

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held May 19, 2014

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, Gary A. Crissman, and Robin L. Lindsey.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; and Watson Fisher, SWAN.

**Pledge of Allegiance**

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

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes from the May 6, 2014 business meetings. Mrs. Lindsey seconded the motion, and a unanimous vote followed.

**Public Comment**

Mr. John Trish, 600 Prince Street noted that he is present to discuss the intersection where he lives. He explained the past storm that we had caused all the droppings from the trees to wash down to the drains near his home and they were all covered over. He noted that the water was coming up over the curb. He noted this month's newsletter instructed the residents who use sump pumps that they are required to pump the water back onto their own property. He noted that he has pictures but he did not bring them. He noted when the water gets up over the curb he is getting all the neighborhoods water on his property.

Mr. Trish explained that he received a letter from the Township that allows him to empty his sump pump into the drain which is great. He noted that the Township installed an eight inch

line from the corner of his intersection past California Avenue for all the sump pumps to hook up to. He noted all the leaves droppings are like a sponge on top of them clogging the drains and he was the idiot that was out there clearing the drain while one of Lower Paxton Township's finest passed him and waved at him. He noted once he got all the drains open, the Township street sweeper truck came by, slowed down, saw that the drains were cleared and kept going. He noted that it is ridiculous, this is a big township, and it has a lot of roads, but when you are requiring him to get rid of his water and he has all the neighborhoods water. He requested, when a storm is coming, to have someone drive by... he noted that he could see it if he had one drain but he has five drains. He noted that crossing the streets with the way the cars come driving down the street, they fly over the hill.

Mr. Trish noted when we are expecting one to three inches of rain; someone should come and take a look at the intersection. Mr. Hawk noted that there was a lot of flooding this past time, as they had a police officer on Route 22 with all the flooding due to the severe amount of water that fell in a relatively short period of time. Mr. Trish noted that he has five drains and a 36-inch pipe. He noted that he has talked to both Mr. Robbins and Mr. Weaver about this. He noted when the water comes up over the curb, then his pumps can't handle it and if the power goes out, he is swamped again.

Mr. Seeds questioned Mr. Trish if he wants to see the drains cleaned more frequently. Mr. Trish answered that the majority of the Township trucks pass by his house every day when they go out to work in the mornings. He noted that it is the same thing with the dead animals as a possum was lying on his street for almost a week before someone came and picked it up. He noted that they have the trucks and equipment, they can pick it up. He noted that he is only one guy and he went up the hill to pick up all the droppings from the trees and the next day he gathered them into a bucket.

Mrs. Lindsey questioned if there is a way Mr. Robbins can keep an eye on Prince Street as it is a main road. Mr. Wolfe answered that he does, but not to the extent that Mr. Trish desires, but he will talk to him about it.

Mrs. Lindsey suggested if Mr. Trish finds that the drains are filled to call Public Works and let them know. Mr. Trish noted that he came to the Municipal Center one time to complain and his neighbor happened to see when the Township truck came by and noted that the worker got out of the truck, kicked leaves back and forth and left. Mrs. Lindsey noted when they start to get filled up, call Public Works and ask them if they could have someone shovel out the drains. Mr. Seeds stated that he would hope that Mr. Robbins has alerted his people that if they see that intersection filled with leaves that they should stop and take care of it. Mr. Trish noted that it took him at least an hour to clean out the intersection as the water was coming up over the curb from all the drains being covered by the debris from the trees. He noted that back in January, Mr. Robbins told Mr. Trish that they were going to install a new type of grate in that intersection.

Mr. Wolfe noted that he would speak to Mr. Robbins about this issue.

Mr. Richard Wonderlick, 517 Clermont Drive, explained that he has lived there since 1963. He noted at that time, near his property there was an open ditch on his property and he never had any problems. He noted in the late 1980's, the Township installed a storm drain that runs east to west, and when it was installed, the inlet for the storm drain was five feet from the swale. He noted that all the water from the south, consisting of eight homes comes down, bypasses the inlet, causing his yard to flood for every rain. He explained that he contacted Herbert, Roland and Grubic, the Township Engineers, and requested that they visit his house but they said he had to call Mr. Robbins. He explained that he called Mr. Robbins on May 5<sup>th</sup> at 11:30 a.m.; May 13, 2014 at 1:30 p.m.; May 15<sup>th</sup> at 10:30 a.m. He noted that Mr. Robbins finally responded and said it was too costly for an engineer to visit his home.

Mr. Wonderlick made a request that the Board come and look at his property. He noted that it is an easy issue to see that the inlet is five feet from the swale and all the water from the homes above come into his yard. He noted if you would come you could see the problem and that is all he is requesting.

Mr. Hawk noted that quite a few members of the Board have been out to see it. Mr. Wonderlick answered that they have not. Mr. Hawk noted that Mr. Seeds was out to see it. Mr. Wonderlick noted that Mr. Seeds never got an opportunity to see where the swale and the inlet are. He noted that it could be a simple solution to put a concrete diverter to direct the water over to the inlet or maybe put stone, but if the Board of Supervisors would come and look at it. He noted that Mr. Seeds did come and look at it but he was stung by bees and he did not have a good opportunity to view the situation. Mr. Seeds noted that he looked at it once before that and he went back the second time. Mr. Wonderlick noted that the inlet is five feet from the swale and it is in his neighbor's yard. He noted that he and his neighbor have given the Township permission to correct it. He noted that this past Thursday and Friday night his yard was completely flooded and he needs the Board of Supervisors to look across the street to where there is a duplication of his situation. He noted that the inlet is placed in the right location and no one gets water. He noted that it is simple and he requests that the Board come and look at it.

Mr. Crissman noted that Mr. Wonderlick made the statement that the Township installed the inlet but we are not certain that is true. Mr. Wonderlick answered that he has a letter dated June 11, 2011, stating that the Township did install the storm drain, put in a double drain, and that it has a 20-foot easement. Mr. Crissman questioned if staff has a copy of that letter. Mr. Wonderlick noted that they should have it. Mr. Crissman noted that it is our understanding that we did not install the inlet and that the developer did it. Mr. Wonderlick noted if you look at the June 2011 letter, it states that the Township did install the inlet and that it has a 20-foot

easement. He noted all the Board has to do is come out and look at it. He noted that is all he is asking the Board to do.

Mrs. Lindsey questioned if the drain was installed before the house was built behind him. She explained that she visited in January but did not ask him that question. Mr. Wonderlick noted when the initial builder built the home he had a storm drain on the west part of his property and the east end was an open ditch. He noted that a home was built and the Township put the drain in. Mrs. Lindsey questioned if the Township came and put the drain in after the house was built where the swale comes down to the other side. Mr. Wonderlick answered yes. He noted that the inlet is five feet from the swale. He noted that there are eight homes south of his home and all that water comes down into his yard and his is the only yard that floods.

Mr. Hawk noted at this point we have to agree to disagree. He noted that he would have Mr. Wolfe pull the letter. Mr. Wolfe questioned what the date of the letter was. Mr. Wonderlick answered June 11, 2011. Mr. Crissman questioned Mr. Wonderlick if he had a copy of the letter. Mr. Wonderlick answered that he gave the Township many copies, as he attended three supervisors' meeting where he handed it out.

Mr. Wolfe noted that he would be happy to dig out the letter and check the information to verify this. Mr. Wonderlick noted that the Township did install the drain. He requested the Board members to come and look at the problem. He noted in the March/May Newsletter, the Public Works Department got \$4.7 million and he is sure that they could spend a small amount of that on his situation. He noted that it happens every rain and he is 81 years old and thought retirement would be enjoyable but he can't enjoy it. He noted that he can't leave his home when it rains. Mr. Hawk noted that we will take a look at the letter and he thanked him for his comments.

Mr. Wonderlick questioned if he would get a response from the Board. Mr. Crissman answered that the Board will do so but it needs to see the documents first. He noted that it is the Board's understanding that the developer installed the inlet but Mr. Wonderlick is stating that the Township did it. Mr. Wonderlick noted that the initial developer installed the storm drain on the west end in 1963. He noted that it was open as there was an open ditch on the east end. He explained, in the 1980's, the letter states that the Township installed a dual drain but he did not know why the inlet was put five feet from the swale at that time. Mr. Crissman noted that is why staff will need to do the research. Mr. Wonderlick thanked the Board members for listening to him.

