

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held May 5, 2009

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:38 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

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

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Lori Wissler, Community Development Manager; Dianne Moran, Planning and Zoning Officer; Robert Grubic and Stephen Fleming, HRG. Inc.; Ron Stevens, Dawood Engineering; John DiSanto, Bishop McDevitt High School; Justin Kuhn, K&W Engineers; and Joel McNaughton, McNaughton Homes.

**Pledge of Allegiance**

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

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes of the March 10, 2009 workshop meeting and the March 17, 2009 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

**Public Comment**

Mr. Drannon Buskirk, 6908 Fox Hill Road, explained that he represents the Paxton Creek Watershed and Education Association (PCWEA), requesting the assistance of the Township in a grant application, as part of the \$7 million stimulus funds that are available for green

infrastructure. He noted that the grant application is due May 18, 2009. He explained that he would like to work with the Township's Director of Public Works to identify additional locations that need basic stormwater management infiltration or swales. He noted, if the organization receives enough funds; it would like to build dozens of rain gardens throughout the Township as well as provide rain barrels for homeowners.

Mr. Buskirk explained that PCWEA would need additional manpower to complete this project, and would like to use the resources of the Americorps, who would do all the coordination. He noted that he would like to partner with organizations like Lower Paxton Township, noting that PCWEA would need office space for Americorps to complete its work. He explained that he is not sure what would be required at this time as he has not had sufficient time to research the grant requirements.

Mr. Buskirk requested a letter from the Township stating its cooperation with the project and its commitment to have the Director of Public Works identify additional sites, and if possible, to fund Americorps to complete the project. Mr. Buskirk noted that he would need a letter of commitment from the Township prior to the May 18, 2009 deadline.

Mr. Crissman noted that he would need a request in writing from the PCWEA detailing what is needed from the Township. Mr. Buskirk questioned if the Board would have time to direct the Manager to work with the PCWEA. Mr. Crissman noted that he would need to have something in writing listing the specific requests of the organization before the Board could direct Mr. Wolfe to do anything. Mr. Buskirk noted that he would provide the information to the Township.

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

No comments presented.

### **Oath of Office to Fire Police Officer**

Mr. Hawk administered the Oath of Office for a Fire Police Officer to Lloyd Heisey. Mr. Hawk requested the Board members to join him at the podium to congratulate Mr. Heisey.

### **Manager's Report**

Mr. Wolfe noted that the Parks and Recreation Department, in conjunction with the Dog Park Association, will conduct a leash cutting ceremony for the Happy Tails Dog Park, on Saturday, May 23, 2009, from 10 a.m. to 1 p.m., with a rain date of Sunday, May 24, 2009 from noon to 3 p.m. He noted that the Dog Park is located in Kohl Park off of Dowhower Road.

Mr. Wolfe noted that Tuesday, May 19<sup>th</sup>, is Primary Election Day in Pennsylvania, therefore, the Board's next business meeting would be held on Monday, May 18, 2009 at 7:30 p.m.

Mr. Wolfe reported that the Dauphin County Recycling Center opened on April 17, 2009. The hours of operation are Monday through Friday, from 8:30 a.m. to 4:30 p.m. and also, the first Saturday of each month. He explained that this would replace the spring and fall collections that were previously held at the Harrisburg Area Community College. He noted that the recycling center is located off of Cameron Street near the Harrisburg Incinerator.

Mr. Wolfe explained that the recycling center accepts all types of electronic equipment, free of charge, from Dauphin County residents. He noted that there is a fee for businesses to use the facility.

### **OLD BUSINESS**

#### Reconsideration of action on bids for cleaning services

Mr. Hawk explained that staff opened bids for cleaning services on April 3, 2009, for three contracts; Contract #1 for the Municipal Center; Contract #2 for the Friendship Center, and

Contract #3 for the Public Works and Sewer Operation buildings. He noted that three bids were received and the bid was awarded to Top Notch Cleaning Services. He explained that Top Notch Cleaning Services failed to fulfill the requirements of the bid specification, and as such, cannot provide services to the Township.

Mr. Wolfe explained that the Board must first terminate the contract with Top Notch Cleaning Services for failure to provide services. He explained that Top Notch Cleaning Services provided notice to the Township, after signing the contract, that it could not honor the contract since they could not afford the required performance bond and necessary insurances.

Mr. Wolfe noted that the Board could authorize staff to act on the bid bond which Top Notch Cleaning Services submitted in the amount of \$500.00.

Mr. Wolfe noted that the Board could then act to award the bid to the second lowest bidder, Clean Net of Philadelphia.

Mr. Crissman made a motion to terminate the contract with Top Notch Cleaning Service and act on the performance bond of \$500.00. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Mr. Crissman made a motion to approve an award for cleaning services to Clean Net of Philadelphia, in the amount of \$46,035.00, for cleaning services for the Municipal Center, Friendship Center, and the Public Works and Sewer Operation buildings. Mr. Blain seconded the motion.

Mr. Seeds questioned if the amount listed included the 7% discount for services. Mr. Wolfe answered that it did include the discount. He noted that MEF was the next low bidder on individual contracts; however, they did not provide a discount for an award for all three

contracts. He noted that Clean Net of Philadelphia's bid was lower than MEF's for all three contracts.

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

### **NEW BUSINESS**

#### Action on bids for tree cutting, stump and root grinding in the PC-6C Mini-Basin

Mr. Wolfe explained that staff requests the Board to reject all bids received and authorize the re-advertisement of bids for tree cutting, stump and root grinding in the PC-6C Mini-Basin. He noted that the Township received seven bids ranging from a low bid of \$14,711.25 to a high bid of \$54,249.00. He explained that the lowest bidder did not provide all the bidding documents, and did not respond using the revised bid form that has been issued from the Township by addendum. He noted that it was discovered, after a review of the process, that Pro Mark Inc. was not registered with the Township. He explained that they did not receive the bid alternate form, and it appears that there was some Township responsibility for that. He explained that in Mr. Stine's opinion, the Township could not reject the bid of Pro Mark Inc. and move on to the next lowest responsible bidder. He explained that Mr. Stine suggested that the Township should reject all bids and rebid the project.

Mr. Crissman moved to reject all bids and rebid for the tree cutting, stump and root grinding in the PC-6C Mini-Basin. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

#### Action on bids for the Asylum Run Community Environmental Project

Mr. Wolfe noted that staff recommends awarding the bid to the lowest bidder, P.S. Hill Landscaping, in the amount of \$30,947.00. He noted that the Township received eight bids in

regard to the bid specifications for the Community Environmental Project, ranging from the low bid of \$30,947.00 to the high bid of \$179,920.32.

Mr. Wolfe noted that this project would be funded with community environmental funds which are Sewer Authority funds paid to DEP, with the Authority retaining half of the funds for payments for sanitary sewer overflows to undertake environmental projects locally to the benefit of streams and waterways. He noted that the Authority budgeted \$28,500.00 for this project, and with the additional sanitary sewer overflows this year, the Authority will have sufficient funds to cover the remaining \$5,000.00.

Mr. Hawk questioned why there was such a huge range of bids. Mr. Wolfe noted that of the eight bidders, the Authority has worked with at least six of them, and their bids were all over the place. He noted that it is staff's opinion that P.S. Hill Landscaping's bid was responsible.

Mr. Crissman noted that staff's recommendation was based upon the condition that the GP-3 permit is received from Pennsylvania Department of Environmental Protection (PADEP), for the project, and the Deed of Dedication be executed by the property owner of the community environmental fund site, East Coast, the Brook at Colonial Park, LLC. He questioned if the conditions have been met. Mr. Wolfe answered that both conditions have been resolved.

Mr. Seeds noted that this is a very worthwhile project as there is a huge need to fix the erosion problems that occur at the Brook Apartment when heavy storms occur.

Mr. Crissman made a motion to approve the bid for the Asylum Run Stream Community Environmental Project to P.S. Hill Landscaping, in the amount of \$30,947.00, with the condition that the GP-3 permit is received from PA DEP for the project, and the Deed of Dedication be executed by the property owner of the CEP site, East Coast, the Brook at Colonial Park LLC.

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

Change Order #2 to the contract for bridge maintenance activities  
with Doug Lamb Construction, Inc.

Mr. Wolfe noted that this is a change in contract timing, noting that there are no changes in the contract amounts. He noted that the time change is an extension from March 7, 2009 to June 15, 2009. He noted that staff recommends the approval of the change in time.

Mr. Seeds questioned if this was a second request for a time extension. He noted that the letter from Doug Lamb Construction, Inc. is requesting a second time extension.

Mr. Crissman made a motion to approve Change Order #2 to the contract for bridge maintenance activities with Doug Lamb Construction, Inc., for an extension to 76 calendar days. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Preliminary/final subdivision and land development plan for  
Allentown Boulevard Hotel (Holiday Inn Express)

Ms. Wissler noted that the purpose of the plan is to consolidate existing Tracts 1 and 2 into one lot. A new, 3-story, 81-room hotel is proposed north of the existing hotel. The site currently has an existing 2-story, 76-room hotel, and a 2-story retail/restaurant/storage building under construction. The existing pool will be removed to accommodate the required parking.

Ms. Wissler noted that the property consists of 5.3324 acres and is located at the intersection of Mountain Road and Allentown Boulevard, behind the Holiday Inn. The tract is zoned CG, Commercial General District, and will be served by public water and sewer.

Ms. Wissler explained that the Planning Commission reviewed the plan at their April 8, 2009 meeting. The Planning Commission recommended approval of the plan subject to

voluntary compliance with PENNDOT's recommendations with respect to the driveway on North Mountain Road, which is to remain a right-in and right-out as it is currently being used. The Planning Commission recommended disapproval of the waiver of the requirement to install curbing and sidewalk along Allentown Boulevard, and approval of the balance of the waiver requests.

Ms. Wissler noted that there are five waivers; 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the requirement that datum to which contour elevations refer shall be U.S. Coast & Geodetic Survey; 3) Waiver of the requirement to install sidewalks along Allentown Boulevard and Stratford Drive; 4) Waiver of the requirement to install curbing along Allentown Boulevard and Stratford Drive; and 5) Waiver from the street width requirement for Stratford Drive. Ms. Wissler noted that staff supports the waiver of curb and sidewalk for Stratford Drive, but not for Allentown Boulevard.

Ms. Wissler noted that HRG's comments are included in the site specific comments, and Mr. Ron Stevens from Dawood Engineering is present on behalf of the plan.

Mr. Seeds noted that the applicant requested a waiver of curbing on Allentown Boulevard, but it already exists on Allentown Boulevard. Ms. Wissler noted that the driveway is not changing and, upon researching the plan, it was determined that curbing already exists along Allentown Boulevard. Mr. Seeds noted, that previously, the Board did grant a waiver for sidewalks along Allentown Boulevard.

Mr. Hawk noted that the driveway did not change since the Dutch Pantry was in existence. Ms. Wissler answered that she did not think that there had been any changes to the driveways on Mountain Road or Allentown Boulevard.

Mr. Crissman questioned if waiver four should be deleted. Mr. Seeds noted that the applicant would still need the waiver for curbing along Stratford Drive.

Mr. Ron Stevens, Dawood Engineering, noted that he had nothing more to add to Ms. Wissler's introduction.

Mr. Seeds noted that there were some problems, a few years ago, with water runoff affecting the homes on Stratford Drive, from the rear parking lot. He noted that the situation was corrected and he hoped that it would not reoccur as a result of this addition. Mr. Stevens noted that he did not think there would be any problems with water runoff.

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

Mr. Crissman questioned if Mr. Stevens was in agreement with waivers 1, 2, and 5. Mr. Stevens answered yes.

Mr. Crissman questioned, for wavier three, if he was in agreement with staff who does not support the waiver for sidewalks for Allentown Boulevard, but does support the waiver for sidewalks for Stratford Drive. Mr. Stevens answered that he was in agreement.

Mr. Crissman questioned, if Mr. Stevens was in agreement with wavier four, to include deleting the need for a waiver of cubing on Allentown Boulevard since it already exists. Mr. Stevens agreed.

Mr. Crissman questioned if Mr. Stevens was in agreement with the two site specific comments, notably HRG's nine comments dated April 29, 2009. Mr. Stevens noted that he had a question concerning comment nine, for the traffic impact study, and if it was still required. Mr. Fleming explained that he received correspondence from PENNDOT this week that verified that

they would not require a traffic study at this time. Mr. Stevens noted that he is in agreement with HRG's first eight comments, dropping comment nine that is no longer needed.

Mr. Crissman questioned Mr. Stevens if he was in agreement with the seven general conditions. Mr. Stevens questioned if condition seven would be removed. Ms. Wissler answered that it would. He noted that he was in agreement with the six general comments.

Mr. Crissman questioned Mr. Stevens if he was in agreement with the three staff comments. Mr. Stevens answered yes.

Mr. Crissman made a motion to approve the Preliminary/final subdivision and land development plan for Allentown Boulevard Hotel (Holiday Inn Express) with the following waivers and conditions: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the requirement that datum to which contour elevations refer shall be U.S. Coast & Geodetic Survey; 3) Waiver of the requirement to install sidewalks along Stratford Drive; 4) Waiver of the requirement to install curbing along Stratford Drive; 5) Waiver from the street width requirement for Stratford Drive; 6) Provide location of all existing and proposed fire hydrants, fire lanes & fire department connections; 7) Plan approval shall be subject to addressing HRG.'s comments dated April 29, 2009, minus comment number nine; 8) Plan approval shall be subject to providing original seals and signatures; 9) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 10) Plan approval shall be subject to the payment of the engineering review fees; 11) Plan approval shall be subject to the Dauphin County Conservation District's review and approval an E & S Control Plan; 12) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 13) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 14) The proposed commercial building will be

required to have a fire protection system as per Township requirements; 15) All proposed site signage, including construction signs, shall comply with Article 7 of the Lower Paxton Township Zoning Ordinance; and 16) A Street/storm sewer construction permit is required for construction of stormwater facilities. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Preliminary/final subdivision and land development plan for  
Bishop McDevitt High School

Ms. Wissler noted that the purpose of the plan is to construct a new high school which will accommodate 900+ students plus associated site improvements and athletic facilities. The plan also proposes the vacation of Spring Creek Road along the frontage of the proposed property. The tract is located west of Page Road and north and south of Spring Creek Road. The property is zoned RC, Residential Cluster and FP, Flood Plain District. The tract consists of 86.45 acres and will be served by public sewer and public water.

Ms. Wissler noted that on March 26, 2009, a Special Exception was granted by the Zoning Hearing Board to allow the use of 50% grass overflow parking spaces to meet the requirements for outdoor recreation, and the Zoning Hearing Board granted a variance for the proposed buffer plantings along the western and eastern property line. A variance was granted for the proposed buffer plantings along the northern property line with a condition that 56 deciduous trees must be planted along the northern property line.

Ms. Wissler noted that a variance was also granted for stormwater management basin landscaping at stormwater basin No. 1 and No. 2. The variance for stormwater management basin No. 3 was denied.

Ms. Wissler noted that on March 12, 2009, the Planning Commission recommended approval of the plan subject to compliance with the comments. The Commission also

recommended approval of the following waivers: 1) Waiver of the requirement to submit a preliminary plan, and 2) Waiver of the requirement to install sidewalks along the western portion of Spring Creek Road.

Ms. Wissler noted that further discussion should be held on site specific comment two, dealing with a contribution towards the left-turn improvement on Union Deposit and Newside Roads.

Ms. Wissler noted that John DiSanto, Diocese of Harrisburg, and Justin Kuhn, K&W Engineers, are present representing the plan.

Mr. DiSanto noted that Ms. Wissler summarized the project very well and he did not have many additional comments to make. He noted that the plan has been before the Board during numerous workshop sessions, and was before the Public Safety Committee twice. In addition, he has met with Central Dauphin School District, their Transportation office, and Swatara Township. He noted that he has addressed all of the concerns provided by the different entities, and he has all his easements in place, noting that they are signed, but not yet recorded. He explained that he received the sewer module from PA DEP, and the comment letter regarding E&S approval from Dauphin County, noting that the comments were not significant and he has reapplied to Dauphin County.

Mr. Hawk noted that the one concern is a donation towards the road improvements to be made, in the future, at Union Deposit and Newside Roads.

Mr. Hornung questioned if the School was planning on opening the gate for access to Spring Creek Road after football games. Mr. DiSanto answered that there were discussions with staff regarding this, noting that it was the School's intention to open the gate since the School planned to continue day games at the new location; however, this could be handled in another

manner. Mr. Hornung noted that he had a real concern for opening the gate for night games, and he would still have a concern for day games as well since the road is starting to deteriorate and it is very close to a steep bank. He questioned if the road would be one-way out only after the football events. He questioned if the School was planning to permit traffic to enter the complex by way of Spring Creek Road. Mr. DiSanto noted that the gate would only be open after a football event. He noted that Spring Creek Road is a Township road, and he would not have the authority to change the traffic patterns to one-way. Mr. Hornung noted that the school would have the authority for what it decides on its side of Spring Creek Road, then, traffic would not be permitted to enter from the west by way of Spring Creek Road. Mr. DiSanto noted that the traffic would be one-way, westbound only, at the end of the property. Mr. Hornung noted that he would have a real concern for two-way traffic on Spring Creek Road at night.

Mr. Seeds noted that the Board would have to take formal action to vacate that portion of Spring Creek Road. Mr. Stine explained that it would have to be done by enacting an ordinance. Mr. Hornung noted that the decision would be made with the approval of the plan that the road would be vacated, although it would be formally done at a later time. He noted that this is the time to straighten out what would be permitted for the use of Spring Creek Road. Mr. DiSanto noted, if it is the Board's intention not to permit traffic to exit the property onto westbound Spring Creek Road, the applicant would agree to this. Mr. Seeds noted that this must be reviewed and a decision should be made. Mr. DiSanto noted that the school could petition to open the gate and roadway on a limited basis as another option.

Mr. Crissman questioned if the gate would be opened for emergency vehicle access. Mr. DiSanto answered that he expects to install a GE Opticon system on the gate that would provide access to the Township's emergency vehicles.

Mr. Seeds noted that the original plan included three gates, one at each cul-de-sac. He questioned if there would be coordination for the opening of all three gates. He questioned if the center gate would be opened during the school day since there would be activities at the athletic fields. Mr. DiSanto explained that there is a gate location on each side of the bulb, and the school anticipates keeping the gates closed, as they would prefer that the traffic use the main entrance route. He noted that staff would lift the one gate when a sports activity is on-going to provide access to the main entrance. Mr. Seeds noted that the school would have to contract with someone to help with traffic control for the football fields. Mr. DiSanto noted that the school is aware of this.

Mr. Hawk noted that HRG, Inc. estimated the cost for improvements to the intersection of Newside and Union Deposit Road to be \$160,513.41, with a notation that the school would donate 27% of that cost, amounting to \$43,338.62. Mr. Seeds noted that there are two different costs for the improvements. Mr. Fleming noted that the difference between the two costs is largely the scope of the project. He noted that HRG, Inc.'s estimate versus K&W Engineers estimate did not include an overlay and sufficient tapers for the existing width, noting that the difference in the two estimates is approximately \$17,000.00. Mr. Fleming noted that both plans included the same stacking lane, but the improvements to construct the stacking lane are considerably different. He noted that PENNDOT would require an overlay, taper lanes, and necessary widening to facilitate the turn lanes. Mr. Fleming noted that the existing intersection has a left-turn lane, northbound on Newside at Union Deposit Road. He noted that that lane would have to be lengthened back towards the sharp turn in the road. Mr. Seeds noted that there is no right-turn lane at that intersection. Mr. Fleming noted that a right-turn lane is not warranted at that intersection. Mr. Seeds suggested that there could be a sight distance problem for traffic

after it makes the sharp turn on Newside Road. He noted that the stacking lane for a left turn could be backup beyond the turn which could create a blind spot for traffic going north on Newside Road. Mr. Seeds suggested that the State or the Township would have to spend a large amount of money to do away with the sharp curve, bank, and over-vertical. Mr. Hawk noted, in order to lengthen the lane, it would require the cutting away of the bank to move one lane over. He noted that it is a similar situation at Prince Street and Rt. 22, noting that there is no right-turn lane at that intersection. He questioned how far the bank would need to be cut away. Mr. Seeds noted that it is a major project that would need to be done after the school opens. Mr. Grubic noted that his estimate of \$160,513.41 was a reasonable estimate to help mitigate the impact of what the school's traffic would be at the intersection. He noted that there are other areas in the Township that would increase traffic to this intersection as well. He noted that he limited these improvements for the mitigation of the Bishop McDevitt High School traffic only. He noted that changes to this intersection would have to be permitted by PENNDOT, noting that it represents HRG, Inc.'s best estimate of the school traffic using the ultimate build out of the school. He noted that the work would be done in the future, and it should be done, all at one time, possibly to include an addition of a right-turn lane to eastbound Union Deposit Road, and the reduction of the over-vertical.

Mr. Seeds noted that the first comment from the HRG, Inc. April 30, 2009 letter addressing traffic comments included the study area of Derry Street and East Park Drive. He questioned why this was included. Mr. Fleming explained the reason he requested the intersection to be studied was, if the traffic was vacated on Spring Creek Road, the traffic would have to find an alternate route, and that intersection would be an alternate route. Mr. Blain noted that that intersection is a long distance from the school. Mr. Fleming noted that the applicant

discussed the intersection with Swatara Township, and they agreed that the intersection did not need to be studied. Mr. Fleming noted that he is requesting a letter from Swatara Township stating that they are in agreement with the school. Mr. Seeds noted that Swatara Township does not want the Township to vacate Spring Creek Road.

Mr. Blain noted that he could understand the need to improve the intersection of Union Deposit and Newside Roads, but he would recommend, before the Township starts to recommend that money would be used for a specific intersection, that the Township ask the developer to contribute money to road improvements that would be used at the wishes of the Township with regards to whether the improvements would be made at Newside and Union Deposit Roads or Page Road Extended and Union Deposit Road. He noted that the purpose of extending Page Road was to divert the traffic from Newside Road to use Page Road Extended to make a right or left onto Union Deposit Road. He noted that the intersection is wired for signalization. Mr. Blain noted that it did not make sense to improve Newside Road as the Township did not want to direct more traffic to that road. He noted that it makes more sense to have the traffic use Page Road Extended in place of Newside Road. He suggested that the developer should be asked to contribute a certain amount of money, and the Township would determine what intersection it would be used for.

Mr. Hawk noted that there is no light at Page Road, but there is one at Newside Road. Mr. Blain noted that the intent of extending Page Road was for the full purpose of making that the major intersection coming off of Page Road. Mr. Hawk noted that the new Page Road is wider than Newside Road. Mr. Blain noted that he would recommend having the developer provide a certain amount of money for road improvements to be decided upon by the Board members after it sees the impact of the traffic from the school. He suggested that there may be

enough traffic on Page Road to warrant the installation of the traffic light. Mr. Seeds suggested that the buses going east on Union Deposit must use Page Road, and the buses going west on Union Deposit Road use Newside Road. Mr. Hawk noted, if you are traveling east on Union Deposit Road, the natural tendency would be to take the first right on Newside Road. Mr. Hornung noted that he did not see that it would be a problem as to where the Board decides to put the money, and he questioned Mr. DiSanto if it was a problem for him. Mr. DiSanto answered that he agrees with the traffic study showing a 27% impact caused by the school at that intersection, however, when it comes to negotiating the money, his position is that there are only 180 days in a school year, leaving no impact for that intersection for half a year. He noted that this is a non-profit organization, noting that when a developer builds a development, it would impact the traffic every day. He noted that the school would impact that intersection 27% for less than half a year. He noted that the school has planned its off-site improvement with the installation of a traffic light at Spring Creek Road and Page Road, and the removal of the over-vertical on Page Road. He noted that he would like these two improvements taken into consideration, and if the school and the Township agrees on a number, he would like that money to be limited to the two intersections discussed by the Board.

Mr. Hornung noted that he agrees about the impact; however the other issue that he has is looking at the plan from the standpoint of the residents of Lower Paxton Township. He explained that he welcomes the school coming to the Township, however, that parcel would be taken off the tax roles; therefore, the Township does not have additional money to fix problems that may occur once the school is opened. He noted that it would fall on the other residents of the Township to do so. He noted that a commercial business would provide tax revenues that would

help to alleviate the problem. He noted if the Township does not get enough money up front, it would not get it later on, and that is an issue.

Mr. DiSanto noted that Mr. Seeds addressed the stacking on the left-turn lane at Newside Road, but he did not think that there would be a potential for rear-end accidents as everyone would slow down to negotiate the turn. He noted that any traffic that wants to go right at Newside Road and Union Deposit Road would use Page Road Extended. Mr. Seeds questioned if a vehicle coming around the sharp turn, going in the north direction, would be able to see vehicles stopped at the intersection. Mr. DiSanto answered yes, noting that a vehicle would be going uphill, and once a vehicle reaches the top of the hill, it would be able to view the intersection easily. Mr. Hawk noted that going west on Newside, Mr. Johnson's home is to the left, and at that location, it is almost a T-intersection, so you know you have to slow down.

Mr. Seeds questioned, south of the new traffic light at Spring Creek and Page Roads, if the school was cutting the over-vertical. Mr. DiSanto answered that it would be cut six feet to allow for excess sight distance.

Mr. Seeds questioned who would handle the maintenance for the vacated part of Spring Creek Road. Mr. DiSanto answered that it would be handled as part of the developer's agreement, noting that the school would have to maintain the road for snow. Mr. Seeds questioned if the remaining part of the road would be maintained by the Township. Mr. Wolfe answered yes.

Mr. Hawk noted that HRG, Inc. suggested a donation of \$43,338.62 and K&W Engineers suggested a donation of \$25,000.00. Mr. Hawk suggested that the donation would be used for Union Deposit at Page Road or Newside Road, and the donation should be \$30,000.00. Mr. DiSanto agreed to the amount of \$30,000.00.

Mr. Crissman questioned Mr. DiSanto if he was the official spokesperson and could speak for the Diocese of Harrisburg. Mr. DiSanto answered yes.

Mr. Crissman noted that the two waiver requests are supported by staff. He noted that there are three site specific comments, with number one being the HRG, Inc. letter dated April 30, 2009, with nine comments, as well as one traffic comment, one Spring Creek Road vacation comment, as well as the Sub-Surface Investigation Report comment, and recreation easement comment. He questioned Mr. DiSanto if he was in agreement that the comments would be completed or are completed to the satisfaction of Township staff. Mr. DiSanto answered yes.

Mr. Crissman questioned if Mr. DiSanto was in agreement to the second site specific comment of a contribution of \$30,000 to the Township for future road development for the improvements at Union Deposit Road at Newside Road or Page Road Extended. Mr. DiSanto answered yes.

Mr. Crissman questioned, if Mr. DiSanto was in agreement with the six general conditions. Mr. DiSanto answered yes.

Mr. Crissman questioned, if Mr. DiSanto was in agreement with the three staff comments. Mr. DiSanto answered yes.

Mr. Hawk questioned if there was any public comment on the plan. He noted since there was no public comment it would be in order for Mr. Crissman to make his motion.

Mr. Crissman made a motion to approve the Preliminary/final subdivision and land development plan for Bishop McDevitt High School with the following waivers and comments:

1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the requirement to install sidewalks along the western portion of Spring Creek Road; 3) Plan approval shall be subject to addressing HRG's comments dated April 30, 2009; 4) Plan approval shall be subject to

a contribution of \$30,000.00 towards road improvements on Union Deposit Road at Newside Road or Page Road Extended; 5) Plan approval shall be subject to entering into an agreement with the Township regarding the responsibilities of how the gate system would work and who would maintain the gate; 6) Plan approval shall be subject to providing original seals and signatures; 7) Final plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 8) Plan approval shall be subject to the Dauphin County Conservation District's review and approval of an E & S Control Plan; 9) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 10) Plan approval shall be subject to planning module approval; Exemption received. 11) Plan approval shall be subject to obtaining a Highway Occupancy Permit; 12) Plan approval shall be subject to the payment of engineering review fees; 13) All proposed site signage, including construction signs, shall comply with Article 7 of the Lower Paxton Township Zoning Ordinance; 14) A Street/storm sewer construction permit is required for construction of street and stormwater facilities; and 15) The new school is required to have fire protection as per Township requirements. Mr. Blain seconded the motion.

Mr. Seeds noted for the third site specific comment, regarding who would maintain the gate, should it be changed to gates since there is more than one gate. Mr. DiSanto noted that this could be handled in the Developer's Agreement. Mr. Crissman noted that the wording is gate system, and it could include more than one gate.

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 Brian Szeles

Ms. Moran noted that the purpose of this plan is to relocate a lot line between two existing developed properties. The existing entire pond would be located on the Brian Szeles property with the relocation of the common lot line. The properties are zoned R-1, Low Density Residential District, are served by on-lot sewage disposal system and private on lot wells. New Lot 4 (Parcel 35-077-030) consists of 10.368 acres and new Lot 1 (Parcel No. 35-077-024) will consist of 22.891 acres. The properties are located south of the intersection of Lyters Lane and Country Lake Drive and east of Page Road.

Ms. Moran noted that on April 8, 2009, the Planning Commission recommended approval of the plan.

Ms. Moran noted that the applicant requested the following waivers: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to provide contours at two or five feet intervals; 3) Waiver of the requirement to provide datum to which contour elevations refer; 4) Waiver of the requirement to show the location of existing watercourses; 5) Waiver of the requirement to provide curb, sidewalk and road widening along the lot frontages; 6) Waiver of the requirement to provide an erosion and sedimentation control plan; 7) Waiver of the requirement to provide a stormwater management control plan; and 8) Waiver of the requirement to provide a hydrogeological study.

Ms. Moran noted that Mr. Justin Kuhn of K& W Engineers is present to represent the plan.

Ms. Moran noted that four general conditions are listed, and she needed to add a fifth general condition: Plan approval shall be subject to addressing all 13 comments of HRG, Inc.'s letter dated April 22, 2009.

Mr. Seeds questioned if the septic systems or wells would be in conflict with the lot line changes. Mr. Kuhn answered that the septic systems are located on the plan, noting that they are several hundred feet from the relocated lot line.

Mr. Crissman questioned Mr. Kuhn if he could speak on behalf of the plan. Mr. Kuhn answered yes.

Mr. Crissman noted that there are eight waivers that staff supports. He questioned Mr. Kuhn if he was in complete agreement with the five general conditions, to include the HRG, Inc.'s letter dated April 22, 2009 with 13 comments. Mr. Kuhn answered that he had two comments.

Mr. Kuhn noted that for general condition four, if the Board approves the E&S Plan waiver, there would be no need to have Dauphin County Conservation District review the E & S Control Plan. He also noted for general condition number three, the only improvement proposed is the installation of two concrete monuments. He proposed to install the monuments prior to plan recording, therefore, his client would not have to post a financial security.

Mr. Kuhn noted for comment ten from the HRG, Inc. letter dated April 22, 2009, the tree line shown does not reflect the existing conditions. He noted that he spoke to the Planning Commission regarding this comment, and explained that he only located the trees in the area of the lot line relocation, noting that the two sites have hundreds of trees located on them. He noted that he did not locate all the trees found on the plan, and the Planning Commission, noting that it is not an ordinance requirement, did not find it necessary to locate all the trees on the plan. He requested that comment ten be removed from the requirements. Mr. Fleming noted that it would be appropriate to remove that comment from the letter. Mr. Crissman wanted it noted that comment number ten would be removed from the list of comments found in the HRG, Inc. letter

dated April 22, 2009. Mr. Kuhn noted that comment 13 would reflect back to what he said earlier, that he would install the two concrete markers prior to the recording of the plan; therefore, an Improvement Guarantee would not be necessary. Mr. Crissman questioned if staff was acceptable to that. Mr. Grubic answered it would be acceptable if there are no improvements to be guaranteed by installing the monuments prior to the recording of the plan, he noted that the comment would go away. He noted that the motion should include that the monuments would be installed prior to the recording of the plan. Mr. Crissman noted that comment number 13 would remain in his motion. He noted that item number ten would be stricken from his motion for the HRG, Inc. comments. Mr. Kuhn noted that general condition number four would go away with the granting of the sixth waiver. Ms. Moran noted that it could be removed if the waiver is granted.

Mr. Crissman made a motion to approve the Preliminary/final subdivision plan for Brian Szeles with the following waivers and comments: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to provide contours at two or five feet intervals; 3) Waiver of the requirement to provide datum to which contour elevations refer; 4) Waiver of the requirement to show the location of existing watercourses; 5) Waiver of the requirement to provide curb, sidewalk and road widening along the lot frontages; 6) Waiver of the requirement to provide an Erosion and Sedimentation Control plan; 7) Waiver of the requirement to provide a stormwater management control plan; 8) Waiver of the requirement to provide a hydrogeological study; 9) Plan approval shall be subject to providing original seals and signatures; 10) Plan approval shall be subject to the payment of engineering review fees; 11) Plan approval shall be subject to the establishment of an improvement guarantee for the proposed site improvements; and 12) Plan approval shall be subject to addressing the comments found in the HRG, Inc. letter

dated April 22, 2009, with 12 comment; scratching comment ten regarding the tree line. 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.

Request to modify the paving specifications indicated on the preliminary and final subdivision plans for Autumn Oaks and the Estates at Autumn Oaks

- Preliminary Subdivision Plan for Autumn Oaks #07-21**
- Final Subdivision Plan for Autumn Oaks, Phase I, #08-15**
- Preliminary Subdivision Plan for The Estates at Autumn Oaks #07-27**
- Final Subdivision for The Estates at Autumn Oaks, Phase IB #08-22**

Ms. Moran explained that the McNaughton Company is seeking reaffirmation of the above referenced plan approvals with a modification to the paving specification for collector streets. The plans, as conditionally approved, show a collector street paving cross section that is in excess of current Township Ordinance standards.

Ms. Moran noted that the approved plans provided 1.5" Wearing, 2" Binder, 5" of Base (collector) and 6" of sub base, and the modified plans provide 1.5" Wearing, 2" Binder, 3" Base (collector) with 6" sub base. She noted that the current PENNDOT minimum pavement section for local roadways is a 1.5" Wearing, 2" Binder, 5" Base and 6" sub base (PENNDOT Pub. 70M). She explained that the current Lower Paxton ordinance requires 1.5" Wearing, 3" Base and 6" (local) or 8" (collector) sub base, whereas the proposed Lower Paxton SALDO requires 1.5" Wearing, 2" Binder, 3" (local) or 5" (collector) Base and 6" sub base.

Ms. Moran noted that the requested revision modifies the base course thickness, to conform to current Ordinance requirements for collector roads, from 5" to 3" of SAMD HMA Base Course PG64-2 25.0 mm mix.

Ms. Moran noted that Township Engineer and Public Works comments have been provided to the Board members.

Ms. Moran noted that The McNaughton Company is seeking re-approval action by the Board of Supervisors for the portion of (Patton Road widening in Autumn Oaks and Colonial Road/Continental Drive in the Estates at Autumn Oaks) collector roadways within the above referenced plans.

Ms. Moran noted that Mr. Joel McNaughton is present to represent the plan.

Mr. McNaughton noted that there are a few collector roads on the two subdivision plans, for Autumn Oaks (Continental Drive and a portion of Patton Road), and The Estates at Autumn Oaks, (Colonial Road). He noted, for the preliminary plans that were submitted and approved, he over specked the paving requirements for the collector roads and the local roads. He requested to bring the collector road to be in compliance with the local road specifications.

Mr. Hawk questioned if the primary reason for the request is a cost consideration. Mr. McNaughton noted that it was an item on the plan that as it neared construction time, for the three particular roads, it was found that the specifications were well in excess of what was required under the current ordinance. He noted that he wanted to make a correction to eliminate two inches of binder on the collector roads, Colonial and Patton Roads and Continental Drive.

Mr. Hawk noted that the issue becomes, when the plan was submitted versus the ordinance now. Mr. McNaughton noted that the ordinance has not changed from the time that he submitted the plan until now, noting that the ordinance requirement for a local road is six inches of stone, three inches of binder and one and a half inch of wearing, however, on the plan that was proposed, he planned for six inches of stone, three inches of base, two inches of binder and one and a half inch of wearing. He noted that the specification approved for the plans has two inches

more of paving than is required by ordinance. He noted for the collector roads, the plan as approved, provides for four additional inches of paving, and he would like to reduce that to two inches of paving.

Mr. Seeds noted that with the economic downturn that the housing industry is experiencing, many developments have slowed down construction, and are taking longer to sell the homes. He noted that phases were started some time ago that do not have the final wearing courses, and as the years pass, there are problems with maintaining the roads. He noted that the people who live in these locations have ongoing problems since manholes are raised and the driveways are raised. He suggested that it is even more important now to have a thicker base to accommodate longer times to complete the development. He noted that a longer time passes before the wearing courses are installed on the roads, and he suggested that it is more important to have a thicker base to accommodate this need. Mr. McNaughton noted that he proposes a thicker base in that he is providing a two inch binder course which is not required under the ordinance. Mr. Seeds noted that the new ordinance requires the binder, but instead of six inches of base Mr. McNaughton only wants to install three inches of base.

Mr. Grubic stated that the index for asphalt has dropped 11% since January 2009.

Mr. Crissman noted that the pavement section shown on the current plan would provide a higher strength of pavement section and a finer course, which would be installed initially and would protect the base course layer. He noted that it would protect the base course during construction thus protecting the roadway that the Township would ultimately own and maintain. He noted that he wanted roads that would meet the Township's standards for future use. He noted that this was the eighth comment from the letter dated April 22, 2009 from HRG, Inc.

Mr. McNaughton noted that he would agree with the statement that he is providing a base course and a binder course which is intended to protect the base; he noted that he is requesting that the thickness of the base for the collector roads be reduced from five inches to three inches. He noted that he would still propose to install the two inch binder course.

Mr. Seeds noted that the approved plan used the requirements from the proposed Subdivision and Land Development Ordinance (SALDO), and Mr. McNaughton would like to change the plan to accommodate the current requirements. Mr. McNaughton noted that he would add the binder requirements from the new SALDO and proposed a base course in accordance with the new SALDO for local roads, but would like to bring the collector roads in compliance with the local road specifications.

Mr. Seeds noted that, recently, the Board had a workshop session with the Public Works Director, discussing the maintenance of the roads. He noted that the road maintenance is very expensive, and it is unknown where the funds would come from to keep the roads in top condition. He noted that the Board wants to insure that the roads built today meet a better standard to provide for a longer life for the road.

Mr. Hawk questioned Mr. Fleming if he stood by the comment Mr. Crissman read from his letter dated April 22, 2009. Mr. Fleming noted that this was one of the few plans submitted using the draft SALDO as a design tool, noting that several waivers were approved for these plans using some of the benefits in the new ordinance as a trade off, providing justification for some of the waivers.

Mr. Blain made a motion to deny the request to the modification to the paving specifications for collector streets, Patton Road, Colonial Road and Continental Drive in conjunction with the following plans: Preliminary Subdivision Plan for Autumn Oaks #07-21;

Final Subdivision Plan for Autumn Oaks, Phase I, #08-15; Preliminary Subdivision Plan for The Estates at Autumn Oaks #07-27; and Final Subdivision for The Estates at Autumn Oaks, Phase IB #08-22. Mr. Crissman seconded the motion.

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

### **IMPROVEMENT GUARANTEES**

Mr. Hawk noted that there were seven Improvement Guarantees.

#### Amber Fields, Phase I

A new escrow with Lower Paxton Township, in the amount of \$5,057.00, with an expiration date of May 5, 2010.

#### Amber Fields, Phase I

A release in a letter of credit with Sovereign Bank, in the amount of \$5,057.00.

#### Amber Fields, Phase II

A new escrow with Lower Paxton Township, in the amount of \$3,920.40, with an expiration date of May 5, 2010.

#### Amber Fields, Phase II

A release in a letter of credit with Sovereign Bank, in the amount of \$3,920.40.

#### CGOH – Oncology Center

An amended cost estimate increase in a letter of credit, with Wachovia Bank, in the amount of \$273,800.00, with an expiration date of November 3, 2009.

#### Estates of Forest Hills, Phase VII

An extension and 10% increase in a letter of credit, with Community Banks, in the amount of \$154,770.00, with an expiration date of May 5, 2010.

Dauphin County Library Systems

An extension and 10% increase in a Pledge of Tax Revenue, in the amount of \$43,925.85, with an expiration date of May 5, 2010.

Mr. Crissman made a motion to approve the seven Improvement Guarantees as presented. 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. 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. Crissman seconded the motion, and the meeting adjourned at 9:16 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

Gary A. Crissman  
Township Secretary