

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held July 17, 2012

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:36 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; Steve Fleming, HRG, Inc., Township Engineer; Joel McNaughton, The McNaughton Company; John D. Snyder, RSR Associates; Christine Hunter, H. Edward Black and Associates; Paul Toburen, Vice President, Pinnacle Health; and Ted Robertson and Watson Fisher, SWAN.

Pledge of Allegiance

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

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the July 3, 2012 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

Mr. John Trish, 600 Prince Street, noted that Commissioner Melnick from East Pennsboro Township made a big deal about the fact that East Pennsboro Township was paying for the health care benefits for it elected Supervisors. He questioned what compensation the Lower Paxton Township Supervisors received for serving on the board. Mr. Hawk answered that the Board members received \$5,000 per year. Mr. Trish questioned if the Board members

receive any health care insurance. Mr. Hawk answered yes, they do. Mr. Trish questioned if the Board received life insurance or anything else. He explained that he has a concern about this as he has been paying a lot of money for many years for health insurance.

Mr. Hawk responded that many people have asked him that question over the years, noting they are astounded when I tell them that the compensation is only \$5,000. He noted that many people think that the Board members make much more money. Mr. Trish noted that he appreciates the Township, noting that it is the best Township for getting things done and he sometimes gets on people's nerves, but the Township does the job right.

Mr. Wolfe explained that the compensation for township supervisors is legally established in the Pennsylvania Second Class Township Code. He noted that Mr. Hawk stated that Board members are entitled to compensation based upon the size of the municipality of \$5,000 per Board member, per year, in addition to all insurance benefits that are provided to municipal employees and in the same fashion as they are provided to municipal employees. He noted that these provisions are mirrored in the Township's Codified Ordinances.

Chairman and Board Members's Comments.

Mr. Hawk suggested that most people are aware that the Paxton Creek Tributary has been considered an impaired tributary. He noted that the Township has been legally fighting with the Environmental Protection Agency (EPA) and the Department of Environmental Protection (DEP) to have that impairment lifted. He noted that he, along with Mr. Wolfe, and Mr. Mark McNaughton met with Senator Toomey and representatives from the EPA and DEP this week. He noted that former House Representative Mark McNaughton represented the Home Builders Association. He explained that it was rather clear that DEP indicated that the Paxton Creek is not impaired with nutrients. He noted that the EPA is in agreement with that, however, the EPA is waiting for supporting information before they will issue a lift. He noted that he tried to tie the

EPA with a time line for this to occur, but to no avail; however, they promised that it would be rather quickly. He noted that classifying the Paxton Creek Tributary as an impaired waterway has had a financial impact on the Township, having to defend the legal battles to have it removed from that listing. He noted that this impacts the building trade and takes money that would normally be spent on Township services to use for legal services to fight the cause. He noted that he hopes to see that change in the near future.

Oath of Office to Fire Police Officials

Mr. Hawk administrated the oath of office to Robert Campbell and Jonathan Hopkins as new fire police officers for the Township Fire Police. The other Board members joined Mr. Hawk in congratulating the newly installed fire police officers.

Recognition of Award to Public Safety Director David Johnson

Mr. Hawk noted that last week, Public Safety Director David Johnson was awarded the 2012 Chiefs of Police award by the Pennsylvania Commission on Crime and Delinquency and the Pennsylvania Chiefs of Police Association. He noted that the award was in recognition of PSD Johnson's exceptional efforts for preventing crime while educating and involving the community in effective long-lasting prevention strategies. He explained that he is very proud of the Police Department and the work that it does, noting that they seem to be everywhere. He noted that he appreciates their dedication and the reputation that they have earned and how well they cooperate with adjoining municipalities.

PSD Johnson explained that he appreciates the award but he wanted to say that it really belongs to the Township Police Officers who do the heavy lifting, and ensure that the programs are brought to the citizens of the Township, and continue to patrol the Township 24 hours a day to ensure that the citizens are as safe as they possibly can be. He noted that his job is easy,

discussing with the Board the necessary funding to maintain the Police Department. He noted that he appreciates the support of Mr. Wolfe, realizing that without the funding to do these programs this award would not be possible. The other Board members joined Mr. Hawk in congratulating PSD Johnson on his award.

Mr. Hawk noted that the Board starts the budget process very early as things change throughout the year.

Mr. Seeds noted that a neighbor of his commented that it was very good that the police check homes for those who go on vacation. He explained that they were very surprised that the Township offered this service to its residents.

Manager's Report

Mr. Wolfe noted that PENNDOT is sponsoring an on-line survey for citizens to complete. He noted that they are seeking driver feedback on safety issues and individuals can share their opinion on traffic safety and enforcement and driving behaviors. He explained, to take the survey online, you need to visit www.justdrivePA.com. He noted that the survey will be available through July 27th and can be completed anonymously, but participants are asked to provide their gender, age and zip code. He noted that the survey includes 22 questions, including items concerning seatbelts, impaired driving, speeding, motorcycles, and distracted driving. He noted that more than 3,000 people responded to the survey last year, noting that those results concluded that in the previous 60 days; nearly 77% of the responded had not driven a motor vehicle within two hours after consuming alcohol beverages.

OLD BUSINESS

Resolution 12-10; amending the fee for a building permit

Mr. Wolfe noted that the Board members have discussed this resolution in various forms over the past six months in workshop sessions. He noted that the resolution restates and amends

the permits structure for commercial construction activities in the Township, specifically new commercial construction and additions to commercial construction. He noted that it does not impact remodeling activities.

Mr. Wolfe noted that previously, for commercial construction, building permit fees were established upon an estimate of construction costs. He noted that the formula included in the resolution bases permit fees on two things, the cost to operate the Township's Code Enforcement Department, and secondly, on a national scale of construction costs based upon type of construction. He noted that the national scale is prepared on a semi-annual basis and can be incorporated into the Township's resolution for fees without any significant effort. He explained that the national scale is prepared by the International Code Council, (ICC). He noted that it is staff's recommendation that commercial construction fees are not a proper way to determine the evaluation of building permits, rather the square foot costs based upon a recognized scale prepared by an independent source is a better way to calculate permit fees. He noted that the new formula is based upon the national formula recommended by the ICC that is incorporated into the resolution. He noted that the example that he prepared does not significantly effect the revenues generated by the fee, in short, it is not intended to raise permit fees for commercial activities, just intended to restate them and require them to be paid in a more fair and equitable fashion. He noted that the resolution is complete for Board action this evening.

Mr. Crissman made a motion to approve Resolution 2012-10 that amends the fees for building permits. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Ordinance 12-07; amending the Property Maintenance
Code regarding weeds and high grass

Mr. Wolfe noted that this ordinance will amend the Property Maintenance Code (PMC) in regards to weeds and high grass. He explained that the purpose of the ordinance is to further refine where staff would apply the revision that weeds and high grass in excess of ten inches are a violation of the PMC. He noted that this ordinance states, that for purpose of the ten inch provision, “all premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers or gardens”. He noted that this ordinance is intended to provide for the situation where a property owner has a five-acre parcel of ground, has developed that parcel of ground residentially, and has a residential lot but retains the remainder of the five acres in a natural setting. He explained that staff has been confronted with situations where a complaint has been filed that the weeds and high grass on the undeveloped portion of that lot need to be cut. He noted that the ordinance states that only the area that is required for the lot area for the zoning ordinance needs to comply with the ten inch cut provision.

Mr. Wolfe noted that it would be appropriate for Mr. Stine to conduct the public hearing.

Mr. Stine stated that this is the time and date set for the public hearing for Ordinance 2012-07, amending the PMC in regards to weeds and high grass. He questioned if anyone in the audience wished to be heard on Ordinance 12-7.

Mr. Kevin Keim, 6123 Nassau Road, explained that he has lived at his home for 25 years. He noted when he first moved to his residence, his back yard was run over with bushes and high brush and he cleaned it out and took care of the property for over 20 years. He noted that the property to the rear of his seemed to be landlocked and he felt that no one would buy the property or that he would have to worry about anyone building on it.

Mr. Keim explained that the property was sold to a Mr. Hummel who resides on Balthaser Street and for the last couple of years that he has owned the property; he has had to file complaints as Mr. Hummel is not taking care of the property. He noted that he has noticed more varmints and mosquitoes. He stated that it is was not fair for him to take care of that property for as long as he did only to have it sold and then having the Township tell the new property owner that he does not have to maintain it. He noted that it is a haven for mosquitoes. He explained that he has an article from the July 1st edition of The Patriot-News that discussed the West Nile Virus. He stated that the landowner must be made to maintain the property. He noted that anything over ten inches the property owner had to cut. He noted that he has had to come into the Municipal Center to make numerous complaints and he does not think he should have to do that. He noted if the Board wants to try to change a code allowing the land owner to let the land be overrun that is not quite right either. He noted that we are looking at a possible West Nile Virus condition and other issues.

Mr. Stine questioned if anyone else wished to be heard on this ordinance. He noted, seeing no further response it would be appropriate to close the hearing on Ordinance 2012-07 and the Board may take action if it so desires.

Mr. Kevin Keim noted that Mr. Jim Grossi also wishes to be heard in this matter. Mr. Hawk noted that Mr. Stine already closed the public hearing, but he would permit Mr. Grossi to make his comments.

Mr. Jim Grossi explained that he lives at 6119 Nassau Road and knows first-hand what is going on down there. He noted that he is confused as it sounds like they are trying to word that even less time would need to be put on that property than is now. He noted that he would hope that that is not the case because you can count on one hand the times in the last couple of years that the ground has been cut. He noted that he is fortunate that his one neighbor cuts his grass, as

he chips in on the cost for the gasoline. He noted that we should not have to do that, it should be done by the owner. He noted that the trees lean over on your roof and Mr. Hummel does not take the responsibility to cut those down. He noted that it should be the responsibility of the owner to maintain his own property even if he had a little respect for his neighborhood, himself and his neighbors. He noted that obviously this isn't the case as it is, "out of sight out of mind".

Mr. Seeds questioned what the address is of the property in question. Ms. Brenda Burtner answered that it is on Balthaser Street. Mr. Keim noted that he has filed numerous complaints against the property owner. Ms. Burtner suggested that the building was vacant for years. Mr. Seeds questioned if Mr. Wolfe was aware of this issue. Mr. Wolfe noted that he was not. Ms. Burtner noted that Mr. Hummel is the property owner. Mr. Seeds questioned what the zoning was for this area and if the people have called in with the address. Ms. Burtner explained that she has talked to Ms. Gourley. Mr. Seeds noted that Mr. Wolfe will check into this, he noted that we will follow up on it.

Mr. Hornung noted that we are more concerned with the ordinance at this time realizing that you want that issue solved. He noted if you are going to talk you must go the microphone. Mr. Keim noted that he does not want the ordinance changed; he wants it maintained in place, where a landowner has to take care of his property. Mr. Hornung noted that he did not think that this ordinance is being changed like that. Mr. Keim noted that is what he is came to find out.

Mr. Blain questioned if the intent of the change is that exterior property shall be limited to the minimum lot area as required by the ordinance. He questioned if a person has a ten-acre property, the area that would have to be maintained would be 20,000 square feet, roughly half an acre. Mr. Wolfe answered yes, if it is in the R-1 zone area. Mr. Blain noted that it would have to be what the normal lot area would be, roughly half an acre, and the rest of the land could be kept as green space or open space or as a field. He noted that we have a lot of instances in the

Township where there are large lots and the grass is cut around the yard and the rest might be nine acres of farm space that is baled. He noted where he lives, a person owns a piece of property, about ten to twelve acres behind his house, and he does not cut the grass, but bales it. He noted that he cuts the grass around his house only. He noted that staff is trying to modify the ordinance to be reflective that we have a minimum lot size in the Township which is 20,000 square feet and it must be maintained. Mr. Wolfe agreed with Mr. Blain's statement.

Ms. Brenda Burtner, 5020 Irene Drive noted that she understands what Mr. Blain is saying but questioned if that would be zoned differently when someone uses the land and bales it. Mr. Blain answered that it may not be. Ms. Burtner explained that she has a double lot and her house is located on one lot, and she questioned if she could let the other lot grow up and not have to cut it as long as she maintains the property around her home. She noted that the property in question borders Balthaser Street to Nassau Street. She noted that the grass gets very high and the neighbors have children and if you sit outside, she has seen this year that it is worse with varmints and mosquitoes. She suggested that the property should be maintained to an extent so far back, not like a yard, but it should be maintained. She noted that Mr. Keim and all the neighbors have maintained it for years and kept it clean so you didn't have to worry about these things. She noted that the Board is saying, don't worry about it, however, the property owner has signs that prohibit people from coming on his land. She noted that it is a shame.

Mr. Blain stated that he is not saying anything about... Ms. Burtner noted that Mr. Hummel's property goes from Balthaser Street all the way down Nassau Street. She noted that it would affect him if he only has to maintain the property around his home, but the Board is saying that he does not have to touch any of the land bordering the Nassau Road properties. She noted that the grass grows high. She noted that there are mud turtles on the driveway and frogs all over the place. She noted that there are all kinds of varmints coming out, field mice and

mosquitoes galore because the grass is so high. She noted that she has two lots and now you are saying that that she can let her other lot go, which she would never do since she has so much respect for her neighbors. Mr. Blain answered no.

Ms. Burtner noted that Mr. Hummel is allowed to do that. Mr. Hornung answered yes. Ms. Burtner noted that he is allowed to do it since it is behind these people's homes. Mr. Hornung noted that is not why. He noted that the reason he can is because he has to maintain a certain half acre and other than that he does not have to maintain the land. Ms. Burtner explained that she owns an acre... Mr. Hornung noted that it is two separate deeds and therefore two separate lots and that is different from someone who owns one lot. He noted if your property was one lot, you would be correct, but for two lots that is not the case. Ms. Burtner noted that it is not right that Mr. Hummel can let stuff go to pot like that and not have to worry about...

Mr. Hornung questioned Ms. Burtner what she would propose if someone owned ten acres on the mountain. Ms. Burtner answered that was different as they would not have neighbors behind them. Mr. Hornung answered that he has neighbors. Ms. Burtner questioned if he had a neighborhood. Mr. Hornung noted that he has neighbors. Ms. Burtner noted that he lives in a rural area. Mr. Hornung answered that it does not matter; you can't legislate for someone in this area and not for someone in another area. He noted that the problem becomes how you legislate for someone who has farmhouse. He noted that you can't make him mow his entire... Ms. Burtner stated that this is not a farmhouse, it is a nice house. Mr. Hornung noted that he understands, but he is saying that he can't pick one property and say that it is different from another property. He stated that he must make a rule that accommodates everyone's property.

Ms. Burtner questioned if it would be zoned differently. Mr. Blain noted that some lands are zoned differently, such as agriculturally, but there are numerous lots in the Township that

could be ten acres and zoned residential as the owner bought ten acres of land as one lot. He noted that some people have large lot and they have their house on one acre of it and the other nine acres they just keep as open space and maybe once or twice a year they will bale it, selling the hay. He noted that is not uncommon in the Township, noting that there are many large R-1 lots.

Ms. Burtner noted that you should look at those areas and instead of zoning look more to where the people live and how it will effect them not only visually but actually. She stated that she also cut out the article on the West Nile Virus noting that the grass grows two to three feet high in that area. She noted that it is not fair to the people who live on that street as there are about ten to fifteen homes that are impacted by this.

Mr. Grossi noted that the thing that is being overlooked is the fact that they have been there long before he lived there and they had a working relationship with the lady who owned it previously. He stated that they all took care of it, no money exchanged hands; it was just a good neighborly way to run it. He noted that he does not think that the Township can create all laws to keep everyone happy. He noted the point is that when he first moved there, and he is not a bad dude, but he said he would maintain it and take care of it. He noted that the people maintained it as a favor to him and to themselves. He noted that he reneged on what he originally agreed to, and he hasn't maintained it.

Mr. Hornung noted that there is a recourse and that would be the health issue. Mr. Wolfe questioned in what respect. He noted that unless you say that weeds and high grass are a violation and what they described is not a violation. Mr. Hornung questioned if there was a problem with stagnant water. Mr. Wolfe answered that there could be depending upon the cause; it could be a violation of the municipal regulations, yes. Mr. Hornung questioned if there was any other potential answer for this situation that could be used to rewrite the ordinance that

would prevent this type of occurrence. Mr. Wolfe answered that the extreme number of large parcels that are located in the Township are scattered throughout all types of zoning uses that would make it impossible to legislate an ordinance that meets everyone's individual needs. He noted that the regulations that we currently have, if enforced literally, which is what people have asked us to do, says that if it is higher than ten inches, weeds or grass, it is a violation. He noted that would be for every parcel in the Township except those used for agricultural purposes. Mr. Hornung stated that he better start mowing his grass.

Mr. Keim questioned how many complaints the Township receives in a year. Mr. Wolfe answered that they probably received over a 1,000 a year. Mr. Keim noted that it gives Ms. Gourley something to do as far as going out and checking the complaints. Mr. Wolfe noted that staff is not looking for extra work as they have plenty of work to keep them busy.

Mr. Keim questioned what the purpose was for changing the ordinance other than relieving certain land owners.... Mr. Wolfe answered that the purpose of the amendment is to say that every parcel in the Township when grass or weeds exceeds ten inches it is not necessarily a violation. He noted that we have 22,000 parcels in the Township and if we keep the current regulations in place, it is safe to say that literally 30% to 40% of the Township could be in violation at any one time. He noted that the regulation as it currently is, in staff's opinion, is somewhat unenforceable.

Ms. Burtner noted that the Board is saying that the Township has all different kinds of zoning but what if it zoned those areas that should be maintained to the correct zoning and the ones that are used for family and things of that nature more agricultural and do it that way instead of putting them all in a basket and saying that we are all together here and you don't have to maintain it. She noted when you get into more residential areas where you have homeowners, children, dogs and people who like to sit outside and enjoy their yard and not fight mosquitoes,

not worry about ticks jumping on them because someone will not maintain their property. She questioned why we don't look into something like that instead of just saying that you don't have to do it. She suggested that there is more involved in this than just maintaining the property, there are health issues. She noted if you read the papers all the time, everyone is spraying for West Nile Virus, mosquitoes are bad, ticks are bad, and these are health issues not things that you just close your eyes and say oh well. She noted that she does not agree with this at all and it is wrong because this does affect the public residentially and she doesn't agree that they shouldn't have to maintain their property. She noted that he built that house on that property and he knew there were wetland issues and he brought fill in and built his house and changed the water flow. She explained that there is a change in the property and the wetlands and he is perfectly responsible for this problem so she thinks it should be looked into, and it should be looked into and not just say that he is zoned this way and this is the way it is going to be.

Mr. Crissman noted that there are other issues, particularly health and safety issues that are unrelated to this discussion for this ordinance. Ms. Burtner noted that Mr. Hornung questioned if there are other ways that we could look into this situation and it is a health issue. Mr. Crissman noted that the issues raised are health and safety issues which are not related directly to this ordinance. Ms. Burtner answered, oh, yes they are if the grass is high. She noted if you have 12 inches of grass... Mr. Crissman noted that you just stated to us he had brought fill in that is a different issue than the issue that we are looking at and taking action on tonight. Ms. Burtner noted that Mr. Hornung noted that if there are wetlands back there and yes the land did change... Mr. Crissman noted that is correct, that is a separate issue from this, and if there is a health and safety issue, yes it needs to be addressed. Ms. Burtner questioned who you call, the Department of Environmental Protection. Mr. Blain suggested that you could call the Township Health Officer. Ms. Burtner noted that she will take care of it.

Mr. Blain noted if staff was to look at each different parcel and zone them differently, it would be considered spot zoning and that is illegal according to the Pennsylvania Municipalities Code. Mr. Hawk noted that you could end up having a combination of R-1, R-2 and R-3 all within a confined area and that is illegal.

Mr. Crissman made a motion to approve Ordinance 2012-07 which is an amendment of the Property Maintenance Code regarding weeds and high grass. Mr. Hornung seconded the motion.

Mr. Hornung noted that due to the problem that exists with this particular ordinance as it is unenforceable, it is not a good thing to allow someone to use it as a football or as a neighborhood fight. He noted the more we can clarify it, the more we can define things, the better off we would be. He noted that he would be in favor of passing the ordinance at this point, trying to refine it, but he would like to discuss this further at the next workshop session to accommodate certain issues like this. He suggested that within ten feet of the property line a property owner may have to cut the grass to provide a buffer zone if it is next to a residential area. He noted that there may be other options to explore and maybe there are not. He noted that he would not like to drop this at this time to help with this particular problem. Mr. Wolfe noted that he would schedule this for the August workshop.

Mr. Crissman noted there are other health and safety issues that need to be addressed.

Mr. Blain noted that he would agree with Mr. Hornung and would like to address this again, but he questioned if it makes sense to pass what we have before us now if we plan to revisit it again. Mr. Hornung answered yes as it is currently unenforceable with areas that make it problematic and this is an improvement but he is not sure that we are there yet. He noted as long as we visit it very soon, he was not sure that we have to pass it tonight. He noted that it does seem to be an improvement.

Mr. Hawk noted that it is good to get a significant amount of those who are in violation of the ordinance to comply, but perhaps we need to take another look at it.

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

Resolution 12-24; authorizing the submission of application for Dauphin County Local Share Grant funds for digital, in-car video equipment for the Police Department

Mr. Wolfe noted since Public Safety Director Johnson is present he will let him speak to the matter. PSD Johnson noted many years ago, the Township outfitted the patrol cars with in-car videos. He noted that the intent was to record traffic stops or a pursuit situation. He explained that it was first-generation equipment and most of it is failing at this time. He noted that the Department is in need of replacing the equipment for the 13 patrol marked units, and it is very expensive and would cost roughly \$91,025 to include the proper hardware for housing the videos. He explained that he made a decision to pursue a Local Share Grant to obtain those funds in lieu of using Township funds, and is seeking the Board members endorsement of the grant application at this time.

Mr. Wolfe noted that staff asks that you act on Resolution 12-24 authorizing the submission of the application.

Mr. Crissman made a motion to approve Resolution 12-24, authorizing the submission of an application to the Dauphin County Local Share Grant Funds for digital in-car videos for the Police Department. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 12-21 establishing a Uniform Construction Codes Appeals Board

Mr. Wolfe noted that a recent Commonwealth Court decision determined that intermunicipal appeals boards, like the one that Lower Paxton Township participates in through

the Capital Regional Council of Government is no longer viable if the municipality does not also participate in intermunicipal enforcement of its building codes.

Mr. Wolfe noted that the Township enforces its building codes itself but participates in an intermunicipal Capital Region Council of Government appeals board much like other municipalities. He noted as a result of the Commonwealth Court decision, the Township no longer has an appeals board. He noted, by this resolution, the Board will create a Lower Paxton Township Appeal Board and in establishing the appeal board the Township will have addressed all the criteria set forth in the Pennsylvania Uniformed Construction Code (UCC) pertinent to such bodies. He explained that he advertised locally for anyone interested in serving on the appeals board and an ordinance established the use of the Uniform Construction Code for the Township and provides for this action by resolution. He noted that he provided a listing of personnel that would be qualified to serve on the appeal board. He noted that ever since the Township has enforced the UCC, it has never had an appeal filed for a codes officer's opinion. He noted if this resolution is adopted the Township will be able to comply with the process.

Mr. Seeds noted that the list is not currently posted, but he did review it at a previous workshop session. Mr. Wolfe noted that it is the same list.

Mr. Crissman made a motion to approve Resolution 12-21, which amends Resolution 05-24; to establish an appeal board in accordance with the adoption of the Pennsylvania Uniformed Construction Code by Ordinance 2004-08. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

NEW BUSINESS

Resolution 12-23; approving the transfer of a liquor license into the Township from Halifax Township

Mr. Wolfe noted that this process was established over the past several years under an amendment to the Pennsylvania Liquor Code which allows the transfer within a county of

existing liquor licenses from one municipality to another as long as the receiving municipality, after a public process, is agreeable to accepting it. He explained that Buffalo Wild Wings desires to open a restaurant facility in the Colonial Park Mall. He noted that it will not entail a subdivision plan in that there is no exterior construction activities proposed, only interior outfitting. He noted that the restaurant will only be seen by the Board for this issue; however, they will obtain a building permit to undertake interior changes to open their restaurant.

Mr. Wolfe explained that the liquor license comes from Halifax Township and the transfer process requires that the Township provide public notice that it would take action at tonight's meeting by advertising in The Paxton Herald. He noted that the resolution before the Board would authorize the transfer.

Mr. Wolfe noted that a representative from Buffalo Wild Wings is in the audience and would be available to answer any questions on this resolution.

Mr. Crissman questioned if the Township approval is only the first step as the Pennsylvania State Liquor Control Board would have to make the final approval. Mr. Wolfe confirmed that was correct, and noted that he would know of no reason why they would deny this request if the Board approves the resolution.

Mr. Hornung questioned where this would be located. Mr. Blain answered that it would be located by the food court in the area of the arcade across from the CVS Pharmacy.

Mr. Crissman made a motion to approve Resolution 2012-23, approving the transfer of a liquor license into the Township from Halifax Township in Dauphin County. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on bids for sanitary sewer repairs and replacements in
the PC-1G/1H mini basins

Mr. Wolfe noted that the Township has before it a bid from Michael F. Ronca and Sons in the amount of \$4,233,000. He noted that staff opened the bids for Paxton Creek 1G/IH mini basins neighborhoods on June 5, 2012. He explained that three bids were received and Michael F. Ronca and Sons was the lowest responsible bidder. He noted that the other bids were received from Rogele Incorporated and James T. O'Hara, a new bidder for the process. He explained that bids ranged from Ronca's low bid to a high bid of \$7.6 million. He noted that staff and the Township's engineer have reviewed the bids submitted by Ronca and determined it to be complete. He noted that Ronca has done several Township mini-basin jobs and has been found to provide satisfactory services to the Township.

Mr. Wolfe explained that Mr. Wendle, from CET, noted that the \$4.2 million bid amount results in a cost per gallon of removal of \$2.80 per gallon at peak flow which is a little higher than the desired range but it does meet with geographic problems and significant underground utilities that conflict with the sanitary sewer lines in this location. He noted that this project will be in PVC sanitary sewer line areas and it is expected that some of the work that has been bid may not actually have to occur because once the key connection between the building sewer and the building lateral is replaced it may solve the problem. He noted that some building sewers may pass an air test and not require replacement. He noted that staff has looked at various alternatives to this given its high dollar cost but in the end it is now recommending the award to Michael F. Ronca and Sons in the amount of \$4,233,000.

Mr. Crissman made a motion to award the bid to Michael F. Ronca and Sons in the amount of \$4,233,000 for the sanitary sewer replacement in the PC1G/1H pending the approval by counsel. Mr. Blain seconded the motion.

Mr. Hornung noted that he toured the area with Mr. Weaver and Mr. Hilson and looked over some of the difficulty in the work for this project. He noted that the work will occur primarily in the Forest Hills Development where the landscaping is quite elaborate and that is another reason why the costs are so high. He noted that staff will be very diligent to ensure that in all possible cases they will try to pick the low hanging fruit for the easy ones, and try to get the most bang for the buck and disturb as little landscaping as possible. He noted that all the utilities in that area are underground and they will make every attempt to try to minimize the costs as it is over the limit of \$2 per gallon for removal. He noted that he feels quite confident that they will bring the final costs down for this project.

Mr. Hawk called for a voice vote and a unanimous vote followed.

Change Order No. 1 to the contract with Wexcon, Inc. for storm water improvements

Mr. Wolfe explained that north of the Village of Linglestown on Blue Mountain Parkway; part of the stormwater improvement project was to replace a failed Township stormsewer that ran several hundred feet to the north from Blackberry Alley. He noted in undertaking this project, it was found that a waterline was not where it was supposed to be and the storm water pipe relocation was needed. He noted that Change Order No. 1 provides for these changes.

Mr. Hornung questioned if curbing was installed along Blue Mountain Parkway. Mr. Fleming answered that it was for the section north from the closest house to Linglestown down to the crossing. He noted that it was done on the eastern side to channelize the runoff to direct the water into the inlet. Mr. Hornung questioned if that is also being done further up the road as you start up the mountain. Mr. Fleming answered yes; near the Rayview Drive intersection they are doing the same things. Mr. Wolfe noted that this was also done at Curvin and Carolyn Street. Mr. Fleming explained that was done for a slightly different reason as for the Blue Mountain

Parkway, the storm water runoff was eroding the edge of the road so part of the stormwater replacement project was to install inlets and curbing to protect the road and make it safer road to travel. He noted for Curvin Drive, a portion of the road was curved and extremely wide in that area.

Mr. Hornung questioned for some sections up the mountain, the inlet boxes are 100 to 150 feet apart but in that area they are 40 to 50 feet apart. Mr. Fleming explained that there are sharp bends in the road so to make the pipe bend around the curb they used inlet boxes. He noted that it is also located on a steep grade and the inlets don't join up as well so they had to put more in. Mr. Hornung noted that that area gets very icy due to the water run off onto the road but this will help greatly.

Mr. Seeds questioned if the improvements were located at Kepler's residence. Mr. Fleming answered yes. Mr. Seeds questioned what happened with the one-call locate. Mr. Fleming explained that they did a survey one-call as well as design coordination and it happened that the water line was not in the location they were told it was in. Mr. Seeds questioned if the water company marked the pipe. Mr. Fleming answered that they did mark it; however, utility information is not always accurate. He noted that it was less expensive to adjust the stormsewer slightly than to move the water line. Mr. Wolfe noted that the water system that United Water of PA now owns in the Township, in many instances, belonged to private small water companies that have been purchased over time. He noted that they may have not been the original installers of these lines and would not have accurate records.

Mr. Crissman made a motion to approve Change Order No. 1 to the contract with Wexcon, Inc. for storm water improvements in the amount of \$2,215.95. Mr. Blain seconded the motion, and a unanimous vote followed.

Action on agreement with Derry Township and Hershey Entertainment and Resorts Company in regard to police officer motorcycle training

Mr. Hawk noted that Hershey Entertainment and Resorts Company has granted permission to the Police Department to conduct motorcycle training on certain dates and times with the proviso that the Township does not sue them. PSD Johnson noted that was correct. He explained that currently the Township has two motorcycles and many other police departments in the area are getting motorcycles. He explained that the training is very expensive costing \$3,000 to \$4,000 for one officer and with shrinking budgets it is beyond the reach of many municipalities. He noted that Sergeant Tom Waller is a certified motorcycle trainer as he was trained through Northwestern University. He noted that he is the only one in the area with that training and it is the Department's goal to utilize his talents and his certification to teach our officers as well as other agencies. He noted that the other agencies will reimburse the Township for Sergeant Waller's time and benefits while conducting the training.

PSD Johnson noted that he has entered into this agreement with Hershey Entertainment and Resorts because he needs a very large area to conduct the training. He noted that this agreement is only between Hershey Entertainment and Resorts and Derry Township Police Department at this time; however it may be offered to other agencies in the future. He explained that Sergeant Waller will only be training Lower Paxton and Derry Township police officers for now.

Mr. Seeds questioned where the training occurs now. PSD Johnson answered that the Department has not offered this training before. Mr. Seeds questioned if there will be a charge for the use of the parking lot. PSD Johnson answered that Hershey will not charge the Township to use their parking lot, noting that Sergeant Waller will be training several of our officers as well as officers from Derry Township so there will be no charge for this first course; however, as the training moves forward, any future training will be reimbursed to the Township.

Mr. Crissman made a motion to approve the agreement with Hershey Entertainment and Resorts and Derry Township to provide police officer motorcycle training. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed

Action to authorize the Township Manager to execute closing documents in the acquisition of 5805 Linglestown Road

Mr. Wolfe explained that Mr. Stine can speak to what documents he is preparing for this action. He explained that this property is subject to the Township's PEMA Hazard Mitigation Grant for 5805 Linglestown Road, a property located within an identified floodplain. He noted that State and Federal funds have been acquired for the purpose of taking the property into public ownership, demolishing the structure, and turning the parcel ground into open space since it is located in a floodplain. He noted that Mr. Stine is looking for authorization to complete the grant requirements.

Mr. Stine noted that this would provide the authorization to sign the settlement closing documents, such as the settlement sheet, deed restriction that the Township would be required to put on the property and items like that.

Mr. Hornung questioned if the Township will own the property once this is completed. Mr. Stine answered yes.

Mr. Seeds questioned what the time frame will be for the completion of this process. Mr. Wolfe answered that the closing for the property is scheduled for July 30, 2012.

Mr. Hornung questioned what the property is valued at. Mr. Wolfe answered that the appraised value is \$95,550.00. Mr. Seeds noted that the purchase will be at no cost to the Township. Mr. Wolfe answered that was correct. Mr. Stine noted that it would be paid through grant finds.

Mr. Crissman made a motion to approve Mr. Wolfe as the authorized signer for the documents associated with 5805 Linglestown Road, with the assistance of Mr. Stine. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Waiver request for the final land development plan for Laurel Ridge

Mr. Wolfe explained that this request for a waiver was heard at a previous meeting, however, communications between himself and Mr. Snyder were inaccurate and he had the wrong date for the meeting. He noted that the Board acted during its last workshop session to deny Mr. Snyder's request for infill for the sanitary storm sewer. He noted that Mr. Snyder is seeking a waiver from the requirement for utility trenches in a private road. He is requesting that he could backfill with material from the site as opposed to using stone. He noted that Mr. Snyder from RGS Associates and Mr. Steve Fleming from HRG are present to discuss this matter further.

Mr. Snyder noted that he is present to discuss Section 180-511.D.3 of the Township Subdivision and Land Development Ordinance of 2010 concerning a sewer trench. He noted that his staff determined that he could use the on-site fill to fill the trench and the contractor had the same opinion as well. He explained, last month, during a pre-construction meeting, it was noted that was not the case, and when he approached Mr. Weaver he was told that it was a Township issue. He noted that he spoke with Mr. Wolfe and he explained that he would need a waiver request.

Mr. Snyder explained that he is asking for a waiver for the fill from the top of the trench to the bottom of the sub basin with 2-A stone for the 1,700 hundred feet of sewer for the site. He noted, instead of filling the sewer trench with 2-A stone, he proposes to use the compacted fill from the site. He noted that the site must be developed by installing the basins, with two swales that will protect wetlands at the end of the property. He noted that the swales will be in an area

where the buildings and road will be located. He noted that he will be constructing basins and swales, then the sewer, and then he will come back and finish the roads. He explained when you try to put stones on top of a sewer line that was installed with fill to compact for the roadway, you always have a stone/soil interface that he would prefer not to see in this process for private roads and private sewers.

Mr. Snyder explained that he proposes to use fill, compact it in lifts, and a testing agency will be hired by the lender to require testing for every 100 feet. He noted that he will have on-site supervision for the strength testing, which is going above and beyond to meet this requirement. He explained that he spoke to Mr. Fleming about this and questioned if Mr. Fleming had any additional comments.

Mr. Fleming noted that he received a request from Mr. Wolfe to take a look at this property roughly two weeks, a common request for new developments. He noted that typically, there is a purpose for backfilling with stone, especially in a public street setting, noting that the main purpose is for the proper compaction of the fill. He noted when you use clean fill in a trenching environment you don't get as good a compaction as you do with stone. He noted that Mr. Snyder pointed out to him that the streets are private and the Township will never take ownership of them. He noted that the site will be constructed in lifts. He noted that he has seen locations where they come back to install the utilities and you would still have the backfill issue where stone would be appropriate. He noted that the contractor would be installing the sanitary sewer first and the site would be brought to conformance. He noted, in this instance, he would not oppose their request as it is easy to pack the site in lifts, using similar material trying to comply with the stone backfill and trench situation. He noted that he would support their request.

Mr. Hawk noted that this is a change in attitude from what Mr. Fleming stated during the workshop session. Mr. Fleming replied that it is a change based on the fact that the contractor

and developer have indicated a specific sequence of construction. He noted that he would not support this in a situation where it has not been determined how the site was going to be built. He noted if you are trenching for utilities he would still want to see stone backfill by stoning the facilities first and then bringing the site up uniformly using large compaction equipment with vibratory rollers. He noted that he would support a request like this as long as it is in a project setting.

Mr. Hawk questioned if there will be sufficient oversight to see that it is done exactly as mentioned. Mr. Fleming noted that the sanitary sewer department will have an inspector on site during construction of the sanitary sewer and the developer has contracted with an inspection agency that will provide inspection reports and compacting testing as well.

Mr. Crissman questioned if the Township would assume the road, would Mr. Fleming be in support of the waiver. Mr. Fleming answered only if there was full-time inspection. Mr. Crissman noted that he would not want to grant a waiver and seven years down the road it becomes the Township's problem. Mr. Fleming noted that the streets that are being added are being added to a private street system that only serves this development. Mr. Snyder noted that it is a rental community so it is one owner and there is no way to separate ownership out of this community. He noted that the roads do not offer any available connection to off-site, so a neighborhood would not be able to connect into these roads or the sanitary sewer system. He noted that they must remain as part of the ownership of the property.

Mr. Fleming explained that there were a few waivers that were approved during the design process and these streets are not constructed using the Township's design standards in certain aspects so he would not support the Township in accepting these streets as public streets.

Mr. Snyder noted, in addition to have the Sewer Department inspectors, he will have a civil engineer to certify for the lender and he will have a full HUD inspection. He noted that he

contracted with Geo-Technology Associates, Inc., as the subcontractor to do the additional testing. He noted that they will be testing every 100 feet of this road and sewer for compaction and moisture content.

Mr. Crissman questioned if Mr. Fleming had a copy of the contract. Mr. Snyder answered no and then provided one to him.

Mr. Seeds noted that this is a big savings to the contractor not to have to haul the fill out and place the stone. Mr. Snyder noted that is not true due to the testing costs but it makes more sense for their construction needs since he is segregating the construction of the sewer prior to bringing the site up.

Mr. Hornung noted when you put utilities in the ground; you usually put finer stone on top. He questioned if they would still be doing that. Mr. Snyder answered yes. He noted that he is following the detail where it states #857 for around the pipe but it is only for the section between the top of the sewer trench and the bottom of the sub base.

Mr. Fleming noted that the reason for his reconsideration was the level of oversight provided during construction and the manner in which the site will be constructed.

Mr. Seeds noted that the Board took action at its last meeting to deny this request. Mr. Crissman answered yes because no one was present to represent the plan. Mr. Hawk noted that the roads will be privately owned and not dedicated to the Township and if there are any issues it would be Mr. Snyder's problem.

Mr. Seeds noted that often residents come to the Board of Supervisors to complain about private streets, and they feel that the Township should fix their problems.

Mr. Crissman noted that based upon the advice of the engineer in supporting the waiver he made a motion to approve the waiver request from Laurel Ridge for the backfill specification.

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.

Final subdivision plan for Amber Fields, Phase V

Mr. Wolfe noted that the Township has received a plan for the Phase V portion of Amber Fields Development. He noted that Phase V consists of eighteen (18) single family dwelling units and is zoned R-C, Residential Cluster. He noted that the tract of land is located between Devonshire Road and Devonshire Heights Road, west of Nyes Road, and it was zoned R-1, Low Density Residential District, before being rezoned to RC in 1992. He noted that the overall property consists of 111.34 acres and the total area for Phase V consists of 12.84 acres. He noted that the property is served by public sewer and public water.

Mr. Wolfe noted that this plan was reviewed by the Planning Commission at its June 13, 2012 meeting and it recommended approval of the plan and the one waiver request with a comment that the developer look at the best possible solution for the strip of property abutting Lots 72 and 73.

Mr. Wolfe noted that the applicant has requested the following waiver: Waiver of the maximum cul-de-sac length requirement from 600 feet to approximately 800 feet. He noted that the Township engineer and staff support this waiver.

Mr. Wolfe noted the two site specific conditions are: All conditions of the preliminary plan shall be complied with and once approved, final plan submissions shall include a scanned, full size (pdf) copy and an electronic file of the complete plan set and any other technical plans.

Mr. Wolfe noted that there are six general conditions and one staff comment.

Mr. Wolfe noted that Joel McNaughton is present to represent the plan.

Mr. McNaughton noted that this is Phase V of eight phases for the Amber Fields development. He noted on the approved preliminary plan there were 20 lots for Phase V,

however he did some things to make construction easier and it reduced the lots to 18. He noted that he understands all the conditions for the plan.

Mr. Wolfe requested Mr. McNaughton to point out the elimination of the one access road for this phase. Mr. McNaughton noted on the preliminary plan there was an additional connection from this phase to Devonshire Heights Road across from Longview Drive. He noted that it would have been the fourth external connection for Amber Fields to the street outside of the development. He explained that there are currently two connections with Devonshire Heights Road and a connection to the existing Highlands Development. He noted that this phase called for the fourth connection to Devonshire Heights Road and it was felt that three connections were adequate. He noted that he does not want to promote a lot of pass through traffic to the site so he eliminated that additional connection.

Mr. Seeds questioned how that came about. Mr. Wolfe noted that it was part of the land development process at the time. He noted that several connections were proposed but the Township's requirement is for two egresses and this plan called for four however there is no municipal requirement for them to maintain four egresses. Mr. Seeds questioned if it was a condition of the plan. Mr. Wolfe answered that it was not.

Mr. Seeds noted that the total lots were reduced from 20 to 18 and further down in the narrative it mentions 19 lots. Mr. McNaughton noted that there are 18 lots to be developed.

Mr. Seeds noted that the Planning Commission recommended the waiver but it wanted the developer to look at the best solution for the strip of property abutting Lots 72 and 73. He questioned what that was all about. Mr. McNaughton answered that it concerned the property that would have been the roadway connection to Devonshire Heights Road. He noted that it will be owned by the purchaser of Lot 72. He noted that the two lots that he lost in this phase were in

the cul-de-sac as it extended much further. He noted that the sewer line and storm sewer line got very deep and he just shorten the cul-de-sac and ended up with two fewer lots.

Mr. Hornung noted that he was glad that he eliminated that entrance on Devonshire Heights Road as it was on a curve and he always felt that it would not be a good access. Mr. McNaughton noted that it made the sight distance, but it wasn't ideal. Mr. Hornung noted that the traffic on that road does not always follow the speed limit.

Mr. Crissman questioned if the emergency vehicles are able to navigate the cul-de-sac. Mr. McNaughton answered yes, noting that it is the same dimensions just a shorter length.

Mr. Crissman noted that Mr. McNaughton is in favor of the wavier, and he noted that the engineer and staff support the waiver as well.

Mr. Crissman questioned Mr. McNaughton if he was in agreement and could comply with the two site conditions. Mr. McNaughton answered yes.

Mr. Crissman questioned if Mr. McNaughton was in agreement with the six general conditions and if he would be able to meet them. Mr. McNaughton answered yes.

Mr. Crissman questioned Mr. McNaughton if he was in agreement with the one staff comment and if he could meet that comment. Mr. McNaughton answered yes.

Mr. Crissman made a motion to approve the final subdivision plan for Amber Fields, Phase V with the following waivers and conditions: 1) Waiver of the maximum cul-de-sac length requirement from 600 feet to approximately 800 feet; 2) All conditions of the preliminary plan shall be complied with; 3) Once approved, final plan submissions shall include a scanned, full size (pdf) copy and an electronic file of the complete plan set and any other technical plans; 4) Plan approval shall be subject to payment of recreational fee in lieu of \$662 per lot for eighteen (18) newly created building lots; 5) Plan approval shall be subject to providing original seals and signatures; 6) Plan approval shall be subject to the payment of engineering review fees; 7) Plan

approval shall be subject to the establishment of an improvement guarantee for the proposed site improvements; 8) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 9) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; and 10) A street/storm sewer construction permit is required and is to be obtained prior to earthmoving activities. A pre-construction meeting is to be held prior to starting the project. Contact Matt Miller at 657-5615 to schedule the meeting. This may be held on conjunction with the Conservation District meeting. 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 land development plan for Community General
Osteopathic Hospital N/S Nursing Expansion

Mr. Wolfe noted that this plan proposes the construction of a sixty-four thousand eight hundred square foot (64,800) three-story expansion of the North/South Nursing corridor on top of the existing two-story portion of the hospital. He noted that an eighteen thousand seven hundred fifty-three (18,753) square foot portion of the existing hospital will be demolished and the expansion will house ninety-six (96) patient beds and the demolition will create the loss of forty- three beds, for a total gain of fifty-three (53) beds.

Mr. Wolfe noted that the property is zoned IN, Institutional Zoning District and the property consists of 35.81 acres. He noted that the property is located north of Londonderry Road and east of Arlington Avenue and is served by public sewer and public water, and no new impervious coverage is proposed.

Mr. Wolf noted on May 24, 2012 the Zoning Hearing Board granted a variance to Docket #1312 to increase the height of the addition to seventy (70') feet.

Mr. Wolfe noted on June 13, 2012 the Planning Commission recommended approval of the plan and waiver requests.

Mr. Wolfe noted that staff supports the requests of the waiver of the requirement to provide a preliminary plan and to provide a wetlands delineation report. He noted that the existing building to be demolished is not in a wetland area since it is an existing building and the new construction is going up and not out. He noted that there are five general conditions and two staff comments.

Mr. Wolfe explained that Christine Hunter is present to represent the plan from H. Edward Black and Associates.

Ms. Hunter noted that she was before the Board roughly a month ago to provide a brief overview of the project. She noted that it involves a three-story vertical addition to the existing portion of the hospital and demolition of another portion of the hospital in order to replace patient rooms. She noted that they are now double occupancy rooms and the new rooms will be single occupancy rooms. She noted that no additional parking is proposed at this time as the current code does not provide a need for additional parking. She noted that there will be no additional impervious coverage; in fact there will be a reduction with the demolition of the existing building.

Ms. Hunter noted that the addition is proposed to be single occupancy patients rooms to bring the hospital up to current standards to provide the best healing environment for the patients. She noted that she is adding three stories and has been granted a variance for height from the 60 foot limit to 70 feet. She explained that the police and fire departments have approved the plans as well.

Mr. Seeds questioned Ms. Hunter if she stated that she did not need additional parking. Ms. Hunter answered that was correct. Mr. Seeds noted that the hospital would be adding 53

beds, but Ms. Hunter has done a new parking calculation for the entire campus based upon the current codes and it bases parking on hospital beds and employees. Mr. Seeds noted that the hospital received a variance for height and he read that she would be going back to the Zoning Hearing Board to seek another variance for height for a future addition. Ms. Hunter answered that was correct.

Mr. Seeds noted that there has been a lot of expansion at the hospital and he recalled during a prior meeting that it was mentioned that a parking deck may have to be built since they are running out of the space for parking. Ms. Hunter explained that the parking structures idea comes up periodically, however, in a suburban setting, people are not comfortable parking in a parking garage. She noted that there is enough parking on site but the challenge that the hospital has is the distance of that parking from the hospital main entrance. She noted that the hospital has instituted shuttle buses for the parking lot. She noted that Pinnacle Health is looking to get some parking closer to the building when it demolishes the older building. Mr. Seeds questioned if they might tear down some of the apartment buildings across from the stream. Ms. Hunter noted that that location is very far from the entrance to the main hospital. Mr. Hawk suggested that we concentrate on this issue and not a possible parking garage for the future.

Mr. Hawk questioned if you would access the three new floors from the main entrance to the hospital. Ms. Hunter answered that was correct. She noted that the second floor of this area is patient rooms and it will be an extension of that corridor.

Mr. Crissman questioned if she is the authorized speaker for Pinnacle Health for this plan. Ms. Hunter answered yes.

Mr. Crissman noted that Ms. Hunter is in agreement with the two waivers. He noted that both staff and the Township engineer support the waiver agreements.

Mr. Crissman questioned if Ms. Hunter was in agreement with the five general conditions in that they have been completed or will be completed. Ms. Hunter answered yes.

Mr. Crissman questioned if Ms. Hunter is in agreement with the two staff comments in that they have or will be completed. Ms. Hunter answered yes.

Mr. Crissman made a motion to approve the preliminary/final land development plan for Community General Osteopathic Hospital N/S Nursing Expansion with the following waivers and conditions: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to provide a wetlands delineation report; 3) Plan approval shall be subject to providing original seals and signatures; 4) Plan approval shall be subject to the payment of engineering review fees; 5) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 6) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 7) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 8) 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; and 9) Sign permit review and approval is necessary prior to the erection of any new signage on this site. 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.

Ms. Hunter wanted to express her appreciation of the Township's staff who worked very closely with her through this process. Mr. Toburen also expressed his gratitude to the Township.

Improvement Guarantee

Mr. Hawk noted that there was five improvement guarantees.

Maiden Creek

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$103,400.00, with an expiration date of July 17, 2013.

New One Story Office Building

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$28,199.88, with an expiration date of July 17, 2013.

Wilshire Estates, Phase I

An extension and reduction in a letter of credit with Fulton Bank, in the amount of \$293,700.00 with an expiration date of July 17, 2013.

Spring Creek Hollows, Phase IB

An extension and reduction in a letter of credit with Orrstown Bank, in the amount of \$44,933.23, with an expiration date of July 17, 2013.

CGOH NS Nursing Expansion

A new letter of credit with M&T Bank, in the amount of \$37,791.00, with an expiration date of July 17, 2013.

Mr. Seeds questioned if the One-Story Office building has started. Mr. Wolfe answered that it has not.

Mr. Crissman made a motion to approve the five improvement guarantees.

Mr. Wolfe noted that the Board also has before it tonight the new improvement guarantee for the Community General Osteopathic Hospital expansion project.

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, the Lower Paxton Township Authority, and the Purchase Card provider. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Crissman seconded the motion and the meeting adjourned at 9:37 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary