking for now is included in his Right-to-Know request that he submitted to the Township that staff is responding to.

Mr. Heap noted that there has been a branch hanging from telephone line in the Earl Drive area, right lane, in the direction of Colonial Road. He noted that it has been there for ten days and he called the Township about it today and was told that it is the phone company's responsibility to remove. Mr. Wolfe answered that was correct. Mr. Heap noted that the Township has the trucks and ability to remove it; he noted that he considers it to be unsafe and he questioned why the Township cannot do that. Mr. Blain noted one reason why Township staff cannot remove the branch is because PPL and Verizon won't let us touch their poles or lines because of safety and liability issues. Mr. Heap noted that it is on a Township road. Mr. Blain noted that it is sitting on a utility line. Mr. Heap noted that it is touching the street. Mr. Blain noted that it is on a power line and serious injury could ensue... Mr. Heap stated that serious injury could occur to a child walking by that may come in contact with that tree. He noted if it is a safety issue it needs to be taken care of as soon as possible. Mr. Blain agreed, and stated that someone needs to contact PPL or Verizon. Mr. Heap noted that PPL told him to contact the phone company, and he suggested that the Township should contact them to do this work. Mr. Hornung noted, yes, we can contact them. Mr. Heap noted when he talked to a person at the Township Public Works Department they stated that they had contacted Verizon. Mr. Blain noted that staff did what they were required to do in contacting Verizon and someone from Verizon should come out to remove the branch.

Mr. Heap questioned if the Township has an emergency management plan in place now. Mr. Wolfe answered yes. Mr. Heap questioned if someone could provide a brief explanation of what that is. Mr. Wolfe answered not at this time, but staff can make that available to him if he requests it.

Chairman & Board Members' Comments

Mr. Hawk noted that he must leave the meeting early this evening as he was selected to attend a seminar in Washington, D.C. with the legislators on Wednesday and Thursday.

Manager's Report

Mr. Wolfe explained that he was informed that the Pennsylvania Emergency Management Agency (PEMA) will conduct a workshop in the Township on September 21, 2011 in Lower Paxton Township from 11 a.m. until 7 p.m. He suggested that it will most likely be in the municipal building. He noted that the purpose of the workshop is to obtain information from individuals in regards to damages sustained during the August 6th and 7th storm and to provide information in regards to programs and financing that is available through the Small Business Administration (SBA) for disaster and flood recovery.

Mr. Wolfe noted that Lower Paxton Township and Central Pennsylvania is scheduled to get between two to four inches of rain this evening between 8 p.m. and 2 a.m. He noted that staff is making preparations for that as we speak.

Mr. Wolfe noted that Heather Wadlinger, a local dog lover, had entered the Beneficial Dream Dog Park Contest and is a finalist for the \$500,000 grand prize that will be awarded to the lucky winner to name to a dog park community for improvements and renovations. He noted if Ms. Wadlinger wins the contest, her prize could include improvements to Lower Paxton Township's Happy Tails Dog Park. He noted that Ms. Wadlinger is requesting support from the community by going to the WagWorld.com website, and click on Dream Park Dog Park, and vote for Ms. Wadlinger's entry. He noted the more votes she gets, the better chance she has to

win the prize. He noted that the Township would love to be a beneficiary of those prize funds.

Mr. Hawk suggested that we should post that on the Township's website.

**Proclamation 11-03; recognizing
September 11, 2011, as a day of remembrance**

Mr. Hawk noted that September 11th is a day well-remembered by all. He noted that the Board of Supervisors have issued Proclamation 11-03 recognizing September 11, 2011 as a day of remembrance. He noted that the Proclamation is as follows:

WHEREAS, the Board of Supervisors of Lower Paxton Township expresses their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT PROCLAIMED that the Board of Supervisors of Lower Paxton Township, Dauphin County, Pennsylvania:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who

have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER PROCLAIMED that on the 10th anniversary of this tragic day in United States history the Board of Supervisors of Lower Paxton calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

BE IT FURTHER PROCLAIMED that the Board of Supervisors of Lower Paxton Township encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

ADOPTED this 6th day of September, 2011, by the Board of Supervisors.

Mr. Seeds made a motion to adopt Proclamation 11-03. Mr. Blain seconded the motion, and the motion was unanimously approved.

OLD BUSINESS

Action on request for reimbursement of costs from Richard Pleasants to replace a building sewer as part of the PC 1A/1C mini-basin

Mr. Wolfe noted that Mr. Richard Pleasants has requested reimbursement in the amount of \$13,052.00 for the installation of the building sewer serving his property on McIntosh Road. He noted that this is the former Baltimore Tar Plant site, and explained that there was an issue with the Authority contractor in regards to the suitability of the soil they needed to dig up. He noted that the Contractor did not feel comfortable moving the soil and staff confirmed with the Department of Environmental Protection (DEP) that the soil was suitable to remove and dig for the installation of a sanitary sewer lateral. He noted that Mr. Pleasants did the work himself and it has been inspected by Township staff and found to be acceptable. He noted that Mr. Pleasants'

requested reimbursement is in accordance with the Township's contract for services with the contractor who is currently working in that mini-basin. He noted that staff has confirmed that the cost reimbursement is adequate and that the work has been performed properly.

Mr. Seeds questioned if the soil was tested prior to the sewer line being installed. Mr. Wolfe answered that Mr. Pleasants has a Phase One Closure Plan with DEP which would have required testing; however, it was not tested as part of the sewer installation process. Mr. Seeds questioned if Mr. Pleasants would be submitting other costs for such things as cleanouts, etc. Mr. Wolfe answered that he did not know, but he explained that staff inspected the line and found it to be serviceable. Mr. Seeds questioned if it was within the cost range that it would have cost the Authority if their contractor did the work. Mr. Wolfe answered that it would have cost the Authority the same amount. Mr. Seeds questioned if there would have been additional costs for paving if a contractor would have done the work. Mr. Wolfe answered that he did not know if any additional costs that would be incurred. He suggested that the line was installed, backfilled and it is functional. Mr. Seeds questioned if Mr. Pleasants will request to have the pavement restored. Mr. Wolfe answered that the area was pretty much gravel and a tar and chip driveway.

Mr. Hornung noted that Mr. Pleasants and Staff's estimates agree, however, he questioned if it was billed at the prevailing wage or the wage that Mr. Pleasants would have incurred. Mr. Wolfe answered that it would have been in accordance with the Contractor's cost to do the work and his work was at a prevailing wage rate. Mr. Hornung suggested that Mr. Pleasants might have done the work at a cheaper rate than what the Township would have paid. Mr. Wolfe answered that he would not be able to answer that.

Mr. Seeds questioned if this would set a precedent, questioning if the Township has reimbursed other homeowners to complete their own work. Mr. Wolfe answered that one property owner did the work on his own but he did not request the reimbursement of funds.

Mr. Hornung questioned if the amount is up for discussion. Mr. Stine explained that the Board could do anything from providing no payment to providing a negotiated amount. Mr. Hornung questioned if that is true. Mr. Stine noted that there was an agreement that the Authority would install the sewer line at its cost and the contractor discovered the tainted soil and they did not want to deal with it. He noted that Mr. Pleasants was offered a few options; one of which was that he could do the work himself and the Authority would pay for it. He noted that is what Mr. Pleasants did. Mr. Hornung questioned if the Authority told Mr. Pleasants that they would pay the cost that it would have cost the contractor to do the work. Mr. Stine answered that he believed that there was some reference to that effect. Mr. Seeds noted that it was discussed but there was never any formal action taken during the Sewer Authority meeting. Mr. Hornung noted if the Authority indicated that it would do that then it should honor its word and do it. Mr. Seeds agreed to that. Mr. Hornung questioned Mr. Seeds if he feels that is what was agreed upon. Mr. Seeds answered that the consensus was to give Mr. Pleasants the option without any formal approval. He noted that the next question becomes what is the fair amount for reimbursement. Mr. Hornung noted if the Authority indicated something it needs to honor it.

Mr. Robertson questioned if there is a difference in the rate between residential and commercial work. Mr. Wolfe answered no, noting that staff has not bid much commercial work, noting that the Authority has done multi-family and apartment complexes, including all of The Brook Apartments. Mr. Robertson noted that the property is now non-residential as far as DEP is concerned. Mr. Wolfe noted that it is residential as far as the Authority is concerned for use. He noted that it is zoned residential but its use would be pre-existing non-conforming.

Mr. Hornung noted that it would be very similar to a residential installation.

Mr. Robertson noted that DEP determined that it could not be used for residential purposes for the time being with the findings of the toxic soils. Mr. Wolfe noted that it is an

issue between the property owner and DEP. He noted that the Township can't enforce DEP's regulations.

Mr. Hornung made a motion to approve the request for reimbursement of costs from Richard Pleasants to replace a building sewer as part of the PC 1A/1C mini-basin in the amount of \$13,052.00. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

NEW BUSINESS

Action on an individual to fill a vacancy on the Parks and Recreation Board

Mr. Hawk noted that Mr. Luetchford has requested that the Board approve Mr. Stanley Smith to fill the vacancy caused by the death of Ken Beard on the Parks and Recreation Board. He noted that Mr. Smith would fill the term of office that expires on December 31, 2013. Mr. Hawk noted that he was in agreement with the requested appointment.

Mr. Hawk requested that Mr. Seeds to take over for him as Chairman as he needs to leave the meeting to travel to Washington D.C.

Action to submit an application under the PEMA Unified Hazard Mitigation Grant Program for property addresses as 5805 Linglestown Road. and Resolution 11-19; authorizing the acquisition of property addressed as 5805 Linglestown Road and now owned by David D. and Cynthia Gontz

Mr. Wolfe noted that the authorization to submit a grant application and Resolution 11-19 are both related. He noted that the Pennsylvania Emergency Management Agency (PEMA) has stated that the Gontz Property at 5805 Linglestown Road has qualified, under the Unified Hazard Mitigation Grant Program, for acquisition because the property exists within the floodway of the Paxton Creek. He noted that PEMA will provide for such property the cost of acquisition, demolition, and transfer of the property to the Township and the Township would be required to hold the property in perpetuity as open space. He noted that the Gontz family has

requested that PEMA pursue this program with their property and the Township is required to participate as the entity to do the acquisition and the one who holds the property as open space for perpetuity. He noted that the grant acquisition to PEMA would be for the costs to acquire the property in accordance with an appraised value, cost to do the transfer work, and the cost to raze the structure on the property and return it to open space. He noted that Resolution 11-19 authorizes the acquisition of the property by the Township from David and Cynthia Gontz. He noted that these two items need to be taken into consideration together noting if the Township does not desire to acquire the property then it would not want to submit the grant application and vice versa.

Mr. Seeds questioned if the appraisal is paid by the homeowner. Mr. Wolfe noted that the Township paid for its appraisal and it is a component of the funding to be paid by PEMA. He noted if Mr. Gontz wants his own appraisal he would be responsible for that cost. Mr. Seeds noted that there should be little or no cost to the homeowner unless they disagree with the appraisal. He questioned if the Gontz's want to participate in this program. Mr. Wolfe answered yes.

Mr. Seeds noted that the resolution would have to approve eminent domain. Mr. Wolfe noted that the resolution states up to and including eminent domain, however, if the Gontz Family was not willing to sell their property, the Township would have no desire to move forward. He noted that it give the Township the authority by all powers to acquire the property. Mr. Seeds noted that this is the first time that he has seen this occur in the Township. Mr. Wolfe noted that it was his first experience with it and explained that PEMA brought it to the Township's attention.

Mr. Seeds questioned what percentage of those who apply will receive the funding. Mr. Wolfe answered that he was told by PEMA that they fund until the funds are exhausted on an annual basis.

Mr. Seeds questioned if the grant would be rejected, would there be any cost to the homeowner. Mr. Wolfe answered that Mr. Gontz has requested this action.

Mr. Hornung questioned what the costs are to the Township in doing this work. Mr. Wolfe noted that the Township should incur no costs, as it would be covered by the grant. Mr. Wolfe noted that there would be his time in preparing the grant application.

Mr. Blain questioned if both items should be voted on at the same time since Resolution 11-19 does not occur unless the PEMA Grant application is approved. Mr. Wolfe answered yes.

Mr. Blain made a motion to approve the application under the PEMA Unified Hazard Mitigation Grant Program for property addresses as 5805 Linglestown Road. He also made a motion to approve Resolution 11-19 authorizing the acquisition of property addressed at 5805 Linglestown Road owned by David D. and Cynthia Gontz pending the approval of the grant application by PEMA. Mr. Hornung seconded both motions. Mr. Seeds called for a roll call vote: Mr. Blain, aye; Mr. Hornung, aye; and Mr. Seeds, aye.

Infrastructure Maintenance Agreement with Cedar Shopping Centers, Inc.,
to line the storm sewer in East Park Drive

Mr. Wolfe noted that this Infrastructure Maintenance Agreement has been developed to implement the Township's emergencies powers to repair the East Park Drive storm sewer system that was further deteriorated as a result of the August 6th and 7th severe wet weather event in the Township. He noted that, fortunately for the Township, the Cedar Shopping Center, owner of the Point Mall, was in the process of lining its storm sewer facility that runs through the parking lot. He noted that they had retained Aaron Enterprises, a qualified construction firm that lines storm sewers to do that work. He noted that Cedar Shopping Centers, Inc. has indicated to the Township that they are willing to continue to line from the Point Mall into the Township's storm sewer system in East Park Drive and correct the significantly deteriorating storm sewer that exists in the Township's right-of-way. He noted that the total cost to the Township is \$60,000

and the draft agreement before the Board is ready for consideration. He noted that it is a draft document as Cedar's attorneys are reviewing the draft document. He noted that approval would be subject to the final approval of the Cedar Shopping Center's counsel.

Mr. Hornung questioned if the Township did not do the work now and waited until a later date, how much it would cost. Mr. Wolfe suggested that it would cost significantly more to pay for the digging of the extremely deep ditch that Aaron Enterprise dug, to dig down 30 feet to open up the storm sewer in order to line the sewer. He noted that the Township would have to obtain an easement from Cedar's property, re-excavate that depth of the hole, just to line the sewer. He noted that the Township would share the cost of excavating the sewer to get the access to line the pipe but it would have been a cost that the Township would have to pay for itself and it would have been an excessive amount of money. He noted that doing this project in cooperation with Cedar is very cost effective. He suggested that the Township is saving 20% of the costs.

Mr. Hornung questioned if the line is in bad shape now. Mr. Wolfe answered that it is and over the past several months there have been cones sitting over the manholes on East Park Drive because the area around the cones had significant subsidence.

Mr. Seeds noted that he is concerned with lining the pipe if the pipe is in bad shape. He questioned if the engineers are saying that this will repair the leaks. Mr. Wolfe answered yes. He explained that the contractor will slide a smooth line 42-inch pipe inside the existing 48-inch pipe which has a better coefficient of flow than the 48-inch pipe which is corrugated, and then the annular space between the two pipes is filled with grout so that it becomes one facility. He noted that it is not like the lining process for a sanitary sewer. He noted that this is a pipe within a pipe and in between the two there is grout. He noted it is a very complex process.

Mr. Seeds questioned if the Township is able to do this because of the Emergency Declaration that was passed in August. Mr. Wolfe answered yes. He explained that the

Township would not be able to cooperate with Cedar and utilize their contractor because the Township would have to develop its own bid specification and issue a bid. Mr. Seeds noted that the Township is able to get something fixed and save some money as well. Mr. Wolfe noted that the benefit it that staff can get it done quickly and less expensively, however we will be spending \$60,000 that was not budgeted for this year. Mr. Blain noted that the Township will save significant money since the contractor has already been mobilized to do the work.

Mr. Blain made a motion to approve the Infrastructure Maintenance Agreement with Cedar Shopping Centers Inc., to line the storm sewer in East Park Drive in an amount not to exceed \$58,000 in accordance with Schedule B of the agreement. Mr. Hornung seconded the motion. Mr. Seeds called for a voice vote: Mr. Blain, aye; Mr. Hornung, aye; and Mr. Seeds, aye.

Resolution 11-20; authorizing the submission of grant application under the Dauphin County Local Share Municipal Grant Program

Mr. Wolfe noted that Representative Ron Marsico is submitting a grant to the Dauphin County Local Share Municipal Grant Program for development of the Heroes Grove Memorial facility which he has proposed to be located in Lower Paxton Township. He noted that the concept is a memorial, an amphitheater, a facility that will be located in Brightbill Park with the Township owning the land and the Dauphin County Parks and Recreation Department operating the facility. He noted that total costs for the projected plan exceeds \$2 million, however, Rep. Marsico is requesting \$300,000 in local share funds to start earthwork on the project. He noted that given that the grant application will impact a Township facility, Dauphin County requires the Board of Supervisors to also participate in the grant application process. He noted that the resolution has been prepared for the Board's consideration for this evening.

Mr. Blain made a motion to approve Resolution 11-20, authorizing the submission of grant application under the Dauphin County Local Share Municipal Grant Program in the

amount of \$300,000 for the Heroes Grove project. Mr. Hornung seconded the motion. Mr. Seeds called for a voice vote, and a unanimous vote followed.

IMPROVEMENT GUARANTEES

Mr. Seeds noted that there were six Improvement Guarantees.

Autumn Oaks, Phase I

A reduction and extension in a letter of credit with F&M Trust, in the amount of \$244,700.00, with an expiration date of September 6, 2012.

Stray Winds Farm, Phase I

An extension in a letter of credit with M&T Bank, in the amount of \$2,125,000.00, with an expiration date of September 6, 2012.

Wyndhurst Manor, Phase 3

An extension in a bond with Developers Surety and Indemnity Company, in the amount of \$157,542.00, with an expiration date of September 6, 2012.

Tuscan Villas at the Estates of Forest Hills

An extension and 10% increase in a letter of credit with Integrity Bank, in the amount of \$108,397.97, with an expiration date of September 6, 2012.

Bern 6, LLC

A release in a letter of credit with Fulton Bank, in the amount of \$9,307.32.

Weis Markets

A release in a letter of credit with Omega Bank to M&T Bank, in the amount of \$52,502.63. (This Land Development Plan was withdrawn.)

Mr. Seeds noted that the Board only approved a six-month extension for the Wyndhurst Manor, Phase 3 Improvement Guarantee, however, they had significant problems, with putting in sprinklers and having to dig up the street, so he thought there was a good reason to extend it for a year.

Mr. Blain made a motion to approve the six improvement guarantees as presented. Mr. Hornung seconded the motion. Mr. Seeds called for a voice vote, and a unanimous vote followed.

Payment of Bills

Mr. Blain made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Hornung seconded the motion. Mr. Seeds 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 8:39 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary