

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held December 20, 2011

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:33 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 B. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were Steven Stine, Township Solicitor; Stephen Fleming, HRG, Inc. and Watson Fisher, SWAN.

**Pledge of Allegiance**

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

**Approval of Minutes**

Mr. Crissman made a motion to approve the November 7, 2011 workshop meeting and the November 22 and December 6, 2011 business meetings. Mr. Blain seconded the motion, and a unanimous vote followed.

**Public Comment**

No public comment was provided.

**Chairman & Board Members' Comments**

Mr. Seeds wanted to express the Board's congratulations to the two area high schools, Bishop McDevitt and Central Dauphin High Schools. He noted that they both had very successful seasons and it is an honor that two of the State's best football teams are from the area. He noted that Central Dauphin High School won the State Football Championship and he wanted to thank the fire companies for sponsoring an impromptu parade for the winning team.

## **Manager's Report**

Mr. Wolfe noted that the first meeting of the Board of Supervisors for the 2012 year will be held on Tuesday, January 3, 2012 at 7:30 p.m. He noted that all municipalities are required by State Law to meet that night to reorganize. He noted that the meeting will be televised.

## **OLD BUSINESS**

### Resolution 11-23; Adoption of the 2012 fiscal year budgets

Mr. Wolfe explained that he had a budget power point presentation for the Board, and the viewing audience.

Mr. Wolfe noted that Lower Paxton is a Second Class Township within Pennsylvania and it is the 19<sup>th</sup> largest municipality in the State and the fifth or sixth largest Second Class Township by population with a 2010 census of 47,360 within the 28 square miles. He noted that Mr. Robbins informed him today that the current count of municipal roads is over 200 miles, with 275 miles of sanitary sewers, 320 acres of parkland, and 140 full-time employees and over 400 part-time workers.

Mr. Wolfe noted the Township provides basic services to those who live in the community to include, public safety, police, volunteer fire services, emergency medical services, and emergency preparedness services. He noted that the Public Works Department maintains the roadways, storm sewers, municipal properties and compost facility. He noted that the Sanitary Sewer Department operates the municipal sanitary sewer collection system on behalf of the Lower Paxton Township Authority and is undertaking a huge reconstruction program for those sanitary sewers.

Mr. Wolfe noted that the Township has a very active Recreation and Parks Department with four regional parks and ten neighborhood parks, all of which contain facilities and are used for program activities over the course of the year. He noted that there is an indoor Friendship

Center recreation facility which is a free-standing entity. He noted that the Municipal Center houses the Community Development, Codes Enforcement, Health, and Sanitation Offices, and regular municipal operations.

Mr. Wolfe noted that the Township operates with several budgets with the primary fund for operations being the General Fund (GF). He noted that it includes State Aid revenues for municipal roadway maintenance.

Mr. Wolfe noted that the 2012 budget is balanced in the amount of \$19,170,478; including the State Aid allocation. He noted that the capital improvement fund, called the General Improvement Fund (GIF) is used for capital projects. He explained for 2012, the budget is proposed to be \$2,182,700. He noted that the Friendship Center has an operating fund in the amount of \$2,122,343, and is an enterprise fund where the revenues from the operations of the center for programs and memberships pays for the operations of the center. He noted that the other enterprise fund is the Lower Paxton Township Authority. He explained that the sewer rate payers pay for the \$13,205,191 in expenditures programmed in 2012 in operations with capital projects budgeted in the amount of \$15,119,100. He noted that the Authority has projected budgets in excess of \$10 million in capital expenditures for more than five years and it will continue for many years to come as the sewer system is improved and rebuilt.

Mr. Wolfe noted that the proposed spending plan for 2012 in all funds is \$51,871,312.

Mr. Wolfe noted the GF is required to be balanced and it operates under a calendar year basis. He noted that it includes the State Aid allocation for municipal roadway maintenance and it is approximately \$20 million for 2012. He explained that the primary source of revenue for the Fire Equipment Capital Fund, Police and Non-Uniformed Employee Pension funds is transfers from the GIF. He noted that the GF revenues funds major source is the Earned Income Tax (EIT) accounting for roughly 35% of overall revenues. He noted that the Real Estate Tax

revenues account for another 20% of the municipal revenues leaving a variety of sources for the remaining revenues. He noted that all of this information, to include the charts, is available on the Township website. He noted that the major operations for expenditures is the Police Department allocating nearly 35% of all the municipal operations, followed by the Public Works Department, followed by Fire, Ambulance and Sewer operations.

Mr. Wolfe noted that the GF includes the State Aid allocation, noting that the Township will receive approximately \$1 million in 2012 from the State from its Liquid Fuels Tax used for maintenance and road construction items. He noted that the Board maintains a Fire Equipment Capital Fund, using these funds to purchase nine pieces of apparatus for the three fire companies. He noted since the inception of this fund, the Board has spend more than \$4.5 million. He noted that the current fund balance is \$790,000. He noted that the Board has established a Length in Service Awards Program for the volunteer fire fighters, providing a small stipend to the volunteer fire fighters based upon their years of service. He noted that the program will begin to provide monthly payments in January 2013. He noted that the current fund balance is \$302,000.

Mr. Wolfe noted that the GIF is for capital projects and \$2.2 million is planned to be spent in 2012 for various projects.

Mr. Wolfe noted that the FC receives revenues from its user charges to fund its operations, debt service, and capital facility. He noted that the budget for 2012 is \$2.1 million and it also has a capital fund in the amount of \$300,000 with roughly \$46,000 of that to be spent in 2012.

Mr. Wolfe noted that the Lower Paxton Township Authority is the second enterprise fund providing sanitary sewer service. He noted that the complete operation is paid for by the rate payers, those who pay a quarterly sanitary sewer rate. He explained that the budget for 2012 is a little more than \$13 million providing for transmission and treatment of waste and also debt

service on capital projects used to improve the sanitary sewer system. He noted that this Department has significant on-going projects for improvement of this system, removing clear water that seeps into the system during wet weather events, noting that this clear water can cause overflows of the system. He noted that the Township is required to rebuild large sections of the sanitary sewer system, and in 2012, over \$15 million is planned to be spent on such projects. He noted that the Township Authority currently has \$45 million in the bank to fund these projects. He noted over 15 projects have been or will be conducted during the 2012 year.

Mr. Wolfe noted that most citizens are interested in the GF as it is funded by tax dollars. He noted that the GF has been a very lean operation for the past few years. He noted in the end of 2008, the Board saw the unfolding of the economic crises and made adjustments and reforms to account for the significant decrease in revenues. He noted that for the past five years, annual expenditures for municipal operation have increased by a total of 3.7% or .73% per year. He noted that the Consumer Price Index (CPI) for that period of time has increased over 12%. He explained that revenues have decreased over the past five years and the gap between revenues and expenditures continues to widen, ending the year in a deficit position. He noted for this to occur, funds are taken from the GIF. He noted that the Board's policy is to maintain at least 25% of the operating funds in the GIF as a rainy day fund to provide for municipal cash flow purposes. He noted that the GF balance at the end of 2011 is estimated to be \$3,340,934 which is less than the 25% requirement of \$4.5 million. He noted that the GF balance is short \$1.2 million. He noted that the fund balance was used to provide for deficit situations that the Township has experienced over the past five years. He noted that the municipal work force has been reduced from a compliment of 152 employees in 2007 down to 134 employees in 2011. He noted that other cost savings measures is the 12-hour rotation of shifts for the police officers and reducing the total compliment of full-time police officers by several officers. He noted that the

police officers have also started to contribute to their pension fund, noting that administrative employees have taken a wage freeze in the past, and the American Federal, State, County and Municipal Employees (AFSCME) union has negotiated the same in their upcoming contract. He noted that employee contributions to municipal benefits are also increasing, the Board of Supervisors has smoothed pension plan losses in accordance with PA Act 44, and the Board has delayed the purchase of certain expenditures.

Mr. Wolfe noted that the Township will experience a tax increase in 2012. He noted that the largest source of revenue is the EIT and he expects it to generate \$6.1 million in 2012. He explained that it is \$400,000 less than what is expected in a normal year due to the economic conditions and the national recession. He noted that the Township also levies a Local Services Tax (LST) for anyone who works in the Township. They must pay an annual tax of \$52, and this tax generates \$1.1 million in revenues. He noted outside of these two taxes and the Real Estate Tax, residents in the community pay no other taxes on an annual basis to the Township. He noted that the EIT revenues have decreased over the past few years, greatly impacting the GF budget. He noted that the only significant source of revenue that the Township can change is the Real Estate Tax. He noted that the Board cannot address the EIT, or the LST or the Real Estate Transfer Tax.

Mr. Wolfe noted that the proposed increase for the 2012 Real Estate Tax is from .9625 mills to 1.3 mills. He noted that the increase will generate \$3,851,153 in revenues, only making up 20% of the GF. He noted of this amount, 30% of the Real Estate Tax goes to fund volunteer fire company operations. He noted that \$1,165,875 is provided to the fire companies in various forms, either through direct contributions, the Fire Equipment Capital Fund, LSOAP, fire hydrants services, and emergency medical services. He noted when you deduct the 30% from

the Real Estates Tax, it only leaves \$2,700,000 for municipal operations, making up 14% of the GF budget.

Mr. Wolfe noted that the Real Estate Tax will not increase total GF revenue with the year end 2011 revenue estimate being nearly \$18 million and the 2012 GF proposes revenue of \$18.2 million. He noted that the tax increase proposed tonight does not account for a huge windfall for the Township and additional revenue. He noted that it makes up for the revenue shortfalls that the Township was experiencing in other areas. He noted that the municipal expenditures will not increase because there is a tax increase. He noted that the 2011 fiscal year was expected to end with expenditures of \$17.9 million with next year's budget being \$18.2 million.

Mr. Wolfe noted that the Real Estate Tax offsets the reduction in the EIT and will provide increased funding for necessary capital improvements, specifically storm sewer improvements, due to the recent flooding of this year, and will provide an increase in revenues to the volunteer fire companies. He noted that the Real Estate Tax will be used to help replenish the GF balance. He noted that the GF is under the Board's threshold policy of maintaining 25% of the operating funds.

Mr. Wolfe noted that the increase in the tax from .962 mill to 1.3 mill will generate roughly \$1 million to be used to offset the expected reduction in EIT of \$400,000; reduced development revenues in Community Development and Real Estate Transfer Tax of \$200,000; fund a three-year program of storm sewer improvements estimated to cost \$2 million; and it will help to reestablish the GF balance which is now \$1.2 million under the Board's threshold. He noted that the average Real Estate Tax for all Dauphin County Municipalities, deleting the five highest which were above 9 mills and two which do not have Real Estate Tax, is 1.975 mill, with the Township's increased rate at 1.3 mill. He noted that is continues to be significantly below the average Real Estate Rate. He noted for the average property owner whose land is assessed at

\$200,000 the homeowner will pay \$260.00 or an increase of \$68. He noted that Lower Paxton Township is one of three taxing bodies that assess a Real Estate Tax, noting that the Township's proposed tax is 1.3 mill, Dauphin County's current level is 7.226 mill and the Central Dauphin School District's tax rate is 13.548 mill, making the total Real Estate Tax rate paid by residents 22 mills. He noted that the Township's tax rate is roughly 5% of the total tax bill.

Mr. Wolfe noted that this completes his summary of the tax rate explanation and Resolution 11-23 details the municipal budgets as well as the proposed rate of taxation. He noted that it is staff's recommendation that the Board act affirmatively on the resolution this evening.

Mr. Hawk noted that was one of the most comprehensive reviews of the Township's budget for an upcoming year that he has heard. He noted that government should operate the same as a person does in his or her own home, noting when money is tight you need to budget accordingly. He noted that Mr. Wolfe's review has shown that the Board has gone to significant measures to do exactly that. He noted that the Board started to deliberate in June on the budget and has met monthly to keep up with the current economic trends to develop an austere budget. He noted that it does not cut services to the public.

Mr. Crissman noted that this Board has held many in-depth meetings which have been open to the public, allowing for public input. He noted that staff has made a great team effort to reach this point and he would like to thank the staff and the community who participated in bringing the budget to this point tonight.

Mr. John Trish, 600 Prince Street, noted that he attended the workshop meeting held last week and he agreed that the Township needs a tax increase, however, if the economy makes a change for the better and the EIT revenues increase, then there should be a reduction in the Real Estate Tax. He noted that it is important to maintain the 25% threshold in the budget, however,

there are many people in this Township who are not working and many who are well off and getting raises, and making money and capable of sustaining increases in taxes. He noted that it is not only this increase in Real Estate Tax, but there will also be an increase in the School District tax come July. He noted that thankfully the, Dauphin County Commissioner's will maintained their current tax rate, but when the revenue from EIT increases, he will come back and ask the Board to reduce the Real Estate Tax rate. He noted that we have a very unique Township with many hard working people and that is why we are capable of doing what we do since most people try to maintain their properties. He noted that the Board members need to take care of the citizens also. He noted that we had a very hard year, and because the next door Township's tax rate is not as high as ours, it does not mean we have a right to raise the taxes. He noted if the revenues increase next year for EIT then we need to lower the Real Estate Tax rate.

Mr. Crissman noted that the Board is the people's representatives and the Board does a good job representing the people. Mr. Trish noted that he understands that.

Mr. Crissman made a motion to approve Resolution 11-23, the adoption of the 2012 operating and capital fiscal year budgets, and establish a rate of taxation at 1.3 mills for the 2012 fiscal year. Mr. Blain seconded the motion.

Mr. Seeds thanked Mr. Trish for his comments. He noted, in the 1990's, the Board cut taxes when the economy was better. He noted that the Board tried to hold off raising taxes as long as it could hoping the economy would come back, but in the meantime it had to let a lot of things go. He noted that roadwork was let go, and in this past year, there were many storm sewer issues. He noted that there are many things that need to be fixed. He noted that the tax increase is costing everyone money and hopefully the economy will get better and the Board can say next year that it has too much in its reserve account. He noted that we have to be able to fix the roads

and storm sewers and help out the people. He noted that the rainy day fund is depleted and we don't want to have to borrow money to pay the bills as it would cost more money to do so.

Mr. Hawk noted that the Board has decreased taxes on numerous occasions and it keeps a very strong eye on the economy and trends.

Mr. Hornung noted that the Board sat down with each Department Head and they cut both man hours and spending to get us to this point, and he was very impressed that they continue to get the work done. He noted that the Township relies on a tremendous amount of volunteers to get things done, noting if it wasn't for people like the fire fighters, the taxes would be up where many of the other municipalities are. He noted that staff watches its spending, and it is a tribute to them that we only have to raise the taxes as much as proposed.

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**

#### Ordinance 11-10; Amending the Police Pension Plan to remove the killed-in-service insurance provision

Mr. Hawk noted that the Pennsylvania Legislature enacted Act 51 of 2009 with the purpose of removing the Killed-in-Service provision from all pension plans to comply with Act 600 which was enacted in 1956. He noted that this will be replaced with a similar plan which will be administered by the Commonwealth of Pennsylvania. He noted that it would deal with the distribution of funds to the surviving spouse and eligible children.

Mr. Wolfe noted that he had nothing more to add other than this item was negotiated with the Police Pension Committee and the Township is a little behind schedule in getting this done. He noted that it must be done by way of Ordinance as the pension plan document was adopted by Ordinance. He stated that Mr. Stine will conduct a public hearing on the Ordinance.

Mr. Stine noted that this is the date and time set for the public hearing on Ordinance 11-10; amending the Police Pension Plan to remove the Killed-in-service insurance provision. He asked if anyone in the audience wished to be heard on this ordinance. Seeing no response, he noted that it would be in order to close the public hearing on Ordinance 11-10, and the Board may take action if it so desires.

Mr. Crissman made a motion to approve Ordinance 11-10; amending the Police Pension Plan to remove the Killed-In-Service insurance provision. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Action on proposal from HRG, Inc. to prepare, in conjunction with Enterprise Information Systems, a pavement management system

Mr. Hawk noted that the Board has been looking to purchase a pavement management system for the Township's roadways for quite some time as it goes directly to keeping up the roadway infrastructure.

Mr. Wolfe noted that this has been discussed informally for over two years and the amount proposed is \$75,000 to undertake a comprehensive review and analysis and cost allocation of the municipal road infrastructure. He explained that the program will be prepared in partnership with Herbert, Rowland and Grubic (HRG), the Township Engineer, and Enterprise Information Systems. He noted that Mr. Steven Fleming, from HRG, is present to answer questions anyone may have on this system.

Mr. Fleming noted that the proposal is for a pavement management system. He noted that he has worked with staff for more than two years to determine what type of system best suits the needs of the Township and what features should be included in the packet. He explained that he prepared a scope that will provide a program that will help to manage the roadway network. He noted that Enterprise Information Systems is located in Virginia, and they provide a state of the art vehicle that is equipped with data collection equipment that will travel the Township's

roadway system, and take that information to rate the roads on a national index using the PCI standard. He noted that the software data will make a recommendation for a pavement management program. He noted that the program will also inventory the signs for sign management, and document the signalized intersections, pavement markings, equipment, and provide key information to prepare pavement contracts on an annual basis.

Mr. Hawk noted that this is a much needed approach for the Township's infrastructure. He noted that the Federal Government is working on a sign retro-reflectivity program mandating that signs be replaced with a reflectivity factor by either 2015 or 2018. He noted when that becomes the law, the Township will have to bring its signs into compliance. Mr. Fleming noted that the program will list all the sign types and locations, and build upon the current sign replacement program. Mr. Hawk noted that the Township could do this work in advance before the mandate takes place. He noted that all signs will have to be written in capital letters and be much more highly reflective in nature. Mr. Seeds noted that staff will not have to drive out to locations to determine what kind of signs are in certain locations as that data will be downloaded into the computer. Mr. Fleming noted that it would provide for another tool for staff to use, noting that staff currently replaces signs on a regular basis and it would provide updated information on this. He noted that the software would provide an image of the sign.

Mr. Hawk questioned if Mr. Fleming could teach staff all they need to know in a one-day training program. Mr. Fleming answered yes, noting that it is a one-day training program, noting that it will build upon the GIS network that is familiar to staff, therefore, the majority of the training will be to teach the different components.

Mr. Seeds noted that the proposal calls for the 200-mile network of roadways and Mr. Wolfe recently noted that we have over 200 road miles. He noted that the contract states that it will not exceed over 200 road miles. Mr. Fleming noted that he would coordinate what roads

would be included in the contract, and the 200-mile road length was the most current information when the proposal was designed. He noted that new roads would not have to be driven as they are in good condition and the information on those roads could be manually entered into the software program. Mr. Seeds questioned if this would include State highways. Mr. Fleming answered that it does not.

Mr. Hornung explained that the Township has been dealing with HRG for many years and has a level of trust with the engineer, but he questioned, for contract, if there are hold backs until the project is completed, only paying for so much at a time, knowing that you don't get the full benefit until the last bit of work is done. He questioned if a 10% hold back should be implemented for future projects as an incentive to get the work done properly. He noted that it is typically done on a construction project. Mr. Fleming noted that the nature of the project is that the largest cost associated is the data collection and the pavement management assessment. He noted that Enterprise Information Systems will complete that part of the system and he will be able to verify that the contract work was completed. He noted that he would make the necessary recommendations for the level of payment. Mr. Hornung questioned if the data would have to be further massaged in order to enter it into the Township's system. Mr. Fleming answered that the later stages of the project are inputting the sign information, signalized intersections, and final training.

Mr. Crissman questioned Mr. Fleming if he read the proposal. Mr. Fleming answered yes. Mr. Crissman questioned Mr. Fleming if he would be a "hands on" project manager or would subordinates be doing the work. Mr. Fleming answered that he would be a "hands on" project manager.

Mr. Crissman made a motion to accept the proposal from HRG prepared in conjunction with the Enterprise Information Systems for a pavement management system in the amount of \$75,000. Mr. Blain made a second motion.

Mr. John Trish, 600 Prince Street, questioned if the Federal Government's guidelines for reflectivity for signs went into affect in 2012. He questioned what it would cost the Township and if it was included in the 2012 budget. He noted for the past year, he has seen the Township trucks marking and changing the signs. He questioned if this is in addition to that or will staff be replacing the new signs that were installed. Mr. Wolfe answered that it does not obligate any replacement; it is a detailed inventory and analysis of the roadways including signs. He noted that the retro-reflectivity standards have been delayed by the Federal Highway Administration for the dates that Mr. Hawk referenced. He noted that the new system will inform the Township when it has to replace signs in the future and help to budget for that ongoing expense. Mr. Trish questioned if all the replacement signage work would be included in the new pavement system. Mr. Wolfe answered yes.

Mr. Trish questioned what the system would cost the Township. Mr. Wolfe answered that it would cost \$75,000.

Mr. Seeds noted that the Board had earlier discussions as the signs are replaced do the new signs meet the new Federal guidelines. Mr. Wolfe answered that was correct. Mr. Seeds noted, over a period of time, as new signs are installed, they will meet Federal guidelines. Mr. Hawk noted that the reflectivity requirements have been decided by the Federal Highway Administration, it is only a matter of when the requirements must be completed by.

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

Resolution 11-24; establishing a Township fund balance  
policy statement in accordance with GASB 54

Mr. Wolfe noted that prior to the start of this meeting, the Audit Committee met to review the Fund Balance Policy Statement. He noted that the Audit Committee's recommends that the Board of Supervisors approve the Fund Balance Policy Statement. He noted that the Fund Balance Policy Statement is a requirement of the Government Accounting Standards Board (GASB) for municipal operations in accordance with its new statement number 54, and it is required that the Township have the policy in place by the end of the year. He noted that the policy will categorize the different types of fund balances, and if appropriate, set limitations in regards to those. He noted an example would be that the Township will strive to maintain an unassigned General Fund Balance which can be used for any activity so desired by the Board equal to 25% or greater of the General Fund operating revenue necessary for the current fiscal year. He noted if the unassigned portion of the Fund Balance falls below the minimum threshold, the Board will pursue options of increasing revenues or decreasing expenditures or a combination of both until the threshold is obtained. He noted that the Fund Balance Policy Statement categorizes fund balances and sets criteria. He noted that this policy is recommended by the Township's auditor, Zelenkofske Axelrod, and has been reviewed and recommended by the Audit Committee.

Mr. Seeds noted that this has to do with what the Board was speaking of earlier in regards to the budget where if the Township did not have the reserve funds at the beginning of the year, it would have to borrow money for a tax anticipation loan to pay the bills.

Mr. Blain made a motion to approve Resolution 11-24; establishing a Township Fund Balance Policy Statement in accordance with GASB 54. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on release and claim for damages in a class action  
settlement with Bank of America

Mr. Stine explained that this class action settlement is in regards to action taken by a number of Attorneys General from various states against the Bank of America for some alleged violations of State and Federal anti-trust laws by the Bank of America and some of its employees with the marketing, sale, and placement of municipal bonds. He noted if the Township wishes to participate in the settlement, it must sign that it wants to do so, and it must release the Bank of America from any other claims. He noted that the Township is entitled to \$21,111.60 and he suggested that much of it came from pension funds, the non-uniformed and uniformed pension fund investments that purchased those derivatives. He noted that it would be in order for the Board to act on this settlement and execute both the election and the release of liability.

Mr. Crissman made a motion to accept the entitlement and out of court settlement with the Bank of America in the amount of \$21,111.60. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Change Order No. 1 to the contract with Pennsy  
Supply, Inc. for roadway paving

Mr. Wolfe noted that Change Order No. 1 is a reduction in the amount of \$33,504.73 and a time extension for paving services in accordance with the 2011 Township paving program. He noted that the reduction is based upon the removal of certain segments of streets for treatment at a later date. He noted that, he along with staff, recommend the approval of this change order.

Mr. Crissman made a motion to approve Change Order No. 1 to the contract with Pennsy Supply, Inc. for a reduction of \$33,504.73 for roadway paving. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Preliminary/final land development plan for Laurel Ridge

Mr. Wolfe noted that this plan proposes the addition of ninety-two (92) townhouse units to the existing Laurel Ridge residential development. The property is currently improved with a one hundred eighty-seven (187) unit apartment development. The existing apartments are located on the eastern portion of the property and the western portion of the property is currently undeveloped. The property consists of 51.345 acres, is zoned R-2, Medium Density Residential District, and is served by public sewer and public water. The property is located south of Linglestown Road, west of Colonial Road, and east of Crums Mill Road.

Mr. Wolfe noted on September 14, 2011 the Planning Commission recommended approval of this plan with the following four waivers: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the minimum street right-of-way and cartway width requirement; 3) Waiver of the requirement for having a straight (horizontal) portion of a street at least 50 feet in length at all intersections. (The waiver applies to the extension of the existing Ringneck Drive); and 4) Waiver of the requirement for having a leveling section with a grade of not more than four (4) percent within sixty feet of an intersection. (The waiver applies to the extension of the existing Ringneck Drive.

Mr. Wolfe noted that Laurel Ridge has addressed all comments of HRG, Inc., therefore, there are no outstanding comments from the township engineer.

Mr. Wolfe noted that there was one site specific condition in that a copy of the homeowner's association documents needs to be reviewed by the township solicitor prior to plan recording.

Mr. Wolfe noted that there are the standard general conditions to all plans.

Mr. Wolfe noted that John Snyder from RGS Associates is present to represent the plan.

Mr. Snyder noted that Mr. Wolfe did a good job describing the plan. He explained that he brought this plan to the Board as a sketch plan and listened to what the Board wanted. He noted that it is laid out in a Traditional Neighborhood Development style to keep the streetscape with the garages pushed back from the road. He noted that he has provided in excess of what was required for parking providing 197 spaces with a requirement of 184 parking spaces. He noted that it does not include the driveway spaces, or the driveways behind the garages. He noted that the development is over-parked by 30% while providing 10% more open space than what is required. He noted that he tried to utilize and build on the site where it could be developed. He noted the bottom of the land has manmade wetlands and he is not disturbing the wetlands. He explained that this site was previously disturbed for phase one and the wetland pocket was an old storm water erosion control basin that was never removed. He noted that he had no problem meeting the conditions for the plan.

Mr. Snyder noted for the waivers, the first is a waiver from a preliminary plan, noting that it is a minor plan to extend an existing community and not providing for any subdivision as it is one property. He noted that the second waiver is for street widths, noting that he is providing the full street width in accordance with the ordinance, however it is a private minor street. He explained that he is not asking to provide a right of way for a minor street. He noted that it is a private street and he proposes an access easement in lieu of the right of way. He noted that the last two waivers for the straight portion and leveling area has to do with the northern access point of Ringneck Drive that was extended, dealing with the existing conditions and layout of that road.

Mr. Hawk noted that Mr. Snyder is in favor of the waivers since he requested them. He questioned Mr. Fleming, in regards to the comments submitted by the Stray Wind Area Neighbors (SWAN) in regards storm water run off and steep slopes if he had any comments to

make. Mr. Fleming answered that the proposed development, at this time, has no outstanding engineering comments, and with respect to SWAN's questions in regards to floodplains, steep slopes, and storm water management, the design meets the Township's Storm Water Ordinance, the current NPDES regulations, and the Act 157 Plan for Paxton Creek. He noted that they have analyzed the storm water run off for a 100-year storm and ensured that the developer would not release more storm water runoff after development than before development. He explained that he analyzed the two-year storm water volume runoff noting that the amount of water leaving the site during a regular rain fall will be decreased after development. He noted in respect to flood plains and steep slopes, there is no development proposed in the flood plain area that is for the most part, off of the property. He noted that some steep slopes would be disturbed as part of the development, but they are considered manmade steep slopes, noting that this site was developed in phases. He explained that phase one is the existing apartment community and the plan before the Board would be the second phase. He noted that the slopes to be disturbed were created during phase one, and man made steep slopes are exempt from the ordinance.

Mr. Snyder noted that the furthest grading for this plan is over 100 feet to the stream which is off the property. He noted that the closest storm water Best Management Practice (BMP) is over 160 feet to the creek, so he has applied ample room, green space, buffering opportunities. Mr. Seeds noted that there will be no encroachment into the Paxton Creek. Mr. Snyder answered no.

Mr. Hawk noted that it was important to address the issues presented to the Board by SWAN.

Mr. Seeds questioned Mr. Snyder in regards to the comments in the Township's review letter, if a number have already been satisfied. Mr. Snyder answered that was correct. Mr. Stine questioned which comments are still outstanding. Mr. Snyder noted that the site specific

comment had been satisfied, and General Comments No. 2, 3, 5, noting that the does not have a signed sewer extension agreement, the recreational fees need to be memorialized in an approved agreement, and number the declaration for No. 7 has not been signed.

Mr. Stine questioned Mr. Tshudy, Counsel for the plan, if he had received a copy of the development agreement which basically covers those outstanding items except for payment of engineering review fees which has not been satisfied. He noted that it was not included in the development agreement. Mr. Tshudy questions how much the fees are. Mr. Stine answered that he did not have an answer for that. Mr. Tshudy noted that he could amend the developer's agreement or by side letter agree to pay it. Mr. Stine noted that the agreement states that only conditions listed within the development agreement are the ones that need to be satisfied. He noted that staff has to make sure that all the outstanding comments are included in the developer's agreement. Mr. Tshudy noted that he could provide an amendment to the agreement or provide payment of that. Mr. Stine noted that the one condition could be added to the development agreement. Mr. Tshudy explained that the reason for the development agreement is that the lender that they are dealing with is very particular about what the conditions are outstanding prior to the plan be recorded. He noted that he only received the comment sheet today after the development agreement had already been drafted and he would be glad to add it as an agreement in approving the development agreement. Mr. Stine noted in addition to approving the plan, the Board must also approve the development agreement.

Mr. Snyder apologized, noting that he made the statement at the workshop session the he wanted to come to the Board for unconditional approval but it did not work out as he hoped.

Mr. Crissman questioned if he was the authorized spokesperson for the applicant. Mr. Snyder answered yes. Mr. Crissman questioned if Mr. Snyder could respond to any question that he asked. Mr. Snyder noted that he is one of the spokesperson, as Mr. Richard Hankin, Vice-

President of the Multi-properties is also present at the meeting. Mr. Crissman noted that he needs answers to the specific questions that he will ask and he needs someone to be the spokesperson for the plan. Mr. Snyder stated that he would be the official spokesperson.

Mr. Crissman questioned Mr. Snyder if he was in agreement with the four waiver requests. Mr. Snyder answered yes.

Mr. Crissman noted that he was pleased that Mr. Snyder satisfied all of HRG's comments prior to the meeting. He questioned if he was in agreement with the one site specific comment in that it has been or will be completed. Mr. Snyder answered yes.

Mr. Crissman noted that there are seven general conditions, and he questioned if they have been or will be completed. Mr. Snyder answered that they will.

Mr. Crissman questioned if the three staff comments will be or have been completed. Mr. Snyder answered that they will be completed.

Mr. Crissman made a motion to approve the preliminary final land development plan for Laurel Ridge with the following waivers and conditions: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the minimum street right-of-way and cartway width requirement; 3) Waiver of the requirement for having a straight (horizontal) portion of a street at least 50 feet in length at all intersections. (The waiver applies to the extension of the existing Ringneck Drive); 4) Waiver of the requirement for having a leveling section with a grade of not more than four (4) percent within sixty feet of an intersection. (The waiver applies to the extension of the existing Ringneck Drive); 5) Provide a copy of the homeowner's association documents for review by the Township solicitor prior to plan recording; 6) Plan approval shall be subject to providing original seals and signatures; 7) Plan approval shall be subject to the payment of engineering review fees; 8) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 9) Plan

approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 10) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 11) Plan approval shall be subject to the recreational fee-in-lieu payment of fifty-four thousand four hundred eighty-one dollars and forty-seven cents (\$54,481.47); 12) Plan approval shall be subject to execution of the developer's declaration regarding private recreational land dedication which shall be recorded in the Dauphin County Recorder of Deed's Office with the land development plan; 13) A street/storm sewer construction permit is required and is to be obtained prior to earthmoving activities. A pre-construction meeting shall be coordinated with Township staff and the Conservation District prior to the start of work; 14) When submitting revised plans, please respond in writing to all individual comments including Township, HRG and County; and 15) Sign permit review and approval is necessary prior to the erection of any signage on this site. Mr. Blain seconded the approval. Mr. Hawk called for a roll call vote; Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye, and Mr. Hawk, aye.

Mr. Crissman made a motion to approve the Development Agreement subject to amending the agreement with a provision dealing with the payment of engineering review fees to be approved by the Township solicitor. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote; Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye, and Mr. Hawk, aye.

Preliminary/final subdivision plan for Anderson & Gulotta Holding Group, LLC

Mr. Wolfe noted that the purpose of this plan is to subdivide existing Lot 2 with an existing two-story 19,440 square foot office building and an existing one-story 5,760 square foot office building into two separate parcels. The property is zoned CN, Commercial Neighborhood,

is served by public sewer and public water, consists of 2.4708 acres, and is located west of North Mountain Road and north of Linglestown Road.

Mr. Wolfe noted that this plan was approved by the Planning Commission on November 9, 2011, and the applicant has addressed all comments of HRG, Inc.

Mr. Wolfe noted that Mr. Anthony Gulotta is present to represent the plan.

Mr. Wolfe noted that the plan has the following waivers; 1) Waiver of the requirement to show existing and proposed contours; 2) Waiver of the requirement to provide a stormwater management plan; and 3) Waiver of the requirement to provide an erosion and sedimentation control plan. He noted that there is no development activities proposed, all development has been performed, and the waivers are supported by staff. He noted that there is one site specific condition that a driveway access easement agreement shall be provided for review by the Township Solicitor prior to plan recording, and five general conditions.

Mr. Wolfe noted that the plan is shown on the screen and the middle line between the two buildings is the one being added.

Mr. Seeds noted that there is an easement agreement for the driveway, he questioned if each building has its own separate parking area. Mr. Anthony Gulotta explained that there is a cross easement, noting that, the two buildings were built several years ago, and at that time, a cross easements was created so there would be enough parking spaces for the second building. He noted that it will remain in tack, but both buildings have enough parking spaces. He noted that it was not subdivided because several years ago the coverage requirements prohibited his ability to bring the two properties out and it subsequently changed. Mr. Seeds questioned if he meant the ground. Mr. Gulotta answered yes.

Mr. Crissman questioned Mr. Gulotta if he was the official spokesperson for the applicant. Mr. Gulotta answered yes.

Mr. Crissman questioned Mr. Gulotta if he was in agreement with the three waivers. Mr. Gulotta answered yes.

Mr. Crissman questioned Mr. Gulotta if the site specific condition will be completed or is completed. Mr. Gulotta answered that the easement has been prepared by counsel and he will provide that to the Township solicitor.

Mr. Crissman questioned Mr. Gulotta if the five general conditions will be or have been completed. Mr. Gulotta answered yes.

Mr. Crissman made a motion to approve the preliminary and final land development plan for Anderson and Gulotta Holding Group LLC with the following waivers and conditions: 1) Waiver of the requirement to show existing and proposed contours; 2) Waiver of the requirement to provide a stormwater management plan; 3) Waiver of the requirement to provide an erosion and sedimentation control plan; 4) Driveway access easement agreement shall be provided for review by the Township Solicitor prior to plan recording; 5) Plan approval shall be subject to providing original seals and signatures; 6) Plan approval shall be subject to the payment of engineering review fees; 7) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 8) Plan approval shall be subject to confirmation with DEP that sewage planning is not needed; and 9) Plan approval shall be subject to addressing the comments of Mark Hilson's memo dated September 6, 2011 from the Lower Paxton Township Sewer Department. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Mr. Gulotta noted that he appreciated the budget explanation as he is a business owner, and he thought it was a very detailed explanation.

#### IMPROVEMENT GUARANTEES

Mr. Hawk noted that there was one Improvement Guarantee.

Hoffman Ford Sales

A release in a letter of credit with Mid Penn Bank, in the amount of \$1,485.00.

Mr. Crissman made a motion to approve the improvement guarantee. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

**Payment of Bills**

Mr. Seeds made a motion to pay the bills of Lower Paxton Township, Lower Paxton Township Authority, and the Purchase Cards. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

**Announcement**

Mr. Hawk wished the viewing public a very happy and safe holiday season and noted that the next Board meeting will be held on January 3, 2012 at 7:30 p.m.

**Adjournment**

There being no further business, Mr. Crissman made a motion to adjourn the meeting and the meeting adjourned at 9 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

Gary A. Crissman  
Township Secretary