

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held Tuesday, August 5, 2008

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:33 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

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

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Lori Wissler, Community Development Manager; Dianne Moran, Planning and Zoning Officer; Stephen Fleming, Herbert, Rowland and Grubic, Inc.; Tom Smida, Mette, Evans, and Woodside; Francis and Joel McNaughton, The McNaughton Company; Tim Mellott, Mellott Engineering, and Jeffrey Staub, Dauphin Engineering.

Pledge of Allegiance

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

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the business meeting held June 3, 2008, the workshop meeting held June 10, 2008, and the special business meeting held July 8, 2008. Mr. Blain seconded the motion, and the motion was unanimously approved.

Public Comment

Ms. Marjorie Phillips, 6626 Jordan Drive, noted that this is the second time she addressed the Board to complain about the safety of the children who use the Hodges Heights playground. She noted that the trucks entering the landfill speed along Conway Road using the same access road as the children use to enter the playground. She noted that no other recreational facility in

the Township has this same problem. She and her neighbors request that the Township provide the same spirit of caring for the Hodges Heights community as provided to others. She requested that the Township take care of their children as the Board members would of their own. She noted that fall is rapidly approaching and the increase of traffic for yard debris and trucks loaded with dirt would certainly lead to an increase in the traffic flow. She suggested that another road be constructed, or speed pumps be installed, preferably the former. She requested that the Township not wait for something to happen at that corner and then it would be too late. She expressed her appreciation of the Board's time and thanked them for listening to her request.

Mr. Ken Parmer, 4292 S. Carolina Drive, noted that years ago, an individual wishing to make a presentation to the Board members could prepare transparencies and use an overhead projector to do so for everyone to see. He noted that he spoke to Ms. Troutman at the Township office today, and was told that she could make copies for the Board members, so it would mean that copies could be made for the Board and staff, but the rest of the people would not know what he was talking about. He questioned if there was another way to show something to the general audience during a public meeting.

Mr. Hawk noted that he did not have an answer for Mr. Parmer at this time. Mr. Blain questioned if he had the use of a computer to make a PowerPoint slide. Mr. Parmer answered that he did not have PowerPoint. Mr. Blain suggested that staff could put his information on a PowerPoint presentation.

Mr. Parmer noted that he was reading the minutes from the June 11, 2008 Planning Commission Meeting at the office, and had made a few notes, and thought that he could go home and view the minutes on the Township webpage. He explained that when he returned home he found that the minutes were not posted. Mr. Blain noted that the minutes may not have been approved. Mr. Parmer questioned how long it takes to get the minutes posted on the web page.

He noted that people cannot view the minutes in enough time to come to a Township meeting to discuss them. He stated that he presumed that the Board members have seen the minutes and know what is going on, but the public does not have that information available to them.

Mr. Hornung questioned if the relocation of Conway Road would take care of the problem that Ms. Phillips mentioned. Mr. Wolfe noted that the new road is planned to cut off at the hairpin turn through the compost facility and connect to the Kendale Oaks Development at the southeast. He noted that it would not affect the park in a positive or negative way in regards to Mrs. Philips request. He noted that a good bit of the trucking that is currently occurring is in anticipation of building the road and the buffer mound that is to be built along the rear of the properties that front Conway Road to provide a landscape barrier. He explained that a large amount of fill is being trucked to the facility to complete the buffer. Mr. Seeds questioned if the trucks could enter the facility from the east entrance. Mr. Wolfe answered that both entrances are being used. He explained that Waste Management is using the west entrance in order that they do not conflict with the public traffic using the east entrance. He noted that it would not be good to mix the two types of vehicles, and he also wanted to keep the vehicles away from the tandem trucks hauling the fill materials.

Mr. Seeds noted, if the trucks are speeding in the area of the playground, whether it is Waste Management, Township Employees or others, then the Township needs to enforce speed limits, or build a fence around the playground. Mr. Wolfe noted that the people hauling fill material or leaf waste are employed by contractors who are under contract to the Township and the Township has the ability to tell them to control their speed. Mr. Seeds noted that the fill material trucks are a temporary situation, but the Waste Management trucks would be using the compost facility for the next three to five years. Mr. Seeds noted that this situation should be

monitored to determine if a fence should be installed. Mr. Hawk noted that it would be good to have Mr. Robbins take a look at the situation.

Mr. Brian Cobb, 6607 Jordan Drive, noted that he saw the blueprint at a meeting he attended last night to show how the new road would nick the park. He questioned if this would also include a beautification project, and not just a thoroughfare to go through the neighborhood. He noted that he moved to his current home roughly a year ago, and he is concerned with the lack of improvements to the park. He questioned why the park was not developed in the same manner as Kohl, Lingle, Koons and other parks. He noted that the Hodges Heights area is a historical area that the Township should be proud of. He noted that no one is concerned with what would happen to the community once the road goes through the neighborhood. Mr. Wolfe explained that the purpose of the landscape mound is to build a very long and high mound to include landscaping, to separate the road and compost facility from the neighborhood. He noted that this plan was shared with the residents over two years ago when discussions were held concerning the relocation of Conway Road through the landfill. He noted that the purpose of relocating the road was to move all non-neighborhood traffic out of the neighborhood, to an area adjacent to the compost facility, and to screen the residents from the traffic.

Mr. Cobb questioned how this new road would affect the park. Mr. Wolfe answered that the neighbors requested that a parking area be built to accommodate the park, but he did not recall what the landscape plan provided. Mr. Cobb noted that the park is an eyesore among all the other Township parks, and he questioned if the people driving the area would see the eyesore park or would there be some beautification improvements to go along with the new road. Mr. Wolfe answered that the plan is to ensure that the road looks nice, is properly landscaped and is attractive to the community.

Mr. Cobb noted that he is more interested in what would be done with the park as some adjustments need to be made to build the new roadway. He noted that according to a blue print that he viewed, the tennis courts would be shifted, and the baseball mound and basketball court would be moved. Mr. Wolfe answered that he did not recall that those changes were to be made. He noted that there would be some changes to the tennis court, but he was not aware of any other significant relocation of other facilities. Mr. Crissman questioned if the plan Mr. Cobb viewed was the plan the Parks and Recreation Board was working on. Mr. Cobb answered that it was part of the roadway plan. Mr. Crissman noted that the playground improvements would fall under the realm of the Parks and Recreation Board. Mr. Blain recalled that there were some changes to the park, and he suggested that Mr. Luetchford should call Mr. Cobb to review the improvement plan for the park. Mr. Cobb noted that it is a historical area, and it would be good to have someone review the plan to make the playground look nice.

Chairman and Board Member's Comments

Mr. Hawk introduced Joshua Dreher from Boy Scout Troop 360, Holy Name of Jesus Church, who is working on his "Communications" badge. He noted that Josh was accompanied by his mother Joann.

Mr. Hawk also introduced Andrew Short from Boy Scout Troop 11, who was also working in his "Communications" badge. Mr. Short was also accompanied by his mother.

Manager's Report

Mr. Wolfe reminded the viewing audience that the Friendship Center would be closed for annual repairs and maintenance from August 24th through August 30th. He explained that the pools would be drained and cleaned, painting would be done, carpets would be cleaned, and annual maintenance work would be done on the fitness equipment. He explained that this helps

to maintain the equipment and building for better service, and requested the patience of the public during this time period.

Mr. Wolfe noted that the Police Department is currently conducting a survey of its services. He noted that the surveys were mailed in the sanitary sewer bills and the response rate has been very good. He noted that the survey is also available on the Township's website, at tonight's National Night Out event occurring at Koons Park, or at the Township's municipal center. He requested that all surveys be returned by the end of the month.

Mr. Wolfe noted that he had received many comments about an article that was run in the most recent newsletter, and he wished to read the article to the viewing public. This article is entitled "A reminder to animal owners." He noted that the article reminds animal owners that it is against the Township ordinance to permit domesticated animals/pets to run at large on property other than that owned by the property owner without a leash. He noted that it also prohibits a domesticated animal from making a loud noise or disturbance that interferes with the peace, quiet and rest for any person. He noted that offenders could be subject to a fine, or imprisonment and each occurrence would be considered a separate offense. He noted that he also received comments that another relevant issue was missing from the news article; that owners must pick up their animal's waste when walking their dogs. He requested Township pet owners to be responsible with their pets when walking their animals, to remember to use a leash, to pick up after their pets, and limit excessive noise from their pets.

OLD BUSINESS

Action on an agreement between the Township and South Central EMS for emergency medical services

Mr. Wolfe explained that the two items of interest involving the agreement include the fact that the South Central EMS Board of Directors approved the agreement at its meeting on July 28, 2008, as indicated by the CEO, Barry Calhoun, in his correspondence. He noted that the

agreement would provide for South Central EMS to respond for emergency medical services in Lower Paxton Township, and an increase in contribution from 2007's amount of \$112,000.00 to \$224,000.00 a year. He noted that the agreement is complete for Board action.

Mr. Hornung explained that the reason the contribution amount has increased significantly is due to the Township's endeavor to provide a timely response when citizens dial 911. He noted that the Federal government and other subsidy providers have greatly decreased the amount reimbursed to all emergency service providers, and as a result, the local municipalities must make up the difference. He noted that the prices are constantly going up, and this is an issue that would continue to grow, and continue to get worse. He noted that it is becoming a greater burden to the Township to make up the losses incurred by South Central EMS.

Mr. Hornung explained that the residents could help to offset the costs by taking a membership in the South Central EMS.

Mr. Crissman made a motion to approve the agreement between the Township and South Central Emergency Medical Services for emergency medical services presented by Mr. Wolfe. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Ordinance 08-10; Amending Ordinance 08-05 which authorized the issuance of general obligation bonds in the amount of \$5,000,000

Mr. Tom Smida, Mente, Evans and Woodside, explained that on April 1, 2008, the Board of Supervisors enacted Ordinance 08-05 which authorized the refunding project involving the Township's general obligation bonds for 2002. He noted that it authorized the transaction of the maximum principal amount of \$5,000,000. He noted that this had to be done on a negotiated sale basis identifying the underwriter to purchase the funds. He noted in April, the underwriter was Ferris, Baker Watts Incorporated, and since that time Ferris, Baker Watts, Inc., was sold to Bear

Sterns. He explained that the banker the Township was dealing with, Helen Billak has since moved to the firm of Raymond James and Associates.

Mr. Smida explained that under the Local Government Debt Act, the Township would be required to amend Ordinance 2008-05 due to the fact that the bonds were sold under a negotiated basis, and it must be clearly identified who the underwriter is. He noted that Ordinance 2008-10 authorizes the amendment of Ordinance 2008-05 solely for the purpose of identifying the new underwriter which would be Raymond James and Associates and authorizes the Township to confirm the change and identity of the underwriter by executing an a document that Ferris, Baker Watts assigns the underwriting to Raymond James Associates, and the Township consents to the change. He noted that he would be required to file the amending Ordinance as well as the assignment and consent document, and publicize that this Ordinance was acted upon as well.

Mr. Smida explained that he distributed to the Board members a recent summary to show that the market is not close to the refunding benchmark set by the Township. He noted that there is an uncertainty to the insurance carrier, particularly Financial Security Assurance, (FSA), noting that there have been rumors that their General Services Agency (GSA) rating may be downgraded; noting that the transaction may not be done on an insured basis, and that it was predicated on a non-insured basis. Mr. Hawk noted that the Township, at a minimum, wanted at least a 2.5% return. Mr. Smida stated that the current return is only 1.7%. He noted that with this amendment, Ms. Billak would have the approval to move as soon as the target is met.

Mr. Crissman made a motion to approve Ordinance 2008-10, amending Ordinance 2008-05, which authorizes the issuance of general obligation bonds in the amount of \$5 million and renames the underwriter. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

NEW BUSINESS

Action on bids for vehicle fuels

Mr. Wolfe noted that staff opened bids for vehicle fuels on July 31, 2008, for the purchase of gasoline and diesel fuels. He noted that the Township typically purchases \$350,000 worth of fuel each year. He explained that two bids were received, and it is staff's recommendation that the contract award be made to Petroleum Traders Corporation for both gasoline and diesel fuels. He explained that that bid specification provides for a vendor margin, and the Township awards to a vendor margin, noting that Petroleum Traders' margin for gasoline is .16 cents and the vendor margin for diesel fuel is .365 cents. He noted that Petroleum Traders Corporation's bid margins were lower than the other bid received from Montour Home Comfort. He noted that it is staff's recommendation to award the bid to Petroleum Traders Corporation for both gasoline and diesel fuel at the reference vendor margins.

Mr. Hawk noted that the vendor margin for gasoline was significant. Mr. Wolfe agreed.

Mr. Blain made a motion to approve the action on bids for vehicle fuels to Petroleum Traders Corporation in the amount of \$365,840.00. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 08-34; Authorizing a procedure for the issuance of permits and the calculation of tapping fees for commercial sanitary sewer connections in Spring Creek, Beaver Creek, and Asylum Run

Mr. Wolfe noted that in the year 2006, the Board adopted Resolution 2006-42, to establish a procedure for the issuance of sewer permits for commercial properties in regards to the allocation of flow versus the tapping fee. He noted that this was due to the limited number of permits issued in the Paxton Creek Basin at that time. He noted that with the implementation of the amendments to the Second Consent Decree, Beaver Creek, Spring Creek and Asylum Run

should also be considered under the same provisions for allocation of permits and tapping fees as Paxton Creek. He noted that this resolution was prepared to accomplish that.

Mr. Wolfe noted that this resolution establishes a procedure for the allocation of sewer flow for improvements in which the use is of a commercial nature. He noted that 350 gallons per day flow shall constitute a sewer connection in all the sanitary sewer basins, for the allocated flow. He noted that this would be for the issuance of a building permit or sewer connection. He noted that in calculating the tapping fee, per the Township's history, it used 180 gallons per day, and he noted that this would be the consumption fee for determining the tapping fee for the Beaver Creek, Spring Creek, and Asylum Run basins. He noted that this would make the procedures uniform, Township-wide, in regards to tapping fees versus building permits, given the limited number of building permits, as a result of the Consent Decree.

Mr. Crissman made a motion to approve Resolution 2008-34, authorizing a procedure for the issuance of permits and calculations of tapping fees for commercial sanitary sewer connections in Spring Creek, Beaver Creek, and Asylum Run. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Action on offer to purchase a delinquent and dormant parcel of land
identified as tax parcel 35-120-184.

Mr. Wolfe explained that this is the first time the Township has been asked to take action on an offer to purchase a tax parcel. Mr. Hawk questioned how the bidder would access the property. Mr. Wolfe noted that that is part of staff's concern. He noted that there are two small parcels in the Sunny Hill Farms development that were originally to be dedicated to the Township as recreation or open space, and the Township decided that it did not want the land as it was unusable. He noted that the two lots were to be incorporated into the abutting lots, but it never occurred since both individual parcels continue to exist on the map. He explained that both parcels were purchased by abutting property owners; and one of the property owners failed to

pay real estate taxes on the land. He noted that the parcel went to tax sale, and did not sell. He noted that it is still owned by the abutting property owner, with no payments made for the taxes.

Mr. Wolfe noted that Dauphin County is able to accept a repository bid from a third party to purchase the land, and a repository bid in the amount of \$300 was received from Amelia Isom. He noted that the Township would not receive any of the proceeds from the sale of the land, but the Township has the ability to weigh in on whether it should or should not be accepted. He noted that Dauphin County intends to accept the bid if the Board of Supervisors determine it to be appropriate.

Mr. Wolfe noted that it is staff's recommendation that the Board not accept the bid, noting that there would be significant problems from someone purchasing the parcel who does not own abutting land. He noted that the parcel is not buildable, from a zoning standpoint, it does not have public access, and a person owning land that has no public access could cause serious problems among neighbors. He noted that it is not worth the potential headaches that the Township would receive in accepting the bid of \$300. He noted that staff recommends against accepting the repository bid.

Mr. Crissman questioned if the individual seeking to buy the property had informed the Township that it has secured a right-of-way to the property. Mr. Wolfe answered that he has no knowledge of that. Mr. Wolfe suggested that, sooner or later, an adjoining property owner would purchase the property, and that is what should be done. He noted that having someone purchase a small piece of undeveloped property in the middle of a developed area would create more problems than it is worth. Mr. Wolfe noted that the abutting property who owns the land has not paid the taxes on the property.

Mr. Hornung noted that once a person owns a land-locked piece of property, he could apply to the court since his property is land-locked, and it would force a right-of-way to be

provided from the street to the property. Mr. Seeds noted that the land could not be developed anyway.

Mr. Stine explained that Dauphin County was inquiring with the Township to see if it supported the sale; therefore, the Township should indicate that it does not support the purchase.

Mr. Crissman made a motion to recommend to Dauphin County not to support the purchase of the dormant parcel of land labeled as tax parcel 35-120-184. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote. Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Preliminary subdivision plan for Autumn Oaks

Ms. Moran explained that the McNaughton Company owns 313.47 acres of land off of Patton Road; 133.387 acres are located in the R-C, Residential Cluster Zoning District, 177.49 acres are zoned R-1, Low Density Residential District, and a 2.55 acre portion of the tract is zoned CO, Conservation District. The property is proposed to be developed into a new home community consisting of 300 dwelling units.

Ms. Moran noted that the intent of this plan is to obtain preliminary subdivision approval for the R-C, Residential Cluster development of “Autumn Oaks”. The plan contains a 203 unit residential cluster development, 6 fee simple open space lots, and the residual lot. The Cluster Development would consist of: 92 single family lots, 40 duplex units, 47 villa units, and 24 townhouse units. The 203 dwelling units were determined through the submission and approval of a Yield Plan dated February 6, 2007.

Ms. Moran noted that the property would be serviced by public sewer and public water and would include active/passive recreation areas including nature trails. She noted that the common open space encompasses 69.352 acres or 52% of the total area within the Residential Cluster.

Ms. Moran noted that the plan was approved by the Planning Commission at its December 12, 2007 meeting.

Ms. Moran noted that the applicant has requested the following waivers: 1) Waiver of the minimum street intersection separation requirement; 2) Waiver of the requirement to provide curbing and widening of Parkway West; 3) Waiver of the requirement to provide vertical curb. Slant curb is proposed; 4) Waiver of the requirement to provide Type "C" inlet grates in streets; 5) Waiver of the requirement to provide low flow channel and basin underdrain in basins; 6) Waiver of the requirement that driveways shall be located not less than ten feet from a catch basin, drain inlet, or fire hydrant; 7) Waiver of the requirement that there be a maximum of twenty dwelling units on a cul-de-sac; 8) Waiver to allow the placement of islands within a cul-de-sac turnaround; 9) Waiver of the street cartway widths; 10) Waiver of the street horizontal curve requirement; 11) Waiver of the requirement regarding the sidewalk location; 12) Waiver of the paved turnaround requirement; and 13) Waiver of the requirement to reduce the street vertical curve sight distance requirement.

Ms. Moran noted that HRG, Inc.'s 18 comments dated August 1, 2008 were included in the Board members packets.

Ms. Moran noted that Francis and Joel McNaughton, and Tim Mellott, of Mellott Engineering, are present to represent the plan.

Mr. Seeds noted that waiver eight requests a waiver of the island in the cul-de-sac turn around. He noted that the next plan for the Estates of Autumn Oaks in its seventh waiver asks for a waiver of the requirement to provide islands within the cul-de-sac. Ms. Moran noted that when an island is built, it requires a waiver, as islands are not recognized in the current SALDO. He noted that they would need a waiver to install an island in the cul-de-sac. Ms. Wissler suggested

that it is just a matter of wording to permit plantings in the island in the cul-de-sac. She noted that it is currently not permitted, but would be permitted in the revised SALDO.

Mr. Seeds questioned if the developer wants to concrete the islands, and HRG, Inc. recommended landscaping instead. He questioned if there was a conflict in the waiver requests. He noted that the Township must agree to a waiver to allow the developer to install an island in a cul-de-sac, but he questioned if there are restrictions for what could be placed in the island. Ms. Moran answered that the applicant would like to construct a stamped concrete island that would enhance the aesthetics of the community, and not limit the use of the cul-de-sacs in regards to the use of vehicular movement and snow plowing. She noted that the applicant does not propose a vegetative island due to maintenance concerns and emergency service vehicular movement limitations that would be created from a raised, non-mountable island. She noted that the islands would be maintained by the community Homeowners Association. Mr. Seeds noted that there would be very little maintenance for concrete islands, and HRG, Inc. is recommending that the islands be landscaped. Mr. Seeds noted that this is a conflicting request. Ms. Moran explained that Mr. Mellott made a change to the plan to add landscaping.

Mr. Mellott explained that his original request was to use the stamped concrete island within the cul-de-sac, but the Planning Commission suggested that it would be better for the islands to be landscaped; therefore he agreed to landscape the islands. He noted that the written waiver request was never revised, but the plan was revised. He explained that he proposed a 20-foot diameter island inside each cul-de-sac.

Mr. Seeds questioned who would maintain the landscaping for each cul-de-sac island. Mr. Mellott answered that the Homeowners Association would maintain the cul-de-sac island. Mr. Seeds noted that it would have to be written into the Homeowners Association bylaws. Mr. Mellott noted that it is written into the plan. Mr. Seeds questioned how many cul-de-sacs are

included in the plan. Mr. Mellott answered that there were seven islands in the plan. Mr. Seeds questioned if the seven islands would be identical. Mr. Mellott answered yes.

Mr. Hornung questioned why the Planning Commission requested the landscaping. He noted that the islands may look nice in the beginning, but after a while, they are not usually well maintained. He noted that a 20-foot diameter, that is not maintained, would not look very pretty. Mr. Mellott noted that it is a 20-foot diameter, and a 40-foot radius. He noted that the cul-de-sac has a 50-foot diameter to provide for good vehicular movement for emergency vehicles. Mr. Hornung questioned why the Planning Commission made the request for the change. Mr. Mellott noted that, in his opinion, it was for aesthetics, noting that the Planning Commission had the ability to require a higher level of aesthetics. Mr. McNaughton noted that the Planning Commission's decision was also based on the ability to provide for some ground recharge.

Mr. Hornung questioned, if making the change from the stamped concrete to the landscaped area required an increase to the bulb size. Mr. Mellott answered that it remained the same. Mr. Hornung questioned if it would be possible to make the islands out of some type of material that has some impervious coverage that could accommodate both requests, not having to rely entirely on landscaping. Mr. McNaughton noted that he was not aware of a material like that. Mr. Blain noted that he agreed with Mr. Hornung because, in ten years the Township would be getting complaints regarding the island's appearance. He noted that it is easy to state that the Homeowners Association would maintain the islands for a while, but then it does not occur, and residents call in with complaints.

Mr. McNaughton suggested that brick pavers could be used. Mr. Hornung noted that brick pavers could be a maintenance headache also. Mr. Mellott suggested that the stamp concrete could provide a nice aesthetic appearance and it would not have a negative affect in regards to maintenance.

Mr. Seeds questioned if there would be a Homeowners Association. Mr. Mellott answered yes. Mr. Seeds questioned if the purchasers of the home would be paying a monthly fee. Mr. Mellott answered yes. Mr. Seeds noted that there should be money to maintain the landscaping if the homeowners do not do the work. He noted that he would prefer this, and the island should be constructed in a pervious surface, as it would look much better than concrete. He noted that there are many volunteers in the Township who help to maintain parks and areas in the Township, and he hoped that there would be people in this community that would take pride in it.

Mrs. Larele Fuller, 4249 S. Carolina Drive, noted that she lives at the end of Colonial Road and she did not know if this plan would impact her property. Mr. Hawk noted that her concerns would be involved in the next plan to be discussed.

Mrs. Fuller noted that she did not see anything in the plan for children for recreational uses. She questioned if playgrounds would be built. She noted that there is a small park in Centennial Acres, and Forest Hills has no park, and this would be another development that would not provide recreational space for children. Mr. Seeds noted that the plan has been before the Parks and Recreation Board, and the Planning Commission. He suggested that there would be walking trails installed. He noted that the developer would be providing a fee-in-lieu for future facilities. Mrs. Fuller noted that there are so many children in the development, and no place for them to play. She noted that she has five children and they loved the Township's summer program, but due to the lack of funds, the program was stopped. She questioned if there is a contingency that the developer must provide for playgrounds for children. Mr. Hawk explained that the ordinance states that the developer has the option to provide dedication of land or fee-in-lieu.

Mrs. Fuller questioned why the homes bordering the development were not sent a notice for the meeting. She noted that no one in the neighborhood knew what was occurring. Mr. Blain noted that the State law does not require the Township to notify abutting homeowners in a land development plan. He noted that if it was a rezoning request, then the Township would be required by law to make notification.

Mrs. Fuller noted that when the land was first put up for sale, there was a large concern about streams or water issues. She questioned what would happen with the water issues and the streams. Mr. Seeds answered that the developer must meet the State and County regulations.

Mr. Mellott noted that he would be open to whatever the Board members desire. Mr. Hawk noted that the stamped concrete is not the way to go, and they would prefer landscaping. Mr. Hornung questioned if the Homeowners Association would take care of the entire development or just certain parts. Mr. McNaughton answered that it would include the entire development.

Mr. Hawk questioned if the plan met all the requirements of the zoning ordinance. Ms. Moran answered that it did.

Mr. Hornung questioned if the Homeowners Association would be regulatory only, or one that takes care of maintenance of the facility. Mr. McNaughton answered that they would have maintenance responsibilities. He noted that for many of the sections that have attached housing the Homeowners Association would be responsible for grass cutting, and snow removal. He noted that all the common areas, such as storm water ponds, open-space areas, landscaped areas, and landscaped islands would come under the Homeowners Association. Mr. Mellott noted that it would also include the boulevard islands too.

Mr. Seeds questioned if the 32-foot cartway is wide enough with parking permitted on both sides of the street. Mr. Mellott explained that when he started to design the plan, the

Township was in the middle of the revision of the SALDO, and he tried to incorporate as many of the proposed changes as possible into the plan. He noted that many of the waivers are consistent with the draft SALDO ordinance. He noted that the proposed width is consistent with the revised SALDO requirements.

Mr. Seeds questioned if any of the collector streets would be wider than 32 foot. Mr. Mellott answered that Continental Drive is a collector street and would be a 36-foot split cartway. He noted that Patton Road would not be a collector street beyond Continental Drive, but he opted to propose widening Patton Road to make it a full 36-foot width. Mr. Seeds questioned how wide Autumn Oaks Drive would be. Mr. Mellott answered that it would be a 32-foot wide road. Mr. Seeds questioned where the terminus for Autumn Oaks Drive is. Mr. Mellott answered that it would extend up to Colonial Road extension. Mr. Mellott noted that there would be no units on Autumn Oaks Drive, and explained that he added a few off-street overflow areas for additional parking. Mr. Seeds noted that his concern is for the accessibility of public safety vehicles, especially for the collector roads. Mr. Mellott noted with the overflow parking, it is more likely that no parking would occur on the road.

Mr. Seeds noted that the plan shows some homes located on Colonial Road. He noted that what he likes most about Continental Drive is that there are very few homes that front on it. He noted that he does not like to see people back out of their driveways. Mr. Mellott noted that he has provided a turn around in the driveway to prevent the backing out motion. Mr. Seeds noted that he would like the plan to keep homes from fronting on Colonial Road. Mr. Mellott noted that he proposes several traffic calming islands on Colonial Road since a 36-foot wide road would feel like a speed strip. Mr. Hawk noted that the vehicles would be able to pull out onto Colonial Road as opposed to backing out.

Mr. Seeds questioned when the discussions would be held for the contribution for the traffic light. Mr. McNaughton stated that the issue has not been resolved. He noted that in November, he received a response from the traffic engineer for the original traffic study that indicates that the total buildout for both developments approximate 2% of the A.M. and P.M. peak hour traffic at the intersection of Linglestown Road and Parkway West. Mr. Seeds noted if they are only talking 2%, then not much would be offered for a contribution. He noted that the Township is always looking to make improvements to the roads for better traffic conditions, without using existing taxpayer's funds. Mr. McNaughton noted that the eventual requirements would be for signalization of that intersection, but since his estimate was only 2%, he did not know what his share would be to install a traffic signal. He noted that he would be amenable to contribute some funds in relation to the percentage of use, and suggested that maybe HRG, Inc. could provide an estimate.

Mr. Crissman noted that Mr. McNaughton was in agreement with the thirteen requested waivers, knowing that staff supports all the waivers, but he questioned the comments attached to item six that the inlets not be placed in front of the driveways. Mr. McNaughton stated that he was in agreement with the 13 waivers and staff request.

Mr. Crissman questioned Mr. McNaughton if he was in agreement with the five general comments, specifically; comment four that addressed HRG, Inc.'s 18 comments dated August 1, 2008. Mr. McNaughton stated that he was in agreement and would address all 18 comments.

Mr. Crissman noted that he would add additional wording to General Comment Five, to state that the plan approval shall be subject to a successful negotiation with the Board of Supervisors on a contribution towards the signalization of Linglestown Road and Parkway West as per the Township Engineer. Mr. Crissman questioned Mr. McNaughton if he was in agreement with the revised statement. Mr. McNaughton stated that he was.

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

Mr. Crissman attempted to make a motion before he was interrupted by Mr. Ken Parmer who questioned when public comment could be made.

Ms. Cynthia Storm, 2749 Keystone Drive, noted that she lives adjacent to the development of the Autumn Oak Estates. She noted that she lives in a cul-de-sac, and questioned who would be doing the snow plowing for the new development, as she has seen the Township's plows struggle with her cul-de-sac in Centennial Acres. She noted that she would recommend not building islands.

Ms. Storm noted that it was mentioned that there was a list of 18 comments from the Township Engineer. She noted that she only heard of the plan over the weekend and has done much research on the plan. She questioned, if the 18 comments are public record, and where she could obtain a copy of the list. Ms. Storm explained that she has spoken with Stephen Frey and two other employees from the Dauphin County Conservation District Office. She noted that she is concerned with the plan since it abuts her property. She noted that she also spoke with Mr. Mellott, and stated that she would like to see a list of the 18 items. Mr. Crissman explained that the 18 items referenced from the Township Engineer are the comments that the engineering firm representing the Township reviews and requires of the applicant. He noted that that is why he requested the applicant to agree to complete those items. He noted that the Board relies on the Township Engineer to review the plans and if the engineer raises any objections, they are included as their comments. Ms. Storm noted that she was just handed a copy of the 18 comments and would read them, and also make more comments on the next plan up for discussion.

Mr. Ken Parmer, 4292 S. Carolina Drive, noted that 18 or 20 years ago he dealt with a different set of Board members, but he would like to speak a little about consistency. He noted that he has heard for 20 years that Continental Drive was to be a feeder route through Centennial Acres, noting that there was one house that has a driveway on Continental Drive. He noted in the Estates of Forest Hills, there are no houses that have driveways on Continental Drive. He noted in the Forest Hills Development, there are some driveways, but the lots are a reasonable size. He noted in the Autumn Oaks Development, there are 14 single-family houses with driveways on Continental Drive, and the lots do not look very big. He noted, if Continental Drive is to be a feeder route to take the traffic off of Linglestown Road, he would not put houses on it. He questioned if Continental Drive would ever be connected to Parkway West. Mr. Seeds answered that that area is an Agricultural Security Area. He noted that the intent was not to relieve the traffic from Linglestown Road, but not to put more traffic on Linglestown Road. He noted that it was to provide an access road for those people living in those connecting developments.

Mr. Parmer noted that once the road is built through the golf course into Susquehanna Township it will become a through road. He noted that people will be able to travel to Deer Path Road.

Mr. Seeds questioned if Continental Drive would be 36-foot in width. Mr. Mellott answered yes.

Mr. Parmer noted that he had an issue with using islands for a calming area, in that when a bicycle drives past an island and a car is coming behind you, there is not enough room, and it is not a safe condition. He stated that he did not think that islands were an advantage for anything.

Mr. Parmer explained that Mountain Road was at one time to extend to Nyes Road, but this was not followed through with. Mr. Seeds noted that it costs money to build roads, and the

taxpayers don't want to pay for it. He noted if the roads are too wide, then traffic speeds up, therefore the need for traffic calming measures.

Mr. Hornung explained that he found the comment about the bicycles very interesting, with their movements within the calming areas. He noted that the calming areas have been very successful where they have been used, and the Township has not had any issues with bicycles, but it would be something to consider. He noted that lower speeds improve the quality of life for the people who live in the area.

Mr. Crissman made a motion to approve the preliminary subdivision plan 2007-21, for Autumn Oaks with the following waivers: 1) Waiver of the minimum street intersection separation requirement; 2) Waiver of the requirement to provide curbing and widening of Parkway West; 3) Waiver of the requirement to provide vertical curb. Slant curb is proposed; 4) Waiver of the requirement to provide Type "C" inlet grates in streets; 5) Waiver of the requirement to provide low flow channel and basin underdrain in basins; 6) Waiver of the requirement that driveways shall be located not less than ten feet from a catch basin, drain inlet, or fire hydrant; 7) Waiver of the requirement that there be a maximum of twenty dwelling units on a cul-de-sac; 8) Waiver to allow the placement of islands within a cul-de-sac turnaround; 9) Waiver of the street cartway widths; 10) Waiver of the street horizontal curve requirement; 11) Waiver of the requirement regarding the sidewalk location; 12) Waiver of the paved turnaround requirement; 13) Waiver of the requirement to reduce the street vertical curve sight distance requirement; 14) Plan approval shall be subject to providing original seals and signatures on the Plan; 15) Plan approval shall be subject to the payment of the engineering review fees; 16) Plan approval shall be subject to the payment of recreation fee-in-lieu for 203 units @ \$2300 (\$466,900.00); 16) Plan approval shall be subject to addressing the 18 comments of HRG dated August 1, 2008; 17) Plan approval shall be subject to a successful negotiation with the Board of

Supervisors for a contribution towards the signalization of Linglestown Road and Parkway West as per the township engineer; 18) A street/storm sewer construction permit is required and to be obtained prior to earthmoving activities. A pre-construction meeting is to be held prior to starting the project by contacting Matt Miller at 657-5615 to schedule the meeting; and this may be held in conjunction with the Conservation District meeting; 19) Sign permit approval is required prior to the placement of any signage within Lower Paxton Township; and 20) When submitting revised plans respond in writing to all comments of County, staff and township engineer. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote. Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Preliminary subdivision plan for the Estates at Autumn Oaks

Ms. Moran explained that this plan proposes ninety-one single family dwelling lots and one reserved lot for the installation of a United Water tank. The property is located off of Patton Road, is zoned R-1, Low Density Residential Districts and consists of 177.49 acres. She explained that Lots 67, 68 and 96 (water tank lot) are located partially within the CO, Conservation District. The property will be served by public sewer and public water.

Ms. Moran noted that the applicant has requested the following waivers: 1) Waiver of the 400' minimum street intersection separation for local streets; 2) Waiver of the requirement of curbing and widening of existing abutting streets; 3) Waiver of the requirement to provide vertical curb; 4) Waiver of the requirement to provide Type "C" inlet grates required in streets; 5) Waiver of the requirement to provide low flow channel and basin underdrain required in basins; 6) Waiver of the maximum cul-de-sac length of 600'; 7) Waiver of the requirement to provide islands within the cul-de-sac turnarounds; 8) Waiver of the street cartway widths; 9) Waiver of the street horizontal curves; 10) Waiver of the maximum slope requirement of a collector roadway (Colonial Road) and a minor roadway (Kensington Way); 11) Waiver of the

street vertical curve design requirements; 12) Waiver of the street leveling areas required at street intersections; 13) Waiver of the maximum detention basin berm slope height of 8' and the maximum side slopes of 3:1; and 14) Waiver of the requirement to provide fire hydrants. (Public water will be provided to all proposed homes in the Estates at Autumn Oaks and fire hydrants will be installed in portions of the site with adequate water pressure and flows to support operation of the hydrants.

Ms. Moran noted that there are 18 comments from HRG, Inc., and Mr. Francis McNaughton, Mr. Joel McNaughton, and Mr. Tim Mellott, Mellott Engineering are present to represent the plan.

Mr. Seeds suggested that most comments for this plan have been addressed in the prior discussion.

Mr. McNaughton noted that the plan was approved by the Planning Commission with 95 single-family homes shown, and he revised the plan to ensure that each lot would be one-acre in size, even though the Ordinance requirement is only 20,000 square feet. He noted that the revised plan was presented to the Planning Commission and re-recommended for approval. He noted that United Water has identified this parcel as a location for the installation of a water storage tank to increase current service capacity throughout Lower Paxton and Susquehanna Townships. He noted that it would also provide for storage capacity in the event of a water main break.

Mr. Seeds questioned if United Water has determined that the water storage tank would help some of the problem areas that are occurring in the Forest Hills development. Mr. McNaughton noted that he has had conversation with United Water and was told that some fire hydrants at certain elevations would not have enough water pressure to provide water flow. Mr. Seeds stated that his question is in regards to residential water pressure problems in developments, noting that he is concerned with fire safety, but he is more concerned that

residents do not have enough water pressure to take a shower. Mr. McNaughton explained that the installation of the water tank would have a series of benefits, one of which would be to include water pressure or stabilization.

Mr. Seeds noted that there is a waiver request for fire hydrants, and he explained that he spoke with the Fire Marshall, and suggested that that wells could be installed in the higher elevations. He explained that he questioned the Fire Marshall if there would be any benefit to installing the fire hydrants now in hopes that United Water might be able to provide more water pressure or service in the future. He noted that having the fire hydrants installed may provide a false sense of security to the residents as they would have fire hydrants that are not pressurized. He noted that the Fire Company is aware of the situation and has planned to provide the necessary pumpers that may be needed to fight a fire. He questioned who would pay for the future installation of the fire hydrants. He questioned if there should be some type of improvement fund for future hydrants if water pressure becomes available. Mr. Hawk noted that the Fire Marshall provided a letter stating that a new fire box would need to be created with this development, which would require additional tankers to be dispatched for a fire. He noted that the Fire Company feels that with the additional tankers, each carrying 2,000 gallons of water, that they could put a fire out.

Mr. Darwin Aruand, 2730 Woodrow Avenue, Centennial Acres, explained that he was present to discuss the Stray Winds Area Neighbors (SWAN) comments, dated August 4, 2008, provided to the Board members by Mr. Epstein. He noted that he worked with SWAN, and wanted to thank the Township for providing SWAN with a timely response to several pieces of documentation that was forwarded to the Township. He noted that one letter was dated February 4, 2008 with the Township's response from Mr. Lighty dated February 27, 2008. He noted that Mr. Epstein followed up on this letter in his comments forwarded to the Board members dated

August 4, 2008. Mr. Seeds noted that the Board members only received the documents this evening as it is impossible to deliver documents delivered to the Township Monday to the Board members in time for them to review for the meeting. He noted that information for the Board members must be to the Township the Friday before the meeting to go out in the Board packets.

Mr. Aruand noted that the letter dated February 4, 2008 was also addressed to the Board members and articulates the same issues. He noted that he did not expect the plan to come before the Board of Supervisors this month, and he would like to request the Board to conduct a workshop for the landowners who abut the project, and also for SWAN, to further discuss the issues raised in their memo. He noted that there is a laundry list of items that need to be discussed, and there are concerns regarding the retention pond in the area abutting the property owners' homes. He questioned if the Township would consider tabling the plan to further discuss the issues at hand.

Mr. Hawk noted that Mr. Epstein emailed him a synopsis of the three issues; steep slopes, Best Business Practices, and lighting. Mr. Aruand noted that there were many more issues addressed in the February 4, 2008 correspondence, but he suggested that many of those issues were addressed by Mr. Lighty.

Mr. Seeds suggested that the hour is late, and he questioned what has occurred since February. He noted that there were six or seven months to further discuss the issues. He suggested that most of the concerns were covered by the Planning Commission.

Mr. Aruand noted that the Township is very good at reciting the municipal codes and State laws. He noted that Ms. Storm had indicated earlier, that she was not notified that the plan would be placed on the agenda for this meeting. He noted, as a courtesy, there are 18 to 25 property owners that abut both developments. He questioned why the property owners were not made aware of the plan, in writing, from the Township.

Mr. Hawk noted that the Board could conduct a workshop if it so chooses, but there is a time extension deadline for the plan. He noted that there is a full schedule for the next workshop meeting in August. Mr. Wolfe suggested that the Planning Commission could convene a workshop. Mr. Blain noted that it would make sense to have the Planning Commission review the comments. Mr. Hornung questioned what the Planning Commission could do in this case, since some of the issues concern steep slopes and water runoff, which are engineering issues as opposed to those covered by the Planning Commission. He noted that some of the issues are environmental in nature and must follow the Department of Environmental Protection (DEP) regulations.

Mr. Aruand noted that there is an overall 17% average grade for the steep slope. He suggested that there would be a tremendous amount of disturbance in the area, and he wanted to be assured that the Township has looked at this issue, aside from the numbers and the engineering part. He noted that it would impact the people living close by, and it was a concern of SWAN's.

Mr. Hornung questioned if the impact concern was regarding the runoff of water inside the development or for the impact to provide buffering from the two developments. Mr. Aruand explained, in the letter he authored to the Township, he commended the developer for a 30-foot buffer. He noted that the neighbors have a flooding concern, and suggested that it would be prudent to take more time to review the plan.

Mr. Hornung noted that it might be good to investigate where the springs are, but he suggested that the advantage to this plan is the larger lot sizes. He noted that it would minimize the issue of disturbance, and runoff as seen on smaller lot sizes. Mr. Aruand noted that to the west of his property is the Forest Hills development, and to the north is the new development plan. He noted that there were flooding issues with the building of the Forest Hills Development,

trees died, and he explained that the Township had no provision to force the developer to maintain trees. He noted that keeping the large trees on the tract would help to prevent storm water runoff. He noted that Mr. Lighty also suggested taking up the questions with the developer to provide for less storm water runoff, and to keep more trees along the wetland area to prevent storm water runoff.

Mr. Seeds questioned if Mr. Aruand had addressed these concerns with the Planning Commission. Mr. Aruand answered yes. Mr. Seeds questioned if he had addressed the same concerns that he stated with the Planning Commission. Mr. Aruand noted that he did.

Mr. Hawk requested Mr. Mellott to reply to some of the comments made by Mr. Aruand. Mr. Mellott noted that Mr. Aruand's concerns are extremely valid, and anyone should be concerned if they had a mountainside above where they live. He noted that it is his job, as well as the Township Engineer's, to produce plans that meet the Act 167 Plan requirements for the Paxton Creek Watershed, that deal with runoff rates, and water quality as well as infiltration. He noted that the Phase II National Pollution Discharge Elimination Systems permitting has been secured for the property. He noted that the pre and post rates that he was trying to match in this area were just meeting it. He noted that he is only at 68% of pre-development through the 25-year storm events. He noted that along the southern portion of the property, or the northern portion of Centennial Acres, there is a collection swale to ensure there is no runoff from the lots that collect into three basins. He noted that there are two distinct locations where the water runs off the tract and enters Centennial Acres, two perennial streams that go through a culvert, and the second is a FEMA regulated floodplain. He noted that he would be happy to speak to anyone regarding the plan. Mr. Hawk noted that the residents from Centennial Acres are looking for assurance that there would be no runoff onto their properties. He noted on a road tour with the

Board, he viewed an area where there is a continuous flow of water down the mountainside onto the area.

Mr. Crissman noted that when the Board was in the review process for the Boyd Mahoney properties, the applicant was willing to meet with the neighbors and postpone action until a later meeting. He questioned if Mr. McNaughton would be willing to do the same for this plan within the timeframe for project approval. He noted that he would not want to hold up the process. Mr. Aruand noted that he spoke to Mr. McNaughton earlier in the process, and he characterized some areas as wetlands, but upon further review it was noted that they were retention ponds, so he questioned how the plan would work. He noted that numerous other residents have many questions as well. He suggested that having Mr. McNaughton present an overview of the plan to the residents would be very helpful. Mr. Crissman noted that that is why he made his proposal to have a meeting with the developer and residents in a timely fashion. Mr. Aruand suggested that the meeting should be open to any property owners who are contiguous to this property.

Mr. Blain suggested that the Boyd Mahoney issue was different as it was a request for rezoning. He noted that the rezoning required notification to abutting property owners, and those property owners voiced a concern as to what would happen if the land was rezoned. He suggested that this is different in that it is a land development plan.

Mr. Seeds noted that the remaining issues for this plan involves the Commonwealth and Dauphin County since they are engineering issues and not development issues. He noted that the issues were addressed to the Planning Commission and they made no comments to the Township in regards to any issues.

Mr. Parmer explained that he attended the Planning Commission meeting when the plan was presented, and there were no drawings available for the public to view. He noted that the

Planning Commission members discussed the plan among themselves with the developer and the public did not know what was going on until after the meeting. He noted that he was only able to view the plans after the meeting. He noted that the display did not show any detention ponds, even though there are three retention ponds directly behind residents' existing properties, and it did not show any buffers between their property and the retention pond. He explained that a property near the pond must run the sump pump most of the time. He questioned if a retention pond could be installed 100 feet behind his property, noting that the bottom of the pond would only be 10 feet above his basement floor, suggesting that the water would creep into his basement. He noted that the purpose of a retention pond is to recharge ground water, and he suggested that he would get more water into his basement.

Mr. Parmer noted that he has lived in the area for 20 years, and sixteen years ago, someone timbered the property which resulted in much water coming to the surface from the underground streams. He noted that over the years, ten years or so, the water found its way back underground, but about five years ago the ground was timbered again, and again the water flow changed. He noted, for the first 15 years that he lived in his home, his sump pump hardly ever ran, but now it runs every time it rains. He noted that his neighbor also has a problem, and it is arrogant that a developer would build a multi-million dollar plan, and place retention ponds directly behind existing people's property. He requested to have someone provide three examples where a retention pond was placed uphill from an existing property. He questioned if the Board members would like to have a pond behind their property that holds an unknown amount of water. He noted that the ponds are 300 feet by 300 feet by 250 feet. He noted that it abuts the adjoining neighbor's property showing no buffer zone.

Mrs. Fuller explained that for 15 years she did not have a water problem, then after she had her basement finished she was flooded and suggested that it was from the deforestation that

occurred behind her home. She noted that she is very concerned with the water issue that is a major problem for her house. She noted that she had to trash her basement, and it is now unfinished, and she blames the damage to what development has occurred to the adjoining property. She noted that for the past five years, she has had water in her basement, and has lost \$15,000 worth of furniture and personal belongings. She stated that she is very concerned and questioned how the Board would address this issue. She stated that she has water pressure issues at her home when she takes a shower. She noted that all the neighbors on her street should be invited to attend the meeting to address a solution to the problems as there are major problems that need to be addressed.

Mr. Hornung noted that some residents complain that not enough water is retained on their property, and others do not want retention ponds near their property. He noted that some residents like the ponds near their homes since it prevents people from living there. Mr. Parmer suggested that the difference is when a pond is located 18 feet behind your property and the base of the pond is higher than the level of the basement floor. He noted that there are some benefits to having a pond near your home as it could provide buffering. He noted that building a pond takes away all the trees and forest and turns it into a big mound of dirt. Mr. Hornung noted if a house was built in that location it would take away the trees and forest. He noted that there is an ordinance that requires that so many trees must be retained on the property. Mr. Parmer noted that in the Estates of Forest Hills, a friend of his kept 20 trees and he had to bring in a firm to remove them since they died. He noted that the developer does not try to protect the trees and they drive over them and disturb the roots with their equipment. He noted that many tulip poplars died within a few years of the homes being built.

Mr. Jim Storm, 2749 Keystone Drive, noted that storm basins that are adjacent to his property pick up all the water off of Patton Road from the cul-de-sac, and the other basin takes in

the water from Colonial Road. He explained that one inch of rain on one acre would deposit 27,000 gallons of water over a 24-hour period. He noted that he has photographs from some of the neighbors who installed storm water relief off the road down into the stream. He noted that he is uneasy about the developer draining storm basins into the creek which is part of a 100-year flood plain that has not been reviewed since 1980. He questioned how the water would be drained out of the ponds. He noted, in a 10-year flood plain for a 24-hour period, the water is supposed to be maintained with five inches of rain water. He noted that given the size of the ponds, he is very uneasy with this without receiving more information.

Mr. Storm distributed pictures of his neighbors storm water problems who live in Keystone Drive that have had water damage after the storm relief was installed.

Mr. Hornung questioned what Mr. Storm would like to see. Mr. Storm answered that he wants to be ensured that the water that will flow into the basins, especially if the area experienced a 100-year flood, would hold them. He noted that they are not designed to hold that much water.

Mr. Mellott explained that the basins above the homes are detention ponds. He noted that retention is the process of storing and infiltrating ground water recharge. He noted that he is very gun-shy about doing infiltration, noting that the basins are to control rates and do drain. He noted that his requirement is to manage rates and water quality. He noted that due to the steep nature of the mountainside, the infiltration requirements for the lower areas within the RC overcompensate for the recharge requirements. He noted that he must manage his rates, and the water quality would be handled by using wetland plantings within the flat bottom basins that are proposed. He noted that in regards to buffering, the grading doesn't start until at least 10 feet away from the property line and in most areas it is 15 to 20 feet. He noted that there is a three to one slope berm that transgresses away from the property, so basically it will become a grass knoll. He noted that

the plan is only 68% of the 25-year storm, and 50% of the ten-year storm, therefore, the plan goes beyond the requirements. He noted that he would not want to downplay anyone's concerns and would be happy to meet with the neighbors and go over the plan in detail.

Mr. Hawk questioned Mr. Storm as to where the pictures were taken. Mr. Storm answered that they were taken in the stream that the D1 and D2 storm basins drain into which is directly behind his house. Mr. Mellott noted that it would be the channel directly behind the houses on Patton Road. He noted that the stream runs in the rear yards of the homes.

Mrs. Cindy Storm noted that her house is in the flood plain and all the houses down Keystone Drive are in the flood plain, and every time it rains hard their backyards look like what was shown in the pictures. She noted that someone mentioned that flood plain A is a controlled Federal Emergency Management Agency (FEMA) area. She noted that she does not understand this since she has not looked at the FEMA plans, noting that they have not been revised since 1980, prior to the Centennial Acres development. She noted that things change and FEMA has not looked at the area since that time. She noted that many neighbors have flooding problems now, and she is concerned with a 300-acre development to be built behind her property behind the mountain. She noted that she spoke to Mr. Frey at Department of Conservation and Natural Resources (DCNR) who processes the National Pollution Discharge Elimination System (NPDES) permits. She noted that Mr. Mellott has already received his NPDES permit for the project, and followed all the State guidelines. She noted that the McNaughton development must follow the guidelines to prevent water run off and control sediment. She noted that the Best Management Practices concern what occurs after the project is completed for the impact to the area. She questioned, once a developer has completed the project, how long would they stay involved in the plan's stabilization for the project, and be responsible for water run off, etc. She

questioned what responsibility would he have to the neighborhood downstream from his development. She noted that these are her concerns.

Ms. Storm explained that she did not know anything about this project but spent much time calling many agencies to get as much information as she could concerning this project and its impact on her neighborhood. She noted that Mr. Mellott spent a good deal of time explaining things to her yesterday, but her concern is that her home will be flooded. She questioned if the Township should be representing the existing neighbors in new development plans. She noted that she wants to know what Mr. McNaughton plans to do with the land he owns, what affect it would have on her property, and what rights she has. She noted that she was very happy to know that the Township has its own engineers, hoping that they would represent the citizens of the Township. She noted that this should have been done with the Forest Hills Development, and the Board members are the Township leaders, and she requested that they protect the neighbors in making this decision.

Mr. Blain explained that this is a preliminary/subdivision plan and the final/subdivision plan would have to come back to the Board of Supervisors for approval in the future. He noted that there could be changes made to the plan for the final approval process. Mr. Fleming, Township Engineer, suggested that they could only be minor changes. Mr. Blain questioned what would happen if the McNaughton Company proposed a change to a retention basin. Mr. Fleming answered that it would be reviewed under a technical review to ensure that it meets the Township's ordinances.

Mr. Seeds suggested that action on this plan should be delayed until September 2, 2008, to allow time for the parties to meet, especially since much discussion has been had on the water issues for the Centennial Acres property owners.

Mr. Fleming noted that he has reviewed the stormwater design and it does meet the Township's Ordinances. He noted that Mr. Mellott has addressed most of his comments with regards to the entire development, as well as changes to the original design to address other concerns from Township residents. He noted that Mr. Mellott indicated that he has met the requirements of the Act 167 study which reduces the development runoff rates, and also the requirements for Dauphin County Conservation District, and Department of Environmental Protection for Best Management Practices design manual referenced in the SWAN letter. He noted that all the storm water comments from the various parties have been considered in the design.

Mr. Seeds stated that he wanted to ensure that this development does not exacerbate the existing problem for the residents in Centennial Acres. He requested the engineer to take one more look, since there is a little more time to do so. Mr. Hawk noted that he has heard from Mr. Mellott and the Township Engineer that the concerns have been answered adequately, but there is a disconnect between what the residents understand and the Township understands, and the two need to be cemented together. Mr. Crissman stated that he agreed with Mr. Hawk that Mr. Mellott should meet with the owners to calm their fears.

Mr. McNaughton noted that the preliminary plans were submitted in October 2007, noting that the Estates Plan was submitted twice, once with 95 lots, and the second time, increasing each lot to one acre minimum, and both plans were approved by the Planning Commission. He noted that the original submission from SWAN in February 2008 was addressed during a Planning Commission meeting. He stated that he just received the SWAN comments dated August 4, 2008 yesterday, and would be happy to address the three comments during the meeting. He noted that Mr. Mellott and Mr. Fleming have already addressed the first two comments with regards to the Best Management Practices. He noted that he has met the

Township's stormwater ordinances, and the Dauphin County Act 167 Plan, and the State requirements. He noted that he has already received approval from the Dauphin County Conservation District for the NPDES permit and associated with that is the post construction storm water management plan which takes care of long-term storm water management for both the Estates of Autumn Oaks and Autumn Oaks developments.

Mr. McNaughton noted that the only comment not discussed is the street lighting. He noted that for the Estates of Autumn Oaks, he proposed only a few street lights at key locations, noting that the Township does not require street lighting. He noted that he has also designed for street lights in the cul-de-sacs, and they would be maintained and paid for by the Homeowners Association. He noted that he would utilize a decorative PPL-style light. He stated that he researched the suggested LED light fixtures, noting that he was unable to come up with much information given the short notice of the delivery of the SWAN comments. He noted that he would continue to look into this as he considers energy efficiency in the building of his homes. He explained that Mr. Mellott has adequately addressed the storm water management issues, and requested Board action on his plan at this meeting.

Mr. Crissman noted that the issues have been around for a long period of time, but the Township has until September 10, 2008 to vote on the plan, and he requested Mr. McNaughton and Mr. Mellott to meet with the residents who have expressed their concerns during the meeting. Mr. McNaughton stated that he would. Mr. Crissman noted that this would go a long way for the owner's who have expressed their concerns. He noted, that as a good neighbor, he would ask that Mr. McNaughton be willing to meet with them. Mr. Seeds suggested that staff and Mr. Fleming should be included in the meeting. Mr. Crissman noted that due to the short time frame, he requested that the meeting be held as soon as possible.

Mr. Crissman made a motion to delay action on this plan until no later than the September 10, 2008 meeting. Mr. Seeds seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, nay; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Ms. Cindy Storm noted that the permits that Mr. Mellott received met the obligations of the Commonwealth. She noted that it states that the developer would not increase water flow in the area any more than it is now. She noted that currently there are problems with the water flow. Mr. Hornung noted that the developer is not required to fix that problem. Ms. Storm noted that she understood that, and that is why she needs the Township to get involved. She noted that the Township needs to address these issues before they allow more construction to occur.

Mr. Hornung noted, in many instances, the McNaughton Company would do whatever it could within reason to try to correct some of the issues that have been addressed, even though it was not their responsibility. He noted that as they move dirt, they could minimize some of the existing issues. He noted that when both parties work together, both benefit, but if one party goes into discussions with strict adherence as to what it wants, it usually doesn't work. He commended Ms. Storm for the work she has done. Ms. Storm noted that Mr. McNaughton is meeting the letter of the law, and establishing Best Management Practices, and hopes that this project does not have further impact on their properties. She requested to have the pictures returned to her, but could provide copies for the Board members if they wish.

Mr. Seeds questioned Mr. Mellott, if the water line installed in the area where there would be no fire hydrants would be large enough to support the installation of future fire hydrants. Mr. Mellott answered that the water lines will be at least an 8-inch minimum pipe. Mr. Mellott noted that it would support the future installation of fire hydrants.

Mr. Aruand noted for the requested waivers in the letter addressed by Mr. Lighty, the Township has a preference for vertical curbing. He questioned if this issue had been addressed. Mr. Hawk noted that Mr. Aruand could ask that question when he meets with the developer.

Preliminary /final subdivision plan for Olympic Realty and
Development L.P. of Harrisburg

Ms. Wissler noted that the purpose of this plan is to subdivide the Wendy's site from the parent Home Depot parcel. The property is located at 5101 Jonestown Road and is zoned CG, General Commercial District. The tract possesses 11.8882 acres and is served by public sewer and water.

Ms. Wissler noted that on February 28, 2008, the Zoning Hearing Board granted the following variances:

1. Home Depot (New Lot 1):

- A. 307.A Minimum lot width of 200 feet at building setback along an arterial street.
- B. 307.A Impervious surface coverage of 75.
- C. 601.C Number of parking spaces required is 551 spaces.
- D. 804.C.1 Number of street trees required is fifteen.

2. Wendy's (New Lot 2):

- A. 307.A Minimum lot width of 200 feet at building setback along an arterial street.
- B. 307.A Impervious surface coverage of 75.
- C. 601.C Number of parking spaces required is 54 spaces.
- D. 603.1 Minimum of ten feet parking setback from building.

Ms. Wissler noted on April 9, 2008, the Planning Commission recommended approval of the plan subject to addressing the review comments, and also recommended approval of the requested waivers: 1) Waiver of the requirement to submit a Preliminary Plan; 2) Waiver of the requirement to submit a Stormwater Management Plan; 3) Waiver of the requirement to submit an Erosion and Sedimentation Control Plan; and 4) Waiver of the requirement to provide elevation contours.

Ms. Wissler noted that Mr. Jeffrey Staub, Dauphin Engineering, is present on behalf of the plan.

Mr. Staub explained that this is a very simple plan, and the sole purpose is to provide a separate lot for the Wendy's building and parking area for financial purposes. He noted that no construction is proposed.

Mr. Crissman questioned if Mr. Staub was in agreement with the four listed waivers, the two general comments and one staff comment. Mr. Staub answered that he was in agreement.

Mr. Crissman made a motion to approve Preliminary/final subdivision plan for Olympic Realty and Development L.P. of Harrisburg with the following waivers and conditions: 1) Waiver of the requirement to submit a Preliminary Plan; 2) Waiver of the requirement to submit a Stormwater Management Plan; 3) Waiver of the requirement to submit an Erosion and Sedimentation Control Plan; 4) Waiver of the requirement to provide elevation contours; 5) Plan approval shall be subject to providing original seals and signatures; 6) Plan approval shall be subject to the payment of the engineering review fees; and 7) All proposed signage, including construction signs, shall comply with Article 7 of the Lower Paxton Township Zoning Ordinance. Mr. Seeds seconded that motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Preliminary/final subdivision plan for 4220 Linglestown Road

Mr. Hawk noted that this plan was dropped from the agenda at the request of the applicant who wishes to address the Board during a workshop session.

Improvement Guarantees

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

Pinnacle Family Medical Center

An extension and 10% increase in an escrow with Lower Paxton Township, in the amount of \$1,815.00 with an expiration date of September 18, 2009.

CrossPoint United Methodist Church

A release in a letter of credit with Commerce Bank, in the amount of \$454,000.00.

Central Dauphin East Middle School

An extension and 10% increase in a letter of credit with Commerce Bank, in the amount of \$309,881.00 with an expiration date of August 31, 2009.

Mr. Seeds made a motion to approve the three listed improvement guarantees as presented. Mr. Crissman 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. Blain 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 10:12 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary