

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held December 15, 2009

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:30 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; Watson Fisher and Ted Robertson, SWAN; John DiSanto, Catholic Diocese of Harrisburg; Joel McNaughton, McNaughton Homes, and Robert Grubic and Steve Fleming, HRG, Inc.

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 of the October 13, 2009, November 2, 2009, November 24, 2009, and the December 1, 2009 meetings. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

No public comment was provided

Promotion of Police Officers

Mr. Hawk noted that three police officers have passed the test for promotions: Sergeant Ronald Gramigni to the rank of Lieutenant; Corporal Leo Zuvich to the rank of Sergeant; and

Officer Thomas Bell to the rank of Corporal. He requested Public Safety Director David Johnson to provide a brief biography for each officer.

PSD Johnson explained that Thomas Bell has been a member of the Lower Paxton Township Police Department since September 1998. He noted that he has served his entire career in the Patrol Division, and has been assigned to the Dauphin County Crises Response Team since August 2003. He is currently the Sniper Team Leader, and a guest instructor for the New York Division of the FBI at their Police Officer Sniper School at the New York Firearms Training Unit. Officer Bell is the son of Tom and Ginger Bell of Blaine, Pennsylvania, and his father is the retired Chief of Police for Susquehanna Township Police Department. He noted that Tom and his wife Lori have three daughters, Emma, Hanna, and Leah.

PSD Johnson explained that Leo Zuvich has been a member of the Lower Paxton Township Police Department since September 1988, and has served his entire career in the Patrol Division in both the Patrol and Traffic Safety Units. Officer Zuvich was the Department's first School Resource Officer at the Dauphin County Technical School from 2001 - 2003. In June 2003, Officer Zuvich was promoted to the rank of corporal and assigned as a platoon supervisor in the Patrol Division until June 2004, when he was assigned as a supervisor in the Traffic Safety Unit. Officer Zuvich is a graduate of Penn State University and is currently working towards his Masters Degree at Penn State. Officer Zuvich is the son of Frank and Virginia Zuvich of Steelton. He noted that Leo and his wife Jaime have two daughters, Lindsey and Maggie, and one son, Tyler.

PSD Johnson explained that Ron Gramigni has been a member of the Lower Paxton Township Police Department since December 1989. Officer Gramigni was promoted to corporal

in January 2001 and was assigned as a platoon supervisor in the Patrol Division. He was promoted to sergeant in December 2002 and was assigned as platoon sergeant, where he remained a platoon sergeant until January 2009 when he was transferred to the Criminal Investigations Division where he served as the supervisor of that unit. In May 2009, Officer Gramigni was appointed acting lieutenant and transferred to the Patrol Division where he has been serving as the Patrol Division Commander. Officer Gramigni is the son of Ronald and Elena Gramigni of Hershey, and his father is a retired lieutenant from the Derry Township Police Department. Officer Gramigni is engaged to Donna Baughman of Lower Paxton Township.

Mr. Hawk presented all three officers their plaques. Chief Bell pinned the badge on his son, Tom; Mrs. Zuvich pinned the badge on her husband, Leo; and Lt. Gramigni pinned the badge on his son, Ron. All the Board members joined in congratulating the three officers on their promotions.

Chairman & Board Members' Comments

Mr. Hawk introduced Timothy Hartline and Tuan Pham, two Boys Scouts who represent Troop 302, St. Marks Lutheran Church, who are working on their Citizenship in the Community Badge. He noted that Darrel Hartline, a troop leader and parent was also in attendance. Mr. Hawk noted that both Mr. Hartline and Mr. Pham were the first Boys Scouts who made a short presentation at the podium concerning the work they are doing to earn their badges.

Manager's Report

Mr. Wolfe explained that this is the last meeting for the year 2009. He noted that the first meeting of 2010 will be held on Monday, January 4, 2010. He explained, by Second Class Township Code, all Boards must reorganize the first Monday of the new year. He noted that the meeting would be held at 7:30 p.m. and would be a televised meeting.

Mr. Wolfe explained that the 2010 United States Census will begin in the new year, and the Census Bureau notes that it is important for all Americans to participate in the census. He noted that the minimum information that is required from all citizens is the number of people living at an address. He noted census takers must have proper identification, a census canvas bag and a confidentiality notice. He noted, if they do not provide any of these forms of identification, citizens should not provide any information to that person. He noted that the census process could provide for a means of various scams by unscrupulous persons.

Mr. Wolfe explained that the leaf waste program for the year is completed, except for the removal of Christmas trees. He noted that Christmas trees may be put curbside during the month of January or may be brought to a drop-off site at Koons Park or at the Public Works Center on Locust Lane. He noted that all trees must be stripped of their decorations and may not be wrapped in a plastic bag.

Mr. Seeds noted that it is very important that every citizen residing in the Township be counted because the census figures are used to determine the representation in Congress as well as the amount of funds that local governments can receive through grants

OLD BUSINESS

Resolution 2009-54; adopting the 2010 fiscal year budgets

Mr. Hawk noted that this resolution adopts the budget as well as sets the rate of taxation for the 2010 fiscal year. He noted that the rate of taxation for the Township would be .594 mills for general purposes, .240 mills for fire services, and .041 mills for library services, for a total millage rate of .875 mills. He noted that this is the same rate budgeted for the year 2009. He explained that this is a compliment to staff and their hard work in tightening the budgets, as well as to Mr. Wolfe and the Board members.

Mr. Wolfe noted that budget preparations began in June of 2009, four months earlier than usual, due to the severe economic conditions that have affected the local community and the nation. He noted that the Board has prepared a very conservative budget with a balanced General Fund of revenues and expenditures at \$18,261,814; revenues from State Liquid Fuels in the amount of \$997,000; General Improvement Fund Budget for capital projects for the completion of on-going projects in the amount of \$1,645,200; and \$2,293,490 for the Friendship Center. He noted that the budget was prepared without an increase in taxes, noting that the Township's 2010 millage rate would remain the same at .875 mills. He noted that the budget is complete for Board action in accordance with Resolution 09-54.

Mr. Seeds noted that the credit for maintaining the line on the budget goes to staff who worked diligently to make cuts and adjust for the deficit in income from lower taxes received.

Mr. Hornung noted that many times the Township gets blamed for high taxes and he questioned Mr. Wolfe what percentage of the real estates taxes goes to the Township. Mr. Wolfe answered that only 7% goes to the Township.

Mr. Crissman noted that he would like to commend staff for their hard work in developing a very frugal budget.

Mr. Crissman made a motion to approve Resolution 09-54; adopting the 2010 fiscal budget for Operations at \$18,261,814; revenues from State Liquid Fuels, \$997,000; General Improvement Fund Budget for capital projects, \$1,645,200; and the Friendship Center, \$2,293,490. 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.

Action on Supplement E to the agreement between the Township and Arora and Associates, P.C. for engineering services relative to the Linglestown Corridor Improvements

Mr. Wolfe noted that Supplement E would reallocated approximately \$8,500 that remains within the project budget for work that would specifically identify the layout of the facilities and property corners at the intersection of Blackberry Alley and Mountain Road. He noted that this work was partly associated with the field location of property corners and development of legal descriptions to complete design work for the location of Blackberry Alley in conformance with the overall Linglestown Road project. He noted that the Township has taken ownership of Blackberry Alley as a public right-of-way.

Mr. Wolfe noted that this supplement is complete for Board action and the Township's liability in regards to the overall amount is 20% of project costs, with the Township's costs to be roughly \$1,700.00.

Mr. Crissman made a motion to approve Supplement E to the agreement between the Township and Arora and Associates, P.C., for engineering services relative to the Linglestown Corridor Improvements. 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.

NEW BUSINESS

Amendment of the lease between the Township and PinnacleHealth for use of the Friendship Center west annex

Mr. Wolfe explained that Township is approaching the tenth anniversary of the opening of the doors at the Friendship Center (FC). He noted that the Township partnered with PinnacleHealth to pay for the construction of the west annex which they used for a physical

therapy center. He noted that PinnacleHealth contributed \$150,000 towards the construction of the natatorium which was amortized over the ten-year lease agreement. He noted that this amendment provides for a renewal of the lease on a year-by-year basis for a maximum of five years, with the 2010 renewal beginning mid-January with a monthly lease payment of \$5,074.17. He noted that all of the other terms and conditions of the lease that were developed in 1998 would remain in effect thereafter. He noted that renewals would be based on the annual increases for the consumer price indexing coming off of the initial amount of \$5,074.17. He noted that PinnacleHealth has indicated its willingness to execute this lease for 2010 and it is staff's recommendation to approve the lease at this time.

Mr. Crissman made a motion to amend the lease between the Township and PinnacleHealth to use the Friendship Center west annex. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Action on bids for tree removal services in certain sanitary sewer mini-basins

Mr. Wolfe explained that the Township received seven bids for tree removal services and the lowest responsible bid has been submitted by Pro Mark Landscaping Inc., in the amount of \$41,879.00. He noted that the bids ranged from this low bid amount to a high bid amount of \$68,000. He noted that it is staff's and CET's recommendation to award the bid to Pro Mark Landscaping Inc.

Mr. Crissman made a motion to approve the bid for tree removal services in certain sanitary sewer mini-basins to Pro Mark Landscaping, Inc., in the amount of \$41,879.00. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Change Order No.1 to the contract with Handwerk Site Contractors for
the Briarsdale Road restoration contract

Mr. Wolfe noted that this is the only change order for this project, and it is in the amount of \$26,503.34. He explained that once the contractor started to reclaim Briarsdale Road, it was determined that significantly more base repair was needed than what was originally thought. He noted that it is a quantity change order to provide for a suitable end product for Briarsdale Road. He noted that since the work has been completed, the Township has been complemented by many of the businesses that use Briarsdale Road.

Mr. Hornung questioned how this project turned out to need more base repair than what was estimated by staff and the engineer. Mr. Wolfe answered that Briarsdale Road was a failing road and it was not constructed to handle the heavy truck traffic that uses the road that leads into the Industrial Park. He noted, during the road tour, Mr. Robbins displayed the amount of rutting that occurred on Briarsdale Road. He noted that when the contractor started to excavate the base, it was found that there was more base that needed to be replaced than what was originally anticipated.

Mr. Fleming noted that when the project was looked at in early spring he estimated what was thought to be the amount of base that would be required to be used in the development of the bid specifications, however, when the project was reviewed in October, it was found that substantial damage occurred over the summer months. He noted that the contractor pointed out additional areas that would need additional work.

Mr. Hornung questioned who made the decision to move forward with the additional work. Mr. Fleming answered that the Public Works Department had a member on site during the

construction process to confirm and oversee the work. Mr. Wolfe noted that the decision was not made by the contractor.

Mr. Hornung questioned how it was determined that the original amount fit in with the bid amount monetarily for quantity. Mr. Fleming answered that he estimated a square yardage used to establish the contract. He noted that once this was done, he walked the project with the contractor prior to the start of the project, measured what he originally anticipated in the contract, established the additional areas that needed to be completed and kept track of the quantities during construction. Mr. Hornung questioned how the contractor arrived at the additional \$26,503.34. He questioned Mr. Fleming if he reviewed what the contractor charged, as per the requirements for the materials per square yard, as determined by the bid. Mr. Wolfe answered that it was based on the price of the materials from the bid, the same that is done for the sanitary sewer contracts.

Mr. Crissman made a motion to approve Change Order No.1 to the contract with Handwerk Site Contractors for the Briarsdale Road restoration contract in the amount of \$26,503.34. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Revised final subdivision plan for Autumn Oaks, Phase I

Mr. Wolfe explained that Mr. Joel McNaughton is present to discuss a proposal that staff believes is appropriate and recommends the Township accept. He noted, as part of the Autumn Oaks Plan, Patton Road was proposed to be widened. He noted that Mr. McNaughton proposed to do less widening in exchange for his repaving the entire portion of Patton Road leading along the frontage of Autumn Oaks. He noted that staff has reviewed the proposal and finds it to be a

win-win situation for the Township and developer, and recommends approval. He noted that it would serve as an amendment to the plan for Autumn Oaks.

Mr. Wolfe noted that Mr. Miller has included a memorandum in the Board's packets stating his agreement with the proposed change.

Mr. Joel McNaughton noted that Patton Road is not in the best of shape and it was decided, while he was working on the new development, that it would be best if he rebuilt the entire road. He explained that he would rebuild the existing Patton Road from Continental Drive up to the start of his new development, on both sides of the road, for a total width of 36 feet. He explained that he has taken 2 inches of pavement off of that section.

Mr. Seeds questioned if the change is recommended by Mr. Fleming and HRG, Inc. Mr. Fleming answered that he agrees with the recommendation. He noted that he met with Mr. Miller, from the Public Works Department, and he and the contractor are all in agreement to the new proposal.

Mr. Crissman questioned if the Board is only approving the Patton Road design. Mr. Wolfe answered that the Board would be approving a plan amendment to accept this design.

Mr. Crissman made a motion to approve the amendment of the Plan for Autumn Oaks, Phase I, a revision to the Patton Road design. 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.

Agreement between the Township and the Catholic Diocese of Harrisburg providing for certain public improvements associated with the preliminary/final subdivision and land development plan for Bishop McDevitt High School

Mr. Stine noted that this is the agreement that has been worked out between the Township and the Diocese of Harrisburg concerning a few items that were contingent on the

approval of the preliminary and final subdivision and land development plan for Bishop McDevitt High School. He noted that it mainly concerns the maintenance and operations of the two automatic gates that would be installed at the end of the two cul-de-sacs at the eastern and western end of Spring Creek Road. He noted that a portion of Spring Creek Road would be vacated by the Township through the Diocese's property, as well as a contribution made by the developer for improvements made at Union Deposit Road at Newside Road and Page Road Extended. In addition, it also covers the acceptance of the two cul-de-sacs on Spring Creek Road, and in regards to the Highway Occupancy Permit (HOP), normally the Township would not record a plan until the permit is issued, however, it is the Diocese's intent to close on the property and secure financing, and since they have not yet received the HOP from PENNDOT, a section of the agreement covers the recording of the plan prior to receiving the HOP. He noted that no construction can take place prior to receiving the HOP from PENNDOT. He noted that the agreement is ready for action at this time, and Mr. John DiSanto is present to represent the plan on behalf of the Diocese of Harrisburg.

Mr. Seeds noted that the agreement states that the Township would accept the two cul-de-sacs on Spring Creek Road, but he questioned if the Township would only maintain the western cul-de-sac and the Diocese maintain the cul-de-sac to the east. Mr. DiSanto answered that the Township would accept both cul-de-sacs and plow the cul-de-sacs. He noted that the Diocese would be required to plow the area between the two cul-de-sacs for emergency access.

Mr. Hornung questioned, at what point during the construction process, would the Diocese close Spring Creek Road for public use. Mr. DiSanto suggested that it would be in the spring of 2012, nearer the end of construction. Mr. Seeds noted that warning signs would need to be posted for the road closure at that time.

Mr. Crissman questioned, when the gates are installed, would the Township have emergency access through the gates. Mr. DiSanto answered that the Diocese would be installing the 3M Opticon system which is what the Police, Fire and EMS currently use.

Mr. Crissman made a motion to approve the Agreement between the Township and the Catholic Diocese of Harrisburg providing for certain public improvements associated with the preliminary/final subdivision and land development plan for Bishop McDevitt High School. 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.

Mr. DiSanto noted that as a resident and business owner, he appreciates the work the Township did to maintain a good budget without increasing taxes. He noted that staff does a great job, and he also wanted to commend the Board members who operate the Township from an executive level and provide good staff to do the day-to-day operations of the Township. In addition, he wanted to thank Ms. Wissler for her help over the years, and he hoped that she enjoys her retirement.

Resolution 09-53; accepting certain public streets

Ms. Wissler noted that the Resolution incorporates several resolutions to accept certain streets and to record those streets in the Court of Common Pleas in order to be added to the Liquid Fuels Tax List.

Mr. Seeds questioned if this was something new that the Township was required to do. Mr. Stine answered that the Township does this on a yearly basis, to fulfill the requirements to add the streets to the Road Docket in the Clerk of Courts. He noted, if this resolution was not filed, the streets would not be eligible for liquid fuels tax from the Commonwealth.

Mr. Crissman made a motion to adopt Resolution 09-53 accepting the following streets as public:

Resolution 02-12: Hunt Club, Phase IV Development, Ryecroft Drive, Whitley Drive;

Resolution 03-51: Hunt Club, Phase V Development, Copperstone Road, Red Top Road, Stable Court, Whitley Drive, Withers Court;

Resolution 04-12: Blue Mountain Park Development, Parkway West Right-of-Way;

Resolution 05-40: Willow Brook, Phases I & II Development, Newside Road Extended, Page Road Extended;

Resolution 07-49: Quail Hollow, Phase III Development, Thicket Lane, Brookes Lane, Scott Meadow Court;

Resolution 7-51: King's Crossing, Phase C Development, Brittan Road;

Resolution 08-49: Olde English Gap Professional Park Development, Sir Thomas Court;

Resolution 09-11: Blackberry Alley (Between North Mountain Road and Blue Mountain Parkway);

Resolution 09-25: Sunnyhill Farms, North Farmers Lane, Harvest Field Lane;

Resolution 09-49: Stoneybrook, Phase V Development, Barnsley Drive, Simsbury Drive, Clifton Drive;

Resolution 09-50: Stoneybrook, Phase III Development, Barnsley Drive;

Resolution 09-51: Stoneybrook, Phase VI Development, Simsbury Drive.

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

Ms. Wissler noted that this was her last meeting with the Board of Supervisors as the Zoning Officer, and she desired to thank the Board members for their help. Mr. Hawk, along with the other Board members noted that her presence will be missed and thanked her for her help in the daily operations of the Township.

Improvement Guarantees, Development Agreements, Plan Reaffirmations, etc.

Mr. Hawk noted that there were four improvement guarantees.

Deaven Woods

A change in a letter of credit with Integrity Bank, in the amount of \$309,800.00, with an expiration date of December 15, 2010.

Allentown Blvd Storage

A release in an escrow with Lower Paxton Township, in the amount of \$8,414.91.

Hearthside East

An extension in an escrow with Lower Paxton Township, in the amount of \$10,000.00, with an expiration date of December 15, 2010.

Kendale Oaks, Phases II & III

An extension and increase in a bond with Arch Insurance Company, in the amount of \$250,913.78, with an expiration date of December 15, 2010.

Mr. Crissman made a motion to accept the four listed improvement guarantees. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Announcement

Mr. Hawk noted that this was the last meeting of the year, and wished all the viewing audience a Happy Holiday Season and a great New Year.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting.

Mr. Blain seconded the motion, and the meeting adjourned at 8:30 a.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary