

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held March 4, 2008

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; Dianne Moran, Planning and Zoning Officer; Brian Luetchford, Parks and Recreation Director; Thomas B. George Jr. , Chairman, Parks and Recreation Board; Judd Dayton, Evans Engineering, Inc.; and John Kerschner, Fine Line Homes.

**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 December 11, 2007 and December 18, 2007 budget workshop meetings, and the February 5, 2008 business meeting. Mr. Blain seconded the motion, and the motion was approved unanimously.

**Public Comment**

None was presented.

**Chairman and Board Member's Comments**

None was presented.

**Police Department Awards Ceremony**

Chief Daniel Bair invited the Board members to join him at the podium. He noted that this was his opportunity to introduce to the Board of Supervisors the community members, and

police officers, who have demonstrated a special service to the community. Chief Bair presented the following awards to the deserving parties.

#### Civilian Support Award

Chief Bair explained that on September 26, 2007, Shelby Dimpsey notified the police department of a possible burglary in progress at a neighbor's residence. Ms. Dimpsey had heard glass breaking and upon investigating, she saw a white male crawl through a broken window and enter the neighbor's residence. Police arrived on the scene within a short time and set up a perimeter of the house. Within a few minutes, the suspect exited the residence wearing socks on his hands and carrying stereo equipment. The suspect was immediately apprehended and charged with burglary. Ms. Dimpsey is commended for her willingness to take action which resulted in the apprehension of the burglary suspect. Her personal initiative and commitment to her civic duty deserves the Civilian Support Award.

#### Officer's Life Saving Award

Chief Bair explained that Mary Yingst has been a school crossing guard since November 1982. During the past 25 years, Ms. Yingst has provided an invaluable service to students in the Township, the Central Dauphin School District, and the Lower Paxton Police Department. She has proven to be a very dependable and conscientious employee. Ms. Yingst is always on time for duty, and possesses an exemplary record of providing for the safety of school students at her assigned crossing posts. Ms. Yingst is responsible for performing duties at four school crossing posts per day. Her dedication to the students and her extended period of community service is recognized with the presentation of the Civilian Support Award.

#### Award of Merit

Chief Bair explained that Officer Brian Guarnieri is a four year member of the police department and is currently assigned to the Traffic Safety Unit. In May of 2007, Officer

Guarnieri made a vehicle stop on Route 22 for a registration violation. The two occupants of the vehicle began to behave suspiciously and were providing inconsistent statements. The subjects had numerous forms of personal identification that contained different names. Officer Guarnieri obtained voluntary consent from the occupants to search the vehicle. He subsequently located two pellet guns, two black ski masks with the eye holes cut out, black shirts, and duct tape. The subjects were transported back to the station to be fingerprinted to confirm their identification. One of the subjects was listed on the national terrorist watch list and was turned over to the FBI. Both suspects were arrested for possession of instruments of crime. In all probability, Officer Guarnieri prevented a robbery or other violent crime. His diligent patrol work and commitment to duty has earned him the Award of Merit.

Chief Bair explained that Detective Allegrini developed and implemented an innovative program known as the Reading Heroes Program. The program promotes literacy and reading and educates juveniles about what child abuse is, how to recognize it, and how to report it. The Reading Heroes program also generates money through sponsorships for each book that a student reads. The sponsorship monies are donated to the Dauphin County Children's Resource Center. The sponsorship monies help fund treatment for abused children and maintain the Resource Center's facilities. The Reading Heroes program was originally designed to challenge middle school students in Lower Paxton Township to read more books and raise funds for abused children. However, the program has become so successful that students in nine middle schools throughout Dauphin County now participate in the program. In 2007, 1,695 students participated in the program and have read over 3,000 books. The Reading Heroes Program has raised more than \$25,000 for the Dauphin County Children's Resource Center. Detective Allegrini's dedication to the community and his genuine concern for juveniles, as exemplified by

the Reading Heroes program, is officially recognized through the presentation of this Award of Merit.

Chief Bair explained that in 2007, Detective Glucksman's diligent investigative work resulted in the arrests of several individuals responsible for significant financial and property crimes in Lower Paxton. His investigations and subsequent arrests also solved numerous crimes that were committed throughout Dauphin County and in several surrounding counties. Detective Glucksman investigated and solved a burglary in which \$43,000 in cash and liquor was taken from the Wine & Spirits Shop at the Point Mall. The investigation culminated in the arrest of a suspect who confessed to twelve other commercial burglaries in seven nearby counties. Detective Glucksman investigated an extensive series of thefts from vehicles that was occurring in the Township. Through his investigation, Detective Glucksman arrested four individuals who were responsible for thefts in four counties. The investigation resulted in the recovery of more than 300 items of stolen property. Many of the items were returned to their rightful owners. Detective Glucksman investigated a residential burglary in the Township. He developed a suspect and conducted an extensive analysis of the suspect's cell phone records. Using the cell phones GPS, he was able to place the suspect at the location of the crime. The burglary suspect was arrested and confessed to nearly 50 burglaries in a four county area. For his commitment to the community and his diligent investigation of crime, Detective Glucksman is presented with the Award of Merit.

#### Chief's Fitness Award

Chief Bair explained that the Chief's Fitness Award is presented annually to the individual officer that passes each of the six components of the Department's physical fitness test and attains the highest overall cumulative score. The winner of the 2007 award is Officer Walter Cook. This is the second consecutive year in which Officer Cook has won the award. Officer

Cook ran the 300 meter event in a time of 43 seconds, completed the 1.5 mile run in a time of 10 minutes, bench pressed 355 pounds, performed 110 push-ups, 92 curl-ups, and had a vertical jump of 22.5 inches.

#### Life Saving Award

Chief Bair explained that in March of 2007, Officers Vogel and Roland responded to a report of an unconscious man at the Lowe's Store on Union Deposit Road. Officer Roland was the first to arrive on the scene and located a 69 year old male victim in full cardiac arrest. Officer Roland began CPR and was assisted shortly thereafter by Officer Vogel. Both officers continued providing CPR until the EMS and advance life support teams arrived. As a result of their efforts, the victim was resuscitated and transported to the Community General Osteopathic Hospital. Officers Roland and Vogel are presented with the Life Saving Award due to their quick response and skillful employment of emergency CPR techniques which undoubtedly saved the victim's life.

#### Unit Citation Award – Platoon A

Chief Bair explained that the Unit/Platoon Citation recognizes outstanding accomplishment throughout the year, which is the direct result of teamwork rather than the efforts of individual officers. In 2007, Sgt. Ron Gramigni's platoon had the highest overall productivity for all patrol platoons and units. The platoon responded to nearly 12,000 calls for service. In addition, the platoon was awarded the Spring Firearms Qualification Award with an average score of 296.50 out of a possible 300. The platoon also had the highest overall cumulative score in the Department's physical fitness test with every member of the platoon successfully passing the test. Sergeant Gramigni's Patrol Platoon is presented the Unit Citation for their cohesive efforts as a group to improve the quality of life in our community. The members of the platoon include: Sgt. Ron Gramigni, Cpl. Greg Sumbury, and Officers J.D.

Albright, John Welty, Karl Chortanoff, Eric Tallman, Steve Wertz, Hallie Miller, and Zack Fehrenbach.

Officer of the Year – Non-Uniformed

Chief Bair explained that this award is presented to Officer Curtis McCoy. He noted that Officer McCoy was unable to attend the meeting this evening, and Lt. Johnson would be accepting his award in his absence. He noted that the Police Department continues to encourage innovative and new ideas in policing programs. He noted that Officer McCoy is assigned as the School Resource Officer at Central Dauphin East High School. He noted that during his assignment, Officer McCoy has become a major influence on the student body, faculty, and school administration. He explained that he developed an innovative program known as the “Panther Academy for Character Training”, (PACT), noting that this program was initially designed for students with minor disciplinary problems, intended to address their decision-making processes, and the consequences of those decisions. He noted that the program was evaluated by the School District and found to possess such high potential that they now require all ninth grade students to complete the program as part of their curriculum. He noted that since the inception of the PACT Program, the School has realized a significant drop in the number of first time offenders. Chief Bair explained that Officer McCoy attended training, on his own time, at the Dauphin County Family Group Conference Center, and was certified in family counseling. He noted that Officer McCoy has received awards from the Parent Teacher Organization for his commitment to the students, recognized last year by the Dauphin County Juvenile Probation Office, and most importantly, he has received numerous letters from students who credit him with altering their path in life, and helping them to become better persons. He noted that Officer McCoy receives the Non-Uniformed Officer of the Year award for his initiation and commitment to the community.

### Officer of the Year – Uniform

Chief Bair explained that this award is being presented to Officer luAnna Brook. He noted that she is the first female to receive this award. He explained that Officer Brook is a five-year veteran, and assigned to the patrol division. He noted that in addition to her normal duties, she is also responsible for the Department's Child Car Seat Installation Technician Program, and has served as the Physical Fitness Coordinator. He noted that her efforts in the Car Seat Installation Program have resulted in the Department's being certified as a regional car seat inspection station under the Safe Kids Program. Officer Brook was the top performing officer in 2007 out of the 40 patrol officers assigned to this division. He noted that she ranked first in the number of crime reports taken, non-traffic citations, and traffic accidents investigated. He noted that she was second in the number of criminal arrests and traffic citations issued. He noted that she made 27 Driving under the Influence (DUI) arrests, eight drug arrests, and 11 underage drinking arrests. In addition, she took over 600 calls for service. He noted that she is consistently one of the first officers to volunteer for community events, such as the Night out for Public Safety, and the Citizens' Police Academy. He noted that it is very difficult for a female to perform her duties in a male dominated profession, but Officer Brook performs her duties with confidence, character and skill. He noted that Officer Brook is presented with this award for her personal drive and commitment to the Department.

Mr. Hawk thanked Chief Bair and all the Police Officers for attending the meeting. He noted that he was amazed at the information shared during the presentation.

### **Manager's Report**

Mr. Wolfe noted that the Police Department will conduct a Citizen's Police Academy March 20, 2008, for citizens 18 years of age and older. He noted that applications for the Police Academy can be found on the web site or by contacting the Police Department directly. He noted

that 20 students will be accepted, and the course will run for ten weeks on Thursday nights. He noted that the training focuses on police operations both within the Department and also Dauphin County Operations. He noted that a hands-on firearms simulation training session will be held. In addition, officers from the Department will speak on subjects such as the vehicle code, patrol functions, traffic safety and criminal investigations. The deadline for posting applications is March 7, 2008.

Mr. Wolfe noted that the Easter Egg Extravaganza will be held on Saturday, March 15, 2008, at Brightbill Park at 1 p.m. This Easter Egg Hunt is held for children 10 years of age and under.

Mr. Wolfe wished to remind the viewing public that primary Election Day will be held on Tuesday, April 22, 2008 in the Commonwealth of Pennsylvania.

Mr. Seeds wished to remind the viewing public that the clock would be set ahead of time this Sunday, March 9, 2008.

Mr. Hawk introduced Mitchell Loser, a Boy Scout from Troop 256, sponsored by the Faith Presbyterian Church, who was attending the meeting along with his dad, Steve, to earn his Communications Badge.

### **OLD BUSINESS**

#### Settlement Agreement between the Township, Chesapeake Design Build, LLC., and Triple Crown Corporation, Inc. regarding an appeal contesting the Township's approval of the Stray Winds Farm subdivision plan

Mr. Stine explained that this agreement arose out of an appeal by Chesapeake Design Build, LLC., of the Township's approval of a subdivision plan for the Stray Winds Farm by Triple Crown Corporation. He noted that the Township had very little to do with the agreement, other than being named as a party, and as a result, the Township was required to approve the agreement and execute it. He noted that the agreement was worked out between Chesapeake

Design Build, LLC., and Triple Crown Corporation. He noted that the agreement is ready for Board approval.

Mr. Crissman made a motion to accept the settlement agreement between the Township, Chesapeake Design Build, LLC., and Triple Crown Corporation regarding the appeal contesting the Township's approval of the Stray Winds Farm subdivision plan. 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.

Acceptance of the representation by Hawke, McKeon and Sniscak, LLP of the Township in any challenge to DEP's Chesapeake Bay Tributary Strategy

Mr. Wolfe noted that the Board members were provided a letter of representation that included the estimated cost of services, as well as a letter dated February 20, 2008, explaining the letter of representation. He noted that the Township has paid the estimated costs of services in the amount of \$2,000 to the Capital Region Council of Government who is holding those funds in escrow on behalf of the municipalities participating in this legal action against the Pennsylvania Department of Environmental Protection (DEP). He noted that the Township would challenge the Chesapeake Bay Tributary Strategy as imposed by DEP, specifically, that the Strategy unfairly impacts municipalities with municipal sewage treatment plants, and does not correct the pollution problem of nitrogen and phosphorus being transmitted to the Chesapeake Bay. He noted that this adds a significant cost to municipalities to comply with the Strategy.

Mr. Wolfe noted that the attorneys have filed a challenge to the Chesapeake Bay Tributary Strategy on behalf of the Capital Region Council of Government.

Mr. Hawk noted that the funds would be taken from the escrow account, but if it exceeds the amount, the Township may have to pay more to fund the legal action. Mr. Wolfe noted that if

the legal action exceeds the escrow amount, the attorneys would notify the Capital Region Council of Governments first.

Mr. Seeds noted that there was an article in The Patriot-News today stating that 54 municipalities have joined in the legal action, and not all of those are members of the Capital Region Council of Governments.

Mr. Crissman made a motion to accept the representation of by Hawke, McKeon and Sniscak, LLP of the Township in any challenge to DEP's Chesapeake Bay Tributary Strategy. Mr. Blain seconded the motion and a unanimous vote followed.

Resolution 08-12; Adopting the Greenway Plan as an amendment to the Lower Paxton Township Comprehensive Plan

Mr. Wolfe noted that the Greenway Plan is proposed to be adopted by Resolution as part of the Township's Comprehensive Plan. He noted that the Pennsylvania Municipalities Planning Code requires the Board to hold a Public Hearing before taking action on this Resolution.

Mr. Wolfe noted that the Greenway Plan had been reviewed by the Lower Paxton Township Planning Commission on February 13, 2008, and the Commission recommended that the Board incorporate the Greenway Plan into the Township's Comprehensive Plan with the understanding that the implementation of the Greenway Plan is a long-term endeavor, and would involve significant public and private partnerships. He noted that this plan should not involve taking any private property for public use.

Mr. Wolfe noted that the Dauphin County Planning Commission reviewed the Greenway Plan and their comments of March 3, 2008 are also included with the Board's information. He noted that, as required, the Central Dauphin School District along with neighboring municipalities were provided a copy of the Greenway Plan, and the only response that was received was from Swatara Township.

Mr. Wolfe noted that the public hearing was advertised in The Patriot-News on February 18, 2008 and February 25, 2008.

Mr. Wolfe noted that the minutes from the Planning Commission meeting that discussed the Greenway Plan were also included in the Board's packet.

Mr. Wolfe explained that the Greenway Plan provides for pedestrian and bicycle connectivity between identified points of interest, primary public parks, school facilities, and neighborhoods in the community. He noted that it would include safe routes to schools, environmentally sensitive areas, notably the natural area along Nyes Road, and the attempt of the Township to acquire land in that area through developer's donations for a Greenway along Nyes Road. He noted that the Greenway Project was funded, in part, by a grant from the Pennsylvania Department of Conservation and Natural Resources.

Mr. Wolfe noted that it would be appropriate for Mr. Stine to conduct a public hearing on this matter.

Mr. Stine noted that this is the date and time set to conduct a public hearing on Resolution 2008-12, which would adopt the Greenway Plan as amended to Lower Paxton Township's Comprehensive Plan. He questioned if anyone in the audience wished to be heard on this matter.

Mr. Nicholas Lazor, 312 Echo Glen Road, explained that he would like the Board to reconsider the plan before approving it as his property is directly affected by the Greenway Plan. He noted that he has a sewer right-of-way on his property and many people use his yard to access a trail located at the rear of his property. He suggested that not enough discussion was taken with the property owners who are directly affected by some of the proposed trails. He noted that he has concerns for his family, noting that he is a soldier who is on the road quite often, and would be deployed in the future. He noted that his home is located in a quiet portion of the community

and there is very little traffic. He noted that he has a concern that people will be walking through the area of his backyard, and suggested that the plan does not address security issues for greenway and trails, and those properties that border the trails.

Ms. Shelly Kunkel, 1491 Haven Croft Road, noted that she spoke at the Planning Commission meeting to articulate her concerns as a private property owner. She noted that her property is subject to a sewer right-of-way easement that was executed in 1971, and it was done expressly for the purpose of installing, maintaining, removing and replacing sewers. She noted that it was not negotiated to include public bikeways, pathways or trails and was concerned that the right-of-way agreement would be exploited. She noted that the Greenway Plan is a good idea, but she shares Mr. Lazor's concerns about its impact on private property owners. She noted that the Planning Commission told her that it is a long-term plan, and does require collaboration between private and public sectors, and there was no intent to exercise condemnation on private property owners to further the plan. She noted that she wanted to note her concerns for the record. She stated that she has had incidents of vandalism, trespassing, and more serious crimes in the remote past. She noted that her family's property covers 3,500 feet of creek frontage, and the creek bisects her property. She noted that collaboration with developers is a great idea, and acquiring concessions for pathways as developments are created is also a great idea, however, she questions how the various dots would be connected in the future.

Mr. Stine noted that since there are no further comments, it would be appropriate to close the public hearing on Resolution 2008-12, and the Board may take action if it so desires.

Mr. Wolfe noted that Mr. Luetchford, Parks and Recreation Director, and Mr. Tom George, Parks and Recreation Board Chairman, are in attendance and would be happy to address any questions.

Mr. Luetchford noted that he is aware of the concerns of the property owners, and wanted to restate that the lines in the plan are only conceptual in nature to indicate general corridor possibilities for sometime in the future in partnership with the property owners. Mr. Hawk noted that the proposed trails and greenways are not set in stone. Mr. Luetchford explained that the concept was to provide a line on a map that could go in many directions. He noted that it is not expected that all projected lines would be completed. Mr. Wolfe noted that the plan is conceptual only of what the community could or desires to do. He noted that it is not a design for any particular area of the Township. He noted that prior to undertaking any Greenways, the Township would have to break the plan into smaller segments and address specific areas through a specific engineering and design work. In addition, the Township would maintain a cooperative effort with the property owners as it was never the Township's intent or policy to acquire properties for general recreation needs if it is not the community's desire to do so. Mr. Hawk noted that this is a significant statement that addresses Ms. Kunkel and Mr. Lazor's concerns.

Mr. Seeds noted that the Greenway Plan was developed as a requirement of the 2004 Comprehensive Plan, and was envisioned by many people who worked on the Comprehensive Plan. He noted that it is only a conceptual plan, and there is no intention to take anyone's land. Ms. Kunkel noted that something that is conceptual could be construed as a mandate and it was her concern that it would be carried out. She questioned what would be negotiable with the plan. Mr. Wolfe noted that this point would occur during the design process for individual facilities. He noted that the purpose is to have the community become a walkable community to connect points for pedestrians and bicycles for schools, parks and neighborhoods. He noted that specific areas would need considerable design work and funding to become a reality. He noted that the Comprehensive Plan is a living document and changes all the time.

Mr. Lazor noted that the trail behind his home is already an existing trail on a sewer line that runs south of Locust Lane. Mr. Wolfe explained that a sewer right-of-way makes logical connection points, since they typically run along stream channels or low lying areas. Mr. Wolfe questioned Mr. Stine what rights the Township has for using a sewer line easement for purposes other than sewer purposes. Mr. Stine answered that the easement could only be used for the purpose for which it was obtained, therefore, an easement is typically limited for what it was stated for, noting that most of the easements were done in the early 1970's, solely for sewer purposes. Mr. Wolfe noted that the Township cannot prohibit people from walking on a sewer right-of-way, but the Township cannot develop it as an official municipal Greenway unless the Township would acquire the property. He noted that there is no intent to use eminent domain to acquire properties for an easement agreement.

Mr. Lazor stated that the Greenway Plan does not address the security of the adjacent properties, other than that, it is a well thought out plan. He noted that some pieces need to be addressed before the plan moves from conceptual to reality. Mr. Luetchford explained that the conceptual plan does not address the issue, because this would be done as part of the discussion for each individual trail. He noted that it is too early in the process to address this issue. Mr. Lazor noted that sometimes it is very hard to stop the process once it leaves the conceptual phase to move to actual implementation. Mr. Hawk noted that he does not see this happening as the plan would only move forward after having much discussion with the adjoining land owners. Mr. Crissman noted that these issues were even addressed during the implementation of the 2004 Comprehensive Plan, noting that a Greenway Plan was conceptual in nature at that time.

Ms. Kunkel questioned if the philosophy of a collaborative plan could be included in the Resolution. Mr. Crissman answered that philosophical words could not be included in a

Resolution. He noted that the fact that Mr. Wolfe reiterated that the land would not be secured by condemnation speaks to the philosophy of the Board members.

Mr. Crissman made a motion to adopt Resolution 2008-12, adopting the Greenway Plan as an amendment to the Lower Paxton Township Comprehensive Plan. 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**

#### Resolution 08-14; Authorizing the closeout of the Community Conservation Partnerships Grant Project that produced the Township's Greenway Plan

Mr. Wolfe noted that with the previous action of adopting the Greenway Plan, the Board now needs to authorize the closeout of the Community Conservation Partnerships Grant Project. Mr. Wolfe explained that the Township has received the final grant payment. Mr. Hawk questioned how much the Township received for this grant. Mr. Luetchford answered that the Township received \$25,000.

Mr. Crissman made a motion to approve Resolution 2008-14, authorizing the closeout of the Community Conservation Partnerships Grant Project that produced the Township's Greenway Plan. Mr. Hawk 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.

#### Supplement C to the engineering agreement between the Township and Arora and Associates, P.C. for work performed in conjunction with the Village of Linglestown Project

Mr. Wolfe explained that as part of the paperwork process for the Village of Linglestown Project, the Board member's previously approved Supplement C to the reimbursement agreement between the Township and PENNDOT, which provides for the funding for the services that are reference in Supplement C with Arora and Associates, P.C. He noted that Supplement C is a supplement to the engineering documents. He noted that Supplement C is

complete for Board action this evening, and stated that there would probably be at least two more supplemental agreements in the future.

Mr. Crissman moved to approve Supplement C to the engineering agreement between the Township and Arora and Associates, P.C. for work performed in conjunction with the Village of Linglestown Project. 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.

Change Order 1 to the contract with M. F. Ronca and Sons for the Valley Road/Winfield Street sanitary sewer project

Mr. Wolfe explained that this change order is for a time extension only. He noted that staff and CET Engineering recommends the time extension to complete the project.

Mr. Blain made a motion to approve Change Order 1 to the contract with M. F. Ronca and Sons, for the Valley Road/Winfield Street sanitary sewer project granting an extension of 110 days. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Change Orders 3 & 4 to the contract with the Premier Construction Group for improvements at George Park

Mr. Wolfe explained that Change Order 3 provides for a water tight connection to the electrical boxes in the George Park wiring services, provided by Premier Construction Group in the amount of \$1,211. He noted that Change Order 4 allows Premier Construction Group to construct the pad for the police substation that will be installed at George Park. He noted that the cost to construct the pad is \$3,257. He noted that the Township purchased a FEMA trailer, to be installed in George Park to serve as a substation for the Police Department.

Mr. Blain made a motion to approve Change Orders 3 & 4 to the contract with the Premier Construction Group for improvements at George Park, noting Change Order 3 to be an

increase of \$1,211, and Change Order 4, an increase of \$3,257. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Preliminary/final subdivision plan for the Brown Farm

Mr. Wolfe explained that this plan was pulled from the agenda at the request of the developer.

Preliminary/final subdivision and land development plan for Allan and Annette Grossman,  
Harrisburg Foot and Ankle

Ms. Moran noted that the Harrisburg Foot and Ankle plan has been resubmitted with several changes. She explained that the access onto Linglestown Road has been removed from the plan and the property to the east is no longer part of the project. The proposed curbing along Linglestown Road has also been removed and a waiver requested, however, sidewalk along Linglestown Road is still being proposed as well as the improvements to Crums Mill Road. The property owner has also decided not to disturb the wetland area of the property which results in a decrease of some parking spaces.

Ms. Moran noted that this plan proposes a 13,730 square-foot medical office building. A second building with 13,270 square feet is proposed for future expansion. The property is located at the southeast corner of the intersection of Crums Mill Road, contains approximately seven acres, is zoned Business Campus, and will be served by public sewer and public water.

Ms. Moran noted that the plan was previously approved by the Board of Supervisors at its October 16, 2007 meeting with the following waivers: Waiver of the preliminary plan requirement; and waiver of the requirement to provide sidewalk along Crums Mill Road and Linglestown Road. She explained that the applicant has requested an additional waiver, waiver of the requirement to provide curbing along Linglestown Road.

Ms. Moran noted at its February 13, 2008 meeting, the Planning Commission recommended approval of this plan, and the two waivers previously granted by the Board of Supervisors, as well as the new additional waiver to provide curbing along Linglestown Road.

Ms. Moran noted that HRG, Inc. has provided a clean memo for the plan, and staff comments are included with the information.

Ms. Moran noted that Judd Dayton from Evans Engineering, Inc. is present to represent the plan.

Mr. Crissman questioned if the Board is only approving the waiver for curbing along Linglestown Road, since everything else was approved at the October 16, 2007 meeting. Ms. Moran stated that that was correct.

Mr. Hornung questioned why the Township would not want curbing in that location. Ms. Moran answered that the previously approved plan accessed the tract on Linglestown Road, but that access has been eliminated from this plan.

Mr. Seeds suggested that there is no curbing in the vicinity of the land. He questioned if the Township needed to approve the waiver of the sidewalk on the west side of Black Run to the intersection of Crums Mill Road. Ms. Moran answered that the waivers that were originally requested have already been shown on the current plan.

Mr. Judd Dayton, Evans Engineering, noted that the plan shown on the screen is the old plan, noting that he had a copy of the revised plan. He noted that the Department of Environmental Protection disagreed with the application for permits to impact the wetlands as proposed for a small section of wetlands, north of the future building expansion; therefore, he reduced the size of the project. He noted that the sidewalks are included on the plan, as well as the other improvements previously approved and associated with the plan. He noted that the sidewalk from the Liberty property is included on the plan as well as the walking path to Crums

Mill Road and the entire front of Crums Mill Road will be developed as directed by the Board, noting that Crums Mills Road will be widened.

Mr. Seeds noted that the developer did not purchase the land east of the project due to the wetlands. Mr. Seeds suggested that it would be better for the traffic to enter and exit from Crums Mill Road and not Linglestown Road.

Mr. Hornung noted that he does not understand the reason for the waiver from curbing for Linglestown Road. Mr. Dayton noted that the curbing was more expansive and it also included shoulder widening as well as the application for the Highway Occupancy Permit. Mr. Hornung questioned if the curbing was to go as far as the sidewalk. Mr. Dayton answered that the curbing went to the culvert associated with Black Run.

Mr. Hornung noted that when sidewalks are installed, typically, curbing is also installed, and he questioned why this would not be required for this plan. Mr. Wolfe explained that curbing provides protection for sidewalks, especially a sidewalk that is built against the curb. Mr. Wolfe questioned Mr. Dayton what the distance was from the edge of sidewalk to the end of the cart way. Mr. Dayton answered that it was roughly 12 feet to edge of shoulder, and another eight feet to the travel lane. He noted that typically, curbing is a roadway drainage feature, and it does provide some protection for sidewalks, but this sidewalk would be further away from the curb than most other sidewalks.

Mr. Seeds stated that the only area on Linglestown Road that has curbing is the intersection of Colonial Road, on three sides. He suggested that there is no storm drainage in the area of Linglestown and Crums Mill Roads. He suggested that it would be better to have the water drain into the grass into Black Run. Mr. Hornung noted that he was thinking of the protection to sidewalks that curbing provides, but since the sidewalk is located a fair distance

from the road, it would not be needed for that purpose. Mr. Hornung agreed that the curbing was not necessary in this situation.

Mr. Crissman questioned if his motion to approve the waiver of curbing would only be an amendment to the previously approved plan. Ms. Moran answered that that was correct, but, in addition to the waiver, there are several conditions that need to be met.

Mr. Crissman questioned Mr. Dayton if he was in agreement to the three general conditions. Mr. Dayton answered that he was.

Mr. Crissman made a motion to approve the preliminary/final subdivision and land development plan for Allan and Annette Grossman, Harrisburg Foot and Ankle with the following waiver and conditions: 1) Waiver of the requirement to provide curbing along Linglestown Road; 2) Plan approval shall be subject to providing original seals and signatures; 3) Plan approval shall be subject to the payment of engineering review fees; 4) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site 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.

Extension of the preliminary plan approval for Huntleigh

Mr. Hawk noted that the developer of the above referenced development has requested that the Board of Supervisors grant an extension to Huntleigh, Phase 2. They respectfully request a delay of the start of each of the remaining phases by one year. Phase 2 would commence in 2010, and each subsequent phase would continue at two year intervals as follows:

Current Schedule		Proposed Schedule	
Phase	Start	Phase	Start
1	2004	2	2010
2	2008	3	2012
3	2010	4	2014
4	2012	5	2016
5	2014	6	2018
6	2016	7	2020

It was noted that in 2004, the Huntleigh plan approval was conditioned upon payment of fee-in-lieu for the newly created lots at \$1,000 for 146 lots.

Mr. Seeds noted that the plan is conditioned on the developers paying the fee-in-lieu of, \$1,000, and he questioned what happened to Phase I. Mr. Wolfe explained that Phase I was already completed, and the developer pays the fee-in-lieu as each phase is approved. Mr. Seeds questioned if the Board approves the extension of the phases, would the developer pay the fee-in-lieu at the time the land is developed. Mr. Wolfe noted that the developer would pay the rate for the fee-in-lieu that was assigned at the time the plan was approved.

Mr. Wolfe noted that this plan is part of the Consent Decree that the petitioners have a right to extensions due to sanitary sewer limitations. He noted that for each year the settlement agreement is in affect, there is a guarantee of an extra year extension. Mr. Stine noted that there are not an unlimited number of permits, they are finite. He noted that there is a limitation on their use. He noted that it would be for whatever time period the limitation is in affect. Mr. Seeds questioned if the developer could come back next year for an extension. Mr. Stine answered that he could. Mr. Wolfe noted when the Township entered into an agreement with the developer petitioners, it granted them additional time to complete the phasing of the projects since they claimed, and the Township agreed, that they were delayed in development due to the sanitary sewer conditions as they exist for the Beaver Creek Basin. Mr. Seeds noted that the agreement was for the past. Mr. Wolfe noted that the wet weather treatment plant is still not in operation, and it was supposed to be in operation by December 2005, noting that it has been delayed due to DEP issues. Mr. Hornung explained that this agreement was in lieu of suits to be filed by the developers. He noted that he sees no harm in granting an extension as it allowed the Township to resolve the issue for that time period. Mr. Seeds noted that all the other developers are paying

\$2,300 for the fee-in-lieu, but this developer only has to pay \$1,000. Mr. Hornung noted that at the time, the Township made this agreement with the developers since they were not granted their permits.

Mr. John Kerschner, Fine Line Homes, explained that the Autumn Ridge development is subject to the consent decree, but the Huntleigh development was not. He noted that since 2004, Huntleigh Phase I was developed, but with the current real estate market, the developer does not want to go hastily through a project and cut quality to get sales.

Mr. Kerschner noted that along with the contribution of \$1,000 per lot, a donation of 4.6 acres of land was dedicated to the Township along Nyes Road. He noted that although Mr. Seeds noted that the fee is only \$1,000 per lot, this was a combination of fee and land dedication. He noted that he does not sell lots for other builders to develop, and the market has slowed. Mr. Kerschner noted that the developer donated his frontage along Nyes Road in advance of the Greenway Plan.

Extension of the preliminary plan approval for Autumn Ridge

Ms. Moran noted that the developer of the above referenced development has requested the Board of Supervisors to grant an extension to Autumn Ridge, Phase 4. They respectfully request a modification of the phasing schedule to provide for the commencement of Phase 4 work in 2010.

Existing 2008	Proposed 2010
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Mr. Blain made a motion to approve the extension of the preliminary plan for Huntleigh #03-34, and the extension of the preliminary plan for Autumn Ridge #93-47 as presented. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

## Improvement Guarantees

Mr. Hawk noted that there were ten improvement guarantees for consideration.

### Amber Fields, Phase I

A 10% increase and extension in a letter of credit with Sovereign Bank in the amount of \$4,597.27 with an expiration date of April 3, 2009.

### Amber Fields, Phase II

A 10% increase and extension in a letter of credit with Sovereign Bank in the amount of \$3,564.00 with an expiration date of April 3, 2009.

### Schiavoni LTD

A reduction in a letter of credit with Pennsylvania State Bank in the amount of \$210,660.00 with an expiration date of December 31, 2008.

### Meadowview Village, Office Building

A 10% increase and extension in a bond with Lexon Insurance Company in the amount of \$40,420.05 with an expiration date of March 27, 2009.

### Meadowview Village

A 10% increase and extension in a bond with Lexon Insurance Company in the amount of \$137,353.20 with an expiration date of March 27, 2009.

### Anderson and Gulotta Holding Group, LLC

A 10% increase and extension in a letter of credit with Community Banks in the amount of \$2,117.50 with an expiration date of March 29, 2009.

### New Hope Brethren in Christ Church

A 10% increase and extension in a letter of credit with Commerce Bank in the amount of \$11,394.36 with an expiration date of March 27, 2009.

### Hartman Motorcars Company

A release in a letter of credit with M & T Bank in the amount of \$101,000.00.

Spring Creek Hollows, Phase IB

A reduction and change (owner/developer and Financial Institution) in a letter of credit with Commerce Bank in the amount of \$1,251,217.92 with an expiration date of November 30, 2008.

Spring Creek Hollows, Phase IB

A release in a letter of credit with Commerce Bank in the amount of \$1,276,000.00.

Mr. Hornung noted the length of the time extension for both Amber Fields Improvement Guarantees, and suggested that a year is too long for fair weather type work. Mr. Seeds noted that part of the improvements that need to be made are sidewalks, and they are not typically installed until after the home is built. Mr. Hornung noted that with that in mind, he would be fine with the one year extension.

Mr. Crissman made a motion to approve the ten listed improvement guarantees as presented. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and the improvement guarantees were unanimously approved.

**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, and a unanimous vote followed.

**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: 58 p.m.

Respectfully submitted,

Approved by,

Maureen Heberle  
Recording Secretary

Gary A. Crissman  
Township Secretary