

**LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS**

Minutes of the Board meeting held June 8, 2021

19376 A workshop meeting of the Lower Paxton Township Board of Supervisors was called to order at 7:01 P.M. by Chairman Henry on the above date at the Lower Paxton Township Municipal Center located at 425 Prince Street, Harrisburg, Pennsylvania.

Board members present in addition to Mr. Henry were Robin Lindsey, Chris Judd, Norman Zoumas, and Paul W. Navarro. Also in attendance were Bradley N. Gotshall, Township Manager, and Steve Stine, Township Solicitor.

Pledge of Allegiance

Mrs. Lindsey led the Pledge of Allegiance.

Announcements

Mr. Henry announced that the Board of Supervisors met in executive session before the meeting, and they would meet again afterward.

Public Comment

Bob Hochlander, spokesperson for the Stray Winds Farm Community asked the Supervisors to consider taking ownership of two private roads in the Stray Winds Farm community. Currently, there are four developments in the community all of which are controlled by one Homeowners Association (HOA). The developments are the Grove, Highlands, Meadows, and Estates. The roads in the Meadows and Estates have been dedicated to the Township. Currently, the HOA pays \$8,000 to \$20,000 to have the snow removed.

Mr. Hochlander noted that a representative of the Township told him the Township could not take over the roads because they do not meet the specifications; these roads are approximately 24' wide and the Township's specifications are 32'.

Mr. Hochlander wanted to know why the Township would accept a plan when the roads do not meet the specifications.

The Supervisors and Mr. Gotshall discussed the land development plan, SALDO requirements, street configurations, and public safety.

Mr. Gotshall explained that there is a difference between the documents that were shown to residents and those made available to the Supervisors to legally act upon and the documents that have been recorded at the Dauphin County Recorder of Deeds office. The Township's SALDO requires cartways to be 32' wide whereas the Stray Winds Farm roads being mentioned are only 24' wide. Within the SALDO, the Right of Way is required to be 50' wide. The recorded plan as mentioned under General Notes No. 7 confirms in detail that the proposed common access drive shall be privately owned and maintained by the Homeowners Association for that area, and No. 9 indicates that all proposed streets with a Right of Way of 50' or more shall be offered for dedication to public use to the Township. Along with these issues, there were a few SALDO waivers presented to the Zoning Hearing Board and Planning Commission during the plan approval process back in 2007. The inclusion of the island and cul de sacs, boulevard street configurations, and the waiver of certain site distance provisions would complicate the process of simply taking dedication of the roadways. Steve Stine explained that the Straw Winds Farm HOA must offer the privately owned streets for dedication, however, the streets must also meet the Township's SALDO requirements.

Mr. Henry noted that the problem goes back to the developer and real estate agent, and not the Township. Mr. Gotshall added that the HOA maintenance company hired by the HOA Board has submitted a letter to the Township indicating that it has explained the issue at hand and did not recommend to the HOA that the Township take these roads over; therefore, there may be a miscommunication between the HOA board and its residents.

19376

Terry Kenley, 3912 Tim Tam Drive, commented about the initial establishment of the HOA by the developer and the developer's failure to develop the roads appropriately for dedication to the Township; there was no input from residents. She noted that the Township is taxing those residents as if they are receiving the same benefits as other residents of the Township, and they are not. She asked the Supervisors to consider adjusting the taxes paid by residents who pay to maintain the roads. She noted that there was no miscommunication between the developer and residents, she was told the roads would be dedicated to the Township when the development was complete.

Mr. Henry explained that the Supervisors are not able to change the milage assessment by the roads and residents are taxed based on their property value and the land it sits upon. The Township plows the roads traveled by all residents. The roads that have not been dedicated do not belong to the Township, they are private property.

Liz Grunz, 3925 Afleet Alex Way, announced that when she purchased her home, she was told that the street would be dedicated to the Township and she received a quote for the HOA fee, and since then that fee has increased. She mentioned that her husband and son are both disabled, and they could not get out of the development during the winter months whenever there was a snowstorm. She asked the Supervisors if the Township offered some type of waiver to the HOA to plow the roads. Mr. Henry explained that the Township operates under state rules and laws for development and the Supervisors must act within those parameters. The Supervisors cannot go against those state rules if the developer has met all the laws and requirements. The developers have rights under state law and if the Board does not act following those regulations, then the developer can take the Township to court.

Mr. Navarro added that he had a similar experience when he purchased land to build a new home and had to pay out of pocket to resolve the matter. He agreed with Mr. Henry, noting that the Supervisors had no recourse for the residents.

Mr. Henry explained that this issue should have been addressed when the plans were brought before the Board. The Board evaluates the impact of surrounding roadways because the Township has grown rapidly and unfortunately, the road infrastructure was not upgraded to handle the development. Recently, the Supervisors' have been successful in getting traffic signals installed on Locust Lane and upgrades to Nyes Road and Devonshire Heights Road intersection.

Ms. Lindsey mentioned that she purchased a new home 17 months ago and the realtor told her which roads would be taken over by the Township. She suggested that the realtor is at fault for the miscommunication.

Ms. Grunz wanted to know where she could find the rules and regulations governing development. Mr. Henry directed Mr. Gotshall to connect Ms. Grunz with Amanda Zerbe, Community Development Manager.

Mr. Stine added that the laws and regulations can be found in multiple places, some can be found in the Township's Subdivision and Land Development Ordinance (SALDO), and it does allow for private streets.

Leslie Fox, 4000 Ashland Ct., noted that she received a deed from Dauphin County, and it did not have the roads on the map. Mr. Gotshall explained that the reference made by Mrs. Lindsey is included in the approved plan which is recorded at Dauphin County's Recorder of Deeds office. Ms. Fox asked Mrs. Lindsey for a copy of the documentation.

Mr. Henry recommended that the residents discuss the matter further with their HOA Board to bring the roads up to the Township's specifications.

Mr. Gotshall explained that Sarina Buck, HOA administrator sent a letter to the Township indicating that they had been in constant communication with residents advising them that the roads do not meet the specifications to be dedicated to the Township.

Mr. Henry asked Mr. Stine if the letter could be made available to the public. Mr. Stine indicated that the letter should be made available to the public.

Shanell Peterson, 4345 Secretariat Street, announced that she is most concerned about her five-year-old's bus stop which is nearly a mile away. She mentioned that the school bus does not go back to the cul de sac. She wanted to know if it is legal, noting that there are ADA requirements for disabled children. Mrs. Lindsey suggested that Mrs. Peterson contact the school board director.

Mr. Hochlander requested a point of contact at the Township to communicate the required specifications for the roads. Mr. Henry directed Mr. Gotshall to provide contact information for the Director of Public Works.

William Minsker, 5956 Linglestown Road, announced that the Township owns property off Wenrich Street that is being prepared as a possible park. He wanted to know the name of the ground. Mr. Henry noted that it is referred to as the Wolfersberger Tract. Mr. Minsker noted that the Historical Commission had done some research on the name and there are two versions, there's Wolfensberger and Wolfersberger. He suggested that the deed be researched for clarification. Mr. Stine noted that the property's name is Wolfersberger. Mr. Minsker noted that he attended the Lower Paxton Township Lions Club meeting where he was given baptism and burial documents that reference both names. Mrs. Lindsey asked Mr. Minsker to provide copies of the documents to Mr. Stine.

Nimish Naik, 4331 Secretariat Street, wanted to know if the Township could require the 32' road specification within the regulations.

Mr. Stine noted that he has seen other Subdivisions and Land Development Ordinances require certain road specifications whether the road is public or private. Mr. Henry suggested that Mr. Gotshall evaluate the possibility of making this change, noting that while it's not possible to correct a past occurrence, it is possible to prevent something like this from happening in the future.

Sharon Davis, 4006 Nashville Ct., commented about the old shack located off MacIntosh Road, she wanted to know how a building with a 24' wide road became a landscaping business. She asked the Supervisors if the area was recently zoned as commercial. Mr. Gotshall explained that the Township staff is already aware of the business at this location and all the permits were received and everything has been done legitimately.

Mr. Stine added that the area was a preexisting nonconforming use; there was a company there called Baltimore Tar Company, then after that business left a new company purchased the property and used it as commercial also.

First Presentation of a Renewal to the Agreement for Crossing Guard Services

Adam Kosheba presented the proposed renewal agreement for Crossing Guard Services in the Township. He noted that there is a \$1,771.00 difference from the 2020-2021 contract, which is an increase of \$885.50. Mrs. Lindsey wanted to know if the crossing guards would receive a wage increase. Mr. Kosheba noted that he would report back to Mrs. Lindsey

Action to Suspend Declaration of Disaster Emergency #20-01

Mr. Zoumas motioned to suspend the Declaration of Disaster Emergency #20-01. Mr. Navarro seconded the motion. Mr. Henry called for a voice vote, and there was a unanimous vote of approval.

First Presentation of Ordinance 21-03; Amending Chapter 203
of the Codified Ordinances, related to the Keeping of Bees and Chickens

Link Martin, 5218 Crestwood Drive, expressed his appreciation to the Supervisors for listening to him and other residents about beekeeping, noting that the proposed approach is very reasonable. He noted that the setback requirements in the Ordinance seem a bit excessive.

Ashley Pollart and Colin Powell, 4925 Colorado Avenue, thanked the Supervisors for listening to them over the past several months. She also thanked Mr. Gotshall for composing a thoughtful Ordinance. Specifically, the proposed Ordinance allows for .25 acres and their yard is .045 acres off that so they would prefer if it were .20 acres. She asked the Supervisors if there's a variance process, they could go through for their yard. Mr. Stine explained that Ms. Pollart and Mr. Powell could apply for a variance and go before the Zoning Hearing Board.

Mr. Zoumas wanted to know if the Ordinance could be drafted with the inclusion of a waiver for the process.

Mr. Henry noted that he would prefer to allow residents to do as much as possible on their own property without negatively impacting the adjoining properties. The Supervisors can amend an Ordinance if it's not working. He suggested that the proposed Ordinance be loosened to permit residents to keep chickens and hens just to see where it goes. Mr. Stine explained that once the Ordinance is established and then people obtain chickens; and then it is changed, people who already have the chickens would have what's called permitted use, and if the Board decides to raise the bar, then it would be considered a preexisting, nonconforming use and they would be permitted to keep that use.

The Supervisors, Mr. Stine, and Mr. Gotshall discussed the details and compliance of the proposed Ordinance.

Mr. Henry suggested that Mr. Gotshall revise the language in the Ordinance to exclude the front yard, include the number of beehives, and just be more specific. He directed Mr. Gotshall to advertise Ordinance 21-03 for the first meeting in July.

Subdivision and Land Development

Improvement Guarantees

Mrs. Lindsey made a motion to approve the Improvement Guarantees for Amber Fields Phase VII B and 6405 Flank Drive. Mr. Zoumas seconded the motion. Mr. Henry called for a voice vote, and there was a unanimous vote of approval.

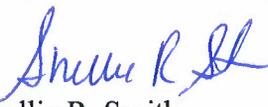
Announcements

Mr. Henry announced that the next Board meeting is scheduled for Tuesday, June 15, 2021, beginning at 7:00 P.M. at the Municipal Center.

Adjournment

There being no further business, Mr. Zoumas motioned to adjourn the meeting. Mr. Judd seconded the motion. The meeting adjourned the meeting at 8:53 P.M.

Respectfully submitted,


Shellie R. Smith
Recording Secretary

Approved by,


Chris Judd
Secretary