

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held June 2, 2009

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:31 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; Lori Wissler, Community Development Manager; Barbara Greenberg, Molinari and Greenberg, LLC., and Jeff Staub, Dauphin Engineering Co.

Pledge of Allegiance

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

Approval of Minutes

Mr. Seeds made a correction to the minutes from the May 5, 2009 meeting, page 27, the second paragraph; the corrected vote should read; Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung; nay; Mr. Seeds, aye; and Mr. Hawk, nay. With that noted correction, Mr. Seeds made a motion to approve the minutes of the April 14, 2009 workshop meeting, and the May 5, 2009 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

Mr. Daniel R. Cupper, 4741 Spring Creed Road, noted that he and his neighbors were surprised to read in The Patriot-News, the action taken by the Board to close the eastern end of Spring Creek Road. He noted that when he called the Township, he was told that the Township

received no comments or letters in opposition to the road closing. He noted that he was taken by surprise by this. He noted that he had concerns regarding traffic congestion, future growth, and particularly, public safety. He noted that his neighbors have more to say about this issue, and he would like to speak to this at a future meeting.

Mr. Seeds noted that the Bishop McDevitt High School plan has been through reviews by various committees for more than a year. He noted that the Planning Commission had several meetings regarding this. Mr. Wolfe suggested that Mr. Cupper should put his concerns in writing and address them to the Board of Supervisors, to be addressed at a later time.

Chairman & Board Members' Comments

No comments presented.

Manager's Report

Mr. Wolfe noted that the Linglestown Fire Company is celebrating its 75th anniversary this year, and as part of that celebration, they will be hosting the 91st Annual Dauphin County Volunteer Firefighters convention. He noted that a parade would be held on June 13th at 2 p.m., in the Village of Linglestown, starting at Blue Bird Avenue and extending onto Balthaser Street to Linglestown Road to the fire house. He noted that the parade would last an hour, after which, food and activities would be available in Koons Park until 4 p.m.

Mr. Wolfe noted that the Linglestown Fire Company and Lower Paxton Township Parks and Recreation Department will co-sponsor fire works on July 5th in Koons Park at 9:15 p.m., lasting roughly one half hour. He noted that this has been an ongoing event for the past several years.

Mr. Wolfe noted that United Water PA is conducting its semi-annual flushing of water distribution lines. He noted that they began the process the end of April and will continue until the end of June. He noted, if residents experience some discoloration of their water, it may be

due to the flushing of water lines. Any issues concerning this should be addressed to United Water of Pennsylvania's offices.

Mr. Wolfe noted that the Dauphin County Recycling Center is open, and accepts electronic items from County residents at no cost. He noted that the hours of operations are Monday through Friday from 8:30 a.m. to 4:30 p.m., on the first Saturday of each month. He noted that the recycling center is located off of Cameron Street at the City of Harrisburg Public Work's Center.

Mr. Wolfe noted that the Parks and Recreation Department will be sponsoring the Summer Concert Series at Brightbill Park. He explained that the first concert featuring the Lower Paxton Township Variety Band, would be held Friday, July 10, 2009, starting at 7 p.m.

OLD BUSINESS

Resolution 09-22; Setting permit fees for transporting leaf waste to the Township's compost facility

Mr. Wolfe explained that the Board tabled action on this agenda item during its May 5, 2009 meeting, requesting staff to make some minor amendments. He noted that the changes were made to the second resolved section, that established a permit fee for one-day, and the fee for service for commercial users for a one-day delivery. He noted that the entire resolution established fees for the disposal of leaf waste at the Township's compost facility by residents and the taking away of compost material processed by the Township. He noted that the annual fee is \$20 per resident, and \$300 per commercial establishment, however, with the program set to begin August 1st, the fee would be pro-rated to \$10 for residents for the remainder of this year, and \$150 for commercial establishments for the remainder of the year. He noted that the fees provide for the unlimited deposit of leaf waste at the compost facility and the taking away of processed compost from the facility. He noted that a one-day permit for residents would be \$5

and \$25 for businesses. He noted that these permits allow, on a one-day basis, for people to deliver an unlimited amount of compost to the facility, and to take away processed compost if available.

Mr. Wolfe noted that the resolution is complete for Board action at this time.

Mr. Hornung questioned how people would pay for the permits. Mr. Wolfe noted that staff would have to establish a procedure to do so. He noted that the permits would be sold from the Township's Municipal Center, by mail or drop-in service to the Center. He noted that no payments would be accepted by employees operating the compost facility. He noted that a form would be developed and located on the Township's web site, or a person could come into the office in person to purchase a permit. Mr. Hornung stated that he wanted to make it clear that no one could purchase passes to the compost facility at the site. Mr. Wolfe noted that the Board allowed two months to advertise this program on the website, in the newsletter, and in the sewer bills. He noted that signs would be posted at the sight providing notice to those persons who currently use the facility.

Mr. Hornung noted that he had several people come into his store to complain about the change; however, he explained the reason for why the fees were being implemented. He noted that the community, in the area of the compost facility, has had issues with the amount of traffic on their streets, and it has made their living conditions a little less pleasant. He noted, in some instances the yard waste falls off the vehicles and leaves a mess on the streets. He noted that there is a park in the area as well, and a concern for the children's safety with the extra vehicles in the area. He noted that it is expensive to run the facility, and these fees would help to offset the costs of operations.

Mr. Wolfe noted that it is an expensive program to run, noting that the Board of Supervisors just purchased a new grinder to produce compost and woody waste from the leaf waste that is deposited on site. He noted that the new grinder cost the taxpayers roughly \$500,000, noting that some of the costs for the purchase of the grinder may be reduced through the awarding of a State grant. He explained that the facility has grown in its use and success over the years, noting that the Board of Supervisors does provide, by Waste Management, bi-weekly collection of leaf waste at curbside. He noted that this program was implemented in an effort to provide revenues for the costs incurred by the Township to run the facility.

Mr. Crissman made a motion to adopt Resolution 09-22; setting the permit fees for transporting leaf waste to the Township's Compost Facility. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and the motion passed unanimously.

Action on bids for tree cutting and stump removal in the PC-6C mini-basin

Mr. Wolfe explained that this is the second time this service has been considered for bids. He noted that the first time staff requested the Board to reject all bids due to an inconsistency in the bidding process caused by staff. He noted that the service has been re-bid, and the low bid was found to be Stoner's Tree Service in the amount of \$13,360.00. He noted that the bid was complete.

Mr. Wolfe explained that as a result of the re-bidding process, the low bid was found to be roughly \$1,000 less than the low bid for the first bid process. He noted that three bids were in the \$13,000 to \$16,000 range, another one was double the amount, and yet another bid was ten times the low bid amount. He noted that staff recommends the Board accept the low bid from Stoner's Tree Service.

Mr. Crissman made a motion to award the bid to Stoner's Tree Service for tree cutting and stump removal services in the PC-6C mini-basin in the amount of \$13,360.00. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and the motion passed unanimously.

Action on an agreement to settle AFSCME Grievance 90-2944-0103

Mr. Wolfe explained that this is a settlement agreement between the Township and the AFSCME Sanitary Sewer Bargaining Unit in reference to a grievance filed by an employee in regards to the level of discipline the employee received. He noted that the employee believed that the level of discipline issued by management was not appropriate. He noted that the Board of Supervisors heard the grievance and found in favor of management. He explained that the AFSCME Union, on behalf of the employee, filed for arbitration, and in subsequent side-bar discussions between management and labor, it was determined that there were grounds for a settlement. He explained that the settlement would be that the decision by the Board of Supervisors would stand as long as the discipline was removed from the employee's personnel file after two years, if no additional incidents of a similar nature occurred. He noted that this grievance would not apply or be binding upon any other decisions by the Township in regard to disciplinary action in the future or for any employee included in the grievance.

Mr. Wolfe noted that staff recommends that the Board approve this settlement agreement.

Mr. Crissman made a motion to accept the settlement agreement for AFSCME Grievance 90-2944-0103G. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and the motion passed unanimously.

NEW BUSINESS

Ordinance 09-04; Amending the Zoning Ordinance to change the designation of Lot #35, Rosewood, Colonial Road and 1199 Colonial Road from Low Density Residential to Office Neighborhood

Ms. Wissler explained that an application for a Zoning Map amendment has been submitted by Molinari & Greenberg, LLC and Colonial Earl Real Estate Partnership for two properties located east of Colonial Road and south of Earl Drive. The applicants propose to rezone the tracts from R-1, Low Density Residential District to ON, Office-Neighborhood.

Ms. Wissler noted that the purpose of the Office-Neighborhood District is to provide for offices and low intensity business uses in locations that are adjacent to residential neighborhoods. The property at 1199 Colonial Road is currently developed with a medical office facility. Lot 35 is proposed to be developed with a one-story office building with associated improvements.

Ms. Wissler noted that the original rezoning request did not include 1199 Colonial Road; however, during the review, both Township staff and the Dauphin County Planning Commission recommended that 1199 Colonial Road be included in the request.

Ms. Wissler noted that the Dauphin County Planning Commission reviewed the proposed amendment on May 4, 2009, and recommended that the proposed zoning change from R-1, Low Density Residential District to ON, Office-Neighborhood District be approved.

Ms. Wissler noted that the Lower Paxton Township Planning Commission reviewed the amendment on January 10, 2007 and recommended approval of the request.

Ms. Wissler noted on May 18, 2009 and May 25, 2009, a public notice appeared in The Patriot-News indicating that the Board would conduct a public hearing and consider the enactment of Ordinance 09-04 on June 2, 2009. On May 4, 2009, the Township mailed notices to

property owners surrounding the area of the proposed rezoning. The notice indicated that the Board would consider the application at a public hearing on June 2, 2009. On May 26, 2009, notices were posted on the parcels being considered for rezoning.

Mr. Jeff Staub, Dauphin Engineering Company and Ms. Barbara Greenberg, Molinari and Greenberg, LLC, are present to represent the plan. She noted that it would be appropriate for Mr. Stine to conduct a public hearing for consideration of Ordinance 09-04 at this time.

Mr. Crissman noted that Ms Wissler stated that there were representatives for Lot 35, but, he questioned if anyone was present to represent 1199 Colonial Road. Ms. Wissler answered no, but stated that she had a letter on file that the owners are participating in the rezoning and are also included in the application. Mr. Hawk suggested that it is a dental office. Ms. Wissler noted that there are various dental offices located in the office building.

Mr. Crissman questioned if the applicant would speak once the public hearing starts. Mr. Hawk noted that they will speak during the public hearing conducted by Mr. Stine.

Mr. Stine noted that this is the time and date set for the public hearing on Ordinance 09-04; amending the zoning ordinance to change the designation of Lot 35 Rosewood, Colonial Road, and 1199 Colonial Road from Low Density Residential to Office Neighborhood.

Mr. Stine questioned if anyone in the audience wished to be heard.

Mr. Jeff Staub, Dauphin Engineering, noted that he prepared the rezoning request for Molinari and Greenberg LLC, in early 2007, and it included Lot 35 only. He noted that Lot 35 was part of the Rosewood Development that was previously approved by the Board of Supervisors. He noted that the rezoning request was brought before the Planning Commission in early January 2007, and they recommended that it be approved, subject to complying with the comments from the Dauphin County Planning Commission. He noted that the Dauphin County

Planning Commission requested that the property to the north, at the corner of Earl Drive and Colonial Road, also be included in the rezoning request. He explained that he has received a letter of agreement from the owners of that property, and it is included in the Board's packet. He noted that the Dauphin County Planning Commission received the revised request, to include the additional parcel, and they approved the new rezoning May 4, 2009.

Mr. Staub noted that the area to be rezoned consists of 2.5 acres and includes Lot 35 from the Rosewood Development as well as the medical office located at the corner of Earl Drive and Colonial Road.

Mr. Crissman noted that he did not have a copy of the agreement letter in his packet of information. Ms. Wissler noted that it was not included in the packet, but she has the letter if the Board wished to view it.

Mr. Crissman noted that if both parcels are zoned the same, he would hope that an entrance to the property would be off of Earl Drive through the corner property as opposed to a direct entrance onto Colonial Road for Lot 35. Mr. Staub noted that that same question was asked of the owners of the property at Earl Drive and Colonial Road, and at this time, they are not interested in allowing it to occur. He noted that possibly Ms. Greenberg could elaborate on this. Mr. Wolfe noted if the property is rezoned, there is nothing to prevent the owners from applying for access to the State road. Mr. Crissman noted that since both properties are requesting the same rezoning, he questioned if there had been any internal discussions regarding this. He noted that he is concerned about the amount of additional traffic on Colonial Road.

Mr. Seeds noted that this plan is almost three years old, and it was discussed during various workshop sessions, noting that Lot 35 was more suitable for a business establishment along Colonial Road, and that the owners would have to apply to PENNDOT for a Highway

Occupancy Permit (HOP). Mr. Seeds suggested that there was discussion that the road to service Lot 35 should have an access from within the Rosewood Development instead of accessing Colonial Road. He noted that he would want to address this issue due to the amount of traffic on Colonial Road.

Mr. Staub noted that he only looked at the access in a very cursory manner. He noted that it could be done physically, but he would have to shift some lots and would probably lose a unit in the Rosewood Development. Mr. Seeds questioned if construction on the Rosewood Development has started. Mr. Staub answered no. He noted that one of the reasons for the delay between the original rezoning request and today's request, is the issue with trying to obtain sanitary sewer service for the project. He noted that the process has been ongoing and should be resolved in the near future.

Mr. Hawk noted that the issue before the Board at this time is the rezoning, noting that those other issues could be addressed at the time of the land development submission. Mr. Crissman noted that if he votes in favor of the rezoning, then there could be an additional egress onto Colonial Road, and he would like to avoid that. He noted that he would not want to send the wrong message that he would be in favor of the rezoning, and have to vote against the land development if it shows an entrance onto Colonial Road.

Ms. Barbara Greenberg noted that Ms. Molinari spoke to the owners of the corner lot and requested them to provide access for Lot 35; however, they talked to their attorney and insurance company, and determined that it was a liability for them to provide access for Lot 35. He noted that, at this time, they are very cold to that idea. Mr. Hawk questioned if the occupants of the building also own the property. Ms. Greenberg noted that the property is owned by a doctor's group. She noted that she made a proposal to allow the dentist's to expand their business onto

Lot 35, however, that was not accepted. Mr. Crissman noted that the dentist's group does not care if the rezoning goes through as they can continue their use as it, but he questioned why they are partnering with Lot 35 for the rezoning request. He questioned if there was any leverage that Ms. Greenberg had to use against the corner lot. Mr. Staub noted that he had that conversation with Ms. Molinari, and she stated that they did not want to join in on the rezoning at first. He noted that, originally, the corner lot was zoned R-O until 2004, and then, as a result of the Comprehensive Plan Update, it was recommended to rezone it to R-1. He noted that the dentist's group never knew that their property had been rezoned from R-O to R-1. He noted that they would prefer to have their business as a permitted use.

Mr. Crissman questioned if he could say, if the dentist's group was willing to permit an egress on their property, then he would be willing to rezone their property. Ms. Greenberg noted that she did not think that that would help her in her rezoning request. She noted that she could not force the corner property owners to provide her access. Mr. Seeds noted that Ms. Greenberg owns the property directly behind Lot 35 and could provide access from that area.

Mr. Stine questioned if anyone else in the audience wished to be heard on Ordinance 09-04. He noted that seeing no further response, he questioned if Mr. Staub had anything else to add. Mr. Staub answered no. Mr. Stine stated that it would be appropriate to close the public hearing on Ordinance 09-04, and the Board may take action if it so desires.

Mr. Blain made a motion to approve the rezoning request for Lot 35, Rosewood, Colonial Road, Molinari and Greenberg, LLC, and 1199 Colonial Road, Colonial Earl Real Estate Partnership. Mr. Hornung seconded the motion.

Mr. Blain noted that he would like to amend his motion to state that the property would be rezoned from R-1, Low Density Residential, to ON, Office Neighborhood. Mr. Hornung

seconded the amendment to 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.

Mr. Hawk suggested to Ms. Greenberg that she should continue to try to influence the adjoining property owner to provide access to Earl Drive. Ms. Greenberg responded that she would try.

Resolution 09-24; Authorizing the use of the PENNDOT dotGrants on-line reporting system for the Township's Liquid Fuels Reporting

Mr. Wolfe noted that this resolution would authorize the Township to participate in an on-line reporting system for Liquid Fuels Fund reporting. He noted that the resolution would designate the Finance Director and the Public Works Director as the Township's point of contract.

Mr. Blain made a motion to approve Resolution 09-24, authorizing the use of the PENNDOT dotGrants on-line reporting system for the Township's Liquid Fuels Reporting. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 09-25; Accepting Farmers Lane and Harvest Field Lane in Sunnyhill Farms North

Ms. Wissler noted that Farmers Lane and Harvest Field Lane in the Sunnyhill Farms North Development are ready to be accepted by the Township. She noted that the motion should also include the maintenance bond for both roads.

Mr. Blain made a motion to approve Resolution 09-25; acceptance of Farmers Lane and Harvest Field Lane in Sunnyhill Farms North Development. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous voted followed.

Mr. Blain made a motion to approve the Maintenance Agreement establishing a bond for Sunnyhill Farms North in the amount of \$38,921.23. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and a unanimous voted followed.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were four Improvement Guarantees.

Wyndhurst Manor, Phase 3

An extension in a bond with Developers Surety and Indemnity Company, in the amount of \$133,341.25, with an expiration date of June 2, 2010.

Harrisburg Interventional Pain Management Center

A release in an escrow with Lower Paxton Township.

Kendale Oaks, Phase I

An extension and 10% increase in an escrow, with Lower Paxton Township, in the amount of \$22,258.98, with an expiration date of June 2, 2010.

Kendale Oaks, Phase V

An extension in a letter of credit with Peoples Bank, in the amount of \$140,231.30, with an expiration date of June 2, 2010.

Mr. Crissman made a motion to approve the four Improvement Guarantees as presented. 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 and Lower Paxton Township Authority. Mr. Blain seconded the motion, 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 8:12 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary