

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held June 16, 2009

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:33 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William 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; Stephen Fleming, HRG,. Inc.; Mark Coakley, Triple Crown Corporation; Robert Fisher, R.J. Fisher and Associates; Christopher Beauregard, CEDG Engineers; and Pastor George Reynolds.

**Pledge of Allegiance**

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

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes of the May 18, 2009 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

**Public Comment**

Mr. Robert Hammaker, 5805 Jonestown Road, wanted to thank the Police Department for their efforts in traffic enforcement along Old Jonestown Road in the area of The Feed Store.

Mr. Daniel Liddick, 1217 Griffith Street, wished to voice a complaint about the amount of traffic that parks on both sides of Griffith Street during sporting events, mainly over the evening hours. He noted that his wife's concern is that a fire truck could not access Griffith

Street when vehicles are parked on both sides of the street. He noted that the street is only a one-block area. Mr. Hawk questioned if the cartway is greatly reduced. Mr. Liddick noted that when vehicles are parked on both sides of the street, there is not enough room for two cars to pass.

Mr. Seeds noted that people park their vehicles on Griffith Street instead of using the parking lot. He noted that the Police Department could take a look at the situation and make a determination. Acting Chief Johnson stated that he would have the Police Department take a look at the parking situation.

### **Chairman & Board Members' Comments**

No comments presented.

### **Promotion of Police Officer**

Acting Chief Johnson thanked the members of the Board for approving the promotion of Officer Curtis McCoy to the rank of Sergeant.

Acting Chief Johnson explained that Officer McCoy has been a member of the Police Department since September 1988. He has worked in the Patrol Division, Traffic Safety Unit, and has been the School Resource Officer (SRO) at Central Dauphin East High School since 2004. He has a Bachelors of Science Degree from Shippensburg University and is currently working towards his Masters Degree. Officer McCoy is a certified Crash Reconstructionist and created the Panther Academy for Character Training (PACT) program at the Central Dauphin East High School that all incoming freshmen must attend. In addition, Officer McCoy is an instructor at the municipal police academy at Harrisburg Area Community College, and has been a guest lecturer at the Pennsylvania State Police Academy. Officer McCoy is the recipient of many awards including the 2007 Non-Uniformed Officer of the Year Award. Officer McCoy and his wife Christine have two children, Taegen and Tanner.

Mr. Hawk presented Sergeant McCoy with his badge and a plaque. The remaining members of the Board joined Mr. Hawk at the podium to congratulate Sergeant McCoy

Sergeant McCoy thanked his wife and family and all those who came to support him in receiving his promotion. He explained that his family allowed him the quiet time to prepare for the testing, which resulted in his promotion. He also wanted to thank his Central Dauphin East High School family that came to support him, as well as members of the Motorcycle Safety Program where he is an instructor.

Mr. Hornung questioned if Sergeant McCoy would explain what the SRO program is, and provide some insight to the benefits of that program. Sergeant McCoy responded that the SRO program is essential in this day. He explained that it places one officer in one high school in order for the officer to get to know the students on a one-on-one basis. He explained that he was sent to be certified nationally, noting that a SRO is the law enforcement officer who is responsible for anything that happens inside the walls or on the school grounds during the school day. He explained that he also provided counseling for staff and students, as well as lecturing to a variety of classes. He noted that many years ago, the Township sent him for high-level mathematical reconstruction traffic accident training, and he has been able to talk to the Driver's Education classes as well as the mathematical classes, working on speed formula, acceleration and other things. He noted that some high schools share officers, but he has found that it is best to place one officer at a school 100% of the time to take complete ownership, and he wished that the Township would move forward to place one officer at Central Dauphin East High School.

Sergeant McCoy noted that, in the past, he declined to take the test because he wanted to remain at the school, but he was counseled to move forward to take the test for Sergeant.

Mr. Hawk noted that as a result of Sergeant McCoy's comments, he is an example of well spent money by the Township.

Mr. Seeds noted that he has heard good comments from staff and students from the Central Dauphin East High School. He suggested that the Township's program was probably one of the first in the Commonwealth, and it works, and is a very good program.

### **Manager's Report**

Mr. Wolfe noted that the Linglestown Fire Company and Lower Paxton Township Parks and Recreation Department will co-sponsor fire works on July 5<sup>th</sup> in Koons Park at 9:15 p.m., lasting roughly one half hour. He noted that Koons Park will close at 12 noon on July 5<sup>th</sup> to prepare for the fireworks.

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. He noted that on July 24<sup>th</sup>, High Tops will provide the music, and Howard and the Islanders will be featured on July 31<sup>st</sup>.

Mr. Wolfe noted that Mr. Hornung questioned if the Township had the ability to display the property on Griffith Street, and he proceeded to display a satellite image on the screen of Griffith Street. He noted that he could access the location through the Township's GIS system or Google Earth, and that he hopes to make more use of this in the future.

### **OLD BUSINESS**

#### Ordinance 09-01; Establishing a Length of Service Awards Program (LOSAP) for volunteer firefighters and fire police officers

Mr. Wolfe explained that the Board has been working on the Length of Service Awards Program (LOSAP) for more than a year in conjunction with a committee of volunteer

firefighters and fire police officers. He explained that this program would affect firefighters and fire police officers from Colonial Park, Paxtonia, and Linglestown fire companies, which makes up the Lower Paxton Township Fire Department. He noted that the LOSAP functions very similar to a pension plan, however, it is not based upon income earned and not designed to provide for a standard of living. He noted that it would not provide enough income for a person to retire on as it is provided as an award for service rendered to the Township

Mr. Wolfe explained that the LOSAP is designed to provide a maximum benefit based upon 25 years of service and payable, beginning at age 65. He noted that the amount of the maximum benefit is \$10 per month for a maximum of 25 years of service or \$250. He noted that firefighters with lesser years of service would also receive a benefit. He noted that the service must be to one of the three mentioned fire companies, and, to qualify for benefits, a firefighter must be an active volunteer and meet the requirements to participate in response activities to fire or fire police duties, partake in company training and meetings, and other activities conducted by the fire companies.

Mr. Wolfe noted that many volunteer firefighters are providing at least a part-time service to the Township equal to over 1,000 hours per year. He noted that some may find it difficult to complete their full-time employment with the amount of time they volunteer for the Township.

Mr. Wolfe explained that the Board of Supervisors would fund the LOSAP with a commitment of \$60,000 annually. He noted that this amount was determined by an actuarial evaluation to be sufficient to provide benefits to the approximate 100 volunteers eligible for the program. He noted that the Ordinance is complete for action; however, Mr. Seeds found that an item that should have been included in the final draft was not. He noted, for Section 128-6, subparagraph a, he added: "Eligibility shall also include an exception to the age limitation of 65

as a one-time event limited to individuals with qualifying age and years of service prior to December 31, 2008, and who attain the age of 65 on or before December 31, 2012.” Mr. Wolfe noted that this would need to be added as an amendment to the Ordinance in the motion as it was not advertised with the original Ordinance.

Mr. Hawk noted a volunteer must provide service in order to receive the benefit in accordance with the regulations set by the LOSAP Plan document.

Mr. Stine noted that this was the date and time set to conduct a public hearing on Ordinance 09-01; Establishing a Length of Service Awards Program (LOSAP) for volunteer firefighters and fire police officers. He questioned if anyone in the audience wished to be heard on this item. He noted, seeing no response, it would be in order to close the public hearing on Ordinance 09-01, and the Board may take action if it so desires.

Mr. Crissman made a motion to approve Ordinance 09-01, Establishing a Length of Service Awards Program (LOSAP) for volunteer firefighters and fire police officers, to include Section 128-6, subparagraph a, which reads: “Eligibility shall also include an exception to the age limitation of 65 as a one-time event limited to individuals with qualifying age and years of service prior to December 31, 2008, and who attain the age of 65 on or before December 31, 2012.” Mr. Blain seconded the motion.

Mr. Seeds noted that the Board has been working on this program for some time and he would like to thank those persons who worked diligently to develop the LOSAP plan, that he feels is an excellent program. He noted that the Township is the first to develop such a program for its volunteer firefighters and fire police, and that it is only a small means for the Township to thank those volunteers who leave their homes in the middle of the night to protect the residents

of the Township. He noted that this program would also include those members who are up in years and continue to serve in their fire companies.

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

Resolution 09-02; Establishing a LOSAP fund in accordance with the provisions of Ordinance 09-01

Mr. Hawk noted that the Township must pass a resolution to fund the LOSAP plan.

Mr. Crissman made a motion to approve Resolution 09-02; establishing a LOSAP fund in accordance with the provisions of Ordinance 09-01. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 09-26; Authorizing the submission of an Energy Efficiency and Conservation Block Grant (EECBG) to the U.S. Department of Energy

Mr. Wolfe explained that the Township was provided notice by the U.S. Department of Energy that it was eligible to receive an Energy Efficiency and Conservation Block Grant (EECBG) in the amount of \$185,200.00 to be used for a variety of programs as long as it does something to reduce energy, reduce carbon emissions, create jobs, and stimulate the economy. He noted that the EECBG is part of the Stimulus Package recently adopted by Congress.

Mr. Wolfe noted that the Township's proposed block grant utilization for the first round of funding would be to provide and install LED lighting at the Municipal and Friendship Centers and Public Works Facility outdoor parking lots. He noted that energy efficiency lighting would be installed at the bay, shop, and office areas at the Public Works facility, as well as additional insulation. He noted that comprehensive energy improvements will be made inside the Friendship Center, in conjunction with a grant that was submitted to PA Department of Conservation and Natural Resources in the amount of \$105,000.00, as per a report prepared for the Friendship Center by HRG, Inc.

Mr. Wolfe requested the Board's authorization to submit the EECBG application.

Mr. Crissman made a motion to approve Resolution 09-26; authorizing the submission of an Energy Efficiency and Conservation Block Grant (EECBG) to the U.S. Department of Energy.

Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

### **NEW BUSINESS**

#### **Ordinance 09-05; Approving collection procedures and adopting a schedule of attorney fees to be applied to municipal claims**

Mr. Wolfe explained that with the ever increasing property maintenance program that the Township is involved with, he noted that charges are occurring against properties by those who fail to maintain their properties properly. He noted that it is staff's belief that the charges incurred should be assessed to the property owner, noting that this ordinance would allow the Township to do so. He noted that the ordinance is the same as the Resolution adopted by the Lower Paxton Township Authority for the claims that it levies in accordance with the Pennsylvania Municipal Claims Law. He noted that he is paralleling the Authority Resolution, noting that a separate resolution would have to be adopted to establish the fees. He noted that he plans to present that Resolution for adoption during the July 7, 2009 Board meeting. He explained that this ordinance would be the same as one currently in use by the Township Authority. He noted that staff requests the Board to adopt Ordinance 09-05 at this time.

Mr. Seeds questioned if this would include people who are establishing junkyards in their yards or anything like that. Mr. Wolfe explained that this ordinance allows for the establishment of fees as a lien, of the attorney's fees, that are involved in the process for property-type maintenance issues.

Mr. Seeds suggested that some of the problems concern high grass, but more concern home maintenance issues. He requested residents to cut their grass as soon as it stops raining.

Mr. Stine noted that this is the time and date set for the public hearing for Ordinance 2009-05, approving collection procedures and adopting a schedule of attorney fees to be applied to municipal claims. He questioned if anyone in the audience wished to be heard on Ordinance 2009-05. He noted, seeing no response, it would be in order to close the public hearing on Ordinance 2009-05, and the Board may take action if it so desires.

Mr. Blain made a motion to approve Ordinance 2009-05, approving collection procedures and adopting a schedule of attorney fees to be applied to municipal claims. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and the motion carried unanimously.

Change Orders #1 & #2 to the contract with D&M Construction  
for Trunk A sanitary sewer project

Mr. Wolfe explained that there are two change orders; the first is an increase in the amount of \$2,168.22 for water-tight manhole frames and covers. He noted that the second change order is a decrease based on actual quantities installed given that the bid was based upon estimated quantities. He noted that the second change order is a decrease in the amount of \$34,585.55. He noted that there is a mistake on the change order form as it should show increase crossed out instead of decrease crossed out. He noted that the total contract price after adjustment for the two change orders is \$330,992.67. He noted that prior to the change orders; the contract price was \$363,410.00.

Mr. Wolfe noted that staff requests Board to take affirmative action on these two change orders.

Mr. Crissman made a motion to approve Change Orders #1 and #2 to the contract with D&M Construction for Trunk-A sanitary sewer project; Change Order #1, an increase of

\$2,168.22, and Change Order #2, a decrease in \$34,585.55. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and the motion was unanimously passed.

Preliminary/final land development plan for the North Mountain Car Wash (09-10)

Ms. Wissler noted that the purpose of the plan is to develop a self-serve/automatic car wash and related site improvements. The property is located south of Larue Street and west of North Mountain Road and is zoned CN, Commercial Neighborhood District. The tract of land possesses 0.69 acres and will be served by public water and public sewer.

Ms. Wissler explained, on March 26, 2009, a Special Exception was granted by the Zoning Hearing Board to allow a car wash use on this site. She explained, that on May 13, 2009, the Planning Commission recommended approval of the plan subject to addressing the comments. The Commission also recommended approval of the preliminary plan waiver.

Ms. Wissler noted that Mark Coakley of Triple Crown Corporation, and Robert Fisher, of R. J. Fisher and Associates, are present to represent the plan.

Mr. Crissman questioned Ms. Wissler if staff supports the waiver of the preliminary plan. Ms. Wissler answered yes.

Mr. Crissman questioned Mr. Coakley if he was in agreement with HRG's comments dated June 10, 2009. Mr. Coakley answered yes.

Mr. Crissman questioned Mr. Coakley if he was in agreement with general conditions two through seven. Mr. Coakley answered yes.

Mr. Crissman questioned Mr. Coakley if he was in agreement with the two staff comments. Mr. Coakley answered yes.

Mr. Crissman made a motion to approve the preliminary/final land development plan for North Mountain Road Carwash with the following waivers and comments: 1) Waiver of the

requirement to submit a preliminary plan; 2) Plan approval shall be subject to addressing HRG's 11 comments dated June 10, 2009; 3) Plan approval shall be subject to providing original seals and signatures; 4) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 5) Plan approval shall be subject to the payment of engineering review fees; 6) Plan approval shall be subject to the Dauphin County Conservation District's review of the E & S Control Plan; 7) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 8) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 8) A street/storm sewer construction permit is required for construction of stormwater facilities; and 9) All proposed site signage, including construction signs, shall comply with Article 7 of the Lower Paxton Township Zoning Ordinance. 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 Linglestown  
Life United Methodist Church (09-04)

Ms. Wissler noted that the purpose of the plan is to construct an addition to the Linglestown Life United Methodist Church. The property is located north of Linglestown Square, on both the east and west side of the dead-end of North Mountain Road, just north of Blackberry Lane. The existing facility is approximately 24,000 square feet on three (3) levels. The expansion will add approximately 22,000 square feet on the main level and 4,000 square feet on the lower level. The expansion includes additional classrooms, hospitality areas, a modified entrance with covered access, and a Family Life Center.

Ms. Wissler noted that the tract, which consists of 16.03 acres, is zoned R-1, Low Density Residential District and is served by a private well and public sewer.

Ms. Wissler explained, at their March 12, 2009 meeting, the Planning Commission recommended approval of the plan subject to addressing the comments. The Planning Commission also recommended approval of the waiver of the requirement to submit a preliminary plan. The waiver request for the traffic study was submitted after the Planning Commission meeting; therefore, it was not reviewed by the Commission as well as the waiver for the street width requirement for Blackberry Lane. Ms. Wissler noted that staff supports both of the additional waivers.

Ms. Wissler noted that Christopher Beauregard from CEDG Engineers, as well as Pastor George Reynolds, are present to represent the plan.

Mr. Crissman questioned if Mr. Beauregard was the authorized representative to speak to the plan. Mr. Beauregard answered yes.

Mr. Crissman questioned if Mr. Beauregard was in agreement with the 19 comments contained in HRG's letter dated June 12, 2009. Mr. Beauregard noted that comment number two indicates that the applicant has agreed to contribute to the Township's improvements of Blackberry Alley in lieu of further traffic engineering studies or improvements. He noted that, to his knowledge, there is no such agreement in place. Mr. Hornung explained that the comment came about regarding his suggestion that the Church consider making a contribution, however, in no way was it meant to be a requirement. He questioned if Mr. Beauregard wanted that comment stricken from the letter. Mr. Beauregard answered yes. Mr. Hawk noted that the third sentence from comment two from HRG's letter dated June 12, 2009 would be stricken from the comments. Mr. Beauregard noted that he had no issues with any of the other 19 comments, noting that they are all simple technical comments that will be provided to the Township. Mr.

Crissman questioned if it was the consensus of the Board to strike the requirement of a donation towards Blackberry Alley improvements. The Board members agreed, as well as staff.

Mr. Crissman questioned if Mr. Beauregard was in agreement to the remaining general conditions, number two through seven. Mr. Beauregard answered yes. Mr. Crissman questioned if he was in agreement to the four staff comments. Mr. Beauregard answered yes.

Mr. Crissman made a motion to approve the preliminary-final land development plan for Linglestown Life United Methodist Church with the following waivers and comments: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the requirement to submit a traffic study; 3) Waiver of the minor street width requirement and right-of-way for Blackberry Lane; 4) Plan approval shall be subject to addressing HRG's comments dated June 12, 2009, noting that the third sentence from comment two would be stricken from the record; 5) Plan approval shall be subject to providing original seals and signatures; 6) Final plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 7) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 8) Plan approval shall be subject to obtaining the necessary permits required by Federal and State agencies for the disturbance of wetlands; 9) Plan approval shall be subject to planning module approval; 10) Plan approval shall be subject to the payment of engineering review fees; 11) All proposed site signage, including construction signs, shall comply with Article 7 of the Lower Paxton Township Zoning Ordinance; 12) A Street/Storm Sewer Construction Permit is required for construction of storm facilities; 13) The proposed addition is required to have fire protection as per Township requirements; and 14) Under "General Notes," change Note #35 to read: "The owner will be responsible for the

placement of all traffic control signs. Site signage shall comply with Article 7 of the Lower Paxton Township Zoning Ordinance."

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.

### **IMPROVEMENT GUARANTEES**

Mr. Hawk noted that there were five Improvement Guarantees.

#### Willow Brook, Phase IV

An extension and 10 % increase in a letter of credit with Fulton Bank, in the amount of \$41,159.18, with an expiration date of June 16, 2010. (Changed to November 16, 2009.)

#### Weis Markets

An extension and a 10% increase in a letter of credit with Omega Bank, in the amount of \$43,390.60, with an expiration date of June 16, 2010.

#### Chelsey Falls, Phase I

An extension and 10% increase in a bond, with Lexon Insurance Company, in the amount of \$149,123.70, with an expiration date of June 16, 2010.

#### Huntleigh, Phase I

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$86,683.51, with an expiration date of June 16, 2010.

#### David Punt- 6009 Jonestown Road

An extension and 10% increase in a bond, with State Farm Fire and Casualty Company, in the amount of \$48,628.09, with an expiration date of June 16, 2010.

Mr. Blain questioned the length of time extension requested for the Phase IV Willow Brook development. He noted that the last time this project was reviewed was April, 2007. He

noted that two extensions were provided, and suggested that only a six-month extension should be provided. It was determined by the Board members to extend this project until November 16, 2009.

Mr. Blain questioned the status of the David Punt and Weis Market plans. Ms. Wissler explained that both plans have not started yet.

Mr. Blain made a motion to approve the five Improvement Guarantees, granting a six month extension only, until November 16, 2009, for the Willow Brook, Phase IV plan. Mr. Crissman 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. Crissman seconded the motion, and a unanimous vote followed.

#### **Adjournment**

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 8:25 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

Gary A. Crissman  
Township Secretary