

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held May 1, 2012

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:35 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 Steven Stine, Township Solicitor; and Ted Robertson and Watson Fisher, SWAN.

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 from the April 10, 2012 workshop meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

Mr. John Trish, 600 Prince Street, explained that he had a problem with his neighbor, Corinne Dinoski, 5001 Utah Avenue. He noted that Ms. Dinoski wanted to install a fence and she asked him what she should do. He explained that he told her to go to the Municipal Center and check with staff to see what the requirements were for the setbacks. He explained that she did that and was told that she could not put up the fence she wanted to install because she had two front yards for her house as it is located on a corner lot. He noted, as a former certified building inspector and codes official, he personally checked the regulations, and he did not understand why, as opposed to providing her with the answer that she requested, the Zoning

Officer told her that since she lives on a corner lot and has two front yards she would be unable to put a fence in the ... He noted that Ms. Dinoski questioned the Township officials where her front yard stops and her back yard begins in order to determine where she could put her fence. He noted instead of receiving an answer, she received in her mailbox a packet of papers from the Township telling her that she would have to pay \$300 and appear before the Zoning Hearing Board for a variance. He noted that the people who work in this building work for the citizens of Lower Paxton Township, but he questioned why she couldn't get an answer as to where her front yard stops and her back yard begins. He questioned if anyone had an answer.

Mr. Wolfe noted that he could not answer that question without having more information on the property, noting that it is not a simple question. He noted that you have to have the zoning regulations and the site plan for the property in front of you in order to answer the question. Mr. Trish noted that he had that in front of him. Mr. Wolfe suggested to meet him after the meeting, he would be happy to answer the question at that time. Mr. Trish noted that he read the requirements and understands them, and it states that the front yard has a setback of 25 feet from the front roadway. He noted, instead of staff telling Ms. Dinoski that, they told her that she would have to provide a \$300 deposit and go to the Zoning Hearing Board for a variance. Mr. Wolfe stated that is not what she was told.

Mr. Crissman responded to Mr. Trish that if he would share the information with Mr. Wolfe after the meeting, he would discuss it and provide assistance at that time. He noted that the Board is hearing this for the first time. Mr. Trish suggested that apparently Mr. Wolfe is aware of the case... Mr. Crissman told Mr. Trish that Mr. Wolfe would be happy to meet with him after the meeting. Mr. Wolfe noted that corner lots have two front yards by the definition of the ordinance. Mr. Trish noted that he understands that; however, all Ms. Dinoski's wants is for an inspector to show her where her front yard stops and her side yard begins, because, according

to the ordinance, she is allowed to put a fence with no encumbrances in her back yard. He noted that is all she wants to do. He noted that someone from staff deposited a zoning application in her mailbox and said, pay \$300 and they will hear it.

Mr. Trish stated, if he has a question and he wants an answer, should he not be able to come to this building to talk to someone who works for him to get an answer. Mr. Wolfe responded that Mr. Trish can come to this building, we will answer those questions; you were not with Ms. Dinoski when she was here discussing this with the Zoning Officer. He noted that zoning answers are technically challenging, and difficult for people to understand who do not work with these things on a day-to-day basis. He noted that many times people leave the building and they are confused. He noted that many times they want something that we cannot provide to them as a result of ordinance restrictions, and the answer at that point is that they have a right to apply for a variance before the Zoning Hearing Board. He noted that he would be happy to meet with Ms. Dinoski and Mr. Trish at anytime they want to schedule it. Mr. Trish noted that is what we need to do, because what she wants to do is within the ordinance regulations. He questioned why she is required to pay \$300 to go before the Zoning Board when she could do exactly what Mr. Wolfe just said. Mr. Wolfe noted that Ms. Dinoski is not required to do that, no one said she was required, but based upon the information that she may have provided to staff, she may have needed a variance and staff is obligated, when someone needs a variance, to provide them with the variance information. He noted that the Township does not require anyone to apply to the Zoning Hearing Board that is an option that property owners have when they cannot comply with the zoning ordinance. Mr. Trish noted that is correct. He noted that he was told by the building inspector what type of fence she is required to put up and he said one-to-one, which is one solid and one open panel. He noted that she wants to put it in her backyard and there are no exemptions for what type of fence she could install in her backyard. He noted that he was told

by the building inspector, if Ms. Dinoski installed a stockade fence, she will be in front of the Magisterial Judge. Mr. Wolfe noted if Ms. Dinoski installs a stockade fence in a front yard, it is a violation of the zoning ordinance, so what we need to do is to have Ms. Dinoski with us to discuss this with the Zoning Officer. He noted that he is happy to do this and you know where we are, just walk up here.... Mr. Trish noted that he put stakes where she wanted the fence and the building inspector was down there and he came back to the office where Mr. Trish was and stated that he was looking for him at Ms. Dinoski's house. He noted that the building inspector told him if she puts up a stockade fence she will be in front of a Magisterial Judge. He noted that the Building inspector could have come to her house and told her that her front yard is 25 feet from the curb and that is where she would put it.

Mr. Crissman noted that Mr. Trish did not have the benefit of the discussion that staff had with Ms. Dinoski, so he is getting the information second hand... Mr. Trish stated that he is getting it from her. Mr. Crissman noted that he understands that he was trying to be of assistance to Ms. Dinoski and he was hearing what she said, but Mr. Trish did not have the advantage of hearing what staff said to her. He noted that she may have, in the complexities that Mr. Wolfe described, misinterpreted or shared wrong information with you. He noted that Mr. Wolfe offered the most plausible and best solution that he would sit down after this meeting or at another time, to explain to her what staff is explaining to her. Mr. Trish noted that he agreed 100% with Mr. Crissman, but Ms. Dinoski's basic question is where my side front yard stops. Mr. Crissman noted that he understands that but he does not have the advantage of hearing the staff response so he is sitting in left field. Mr. Trish questioned if he would not agree that it should be a number. Mr. Crissman noted that it is a question that needs to be raised with staff that would review and respond appropriately.

Mr. Hornung noted that staff does this all the time; we never refused to go and look at someone's situation. He noted that we don't know why this did not happen in this particular case, so all we can do is go from here. Mr. Trish suggested what happened was his neighbor wanted to put up a privacy fence and she was driving down through Prince Street and noticed that there was a privacy fence within one foot of the sidewalk at Mauretania and Prince Street. He noted that there is also another one located at Houcks Road and Wyoming Avenue within inches of the sidewalks. He noted that they were both corner properties. Mr. Hornung noted that ordinances change over time. Mr. Trish noted that is why he asked before the meeting if these ordinances that are online are the current ones. Mr. Hornung noted that is excellent advice that Mr. Trish gave to Ms. Dinoski, and he explained that staff goes out all the time to look at sites and why there was a problem with this particular case he was not sure. He explained that we will get it taken care of. Mr. Trish noted that he will make an appointment with Mr. Wolfe and the inspectors to come to Ms. Dinoski's home to determine what could or could not be done.

Mr. Crissman noted that he could be supportive to Ms. Dinoski as Mr. Trish knows more about these things than she does. Mr. Trish noted that he told her that she got off on the wrong foot when she got upset when staff told her that she couldn't put up the fence. He noted that he printed the ordinances and reviewed them and as far as he can see, she meets all of the requirements, but what they are telling her is that she needs to pay \$300 and see a bunch of guys that will say okay. Mr. Hornung noted that they would only hear the case if she wanted to do something outside the ordinances. Mr. Trish questioned why she had to pay the \$300 when she can come up here to the building to have the building inspector tell her no. Mr. Hornung noted that she doesn't have to and no one told her that she has to pay \$300 to get an answer, the only time you pay it...Ms. Corinne Dinoski, 5001 Utah Avenue, explained she sent an email and never got a response but she got papers in her mailbox to file a variance. She noted that she

never got a response back to her questions that she asked, only the reply that was left in her mailbox. She explained, no knock on the door, no correspondence, nothing, and staff had her name, phone number and address, and this is what they left in her mailbox. Mr. Hornung noted that he did not understand that as staff goes out to homes all the time. He noted that we will get to the bottom of it and straighten it out.

Mr. Hawk noted that Mr. Wolfe is willing to meet with Ms. Dinoski and Mr. Trish and it would be the best way to resolve the situation.

Chairman & Board Members' Comments

Mr. Hawk noted that Boy Scout Wulff Brinton-Wilson from Troop 36, St. Margaret Mary Church, was present to work on his "Citizenship in the Community" merit badge. He invited him to come to the podium. Mr. Crissman questioned who accompanied him to the meeting. Mr. Brinton-Wilson explained that his dad brought him to the meeting. Mr. Brinton-Wilson's dad thanked the Board for acknowledging his son.

Mr. Hawk noted this past Sunday there was an article in The Patriot-News about eliminating the Real Estate Property Tax for the School Tax. He noted that House Bill 1776 was sponsored by Rep. Jim Cox from Berks County and Senate Bill 1400 was sponsored by Senator Dave Argyle from Schuylkill County. He explained that the two bills complement each other and will eliminate and replace the school property tax. He noted that the Board members have heard that conversation many times before. He noted that the change would provide for an increase in the State Earned Income Tax, from 3.07% to 4%, and also an increase in the State Sales Tax from 6% to 7%. He noted that the increase in these two taxes should more than cover the cost of education from Kindergarten through 12th grade. He noted that most people would agree that the school property tax is antiquated, and it is suggested that home values would increase and people who own homes will find that they would not lose their homes for non-payment of taxes. He

noted that it would spread the cost of funding education over a broader base and not just to the homeowners. He explained if you want more information on these two bills, go to www.ptcc.us. He suggested that a letter to the respective House or Senate members would be appreciated.

Mr. Seeds noted that there must be a guarantee that the additional money from the increased income tax would go to education, and at no time in the future could the House, Senate or Governor sign a bill putting back the school property tax since this bill would be a great advantage to the senior citizens who live on fixed incomes. He urged people to read the bills and write to their Senator or Representative.

Manager's Report

Mr. Wolfe noted that the Linglestown Merchants Association will be sponsoring its Spring Fling Event on Saturday May 5th beginning at 10 a.m., rain or shine. He noted that there will be food, wine tasting, chocolate tasting, music, promotions and demonstrations. He invited people to stroll through the Village and enjoy the merchants and their wares and look at Linglestown in its newly revised condition.

Mr. Wolfe noted that the Shade Tree Commission will be planting a tree with the assistance of the 4th grade students from the Paxtonia Elementary School at the Thomas B. George Jr. Park on Thursday, May 3rd at 11:15 p.m. He explained that the Shade Tree Commission plants a tree every Arbor day with the help of Township elementary school students.

Mr. Wolfe noted that American Legion Post 272 will sponsor a Memorial Day Parade on Monday, May 28th. He noted that the Friendship Center will participate in the parade with its "Spirit of American" float. He noted that the Board members may be in attendance at this event.

Mr. Wolfe noted that the Paxtonia Fire Company will be sponsoring the Dauphin County Firemen's Convention on June 8th and 9th. He noted that there will be a parade on Saturday June

8th starting at 2 p.m. with a judging event to occur in George Park at 4 p.m. He noted that the parade route runs from the Paxtonia Fire Company into George Park located off of Nyes Road.

Mr. Wolfe noted that the Township Newsletter will be mailed to all residents in about two weeks and he urged them to review the events and programs for the Township and the Friendship Center.

Mr. Seeds noted that the roundabout in the Village of Linglestown looks very beautiful and is maintained by the Linglestown Women's Club. He noted that the citizens are taking a lot of pride in their Village.

OLD BUSINESS

There was no old business to present.

NEW BUSINESS

Proclamation 12-01; Declaration of Arbor Day

Mr. Hawk noted Thursday, May 3rd has been designated as Arbor Day in the Township.

Mr. Hawk proceeded to read the Proclamation declaring Thursday, May 3, 2011, as Arbor Day in Lower Paxton Township. He noted that the local celebration will occur on the same date at the Thomas B. George Park starting at 11:15 a.m. with the fourth grade students from the Paxtonia Elementary School in attendance. He noted that the Shade Tree Commission sponsors this annual event.

Action on an agreement with Dauphin County Victim/Witness Program

Mr. Wolfe explained that the Police Department has housed a representative from the Dauphin County Victim Witness Program in its offices. He noted that the Township has an agreement with the organization where the Township provides office space, telephone, internet, and office supplies in exchange for 40 hours of in-house service for an annual rate of \$18,000.00.

He noted that the agreement and the fees have not changed from last year's agreement. He noted that it is staff's recommendation to approve the agreement.

Mr. Crissman made a motion to approve the agreement with the Dauphin County Victim Witness Program for a fee of \$18,000.00. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on bids for the 2012 paving program

Mr. Wolfe noted that low bid amount for the 2010 Paving Program was submitted by Pennsy Supply in the amount of \$1,588,691.81. He noted that the Township received two bids. He explained that the engineer's estimate for the paving project was \$2,169,803. He noted that staff is comfortable with a quality bid from Pennsy Supply. He noted that the bid was reviewed by staff and the Township Engineer and found to be complete. He noted that it is staff's recommendation to approve this bid. He explained that a significant amount of the work will occur in sanitary sewer mini-basins much like last year, and as a result a significant amount of this work will be funded by Sanitary Sewer revenues to restore the streets as the result of the replacement of the sanitary sewers mainline and laterals.

Mr. Seeds questioned if some of the work is not associated with the sewer work. Mr. Wolfe answered that it included Township streets as well.

Mr. Hornung questioned Mr. Wolfe why the engineer's estimate was so much higher than the bid. He questioned if the economy continues to be in a slump that the bids are this much lower. Mr. Wolfe suggested it is based upon Pennsy Supply's prediction of the cost of oil and vehicle fuel prices, noting that the primarily cost for paving would be the cost of oil and bituminous asphalt. He suggested that they may have a better handle on the cost estimates for these items for this summer.

Mr. Hornung questioned when the work would be completed. Mr. Wolfe answered the work would start in June and be completed by the end of September.

Mr. Hornung explained that the following streets are included in the 2012 Paving Program: Carolyn Street, Curvin Drive, Thornwood Road, Suffolk Road, Sunset Drive, East Creek Drive, Ridgeview Drive, Hidden Knoll Road, Village Knoll Road, Earl Court, Hillsdale Road, Earl Drive, Eastfield Road, Crestview Road, Valley View Road, Top View Road, McIntosh Road, Hollywood Street, Jackson Street, Harmon Drive, Long Drive, Avon Drive, Sycamore Drive, Woodview Drive, Hunt Circle, Fairway Lane, Irene Drive, Winthrop Drive, Care Street, Houcks Road, Four Seasons Boulevard and the bridge at Redtop and Nyes Road. He noted that the residents are tired of driving over bumpy roads although it does reduce the speed of vehicles traveling those roads.

Mr. Crissman made a motion to approve the contract with Pennsy Supply, Inc. for the 2012 Paving Program in the amount of \$1,588,691.81. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Resolution 12-17; establishing the average lot price to be used to compute the recreation fee-in-lieu of land dedication payment

Mr. Wolfe explained during the last meeting the Board approved a formula to compute the recreation fee-in-lieu payment. He noted that the ordinance states that the Board would set the average lot price as it deems fit. He noted that Resolution 12-17 would set the average lot price based upon recent lot sales in accordance with the new formula. He noted that the lots sales for a portion of 2010 and 2011, for a twelve-month period were used, excluding several high and low prices as anomalies. He noted that the average lot price was determined to be \$98,739 using 20 lots, providing a fee-in-lieu payment of \$2,320.37 which was rounded to \$2,320. He noted that the old payment was \$2,300, a difference of only \$20. He noted that the purpose of this

computation was not to come up with additional revenues, but to place the fee-in-lieu program in a proper legal state as it had recently been contested.

Mr. Crissman made a motion to approve Resolution 12-17, establishing the average lot price to be used to compute the recreation fee-in-lieu of land dedication. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Resolution 12-18; authorizing the destruction of documents in accordance with the Township's record retention schedule

Mr. Hawk noted that the Township is required to keep records and documents for a certain period of time with a procedure to destroy those documents in accordance with the Township's schedule.

Mr. Wolfe noted that the documents to be destroyed are listed within the resolution for records purposes.

Mr. Blain noted that some items are finance related with different destruction periods. He questioned how those dates are determined. Mr. Wolfe answered that the Township maintains the regulations based upon the Pennsylvania State Historic Museum Commission Retention Schedule. He explained that bids must be kept for a certain period of time; however, the awarded bid must be kept for a longer period of time.

Mr. Crissman made a motion to approve to approve Resolution 12-18, authorizing the destruction of documents in accordance with the Township's record retention schedule. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on a lease of fitness equipment to be used at the Friendship Center

Mr. Hawk noted that the Board is asked to approve the lease of fitness equipment for the Friendship Center for dumbbells and six bicycles.

Mr. Wolfe noted that the total purchase price for the items under the State Contract is \$19,561.40. He noted that Staff obtained three leasing quotes and the low quote from Municipal Capital Corporation provides a total lease for a 36-month period of \$20,683.44. He noted that the finance charge will be \$1,100 with a dollar buy out at the end of the three-year period. He noted that staff recommends the Board approve the lease agreement.

Mr. Hornung questioned if the items to be purchased will out live the lease. Mr. Wolfe answered yes. Mr. Hornung questioned if the items will be worth anything after that. Mr. Crissman noted that the change in technology hinders what you can get for the equipment when it is ready to be sold. He noted that staff wants to have the best and most updated equipment as it helps to draw membership.

Mr. Hornung explained that he sells his rental equipment after a certain time period, knowing that it would continue to be productive for a residential occasion use as it is quality equipment. Mr. Crissman noted that in today's environment, most organizations lease copiers. Mr. Hornung explained that the homeowner will pick up the commercial copier for whatever they can sell it for, providing for a high quality machine for a low price. He noted that he retires his equipment a little earlier, providing for many years of service for a residential use. Mr. Wolfe noted that the Township disposes of its used equipment by trade-in or auction. He noted that typically the items auctioned have little value. He noted that the dumbbell set has been in use since the Friendship Center opened and they are in poor shape. He noted that the bicycles are also in poor shape. Mr. Crissman noted that staff will cannibalize parts from other older machines to keep the equipment running.

Mr. Crissman made a motion to approve the 36-month lease agreement with Municipal Capital Corporation for fitness equipment at the Friendship Center in the amount of \$20,683.44. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed

Improvement Guarantees

Mr. Hawk noted that there were no Improvement Guarantees.

Payment of Bills

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

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Crissman seconded the motion and the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary