

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held January 5, 2009

The annual reorganization meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:34 p.m. by Steven A. Stine, Chairman Pro Tem, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present were William B. Hawk, William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Lori Wissler, Community Development Manager, and Dr. Augustus Papandrea.

Pledge of Allegiance

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

Election of the Chairman of the Board

Mr. Crissman nominated William B. Hawk to serve as Chairman of the Board of Supervisors. Mr. Seeds seconded the motion, and a unanimous vote followed.

Mr. Hawk thanked Mr. Stine for conducting the start of the meeting.

Mr. Hornung questioned how many years Mr. Hawk has been the Chairman. Mr. Hawk responded that this would be his twelfth year. Mr. Hornung noted that Mr. Hawk has been doing a great job.

Election of the Vice-Chairman of the Board

Mr. Crissman nominated William C. Seeds, Sr., to serve as Vice-Chairman of the Board of Supervisors. Mr. Blain seconded the motion, and a unanimous vote followed.

**Appointment of the Township Secretary, Vacancy Board Chairman, Township Treasurer and Assistant Treasurers, Township Manager, Township Solicitor, Township Engineer, Voting Delegate and Alternate to PSATS State Convention
Establishment of Treasurer's Bond, Depository and Regular Board Meetings**

Mr. Hawk made a motion to appoint the following to the various boards and positions:

Township Secretary – Gary A. Crissman

Vacancy Board Chairman – Lohman Henry

Treasurer – David B. Blain

Assistant Treasurers – Gary A. Crissman and William Hornung

Township Manager – George S. Wolfe

Township Solicitor – Steven A. Stine, Stine Law Offices

Township Engineer – Herbert, Rowland and Grubic, Inc.

Representative and alternate to the Capital Region Council of Governments –
William C. Seeds, Sr. and Matthew Miller

Dauphin County Municipal Stormwater Management Workgroup Representative
– Sam Robbins and Matthew Miller as the alternate

Voting delegate and alternate to Pennsylvania State Association of Township Supervisors State Convention – Williams B. Hawk and Gary A. Crissman

Establishment of Treasurer's Bond – Mr. Hawk stated that the Treasurer's bond is in the amount of \$1,000,000.00.

Designation of Township Depository – M & T Bank.

Establishment of the Meeting Schedule for Board Meetings – First three Tuesday's of each month, except for holidays or Election Day. The first and third Tuesday would be the business meetings and the second Tuesday would be the workshop meeting.

Representative to the South Central Emergency Medical Services – William C. Seeds, Sr., and a second member to be appointed at a later date.

A unanimous vote followed for the above stated appointments, and to establish the Treasurer's bond, Township Depository, and establishment of the regular board meetings as stated by Mr. Hawk.

**Authorization to the Secretary or Treasurer to pay all Fixed Expenses
which result from Prior Board Action.**

Mr. Blain made a motion to authorize the secretary or treasurer to pay all of the fixed expenses which result from prior Board action. Mr. Crissman seconded the motion and a unanimous vote followed.

Board, Commission & Committee Appointments

Mr. Hawk made a motion to appoint the following board, commission and committee members:

Friendship Community Center Operating Board – David A. Bohner and Denise Hussar, for a three-year term.

Planning Commission – W. Roy Newsome and Robin Lindsey, for a four-year term.

Parks and Recreation – Mary Jane Hornung and Christopher Johnston, for a five-year term.

Recycling Committee – LuAnn Bird and Robert Reitzel, Sr., for a two-year term.

Shade Tree Commission – Greg Schrum, for a five-year term.

Zoning Hearing Board – Sara Jane Cate and Jeffrey W. Staub, for a five-year term.

Arts Advisory Council – Mary Grace Newsome, Sonia Murphy, Amy Gabriele, Gene Wallace, and Stanley Smith, for a one-year term.

Public Safety Committee – Matthew Hunt, Christopher Judd, Janet Smith, Jack Harlacker, Doug Vene, Chief, Colonial Park Fire Company; Chief, Linglestown Fire Company; Chief, Paxtonia Fire Company; President, Colonial Park Fire Company; President, Linglestown Fire Company; President, Paxtonia Fire Company; Fire Marshall, Richard Needham; Public Safety Director/Chief of Police, Daniel Bair; and a Representative from South Central Emergency Medical Services, for a one-year term.

Village of Linglestown Committee – Eric Kessler, Andrew Christine, James Griffiths, Gary L. Hoffman, John Kepler, Stuart Knade, William E. Minsker, Paul M. Rowe, Joseph Mack, William Twilley, Jerry Miller, and Pastor G. Barry Stahl, for a one-year term.

Audit Committee – Gary A. Crissman, David B. Blain and George S. Wolfe, for a one-year term.

Mr. Blain made a motion to approve the appointments to the various boards, and commissions as stated by Mr. Hawk. Mr. Crissman seconded the motion, and a unanimous vote followed.

Mr. Hawk noted that the appointments for the Parks and Recreation Board, Shade Tree Commission, and Agricultural Security Area Advisory Committee would be made at a future meeting.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes of the November 10, 2008 administrative workshop, and December 16, 2008 business meeting as presented. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

No public comment was presented.

Chairman & Board Members' Comments

No comments were presented.

Manager's Report

Mr. Wolfe noted that Waste Management, as part of its regular curbside leaf waste collection, would pick up Christmas trees during the second and fourth weeks of January starting January 12th. He noted that the trees must have all decorations removed and cannot be in plastic bags. He noted that other leaf waste would be collected during this time.

Mr. Wolfe noted that the Board of Supervisors recently adopted a new mailbox policy for Lower Paxton Township. He noted that this policy concerns mailboxes that may be damaged by the Public Works Department during its operations, especially during snow conditions. He displayed a schematic for the proper installation of a mailbox that should also be maintained in this condition. A copy of the schematic is available by going to the Township's website and clicking on the link found on the left side titled, "Mailbox Damage Notice". He noted that mailboxes should be checked regularly to ensure they are properly installed. He noted, that in

many instances, mailboxes would be damaged by snow removal, and unless the mailbox is actually hit by a plow or truck, no compensation would be mailed to the owner of the mailbox. He noted that the Township's mailbox installation policy is in conformance with the rules and regulations of the U. S. Postal Service. He noted if a mailbox is properly installed and maintained, it should not be affected by the snow plowing process. He noted that the Township would not accept responsibility for damage to mailboxes from the snow plowing process, however, if a mailbox is hit by a snowplow or truck, compensation up to \$50 would be mailed to the mailbox owner.

Mr. Wolfe noted that with the New Year comes many New Year Resolutions, especially concerning weight loss. He strongly encouraged citizens to join the Friendship Center to fulfill this resolution. He noted that citizens do not have to be a member to participate in the many Friendship Center programs.

OLD BUSINESS

Resolution 09-01; Appointing a certified public accountant to audit the funds and accounts of the Township for the 2008 fiscal year

Mr. Blain made a motion to appoint, through Resolution 09-01, the accounting firm of Brown, Schultz, Sheridan and Fritz to audit the funds and accounts of the Township for the 2008 Fiscal Year in the amounts of \$21,150 for the Township; \$3,000 for the Friendship Center; and \$13,000 for the Township Sewer Authority. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

NEW BUSINESS

Ordinance 08-17; Rezoning of property located at 4300 Devonshire Road

Ms. Wissler explained that the applicant has proposed an amendment to the Township's Zoning Map for a 0.481-acre parcel located east of Colonial Road and north of Devonshire Road,

at 4300 Devonshire Road. The applicant proposes to rezone this tract from R-1, Low Density Residential District to BC, Business Campus District. She explained that the property had been used as professional and medical offices.

Ms. Wissler noted that Staff's review comments are the following: 1) As with all rezoning, it is important to review the surrounding zoning of the area to ensure compatibility of land uses. She explained that the subject parcel is abutted to the north, south and east by the R-1, Low Density Residential District, and west of Colonial Road is the BC, Business Campus District, and 2) The 2004 Comprehensive Plan's Future Land Use Map shows the area to be Low/Medium Density Residential.

Ms. Wissler explained that the Dauphin County Planning Commission reviewed the request on September 2, 2008, and recommended that the proposed rezoning not be approved because the request was made on a financial hardship basis. She noted that the County also felt the change may be considered as spot zoning.

Ms. Wissler noted that the Lower Paxton Township Planning Commission reviewed the amendment on September 10, 2008, and recommended denying the request and recommended that Dr. Papandrea consult with the Board of Supervisors in regard to a land swap.

Ms. Wissler explained that the Township mailed notices to property owners surrounding the area of the proposed rezoning on December 5, 2008, and those notices indicated that the Board would consider the rezoning at a public hearing on January 5, 2009. In addition, notices were posted on December 29, 2008, and on December 17, 2008 and December 24, 2008, notices appeared in The Paxton Herald indicating that the Board of Supervisors would conduct a public hearing on January 5, 2009.

Mr. Stine noted that this was the time and date set for the Public Hearing on Ordinance 2008-17, that would rezone property located at 4300 Devonshire Road from R-1, Low

Residential District to BC, Business Campus District. He questioned if anyone wished to be heard on Ordinance 2008-17.

Ms. Sandra Prah, 1001 Homestead Avenue, Harrisburg, Pennsylvania, explained that she was representing the Sheesley Estate that borders Dr. Papandrea's property.

Ms. Prah explained that over the last few years, the backside of Dr. Papandrea's property has undergone changes. She noted that Dr. Papandrea installed an outside stairway, and an additional driveway in the back, and she called him with her concerns as to where the boundary line was located. She noted that Dr. Papandrea told her that it was abutting the property which meant there was no setback for the stairway and driveway. She stated that he told her that he would contact the person interested in purchasing the property to see if they would be able to use the property without the back stairway and back driveway. She noted that the driveway is obviously on her property, and she has never received a return phone call from Dr. Papandrea. She explained that she called the real estate agent, Thomas Posavec, and explained it to him, and he stated that he knew nothing about this. She noted that she called Dr. Papandrea today regarding this issue and he has not returned her phone call. She noted that her concern is the current non-conforming use of the property, and if it is rezoned to Business Campus, which would provide for an even larger setback from her R-1 property, then the stairway and driveway would be located in the setback and possibly on her property. Ms. Prah stated that she did not know where his building was located in comparison to the lot line and how much space there was between the edge of the building and the lot line.

Dr. Augustus Papandrea, 1293 Geraldine Drive, stated that he had the property surveyed when he bought it and there is nothing located on anyone else's property line. He noted that the property slopes very sharply from Colonial Road at Devonshire Road. He explained that when he added the stairway, ten years after he bought the property, he installed a turn around lane at the bottom of the hill, and that part probably sticks over the line because the line slopes acutely. He

noted that the rear driveway is well within his property and noted that Mr. Grove re-surveyed the lot and came up with the same conclusion. He noted that the landing for the staircase could be torn down, as it is not a permanent structure. He noted that the driveway in the rear is legal, except for the little turn around that is not a permanent structure.

Mr. Stine questioned if anyone else wished to be heard on Ordinance 2008-17. He noted that seeing no response, it would be appropriate to close the public hearing on Ordinance 2008-17, and the Board may take action if it so desires.

Ms. Prahm questioned Ms. Wissler if a three-lane highway indicated a separation so that the Business Campus to the west would make the rezoning an instance of spot zoning. Ms. Wissler noted that this was discussed during the Workshop meeting, and it would be a question for Mr. Stine.

Mr. Crissman questioned, with regard to the Planning Commission's suggestion to have the Township swap land with Dr. Papandrea, what was their discussion regarding this suggestion. Ms. Wissler answered that it was a recommendation made by one member of the Planning Commission. She noted that she had no experience with this, but was told that the Township would purchase the property and then swap it for land that it owns. Mr. Stine stated that he had no idea how that would work.

Mr. Crissman questioned if the Township has ever done a land swap. Ms. Wissler answered no.

Mr. Seeds noted that it has been done across the Commonwealth, and the reasoning for the suggestion was that there needs to be more improvements to the intersection abutting the property. He noted that it was thought that there would be more takings of property in the future to accommodate the improvements.

Mr. Blain made a motion to approve Ordinance 2008-17, the rezoning request from Dr. Augustus Papandrea for the property located at 4300 Devonshire Road from R-1, Low Density

Residential District to Business Campus District. Mr. Hornung seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, nay; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye. The Ordinance passed with a four to one vote.

Hutch Junk Yard License renewal

Mr. Wolfe noted that Francis R. Hutchinson has submitted an application for a Junk Yard business located at 6861 Blue Ridge Avenue. He noted that the Board must approve the Junk Yard License annually. He explained that the facility was inspected by staff and found to be in compliance with all Township regulations.

Mr. Blain made a motion to approve the Junk Yard License Renewal for the year 2009 for the Hutch Junk Yard located at 6861 Blue Ridge Avenue. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 09-03; eliminating employee contributions to the Police Pension Plan for fiscal year 2009

Mr. Wolfe explained, that in accordance with Pennsylvania Act 600 and Act 205, the Board of Supervisors, on an annual basis, may eliminate or reduce employee contributions to the Police Pension Plan in accordance with an Actuarial Evaluation that indicates that such reduction is appropriate. He noted that the last Actuarial Evaluation for the Township was conducted in January 1, 2007, and as they are prepared on a biennial basis, the next report would be due in January 1, 2009. He noted that the plan actuary has determined that no employee contributions are necessary during the 2009 fiscal year. He noted that this resolution has been prepared for this purpose.

Mr. Crissman made a motion to approve Resolution 2009-03; eliminating the employee contributions to the Police Pension Plan for the Fiscal Year 2009. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were two Improvement Guarantees.

McDonalds Restaurant – 5590 Allentown Blvd

A release in a letter of credit with JP Morgan Chase Bank, in the amount of \$69,771.02.

Chateau Woods – Kings Pointe

An extension and 10% increase in a letter of credit with Integrity Bank, in the amount of \$9,484.27, with an expiration date of January 5, 2009.

Mr. Seeds noted that the last memo for this project was from Mr. Sutor dated in February of 2003, noting three concerns. He questioned if the concerns have been resolved, noting that five years later, the developer continues to request an extension. Ms. Wissler answered that she and Mr. Miller have been on the site several times, and she believed that they have been corrected. She noted that she would have Mr. Miller check the site. She noted that the developer has never requested a final inspection, therefore, the need for an extension.

Mr. Seeds suggested that after six years, the developer should be able to complete the last few items, and he suggested that the extension should be for a time less than one year. He noted that the Line of Credit with the bank expires March 9, 2009, and he would not be willing to grant an extension for a full year. Mr. Seeds suggested that the developer should be given to the end of March. Mr. Hawk noted that the Improvement Guarantee should be extended to March 31, 2009.

Mr. Crissman made a motion to approve the two listed Improvement Guarantees with the noted change for the expiration date for the Chateau Woods – Kings Pointe Improvement Guarantee. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous voice vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

Announcement

Mr. Hawk wished to express his thanks to his fellow Board members in their confidence in having him serve as Chairman for another year. He noted that each Board member brings a special view point to discussions, and that the Board members can disagree with one another, but are not disagreeable. He noted that this is an extremely positive way to conduct government business. He noted that each Board member brings a special talent to aid the Board in working together.

Mr. Crissman thanked Mr. Wolfe for the revised agendas for the New Year.

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Seeds seconded the motion, and the meeting adjourned at 8:14 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman
Township Secretary