#### **Chairman and Board Member's Comments**

Mrs. Lindsey requested Mr. Wolfe to inform the Board about the mosquitoes that were found in the Township that she heard on the News today in regards to the West Nile Virus. Mr. Wolfe answered that he received that information today. He noted that the Township had a positive mosquito for West Nile Virus. He explained that we are the first area in Dauphin County to have a West Nile sighting this year, and suggested that the Township was the first one last year as well. He noted that the mosquito was found on North Lockwillow Avenue in the area of the dip at about State Street. He noted that Dauphin County is going to monitor the area and since the Township has had the West Nile Virus Mosquitoes before, depending on the numbers and severity, they will take the appropriate measures to include spraying if needed.

#### **Manager's Report**

Mr. Wolfe noted that the Board of Supervisors is meeting today, on a Monday, since tomorrow is Election Day in the Commonwealth. He noted that the Board encourages citizens to get out and vote.

Mr. Wolfe noted on Saturday, July 19<sup>th</sup>, Conrad Siegel Investors, in conjunction with the Parks and Recreation Department and Community Engagement Committee, will conduct a 5-K Run beginning at 8 a.m. at Friendship Center or the Lower Paxton Township webpage where a form will be available for you to register.

Mr. Wolfe noted that the Parks and Recreation Department also has completed an environmental project for the community in conjunction with the Alliance for the Chesapeake Bay Commission and the Paxton Creek Watershed Association. He noted that boy scouts and the PHR Baseball Association were also involved in planting 58 new trees and shrubs in Brightbill Park.

Mr. Wolfe noted that the groundbreaking for the Heroes Grove Memorial will be conducted on Saturday, July 5, 2014, beginning at 9:30 a.m. with a parade starting at North Side Elementary School. He explained that parade will continue to Brightbill Park the location of the future home of the Heroes Grove Memorial. He noted that the parade will be followed by the groundbreaking and a community festival.

Mr. Wolfe explained that Heroes Grove is a memorial that is being developed on a County-wide basis to honor veterans, emergency responders, and law enforcement personnel who have dedicated their lives to our community.

Mr. Hawk noted that it has been a long time coming and the Committee is finally ready for the groundbreaking.

Mr. Seeds explained that the Linglestown American Legion Post 272 will conduct its annual Memorial Day Parade to be held on Monday, May 26<sup>th</sup> beginning at the Linglestown Fire House. He noted that the parade starts at 1 p.m. and will proceed along Linglestown Road to Balthaser Street to Pool Park Road and back to the park for another ceremony.

Mr. Seeds noted on Saturday, July 5<sup>th</sup>, the annual Linglestown Fire Works at Koons Park event will be held.

Mr. Crissman noted for the July 19<sup>th</sup>, 5-K Run, the funds will be coming back to the Township to support many of the activities that go on in the Township. He noted that he would like to see all the Supervisors on July 19<sup>th</sup> run or walk the 5-K. He noted that many of the Committees such as the Arts Committee, Park and Recreation Board, Community Engagement Committee, Friendship Center Operating Board and Greenway Committee will benefit from this event. He noted that it is good that all these committees have come together to raise funds to assist each other. He thanked Conrad Siegel for helping in this event as well and suggested that maybe the 5-K Run will extend into a triathlon at some point.

### **OLD BUSINESS**

#### Resolution 14-16; amending the Township's Vision and Mission Statements

Mr. Wolfe noted that the Vision and Mission Statements were adopted by resolution in 2005, and after a strategic planning session of the Board, it was decided that some minor typographical changes should be included in the updated versions.

Mr. Wolfe noted that the Vision Statement for Lower Paxton Township is: "Lower Paxton Township will be an open, vibrant, and progressive municipality working within the bounds of available resources, providing the best quality of life for a growing community, and to be a recognized leader in central Pennsylvania." He noted that the amendment was to add the word "and" after community. He noted the Vision Statement is: "To achieve our vision, Lower Paxton Township will work to meet and exceed the needs of a growing Township in a cost efficient manner." He noted that a comma was added after the word vision. He explained that the resolution is complete and ready for action at this time. He noted that the Township's Slogan: "Good government for a great community," has no changes.

Mrs. Lindsey made a motion to adopt Resolution 14-16; amending the Township's Vision and Mission Statement. Mr. Crissman seconded the motion. Mr. Hawk noted that as a member of the Pennsylvania State Association of Township Supervisors, the Township is already recognized as a leader in Central Pennsylvania because of the many things that we do. Mr. Hawk called for a voice vote and a unanimous vote followed.

### **NEW BUSINESS**

Resolution 14-15; appointing the Susquehanna Group Advisors, Inc, as the Township Dissemination Agent to provide required disclosures to the Securities and Exchange Commission

Mr. Wolfe stated that he needs to table action on this resolution as it is not ready for action this evening.

Action on an agreement of sale with Dauphin County for the transfer of ownership of certain police and fire radios

Mr. Wolfe noted that there is a large inventory list of police and fire radios that were originally purchased by Dauphin County as part of the new Public Safety Communications System, an activity that began in 2011. He noted that during the design, build and implementation of this project, it was always the intention that the equipment, mobile and portable radios, would be purchased and owned by Dauphin County and then the equipment would be transferred to the municipalities who participated in the operation. He noted that Dauphin County is prepared to transfer to the Township approximately 175 mobile and portable radios for both the Police and fire operations for the Colonial Park, Paxtonia and Linglestown Fire Companies. He noted that the cost to the Township is a dollar consideration.

Mr. Wolfe noted that it is staff's request that the Board act to approve this agreement of sale this evening.

Mrs. Lindsey questioned if the Township was responsible for the maintenance for the radios or did Dauphin County take care of that. Mr. Wolfe answered that any repairs that were necessary were probably covered under warranty for the equipment, but the Township will be responsible for the maintenance now.

Mr. Crissman made a motion to approve the agreement of sale with Dauphin County for the transfer of ownership of certain police and fire radio equipment identified by Mr. Wolfe. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Authorization to appeal a decision issued by the Pennsylvania Right-to-Know  
Office to the Dauphin County Court of Common Pleas

Mr. Hawk noted that The Patriot-News requested information regarding delinquent sewer accounts and he would let Mr. Stine explain this agenda item.

Mr. Stine explained that there was a request from The Patriot-News for all delinquent accounts over 90 days to include names, address, and delinquent amounts. He noted that the Authority did provide the information but it redacted the names and addresses since there was a concern that providing the name and address could be a violation of the Fair Credit Extension Uniformity Act. He noted that The Patriot-News appealed the denial from the Township to the Office of Open Records and the Office of Open Records founds that the Township should provide the names and addresses.

Mr. Stine requested the Board to authorize him to file an appeal to the Dauphin County Court of Common Pleas on this issue. He noted that under the Fair Credit Extension Uniformity Act, if in fact you violate the Act, through whatever conduct it might be, by releasing information that you should not have released, there is a civil penalty for each violation of \$1,000 except for those people who are over 60, it is a penalty of \$3,000 per violation. He noted if the Authority release the names and addresses and a court later finds that it was a violation,

there would be some serious money involved in fines. He noted that he would sooner get a court order up front, noting that he does not care what it says, but he needs an order.

Mr. Seeds questioned if this appeal is going to the Office of Open Records. Mr. Stine answered that it has already been to the Office of Open Records and will be going to the Dauphin County Court of Common Pleas. Mr. Seeds noted that the Township is between a rock and a hard place as the federal law is saying that we should not disclose the information. Mr. Stine noted that the federal law does not apply as the Township is not considered to be a debt collector, it is a creditor. He noted that the only one that applies to this request is the Pennsylvania Statute.

Mr. Crissman noted that the Township needs to do this to protect itself as an agency. Mr. Stine noted if the court would determine in fact by that by our releasing the names that we have published them, for part of the collection of the debt, then that is when the penalties come into play. He noted that he wants to avoid that.

Mr. Seeds noted if the Court stated that we have to release the names and addresses then we will do it. Mr. Crissman noted that we will be protected by the courts.

Mr. Crissman made a motion to authorize Mr. Stine to appeal the decision issued by the Pennsylvania Right-to Know Office to the Dauphin County Court of Common Pleas. Mrs. Lindsey seconded the motion. Mr. Crissman explained that he appreciates Mr. Stine's advice in trying to protect the Township in the filing of this appeal. Mr. Hawk called for a voice vote and a unanimous vote followed.

### **Improvement Guarantee**

Mr. Hawk noted that there were no Improvement Guarantees to approve.

### **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.

### **Announcements**

Mr. Hawk noted that May 20<sup>th</sup> is Election Day in the Commonwealth and he encouraged all citizens to get out and vote.

### **Adjournment**

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

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

William L. Hornung  
Township Secretary