

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held March 15, 2011

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:35 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., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; PSD David Johnson; Jim Cieri, Act One Consultants, Inc., Dr. Calvin Clements, Colonial Park Animal Clinic; Attorney Jerome McDonald; Kevin O'Shea; and Ted Robertson and Watson Fisher, SWAN.

Pledge of Allegiance

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

Approval of Minutes

Mr. Crissman made a motion to approve the minutes of the February 8, 2011 workshop meeting and the March 1, 2011 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.

**Acceptance of Donation
Automatic External Defibrillators**

Mr. Hawk explained that the Township will be presented with three Automatic External Defibrillators (AED) machines by staff from Hershey Medical Center.

Public Safety Director (PSD) Johnson thanked the Board members for allowing him to make this presentation during the business meeting regarding this important event for the community. He noted that during the fall, Officer Ralph Palm received a call from Doctor Steve Ettinger of the Hershey Medical Center's Heart and Vascular Department. He noted that Dr. Ettinger inquired if the Police Department had sufficient AED machines. He was told that the Department only had three machines for its police vehicles. He noted that Dr. Ettinger indicated that he wanted to donate three AED's to the Township for the Police Department's use.

PSD Johnson noted that Dr. Ettinger was unable to attend tonight's meeting and Holly Roush, Practice Director of the Heart and Vascular Institute, and Patti Wengert, Nursing and Operations Director for the Heart and Vascular Institute at Hershey Medical Center are present in his absence. He noted that the AED's are very expensive pieces of equipment, and this donation will benefit the Police Department, and the citizens of the Township. He requested the Board members to come forward to accept the donation.

Mr. Hawk noted that it is the dedication and concern of the Township's citizens that allow these opportunities for the community. He noted that the Board is overjoyed to be the recipients of three AED machines. He proceeded to present to Holly Roush a certificate of appreciation for Dr. Ettinger for his donation to the Township. He noted that the Township is very grateful for the donation.

Ms. Roush explained that the machines were made available to the Police Department in the fall, but it took this long to be able to schedule the official presentation to the Board and Police Department. She noted that Dr. Ettinger was very happy to be able to provide these AED machines to the Township.

Mr. Seeds questioned how many times police officers used an AED last year. PSD Johnson answered that the AED was used 15 times, and one save was for a teenage girl who had

a cardiac incident on a Sunday morning and was found at the bottom of her stairs. He noted that she is alive today due to the timely response of police officers and the AED machine.

PSD Johnson explained that Dr. Ettinger is a resident of the Township and see patients during the week at the Nyes Road office. He noted that it was his desire to donate the three AED's to the Township. He explained that Dr. Ettinger is the Chair of the Heart Association, and known nationally and internationally for his work as a cardiologist.

Manager's Report

Mr. Wolfe explained that the reconstruction of Linglestown Road will restart on Monday, March 28, 2011. He noted that the one-lane restriction will be put into effect only allowing westbound traffic on Linglestown Road. He noted that eastbound traffic will be detoured by way of Interstate 81. He explained that the one-way traffic pattern is expected to be in place through the remainder of construction period, which will be completed around the end of June, weather permitting. He noted part of the work will be the reconstruction of Mountain Road as it connects to Linglestown Road at the Square. He noted that reconstruction of the sanitary sewer line on South Mountain Road will start next week.

Mr. Wolfe noted that the next round of sanitary sewer bills that will be mailed shortly will include the one-page insert with the Township's Leaf Waste Calendar that was not properly printed in The Township Newsletter. He noted that a copy of the accurate calendar is also available on the Township's webpage.

Mr. Wolfe noted that the compost facility will open on Tuesday April 5th, and remain open for all Tuesdays, Thursdays, and Saturdays for residents who purchase permits to use the facility. He noted that it will be open from 7:30 a.m. to 5 p.m., and residents can drop off an unlimited amount of leaf waste and take mulch if any is available.

OLD BUSINESS

Action on bids for improvements to Page and Spring Creek Roads

Mr. Wolfe noted that the Township accepted bids for road improvements to Page and Spring Creek Roads to include the installation of a traffic signal at that intersection. He noted that these improvements have been contemplated in conjunction with the construction of the Bishop McDevitt High School.

Mr. Wolfe explained that bids were open on March 7, 2011, by K&W Engineers at Lower Paxton Township. He noted that five proposals were received, and the lowest bid was submitted by John W. Gleim Incorporated, in the amount of \$654,693. He noted that the bid submitted by Gleim was reviewed by K&W Engineers and determined to be complete. He explained that the engineer recommended that the bid be accepted by Lower Paxton Township.

Mr. Wolfe noted that three of the bids were very close in amounts, with less than \$2,000 between the two lowest bids.

Mr. Hawk questioned if John W. Gleim did work at the Friendship Center. Mr. Wolfe noted that they have worked for the Township in the past, and they did the site work for the Friendship Center.

Mr. Seeds questioned what the engineer's estimate was. Mr. Wolfe answered that it was \$100,000 more than the lowest bid received.

Mr. Seeds noted that the grant funds won't cover the entire installation and the developer would pay for the remaining costs.

Mr. Crissman made a motion to approve the bid for the Page and Spring Creek Roads improvements and traffic light installation to John W. Gleim Incorporated, in the amount of \$654,693. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

NEW BUSINESS

Resolution 11-05; Charging the Elected Tax Collector with the collection of interim real estate taxes for 2010

Mr. Wolfe explained that the Township has always collected interim real estate taxes in the past; however, the Township has never charged the Tax Collector to do this. He noted this year, Dauphin County provided to the Township a recommendation that the Township should do an official charge to the Tax Collector for the collection of the interim real estate taxes. He explained that Dauphin County has taken this action on behalf of the Dauphin County Real Estate Tax. He noted that he prepared a resolution that will charge the elected Tax Collector with the collection of interim real estate taxes for the Township. He noted that this would cover properties that were put on the tax roles during the second half of 2010.

Mr. Seeds questioned if this was something new. Mr. Wolfe explained that the activity is not new, but the resolution is. He noted that this Board has never adopted a resolution for this action in the past.

Mr. Crissman made a motion to approve Resolution 2011-05, charging the elected Tax Collector for the collection of interim real estate taxes for the period July 1, 2010 to December 31, 2010. Mr. Blain seconded the motion. Mr. Crissman noted that there was a typographical error in the first paragraph, as a space was contained within the word "The". Mr. Hawk noted Mr. Crissman's correction and he called for a voice vote. A unanimous vote followed.

Stipulation and Joint Motion for agreed upon order in the real estate tax assessment appeal for Tax Parcel No. 35-075-037

Mr. Stine explained that this is a proposed settlement for an ongoing assessment appeal by Thomas and Elaine Dommel for property located at 1018 Briarsdale Road. He noted that this has been discussed by the Board previously during an executive session and approval of this agenda item would permit Mr. Stine to sign the stipulation on behalf of the Board.

Mr. Seeds noted that this would settle a claim before bringing it to court. Mr. Stine answered that it would provide settlement prior to a hearing before the Dauphin County Court of Common Pleas.

Mr. Crissman made a motion to authorize the solicitor to sign the stipulation letter for agreed upon order in the real estate tax assessment appeal for tax parcel No. 35-075-037. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Request to amend the final subdivision and land development
plan for Colonial Park Animal Clinic

Mr. Wolfe noted that a request was made to the Board by the applicant to consider an amendment to the action on the approval of the subdivision and land development plan for Colonial Park Animal Clinic that occurred during the March 1, 2011 business meeting. He noted that the Board did not grant a waiver for curbs and sidewalks on Route 22 and Bryon Avenue, and the request is to reconsider the waiver.

Mr. Jim Cieri, Act One Consultants, Inc. noted that Dr. Calvin Clements, owner of the subject property is present in addition to Jerome McDonald, attorney for Dr. Clements, and the contractor for the work, Kevin O'Shea.

Mr. Hawk noted that today is the end of the 15-day period for acceptance or denial of the Township's conditions by the developer, and if nothing is done today, the plan will be deemed denied. He suggested that this would be more appropriate to discuss during a workshop session, rather than a business meeting. Mr. Cieri explained that he agreed with that, but he wanted to get the plan moving. Mr. Hawk noted that he would need a letter from the developer to the Board before midnight to accept the conditions, with a request to discuss an amendment for the sidewalk and curb waiver request.

Mr. Jerome McDonald, attorney for Dr. Clements, noted that he appreciated the suggestion and agreed that it would be an appropriate action for Dr. Clements to take. He noted that Dr. Clements would be willing to discuss this issue at a workshop session, but he is under a timeline to complete the project. Mr. Hawk noted that the workshop session would be more appropriate to review Dr. Clements concerns for the project. Mr. McDonald questioned if the balance of the plan would be accepted. Mr. Wolfe answered that the plan was approved by the Board of Supervisors without the waiver. He noted if Dr. Clements doesn't indicate his acceptance of the condition approval by today, in writing, it becomes a deemed denial. He noted correspondence was provided to the Township that states that he does not agree with the approval without the granted waiver for sidewalks and curb, which could lead to a deemed denial. Mr. Wolfe questioned Mr. Stine how this would be resolved.

Mr. Stine noted that the Township would need to receive a letter from Dr. Clements that would state that the applicants accepts the conditions for the approval but mentions that he would like to meet with the Board to reconsider the waiver for curbs and sidewalks. He noted if Dr. Clements does not accept all the conditions, the plan is considered to be deemed denied by statute. He noted that the letter must be received by midnight, and a handwritten letter would be acceptable. Mr. Wolfe questioned if an email to him would be acceptable. Mr. Stine answered that it would be.

Mr. Hawk noted that the important thing to mention is that you want to discuss further the waiver for curbs and sidewalks. He noted that it would protect the plan and Dr. Clements would not have to start all over again. He noted that it would provide an opportunity to discuss this further during a workshop session.

Mr. Seeds questioned if they would be asking for an amendment. Mr. Stine answered that they would be asking for a reconsideration of their waiver request, but they have to accept the conditions first, otherwise the plan would be deemed denied.

Mr. Crissman questioned if Mr. McDonald understands that no action would be taken during the workshop session, and that it would be for discussion only. Mr. McDonald stated that he understood that. Mr. McDonald noted that he would take care of writing the letter and delivering it to the Township before midnight.

Mr. Cieri noted that he hoped to have some discussion during this meeting on the issue, but at this time he would request that the Board members view the site prior to workshop meeting. He noted that Dr. Clements has a few concerns. He noted that the edge of the cartway is only four feet from the property line at the western side of the property in front of the dry cleaner shop. He noted that the maximum distance that Dr. Clements's has from his property line to the existing paving on Route 22 is six feet. He noted that the sidewalk would be at the edge of the road where the steps come out. He explained, at the corner where the traffic signal standard is located, the sidewalk would be located at the edge of the road. He explained that he is concerned with locating the sidewalk at the end of the paving for Route 22. He noted putting sidewalk in front of the dry cleaning shop would eliminate two of the three parking spaces and make the property more noncompliant than it is. He noted that it is an existing non-conforming use, and the building is only five feet from the paved road.

Mr. Hawk noted that the points that Mr. Cieri is making this evening are worthy of further discussion at the workshop session. He noted that it is very hard to understand what he was saying without the use of maps and plans. Mr. Cieri requested the Board members to take a look at the site before the plan is discussed at the next workshop meeting.

Mr. Crissman questioned Mr. Cieri if he was present at the March 1, 2011 meeting. Mr. Cieri answered no. Mr. Crissman noted that the issues that we are talking about now were

discussed during that meeting, and he asked the engineer, at that time, if he could speak on behalf of the applicant and his answer was yes. He noted that is why the Board took the action that it took at that time. Mr. Cieri noted that is fair. He noted that the Board has been very consistent with its policy for the installation of sidewalks along Route 22. He stated that this plan is unique, and it needs to be looked at more closely. He stated that he looks forward to discussing this at the workshop meeting.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were six Improvement Guarantees.

Amber Fields, Phase I

An extension and 10% increase in an escrow with Lower Paxton Township, in the amount of \$6,118.97, with an expiration date of March 15, 2012.

Amber Fields, Phase II

An extension and 10% increase in an escrow with Lower Paxton Township, in the amount of \$4,743.68, with an expiration date of March 15, 2012.

Amber Fields, Phase III

An extension and 10% increase in an escrow with Lower Paxton Township, in the amount of \$16,262.93, with an expiration date of March 15, 2012.

Old Iron Estates, Phase II

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$120,126.60, with an expiration date of March 15, 2012.

5710 Union Deposit Road

An extension and 10% increase in a letter of credit with Integrity Bank, in the amount of \$330,088.00, with an expiration date of March 15, 2012.

The Townes at Autumn View

An extension and 10% increase in a bond with Developers Surety and Indemnity Company, in the amount of \$43,311.74, with an expiration date of March 15, 2012.

Mr. Hornung noted that the improvements to Amber Fields are minor in nature. Mr. Wolfe explained that staff has spoken with Mr. McNaughton and he indicated that he plans to address those issues during this construction season. Mr. Seeds questioned if all the homes have been constructed. Mr. Wolfe answered that there are still some homes to be built. Mr. Seeds questioned if all the homes have been built for The Townes at Autumn View. Mr. Wolfe noted that he did not research that plan, but he could get an answer for him. He noted that the improvement guarantee has been in the \$40,000 range for the last several years. Mr. Seeds noted if the homes are all completed, then it should be done. Mr. Wolfe noted that most of the improvements are for landscaping, erosion and sedimentation control, and stormwater management facilities.

Mr. Blain made a motion to approve the six listed improvement agreements as presented. Mr. Hornung seconded the motion. Mr. Hawk called for voice vote and a unanimous vote followed.

MAINTENANCE GUARANTEE AGREEMENT

Sunnyhill Farms – North

The release of a letter of credit from Mid Penn Bank, in the amount of \$38,921.93.

Mr. Crissman made a motion to approve the release of the maintenance agreement for Sunnyhill Farms, North. 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, and a unanimous vote followed.

Announcement

Mr. Wolfe noted that the agenda as prepared shows that the next meeting will be held on Tuesday, April 5, 2011 at 7:30 p.m. He noted that the Board has decided to hold a workshop meeting, Tuesday, March 22, 2011 to review the annual reports from individual Department Directors in workshop session. He noted that the meeting would most likely start at 7 p.m.

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 8:14 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary