

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held April 2, 2013

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:39 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: David B. Blain, William C. Seeds, Sr., William L. Hornung, and Gary A. Crissman. Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Tom Smida, Attorney with Mette, Evans and Woodside; John Hewlett, Susquehanna Group Advisors; Mark Kozar, Attorney with Flaherty & O'Hara, PC.; Judd Dayton, Evans Engineering; and Ted Robertson and Watson Fisher, SWAN.

**Pledge of Allegiance**

Mr. Hawk dispensed with the recitation of the Pledge of Allegiance.

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes from the January 15, 2013 workshop meeting and the February 19, 2013 and March 5, 2013 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

**Public Comment**

No comments were provided.

**Chairman and Board Member's Comments**

No comments were provided.

## **Manager's Report**

Mr. Wolfe noted that the Compost Facility opened today and will continue to operate on Tuesdays, Thursday and Saturdays until mid December from 7:30 a.m. to 5 p.m. He noted that individuals who want to use the facility must purchase an annual or day pass to do so from the Township. He noted, for residents, the annual pass fee is \$35 and the day pass fee is \$10. He noted that there are passes also available for commercial contractors. He noted that Waste Managements' bi-weekly curb side collection of leaf waste will start next week and continue through to December. He noted that the schedule for this collection can be found on the web page or in the current Township Newsletter edition.

Mr. Wolfe noted that new legislation took affect in Pennsylvania which prevents residents from placing electronic items at curbside to be disposed with their trash. He noted that they must be taken to a recycling facility. He noted that many retail establishments will accept those items for recycling as well as the Dauphin County Recycling Center located off of 19<sup>th</sup> Street will accept those items.

Mr. Hornung questioned what an electronic item is. Mr. Wolfe answered that it would be a television, computer, phones etc. He noted if you need to get rid if a cell phone, there are people who will pay to purchase used cell phones.

## **OLD BUSINESS**

### Ordinance 13-03; authorizing the 2013 General Obligation Bonds in the total principal amount of \$4 million

Mr. John Hewlett, Susquehanna Group Advisors explained that Ordinance 2013-03 concerns the General Obligation Bond Series A of 2013, which is part two of the 2013 Bond financing. He noted four weeks ago, the Township approved the Series of 2013 Bond with a

refunding bond issue of the 2006 Bonds resulting in \$1.7 million gross debt service savings. He noted that bond issue is scheduled to settle on April 4, 2013. He noted that the Series A of 2013 funding is a new bond issue for capital improvement projects for storm water and the Friendship Center (FC). He noted that the total principal amount issued will be \$4,060,000; noting that the bonds are scheduled to settle on May 7, 2013 and the breakout for the improvements are \$3 million for storm water improvements and \$1 million for FC capital projects. He explained that the two series of bonds were split to take advantage of issuing bank qualified status and in doing so the reduction in debt service over the life of the bonds will be \$110,000. He noted that the interest rates have remained at near historic lows, noting that the ten-year treasury was at 1.89% four weeks ago, and today when he priced it, it was 1.85%. He noted that rating combined with a strong credit rating for the Township allowed him to price the bonds at very favorable interest rates. He noted that the average interest rate for the bond was 2.41% and the all inclusive interest costs were 2.57%.

Mr. Hewlett noted that the bonds are scheduled to be repaid over 14 years beginning on April 1, 2014, and maturing on April 1, 2027. He noted that principal is payable on April 1<sup>st</sup> of each year and the interest is payable semiannually on April 1<sup>st</sup> and October 1<sup>st</sup> with the first payment due October 1, 2013. He noted that the total principal amount for the bond is \$4,060,000 with the total interest payment being \$904,000 and the combined total debt service for fourteen years is \$4,964,412.

Mr. Hewlett noted that he provided a five-page report that showed the annual repayment schedule for the debt service. He noted that page one shows the aggregate for the Series A of 2013 bonds amortization schedule and the next few pages show the breakdown between the Township and Friendship Center portions.

Mr. Tom Smida, Bond Counsel, noted that Ordinance 13-03 is an ordinance authorizing the issuance of a series of general obligation bonds designated as Series A of 2013 Bonds in the aggregate principal amount of \$4,060,000. He noted that the all inclusive rate on the bonds that were sold this afternoon to Boenning and Scattergood was 2.57% with a final maturity date of April 1, 2027. He noted that the bonds are issued in accordance with the Local Governing Unit Debt Act to finance two projects, a portion for storm sewer projects and the other for the Friendship Center capital projects. He noted that the bonds are issued as a general obligation meaning that the Township is pledging its full faith in tax credit for the repayment. He noted that the ordinance provides for the issuance of these bonds to be sold on May 7, 2013 and provides for a substantial form of the bond with the requirements of the Internal Revenue Code and Securities Exchange Act of 1934. He noted that there are provisions for the repayment and redemption of those bonds, maturing on or after April 1, 2019 and they are redeemable April 1, 2018. He noted that there is a series of terms that were part of the structure of this financing and those are the bonds maturing on April 1, 2025. He noted that it provides for the filing of a transcript with the Department of Community and Economic Development which he will do after the running of the second mandated notice to the public that this action will be taken. He noted that this transaction is scheduled to close on May 7, 2013.

Mr. Crissman explained that the Board has had much discussion on the issuance of these bonds for the past several months and has done its due diligence and the Board appreciates the efforts of the financial advisor, bond counsel and bond underwriter.

Mr. Crissman made a motion to authorize Ordinance 13-03, authorizing the Series A, 2013 General Obligation bonds in the total principal amount of \$4 million. Mr. Blain seconded the motion. Mr. Smida noted that the motion should be amended for a total principal aggregate

amount of \$4,060,000. Mr. Crissman noted the amendment and Mr. Blain noted the amendment to his seconded. Mr. Hawk call for a voice vote and a unanimous vote followed.

## **NEW BUSINESS**

### Resolution 13-10; approving the transfer of restaurant liquor license for LongHorn Steakhouse

Mr. Steve Stine noted that it was the time and date set to conduct the public hearing on Resolution 13-10, approving the transfer of a restaurant liquor license for LongHorn Steakhouse.

Mark Kozar explained that he is an attorney with the law firm of Flaherty and O'Hara from the Pittsburgh area, a firm that deals entirely with liquor law and liquor licensing throughout the State and the County.

Mr. Kozar noted that he is present on behalf of the applicant, which is Rare Hospitality International, Inc. He introduced Rod Poling from LongHorn Steakhouse. He noted that he was present to request that Lower Paxton Township approve the resolution permitting the intermunicipal transfer of a liquor license from outside the Township to within it pursuant to the Revised Liquor Code 463B3.

Mr. Kozar noted in order for the Township to a make a decision on the request he provided each Board member with a brochure showing the background of Rare Hospitality International.

Mr. Kozar noted that Rare Hospitality is a wholly owned subsidiary of Darden Restaurant Inc., based out of Orlando Florida which is a publicly traded company. He noted that it is the world's largest casual restaurant company, owning and operating nearly 2,000 restaurants in North America, employing over 180,000 people. He noted that they own many

concepts such as the Olive Garden, Red Lobster, Bahama Breeze, The Capital Grille, LongHorn Steakhouse, Seasons 51 and Eddie V's.

Mr. Kozar noted that there are 386 LongHorn Steakhouse restaurants in North America including 23 in Pennsylvania. He noted that it is a family-friendly, full service, casual dining restaurant featuring a wide variety of hand cut and seasoned steaks in a classic American West atmosphere. He noted that tab 7 shows the menu for the restaurant. He noted that no loud music is allowed in the restaurant and there will be no take-out beer. He noted that their hours of operation are Sunday through Thursday from 11 am to 10 pm and Fridays and Saturdays from 11 am to 11 pm. He noted that the restaurant will be located in an outparcel in front of Sears at the Colonial Park Mall, a 6,221 square foot building, seating 242 people. He noted that the restaurant will employ 100 full and part time employees. He explained that alcohol is served as a compliment to the food and not the main attraction, and the percentage of alcohol sales totaled 9.6% in 2012. He noted that all servers of alcohol will receive in-house alcohol response and alcohol server training.

Mr. Kozar noted that LongHorn Steakhouse will be a good addition to the restaurant mix in Lower Paxton Township and he requests that the resolution for this application be approved.

Mr. Hawk questioned who Flo is as stated on the menu. Mr. Poling answered that legend has it is the name of the mother of the original proprietor who opened the first LongHorn Steakhouse in Atlanta Georgia.

Mr. Stine questioned if anyone in the audience wanted to be heard on this item. He noted that seeing no response, it would be appropriate to close the public hearing on Resolution 13-10 and the Board may take action if it so desires.

Mr. Crissman made a motion to approve Resolution 13-10, approving the transfer of a restaurant liquor license for LongHorn Steakhouse. 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.

Appointment of an individual to serve on the South Central Emergency  
Medical Services Board of Directors

Mr. Hawk noted that Mr. Crissman has submitted the name of Dr. Robert Little to serve on the Board of Directors for South Central Emergency Medical Services.

Mr. Crissman made a motion to approve Dr. Robert Little as a member of the South Central Emergency Medical Services Board of Directors. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Final subdivision plan and land development plan for  
Union Deposit Properties, 4200 Union Deposit Road

Mr. Wolfe noted that this plan proposes the construction of a medical office building at 4200 Union Deposit Road. He noted that the existing restaurant will be demolished (former Evergreen and/or Bonanza restaurant site). He noted that a 7,520 square foot office building is proposed and is zoned CG, Commercial General Zoning District, and consists of 2.61 acres, and is located on Union Deposit Road east of Interstate 83. He noted that the property is served by public sewer and public water.

Mr. Wolfe noted on February 6, 2013, the Planning Commission recommended approval of the plan and waiver requests subject to the applicant obtaining approval of the variance requests. He noted on February 28, 2013 the Zoning Hearing Board granted the applicant Variance #1332 with the condition that the trees along Old Union Deposit Road be replanted. The applicant had requested variances from the front yard setback and street tree requirements.

Mr. Wolfe explained that the applicant has requested the following waivers, both supported by staff: 1) Waiver of the requirement to provide all existing and manmade structures within 100' of the property; 2) Waiver of the requirement to provide sight distances. Clear sight triangles have been provided; and five general conditions and two staff comments.

Mr. Wolfe noted that the plan is complete for action this evening and Judd Dayton from Evans Engineering is present to represent the plan.

Mr. Judd Dayton noted that he is down to a couple of housekeeping issues and administrative comments that he fully intends to address. He noted that he had nothing more to add to Mr. Wolfe's presentation.

Mr. Crissman questioned if Mr. Dayton was able to speak for the applicant. Mr. Dayton answered yes.

Mr. Crissman noted that the applicant was in agreement with the two waivers and questioned if Mr. Dayton would be able to meet the five general conditions to include HRG's memorandum dated March 13, 2013 with four comments. Mr. Dayton answered yes.

Mr. Crissman questioned if Mr. Dayton would be able to meet the two staff comments. Mr. Dayton answered yes.

Mr. Crissman made a motion to approve the final subdivision land development plan for Union Deposit Properties, 4200 Union Deposit Road with the following waivers and conditions: 1) Waiver of the requirement to provide all existing and manmade structures within 100' of the property; 2) Waiver of the requirement to provide sight distances. Clear sight triangles have been provided; 3) Plan approval shall be subject to original seals and signatures on the plan; 4) Plan approval shall be subject to payment of engineering review fees; 5) Plan approval shall be subject to the establishment of an improvement guarantee for proposed site improvements;

6) Plan approval shall be subject to review and approval of sanitary sewer construction drawings by Lower Paxton Township Authority; 7) Plan approval shall be subject to addressing the comments of HRG's memorandum dated March 13, 2013; 8) A street/storm sewer construction permit is required and is to be obtained prior to earthmoving activities. A pre-construction meeting is to be held prior to starting the project. Contact Matt Miller at 657-5615 to schedule the meeting. This may be held in conjunction with the Conservation District meeting; and 9) All signage must meet the requirements of the Lower Paxton Township Zoning Ordinance. Sign permit review and approval is required prior to the erection of any new signage. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

### **Improvement Guarantee**

Mr. Hawk noted that there were three improvement guarantees.

#### The Estates of Autumn Oaks, Phase IIA

A new letter of credit with Farmers and Merchants Trust Company, in the amount of \$263,841.33, with an expiration date of April 2, 2014.

#### Stormwater Management Plan for 6004 Candlestick Drive

A release in a bond with Erie Insurance Company, in the amount of \$8,871.50 with an expiration date of April 2, 2013.

#### Stormwater Management Plan for 601 Lemar Avenue

A reduction in an escrow with Lower Paxton Township, in the amount of \$3,360.50 with an expiration date of August 21, 2013.

Mr. Crissman made a motion to approve the three improvement guarantee. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

### **Payment of Bills**

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. 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 8:05 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

Gary A. Crissman  
Township Secretary