LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held Tuesday, October 7, 2008

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:36 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; Steven Fleming, HRG, Inc.; Christopher Brennan, Ann Broeker, and Diane Sherry, Verizon Pennsylvania, Inc.; John Snyder, Project Manager, and Brian Engle, Rettew Associations; Forrest Troutman, Paul Hepler, Brett Stolzfus, and Chad Stolzfus, E. G. Stolzfus; and Craig Mellott, TPD.

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 from the administrative business meetings held August 5, 2008 and September 2, 2008, and the workshop meeting held August 12, 2008. Mr. Blain seconded the motion, and the motion was unanimously approved.

Public Comment

None was provided.

Chairman and Board Member's Comments

None was presented.

Manager's Report

Mr. Wolfe noted that Trick or Treat will be celebrated in Lower Paxton Township on Thursday, October 30, 2008 from 6 p.m. to 8 p.m.

Mr. Wolfe noted that the Parks and Recreation Department is offering Autumn Hayrides in Koons Park beginning October 10, 2008, from 6 p.m. to 8 p.m. He noted that there are various other dates for the hayrides, and the fee for the event is $2 per person. In addition, pumpkin carving will be held on specific nights in conjunction with the hayrides.

Mr. Wolfe noted that there are several events occurring at the Friendship Center, to include a Turkey Rama Family Fun Run, scheduled for Saturday, November 1, 2008, at 9 a.m. He noted that the event is only a one mile run, and prizes, to include turkeys, will be provided. He noted that prizes would be awarded to participants who do not win the race.

Mr. Wolfe noted that the Board will be acting upon a cable franchise agreement with Verizon Inc., something of great interest to the members of the community. He noted that up until this time, there has only been one cable service provider to the Township. He noted that Verizon will be providing competitive services to the residents in the Township, but, prior to this occurring; Verizon had to enter into a franchise with the municipalities. He noted that once the franchise agreement is signed, then Verizon would be permitted to provide services to the Township residents.

Mr. Wolfe explained that this does not mean that the service would be available to citizens tomorrow, but it would be available soon.

Mr. Wolfe noted that several municipalities on the West Shore have acted on the cable franchise agreement, and the Township has received several phone calls inquiring when the Township would act on this Ordinance. He noted that the franchise was negotiated through the

Capital Region Counsel of Governments, and most of the municipalities in the local area, outside of the City of Harrisburg, would be acting on the cable franchise agreements in the near future.

OLD BUSINESS

Ordinance 2008-15; Authorizing the approval of a cable franchise agreement with Verizon Pennsylvania, Inc.

Mr. Wolfe noted that Ordinance 2008-15 has been advertised in The Paxton Herald, and a copy of the legal advertisement is included in the packet. He noted that a summary of the cable franchise agreement prepared by the Cohen Law Group on behalf of the Capital Region Council of Government is also included in the Board's packet. He noted that the Cohen Group served as the primary negotiator for the Capital Region Council of Government. Mr. Wolfe noted that it would be appropriate for Mr. Stine to conduct a public hearing on Ordinance 2008-15, at this time, and he explained that three representatives from Verizon Pennsylvania, Inc. are present in the audience to address any questions the Board may have.

Mr. Stine noted that it was the time and date set for the public hearing on Ordinance 2008-15; authorizing the approval of a cable franchise agreement with Verizon Pennsylvania, Inc.

Mr. Stine questioned if anyone in the audience wished to be heard on Ordinance 2008-15. Seeing no response, he questioned if the representatives from Verizon Pennsylvania, Inc. wished to speak at this time.

Mr. Chris Brennan, Director of External Affairs, Verizon, for the Central Pennsylvania area, noted that he wanted to thank the Board of Supervisors for having them at the meeting this date.

Mr. Seeds noted that Verizon is providing the channel that would be available for public television, as well as providing free service to the municipality, and the local fire companies, but he questioned if the service could be provided to the schools. Mr. Wolfe noted that, per the

negotiating team for the CAPCOG, it was determined that Verizon providing free cable television service to the schools was not necessary since the schools are currently receiving that service from Comcast, and also, because Verizon has agreed to a payment per customer to fund Public Education and Governmental (PEG) Channel services which Comcast does not do. Mr. Seeds suggested that it would be to Verizon's advantage to provide those services for the schools. Ms. Diane Sherry explained that, during the course of negotiations, it was decided to go the way of the PEG channel support payment rather than servicing the schools. Mr. Hornung noted if the schools are already getting the service; it makes sense to get some other type of free service. Ms. Sherry explained that it would be the same channel content as the Comcast channels. Mr. Hornung noted that it makes sense.

Mr. Hawk noted that the Ordinance also includes the transmission of non-cable services, but the agreement only mentions the cable system. Ms. Sherry explained that a fiber optic system is being installed, that provides cable, phone and internet, but the franchise is for the cable system only. Ms. Sherry noted that the system would cover all three services. Mr. Hawk questioned if customers who are currently using the Verizon FiOS system, would be contacted for cable consideration. Ms. Sherry answered that she did not know what the marketing team was planning. She explained that a customer could go on-line to see what additional services would be available. Mr. Seeds noted that Comcast provides a bundle package for internet, cable and telephone services, and he expects that Verizon would be doing the same. Ms. Sherry noted that the customer would find the most savings in the bundle packages.

Mr. Seeds noted that there is an intervention letter to be signed by the Board Chairman, which protects the Township in the event of legal issues that may arise. Ms. Broeker explained that an intervention letter is part of the packet, to cover any legal issues that could arise in the future, and the letter would need to be signed by the Chairman of the Board. Mr. Seeds noted if

the Township approves the Ordinance, and signs the agreement, then an intervention letter must be signed by both parties. Ms. Broeker stated that although the letter is not referenced in the contract, it must be signed by both parties.

Mr. Stine noted that seeing no further comments, it would be in order to close the public hearing on Ordinance 2008-15, and the Board may take action if it so desires.

Mr. Blain made a motion to approve Ordinance 2008-15, authorizing the approval of a cable franchise agreement with Verizon Pennsylvania, Inc. Mr. Hornung seconded the motion. Mr. Seeds requested that the intervention letter be signed by both parties. Mr. Blain amended the motion to include Mr. Seeds' comments. Mr. Hornung seconded the amendment. Mr. Hawk called for a roll call vote; Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye, Mr. Seeds, and Mr. Hawk, aye.

Ordinance 08-02; Amending the zoning map by changing the designation of the Village of Laurel Ridge on Linglestown Road at Pheasant Ridge Drive from R-2 to R-3

Mr. Hawk noted that this item was pulled from the agenda at the developer's request.

Resolution 08-42-01, 02, 03, & 04; Designating Berkheimer as the Township's EIT and LST collector, appointing the Finance Director as the Township's official contact with Berkheimer, appointing Berkheimer as the Township's Tax Hearing Officer and authorizing Berkheimer to undertake delinquent tax collections

Mr. Wolfe explained that the following four resolutions are the results of the Township's move to Berkheimer Associates for the collection of the Earned Income Tax, (EIT), and the Local Services Tax, (LST). He noted that all four resolutions have been detailed for the Board members and are complete for Board action this evening.

Mr. Seeds noted that the Township passed a Resolution a month ago, and he questioned how it differed from this Resolution. Mr. Wolfe explained that Resolution 2008-38 gave the Township specific authority to prepare agreements with Berkheimer and construct those

agreements to include a phrase that, should at any time there should be an inter-municipal agreement between Lower Paxton Township and other municipalities that would select Berkheimer, that the Township could leave its individual contract with Berkheimer and participate in the inter-municipal agreement. He noted that Berkheimer has agreed to the language, as per the previous Resolution, and this has been included in the final contract that was prepared. Mr. Seeds questioned if the Township could re-negotiate its current contract. Mr. Wolfe explained that the Township would leave the existing contract and join with the consortium, or the consortium could negotiate a new contract.

Mr. Seeds questioned if the collection costs for delinquent taxpayers would be coordinated with the Central Dauphin School District. Mr. Wolfe answered that Berkheimer would be serving the Township as an independent collector, and there would be no coordination with another entity. He noted that Berkheimer has a separate agreement with the Central Dauphin School District, and if someone is delinquent on both taxes, they could be assessed for both taxes. Mr. Seeds questioned how Berkheimer could separate the costs, since part of the funds would go to the school district. Mr. Blain noted that the delinquent tax schedule is what the tax payer must pay. Mr. Seeds noted that it states that the assessment would be added to School District and Municipal taxes. Mr. Blain noted that neither the School District nor the Township would have any liability in the situation. He noted that the issue is between the taxpayer and Berkheimer. Mr. Wolfe noted that it is not one tax bill; it is a required remittance by the employer or a self-employed person. Mr. Blain noted, if the Township used Berkheimer and the School District used Capital Tax Collection Bureau (CTCB), the taxpayer would have to file two returns, one for the 1% EIT for the Township, and the other 1% would be remitted to the CTCB for the School District. He noted that the bottom line is that if someone fails to file a return for the Township, Berkheimer would go after them for the delinquent money. He noted that there

would only be one return since both entities are using the same tax collector. Mr. Seeds suggested that they would probably access the same fees for the Township and the School District. Mr. Blain questioned if Mr. Seeds' issue is where it states that the "known place of employment notice before wage attachment would be a $16.25 fee", thinking that the School District may have a different fee for this. Mr. Seeds answered that they could. Mr. Blain noted that it does not impact the Township or the School District, noting that it is the fee access to the taxpayer for not filing the tax.

Mr. Blain made a motion to approve Resolution 08-42-01, 02, 03, & 04; Designating Berkheimer as the Township's EIT and LST collector, appointing the Finance Director as the Township's official contact with Berkheimer, appointing Berkheimer as the Township's Tax Hearing Officer, and authorizing Berkheimer to undertake delinquent tax collections. Mr. Crissman 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.

NEW BUSINESS

Conditional Use 08-01; Request from Cider Press Associates, LLC for a density bonus for the Shadebrook TND based on architectural standards

Ms. Wissler noted that the Township received an application for a Conditional Use Permit, which would allow an increase in the maximum density of 0.5 additional dwelling units per acre. She noted that the current density is 4.0 dwelling units per acre, and the amendment would increase the density to 4.5 dwelling units per acre. She noted that the property is located on Fairmont Drive and Cider Press Road between Locust Lane and Union Deposit Road.

Ms. Wissler explained that conditional use applications for architectural standards are reviewed under the criteria listed in Section 314.D.13, Overall Requirements in Traditional Neighborhood Development (TND) District. In addition, Article 314.D.13 requires that the

applicant establish legally enforceable provisions controlling the styles of architecture, rooflines, porches and the general types of exterior materials in such a manner as to incorporate the best features of traditional architecture commonly found in boroughs and villages in Pennsylvania.

Ms. Wissler noted that the supporting information from the applicant relative to this Conditional Use Application has been included in the Board's packet, and any approval of the Conditional Use should be conditioned on addressing the outstanding comments listed in Staff's Memo dated February 26, 2008 (Comments #4 and #6 have been addressed).

Ms. Wissler noted that the application was reviewed by the Lower Paxton Township Planning Commission on May 16, 2008, and the Commission recommended approval of the application.

Ms. Wissler noted that the following persons are present for the presentation: John Snyder and Brian Engle, Rettew Associations; Forrest Troutman, Paul Hepler, Brett Stolzfus, Chad Stolzfus, E. G. Stolzfus; and Craig Mellott, TPD.

Ms. Wissler noted that the Township provided notification to all surrounding property owners within the neighborhood. A list of those notified, as well as a copy of the notice, has been provided.

Mr. Stine noted that this is the time and date set for the public hearing on Conditional Use 2008-01; which is a request from Cider Press Associates, LLC for a density bonus for the Shadebrook Traditional Neighborhood Development (TND) based on architectural standards.

Mr. Stine questioned who would be representing the applicant this evening. Mr. John Snyder answered that he is the Project Manager and would be representing the applicant. Mr. Stine noted that the court recorder would need to swear in everyone who is presenting testimony. John Snyder, Forrest Troutman, Craig Mellott and Paul Hepler were sworn in by the court reporter.

Mr. Snyder explained that the entire team from Cider Press Associates is present to represent Shadebrook Development with the exception of Barry Mehaffie, lead architect, who was unable to attend the meeting.

Mr. Snyder noted that the Master Plan was previously approved, and the Planning Commission gave a favorable recommendation for the preliminary plan as well as the Conditional Use Application.

Mr. Snyder noted that Section 314.G.9.a(1) states "if the applicant approves that the architectural standards set forth in Section 314.B.13 will result in excellence in traditional architecture beyond the minimum requirements of this Ordinance, the maximum density may be increased by a maximum of 0.5 additional dwelling units per acre."

Mr. Stine questioned if the power point presentation that Mr. Snyder was presenting at the meeting had been submitted to the Township as part of the application. Mr. Snyder answered, yes. Mr. Stine questioned if it was a part of the architectural design guidelines for Shadebrook. Mr. Snyder answered no. Mr. Stine questioned if the materials were submitted with the application. Mr. Snyder answered that they were submitted today as part of the presentation, and questioned if the materials could be entered into the legal record. Mr. Stine questioned how the presentation would be made. Ms. Wissler answered that it would be an electronic presentation. Mr. Stine noted that he would need a hard copy of the power point presentation to label as Exhibit "A". Mr. Snyder gave Mr. Stine a hard copy of the power point presentation to be labeled as Exhibit "A".

Mr. Snyder noted that the first slide showed an aerial view of the proposed layout for Shadebrook. He noted that under the use by right, the development is allowed to have 283 dwelling units, but with the Conditional Use approval and density bonus, the allowable units could increase to 318 or provide for 35 additional dwelling units. He noted that he is present to

prove that the development would exceed the expectations of the Township, exceed the intent of the Ordinance to provide architectural excellence, and go beyond industry standards of what is typically done for a TND.

Mr. Snyder noted under Section 116. C, Special Exception criteria, any conditional use application must address seven items: compliance with Ordinance, compliance with other laws, traffic, site planning, neighborhood, safety, and natural features.

Mr. Snyder noted that in order to comply with the Ordinance, the master plan was approved, and he received a favorable recommendation for the preliminary plan, as well as the conditional use application, from the Planning Commission. He noted that the final plan approval would occur after the preliminary plan is approved. He noted that the preliminary plan details all aspects of the project, and in no way does the approval of the conditional use application permit the applicant from non-compliance with any other laws and regulations.

Mr. Snyder noted that the second item that must be met is compliance with other laws. He noted that the preliminary plan is under review, the Erosion Control and NPDES permits are under review by the Conservation District, but the sewage planning module for phase one was rescinded. He explained that Township rules do not allow the Board to approve the Planning Module until after the preliminary plan is approved. He noted that the joint permit for wetland disturbance has been submitted and is under review. He noted that the ordinance reads that approval may be conditioned upon the applicant later showing proof of compliance with these specific local, state or federal conditions.

Mr. Snyder noted that traffic, site planning, neighborhood and safety features are all interrelated to the plan. He noted that the ordinance requires that, “the application shall establish from the proposed use and accommodate it in a safe and efficient manner to minimize hazards and congestion.” He noted that the ordinance reads for site planning, “that the applicant shall

include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in the ordinance." He noted, "that the proposed use shall not create a significant hazard to public health and safety, such as fire or toxic or hazard explosions, and neighborhood, the proposed use shall not substantially change the character of any surrounding residential neighborhood." He noted that the traffic, site layout and the design are so integral to the TND.

Mr. Snyder explained that the whole purpose of a TND is to create a neighborhood, a special place where people congregate, that is a walkable community. He noted that a TND needs proper circulation and traffic calming, and this was done in numerous ways, using tighter radiuses. He explained that the reason for slowing the traffic is to create a feeling of safety for pedestrians, and he did this by designing intersections with bump outs, noting that the intersection cartways have been narrowed, to slow traffic, and to create the smallest distance for a pedestrian to cross the street. He noted that most streets allow for parking on both sides, and that creates a narrow traffic lane to slow traffic. He explained that traffic calming does not result in congestion.

Mr. Snyder explained that in most conventional developments there are two means of access for emergency vehicles. He noted that any one of the lots has more than five means of access through a comprehensive network of roads and alleys to access all the lots. He noted that it is easy to see why traffic, site planning, neighborhood and safety are all interrelated.

Mr. Snyder explained that the 35 additional units would only increase the daily trips by 4%.

Mr. Snyder noted that the purpose of the TND is to create neighborhoods, but also to plan for how the surrounding environment fits into the development. He noted to the northeast, there is an existing multi-family development, and he has provided multiple means of pedestrian

access to Shadebrook to allow those residents to share in the amenities, while also providing buffering and screening. He noted that there would be a raised landscape buffer along the northern edge with vegetative screening to provide privacy for both developments. He explained to the northwest is the Dauphin County Technical School property with open fields. He noted to the northwest is a forested riparian buffer, and to the southwest is a single-family home development. He explained that he planned to create the less dense part of the development in this area.

Mr. Snyder noted that the overall sight development of the plan provides for camera views of the various parts of the development. He provided a sketch of the neighborhood park environment, and the community green, with trails, noting that he would design this area using the natural features. He noted that the ordinance states that "the proposed use shall be suitable for the site considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs, and other important natural features." He noted that this project would disturb wetlands in a small pocket in the middle of a field. He noted that it is located in the middle of the downtown area, and he is in the process of making application for the joint permitting to do that work. He noted that there are steep slopes that are outlined in red on the plan and they have forced the developer to keep the development running with the contours. He noted that he is staying away from the steep slopes as much as possible; noting that it almost creates a tier-style development. He noted that most of the mature woodlands are made up of scrub brush, noting that the mature woodlands are located along the western part, and he plans to keep the riparian buffer in tack. He noted that there is a small stream channel along the bottom of the bank at Union Deposit Road. He noted that there are no trees in that location, but as part of the joint permit plan, he is proposing to improve that area, plant riparian buffers, and to improve stream

quality in that area. He noted that he kept all grading operations out of that area in the floodplains.

Mr. Engle noted that he is present to discuss the architectural requirements as part of the density bonus of 0.5 units per acre. He noted under Ordinance 314.G.9(a) (1), which references Section 314.D.13, it states, "the intent is to have unified and consistent architectural styles, while avoiding monotony. The applicant shall establish legally enforceable provisions controlling the styles of architecture…" He noted that the section goes on to recall specific items to include, front porches, garage doors, roof lines, external materials, and other things.

Mr. Engle noted that each Board member was presented a booklet with Architectural Guidelines that he would like to enter as Exhibit "B". Mr. Stine marked the Architectural Guidelines booklet as Exhibit "B".

Mr. Engle explained that he incorporated four different architectural styles in the design guidelines. He noted that this is unique in that most TND's do not use four different styles. He noted that the guidelines go beyond the industry standards in how they regulate the styles. He noted that the guidelines address cornices, and the detailing of each one of the styles. He noted that it provides a variation of the element with the two styles that are located side-by-side.

Mr. Engle noted that the guidelines go a step further in noting what the commercial area would look like. He noted that the north side of the main street for Fairmont Drive includes design guidelines, noting that the only exception would be the first floor store front area. He noted that there is no way to predict exactly what the store front would look like as a user has not be chosen. He noted that examples of store fronts to be used are included in the design guidelines.

Mr. Engle noted that there are four permitted styles for the residential development. He noted that the Georgian Style is a common style from the English colonies from 1700 to 1840.

He noted that it is very symmetrical in nature. He noted that each style has its own matrix with elements that are unique to that style. He noted that two Georgian homes located side-by-side could have quite a few variations.

Mr. Engle noted that the second style is the Empire Victorian Style, named for Napoleon, and used from 1855 until 1910, and is characterized by the mansard roof, with dormer windows on a very steep roof. He noted that the third style is the Colonial Revival that dates from 1880 to 1960. He noted that this is a rebirth of the Colonial style commonly seen along the Atlantic seaboard colonies. He noted that it is characterized by different roof configurations, dormers, windows are different, as well as the porch configurations. He noted that it would remind you of the Georgian style with the Dutch influence. He noted that the fourth style is the Craftsman, that dates from 1900 to 1945, the most common style seen in small towns in Pennsylvania. He noted that it is characterized by the shallower gables, hip roofs, exposed brackets and beams at the eves.

Mr. Engle noted that the Planning Commission requested handicapped access to homes. He noted, on page seven, there are many choices of how this could be accomplished with any of the styles.

Mr. Engle showed various slides of what the homes would look like. He noted that the town homes at Cider Press Road are all the same, but appear differently due to the different elements used. He noted that garages are either located in the alleys or tucked to the back of the homes. Mr. Seeds noted that the garages are to the rear of the homes, but he questioned if any vehicles would be parked in front of homes on the street. Mr. Engle noted that some people will park in the street, but the garages will be located to the rear of the homes. Mr. Engle suggested that most of the parking in the street would be from visitors. He noted that the TND life style is

different, using smaller lot sizes, and smaller homes. He noted that the TND's that he visited during work hours, had very little street parking.

Mr. Engle noted that the driveways are visible from the street, but are shielded with fences, hedges or small walls. He noted that there is no visual impact from a garage as would occur in a conventional subdivision.

Mr. Engle noted that the Shadebrook plan exceeds the Township's expectations and the intent of the ordinance by explaining what the commercial use would look like, in addition to using four styles of homes, and the unique way of managing each style with its own matrix.

Mr. Stine suggested that it would be good to have all the witnesses testify at this time before asking for comments from the audience. Mr. Engle noted that his witnesses had nothing more to present at this time.

Mr. Seeds noted that Mr. Engle stated that the plan meets the ordinances, but the preliminary plan that is scheduled later in the agenda requests 16 waivers. He noted, if a developer comes in with no waiver requests, then it is a given that they meet the requirements of the ordinances. Mr. Seeds noted that there was a mention of reducing radius and providing for parking on both sides of the street, noting that it is used for traffic calming and also uses less pervious areas which may be a good thing. He noted that there is always a concern for traffic congestions and access for emergency vehicles. He noted that he would like to talk to staff and the Township engineer regarding the numerous waiver requests. He explained that action on this conditional use could be the basis for future TND's.

Mr. Engle suggested that the Township did a great job with the TND ordinance. Mr. Seeds noted that this is the Township's first experience with a TND, and it is a learning experience. Mr. Engle noted that the old subdivision ordinance had a lot of the design criteria, but there were no provisions for TND's. He noted that that is the impetus for the majority of

waiver requests. Mr. Hawk noted that several members of staff visited various TND's, and also used a professional planner to guide the development of the ordinance. He noted that a lot of planning went into making sure that this plan would exceed expectations. He noted that the four styles would do away with the monotony, and therefore, permit the approval for the conditional use for the additional units.

Mr. Larry Wasser, 5822 Barnsley Drive, noted that he was a member of the Planning Commission roughly ten years ago. He noted that he was involved in the beginning stages of the Comprehensive Plan and he applauds the design concept. He noted that he has a great number of concerns, and the first is a lack of analysis for the fact that Fairmont Drive is a heavily traveled road. He noted that school buses use the road heavily, and if there is an accident on Nyes Road, Cider Press and Fairmont Drive are the main detour routes. He noted that the Police Department ticketed traffic on Cider Press Road during the construction of Nyes Road. He noted that the calculation of 4% increase in traffic is distorted since it uses the property on the south side of the road that is not involved in the project. He noted that no homes are slated for the south side of the property, and the developer is asking for a 13% increase with a 4% increase in traffic. He suggested that the calculation is flawed. He noted that the third concern is in regards to the calming issues for main street, as he finds it unbelievable that the developer would use Fairmont Drive and Cider Press as main streets for the development since they are major thoroughfares from Locust Lane to Union Deposit Road. He suggested that it would be good to get the main traffic off of those roads, since people will be walking, biking and playing along side them. He applauds the plan in general, but he suggested that the residents should not be walking along the newly created main street of Fairmont Drive and Cider Press Road.

Susan Boyer, 6158 Spring Knoll Drive, questioned if Fairmont Drive, in the area of the commercial district, would use angle parking. Mr. Engle answered yes. Ms. Boyer questioned if

cars would back out into the main thoroughfare. Mr. Engle answered yes. Ms. Boyer questioned if the developer has taken into consideration the traffic from the soccer fields and the parking situation on Fairmont Drive. Mr. Engle noted that a traffic study was completed and the traffic aspects of the plan would be applied more in the preliminary plan than in the Conditional Use proceedings.

Rob Davis, 6016 Willow Spring Road, questioned what the Conditional Use included, noting that he heard that it would include land north of Union Deposit Road, versus land north and south of Union Deposit Road. He noted that the information that was sent to the adjoining residents lists the property that is part of the project, in addition to 25-acres south of Union Deposit Road, that is not included in the Conditional Use. Mr. Engle confirmed that the Conditional Use Application is only for the property north of Union Deposit Road, and that only that land is being considered for the density bonus.

Mr. Davis questioned if there has been any discussion regarding the increases in the ground water recharge for the surrounding communities that have wells. He noted that the development only has to meet the standards set by the federal and state government, which means that the water must be controlled and released into creeks or streams. He noted that with the additional impervious surface from the development, it will starve the aquifers that recharge the wells for the Locust Grove Development. Mr. Forrest Troutman, Counsel for the Cider Press Associates Group, suggested that this portion of the meeting is to discuss a Conditional Use application, and discussions concerning the architectural standards are beyond the minimum requirements in the ordinance. He noted that the last three public comments should be discussed during the preliminary approval stage. He noted that these are good concerns, but in the interest of saving the court reporter from taking information not related to the Conditional Use, he could provide more information on his traffic study report, as well as the issues mentioned during the

preliminary plan approval agenda item. Mr. Stine questioned if the recharge issue is part of the stormwater report. Mr. Troutman answered that that is correct. Mr. Davis questioned if there would be another meeting after this one. Mr. Stine explained that after the Conditional Use application is voted upon, the preliminary subdivision and land development plan would be considered by the Board members. He noted that it would include traffic and water recharge issues.

Mr. Stine questioned if anyone else wished to be heard on Conditional Use 2008-01. He questioned if the applicant had anything to add. Mr. Troutman answered that he had nothing further to add to the testimony.

Mr. Hornung questioned if the 4% issue was correct or inaccurately calculated as was suggested by Mr. Wassser. Mr. Engle answered that the original property takes into account both sides of Union Deposit Road, however, the densities and the density bonus is based only on the portion north of Union Deposit Road. He noted that the other 20 acres are not part of this plan. He noted that Mr. Craig Mellott, from TPD, could speak to the issue of the traffic increase for the additional 35 units.

Mr. Seeds questioned if the 20 acres could be developed in the future. Mr. Engle answered that it would be developed in the future and would not be set aside as green space. Mr. Seeds noted that the 20 acres were not part of the calculations. Mr. Engle stated that Mr. Seeds was correct.

Mr. Craig Mellott noted that there are 318 total units, and the additional 35 units would increase the total number by 10%, however, that does not take into account the total amount of commercial traffic that must be added to the total calculation. He noted that that is why the additional units would only provide for a 4% increase instead of a 10% increase.

Mr. Stine noted that it would be in order to close the public hearing on Conditional Use 2008-01, and the Board could take action if it so desires.

Mr. Crissman made a motion to approve Conditional Use 2008-01; a request from the Cider Press Associates LLC., for a density bonus for the Shadebrook TND based on architectural standards as presented, conditioned on staff's six comments from the memo dated February 26, 2008, noting that comments number 4 and number 6 have already been addressed. 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.

Mr. Hawk noted that it would be in order to adjust the agenda for the meeting to hear the preliminary subdivision and land development plan for Shadebrook at this time.

Preliminary subdivision and land development plan for Shadebrook

Ms. Wissler noted that the Shadebrook plan proposes to develop a 108.828-acre parcel of land into 340 lots consisting of 318 dwelling units and four (4) commercial lots. This parcel is zoned TND, Traditional Neighborhood Development, and will be served by public sewer and public water. She noted that the TND has 11 purposes listed within the ordinance, with the first being to encourage new development to occur in a manner that would be consistent with the traditional patterns and scale of development and mix of uses that occurred in the region before 1946.

Ms. Wissler explained that the TND also intends to have most business uses and denser housing clustered at one area of the development and the less dense housing towards the perimeter of the TND, particularly adjacent to pre-existing single family detached housing that is outside of the TND.

Ms. Wissler noted that the TND shall be developed following a single Master Plan. The Master Plan for Shadebrook was reviewed by the Planning Commission and approved by the Board of Supervisors on January 1, 2007.

Ms. Wissler noted that on April 9, 2008, the Lower Paxton Township Planning Commission recommended approval of the plan subject to addressing the comments: 1) Upon the execution of a developers agreement stating that a minimum of 25% of the commercial area shall be built at the time that 25% of the residential building permits are issued, a minimum of 50% of the commercial area shall be built at the time that 50% of the residential building permits are issued, a minimum of 75% of the commercial area shall be built at the time that 75% of the residential building permits are issued, and 100% of the commercial area shall be completed at the time that 90% of the residential building permits are issued; 2) the fountain, which is the focal point of the development, shall be appropriately lit; and 3) the developer agreeing to and following through on the traffic improvements to Locust Lane at Fairmont Drive subject to PENNDOT approval and the availability of the right-of-way as described in the traffic plan in which the developer stated they would perform. She noted that the Planning Commission also recommended approval of Waivers #1 through #14, but the Planning Commission did not review Waiver #15 and #16 as they were added after the Planning Commission's review of the plan.

Ms. Wissler explained that the developer came before the Planning Commission in August to discuss the changes that were made to the plan and to determine whether the changes were substantial enough to warrant starting the process over, or if the changes to the Master Plan were substantial enough to affect the density bonus.

Ms. Wissler noted that the following changes have been made to the plan: 1) the square footage was reduced from 88,000 square feet to 56,000 per floor, or a one-third reduction; 2) the depth of the buildings was reduced from 85 feet to 60 feet. The previous plan called for narrow

passage ways between the buildings. This plan calls for four buildings with wrap-around streetscapes, extending the “main street” onto the sides, allowing for more corner opportunities for commercial establishments; and 3) the plan has a center courtyard.

Ms. Wissler noted that the Planning Commission stated that the proposed changes to the commercial district did not constitute a substantial change from the previous Master Plan and did not require a change in the calculations of the density bonus. The Commission also recommended that the Supervisors condition their approval of the preliminary plan on conforming revisions to the Master Plan. She noted that this is included as a site specific comment.

Ms. Wissler noted that the applicant has requested the following 16 waivers: 1) A waiver to allow property lines to intersect the right-of-way at acute angles; 2) A waiver to allow roadway centerline radii less than those required by ordinance; 3) A waiver to allow a maximum grade of 12% instead of 10%; 4) A waiver from the requirements that blocks shall have a maximum length of 1600 ft. and, so far as practicable, a minimum length of 400 ft. measured from the centerline of the intersecting streets; 5) A waiver to allow alleys to change alignment without horizontal curves; 6) A waiver to allow for dead-end alleys; 7) A waiver to allow a decrease in the size of clear sight triangles; 8) A waiver from the requirement that pipes shall be designed so as to provide a minimum velocity of 2.5 ft per second when conveying the design discharge; 9) A waiver of the requirement to provide sidewalks along Union Deposit Road and along Fairmont Drive for the 200 feet from the intersection with Union Deposit Road to proposed Road I; 10) Waiver of the requirement that intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed 4% within 60 feet of the intersection; 11) Waiver of the right-of-way width and cartway width for all streets; 12) Waiver of the requirement that driveways shall be located not less than 40 feet from an intersection; 13)

Waiver of the requirement that driveways shall be located not less that 10 feet from a catch basin, drain inlet, or fire hydrant; 14) Waiver of the requirement to provide curbing along Union Deposit Road and along Fairmont Drive for the 200 feet from the intersection with Union Deposit Road to proposed Road I; 15) Waiver from the requirement to provide vertical curves in accordance with the regulations to have sag curves with a minimum K value of 26 for safe stopping distances for all stop intersections; and 16) Waiver from the minimum separation distances for the intersection of streets G, H, A and F.

Ms. Wissler noted that there are eight site specific comments, eight general conditions, three staff comments, and HRG, Inc.'s comments as well.

Mr. Seeds noted that the plan reads that it is 108.828 acres, but the traffic impact study states that it is 87 acres. He questioned if that was the difference between the land on the north and south sides of Union Deposit Road. Mr. Snyder noted that the only reason the plan is developing the 108 acres is because the land is all on one deed. He noted that the deed was never separated when the land was dedicated for the right-of-way for Union Deposit Road, so legally this plan proposes a subdivision to include the separate lot south of Union Deposit Road. Mr. Seeds suggested that the memo should not state that it would develop 108 acres, rather subdivide 108 acres.

Mr. Seeds noted that the memo states that the Master Plan was approved by the Board of Supervisors on January 1, 2007, but it needs to be corrected.

Mr. Seeds noted that waiver number two does not address how much the roadway centerline radii should be. He noted that several of the waivers do address the differences, but not all. Ms. Wissler noted that it is spelled out in Rettew's letter.

Mr. Engle noted for waiver one, the properly lines cannot be radial or perpendicular to all cases with attached homes, where the townhouses are fronting on a curved street. He noted for

waiver two, the large horizontal radii do not allow for walkable communities, noting that he has designed the street according to American Association State Highway Transportation Officials, (AASHTO) TND guidelines. He noted that the third waiver is from the maximum street grade of 10%, noting that road K has a maximum slope of 12%. He noted that the fourth waiver, that blocks lengths must be a maximum length of 1600 feet, is not applicable to the TND, as they do not create a walkable environment. He noted that waiver five is for sharp changes in alignment in alleys, and he explained that the private right-of-way would have sharp changes, but the driveways have been curved. He noted that waiver six is for dead-end alleys, noting that there are six alleys that will have dead-ends that only service a few homes. He noted that waiver seven for clear site triangles is for all locations in the development. He noted that the idea behind a TND is to keep the homes close to the street. Mr. Hornung questioned how far the decrease would be for the clear site triangle. Mr. Engle noted that the plan is maintaining between 30 and 45 feet which is typical for AASHTO and TND ordinances. Mr. Hornung questioned what the expected speed limit would be. Mr. Engle answered that it would be 20 mph. Mr. Hornung questioned if the speed limit would dictate the site triangle. Mr. Engle answered that it would be safe stopping distance which is different from a clear site triangle. He noted that a clear site triangle would maintain an open 75 foot by 75 foot area surrounding the intersection. He noted that that is what the ordinance calls for, and he explained that if you maintain that site distance, you cannot locate the homes close to the street. Ms. Wissler explained that everything in the 75 by 75 foot area must be less than three feet in height, so the issue is for the housing and not for the three-foot obstruction.

Mr. Engle noted that waiver eight for the stormwater minimum velocity of 2.5 feet per second does not work for a TND as the lots are dense, with much impervious area, and many

more catch basins than typically found in a conventional subdivision, with a lot less flow, which will slow the flow.

Mr. Engle noted that no sidewalks and curbing are planned for the area of Union Deposit Road, as there are no sidewalks in that area. He noted that waiver ten is for the intersection leveling area to be 4% within 60 feet of the intersection right-of-ways. He noted that this is for the private alleys as well as public street intersections.

Mr. Engle noted that waiver 12 is the restriction of driveways not to be located less than 40 feet from the intersection. He noted that this is not feasible for this type of development as well as waiver 13 for ten feet from catch basins, drain inlets and hydrants.

Mr. Engle noted that this waiver covers curbing along Union Deposit Road and Fairmont Drive. He noted for waiver 15, he would like to propose a K value of 10 for all sag curves at stop conditions as opposed to the Township Engineer's requirement of 26. He noted that this has been addressed everywhere in the plan except for the stop intersections. He noted that he wanted to keep a smaller sag curb to maintain a gutter at the intersection while providing adequate safe stopping distances.

Mr. Seeds noted that for waiver thirteen, a request of relief from the restriction of 10 feet from catch basins, inlets or hydrants from driveways, he questioned if any catch basins would be located in any driveways. Mr. Engle answered that they would not be. He noted that he would double check this in the plan.

Mr. Seeds noted that HRG Inc's., comments did not address all the waivers, noting that the wavier for sidewalks was not addressed, and catch basins within ten feet of a driveway, and in addition, comment eight is regarding a fee-in-lieu, and the developer has not requested a waiver for this. Mr. Fleming noted that as regards to sidewalks, it is a technical requirement for a subdivision, noting that they requested a waiver of this along Union Deposit Road. Mr. Seeds

noted that this was not addressed in the comments dated October 3, 2008. Mr. Fleming noted that the waivers in the comments were listed based on an earlier review of the plan, when the developer was working through some of the preliminary features of the development, and he has not updated his list based on the outcome of any of those previous agreements and discussions. He noted that his review is based on a review of the plan solely on the ordinance requirements. He noted that after the Master Plan was approved for a Conditional Use, many of the comments could be removed from his memo.

Mr. Seeds noted that staff supports all the waivers, and he questioned Mr. Fleming if he had any objections to the waivers. Mr. Fleming noted that he made a recommendation for each waiver request that was currently requested based on the AASHTO requirements, to provide a safe site distance. Mr. Seeds questioned if Mr. Fleming recommended approval of all the waivers. Mr. Fleming answered that he did. Ms. Wissler noted that she discussed all the waivers with Mr. Fleming. Mr. Fleming noted that he did provide recommendations based on engineering waivers that had to do with the design of the streets.

Mr. Hornung noted that he has a concern that when you waive the ordinance you allow it to become open, and he noted that some minimum requirements must be set. He noted that the acuteness of entering a driveway could be problematic if it was too narrow. He noted that he is also bothered by the site triangles, noting that he could understand waiving a triangle from 75 feet, but he questioned what the minimum should be. He noted that he would want a new minimum limit included in the waivers as a guideline. Mr. Fleming explained for the clear site triangle, there is a difference between a clear site triangle, and sight distance at an intersection, and he recommended that Shadebrook be permitted to waive the clear sight triangle, but still require the safe sight distance based on the speed limit and the slope of the road in either direction which is an AASHTO requirement. Mr. Hornung questioned if it was necessary to set a

sight distance limit of 45 feet or 35 feet for the speed limit of 20 mph. Mr. Fleming noted that that was correct, as sight distance is the standard, the clear site triangle is a rule of measurement used at an intersection to make sure there is adequate visibility at the intersection, but from a safety point for vehicular traffic, you use the safe sight distance measurement. Mr. Fleming noted that a clear site triangle is more applicable in a conventional development where the speeds may exceed 15 to 20 mphs, but since a TND has lower speeds and traffic calming, the requirement to have wide open intersections is not necessary. Mr. Hornung questioned if it was necessary to set a minimum of 35 or 40 feet for the site triangle. Mr. Fleming answered that the Township could reduce the requirement to a standard. He noted that it would have to be based on each individual intersection as each intersection would have a different slope for entering the intersection. Mr. Seeds suggested that having a minimum requirement would be setting a standard that does not meet the ordinance. He agreed that each intersection would have to be determined, on a case-by-case basis. Mr. Hornung noted that once this process is completed, it would be good to review where changes need to be made to the ordinance.

Mr. Hornung noted that there are reasons for the 2.5 feet per second requirement for minimum velocity for pipes to discharge sewer to keep solids from getting out and building up the sewer lines. He questioned what the new requirement would be. He noted that by waiving the requirement it could be changed to zero. Mr. Engle noted that the plan still meets the minimum slope requirements, but if he could reduce the pipe size to 8 inches or 12 inches, there would be adequate velocity, but he chose to keep the larger 18 inch pipe, even though it is not really needed, and still meet slope requirements of .5%. He noted that to go to the smaller pipe would require a waiver. Mr. Fleming noted that the pipes are located in areas familiar with infiltration, and you need to slow the water to provide for infiltration in that section. He noted that these

areas are covered under the homeowner's maintenance association, so the Township would not be required to clean out the pipes.

Mr. Hornung questioned what the new block lengths would be. Mr. Engle noted that they vary in dimensions. Mr. Hornung questioned how far the plan exceeds the requirements. Mr. Engle noted that the minimum block length is 280 feet. Mr. Hornung noted that he would want that put into writing, so the developer does not come back with a plan for a 100-foot block length. He noted that the inlets would be more detailed in later plans, and they are not available at this time.

Mr. Fleming noted that the TND meets the AASHTO requirements, so they have provided a minimum standard, and this was used in reviewing the waivers.

Mr. Seeds noted that a gentleman posed a question earlier regarding traffic studies. He noted that the amount of traffic that flows from Union Deposit Road to Locust Lane will not decrease, and this is a concern. Mr. Engle noted that when you develop a TND, there will be multiple pathways in the TND, not just one road. Mr. Seeds suggested that people will use the shortest distance to travel. Mr. Engle noted that you want the commercial area to be where the majority of your traffic flows.

Mr. Mellott, from TPD, noted that he would provide the traffic information. He noted that the traffic impact study is the means to determine the busiest hours of traffic on the road. He explained that he studied the morning and evening hours when people were going to and from work. He noted, if the plan can accommodate the traffic at its busiest time, then it can accommodate it at the off-peak hours. He noted, that for northbound Fairmont Drive, the PM peak hours were 150 vehicles and 150 vehicles headed southbound. He noted that it translates into two to three trips per minute for that strip of road. He noted that the counts were taken in March of 2007.

Mr. Mellott explained that there is a difference between congestion and traffic calming. He noted that, years ago, the focus was to provide very wide roads, with wide shoulders, and these encouraged drivers to cut through and increase speeds. He noted that PENNDOT is revamping its standards to move away from that to a compressed design to reduce speed. He noted that reducing speed does not necessarily increase congestion as it come down to how the intersections are designed and have multiple means of access for vehicles to flow smoothly.

Mr. Mellott noted that the traffic impact study was conducted to access site needs, and what is needed for the driveways to provide safe and efficient ingress and egress. He noted that he also evaluated some off-site intersections to access impact at those locations. He also consulted with staff and Township engineer to confirm the scope for what intersections he should focus the study for. He noted that the traffic impact study that was submitted with the application recommended a series of improvements, both on and off the site. He noted that the primary conclusion of the findings of the report is that many of the intersections that are off site, but near the TND, have existing operational deficiencies, with a need for a traffic signal or turn lanes. He noted that these failures are not directly attributed to this development.

Mr. Mellott noted that the Shadebrook development would increase traffic, and this resulted in prioritizing where the improvements should be made, and where the biggest safety issues are. He noted that, based on consultations with Township staff, Planning Commission and Shadebrook representatives, it was agreed that the intersection of Locust Lane and Fairmont Drive is of the utmost concern for two reasons. He noted that, today, based on the existing traffic volumes, that intersection meets signal warrants, therefore a signal could be installed at that intersection today, and it would be the Township's responsibility. In addition, there is documented crash history at that intersection, thus a safety issue. He noted that over the past five years, there were 21 reportable accidents. He noted that he would realign the intersection, install

turn lanes on both Fairmont Drive and Locust Lane, which would improve the safety of the intersection, and also improve the operational quality of the intersection.

Mr. Blain questioned Mr. Mellott what his assessment was for Union Deposit and Fairmont Roads. Mr. Mellott noted that he analyzed that intersection as well, and based upon the counts taken, the traffic volume at that intersection is much lower than it was at Locust Lane and Fairmont Drive, or Nyes Road and Locust Lane. He noted that there was a predominance of right turns from Fairmont Drive; therefore, the large majority of vehicles were turning right instead of turning left. He noted that traffic signal warrants are not met at that intersection at this time, or in the near future, with the first couple of phases of the Shadebrook development. He noted that warrants might be met in the future. He noted that it was his recommendation to have the Township monitor the intersection.

Mr. Blain questioned if there would be a need for some intersection improvements. He questioned if two turning lanes should be constructed to stop the backup of traffic. Mr. Mellott answered that it comes down to prioritizing the movement. He noted, as the Shadebrook development progresses, along with others in the area, the Township would need to evaluate some improvements.

Mr. Blain noted that it is sometimes difficult to turn left off of Union Deposit Road onto Fairmont Drive. He noted that there is a significant amount of traffic that uses Union Deposit Road, since it filters out into I-83, or to the malls. He noted that you would have a significant amount of left turns on Union Deposit to enter into the Shadebrook development. Mr. Mellott noted that there would be left turns coming off of Union Deposit Road, but it comes down to the characteristic of Union Deposit Road as compared to Locust Lane. He noted that the significant volume of opposing traffic which drives on Union Deposit Road does not impact the safety of

left turns that can be made at this time, and is not as much a concern at this time as the Locust Lane intersection.

Mr. Mellott noted that the Township has two intersections, Locust Lane and Fairmont Drive and Union Deposit and Fairmont Drive, that are in operation today. He noted that there were only three reportable accidents at Union Deposit Road and Fairmont Drive over the past five years, as opposed to Locust Lane and Fairmont Drive where there were 21 reportable accidents. He noted that the statistics show where the improvements need to be made. Mr. Blain noted that he understands where Mr. Mellott is coming from but he found it very difficult to believe that there is no need for improvements at that intersection. He noted, if you are traveling eastbound on Union Deposit Road, you come up to the intersection of Fairmont Drive, pretty quickly. He noted that there would be a greater use of the left turn movement for Shadebrook residents and a greater increase in reportable accidents. He noted that it would make sense to have a left turn and a straight lane on Union Deposit Road, and he does not agree that there is no need for improvements on Union Deposit Road.

Mr. Hornung noted that the analysis showed a movement in the rating from a “C” to a “D”, a “C” to a “F” and on a weekday from a “B” to an “E”. He noted that the traffic study is showing that there would be some problems. Mr. Mellott noted that the traffic input study showed projections for ten years down the road. He noted that ultimately, what the projection is showing, is as this development is built out, in ten to 15 years, and other developments in the area are built-out, there could be some signal warrants met, but initially, with the current development, it does not meet signal warrants, and there is no need for a left turn lane from a level of service perspective. He noted that the intersection is shown in the 10 to 20 second lane wait range which is typically acceptable. He noted that installing a left turn lane is something that was considered, but there are significant slopes and right-of-way issues, and also concerns

that as you design beyond the intersections, you would need to add a lane, and have to transition the lanes down. He noted, in addition, there is a stream in the area.

Mr. Mellott noted that Shadebrook would represent a fraction of the traffic for Locust Lane and Fairmont Drive, and there are existing dire problems that are present at that intersection. He noted that the developer is funding 100% of the solution at that location, and proposing to do so in the beginning of the project to provide for safe traffic movement through the intersection. He noted that there is only a certain amount of funds to be spent for traffic infrastructure on a development.

Mr. Hornung questioned what the estimate would be for the improvements to Locust Lane and Fairmont Drive. Mr. Mellott noted that he has not completed detailed costs estimates but he envisioned that it would be between $500,000 and $1 million.

Mr. Hornung questioned if the developer would be applying for the permits. Mr. Troutman answered, that as part of the developer's agreement, he would include the traffic study, which was already completed, the construction engineering, construction of the improvements, costs to prepare the permit application, bonding the intersection improvements, the Township would be named in the permit, and the Township would provide the necessary right-of-ways. He noted that this project would be completed as soon as the PENNDOT Highway Occupancy Permit (HOP) was issued, the final plan approval for Phase I was received. He noted that he would begin the work and pursue it diligently until it is completed; however, he requested that the improvement to the intersection not be a condition of the progress of the development because it is unknown how long it would take PENNDOT to issue the permit. Mr. Mellott noted that it follows PENNDOT protocol for the Township to be the applicant.

Mr. Hawk noted that he recently attended a presentation at Penn State, and it was stated that narrower cartways in a TND type of development actually slows traffic. Mr. Mellott agreed

that the intent is to compress the design to make it narrower to make the drivers feel uncomfortable.

Mr. Robert Davis noted that the Locust Grove development is pretty much surrounded by farmland which accepts rain and recharges the ground water. He noted in a heavy rain event, the farmland accepts more rain than the grass, concrete and macadam. He noted that the 50 to 100 residents depend on wells for their water, since there is no public water service, and he would like to see something done to recharge the groundwater.

Mr. Snyder noted that he submitted the engineering documents and stormwater management reports as well as the infiltration and the Best Management Practices (BMP) designs, to the Township engineer, so he could speak to those issues. He explained that the quicker you get the run off of water into the streams the better, however, he mentioned that the plan has received its NPDES that mandates that you need to match the two-year storm runoff volume. He noted that there are a series of multiple infiltration trenches that are located throughout the development, to provide for natural infiltration. Mr. Fleming suggested that Mr. Snyder should explain that he is utilizing underground facilities to contain the runoff. Mr. Snyder explained that infiltration facilities are located in the community greens in the middle of the project, and the greens along the side, trying to spread the infiltration throughout the site. He explained that flat pipes with perforations were used, noting that the outfall is at a different elevation, forcing the water to come into the pipes, and exit through the perforations into a stone trench and infiltrate. He noted that the higher storm events will discharge through the outlet pipe and go to the stream. He noted that the purpose is to match the runoff volume and runoff rate for what was there preconstruction.

Mr. Blain noted that the developer would have collector systems throughout the development, that will run into underground storage areas, with perforated pipes, where the

water would flow into and infiltrate back into the ground, and based upon the NPDES standards, the developer must ensure that the current preexisting condition are met. Mr. Engle noted that this is for a two-year storm event. He noted that the wetlands would be disturbed for the commercial area, but he is building a wetlands system in the southern area to use to filter and infiltrate some of the water. He noted that there would be some standing water in the area.

Mr. Davis questioned if there was a filtering system for the underground filtration system to prevent them from becoming clogged. Mr. Engle explained that all water enters through an inlet box, and he has provided sumps in the inlets to slow down the velocity of the water in order to infiltrate. He noted that the grate in the area of the sumps could be easily cleaned. Mr. Davis questioned who would be responsible for this. Mr. Engle answered that it would be the Homeowners Association's (HOA) responsibility. Mr. Davis questioned if this would be written into their mandates. Mr. Engle noted that part of the new NPDES regulations is that you need to provide an operation's maintenance plan, and is to be part of the HOA documents. He suggested that, in the event the HOA does not take responsibility for this, it would fall back onto the Township to do something who could, in turn, bill the HOA.

Mr. Blain questioned what the average lifespan would be for an underground storage area, and what type of maintenance must occur. Mr. Engle answered that the system is designed for a dosimeter, a perforated pipe that runs to the bottom of the trench with a flow line, and it would be possible to measure the water level at any time, and it would be very easy to indicate if something was wrong with one of the trenches. He noted that the inlets would need to be checked and cleaned periodically, and the system would need to be vacuumed once every five years. He suggested that the life span for the system would be for 20 or 25 years, at which time the silt media would need to be replaced. He suggested that there would be a longer life for this

type of development then for a shopping center since it would not have the amount of oil or grease that you would have as run off from a parking lot.

Mr. Blain questioned who would be responsible for paying for the maintenance costs. Mr. Engle answered that the HOA would be.

Mr. Crissman noted that the covenants for the HOA would make them responsible, but does it also make the Township responsible to monitor and police it. Mr. Engle answered that the developer and their assigned, HOA, would be responsible for the maintenance. He noted that the Township's responsibilities would only kick in if the HOA or the developer was not maintaining something. He noted at that time, the Township would have the right to make the HOA do it, or do the work itself, and bill the HOA. Mr. Crissman noted that the bottom line is that the Township would have to police the overall maintenance program.

Mr. Seeds noted that most of the retention ponds are not being properly maintained in the Township. He suggested that it would become a larger problem in the future. Mr. Engle noted that in many cases, professional companies run HOA's and many of these maintenance considerations are planned for. Mr. Seeds suggested that that arrangement could be worse as professional companies are for-profit organizations.

Mr. Davis had a questioned regarding the lighting proposed for this development. He noted that his neighborhood does not have any street lights and it is pretty dark. He questioned if there would be high intensity street lights for this project, and suggested that the lighting be low-level ground aimed lighting. Mr. Engle noted that he would not use the typical PENNDOT street lamps, but would be using smaller decorative period lighting that would not produce a large amount of glare. Mr. Davis noted that many lights open to the top and the light escapes to the atmosphere, and he questioned if there would be a way to close that off to keep the light on the ground. He noted that the lights from the soccer fields can be seen for a long distance. Mr. Hawk

noted that the maximum total height for light standards is 22 feet. Mr. Davis requested that any mercury vapor light be hooded to prevent light pollution. Mr. Hawk noted that the same issue was raised with the construction on Lowe's on Union Deposit Road, and he noted that they were very cooperative with the lighting issues. Mr. Davis noted that he wanted to bring this to the attention of the Township to review. Mr. Engle noted that the maximum pole light is 14-foot for the street lights, with a very ornamental decorative cast iron top, with the light shining downward, using a 150 watt bulb.

Mr. Larry Wasser, 5822 Barnsley Drive, noted that he likes the plan, but he thinks that it is located in the wrong spot. He noted that he did not think that a TND was designed to transverse a main artery in the Township. He noted that it was originally designed for an all encompassing plot of land that could be designed intelligently. He noted that it was not meant to be located in a major artery. Mr. Hornung noted that Nyes Road is projected to be widened in 2009, and a traffic light will be installed at Locust Lane. He noted that much of the traffic that uses Fairmont Drive to cut through to Union Deposit Road will diminish as it will not be convenient to use due to the many turns in the roadway, and the lower speed limit. He suggested that it would improve the cut-through use by cutting the amount of traffic using Fairmont Drive. He suggested that more people would use Nyes Road once the improvements are made. Mr. Wasser noted that he lives a quarter of a mile from that location, and he respectfully disagrees with Mr. Hornung.

Mr. Wasser noted that the school, Shadebrook, and the development off of Conway Road would not lessen the impact to Fairmont Drive.

Mr. Troutman noted that the developer is aware of Mr. Davis's comments regarding lighting, and understands what they are. He noted that the Planning Commission explored this issue at great length, as well as the TND subcommittee, and he is very conscience of this matter.

He noted that the TND ordinance requires that lighting be no higher than 22 feet, and the plan calls for a 14-foot light, and all the lights are internalized, not to shine outside of the development. He noted that it is designed to be a pedestrian friendly environment, with the lights directed at the ground. He noted that he would continue to monitor the comments in regards to the plan as it moves ahead.

Mr. Wasser questioned who would maintain the alleys. Mr. Engle answered that it would be the responsibility of the HOA.

Mr. Wasser noted that he is one of the persons who must make the left turn onto Fairmont Drive from Union Deposit Road, and he noted that it does not take much to close the intersection up.

Mr. Mark Murdoch, 1602 Essex Road, noted that he travels Union Deposit Road, and he stated that he respects the traffic study, but in light of the downhill grade approaching Fairmont Drive, there would need to be a left-turn lane with a right flow through lane, to limit the amount of rear-end collisions.

Mr. Blain questioned if Mr. Mellott stated that the developer would make improvements when warranted for the left and right turns at Union Deposit Road. He questioned what it means when he stated that he would monitor the situation for that intersection. Mr. Mellott answered that the study shows that, currently, the intersection had no immediate need for improvements, as it does not meet signal or turn lane warrants, as opposed to Locust Lane and Fairmont Drive, which has immediate safety needs. He noted that the developer would fund 100% of the solution for the Locust Lane and Fairmont Drive, and for Union Deposit Road, since there are no needs for improvements at this time, but there would be a need for improvements in the future, that the Township monitor that intersection, and as opportunities arise from other developments or funding becomes available, that the improvements be implemented at that time.

Mr. Hornung noted that the developer has stated that instead of funding $250,000 for both intersections, he would fund $500,000 for the one intersection. He noted that the developer noted that as soon as they start the development, they would submit an application for permits to start the traffic work improvements. He noted that the improvements would be started right up front, but they did not want to be held up for construction due the time it may take to acquire the HOP from PENNDOT.

Mr. Hornung noted, that during the Planning Commission meetings, there was an agreement to the timing of the pond, and other amenities, and he assumed that the agreement would stand and that it would be incorporated into this approval. Mr. Hawk noted that there would be a certain amount of recreational amenities, plus the commercial amenities, so that the Township did not end up with a housing development and a lack of sufficient consideration for the commercial and recreation facilities. Mr. Troutman noted that there were numerous issues that the Planning Commission and TND subcommittee were very concerned about. He explained that he met with the TND subcommittee over the past three years to deal with all the comments that have been made regarding the plan. He noted that he prepared a list of items that he expects to be included in the developer's agreement that would be a condition of the approval for this plan. He noted that he would work with Mr. Stine to develop the wording for the developer agreement, but he stated that he would review the general concepts at this time.

Mr. Troutman explained that the construction ratio for the commercial occupancy permits as opposed to the residential occupancy permits would divide the four commercial buildings equally among 90% of the 318 units and he came up with a chart that basically states that before the 81st residential building receives its certificate of occupancy, he must have also received a certificate of occupancy for one of the four commercial buildings, and it would progress on from there in a like fashion. He noted that he prepared a chart that spells it out. He noted that the other

condition would include the traffic light. He noted that the Planning Commission had a concern regarding the building sequence of the commercial buildings. He noted that they agreed that the northeast commercial corner building would be built first, directly across from the pond. He noted that the market would determine which building would be built next. He noted that the architectural design for the buildings were discussed during the Planning Commission meetings, noting that he tried to assure the Township that what was to be built in the commercial area was actually what the Board members would approve. He noted that the commercial buildings would be subject to the same restrictions, but that did not provide enough comfort for the Planning Commission and the TND subcommittee. He noted that he had all four commercial buildings designed so the Township would know exactly what they would look like. Mr. Hawk noted that it would provide for the developer to move through the process much quicker. Mr. Troutman noted that it forced the developer to do something that he would have had to do sooner than later.

Mr. Troutman noted that the fountain and pedestrian footpath in the central common area were discussed next. He noted that there was a concern that too much of the development would be built and the pond would not materialize. He noted that the pond is the focus of the development, and the ordinance requires that you have a central common area. He noted that when the plan receives approval for the First phase, and work is started at the intersection of Cider Press and Fairmont Roads, that would be the time to do the improvements at the central common area, to include the development of the pond, clearing of the brush area, and the installation of what would be natural for the pedestrian path. He noted that the central common area and first commercial structure would be built in conjunction with the first set of homes.

Mr. Troutman noted that the fountain was the key issue discussed regarding the pond, and it was a Planning Commission recommendation that the fountain be appropriately lit to remain a

focal point. He noted that Mr. Lightly requested the fountain to be large so it can be viewed from various spots on the common areas, as well as the green.

Mr. Troutman noted that he wanted to insure that the design guidelines or architectural standards on the basis of the density bonus are tied to the development. He noted that they would be specifically mentioned in the HOA document and declaration of covenants and restrictions. He noted that those documents would be submitted prior to final plan approval for the solicitor to review.

Mr. Troutman explained that the Architectural Review Committee for this particular plan would be different from what most people are used to for a regular development. He noted that the Committee must review all buildings to ensure that they meet the requirements of the design guidelines, deed restrictions, and make a written representation of that, along with the building permit to the Township. He noted that there would be language in the declaration of covenants and restrictions that would address if a Township official decided that the permit application was not in accordance with the design guidelines, that they have the opportunity to inform the developer or HOA that they are obligated by the documents to respond. He noted that there would be off-site improvements to a box culvert that is downstream near Cider Press Road in the direction of Union Deposit Road. He noted that there is a need to upsize the box culvert. He noted that he would provide the costs for that improvement, permit application, construction, bonding and request the Township's name on that permit as well. He noted that since the box culvert would be affected by the run off from the development, that it would be constructed as soon as DEP grants the permit for that installation and approval for Phase I is received. He noted that this work must be complete prior to starting a second phase.

Mr. Troutman noted that these are the items that he would include in the developer's agreement and would be a condition for plan approval. He noted that he would work with Mr.

Stine to develop the agreement to satisfy each of these items. He noted that he provided a list of these items to Ms. Wissler this evening to be added to the recommendation for approval, if the Board so desires.

Mr. Crissman noted that neither the Board members nor Mr. Stine has seen this document, and if it is to be part of the approval, he needs to see it and counsel should review the document to make recommendations. He noted that based on this, he is not prepared to take action on this request. Mr. Hornung noted that the recommendation could be contingent on the Board signing the agreement. Mr. Crissman noted that he would agree to do this as long as the Board is willing to do it. Ms. Wissler noted that staff comment number five makes reference to the developer's agreement. She noted that Mr. Troutman would have to receive Board approval for the developer's agreement as a separate item. She noted that Mr. Crissman could add to her comment number five to add all the items Mr. Troutman mentioned earlier.

Mr. Seeds noted that the recommendation could be made contingent on the Board's approval of the developer's agreement prior to granting final approval for the plan. He noted that he was very disappointed in the remarks from HRG, Inc., and their incomplete addressing of all the waivers. He noted that if it were not for the discussions held during the last two hours, he would not have had the answers to many of his questions, noting that the reputation of the developer has a lot to do with his thoughts toward that plan.

Mr. Crissman noted that he would not have a problem making a recommendation noting that it would be subject to counsel's review and approval of the developer's agreement.

Mr. Crissman questioned if Mr. Troutman would be the official person to speak for the project. Mr. Troutman answered that he believed so, yes. Mr. Crissman questioned Mr. Troutman if he was in agreement with the sixteen waiver requests. Mr. Troutman answered yes. Mr. Crissman questioned if Mr. Troutman was in agreement with the eight site specific

comments to include the two letters from HRG, Inc., dated October 3, 2008 that have 21 comments in the first letter and eight comments in the second letter. Mr. Troutman noted that he is in agreement with the site specific comments, however, HRG, Inc. comment number 19 talks about the additional intersection of Nyes Road and Locust Lane, and he is only committing to the intersection of Locust Lane and Fairmont Drive. Mr. Fleming noted that his comment was in regards to several intersections listed in the traffic study, but he is in agreement with Mr. Troutman's commitment to Fairmont Drive and Locust Lane only.

Mr. Crissman questioned if Mr. Troutman was in agreement with the eight general conditions. Mr. Troutman answered that he was. Mr. Crissman noted that there were three staff comments, and he questioned if Mr. Troutman was in agreement with those. Mr. Troutman answered yes. Mr. Crissman noted that he would add a fourth comment, the approval of the project contingent on the verbal comments made and reduced to writing, as well as the last paragraph on the front page, by approval, of counsel, staff and the Board members. Mr. Troutman answered that he was in agreement, except for how they were changed through negotiations with the TND subcommittee and Planning Commission from the time that that recommendation was done which is reflected in what was produced in writing. Mr. Crissman noted that he would exclude that paragraph, and replace it with the verbal comments made this evening, that would be reduced to writing, which will be subject to approval by staff, solicitor and the Board of Supervisors. Mr. Troutman stated that that was acceptable. Mr. Troutman noted for HRG, Inc.'s comment in the letter dated October 3, 2008, comment number four that deals with the box culvert, noting that it states to use the SCS method to compute the peak flow rates for the 1025.57-acre watershed (170-8B). He noted that he was told that the developer has used the floodplain study for that. Mr. Fleming stated that he would have to confirm that, noting that the study that was submitted was a higher level stormwater. Mr. Engle noted that he used the

HY8 for the culvert analysis, noting that he is matching the same size culvert that is immediately downslope and he did not know what the SCS method might do. He noted that it might show an increase in water. Mr. Fleming explained that this is another method to analysis a culvert, and it does match or mimic the design downstream. Mr. Hawk questioned if he was using both sides of Union Deposit Road. Mr. Fleming answered that this is in reference to a drainage area that has water in it outside the limits of this property. He noted that his comments reference the Ordinance. He noted that it is an acceptable method for doing a study of that nature. Mr. Crissman questioned if the two parties are in agreement for comment number four. Mr. Fleming suggested rewording comment four to state, “using the SCS method or an appropriate equivalent to compute the peak flow rates for the 1025.57-acre watershed.” Mr. Troutman noted that the HY8 would be an approved equivalent method. Mr. Fleming agreed. Mr. Troutman noted that he is in agreement to this.

Mr. Crissman made a motion to approve the preliminary/subdivision/land development plan for Shadebrook 2007-14 including the following waivers and conditons: 1) A waiver is requested to allow property lines to intersect the right-of-way at acute angles; 2) A waiver is requested to allow roadway centerline radii less than those required by ordinance; 3) A waiver is requested to allow a maximum grade of 12% instead of 10%; 4) A waiver is requested from the requirements that blocks shall have a maximum length of 1600 ft. and, so far as practicable, a minimum length of 400 ft. measured from the centerline of the intersecting streets; 5) A waiver is requested to allow alleys to change alignment without horizontal curves; 6) A waiver is requested to allow for dead-end alleys; 7) A waiver is requested to allow a decrease in the size of clear sight triangles; 8) A waiver is requested from the requirement that pipes shall be designed so as to provide a minimum velocity of 2.5 ft per second when conveying the design discharge; 9) A waiver of the requirement to provide sidewalks along Union Deposit Road and along

Fairmont Drive for the 200 ft. from the intersection with Union Deposit Road to proposed Road I; 10) Waiver of the requirement that intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed 4% within 60 ft. of the intersection; 11) Waiver of the right-of-way width and cartway width for all streets; 12) Waiver of the requirement that driveways shall be located not less than 40 ft. from an intersection; 13) Waiver of the requirement that driveways shall be located not less that 10 ft. from a catch basin, drain inlet, or fire hydrant; 14) Waiver of the requirement to provide curbing along Union Deposit Road and along Fairmont Drive for the 200 ft. from the intersection with Union Deposit Road to proposed Road I; 15) Waiver from the requirement to provide vertical curves in accordance with the regulations to have sag curves with a minimum K value of 26 for safe stopping distances for all stop intersections; and 16)Waiver from the minimum separation distances for the intersection of streets G, H, A and F: eight site specific comments, and including HRG's two letters dated October 3, 2008, with 21 comments on letter one and eight comments on letter two; 17) Please provide a copy of the HOA documents to the Township for review; 18) With regard to bike paths, label the following and provide details: a) The southwest, north, east and south bicycle lanes consist of two 10-foot travel lanes with two 4-foot shoulders designated by a white line and sidewalks; b) The sidewalk will be removed on one side of Road A (south of Locust Lane) and will be replaced with an 8-foot bicycle lane; c) On the west side of Road K (adjacent to the pond) it was recommended that the sidewalks remain on both sides of the road and that a choker be installed on each block. The walking path immediately west of Road K will be changed to a loop rather than running parallel with Road K; 19) Has the applicant contacted the School District ?; 20) Whether buildings or alterations are proposed on slopes of over 15%, the applicant shall prove to the satisfaction of the Zoning Officer that the removal of healthy trees with a trunk width of over 6" (measured at a height 4.5' above the ground level) and other attractive natural

vegetation will be minimized; 21) A Developers Agreement will need to be entered into between Cider Press Associates, LLC and Lower Paxton Township stating the amount of commercial area to be built versus residential building permits issued, specific information on the fountain which will be constructed in Phase I, the exact architecture (including height & number of stories) of the commercial buildings and committing to the design outlined in the approved Architectural Design Guidelines and the intersection improvements at Fairmont Drive and Locust Lane; 22)The letter from United Water expired on November 2, 2007. Please provide an updated letter; 23) The Master Plan must be revised to conform to the preliminary plan; 24) Plan approval shall be subject to addressing HRG's 21 comments dated October 3, 2008 and the eight (8) comments dated October 3, 2008 pertaining to the arch culvert under Cider Press; three staff comments, and the written comments, based on the verbal comments presented by counsel for the developer, approval contingent upon approval of the verbal comments reduced to writing and approved by staff, solicitor, and the Board of Supervisors, as well as the modification to HRG's letters dated October 3, 2008, item #19 in letter number one, item #4 in letter number two. (Number 19 should only read, "the intersection of Locust Lane and Fairmont Drive.") (Number 4 should read, "Use the SCS method or an approved equivalent method to compute the peak flow rates for the 1025.57-acre watershed."): 25) Plan approval shall be subject to providing original seals and signatures to include the RLA's seal on the landscaping plan; 26)Final plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 27) Plan approval shall be subject to the Dauphin County Conservation District's review and approval of an E & S Control Plan; 28) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 29) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 30) Plan approval shall be subject to the payment of engineering review fees;

31) Plan approval shall be subject to obtaining the necessary permits required by Federal and State agencies for the disturbance of wetlands; 32) Plan approval shall be subject to PENNDOT's review and approval of a Highway Occupancy Permit [MPC Section 508(60]; 33) All proposed site signage, including construction signs, shall comply with the Lower Paxton Township Zoning Ordinance; 34) A Street/Storm Sewer Construction Permit is required and to be obtained prior to earth moving activities; and 34) A preconstruction 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 Dauphin County Conservation District meeting.

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.

Change Order No. 6 for the George Park site improvement contract with Premier Construction Group

Mr. Wolfe noted that this change order is an addition in the amount of $2,664.00, and it also extends the final completion date. He noted that this is for electrical work that has been encountered that is found to be necessary during the construction process. He noted that it has been recommended by both staff and the Township's engineer. He noted that the change order is complete for Board action.

Mr. Blain made a motion to approve change order No. 6 for the George Park site improvement contract with Premier Construction Group in the amount of $2,664.00. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 08-41; Amending the assessment of fees for the collection of delinquent sanitary sewer accounts

Mr. Wolfe explained that this resolution allows the Township to also assess, in addition to a schedule of fees, a rate of $235.00 per hour or portion thereof, for any additional services

that are determined to be fair and reasonable, to collect a municipal lien by the firm of Kodak and Imblum, P.C. He noted that as Kodak and Imblum, P.C, has collected delinquent sanitary sewer accounts on the Township's behalf, there have been some minor instances where charges have occurred that are not on the schedule. He noted, that in the past, with other collectors, the Township has had an hourly rate for those services, but this was not included in the resolution when the Township hired Kodak and Imblum, P.C., and he would like to do this at this time.

Mr. Seeds questioned if the rate of $235 works out to be in line with the other fees in the schedule. He noted that there was a good savings in the new rates, and he questioned if this would force an increase to the Township. Mr. Wolfe noted that this resolution does not change the fee schedule, noting that there have been some charges incurred that were not included in the original resolution. Mr. Seeds asked Mr. Stine is this would be a fair rate. Mr. Stine answered that he had no idea as he does not do that kind of work. Mr. Wolfe explained, if the resolution is not approved, then the Sewer Authority would ultimately absorb the costs. Mr. Seeds questioned if the Authority is paying the costs now. Mr. Wolfe answered that that was correct. Mr. Seeds noted that he would not want to do that, he only noted that the fee seemed high.

Mr. Crissman made a motion to approve Resolution 2008-41; amending the fees assessed for the collection of delinquent sanitary sewer accounts. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Declaration of Consolidation of Lots for property identified as 4305 Richland Avenue

Ms. Wissler noted that Mr. David Andrews has submitted a declaration of consolidation for previously subdivided lots known as Parcel 35-059-231 located at 4305 Richland Avenue. She noted that this would consolidate Lots 11 and 12 to create one building lot.

Mr. Seeds questioned where Richland Avenue was on the map. Mr. Blain answered that it is located off of Marblehead Street.

Mr. Blain made a motion to approve the Declaration of Consolidation of Lots for property identified as 4305 Richland Avenue. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Improvement Guarantees

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

Robert E. Smith

A release in an escrow with Lower Paxton Township, in the amount of $2,100.00.

Tuscan Villas at the Estates of Forest Hills

A 10% increase and extension in a letter of credit with Pennsylvania State Bank, in the amount of $107,316.11, with an expiration date of November 15, 2009. (Changed to PNC Bank.)

Victoria Abbey at Forest Hills, Phase 2

A 10% increase and extension in a bond with the INSCO/DICO Group, in the amount of $114,421.06, with an expiration date of November 2, 2009.(Amount corrected to $114,631.79.)

Liberty Place

A 10% increase and extension in an escrow with Lower Paxton Township, in the amount of $8,250.00, with an expiration date of November 5, 2009.

Sir Thomas Court, Lot 5-D, New Medical Office Building

A 10 % increase and extension in a letter of credit with Fulton Bank, in the amount of $114,400.00, with an expiration date of October 7, 2009.

Sunnyhill Farms - North

A 10% increase and extension in a letter of credit with Mid Penn Bank, in the amount of $38,897.87, with an expiration date of October 7, 2009.

Harrisburg Interventional Pain Management Center

An extension and 10% increase in an escrow with Lower Paxton Township, in the amount of $1,581.23, with an expiration date of November 1, 2008. (Changed to May 1, 2009.)

Ms. Wissler noted that there was a mistake on the guarantee for Harrisburg Interventional Pain Management Center, as it is only being extended to November 1, 2008, and the developer is having some difficulty with the builder and she requested an extension of six months.

Mr. Blain noted that he recommended for the Tuscan Villas improvement guarantee, that the bank name be changed to PNC Bank, since Pennsylvania State Bank was bought out by PNC Bank.

Mr. Seeds noted that the math was wrong for the 10% increase for the Victoria Abbey improvement Guarantee.

Mr. Crissman made a motion to approve the seven listed improvement guarantees with the three noted changes. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and the improvement guarantees were unanimously approved.

Payment of Bills

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

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 10:43 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary