

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Business Meeting held February 16, 2016

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:29 p.m. by Chairman William L. Hornung, on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hornung were: William B. Hawk; William C. Seeds, Sr., and Robin Lindsey.

Also in attendance was George Wolfe, Township Manager; Steven Stine, Township Solicitor; Christopher Bauer and Michele Madzellan, HRG; Esten Rusten and Ken Grubb, GHD Engineers; Attorney Steve Nicholas, Santo and Anthony Vella; Brian Evans, Evans Engineering; and Watson Fisher.

Pledge of Allegiance

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

Approval of Minutes

Ms. Lindsey made a motion to approve the minutes from the January 19, 2016 business meeting and February 2, 2016 special workshop meeting. Mr. Hawk seconded the motion. Mr. Hornung called for a roll call vote and a unanimous vote followed.

Public Comment

No public comment was presented.

Chairman and Board Members Comments

Ms. Lindsey wanted to thank the Public Works Department for the good job that they did removing snow for the last two days. She noted that she also wanted to thank the members of the Sewer Department who assisted with the plowing of snow.

Oath of Office to Fire Police Officers

Mr. Hornung noted that fire police officers volunteer a great amount of time to direct traffic in all kinds of weather. Mr. Seeds noted that they have the same powers as police officers when directing traffic. He noted that many times motorists fail to pay attention to fire police and he asked that the public pay attention to what these individuals direct you to do.

Mr. Hornung swore in George Aupperlee and Robert Book as Fire Police Officers for the Linglestown Fire Company. After the swearing in, pictures were taken.

Manager's Report

Mr. Wolfe noted that the Police Department is sponsoring the 15th Annual Citizens' Police Academy, starting on February 29 to May 9th. He noted that classes run on Monday evenings from 6 p.m. to 9 p.m. He noted that participants in the class receive presentations from Township Police Officers in regard to patrol operations, evidence collections, accident investigations, use of force, and criminal investigations. He noted that members of the Dauphin County Drug Task Force and Dauphin County Critical Response team will address the class. He explained that the Township's Canine Officer and Dog will also make a visit to the class. He noted that the class visits sites such places as the Dauphin County Coroner's office, Dispatch and Prison, Judicial Center and a District Justice Magistrates office as well. He noted that

applications for the Academy can be found on the Township website or by calling the Police Department.

Public Presentation

Jonestown Road Bridge Replacement Project

Mr. Wolfe explained that the Jonestown Road Bridge is jointly owned by Lower Paxton and West Hanover Townships and presentations like this will be held at both municipalities. He noted that the Townships have retained Herbert, Rowland and Grubic (HRG) to design the replacement of the Jonestown Road Bridge, and that the bridge replacement is funded by federal, state and some local funds. He noted that the total project cost is estimated to be \$1.6 million for construction. He explained that Christopher Bauer, from HRG, is present to make the presentation.

Mr. Christopher Bauer explained that he is the Project Manager and Michele Madzellan is his assistant Project Manager for this project to replace the Jonestown Road Bridge. He noted that it is a joint owned bridge that is located on Jonestown Road and is structurally deficient and in need of replacement. He noted that the some of the funds used to replace the bridge are federal funds, and a requirement of the federal funds is to have a meeting like this to talk about the bridge and solicit comments. He noted that he will leave the boards that he has brought to the meeting to be displayed in the lobby for the next 30 days. He stated that he is seeking comments from this presentation and will also seek comments from the presentation scheduled at the West Hanover Township Building. He explained that once the 30 day period is over, he will collect all the comments and address them.

Mr. Bauer explained that the local funds are coming from a Dauphin County Local Share Gaming Grant.

Mr. Bauer pointed to the stone house on the map, the creek and the bridge to be replaced. He noted that the bridge will be replaced on the existing alignment and it will have twelve foot lanes and four foot shoulders. He noted that sidewalks will not be a part of this project but it will have wider shoulders for people to walk across. He noted that there will be guiderails at the approach to the bridge at all four sides. He explained that the current bridge is a two-span bridge with a pier in the middle but the pier will be removed and it will be a single-span bridge open to all legal loads. He noted the bridge is load posted at this time causing issues for truck transport and any other heavier transportation and having the bridge replaced will improve EMS response times. He noted that the road is also used as a detour for when there are incidents on Route 22 and I-81. He noted that the bridge is an integral part of the transportation network.

Mr. Bauer explained that construction will take between six to nine months long and it will start in the summer of 2017 and be completed in the early summer of 2018. He noted that all the preliminary engineering and environmental studies have been completed and there are no wetlands involved with the project, and no historic building impacts.

Mr. Bauer noted that he met with PennDOT and received the safety review approval and is now entering into final design.

Mr. Hornung questioned, during construction, what the detour will be and how long will it last. Mr. Bauer answered that the detour will use RT. 22 providing for a simple detour. He noted, due to the complexity of the bridge, and the fact that if we do staged construction it would take longer and cost more. He noted that the bridge will be removed and replaced using a detour for

the traffic. Mr. Hornung questioned how long will the bridge be closed. Mr. Bauer answered six to nine months, but since it is a simple single span bridge, it may be closer to six months or less.

Ms. Lindsey noted that Mr. Bauer was talking over a year until you begin construction, and she questioned if it is okay to drive on it. Mr. Bauer answered yes as it is perfectly safe as they inspect it every year, and if there is a need, they will change the weight restrictions for the bridge. Ms. Lindsey questioned if there was a fire in that area, are the fire companies okay to use the bridge. Mr. Bauer answered yes.

Mr. Bauer noted that the existing bridge is about 24 feet wide and the new bridge will be 24 feet wide road with four foot shoulders on each side. He noted that it will be a modern concrete structure.

Mr. Bauer noted that they needed to identify what potential impacts this project could have. He noted that there is a stone house which is historic eligible and in order to keep the project on schedule we will not have any impacts on that property. He noted that this is a navigable waterway as it is listed in the canoeing guide. He noted in order to mitigate the impact of the bridge we have to put in an aid for a navigation plan for the construction procedures. He noted that the mitigation for sewer property is to avoid it. He noted that we have the normal impact with the floodplain as this is normal with any bridge construction. He noted that it will be temporary so there is no mitigation.

Mr. Bauer noted that the bridge will be closed between six to nine months for construction and the traffic will be detoured as they are working with PennDOT to allow a dynamic message signage board prior to the construction forewarning of the closure. He noted that it would be good for the Township to post something on its website and newsletter.

Mr. Hornung questioned what portion of the overall cost is the Township responsible for. Mr. Bauer answered 5%, although it was covered through a Dauphin County Gaming Grant. Mr. Seeds noted that the 5% is split with West Hanover Township. Mr. Wolfe noted that the Gaming Grant was joint to both municipalities in the amount of \$80,000.

Mr. Seeds noted that we have been discussing this for years and things don't happen very quickly when you have federal, state and local governments involved. Mr. Bauer noted that the project is to start in the summer of 2017. He noted that the preliminary cost estimate is \$1,187,000 for construction. Mr. Haschert questioned what the professional engineering cost was. Mr. Bauer answered that he did not have those figures with him. Mr. Seeds suggested that it in his document and it is listed at \$230,298.55.

Mr. Bauer noted that he had information packets to distribute along with comments cards. He noted the information will be on display at the Municipal Center along with the charts for the next 30 days.

Old Business

Review of the bid specifications for the addition to the Public Works building

Mr. Wolfe noted that the Township is in the process of designing an addition to its existing Public Works Facility. He noted that the addition is approximately 16,000 square feet in overall area. He explained, that prior to designing the facility, the Township began site work including the relocation of a ballfield to accommodate the addition to the Public Works Facility. He noted the architects from GHD are present to provide the Board with a summary of the project.

Mr. Esten Rusten, GHD noted that the drawings for the proposed project are done and he is looking to put it out for bid on March 1st. He noted that the process would provide for a one month bid period, with bids due April 1st to provide enough time to approve the bids for either the April 5th or April 19th Board meeting. He noted that he anticipates starting construction May 1st taking six months to complete around November 1st. He noted that there are two different times of substantial completion; November 1st for the garage having it operational for the winter season, and then providing an additional two months to wrap up the interior work.

Mr. Grubb explained that included in the bid process is a vehicle wash facility which is part of the project. He noted that it was elected to set that aside as an alternate to the project. He noted the entire packet includes 16,200 square feet to include the new garages and the office facilities, renovations to the existing facility, and a separate bid for the vehicle wash facility to provide an idea for budgeting purposes for what it would cost.

Mr. Wolfe requested Mr. Rusten to provide a summary of the floor plan. Mr. Rusten pointed out the areas of expansion and the location for the new car wash facility.

Ms. Lindsey questioned if the wash facility will be included in the bid or is it separate. Mr. Rusten answered that it will be separate. Mr. Grubb explained that the base bid will be for the rest of the project with an alternate for the wash facility. He noted that the intent with the wash facility is to have it operational as the main garage to beat the winter season with both. He noted they want to be able to use the new garage for the storage of equipment and also use the wash facility to remove the salt from the trucks as well. He noted that last phase is the office facility that could lag behind as they are normally more time consuming in completing.

Mr. Hornung noted that the wash facility is key for our maintenance and extending the life of the equipment. He questioned when the last time the building was expanded. Mr. Wolfe answered that it was completed in 1988 but it has never been expanded. He noted that the existing building is about 27,000 square feet so it will be increased a little less than 50%.

Mr. Wolfe requested Mr. Rusten to provide an estimate of project costs. Mr. Esten answered that he was looking at \$2.8 million for the garage and \$500,000 for the vehicle wash facility for a total of \$3.3 million.

A question was asked what vehicles would be washed at the facility. Mr. Wolfe answered that Lower Paxton Township operates a fleet of equipment and vehicles that numbers more than 80. He noted that we do most of the maintenance on all of our equipment at the existing Public Works Facility with three bays and we have an existing wash facility although it is not large enough to accommodate many of our larger trucks. He noted that it will be a facility that can accommodate all sizes of trucks and heavy equipment in our fleet, as well as police and township vehicles.

A question was asked if it can handle a fire truck. Mr. Wolfe answered that the tiller ladder unit would be too big, but it will be able to wash a tanker, small rescue unit, or ambulance.

Mr. Haschert questioned what the hours of operation are. Mr. Wolfe answered that Public Works and Sewer operated from 6:30 a.m. to 2:30 p.m. except during emergency conditions.

Mr. Fisher questioned if the wash facility is a separate building. Mr. Rusten answered yes and explained that it would be located in the parking area for the Sewer garage. Mr. Fisher

questioned if it is new building Mr. Rusten answered yes. Mr. Fisher questioned if the major addition is to the north of the existing building. Mr. Rusten answered yes.

New Business

Resolution 16-04; approving the transfer of restaurant liquor License No. R-9432 into the Township for use by Central Dauphin Italian Pizza

Mr. Stine noted that this is the time and date set for the Public Hearing on Resolution 16-04 which would approve the transfer of Restaurant Liquor License No, R-9432 into the Township for use by Central Dauphin Italian Pizza.

Mr. Steve Nicholas, an attorney in Dauphin County, explained that he represents Central Dauphin Italian Pizza Incorporated, a Pennsylvania business incorporation, and with him is Santo Vella and Anthony Vella, father and son who are the sole owners of the company. He noted that they are present to answer any questions that anyone may have.

Mr. Nicholas thanked Mr. Wolfe and Ms. Zerbe for their assistance with the process. He noted that the purpose of his appearance is to secure the approval to move Retail Liquor License No. R-9432 from the City of Harrisburg to Lower Paxton Township, to 4501 Locust Lane. Harrisburg, Pennsylvania, 17109. He noted that the license is currently issued to a company known as Adriatic Associates Incorporated for use in the City of Harrisburg and he is asking that it be moved to Lower Paxton Township. He noted that the license is currently held in safe keeping by the PA LCB and his client is purchasing this license on an arm's length transaction.

Mr. Nicholas noted that the request is made pursuant to Act 141 which was signed into law on December 20, 2000, which took effect February 19, 2001. He noted that a brief summary of the quota system under the liquor code maybe helpful.

Mr. Nicholas noted that no one remembers Prohibition but it began with the ratification of the 18th Amendment on January 16, 1919, and it ended with the ratification of the 21st Amendment on December 5, 1933. He noted that that the Pennsylvania Liquor Code was enacted sometime thereafter and it has been amended on numerous occasions. He noted when it was first enacted, the PA LCB established a quota system for each municipality. He noted that each municipality had the option to go dry, not allowing the sales of alcohol; if not, it was considered a wet municipality. He noted that the first quota was that one license was available for every 1,000 inhabitants in the municipality. He noted that it was amended to restrict the number of licenses to one license per every 2,000 inhabitants and now it stands at one license for every 3,000 inhabitants. He noted with each amendment the prior existing licenses were grandfathered in so they remain, and as a result of the grandfathering, there are very few municipalities in Pennsylvania that can have a liquor license issued by the LCB for \$300 or \$400. He noted that Act 141 amended the Liquor Code dramatically because it took us from a municipal quota system to a county-wide quota system. He noted that you could now move a liquor license from one municipality to another municipality, noting that it was permitted under the prior codes but only a few instances such as if your property was destroyed by fire or flood could you apply to another municipality to move it. He noted that prior to this amendment, a license could only be used in its municipality. He noted that the current law permits the transfer from one municipality to another but it requires first the permission of a governing board such as the Board of Supervisors. He noted if the approval is granted this evening, it does not automatically mean that a liquor license establishment can be opened in Lower Paxton Township. He noted that it only means that his client can apply to the PA LCB to see if he qualifies to be issued a liquor license.

Mr. Nicholas explained that the application to the PA LCB is a two-step process under Act 141. He noted that this is the first step and the second step is to file an application to the PA LCB. He noted when he files the application with the LCB, a large orange poster must be posted on the establishment until the entire process is completed.

Mr. Nicholas noted during the second step there is a very stringent investigation conducted by the PA LCB with the building having to meet certain qualifications. He noted under the Liquor Code, a building to be licensed for a retail restaurant liquor license must have 400 square feet and must seat 30 patrons. He noted this establishment exceeds the square footage as it is 4,500 square feet and the seating capacity is 35 to 40 patrons. He noted that they must pass a police background check, a financial ability to conduct its business, and they must provide the LCB the source of all funds being used for the project. He noted that neighbors and churches within a certain proximity of the business may file an objection with the LCB and it results in a public hearing before the LCB. He noted that the business operation requires that there be a full time manager on site and Anthony Vela has been the full time manager since the existence of the business. He noted upon approval by the LCB scrutiny begins immediately. He noted that the Liquor Code is enforced by the Bureau of Liquor Control Enforcement which is a bureau within the Pennsylvania State Police. He noted that they conduct open and confidential investigations. He explained anyone can file an anonymous complaint and they will investigate the incident. He noted while they are investigating incidents they may see other matters that come to their attention, and it could result in a citation for such as a sale to a minor, noting that the minimum monetary fine is \$1,000; however, the judges over the years have raised that to \$1,500. He noted that a second violation fine is \$2,000 and for a third violation, you stand the

chance of losing your license. He noted that business operation must be very carefully monitored by the ownership or they could lose their entire investment.

Mr. Nicholas noted that this business has a full menu of selections and it will not change. He noted that they will not install a bar as it is a take-out pizza place and part of the sales of beer will be home delivery as permitted under the liquor code. He noted that they may have some wine available for consumption on the premises, but it will be mainly take-out beer. He noted that he estimates the business from take-out to be 80% of its gross business so 20% might go be for eating food at the premises, but it is mostly a take-out business. He noted that mistakes are very expensive and we try to control those mistakes by taking the Responsible Alcohol Management Program (RAMP) is run by the PA LCB, and until recently it was not mandatory but it is now for the owner and manager of the business. He noted that employees are not required to undergo the training but his clients stated that all their employees will be trained under the RAMP as it will help control the sale of alcohol. He noted that the premises currently has security as there are six interior cameras and one exterior one. He noted that he is encouraging his clients to put in additional cameras. He stated that the tapes from those cameras would be available to the Police Department if an incident occurred outside in close vicinity.

Mr. Nicholas noted that his clients have been in business at this location since 1994 and in 2007 they purchase the real estate that the business is located on, and they are making an additional investment with the purchase of this liquor license. He noted that you can't go to the LCB anymore and pay \$400 to get a new license. He noted that currently you have to negotiate with someone who has a license and the range for a value of a liquor license in Dauphin County is between \$100,000 and \$120,000. He noted that once a license goes into a municipality it

cannot be taken out of that municipality for five years. He noted that there is a lot of money invested in the building, the business and the liquor license. He explained that Lower Paxton Township recently lost one license as Ted's Bar and Grill moved out of the Township to West Hanover Township. He noted that the Board should be encouraged that someone wants to invest more money into the Township to stay here and conduct business.

Mr. Seeds questioned if CD Pizza delivers pizza now. Mr. Nicholas answered yes. Mr. Seeds questioned if Pennsylvania allows for the delivery of a six-pack of beer along with pizza. Mr. Nicholas answered yes as it is a recent amendment to the Liquor Code. He noted that the people making the delivery must be trained and certified under the RAMP. He noted that the program instructs the employees how to properly serve alcohol and how to determine if someone should be served at that time, how to look at a driver's license or some other acceptable form of ID to determine if it has been altered in any way.

Mr. Seeds questioned if the driver must be 21. Mr. Nicholas answered yes. Mr. Seeds questioned if they would have to check the identification of the person. Mr. Nicholas answered that they would have to see the identification of the person accepting the alcohol. Mr. Seeds questioned if there is a limit of two six packs. Mr. Nicholas answered that it is 192 ounces. He noted that a distributor can distribute a little less than a case of beer but a tavern cannot. He noted if you go into a restaurant you can buy a bottle of wine as long as you drink some of the wine in the restaurant and you can bag it and take it home.

Mr. Seeds noted that many restaurants allow you to bring in your own bottle of wine. Mr. Nicholas noted that the BYOB's depends on the restaurant if they will permit it and it also depends on the municipality as they may have rules against it or may require that a restaurant

permitting a BYOB be licensed. He noted that BYOB's have no one looking over their shoulder. He noted if he goes into a restaurant with his daughter and wife and if his daughter is under age and she is given alcohol the restaurant is responsible to make sure that his daughter is not drinking alcohol. He noted that the State Police do not come into the places and there is no supervision. Mr. Seeds noted that a parent has that responsibility noting if you let your child who is under 21 drink, the parent would be liable. Mr. Nicholas noted that they should be.

Mr. Seeds questioned who licenses the BYOB. Mr. Nicholas answered that there is no license. Mr. Seeds noted that any restaurant could allow a patron to bring in alcohol of any kind. Mr. Nicholas answered yes unless there is a restriction imposed by the municipality. Mr. Seeds noted that he did not think there were any restrictions in our Township. Mr. Wolfe answered only for BYOB clubs but not for restaurants.

Ms. Lindsey questioned if the cooler would be behind the counter or out front where people can serve themselves. Mr. Vella noted that the cooler will have a lock on it but they will have to purchase it first, as he will have portable ID swipes for all the drivers and in-house he will document up to 50,000 names so it will go back quite a bit. He noted that he will be able to document all transactions for his own protection. He noted that it is a very large investment and the last thing he wants to do is lose his money.

Ms. Lindsey mentioned that Mr. Vella may be serving wine, would you be able to purchase a bottle of wine for take-out. Mr. Vella answered that it is not his intention to serve wine. He noted that he would be delivery beer but he does not want to have any issues with people in his restaurant, noting that they can purchase one beer and that would be it, it will not be a watering hole of any sort.

Ms. Lindsey questioned if there are any issues with doing this close to a school. Mr. Wolfe answered that there is no requirement or zoning regulation that would limit it.

Mr. Hawk thanked Mr. Nicholas for the complete review of the process noting that he was unaware that it started here with so many steps. Mr. Nicholas answered that it is an expensive process.

Mr. Stine questioned if anyone in the audience wished to be heard on Resolution 16-04. Mr. Jeff Kline noted that given that your investment will be \$125,000, what percentage of your sales you anticipate being from the sale of alcohol versus food today. Mr. Vella answered that the industry standard is about 25% food to 75% beer.

Mr. Stine noted that seeing no response it would be in order to close the public hearing for Resolution 16-04 and the Board may take action if it so desires.

Mr. Hawk made a motion to approve Resolution 16-04; approving the transfer of restaurant Liquor License No. R-9432 into the Township for use by Central Dauphin Italian Pizza. Ms. Lindsey seconded the motion. Mr. Hornung called for a roll call vote: Ms. Lindsey, aye; Mr. Hawk, aye; Mr. Seeds, aye; and Mr. Hornung, aye.

Resolution 16-12; authorizing the destruction of specified municipal records

Mr. Wolfe noted that a schedule of the documents to be destroyed is attached to the Resolution and its retention schedule. He noted that all the records in this resolution have past the retention schedule and he recommends disposing of the files.

Mr. Seeds made a motion to approve Resolution 16-12; authorizing the destruction of specified municipal records. Mr. Hawk seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Preliminary/final subdivision and land development plan for 4920 Jonestown Road

Mr. Wolfe noted that the Preliminary/Final Land Development Plan for 4920 Jonestown Road proposes to construct a 4,020 S.F. commercial building that will be used as a retail store. He noted that the existing structure on the lot will be razed, and associated with the construction of the new building will be a reconfiguration of the existing parking lot to provide throughway access that had been previously closed-off to through traffic. He noted that the proposed site plan decreases the impervious coverage of the site for a net decrease of 1,138 square feet, for a decrease of 5.5% impervious coverage. He noted that a stormwater management plan will not be required with this plan, the lot is comprised of 1.027 acres, and is located within the Commercial General (CG) Zoning District. He noted that the lot is served by existing public water and existing sewer.

Mr. Wolfe noted that the existing use of the building is a restaurant which is a permitted use in the CG, Commercial General. He explained that the site has several pre-existing, non-conformities with the current site having a total impervious coverage calculation of 92.3%. He noted that the proposed plan decreases the impervious coverage of the pre-existing, non-conformity to 87.8%, but this is still over the permitted impervious coverage providing a decrease from the existing site coverage.

Mr. Wolfe noted that the applicant received two variances for this plan. At its meeting on October 22, 2015, the Lower Paxton Township Zoning Hearing Board granted variances for Section 307.A-Rear Yard Setback Requirements and Section 603.C Aisle Requirements for Off Street Parking. Mr. Wolfe noted that a legal interpretation of Section 603.H.2 related to the required paved area setback is included in this packet. He noted that Township Staff including

Steve Stine, agreed with the interpretation of Charles Suhr, attorney for Point Five Development, that the existing pavement in the front of the parcel (adjacent to Jonestown Road) could remain as it is currently. The existing condition of the parcel has paving into the required 30 foot planting strip.

Mr. Brian Evans, Evans Engineering noted that the project is for the construction of a 4,000 square foot retail facility on an approximately half acre lot. He noted that the current lot is sub-standard and is an existing non-conforming, such the reason for two zoning variances.

Mr. Evans noted that the new facility will be placed very close to the existing Susquehanna Ale House location with the building pushed back a little further to make the front yard setback compliant. He noted that the first relief that was granted was to the rear yard setback as it currently is on the property line at this location but the plan was granted a 25 feet relief from the required rear yard setback of 30 feet allowing a five foot setback. He noted behind the property is an existing paper street or paper alley. He noted that it will be opened up to the M&T Bank parking lot. He noted that the access use to exist at a prior time but it was closed off by the current landowner and user and he will reopen and reestablish this for flow through traffic. He noted that it will clean up some issues with storm water. He noted that he will maintain the current entrances onto Route 22 which is an entrance in on the eastern side with circulation going around the property and exiting out on the western side of the property. He noted that there will be no construction or modification along Route 22, but he will be improving the current ADA handicap ramp to bring it up to code. He noted that the building will be moved back slightly so the front of the building meets the front yard setback and the other relief that was granted was for the side yard setback which is required to be ten feet, having received relief for a

five foot setback.

Mr. Evans noted that he has more than adequate parking spaces on the property. He noted that all the comments have been addressed and all that is left are the administrative comments such as signature, seals and posting of the bond.

Mr. Wolfe noted that there are several waivers that have been requested by the applicant that have been approved by the Planning Commission at the February 3, 2016 meeting. He noted that they are: A waiver for the requirement to provide adjoining property owner information, accurate within one-year, on the plan. The most current adjacent property owner information exceeds a one-year record; A waiver for the requirement to provide a drainage easement associated with the proposed stormwater management facilitates to be located on adjoining property; A waiver of the requirement to provide a 5foot wide landscaping strip along the perimeter of the parking area noting that the applicant will put landscaping strips where possible; A waiver from the requirement that the Landscape Plan be sealed by a Professional Landscape Architect. He noted that Township staff supports this waiver as Norm Lacasse of the Lower Paxton Township Shade Tree Commission has reviewed and approved the landscape design as per the request of Township Engineer; and A waiver from the requirement in regards to the allowable lighting spillover of 0.5-foot candles onto adjoining commercial property as it is exceeded along the eastern, northern, and western property boundaries. He noted that the amount of light spillover will be similar to that of a commercial area but he does not desire to provide a specific plan in regard to lighting.

Mr. Evans noted that the spillage ordinance allows a .5-foot candle and the plan is up to 1.3 foot candles but it is on the M&T Bank property, who is also a signatory of the plan because

of the improvements that we are doing by connecting to their parking lot. He noted that they are aware that we are at 1.3 foot candles. He noted in that area there is a light that comes from a billboard and some spillover from other commercial properties along Route 22. He noted that the lot is a half-acre lot it is very difficult to keep the light contained and properly develop the area and met the requirements of the ordinance.

Ms. Lindsey questioned if the spillover would only be on the bank property, not on the Tire Mart property. Mr. Evans answered that is correct.

Mr. Hornung questioned who is going into this property. Mr. Evans answered that it is a 4,000 square foot retail box with the current tenant being AT&T.

Mr. Seeds questioned the waiver for the owner information needing a year, is there a reason for that. Mr. Evans answered that the Dauphin County Tax Record that is available for the site form, the M&T Bank property still goes back to the Dauphin Deposit Bank or the bank that originally purchased the property. He noted that is what is publically available so he can't get the true name of M&T Bank as per the ordinance. He noted that the ordinance says that he has to have the name in one year's time, but he can't get any more public then what is in the records which is the Dauphin Deposit Bank that is on the plan as it was the prior predecessor of the M&T Bank property. He noted that it is M&T Bank but it is not what is in the records so we have what is listed in the public records on the tax record. He noted that he asked for a waiver as he can only find what is listed in the public record.

Mr. Seeds questioned if he is asking for an additional year. Mr. Evans answered no, all he is doing is stating that the name on the property that is listed must be current within one-years' time and the name listed on the tax records is inaccurate from a purchase made over 15 years

ago, but the name of the company has changed so the available public record information on the tax records is outdated. He noted that he is listing what is on the public records.

Mr. Seeds noted that the easement is for the drainage. Mr. Evans explained that we are providing the drainage easement for the piping on our property and the easement is for the area between the two inlets as it is not on our property, it is on M&T Bank property. He noted that it is a ditch in grass that in constructing the action through the access, they had to put inlets in to connect the pipe that is underground even though it is not our property. He noted that he can't provide an easement for property that he does not own.

Mr. Seeds noted that he had a question about the Fire Marshals' comments about the fire lane. Mr. Evans answered that the comment has been addressed as it was a comment from back in November and he provided the fire lane on the plan. He noted that no updated comment had been issued since the change was made.

Ms. Lindsey questioned Mr. Evans if he was fine with the six administrative comments and five general comments. Mr. Evans answered yes. Ms. Lindsey questioned if Mr. Evans could speak on behalf of the applicant. Mr. Evans answered yes as he has an email supporting that.

Ms. Lindsey made a motion to approve the preliminary final land development for 4920 Jonestown Road with the following waivers and conditions: 1) A waiver for the requirement to provide adjoining property owner information, accurate within one-year, on the plan; the most current adjacent property information exceeds a one-year record; 2) A waiver for the requirement to provide a drainage easement associated with the proposed stormwater management facilities to be located on adjoining property; 3) A waiver of the requirement to provide a five-foot wide

landscaping strip along the perimeter of the parking area; 4) A waiver from the requirement that the Landscape Plan be sealed by a Professional Landscape Architect; Norm Lacasse of the Lower Paxton Township Shade Tree Commission has reviewed and approved the landscape design as per the request of the Township Engineer; 5) A waiver from the allowable lighting spillover of 0.5-foot candles onto adjoining commercial property as it is exceeded along the eastern, northern, and western properties; 6) A Certificate of Occupancy shall be required for the new commercial structure; 7) A Sign Permit will be required for the change in signage; 8) Upon approval, provide an electronic file of the complete plan set and any other technical plans on a compact disk (CD) in accordance with Section 180-308; 9) The plan has been reviewed by the Township Fire Marshall, SCEMS, Fire Chief and Public Safety Unit. Comments of the Fire Marshall regarding the requirement of a marked fire lane has been addressed; 10) The applicant shall pay all required fees prior to recording the plan; 11) The applicant shall provide a copy of the agreement with the adjacent property owner regarding the construction easement, easement location and maintenance of the shared vegetated planting strip along the eastern perimeter of the parking lot; add a note to the plan referencing the agreement; 12) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 13) A Stormwater Management Application will not be required for the project as the proposed project is a net decrease from the existing site as indicated in the letter from Evans Engineering on November 4, 2015; 14) Plan approval shall be subject to addressing all comments of Andrew Bomberger, TCRPC from a review dated November 24, 2015; 15) Applicant has addressed all comments of Lower Paxton Township Authority letter dated November 23, 2015; 16) Plan approval shall be subject to addressing all six comments of

Andrew Kenworthy, HRG, Inc. letter dated January 26, 2016; and 17) After all conditions of the plan are met, the applicant will be responsible for recording the plan with the Dauphin County Recorder of Deeds, and provide the Township with two recorded copies. Mr. Seeds seconded the motion. Mr. Hornung called for a roll call vote: Ms. Lindsey, aye; Mr. Hawk, aye; Mr. Seeds, aye; and Mr. Hornung, aye.

Improvement Guarantees

Mr. Hornung noted that there were ~~two~~ six Improvement Guarantees ~~and one Stormwater Guarantee~~ and one Stormwater Guarantees to approve.

~~umber Fields, Phase III~~ Chelsey Falls, Phase II

An ~~extension~~ extension in a letter of credit with Orrstown Bank, ~~Integrity~~ in the amount of \$151,585.50 ~~439,347.12~~ with an expiration date of ~~December~~ February 16, 2017. (Under Inspection)

Stray Winds Farm, Phases 1, 1A, 1C

A reduction in a letter of credit with M&T Bank in the amount of \$474,073.33 with an expiration date of January 19, 2017.

Sheetz Store #523 – Briarsdale Road

An extension in a bond with Liberty Mutual Insurance Company, in the amount of \$7,260.00, with an expiration date of February 16, 2017. (Under Inspection)

Grove Road Property

An extension in a letter of credit with Fulton Bank in the amount of \$152,821.75, with an expiration date of February 16, 2017. (Under Inspection)

Memorial Eye

An extension in a letter of credit with M&T Bank in the amount of \$36,941.78, with an expiration date of February 16, 2017. (Under Inspection)

Stormwater Guarantee

Verizon Wireless PRISM Center

An extension in a bond with Westchester Fire Insurance Company, in the amount of \$14,200.00, with an expiration date of February 16, 2017.

Mr. Seeds noted that he spoke to Mr. Wolfe in regards to the sidewalk costs for the Stray Winds Farm reduction. Mr. Wolfe answered the reason for the reduced costs is that the initial estimate was simply too high in the beginning. He noted that there have been no sidewalk releases to date but it is now coming in less expensive then at the time when the improvement guarantee was established. He noted as a result a large reduction is in order. He noted that the engineer is aware of it and he is comfortable with the reduction.

Mr. Seeds noted that his other question has to do with the Verizon Prism for when it was established in December. Mr. Wolfe noted that it should have been December of 2014.

Mr. Seeds made a motion to approve the six Improvement Guarantees and one Stormwater Guarantee. Mr. Hawk seconded the motion. Mr. Hornung 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, Lower Paxton Township Authority, Lower Paxton Township Authority Purchase Cards, and payroll checks.

Mr. Hawk seconded the motion. Mr. Hornung called for a voice vote and a unanimous voted followed.

Announcements

Mr. Hornung noted prior to this meeting the Board met in executive session to discuss litigation concerning the Public Works project.

Adjournment

With there being no other business, Mr. Hawk made a motion to adjourn the meeting. Mr. Seeds seconded the motion and the meeting adjourned at 8:46 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

William B. Hawk
Township Secretary