

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held April 20, 2010

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:31 p.m. by Vice Chairman William C. Seeds, Sr., on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Seeds were: Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; August Memmi, Chad Saylor, Jim Szymborski, Commissioner George P. Hartwick III, and Commissioner Nick DiFrancesco, Dauphin County; Russell Knapp and George Byerly, Colonial Park Fire Company; Jeff Staub, Dauphin Engineering Company; Al Busher, B.L. Company; and Watson Fisher and Ted Robertson, SWAN.

**Pledge of Allegiance**

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

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes of the March 9, 2010 workshop meeting, and the April 6, 2010 business meeting as presented. Mr. Blain seconded the motion, and a unanimous vote followed.

**Public Comment**

No public comment was provided.

**Chairman & Board Members' Comments**

No comments were presented by Board members.

**Presentation of Local Share Grant Awards by the  
Dauphin County Commissioners**

Mr. Seeds noted that Commissioners Nick DiFrancesco and George Hartwick, III, along with August Memmi, and Chad Saylor, are present to make a check presentation to the Board of Supervisors. Commissioner Hartwick noted that Jim Szymborski, a member of the Dauphin County Gaming Advisory Board is also in attendance.

Commissioner Hartwick noted that he was present to discuss two funding awards for infrastructure projects for Lower Paxton Township. He noted the first award in the amount of \$250,000 is for alley improvements in the Village of Linglestown, and the second award in the amount of \$250,000 is for road improvements for the Page and Spring Creek Roads. He explained that the Dauphin County Commissioners desired to partner the resources that are made available as a result of gaming with local communities to help defray some of the costs of projects for public safety and infrastructure needs. He noted that the government systems on the Federal and State levels have done far too little to address these needs, and he is happy, as a result of the Gaming Advisory Board and revenues from Hollywood Casino, to be able to have lever some of the funds to assist the Township in addressing the two projects within the Township. He stated that he looks forward to partnering with the Township on these projects as well as other needs and concerns in the future. He explained that the Hollywood Casino's annual proceeds in 2008 were \$176 million, and in 2009 they were \$220 million, and with the addition of table games, Hollywood Casino is expected to exceed those figures. He stated that it is good that those dollars are used in the local communities to address concerns and to take away some of the tax burden from the property owners.

Commissioner Nick DiFrancesco explained he is very pleased to be able to present Dauphin County's portion of the gaming revenues for infrastructure improvements to the Township. He noted that it is gaming revenues and not tax dollars from hard working property

owners in Dauphin County that will be funding these projects. He explained that many people supported the gaming changes, while other did not. He noted that Hollywood Casino has provided an opportunity to do some very good community projects and important infrastructure projects, that given the tightness of Federal, State and Local budgets, would not be completed until some time in the future. He stated that he is a proud resident of Dauphin County, and explained that most of what occurs in the County occurs at the local level. He expressed that it is a pleasure to partner with the Township to continue to make good things happen in the County.

Mr. Seeds thanked the County Commissioners, and he, Mr. Crissman, and Mr. Blain accepted that check from the County Commissioners. Mr. Crissman thanked the Dauphin County Commissioners for their support in working together.

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

Vice-Chairman Seeds administered the Oath of Office to Fire Police Officers Charles Spencer and Susan Zapocic. Mr. George Byerly, President of the Colonial Park Fire Company provided Mr. Spencer and Ms. Zapocic with a badge and a vest. Mr. Crissman and Mr. Blain congratulated the newly sworn Fire Police Officers, and thanked them for their future service.

### **Manager's Report**

Mr. Wolfe explained that two major road PENNDOT construction projects are on-going in the Township. He noted that Linglestown Road from Pennsylvania Avenue to Balthaser Street will have one lane closed, the eastbound or the southern lane, for total reconstruction. He noted that reconstruction of the entire roadway will be ongoing through 2010 and 2011. He explained that phase one that involves the construction of the Blue Mountain Parkway bypass road is nearing completion. He noted that once this is completed and open for vehicles, the contractor, Leon Wintermyer, will begin the reconstruction of the eastbound lane of Linglestown Road. He noted that a detour will be put into place for the eastbound traffic; however, westbound traffic

will be able to use the westbound lane. He noted that Phase two should start around May 2, 2010, and take four to six months to complete, depending on weather conditions. He noted that Phase three would reverse the detour and only eastbound traffic will be permitted on Linglestown Road.

Mr. Wolfe noted that the Nyes Road project will start on April 26, 2010, and PENNDOT will provide a detour of traffic south of Red Top Road at Nyes Road to roughly Union Deposit Road. He noted that that section of Nyes Road will be completely closed to all traffic in both directions. He noted that the detour should be in place until July or August of 2010. He explained that there are very few roads to use as detours in that area, and it will provide for a significant detour for traffic using Route 39 to the east and 61<sup>st</sup> street to the west. He noted that the cost of this project is roughly \$4.6 million.

Mr. Blain noted that this has been a long time in the waiting, noting that it was listed as part of the 2000 Comprehensive Plan. He noted that the condition of the current roadway is a safety hazard and this is a much needed repair. He explained, as part of the project, a traffic signal will be installed at Nyes Road and Locust Lane. Mr. Seeds noted that Township funds paid for the design for the new traffic signal.

### **OLD BUSINESS**

There was no old business to discuss.

### **NEW BUSINESS**

#### Resolution 10-13; designation of a snow emergency authorized agent

Mr. Wolfe noted that this resolution designates a financial agent, Tim Houck, as an agent for the receipt of funds and provides specific bank information to PEMA and FEMA for the distribution of funds for the winter snow emergency events that occurred this February in the Township. He noted that the resolution is on the PEMA mandated form and is required for the

electronic transfer of funds to the Township. He requested that the Board act favorably on this resolution this evening.

Mr. Crissman made a motion to approve Resolution 2010-13, designating a snow emergency authorized agent. Mr. Blain seconded the motion. Mr. Seeds called for a voice vote, and a unanimous vote followed.

Preliminary/final subdivision plan for Best Western Hotel and Suites

Mr. Wolfe explained that this plan was presented to the Board at its April 6<sup>th</sup> meeting, and it was tabled at that time for the Township solicitor to review the easement agreement for access and parking. He noted that the purpose of this plan is to subdivide the existing parcel into two lots. Lot 1 will include the hotel and Lot 2 will contain the restaurant. He noted that the property is located west of Mountain Road, south of Lockwillow Avenue and north of Interstate 81, and it consists of 5.7672 acres. He explained that Lot 1 consists of 5.0180 acres and Lot 2 consists of .7530 acres. The property is zoned CG, Commercial General Zoning District and is served by public sewer and public water.

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

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

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

sedimentation control plan; and 4) Waiver of the requirement to provide elevation contours for the project. He noted that staff supports all of the waivers as no new construction is planned for the plan. He noted that in addition to the waivers there are five general conditions and one staff comment.

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

Mr. Seeds questioned Mr. Stine if he reviewed the parking and access agreement. Mr. Stine answered that he did and it seemed fine to him. Mr. Seeds noted, on page four of the agreement, the amount of liability insurance was left blank. Mr. Stine noted that it is not a concern of the Township. He noted that the Township is only concerned with the amount of parking and access to the restaurant.

Mr. Staub explained that the insurance liability will be in the amount of \$2 million.

Mr. Crissman questioned Mr. Staub if he was able to speak for the applicant. Mr. Staub answered yes. Mr. Crissman questioned Mr. Staub if he was in agreement with the four listed waivers, and five general conditions to include the six comments of HRG's memo dated March 18, 2010. Mr. Staub answered yes. Mr. Crissman questioned if Mr. Staub was in agreement with the staff comment. Mr. Staub answered yes.

Mr. Crissman made a motion to approve the preliminary/final subdivision plan for Best Western Hotel and Suites with the following waivers and conditions: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to provide a stormwater management plan; 3) Waiver of the requirement to provide an erosion and sedimentation control plan; and 4) Waiver of the requirement to provide elevation contours for the project; 5) Plan approval shall be subject to providing original seals and signatures; 6) Plan approval shall be subject to the payment of engineering review fees; 7) Plan approval shall be subject to the establishment of an improvement guarantee for the proposed site improvements; 8) Plan

approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 9) Plan approval shall be subject to addressing the six comments of HRG's memo dated March 18, 2010; and 10) All signage must meet the requirements of the Lower Paxton Township Zoning Ordinance. Mr. Blain seconded the motion. Mr. Seeds called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; and Mr. Seeds, aye.

Preliminary/final subdivision plan for Spring Creek Hollows  
Lots 131-B, 132-B, 142-c, 142-D, 147-B and 147-C

Mr. Wolfe explained that the purpose of this plan is to revise the subdivision of existing lots 131-A, 132-A, 142 and 147-A, (131-B, 132-B, 142-B, 142-C, 142-D, 147-B and 147-C). The total tract area is 56.438 acres. Three new residential building lots will be created within an approved subdivision plan (Preliminary/Final Re-subdivision Plan of Spring Creek Hollows Kendale Oaks II dated January 4, 2008). Lot 142-D will contain 0.491 acres, Lot 142-C will consist of 1.9554 acres and Lot 147-C will be 1.177 acres. The property is zoned R-1, Low Density Residential District and the properties will be served by public sewer and public water. He noted that the minimum lot size requirement for R-1 is 20,000 square feet, therefore, the new lots are large enough based upon the zoning requirements.

Mr. Wolfe noted on December 9, 2009 the Lower Paxton Township Planning Commission recommended approval of the plan.

Mr. Wolfe noted that the applicant requested the following waiver: Waiver of the requirement to provide a preliminary plan submission. In addition to that waiver there are eight general conditions and one staff comment. He noted that the plan provides that all previously approved requirements for the plan for Spring Creek Hollows, will carry through to this subdivision plan for the three additional lots.

Mr. Wolfe noted that Mr. Al Busher from B.L. Companies is present to represent the plan. Mr. Busher noted that the entire infrastructure is in place, and the change involves

subdividing four existing lots into seven lots. He noted that they are residential lots that meet the zoning requirements. Mr. Seeds questioned what the smallest lot was. Mr. Busher answered that it was .83 acres.

Mr. Crissman questioned Mr. Busher if he was able to speak for the applicant. Mr. Busher answered yes. Mr. Crissman questioned if Mr. Busher was in agreement with the eight general conditions, including number eight that includes the eight comments listed in HRG's, memo dated April 15, 2010. Mr. Busher answered yes. Mr. Crissman questioned if Mr. Busher was in agreement with the one staff comment. Mr. Busher answered yes.

Mr. Crissman made a motion to approve the preliminary/final re-subdivision plan for Spring Creek Hollows, Lots 131-B, 132-B, 142-c, 142-D, 147-B and 147-C with the following waiver and conditions: 1) Waiver of the requirement to provide a preliminary plan submission; 2) Plan approval shall be subject to the payment of \$2300 per lot for the three newly created lots; 3) Plan approval shall be subject to providing original seals and signatures; 4) Plan approval shall be subject to the payment of engineering review fees; 5) Plan approval shall be subject to the establishment of an improvement guarantee for the proposed site improvements; 6) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 7) Plan approval shall be subject to DEP's approval of sewage facilities planning module; 8) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 9) Plan approval shall be subject to addressing the eight (8) comments of the memo of HRG, Inc. dated April 15, 2010; and 10) A street/storm sewer construction permit is required and is to be obtained prior to earthmoving activities. A pre-construction meeting is to be held prior to starting the project. Contact Matt Miller at 657-5615 to schedule the meeting. This may be held in conjunction with the

Conservation District meeting. Mr. Blain seconded the motion. Mr. Seeds called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; and Mr. Seeds, aye.

### **IMPROVEMENT GUARANTEES**

Mr. Seeds noted that there were six Improvement Guarantees.

#### Amber Fields, Phase III

A reduction and a change to an escrow with Lower Paxton Township, in the amount of \$14,784.48, with an expiration date of April 20, 2011.

#### The Townes at Autumn View

An extension and 10% increase in a bond with Developers Surety and Indemnity Company, in the amount of \$39,374.31, with an expiration date of April 20, 2011.

#### Amesbury

A reduction in a bond with Liberty Mutual Insurance Company, in the amount of \$43,000.00, with an expiration date of March 9, 2011.

#### Candlewood Suites

An extension in a letter of credit with Mid Penn Bank, in the amount of \$16,000.00, with an expiration date of April 20, 2011.

#### Old Iron Estates, Phase II

An extension and a letter of credit with Fulton Bank, in the amount of \$109,206.00 dated April 20, 2011.

#### 5710 Union Deposit Road

An extension and 10% increase in a letter of credit with Integrity Bank, in the amount of \$300,080.00, with an expiration date of April 20, 2011.

Mr. Blain noted that the letter from HRG, Inc. for the Amber Fields, Phase III Improvement Guarantee has the incorrect date of December 21, 2010. Mr. Wolfe noted that staff was made aware of this mistake and a revised letter was emailed to the Township.

Mr. Crissman made a motion to approve the six listed Improvement Guarantees. Mr. Blain seconded the motion. Mr. Seeds called for a voice vote, and a unanimous voice vote followed.

### **Payment of Bills**

Mr. Blain made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, 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 8:07 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

Gary A. Crissman  
Township Secretary