

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held November 18, 2014

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:25 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 Robin L. Lindsey.

Also in attendance was George Wolfe, Township Manager; Steve Stine, Township Solicitor; Jerry Gibbney, Burget and Associates, Inc.; and Watson Fisher, SWAN.

Pledge of Allegiance

Mr. Hawk suspended the recitation of the Pledge of Allegiance as it was recited during the previously held Budget Workshop meeting.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the October 21, 2014 business meeting and October 21, 2014 budget workshop meeting. Mr. Hornung seconded the motion, and a unanimous vote followed.

Public Comment

No public comment was provided.

Board Members Comments

No comment was provided by Board Members.

Manager's Report

Mr. Wolfe noted that the Township Tree Lighting event will take place at the Friendship Center on Friday, December 5th at 7 p.m. He noted that there will be a visit from Santa Claus

and the community is invited to attend this event. He noted that the United States Marine Corps will be accepting Toys for Tots and there will be entertainment and refreshments will be served.

Mr. Wolfe noted that the Village of Linglestown will hold its Tree Lighting ceremony at the Square on Sunday, December 6th at 6 p.m. He noted that it will kick off the 250th Anniversary celebration for the Village of Linglestown.

Mr. Wolfe noted that the Compost Facility will close on Friday, December 3rd. He noted that Waste Management will have one more curbside leaf waste collection, the week of December 1st through the 5th. He explained that the one exception to this would be the collection of Christmas trees which will be held in January.

Mr. Hornung noted as the municipal crews traverse the Township picking up leaves, many people say that they are coming too early or they say they are coming too late. He questioned if they try to hit each area twice. Mr. Wolfe answered that the crews attempt to do that but it is dependent on the weather conditions. He noted that the crews should be close to hitting all the areas once and after that occurs they will start the second collection. He noted that the crews start the collection of leaves in the beginning of November and continue until the end of December.

Mr. Hornung questioned how many miles of leaf collection do the crews do. Mr. Wolfe answered that there are 200 miles of municipal roads, and doing both sides amounts to 400 lane miles of Township roads. He noted that Waste Management will do bi-weekly collection, but you have to bag or can the leaves and they are picked up the day after the trash is picked up.

Mr. Hornung questioned if you can go on the web site to find the approximate schedule for collection. Mr. Wolfe answered, if you look on the left side of the Township's web site, you

can access the map, schedule, and instructions for how to properly place the leaves for the fall leaf collection.

Ms. Lindsey questioned if residents will be able to take their Christmas Trees to the Public Works Facility. Mr. Wolfe answered yes, for the south side of the Township, and for the north, the collection area is located at Koons Park. He noted that Waste Management will also take Christmas Trees at curbside.

Mr. Seeds thanked Mr. Wolfe for announcing the Tree Lighting at Linglestown and noted that there will be a sing along and refreshments will be served after the event at the Fire House.

OLD BUSINESS

Resolution 14-34; Authorizing the Township to self-report under the Municipalities Continuing Disclosure Cooperation Initiative

Mr. Wolfe noted that the resolution was prepared by bond counsel, Tom Smida of Mette Evans and Woodside. He noted that it is his recommendation that you adopt it this evening. He explained that Mr. Smida has reviewed this resolution with the Board during an executive session and was unable to be at the meeting this evening. He noted that the resolution is complete for the Board's action this evening.

Mr. Crissman made a motion to approve Resolution 14-34; authorizing the Township to self-report under the Municipalities Continuing Disclosure Cooperation Initiative. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on an agreement with the Community Club of Colonial Park for lease of Mateer Field

Mr. Wolfe explained that the Community Club of Colonial Park has owned and operated Mateer Field which consists of a pee wee baseball field and a midget baseball field for many years. He noted in the past several years the club and the baseball program became defunct and

the facility has been used on a limited basis. He noted in discussions with members of the Community Club of Colonial Park, the Township has requested the ability to lease the facility. He noted during the Club's meeting held last night, they approved a lease agreement based upon a sample document that is in the Board's packet.

Mr. Wolfe noted that Colonial Club of Colonial Park made two changes to the agreement with the first one being an annual fee of \$3,600. He noted that they would like to add an additional paragraph to the agreement which would provide the right of first refusal to the Township should the Community Club of Colonial Park decide in the future that they will sell or dispose of the property. He noted that the Club acted last evening to approve the agreement with the two noted changes.

Mr. Crissman made a motion to approve the agreement between the Township and the Community Club of Colonial Park for the lease of Mateer Field with the insertion in item three of the annual fee of \$3,600, a payment of \$300 per month, and the right of first refusal provided to the Township in the event the property is sold. Mr. Crissman noted that the Board has made its own change to item 4 as follows: Use of Leased Premises: Lessee shall have the exclusive right to use the leased premises. During the times when Lessee has not scheduled any activity on the leased premises, lessor may make a request to use the leased premises, subject to the approval of the Lessee. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

NEW BUSINESS

Final subdivision plan for James and Mary Spangler and Bethany Church of the Nazarene

Mr. Wolfe noted that the Board has seen the subdivision plan before in discussions with the applicant regarding the fee-in-lieu waiver request. He noted that the Township has received a plan to subdivide a small area (Lot 1-A-a) of the existing church lot to become an addition to the adjoining lands of James and Mary Spangler. In addition, the Spangler's will subdivide a twenty (20) acre parcel into two (10) acre parcels. The re-subdivision will create two (2) ten (10) acre parcels that will be maintained in the continued status of the Clean and Green program under Dauphin County. The tract is zoned R-1, Low-Density Residential District and is located east of Parkway West and north of Carrollton Drive.

Mr. Wolfe noted with the addition of the second lot, the applicant requested a waiver of the recreation fee. He noted that Mr. Stine has provided language for this note to be added to the plan.

Mr. Wolfe noted that this plan was approved by the Planning Commission on September 3, 2014.

Mr. Wolfe noted that the applicant has requested the following waivers: 1) The applicant is requesting a waiver for the requirement to provide a preliminary plan, supported by staff; 2) The applicant is requesting a waiver for the requirement to provide street widening supported by staff; 3) The applicant is requesting a waiver for the requirement to provide sidewalk along the property frontages, Staff recommends deferral of the requirement; and 4) The applicant is requesting a waiver for the requirement to curb along the property frontages, Staff recommends deferral of the requirement for both sidewalk and curb until development, but the decision is up to the Board.

Mr. Wolfe noted that the applicant, Trisha Heisey and her engineer are present to represent the plan.

Mr. Stine noted that the note to be added to the plan is as follows: payment of the applicable recreation fee for any new lot created by the subdivision shall be deferred until the lot is sold to a new owner or the lot is further subdivided.

Mr. Hawk questioned if the applicant is in agreement. Ms. Heisey answered yes.

Mr. Seeds questioned if there were any plans to build at home at this time. Ms. Heisey answered no.

Mr. Gary Gibbney introduced himself noting that he works for Burget and Associates and is present on behalf of his client.

Mr. Seeds noted that he saw a couple of reference on the application form of some letters from your firm that indicated a new home. Mr. Burget answered if a new home were to be developed on these lots it would have to be through land development. He noted that nothing is planned at this time.

Mr. Seeds noted that you asked for a referral of widening but the Planning Commission and staff is recommending the referral of widening, walks and curbing. Mr. Hawk noted that staff recommends the deferral of the sidewalks and curbing. Mr. Gibbney noted that the Planning Commission recommended the deferral until... Mr. Seeds noted that is for the curbing and sidewalk. He noted that your firm asked for the deferment of the widening but the Planning Commission and staff recommended a waiver, noting that there is a difference between a deferment and a waiver. He noted that we would get another slice of the pie when you come in with a plan.

Mr. Crissman noted that you can build a house without a land development plan on one lot. Mr. Wolfe noted that you do not need to submit a land development plan to build a dwelling unit on a platted lot.

Mr. Hornung noted that the Subdivision and Land Development Ordinance (SALDO) has several requirements and HRG comments were that they do not believe that this is required as no site grading is proposed with the plan. He questioned if providing the waivers would entitle the applicant to anything else. Mr. Wolfe answered, not to his knowledge. Mr. Hornung noted if HRG does not believe that they need a waiver, then why... Mr. Wolfe noted that the ordinance is a blanket document that applies generically to all land. He noted if they were dividing this into ten one-acre lots, two parcels, 20 acres total, he would not recommend that widening of the curb and sidewalk. He noted that the ordinance says it is required but where there is no development staff believes, and this Board has always taken the position, that it would not require excessive improvements for a simple subdivision. He noted that you have the authority in these situations to waive it.

Mr. Hornung noted that the applicant is requesting a waiver but we are saying that we don't believe that the plan requires a waiver. He noted that it was part of the memorandum from Steve Fleming to Amanda Zerbe. Mr. Wolfe noted that according to Mr. Fleming he does not believe that the SALDO requires contours when you are not doing grading. Mr. Hornung noted that there are other ones of a similar nature and he was curious. Mr. Wolfe noted that the applicant's engineer requested the waiver but Mr. Fleming's response is that the waivers are not necessary and if it is not required and the Board grants the waiver it is the same end result. He noted that it does not provide more liberty for the applicant. Mr. Stine noted if it is not required because of not doing something then the outcome is the same.

Mr. Hornung noted by giving the applicant the waiver it does not give them more permission. Mr. Stine noted that the applicant would not do this anyway since there is no grading proposed. Mr. Hornung questioned if they decided to do grading, would they be in violation of the plan although they would have a waiver to do it. Mr. Stine questioned what kind of grading would you do on a 20 or 10 acre lot under Clean and Green. He noted if they want to develop it or subdivide it then the waiver does not apply to the new subdivision. Mr. Hornung questioned if the waiver would apply to the one existing lot. Mr. Stine answered yes. Mr. Hornung questioned what would happen if they did grading. Mr. Stine answered, before they would do any grading, they would have to get a NPDES Permit and a stormwater permit. He noted at that time those plans would have to show all of the work.

Mr. Crissman questioned Mr. Gibbney if he has the documents in front of him that the Board is looking at which includes the waivers and conditions. Mr. Gibbney answered yes.

Mr. Crissman questioned if Mr. Gibbney was able to speak for the applicant. Mr. Gibbney answered yes.

Mr. Crissman noted that staff supports the first two waiver requests and recommends a deferral for the last two waiver requests. He questioned if he was in acceptance of the waiver requirements. Mr. Gibbney answered yes.

Mr. Crissman noted that there are two site specific conditions, noting that an easement be shown on the plan and approval of a DEP Sewage Facilities Planning Mode. He questioned if Mr. Gibbney is in agreement to these conditions. Mr. Gibbney answered yes.

Mr. Crissman noted that there are nine general conditions, with the 5th condition requiring that all comments from Steven Fleming, HRG, Inc. letter dated August 27, 2014 be addressed.

He questioned if these will be completed or have been completed in a timely fashion acceptable to the Township. Mr. Gibbney answered yes.

Mr. Crissman questioned if he had any objections to the required note that had been specified earlier by Mr. Stine in that payment of the applicable recreation fee for any new lot created by the subdivision shall be deferred until the lot is sold to a new owner or the lot is further subdivided. Mr. Gibbney answered that he had no objections.

Mr. Crissman made a motion to adopt the Final subdivision plan for James and Mary Spangler and the Bethany Church of the Nazarene with the following waivers and conditions: :

- 1) the applicant is requesting a waiver for the requirement to provide a preliminary plan;
- 2) The applicant is requesting a waiver for the requirement to provide street widening;
- 3) The applicant is requesting a waiver for the requirement to provide sidewalk along the property frontages;
- 4) The applicant is requesting a waiver for the requirement to curb along the property frontages, (Waivers 3 and 4 will be deferred until further development);
- 5) Clarify how the existing stormwater management easement for Bethany Church of the Nazarene will be affected due to the relocation of the property line, Staff recommends that the easement be shown on the plan to verify that it will not be affected;
- 6) When received, evidence that either approval of the DEP Sewage Facilities Planning Module or similar documentation has been granted by DEP or that such approval is not required shall be submitted;
- 7) Plan approval shall be subject to providing original seals and signatures;
- 8) Plan approval shall be subject to the payment of engineering review fees;
- 9) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements;
- 10) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan;
- 11) Plan approval shall be subject to

addressing all comments of Steve Fleming, HRG, Inc. dated August 27, 2014; 12) Zoning Permit will be required prior to the erection of the proposed Single family dwelling; 13) Plan approval shall be subject to the note added to the plan from the Township Solicitor in regard to the recreation fee; 14) Administrative Items to be Completed Prior to Plan Approval and Recording: 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; 15) 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 on a compact disk (CD). The digital file shall comply with the requirements in Article 3, § 180-308. Digital Plan Requirements; 16) A final item would be the addition of a note to the plan stating that payment of the applicable recreation fee for any new lot created by the subdivision shall be deferred until the lot is sold to a new owner or the lot is further subdivided. Mr. Hornung seconded the motion. Mr. Hawk called for a roll call vote: Ms. Lindsey, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye

Improvement Guarantees

Mr. Hawk noted that there was one Improvement Guarantee and one Stormwater Guarantee to approve.

Wilshire Estates, Phase I

An extension in a letter of credit with Jonestown Bank and Trust Co. in the amount of \$302,484.88 with an expiration date of November 18, 2015.

Stormwater Guarantees

Dennis and Michelle Guzy

A release of an escrow with Lower Paxton Township in the amount of \$7,600.00

Mr. Wolfe noted that there was an additional improvement guarantee that was added to the agenda.

Kendale Oaks, Phase 1V

A reduction in a letter of credit with M&T Bank in the amount of \$1,198,986.60 with an expiration date of August 19, 2015.

Mr. Crissman made a motion to approve the two listed improvement guarantees and one stormwater guarantee. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority and payment of the Purchase Cards for Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion.

Mrs. Lindsey had a question regarding the HRG bills for the Sewer Authority for \$53,442.24. She questioned if that was for paving inspections. Mr. Wolfe answered yes. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting, and the meeting adjourned at 8 p. m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

William L. Hornung
Township Secretary