

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held February 3, 2015

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:32 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 Robin L. Lindsey.

Also in attendance was George Wolfe, Township Manager; Steve Stine, Township Solicitor; Tom Madison, Diehm and Sons; and Watson Fisher, SWAN.

**Pledge of Allegiance**

Ms. Lindsey led in the recitation of the Pledge of Allegiance.

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes from the January 13, 2015 workshop meeting, and January 20, 2015 business meeting. Mr. Seeds seconded the motion, and a unanimous vote followed.

**Public Comment**

Joseph M. Fraraccio, 2517 Patton Road explained that he was present at the meeting two weeks ago and wanted to clarify some things from his previous public comment. He noted that he received a packet of information from staff on January 31, 2015.

Mr. Fraraccio explained that he was told at the last meeting that trees which are diseased and rotted on his property could be remove carefully, but having the stop order, his hands are tied. He noted that he can't do anything. He noted that he is concerned because of the termite inspection certification with the mortgage company. He explained that much discussion was held

in regards to the inspection with the Board members so he brought a stake that was knocked over by Classic Communities while they were doing work in September that was located 13 feet from his house and as you can see it is riddled with termites. He noted when spring breaks they will be in his house and he can't get an inspection and he can't get any work done to prevent them from coming into the house, his hands are tied and he can't get rid of the trees.

Mr. Fraraccio noted that he does not wish to create a hazard or a safety issue with the public general welfare between his wife, his neighbors and their children. He noted every time the wind blows down from the mountain on Patton Road the trees are tilting to and fro. He noted that it is a safety issue.

Mr. Fraraccio noted that he requested that the stop work order be rescinded the last time and he has received no answered and it has been 28 days. He noted that the stop work order indicated that he has violated Section 170, 802 E of the Storm Water Management Ordinance. He noted that section specifically deals with permanent storm water best management practices required by an approved Storm Water Management site plan. He noted that it does not exist.

Mr. Fraraccio noted that he would appreciate the Board's immediate attention to this situation so he could resolve the issue. He noted that he has lost 30 days with his contractor and he does not know when they will come back to take care of this.

Mr. Fraraccio noted, in respect to the packet he received on Saturday afternoon at 12:30 p.m., two weeks after the meeting on January 20<sup>th</sup>, there is no reference to any such area on either page of the recorded sub-division plan. He noted that the packet consists of copies of sheets that were developed by R.J. Fisher and Lewis Mar that were signed off by Triple Crown Corporation; a project that was bought out by Classic Communities. He noted that he is surprised that the Board is allowing this because, personally, he does not know the legality of taking bits

and pieces from various pages to try to make it look like a legal document. He noted that the sketch that is attached to it was like the sketch that was submitted for the stop work order by Matt Miller and Sam Robbins. He noted that it does not make sense as the first house to the left, the grounds were cleared, they were sheds on the back of this property that is a buffer zone. He noted that it was all cleared out and the shed was removed by Classic Communities when they were building the last house on the left.

Mr. Fraraccio noted that he did not know what bearing he has as a property owner to take some trees down. He noted that there is no swale that should have been incorporated in this plan from the first house to the creek. He noted that Classic Communities was supposed to do it and they haven't. He noted that it is the Board's responsibility as Classic Communities were legally obligated to do a swale, and it is the Board's responsibility to get after Classic Communities and have this done. He noted that he would be most willing to assist the Board in this matter to get that done.

Mr. Fraraccio noted that each homeowner was notified of these conditions and provided a packet. He noted that his next door neighbor is present in the audience. He noted that there is no conditions or reference to any storm water management obligation in his deed as it was triple checked by his sources. He noted that he does not know how applicable this is and he hopes that the Board will move on it.

Mr. Fraraccio noted that he had a question with the storm water management situation. He noted that all the leaders from the gutters are supposed to be connected to the piping that goes underground to the reservoir but there are a number of houses that don't have all the piping connected, his house is one of them. He noted that Classic Communities says that they are still working on it with the Board of Supervisors.

Mr. Fraraccio noted that the driveway is not applicable for the northeast region. He noted that an associate of his did the same application for the federal building in New Jersey and the design was changed as it was originally an EPA design. He noted that you can't have this type of aggregate in this area due to the cold weather and the snow. He explained that it is impossible to shovel and he showed the third plastic shovel that he went through in one year. He noted that he goes through those shovels every time we have a snow storm. He noted that the driveway is falling apart and disintegrating. He noted that Classic Communities states that it is the Board's requirement and the Board states that it was Classic Communities call on this. He noted that he does not know and he would ask the Board to review these requirements. He noted, in closing, he does not wish to keep people long.

Mr. Hawk noted that he appreciates what Mr. Fraraccio stated at the last meeting but it is a complicated issue and he does not know if this is the opportunity or the right time to try to resolve those issues. He suggested the best way to approach this is, noting that he saw Mr. Wolfe taking notes, is for the Board to meet with the appropriate people. He noted that you can always submit a new engineering plan but he does not know if that is the right way to go; however, it is a possible option. He noted that rather than try to frustrate Mr. Fraraccio anymore, or overload the Board with trying to put the pieces together, it needs to take an independent look at it with the significant parties who can provide their input.

Mr. Fraraccio noted in closing, to keep within the 30-day responsibility of the appeal process, he presented the Board with his formal Appeal. Mr. Hawk noted that you can provide that to the recording secretary. Mr. Fraraccio thanked the Board for their time.

## **Board Members Comments**

Mr. Hawk noted that the Boyd Foundation presented to the Township a donation of \$2,000 to be used for expenses at the Friendship Center. He wanted to publically thank the Boyd Foundation for its donation. He noted that they have done this in the past.

Ms. Seeds noted that two weeks ago, the Board complimented the Police Department and CERT Team for the incident that occurred on Devonshire Road involving a hostage situation. He noted that he was remiss in not thanking the Fire Police from Colonial Park and Linglestown as well as West Hanover Township and Grantville. He explained that he wanted to publicly thank anyone involved with that incident.

Ms. Lindsey noted that it was brought to her attention this past Saturday that the fire police and South Central EMS were also involved as well as the Paxtonia Fire Company. She noted that more people are watching the meetings on TV and it was brought to her attention that she failed to thank them for their services.

Mr. Seeds noted that we don't intentionally try to miss anyone when we are thanking those who assisted in an event.

## **Manager's Report**

Mr. Wolfe noted that the Board of Supervisors continues to seek volunteers for the following boards or committees: Arts Council, Greenway Committee, South Central Emergency Services Operations Board, Friendship Center Operating Board, and an alternate to the Zoning Hearing Board. He noted any residents who are interested in volunteering for a board or committee can obtain an appointment application on the Township's web site or by coming into the municipal center. He noted that there is no deadline for this process. He noted that he would encourage those interested persons to submit an application as soon as possible.

## **OLD BUSINESS**

### Ordinance 15-01; authorizing the issuance of General Obligation Bonds to refund 2009 Series C Bonds

Mr. Hawk noted that the Township is looking to refinance the 2009 Series C bonds by issuing new bonds that will bring a substantial savings to the Township.

Mr. Jay Wenger, Susquehanna Financial Group, noted that two weeks ago the Board provided the charge to move as quickly as possible to get this finalized. He noted that the Township was able to get the rating process completed and the Township's rating has been upheld and confirmed so that is very good news. He explained that Mr. Bova is ready to access the market and he will take the market's temperature tomorrow and Thursday. He noted that he could be in the market as early as Thursday or perhaps as late as Monday or Tuesday of next week.

Mr. Wenger explained that it is a parameters ordinance that provides flexibility to access the market, noting that there has been some volatility of late. He suggested that the strategy is worth the exercise. He noted that Mr. Smida will explain the ordinance that sets forth the high end of what is planned to be borrowed, and the interest rates, so when the paperwork is filed with the Department of Community and Economic Development the Township is within the limits of what it said it would do.

Mr. Tom Smida, Mette, Evans and Woodside, noted that Ordinance 15-01 is the parameters ordinance that was identified by Mr. Wenger. He noted that it provides the formal authorization from the Township to issue a series of General Obligation Bonds that will be styled as a series in 2015. He noted that he is seeking approval of the aggregate principal amount of \$14.5 million, noting that it may reach that amount or it may not, depending on what the market does on the day the bonds are sold. He noted that the ordinance also authorizes the call of the

series C of 2009 bonds. He noted that the Township will be paying its next scheduled debt service which is payable on April 15, 2015 and it will be calling all the bonds that mature April of 2016 to obtain that savings. He noted that the ordinance sets for the provisions of the Local Government Unit Debt Act, noting that it is a General Obligation Bond that the Township is pledging its full faith in taxes, and on Thursday morning of this week, the Lower Paxton Township Authority will meet to agree to a subsidy agreement pursuant to which it will pledge revenues from its operations of the Authority to the repayment of the debt. He noted that the ordinance also sets forth certain requirements of the Internal Revenue Code, Securities Exchange Act of 1934. He noted that it provides for the provisions with respect to optional redemption for term bonds to provide the Township with the maximum amount of flexibility to reach into the market to get the best bang for the dollar.

Mr. Smida noted that it is a refunding project as opposed to new money and it will be 100% subsidized.

Mr. Hawk noted that we are picking Thursday as the day. Mr. Smida answered that the group will look at the market on Wednesday to see what it looks like as there is some volatility in the market at this time. He noted that it could be Thursday or Monday as well. He explained that there is no deadline at this point other than self-imposed to get the best price that we can.

Ms. Lindsey questioned what the savings will be to the Township. Mr. Wenger answered that it would be upwards of \$1 million to \$1.5 million.

Mr. Seeds noted that the savings can be taken as a lump sum or over several years. He questioned if the Board needs to make a decision for that. Mr. Wenger noted that there is some flexibility. He noted that he currently has the savings occurring during the fiscal years of 2015,

2016, 2017, 2018, 2019, and 2020, with a smaller piece in 2021. He noted that the Board will realize the savings over a period of time but not over the life of the bond issue.

Mr. Crissman noted that he has a great concern with leveled debt service and he questioned if we will be doing that. Mr. Wenger answered that the answer is yes for level debt as it is needed to meet the State law requirements; however, you could take it all at one time or over the entire time of the life of the bond issue like you would do if you were refinancing your home mortgage. He noted, in this instance, it planned to be taken over six years but not over the life issue. Mr. Crissman noted that it is good to explain this to the tax payers in terms of tax structures.

Mr. Crissman questioned if someone will comment on the Moody's rating in lite of the economic status of the United States and the impact on the municipality. He noted that it is a positive thing that we need to explain to the residents. Mr. Wenger noted that there is a clear distinction in the marketplace between single rated A issuers and double Aa rated. He noted that there will be a lot of demand and value with the Township's Aa rating. He noted that it speaks very well to the management policies over time in the Township, particularly getting through the recent recession to establish the current credit rating.

Mr. Mike Bova, Boenning and Scattergood noted that the outstanding debt is a 2009 C Series Bond issue in the amount of \$14,380,000. He noted that it is straight forward refinancing going from a higher interest rate to a lower rate interest for maximum yield debt service with a new debt service noting that the rates on the 2009 bond issue ranged from 2.25% in 2015 to 4.25% in 2029. He noted that the new bond issue will have 14 years left on it and he is anticipating that the rates on the refunding issue will be .40% to a yield of 2.85% in 2029. He noted that it will be going from a higher interest rate to a lower interest rate and generating

savings. He suggested that the savings should be about 11%. He noted that most municipalities have a benchmark of 2% minimum with the Commonwealth of Pennsylvania having a benchmark of 3% so this is well above those benchmarks for savings.

Mr. Crissman made a motion to approve Ordinance 15-01; authorizing the issuance of General Obligation Bonds to refund 2009 Series C Bonds. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed

Action on a Subsidy Agreement with the Lower Paxton Township Authority in regard to the refunding of the 2009 Series C Bonds

Mr. Crissman made a motion to approve the Subsidy Agreement with the Lower Paxton Township Authority in regard to the refunding of the 2009 Series C Bonds. Mr. Seeds seconded the motion.

Mr. Jay Wenger noted that since he does not have the final interest rates for the Board members tonight, he will report back to the Board at the next meeting to make all this information public.

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

~~Resolution 14-41; Adoption of the 2015-19 Strategic Plan for Financial Operations~~

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~~Mr. Crissman made a motion to approve Resolution 14-41; adopting the 2015 through 2019 Strategic Plan for Financial Operations. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.~~

~~Resolution 14-42; Adoption of the 2015 Municipal Fee Schedule Mr. Crissman made a motion to adopt Resolution 14-42, adopting the 2015 Municipal Fee Schedule. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.~~

## **NEW BUSINESS**

### Action on appointment of a Deputy Tax Collector for the Real Estate Tax

Mr. Hawk noted that there is a need to appoint a Deputy Tax Collector for Real Estate Tax as a result of new legislation enacted by the Commonwealth.

Mr. Wolfe noted that the Board received, from the Elected Tax Collector, Diane Bair, her designation of a Deputy Tax Collector, Daniel A. Bair, Sr. He noted by the new legislation, it is the Board's prerogative to accept or reject the recommendation. He noted that the act that requires the appointment of the Deputy Tax Collector is not specific for what would happen if the Board would reject the recommendation.

Mr. Steve Stine suggested that it would be the same thing if the Surety would not approve the recommendation, she would probably have to pick someone else.

Ms. Lindsey questioned if it would be a conflict of interest to have a spouse as the Deputy Tax Collection. Mr. Stine answered not that he is aware of. Mr. Hawk noted that he checked with the tax office and about the ethics code and there is nothing that prohibits this.

Mr. Crissman questioned what the timeliness of the Board's approval for this is. Mr. Stine answered that there is no timeline for this as the statute is silent for this. Mr. Crissman noted that his position is that he does not like to sign agreements with more than one party until the others sign the agreement. He noted that the Surety Company has not signed the agreement yet and he would prefer that they sign it before he would take action on the agreement. He noted that he is not objecting to the individual, rather it is the principal and process that he is accustomed to. He noted when the Board must approve something he would rather have the other parties sign it before he is willing to consider it and provide approval.

Ms. Lindsey questioned if Mr. Wolfe has been in touch with the surety. Mr. Wolfe answered no. Ms. Lindsey questioned if they are aware that they must sign the agreement. Mr. Wolfe answered that it would be the tax collector's responsibility to obtain approval from Travelers. He noted that he could check on the status of that for the Board.

Mr. Seeds suggested that there would be no reason why they would not approve the surety. He noted that the law is clear on that. Mr. Stine answered that the surety is bonding the tax collector and whoever works for the tax collector. He noted that they have the authority to say yes that they agree to it or no they don't as it is their money.

Mr. Seeds made a motion to approve Daniel A. Bair, Sr., as the Deputy Tax Collector pending approval of the Surety Company. Mr. Hornung seconded the motion. Mr. Hawk called for a roll call vote: Ms. Lindsey, nay; Mr. Crissman, nay; Mr. Hornung, nay, Mr. Seeds, aye, and Mr. Hawk, nay.

Mr. Crissman stated that we need to have the Township Manager communicate with the Tax Collector and explain the reason for the no vote. He noted that it is not the individual; rather the process, noting that prior to submission to this Board, the Surety Company needs to sign off. Mr. Wolfe noted that he would take care of this.

Request from Triple Crown Corporation for waiver of  
Certain sanitary sewer inspection fees

Mr. Mark DiSanto, Triple Crown Corporation (TCC) explained that he was present with Nat Weiss who is the project manager for TCC and for Stray Winds Farm, which he is now developing.

Mr. DiSanto noted that during his discussions with the Authority, he explained that he wanted to start two sewer crews simultaneously; one crew would install the mainline in the street and behind that a second sewer crew would install the laterals. He noted that the Authority

indicated to him that they would want to have two inspectors on that job at the same time. He noted that he is fully supportive of the aspect of inspections on the job but it is not reasonable to have two inspectors. He explained that one crew would be running the mainline on the street and the lateral crew might be the distance of three or four times this room away from that main crew. He stated that he felt very comfortable requesting that the inspector would be able to walk from the main line back to the laterals and inspect both functions simultaneously. He noted that he indicated with two crews working on this job for Phase One, it is about 7,600 feet of pipe and it would take 35 days for both crews to do the installation. He noted that the second inspector would cost \$57 an hour, times the seven and a half day, times 35 days, noting that it is an additional \$14,962 in inspections. He noted that he is supportive of a fulltime inspection process but it is also reasonable for a single inspector to walk a few hundred feet at most between crews and watch both installations of pipe and compaction.

Mr. DiSanto noted in the discussions the Authority indicated that it does not have the capacity to waive this on its own and that he would have to come to the Board of Supervisors to make this request.

Mr. Hawk noted that the employees are in favor of using two inspectors because of the different responsibilities of the job.

Mr. Hornung questioned what staff's opinion is. Mr. Wolfe answered that Mr. Weaver provided a memorandum in the packet. He noted that it is staff's recommendation, based upon the rules and regulations, to have full time inspection for both construction sites, one for each job and to expect that an inspector could inspect both jobs that are occurring in the same location, but separated by several hundred feet, is more than what one inspector could handle. He noted that it would qualify for full time inspection as required by the regulations.

Ms. Lindsey questioned if one crew would be doing the laterals and one the mainline so they are two separate jobs. Mr. Wolfe answered that the way the job is set up now, Mr. DiSanto would have a mainline crew and lateral crew.

Mr. DiSanto noted that a point of clarification is that the mainline runs up the center line of the street and the laterals are pulled off to the lots so from a reasonableness test, it is one job, within the same vicinity and work area and at times when an inspector goes and sits in his truck; to be able to say that he is paying full time rates for a seven and a half hour day, it is not a question that they are showing a full time inspection of the job, but from a reasonable perspective, one man can walk between fifty and a hundred fifty feet. He noted if anyone has seen a sewer pipe going in the ground, it is not a very fast process. He noted that they are only laying 200 feet to 250 feet of pipe a day. He understands if you had individual separated jobs that were a half mile apart or something, in different locations that would need different inspections. He noted that he is not opposing full time inspection, but it is very reasonable that one person can do this.

Mr. Seeds noted that Mr. DiSanto is probably correct in that he has seen people sitting in vehicles when they probably should be out looking and watching what is going on in the ditch. He noted if they want to do a thorough inspection they might say to the one crew, don't backfill that ditch until the inspector can look at the pipe and inspect it but it could hold up one of the contractors if the inspector might be very thorough and want to see everything before any backfill or tamping or anything occurs. He noted that he has done some inspection work in the past and sometimes you will see that. He noted in the past in Lower Paxton Township we had work that was done without proper inspection for whatever reason and we have problems today

because of that, and it is costing us a lot of money. He noted that it is important to make sure that everything is inspected the way it should be so it is put in properly.

Mr. DiSanto stated that he fully agrees and he noted that what he is saying tonight is in the most respectful way. He explained that he has a very good working relationship with the Township and Authority and he would not be making this request as the value of \$15,000 for the second inspector is significant and he thinks that his request is reasonable. He noted that he has posted an improvement guarantee and financial security for the installation of it and will also have to post a maintenance guarantee after the installation. He noted that he is guaranteeing the work from a financial performance aspect and maintenance aspect and believes that from a reasonable perspective putting two guys on this site is an inefficient use of resources and funds.

Mr. Seeds noted that the trouble now is that the Authority is replacing sewer lines throughout the Township that were put in 25 to 30 years ago and they should still be good but yet we are finding that they were placed next to rock or they did not have the proper stone underneath or on top and there are a lot of problems. He questioned how you go back on someone who did the work 20 to 30 years ago and may not be in business. He noted that there is nothing to go back on for a maintenance or bond agreement.

Mr. DiSanto noted with the process that the Township has gone through over the years, the specifications for installation requirements and material today have all changed significantly from 20 years ago. He noted that the request is one made out of a fiscal request, noting how responsible this Township is, with the bonds and understanding of cost control; but balancing that with good management, this is a reasonable request in light of the proximity of these two crews working on a single job site. He noted that he would not be present to raise this issue if he did not think that it was one of sound judgment for both the Township and the developer. He

noted that he supports 100% inspection, noting that they are there seven and a half hours a day on the job; however, they should be able to look at two pipe crews within a hundred feet of each other.

Mr. Crissman questioned if Mr. DiSanto has had this conversation with staff and with the engineer. Mr. DiSanto answered that he has had it with staff, but he has not met with the Township's engineer. Mr. Crissman noted, in the memo, it lists both the Township staff and engineer who are recommending two inspectors. Mr. Wolfe noted that was the in-house engineer, Mr. Hilson.

Mr. Seeds questioned if we have ever done this before. Mr. Wolfe answered that we have never had this request before. He noted that the Board could grant the request, deny it, or refer it to the Authority consulting engineer for a recommendation. He noted that the Board could approve it with conditions.

Ms. Lindsey noted if we do it for one, then the next person comes along and says that you did it for the DiSanto's, why can't I have it. She suggested that we have to look at that also as it is the first time that it has been requested.

Mr. DiSanto noted that one of the reasons that we have done a lot of development in the Township and we had this request is because of the magnitude of installing 7,600 feet of pipe that needs to go into the ground in a 35 day time frame. He noted that typically you don't have two crews working when you are running a mainline having a lateral crew directly behind it. He noted that he has never made this request before because there are circumstances that the two crews are working in such close proximity it seems very reasonable to him that a qualified inspector could go between two pipe crews that are within 100 to 150 feet of each other, and when you are only laying 200 feet of pipe per crew, at a time, you are literally standing there

watching the machine dig a hole. He noted that it is inefficient and not an effective use of time. He noted that he would not have made the request unless he thought it was very reasonable.

Mr. Seeds noted when they did the sewer lines in the Village of Linglestown he was involved with it since he had properties there. He noted, one day, he was looking at what they were doing and there were two inspectors there and he questioned why there were two inspectors and he was told that one was doing the laterals to the houses and the other was inspecting the mainline. He suggested that they were within 50 yards of each other. He noted that they thought that it was necessary that they should have two inspectors as it was part of the Township's I&I Program. He noted that we always have had two inspectors. He noted that the rate payers are paying for that for all the work we are doing. He questioned Mr. DiSanto how close he thought they would be to one another. Mr. DiSanto answered, in the beginning, they would probably not be more the distance of three time this room.

Mr. Hornung questioned if the inspector has the authority to stop construction until he gets back to it. Mr. DiSanto suggested that he absolutely would if there was an issue. Mr. Wolfe noted if there is an issue in regard to the installation of the job but not to say don't go any further until he gets back, no. He noted that it would result in a delay of damage allegations against the inspector. He noted that we just can't have the inspector say, "stop until I get back".

Mr. DiSanto noted if it would be a condition, he would not have a problem accepting that. He noted that he has no problem working with the inspector on site. He noted that he has had no issues in the past and if they hit hard material or soft material needing an undercut, even if the inspector says to stop and wants an undercut and bedding put under there for pack and fill, he never had an issue and if that would be a condition he would be happy to accept that. He noted if he got to a position where even an inspector stated that it is impossible for him to

effectively do the job, he would not fight that battle. He noted that he would accept that as a condition as well.

Mr. Seeds noted that there may be times when one inspector could do the job and there may be times when there should be two, when you are the furthest apart. Mr. DiSanto noted if the inspector stated that he needs two inspectors on a certain day he would be happy to accept that condition. He noted that he does not think what he is requesting is unreasonable and unachievable for a qualified inspector due to the close proximity of the work. He noted that it is new work; they are not working in a situation where they are working around existing gas lines, sidewalks, traffic hazards, that is a totally different animal in the installation. He noted that this is brand new work, in an open site, and those conditions were thought to be appropriate and he would have no problem accepting those conditions.

Mr. Hornung questioned how many feet of pipe do you need to run in how many days. Mr. DiSanto answered 7,600 feet in 35 days, about 200 feet a day.

Ms. Lindsey suggested going back to Mr. Weaver and Mr. Hilson and talk to them about this.

Mr. Hawk noted that he sees both sides of the story noting that he sees the Authority's point of view and also Mr. DiSanto financial perspective. He noted that Mr. Wolfe offered several conditions as an option or the GHD could take a look at this project. He questioned Mr. DiSanto if we brought in another set of eyes, what it would do to your project, how much it would delay it. Mr. DiSanto noted that the Board has a meeting next Tuesday, and if they wanted to talk to the engineer or consider conditions that would be acceptable to the Board a week won't change this significantly; however, if it is dragged out for a couple of weeks, he will

be well on his way with completing the work. Mr. Hawk noted that we need to be responsible for what we do, and if another set of eyes could provide more clarity that is what we are looking for.

Mr. Seeds noted that Mr. DiSanto mentioned that it would be three times the width of this room, so it would be comparable to the length of a football field. He noted that everyone can visualize that, and if we put a limit to that length would it be a problem. He noted if Mr. DiSanto planned to do more work then he would need the additional inspector.

Mr. DiSanto noted if you discuss this with the Authority Engineer they will make the same recommendation as staff since that is what the ordinance requires, 100% inspection. He suggested that it can be achieved with a single inspector. He noted that the Township would be more flexible if it approves this request with the condition that the inspector, on his own authority, can say he can't do it, stop the work and he needs two inspectors on a specific day and he could manage the process as he sees fit. He noted if it is 250 feet and too much for one inspector then he should be able to say that. He noted if you could approve this request with those condition that the authority inspector has the decision making ability to say that it can't be done and he needs two inspectors on certain days, let him make the call and he will abide by it.

Mr. Hawk noted that the Township would have to make sure the inspector has the integrity to raise the flag. Mr. DiSanto answered that it is the Township's staff and they are there for the Township's benefit.

Mr. Seeds noted that Mr. DiSanto won't be starting work next week. Mr. DiSanto answered that we are digging dirt and worked today. He noted that he was working with a single crew today.

Mr. Crissman noted that the Board is not in a position tonight with regard to the condition that Mr. DiSanto has presented and he thinks that we need to have staff review the possible

conditions, and then get back to the Board to determine if they could support the condition or if not, offer their recommendations.

Mr. Hornung noted that there were two conditions. He noted that one would be the need for an additional inspector if needed and the other one would be the ability to stop the work until the inspector gets back to that site. Mr. Crissman noted that he wants staff to review them and provide a response to the Board since this is the first time that we have heard this. He noted that it has not been discussed with staff and he would like them to review and provide a quick response back to us.

Mr. Hornung noted that 200 feet a pipe a day is a lot of pipe and he questioned if it would be too much pipe for one inspector. He noted that he did not know what the capacity is for one inspector to do in a day. He noted when they are digging the inspector does not have to be there, only when they get to the bottom after they have it all cleaned out and as they lay the pipe, the inspector has to be there to make sure the joints are connected properly. He noted that he can see some conflict when they are doing the same task at the same time that the inspector would have to jump. He noted that putting in 250 feet of pipe, you may be penny wise and dollar foolish not to have two inspectors there to make sure the job continues to move along smoothly so they don't hold up the work. He noted that it wouldn't take very long for an inspector to hold up a contractor before your \$15,000 savings is eaten up. He noted that he does not have enough information and he questioned if the inspector would have the judgment capabilities to determine that he needs another inspector or not. He noted that he needs answers to these questions.

Mr. DiSanto noted if the inspector stops the job to slow down the work for production, it would be economically unfeasible then he would make the decision to pay for two inspectors. He noted that he works in so many other municipalities. Mr. Hornung noted that you would not

make that decision. Mr. DiSanto noted that he could say that the job is not going fast enough and he would ask for a second inspector.

Mr. Seeds questioned if the 200 foot of pipe a day includes both the laterals and mainline. Mr. DiSanto answered on average it would be for both crews in a day, nothing that it may go to 300 feet on some days depending on the depth of the pipe to be laid.

Mr. Wolfe noted that he can get answers for the Board for next Tuesday's workshop session. Mr. DiSanto noted that he will contact Mr. Weaver and will be back next Tuesday.

#### Preliminary/final land development plan for Mid-Atlantic Machinery

Mr. Wolfe noted that the Preliminary/Final Land Development Plan for Mid-Atlantic Machinery proposes to construct a 3,625 S.F. addition to its existing facility at 6332 Flank Drive. Associated with the addition will be the realignment of one the access drives to the facility and a reconfiguration of the existing parking lot to add additional parking. He noted that stormwater management improvements are required per the Stormwater Management Ordinance and are proposed with the plan. He noted that according to the plan, there are no wetlands, floodplains, or significant natural features on the site that would be affected by the proposed improvements. He explained that the facility is a leased space owned by K&T Enterprises, with Mid-Atlantic Machinery occupying the eastern half of the building, and the western portion is presently vacant. The lot is comprised of 1.027 acres and located within the Business Campus (BC) Zoning District.

Mr. Wolfe noted that the existing use of the building is industrial equipment sales, rental and service, which is not permitted in the BC District and it was established as a conforming use prior to the enactment of the 2004 Zoning Ordinance and map which reclassified the site as Business Campus, rendering the use nonconforming.

Mr. Wolfe noted that on August 28, 2014, the Lower Paxton Township Zoning Hearing Board granted a special exception to permit the expansion of the non-conforming use by up to 36.3% (building expansion) and 30.8% (impervious coverage expansion), respectively.

Mr. Wolfe noted that the plan has three waivers: 1) a waiver from the requirement to provide street trees for every 50 L.F. of street frontage. Staff supports waiver of this requirement as there are existing mature trees along the frontages of Aster Drive and Flank Drive. The applicant is also proposing additional tree planting within the front of the lot with their landscaping plan. Due to the spacing of existing trees and underground utilities, it does appear feasible that any additional trees can be placed; 2) A waiver from the requirement that lite street trees are to be placed between the curb and sidewalk, noting that staff supports waiver of this requirement as there are a significant amount of underground utility lines shown on the plan in the area between the curb and sidewalk, the trees are proposed to be placed away from these utilities; and 3) a waiver from the requirement that inlets shall be in accordance with PennDOT Publication 72M. The plan proposes to install a Type-C inlet located just off of the radius of the proposed driveway, to provide the minimum 5' separation distance. Because existing pipes are being tied in to the proposed inlet, there is insufficient room between the top of the existing pipes and the existing grade of the roadway to fit a 12" thick inlet top, which is the current PennDOT Specification per current RC-45M. The plan proposes to use an 8" thick inlet top, which was specified in the previous PennDOT Specification, RC-34. He noted that staff supports waiver of this requirement as the 8" inlet tops are readily available from precast concrete suppliers in the area and are still commonly utilized for similar situations.

Mr. Wolfe noted that this is a zoning ordinance comment to add a note to the plan indicating that it is strongly encouraged that the facade materials for the proposed addition be

glass, brick, or decorative masonry. He noted that there is one Subdivision and Land Development Ordinance comment to demonstrate that there is a smooth transition from the parking lot to the entrance of the facility to accommodate ADA accessibility requirements. At the January 7, 2015 Planning Commission meeting, Mr. Matteson (Diehm & Sons) stated that a smooth transition will be provided between the parking lot and entrance to the facility.

Mr. Wolfe noted that there are nine administrative comments as well as engineering comments from GHD, the Authority Engineer. He requested that those comments be included in the motion for approval.

Mr. Wolfe noted that Tom Matteson of Diehm and Sons is present to represent the plan.

Mr. Matteson noted that he prepared the plan on behalf of Mid-Atlantic Machinery. He explained that the parcel is zoned Business Campus and was granted a special exception for the expansion of the non-conforming use. He noted that the building is 10,000 square feet and split down the middle, 5,000 to each side, with two tenants. He noted that the west side of the plan is not occupied at this point as they have been marketing it but it remains vacant. He noted that Mainline Machinery is on the eastern side of the building and that is the side that they are looking to expand. He noted that they want to provide additional room for storage and unloading of machinery. He noted that they would like to have more space for equipment shows that they do a few times a year. He noted that they are willing to put in a new overhead door on the expansion and the ability to get vehicles in and out of that door will necessitate that the access drive that serves the site be sifted to the east to accommodate the line up with the door. He noted that is why the access drive is being shifted. He noted that the current parking lot is angled, is extremely tight, and there is not enough room to back out of it. He noted that he will be adding additional macadam in front of the parking, turning the space to be a perpendicular

parking arrangement, having the Township required isle behind the parking spaces so it will function much better than it does today. He noted that this would add two parking spaces.

Mr. Maddison noted that he will provide the required sidewalk along Aster Drive and stormwater would be handled by underground infiltration facilities. He noted that the engineer has signed off on that plan.

Mr. Seeds questioned what a lite tree is. Mr. Wolfe answered that it is a street tree. Mr. Seeds noted that they will not be placed between the curb and the sidewalk. Mr. Maddison showed that they are proposed to be located back in the parking lot a little bit more as opposed to being planted out by the street where the utilities are located and they would be smaller trees. He noted that they would not be the full size shade trees that you might see, a little smaller in scope.

Mr. Seeds noted that we need to add a tenth comment to include the comments from GHD Engineers. Mr. Maddison noted that he submitted a letter to them to address those comments.

Ms. Lindsey noted that the one comment concerns that the Township Fire Marshall should determine if any truck turning templates for their emergency vehicles need to be provided. She questioned if they need any of those. Mr. Wolfe answered that he received a comment from the Fire Marshall today that in his review of the plan as long as striping is provided, per the pavement marking section of the ordinance for fire lanes, he would be have no problem with the plan. Ms. Lindsey questioned if Mr. Maddison was okay with that. Mr. Maddison answered yes. Ms. Lindsey questioned if he was fine with the fire lane to be installed in the front lot. Mr. Maddison answered that is what Mr. Wolfe referenced. Ms. Lindsey noted that she was speaking to the truck turning templates. Mr. Maddison responded that they were provided previously and suggested that it was a carryover in the comment section.

Mr. Crissman questioned, in relation to the lite trees, what is a lite tree. Mr. Seeds suggested that it is a smaller tree. Mr. Maddison noted that he is not familiar with the term that they used in the letter, he suggested that it is a smaller, ornamental tree rather than a shade tree. Mr. Crissman noted that we are talking about what we think it is. Mr. Wolfe noted that was staff's comment noting that it would be a smaller tree. He noted that he would defer to any recommendations made by Norman Laccase and the Shade Tree Commission. Mr. Seeds noted that Mr. Maddison needs to contact the Shade Tree Commission for assistance in this matter. Mr. Maddison noted that the plan has a landscape plan and he would be open to any suggestions. He noted that the developer does not have a strong opinion in regards to this. Mr. Wolfe noted that the Shade Tree Commission would be able to provide a reasonable recommendation. Mr. Maddison noted that there are mature trees but he would be supplementing some trees along the parking area. Mr. Wolfe noted that staff would help Mr. Maddison with making contact with the Shade Tree Commission.

Mr. Crissman questioned Mr. Maddison if he could speak on behalf of the applicant. Mr. Maddison answered yes.

Mr. Crissman questioned Mr. Maddison if he had the memo from staff in regards to the waivers and comments. Mr. Maddison answered that he has the document dated January 29, 2015. Mr. Crissman noted that was correct.

Mr. Crissman noted that staff supports waivers one and two noting the discussion over lite trees and the Shade Tree Commission explanation for what lite trees are. Mr. Maddison noted that he agrees with this statement.

Mr. Crissman noted that waiver three concerns staff's support of the eight inch inlet tops. Mr. Maddison noted that is acceptable to him.

Mr. Crissman noted for the Subdivision and Land Development Ordinance that Mr. Maddison stated that a smooth transition will be provided between the parking lot and entrance to the facility. He questioned Mr. Maddison if it will accommodate the ADA accessibility requirement. Mr. Maddison answered, at the current time, there is a front porch on the building that has a lip onto the parking lot and there is no ADA parking on the site, but he is adding ADA parking as part of the project and will remove some of the macadam around the concrete porch and smooth the transition with grades that will comply with ADA to provide a flush transition.

Mr. Crissman questioned if Mr. Maddison will comply with the first administrative comment in a timely fashion. Mr. Maddison answered yes.

Mr. Crissman questioned if Mr. Maddison is in agreement with the Fire Marshall's comments requiring that fire lanes be indicated at the front lot. Mr. Maddison answered that they will be done to the satisfaction of the Fire Marshall.

Mr. Crissman questioned if Mr. Maddison is in agreement with items three through eight. Mr. Maddison answered yes.

Mr. Crissman questioned if Mr. Maddison has read the eight comments from Steve Fleming, HRG, Inc. letter dated December 23, 2014 and will comply with those comments. Mr. Maddison answered yes.

Mr. Crissman noted that he is going to add comment ten to include the comments made by GHD, the Sewer Authority engineer, and that Mr. Maddison is in agreement to those comments. Mr. Maddison answered yes.

Mr. Crissman moved to approve the preliminary-final land development plan to include the three waivers: 1) A waiver from the requirement to provide street trees for every 50 L.F. of street frontage. Staff supports waiver of this requirement as there are existing mature trees along

the frontages of Aster Drive and Flank Drive. The applicant is also proposing additional tree planting within the front of the lot with their landscaping plan. Due to the spacing of existing trees and underground utilities, it does appear feasible that any additional trees can be placed; 2) A waiver from the requirement that street trees are to be placed between the curb and sidewalk. Staff supports waiver of this requirement as there are a significant amount of underground utility lines shown on the plan in the area between the curb and sidewalk, lite trees are proposed to be placed away from these utilities. (It was noted that the word lite was a typographical error and should have read, the instead of lite); 3) A waiver from the requirement that inlets shall be in accordance with PennDOT Publication 72M. The plan proposes to install a Type-C inlet located just off of the radius of the proposed driveway, to provide the minimum 5' separation distance. Because existing pipes are being tied in to the proposed inlet, there is insufficient room between the top of the existing pipes and the existing grade of the roadway to fit a 12" thick inlet top, which is the current PennDOT Specification per current RC-45M. The plan proposes to use an 8" thick inlet top, which was specified in the previous PennDOT Specification, RC-34. Staff supports waiver of this requirement as the 8" inlet tops are readily available from precast concrete suppliers in the area and are still commonly utilized for similar situations; 4) add a note to the plan indicating that it is strongly encouraged that the facade materials for the proposed addition be glass, brick, or decorative masonry; 5) Demonstrate that there is a smooth transition from the parking lot to the entrance of the facility to accommodate ADA accessibility requirements. At the January 7, 2015 Planning Commission meeting, Mr. Matteson stated that a smooth transition will be provided between the parking lot and entrance to the facility; 6) Zoning permit shall be required for the plan; 7) The plan shall be reviewed by the Township Fire Marshall, whom shall determine whether fire lanes are needed.

Any fire lanes that are determined to be necessary shall be shown on the plan, and the Township Fire Marshall should determine if any truck turning templates for their emergency vehicles need to be provided. The Fire Marshall has reviewed the plan and requires that fire lanes be indicated at the front lot; 8) When received, provide a letter from the Dauphin County Conservation District indicating approval of the final Erosion and Sediment Pollution Control Plan; 9) Provide evidence of approval of a Sewage Planning Module from DEP or documentation that no such approval is necessary for the plan; 10) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 11) The applicant shall pay all required fees prior to plan recording; 12) Once approved, final plan submissions shall include a scanned, full size (.pdf) copy and an electronic file of the complete plan set and any other technical plans on a compact disk (CD). The digital file shall comply with the requirements in Article 3, § 180-308. Digital Plan Requirements; 13) The applicant shall be responsible for scheduling all required inspections; 14) Plan approval shall be subject to addressing all 8 comments of Steve Fleming, HRG, Inc. letter dated December 23, 2014; and 15) Plan approval shall be subject to review and approval by the Township Authority Engineer, GDH. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Action bids for the sale of municipal vehicles

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~~Mr. Crissman made a motion to approve the bids for the two vehicles as indicated by Mr. Wolfe for the 2006 Explorer and 1997 Chevy as well as the authorization to re-advertise bids on the other vehicles. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.~~

## Improvement Guarantees

Mr. Hawk noted that there was one ~~two~~ Improvement Guarantee ~~and one Stormwater Guarantee~~ to approve.

~~Amber Fields, Phase III~~ Copperstone Estates

~~\_\_\_\_\_~~ A new bond with Lexon Insurance Company in the amount of \$235,005.38 with an expiration date of February 3, 2016.

~~Stormwater Guarantee~~

~~Verizon Wireless PRISM Center~~

~~\_\_\_\_\_~~ A new bond with ~~Westchester Fire Insurance Company in the amount of \$14,200.00 with an expiration date of December 16, 2015.~~

Mr. Crissman made a motion to approve the one listed improvement guarantee. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

## Payment of Bills

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

## Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting, and the meeting adjourned at 8:50 p. m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

William L. Hornung  
Township Secretary