

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held February 2, 2016

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:32 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 C. Seeds, Sr., William B. Hawk, Gary A. Crissman, and Robin L. Lindsey.

Also in attendance was George Wolfe, Township Manager; Steve Stine, Township Solicitor; William Cluck, Attorney for Mr. Shoemaker; Jeffrey McCombie, Attorney for Hoffman Ford; Attorney Stan Wolowski, Flaherty & O'Hara; Josh Erb, Giant Food Stores; Dan Mione, Mione Family Remodeling; and Watson Fisher, SWAN.

**Pledge of Allegiance**

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

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes from the January 4, 2016 business meeting and January 12, 2016 workshop meeting. Mr. Seeds seconded the motion, and a unanimous vote followed.

**Public Comment**

Ms. Tony Dochart, 5718 Oak Avenue, wanted to make a comment about the snow that we recently had. She noted when the snow plow drivers came back the second time to clear up the cul-de-sac they did a nice job, but the first time they blocked in two houses and the fire hydrant. She noted that she was very concerned about that. She stated that she would like the

Board to let the snow plow drivers know how to plow a cul-de-sac and if the driver can't see the little sign that is on top of the fire hydrant, it needs to be bigger.

Mr. Hornung noted that we had discussed the cul-de-sac as a never ending issue when it comes to snow removal. He noted that Mr. Wolfe has communicated with Public Works to determine if we can come up with better solutions but it is a very difficult problem.

Mr. Wolfe noted that cul-de-sacs are problematic as they have to be plowed with the smaller pieces of equipment and when we get 30 inches of snow there is little place to put the snow when you account for driveways, mailboxes, fire hydrants, and sidewalks. He noted that we tried to get them opened with the first pass and then went back to clean them up on Monday and Tuesday of following week.

Ms. Dochart stated that they kind of clean the fire hydrant, but then someone came around and blocked it in. She noted that she is the one who cleans out the fire hydrants and she was upset because it was not cleaned up.

Ms. Lindsey explained that she was planning to thank the citizens of the Township who cleaned out their fire hydrants. She noted that it is an example of community service for what Ms. Dochart did. She noted that we had 30 inches of snow so it was really hard to keep up with it to make it easier for the citizens to clean up. Ms. Dochart noted even when there is not that much snow, they still bury the fire hydrants. She explained that she has cleaned up fire hydrants more than once because a snow plow driver came back and buried it. She noted when the driver came back on Monday to clean out our area she went out on the street and told him not to bury the fire hydrant. She explained that the drivers need to know that they are there and should go around the cul-de-sac and not stop by the fire hydrant to leave a pile of snow.

Mr. Seeds noted that United Water has put flags on some of the fire hydrants to make it more visible so that the plow operator can see them. Ms. Dochart answered that there is a flag on the fire hydrant but it does not face the correct way for them to see it. She suggested that the flag needs to be bigger. Mr. Seeds suggested that the driver may not have seen the flag, as they are supposed to go around the fire hydrants to make them visible. He noted that a storm of that magnitude made it very hard to plow it. Ms. Dochart noted that she had pictures of how they plowed if the Board wants to see it. Mr. Seeds noted that it was inadvertent as they would not purposely cover a fire hydrant as you don't know when you would need it. Ms. Dochart answered that they have done that as she has put red paint around the fire hydrant so they would not cover it a second time.

### **Board Members Comments**

Mr. Crissman noted that there is a concert Friday night at the Friendship Center (FC) that was postponed as a result of the recent snow event. Mr. Wolfe noted that the Lower Paxton Township Variety Band will be playing a benefit at the FC on Saturday, February 6<sup>th</sup> from 7 to 9 p.m. He noted that it was originally to be held on Saturday the 23<sup>rd</sup> with a cost of \$10 per person in advance and \$15 at the door. He noted that all proceeds benefit the purchase of a new Freddy the Frog for the leisure pool. He noted that the cost to replace this item is \$15,000.

Ms. Lindsey noted that the Township is sponsoring the Citizens' Police Academy, starting on February 29. She noted that it is an eleven week course that is free to the public. She explained that she took the class last year and found it very interesting to see what happens in the Police Department, with visits to the prison, coroner's office, and other locations.

Ms. Lindsey noted this Saturday evening, at 5:30, at the Susquehanna Township High School, the Lower Paxton Township Police will be playing the Susquehanna Township Police for a Four Diamonds fundraiser.

### **Manager's Report**

Mr. Wolfe noted that he previously discussed the weekend event.

### **OLD BUSINESS**

#### Conditional Use 15-01; providing for the construction of an automobile repair garage in the Commercial General (CZ) Zoning District

Mr. Wolfe explained that the Board of Supervisors held a public hearing on January 4<sup>th</sup> for Conditional Use 15-01, which is an application from Hoffman Ford to construct and operate an automobile repair garage on the property which is between Jaycee Avenue and North Lockwillow Avenue. He noted that it currently consists of six separate tax parcels that are zoned Commercial General, CG, and by those provisions for that zoning the operation of an automobile garage is a conditional use which must be approved by the Board of Supervisors.

Mr. Wolfe noted as a result of the public hearing the Board required both parties to prepare briefs and submit them for review. He noted that it would be appropriate for Mr. Stine to comment on the briefs.

Mr. Stine explained that he had no comments, other than the Board needs to make a decision on this matter.

Mr. Hornung noted that the hearing is closed and the decision is based on the transcripts for the public hearing and briefs with no additional comments to be taken.

Mr. Crissman made a motion to approve Conditional Use 15-01, providing for the construction of an automobile repair garage in the Commercial General CG zoning district. He proposed five additional conditions: 1) The Applicant shall comply with all applicable provisions

of the Lower Paxton Township Zoning Ordinance, Subdivision and Land Development Ordinance and Storm Water Management Ordinance; 2) The Applicant shall comply with all applicable federal, state and local laws; 3) The Applicant shall not repair any vehicles outside of the auto repair garage; 4) The Applicant shall secure all applicable zoning and building permits associated with the auto repair garage within sixty (60) months of the date of this decision; said sixty (60) month period being an extension of the time period set forth in Section 111.G of the Zoning Ordinance; and 5) The Applicant shall submit subdivision and land development plans for the auto repair garage within sixty (60) months of the date of this decision; said sixty (60) month period being the period being an extension of the time period set forth in Section 917 of the Municipalities Planning Code, 53 P.S. §10917. He stated that he would authorize the solicitor to prepare the written decision. Mr. Seeds seconded the motion.

Attorney William Cluck noted that he is representing the objector who is not present to reargue the points; however, there was false testimony given that is material that was relied upon in this motion. He noted that the dwellings that his client, Mr. Shoemaker owns that are adjacent to this property are not boarded up. He noted that there was testimony that the units were boarded up. He noted that the testimony was relied upon by both expert witnesses and one of the supervisors made reference to it in his comment at the end of the hearing. He noted that the attorney has the duty to correct the record when there is a material misstatement of fact. He noted that the 60 month extension has no basis in law as the ordinance only allows 12 months. He noted that the Municipalities Planning Code only references the local ordinance and it is 12 months. He noted that there is no legal basis for that. He asked the Board to consider rejecting the motion on the basis that his client's property has not been abandoned and his due process rights have been denied by the Township because, in essence, if you approve the conditional use

application, you are making a decision that Mr. Shoemaker has abandoned his properties. He stated that he did not have due notice that it was going to be an issue.

Mr. Stine questioned if Attorney McCombie wanted to make a comment.

Attorney McCombie noted that the transcript is what it is. He noted that he has never been over to look at the buildings but he has a witness who testified that the buildings were boarded up, and at some point if you found the witness's testimony to be trustworthy then that is what you go with. He noted with respect to the due process argument, the objector had his opportunity to be present but he chose not to be here. He stated that it is pretty simple at this point.

Mr. Hornung questioned if he could call a recess to discuss this with counsel. Mr. Stine answered yes. Mr. Hornung called for a recess at 7:47 p.m. Mr. Hornung reconvened the meeting at 7:52 p.m.

Mr. Crissman called for a question on the motion. Mr. Hornung called for a roll call vote: Ms. Lindsey, aye; Mr. Crissman, aye; Mr. Hawk, aye; Mr. Seeds, aye; and Mr. Hornung, aye.

Mr. Hornung noted that the motion was carried and Conditional Use 15-01 was approved. ~~y~~

~~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

Resolution 16-02; approving the transfer of a restaurant liquor license No. R18013 into the Township from Middle Paxton Township

Mr. Wolfe noted in accordance with State Law for the Pennsylvania State Liquor Control Board (PLCB), a transfer of a liquor license across municipal boundaries can occur upon the receiving municipality, Lower Paxton Township, approving a resolution to accept the Intermunicipal transfer. He noted that the proposed transfer in this situation is a liquor license that exists outside of Lower Paxton Township to be transferred to the Giant Food Store located at 4211 Union Deposit Road. He noted that the applicant will be presenting the plan for the restaurant liquor license transfer and Lower Paxton Township will conduct a public hearing on this request.

Mr. Stine noted that this is the time and date set for the public hearing on Resolution 16-02; which would approve the transfer of liquor license R-18013 into Lower Paxton Township from Middle Paxton Township.

Attorney Stan Wolowski explained that he is from the law firm of Flaherty and O'Hara and is present as the liquor license attorney for Giant Food Stores, LLC. He noted Josh Erb is present to represent Giant Food Stores. He explained that this hearing is at the request of Giant Food Stores to bring a restaurant liquor license into Lower Paxton Township. He noted from considering similar requests for Intermunicipal transfers over the past couple years, the Pennsylvania Liquor Code allows a liquor license to be transferred from one municipality in a county to another municipality in that same county as long as the receiving municipality approves it. He noted that the standard to be applied by a municipality in ruling on a request for the Intermunicipal transfer of a liquor license is set forth in Section 109.A of the Liquor Code and Section 7.61B4 of the Liquor Control Board regulations. He noted that the standard is that the receiving municipality shall approve the request unless it finds in doing so it would adversely affect the welfare, health, peace and morals of the municipality or its residents.

Mr. Wolowski noted that he and Mr. Erb are present tonight because Giant wants to transfer a restaurant liquor license from Middle Paxton Township in Dauphin County into Lower Paxton Township and use the license at a new restaurant that Giant is going to put into its store on Union Deposit Road as part of a remodel of the store. He noted that Giant respectfully requests that this Board adopt a resolution approving the Intermunicipal transfer of this restaurant liquor license into Lower Paxton Township because a liquor license at the new restaurant of the Giant Store on Union Deposit Road will not adversely affect the welfare, health, peace and morals of Lower Paxton Township or its residents.

Mr. Wolowski noted in support of Giant's request he would like to present some evidence and testimony on four points. He noted that he will briefly explain why the new restaurant within the Giant Store qualifies under the liquor code and the Pennsylvania Supreme Court Case for a liquor license. He noted that he will explain why Giant wants a liquor license for the new restaurant and he will have Mr. Erb explain more about the restaurant. He will explain where it will be located in the store, how only beer will be sold, and how it will operate. He noted that Mr. Erb will explain how the beer that will be sold will be done so in a responsible manner. He noted that Giant will have various policies and procedures in place within the new restaurant to ensure that the beer that is sold is not getting into the hands of minors, or physically intoxicated persons, and that beer sales do not adversely affect Lower Paxton Township or its residents.

Mr. Wolowski noted that Giant will be doing some remodeling within its store on Union Deposit Road, and as a result of the remodeling, it will put in and operate a legitimate restaurant. He noted that it will have a dining area with patrol seating for 33 people and it will sell various meal type food items. He noted that it will include salad, soups, sushi and sandwiches. He noted

that they will do that Monday through Saturday, 7 a.m. to 10 p.m. and Sunday 9 a.m. to 10 p.m. He noted that the food can be taken home or consumed in the dining area. He noted because the new restaurant section of the Giant store will have a dining area and because it will sell prepared food to the public it qualifies under the liquor code for a restaurant liquor license. He noted that the fact that the restaurant is located within the same building as a grocery store is of no consequence in the eyes of the LCB. He noted for years, the Pennsylvania LCB has issued liquor licenses to restaurants within grocery stores. He explained there are over 293 grocery stores operating throughout Pennsylvania that have liquor licenses for their restaurants, and what Giant wants to do at this location is not novel or unique, it is what many other grocery stores are currently doing.

Mr. Wolowski noted with the Wegman's case, the Pennsylvania State Supreme Court held that as a business operates a legitimate restaurant, meaning that it has a dining area and sells prepared food for the public, it should be issued a liquor license.

Mr. Wolowski noted that the new restaurant at the Giant Store qualifies or will qualify for a restaurant liquor license. He explained the reason Giant wants a liquor license for its new restaurant is because it is going to sell beer and it will focus mainly on the crafts beers, micro brews, and imports. He noted that it will include some of the mainstream national brands selling it in six and 12 packs, primarily for takeout as a convenience for its customers. He noted that Giant believes that having a wide selection of craft beers etc., for six and 12 packs for takeout in a bright well-lit safe environment will be an added convenience for its customers.

Mr. Wolowski noted that he would like to ask Mr. Erb some questions at this time.

Mr. Wolowski questioned if Mr. Erb is employed as the manager of special projects for Giant. Mr. Erb answered that is correct.

Mr. Wolowski questioned if part of Mr. Erb's job responsibility is to oversee the remodeling of this store which is applying for a restaurant liquor license. Mr. Erb answered that he oversees the license acquisition from start to finish, to include the remodel of the store and getting the restaurant up and running.

Mr. Wolowski questioned Mr. Erb when the remodeling to the store will begin and end. Mr. Erb answered that it is tentatively scheduled for March, a three-week project and should be done by the end of March.

Mr. Wolowski questioned Mr. Erb, after the remodeling, will the Giant store have two areas, the typical grocery store but also the restaurant area where there will be food and beer sold. Mr. Erb answered that is correct as he will have the restaurant within the traditional grocery store system.

Mr. Wolowski noted that Mr. Erb brought some floor plans. Mr. Erb noted that he distributed the plans to the Board members providing a snapshot of the licensed restaurant area.

Mr. Wolowski questioned Mr. Erb where will that the restaurant be in the store, the left or right position. Mr. Erb answered if you are looking at the store it will be in the lower left corner of the store.

Mr. Wolowski questioned Mr. Erb how many square feet will that licensed restaurant be. Mr. Erb answered approximately 1,800 square feet.

Mr. Wolowski questioned Mr. Erb how big the store is. Mr. Erb answered that it is 79,000 square feet.

Mr. Wolowski questioned Mr. Erb if the restaurant will have a separate entrance from the outside. Mr. Erb answered yes.

Mr. Wolowski questioned Mr. Erb, in pursuant to the LCB regulations, will the restaurant be separated from the grocery store by walls, cases, and bollards. Mr. Erb answered yes.

Mr. Wolowski questioned Mr. Erb if there will be interior access points where patrons can go from the restaurant into the grocery store and vice-a-versa. Mr. Erb answered yes, noting that there will be an ease of access between the licensed restaurant area and the traditional store.

Mr. Wolowski questioned Mr. Erb if there will be a dining and seating area for patrons. Mr. Erb answered yes for 33 patrons.

Mr. Wolowski requested Mr. Erb to describe some of the food that will be in that restaurant. Mr. Erb answered that it will be sandwiches, salads, soups, sushi and many of the offerings that are familiar at most of the stores.

Mr. Wolowski questioned Mr. Erb as far as the hours, are they the ones that he quoted earlier. Mr. Erb answered that it will be Monday through Saturday, 7 a.m. to 10 p.m. and Sunday 9 a.m. to 10 p.m.

Mr. Wolowski questioned Mr. Erb if the food will be available during those times. Mr. Erb answered yes.

Mr. Wolowski questioned Mr. Erb if soft drinks will be sold. Mr. Erb answered that sodas, water, and juice will be available as well.

Mr. Wolowski questioned Mr. Erb if the restaurant will have a separate cash register. Mr. Erb answered that it will as it will be the only cash register in which a patron can purchase beer. He noted if a patron took a six pack of beer up to the front end registers it would not scan through those registers. He noted that it is a safeguard that Giant put in place to prevent beer from going outside of the designated area for purchase.

Mr. Wolowski questioned Mr. Erb if the restaurant will ever have live entertainment, video games, or pool tables. Mr. Erb answered no. He noted that it will not be a sports bar.

Mr. Wolowski questioned Mr. Erb if the restaurant is issued a liquor license and the LCB approves it, will distilled spirits or wine be sold. Mr. Erb answered no.

Mr. Wolowski questioned Mr. Erb if beer only will be sold for takeout. Mr. Erb answered that the beer will be primarily for takeout as the overwhelming majority of Giant's business is a takeout business. He noted that patrons can consume up to two 12 ounce beers with a meal on site.

Mr. Wolowski questioned Mr. Erb if the beer has to be consumed in that dining area. Mr. Erb answered that is correct.

Mr. Wolowski questioned Mr. Erb if draft beer will be sold. Mr. Erb answered no.

Mr. Wolowski questioned where the beer will be displayed. Mr. Erb pointed to where the cold cases are located on the plan. Mr. Stine noted that it is at the bottom of the plan, correct. He noted for the purposes for the transcript we need to be able to say where he is pointing. Mr. Erb noted at the bottom of the page there are two 12 foot condoles for warm beer.

Mr. Wolowski noted that Mr. Erb stated that there is a separate entrance into the restaurant from the outside, he requested Mr. Erb to point that out. Mr. Erb noted it is located on the lower page as well.

Mr. Wolowski questioned Mr. Erb if beer will be displayed anywhere else in the store except for these two condoles and the cold beer case in the restaurant area. Mr. Erb answered yes in the licensed area only, the shaded area depicted on the plan.

Mr. Wolowski questioned if a patron would be able to buy a six-pack or 12-pack, put it in their cart and go into the rest of the grocery store. Mr. Erb answered no as the purchase is only allowed in the licensed area and then they must take it out to their vehicle.

Mr. Stine questioned if they have to leave through the same door that they came in within the licensed area. He questioned if they can walk out of that area and go through another exit. Mr. Erb answered that is correct.

Mr. Wolowski noted that Mr. Erb stated that patrons can purchase up to two beers and consume it in the seating area. He questioned if a patron will be able to purchase it and walk through the grocery store and drink it. Mr. Erb answered no.

Mr. Wolowski questioned if the associates would be instructed to look out for that. Mr. Erb answered that a big part of what we do is the training model know as Responsible Alcohol Management (RAM) Program in which the PLCB conducts extensive training. He noted that it includes anything from 100% carding policy, as we card everyone, as well as how to detect someone who is intoxicated within the restaurant. He noted that many different components go into the training of the associates who will work in the restaurant area.

Mr. Wolowski questioned Mr. Erb what will be the hours that beer will be sold for takeout or to consume in the seating area of the dining room. Mr. Erb answered that it is Monday through Saturdays, 7 a.m. to 10 p.m. and Sunday from 9 a.m. to 10 p.m.

Mr. Wolowski questioned Mr. Erb if all beer sales will end at 10 p.m. Mr. Erb answered that is correct.

Mr. Wolowski requested Mr. Erb about the RAM program noting that he stated that there would be a 100% card policy. Mr. Erb answered that we put policies and controls in place to make the business model as simple as possible for the associates, and to protect them as well as

the general public. He noted the easiest thing to do is to card everyone regardless of age accepting a driver's license, State issued ID, Military ID or passport. He noted with that the associates will swipe the card through the reader and it will populate the customer's age, then we will ask the cashier to enter into the POS System their birthdate and part of the RAM training is a touch and feel method for the ID itself. He noted when the PLCB agent comes in and conducts training, they will provide tips and pointers for what to look for in a counterfeit document.

Mr. Wolowski questioned Mr. Erb, as far as the card reader goes, does it determine if the license is a valid license and does it also read the date of birth on the license to confirm that the person is over 21. Mr. Erb answered that is correct, noting if it is a counterfeit or fake ID, most often it will not scan. Mr. Wolowski questioned if he meant all the time. Mr. Erb explained that we want to be one step ahead of the persons producing the fake ID so never say never, but thus far, yes.

Mr. Wolowski questioned Mr. Erb if all the employees working in the restaurant have to be certified by the LCB as responsible alcohol servers. Mr. Erb answered that is correct. He noted in order for the facility to be RAM certified by the PLCB, 50% of the employees need to go through the RAM certification program. He noted that we take it a step further and we put 100% of our associates working in the restaurant through the RAM certification program.

Mr. Wolowski questioned Mr. Erb if there will be any video cameras in the new restaurant. Mr. Erb answered as part of the remodel process, cameras will be positioned to cover all the key areas of the licensed area to include the cash register, entrance and where the beer is displayed.

Mr. Wolowski questioned if there will be any limit on the beers or amount of beer that a customer can purchase for takeout. Mr. Erb answered that the maximum transaction is 192 ounces or two six-packs.

Mr. Wolowski questioned Mr. Erb if the policies and procedures described, are they the same that are in place at other Giant Stores in Pennsylvania that have restaurants that are selling beer. Mr. Erb answered yes as we have 18 licensed restaurants in Pennsylvania that are selling beer and all the policies that were described here this evening are in place at all 18 of those facilities.

Mr. Wolowski questioned Mr. Erb if any of the 18 restaurants that are selling beer have ever been cited by the PLCB for sales to minors or sales to visibly intoxicated persons or any other type of violation regarding the sale of beer. Mr. Erb answered no.

Mr. Wolowski noted that is all he has.

Mr. Stine questioned if the Board had any questions for the applicant.

Mr. Crissman requested Mr. Erb to describe the policy or procedure you would use if someone becomes disruptive or noticeable to parents with children in the area. Mr. Erb answered that he would hope that due to the training that the associates were not the cause of the overindulging, rather that we inherited the problem into our restaurant. He noted that is where the training is a crucial component where if you see a visibly intoxicated patron we need to assess what the next step would be based on what we are dealing with. He noted we could get the police involved or we may need to find safe transportation home for the person, those of some of the ways in which we would handle it. Mr. Crissman questioned if Mr. Erb had a written policy for the employees to follow in the event that incident should occur. Mr. Erb answered yes. He noted that the formal policy would be to get the manager on duty and if it was a disruptive

scenario, the police would be called. Mr. Crissman noted as much as we would have children in that facility, it is a situation that we would not want to expose them to any more than we are obligated to.

Ms. Lindsey noted that you stated that you would only be selling beer, do you see that you could be selling wine and spirits in the future. Mr. Erb answered spirits, no but wine if there were a regulatory change within the State of Pennsylvania that would enable that type of restaurant to sell bottles of wine for takeout, we would consider that. He noted it would require a regulatory change and impact not only Giant.

Ms. Lindsey noted with the license it is just for the restaurant, but in the near future you would not be able to move stuff into the store. Mr. Erb answered that it is confined as per the PLCB regulations.

Mr. Hawk questioned Mr. Erb if he was going to limit it to craft and microbrew beers. Mr. Erb answered that the target customer is the craft and micro-brew consumer, but we will have bigger brands as well. Mr. Hawk noted that people like to buy more commercial type beer. Mr. Erb noted that we will offer that as well and will monitor our sales.

Ms. Lindsey noted due to the liquor license everyone who works in that location would have to be over the age of 18 if they are selling. Mr. Erb answered that was correct.

Mr. Hornung noted in some places we have offered outside seating for a restaurant, and he questioned if it would be done at this location. He questioned how you control when the liquor is taken outside or walking out into the street. Mr. Erb answered that some stores have an outdoor license area and some do not, but this store will have an outdoor licensed area. He noted that a large part of the RAM training is centered on how we control that licensed aspect.

Mr. Hornung noted that he has noticed at some of the other stores people have bought a six pack and sat outside which would be difficult to control. Mr. Erb noted that it is something that we spend considerable amount of time managing that aspect of training and how we deal with those types of scenarios.

Mr. Crissman noted if a person makes a choice to move outside will the area be fenced off, roped off or will it just be common ground for people coming in and going out of the store. Mr. Erb answered that there is a fence currently at that store across the front of the licensed area so that would serve as the partition in the front. Mr. Crissman noted that he is looking at the drawing at the far left side, it appears as if there are four tables and four chairs each, and he wanted to make sure that that area is in a protected environment where people are not coming in the store and using it as an exit as well if you are using it as an area for serving alcoholic beverage. Mr. Erb noted that he is not sure what the question is. Mr. Crissman questioned will it be enclosed in some fashion so that it is a protected area and not an open venue for people coming into the store and exiting the store. He questioned if it will be contained as part of the restaurant area for consumption of beer. Mr. Erb answered that it would be marked with permanent fixtures, fence, and or bollard that are a minimum of four feet high and no further than ten feet apart from one another. Mr. Hornung noted at some of the other locations you can still walk out from there into the parking lot. Mr. Erb noted that it will not be walled off in that you couldn't navigate in and out of that area. Mr. Crissman noted that he wants to make sure that it is an area that will be monitored as he thinks it would be the largest area for infiltration by outsiders. Mr. Erb answered that it will be monitored.

Mr. Hornung noted that Mr. Erb stipulated that there have not been any citations at other Giants, but he questioned if there have been any other issues at other Giants that required the

police or anything like that, and if so how problematic are they. Mr. Erb answered that he can't answer that. He noted the business model that we have as he alluded to earlier is overwhelming a takeout model so the amount of patrons who consume on site is relatively minimal. He noted that a lot of those issues are not as prevalent in our business model, but maybe some others.

Mr. Hornung questioned if Giant is required by the LCB to have a certain ration of food to beverage. Mr. Erb answered yes. Mr. Hornung questioned how do you monitor that. Mr. Wolowski noted that the LCB requires that it be 50% of food and non-alcoholic beverages compared to total sales of food and alcoholic beverages or you can't allow someone, a minor, a person under 21 to step foot in the restaurant unless they have a parent or legal guardian with them so that is why all Giant's across the board have their food favors above 50% and they make sure that occurs as they sell more food than beer. Mr. Hornung questioned if that is an achievable number. Mr. Erb answered that it is.

Mr. Stine questioned if anyone on the Board has any more questions.

Ms. Lindsey noted that the maximum that a person can purchase is 192 ounces which is two six packs per transaction. She questioned if a person could leave, put the beer in their car, and come back and purchase two more. She questioned if there is any way to monitor that. Mr. Erb noted that they could do that.

Mr. Stine questioned if anyone in the audience wished to be heard on this resolution. He noted that seeing no response it would be in order to close the public hearing on the resolution for the transfer of the liquor license and the Board may take action if it so desires.

Mr. Hawk made a motion to approve Resolution 16-02 granting a liquor license to the Giant Store at Union Deposit Mall. Mr. Crissman seconded the motion. Mr. Hornung called for

a roll call vote: Ms. Lindsey, aye; Mr. Crissman, aye; Mr. Hawk, aye; Mr. Seeds, aye; and Mr. Hornung, aye. Mr. Hornung noted that the motion was approved.

Change Order No. 1 to the contract with Michael F. Ronca & Sons,  
Inc. for the BC4A&4B sanitary sewer mini-basin project

Mr. Wolfe noted that the change order is for time only as it is an increase of 62 days for substantial completion.

Mr. Crissman made a motion to approve Change Order No. 1 to the contract with Michael F. Ronca and Sons, Inc. for the BC-4A/4B sanitary sewer mini-basin project as presented by Mr. Wolfe with no increase, only providing at time extension. Ms. Lindsey seconded the motion. Mr. Seeds noted beside the time extension there is a deletion of a zone. Mr. Wolfe noted that is correct. Mr. Seeds noted that the same amount of work is being completed. Mr. Hornung called for a voice vote and a unanimous vote followed.

Resolution 16-10; authorizing the condemnation of a permanent right-of-way and temporary construction easement for road, stormwater, and related improvements at 4698 Orchard Street  
and  
Resolution 16-11; authorizing the condemnation of a permanent right-of-way for road, stormwater and related improvements at 201 N. Houcks Road

Mr. Stine noted that he has two resolutions for this same project authorizing the condemnation of temporary and permanent right-of-ways for stormwater roadway improvements. He noted that this happens to be at the address of 4698 Orchard Street. He noted that it is very similar to the ones that we do for the Sewer Authority when they are securing condemnations for their projects.

Mr. Crissman questioned if there is any difference between the condemnation of permanent right-of-way for 4698 Orchard Street and 210 North Houcks Road. Mr. Stine answered that the only difference is that for 4698 Orchard Street it also has a temporary construction easement in addition to the permanent right-of-way. Mr. Crissman questioned if we

need to take the two resolutions as separate motions. Mr. Stine answered that both resolutions could be approved together.

Mr. Crissman made a motion to approve Resolution 16-10 that authorizes the condemnation of a permanent right-of-way and temporary construction easement for roads, stormwater and related improvements at 4698 Orchard Street and Resolution 16-11 which authorizes the condemnation of a permanent right-of-way for roads, stormwater and related improvements at 210 North Houcks Road. Mr. Seeds seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Action on a Stipulation and Joint Motion for Agreed Upon Order in regard to the Lowes Home Improvement Center real estate tax assessment

Mr. Wolfe noted that this is a proposed stipulation to settle the appeal of the Lowes Improvement Center real estate tax assessment appeal. He noted the parties have agreed that the value of the property only be reduced by \$100,000, which tax wise for the Township is a minimal difference from what it is now. He noted for that little amount of money difference it seems like this settlement would be appropriate. He explained that it must be approved by the Township, School District and County.

Ms. Lindsey questioned if the School District made a decision yet or are they waiting on us. Mr. Stine answered that he did not know. He noted that no one waits on anyone else; it is more of an instance for when it comes up on their agendas. He noted that he does not know if the other parties have approved it yet. Mr. Seeds noted if one of the three does not approve it then it must go back. Mr. Stine answered that is correct.

Mr. Crissman made a motion to approve the Stipulation on a Joint Motion Agreement in regards to the Lowes Improvement Center Real Estate Tax Assessment as presented by Mr.

Stine. Ms. Lindsey seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed

Resolution 16-09; regarding reimbursement of training expenses under the  
Municipal Police Officers' Education and Training Act

Mr. Wolfe noted in order to apply for reimbursement for a police officer's training with the Municipal Police Academy; the Board has to adopt this resolution. He noted by adopting this resolution, staff will be able to apply for the reimbursement of funds that it expends in the training of our police officer to receive the Act 120 certification.

Mr. Crissman made a motion to approve Resolution 16-09 approving the reimbursement of training expenses of the Municipal Police Officers Education and Training Act. Ms. Lindsey had a question. Mr. Seeds seconded the motion first. Ms. Lindsey questioned if we get reimbursed for the entire amount. Mr. Wolfe suggested that it is 50% but it has changed over time. Ms. Lindsey questioned what it costs to send a police officer to the academy. Mr. Wolfe answered that he did not know. Mr. Hornung called for a voice vote and a unanimous vote followed.

Action on an agreement to participate in the Pennsylvania Aggressive  
Driving Enforcement and Education Project

Mr. Wolfe noted that the Police Department would like the Board to enter into this agreement to participate in the PennDOT Aggressive Driving Program which is ultimately managed by the North Central Highway Safety Network Incorporated. He explained that this would be the second wave of the program that will be implemented and is scheduled for March 21<sup>st</sup> to May 1<sup>st</sup> of 2016. He noted that currently there are 235 municipal police agencies that are scheduled to participate. He noted by the Township's participation, the costs for personnel to participate in the aggressive driving detail are reimbursed to the Township by the program. He

explained, in participating in the program the police will be looking for motorist who exhibiting unsafe behaviors such as driving too fast for conditions, following too closely or other aggressive actions such as not wearing seatbelts. He noted that the participating agencies will use traffic enforcement zones, saturation patrols, speed enforcement details, and corridor enforcement work. He noted, many times, these details are multi-jurisdictional in nature. He noted that we have done these in the past, and the Public Safety Director would like to participate in the upcoming round. He explained by the Board's adoption of this agreement the Public Safety Director will be in a position to do so.

Mr. Crissman noted as it provides training for our staff and there are reimbursements involved, noting that we will be able to provide educational training for our staff; it makes our staff even better. He made a motion to approve the agreement to participate in the Pennsylvania Aggressive Driving Enforcement Educational Project as presented by Mr. Wolfe. Mr. Seeds seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Ratification of Emergency Declaration 16-01, as issued by the  
Township Manager on January 22, 2016

Mr. Wolfe noted that this is a snow emergency declaration. He explained by the Township's codified ordinances, the Manager may declare a State of Emergency subject to the Board of Supervisors, at its next business meeting, ratifying said declaration. He noted that it was due to a blizzard condition that deposited nearly 30 inches of snow in our community over a two-day period of time. He noted that we continued the emergency declaration through to today. He requested the Board to ratify this emergency declaration at this time.

Mr. Crissman noted that we need this in place in order to apply for any funding that would come our way to assist in the recovery. He made a motion to approve the ratification

Emergency Declaration 2016-01 as issued by the Township Manager. Ms. Lindsey seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Mr. Hornung requested Mr. Wolfe to provide a few facts and figures for how many hours... Mr. Wolfe answered that he has not compiled the information yet as we have a meeting tomorrow to start the compilation process and submit those numbers to Dauphin County EMA.

Mr. Hornung questioned how many miles we plowed. Mr. Wolfe answered that there are over 400 lane miles in the Township that need to be plowed. He noted, in this emergency event, we plowed that 400 miles at least two times if not more.

Mr. Hornung noted that there are certain stipulations and requirements by PennDOT as far as how many hours a driver can be behind a wheel. Mr. Wolfe explained in an emergency situation, there is no limitation on municipal employees in their performance of their duties to remove snow. He noted that it was not unusual for Public Works and Sewer Department personnel to work over 50 hours from Friday evening to Sunday evening. He noted that they did not work the entire time taking rest and food breaks. He noted that we did our best to have 30 pieces of equipment on the road last weekend.

Mr. Hornung noted that the event occurred over a weekend and the employees spent their entire weekend plowing out everyone, not knowing who plowed out their driveways, hopefully someone did. He wanted to take time to commend the employee's dedication. He noted that not everyone was happy but for the most part they did an incredible job of opening up 400 miles of lanes.

Mr. Crissman noted that he would echo those comments as he did not see a snow plow on his street until late Sunday, noting that they plowed once down the street, and he and his neighbors were very happy. He noted that he was pleased with the actions taken by staff and they

are to be commended especially since we had over 30 inches of snow. He noted that it was not a typical snow fall. He explained that everyone worked very hard, and as Ms. Lindsey stated earlier, he applauded the efforts of the citizens who cleaned out the fire hydrants. He noted that he saw many neighbors speaking to other neighbors who would not normally speak to one another and helped each other with the snow. He noted even though it was a bad event, it is good when the community comes together and helps one another. He noted that it makes the community stronger.

Mr. Hawk noted that they made multiple swipes down his street and they tailored the intersections to make visibility very acceptable.

Ms. Lindsey noted that we have to realize that we had 30 inches of snow and it was not the typical storm where they came through and two hours later they were back through the development. She noted that we knew that was not going to happen this time around and we have a new Public Works Director and Mr. Kline did a great job.

Mr. Seeds noted that he was in Arizona but he received a couple complaints that had to do with fire hydrants. He noted that it was the first substantial snow storm since the roundabout in Linglestown was completed and normally the parking spaces have been done by the citizens, however for this snow, a front-end loader removed the snow from the parking spaces. He noted that he has heard a lot of good things.

Ms. Lindsey noted that no one was going anywhere as nothing was open. Mr. Hornung stated that his store was open.

#### Lot consolidation at 5812 Jonestown Road for Mione Properties LLC

Mr. Wolfe noted that this lot consolidation proposes to take what were five twenty foot by 125 foot lots and combine them with the Mione Properties, LLC which is located at 5811

Jonestown Road. He noted that it will turn all the lots into one parcel of ground. He noted that the Board has done lot consolidations of this nature in the past and Mr. Stine can speak to the process.

Mr. Stine noted on the plan there are paper streets that are in amongst the lots. He noted that the consolidation does not eliminate the paper streets. He noted that the only way they can be eliminated is if everyone who bought a lot on that development would essentially agree to release their rights to the paper streets. He noted they will stay on the plan as paper streets, and the rights of the people living in the development will have to remain for those paper streets. He noted that you can combine the lots but it will not remove the paper streets.

Mr. Hornung requested Mr. Mione to come up to the podium as Mr. Crissman normally has some questions for the requestor. Mr. Stine explained that it is only an approval of a lot consolidation, there are no conditions or anything.

Mr. Dan Mione of 6012 Catherine Street introduced himself to the Board.

Mr. Crissman questioned, hearing what the solicitor talked to about the paper streets, are you aware of them and know that they exist and at some point could be implemented. Mr. Mione answered that he does understand that. Mr. Mione noted that he has the engineers involved as to where the pole barn will be located and it was deliberate to stay away from the paper streets. Mr. Crissman questioned if Mr. Mione is able to speak on behalf of the applicant. Mr. Mione answered yes as he is the applicant.

Ms. Lindsey noted that it was good that you contacted the homeowners on Popular Street as there are no issues there.

Mr. Crissman made a motion to approve the lot consolidation at 5812 Jonestown Road for the Mione Properties, LLC. Ms. Lindsey seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Ms. Macut questioned how the Township would combine the properties for a deed. Mr. Wolfe answered that it would be one deed. Mr. Stine answered that the Township would not do that, Mr. Mione would do that. He noted that the deed would recite that they are subject to the paper streets. He noted that the Township does not get involved in the deed part.

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

~~Amber Fields, Phase III~~ Mindy Meadows, Phase I

A reduction in a letter of credit with Fulton Bank ~~extension Integrity~~ in the amount of \$8,818.72, ~~439,347.12~~ with an expiration date of ~~December~~ December 15, 2016.

The Estates of Autumn Oaks, Phase IIA

~~A reduction in a letter of credit with Farmers and Merchants Trust Company in the amount of \$80,667.37, with an expiration date of January 19, 2017.~~

Kings Crossing, Phase C

A release of an ~~extension~~ escrow with Lower Paxton Township ~~Integrity~~ in the amount of \$8,166.46. ~~439,347.12 December 2, 2015~~

Copperstone Estates

A reduction in a bond with Lexon Insurance Company, in the amount of \$154,627.83,  
with an expiration date of January 19, 2017.

Autumn Oaks, Phase II

A reduction in a letter of credit with Farmers and Merchants Trust Company in the  
amount of \$379,895.84, with an expiration date of January 19, 2017.

Hearthside East

A reduction in an escrow with Lower Paxton Township in the amount of \$14,925.40 with  
an expiration date of December 15, 2016.

Mr. Crissman made a motion to approve the six Improvement Guarantees. 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 and Lower Paxton Township Authority, payroll checks and Lower Paxton Township and Lower Paxton Authority Purchase Cards. Mr. Crissman seconded the motion. Mr. Hornung called for a voice vote, and a unanimous vote followed.

**Announcements**

Mr. Hornung noted that prior to this meeting the Board met in executive session to discuss minor Township administrative matters.

**Adjournment**

Mr. Crissman made a motion to adjourn the meeting. Mr. Hawk second the motion, and Mr. Hornung adjourned the meeting at 8:45 p. m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

William B. Hawk  
Township Secretary