

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held June 7, 2016

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:30 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., Gary A. Crissman, and Robin L. Lindsey.

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

Pledge of Allegiance

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

Public Comment

No public comment was presented.

OLD BUSINESS

Ordinance 16-01; amending the Township Zoning Ordinance as it relates to uses permitted in the IN, Institutional District
and

Ordinance 16-02; amending the township Zoning Map as it relates to the Dauphin County Industrial Development Authority parcel and Township Public Works site located at about 5975 Locust Lane.
The zoning districts involved in this amendment are the R-1, Low Density Residential and the In, Institutional District

Ms. Lindsey wanted to notify the Board of Supervisors of her decision to abstain from voting on any issues regarding Magisterial District Court 12-1-6. She noted that the reason for her decision is to avoid any appearance of impropriety given the fact that her husband is the Magisterial District Judge who presides in Magisterial District Court 12-1-06.

Presentation by Mr. George Wolfe, Lower Paxton Township Manager

Mr. Wolfe noted that he would like to introduce Ordinances 16-01 and 16-02 as they amend Lower Paxton Township Zoning Ordinance and Map. He noted that he will introduce both ordinances at the same time as they flow together.

Mr. Wolfe noted that Ordinance 16-01 amends three sections of the Township's Zoning Ordinance. He noted the first is the definition section as it relates to the definition of government facility other than that owned by Lower Paxton Township. He noted in this definition, it removes recycling collection. He noted the second text change concerns the types of uses permitted in the Institutional Semi-Public category that are amended to be more restrictive. He noted that five of the permitted uses become uses by Special Exception and four of the permitted uses permitted become not permitted. He noted that the third text change is that the dimensions for front yard setback for a building of less than 10,000 square feet are reduced from 40 feet to 30 feet. He noted that they are the only changes proposed for the text of Lower Paxton Township's Zoning Ordinance.

Mr. Wolfe noted that Ordinance 16-02 amends that Lower Paxton Township Zoning Map. He noted that three areas are proposed to be amended. He noted the first area is commonly referred to as the Magisterial District Justice Office tract of land. He noted that it fronts on Locust Lane and is bounded by Township property to the south, the Pine Hollow Development to the west, and property owned by United Water of PA to the east. He noted that it is proposed to be rezoned from Low Density Residential, R-1 to Institutional. He noted that the second tract to be rezoned is south of the proposed Magisterial District Justice Office tract. He noted that it makes up a portion of the Lower Paxton Township Public Works site that is currently zoned R-1. He noted that it is bounded on the west by the Pine Hollow Development, on the east by Dauphin County Technical School, north by the Magisterial District Justice Office as well as United

Water PA, and to the south by the remainder of the Lower Paxton Township Public Works site. He noted that this tract of land is proposed to be rezoned from Low Density Residential, R-1 to Institutional. He noted that the third tract is a portion of the Township's Public Works parcel which is currently zoned Institutional, making up about eight acres of land that is south of the Pine Hollow Development, west of the Lower Paxton Township Public Works facility, bounded by an intermittent stream that exists as an easement area defined in a subdivision and land development plan that consist of about eight acres. He noted that tract of land is proposed to be rezoned from Institutional to Low Density Residential, R-1.

Mr. Wolfe pointed on a map to the three zones. He explained that summarized Ordinance 16-02.

Mr. Seeds noted that Mr. Wolfe mentioned that there were five permitted uses that will not be permitted except by special exception and four uses will be removed. Mr. Seeds questioned if he has the list for those uses. Mr. Wolfe suggested while he was looking for that paper Mr. Diamond could make his presentation.

Presentation by Mr. James Diamond, Dauphin County Industrial Authority

Mr. James Diamond noted that he is from the law firm of Eckert and Siemens and is the solicitor for the Dauphin County Industrial Development Authority (IDA). He noted they are the applicant with respect to the rezoning request for tax parcel 35-070-468. He noted that no street address has been assigned to that parcel yet. He stated that it has commonly been referred to as the MDJ Lot. He explained that the IDA is a government body, an instrumentality of the Commonwealth. He noted that the IDA is planning to develop a Magisterial District Judge Office on that lot.

Mr. Diamond noted that he would like to offer the plan as an exhibit as part of the application. He noted that it shows the location of the site with the IDA portion south of Locust

Lane. He noted that this had been land that was part of the multi-use Township land campus where the Public Works facility is located, prior to its acquisition in October of 2015 by the IDA. He noted that uses of that campus are well known to the Board as they include everything from ballfields, Public Works garage, Sewer Authority Operations, storage facilities, salt storage dome, cell tower, municipal vehicle fueling facility, police impound lot, dog pound facilities and governmental offices.

Mr. Diamond noted that the location that Mr. Wolfe had previously shown is currently zoned R-1 and part of the parent tract, historically in a strange way, portions of it were R-1 and portions are Institutional. He noted that it is not only the MDJ Lot but also the portion behind the water tower and south.

Mr. Diamond noted that the adjacent properties to the east shows Locust Lane which is a PennDOT roadway, known as Porsche Drive, the access route, private lane having a PennDOT Highway Occupancy Permit in place. He noted on the western side is the large water tank, and the municipal campus is behind the water tank. He showed a new baseball field that is south from the MDJ site, as well as the soon to be expanded Public Works facility. He also displayed pictures of the salt dome and storage areas as well.

Mr. Diamond noted to the west there are two properties, one an apartment and the other a boarded single family home that is in a distressed state.

Mr. Diamond noted that east of the campus location is the Dauphin County Technical School.

Mr. Diamond noted that the proposed development of the entire tract to the front is the proposed MDJ facility with the expansion of the garage closer to the existing ballfield.

Mr. Diamond displayed a picture of the proposed building to be built. He noted that it is the prototype MDJ facility, noting that Dauphin County is trying to update their facilities,

building a new prototype, one of which has been built in West Hanover Township. He noted that it is located behind Ciocca Honda on Route 22. He noted that they are designed to look almost residential with much landscaping and buffers inserted along the western line and it will match the Township's lead up to it.

Mr. Diamond noted that the consistent zoning of the entire campus area as Institutional is appropriate. He noted that he presented to the Planning Commission testimony and much public discussion about the safety and the operations. He noted that Magisterial District Judge Judy, a 30 year Magisterial District Judge, along with Public Safety Director Dave Spotts, provided testimony of the safety of the operations.

Mr. Diamond noted that the types of cases these MDJ offices would hold are the modern equivalent of the Justice of the Peace. He noted that it is a small claims court for civil cases of \$12,000 or less. He noted that they handle traffic tickets, truancy cases, criminal arraignments and preliminary hearings and bail settings. He explained that no major criminal trials are held in these offices. He noted that some of the arraignments are done by video where defendant will sit in front of a camera at Dauphin County Prison and the Judge would sit in front of a camera at his desk in his office. He noted that the prototype building is designed to be extremely safe, quiet and nice looking. He noted that it creates a nice transition as a buffer for the more industrial stuff behind it as it is slightly raised on a higher elevation than the ballfields and other buildings.

Mr. Diamond noted that the AOPC, the Administrative Office of Pennsylvania Courts sets all the design and security for the buildings and are well known in the legal and criminal justice community. He noted that the MDJ buildings are safe, the hours of operation actually compliment the use of the ballfield as they are not open on weekends or evenings, and they are very safe places because police officers are at this location very often.

Mr. Diamond respectfully requests that the Board rezone this property to Institutional.

Mr. Wolfe noted, as per Mr. Seed's question, the five uses that would become special exceptions are a public swimming pool, college or university, adult daycare center, child daycare center, and a hospital. He noted that the four uses that are not permitted is a hunting and fishing club, maintenance facility for residential property owners association, membership club, not including a tavern, and a post office.

Public Hearing

Mr. Stine noted that this is the date and time set for the Public Hearing on Ordinance 16-01 which would amend the Township's Zoning Ordinance as it relates to uses admitted in the Institutional District and Ordinance 16-02 which would amend the Township's Zoning Map as related to the Dauphin County Industrial Development Authority Parcel, and the Township's Public Works site located generally at 5979 Locust Lane. He noted that the purpose of the public hearing is to get comments from the public with regard to both of these ordinances. He noted if anyone has any questions with regard to the contents of the ordinance they can direct those questions to Mr. Wolfe or Mr. Diamond. He questioned if anyone in the audience wished to be heard on Ordinances 16-01 and 16-02.

Attorney Mike Peters

Mr. Mike Peters noted that he is an attorney with the law firm of Eastburn and Gray, Doylestown, Pennsylvania. He explained that he is representing Don and Mary Anne Haschert, the owners of the property located at 5908 Pine Hollow Court. He noted that they both will speak tonight, and as you are aware these two ordinances are legislative actions and it is much more important for the Board to hear from them and the other members of the public. He explained that he was hired by Mary Anne and Don Haschert to review certain procedural regularities that they notice with respect to the manner this rezoning procedures has proceeded through the Township's review process. He noted that they also asked him to look at the

substance validity of the zoning ordinance and form an opinion with respect there to. He noted that procedurally, we filed right-to-know requests and were unable to obtain all the procedural documents that the Township has received on issues with respect to the rezoning. He noted that the Right-To Know Officer issued a 30-day review letter so he is in a bad position as he has not seen the materials that he needed to review to determine whether or not the Township has proceeded in a procedurally proper fashion. He noted that he will expect those materials later in June and once he receives and reviews them, if a procedural challenge is necessary he will file the same under the judicial code as required. He noted based on the testimony that you have heard tonight, and he has been involved in quite a few rezonings; usually there is a reason to rezone, and he has not heard a reason tonight. He noted that he has heard no justification for the proposed rezoning other than they would like to relocate a Magisterial District Justice Office on this property and would like to expand the Municipal Works building. He noted that he will tell you that under the case law and law of Pennsylvania those two items are insufficient to justify a rezoning. He noted that rezoning occurs pursuant to specific planning objectives and you heard no planner tonight, you have heard no explanation of how the propose rezoning is consistent with good planning and good zoning, and should this ordinance be challenged on it sustenance basis, it would be his legal opinion that it would be subject to challenge and being overturned. He noted that the Board should keep in mind that the basis of the challenge would be on the transcript that you have tonight. He noted if you look at the transcript there is not one justification for this rezoning. He noted that he will ask the Board to please listen carefully to what Mary Anne has to say and Don may have something to say as well.

Mr. Peters requested that the Board be respectful, please pay attention to her to the extent that other members of the public have something to say. He noted that this is a legislative action and everything they have to say to you tonight is very important so please listen to them.

Mr. Don Haschert, 5908 Pine Hollow Court

Mr. Haschert asked the Board, Township Manager, Solicitor, and Recorder for this evening's presentation, he has been to many meetings related to this and he has watched the Board conduct themselves up here, looking at their laptops, their cellphones, their papers, papers that we don't have the privilege to see. So for this hearing this evening he would like to remind the Board, the Township Manger, Solicitor, and the Recorder of good meeting habits. He asked them to please turn off all cellphones, close all laptops, turn over any paperwork at your desk and keep your dedicated attention, eyes and ears directed to the speakers and only the speakers. He ask those on the stage to refrain from using nods, winks, and any other kind of hand signals as we are asking each individual Board Supervisor to make their own individual decision. He stated that he brings this up because he has been at previous meetings when Mr. Wolfe has not been paying attention, he is cleaning his glasses and things like that, and it is very disrespectful. He noted that he will be sitting up here watching the Board and their conduct and if he doesn't see people paying attention he will raise his hand so the speaker knows that not everyone is paying attention.

Mr. Haschert questioned if Mr. Diamond that he stated in his presentation that the AOPC... Mr. Diamond answered that it is the Administrative Office of Public Courts... Mr. Haschert stated whatever that is, is responsible for the... Mr. Diamond answered guidelines... Mr. Haschert noted safety, guidelines, and the safety of the Magisterial District Justice for the building. He noted that he went on a mission, truly open-minded here to find out what the procedures are for the personnel and how they are trained when a detainee is in one of those Magisterial District Justice offices. He noted what he found was pretty interesting. He stated that he talked to a constable in the West Hanover Township area, and walked in as we were invited to go see one of the buildings. He stated that he did that and talked to a constable there and he

showed him the holding cell and he asked the constable what he would do if he had someone in here for a hearing, explain the process. He questioned what kind of formal training, what kind of policies and procedures do you have in place, what were you trained to do, and how do you know what to do here. He stated that he did not have any, so even though we have policies and procedures in the building and everything else, you have an individual officer here that has not been trained on how to take custody of detainee while they are in there. He noted that they have not had formal training, the one I talked to didn't.

Ms. Mary Ann Haschert, 5908 Pine Hollow Court

Ms. Haschert noted that her home is one of the homes that was damaged by the Lower Paxton Public Works building and Magisterial District Court building construction project. She noted that she has prepared her testimony tonight in the first person but she can assure you that there are others who agree with the statements and concerns she is about to present. She noted that she strongly encourages anyone in the audience to also stand up and speak their concerns tonight, no matter how general, specific or even repetitive. She noted that it is important for the Board of the Supervisors and the public to hear from as many people tonight as possible. She noted for those of you watching at home, she encouraged them to come to the meeting now. She stated that the public hearing is conducted for the purpose of presenting information to the public and hearing from the public prior to taking action. She asked the Board of Supervisors to not predetermine any votes that might be taken tonight without consideration of all the testimony that is presented tonight.

Ms. Haschert noted about a week or two ago, one of her neighbors sent an email asking about the rules for the hearing tonight so that we could properly prepared to give our testimony. She noted that one of the answers to a question what that there were no rules but another question was if we could present a power point. She stated the answer was no. She stated that she

prepared a power point for tonight to help convey some of the points that she wanted to make and the objections that she has to these amendments, and came up before the meeting and asked Maureen and Mr. Wolfe if she could use her power point and she was told no. She noted that Mr. Wolfe stated that he could not put her flash drive on his computer and she also asked if she could use her own computer and she was told no. She noted that it is very unfair that the IDA gets to present their side with a power point when we were clearly denied. She noted that she wanted that to be part of the record that she was denied. She noted having said that, she expected to be denied, so she printed out the power point and hopefully everyone in the audience has a copy of the slides. She requested someone to provide a packet to the Board.

Mr. Hornung questioned if this had to be made an exhibit. Mr. Stine answered no as it is an informal exhibit.

Ms. Haschert noted that the first couple slides and photos that are on the power point are showing what was already presented before about Lots 1, 2 and 3. She noted that there are also photographs that may not be very clear that showed there was a thick border of trees along the property lines at the adjacent property owners and the Lower Paxton Township property. She noted that those trees have been ripped out, and on October 7th when the trees were ripped out by bulldozers waking up many of the neighbors, that is how we found out about this project. She noted that there is also a couple photographs that show what it looks like now, one is of a neighbor and what their back yard looks like, and they are now staring at a retaining wall and a fence that is a home run fence from the ballfield. She stated that the wall and fence is within two feet of her backyard and they no longer have any privacy. She noted that there is a plan to put a buffer back but she does not know the details for that fact.

Ms. Haschert noted that she has slides summarizing the ordinances which have been summarized but she wanted to point out a couple details that were in the cover letter of the

notice. She suggested that they were clarified tonight but she will have to go through them. She noted that the front cover letter that she received said that Ordinance 16-01 amends the Township's zoning ordinance as it relates to uses permitted in the IN, Institutional district. She noted that is the only thing that this letter says. She noted that there are also text changes in 16-01 and the text changes have to do with removing the words recycling operation from the definition of government facility, and it also had to do with text changes changing the front yard setback. She noted that the uses permitted in Institutional District are indeed changed but she suggested that there are also a couple changes to R1, R2, and R3. She noted that it is the line that says hunting and fishing club with a five percent maximum building coverage in residential districts now. She noted that it does not seem to be a big issue for her, but nevertheless it does appear that R1, R2, and R3 have changes.

Ms. Haschert noted that she would like to ask about these changes and what they are for Section 306.B 1 C, Institutional/Semi-public uses but when she went to the second page that begins with Township government uses, other than uses listed separately in this section, the second page on this notice, when she looked at the code that she printed out from the internet that is not section C it is section D. She noted that she could be mistaken about this, and this question was raised at a Planning Commission meeting that it appeared to be a typo of some kind and she does not see any change. She noted that she would like an answer on that as well.

Ms. Haschert noted that she has several objections to these ordinance amendments. She noted for the benefit of those watching at home let me quickly summarize some facts that are relevant to her objections, specifically the lot identified as Lot 1 which is where the Magisterial District Court will be built.

Ms. Haschert noted that Lower Paxton Township decided to sell some of its land, some of our land, to the Dauphin County IDA. She noted that she does not know when these discussions

began or when it was decided, but the IDA obtained an appraisal in 2014. She noted that the parcel of land was located on the east side of Porsche Drive back by the water tower. She noted that the appraisal resulted in an average price per acre of \$145,000 and it identified it as commercial. She noted that the purpose for the sale of the land was for the construction of the Magisterial District Justice Court building for Judge Joseph Lindsey, wife of Township Supervisor Robin Lindsey.

Ms. Haschert noted that meanwhile, the Township was also pursuing its desires to build an expansion of the Public Works building from the current 25,000 square feet to a total of 41,000 square feet, and Dauphin County awarded the Township \$100,000 grant toward the cost of the design and expansion. She noted that Township meeting minutes from September of 2014 present discussion about the Public Works expansion and discussion with multiple athletic associations about the reduction of two ballfields to one at this site. She noted that those minutes also quote Mr. Crissman saying that there is another issue that he couldn't discuss at this time that will also have an impact. She questioned if that other issue was indeed the sale of the land. She noted that extensive discussions with the athletic associations resulted in a memorandum of understanding signed by all parties including the Township and the IDA. She noted that she has a copy of it but no date as it is not dated. She noted in July 2015 the Township and the IDA signed an agreement of sale for 1.025 acres and the land was sold, but not that area on Porsche Drive by the water tower, rather it was a parcel on the opposite side of Porsche Drive with road frontage on Locust Lane. She noted that the sale price was \$148,000 based on the previously mention appraisal.

Ms. Haschert noted that the agreement of sale stated that the plan was Institutional. She noted that it was not and is not. She noted that land is residential as of this moment. She noted that the Dauphin County website tax records show that the IDA owns this property and it is listed

as commercial. She noted that it is not, it is residential. She noted in order for the IDA to build a Magisterial District Court, either a special exception must be granted by the Zoning Hearing Board, or the land must be rezoned to Institutional by the Board of Supervisors, which is why we are here tonight. She noted that the problem is that site preparation began months ago prior to obtaining the property zoning for this lot. She noted that the IDA lot is Lot 1 on the maps and Lots 2 and 3 are additional areas being considered for rezoning tonight, but she does not see any good reason except that Lot 2 is adjacent to Lot 1.

Ms. Haschert noted that she objects to Ordinance amendments 16-01 and 16-02 for several reasons. She noted that these ordinance amendments are an attempt to fix and cover up prior errors made by the Township. She noted that the projects at Locust Lane and Porsche Drive which include the Public Works building expansion, the construction of a vehicle wash, the revamping of two ballfields into one, and the construction of an MDJ court building have been handled so poorly by the Township Board of Supervisors and staff that it has resulted in the proposal of ordinances before us tonight, not for the good of all the residents, but rather to try to fix the errors that have been made over the past year or more perhaps.

Ms. Haschert noted the significant changes in these amendments are specific to the needs of the IDA. She noted, although the language of the ordinance amendments does not appear to be specific all the way through to the IDA construction of the Magisterial District Court building, they are indeed specific. She noted that Mr. Wolfe, the Township Manager, stated in a previous public meeting recently that he and the IDA jointly wrote those amendments. She noted, for example, the setback requirements are proposed to be reduced from 40 feet to 30 feet for a size requirement less than 10,000 square feet. She questioned why this ordinance revision is necessary and how does it benefit the Township as a whole. She noted that the building design plans for the MDJ building show a setback of 36 feet. She noted as the ordinance is currently

written, the IDA would have to obtain a variance from the Zoning Hearing Board. She noted that the IDA and Township personnel have worked together on these amendments, thus avoiding applications to the Zoning Board and the special exception process.

Ms. Haschert noted that the IDA was given preferential treatment in her opinion. She noted that the IDA could have requested a special exception to build the MDJ Court building on residential land. She noted that it would have required a public hearing before the Zoning Board, not before the Board of Supervisors. She noted instead, the IDA in discussion and agreement with the Township personnel and Supervisors, submitted a request for zoning ordinance amendment requiring a public hearing tonight in front of the Board of Supervisors, the very ones trying to fix the prior errors made. She noted that the IDA and Township opted this route she thinks because they felt it would be easier to avoid appeals.

Ms. Haschert noted that the SALDO process was not followed properly. She noted that it stands for the Subdivision and Land Development Ordinance. She noted that one of the elementary standards in the SALDO process is to verify the zoning of the land being subdivided. She noted if this would have been done, errors could have been avoided. She noted that zoning amendments revisions must be consistent with the Comprehensive Plan, which is currently in revision. She noted that the Township Zoning Ordinance must also be consistent with the County Comprehensive Plan and it must comply with the provisions of the Municipalities Planning Code. She noted that Comprehensive Plans should be revised every ten years to be effective and stay up with the times. She noted that Lower Paxton's Comprehensive Plan is 13 years old, and is currently in revision with the Planning Commission. She noted that LPT is receiving a \$50,000 grant from the Gaming Funds from the Dauphin County Community and Economic Development Department and IDA to assist with revision. She noted that the target date for at least a draft is one year from now as was discussed at a recent meeting. She noted if the

ordinance amendments tonight are not specifically needed for the IDA, then why wouldn't these changes be included in the Comprehensive Plan's revision.

Ms. Haschert noted regarding Lots 2 and 3 there doesn't seem to be good reasons for rezoning there either, particularly Lot 3 that is behind the Pine Hollow neighborhood, where she lives. She noted when asked by a resident why this land was being rezoned, Mr. Wolfe replied that the neighbors wanted it. She noted that residents raised the same question at the Planning Commission meeting in May and Mr. Wolfe again said that the neighbors wanted it, but the neighbors that were at that meeting that night clearly objected. She noted as a result, the Planning Commission did not recommend approval of rezoning Lot 3. She noted that they only made a motion on Lots 1 & 2.

Ms. Haschert noted that Township residents are selectively warned and information is purposely withheld leading up to tonight's proposed zoning ordinance amendments. She noted that there have been several occasions regarding the Public Works and IDA projects that Township personnel, Commission members, and Supervisors have not been forthright, have not given accurate information, and have not answered resident's questions. She noted that the public notices are published only in the Paxton Herald and not published anywhere else such as the Township newsletter or the Township website. She noted that the public notices on the property at the Public Works site are so small that they can only be read by someone walking by and it is dangerous to pull a car over to see it. She noted that the website is grossly and embarrassingly unkempt. She noted that it does not obtain up to date information, the agenda for tonight's meeting doesn't even state that tonight is a public hearing. She noted that the last minutes posted for the Board of Supervisors meetings is April 19th. She noted when minutes are not posted timely, the residents of this Township are not informed prior to the next actions of the Supervisors. She noted that the Township newsletter is published three or four times per year

with very limited and very selective information. She noted that the meeting schedules in the newsletter have a note to check the website for changes, but the website is not up to date. She noted when we attend meetings we are not given hardly any information for which we can understand what the Supervisors are voting on. She noted that the packets that are given to the Board members should be available on the website so residents can review the same information prior to a meeting. She noted that some of that information may not be appropriate to distribute but she thinks an effort could be made to distribute some information.

Ms. Haschert noted that she has personally attended the past several months Board of Supervisors and Planning Commission meetings where questions were not answered forthrightly or not answered at all. She noted on three or four occasions, I would consider some responses to resident's questions to have been deceptive, if not outright lies. She noted that she could provide several examples of what it takes to get information from the Supervisors and staff regarding tonight's amendments, but let me give you one example. She noted in preparation for tonight's hearing on the zoning ordinance amendment, she attended the Planning Commission meeting on May 4th when the IDA gave a one hour presentation on its application including the use of the audio visual equipment. She noted when she asked what kind of application it was as she did not know if it was a special exception or a variance or whatever, the Planning Commission members were not able to answer the question. She noted that Mr. Wolfe would not answer the question and the solicitor, Mr. Diamond for the IDA gave an unclear answer. She noted the next day she submitted a Right to Know request for the application and received a copy within the required five days, the application was titled, "Application for Amendment to Zoning", and it indicated that the application was referring to the Planning Commission on May 4th, the same day of the meeting that she just mentioned. She noted that additionally in her Right To Know, she asked for and received a copy of the comments that were read at the May 4th meeting from the Dauphin

County Planning Commission. She noted that the comments were dated May 2nd but did not state when they received the ordinance amendments. She noted at the May 2nd Board of Supervisors meeting, a few weeks ago, after further teeth pulling questions, she learned that tonight's public hearing was changed from May 17th to June 7th because there was not 30 days between the submission of tonight's ordinance amendments to the Planning Commission and the date of the public hearing. She noted that the Public hearing on May 17th had to be postponed to tonight because the Planning Commission did not receive the zoning ordinance amendments 30 days prior to the date of the public hearing. She noted by postponing the meeting to tonight, the 30 day requirement has been met. She noted that additionally Mr. Stine explained that the ordinance amendments would have been prepared sometime after the date of application which was April 6th. She questioned when the ordinance amendments were submitted to the Planning Commission and both Mr. Wolfe and Mr. Stine individually responded that they did not recall. She noted that she also asked when the same was submitted to the Dauphin County Planning Commission and got the same answers. She noted that none of the Supervisors answered either, yet they knew the 30 day requirement had to be met. She noted that she was forced to submit another Right To Know request which she submitted on May 20th in which she requested the four dates that the IDA application and subsequent ordinance amendments were submitted to both the Lower Paxton Planning Commission and the Dauphin County Planning Commission. She noted that the Township replied on May 23rd that they would provide the information in 30 days which goes beyond tonight's hearing and she still does not have the answer. She noted in all fairness, she did ask other questions that perhaps would require 30 days, but that question could have been answered and she has also provided copies of her Right To Know request and the reply, so the people in the audience do have them. She noted in another Right To Know request she was denied information due to attorney/client privilege. She noted that she filed an appeal with the

State Office of Open Records and that is pending. She noted that there should be a no vote on these ordinances amendments tonight until our questions are answered. No vote.

Ms. Haschert noted if the Township was not withholding information we would be way beyond this point tonight. She noted that another objection that she had to these ordinance amendments is that the procedures for processing criminals seems to be unknown. She noted when the IDA did its hour long presentation a few weeks ago, a judge from Royalton explained his process. She noted that we would like to know what the procedures will be implemented here on Locust Lane in our neighborhood. She noted that a vote to rezone the IDA's lot cannot be conducted until this serious safety issue has been satisfied and clearly explained. She noted that it also appears that there has been violations of the Sunshine Act. She noted that several Right To Know requests for information have been denied due to the Township claiming privilege in their communications. She noted when the Public Works Building expansion and ball fields were being discussed in a public meeting, Mr. Crissman referred to another matter that was going to impact the project. She noted that the September 29th Board of Supervisors meeting minutes state that Mr. Hawk noted that the Board is all in agreement with the action to sell the land, September 29, 2015. She noted that she is not sure if she has the right year for that. She noted that her question is when the agreement occurred. She noted that the Sunshine Act lists the purchase of land as an exemption from public meetings but does not exempt the sale of Township property.

Ms. Haschert noted in another meeting it was asked why the Township is squeezing so much on to this property and Mr. Hornung answered so we don't have to buy more land. She questioned why you sold the land to begin with. She questioned when the deliberations occurred and when did the Board reach a decision to sell the land. She noted that she objects to the ordinance amendments tonight because the IDA is currently in violation of the zoning ordinance.

She noted that they have excavated the lot and prepared the site for the building, including the building pad. She noted when she asked about this violation at the Board of Supervisor's meeting last month and cited the ordinances that specifically state that site preparation and excavation are indeed violations, the Board of Supervisors, Mr. Wolfe, and Mr. Stine would not answer her question. She was told to ask the zoning officer, Amanda Zerbe. She noted that she did ask her and by email Ms. Zerbe answered as follows: "To answer your question regarding the excavation and site preparation that has occurred at the MDJ Office and the a zoning violation pertaining to such, she included the language from the zoning ordinance Section 115, Township and Municipal Authority exceptions". She explained if she was showing a power point right now she would have that up on the screen but it is in the handouts. She noted that it says that Lower Paxton Township does not have to follow the zoning ordinances. She noted that Ms. Zerbe concluded that the site work and grading was under contract with Lower Paxton Township, and therefore it met the exception of Section 115. She noted that regarding the language of this ordinance, 115, she does not believe that the IDA qualifies as an entity exempted by the above ordinance. She noted that the IDA is not owned by Lower Paxton Township nor was it created by Lower Paxton. She noted that she does not understand why the Township would commission preparation of land that no longer belongs to them. She noted that it was sold in July, conveyed by deed in September, and excavation began in October. She noted what Ms. Zerbe does not say in her reply is that there was an agreement between Lower Paxton and the IDA to share the costs of the site excavation 80/20%. She noted for those of you who have a copy of the agreement of sale, the 80/20 is on page five. She noted that this was specified in the agreement of sale so even if the primary contract was between Lower Paxton and the excavator, the IDA was also contracted to pay their share of the costs. She noted that the IDA did not have the permitted zoning to do excavation or site preparation, they still don't have the permitted zoning unless the

Board of Supervisors changes it tonight. She noted that there should be no vote on rezoning tonight until proper procedures have been followed regarding the violation. She noted that many of the rest of us would be subject to the consequences of the violation, why not the IDA. She questioned if it is because of the relationship with the Lindsey's. She questioned if it is because the IDA controls the gaming funds that provides millions of dollars in grants to the Townships. She noted that she submitted a Right to Know request immediately following Ms. Zerbe's reply for the agreement between Lower Paxton and the IDA because she figured there was probably another agreement in addition to the agreement of sale on the property. She noted that she also asked for copies of payments made between the two parties but the Township said that they won't reply for 30 days. She noted that she does not have that information tonight and again she requested that there should be no votes tonight on these ordinance amendments until we have the information that we have requested. She noted if the Township did not withhold information, it would have been available by now, and these questions would have been answered.

Ms. Haschert noted that there has been a consistent attempt to circumvent the procedures. She noted that the sales agreement includes specific promises to the IDA and indicates that there would not likely be a need for permits. She noted that the HRG contract indicates references that there would be no need for permits in their design proposal. She noted that a building permit was not obtained for the retaining wall and the project was stopped by the State until a building permit was obtained. She noted that LP is citing Ordinance 115 exemption on behalf of the IDA which is not appropriate. She noted that information has been deliberately withheld, meetings and discussions have been conducted in private whether or not they are specific violations of the Sunshine Act.

Ms. Haschert noted that her final objection is that a traffic study is needed and she did not understand why there wasn't one done. She noted that her understanding is that PennDOT

and the County are already saying traffic on Locust Lane is an issue as they discussed the possibility of a new charter school on Locust Lane, just a couple blocks away. She noted at particular times of the day she must wait a considerable amount of time until she is able to pull on to Locust Lane from her neighborhood. She noted that recently she sat through four light changes at the intersection of Locust Lane and Houcks Road. She noted that a traffic study for the MDJ court should not only count the number of staff and hearings per day, it should also count for the visitors, the attorneys, the witnesses, the vendors, the news media, police and so forth. She noted that there will be a significant increase in the amount of traffic due to the MDJ building.

Ms. Haschert stated, no vote, until our questions are answered and her final questions are we wouldn't be here tonight if the land on Locust Lane hadn't been sold to the IDA, so her burning question is why. She questioned why the Township Supervisors sold prime real estate to the IDA, what were the reasons that each of you were in favor of it, and on what date did a vote occur. She questioned why the location was changed from the land that you intended to sell, and what agreements are there between LP and the IDA for share costs.

Ms. Haschert noted in summary she believes that the role of the Township Supervisor is a difficult one and she acknowledged the amount of time that must be spent on these issues. She noted that it is not a job she would want, but nevertheless, she thinks the Township has misused its authority over an extensive period of time regarding all of the projects at the Public Works property on Locust Lane, and regarding the sale of land to and subsequent relationship with the IDA. She noted that it has finally reached the point of this public hearing tonight. She noted as residents of this community, we have been denied due process, we have been denied access to information, and we have been denied respect as taxpayers. She noted that we are at the top of the organization chart, you work for us.

Ms. Haschert noted that the details in the agreement of sale spell out the excavation and engineering costs will be shared by LP 80% and the IDA 20%, yet the Zoning Officer is claiming section 115 exemption on behalf of the IDA because the contract is actually between the contractors and Lower Paxton. She noted that she asked for the agreement between Lower Paxton and the IDA and so far she does not have the document. She noted that she thinks there should be an investigation into all aspects of the projects, the sale of the land, the agreement of sale, the award of gaming funds to Lower Paxton, the Planning Commission's role, the Zoning Officer's decision to exempt the IDA, and all of the discussions behind the scenes trying to circumvent the public process. She noted that there are too many unanswered questions, if there is nothing to hide, then the Board of Supervisors should not mind providing the answers. She noted that there should be no vote on the ordinance amendments tonight.

Mr. Forest Healey, 5917 Shope Place

Mr. Healey noted that Mary Anne did such a great job that she included the first half of what he was going to say. He noted that he was a little upset that the Township removed a ballfield and put it back to one which is a nicer one, but we are still short one ballfield in our neighborhood. He noted that we have new families moving in, many more kids here since he moved in in 2007. He questioned what kind of Township, what kind of planning, it takes to take away ballfields from children. He noted that at the Planning Commission meeting regarding this subject, Mr. Diamond was present as noted, and part of his presentation had pictures of examples of some of the existing courthouses and he will use that word since he was from out west. He noted that he had pictures and they were zoomed in so you could only see so much. He noted as an example here is a picture of the proposed location for the new location of the courthouse and in it you will see the small dots of houses and the big dots and blocks are the Vo-Tech but no commercial buildings. He noted that typically, commonsense would tell us, and he would like to

hand this to the Board, the photo's that I gave the Board are photo's that are zoomed out a little bit more of some of these locations, that these courthouses are in, and what you will find in those pictures, you should see some commercial buildings. He questioned if it makes any sense, so not only are they residential houses in those pictures around those courthouses but there are also commercial buildings. He questioned if commonsense says that if you are going to build a courthouse, that you would put it in a zone where there typically would be a commercial business type, a much busier atmosphere then in the middle of our residential neighborhood. He noted that it doesn't make any sense.

Mr. Tim Murphy, 1524 Pine Hollow Road

Mr. Murphy noted that Mr. Diamond was talking about the operating hours of the MDJ offices and indicated that they are not open in the evening or on weekends, but he believes at some previous meeting, that the DJ's operate on a rotating basis and that sometimes they are open at night or on weekends. Mr. Diamond answered that sometimes a MDJ has to do a video arraignments such as Judge Judy testified to having to go in front of his computer sometimes at night, but every so many weeks for their rotation. Mr. Murphy questioned if there would be some traffic there in the evening. Mr. Diamond answered that the judge's car would be there.

Mr. Murphy noted, regarding Ms. Lindsey's recusing of herself on Ordinance 16-01. He noted on the surface there is nothing there that looks like it has anything to do with the DJ's office, why would there be any conflict in her sitting in on the discussion and possibly voting on that item, with one exception, and she is being honest about this in recognizing that the proposed change of the front yard setbacks for building in the Institutional zone would actually be an impact on the MDJ office, because that is the reason it is in there. He noted that the construction drawings and as the DJ's site pad has already been built, it is within 36 feet of the Locust Lane right of way. He noted that it is inside the present 40 foot setback requirement and this ordinance

is being written specifically to accommodate this project. He questioned why the entire Township would have to get a change in setback for the benefit of one individual property owner. He questioned why they would not be asked to obtain a variance.

Mr. Murphy noted that he was opposed to both the MDJ project and the township project, and to the ordinance changes that would allow them to be built, for a number of reasons which he will explain.

Mr. Murphy noted that the area known as Hurley Fields was a recreational treasure, with two baseball fields and open space for the neighbors and surrounding community to enjoy. A number of us coached or cheered for our young kids as they learned to play baseball, and also learned teamwork & cooperation. He noted that now there will be only one field for teens, and the young kids are told they can travel two miles across town to play at another field. He noted that the new ball field was built at a great expense, in the hundreds of thousands of dollars, with more than 300 feet of retaining walls, extending up to 14 feet high and one of the walls sits on what had been a beautifully vegetated property line, now an imposing concrete wall towering nine feet over the neighbor's yard and pool.

Mr. Murphy noted that Hurley Fields was more than just baseball as it was a place where we walked our dogs, launched toy rockets, threw Frisbees, and occasionally watched the takeoff or landing of hot air balloons He noted that is all gone, with no opportunity for the community to have an impact on the decisions that led up to today.

Mr. Murphy noted to persist with the District Justice and public works garage projects will have negative impacts on the neighbors and surrounding community as there will be increased traffic and noise. He noted that the garage extension will extend even closer to the neighbors who have already suffered the loss of an expansive vegetated buffer of mature trees

and shrubs that provided visual screening and noise abatement. He noted that the addition of the \$700,000 truck wash facility will introduce a whole new range of noises to the neighborhood.

Mr. Murphy noted that the character of the neighborhood will be changed by putting a District Justice office right on Locust Lane as this is a quiet residential area, with no commercial or institutional buildings crowded along Locust Lane.

Mr. Murphy noted that the Township and IDA has tried to justify the placement of the DJ office by calling it an expansion of the existing Township campus. He noted that what you are failing to recognize is that the Public Works garage and other facilities are set well back and at a lower elevation than Locust Lane, so that they are not so obvious to passersby. He noted until last fall, Hurley Fields is what was seen from the road and many people don't even know the Township facilities are back there. He noted that the proposed DJ office, on the other hand, will be right on Locust Lane encroaching on the existing setback requirements, and elevated above the road in an imposing setting. He noted that it is totally out of character with the area. He noted that even the Dauphin County Technical School, as large as it is, sits back from and below the road, with an expanse of lawn and trees in front of it.

Mr. Murphy noted to claim that the DJ office will have no impact is just not correct. He noted that the truth be told, the IDA originally wanted to buy land behind the water tank, which would have kept the building in the low-key, unobtrusive mode of the existing Township facilities, but the Township had other plans, and changed the location of the DJ office so they would have room to build a truck wash facility.

Mr. Murphy noted, at a meeting with the residents at the Public Works building last October, shortly after construction started, the Township Manager was surprised to learn from the residents that the land for the IDA and Township projects was zoned R-1. He noted that we were surprised that he was surprised, because it was very apparent that the Township's

subdivision & land development process was not working. He noted that the intended uses did not conform with the zoning, no zoning change or Special Exception had been applied for, and public hearings had not been held. He questioned how this could be as this was the Township, surely they knew the rules and would follow them.

Mr. Murphy stated, let's consider what was supposed to happen. He noted that Lower Paxton Township Ordinance 180 regulates the Subdivision and Land Development process. He noted that it is totally separate from the Zoning Ordinance and therefore not subject to Township's claimed exemptions from the Zoning Ordinance. He noted as stated at 180.301, the SALDO defines the steps and a procedure is provided for a process of submitting, reviewing and approving all SALDO plans in the Township. He noted if you want to subdivide or develop your land, you have a clear process to get that approved. He stated, let's consider some of what a SALDO plan is supposed to contain. He noted that Section 180-403.C.7., in specifying SALDO plan content, says: "All zoning districts and zoning district lines must be prominently labeled on the plan." He noted that the plans given to us by the Township show no such districts or boundaries. He noted that Section 180-403.c.12.e. addresses the details to be shown on the plan, including: "The building setback lines prescribed for the applicable zoning district." He noted that there is no such setback shown on the drawings.

Mr. Murphy noted that the most basic requirements for a SALDO plan were never met, and as a result the Township and IDA did not even know the correct zoning for the land. He noted that the location of the DJ building as designed, and the building pad that is constructed, encroaches on the setback requirements which were never shown on the drawings.

Mr. Murphy questioned that one might ask how can this be, and he suggested that a little history is in order. He noted in March of 2015, HRG Engineering submitted their proposal to provide professional engineering services for the Township and IDA projects. He noted that the

proposal states the following improvements are proposed: the construction of a new Magisterial District Justice office to be located along the properties of Locust Lane frontage, and the construction of a new Babe Ruth classification Little League baseball field, and construction of several building additions to the existing Public Works facility. He noted that the proposed improvements are depicted in a previously prepared sketch plan prepared by HRG, copied attached hereto for reference. He noted at the time of the March 9, 2015 proposal, it was already decided that the MDJ office would be located on the Locust Lane frontage, in the R-1 zone ,but nobody ever looked at the zoning map.

Mr. Murphy noted on page two of the HRG proposal, the intent to ignore or circumvent the SALDO process was already in play. He noted that the survey will be performed according to the specifications to facilitate 50 scale mapping and to achieve one foot contour interviews since the improvements are not intended to go through the plan development process. He noted that topography will extend to the extending parcel boundary and not beyond that limiting factor. He noted that further down that page, in discussing the preparation of the Final Sketch Plans for the projects, HRG stated that the updated final sketch plan can be circulated amongst Lower Paxton and the other project shareholders to make sure everyone is in agreement prior to preparation of the construction plans. He noted that unfortunately, the adjacent and surrounding neighbors were not considered "Shareholders" in this multi-million dollar venture. He noted that the baseball and soccer associations got a Memorandum of Understanding but the residents got ignored.

Mr. Murphy noted that a public hearing more than a year ago, instead of tonight, would have included those of us who did look at the zoning map. He noted that we could have saved you a lot of trouble, if we had only been included in the planning, but the decision had been made to be secretive until caught, and then be arrogant and unwilling to listen to reason.

Mr. Murphy noted that HRG further proposed to include the Township's Zoning Ordinance and Subdivision Land Development Ordinances to ensure public compliance with the requirements. He noted if this was done, why did it not become obvious that the land for the District Justice building and part of the Public Works garage expansion is zoned R-1. He questioned if this was not done, why not, and maybe the Township is entitled to a refund for work not done or not done correctly.

Mr. Murphy noted on page 4 of the HRG proposal it says this proposal does not anticipate services associated with any required waivers, variances or other changes to municipal regulations so the presumption was that everything was clean and green with no need to spend time on zoning issues, but a private developer would have been required to jump through all the hoops.

Mr. Murphy noted that HRG proposed on March 9, 2015 to do the Engineering work for an estimated \$42,800, and William Hawk, Chairman of the Board of Supervisors, signed and accepted the proposal as presented on March 10, 2015. He questioned how much time was spent reviewing this proposal in the one day between submittal and acceptance. He questioned why were decisions made and shared with the engineer to ignore the Township ordinances.

Mr. Murphy noted at the May 4, 2016 Planning Commission meeting where they discussed the two proposed zoning amendments, the commission members said they did not recall reviewing and accepting the SALDO plan for the IDA/MDJ project on Locust Lane; however, the minutes of the September 2, 2015 meeting show that the Planning Commission did in fact recommend the approval of the plan, but let's put that in context of the meeting. He noted under new business, another plan was presented, a preliminary and final subdivision plan for Tina R. and Asher D. Benner which proposed to subdivide an existing 2.736- acre lot (Lot #1) located at 1220 Fairmont Drive. He noted that the lot areas were clearly spelled out and the

zoning for the subdivided area was clearly spelled out as being Low Density R-1. He noted that the plan was presented to the Commission by Mr. Nick Gehret of the Township staff. He noted that moving on to the agenda for that same evening, we have the Preliminary/Final Subdivision and Land Development Plan for Magisterial District Court Justice. He noted that Mr. Kenworthy from HRG Inc. represented the plan for Dauphin County, but no one from the Township staff presented the plan. He questioned if anyone from staff saw the plan as there is no record of that. He noted that the minutes indicated a very general description noted, and Mr. Kenworthy stated that Lower Paxton Township is doing improvements to the Lower Paxton Public Works facility and the front of the land and the right side of the land. He noted that they are expanding the existing Public Works facility, turning two baseball fields into one, and are looking to add a Magisterial District Justice building. He noted that the basic plan shows the Magisterial District Justice building to have access off Porsche Drive. He noted that Mr. Guise, one of the Planning Commission members questioned who is representing the plan and Mr. George Connor of the Dauphin County Environmental Planning Development was present to represent the plan. He questioned if there is such an organization. Mr. Connor answered no.

Mr. Murphy noted that he was present to represent the plan. He noted that Mr. Grove made a motion to recommend approval of the Preliminary/Final Subdivision and Land Development Plan for Magisterial District Court Justice as proposed. He noted that Mr. Newsome seconded the motion and a unanimous vote followed. Mr. Murphy noted that there was no mention of how many acres would be broken out for the DJ office, no mention what land would be used for the Township facility, and no mention of the zoning in what is supposedly a subdivision and land plan. He noted that there was no discussion by the Planning Commission members of such sketch plan, but maybe that is because there was not a whole lot to discuss. He noted that something doesn't seem right here. He noted that the staff did not present the plan, which is

typically the way it is done since they have the job of reviewing the plan for completeness before the Planning Commission gets it. He noted that the HRG engineer presented the plan, with no mention of lots sizes or zoning issues, and there was no discussion of the plan, just a unanimous vote to recommend approval as presented. He noted that a legitimate SALDO plan was never completed, and construction was allowed to begin without the required permits. He noted that is a violation of the ordinance.

Mr. Murphy noted that there should be no vote on these amendments until all the existing ordinances have been followed, until all the violations have been corrected, and until all the facts are laid on the table for all of us to see.

Mr. Murphy noted that we should consider the Sewage Facilities Planning Module. He noted that Ordinance 180-303. covers Preliminary Subdivision or Land Development Plan Applications. He noted within that, 180-303.E. covers processing of Sewage Facilities Planning Modules and says under item 1: "Said Planning Module shall be submitted with the preliminary plan or in the case of a combined submission with the preliminary/final plan." He noted that Item 3 of that same section says: "The Township shall review the subdivision and/or land development plan described in the attached Planning Module and determine if it conforms to applicable zoning, subdivision, other Municipal Ordinances." He noted that no planning module was submitted with a SALDO plan, so there was another missed opportunity to pull out the zoning map & find out that the land in question is zoned R-1. He noted that the residents' statement of issues last November included a request for a copy of the planning module for the MDJ office that had been approved by the Board of Supervisors at their October 20, 2015 meeting. He noted the Township's written response did not address this request, but in his verbal responses at the November 10 Board meeting, Mr. Wolfe noted that a planning module will be required prior to the construction of the MDJ office. He noted that Dauphin County was aware of that and was currently doing the

engineering for the planning module. He questioned if a planning module was done and approved last October or not. He noted if one was completed, the Township's reply to our November request was non-responsive, and we have still not seen the planning module. He noted if a planning module was done, how did you satisfy the requirement to check for zoning at the building site, and how was the planning module reconciled with the SALDO plan that was approved on October 20 before the Township learned of the R-1 zoning?

Mr. Murphy noted at that point in time, nearly two weeks after we first met with Mr. Wolfe, it was painfully clear that the zoning is R-1, and the planning module was not approved, and is that why we have not received a copy. He noted even after we showed the Township and the IDA that the area was zoned R-1, they continued construction, and even when we repeatedly asked that construction be halted until the errors could be fixed, the Township and IDA let the construction continue, and persisted in keeping information from us.

Mr. Murphy noted that there should be no vote on these amendments until all the existing ordinances have been followed, and until all the facts are laid on the table for all to see.

Mr. Murphy noted in regards to Storm Water Management, in the neighbors' November 2015 statement of issues, it was pointed out that the IDA's project does not meet the requirement for no more than 40% of the area being in impervious cover to meet storm water management requirements. He noted at a meeting in January 2016, Mr. Diamond of the IDA said that the requirement would be met by using porous pavement, which is of unreliable value in the long term due to high maintenance requirements. He noted, on further review of the ordinance, it is clear that porous pavement falls under the definition of "Impervious surface" in the Lower Paxton Stormwater Management Ordinance 170, so the proposed fix will not satisfy the ordinance. He noted to date, we know of no revision to the IDA's SALDO or to the storm water

management plan to address this deficiency, so any plan or NPDES permit that exists cannot be considered complete or adequate under the ordinance or DEP regulations.

Mr. Murphy noted in summary there are too many unanswered questions, inconsistencies and ongoing violations to make an informed and unbiased decision tonight. He noted there should be no vote on these amendments until all the existing ordinances have been followed and until all the facts are laid on the table for all to see.

Ms. Janice Macut, 1509 Pine Hollow Road

Ms. Macut noted that she is present to discuss Ordinances 16-01 and 16-02. She noted for 16-01, the current setback requirements for the front of the DJ's building is 40 feet, and the plan shows that there is only a frontage setback of 36 feet. She noted that it is interesting to note that this item being addressed at this hearing tonight is to change the setback requirements for a building less than 10,000 square feet which is the DJ's office from 40 feet to 30 feet. She noted for 16-02, the IDA did not obtain any zoning permits prior to the excavation of a plot where their building will be erected. She noted since the land was sold to the IDA, before the land excavation, Section 115 of the Zoning Ordinance would not apply. She questioned why are we changing two ordinances that will affect the entire Township to meet the needs of one entity, that being the IDA, for the DJ's Office. She questioned if they did not follow the proper process or procedures that every other resident in the Township must, the answer is yes. She questioned if the Township Supervisors got a little cocky thinking they could just slide this buy with no repercussions. She noted that the answer is yes. She noted, just to be clear, the day the signatures went on the agreement of sales between the Township and the IDA, the IDA had to start from the very beginning. She noted why, because they now owned the land which is zoned R-1. Which means they cannot build a DJ's office in an R-1 zoned area.

Ms. Macut noted this is the process that needs to happen prior to breaking ground on a new project. She noted that the proposed project require forms to be filled out, outlining the plan of the land use along with the estimated cost. She noted that there is a requirement for a change, perhaps in an ordinance, a variance, a special exception, conditional use, and even a possibility of a rezoning change. She noted in this case, with the IDA, they should have gone for a special exception, which they didn't, and certainly, way before groundbreaking, for their building, which they didn't.

Ms. Macut noted that there is a cost involved, which depending on the size of the project can become very expensive. She noted that there has to be a public posting, requesting changes in the area of the project to be built. She noted that a hearing date is scheduled for public input, and an advertisement in a local paper with submission notices required, a hearing is scheduled in front of the appropriate committee and, there must be a meeting for public input where concerns and questions can be addressed. She noted that a recommendation is made from the specific committee if needed. She noted that the last and final vote would go in front of a Board of Supervisors or Zoning Board. She noted that groundbreaking for the DJ's office with a site pad and roughed in parking has been in place since the beginning of November of 2015, and it has been eight months and we are just now getting the opportunity for the public's input for something that has been probably decided by the Township and IDA a very long time ago.

Ms. Macut questioned how that is fair or legal and where is the public's due process. She asked why the residents in the Township are required to jump through hoops when it comes to following the rules and the process and the IDA can come in and how, you, the Board of Supervisors, who caused this mess, are able to vote on this project tonight. She noted that an impartial group should be addressing this project, not you. She noted that there has been a considerable amount of back peddling from the day the bulldozers fired up, yet no one is being

held accountable or responsible for their actions. She noted that there should be a no vote until an enforcement action is taken and penalties have been assessed and collected. She noted that she is asking for a no vote tonight. She noted that the residents this evening need to express their concern and ask for the no vote for both the ordinance tonight, and she is asking the Township Supervisors to do the right thing, a no vote.

Mark Levine, 1507 Hillcrest Road

Mr. Levine noted that he is not a neighbor of this group, however, he is over 40 years a resident of the Township. He noted that he would like to read an open letter which he has written to the Board of Supervisors.

Mr. Levine explained when he comes before the Board to comment on a problem, he strives to also present a solution which would be simple, efficient and cost effective, however, this time he may not have such a solution because the situation has progressed to such an extent that those parameters cannot be met. He noted as he understands it, there are three parties directly involved; the Township, the local residents of the neighboring properties in question and the Industrial Development Authority (I.D.A). He noted that it is also his understanding that specifically, both the Township and the residents of the neighboring properties have dug in their heels and passions are running high when it comes to the rezoning issues, with neighboring residents on one side of the issue and the Board of Supervisors, representing the Township on the other side. He noted while you may feel this is basically a two party issue, the Board of Supervisors vs. the local residents, he suggested that there is a fourth party which will be dramatically affected by the Board of Supervisors' decision. That fourth party is the entirety of Lower Paxton Township and that is who he hopes to represent.

Mr. Levine noted in part, Ordinance 16-01 proposes to change the minimum setback requirements for buildings in the district and he is sure there was a lot of consideration when the

present setback requirements were established. He noted those considerations should not be set aside, but in fact, additional factors should be added due to the changes made over the years within our Township as its population has grown and thoroughfares have been widened to accommodate the increased traffic. He noted that any reduction in the setback will adversely affect the esthetics of the area when roadway widening is deemed necessary. He noted two prime examples of this are the section of Colonial Road between the Colonial Park Shopping Center and Devonshire Road and the section of road between the Northside Elementary School and Colonial Road, especially between the swimming pool and the Devonshire/Colonial Road intersection where the residents and businesses have lost almost the entirety of their front yards abutting Devonshire Road.

Mr. Levine noted while in the past, the Board of Supervisors have been reluctant to require developers to increase street width, citing safety concerns that it encourages speeding, eventually the traffic congestion will require road widening and turn lanes; therefore, it is in the best interest of the residents of the Township to not have the present setback reduced.

Mr. Levine noted that Ordinance 16-02 proposes three changes to the zoning map and he would like to address the easy one first. He noted since the Planning Commission unanimously voted to not change the current IN zoning designation of an 8-acre section of property located south of the Pine Hollow development, from the present IN designation to an R-1 designation, he believes this is a no-brainer and the vote should deny the R-1 rezoning.

Mr. Levine noted on to the remaining two harder parts of Ordinance 16-02, in regard to the ball field, I would recommend transferring ownership to the Parks and Recreation Department, if that isn't already the case, and once done, the property on which the ball field is located has or will have the appropriate zoning. He noted that the hardest part of Ordinance 16-02 is to reconcile it in regard to the rezoning of the R-1 zoned property upon which there is to be

the intended Magistrate's office from the R-1 to IN. He noted if the Board of Supervisors approves the rezoning to IN, the first legal challenge he could visualize is the legality of the decision, if indeed the process did not involve the Zoning Hearing Board. He noted if the Board of Supervisors is found compliant and within its authority and continues on its present course, I believe it will probably win the battle; however, this battle will be very costly to both the neighboring residents and the Township, because he can foresee it ultimately becoming a battle in court and the only winners will be the attorneys. He noted that the Township will probably win the battle; however, the Township and its residents will lose the war. He questioned "What war?" you may ask as you may believe this is merely one issue and when it's over, it's over. He suggested that you do not fall into that mind-set that if the Township is successful in changing the zoning during or after any land modification and/or construction has begun, you are establishing an extremely dangerous precedent. He noted that this precedent can and will be equated to "case law", which can and will be used by others in the future.

Mr. Levine noted that there is an old saying which I'm sure we are all familiar with. "What is good for the goose is good for the gander."

Mr. Levine noted if the Board approves this rezoning, when a developer or other party requests a zoning change from Residential to something else, how can the Planning Commission reject it. He questioned how can the Zoning Hearing Board reject it, or for that matter, if the matter passes the Planning Commission, why can't the developer bypass the Zoning Hearing Board altogether and go directly to a vote of the Board of Supervisors. He questioned how you or future Board of Supervisors deny it as you would have established the precedent.

Mr. Levine noted if you approve this rezoning, when a plan is presented to you, which is in conflict with the Comprehensive Plan, how can it be denied as you will have established the precedent.

Mr. Levine noted if you approve this rezoning, what would be the need for developers to request a Text Amendment as there would be no need. He noted all they need to do is petition for a zoning change as you will have established the precedent.

Mr. Levine noted if you vote to pass this rezoning with any consideration whatsoever of financial hardship on the part of the Township, property owner or developer, you will have nullified that same Rule in the restrictions governing a Text Amendment as you will have established the precedent. He questioned, isn't "What is good for the goose is good for the gander."

Mr. Levine questioned: Are you willing to assume the responsibility of having the Comprehensive Plan ignored; Are you willing to assume the responsibility of reducing the effectiveness of the present and future Planning Commission and Zoning Hearing Boards; Are you willing assume the responsibility of risking the loss of your own authority and effectiveness by restricting the Board of Supervisor ability to deny rezoning requests; Are you willing assume the responsibility of risking the loss of future Board of Supervisors authority and effectiveness by in having the ability to deny rezoning requests; Are you willing to assume the responsibility of the Township having to go to court in the future to defend a decision to deny rezoning requests because the decision is challenged by a developer; Are you willing to assume the responsibility of the Township placing the burden of paying for such litigation upon the residents of Lower Paxton Township; and are you willing to assume the responsibility of permitting unfettered construction throughout our township, relinquish control and allow any type of structure anywhere within the township.

Mr. Levine suggested to the members of the Board of Supervisors that your question should be "What do we do next." Well, there is another old saying which I'm sure we are all familiar with. "When you're trapped at the bottom of a hole, stop digging."

Mr. Levine strongly urged the Board to pause and seriously consider the future ramifications which he has pointed out; to table the vote, and seek the advice of your Solicitor on my aforementioned ramifications. He noted that you also seek the advice of other independent attorneys who specialize in real estate law as well as the legal staff of Dauphin County who may provide you with additional detriments. He requested the board not to vote to rezone until you are absolutely certain that passage of this proposal would be in the best interest of the citizens of this great Township because the wrong decision on your part will adversely affect the township forever.

Mr. Levine noted personally, as a citizen and taxpayer of Lower Paxton Township, and I'm sure I speak for the residents in general, I would much prefer to maintain the present statutes and rules which provide stability, rather than establish a dangerous precedent by approving the rezoning. He noted if need be, he would rather see the Township absorb any possible financial loss, if there is any, associated to this issue, than suffer what he can see as a massive future legal expenses as a defendant.

Mr. Levine noted once you throw a stone into the air, you can't pull it back, so before each one of you cast your vote, don't just look upon the path where you are about to step. Look down the road and see if that pathway leads to where you really want to go.

Fr. Dan Resitar – 1491 Wanda Lane

Fr. Dan Resitar noted that he is Pastor Emeritus of Christ the Savior Orthodox Church on Locust Lane. He noted that he retired nine years ago when he was 80. He explained that he was going to come tonight in his Air Force Uniform as he was a retired reservist to go to a Civil Air Patrol but he decided to come and have his say.

Fr. Resitar noted that he was in jail for eight years, the first salaried chaplain in Dauphin County Prison. He noted that he works often with the Lower Paxton Township Police and he has

met and dealt with hundreds and hundreds of inmates, female and male. He explained that he knows how they think and questioned how this governing body can approve and encourage potential convicts to ride on Locust Lane to go to this courthouse. He noted that there will be charges, minor or major, murder or minor theft, end up at a DJ's office and maybe in the holding area here. He noted here we are encouraging in our residential neighborhood where we came to live, and you are taking a little bit away from us, and it means a lot to us, to you little. He noted that he hears that maybe there is deception, lack of transparency, lack of honesty.

Fr. Resitar noted that many years ago our Bishop asked the priests, pastors to go to St. Stephen's Russian Orthodox Monastery on Maundy Thursday, Holy Thursday. He noted that he wanted to wash our feet, you've heard of that ritual. He noted that he was one of the pastors chosen but when it came to that point, one of the holiest monks was Peter, and the two pastors next to him were arguing which one of us were Judas, and we said you are, no you are. He noted that the Bishop came to him and he asked which one was Judas. He stated that the Bishop said, you all are. He questioned if you are all going to be Judas's, some of you, one of you, he prayed to God that none of you will be a Judas and betray our community.

Mr. Albert Schroff, 1441 Haney Drive

Mr. Schroff noted that his concern this evening is not with the things the people before him had presented to you quite thoroughly and he is very glad to be a part of that group in that neighborhood. He noted that his concern is the neighborhood. He noted that he has been a resident for 44 years and raised three children quite successfully because of the neighborhood. He noted what is happening now, we are going to put criminals in our neighborhood, and expect everything to be peaches and cream. He noted that is not going to happen. He noted there was a time when the Board of Supervisors were pushing neighborhoods, even in all the zoning papers we received, they stressed the need for good proper neighborhoods. He noted that he agrees with

that, but now by bringing an office into our neighborhood as such, and he might say that he doubts very much that this is actually needed. He noted what he thinks is happening, and he gathered this from the last meeting where we had where the County present this and they said what we would like to do is to make all of the District Justice Offices the same. He noted they want to make them beautiful and make them the same. He suggested that this is someone's whim and he is tired of catering to whims and he thinks this is more of a whim than anything else.

Mr. Schroff noted that we have a District Justice Magistrate Office on Route 22 where he now serves, and this is the proper place for it as far as he is concerned as it is in a commercial area, it is not in an R-1 zone, so there is no need for any zoning changes along Route 22. He noted that it should remain where it is frankly, but he is sure he can never convince the County of that, however, it is a concern. He noted two months ago, on the television, they had a report of a District Magistrate's Office where they had transported an armed robber and he got away from the police, and he was roaming around this area and they had to call in several police departments from the surrounding area to help apprehend this criminal. He questioned what will happen if they build this District Justice office and the same thing happens, and somebody gets away. He noted that you can build the building as safe as you can, but what about when they are coming there, and they break away from a police officer and they roam an R-1 area. He noted that we have a lot of children in that neighborhood and he would hate to see anyone of them injured or anything else. He noted that his children are no longer there as they are grown and out on their own and doing quite well, but he has grandchildren. He noted that they come to visit us quite often and he wouldn't trade that for the world. He noted that he would hate to see them injured because someone wanted a whim to construct a District Magistrate's Office at the expense of our neighborhood. He noted that he is asking this Board not to rezone this, and let's keep our neighborhoods safe the way they are now.

Mr. Schroff noted in the 44 years he has been here, we have seen lot of changes. He noted that we have seen a lot of building, an exceptional amount of building. He noted that it was all mostly for the good and you say, well jeez, what is going on now. He questioned why we are raising these questions, what is happening. He questioned what is happening to society, people walking around, everyone is running out buying firearms. He noted in our neighborhoods, we have a lot of people who have firearms and they are there supposedly for their own protection and in a way he can't blame them.

Mr. Schroff noted if they build the District Justice Magistrates Office then the rest of us will go out and buy firearms so we have some sort of protection which is not right. He noted that legally it would be alright if you have your background checks, but what about the morality of it. He questioned if there is such a thing of hearing us or did that go down the tubes also. He questioned, hopefully, we can keep these Magistrate Offices where they belong and not in an R-1 zone or even adjacent to an R-1 zone. He noted that we have to have some type of protection without firearms. He noted that he can't stress that enough as we've had enough of this life, you see it on television where this guy shot that guy for no reason at all. He questioned what we are getting, what the country is coming to when we have to do this, it's just not right. He noted that we know it's not right but it is happening, it's there, it's real. He noted if we didn't avoid any parts of this, the District Justice Office, we can avoid bringing it into our neighborhood, I think we would all feel a lot safer.

Mr. Harold Rudy - 1528 Nittany Lane

Mr. Rudy distributed a map to the Board members showing where he lives in the Township showing his house, his son's house, where Nittany Lane terminates, and where the Township wants to rezone.

Mr. Rudy noted that this will be a tough act to follow. He noted that his concern is with Tract 3 as he wants to know why it is to be rezoned from Institutional to R-1. He noted that it appears that it may have already been sold also. He noted that there is a big question here. He questioned if anyone has an answer. He stated that he has been assured that it has not been sold but according to people in this audience they are not so sure about a lot of things. He noted that Mr. Wolfe stated that he wanted to use access from Nittany Lane, which back in the 1980's Mr. Hurley was in a Supervisor position at the time, said was for ingress and egress for mowing, and there was going to be a buffer between our property lines after they had the ravine bridged from the Township to get to the land. He noted that it has since been bridged, they have been hauling topsoil so we know it works and there is a trailer sitting in there so they hauled that in. He noted you have ingress and egress, that is his private drive and he does not want to see that turned into a road. He stated that there is nothing but blank stares and it scares him.

Mr. Rudy questioned what the purpose of rezoning the land would be. He noted that no one in the audience wants it to be done. He noted that he would prefer that it is left alone and not rezoned, and if it would be rezoned, is it already sold. Mr. Stine answered that the land has not been sold and there is no agreement of sale and no plans to sell it. Mr. Rudy questioned if it would be sold, how it would be sold. Mr. Stine questioned what Mr. Rudy was asking. Mr. Rudy questioned if it would go up for public auction or how would that sale be done. Mr. Stine answered that it has to be a competitive sealed bid or an option. Mr. Rudy questioned how a notification would go out. Mr. Stine answered that it has to be advertised.

Mr. Rudy noted what scares him is the very first meeting for all of this as area three impacts his son and himself the most. He noted that neither one received anything. He noted that he heard it from the neighbors and got copies of their notices. He noted later on, after he brought it to the attention at the Planning Commission, we did receive letters later on. He noted

that something is array and he thinks a lot of people out here feel it. He noted that he hopes that the Township does the right thing, gets it figured out, and don't vote for the rezoning.

Joseph Dehner – 5901 Devonshire Road

Mr. Dehner noted that he wanted to address one comment that was made by a member of the audience. He explained that he has been a constable in the State of Pennsylvania for 18 years and has worked for many district justices offices, including Judge Lindsey, and a few others. He noted that your safety concerns should be more focused on the people who are not taken into custody by the officers of this Township, not the ones who are. He noted that he has served over 1,000 different warrants in the last years, many of them within walking distance of your area. He noted that he has never seen anybody escape from Judge Lindsey's office or any other office in this Township. He noted that the other two offices are within walking distances of houses, so while you may think they are commercial, they are still within that type of distance from residences. He noted that none of those residents have ever been accosted or none of those residences have ever been in anyway in danger. He noted that the officers of this Township are trained continually and they know how to secure and transport prisoners. He noted that the gentlemen that had the conversation with a constable, he must of flunked every educational course he had, because constables are required to go to school every year for 40 hours as the programs are put on by PCCD, the Pennsylvania Commission on Crime and Delinquency, taught by Temple and Shippensburg, and during those courses you have segments that you are tested on. He noted that it includes firearms, transportation, security, law, and before you are allowed to carry a gun, or go out on the street, and serve warrants and try to assist the community. He noted that you must have as part of that training in the transportation and security of a prisoner. He noted contrary to another comment here, when you go to a District Justice office there is a retention or holding cell. He noted if you have a prisoner, due to the type of crime he or she

committed, requires them to be shackled and handcuffed. He noted that they are put in that holding cell, and if necessary, shackled to the floor, the door is locked, and an officer is with them until that door is locked. He noted when they go in the courtroom, the officer is with him and they accompany the prisoner in the courtroom, and if the judge thinks that the type of crimes does not warrant any further security he may allow the prisoner to have the shackles removed. He noted they are then escorted if they are incarcerated, by trained officers in shackles to a car and taken to the appropriate prison. He noted that he does not know of anybody, out of Judge Lindsey's office, or the other offices here that have ever been in danger and he does say, knowing for 18 years, the commitment of the officers of Lower Paxton Township and the other constables with whom he served, they would protect the people, and you have more to be concerned about with the people who are roaming the streets that have not been arrested by these officers then you do with those who have been taken into custody and incarcerated for their crimes. He noted that he lives a mile from you and his own house was burglarized twice and those people are still roaming the streets. He noted that you have a lot more to fear from them then you do from the people who are arrested by the police officers in this Township.

Mr. Dehner noted that he submits to the audience that it is always, not in my neighborhood, and he understands that, but in terms of the safety and the safety of the judge's office, he thinks there are none to be compared with the ones that we have in this Township. He noted that the comment that was made about night work, a night arraignment is simply a judge going into his desk by himself and maybe one officer, but most of the time they are by themselves, they look at a TV screen and the prisoner that is being arraigned is in the prison, most of the time it is at 501 Mall Road, Dauphin County Prison. He noted that he is simply adjudicating the arraignment and there are no additional traffic issues other than someone driving to work and it is only the judge's car. He noted that he does not know where that information

came from, but it is all false. He noted as far as constables are concerned, they are extremely well trained, your officers are well trained, and escapes are non-existent in this Township.

Terry Reily – 5700 Locust lane

Mr. Reily noted that he would like to follow up for what this gentleman said about the safety of a courthouse as that is what it is. He noted that it might be safe within the confines of that building, and the transporting of prisoners, but it is his job to protect his kids from the traffic and the quality of the traffic that will be coming down Locust Lane. He noted that many of the people are traffic violators. He noted that he “tell-a-works” sometimes, and he watches as the mother’s wheel their children down the side of the road, people walk their dogs or jog, or they ride their bikes. He noted that we are putting our community at that end of Locust Lane in harm’s way deliberately for no reason when there are so many places to go with this District Justice’s office. He noted that he is asking the Board to say no because saying yes is causing us undo safety concerns, and whether anyone wants to admit it or not, an increase in the flow of traffic. He noted that it is common sense and looking to the future of all the development that you want to do in our area at the end of Locust Lane, it is going to be affected even more. He requested the Board not to put his family in jeopardy unnecessarily when there are so many other options out there.

Mr. Stine questioned if anyone else wished to be heard. He noted that seeing no further response, it would be in order to close the public hearing on Ordinance 16-01 and Ordinance 16-02 and the Board may take action if it so desires.

Mr. Hornung called for a recess at 9:35 p.m. in order to get an opinion of the solicitor.

Mr. Hornung reconvened the meeting at 9:41 p.m.

Mr. Hornung called for a motion.

Mr. Crissman made a motion to approve Ordinance 16-01, amending the Township's zoning ordinance as it relates to uses permitted in the Institutional District as presented and recommended. Mr. Hawk seconded the motion. Mr. Hornung called for a roll call vote: Mr. Crissman, aye; Mr. Hawk, aye; Mr. Seeds, aye; and Mr. Hornung, aye.

Mr. Crissman made a motion to approve Ordinance 16-02, amending the Township's zoning map as it related to the Dauphin County Industrial Authority Office parcel and the Township's Public Work site located at about 5975 Locust Lane. He noted that the zoning districts involved in this matter are currently in the R-1, Low Density. Mr. Hawk seconded the motion. Mr. Seeds questioned if Mr. Crissman included the third tract. Mr. Crissman noted that it did include the residential district. Mr. Seeds noted from Institutional to R-1. Mr. Crissman answered absolutely. Mr. Hornung noted that all three tracks have to be included in this Ordinance. Mr. Hornung called for a roll call vote: Mr. Crissman, aye; Mr. Hawk, aye; Mr. Seeds, aye; and Mr. Hornung, aye.

Mr. Hornung stated that he wanted to explain why he vote aye. (Numerous comments were shouted from the audience.) He noted if the audience is not quiet then he will not explain as he will not talk over anyone. He noted that he believes that the District Justice Office will not bring any crime into the area. He noted, at this time, we have a District Justice Office that is next to an elementary school and there has never been one issue there. He noted that he believes that the District Justice Office will not have any impact on your property values to the surrounding community. He noted that you can argue with me and may not agree, but that is what he believes. He noted that he represents almost 50,000 residents of this Township and he believes the appropriate location for this District Justice office is on a Township or what was a Township property, and because most people represented at this District Justice office, since it is only for the southern part of our Township, no other Township and no other municipalities, as it is strictly

for our Township, and associated with our Township, and because of that it has a lot of dealing with this Township, and with the Police Department of this Township. He noted that its proximity will make it much easier to get to. He noted for those reasons he voted in favor of it.

(Many comments were made from the audience.)

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting, and the meeting adjourned at 9:46 p. m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

William B. Hawk
Township Secretary