

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held June 7, 2011

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:35 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; John DiSanto, Mark DiSanto, Mark Coakley, and Paige Macdonald-Matthes, Triple Crown Corporation; Helen Gemmill, McNeese, Wallace and Nurick; Andrew Snyder, Harry Ulsh and James Black; Harry Roth, Roth Plan; Ted Robertson and Watson Fisher, SWAN.

Pledge of Allegiance

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

Approval of Minutes

Mr. Crissman made a motion to approve the minutes of the April 12, 2011 and May 10, 2011 workshop meetings, and the May 16, 2011 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

Mr. Mark Levine, 1507 Knollcrest Road, explained that he wanted to thank the Township for eliminating a severe road problem at McIntosh Road. He noted that it has been repaved very nicely, the potholes are gone, and he wanted to thank the Township very much.

Mr. Richard Wonderlick, 517 Clermont Drive, noted that he has lived in his home for 48 years. He noted that he attended the May 3rd Board meeting where he indicated to the Board members that he had a water problem. He noted that Mr. Robbins from the Public Works

Department stopped by his home on May 10th to look at the situation. He explained on May 19th and May 23rd his yard was flooded again. He noted on May 25th the neighbor above his property drained the water off his pool cover and flooded his yard. He noted on May 26th he called Mr. Robbins at 9:30 a.m. and he never returned his call. He explained that he called again at 4:15 p.m. and he came to his home at which time he performed a laser study. He noted that it is a serious problem that has to be addressed and wants to know what the Township is going to do.

Mr. Wolfe explained that the Public Works Director is investigating a large number of water complaints at this time, and he has been to Mr. Wonderlick's home and has shot grades but he is unaware of the results. Mr. Seeds explained that he stopped at Mr. Wonderlick's home. He noted that years ago, Mr. Wonderlick had a storm drain that was blocked or undersized in his area and where it flows to a retention area, it was overgrown with trees. He suggested that it was cleaned out at that time. Mr. Wonderlick noted that was a long time ago. Mr. Seeds suggested that it could be a problem again since that was more than 15 years ago. Mr. Wonderlick noted that his neighbor to the rear of his property was also concerned as she has the drain on her side of the property and is okay with whatever has to be done. He noted that she is fine with whatever the Township can do to fix the problems and agrees that something has to be done. He noted if one of the Board members would come out and stand in his yard they would see where the three homes were built and how the water flows to a drain that is two feet high and unable to accept the water. He noted that he hopes that the Township can do something for him.

Ms. Elena Dix, 4104 McIntosh Road explained that she just moved into the area. She explained when she first moved into her home she could get out of her street without doing double-dutch, but with the way the drivers fly over the hill on Colonial Road you can't see them during the day. She explained that she has been almost hit three times. She noted that now she uses Woodcrest Road to avoid the hill at McIntosh and Colonial Roads. She questioned if

something could be done to keep people from driving fast over the hill. She noted that oncoming cars can't see her and she can't see them and it is scary.

Ms. Joan Gibson, 5518 Oak Avenue explained that she attended the April 19th meeting to report a major flooding incident. She noted, since that time, Mr. Robbins came out to look at her situation but she has received no response from him telling her if the Township would be able to do anything to assist herself and her neighbors. She explained that she suffers with water issues every time there is a heavy rain event. She noted that it has been a real problem this year. She questioned if the Township was aware that Dauphin County was declared a federal disaster area in regards to the rain event that occurred on April 16, 2011. She noted that it would had been nice if someone would have let people know that we had a major event and that funding was available. She suggested that something could be put in the minutes so other people may be able to take advantage of it.

Ms. Gibson explained that she hopes that someone will get back to her soon to address her problem. Mr. Hawk noted that it has been a very difficult year for the entire area with the amount of rainfall that has occurred and staff is trying to respond as quickly as possible. He noted that he appreciated Ms. Gibson's comments.

Chairman & Board Members' Comments

No comments were provided.

Annual Police Department Awards Ceremony

Mr. Hawk invited Public Safety Director (PSD) David Johnson to come forward to begin the Police Department Award ceremonies. He asked his fellow Board members to join him at the podium.

PSD Johnson thanked Mr. Hawk and Mr. Wolfe for allowing him to conduct the Annual Police Department Awards Ceremony at this time.

PSD Johnson noted that the first award to be presented is a Letter of Accommodation, noting that this is the first time these awards have been presented in the public venue. He noted that the Letters of Accommodations are awarded to officers when they perform a specific act of service that deserves special recognition but does not fit into any one of the other categories. He noted that their work is above and beyond the call of duty and is of great benefit to the Department, Township and the citizens of the Township. He requested the following officers to come forward to receive their Letter of Accommodation: Lieutenant Mark Zerbe, Corporal Todd Witmer, Officers Doug Fisher, Dave Shifflett, luAnna Brook, and Carl Chortanoff.

PSD Johnson noted that the next group of officers will receive two Letters of Accommodation: Officers Chris Vogel, Walter Cook, and Brain McIntyre.

PSD Johnson presented the 2010 Unit Citation to Platoon D, led by Sergeant Leo Zuvich. He noted the officers included in this Platoon are Corporal Justin DePasqua, and Officers Chris Vogel, Carl Chortanoff, Chad Miller, Eric Tallman, Zack Fehrenbach, and Brian Egli. He noted that Platoon D led the traffic division in total traffic enforcement, accident investigations, criminal arrests, and calls for service. He explained that they made 41 Driving Under the Influence arrests, and 37 drug arrests. He noted that they were involved in the apprehension of the Metro Bank Robbery suspect in October and assisted in the apprehension of the Twin Lakes burglary suspects in February. He noted that they also apprehended a burglary suspect from Crown Avenue and a robbery suspect from Fawn Drive in July. He explained that officers from the Platoon were also involved in saving the life of a 13-year old girl in April. He noted that the awards will be presented by their Division Commander, Lieutenant Ronald Gramigni.

PSD Johnson noted that the Chief's Fitness Award will be presented to Officer Walter Cook by Lieutenant Ronald Gramigni. He noted that this award is presented annually to the officer who has the highest overall accumulative score in the Police Department's Annual Physical Fitness Test. He noted that Officer Cook did the 300 meter run in 46.26 seconds; ran the

mile and a half in 11 minutes and six seconds; bench pressed 355 pounds; completed 101 push ups; completed 55 sits ups in one minute; and jumped a vertical jump of 23 inches.

PSD Johnson noted that Lieutenant Mark Zerbe will present the next award for the Civilian Support Award. He noted that on November 26, 2010, the police were dispatched to the 500 block of Mauretania Avenue for a reported cardiac arrest. He explained that they found Leslie Rehm administering Cardiopulmonary Resuscitation (CPR) to an elderly male. He noted that Ms. Rehm was driving by and observed the victim lying on the ground, called 911, got out of her car, and immediately began administering CPR to the victim until the arrival of the Police and Emergency Medical Services (EMS). He thanked Ms. Rehm for her selfless act and willingness to help someone in need.

PSD Johnson noted that the next award is a Life Saving Award presented to Officer William Wable, Community Service Officer (CSO) Charles Grubb, and a Community Support Award to Ms. Maria Ramirez. He noted on December 15, 2010, CSO Grubb, who was off duty, and Ms. Ramirez, were eating their dinner at Friendly's Restaurant when they noticed an elderly lady in distress. They initiated emergency care to the 66-year old patron who became unconscious after choking on a piece of food. Officer Wable arrived on the scene within a few minutes with the Automated External Defibrillator (AED) and all three continued emergency care until the arrival of EMS. The victim was transported to the hospital and survived the event even though she had stopped breathing. He noted without the actions of CSO Grubb, Ms. Ramirez and Officer Wable, it is likely the woman would not have survived the incident.

PSD Director David Johnson noted that Lt. Ron Gramigni will present the next two Life Saving Awards to Officer David Shifflett. He noted the first is for an incident that occurred on June 23, 2010 when Officer Shifflett was dispatched to Rosewood Drive for a male having breathing problems. He noted that Officer Shifflett arrived on the scene, prior to the EMS, and found a male having trouble breathing and wheezing. He determined that the male was having an

asthma attack and he located his inhaler and assisted in administering a dose. He noted that the victim became increasing worse and went into a state of unconscious and stopped breathing. He noted that Officer Shifflett began emergency breathing until the arrival of the EMS. He noted that the victim was transported to the hospital where he survived the incident.

PSD Johnson noted that the second incident occurred on September 11, 2010. He explained while Officer Shifflett was on patrol he was dispatched to a Blue Grass Avenue address for a cardiac arrest. He noted, upon arrival, he found a unconscious female not breathing with no pulse. He noted that Officer Shifflett applied the AED to the victim but was advised that a shock was not indicated. He noted that he immediately began CPR until the arrival of EMS. He noted that the victim was taken to the hospital and on the way to the hospital she began to breathe and regained her heart beat. He explained that without Officer Shifflett assistance it is very likely that the two victims would not have survived.

PSD Johnson noted that the next Life Saving Award goes to Sergeant Zuvich and Officer Chad Miller. He noted on April 11, 2010, Sgt. Zuvich and Officer Miller responded to a call for a 13 year old girl who had fallen down a flight of stairs and was unconscious and not breathing. Upon arrival they found the girl unresponsive. They immediately began emergency care including use of the AED. Upon attaching the AED to the victim they were advised that a shock was necessary. The officers shocked the young girl as advised and continued CPR until the arrival of EMS who then assumed care for the patient and transported her to the Hershey Medical Center where she survived the incident. He noted that the actions of Sgt. Zuvich and Officer Miller were instrumental in saving the life of this young girl.

PSD Johnson noted that the next presentation is an Award of Merit. He noted on June 11, 2010, Officers Bryan Ryder and Zethan Weary were on patrol when they were dispatched to a structure fire in an apartment building just off Locust Lane. When Officers Ryder and Weary arrived on the scene they found heavy smoke and fire conditions. Both officers entered the

burning structure without pause and began to evacuate the residents, many of whom were sleeping. In all, they evacuated nearly 30 people. Had it not been for the brave and selfless actions of these officers many residents could have been injured or killed. Officers Ryder and Shifflett displayed the highest level of bravery and community service.

PSD Johnson noted in 2010, Detective Autumn Lupey was assigned the heaviest case load in the Criminal Investigation Division. Det. Lupey vigorously pursues all leads in assigned cases and can be depended upon to competently handle any type of incident. Det. Lupey is a quick learner and has developed her skills in writing search warrants and utilizing other investigative tools to assist her in her assigned investigations. Det. Lupey was a finalist for the Non-Uniformed Officer of the Year Award. Det. Lupey is always courteous and respectful when dealing with the public and other law enforcement agencies. She is well spoken and conducts herself professionally at all times. Det. Lupey's actions demonstrate her commitment to assist those in need, and also reflect favorably upon the Lower Paxton Police Department and its mission to serve the community. He noted that Lt. Gary Seefeldt will present the Award of Merit to Det. Lupey.

PSD Johnson noted in 2010, Officer Walter Cook displayed great motivation in all areas of responsibility. He ranked first in total traffic enforcement among patrol officers. He can be counted on to arrive early for work everyday and rarely, if ever, misses a scheduled day of work. Officer Cook portrays a very professional image at all times. His dedication to fitness is second to none and he is a valued member of the Dauphin County Crisis Response Team; was a finalist for the Uniformed Officer of the Year Award; and was the recipient of the Lower Paxton Lions Club Officer of the Year Award a few weeks ago. Officer Cook's actions demonstrate his commitment to assist those in need and also reflect favorably upon the Lower Paxton Police Department and its mission to serve the community. Lt. Gramigni presented the Award of Merit to Officer Cook.

PSD Johnson noted that Lt. Mark Zerbe will present the Non-Uniformed Officer of the Year Award. He noted that Officer Dan Smeck has proven to be one of the most dedicated and dependable officers in the Department throughout his career. Officer Smeck was transferred to the Special Operations Division in May 2010 to serve as the warrant officer. Since being assigned to that position he has concentrated on seeking and finding those persons wanted for criminal matters. In many instances he was actively pursuing violent offenders who have been on the run for sometime. In 2010 Officer Smeck served 103 criminal warrants from May to December. He also served 181 traffic warrants and 45 non-traffic warrants. He has developed a network of information sources to assist in locating wanted persons, both in Pennsylvania and out. He has been so good at finding criminals out of state that the extradition coordinator for the District Attorneys' Office has asked if he could slow down. As a result of his efforts Officer Smeck was sworn in as a member of the United States Marshalls Fugitive Task Force in the fall of 2010.

PSD Johnson explained that the Awards Committee was unable to make a decision on who should receive the Uniformed Officer of the Year Award and decided to give it to two members. He noted that these two awards will be presented by Lt. Ron Gramigni.

PSD Johnson noted that Officer Chad Miller is awarded the Uniformed Officer of the Year Award. During 2010, Officer Miller proved to be an extremely dependable and productive patrol officer. Officer Miller responded to a high number of calls for assistance in 2010 and was the highest producing officer in the Department. He made 86 criminal arrests, including 14 drug arrests. He made arrests for illegal possession of firearms, and multiple DUI arrests. Officer Miller has developed a reputation as a conscientious, hard-working officer who is diligent at pursuing criminal investigations, and always willing to put forth the extra effort needed to

complete an assignment. In all his dealings with the public, Officer Miller maintains a courteous and professional bearing with both victims and defendants alike.

PSD Johnson noted that Officer Steven Cover is the recipient of the Uniformed Officer of the Year Award. During 2010, Officer Cover displayed a level of dedication and dependability rarely seen. Officer Cover is the lead instructor for all of the Oleoresin Capsicum Spray, firearms, and use of force training. He is responsible for conducting and scheduling the training twice annually. He is one of the Department's top field training officers. He, along with Cpl. Needham, developed an Emergency Vehicle Operations Course (EVOC) training program for the Department and provided the training to all patrol officers. In addition, Officer Cover responded to a high number of calls for assistance in 2010 and was in the top 1/3 in officer productivity in the Department. His work quality is of the highest quality. Officer Cover has developed a reputation as a leader, not only on his platoon, but throughout the Department. He is always willing to put forth the extra effort needed to complete any assignment.

Mr. Hawk noted that he was glad that so many people were in the audience to hear the many things that the men and women of the Police Department do on behalf of the Township's citizenry. He noted that they never know what they will face from day-to-day and they do it so well.

Mr. Hawk explained that Susquehanna Township Police Chief Robert Martin is present to present an award to Public Safety Director David Johnson.

Chief Martin explained that he is present to make an award to PSD Johnson who is a chief in the police profession. He noted that he wanted to congratulate all the officers who received awards and he quoted Muhammad Ali, "Service is the rent that we pay to serve humanity for our time here on Earth." He noted for police officers and all their families they never have to wonder if they have paid the rent to humanity because these officers do that 24 hours a day and God bless them.

Chief Martin explained that the award he is presenting to Director Johnson is known as the “Order of Honor Medal” of the Susquehanna Township Police Department, and also known as the “Drew Comrey Medal”. He noted that it is the highest award presented to Susquehanna Township Police Officers or to a Law Enforcement professional outside of the agency and the Committee selects several officers outside of their agency to receive the award.

Chief Martin noted that the story behind the medal is as follows. Drew Comrey was a young man that he coached in Little League Baseball many years ago, and he was his son’s age who is now 21. He noted when Drew was nine years old, he was diagnosed with cancer and battled the disease while playing Little League Baseball. He explained that he was an example of strength, honor and integrity to his fellow players and coaches. He noted when Drew was 13 years of age he succumbed to the disease and he wanted to do something in his honor. He explained that Drew made the 10-year-old All-Star Team, and played the game at the Rudy Road baseball field in the City of Harrisburg. He noted that Drew came to the game after receiving a cancer treatment, and at this time he had lost all his hair, and he was worn out. He explained that he put Drew into the game to bat and he hit a home run over the fence. He noted that Drew did 100 push-ups every day to keep up his strength.

Chief Martin explained that he needed to do something to carry on the name of Drew Comrey so that many others would come to know about him and keep his memory alive. He noted that he wanted to be able to present an award for those people in the Law Enforcement Profession who evoked the traits of Drew Comrey, and it gave him great pleasure to present this award to David Johnson, Public Safety Director.

Chief Martin explained that he and Dave Johnson came up through the ranks together since the early 1980’s. He noted that they were patrol officers and detectives together, and started in the supervisory ranks together. He noted that he loves him very dearly and he was very happy when he was promoted as the Public Safety Director for Lower Paxton Township. He

noted that Robert Kennedy stated, “Every community gets the kind of police department that it demands”. He noted that Lower Paxton Township has demanded absolute quality law enforcement, and in all Dave’s years with Dauphin County Law Enforcement, it has always been delivered. He noted that Director Johnson, as its leader, continues that today. He noted outside of the boundaries of this Township when he is fighting causes for law enforcement throughout Dauphin County, PSD Johnson stands side-by-side with him. He noted that he knows that he has his trust and support in any fight that they take on to better the lives of the officers that serve the citizens of Dauphin County. He stated that it give him great pleasure to present to Public Safety Director Johnson the Drew Comrey Order of Honor Medal for distinguished service to the Law Enforcement Profession and this certificate comes with a medal. He noted that the medal was designed as a cross and on the rung of each cross are the core values of the Susquehanna Township Police Department, courage, honor and integrity. He noted that Director Johnson lives those core values everyday.

PSD Johnson noted that he was quite surprised when he heard that he was going to receive the award and he thanked Chief Martin for it. He noted that they have worked together for more than 25 years together. He noted that they served on the Dauphin County Crisis Response Team and occasionally golf together. He noted that they share a great relationship and he was very helpful to him when he first took the position of Public Safety Director.

PSD Johnson explained that without Lt. Seefeldt, Lt. Zerbe and Lt. Gramigni he would not be a very successful Director. He noted that he is only as good as they are.

Oath of Office to a Fire Police Officer

Mr. Hawk administered the Oath of Office to Fire Police Officer David McCaughey.

Manager’s Report

Mr. Wolfe noted that he had nothing to report.

OLD BUSINESS

Action on a Memorandum of Understanding with the Tri-County Regional Planning Commission regarding its Regional Growth Management Plan

Mr. Hawk explained that he sits on the Tri-County Regional Planning Commission Board and they are looking into multiple municipal planning strategies. He noted that many neighboring communities share many concerns such as traffic and infrastructure. He noted that sharing these concerns is also known as intergovernmental cooperation with a purpose to promote a more regional concept in planning, to communicate with neighboring municipalities as to what is going on within their communities, and to promote a greater emphasis on increased infill development. He noted that an example of this would be when the Best Buy located to a previously held Weis Market store. He noted that recently Twitter moved its business out of the Township and was replaced by Patient First Care, utilizing existing buildings for further use. He noted that the main purpose is to promote intergovernmental cooperation, which the Township already does.

Mr. Crissman made a motion to approve the Memorandum of Understanding with the Tri-County Regional Planning Commission to promote its Regional Growth Management Plan. Mr. Blain seconded the motion. Mr. Hawk call for a voice vote and a unanimous vote followed.

Ordinance 11-03; Amending the Residential Cluster Zoning District to allow an increase in density under certain circumstances

Mr. Hawk noted that he wanted to highlight the five basic criteria for the zoning amendment. He noted that the conditions that must be met are as follows: There must be 200 acres of contiguous land; 45% must be open space; ten acres of the open space must be transferred to the Township as a public park; 15% of the total number dwelling units constructed must be sold to age 55 or over, and those numbers must be reported to the Township; and it only applies in R-1 and A-1 zoning districts.

Mr. Hawk noted that the Planning Commission approved the text amendment and the Dauphin County Planning Commission also approved with the condition that further comments could be made based upon the public hearing which will be conducted this evening. He noted that the Dauphin County Planning Commission felt that it was consistent with the Tri-County Regional Planning Commission Comprehensive Plan and they did not deem that a traffic study was required. He noted that John and Mark DiSanto from Triple Crown Corporation are present and they will highlight the text amendment.

Mr. Wolfe noted that the proposed ordinance allows a density bonus of up to 20% of the density that would be permitted in a residential cluster that has an underlying R-1 or A-1 zoning designation. He noted that the criteria that Mr. Hawk identified also need to be in place for the tract of land to qualify for a 20% density bonus. He noted that the Township Planning Commission, at its April 13th meeting, recommended approval of the text amendment with three conditions. The first was that the Board of Supervisors consider approval of this as a special exception or a conditional use rather than as a use permitted by right. He noted that it would require an amendment to the existing ordinance which would restart the process. He noted that the second recommendation was that an application that includes a density increase should require an updated traffic study to be reviewed by the Township. He noted that he did not know how that would apply in that a zoning amendment is not required to provide a traffic study and the application is part of the subdivision and land development process and not the zoning process. He noted that the third recommendation is that their recommendation is contingent upon the fact this it is a legal amendment and they requested an opinion from the solicitor that the text amendment is defensible in court.

Mr. Wolfe noted that the Dauphin County Planning Commission reviewed the text amendment during its April 4th meeting, and they reserved the right to offer additional comments after receipt of information from the Township's public hearing on the amendment. He noted

that the information will be provided to them. He noted that the public hearing has been advertised as required in The Paxton Herald, appearing on three dates in May.

Mr. Wolfe noted that it would be appropriate for Mr. Stine to conduct the public hearing at this time. He noted that the applicant would provide any information that he has in support of his presentation and then further public comment will occur.

Mr. Stine noted that this is the time and date set for the public hearing on Ordinance 11-03, amending the residential cluster zoning district to allow an increase in density under certain circumstances. He questioned if the applicant desired to make any comments at this time.

Mr. John DiSanto, President of Triple Crown Corporation, (TCC), introduced Mark DiSanto, CEO of TCC, Mark Coakley, Land Acquisition Manager, and Paige Macdonald-Matthes, corporate counsel.

Mr. John DiSanto noted that the acts of valor that the Police have done over the past year are a tribute to the Township and show what a fine Police force we have. He noted that the Police Department was involved in a fugitive apprehension that was underreported in the local media. He noted that a Black Angus steer escaped from ground owned by TCC, and by the time he arrived on the scene, the officers had corralled the steer back into the pasture.

Mr. DiSanto noted that both Mr. Hawk and Mr. Wolfe summed up the issue accurately. He explained that he would like to speak to the responses from the two Planning Commission meetings that he has attended. He noted, during the March 9, 2011 meeting, he asked that the amendment be tabled due to the significant amount of public comment that TCC needed to respond to. He noted that TCC has responded to those comments. He noted that one of the comments concerned how many parcels this amendment would affect in the Township. He requested his brother, Mark, to distribute Exhibit #1 that showed five parcels of undeveloped ground that is zoned R-C, none of which are over 126 acres at the present time. He noted that seven parcels were assembled and rezoned Residential Cluster (RC), and this could be done in

other areas of the Township, but all would require a two-step process. He noted that a developer would have to assemble the ground and have it rezoned.

Mr. DiSanto noted that an issue has been raised that this is an example of spot zoning. He noted that he does not believe it is spot zoning and referred to Exhibit #2 which is a letter from his counsel Serratelli, Schiffman and Brown providing case law for that issue.

Mr. DiSanto noted that there was discussion that this was special legislation and he does not believe it is as it does not treat this property differently from any other property. He noted that the request is not unconstitutional as any citizen has the right to approach its legislature and ask for a redress. He noted that the text amendment is supported by the Dauphin County Planning Commission and this is noted as Exhibit #3. He noted that the RC zoning provides for areas of additional benefits for the text amendment and provides the Township public improvements, open space, and so on.

Mr. DiSanto noted that a traffic study was mentioned and he agreed with Mr. Wolfe that it is not required in the zoning, but he contacted HRG, Inc. and presented Exhibit #4, which is a letter from them noting that after a thoughtful consideration of this matter, it was their opinion that a traffic study was not warranted. He noted that it is important to note that the letter states that HRG has conducted five other traffic studies in this area over the time frame in question and that has all been taken into account. He noted that it still does not warrant an additional traffic study.

Mr. DiSanto noted that the Lower Paxton Township Planning Commission recommended approval of the text amendment on April 13, 2011.

Mr. DiSanto noted that the proposed text amendment is a 20% density bonus if the following requirements are met. He noted that the property must be originally located in a residential low-density R-1 or A-1 zone; the property is rezoned to Residential Cluster, RC; property is comprised of 200 or more contiguous acres; at least 45% of the property is

maintained in open space; at least ten acres of the open space shall be constructed, dedicated and transferred to the Township for use as a public park, with the design and specifications to be determined by the Township; at least 15% of the total number of dwelling units will be constructed as age-restricted. He noted if the property would be rezoned, there are still additional stop gaps that Township has in place through the land development process to evaluate any potential ground acquisitions or approvals for the ground. He noted that he would have to go through the land development process for a particular piece of ground.

Mr. DiSanto noted that the benefit of the text amendment for the Township would be that there is a proposed 15% population growth by 2020. He noted that this would generate the demand for 4,700 new housing units. He noted that this statistic was part of the Township's Comprehensive Plan. He noted that the Comprehensive Plan supports the text amendment as follows: Page 3-3, "open spaces, valued whether public or private, sprawling development is clearly undesirable." He noted that the text amendment supports increased open space, and would meet one of the goals of the Comprehensive Plan. He noted on Page 3-4, "encouraging innovative open space conservation orientated development", noting that the text amendment would support this, requiring recreational facilities to be built, developed and dedicated to the Township for public use. He noted that it targets growth areas with existing zoning and infrastructure. He noted that these areas all have existing zoning and infrastructure in place. He noted that Page 3-6, talks to establishing a preferred method of public input for proposed development, noting that the text amendment has been reviewed with the Township, as well as staff, and the Stray Winds Area Neighbors (SWAN) has given input into the final document as well. He noted that Page 4-8, " for the Colonial Park North Community Planning Unit, an area to allow continued residential development while promoting green and open spaces throughout." He noted that the text amendment requires a minimum 45% open space which supports the goal and is 50% higher than required under the current ordinance. He noted that Page 4-8 states,

“developing residential areas of density consistent with adjacent neighborhoods,” clearly clustering will do that, noting that it does that without changing the continuity of existing developments in the area. He noted on Page 4-15, “provide housing alternatives for seniors,” and the text amendment supports this with its 15% requirement for age restricted transfers. He noted that Page 4-34, talks to protecting stream corridors with riparian buffers, noting the clustering obviously allows you to do that. He noted that it promotes the health, safety, and welfare of the Township with good planning.

Mr. DiSanto noted that he has tried to keep the Board and staff informed as to what he is trying to do, and he would be happy to answer any questions at this time.

Ms. Helen Gemmill, attorney with McNees, Wallace and Nurick, explained that she represents three residents who live in the areas: Andrew Snyder, Harry Ulsh and James Black, all of whom are present at the meeting. She explained that she would make a couple of general comments and then ask Harry Roth, a planning expert, to talk about the planning perspective. She noted that she would also request that Mr. Snyder present a few things as well.

Ms. Gemmill explained that she knows that the Board is very familiar with TCC’s proposed development for the site. She noted, in the July 2006 meeting minutes when the rezoning was approved for this property as RC, one of the items mentioned was if TCC is provided the additional density that TCC would contribute monies to fix some off-site traffic places that the Board could not otherwise force them to do. She noted that a woman spoke about this tonight, the intersection of McIntosh and Colonial Roads, a very dangerous intersection that needs to be fixed. She noted that the Board discussed supporting a variance that allowed TCC to have the 75 additional units. She explained if TCC is granted the 75 additional units, they have an agreement with the Township that they will provide these off-site improvements that were valued in 2006 at \$1.8 million. She noted under Pennsylvania law that is not permitted as a basis to adopt an ordinance. She noted that the Planning Commission had a comment that the solicitor

was to provide an opinion if it was allowed under Pennsylvania Law. She noted that the Board had Paige Macdonald-Matthes' opinion. She noted that she has researched this as well and found it to be a form of spot zoning/special legislation known as contract zoning. She noted that the case law is very clear that a municipality can not give something from a zoning perspective to a particular property owner specific to that particular property in exchange for a benefit to the Township. She noted that the Township needs additional revenue and needs to have these intersections fixed, but this is an unlawful way to grant that relief to a developer.

Ms. Gemmill noted that she would like to have Mr. Harry Roth, who is a planner, speak to the Board as to why this ordinance is not sound planning, but is an example of an ordinance invented that is specifically designed to provide a benefit to one developer for one property that is not allowed under law.

Ms. Gemmill questioned what Mr. Roth does for a living. Mr. Roth explained that he has been a community planning consultant for over 32 years. He noted that he has a master's degree in urban regional planning, and is a member of the American Institute of Certified Planners. He noted for the past 25 years he has worked with local governments, and principally is in the profession of developing comprehensive plans, zoning ordinances and recreation open space plans for municipalities. He noted that 90% of his work focuses on serving municipalities such as Lower Paxton Township.

Ms. Gemmill questioned if he had the opportunity to review the specifics of the proposed amendment. Mr. Roth answered yes.

Ms. Paige Macdonald-Matthes questioned a point of order in that she believes that it is appropriate for the Township Solicitor to cross examine the witness. Mr. Stine answered that he usually does not examine people that want to make comments. He noted that however they want to present their comments... Ms. Macdonald-Matthes noted that this is not a comment; it is testimony and Mr. Stine is serving as a defacto hearing officer. She questioned the proprietary

nature of Ms. Gemmill's cross examination. Mr. Stine noted that the Township has no rules as to how you can make comments, so this format is acceptable. He noted that it is not normal but it is acceptable since there are no rules as to how it should be done.

Ms. Gemmill noted that Mr. Roth's plan analysis shows that TCC would be permitted to build 374 units on this property as a right, noting that the 20% bonus, that this density ordinance would allow, would permit an additional 74.8 units, rounding to 75 for a total of 449 units. She noted that is the exact number that TCC sought with the variance that was not upheld by the courts.

Ms. Gemmill questioned if there is any sound planning purpose for that particular element of the proposed ordinance. She noted that the zoning amendment requires that the land be more than 200 acres, and she requested Mr. Roth to comment on it from a planning perspective. Mr. Roth stated that he has seen many ordinances that provide for density bonuses for all kinds of reasons but he has never encountered a zoning ordinance that required at least 200 acres for such a density bonus. He noted that the existing ordinance and existing residential cluster provision required 10 to 20 acres to be 90% of what occurs in this region.

Ms. Gemmill questioned Mr. Roth if he would comment on Mr. DiSanto's comment that there are other properties in the Township that could meet this requirement if they were assembled, and if the zoning ordinance would currently allow such an assembly of properties. Mr. Roth answered that he used the geographic information and data provided by the Tri-County and Dauphin County Planning Commissions and did an analysis of the existing RC zones within the Township, and found none that exceeded 200 acres. He noted that the largest is 147 acres, but interestingly enough, if you look at the zoning ordinance and the purpose of the residential cluster zone, it speaks to the fact that it was a carryover from former planning projects that were in the development pipeline. He noted that it talks about the fact that the ordinance does not contemplate additional rezonings to this district.

Ms. Gemmill noted for the required 45% open space requirement, the current RC zone only requires 40% open space. She questioned if this particular requirement has any sound purposes with respect to a density bonus. Mr. Roth answered that there are different standards that are applied in different circumstances. He noted that certain types of developments will have different amounts of required open space, but the 45% figure is a very high figure. He noted that the problem is that it begins to limit the application of the sound planning principal to one location within the community. He noted that he did not see why the Township would not want to try to implement residential clustering with the use of density bonuses in areas that many not necessarily have 45% or 40% open space. He noted that it could just as easily be applied to areas that have 25% to 35% open space and provide the ability to save more ground and provide for more units in the process. He noted that it is the restrictive nature of the requirement that limits the application, and in this case, limits it to only one property and one development.

Ms. Gemmill requested Mr. Roth to comment on the ten-acre parkland requirement in relationship to the current ordinance, and if it has any relationship from a planning standpoint to a density bonus. Mr. Roth answered that he does not believe that it does, noted that it seems to have been cherry-picked from the Stray Winds Farm Plan as something that they proposed. He noted to suggest that a ten-acre arbitrary figure be used really goes against sound planning. He noted that you need to size the parkland based upon the population to be served, therefore, if you have a larger development you many need more than ten acres. He noted for this particular development the number of proposed units would require more than ten acres, and under the current Subdivision and Land Development Ordinance (SALDO), 17or 18 acres would be required.

Ms. Gemmill questioned if there is any relationship between the age-restricted transfers proposed here which is different than the age-restricted development standard that is currently used under the zoning ordinance in Section 3-15 that would provide a 15% density bonus if

100% of the property was considered age-restricted. She noted that the age-restricted ordinance requires that it be permanently restricted by deed or by lease, and a note on the plan that no individuals under the age of 18 years of age are permitted to live there. She noted that this is different from what is currently in the ordinance. She noted that this is a temporary, first transfer, to one person who is over age 55. She noted that this is a new concept that doesn't currently appear in the ordinance, and it is not permanent in any way. She questioned Mr. Roth if this age-restriction requirement has any correlation to rational sound planning with respect to a density bonus. Mr. Roth answered that the use of density bonuses is a common practice in encouraging age-restricted housing, and in this sense, there is a relationship to it. He noted when you begin to assemble all the other factors; it seems to bear no relationship in itself with respect to the overall frame of this ordinance.

Ms. Gemmill requested Mr. Roth to explain what effect all the factors together have as to whether or not this proposal has any sound planning. Mr. Roth answered that it is worrisome, noting that each of the criteria in and of themselves are very limiting and would make it difficult for a developer to engage the density bonus. He noted when you compile them together it begins to sound absurd, except when you review it in the context of an existing development that has been the subject of review by this Township in the past. He noted that is what troubles him. He noted that it seems like focused legislation aimed at validating a previously approved plan that can no longer meet the zoning requirements. He noted with respect to the Comprehensive Plan, (CP), the applicant cherry-picked several specific instances that seemed to fit this amendment. He noted that the problem is that the CP is encouraging the use of many valid planning principals, such as conservation design development, clustering, and the use of density bonuses. He noted when you put all of these factors, and these limits and filters, into the use of those techniques they don't become available. He noted that is inconsistent with the recommendations within the Township's CP.

Ms. Gemmill requested Mr. Andrew Snyder to come forward. Mr. Andrew Snyder, 3975 Paxton Church Road, explained that his home abuts the property to the south. He noted that the traffic issues, within the past five to six years from when the property was purchased, for Crums Mill Road has increased, as drivers use it as a shortcut from Linglestown Road to the Colonial Park area. He noted that the construction of Saint Margaret Mary Church has also added to the traffic. He noted that he discussed the text amendment with residents in the area and collected 217 signatures on a petition from residents who are in opposition to the proposed text amendment. He noted that the Board is under some pressure on a couple of different fronts. He noted that the \$1.8 million has been offered for traffic improvements, and also, there are several high profile individuals who are in favor of the proposed text amendment, for what he believes are personal reasons.

Mr. Snyder noted that it was mentioned that SWAN approved the text amendment, but he would like to challenge the notion that SWAN represents the majority of the opinion for this area. He noted that he has 217 signatures, and he would challenge SWAN to view their actual membership, rather than just being a collection of email addresses. He suggested that the maximum number of person who ever attended a SWAN meeting is roughly 60 people, and half of those, when the vote was taken, were against the proposed text amendment. He challenged the fact that SWAN represents the opinion of the people from the area. He suggested that it does not.

Ms. Gemmill requested Mr. Snyder to distribute copies of the petitions and a copy of Mr. Roth's report to the Board members. She stated that she does not feel that there is any basis for this text amendment from a planning standpoint, it is only to benefit TCC, and she thinks that it violates Pennsylvania law, and is an example of unlawful spot zoning, special legislation and contract zoning. She noted that the Planning Commission comments have not been addressed, and if you were going with the plan that was developed five to six years ago, there would be a need for an updated traffic study, but it is not required for this proposed text amendment.

Ms. Gemmill noted that she is a resident of the Township, and it is rare that she gets to appear in the Township where she resides. She noted that she has reviewed the Township's website, noting the Township's slogan, "Good Government for a Great Community". She stated that the community is great; it is a superlative, noting that the government is only good. She noted at first she thought it was a joke, but then upon reviewing it a second time, she noted that good was not in contrast to great, it was not intended to be a superlative, but to talk about the quality of the government in the Township. She noted that good government is doing things for the entire Township, not for the benefit of one developer. She noted that good government does not accept benefits from a developer even if it helps the Township. She noted that Mr. Stine has reviewed with the Board members recent case law of what happens when a good supervisor tries to do something for the benefit of the Township. She noted that is not what good government is about. She noted that she would urge the Board members to reject the amendment as something that cannot be adopted because the benefit is only for TCC, it would not apply anywhere else, and that is not a rational, sound planning basis for the health, safety, and well-being of Lower Paxton Township.

Shelly Kunkle, 1491 Haven Croft Road, noted that she is a member of SWAN and is representing the Chairman, Eric Epstein, who was unable to attend the meeting. She noted that she would like to submit the testimony that was presented to the Planning Commission as part of this record. She noted that the major focus of those comments related to traffic concerns that the neighbors raised about additional development for the Stray Winds Farm, have been addressed thru negotiations by SWAN, TCC, and the Township. She noted that the \$1.8 million in road improvements has been mentioned by Attorney Gemmill this evening. She noted that her neighbor, Andrew Snyder, is strongly against this issue as many others are.

Ms. Kunkle explained that a text amendment is a legitimate means by which a proponent can seek to modify a Township ordinance. She noted, in addition to the written testimony that

she has submitted, she would like to acknowledge that those neighbors who oppose the text amendment are doing so based upon two numbers, 374, which represents the number that can be developed on the land without any text amendment and, 449, the number of units in the proposed plan. She noted that she would agree that it is a lot about numbers but there are more than those two numbers. She noted that five is the number of years that SWAN has been organized for all neighbors to participate in a dialogue about this development process and to contribute to smart development in the Township. She noted that 62 is the number of public meetings hosted by SWAN to discuss this important issue and other development issues that affect the neighborhood. She noted that 58 newsletters have been published outlining activities for the organization and posting updates on the development of the process. She noted that the organization has been transparent and open to input from all the neighbors. She noted that 50 to 75 is the number of feet that was negotiated in this plan for various neighboring properties as setbacks. She noted that 150 is the number of feet to be provided as riparian buffers along creek sides. She noted that 111 is the number of acres negotiated as open space. She noted that ten acres has been negotiated as a passive park. She noted that 8,400 is the number of feet for a private walking path through the development. She noted that 15% has been decided upon as age-restricted housing. And she noted that \$1.8 million is the amount of funds needed to improve the over-vertical and add turning lanes at Colonial and McIntosh Roads.

Ms. Kunkle noted that the text amendment that the Board is being asked to consider captures the collaboration of five years of SWAN's work between the Township, developer, citizens and taxpayers. She noted that it is a very good example of a collaborative effort and opportunity for neighboring property owners to have a voice in the process. She noted that SWAN respectfully requests that the Board vote to approve the amendment.

Mr. Mark Levine, 1507 Knoll Crest Road, noted that he is also a member of SWAN and he would like to add another number, and that is three. He noted that is the number of streets in

Colonial Crest that will not be opened up. He noted that McIntosh Road will be the artery to be used for east/west traffic. He noted, as a citizen of the Township, that both Planning Commissions have discussed a traffic study. He noted that the last one that he viewed was five years old. He noted that the traffic study mentions Paxton Church Road, and Progress Avenue, and the Devonshire Road and Colonial Road intersections and areas along Linglestown Road and also Colonial Road, along with McIntosh and Colonial Road. He questioned what impact the TCC development will have on these areas, and for what percentage is the developer responsible for some of this stuff. He noted that the traffic study shows that they are not really responsible for much impact on many of the intersections, so he would like to narrow his discussion down to three intersections. He noted that would be the McIntosh and Colonial Roads, Crums Mill and McIntosh Roads, and Crums Mill and Paxton Church Roads intersections. He noted for the Crums Mill and Paxton Church Roads intersection, for the southbound side, it was suggested that a right-turn lane onto Paxton Church Road be added. He noted from Progress Avenue, east on Paxton Church Road, it is suggested that a left-turn lane to head north on Crums Mill Road be added. He suggested at that particular intersection, the TCC development will have a big impact and it should be their responsibility to improve it.

Mr. Levine noted as a SWAN member, he would like to clarify that the \$1.8 million was not requested by the Township. He noted that it came from TCC in negotiations with SWAN. He noted that TCC agreed to make the improvements to McIntosh and Colonial Roads and McIntosh and Crums Mill Roads. He noted that this was presented to the Board and the Planning Commissions as a TCC idea and not the Township. He noted that the intersection of Paxton Church and Crums Mill Roads was overlooked in discussions and needs to be addressed and should be part of that \$1.8 million in improvements.

Mr. William Gannon, 4200 McIntosh Road, wanted to thank the Board members for its political support that it provides to its administrators and staff. He noted that he has attended

numerous meetings in opposition to the text amendment, noting that he opposes the increase in density from the 374 number for whatever reasons. He noted that he does not know if it justifies a traffic study or a revision of a traffic study, but he noted that it will have a significant impact given the funneling of all traffic onto a single avenue of McIntosh Road. He noted that he finds that unacceptable and the currently proposed means of handling that traffic unacceptable. He noted that something needs to be done with the flow of the traffic.

Ms. Susan Landersman, 1604 Woodcrest Road noted that she is a taxpaying citizen of Lower Paxton Township. She noted that she is not a lawyer, planning consultant, or a public speaker. She noted that there are several issues about this that really bother her. She noted that her property abutts the Stray Winds Farm property. She noted her biggest concern is the impact to McIntosh Road. She noted that the land will be developed, and she has been to meetings and to SWAN meetings but she did not get to everyone of them. She stated that she does not believe that SWAN represents her. She stated that she appreciates the fact that McIntosh Road was recently paved.

Ms. Landersman noted that the single access to the area for school buses, and trips to the mall, as well as emergency vehicles, is access by a single road only. She questioned how the developer can have 400 more units with limited access. She questioned if Hillsdale Road will be opened. She suggested that the plan as proposed is not a good one for the neighborhood, and the text amendment seems to favor certain agenda items for TCC. She noted that she loves open space and the walking trail is great since she hates walking on McIntosh Road as it is dangerous. She noted that McIntosh Road is used as a major shortcut between Linglestown Road and Colonial Road, and it is very dangerous. She noted that her biggest concern is the impact of the traffic. She noted that the plan as proposed is not a good one. She noted that the incentive of off-site improvements might be very tempting to the Township but it should not play a role in the Board's decision. She noted that she would love to have McIntosh and Colonial Roads

intersection fixed, noting that she uses Woodcrest Road to access Colonial Road because she does not like to pull out at McIntosh Road. She noted that she appreciates that TCC is willing to make the improvements but it should not play a role in the Board's decision, and she asks that the Board oppose the amendment.

Mr. Harry Ulsh, 4203 McIntosh Road, noted that he has been a resident of the Township since 1972. He noted that he has seen a lot of things happen to his road and in the future more will happen to his road. He noted that he is not happy with it at all and he is here to ask the Board that all the traffic not be dumped entirely on McIntosh Road. He noted that there are other roads that come into the farm that are dead end such as Hillsdale Road and Valley View Road that could be utilized. He noted that the Garlands, in their wisdom, when they built the Colonial Crest area many years ago, built those roads for future use. He noted that they had a dream that someday this farm would be sold and Colonial Crest would be enlarged with the sale of the farm. He noted that he knew the Garlands personally and he tried to help them with their camper. He noted that Mr. Garland showed him the development maps for Colonial Crest so he can appreciate what they envisioned for the future. He noted that the roads are under stress and if you don't think that, just look at Colonial Road. He noted that it is a State Road but he also knows that there are at least two gasoline deliveries to Sheetz that uses the road daily. He noted that you can see the stress marks on Colonial Road as it is coming apart. He noted that the State sealed the cracks to keep the water from damaging the foundation. He noted that Devonshire Road is stressed beyond comprehension at several hours of the day and Earl Drive is another sore subject. He noted if you try to exit the PNC Bank at Devonshire and Colonial Roads to make a left turn at the light, I wished you luck as there is no green arrow assist on that road. He noted that Mr. Crissman lived in Old Colonial Village for many years and it must be fun to try to exit from that development. He noted that you don't look right-left-right; you look left-right-left to

exit that development. He noted that the cars are traveling 50 mph on Colonial Road and it is not fun.

Mr. Ulsh noted that Ms. Dix stated earlier that she is a newcomer to McIntosh Road. He stated, welcome aboard, he knows what she is in for. He noted that it is not fun. He noted that he use to work on the railroad and he had to be on floor of the Enola Diesel Shop at 7 a.m. in the morning, and he could come out of his driveway and didn't have to look really hard to see if any traffic was coming. He noted, today, you have to look pretty hard. He noted that vehicles come up over the hill very fast, the speed limit is 35 mph, and everyone wants to drive faster than 35 mph. He noted that the amount of people who are apprehended on Colonial Road. He noted that there is a turnoff, however, no turnoff exists on McIntosh Road, and if your vehicle breaks down, you better hope to God that no one rear-ends your vehicle if you have to change a flat tire. He noted that the speed limit should be dropped. He noted that the development will be built, but the speed limit should be dropped as McIntosh Road is a country bumpkin road. He noted that he would like to see Hillsdale and Valley View Roads opened up. He noted if you are going to spend the funds to improve McIntosh Road... He explained that his neighbor, Steve Brindle has a beautiful California ranch house and he is loosing land from the front of his property by eminent domain. He noted that Katherine Schwaibold who lives counterpoint from him is losing land by eminent domain. He noted that they are only getting a pittance for their properties. He noted that it is a shame and he doesn't like eminent domain, and he does not like that it caters to this development. He noted that we could open the other roads without bothering McIntosh Road. He noted if the other roads were sucking the property or the traffic out of the properties we would have it made. He is asking the Board for its support as he is against the text amendment and he would like to see the Board support his road and his neighborhood.

Mr. Jim Black, 1605 Woodcrest Road, noted that he lives on the corner of Woodcrest and McIntosh Roads. He noted that he has not been involved in many of the meetings but the

numbers cited by SWAN do not by any stretch of the imagination represent the feeling of the residents of Lower Paxton Township. He noted that the Board has a petition signed by 217 people and that was made possible through the efforts of a couple of people in this room. He noted that he was on vacation when the petition was signed. He noted that the Board should consider those numbers as opposed to a few numbers that were cited by SWAN. He noted that the Board needs to consider the wishes of the residents, particularly the people who are present.

Ms. Shelly Kunkle, 1419 Haven Croft Road, noted that she would like to respond to the low attendance of SWAN and how that somehow is diminished in comparison to the number of names on the petition. She noted that SWAN represents advanced citizenship and engagement over a period of years. She noted that it encompasses dozens of letters and newsletters. She noted that no one came to her house with a petition but she understands that it was a door-to-door effort over a weekend or two. She noted that she read the question posed in the petition and it is a simple one, "Do you prefer this number or that number", without any clarification of what those numbers mean. She knows several people who signed the petition without knowing what they were signing and told her that they thought they made a mistake. She noted that she is not sure that the petition accurately represents the consensus of the Township anymore than the comment that SWAN represents the consensus of the Township. She noted that SWAN has been an open, transparent, organization, and she invited people to come to the meetings to voice their concerns. She noted that the people present at this meeting could have been a part of the process from the very beginning and she invites them to do so in the future.

Ms. Elena Dix, 4104 McIntosh Road, noted that when she bought the home, it was a quiet area, a place to retire to with little noise, noting that she previously lived in Philadelphia. She noted that there is discussion about building cluster homes and a public park. She noted when she drives out of her driveway, she must turn left or right or she will be in the field. She explained that she almost got hit by another vehicle that was driving down McIntosh Road at

roughly 40 mph. She noted that the Township will need every police officer that was in this room to patrol the area since it will be that crazy. She noted that she has seen people who had nice places to live in, and then, a developer built all these houses that you can throw a ball to the next house and there is no place for these people to go. She noted that 15% of the population will be old people, but she stated that she did not know what you will do with the old people if you have a baseball diamond in that area. She noted that they will not come and just sit at the baseball diamond, they will drink their beer, and do whatever they will do and they will race up and down the road. She noted that you will not be able to control that unless you increase the police. She noted she has seen it before and that is why she moved from Philadelphia. She noted that she does not know what a good position to be in is; all she knows is that she does not want to look across the street into someone's bedroom window. She noted that she does not want the public park across the street because it will spill over to her property. She noted that she does not want to have to put mirrors at the end of her driveway, and a stop light to get out of the driveway. She noted that she does not want to hear the ambulances and all those kinds of things. She noted that she does not know all the facts, but she has seen the map, and yes, McIntosh Road looks like a thoroughfare. She noted that it is a small two-lane road, but she heard Mr. Ulsch discussing eminent domain, where they come to chop a piece of your property off and say it's mine, here is \$2.50, because now you are going to have a highway up in your yard. She stated that she does not know if that is true or not, and she does not have all the facts, but she doesn't like it.

Ms. Dix noted that Ms. Kunkle stated that SWAN had the organized meetings; however she is new to the area, and she is listening to a lot of things, people are explaining a lot of technical stuff, but no one is saying what the impact is. She noted that she understood from the dialogue that TCC stated that it will do \$1.8 million improvement if you let us do this. She noted to her that is shady because it is like saying, I'm giving you something so you can let me get

away with this. She noted if you are going to put that many people into a community then why not have a traffic study, what are they going to do, they cannot teleport out of their places, they have to get out of there some kind of way, so this means that there should be a traffic study. She noted that she sees so many houses for sale, and they are going to build 400 more homes. She questioned if there is some kind of study to determine how many houses in the area are up for sale before they can go build another 400 houses. She noted that is her question. She noted that she is not a developer, a lawyer, but that is the thing that she was asking. She noted that it took her almost three light changes to get to the meeting tonight from Route 22.

Mr. Ted Robertson, 4351 Crestview Road, explained that he has been a resident of the Township for 52 years, 37 of which he has resided at the Crestview Road address. He noted that he is a member of SWAN and one of his responsibilities as a member has been to attend the Township meetings for the last five and a half years. He noted that he attends all of them: Authority Board, Planning Commission, Zoning Hearing Board, and Board of Supervisors Meetings. He noted, between Watson Fisher and himself, they have attended most of the meetings for the last five and a half years. He noted that he has been working very diligently for the past five years to try to get the best possible use out of the land at Stray Winds Farm.

Mr. Robertson noted that we have been kicking around two numbers at this meeting, 374 and 449. He noted that the difference is 75 units. He explained that he has a copy of the traffic study in that was completed in 2006, with the numbers for all of the intersections. He noted that McIntosh Road is not the only road in and out of Stray Winds Farm. He noted that the study was done for 600 units, 60% single-family and 40% condominiums. He explained that he interpolated the numbers taking it down to the numbers equivalent to the 374 and 449. He noted that this must also include the number of units to be located in Susquehanna Township which he believes to be 72 units. He noted that the traffic study showed the peak hour traffic in the morning for the 372 units on McIntosh Road was 69 and for the 449 units it would be 80 vehicles. He noted for

the evening peak hour traffic for the 374 units would be 85 vehicles and for the 449 units, it would be 99 vehicles. He noted that they are interpolated numbers, and the traffic study indicates that single-family units generally have more peak hour trips per unit than the condominiums. He noted that it works out to .74 trips peak hour for the single-family units and .43 trips for the condominiums. He noted if you are concerned about traffic there is not a big difference between the two numbers.

Mr. Robertson explained, in his past life, he spent some time working in the Central Office of PENNDOT and he stated that he could assure those present that Colonial Road is a traffic safety engineer's nightmare. He noted that the intersections don't meet sight-line standards, noting that the intersection at McIntosh Road does not meet sight-line standards, nor does it on the other side of the hill at Valley View Road. He noted that McIntosh and Crums Mill Roads are even worse.

Mr. Robertson explained that people have talked about buying improvements, however, those improvements would greatly improve the intersections by bringing the sight-lines up to the standard, and it will improve the safety of all the residents using Colonial Road, McIntosh Road and Crums Mill Road. He suggested that this must be considered, and he thanked the Board for their time. He noted that he would recommend approval of the text amendment.

Mr. Jason Burkhart, 4098 McIntosh Road, noted that he did not plan to speak but some of the things that he heard have irritated him. He noted that he lives on the corner of McIntosh and Valley View Roads. He noted two weeks ago a car flipped in front of his house and hit the tree on the south side of his house. He noted that the vehicle was driving east. He noted that it was roughly 12:30 a.m. and they were probably traveling 60 to 70 mph. He noted that the roads were torn up and the driver must have hit a pothole and flipped the car. He noted that it happens constantly down his road. He noted that no one wants to access Colonial Road at McIntosh Road so they swing up Valley View Road. He noted that he has kids and vehicles travel 45 to 50 mph

down the road taking the corner at 35 to 40 mph. He noted when the speed limit changed a few years ago to 35 mph, as it previously was 25 mph, his wife got a ticket two weeks later. He noted the traffic study needs to be redone, noting that you can't have 400 homes dumping out onto McIntosh Road. He noted if you looked at the old plans, Valley View Road was supposed to continue if there was a new development. He noted that the traffic is an issue and he does not want to see any extra cars, but development is development. He noted that he does not want the extra number of cars coming up his road in order to gain access to Colonial Road. He noted that ever since the sewers were rehabilitated, all of the homes have been flooding because none of the rainwater goes into the sewer lines anymore, which he guessed was a good thing. He noted that it is bad now because a river runs down McIntosh Road when it rains. He noted that he has a concern about building and where all that runoff water will flow. He assumed that storm drains would be installed as part of the development. He noted that this is an issue now that was not one five year ago because the sewer system was not upgraded. He suggested that the entire plan needs to go back to square one, and they need to come up with a plan that makes sense. He noted that he is not saying that they can't develop the land. He noted that they need to get everyone in agreement with a new plan.

Ms. Elda Klinger, 3816 Club Drive, noted that she uses all the roads that have been discussed this evening. She noted that she has lived in the Township since 1958 and is familiar with them. She explained that she drives across those roads to avoid Linglestown Road. She noted that the people have only mentioned McIntosh Road but she has not heard anyone mention Crums Mill Road, Linglestown Road, or any of the other roads. She noted that those roads should be taken into consideration, knowing that they are narrow roads, and are taking your life into your hands if you are not on your side of the road when you go up and down those hills. She noted that you must drive slowly and most people don't. She noted that she does not want to

see street after street with no green space, therefore, she asked that the Board take this into consideration when considering the cluster with the open spaces.

Mr. Eric Booker, 1491 Haven Croft Drive, noted that he is a member of SWAN, though he is speaking for himself at the moment. He noted the 374 units can be developed with no improvements and we will get what we will get, or we can allow TCC...people are making it sound like TCC is extorting the extra units from the Township, but they have agreed to help the citizens and we are helping them in return by allowing them to make a little more money, and in return we get a much nicer situation. He noted that we get a little more traffic with roads that are improved to make them safer for everyone, and we get a development which is much more pleasing to the eye. He noted, in the long run, it will be a greater benefit to the Township and the residents than having a few less cars with less units. He noted having a bucolic development to see as opposed to a cookie cutter type development is going to have a positive effect on property values in the future. He noted that he supports the text amendment and he thinks it will be a good thing for everyone involved.

Mr. Booker noted, with respect to Mr. Snyder's group and the petitions that they gathered, it took a lot of work to do it, but what were these people told when they were asked to sign the petitions. He questioned how many people didn't sign the petition. He questioned how much weight you can put on those petitions. He noted that SWAN has been working on this plan for five years, having many meetings, all of which have been open to the general public. He noted that people were encouraged to join, and a vote that was taken after an open debate where anyone could come to speak their mind. He noted that SWAN voted to support the text amendment.

Ms. Kathleen Gannon, 4200 McIntosh Road noted that she is not a speaker. She noted that she is one of the persons who collected a large number of the signatures and wanted to share with those present what she said to the people. She noted that she asked them to read the

statement at the top of the petition and if they agree, to please sign the petition. She noted that she had two people who declined to provide their signatures. She noted that she was responsible for roughly 75 signatures. She noted in terms of the people who agree with the text amendment, none live on McIntosh Road. She noted that they live in other areas that are not directly affected by increase population and increase traffic. She noted that she would like the Board to vote against the text amendment.

Mr. Mark DiSanto, CEO of TCC noted that he would like to address a couple of points. He noted that Ms. Gemmill spoke to spot zoning and she mentioned special legislation, but TCC has provided a letter from its counsel that cites case law supporting that it is not spot zoning or special legislation. He questioned where Ms. Gemmill's case law and proof is as she has provided none. He noted that Harry Roth is a fine guy and knowledgeable but Ms. Gemmill admitted during the April 13, 2011 Planning Commission meeting that he is the hired gun and paid by McNees to say what they want to hear. He noted that a lot of people disagreed with his opinion. He noted that the acreage amount has been well thought through, the 45% open space he said is too high, however TCC notes that the Township wants more open space. He suggested lowering it to 25% or 30% would be acceptable, however, through a collaborative effort with SWAN and the Township, that was a strong number negotiated for the density bonus. He noted that the ten-acre park may be too big, but the Township is constantly talking about larger park grounds with improvements. He noted that he met with the Park and Recreation Board and negotiated improvements that would be done for that park and it was approved by that Board. He noted that Mr. Roth stated that it was worrisome, he questioned worrisome to whom. He noted that Mr. Roth stated that TCC cherry-picked the Comprehensive Plan seeking support of the text amendment. He noted that it was not cherry-picked; it was a comprehensive reading of the plan to present evidence that supports the text amendment. He noted that he was surprised that Mr. Roth was unable to produce any evidence out of the Comprehensive Plan that opposed this. He

noted in all the discussions that we have heard from the people who have commented, it's traffic, traffic, traffic that is the reoccurring theme. He noted that the traffic study was completed and it was done by HRG for both Townships and it was a comprehensive traffic study. He noted that TCC has addressed significant issues, and he questioned if the text amendment can be carried through for the development of the property. He noted that Mr. Robertson and Mr. Burkhart summed it up, with the approval of the text amendment there will be a better development that will be more aesthetic to the community, improvements structurally to the community through the road improvements already discussed, and it will have been accomplished through a collaborative effort which is important with the Comprehensive Plan.

Mr. DiSanto noted that Ms. Kunkle was very clear with her numbers noting that there is 111 acres of open space based on the 45% requirement. He noted that is very significant. He explained that the 8,400 feet of pathway and ten-acre public park are very significant and important to the Parks and Recreation Board. He noted that the reoccurring theme of negativity has been traffic and this is the process by which it will be addressed. He noted to ask for a text amendment is the process in which ordinances gets changed and modified and the Comprehensive Plan noted in its guiding form that it should be reviewed and adjusted as times dictate and specific items dictate. He noted that he would ask the Board's approval of the text amendment as submitted based on the years of collaborative effort with the Township, staff, the community at large and the businesses that have an interest in this. He noted that it is easy for people to say no, and blame it on traffic, but no one has come up with a comprehensive solution that he has presented in that has the support of some of the community. He noted that no other alternatives, studies, or solutions have been submitted.

Mr. Stine questioned Ms. Gemmill if she has any documentation to share with him. Ms. Gemmill noted that she would be happy to provide those to Mr. Stine. Mr. Stine requested that Ms. Gemmill email that information to him.

Mr. John Trish, 600 Prince Street, noted that he gets The Patriot-News and does not get The Paxton Herald. He stated that he did not know that this was on the agenda until he viewed the television screen tonight. He noted that the Board is getting ready to vote and those at home are watching the scroll on the television. He noted that it seems like something is going on. He noted with the text amendment, the problem is the Township has ordinances and they require a certain density and if you don't like the density you try to change it. He noted when people come to speak in opposition to it that is their right also. He noted what upsets him is that Mr. DiSanto stated that he has the community's support, but the only support that he saw while sitting at home watching was what he saw on TV, and when it is time to vote, the screen goes to music. He noted that he wants to know all the facts about it and he is recording it so he can go back to look to see what was said and what wasn't said. He noted that every gentleman on this Board knows him. He noted that he is a very non-confrontational person, but when something is fishy it is fishy. He noted that the Board wants the text amendment passed and they don't want it passed. He noted as far as all the facts go, he doesn't have them because he was listening to music. He noted that he would appreciate if the Board would start putting the advertisements in The Patriot-News. He questioned Mr. Stine if it isn't a requirement that a certain amount of the publication must be distributed within the Township. Mr. Stine responded that it is a requirement that it has to be a newspaper of general circulation within the Township. Mr. Trish noted if only 100 homes in Lower Paxton Township get it and the rest of the 40,000 homes get The Patriot-News then it is tough, we get The Patriot-News and not The Paxton Herald. He suggested that the Board needs to think about that.

Mr. Stine noted that it would be in order at this time to close the public hearing on Ordinance 11-03 and the Board may take action if it so desires.

Mr. Hawk noted that he had a lot of questions. He noted for the petition that was presented, it was not the issue of the 374 homes, but the additional 75 homes. He noted that the

Board thrives on new ideas and input and the real challenge is to assimilate the ideas into a workable solution that benefits the most residents. He noted that any time you make a decision not all will agree with it. He noted that the Board will try to flush out the solution that is the most widely acceptable one.

Mr. Seeds noted that he was impressed with the comments and appreciates the turnout. He noted that he learned that you have to do your homework. He noted that the people involved with SWAN, over the past six to seven years, have diligently work to come up with a plan that they felt was the best for their community. He noted, after hearing some of the testimony, he wished that many other people would have partook of those meetings and got more involved. He noted that he would urge people to get involved in their community. He noted that 200 signatures are on the petition that reads as follows: "We the undersigned oppose any action by the Township that would permit the owner of Stray Winds Farm property to develop more housing units on that property than the 374 units presently allowed by law." He suggested that you could take that different ways. He noted that anyone who has not been involved and attended SWAN meetings or came to workshops or Planning Commission meetings would, on the surface, know that if someone came to his home he would state that he did not want more homes because we all know there is a lot of traffic. He noted that many people moved to the Township because it is a great place to live, and we all think that we will have open land around us forever. He noted that we all want our little piece of the pie, so to speak, and we think that nobody else has a right to be there. He noted unless you are a billionaire in today's world that is not going to happen. He noted that it will not happen unless you can buy all the land around you. He noted that someone is going to move next door. He noted that everyone has that right and it is very tough sitting on the Board because we have to weigh the rights of the individuals, the rights of the owner of the property to develop their property, and the rights of the community. He noted that it is tough to weigh in on the scales the rights of individuals and the rights of the community. He noted that he

wished that many of the people who spoke tonight would have gotten involved before. He noted, on the surface, this looks like a good plan. He noted that there are more units proposed and there is open space, but we know, by right, the developer can build the 374 homes. He noted that it is a tough decision for the Board to make. He noted that the Board heard things tonight that the Board may need to look into. He noted that the Dauphin County Planning Commission stated that they wanted to review the testimony. He noted that it has been a long haul for TCC and also for the SWAN group. He noted that there were a lot of good comments presented.

Mr. Hornung noted that SWAN was battered around during the meeting, and he remembered when they first came into existence, the Board's first reaction was "oh no". He noted that they have been a group of people who have made recommendations and not one that dictates to the Board what it should do. He noted that they have been more like a consultant, and a very good one, as they have always been open, they have kept their meetings open, have tried to represent the general public, and have been a good consulting group. He noted that they have helped the Board come up with greater solutions to a lot of development that has occurred in the Township. He noted that he wanted to commend the group as they have been an asset to the community. He noted that the Township is blessed with volunteers who are willing to step up to plate and do something constructive.

Mr. Blain questioned Ms. Gemmill how many specific cases she has that are specific to this matter. Mr. Gemmill answered that there are three cases that are specific to this matter that deals with a "quid pro quo agreement" with the Township and how it becomes spot zoning. Mr. Blain questioned if those cases have been provided to Solicitor Stine for his review. Ms. Gemmill answered that she called him this morning to ask if he had done his analysis as the Planning Commission asked him to do since he is the person that provides counsel to the Board, and he informed her that he had not been asked to do that analogy.

Mr. Hawk noted that there are some differences of opinion as to what spot zoning is and what it is not.

Mr. Crissman noted that he appreciates hearing the comments and he would like to thank the local people who sat down for five years and worked together to solve a local problem. He noted that he appreciates that we, as local people who live here, work here, and play here, can solve our problems together.

Mr. Hawk noted that he agrees with Mr. Crissman and has taken a page of notes during the public hearing.

Mr. Seeds questioned Mr. Stine with the same question that the Planning Commission had, "Is it a legal amendment and is it legally defensible". Mr. Stine noted that he could not make that judgment tonight without doing his research. He explained that you have the position of Stray Winds Farm that provided a memo, and Ms. Gemmill who stated that she has case law that she believes supports the opponent's position. He noted without seeing those documents he could not say one way or the other. Mr. Seeds suggested that Mr. Stine would need more time to review those documents. Mr. Stine noted if that is the wish of the Board he will do that. Mr. Seeds noted that he would like to hang his hat on what Mr. Stine tells him since he is the person who would protect him as a Board member.

Mr. Blain noted that he would feel more comfortable with Mr. Stine doing an independent analysis of these different cases because his concern is that Ms. Gemmill is hired by the group in opposition to the Ordinance. He noted that she would identify cases that will support their position. He questioned Ms. Gemmill if she found any evidence that does not support the opponent's position. He noted that there is a clear interest for Ms. Gemmill to support who has hired her.

Mr. Crissman noted if the Board delays the decision, the ordinance must be re-advertised. Mr. Stine noted that the Board would have to advertise a notice of proposed enactment for

another meeting. Mr. Blain noted that this ordinance should be brought to a resolution as soon as possible. He questioned if Mr. Stine would have enough time to do his research before the next business meeting. Mr. Stine answered yes.

Ms. Macdonald-Matthes noted that her client, TCC, is prepared to defend the Township just as it did with the variance issue. She noted that TCC submitted its case law in a timely manner. She noted that the five years of hard work has been discussed and TCC has been diligent in providing information even when it wasn't requested. She stated that it is almost a day late for Ms. Gemmill to submit these cases that she just found. She noted that she has known about the memorandum that TCC submitted on April 13, 2011 but saw fit to do nothing, and in light of the fact that the opposition has not submitted the cases in a timely manner, they should not be afforded the additional time to come up with the cases that support their position, and cherry pick the issues they want to present to the Township. She noted that the meeting was properly advertised, there was ample time for a memorandum to be prepared and submitted and it wasn't. She noted that Mr. Stine closed the hearing. Mr. Stine noted that just because the hearing was closed does not mean that the Board has to make a decision.

Mr. Seeds noted that he appreciated Ms. Macdonald-Matthes comments. He noted that he could not vote in favor of this amendment until his solicitor tells him that, in his opinion, it is legally defensible.

Mr. Hawk questioned the Board members as to what they wanted to do. Mr. Hornung questioned if a motion would be needed to postpone the vote for two weeks. Mr. Stine suggested that the motion would be to schedule the decision for a specific date and then authorize staff to advertise a notice of proposed enactment for that date. Mr. Crissman noted that the next possible date for a meeting would be June 21, 2011. Mr. Hornung questioned if Mr. Stine would be able to provide his legal opinion by that date. Mr. Stine answered that it would not take longer than

that. He suggested that the advertisement for that notice should be not less than seven days; he noted that he would double check that.

Mr. Hornung made a motion to postpone the decision on Ordinance 2011-03 to June 21, 2011 at the 7:30 p.m. meeting subject to being able to meet the advertisement requirements. Mr. Crissman seconded the motion. Mr. Crissman questioned if counsel would be able to report back to the Board members for his legal opinion, and noted that it would provide time to request comments from the Dauphin County Planning Commission since they had a specific note that they wished to offer additional comments after receipt of the minutes from the public hearing. Mr. Hornung noted that he was agreeable to that change in the motion. Mr. Seeds noted that is the main issue. He suggested that the traffic issue has been resolved since the traffic study was done for 600 units and the proposed plan calls for less homes.

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

Request from New Cingular Wireless PCS for waiver of accrued penalties in regard to delinquent real estate taxes

Mr. Wolfe explained that Cingular Wireless was delinquent in the payment of real estate tax for one of its cellular tower properties. He noted it was due to a transfer of title issue that resulted in the bill being sent to the wrong address. He noted that it was Cingular's opinion that it was no fault of their own as the tax bills were never mailed to them. He explained that they have requested the forgiveness of the penalties assessed by the Township in the amount of \$67.85 on taxes due in the amount of \$736.09 for the five years in question.

Mr. Crissman made a motion to approve the request for New Cingular Wireless PCS for waiver of accrued penalties in regard to delinquent real estate taxes as presented by Mr. Wolfe. Mr. Blain seconded the motion. He questioned Mr. Wolfe if Cingular failed to pay their property

taxes since they did not receive the tax notice. Mr. Wolfe answered that was correct. Mr. Blain questioned if it is the property owner's duty to make sure they get a notice to pay the property taxes. Mr. Wolfe answered that is correct. Mr. Seeds noted that everyone knows they should be paying taxes somewhere. Mr. Blain questioned if other people will do the same thing and request to have their penalties dropped since they never got their bill. Mr. Crissman noted that it sets a dangerous precedent. Mr. Hawk noted that they never received the bill. Mr. Blain noted that he understands that, however, as a property owner, if you don't receive your bill, you would call to find out what happened. He noted that he would be concerned that this would set a precedent for any one who does not receive their tax bill. Mr. Seeds questioned, if it was sent to the wrong person, why they did not pay the tax or make the necessary notification. Mr. Crissman noted that they should have forwarded the tax bill. He noted that the bill was sent to Pro Trust and they did not take the responsibility to forward the bill, however, the property owner is still responsible to pay the bill.

Mr. Hawk called for a roll call vote: Mr. Blain, nay; Mr. Crissman, nay; Mr. Hornung, nay; Mr. Seeds, nay; and Mr. Hawk, nay.

Resolution 11-09; providing for the preparation, updating
and maintenance of an emergency operations plan

Mr. Wolfe noted that the Board already approved this Resolution, however, the Board adopted it before it was formally adopted by Dauphin County, therefore, it must be adopted again.

Mr. Crissman made a motion to approve Resolution 11-09, 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 voted followed.

Action on bids for energy improvements at the Friendship Center

Mr. Wolfe noted that the packet includes a letter of recommendation from the engineer in regards to awarding energy improvements bids. He noted that the bids were received on June 1, 2011, and two contractors provided bids and both were in order. He noted that the low bid for the HVAC contract base bid for ventilations units, plus Alternate 1 for energy recovery units, were made by A. P. Williams in the amount of \$75,682.00. He noted that the low bid for the plumbing contract base bid for hot water heater replacement was made by Edwin L. Heim Company in the amount of \$37,100.00. He noted that it is the engineers and staff's recommendation that the Board award to these two contractors as the lowest responsible bidder. He noted that there was electrical work that was included in the bids, but it was Mr. Fleming's recommendation not to award these items due to excessive prices and authorize the rebid for those items.

Mr. Seeds questioned where the money is coming from to pay for these expenditures. Mr. Wolfe explained that it is a grant from the Department of Conservation and Natural Resources for 50% of the funds and the remaining 50% is coming from the FCC Capital Fund. Mr. Seeds questioned if it was budgeted as an expense. Mr. Wolfe answered yes. Mr. Seeds questioned if the pool heater is still functioning. Mr. Crissman noted that it is not for the pool, it is for the hot water heaters.

Mr. Crissman questioned if he read a notation for change orders for electrical work. Mr. Wolfe answered that Mr. Fleming's email to him stated that it would not be appropriate since the Change Order amounts would be in excess of 25% of the amount of the contract, however, according to Mr. Stine's interpretation, it would be appropriate. Mr. Seeds suggested that the bids came in much higher than the engineer's estimate.

Mr. Crissman made a motion to approve the contract for Demand Base Ventilation Units, to A. P. Williams in the amount of \$75,682 and the plumbing contract base bid for hot water replacement to Edward L. Heim, Co. in the amount of \$37,100 and reject all other items on the

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

Ordinance 11-04; amending regulations governing sanitary sewage pre-treatment

Mr. Wolfe explained that this ordinance amends the current Township Sanitary Sewer Pre-treatment regulations, adds the definition of Polychlorinated Biphenyls, and sets and changes the maximum daily limit for certain items including Arsenic, Cadmium, Chromium, Copper, Cyanide, Lead, Mercury, Molybdenum, Nickel PCBs, Selenium, Silver, and Zinc. He noted that the amount of those items are listed that require pre-treatment. He noted that the Board is required to adopt pre-treatment standards set forth by the Waste Water Treatment Plant, and in this instance, it is the City of Harrisburg Authority making the request.

Mr. Crissman made a motion to approve Ordinance 2011-04 amending regulations governing sanitary sewage pretreatment. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous voted followed.

Agreement between the Township and its Fireman's Relief Association
regarding reimbursement of funds to the Association upon sale
of the Township's Seagrave Pumper

Mr. Wolfe noted when the Seagrave pumper was bought by the Paxtonia Fire Company and paid for by the Township, there was a small amount of equipment added to the fire truck, in the amount of \$6,700 that was above the purchase price of \$452,909.19 that was paid by the Township. He noted, when the Township sells the fire truck, a prorated share of that equipment has to go back to the Fireman's Relief Fund. He noted that the Township needs to have an agreement between the Township, Fireman's Relief, and the Paxtonia Fire Company that memorializes that requirement. He noted that it was an audit finding for the Fireman's Relief Association by the State and their recommendation was to enter in the agreement.

Mr. Crissman made a motion to approve the agreement between the Township and its Fireman's Relief Association regarding reimbursement of funds to the Association upon the sale

of the Township's Seagrave Pumper. Mr. Blain seconded the motion. Mr. Seeds questioned Mr. Wolfe if he was aware of any other equipment that has the same issue. Mr. Wolfe noted that he would not be aware of any. Mr. Seeds suggested that the Board should be weary of this and have some discussions with the fire companies. Mr. Wolfe noted that the Board has no control over how the firemen spend the Firemen's Relief Funds. Mr. Seeds suggested that it could be a problem in the future. He suggested that the Board should look into this in the future. Mr. Hawk called for a voice vote, and a unanimous vote followed.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were three Improvement Guarantees.

Mindy Meadows, Phase 2

An extension and 10% increase in a bond with Eastern Atlantic Insurance Company, in the amount of \$853,570.30, with an expiration date of June 7, 2012.

Hawthorne Suites

An extension and 10% increase in a letter of credit with M&T Bank, in the amount of \$130,959.15, with an expiration date of June 7, 2012.

Weis Markets

An extension and 10% increase in a letter of credit with M&T Bank, in the amount of \$52,502.63, with an expiration date of June 7, 2012.

Mr. Seeds questioned if the Weis Market Improvement Guarantee was the one called by the Township during a previous meeting. Mr. Wolfe answered yes, noting that it would be an agenda item at the next workshop meeting. He explained that Weis Market is coming to discuss with the Board about extinguishing the land development plan. Mr. Seeds questioned Mr. Wolfe if he was in favor of this. Mr. Wolfe answered that the Township must have something in place or it would be responsible for the improvements.

Mr. Crissman made a motion to approve the three listed improvement agreements as presented. Mr. Blain 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. Mr. Crissman seconded the motion. Mr Hawk called for a voice vote, 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 10:27 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary