

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held February 8, 2011

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:05 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; Mark and John DiSanto, Triple Crown Corporation; Attorney Fredrick Martsolf; Andrew Snyder; John Andrews, McNeas Wallace and Nurick, LLC; and Ted Robertson and Watson Fisher, SWAN.

Pledge of Allegiance

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

Public Comment

No public comment was provided.

Presentation by Triple Crown Corporation regarding a
proposed text amendment to the Zoning Ordinance

Mr. Wolfe noted that the Board members have been provided the Triple Crown Corporation (TCC) request letter, Application for Text Amendment, a copy of the proposed text amendment to the Zoning Ordinance, and a copy of the master plan for Stray Winds Farm. He noted that Mark and John DiSanto from TCC are present along with counsel, Frederick Martsolf.

Mr. Wolfe explained that tonight's presentation is of an informational nature noting that the official action for the rezoning would start with the Planning Commission at a future date and time.

Mr. Mark DiSanto explained that he, on behalf of TCC, has submitted a text amendment to the Township's Zoning Ordinance contemplating a density increase for the residential subdivision in the R-1 zone. He noted that a public park is included in the plan, which will require a certain amount of open space, proposed to be 45%. He noted that he is asking to move the request forward to the Township and County Planning Commissions. He noted that he would like to make his presentation to those Commissions, be provided their comments and recommendations, and meet with the Board of Supervisors for a public hearing.

Mr. Hawk noted that he heard the presentation at the last workshop meeting and he was in attendance at the Stray Winds Area Neighbors (SWAN) January meeting. He noted that the outcome of the January meeting was that they wanted more time to consider the proposals. He reported that the follow up meeting occurred last evening, and there were two votes taken. He noted that one vote was in regards to the text amendment, and the other vote was to decide if SWAN wanted to engage in further discussions with TCC. He noted that some of the people attending last night's meeting are also in attendance at this meeting.

Mr. John DiSanto noted that Mr. Wolfe received comments from SWAN through Mr. Epstein this afternoon that documented the vote that was taken at last evening's meeting. He noted that Mr. Epstein made comments regarding what occurred during the meeting, and he questioned if the Board members had an opportunity to review those comments. Mr. Hawk noted that they were delivered to the office late this afternoon and the Board members were provided the comments prior to the start of the meeting. Mr. DiSanto explained that he understands that a vote was taken and there was a vote to hold further discussion regarding the overall project and age-restricted zoning. He suggested that not everything written in the memorandum is entirely accurate and he would like to present a counter position to some of those issues. He noted that there was a lot data attached to the SWAN document that is not supported by TCC's data.

Mr. Mark DiSanto explained that he is meeting with Mr. Epstein and Sherry Kunkle on Thursday at 11 a.m. He questioned when Mr. Wolfe expected this request to go before the Planning Commission. Mr. Wolfe answered that he would expect it to be the second week in March. Mr. DiSanto explained that he told Mr. Epstein that he would work through the process between now and the time that it is presented to the Planning Commission, however once it goes before the Planning Commission, any further changes would have to be brought back to that

Commission for approval. He suggested that he has roughly a two week window to meet and discuss the text amendment. Mr. Hawk noted that it is a major decision to be made for various parties, and SWAN voted last night to continue discussions with TCC on the plan. He suggested that the appropriate members from SWAN need to meet with TCC to do this.

Mr. John DiSanto explained that TCC has been working on this plan for more than two and a half years, and he is still talking to all the concerned parties. He noted that he would like to keep the process moving forward. He noted if it is determined that after Thursday's meeting that they need to go back to another SWAN meeting, he will do that. He noted that he does not see the need to further delay this issue as it needs to go through the process. He noted that it would provide TCC 30 days for more dialogue prior to going before the Planning Commission. He stated that he feels that there will be robust discussion with the Planning Commission on this topic.

Mr. Hawk suggested that TCC should meet with SWAN to discuss the data differences and concerns. He explained that the Board does not take votes during workshop sessions.

Mr. John DiSanto questioned if the Board will move the process forward to the Planning Commission. He noted that is all he is asking. He suggested that there is plenty of time to meet with SWAN to discuss the issues.

Mr. Hawk noted that there is nothing more that he needs to know this evening.

Mr. Andrew Snyder noted that he was the person who brought the appeal against the Zoning Hearing Board. He noted that he would like the Board members to look at page three of the SWAM memo dated February 8, 2011, specifically item number four. He noted that he wanted to discuss compromise and the nitty-gritty of the plan concerning the number of age-restricted units versus the number of non age-restricted units. He noted that the heart of the matter is that it is a density issue. He noted when the plan was first submitted it was based upon the granting of the variance to increase the density, but since then, Dauphin County Court and the Commonwealth Court have ruled that the granting of the variance was improper and illegal. He noted to grant a text amendment to increase the density would be going counter to what Dauphin County and Commonwealth Courts have ruled as improper. He noted that the heart of the issue is not the amenities, but the density for the plan.

Mr. Seeds noted that he had no questions since TCC is going to continue its dialogue with SWAN. Mr. Crissman noted that he has no problem with the process moving forward since both parties will continue to dialogue.

Mr. Wolfe explained that the application will move the process forward.

Mr. Hawk requested the members of SWAN to keep the Township up to date as to what is going on, as he was sure that TCC will do that.

Mr. Snyder noted that during last night's meeting Mr. Hawk expressed a lack of knowledge as to what was going on during the meeting. He questioned if the Board members were up to speed on what was going on for the variance. Mr. Hawk answered that the Board members are aware of what is going on. Mr. Seeds noted that he and Mr. Hawk attended the meeting to listen only. Mr. Hawk noted that over the years, the Board has been known as a listening board, and it is the people's Township, not the Board's Township. He noted that he was reluctant to say anything last night, only wanting to seek input from the meeting.

Mr. John Andrews, McNeese, Wallace and Nurick, LLC, noted that the agenda references an executive session to discuss minor township administrative matters. He questioned if this petition would be included in that discussion. Mr. Hawk answered no. Mr. Crissman noted that it would not be legal to do that.

Presentation of the 2011 budgets for the Paxtonia, Colonial Park and Linglestown Fire Companies

Mr. Wolfe noted that the budgets for the three fire companies were included in the Board members packets. He noted that each fire company makes its budget in its own format, and they are either one page or several pages in length.

Mr. Wolfe noted that the Paxtonia Fire Company budget shows revenues of \$189,200 and expenditures of the same amount providing for a balanced budget. He noted that they listed maintenance costs for vehicles totaling \$33,500 and building expenses at \$25,250. He noted that they have programs for National Night Out at \$1,000, Community Good Will at \$2,000, and Labor Day at \$9,000 which he assumed may be for a fireworks display.

Mr. Seeds questioned what the \$3,000 was for real estate taxes, and questioned if they had to pay real estate taxes. He noted that the rental property is shown separately for taxes. He

questioned if they owned other property. Mr. Wolfe answered nothing that he was aware of. Mr. Stine noted that they would have to pay real estate taxes unless they are a pure public charity. Mr. Seeds noted that he did not notice the other two fire companies listing real estate tax payments in their budgets. Mr. Stine noted that the hospitals pay real estate taxes. He noted that the Township pays real estate tax on properties if it is not devoted to a particular municipal use. Mr. Wolfe noted that it is not listed as a specific line item for the other two fire companies; however, it might be accounted within another line item.

Mr. Wolfe noted that the Colonial Park Fire Company budget is balanced in the amount of \$227,980. He noted that this budget is more detailed, and its operating expenses are similar to the Paxtonia Fire Company. He noted that there seems to be more community fundraising than what was listed in the Paxtonia budget, therefore Colonial Park listed \$30,000 more in revenues and the expenditures, and they are also carrying more costs for their new building.

Mr. Seeds noted that they list a hall rental from the Bureau of Elections and he questioned if it is used as a polling place. Mr. Blain answered that all three fire companies sponsor polling places. Mr. Seeds noted that he was not aware of that, and questioned how long ago that occurred. Mr. Blain answered that they have been a polling place for three to four years.

Mr. Seeds noted that Colonial Park lists expenditure for grant administration and he questioned what that was. Mr. Wolfe suggested that it could be an expense to have a third-party grant administrator. He noted that they paid someone to help them prepare the Local Share Gaming Grant application.

Mr. Hawk requested Mr. Seeds to take over the meeting for him in order for him to return to another meeting he was attending in Hershey prior to the start of this meeting.

Mr. Wolfe noted that the Linglestown Fire Company budget is the largest of the three budgets, showing revenues of \$248,500 and expenditures of \$261,000, providing a deficit of \$12,500, which was met by a transfer from their savings account. He suggested that their deficit is due in part to repairs that are being made to their fire station. Mr. Hornung questioned why they would pay on a line of credit and take the money from something else. He questioned why they would not just drop their line of credit payment back. Mr. Wolfe suggested that it could have something to do with the timing of their receipts for funding. He noted that they could be

cash-poor in the beginning of the year just like the Township is, since it does not receive the tax revenue until the Township receives it and distributes it to them.

Mr. Wolfe noted that the Township contributes roughly \$150,000 to each fire company annually. He explained it comes from the real estate tax payment, and it is usually not distributed until March or April. Mr. Seeds noted that Linglestown only showed income of \$140,000 from the Township, and Colonial Park Fire Company listed a smaller amount. Mr. Wolfe noted that the mortgage payment was deducted from their amount. He noted that Linglestown showed an amount of \$145,000. Mr. Wolfe noted that all three fire companies receive the same amount. Mr. Wolfe explained that the Township also pays for their gasoline, funds the Length of Service Awards Program (LOSAP), and the Fire Equipment Capital Fund.

Mr. Seeds noted that the figures do not jive from the beginning numbers. He noted if you add the numbers in the income in the first part they do not match. He suggested that maybe the Township could offer to assist the fire companies in their budgets. Mr. Wolfe suggested that the fire companies would not want the Township interfering with their finances. He noted that he would love to see all three fire companies use the same chart of accounts and the same financial system that the Township would have access to, but he did not think it would happen.

Mr. Crissman noted when the Board last met with the three fire companies, was it not determined that the Board would meet with them again in an informal setting. Mr. Wolfe noted that occurred several months ago during a workshop session when the fire companies requested additional funds and the Board provided them with certain criterion that they would have to meet before the Board would consider additional tax dollars. He noted that they have not met that criterion.

Mr. Crissman noted that the budget discussions would provide an opportunity to meet with the three fire companies and inform them that the Board has a concern that it would like all three fire companies to be together on the same financial page. He noted that the Board would speak to them directly, explained that it would make the Board's job easier as it makes a very large donation to their income. Mr. Seeds noted that he agrees with Mr. Crissman, noting that it would be nice if they used the same forms. He suggested that Mr. Blain and Mr. Crissman, as members of the Audit Committee, could offer to assist them if they would want the help.

Mr. Wolfe noted that Mr. Blain has already done this with the Colonial Park Fire Company. Mr. Blain noted that it could be added to the next Audit Committee agenda to be discussed. Mr. Seeds requested that Mr. Blain and Mr. Crissman take another look and come up with a possible suggestion to make to the fire companies. Mr. Blain noted that he had no problem with that. Mr. Crissman suggested that they could use a simple financial program.

Mr. Hornung noted that each fire company takes much pride in their areas, and it sometime prevents open mindedness to solve problems, but he questioned if the fire companies look at each others financial statements to see if it could provide some areas where they could save money. Mr. Wolfe noted that they do get the opportunity to see each others budgets during the Public Safety Committee meetings. He noted that he does not know what impact it has on each fire company. He suggested that they don't pay much attention to what each other do. He noted that it is very hard to compare apples to oranges as the reports are so different, and it would be much easier if they all used the same system. Mr. Crissman noted that it would help if there were using the same financial system in that members could provide assistance to a newly appointed treasurer. Mr. Wolfe noted that you must remember that you are dealing with volunteers.

Mr. Hornung noted that the Township could provide the forms and have them complete the information. He noted that you would hope that they would put the correct information in the proper line item, but it would make the Board's job easier in trying to compare the three budgets. Mr. Crissman noted that this would help the Board as well as help the fire companies.

Mr. Wolfe noted that the Board needs to know where the Township money is going, and if the fire companies are financially healthy. Mr. Crissman noted that Linglestown Fire Company borrowed \$12,000 from its savings account to balance its budget, but there is no way to know what is in their savings account. He suggested that the Board needs full disclosure from the three fire companies.

Mr. Wolfe noted that there is an Audit Committee meeting next Tuesday night and he will add it to the agenda.

“Otta Know” Presentation: Act 90 of 2010 – Neighborhood
Blight Reclamation and Revitalization

Mr. Wolfe explained that there is a new State law, Act 90 of 2010 that is designed to help municipalities fight blight. He noted that there is a two-page article in this month's PSATS magazine dedicated to this topic. He noted that Act 90 will help the Township in two ways. He explained, when a property owner has code violations, or a deteriorating property that he refuses to improve, the municipality can now file a lien to require municipal costs to be paid from the property and the property owner's personal assets. He noted that this will be especially helpful with absentee property owners who don't maintain their property and are not willing to fix it up.

Mr. Wolfe noted that the Township can refuse to issue other permits such as building permit for other properties until the property owners make the necessary repairs to their property. He noted that the Township has slum landlords who won't correct a violation for a property in one location, but continue to apply for permits for other properties. He noted that up until now, there was nothing the Township could do about it, however, under Act 90, the Township can withhold the permit for anyone that has an outstanding violation with the Township to include violations in other municipalities. Mr. Seeds noted it would allow the Township to go after a large developer who works out of the area as well. Mr. Wolfe noted that the violation would have to be a property maintenance code violation.

Mr. Hornung questioned if there are current on-going situations in the Township that this would help to rectify. Mr. Wolfe answered that there are many properties with code violations; however it would not help if the property becomes bank-owned. He noted that the Township could go after numerous property owners for their personal assets and it would provide a far greater incentive for the property owners to comply. He noted that the Township does not like to file a lien against the property, since it must wait for the property to sell before the Township can be reimbursed the funds that it had to spend. He noted that this Act would also apply to someone who is delinquent in their sanitary sewer bills; noting that the Township could withhold the issuance of permits until they pay their bills or their real estate taxes as well. He noted that the law goes into effect April 2011.

Mr. Seeds questioned if they will have a special court for these proceedings or will the Township have to use the magisterial judges. Mr. Wolfe noted that he understands that a special

court with be set up in the Court of Common Pleas. He noted that this would be for a serious violation that has not been corrected over a period of time. He noted that the Township would continue to file high grass complaints with the local magisterial judge.

Mr. Seeds questioned if the past condemnations have gone before the court of Common Pleas. Mr. Wolfe noted that the most of the instances have not been contested. Mr. Stine explained that the property maintenance code provides that the Township must make notice to the property owner and if they don't appeal the notice, the Township can move forward. Mr. Wolfe noted that the Township has demolished buildings and filed liens on the property in order to get reimbursed for the costs of demolition. He noted, under the new legislation, the Township can go after the personal assets of the property owner to be reimbursed. Mr. Stine noted that you can go through the lien process to sell the property, however if the person files for bankruptcy, then you are out of luck.

Public Comment

Mr. Burton Snyder explained that he is a resident of the Estates of Forest Hills, Phase 7. He noted that he sent an email to the Board members this past Saturday for the residents who live on Kensington Way, in regards to granting an extension for the improvement guarantee to the developer. He noted, if a request for an extension for the improvement guarantee is submitted, they request that it not be granted beyond June 30, 2011. Mr. Wolfe noted that he received the email and it will be included in the Board's Items of Interest. Mr. Seeds questioned if there was any reason the Board would need to see it before the weekend. Mr. Wolfe answered no.

Mr. Snyder questioned if the developer submitted the request for the extension of the improvement guarantee. Mr. Wolfe answered that he did not know. Mr. Blain noted once the developer submits the extension, the Board would look at what needs to be done. He noted that the Board has reduced the extension time in the past based upon what needs to be done. He noted if there are minor items, then the Board wants the developer to finish the job. Mr. Snyder noted that this would entail putting the wearing coat on the roadway surface. Mr. Blain questioned if there are homes that have not been built in the development. Mr. Snyder answered that there are homes that need to be built and a lot to be sold. Mr. Blain explained that the Board will grant extensions for the final paving until the entire development is finished noting if the final wearing

course is placed and heavy trucks travel over it they will damage the road surface. He noted once the roadway is completed, then the Township inspects the road because the developer will ask the Township to take ownership of the road. He noted that the Township does not want to do that if there is a potential for heavy trucks to damage the road. He explained that the taxpayers end up paying to fix the road as a result of the damage from the heavy construction equipment. He explained that is the reason why the Board extends the guarantee until all or most of the homes are built.

Mr. Seeds questioned Mr. Wolfe if he had an opportunity to review this. Mr. Wolfe answered no. Mr. Seeds noted that the State extended the deadlines for plans approvals, etc. Mr. Stine noted that the State extended the deadline for approvals until 2013, but this discussion covers an extension of the time period to install improvements and he did not think it was included in that statute, but he did not remember.

Mr. Snyder suggested that when the request for extension comes up for that improvement guarantee at a meeting, many of his neighbors will attend the meeting. He noted that there is much concern for the condition of the road especially in regards to snow and ice removal. He noted that the roadway has not been cleaned adequately. Mr. Seeds explained that is the responsibility of the developer to do that. Mr. Seeds noted that someone from staff would get back to Mr. Snyder.

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 6:50 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary