

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held January 18, 2011

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:40 p.m. by William B. Hawk, Chairman, 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., Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Jeffrey Staub, Dauphin Engineering Co.; and Ted Robertson and Watson Fisher, SWAN.

Pledge of Allegiance

Mr. Hawk suspended the recitation of the Pledge of Allegiance as it was recited during the previously held Sewer Authority Meeting.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes of the January 3, 2011 reorganization and business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

No public comment was provided.

Chairman & Board Members' Comments

No Board member comments were provided.

Manager's Report

Mr. Wolfe noted that the Friendship Center would be celebrating its 11th anniversary on Sunday, January 23, 2011, from 1 p.m. to 3 p.m. He explained that there would be featured entertainment, refreshments, games, and activities for the entire family, and the community is

invited to attend. Mr. Seeds noted that this is open to the general public and tours of the facility are available. Mr. Crissman explained if a person takes a tour of the facility they will be provided a one-day free pass to the facility. He noted that the Friendship Center is a wonderful asset for the community, not found in many other municipalities.

OLD BUSINESS

Amendment #1 to the Installment Sales Agreement for Real Estate Between the Township and James Spangler

Mr. Wolfe provided copies of both the original sales agreement and the proposed amendment for the purchase of the Wolfersberger Tract. He explained that the proposed amendment is to accommodate the Township's budget deliberations in which the Board decided to, if possible, delay the purchase of the Wolfersberger Tract until next year. He noted that the property owner was agreeable to this amendment and the sales agreement amendment has been prepared to accommodate a payment of \$5,000.00 in 2011 with the unpaid principal balance to be made in 2012 which will be approximately \$45,000 at that time. He noted that the other part of the amendment provides that final settlement must occur on or before February 13, 2012. He noted, for the original agreement, that date was February 13, 2011.

Mr. Wolfe explained that Mr. Luetchford will meet with Mr. Spangler this Thursday to have him sign the agreement. He noted that Mr. Luetchford requested that the Board approve this amendment in order for him to make this offer to the property owner at that time.

Mr. Crissman made a motion to approve Amendment #1 to the installment sales agreement for real estate between the Township and James Spangler for the Wolfersberger Tract. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Agreement of sale for reserve sanitary sewer capacity in the
Swatara Waste Water Treatment Plant

Mr. Hawk noted that the Authority Board approved the agreement in the previously held Authority Meeting. He noted that the Board of Supervisors must now approve the same amendment.

Mr. Stine noted that it is the same agreement that the Authority previously approved for \$525,000 for 100,000 gallons per day of reserve capacity in the Swatara Waste Water Treatment Plant.

Mr. Crissman made a motion to approve the purchase of reserve sanitary sewer capacity in the Swatara Waste Water Treatment Plant in the amount of \$525,000.00. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

NEW BUSINESS

Sub-Grantee and Cooperation Agreement for the Pennsylvania Redevelopment
Assistance Capital Program funds with Bishop McDevitt High School of Harrisburg

Sub-Grantee and Cooperation Agreement for Dauphin County Local Share Municipal
Grant funds with Bishop McDevitt High School of Harrisburg

Mr. Hawk questioned Mr. Stine if the Board could consider both agreements at the same time. Mr. Stine answered he did not see any reason why the Board could not.

Mr. Wolfe noted that both sub-grantee and cooperation agreements are very similar in that they both involve the Bishop McDevitt High School Land Development plan and public and private improvements that will be ongoing for this project. He noted that Lower Paxton Township will function as an intermediary between the granting agencies and developer, Bishop McDevitt High School. He noted that the Commonwealth of Pennsylvania Redevelopment Assistance Capital Program has awarded, upon submission of an application, a grant in the amount of \$725,000 towards this project based upon an economic development need, for the jobs

that will be coming into the community which will benefit Lower Paxton Township. He noted Dauphin County Local Share Municipal Grant Program has awarded \$250,000 for infrastructure improvements on Page and Spring Creek Roads. He noted that will provide for the administration for the Local Share Funds. He noted that both agreements have been prepared in and reviewed by Mr. Stine, and he could answer any questions for the agreements.

Mr. Stine noted that he had no further comments to provide for the agreements.

Mr. Seeds questioned if this was the second phase of the Dauphin County Municipal Local Share Grant. Mr. Wolfe answered that it was not, noting that it was only for the first phase. He noted that the Township has received the grant from Dauphin County, noting that this would be the obligation agreement from Bishop McDevitt High School to use the funds properly. Mr. Seeds noted that there is a potential to receive a second grant for the same project.

Mr. Crissman made a motion to approve the Sub-Grantee and Cooperation Agreement for the Pennsylvania Redevelopment Assistance Capital Program funds with Bishop McDevitt High School of Harrisburg and the Sub-Grantee and Cooperation Agreement for Dauphin County Local Share Municipal Grant funds with Bishop McDevitt High School of Harrisburg.

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

2011 Municipal Domestic Protection Services Agreement with the
Humane Society of Harrisburg Area

Mr. Wolfe noted that this annual agreement is very different from the previous agreements, as a result of significant discussion between staff and many other municipal governments and the Capital Region Council of Government, and the Humane Society of Harrisburg area. He noted that the agreement will provide for the Humane Society to accept domestic dogs and cats that are authorized for acceptance by Lower Paxton Township. He noted that the limit to the amount of pit bull dogs accepted will be 150, and the Human Society will not

accept feral cats. He noted that the Humane Society will respond to animal control calls from Lower Paxton Township under certain conditions. He noted that the contracted services will be provided for a non-refundable contract fee of \$250 as well as a one time payment of \$22,768.98. He explained that the payment will be the minimal payment paid by the Township as long as it does not exceed the dog and cat limit as established by the agreement. He noted that there could be additional charges as stated in the agreement of \$122.00 per dog, \$255.70 per pit bull, and \$135.70 per cat. He noted that the agreement is complete for Board action this evening.

Mr. Wolfe explained that basic difference with this agreement is that residents will not be able to bring a dog or cat to the shelter without receiving permission from the Township prior to dropping the animal off. He noted that without Township authorization, the Humane Society will not accept the animal. He noted that the Township will only provide authorization if the animal is truly a stray running wild in the community. He noted that there have been issues with residents trying to dispose of a pet they no longer desire to keep. He noted, in the past, the Township had to pay to get rid of the family pet, but this will not occur under the new contract.

Mr. Seeds noted that the fee that the Township pays will be the minimum amount, but he questioned if the Township would receive a credit if it does not take enough animals to the shelter to credit against the payment made. PSD Johnson answered that the Humane Society will not refund any of the contract funds, but in 2012, he would reevaluate the number of animals taken to their facility in 2011 and base that price upon those numbers. Mr. Seeds noted that this fee is less than what the Township paid in 2010. PSD Johnson noted the Humane Society based the fee on the number of animals deposited at their site last year; however, there was an open door policy for anyone to drop off a found animal. PSD Johnson noted that the fact that a citizen must receive a voucher from the Police Department will cut down on the number of animals dropped off at their shelter. He noted the Township paid \$46,000 to the Humane Society last

year. Mr. Hawk noted that it would be an accurate way to keep track of the amount of animals that are dropped off.

Mr. Seeds questioned if there was a program for feral cats in 2010. PSD Johnson answered that the feral cats were taken to the Humane Society but he did not know how long they kept the cats. He noted that currently all feral cats will be spayed or neutered and released. Mr. Seeds suggested that this plan should provide some savings to the Township.

Mr. Crissman made a motion to approve the 2011 Municipal Domestic Protection Services Agreement with the Humane Society of Harrisburg in the amount of \$22,768.98. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 11-02; providing for the preparation, updating, and maintenance of an emergency operations plan

Mr. Crissman noted that this resolution is for the updating and maintenance of the current plan since it has already been prepared. Mr. Wolfe noted that the adoption of this resolution is required every two years.

Mr. Crissman made a motion to approve Resolution 11-02, providing for the preparation, updating, and maintenance of an emergency operations plan. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Resolution 11-03; terminating the Recycling Committee

Mr. Hawk noted that the Township had a Recycling Committee for many years, but, over time, many of the duties and responsibilities of the Recycling Committee have been taken on by Township staff, and it is no longer necessary to continue the Recycling Committee. He noted that the Board needs to take action by Resolution to terminate the Recycling Committee.

Mr. Wolfe noted that the Recycling Committee served for many years in the Township and it received its roots in the late 1980's and early 1990's. He explained that the Committee is responsible in a large part for the recycling program that is in place in the Township. He noted

that they have worked very hard for many years, but at this point in time, the activity of the Committee has basically ceased. He noted that the Committee has no new things to do in the Recycling menu and it is staff and the Committee's recommendation that they have no need to meet anymore.

Mr. Crissman made a motion to approve Resolution 11-03; terminating the Recycling Committee. Mr. Blain seconded the motion, and a unanimous vote followed.

Right-of-way agreement with PPL to provide for maintenance of an electric transmission line running along the frontage of Hocker Park

Mr. Wolfe noted that a small electric transmission line runs along the roadway in front of Hocker Park on park property to include two poles, guide wires, and transmission line. He noted that PPL desires a 15-foot easement on either side of the centerline of the electric line to cut underbrush and trees to maintain the line. He noted that PPL requests that the Township provide this easement at no cost to them.

Mr. Crissman made a motion to approve the right-of-way agreement with PPL to provide for maintenance of an electric transmission line running along the frontage of Hocker Park. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Preliminary/final subdivision and land development plan for BA Properties 1, LLC

Mr. Wolfe noted that the purpose of this plan is to subdivide the existing lot into two new lots. He noted that Lot 1 will consist of 2.4866 acres and contains the day care center and the office/flex building, and Lot 2 will contain 1.3436 acres and is reserved for future development. He noted that the property is zoned CN, Commercial Neighborhood District, and is located on the north side of Jonestown Road across from Paxtonia Elementary School. He explained that the property will be served by public sewer and public water, and no new public or private improvements are proposed as part of this subdivision plan at this time.

Mr. Wolfe noted on November 10, 2010 the Planning Commission recommended approval of the plan and three waiver requests subject to addressing comments. He noted that the applicant has requested the following waivers: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to provide a storm water management plan; and 3) Waiver of the requirement to provide an erosion and sedimentation control plan. He noted that there is one site specific condition and seven general conditions.

Mr. Jeff Staub, Dauphin Engineering Company noted that it is a very straight forward plan to create a new commercial lot. He noted that several years ago Mr. and Mrs. Coxon had proposed an office building on the property but they never followed through on it and the property has since been sold to the current owner.

Mr. Seeds noted that Mr. Staub met with HRG, Inc. to resolve the stormwater issues and he questioned if those issues have been resolved. Mr. Staub answered that they have been resolved. Mr. Seeds noted that there are dumpsters that are out in the open, and HRG, Inc suggested that an enclosure should be built or they should be placed in the existing enclosure. He noted, to his knowledge, there is no existing enclosure on the site. Mr. Staub answered that there is an enclosure along the western property line. Mr. Seeds suggested that it is a three-sided building and it may have been a garage at one time. He noted that some improvements would have to be made to the structure. Mr. Staub answered that the property owner will relocate the dumpster to the rear. He explained that he moved the dumpsters out to where they were visible from the street since people were dumping trash into the dumpsters illegally. Mr. Hawk noted that that occurs in many instances where people illegally deposit their trash in commercial dumpsters. Mr. Seeds suggested that the dumpsters may be located on lot two. Mr. Wolfe suggested that the dumpsters are located on Lot 1. Mr. Staub noted that they are located at the property line. Mr. Seeds noted that the building is located on the northwest corner, and it appears

to him that at one time it may have been a garage. Mr. Hawk noted that HRG, Inc. provided the comment with an option.

Mr. Crissman questioned if Mr. Staub was able to speak for the applicant. Mr. Staub answered yes. Mr. Crissman noted that Mr. Staub is in favor of the requested waivers, and he questioned Mr. Staub if he was in agreement with the one site specific condition. Mr. Staub answered yes. Mr. Crissman questioned if he was in agreement with the seven general conditions including the six comments from HRG, Inc. letter dated January 11, 2011. Mr. Staub answered yes.

Mr. Crissman made a motion to approve the preliminary/final subdivision and land development plan for BA Properties 1, LLC, with the following waivers and conditions: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to provide a storm water management plan; 3) Waiver of the requirement to provide an erosion and sedimentation control plan; 4) Upon approval, the Dauphin County Tax Assessment office will need to be notified of the subdivision in order to acquire parcel numbers for the new lots. The new parcel numbers shall be identified on the cover sheet of the plan to comply with plan recording procedures; 5) Plan approval shall be subject to providing original seals and signatures; 6) Plan approval shall be subject to the payment of engineering review fees; 7) Plan approval shall be subject to the establishment of an improvement guarantee for the proposed site improvements; 8) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 9) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 10) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; and 11) Plan approval shall be subject to addressing the six comments of HRG's memo dated January 11, 2011.

Mr. Blain seconded the motion. Mr Hawk called for a roll call vote; Mr. Blain, aye; Mr. Crissman, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were two Improvement Guarantees.

Harrisburg Foot and Ankle

An extension and 10% increase in a letter of credit with Metro Bank, in the amount of \$1,826.00, with an expiration date of January 18, 2012.

Linglestown Life – A United Methodist Church

A reduction in a letter of credit with Centric Bank, in the amount of \$40,100.00, with an expiration date of December 7, 2011.

Mr. Seeds suggested that Harrisburg Foot and Ankle should only be given a six-month extension until July 18, 2011 since there are only a few minor items to complete. Mr. Blain agreed.

Mr. Blain made a motion to approve the two listed improvement agreements providing Harrisburg Foot and Ankle with a six-month extension until July 18, 2011. Mr. Crissman seconded the motion. Mr. Hawk called for voice vote and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority, and the check register and Treasurers Report for the PNC purchase card. Mr. Blain 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 8:08 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman
Township Secretary