

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held April 6, 2010

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:25 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Public Safety Director David Johnson' Jeff Staub, Dauphin Engineering Company; Jason Melham, Melham Associates, P.C.; Jason Gutshall, Navarro and Wright Consulting Engineers, Inc.; Daniel Snow; and Ted Robertson, SWAN.

Pledge of Allegiance

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

Mr. Hawk noted that the microphones are not working and apologized for the inconvenience.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes of the February 16, 2010 workshop meeting, and the March 16, 2010 business meeting as presented. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

No public comment was provided.

Chairman & Board Members' Comments

No comments were presented by Board members.

**Presentation of the Police Department Awards by
Public Safety Director David J. Johnson**

Civilian Support Award: Justin and Angie Sierer – On April 29, 2009, Justin and Angie Sierer were driving buy 5453 Devonshire Road when they saw smoke coming from the residence. Justin called 911 and reported the fire, then he and Angie went to the rear of the house and observed smoke and fire coming from the deck area. They then grabbed a garden hose and began to fight the fire. Angie knocked on the door to alert anyone that might be home, but it was determined there was no one home at the time. Fire fighters arrived on the scene within a short time and extinguished the fire. The actions of Justin and Angie no doubt prevented extensive if not total loss of the home.

Civilian Support Award: Nancy McClain – Nancy McClain has completed 30 years of service as a school crossing guard for Lower Paxton Township. She was hired in January 1979 and continues to serve the children of Lower Paxton Township with distinction.

Directors Fitness Award: Officer Brian Egli –The Director’s Fitness Award is presented annually to the officer that has the highest overall cumulative score in the Police Department’s annual physical fitness test. This years overall winner is Officer Brian Egli: His test scores consist of a 300 meter run in 48.25 seconds; a 1 ½ mile run in 10 minutes and 31 seconds; repetition maximum bench press, 345; maximum push-ups, 64; one minute sit-ups, 52 in one minute; and a vertical jump of 24.5 inches.

Award of Merit: Corporal Todd Witmer – Corporal Witmer has consistently demonstrated a high level of commitment and dedicated service. As a result of his creative investigative techniques and development of diverse resources he built a case culminating in the filing of homicide charges nearly three years after the crime was committed. Corporal Witmer’s dedication to the victim and his relentless pursuit of the facts were the primary reason this case was closed, a case that was originally classified as an accident.

Life Saving Award: Officers Zach Fehrenbach and Chad Miller - On September 18, 2009, Officers Fehrenbach and Miller responded to an AED call for a 64 year old patient in cardiac arrest. The officers arrived on the scene and applied the AED and delivered a shock to the patient. The officers also gave chest compressions to the victim until the arrival of EMS. The following day officers were advised the patient was expected to make a full recovery

Life Saving Award: Officers Dhenin Brock and Carl Chortanoff – Officers Brock and Chortanoff responded to an emergency call for an individual not breathing. Upon arrival the officers began CPR on the patient and continued until the arrival of EMS. Officer Brock subsequently rode in the ambulance assisting EMS with chest compressions. Once at the hospital the patient was successfully resuscitated.

Life Saving Award: Officers Zach Fehrenbach and Dhenin Brock – On December 26, 2009, Officers Fehrenbach and Brock responded to an EMS call for an 87 year old choking victim. When officers arrived the victim was unconscious. Officers began CPR for several minutes until EMS arrived and assumed care of the patient who was successfully resuscitated.

Life Saving Award – On April 5, 2009. police, fire, and EMS were dispatched to the Colonial Country Club for a cardiac arrest. A golfer, Bill Kushubar, was golfing with some of his friends when he suffered a cardiac arrest. One of his golfing partners called 911, another went to the clubhouse to get help, and another, Charles Sourbeer, began CPR. Within a few moments a passing motorist, Tim Poncedeleon, saw what was going on and stopped his car and ran to assist Mr. Sourbeer. Within a few minutes police arrived on the scene with an AED and after hooking Mr. Kushubar to the AED were advised to shock him. They were subsequently advised to shock him a second time. CPR continued until the arrival of South Central EMS and the Linglestown Fire Department who took over the care of Mr. Kushubar. Advanced life support efforts were instituted and 19 people worked together to remove Mr. Kushubar from a remote area of the golf

course to the ambulance. The efforts of all of these dedicated friends and emergency response personnel resulted in saving the life of Mr. Kushubar. The people involved in this incident include: John Thomasino, John Morgan, Charles Sourbeer, Tim Poncedeleon, Dauphin County Dispatcher Dan Woland, Officer Steve Cover, Officer Dave Shifflett, Officer Bryan Walters, Paramedic David Dugan, Paramedic Jesse Frankenstein, EMT Andrew Roberts, Asst. Fire Chief Dan Crum, Asst. Fire Chief Scott Hoyer, Fire Lieutenant Sean Harp, Firefighter James Keller, Firefighter Josh King, Firefighter Ray Magaro, Firefighter Andi Mowery, Firefighter Mike Bayus, and Firefighter Kevin Coyne.

Mr. Bill Kushubar stood at the podium and thanked all those involved for the actions that they took to save his life. He especially recognized Charles Sourbeer who worked on him until emergency help arrived. He noted that he was so grateful for a second chance to live. Mrs. Kushubar noted that it was an impossible task and she wanted to thank all the responders for their hard work and innovative ways to rescue her husband. She noted that none of the responders ever gave up even though the conditions were very harsh. She noted that she especially wanted to thank the driver of the EMS vehicle.

Unit Citation Award: Sergeant Tim Hicks Platoon - For 2009, the platoon led the Patrol Division in a number of statistical categories. The platoon handled the most calls for service; they made the most criminal arrests, and led the Patrol Division in every traffic enforcement category. The platoon was nominated for six life saving awards and won the firearms qualification title twice with the best average score for the spring and fall firearms qualifications. In addition, the platoon responded to a number of critical incidents including the Christmas Day hoax where a woman called 911 to report she just killed her infant child, a gun call at the Sheetz Store that resulted in the arrest of three individuals, and the seizure of two guns and active robbery call at the CVS Store where a suspect armed with a knife was still inside the store with

suicidal thoughts. The suspect was subsequently taken into custody without harm to himself or anyone else. The following officers are members of Sergeant Tim Hicks Platoon: Corporal Gregory Sumbury, Officers Chris Vogel, J. D. Albright, Carl Chortanoff, Chad Miller, Steve Wertz, Haley Miller, Zach Fehrenbach and Dhenin Brock.

Non-Uniformed Officer of the Year: Corporal Todd Witmer – Corporal Todd Witmer is a nine year veteran of the Police Department. He is currently assigned to the Criminal Investigations Division. Corporal Witmer is one of those rare breeds who gives everything he has to his job. Corporal Witmer is constantly sought out by our officers and other agencies to assist them in complex investigations. In a recent case involving the death of an infant, Corporal Witmer aggressively pursued the case when most officers would have closed it due to a lack of leads. Corporal Witmer used every tool available to him including wiretaps, expert witnesses, and extensive interviews to gain sufficient evidence to make an arrest. His efforts resulted in the arrest and conviction of the victim's older sibling for criminal homicide. Corporal Witmer is sincerely compassionate for all victims of crime and will be receiving an award from the Dauphin County Victim/Witness program for his efforts.

Uniformed Officer of the Year: Officer Brian McIntyre – Officer McIntyre is a five year veteran of the Police Department. He is currently assigned to the Traffic Safety Unit. Officer McIntyre's overall performance has been exceptional since the day he was hired. He consistently leads the department in overall productivity. He is a certified crash reconstructionist and certified truck inspector. He is extremely dependable and willing to assist anyone at any time. Officer McIntyre is committed to reducing accidents in the Township and dedicates a significant amount of his patrol time to the Union Deposit Road area where the highest incidence of vehicle crashes occur. His efforts have contributed to a reduction in

reportable crashes in that area over the last few years, and his work ethic and positive attitude are to be admired.

Career Service Award: Detective Joseph Allegrini (Deceased May 2009) – Detective Joseph Allegrini was a member of the Police Department from July of 1990 until the time of his unexpected death in May 2009. He noted that he initially served in the Patrol Division but for the majority of his career he served as the Juvenile Services Detective. He was also a member of the Dauphin County SWAT Team where he rose to be a respected team leader. He noted that he is best remembered with his work in the Elementary School Reading Heroes Program and his work with the Children’s Resource Center. He is survived by his wife Jeanie, sons Mario and Joey, mother Angie and sister Debbie.

Mr. Hawk noted that it is a great opportunity for him and his fellow Board members to recognize the recipients of the awards who have done outstanding work throughout the year.

Mr. Hawk noted that although the audience cannot hear what is occurring in the meeting room, the broadcast for Comcast and Verizon is working well.

Manager’s Report

Mr. Wolfe stated that he would like to remind the citizens of the Township to complete their census forms. He noted that the U. S. Census Bureau has provided a progress report, and to day, the Township is above the State and National averages with a 71% return date. He noted that 30% of the community has not responded to the census and he would encourage all residents to respond as soon as possible. He noted that census enumerators would visit the homes of residents who have failed to return the forms during May through July.

Mr. Wolfe explained that the Compost Facility has opened at the old landfill on Conway Road, noting that the Township requires a permit fee for this service. He explained that residents can purchase an annual permit for \$20, or pay \$5 for a daily pass. He noted that all residents

purchasing a permit must provide their vehicle registration at the time of purchase. He noted that it is a requirement to prove that the vehicle is owned by a Township resident. He noted that permits are also available at Hornung's Ace Hardware Store at the corner of Mountain Road and Blue Bird Avenue.

Mr. Hawk noted that it is very important to return the census forms as the information determines the amount of representation for the State in Washington, D.C, and how much Federal funding the Township receives.

Mr. Seeds noted if a person fails to return their census form, the U.S. Census Bureau will send an enumerator to their home and that costs the government much money that could be used for other useful items.

OLD BUSINESS

Acceptance of the Dauphin County Local Share Grant agreement for improvements to Blackberry and Raspberry Alleys in the Village of Linglestown

Acceptance of the Dauphin County Local Share Grant agreement for improvements to Page and Spring Creek Roads

Mr. Wolfe explained that the official presentation of the check by the Dauphin County Commissioners will occur during a future Township meeting. He noted that the action taken by the Board during this meeting would be to accept both grant awards.

Mr. Wolfe noted that the first grant is for \$250,000 for improvements to Blackberry and Raspberry Alleys in the Village of Linglestown to be undertaken as part of the Linglestown Improvement Construction Project which is an ongoing project.

Mr. Wolfe explained that the second grant is for \$250,000 for improvements to Page Road and Spring Creek Road in Lower Paxton Township, a project expected to begin later this year.

Mr. Crissman made a motion to accept the Dauphin County Local Share Grant agreements for improvements to Blackberry and Raspberry Alleys in the Village of Linglestown, and the improvements to Page and Spring Creek Roads. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

NEW BUSINESS

Preliminary/final subdivision plan for Bretz

Mr. Wolfe explained that the purpose of this plan is to transfer 1,782.50 square feet (.040 acres) from 418 Trudy Road to 420 Trudy Road. This action will bring the existing house at 420 Trudy Road into compliance with setback requirements. The property is zoned R-1, Low Density Residential District. He explained that 418 Trudy Road currently contains 13,800 square feet and 420 Trudy Road contains 11,500 square feet. The properties are served by public water and public sewer and are located north of Locust Lane and west of Houcks Road.

Mr. Wolfe explained that on February 25, 2010, the Zoning Hearing Board granted a variance via Docket #1273 from minimum lot area requirements for this subdivision.

Mr. Wolfe explained that on March 10, 2010, the Planning Commission recommended approval of this plan and approval of the waivers for the preliminary plan, stormwater management plan, and erosion and sedimentation control plan. The Planning Commission recommending deferring, until construction, the waiver requests for sidewalk and concrete monuments. The Planning Commission also recommended that street trees be planted at construction time.

Mr. Wolfe noted that the applicant has requested the following waivers: 1) Waiver of the requirement to provide sidewalk; 2) Waiver of the requirement to provide an erosion and sedimentation control plan; 3) Waiver of the requirement to provide a stormwater management plan; 4) Waiver of the requirement to provide a preliminary plan; 5) Waiver of the requirement

to provide two concrete monuments. He noted that staff supports all five waivers; however staff recommends the deferral of waivers one and five.

Mr. Wolfe noted that the conditions for the plan are as follows: 1) No less than two (2) permanent concrete reference monuments shall be shown on the plan; 2) Plan approval shall be subject to providing original seals and signatures; 3) Plan approval shall be subject to the payment of engineering review fees; 4) Plan approval shall be subject to the establishment of an improvement guarantee for the proposed site improvements; and 5) Plan approval shall be subject to addressing the eleven comments of HRG's memo dated March 18, 2010.

Mr. Wolfe noted that Jason Melham from Melham Associates, P.C. is present to represent the plan. Mr. Melham noted that the information that Mr. Wolfe presented was correct, however, it was determined to defer three of the waivers. He noted that the three waivers included the waiver of the sidewalk, noting that the client will construct the sidewalk once the house is constructed. He noted that the ordinance requires two concrete monuments to be placed on site; however, iron pins are located on the land as well as throughout the entire development. He requested the waiver from the concrete monument requirement in favor of using the existing iron pins. He noted that the third waiver request is in regards to street trees. He noted that he would like to request a deferral of planting street trees until a house is built. Mr. Crissman noted that there is no listed waiver for street trees. Mr. Wolfe noted that the street trees are a Planning Commission recommendation only; noting that there is no specific ordinance to require the planting of street trees. He noted if the applicant is willing to install street trees that would be great. Mr. Melham noted that upon creation of a new lot street trees are required; however, he argued that this is not the creation of a new lot, only a lot line adjustment. Mr. Seeds noted that this item does not need to be waived or deferred as it is not a requirement.

Mr. Seeds noted that HRG, Inc. recommends that the concrete monuments be deferred as they believe that they are required. Mr. Seeds agreed that the sidewalks and concrete monuments should be deferred until a home is constructed on the lot.

Mr. Hornung noted that the applicant is requesting that the existing pins be acceptable in place of the concrete monuments. He questioned what the difference between the two is. Mr. Melham explained that the concrete monuments are very permanent, whereas, an iron pin could shift. He noted that the entire development is built out, and since he is only moving a lot line, it would seem that it might be overkill to delineate a lot line using concrete monuments between two existing lots. Mr. Hornung questioned Mr. Wolfe what his opinion is for this waiver. Mr. Wolfe noted that although no more development would occur, he would like to see at least one concrete monument. Mr. Hornung suggested that one monument and one pin be installed. Mr. Seeds noted that he agrees with HRG, Inc.'s recommendation that two concrete monuments be installed.

Mr. Crissman questioned Mr. Melham if he was in agreement with the eleven comments made by HRG, Inc. in their memo dated March 18, 2010. Mr. Melham answered that he was in agreement with the comments with the exception of item three from staff's memo for the general conditions. He suggested that the improvement guarantee should be set up at the time a house is built. Mr. Crissman questioned what determination was made by staff. Mr. Melham answered that no determination was made. He explained that he would be willing to do whatever the Township feels would best address this issue to insure that the sidewalk and concrete monuments are built. Mr. Melham noted that he has no issues with the HRG, Inc. comments. Mr. Crissman questioned if Mr. Melham was in agreement with the five waivers, noting that the first and fifth would be deferred, one site specific condition, and four general conditions including the eleven

comments by HRG, Inc. Mr. Melham noted that he was in agreement with all the waivers and conditions.

Mr. Crissman made a motion to approve the preliminary final subdivision plan for Bretz Plan with the following waivers and conditions: 1) Waiver of the requirement to provide sidewalk; 2) Waiver of the requirement to provide an erosion and sedimentation control plan; 3) Waiver of the requirement to provide a stormwater management plan; 4) Waiver of the requirement to provide a preliminary plan; 5) Waiver of the requirement to provide two concrete monuments; 6) No less than two (2) permanent concrete reference monuments shall be shown on the plan; 7) Plan approval shall be subject to providing original seals and signatures; 8) Plan approval shall be subject to the payment of engineering review fees; 9) Plan approval shall be subject to the establishment of an improvement guarantee for the proposed site improvements; and 10) Plan approval shall be subject to addressing the eleven comments of HRG's memo dated March 18, 2010. He noted that waiver one and five would be deferred. Mr. Hornung questioned if he was willing to require one pin and one concrete monument. Mr. Crissman noted that Mr. Melham agreed to the requested waivers as printed in the document. Mr. Seeds 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 subdivision plan for Best Western Hotel and Suites

Mr. Wolfe noted that the purpose of this plan is to subdivide the existing parcel into two lots. Lot 1 will include the hotel and Lot 2 will contain the restaurant. He noted that the property is located west of Mountain Road, south of Lockwillow Avenue and north of Interstate 81, and it consists of 5.7672 acres. He explained that Lot 1 consists of 5.0180 acres and Lot 2 consists of .7530 acres. The property is zoned CG, Commercial General Zoning District and is served by public sewer and public water.

Mr. Wolfe noted on July 23, 2009, the Zoning Hearing Board granted a variance via Docket 1263 for impervious coverage and side yard setback requirements in conjunction with the creation of Lot 2. The restaurant lot has 89.52% impervious coverage and a side yard setback of 3.8'.

Mr. Wolfe noted on October 14, 2010, the Planning Commission recommended approval of this plan and the four requested waivers. He noted that the purpose of the plan is to provide for a separate owner to operate the restaurant.

Mr. Wolfe noted that the applicant has requested the following four waivers: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to provide a stormwater management plan; 3) Waiver of the requirement to provide an erosion and sedimentation control plan; and 4) Waiver of the requirement to provide elevation contours for the project. He noted that staff supports all of the waivers as no new construction is planned for the plan. He noted that in addition to the waivers there are five general conditions and one staff comment.

Mr. Wolfe noted that Mr. Jeff Staub is present to represent the plan.

Mr. Hornung questioned if an agreement has been reached for a right-of-way since there is only one entrance way into the restaurant and hotel. Mr. Wolfe answered that cross easements will be provided for access and parking. Mr. Hornung questioned if it was a condition of the plan. Mr. Wolfe answered that the cross easements are noted on the plan.

Mr. Seeds questioned if there was an agreement for parking. Mr. Staub noted that he prepared the subdivision plan for M.L.G. Enterprises, Inc. He explained that they own the entire 5.7 acres. He noted that staff requested an easement agreement for utilities, parking, and access, and he had Mr. Ron Lucas prepare the agreement and forward it to the Township. He questioned if Mr. Stine has reviewed the agreement. Mr. Stine answered that he did not receive the

agreement. Mr. Hornung questioned if Mr. Stine needed to review the agreement. Mr. Stine answered that he does not know what is in the agreement; therefore, he would have to review it to determine if it meets the Township requirements. Mr. Hornung questioned if the plan should be tabled until Mr. Stine has an opportunity to review the agreement. Mr. Stine stated that it is difficult for him to say if he needs to review it since he does not know what is in the agreement. Mr. Blain noted that he would prefer to have the solicitor review the agreement prior to voting on the plan. Mr. Crissman agreed as it would be best to have legal counsel review the agreement to protect both parties and the Township.

Mr. Staub noted that the agreement was prepared by Mr. Lucas and he would have to assume that he covered all the issues in the agreement. Mr. Seeds questioned if there was a time constraint for this plan. Mr. Wolfe noted that there is time remaining to review the plan. Mr. Seeds questioned Mr. Staub if there were time constraints for his client. Mr. Staub answered no. He explained that the Best Western Corporation is the reason for the subdivision of the restaurant from the overall parcel as the restaurant does not meet their requirements. He noted that the canopy that connects the restaurant with the hotel will be removed.

Mr. Seeds noted that Ms. Moran would have to review the plan to ensure that the parking requirements are met for the restaurant. Mr. Staub noted that the plan does meet those requirements. He explained that the plan was before the Zoning Hearing Board for several variances which were granted, but parking was not an issue as the plan meets the parking requirements, noting that the restaurant does not have the required parking thus the reason for the parking easement.

Mr. Hawk suggested that a decision could be made relatively quickly once Mr. Stine reviews the agreement document. Mr. Staub noted that he would check with Ms. Moran to

ensure that she received the document and will forward it to Mr. Stine. He noted that he would bring the plan to the next meeting. The plan was tabled at this time.

Final subdivision plan for Chelsey Falls, Phase II

Mr. Wolfe noted that Phase II involves approximately 14.52 acres of land located south of Goose Valley Road. The tract is zoned R-1, Low Density Residential District, FP, Flood Plain Conservation District and SS, Steep Slope Conservation District. Phase II is comprised of nineteen (19) single family dwelling lots that will be served by public sewer and public water.

Mr. Wolfe explained on March 14, 2007, the Planning Commission recommended approval of the plan subject to addressing the review comments.

Mr. Wolfe noted that the applicant was granted the following waivers with the preliminary plan: 1) Waiver of the requirement that the minimum centerline horizontal curve radii of a minor street to be 275 feet, and 2) Waiver of the requirement which requires a low flow channel and under drain to be provided in detention basins from each point of inflow to the outlet facility. He explained that the applicant has requested an additional waiver: 1) Waiver of the requirement for driveway intersection separation distance and driveway slope. In addition there are two site specific conditions, seven general conditions, and two staff comments. He noted that staff does support the additional waiver.

Mr. Wolfe noted that the Board members have toured the development during its Road Tour, focusing on Phase One. He explained that the developer is now planning to move into Phase Two which would extend the development to the west from the existing development.

Mr. Wolfe noted that Jason Gutshall from Navarro and Wright Consulting Engineers is present to represent the plan.

Mr. Seeds made the comment that he hopes things improve in Phase Two as there were many problems in Phase One.

Mr. Gutshall noted that he met with Township staff and the engineer and there were only a limited number of comments. He noted that his client has no issues with those comments.

Mr. Seeds noted that the additional waiver concerns a driveway that would be located close to an intersection. He questioned if it is the driveway that is located up the hill to the left, a stone driveway that accesses two homes. Mr. Gutshall answered that Mr. Seeds was correct. Mr. Seeds questioned if the driveway belongs to an existing home. Mr. Gutshall answered yes. Mr. Seeds questioned what occurred to cause this request. Mr. Gutshall explained, during Phase One, the developer showed the driveway as being relocated; however, the property owner was not agreeable to this change. He noted that the current owner of the development has discussed the issue with the property owner and it has been resolved to leave the driveway at its current location. Mr. Seeds questioned if that property has changed ownership since Phase One. Mr. Gutshall answered no. Mr. Wolfe noted that staff has meet with the developer in regards to this issue and that was what was represented to staff, that the current property owner does not desire to have the driveway relocated.

Mr. Seeds questioned who would be paying for the paving for the first 50 feet of that driveway. Mr. Wolfe noted that it would be an issue between the two parties. Mr. Seeds questioned if it would have to be done within a given period of time. Mr. Wolfe noted that the paving is a Township zoning requirement; yes it has to be done. He noted that there is no period of time required to conform with the zoning ordinance, noting that it would be in violation of the zoning ordinance since it is a driveway that has not been paved. Mr. Seeds questioned if it would have to be completed for Phase Two. Mr. Wolfe noted that it was contemplated on being done when the driveway was relocated. He noted that he did not know who was going to pay for it. He questioned, if the driveway was not relocated, there could be an argument that it is an existing nonconforming use and not subject to being paved. Mr. Seeds noted that when the developer

submitted the original plan they showed the driveway relocated, otherwise, the Township would have required the waiver in Phase One. He suggested that the driveway should not be grandfathered as it was approved for relocation in Phase One.

Mr. Hornung noted that approval for the waiver could be delayed until the driveway is paved. Mr. Wolfe noted that the Board could make that requirement.

Mr. Seeds noted that there have been many problems with the homeowners in that development, and he is trying to avoid any future problems. He noted that he did not think it should be grandfathered because they thought they had an agreement and they didn't. Mr. Gutshall questioned if his client could include the improvement of the paving in the financial security. Mr. Seeds questioned how the Township would be assured that the driveway would be paved. Mr. Hornung noted that it could not be included in the financial security unless the Township required the developer to pave it. He noted that the waiver should be denied until the plan conforms to the zoning regulations. Mr. Hawk noted that the developer could resolve the situation with the property owner prior to the Board approving the plan. Mr. Crissman noted that the plan could be withdrawn from the agenda to provide the client and property owner time to develop an agreement for the paving of the driveway. Mr. Seeds noted that the Board could approve the plan without the waiver and then approve the waiver at a later date when an agreement has been developed for the paving. Mr. Wolfe noted that he did not think the Board could approve the plan without the waiver since the driveway and earth moving plan would not work. Mr. Crissman suggested that Mr. Gutshall should resolve the issue and then come back for plan approval. Mr. Gutshall noted that he adjusted the grading plan to accommodate the property owner who did not want to relocate his driveway which necessitated the additional waiver, noting that the driveway would be paved the required distance.

Mr. Crissman stated, if Mr. Gutshall wants an approved plan he should withdraw it from the agenda, resolve the paving issue with staff and the developer, and then bring the plan back to the Board. Mr. Gutshall noted that the Board is looking for an agreement between the property owner of the driveway and the developer. Mr. Wolfe noted that the Board would like to see proof that the existing driveway, if allowed to remain, will comply with Township regulations, prior to granting the waiver. Mr. Wolfe noted that the driveway issue is for a private facility and there is no way to bond it, therefore, the Township needs assurance that the driveway will be paved. He noted that the easiest way to resolve this issue is to have the private parties provide a written agreement that they have an agreement on who will pave the driveway for the first 50 feet.

Mr. Gutshall requested to withdraw the plan from the agenda.

Declaration of Consolidation of previously subdivided lots for Dan Snow

Mr. Wolfe noted that Mr. Snow has submitted Declarations of Consolidation of Previously Subdivided Lots for Parcel 35-045-037 (Lots 208, 209, and 210) and for Parcel 35-045-246 (Lots 211, 212 and 213). The consolidation of Lots 211, 212, and 213 create one building lot and the consolidation of Lots 211, 212, 213 create a second building lot.

Mr. Wolfe noted that the Declaration of Consolidation of Lots is a format designed by Mr. Stine. Mr. Wolfe noted that the three 25-foot lots would be turned into one 75-foot wide lot. Mr. Seeds noted that there are two parcels that would be converted into two 75-foot wide lots.

Mr. Seeds noted that it is a big plus for the Township.

Mr. Crissman made a motion to approve the Declaration of Consolidation of previously subdivided lots for Parcel 35-045-037 (Lots 208, 209, and 210) and for Parcel 35-045-246 (Lots 211, 212 and 213). Mr. Hornung seconded the motion.

Mr. Wolfe noted on March 25, 2010, the Zoning Hearing Board granted a variance via Docket #1278 from minimum lot requirements for the above referenced two lots, noting that the

two lots will be substandard lots. Mr. Seeds questioned what the requirement would be for a lot. Mr. Wolfe noted that it would be 150 feet or an acre. Mr. Snow noted that the lots do not have public water.

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.

Amber Fields, Phase I

An extension and 10% increase in an escrow with Lower Paxton Township, in the amount of \$5,057.00, with an expiration date of April 6, 2011.

Amber Fields, Phase II

An extension and 10% increase in an escrow with Lower Paxton Township, in the amount of \$4,312.44, with an expiration date of April 6, 2011.

Dauphin County VOA Living Center

A reduction in a letter of credit with Citizens Bank, in the amount of \$1,650.00, with an expiration date of April 6, 2011.

Country Inn and Suites

A reduction and extension in a letter of credit with Orrstown Bank, in the amount of \$2,750.00, with an expiration date of April 6, 2011. (Changed to November 1, 2010.)

Giant Fuel Island

A release in an escrow with Lower Paxton Township dated April 6, 2010.

Mr. Seeds requested that the expiration date for the County Inn and Suites be shortened to November 1, 2010, since many of the improvements involve signage which is a safety issue. He requested that the developer complete the improvements as soon as possible.

Mr. Seeds made a motion to approve the five listed Improvement Guarantees, with a change in the expiration date for County Inn and Suites for November 1, 2010. Mr. Crissman 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. Blain seconded the motion, and a unanimous vote followed.

Public Comment

Mr. John Trish, 600 Prince Street, noted that the Verizon reception is very good, but he questioned what the Township was doing in regards to the Sewer billing problem with the City of Harrisburg. He questioned if this would have been part of the 2007 budget. He noted that the City of Harrisburg is trying to bill the Authority for \$1 million in past due payments. He noted that maybe the City of Harrisburg is wrong and the Township does not owe the money. Mr. Hawk noted that the issue is under review at this time. Mr. Trish noted that he wanted to make sure that everyone is held accountable for what they should be held accountable for. Mr. Hawk noted that the Board is aware of the situation. Mr. Hornung noted that the Township is collecting information at this point.

Announcement

Mr. Wolfe noted, as part of the Village of Linglestown Project, the flagpole should be removed on Thursday and returned to the Linglestown American Legion. He noted that the Legion plans to reinstall the flagpole on their property. He noted that a new flagpole will be erected in the roundabout close to the end of the project in 2011.

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 8:45 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary