

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held Tuesday, November 3, 2008

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:35 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, and Gary A Crissman.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Stephen Fleming, HRG, Inc.; Dianne Moran, Planning and Zoning Officer; Joel McNaughton, McNaughton Homes, and Tim Mellott, Mellott Engineering.

Pledge of Allegiance

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

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the business meeting held September 16, 2008. Mr. Seeds seconded the motion, and the motion was unanimously approved.

Public Comment

None was presented.

Chairman and Board Member's Comments

None was presented.

Manager's Report

Mr. Wolfe noted that tomorrow is Election Day throughout the nation, and he strongly encouraged all citizens of Lower Paxton to get out and vote.

Mr. Wolfe noted that the next workshop meeting for the Board of Supervisors would be held on Monday instead of Tuesday evening. He explained that the workshop meeting would be held Monday, November 10th at 6 p.m. due to the Veteran's Day Holiday on November 11th. He noted that the next business meeting would be held on Tuesday, November 18, 2008 at 7:30 p.m.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Action on bids for the sale of vehicles and equipment

Mr. Wolfe explained that the Township issued bid specifications for four vehicles, an International truck, a Trail King trailer, a second International Packer truck and a HD-10 Tub Grinder. Mr. Wolfe noted that bids were opened on Wednesday, October 29, 2008, and a total of five bids were received.

Mr. Wolfe requested the Board to reject all bids for the 2004 International Packer Truck and the HD-10 Tub Grinder. He explained that these items were purchased through grant funds from the Department of Environmental Protection (DEP) under the 902 Grant Recycling grant, and 90% of those costs were covered by this grant. He noted that DEP has determined that the disposition of those items would be made to other municipalities and that DEP would handle the transaction. He noted that DEP would provide the Township 10% of the revenues received in their disbursement of funds.

Mr. Wolfe requested the Board members to award bids to the following: 1996 Chevrolet Lumina, to Police Car Store, LLC, in the amount of \$500.00; 2001 Ford Crown Victoria, to Rogers Auto Sales, in the amount of \$610.00; 2004 Ford Crown Victoria, to Police Car Store, LLC, in the amount of \$2,600.00; 2001 Chevrolet Suburban, to Police Car Store, LLC, in the

amount of \$2,000.00; 1990 International Dump Truck, to Jay M. Brandt, in the amount of \$1,650.00; and 1984 Trail King Trailer, to Jay M. Brandt, in the amount of \$355.00.

Mr. Wolfe noted that staff has made the recommendation to award the bids for the above mentioned items and reject the bids for the 2004 International Packer Truck and the 1994 Haybuster HD-10.

Mr. Seeds questioned Mr. Wolfe if DEP would be selling those two mentioned items. Mr. Wolfe answered that DEP would arrange for a transfer between themselves and the Township. Mr. Seeds questioned how much money the Township would receive. Mr. Wolfe answered that it would receive its 10% back.

Mr. Crissman made a motion to approve action on bids for the sale of the vehicles and equipment as follows: 1996 Chevrolet Lumina, to Police Car Store, LLC, in the amount of \$500.00; 2001 Ford Crown Victoria, to Rogers Auto Sales, in the amount of \$610.00; 2004 Ford Crown Victoria, to Police Car Store, LLC, in the amount of \$2,600.00; 2001 Chevrolet Suburban, to Police Car Store, LLC, in the amount of \$2,000.00; 1990 International Dump Truck, to Jay M. Brandt, in the amount of \$1,650.00; and 1984 Trail King Trailer, to Jay M. Brandt, in the amount of \$355.00. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Action on 2009 Municipal Planning Advisory service Agreement
with the Dauphin County Planning Commission

Mr. Hawk noted that the Township annually signs an agreement with the Dauphin County Planning Commission for their services.

Mr. Wolfe explained that, for an annual fee of \$1,000.00, the Dauphin County Planning Commission, through the Tri-County Regional Planning Commission, provides the Township with services. He noted that they provide staff to attend the Planning Commission meetings, and make comments on subdivision, land development, and zoning items. He noted that they provide

technical services in regards to the Comprehensive Plan, and advice on transportation planning. He noted that the Township receives many services from the Dauphin County Planning Commission for a very small amount of funds.

Mr. Seeds made a motion to approve the 2009 Municipal Planning Advisory Service Agreement with the Dauphin County Planning Commission in the amount of \$1,000.00. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 08-46; Designating the Zoning Hearing Board to hear appeals of codes officers actions in the enforcement of the Property Maintenance Code

Mr. Wolfe explained that the Township enforces the 2006 International Property Maintenance Code, and by this resolution, the Zoning Hearing Board would be designated as the appeals body. He noted that the Board had approved a similar resolution at the time it adopted the 2003 International Property Maintenance Code. He noted that the Board failed to set the enforcement procedures when it passed Ordinance 07-15.

Mr. Crissman made a motion to approve Resolution 08-46; designating the Zoning Hearing Board to hear appeals of codes officer's actions in the enforcement of the Property Maintenance Code. Mr. Seeds seconded the motion.

Mr. Seeds noted if someone files an appeal, they must pay a fee. Mr. Wolfe noted that it is the same fee that a person would pay for a zoning variance. He questioned if the fee is refunded if the person wins the appeal. Mr. Wolfe answered no. Mr. Wolfe noted that it is the same for a person who requests a variance, as the fee covers the cost to advertise, court stenographer, payment of the solicitor, zoning board members attendance fees, and the posting of the properties. Mr. Seeds noted that it would be like going to court, and paying for an attorney to represent you. Mr. Stine noted that there is no provision to provide for the return of the fees. Mr. Wolfe noted that the Township is lucky if it receives one codes officer appeal per year. Mr.

Seeds noted that he did not think that staff would cite someone unreasonably for a codes violation, but if it was overruled by the Zoning Hearing Board, he did not think it was right to keep the funds. Mr. Stine noted that people who apply for a subdivision plan, and are denied, do not get a refund on the application fee. Mr. Wolfe noted that it would be the same if someone applied for a zoning amendment. Mr. Crissman noted that it is the price of doing business with the Township. Mr. Seeds noted that if they haven't violated any rules, they should be refunded the fee; therefore, he noted that he would rescind his second to the motion.

Mr. Hornung seconded the motion.

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

Action on the Third Addendum to the Intermunicipal agreement that provides for the construction, operation, and maintenance of the Swatara Waste Water Treatment Plant

Mr. Stine noted that the Third Addendum to the Intermunicipal Agreement is necessitated by the upgrades that will have to occur to the Swatara Waste Water Treatment Plant as a result of the Chesapeake Bay Strategy implemented by DEP. He noted that, in the past, the agreement has been amended, and this is third agreement addendum to the Intermunicipal Agreement. Mr. Stine noted that the Sewer Authority staff met with the Swatara Township Authority staff to come up with the agreement, and staff recommends that the Board approve the agreement.

Mr. Seeds noted that this is the same agreement that the Authority approved at its meeting on October 28, 2008.

Mr. Crissman made a motion to approve action on the Third Addendum to the Intermunicipal Agreement that provides for the construction, operation, and maintenance of the Swatara Waste Water Treatment Plant. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Preliminary/subdivision plan for the Estates of Autumn Oaks

Ms. Moran noted that this plan proposes ninety-one single family dwelling lots and one reserved lot for the installation of a United Water tank. She explained that the property is located off of Patton Road, is zoned R-1, Low Density Residential Districts and consists of 177.49 acres, and 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 a 50-foot buffer has been proposed from the parent tract boundary on Lots 11, 23, 24, and 25, and a distance of 30 feet from the parent tract boundary on Lots 9, 10, and 91. She noted that the buffer area is proposed to be maintained in its existing natural state.

Ms. Moran noted that the Planning Commission recommended approval of this plan on June 11, 2008.

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 under drain 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 of 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 staff comments and HRG, Inc's., comments are included in the Board members' packets, and Mr. Joel McNaughton, McNaughton Company, and Mr. Tim Mellott, of Mellott Engineering, are present to represent the plan.

Mr. Seeds noted that the McNaughton Company has agreed to put a clay liner in certain basins, and he questioned where this would be found in the conditions or on the plan. Ms. Moran noted that it is stated on the plan. Mr. Mellott noted that the requirement is indicated on the plan in two locations in the notes on the grading plan for the three basins that are located in the Estates of Forest Hills. Mr. Mellott noted that General Note 8 on the grading plan, sheet 4-1, states, "Stormwater Best Management Practices were incorporated into the design of the site to manage stormwater runoff discharge rates and enhance water quality. Five (5) Stormwater Detention Basins and several grass lined swales are some of the DEP recommended Best Management Practices proposed with this plan. All stormwater basin bottoms shall be planted with wetland seed mixtures to provide additional water quality treatment. Construction of all stormwater basins, including basin bottom lining and berm/embankment installations, shall be in accordance with the Geotechnical Report prepared by CMX Summary Report of Steep Slope Analysis & On-Site Soil Evaluation for Proposed Autumn Oaks Estates' dated October 8, 2008."

Mr. Mellott noted on the detail sheet for the embankment/berm detail on Sheet 6-1 the same note indicates that the basin bottoms must be constructed per this requirement. He noted that it would be on the recorded plans that would make it a requirement.

Mr. Joel McNaughton noted that Ms. Moran mentioned the key points, but he would like to note that he appreciates the efforts of all in regards to this plan, especially the Board of Supervisors, Chairman William Hawk, Eric Epstein, SWAN, and the residents of Centennial

Acres. He noted that with everyone's efforts, they were able to come up with a plan that meets the concerns of the residents.

Mr. McNaughton noted that the plan was first before the Board on August 5, 2008, and as a result of that meeting, he agreed to conduct additional meetings with the neighbors, and as a result of those discussions, three main points were resolved. He noted that he has provided for a 30-foot buffer for stormwater basin E-2, and a 50-foot buffer for stormwater basin E-1, and they are controlled by plan note number ten which states; "A buffer area is proposed along certain portions of the southern property line of The Estates of Autumn Oaks tract. As depicted on the Plan, the buffer extends a distance of fifty feet (50') from the parent tract boundary on Lot #'s 11, 23, 24 and 25 and a distance of thirty feet (30') from the parent tract boundary of Lot #'s 9, 10 and 91. The buffer area shall be maintained in its existing natural state. The removal of dead, damaged or diseased trees is permitted. Maintenance of the buffer area, including removal of brush, is also permitted. The buffer area may include landscaping and/or supplemental tree plantings, at the discretion of the property owners. The buffer area shall not be occupied by any building, parking or outdoor storage facility. Fencing may be installed within the buffer area at the discretion of the property owner." (He noted that he thought the note protected the area to maintain, clean and add additional plantings or fencing if desired. He noted that it would maintain the existing mature trees that exist in the buffer zone.)

Mr. McNaughton noted that the third item concerned the note on the plan that Mr. Mellott mentioned that includes the results of the geotechnical report from CMX. He noted that the report was submitted with the plan, and has been incorporated as part of the plan. He noted that The ARM Group reviewed CMX's plan, and they agreed to the methods and conclusions that CMX reached in its October 8, 2008 report.

Mr. McNaughton noted that he reviewed the memorandum dated October 28, 2008 as prepared by Ms. Moran and the memorandum dated October 30, 2008 as prepared by HRG, Inc., that provided review comments for The Estate of Autumn Oaks plan. He noted that he has or could address the above-mentioned comments, and, therefore, respectfully requests approval of the plan at this time subject to those conditions.

Mr. McNaughton noted that he wanted to thank Chairman Hawk and the Board members for their efforts, and their willingness to take a proactive approach.

Mr. Seeds suggested, if any trees need to be replaced, he would like Mr. McNaughton to work with the Township's Shade Tree Commission.

Mr. Seeds noted that Mr. McNaughton mentioned The ARM Group, but he questioned who was the other group mentioned. Mr. McNaughton answered that it was CMX. Mr. Seeds questioned who they were. Mr. McNaughton explained that they are a geotechnical engineering group, a national firm with offices in Mechanicsburg. Mr. Seeds questioned who consulted with CMX, The ARM Group or the McNaughton Company. Mr. McNaughton answered that he hired CMX to complete a soils study. Mr. Mellott explained that The ARM Group created a report on behalf of the Centennial Acres residents, and the McNaughton Company hired CMX to address the concerns that were mentioned in The ARM Group's report. He noted that The ARM Group agreed with CMX's conclusions.

Mr. Hawk thanked Mr. and Mrs. Storm and Mr. Parmer for their participation in the process.

Mr. Eric Epstein, SWAN, noted that he provided a handout to the Board members, that included the ten plan notes, as well as a color copy of the map. He noted that he and Mr. McNaughton prepared a press release, dated October 3, 2008, that would be released. He noted that when the residents raised the issues regarding the detention basin, the McNaughton

Company hired CMX to conduct a study, and The ARM Group, who was the engineer for the Centennial Acres neighbors, reviewed the study and signed off on it. He noted that the project would include clay liners in the detention pond, and the Home Owners Association would eventually maintain the detention ponds. He noted that he also wanted to thank everyone involved in the project, especially Mr. Hawk and Mr. McNaughton.

Mr. Epstein noted that the project includes 50-foot buffers that in some instances are more than 50-foot, and the 30-foot buffer that was originally missing. He encouraged the Board members to include this process, the collaboration of government, developer, and citizens in future projects. He requested the Board members to support the plan.

Mrs. Cindy Storm noted that she wanted it on record that detention basins, D-1, and D-2, will exit water into the wetland areas in the area behind her home. She noted that she wanted to state, for the record, that she has lived in her bi-level home for 28 years and has never had water in her lower level. She noted that she does not expect to have problems in the area. She also wanted to thank Joel and Francis McNaughton, and Tim Mellott, and the Board of Supervisors, who took the time to listen to the citizens, especially Mr. Hawk who attended meetings, and also Mr. Seeds.

Mr. Hawk explained that the Board tries to be a listening Board and determine if the action is good for the Township and the residents.

Mr. Ken Parmer, 4292 South Carolina Drive, noted that he wanted to thank Mr. Hawk for his efforts. He noted that the detention basins will be the responsibility of the Home Owners Association (HOA), and he questioned if the acreage would be taxable for Lot 25. He questioned how the HOA would cooperate in the maintenance of the detention basins. He questioned if it is written somewhere. Mr. Mellott answered that the maintenance of all stormwater facilities is allocated on the plan as the responsibility of the HOA. He noted that

there are drainage easements associated with all stormwater facilities, outside of public right-of-ways, noting that the property owner would pay taxes on the easement. He noted that the private individual homeowner would be responsible for those taxes, but the maintenance would be the responsibility of the HOA.

Mr. Parmer questioned who chose the location for the United Water PA storage tank, and why it was not located higher on the mountain to serve the entire development. Mr. Mellott explained that United Water PA was to place their tank at an elevation of 640 feet. He explained that once you get over a certain elevation, then they would have to deal with pressure reducing issues. He noted that it was United Water PA's choice to pick that location.

Mr. Parmer suggested that the Board of Supervisors and Planning Commission should review the buffer zones for detention basins, and when detention basins are built uphill of existing properties, there should be a requirement for geological studies to ensure that water infiltration would not be a problem. Mr. Hawk noted that Mr. Wolfe made a note for this concern.

Mr. Crissman questioned Mr. Joel McNaughton if he was the party responsible to speak for the plan. Mr. McNaughton answered yes. Mr. Crissman noted that Mr. McNaughton was in agreement with the 14 wavers. Mr. McNaughton answered yes. Mr. Crissman questioned if Mr. McNaughton was in agreement to the two site specific conditions. Mr. McNaughton answered yes. Mr. Crissman questioned if Mr. McNaughton was in agreement with the eight general conditions, including the letter dated October 30, 2008 from the Township Engineer, HRG, Inc., with their 18 comments that have been met or will be met. Mr. McNaughton answered yes. Mr. Crissman questioned if Mr. McNaughton was in agreement to the three staff comments. Mr. McNaughton answered yes.

Mr. Crissman made a motion to approve the preliminary subdivision plan for the Estates of Autumn Oaks, #07-27, with the following waivers and conditions: 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 under drain required in basins; 6) Waiver of the maximum cul-de-sac length of 600 feet; 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 foot, 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; 15) Provide a copy of the homeowner's association documentation prior to the final plan approval; 16) On Plan Sheet 1-2, correct the typographical error in the Phasing Plan to reflect Phase IV instead of Phase II. On Plan Sheet 1-1, Site Data, do the same; 17) Plan approval shall be subject to providing original seals and signatures; 18) Plan approval shall be subject to the payment of engineering review fees; 19) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 20) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 21) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 22)

Plan approval shall be subject to the payment of recreational fee in lieu of for 92 lots @\$2,300 each; 23) Negotiate with the Board of Supervisors a contribution for the signalization of Linglestown Road and Parkway West as per the township engineer; 24) Plan approval shall be subject to addressing all 18 comments of HRG's memo dated October 30, 2008; 25) When submitting revised plans respond in writing to all comments of staff, Dauphin County, and township engineer; 26) Any sign that would be placed in Lower Paxton would require approval and a sign permit prior to erecting the signage; and 27) 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 by contacting Matt Miller at 657-5615 to schedule the meeting. This may be held on conjunction with the Conservation District meeting.

Mr. Seeds seconded the motion. Mr. Hawk called for a roll call vote; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye, and Mr. Hawk, aye.

Preliminary/final subdivision plan for 4220 Linglestown Road

Mr. Wolfe noted that this item was removed from the agenda at the request of the applicant, as he granted the Township an extension of time for the plan.

Resolution 08-47: Planning Module for Community General
Osteopathic Hospital (CGOH) Oncology Center

Mr. Wolfe noted that this is a planning module for a land development plan that the Board members previously approved. He noted that it provides for sewer capacity for the Community General Osteopathic Hospital Oncology Center.

Mr. Crissman made a motion to approve Resolution 08-47; the Planning Module for Community General Osteopathic Hospital Oncology Center. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Improvement Guarantees

Mr. Hawk noted that there was one improvement guarantee for consideration.

Dauphin County VOA Living Center

A 10% increase and extension in a bond with Citizens Bank, in the amount of \$324,500.00 with an expiration date of November 3, 2009.

Mr. Crissman made a motion to approve the one listed improvement guarantee as presented. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and the improvement guarantee was unanimously approved.

Payment of Bills

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

Adjournment

There being no further business, Mr. Seeds made a motion to adjourn the meeting. Mr. Crissman seconded the motion, and the meeting adjourned at 7:20 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary