

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held February 5, 2008

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:30 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, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Lori Wissler and Dianne Moran, Planning and Zoning Officers; Steve Fleming, Herbert, Rowland, and Grubic, Inc.; Jeffrey Staub, Dauphin Engineering; and Mr. Alaric Busher, B. L. Companies.

Pledge of Allegiance

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

Approval of Minutes

Mr. Blain made a motion to approve the minutes from the November 20, 2007 business meeting, and the January 7, 2008 reorganizational and business meeting. Mr. Seeds seconded the motion, and the motion was approved unanimously.

Public Comment

None was presented.

Chairman and Board Member's Comments

Mr. Hawk noted that Jonathan Petrina, from Troop 256 of the Faith Presbyterian Church, was present along with his parents, John and Vickie Petrina to work on his Communications merit badge.

Manager's Report

Mr. Wolfe noted that the Police Department will conduct a Citizen's Police Academy March 20, 2008, for citizens 18 years of age and older. He noted that applications for the Police Academy can be found on the web site or by contacting the Police Department directly. He noted that 20 students will be accepted, and the course will run for ten weeks on Thursday nights. He noted that the training focuses on police operations both within the Department and also Dauphin County Operations. He noted that a hands-on firearms simulation training session will be held. In addition, officers from the Department will speak on subjects such as the vehicle code, patrol functions, traffic safety and criminal investigations. The deadline for posting applications is March 7, 2008.

Mr. Wolfe noted that the Friendship Center will celebrate a Family Night event on Sunday, March 2nd from 5 p.m. to 8:30 p.m. He noted that special events and food will be provided and the event is open to all residents of the Township

Mr. Wolfe noted that the Easter Egg Extravaganza will be held on Saturday, March 15, 2008, at Brightbill Park at 1 p.m. This Easter Egg Hunt is held for children 10 years of age and under.

Mr. Wolfe noted that Breakfast with the Easter Bunny will be held at the Friendship Center on Saturday, March 8, 2008. There is a fee for this event, and pre-registration is required.

Mr. Wolfe wished to remind the viewing public that primary Election Day will be held on Tuesday, April 22, 2008 in the Commonwealth of Pennsylvania.

OLD BUSINESS

None was presented

NEW BUSINESS

Action on bids for replacement of the Earl Drive Interceptor

Mr. Wolfe noted that it is the recommendation of the engineer, Mr. Wendle, of CET, Inc., to award a bid for the Earl Drive Interceptor to Greenland Construction Incorporated with the base bid amount of \$1,444,000, and the alternate bid amount of \$1,460,000. He noted that staff concurs with Mr. Wendle's recommendation. He noted that it was further recommended that the bid award be conditioned upon receipt of the Part II Water Quality Management Permit from the Department of Environmental Protection, and completion of the right-of-way acquisition process, as well as the review of the bid documents by the Township Solicitor.

Mr. Wolfe explained that the low bid was withdrawn at the request of the bidder as he indicated an error in his bid submission, and provided that, in writing, to the Township. He noted that Mr. Stine reviewed the low bid submitted by Mendon Pipeline and its withdrawal letter, and concurred with the withdrawal. Mr. Stine explained that the bidder apparently omitted a substantial amount of work from the bid, noting that it was a mistake. He noted that under the statute, the bidder is permitted to withdraw his bid after the opening as long as he provides notice within two business days. Mr. Hawk questioned if there was an opportunity to make a corrective bid. Mr. Stine noted that as a result of the withdrawal, he would not be afforded that opportunity.

Mr. Hornung questioned if the second lowest bidder was in any way related to the low bidder who withdrew. Mr. Wolfe answered that he had no evidence that there was any relationship between the two bidders. He noted that if there was, it would be collusion, and subject to prosecution. He noted that the bid submission packets were reviewed by CET Engineering, and they would indicate who the corporate officers are. He noted to his knowledge, there was no relationship between the two bidders.

Mr. Wolfe explained that CET Engineering is familiar with Greenland Construction Inc., and have noted that their work is acceptable.

Mr. Wolfe explained that the alternate bid amount of \$16,000 is to provide a one-year warranty for the work, after the expiration of the performance bond. He noted that if the Board would desire to have an additional warranty of 12 months, then the alternate bid would be the correct amount to choose. Mr. Seeds questioned how long the initial warranty would last. Mr. Wolfe answered that it would be for the period of the performance bond which is until the project is substantially completed.

Mr. Seeds questioned if the project would be held up due to receipt of the permits or access to the right-of-ways. Mr. Wolfe answered that he did not believe that it would. Mr. Seeds questioned how long the bids would be good for. Mr. Wolfe answered that the bids are good for sixty days. Mr. Wolfe explained that both the water quality permits and right-of-way acquisitions are in-process. Mr. Seeds questioned if the contractor would honor the additional warranty noting that these two items need to be secured. Mr. Wolfe noted that the extended warranty contract is not based on the start date, but rather the date of completion. Mr. Seeds noted that he has a concern that the permits and right-of-ways would not be secured within the sixty-days for the bid. He noted that he never reviewed an alternate bid for a warranty before and questioned if the engineer advised that it would be good to do this. Mr. Wolfe answered that it would be Board policy to determine this, and he suggested on a \$1,444,000 project, and additional \$16,000 is not a lot of funds to ensure a warranty for the project. He noted that the Township has not engaged in a warranty in the past.

Mr. Seeds questioned, upon completion of the project, after the final inspection, if a pipe breaks, without paying for the warranty, would the Township need to fund the repairs. Mr. Wolfe answered that it would. Mr. Hornung noted that there is a time period that the performance bond

would warrant the project. He noted that the \$ 16,000 would pay for an additional one year warranty. He questioned how the project would be warranted, by holding on to the bid bond. Mr. Wolfe answered that the performance bond would end when the contractor completes his work, but the additional warranty would be a contractual requirement.

Mr. Seeds agreed that it would be a good idea to spend the extra funds to warrant the project for an additional year, especially with the high costs of the bid. Mr. Wolfe noted that he agreed with Mr. Seeds that it would be a good idea.

Mr. Hornung questioned if the Township would have to pay any penalties to the contractor if the permits were not issued in a timely manner. Mr. Wolfe answered no, if the award was conditioned upon receipt of those two items. He noted that it would need to be part of the motion.

Mr. Hornung made a motion to award the Earl Drive Interceptor bid to Greenland Construction Inc., in the amount of \$1,460,000 to include the one-year warranty alternate bid contingent on receiving the necessary permits and right-of-way acquisitions. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Ms. Wissler introduced Mr. Steve Fleming, from Herbert, Rowland, and Grubic, Inc. She explained Mr. Fleming will serve as the Township Engineer, working with Mr. Grubic, who will assist staff with various projects in the Township.

Resolution 08-09; Approving the Walnut Street Corridor Study

Ms. Wissler explained that Resolution 08-09 proposes to adopt the Walnut Street Corridor Redevelopment Plan Study, and their recommendations that relates to Lower Paxton Township. She explained that the Study is a planning tool to be used for future improvements

along the Route 22 corridor. She noted that the City of Harrisburg, Penbrook Borough, and Susquehanna Township have entered into a joint municipal agreement with Lower Paxton Township to commission a redevelopment study for the eight-mile roadway corridor from the State Capital grounds to the West Hanover Township jurisdiction line. She noted that the study was intended to address economic development, traffic movement and pedestrian safety, and aesthetic improvements across the entire corridor.

Ms. Wissler noted that staff recommends the approval of the Resolution. Mr. Hawk questioned if the Resolution is approved would it simply approve the Study noting that any action within the content of the Study would still be open for further discussion. Ms. Wissler answered that that was correct; it is only a recommendation to use the Study as a planning tool for projects along Route 22. Ms. Wissler noted that there are not many recommendations for changes for the Township, noting that the bulk of the Study concerned the Borough of Penbrook.

Mr. Hawk noted that there were some sweeping changes for the intersection of Route 22 and Colonial Road. Ms. Wissler noted that most of the changes occurred in the area of the Colonial Commons and Paxton Towne Centre, suggesting that the land be rezoned with a mixed used. In addition, suggestions were made for sidewalks, dedicated transient and bicycle lanes. Mr. Hawk noted that approving the study does not necessarily mean that the Township is committed to those suggestions. Ms. Wissler answered that it is only to be used as a planning tool, and does not have to be implemented.

Mr. Seeds noted that he attended many of the meetings for the Walnut Street Corridor Study, and spoke against the recommendations for the Township to rezone the area of the retail complexes to allow mixed uses. He noted that they recommended the building of apartments in this area to accommodate easier accessibility for those who need to shop and are unable to gain easy access to these areas. He suggested that by passing the Resolution, it would mean that any

future changes to zoning along the Route 22 corridor would have to be in agreement with the Study. Mr. Hawk suggested that passing the Resolution would approve the final draft of the Study. Mr. Seeds noted that the Board members received the final draft to review a few months ago. Mr. Blain noted that it is only a Study; it is not a land development plan or development phase that is occurring. He noted that as further engineering and development work is completed, it may change and different recommendations may be warranted.

Ms. Wissler explained that the reason for recommending the mixed use zoning for those areas was if anything was to change in the Paxton Towne Centre area or the Colonial Commons area, noting that many of the baby-boomers are getting older, and it would provide for the opportunity to live in an area where all the conveniences are close to home.

Mr. Blain suggested that the Resolution was approving the Study that was tasked to investigate improvements for the eight-mile stretch of road, provide recommendations for how to improve that area, noting that nothing would occur until a significant engineering study was completed for that area. He suggested that it would be a different matter to approve the engineering study and recommendations that would come later on in the project. He questioned what would happen if the Township voted to deny the Resolution. Ms. Wissler suggested that it would take the Township out of the Study. Mr. Seeds suggested that it would not. Ms. Wissler noted that no changes are to be made to the Study recommendations, and the next step would be to determine how to move forward with the Study. She suggested that if the Township did not vote for the recommendation to approve the Study, then the Township would not be a part of the next phase.

Mr. Seeds noted that Mr. Hawk sent a response letter last summer noting concerns with the study and received a response from McCormick Taylor, the consulting engineer. He noted that he provided a copy of the letter and the visioning, and implantation strategy to the Board

members, and noted that for Lower Paxton Township, a new mixed-use residential and commercial center should be considered. He noted that the short-term solution is to adopt the zoning consistent with the Study recommendations. He noted that the study projected that in ten years, it is recommended to redevelop the Colonial Park Mall and Paxton Towne Centre, prior to adding the areas of mixed use for retail, residential, retail office and parking. He suggested that denying the resolution would not take the Township out of the plan. He suggested that it would mean that the Township is not in favor of the plan. Mr. Wolfe suggested if the Township does not accept the plan, and the other parties decide to move forward to implement the plan, then the Township is not participating with them anymore. He noted that the Township would no longer be a plan participant, and those who have accepted the plan could move forward, and the Township will do what it wants to do.

Mr. Blain made a motion to adopt Resolution 08-09 to approve the Walnut Street Corridor Study. Mr. Hornung seconded the motion.

Mr. Hornung noted that he agreed with some of Mr. Seeds concerns; however, he noted that the community is more than border lines, and he would need to participate in this project as a good neighbor. He noted that it is difficult to predict what the Colonial Park Mall would look like in 20 to 30 years from now, and it may need the rezoning mix at that time. He noted that the recommendations may say one thing, but the Township has the ultimate control over the zoning for Route 22. He noted that that is why he seconded the motion.

Mr. Seeds agreed that the Township has a responsibility to help its neighbors and that is why he served on the Committee, but he is not willing to sacrifice the Township that he was elected to serve to help his neighbors. Mr. Hornung noted that the Township has control over what would be done in the Township. Mr. Hawk suggested that the Township should base its decisions on what is specifically recommended at the time.

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

Preliminary/final subdivision plan for New Devonshire

Ms. Wissler explained that the purpose of this plan is to subdivide the existing parcel into 10 single-family building lots and to construct the related improvements. The tract consists of 7.0337 acres and is zoned R-1, Low Density Residential District. The property is located south of Devonshire Road and east of Hampton Court Road and will be served by public water and public sewer.

Ms. Wissler noted that on December 12, 2007, the Planning Commission recommended approval of the plan subject to addressing the review comments. The Commission also recommended approval of the two waivers; a waiver of the requirement to submit a preliminary plan, and a waiver of the sidewalk requirement (approximately 8 feet) along the frontage of Devonshire Road.

Ms. Wissler noted that Mr. Staub met with Mr. Grubic and Mr. Fleming regarding one of the comments. She explained that the detention basin was shown on Lots 7 and 8, and Mr. Staub has reconfigured the property line for those two lots to locate the detention basin only on Lot 7. She noted that this would address the majority of Mr. Fleming's comments.

Mr. Seeds questioned if this would mean that the owners of Lot 7 would be responsible for the maintenance of the detention basin. Mr. Staub answered that that was correct. Mr. Seeds noted that HRG's 12th comment recommends that a fence be constructed around the detention basin. He questioned if moving the property lines would change this recommendation. Mr. Staub noted that the basin would remain the same, with the same depth and slopes; however, the lot line was changed to eliminate Lot #8 from having any maintenance responsibilities. Mr. Seeds questioned if HRG's would still recommend a fence to be located around the detention

basin. Mr. Fleming answered that the recommendation was based on the standing water in the basin, and having two property owners maintain the basin, however, since the basin would only be maintained by one property owner, it would be up to the property owner's discretion to install a fence. Mr. Hawk questioned if the property owner would need to operate the valve, if necessary. Mr. Fleming answered that Mr. Staub explained to him that the valve is only to be used in an emergency situation, if the basin does not perform properly to discharge the water into an under-drain system.

Mr. Hawk questioned if the property owner of Lot 7 would know that he assumes the responsibility for the maintenance of the detention basin. Mr. Fleming answered that a note could be placed on the deed of the property or on the plan to notify the homeowner. Mr. Hawk suggested that by putting the note on the plan it could get lost, whereas, a note on a deed would not get lost.

Mr. Seeds noted that if one of the conditions for approval of the plan would be to require a fence, the developer would have to provide the fence prior to selling the lot, and the property owner would assume the maintenance for the fence and the basin. Mr. Seeds noted that there are adjoining lots to the south of the property. Mr. Staub noted that there are five basins in the adjoining Wilshire Development and no fences were required for any of the basins. He noted that that is not to say that there may not be an issue for this basin or any basin in the future. He suggested that the basin would not need a four-foot fence; rather some plantings could be used as a visual barrier to discourage young people from visiting the basin.

Mr. Seeds noted that there is no waiver request from steep slopes. Mr. Staub noted that that was correct. Mr. Seeds noted that fencing has normally been requested when a waiver from steep slopes was requested. He noted that HRG, Inc. has stated that there will be standing water in the basin. Mr. Staub noted that the basin is an infiltration basin, as well as a detention basin,

and the lower part of the basin will retain water for 55 hours for a 25-year storm. Mr. Seeds questioned if the basin would normally be dry. Mr. Staub answered that there would be water in the basin after every storm event. Mr. Seeds questioned for how long. Mr. Staub explained that he only calculated the basin for a 25-year storm, but suggested that it would be less than that for a two-year or ten-year storm. Mr. Seeds suggested that it would be a lot less for a two-year storm. Mr. Seeds noted that with the current weather patterns, water should only be in the basin, possibly, once a month. Mr. Staub noted that that would be correct, but if another Tropical Storm, such as IVAN occurred, he noted that it would fill the basin and take more than two days to drain the basin.

Mr. Hawk noted that one of HRG's recommendations is to refine the calculations for the infiltration rate. Mr. Staub noted that this tied in with one of the comments regarding the drainage easement. He noted that HRG, Inc. is not requesting him to do infiltration testing. He suggested that it would fail the test, and that is the reason for the current design.

Mr. Seeds noted that he did not get a clear recommendation from Mr. Fleming regarding the fence requirement. Mr. Fleming answered that he is requesting the input of the Board for this comment, based on the change of the lot line. He noted that in the past, the Board has not required fencing for a detention pond that meets the slope requirements. He noted that changing the lot lines would mitigate his concern, and meet the Township's requirements.

Mr. Hawk questioned if Mr. Staub would place a note on the deed with regard to the responsibility of future property owners for Lot 7 to maintain the detention pond. Mr. Staub agreed to put a note on the deed.

Mr. Seeds made a motion to approve the preliminary/final subdivision plan 2007- 01 for New Devonshire (Martin L. Schoffstall Children's Trust, et al) with the following waivers and conditions: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the sidewalk

requirement (approximately eight feet) along the frontage of Devonshire Road; 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 DEP's approval of a sewage facilities planning module; 6) Plan approval shall be subject to Lower Paxton Township Sewer Authority's review and approval of the sanitary sewer design; 7) Plan approval shall be subject to the Dauphin County Conservation District's review and approval of the Erosion and Sedimentation Control Plan; 8) Final plan approval will be subject to the payment of fee-in-lieu for 10 lots at \$2,300; 8) Final plan approval will be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 9) Plan approval shall be subject to addressing HRG, Inc's., comments dated January 31, 2008; 10) A Street/Storm Sewer Construction Permit is required; 11) All proposed signage, including construction signs, shall comply with Article 7 of the Lower Paxton Township Zoning Ordinance; 12) A pre-construction meeting is to be held prior to starting the project by contacting Matt Miller at 657-5615 to schedule the meeting. This may be held in conjunction with the Conservation District meeting; 13) A note will be placed on the deed for the maintenance requirements of the basin by all future property owners for Lot 7; and 14) In lieu of fencing for the detention pond, landscaping shall be provided around the basin.

Mr. Hawk seconded the motion, and called for a roll call vote: Mr. Blain, aye; Mr. Hornung, abstain; Mr. Seeds, aye; and Mr. Hawk, aye.

Mr. Hornung explained that he had to abstain from voting due to a potential conflict of interest.

Preliminary/final re-subdivision plan for Spring Creek Hollows/Kendale Oaks,
Phase 1-B, Lots 126-135

Ms. Wissler noted that the purpose of this plan is to revise the subdivision of existing lots #126-135 and lot #147, within the Spring Creek Hollows Development to create a more buildable area. The area is zoned R-1, Low Density Residential District and FP, Flood Plain Conservation District and will be served by public sewer and public water.

Ms. Wissler noted that on December 12, 2007, the Planning Commission recommended approval of the plan subject to addressing the review comments. The Planning Commission also recommended approval of the requested waivers to submit a preliminary plan, and waiver of the street construction standards with regards to curb construction as slant curb is proposed.

Ms. Wissler noted that Mr. Alaric Busher, B. L. Companies, is present to represent the plan.

Mr. Seeds questioned why the fee-in-lieu was missing from the General Conditions. Ms. Wissler noted that the fee-in-lieu was covered under the original plan, and this does not create any new lots. Mr. Seeds suggested that it may have been the old rate. Ms. Wissler answered that it was most probably the current rate since this is not an old plan. Mr. Hawk noted that the plan does not call for additional lots, just the realignment of the current lots.

Mr. Busher explained that he was not involved in the plan when it was first approved, but it is his understanding that the fee-in-lieu was part of the conditions for the original plan. He noted that no new lots were created, and he did not think that the fee-in-lieu would be an issue. Ms. Wissler noted that the fees had to be paid to have the plan recorded. Mr. Stine noted that it would be a condition to record the plan. Ms. Wissler noted that the plan was recorded.

Mr. Hornung requested the engineer to show where the lines were moved. Mr. Busher explained the lot lines were moved further north for all the lots since Lot #130 was too narrow to

build on. He noted that this was also done for the lots on the opposite side of the street as well. Mr. Hornung questioned where the house would be built on Lot #130. Mr. Busher answered that it would be built against the setback line, and would fit a normal 50 x 50 foot home. He noted that previously, the home would have been custom shaped and turned sideways. Mr. Hornung questioned if the home would have to be turned sideways for the new plan. Mr. Busher answered that it would not. Mr. Hornung questioned where the home would be located for Lot #129. Mr. Busher answered that it could be placed near the front for all the lots on that side of the road.

Mr. Blain made a motion to approve the preliminary/final re-subdivision plan 2007-28 for Spring Creek Hollows/Kendale Oaks, Phase 1B, Lot Nos. 126-135 with the following waivers and conditions: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the street construction standards with regard to curb construction as slant curb is proposed; 3) Please change the Owner's Statement to read: It is hereby certified that the undersigned has legal or equitable title to the land shown and that all roads, streets or right-of-ways (or easements) shown hereon, if not previously dedicated, are hereby offered for public use; 4) A statement shall be included on the plan indicating that all easements and right-of-ways have been shown on the plan and that all utilities in the Township have been contacted; 5) Plan approval shall be subject to addressing HRG's comments dated January 22, 2008; 6) Plan approval shall be subject to providing original seals and signatures on the plan; 7) Plan approval shall be subject to the payment of the engineering review fees; 8) Plan approval shall be subject to the establishment of an improvement guarantee for the proposed site improvements; 9) A Street/Storm Construction Permit is required and to be obtained prior to earthmoving activities; and 10) A pre-construction meeting is to be held prior to starting the project by contacting Matt Miller at 657-5615 to schedule the meeting. This may be held in conjunction with the Dauphin County Conservation District meeting.

Mr. Hornung and Mr. Seeds seconded the motion. Mr. Hawk called for a roll call vote:
Mr. Blain, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 08-10; Planning Module for the New Devonshire subdivision

Mr. Hawk noted that this is the Planning Module for the New Devonshire subdivision that was just approved by the Board members.

Mr. Blain made a motion to approve Resolution 2008 -10, the Planning Module for the New Devonshire subdivision. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed with one abstention. Mr. Hornung explained that he had to abstain from voting due to a potential conflict of interest.

Improvement Guarantees

Mr. Hawk noted that there were five improvement guarantees for consideration.

Schiavoni LTD

A change in a letter of credit with Pennsylvania State Bank in the amount of \$298,500.00 with an expiration date of December 31, 2008.

Willow Brook, Phase III

A reduction in a letter of credit with Fulton Bank in the amount of \$550.00 with an expiration date of December 28, 2008.

Hearthside East

A 10% increase and extension in an escrow account with Lower Paxton Township in the amount of \$24,457.12 with an expiration date of March 4, 2009.

Chateau Woods – Kings Pointe

A 10% increase and extension in a letter of credit with Integrity Bank in the amount of \$8,622.07 with an expiration date of March 9, 2009.

Members 1st Federal Credit Union - Lockwillow

A reduction in a letter of credit with Mid-Atlantic Corporate Federal Credit Union in the amount of \$10,902.00 with an expiration date of June 29, 2008.

Mr. Blain made a motion to approve the five listed improvement guarantees as presented. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote, and the improvement guarantees were unanimously approved.

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. Hawk seconded the motion, and the meeting adjourned at 8: 24 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary