

LOWER PAXTON TOWNSHIP/  
BOARD OF SUPERVISORS

Minutes of Board Meeting held March 11, 2008

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:10 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Lori Wissler, Community Development Manager; Dianne Moran, Planning and Zoning Officer; Brian Luetchford, Parks and Recreation Director; Ken Beard, Neal Johnson, Christopher Johnston, and Robert MacIntyre, Parks and Recreation Board; Mark Levine, Eric Epstein, Ted Robertson, Stray Winds Area Neighbors; Roger Zimmer; Charles Barto, Koons Pool Park Board; Steve Bates and Dave Anstate, Central Pennsylvania Freedom Group, Jeffrey Staub, Dauphin Engineering; Mark DiSanto, Triple Crown Corporation; and Sam King, Grand Master, Masonic Lodge, and State Representative Jewell Williams.

Pledge of Allegiance

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

Public Comment

No public comment was presented.

Status report from The Freedom Group on its efforts to develop a  
Skateboard court in George Park

Mr. Luetchford explained that Steve Bates and Dave Anstate, from the Central Pennsylvania Freedom Group (CPFG), are present to provide an update for the current status of fundraising issues as well as the construction and engineering status for the Skate Park. He explained that the Township budgeted for a proposal provided by Herbert, Rowland and Grubic, Inc. (HRG) and Team Payne, the concept consultant, for the costs associated with total construction funding in preparation for the fundraising effort by The Central Pennsylvania Freedom Group. He noted that the Township would provide matching funds with the possibility of construction as early as 2009.

Mr. Anstate noted that he wanted to present an update to the Board for the project. He noted that the group has been meeting regularly for the past year to take care of the 501C3

designation through The Foundation for Enhancing Communities (TFEC). He noted that the group has established a post office box, a web site, brochures, written materials, and a power point presentation to make to community groups. He noted that the CPFPG held one fundraiser last year, sponsoring a skate competition at the Underground, and has raised a few thousand dollars to date. He noted that CPFPG plans to go out to the community to make presentations and utilize media coverage for the project.

Mr. Anstate noted the CPFPG scheduled a meeting with Nancy Sacunas of Sacunas Stoessel, who helped to create the marketing plan for the Friendship Center. He wished to express his thanks to the Board of Supervisors and the Parks and Recreation Board for their help with this endeavor. He noted that Mr. Luetchford has been a great help with the process. Mr. Anstate explained that the members of CPFPG have not had any experience with fundraising and that they are learning as they go.

Mr. Anstate noted that, in January, the CPFPG met with Sacunas Stoessel regarding fundraising opportunities. He explained that Sacunas Stoessel presented to CPFPG what they could do for the project if they engaged their services. He noted that the CPFPG discussed entering into a contract with Sacunas Stoessel noting that the Skate Park would be able to achieve its goal of \$250,000 within a time period of six to nine months. He noted that the base contract price for their services was \$26,000, with numerous add-on fees that totaled \$10,000. He explained that CPFPG was prepared to enter into a contract with Sacunas Stoessel even though they only had a few thousand in the bank, knowing that it could raise more funds in the future to pay for the contract, but was told by TFEC that they would not allow the contract to move forward until it was fully funded. He noted that CPFPG learned a lot in the discussions that it held with Sacunas Stoessel, and plans to move ahead with some of the things that were discussed. He noted that they would reevaluate, at a later date, if they wish to hire Sacunas Stoessel.

Mr. Anstate noted that it is important for the CPFPG to keep track of the donors, and to communicate well with them to keep them updated on the project.

Mr. Anstate noted that a Power Point presentation is planned for the Colonial Park Rotary Club in April. He noted that this would be the first major presentation that the group has made, and he wants to include a videotape of a police officer, as note the benefits of the Skate Park. In the same month, a second skate competition is planned. He noted that the group hopes to have an event every couple of months to keep the name fresh in the Community. He noted that the group also plans to take advantage of the media as well.

Mr. Anstate noted that the CPFPG would like to find larger donors, such as banks or contractors, noting that they may be able to donate in-kind services. He explained that after making their presentation to the Rotary Club, they would move to get into the core fundraising activities. He noted that the group would also have to do grassroots fundraising, and they are willing to learn how to do this. He noted that he would attempt to get the people who have attended the previous activities to get more involved in the fund raising aspect.

Mr. Anstate noted that the core group is made up of six people, and he explained that they all work well together.

Mr. Hornung noted that when Nancy Sacunas met with the group and reviewed what had been done, she was impressed, and noted that she was amazed at the amount of preparatory work the core group had completed. Mr. Hornung explained that they are almost ready to go out to solicit funds.

Mr. Anstate distributed a paper explaining the level of sponsorships for various items within the Skate Park. He requested input from the Board members in regards to the proposed recognition levels for sponsorships for the Skate Park. He noted that etching recognitions on the ground is not appropriate for a Skate Park as the skaters would wear it off with their skate boards. He suggested that a wall plaque with various levels of recognition would be more appropriate.

Mr. Anstate noted that he matched the donation levels used by the Possibility Place project. He explained that it is a five-tiered system, with the Friends of the Park for a donation of less than \$100. He noted that there was much discussion on how to name the tiers, using a normal or using skate board terms. He suggested that the Group would prefer to use levels that are connected to skating. He noted that for all the levels from \$100 or higher, a plaque would be used. In addition, there is the possibility of naming features within the Skate Park. He noted that something could be done, similar to what PENNDOT did with the road markings for I-83 and Route 283 on I-83 near the Eisenhower Boulevard Interchange. He noted that it is a very durable surface since a large amount of vehicular traffic runs on it. He explained that only two donation levels would provide a means for naming an item. He noted that the entire park could be named with a donation of \$225,000; however, a second level of \$50,000 would provide naming rights for the three entrance locations. He explained, if a donor provided \$50,000 to name a bowl, he would propose that the corporation could design its own advertisement; however, a donation of \$10,000 to \$25,000 would be more generic in labeling. He noted that he would not want to have

names or logos all over the place, but some labeling could be permitted at the higher donation level. He suggested that the tables and flat surfaces could be labeled.

Mr. Hawk questioned what the fundraising goal was for the Skate Park. Mr. Anstate answered that \$250,000 is needed to build the Skate Park, noting that they currently had a few thousand dollars in the bank at this time. Mr. Hornung explained that CPFG has not been able to promote the Skate Park since it did not have a central idea as to what it was selling. He noted that the Group is deciding what features to sponsor, and at what price range. He noted that this needs to be done before they could publish brochures, and the members came to the meeting to get the Board's opinion as to what the Township would permit for fundraising in a public park.

Mr. Seeds stated that the group needs to promote this project in the community. He questioned if the group could have a table at the Friendship Center, or put a float in the Linglestown Parade. Mr. Hornung noted that the group needs to have its act in order before it can promote the Skate Park. He noted that the Group has been very methodic in preparing its fundraising presentation.

Mr. Wolfe explained that the CPFG would be making a presentation to the Rotary Club during its April 16<sup>th</sup> meeting. Mr. Crissman explained that the Colonial Park Rotary provides funding each year to a group for the monies received from the annual golf outing. He noted that this year they have already chosen a group, but suggested that they talk with the current Rotary officers to get the organizations name on the list for consideration for next year's Golf outing.

Mr. Hawk suggested that the CPFG would run into competition with the Dauphin County Heroes Grove project slated for Brightbill Park. Mr. Seeds suggested that Mr. Anstate should make his presentation to the Lions Club, Masonic Groups, and the Knights of Columbus.

Mr. Hornung noted that many people in their 30's could be the future group of buyers or purchasers for the Skate Park. He noted that by getting these people involved in the fundraising now, they will someday have an opportunity to use the park for themselves or their children.

Mr. Hawk noted that there are a lot of people who are willing to advertise, noting the amount of advertising at the Hershey Arena. Mr. Bates noted that the project could offer a higher level of recognition to attract certain people to the Skate Park. Mr. Crissman noted that he would not want to see graffiti advertisements in the Township Parks. Mr. Hawk noted that there is money in advertising. Mr. Crissman noted that he would prefer the hometown look, and not a mass of graffiti advertisements. Mr. Anstate questioned Mr. Crissman if he would be opposed to advertisements in the bowls. Mr. Crissman answered only if they are limited. He suggested that Lower Paxton Township is a class act and above everyone else. Mr. McIntyre suggested that that

type of thinking would appeal more to someone from the older generation, such as the Red Hat Society, whereas, a Skate Park would appeal to different demographics. He suggested that an energy drink logo in the bowl would fit well in this situation. He noted that the signs that are located at the Paxtonia baseball fields are a tradition for that area, but noted that it has not been done at other locations in the Parks system. Mr. Crissman explained that he totally opposed the endorsement that was placed on the scoreboard at Landis Field while he was Superintendent of Schools. Mr. McIntyre suggested that the understanding would be that the Board members would approve any logos for the Skate Park. Mr. Crissman noted that he had no problem with that. Mr. Hawk suggested that these details could be worked out further in the process.

#### Discussion regarding the status of Koons Pool

Mr. Luetchford noted that Mr. Chuck Barto is the President of the Koons Park Swim Association and is present to explain the status of the Koons Park Pool. He noted that he, along with others, are working to continue to operate Koons Park Pool. He noted that the Township did not include the opening and closing costs for Koons Park Pool in the budget.

Mr. Barto noted that the pool is completely full of water, meaning that the pool held water all winter. He noted that a few years ago, the pool looked like someone had dropped grenades in the pool. He explained that he had a qualified contractor identify all of the soft spots in the walls. He addressed leaks from the inside of the pool and other leaks from the pool. He noted that there are no major leaks in the diving or the swimming pool.

Mr. Barto explained that Mr. Luetchford informed him that there may be some funding available from the Department of Conservation and Natural Resources (DCNR). He noted that he would need to make a formalized presentation to DCNR, and he was provided a list of consultant who would be available to assist the Koons Park Swim Association (KPSA). He noted that they could provide funding to scoop out the existing pools and install a new one. He noted that they would need funds to hire a consultant, and he noted that he is not asking the Township for funds for consultants. He stated that he only wants the Township to put back into the budget what was allocated in the past. He noted that he does not need a deep well pump this year, and he does not anticipate the needs for additional funding. He explained that he talked to plumbing contractors regarding possible leaks in the copper pipes and was told that those pipes could be replaced with PVC pipes. He noted that these are the pipes that are used to chlorinate the pools, and explained that it would be less expensive to replace the copper with PVC pipes.

He noted that he does not have the ability to install signs on the fence for advertising; rather he must raise the money for the pool through memberships. He noted that Koons Park Pool is the only pool that provides a Learn to Swim program. He noted that there are things that the Pool would like to continue to do for the Parks and Recreation Programs. He noted that the pool does not require a member to sponsor someone who is using the facility, therefore, on the weekends; the pool is freely available to groups using the park.

Mr. Barto noted that he is in the process of hiring lifeguards, and the Board has two new members, one of which has an engineering background. He noted that this individual would be able to assist with any mechanical problems with the pool.

Mr. Barto explained that he plans to have a presentation ready for DCNR by late fall or early winter which would put the Koons Pool Board on track for receiving a grant. He noted that DCNR prefers to give money to governmental groups and not not-for-profits, and suggested that the organization is quasi-governmental, by order of the Dauphin County Court. He suggested that the KPSA may be able to bridge that gap without further assistance from the Township.

Mr. Barto noted that he is doing everything he can to be ready to open on Memorial Day.

Mr. Hawk noted that the budget numbers showed that the organization had enough money to maintain operations with some minor excess, but there is not enough money to make the necessary upgrades to the facility. Mr. Barto answered that that is true.

Mr. Seeds noted that it was a good sign that the pool was full, but with all the rain the ground is very saturated, and if there are leaks they may be in the piping. He noted that last summer, the fresh water pump appeared to be pumping in raw well water. Mr. Barto noted that they did that to cool the water. Mr. Seeds questioned Mr. Barto if the concrete walls are leaking. Mr. Barto answered that they are not at this time, and stated that there is very little seepage from the pool.

Mr. Barto explained that the Board members received a report last summer on the piping, and he questioned if, according to the Township regulations, he could use the PVC pipes to make emergency repairs. Mr. Seeds questioned how PVC pipes could be used to replace copper pipes that are filled with chlorine. Mr. Hornung noted if Mr. Barto would be replacing copper with PVC he should be fine since chlorine would eat up copper pipes very quickly. It was noted that some of the copper pipes have been in use for more than 60 years.

Mr. Seeds suggested that the solution would be to gain more members. Mr. Barto noted that he is planning to send flyers to all the former members inviting them to rejoin the pool. He

noted that there was much reluctance last year to join, due to the delay in opening the pool as a result of the lack of water flow.

Mr. Hawk requested Mr. Barto to keep the Board posted to the success of his presentation with DCNR.

Mr. Seeds noted that Mr. Barto is asking the Township for the same funds that it received last year to open the pool. Mr. Luetchford noted that \$17,000 was spent last year, but roughly \$7,000 of that was for the well pump. Mr. Barto noted that he must pay Mr. Smith, up front, to open the pool. Mr. Wolfe noted that the Board chose not to budget any funds for this in the 2008 Budget. Mr. Crissman noted that the Township's donation is already shown in the budget. Mr. Luetchford noted that the budget showed last year's expenses for Koons Pool. Mr. Wolfe noted that the replacement of the deep well system was run through the Township's funding, not Koons Park Pool. Mr. Barto noted that that bill was sent directly to the Township. Mr. Seeds noted that the Township had to make many cuts in the 2008 Budget. He noted that the Township has lost certain revenue from certain taxes, and had to raise taxes.

Mr. Crissman questioned if the KPSA had a professional assessment of the pool's filtration system. Mr. Barto answered that it is ready to go. Mr. Crissman questioned what type of filtration system the pool uses. Mr. Luetchford noted that it is a sand filtration system. Mr. Barto suggested that most of the equipment is in fairly good shape, but there is concern regarding the underground piping.

Mr. Hawk noted that Mr. Barto is looking to have the Township reinstate \$7,000 back into the budget for the pool. Mr. Wolfe noted that it is approximately \$8,000. Mr. Hornung noted that for the most recent budgeting process, the Board studied each request and granted a portion of the request. He suggested that the Township may only be able to give \$4,000 to the pool this year. Mr. Hawk noted that the Board would do what it could for the pool, but explained that money is tight. He requested Mr. Barto to send a letter to Mr. Luetchford with his request. Mr. Barto noted that the funds go to pay Mr. Smith's costs for opening the pool in May. He noted that the Township could pay Mr. Smith directly. Mr. Barto stated that the pool wants to be a community resource for the Township. Mr. Hawk noted that Mr. Barto is very dedicated to the pool.

Discussion regarding the draft Patton Road roadway improvement agreement for the preliminary subdivision plan for Autumn Oaks

Ms. Moran noted that the Board was given two proposals for the alignment of Patton Road, one from Mellott Engineering, and the other from Dauphin Engineering. She noted that

during the January Workshop meeting, the Board requested that HRG, Inc. review both proposals and provide comments. She noted that HRG, Inc.'s comments are included in the Board members packets.

Ms. Moran noted that Mr. McNaughton would like to complete the roadway agreement to allow him to move on with the project. She noted that Mr. Stine is waiting for the Board's direction as to how to complete the agreement. Mr. Hawk noted that Mr. Staub's design has a nice smooth sweeping roadway which could produce higher speeds and infringe on other people's property. He noted that most of the property is wetlands. He noted that Mr. Mellott's design has some traffic calming possibilities and would be less expensive to build.

Mr. Wolfe explained that staff is looking for the Board members to decide which plan should be included in Mr. Stine's agreement. He noted that the Board asked HRG, Inc. to provide its comments in regard to the alignment. He noted that Mr. McNaughton prefers to use the Mellott design since it is less expensive and intrusive, and would have less impact on the overall environment. He noted that Mr. Staub, from Dauphin Engineering, provided the second alignment option, which has a greater capacity for higher speeds, and also has more significant environmental impacts.

Mr. Wolfe noted that HRG, Inc.'s, comments are also included and staff needs to know what to put into the agreement.

Mr. Seeds questioned how the Township knew what Mr. McNaughton was willing to do. Mr. Wolfe answered that that is the reason for the agreement. Mr. Wolfe explained that staff does not know if Mr. McNaughton would agree with the second option, but staff needs the Board members to pick a design to move forward with the process.

Mr. Seeds questioned if both agreements would satisfy the State and local concerns. Mr. Wolfe answered that, other than the comments provided by HRG, there are no other issues in regard to either alignment.

Mr. Hornung questioned what the speed limit was for Patton Road. Mr. Wolfe answered that it is posted at 25 mph.

Mr. Crissman noted that Mr. Grubic recommended the Dauphin Engineering plan. Mr. Crissman noted that he would side with the engineer's choice of design. Mr. Hornung noted that he drives Blue Mountain Parkway several times a day, and there is one turn that has a 90 degree turn at the entrance to Blue Meadow Farms. He noted that the speed limit is 25 mph on that road and he suggested that he does not drive the speed limit. He noted that, as of late, he has been trying to drive slower, noting that he finds his life to be more enjoyable. He noted that once you

get used to driving slower, that turn becomes an advantage, because it slows you down and allows for a more even flow of traffic coming from Blue Meadow Farms. He suggested that Patton Road is not a highway, and it should have turns in it to keep the rural environment. He suggested that it makes sense to slow traffic on a road posted at 25 mph. He noted, if the speed limit was higher, he would not agree with Mr. Mellott's plan, but the road design would force people to slow down.

Mr. Blain questioned Mr. Hornung if he felt there was no need to change the road. Mr. Hornung noted that the road is banked in the wrong direction, and there is a need for roadwork in that area, but he did not think that the curve should be taken out. He noted that it is a rural area, and would help to slow the traffic.

Mr. Crissman noted that he disagrees because teenagers driving on the road are not thinking about the roadway, and that is his concern. He noted that he is concerned about accidents that could occur since many death related accidents occur on the Township's sharp curves. He noted that he would not support the Mellott plan for that reason. Mr. Hornung noted that he would not want to approve the building of a highway to accommodate people who violate the law. Mr. Crissman suggested that it provides for another opportunity for a death situation to occur.

Mr. Blain noted, from the cost perspective, the Mellott design is much cheaper, and he did not see the advantage of the Dauphin Engineering Plan over the Mellott Plan. He questioned why the Township would want to design a road through wetlands, and put that on the developer's back when the first plan was fine. He questioned what the curve radius was. Mr. Hornung noted that it is not very big. Mr. Hornung suggested that more accidents occur on the older roads where they have the wrong taper. He noted that the Mellott Plan provides for a large radius, and he did not think there would be a potential for high speeds on that radius if it is properly banked. Mr. Blain suggested that it would be different if this design was planned for Nyes Road, but this is not a major road. Mr. Seeds suggested that more traffic would use this road once the Continental Road connection is made. He noted that the Dauphin Engineering Plan eliminates the first curve, but he also agreed with Mr. Hornung. He noted that if you use the Mellott Plan it would preserve more wetlands. Mr. Blain noted that in using the Dauphin Engineering Plan, he would have more concerns for the high speeds after a vehicle has cleared the curve. He noted that the Mellott Plan would force traffic to slow down. Mr. Seeds noted that designers straighten out roads and then they have to come back to design traffic calming to slow the traffic.

Mr. Seeds questioned if both plans would be acceptable. Mr. Staub noted that both plans are designed to meet the Township's ordinances and PENNDOT's requirements. He noted that the difference is a matter of philosophy. He stated that it would be considered a collector road, therefore, he designed a large radius and more sweeping curves, but people would travel faster.

Mr. Eric Epstein questioned which plan disturbed less wetlands. Mr. Seeds answered that the Mellott Plan did. Mr. Staub noted that the wetland issue does not come into play because they have to mitigate whatever wetlands they affect. Mr. Hawk noted that the majority of the Board members are in agreement with the Mellott Plan.

Mr. Wolfe questioned if there were any other concerns regarding the draft roadway improvement agreement. Mr. Stine noted that Mr. McNaughton proposed to do everything, but the Township was to be named as the applicant to PENNDOT for the permittee. He noted that Mr. Grubic recommended that all permit names be in the developer's name, and the site contractor be listed as the co-permittee. He noted that if something goes wrong on the site, the Township would not want to be responsible for it while someone else is doing the work. He noted that this occurred at a different municipality and it was the reason for the suggestion. Mr. Stine noted that Mr. McNaughton was providing all the supporting documentation except for the name for the permit, therefore, Mr. Grubic's suggestion to have Mr. McNaughton be listed as the applicant for the permit.

Mr. Hawk questioned at what point the road would be installed. Mr. Stine noted that it is in the existing agreement, and he did not recall if this has been filled in the document. Mr. Seeds noted that he wants that spelled out very clearly in the agreement, but he was not sure what it should be. Mr. Wolfe noted that the percentage is still in negotiations, and he would have Mr. McNaughton come back to the Board to discuss this issue. Mr. Stine noted that the initial number was 50% of construction, and then it was noted that that number was too high.

Review of the draft recreation dedication component of the proposed  
Subdivision and Land Development Ordinance

Mr. Wolfe noted that he, along with Ms. Wissler, Mr. Stine and Mr. Luetchford have worked on the proposed Recreation Fee in Lieu Subdivision and Land Development Ordinance (SALDO) as well as the draft Parks and Recreation Facilities Plan. He noted that this is one of the remaining SALDO items to be completed. He noted that Mr. Luetchford has prepared a list of items to be discussed this evening.

Mr. Luetchford noted that the SALDO comes out of the Parks and Recreation Facilities Plan (PRFP) and the Comprehensive plan requires that the PRFP support the SALDO.

Mr. Luetchford noted that the park dedication or fee-in-lieu payments shall not reduce the percentage of open space required. He noted that this is included in item B of the SALDO. He noted that open space and parkland are separate issues and he wanted to ensure that it was spelled out in the Ordinance.

Mr. Luetchford noted that developments of 50 units or less shall be encouraged to give fee-in-lieu funds noting that the Township is not interested in mini parks. He noted that the maintenance issues for pocket parks do not make sense, stating that a park should be more than two acres. Mr. Seeds noted that the wording is “shall be encouraged”, and he stated that the old ordinance did not cover who would make the decision. He suggested that encouraged is open ended, and he questioned if the Township would make the decision. He questioned if the development adjoined a park, would the Township have the right to gain more parkland. He suggested that the Township needs to have the option for this. Mr. Luetchford explained that this is covered further in the discussions.

Mr. Luetchford noted that land dedication requires 1,841 square feet (.0423 acres) per dwelling unit, and is significantly more than currently asked for. He noted that the Township currently ask for 1,500 square feet per dwelling unit, varying per zoning. He noted that this change would simplify the requirement for any type dwelling unit to include apartments. He noted that the Township is starting to reach build-out; therefore, the thinking is, that if the Township does not obtain the land soon, there will be no land left for parkland. He noted that it is the intent of the Parks and Recreation Board to acquire raw land for future use.

Mr. Luetchford noted that the Municipalities Planning Code (MPC) does not require that developers provide recreational facilities; therefore, he removed it from the ordinance. He noted that it could be negotiated with the developer, in lieu of fees or more land, but he noted that the MPC does not require it.

Mr. Luetchford noted that greenways are new to the Township and have been included in the ordinance and were added as an alternate to traditional park land dedication or fee-in-lieu. He noted that greenways are not necessarily land as they could be an easement or the widening of a roadway for a bicycle path.

Mr. Luetchford noted that the fee-in-lieu payment shall be based upon the appraised fair market value of improved residential land. He explained that currently, the Township charges \$2,300 per dwelling unit for a fee in lieu. He noted that a typical dwelling unit, at a quarter acre

in size would amount to under \$10,000 an acre, and he noted that an acre of land is not valued at \$10,000, but much higher. He suggested that an acre of land in the Township would be worth \$60,000, so it would make sense that a developer would rather provide the fee in lieu funds instead of land. He noted, if a developer wants to donate land, the fee in lieu payment should be roughly equal to the value of the land. He noted that the fee in lieu payments must be enough to be able to pay for land elsewhere. He noted that West Hanover Township is changing their requirements to match this thinking.

Mr. Seeds noted that it would be a hardship to have to have the land appraised for each subdivision, especially for someone who is dividing their land to provide a lot for a family member. He suggested that it would be easier to do the average from the year before. He stated that it is not right to require a person to have their land appraised just to determine the fee in lieu. He suggested that a resident who owns a \$200,000 lot uses the same facilities as the person who owns a \$50,000 lot. Mr. Luetchford suggested that the previous year's value could be used rather than requiring each developer to pay for additional appraisals. He noted that the ordinance suggested that a list of qualified appraisers be determined but this could lead to an arbitration-type situation. Mr. Zimmer explained that the Township would be receiving roughly \$60,000 for what it is doing now. He noted that a 50-unit subdivision would provide for two acres of land or \$115,000 for fee in lieu. He noted that this would come out to roughly \$58,000 per acre. Mr. Luetchford suggested that this item needs more discussion, noting, if the average acre is worth \$60,000, 50 units would be equal to roughly an acre for fee in lieu. Mr. Zimmer noted that it would actually be worth two acres at \$57,500 per acre.

Mr. Hawk noted that the Township must be proactive now or it will be way behind in its total acreage of parkland. Mr. Luetchford stated that the Township is running out of developable land.

Mr. Luetchford noted that the fee in lieu payments shall be used to acquire land or design and construct new recreation facilities. He noted that, in the past, the funds were used to reconstruct facilities, but lately the funds have been used to design George Park. He noted that in the past, the fee in lieu has been used for different purposes, but the Parks and Recreation Board believes that the funds should be used for new facilities.

Mr. Hornung questioned if there is a requirement that the funds must be used within a certain sector of the Township. Mr. Luetchford noted that that is not the case now. Mr. Stine noted that at one time, the Township was divided up into nine districts, and then it dwindled to one.

Mr. Luetchford noted if the land is dedicated to a private organization, and if the parkland use is restricted to the neighborhood, then 50% of the fee-in-lieu payments should be payable to the Township. He noted that the Community Development Department is requested to provide a copy of each development plan to the Parks and Recreation Board for their consideration, in order to make a recommendation for the fee-in-lieu or land dedication.

Mr. Hornung noted if land is dedicated by a private organization, might you want to have a minimum amount of land. Mr. Luetchford answered that the Parks and Recreation Department could still encourage the fee-in-lieu payment.

Mr. Luetchford noted that the developer shall dedicate land and or pay the fee-in-lieu as agreed by the developer and the Township Supervisors. He noted that the MPC states that the Township can require the public dedication of land suitable for the use intended. He noted that the Township has the ability to negotiate the fee-in-lieu or recreational facilities in lieu of land dedication. He noted that the general intent of the ordinance is to have the developer dedicate land to the Township. He noted that previously, the developer had an option, but the MPC does not require this. Mr. Stine noted that the MPC requires the dedication of land, but if the developer chooses not to dedicate the land or the Township does not want the land, then you can agree on a fee-in-lieu or construction of facilities, but the Township cannot force the developer to pay fee-in-lieu. Mr. Seeds questioned what would happen if the developer wants to provide less than two acres of land. Mr. Stine noted that the MPC states that it must be land suitable for the intended purpose, and a very small plot is not suitable as recreation land.

Mr. Luetchford noted that, he and the Parks and Recreation Board, are open to any comments, and would like to have the Parks and Recreation Plan ready to support the Ordinance document. He noted that the MPC requires the approval of the Recreation Plan.

Mr. Seeds suggested that the Township should continue to use the average price from the previous year's lot because it is not fair to require appraisals for a subdivision. He suggested that it would become too cumbersome for staff and for the developers. Mr. Zimmer noted that most people would prefer to have a predetermined number to use, and not wait for a final appraisal. Mr. Wolfe noted that he would look at reestablishing the formula as per Mr. Seeds' recommendation.

Mr. Hawk noted that point nine of Section E discussed the Township Greenway Plan, and requested some more discussion on this item. Mr. Luetchford noted that the developer for the Autumn Oaks Plan does not want to provide additional parkland, but the plan calls for the widening of Patton Road by five feet on either side of the road to allow for a bikeway at

Continental Drive. In addition, it calls for a pathway from Continental Drive on Patton Road diagonally through the development, up the power line, and further up the mountain. He noted that there is a recreational value to a Greenway being established. He noted that the Township would have to establish a figure for the fee in lieu payment for traditional park property, there is a value to the greenways and that value should be reflected in this ordinance to state that the Township would want to encourage greenways. He suggested that the value of the greenways could be subtracted from the fee-in-lieu. Mr. Hawk questioned if an appraisal would be needed. Mr. Luetchford answered that there would be a value for a roadway portion used as a greenway. He noted that the Greenway Plan mentions a linear value for the different types of greenway pathways. He stated that he would be working with Mr. Robbins to determine a value for this. Mr. Hawk suggested that there needs to be a methodology for determining the value of the greenway.

Mr. Seeds noted that point seven, on the same page, states that the site shall be located and designed to conveniently access public utilities which shall be extended by the applicant to include sanitary sewer, water and electric service. He questioned what that meant. Mr. Luetchford noted that the wording should be changed to “may extend,” noting that the MPC does not provide the Township the right to require a developer to extend utilities to a park site. He noted that it could be negotiated.

Mr. Seeds noted section J, the third sentence does not make any sense. Mr. Luetchford noted that he would work on that section as it isn't very clear.

Mr. Hawk thanked Mr. Luetchford and the members of the Parks and Recreation Board for their hard work. Mr. Luetchford noted that he would present the final draft to the Board for their review.

Presentation by Mark Levine on behalf of SWAN regarding suggested changes to the Zoning Ordinance

Mr. Wolfe explained that Mr. Levine requested to be placed on the agenda to discuss potential changes to the Township's Zoning Ordinance.

Mr. Mark Levine, Knollcrest Road, explained that the Stray Winds Area Neighbors organization was incorporated in December of 2007.

Mr. Levine noted that the Zoning Ordinance was adopted on November 27, 2007. He noted that the SWAN membership would like to make some suggestions for changes to this ordinance.

Mr. Levine noted that SWAN requested for Section 301. D. 1, that the definition be modified to add the following sentence, “To ensure the preservation and conservation of important natural features, the acreage, square footage, of all such deemed natural features shall not be included as the total acreage available in the calculation of the total number of committed units.” He noted that areas set aside for preservation and conservation have been steep slopes, streams, and wetlands which are un-buildable. He noted that this ends up as waste land to the developer and he should not be provided with a credit to be able to calculate the total number of units. Mr. Wolfe noted that the developer is required to prepare a Yield Plan, and part of that must factor out percentages of steep slopes and wetlands, noting that that cannot be used in the calculation for the number of units. Mr. Wolfe noted that this request is covered in the ordinance per the Yield Plan. Mr. Levine questioned what the percentage was. Mr. Wolfe noted that it varies per environmental feature. Mr. Seeds noted that for certain zoning districts, it could be 100%, and for others it may be 50%. Mr. Seeds noted that this is already covered. Mr. Blain agreed. Mr. Epstein suggested that he would work with Ms. Moran to see if it is already covered in the ordinance.

Mr. Levine noted that the other suggestion for change would be found in Section 308.B. He noted that, “*the Township may require that the qualifications and certifications for the person conducting the wetland delineation be provided in writing to the Township*”. He noted that SWAN is suggesting that the word “may” be changed to “shall”. He noted that in the second sentence, it states that, “*the Township may require that a statement be provided on the plan that is signed by the wetlands delineator stating that the wetlands are shown by a standard government wetland manual or that wetlands are not present.*” Again, SWAN is requesting that the word “may” be changed to “shall”. He noted that the reason for this is that anyone could sign for a plan, leaving the Township no recourse.

Mr. Seeds questioned Mr. Staub if a registered engineer must sign the wetlands delineation for the plans. Mr. Epstein explained that this issue goes to the property previously owned by the Diocese of Harrisburg on Colonial Road. Mr. Levine noted that in August 2005, the Township received a letter from St. Margaret Mary’s Church, stating that in June the parish assessed the suitability of an 18-acre parcel of land owned by the Harrisburg Diocese on Colonial Road that has been purchased for the possible relocation of St. Margaret Mary’s church. He noted that, based on a previous engineering study, it appeared that approximately six acres were wetlands and could not be developed. Mr. Wolfe noted that this plan was reviewed under the previous zoning ordinance that had no requirements for any wetland certification.

Mr. Levine noted that on June 30, 2005, upon inspection of the property, the parish reviewed a letter from the US Army Corps of Engineers which identified additional wetlands on the property beyond the area previously identified as wetlands. Mr. Wolfe noted that this is now part of the current ordinance. Mr. Epstein noted that he did not know if the Township could require this based on the MPC's regulations. Mr. Wolfe noted that the Township can, and the reason for the wording of "may" in place of "shall", is that it is at the discretion of the Board members. He noted that many subdivisions are so small that requiring detailed wetlands delineation by someone with credentials is not feasible. Mr. Epstein stated, in regards to the property located at Linglestown Road and Crums Mill Road, the developer for the seven-acre plot had to reconfigure the entire lot based on the wetland challenge. He noted that this was due to DEP regulations. He stated that he understood what Mr. Wolfe was saying, but noted that it was a problem for that property owner. Mr. Levine suggested if it is determined, based upon an inspection, that there are no wetlands, then the person could sign off on the property. Mr. Zimmer questioned how many thousands of dollars it would cost the developer, and suggested that it would cost at least \$5,000 to do this.

Mr. Hornung noted that some people request to subdivide a lot to build a home for a family member, and to require a wetland delineation study is ridiculous, especially for someone living on top of a hill. Mr. Epstein noted that he did not disagree with Mr. Hornung.

Mr. Stine questioned if there were particular certifications or qualifications to delineate wetlands. Mr. Staub noted that if a plan would be reviewed by the US Army Corps, there would be. Mr. Stine questioned if there would be for plans not reviewed by the US Army Corps. Mr. Staub answered no. Mr. Stine noted that if the Township required certifications and qualifications for something that has none, he did not know how you would evaluate or enforce it. Mr. Epstein noted that for the Weis and Sheetz properties, the Township was operating on FEMA maps. He noted that he did not know what the solution is, and suggested that the word "shall" would provide an edge. Mr. Stine noted if there are no qualifications for this, how would the Township evaluate it. Mr. Epstein noted that he felt bad for the doctor who had to reconfigure his development since SWAN and the Township missed the wetland issues. Mr. Levine suggested having the Township Engineer review the land. He suggested that that would be adequate enough. He noted that a quick inspection by someone who is known and reliable would be fine. Mr. Wolfe noted that by inserting the word, shall, all subdivisions must be governed by the same criteria every time.

Mr. Epstein noted that this would take further study since the Township cannot compel someone to have certification that doesn't exist, and it is not fair to require this for someone with a small subdivision. Mr. Levine suggested that much of the remaining undeveloped land in the Township has wetlands. He noted that wetlands do change, especially as more roads are developed. He noted by having the land inspected for wetlands, it would provide to the Township, a person to fall back on in the event of a problem. He noted that it would not need to be a certified person from the US Army Corps of Engineers.

Mr. Stine questioned Mr. Staub, if he has a plan that has wetlands; if the plan would be under his seal as a registered engineer in Pennsylvania. Mr. Staub answered that that was correct. Mr. Stine questioned if it would be Mr. Staub's responsibility. Mr. Staub answered ultimately yes, but he explained that he hires a wetland biologist and the biologist signs the report, and in the normal course of reviewing a plan, if HRG, Inc. suspects that there are wetlands on the site, and there has been no delineation, they will ask for one. He noted that normally, he does not do delineations. Mr. Stine questioned Mr. Staub that no matter who does the work, if the delineation is not done correctly, it would come back on Mr. Staub. Mr. Staub answered that that was correct. Mr. Wolfe noted that when the Township has a shoddy developer, it does not matter what you do, you will not be able to prevent problems from occurring.

Mr. Levine distributed a list of concerns for the next workshop meeting.

Discussion with Mark DiSanto, representing Triple Crown Corporation, regarding  
the rezoning designation of property at the northeast corner of  
Parkway East and Linglestown Road

Mr. Mark DiSanto noted the he was present with Mr. Samuel King who is the Grand Master of the Prince Grand Pall Lodge, and State Representative Joel Williams, who is a member of the Lodge. He noted that they are the owners of the land located at the northeast corner of Parkway East and Linglestown Road.

Mr. DiSanto explained that roughly a year ago, the Lodge put out a Request for Proposal (RFP) to take the 60 acres which they have owned for over 80 years, and turn the asset into a format to create some ongoing profits to utilize it for their charitable organization in the Masonic Lodge.

Mr. DiSanto noted that Triple Crown Corporation (TCC) was selected to be the developer. He noted that he proposed an apartment community and showed a sketch plan of the 60 acres. He noted that it would be a joint venture with the Lodge maintaining ownership in

order for a certain percentage of the profits to go to their charitable endeavors. He explained that the sketch plan show apartments, although the ground is zoned Agricultural Residential (AR). He noted that his plan would require rezoning the tract to a high density format. He explained that the land is adjacent to a major arterial road, public sewer, public water, and would provide for the additional housing called for in the Township's Comprehensive Plan. He noted that he is asking for something and in return would provide a give-back to the community. He questioned how TCC could make this concept work, and suggested that a percentage of the units would be designated elderly affordable housing, and another percentage of the units would be designated work-force housing, noting that the apartments would be available for police, teachers, and nursing professionals. He noted that Lower Paxton Township's new housing costs are high, but there is also a good stock of older housing.

Mr. DiSanto explained that this is a unique opportunity and noted that he spoke with Mr. Epstein about the concept to receive community input, and suggested that it is a win-win solution to provide good housing for the Township, and to provide a benefit for the community. He noted that he wanted to participate in an open dialogue to discover what would interest the Township to move this rezoning forward.

Mr. Stine questioned Mr. DiSanto how he would get around the spot zoning issue, noting that he was requesting a change to R-2. Mr. DiSanto answered that the track is large enough in its own right. Mr. Stine noted that that is not true, noting a recent court case where there was an appeal filed for a 60-acre spot zone. Mr. DiSanto questioned if the land was close enough to Linglestown to be considered part of the Village District. He noted that he talked to Mr. Kessler about trying to incorporate it into his parcels as a TND, noting that it would bring the total acreage to 100, but was told that he was not interested in this. He suggested that there should be a way to get it done in that it would benefit everyone.

Mr. Seeds noted that he liked the looks of the plan but suggested that Mr. DiSanto did not have the right location for it. He noted that much discussion has been held, in the past, for both sides of the Linglestown Road corridor, east of the Square. He noted that various other property owners have requested to rezone the entire corridor, on both sides. and the requests were denied. Mr. Seeds suggested that TCC should look for another location to build the development. Mr. DiSanto noted that there is no other land to build this on. Mr. Seeds suggested that Mr. Kessler's land would be better suited for this plan. Mr. DiSanto noted that Mr. Kessler's land is zoned R-1, and touches the Village District. He noted that the land is adjacent to an R-1 zone, and many factors could be considered to negate the spot zoning complaint. Mr. Seeds noted that it would

provide for a domino affect for all the other property owners who have requested rezoning along the eastern corridor of Linglestown Road for many years.

Mr. DiSanto noted that TCC and SWAN have created a paradigm in working together with the Township. He noted that there is a demand for this type of housing, and no sizeable tract of land is available for apartment construction in the Township.

Mr. Epstein noted that, in terms of comparable education, teachers are 19% below other occupations entering the market. He noted that it is believed that it will be extremely difficult to retain teachers in the Township, and what made it attractive to him was the location to Linglestown and the new Central Dauphin High Schools. He suggested that it could be a recruitment component for the School Board. He noted that many people are concerned with the exploding property taxes, and SWAN is concerned with retaining teachers. He noted that down the road, the School District will need a recruitment source to recruit teachers.

Mr. DiSanto noted that the Lodge would like to maintain ownership of the land and have some sort of income for their charitable endeavors. He noted that they are a state-wide organization.

Mr. Hawk noted that he likes the concept plan, but has a concern with the spot zoning.

Mr. Seeds noted that he and Mr. Hawk are Masonic brothers, and appreciate what the organizations does, but suggested that the plan is not appropriate for the area. Mr. DiSanto questioned if the Board could appoint someone to negotiate further discussions on this matter. He noted that there could be a connection for the greenways, or improvements to Koons Park to tie in a public-private partnership.

Mr. Hawk noted that the Dauphin County Planning Commission would have to provide comments. Mr. Blain noted that Mr. DiSanto was only looking for an open dialogue with the Board members. Mr. DiSanto noted that he would have to develop community input, possibly from SWAN, and the Blue Meadow Farms Home Owners Association. He noted that he would like to have some dialogue with Board members to see if he can connect the dots.

Mr. Crissman questioned why the construction for rentals as opposed to sales, especially since it is everyone's dream to own their own property. He noted that the teachers want to own their own home and property too. He noted that teachers are underpaid for the job they perform, and realized that the Lodge wants to maintain a revenue source, but did not understand why they would look to earmark teachers. Mr. Seeds noted that the Township has no say as to whether the units would be for sale or rent. Mr. DiSanto answered that the Comprehensive Plan noted that 60% of the properties are homeownership and 40% rental; he noted that there is a market for

rental by choice. He noted that people don't want to pay the taxes, cut the lawn, etc. He noted that many younger people are not prepared to buy a home at this time, but would like a more modern place to rent. He noted that there has not been any new housing stock for rent. He noted that it would supply a new segment of the market that he feels exists. Mr. Epstein noted that his brother is in such debt for college loans that he cannot afford to buy a home and will be forced to rent. He noted that he is looking for options to retain a stable workforce for a period of time. He noted that this would allow the work force to live in the same Township that it teaches and works in. He suggested that people coming out of school are not able to realize that dream.

Mr. Hawk noted that the Board is always willing to listen to new ideas; he questioned Mr. DiSanto where he would go from here. Mr. Blain noted that he is in favor of coming up with new and creative ideas, but Mr. DiSanto would need to figure where to go next. He noted that the Board keeps an open mind for new ideas, but is concerned that the developer could spend a lot of money to find out that the plan won't work. He suggested that Mr. DiSanto should work with the Dauphin County Planning Commission to get their opinion, and also the homeowner's associations.

Representative Joel Williams asked the Board members to be open minded. He explained that he is a member of the Grand Lodge of Pennsylvania, and they are the land owners. He suggested that there may be some things that he could bring to the table for the future of the community. He noted that the Democrats are in control at this time and the appropriations chairman is very supportive of his efforts. He noted that the State has almost \$500 million in surplus, and he needs the Board members to have an open mind. He noted that he would like to meet with one or two members to discuss this matter further. Mr. Hawk suggested that it would be good to get the DCPC thinking before submitting a formal plan. He noted that it would be good to get their opinion of the spot zoning issue and how they think the plan would fit into the Comprehensive Plan. He noted that it would also be good to get some community based input as well.

Mr. Seeds questioned if the developers wanted to build this plan somewhere else. Mr. King answered that they can only speak for what they own. Mr. Seeds questioned if this was to be built as a Prince Hall Lodge project or individual property owners. Mr. King noted that this land belongs to the Grand Lodge. He explained that he is present as the Grand Master speaking for the Grand Lodge.

Mr. Epstein suggested that Rep. Williams may be able to secure information on what other paradigms exist in other communities. He noted if the plan came together, he suggested

that there may be other people who would sue to prevent it. Mr. Stine noted that the Board could rezone the land, but it does not preclude someone from mounting a spot zoning challenge, and being successful with it. He suggested that this would be a big issue, since the 60-acre parcel is in the middle of the AR zone, abuts R-1, and is not contiguous with R-2. He suggested that the rezoning would be a prime candidate for spot zoning. He noted that if the land was different, it might make a difference. He suggested that some of the people who own the land around it may qualify as agricultural endeavors and may not like to have an R-2 zoning adjacent to their property.

Mr. DiSanto noted that there is a lot of work to be done with this plan. Mr. King explained that the Lodge has owned the land for more than 80 years, since the 1920's. He noted that the land does not generate any income, and has only served as an expense of a tax burden for all those years. He noted that spending money would be one piece of the project, and he noted that the Lodge has a greater purpose as a fraternal organization. He noted that when he became Grand Master a few years ago, he started to look at the property to determine how it would be valuable to the Grand Lodge noting that it is in a community that has needs. He explained that he would like to structure the Lodge's ideas to fit the community. He noted that he lives in Chambersburg and stated that he understands small conservative communities, but he represents the State of Pennsylvania in the Grand Lodge. He noted that to have owned the land for all those years and to sell it after all those years, not realizing what it is worth is not what he is looking to do. He would rather do something that would provide a long-term income for the Lodge. He noted that he would like to work with the community to make it happen. He suggested that there should be a way to overcome the political environment and whatever else is present. Mr. Seeds suggested that it is not a political issue, rather a land use issue.

Mr. Crissman noted that the Board must consider the traffic impact for Linglestown Road, noting that road improvements may need to be made. He noted that many factors must be considered. Mr. Seeds suggested that there would be \$15 million in road improvements needed. Mr. Hawk suggested that Mr. Epstein should work with Mr. DiSanto.

Mr. DiSanto noted that they could sell the land and develop one-acre lots building 55 to 60 single-family homes. He noted that the real interest is to leverage the deal for both the Lodge's and Township's benefit. He noted that the Comprehensive Plan calls for elderly and workforce housing. He noted that this would be a way to address demand in a small area, and to control sprawl. He questioned if there is a point person to run different ideas by. Mr. Crissman answered that he would prefer that comments be addressed to the Board as a whole. Mr. Hawk

agreed. Mr. Wolfe welcomed Mr. DiSanto and his clients to come back to any workshop to discuss their options.

Mr. Stine questioned if Mr. DiSanto looked into extending the R-1 zone to see what options he would have. Mr. DiSanto questioned if this would be an opportunity to look into a Traditional Neighborhood Development (TND) with Mr. Kessler's property. Mr. Stine noted that rezoning to R-1 would not be spot zoning as it would be an extension of an existing zone. He noted that finding the right zoning is a challenge.

Discussion with the Schoffstall Children's Trust regarding a sketch plan  
for a parcel of land on the south side of Devonshire Road

Mr. Jeff Staub, Dauphin Engineering, noted that the Schoffstall property is made up of roughly seven acres located on Devonshire Road across the street from the Paxton Towne Centre. He noted that the Board of Supervisors recently approved a plan for ten single-family homes with a cul-de-sac street. He noted that since then Mr. Schoffstall has rethought the plan and proposed that the property be rezoned to allow for residential-retirement development. He displayed a sketch plan for the proposed community similar to the Meadowview Development on Union Deposit Road. He noted that the homes would provide for a single-floor plan. He noted that this development would be very close to all the amenities at the Paxton Towne Centre, and very close to the Friendship Center. Mr. Staub questioned if the Board would consider the rezoning of this land, noting that Mr. Parmer's request for rezoning was denied.

Mr. Staub noted that another developer also requested to put in residential-retirement on Old Jonestown Road and that was denied.

Mr. Crissman noted that he liked the sketch, noting that the maximum cluster of units is only three and they are all one story homes. Mr. Crissman questioned what the area to the south was for. Mr. Staub answered that it is a small tract of land and does not allow for much open space, noting the amount of steep slopes, and he initially proposed to provide for an open area in that area. He noted that it has not been determined how it would be developed. Mr. Blain questioned if there would be any walking or bike trails in the area. Mr. Staub answered that he would have sidewalks installed.

Mr. Staub noted that south of the property is the new Wilshire Estates development.

Mr. Seeds noted that the land is zoned R-1 and Mr. Staub is asking for it to be rezoned to Institutional. Mr. Staub questioned if it would be considered spot zoning with commercial to the east. Mr. Staub explained that he proposes to build 29 units. He noted that if the land was

rezoned to Institutional with a Residential Retirement overlay, it would have the potential for 84 units, but the only way that would happen is if a high-rise unit was built. He noted that Mr. Schoffstall has no intention to build a high rise unit. Mr. Wolfe questioned if Mr. Staub could do an age-restricted overlay. Mr. Staub answered that he could not get the density, and he would only be able to pick up 11 additional units.

Mr. Crissman noted that he liked the sketch plan, but questioned if it would be a spot zoning issue. He noted that the surrounding zoning is R-1 except for the commercial on the east side of the property.

Mr. Hawk questioned what the price range would be for the homes. Mr. Staub suggested that it would be in the area of \$180,000 to \$190,000. He noted that each unit would have two bedrooms and two garages.

Mr. Crissman noted that this type of housing is needed in the Community, since many retirees want to downsize and be close to everything. He noted that the four units at the entrance might be an undesirable place to live as it would border Devonshire Road. Mr. Blain suggested that the area could be mounded along the road to create a buffer.

Mr. Hawk noted that if Mr. Staub is appealing to the elderly, he would strongly suggest that he keep the price for the homes under \$200,000 since many people who are selling their homes would not get enough money from the sale of their homes to afford a \$200,000 home. He noted that most people do not want to take out a large mortgage going into the retirement years. Mr. Hornung noted that Mr. Schoffstall could not make it work with a limited number of units; however, if he can construct 30 units in the area, he could build the less expensive housing. He noted that if you attract younger people with children, then it becomes a distraction for the over-55 community. Mr. Hawk noted that many retirees don't want to spend a lot of money, and he suggested that the builders need to build something affordable that would entice him to move into a retirement community. He noted that developers must really think about the market they are trying to reach. Mr. Zimmer noted that there is no land zoned for this type of development in the Township. He noted that the Township needs zoning for this land and it should not be on the cost of commercial land.

Mr. Seeds noted that people could not drive across the street to access the Paxton Towne Centre; they would need to turn left to come out of the development, and access the stores at the light. He questioned if it would be difficult to go left on Devonshire Road. He questioned if Mr. Staub thought of relocating the entrance to the development. Mr. Staub noted that HRG, Inc.'s comments for the prior development noted that this would be the least problematic location.

Mr. Seeds noted that he would not like to live in the units in the middle of the development. He noted that it would be very nice to develop a courtyard in the middle of the development.

Mr. Hawk noted that he liked the concept of the plan. Mr. Staub noted that he would advise Mr. Schoffstall to apply for the rezoning. Mr. Stine noted that there is the looming issue of spot zoning.

Mr. Seeds questioned how the people would walk across Devonshire Road safely. Mr. Staub answered that HRG, Inc. suggested that they could paint a cross walk across the street.

#### Review of draft bid specifications for the collection of solid waste and recyclables

Mr. Wolfe noted that he condensed the waste specifications to a Power Point presentation. He noted that the current contract was a joint bid between Lower Paxton, West Hanover, South Hanover and East Hanover Townships. He noted that all but East Hanover Township have indicated that they wish to participate in the joint bid. He noted that he has sent correspondence to East Hanover Township stating that the Township needs to know if they are interested in participating in the bid process.

He noted that the Township is requesting a 5-year contract from July 2, 2008 to July 1, 2013. He noted that is the maximum amount of time permitted by Act 101. He noted that he would use the same general specifications as used in 2002, but with different alternates. He noted that one alternate would include the RecycleBank Program, as well as two leaf waste alternates. He noted that he has provided a new feature in the contract, a vehicle fuel escalator. He explained that since vehicle fuel is a significant part of the process, the Township will receive higher bids unless the contract allows the bidder to adjust for vehicle fuel over the term of the contract. He noted that the contract would provide for a renewal clause of up to five years.

Mr. Stine noted that the Township did have a renewal clause, but the bidder wanted to increase the price and they are not permitted to do that. He noted that if Mr. Wolfe wanted to include this in the contract, then the bidder must bid what the price would be for the renewal terms. He noted that they would have to bid a rate for each of the five years. Mr. Wolfe noted that it would be an increase percentage.

Mr. Wolfe noted that the sealed bids would be received until 4:00 p.m. prevailing time on Wednesday, April 23, 2008, and the municipalities would hold a pre-submission conference at 2:00 p.m. on Wednesday, April 2, 2008. In addition, the Boards of Supervisors would take action

on or about May 6, 2008, and the other Boards by their first meeting in May. He noted that this would provide for 60-days to implement the new contract.

Mr. Wolfe noted that although the municipalities have issued a joint bid for solid waste collection and recyclables collection, they may act independently upon the submitted bids. He noted that last time, the bid required action by all, but in this bid, the municipalities could act independently on the bids as they are submitted. Mr. Crissman noted that it would provide for the maximum flexibility for each municipality and also the ability to act upon their own time schedule.

Mr. Wolfe explained that each of the municipalities may award a contract to the lowest responsible bidder, as deemed in its best interests, based upon the lowest responsible bid or bid alternate selected by a municipality. He noted that any of the municipalities may reject or accept all bids for the contract. He noted that the basis for bid award will be the sum of the cost per month, per dwelling unit, for the regular collection service, including any alternate bid. He noted that the regular collection service shall include the cost of Municipal Solid Waste (MSW) collection, transportation, and disposal, including one bulk item; and the cost of recyclables collection, transportation, and marketing. Mr. Crissman noted that the costs are slated monthly, but the service is provided weekly. Mr. Wolfe noted that the bidder would provide the costs for one month of service with a regular weekly collection. Mr. Crissman noted that he wanted it understood that the collection is weekly although the bid price is monthly.

Mr. Wolfe noted that although the basis for the bid award will be primarily the cost for the regular collection service, including any alternate, consideration will be given to the vehicle fuel escalator, percentage increase for contract extensions, and other items. He noted that the following is an example: Should the average rack of diesel fuel be \$3.75 on the first Monday in June 2008, and should the same average price be \$4.00 on the first Monday in June 2009, the percentage increase in vehicle fuel shall be 6.67%. Should the successful bidder state on its bid form that the percentage of its total costs that are attributable to vehicle fuel is 10%, then the vehicle fuel escalator shall be .667%, and all costs listed on the bid form for the next year of service shall be increased by .667%. Mr. Blain questioned what would happen if the price decreases. He noted that one economist suggests that the price of oil could drop as the demand and consumption slows. Mr. Wolfe noted that he could make it a de-escalator as well. Mr. Wolfe noted that when reviewing Waste Management's financial statements, you can't figure out what their fuel costs are. Mr. Wolfe noted that the Township can use the fuel escalator and make

estimates to determine who it thinks is the lowest responsible bidder. He noted that if a bidder is close to someone else, it would not be wise to overestimate his fuel costs to hide some funds.

Mr. Epstein questioned what the definition of diesel was; noting that 8% of all fuel is now biodegradable or ethanol, and corn is now a driver for fuels. He questioned if there was a Rack definition for diesel fuel. Mr. Wolfe noted that there are seven types of diesel fuel, and he stated that he would pick one type, and the escalator would be based upon that one type. Mr. Blain noted that in Pennsylvania, there is legislation pending that would require that a certain amount of diesel product must be mixed with Pennsylvania based ethanol or biodiesel.

Mr. Wolfe noted that the RecycleBank alternate is a new item available to all the municipalities. He explained that RecycleBank partners with municipalities and private haulers to enhance curb-side recycling efforts of residential customers through a rewards program. Rewards are provided on a point system that provides financial credits to hundreds of participating stores. Rewards are based upon the quantity (weight) of the material recycled by the residential customer.

Mr. Wolfe showed two short video clips from the RecycleBank website.

Mr. Blain questioned how the RecycleBank sorts all the items it picks up. Mr. Wolfe noted that Recycle America accepts recyclables in a co-mingled format. He noted that you can throw anything in the bin and they will separate it for the customer. Mr. Wolfe noted that the current recycling truck dumps all the items together at Recycle America, and the materials are sorted on a conveyor belt by use of magnets, generated wind and by hand. He noted that it is a far more efficient service.

Mr. Wolfe noted that the bad news in regards to using RecycleBank is that the service is more expensive, noting that a recent bid increased the costs by roughly 10%. He noted the reasons for the increased costs are the embedded chips in the containers, the dumping mechanism on the truck, and the computer. He noted that it is a wireless system. He noted that the upfront capital costs must be recouped, but the good news is even though the customer would pay more for the recycling, they can earn up to \$36 per month in rewards. He noted that \$36 is more than what the Township typically pays for waste collection.

Mr. Blain questioned if a person would have an option to join the program. Mr. Wolfe answered no, and noted that recycling is mandatory by DEP. He noted that this would help the Township identify those who are not recycling their recyclables. He noted that the Township would receive a weekly report. He suggested that the Township could chose this alternative, but it could not have two separate recycling programs. He noted that the Township is recycling at

around 19%, but if it would move up to 25% or 30%, the DEP performance grants would increase proportionally.

Mr. Crissman questioned if the residents would still need to separate their recyclables. Mr. Wolfe noted that currently the ordinance and bid specifications require this, but Waste Management does not.

Mr. Hawk questioned how RecycleBank determines the amount of the reward. Mr. Wolfe noted that it is based on the weight of the recycling container. Mr. Hawk questioned if they would take newspapers. Mr. Wolfe answered that they do.

Mr. Epstein questioned how they get the value out of RecycleBank. Mr. Wolfe explained that the hauler spends less on a tipping fee. Mr. Wolfe noted that the Township has not changed its regulations regarding the sorting of recyclables. Mr. Wolfe noted that another hauler such as Penn Waste would require the customers to bundle their newspapers.

Mr. Blain noted that there is the risk of people throwing their normal trash in the recycling bins. Mr. Wolfe stated that RecycleBank stated that it happens, but very infrequently. He noted that the Township has the ability to enforce the ordinance. He noted that the maximum amount of monthly rewards is \$36. He suggested that this could pay for the monthly bill. Mr. Wolfe noted that a customer can check their rewards electronically and also print their rewards coupons electronically. He noted that it is a proactive customer-friendly site since they make their money based on people who advertise with them.

Mr. Wolfe noted that there are two alternate bids for leaf waste, and the third option would be to continue the Township's operations for collecting leaf waste. He noted that these two options are only for Lower Paxton Township as the other three municipalities are not required to have leaf waste collections.

Mr. Wolfe noted that alternate #1 provides that the successful bidder shall collect leaf waste bi-weekly from all regular collection service MSW customers. He noted that last time the contract was bid, the cost for this service was \$1.60 and this got the Board members into a lot of trouble with a small portion of the community.

Mr. Wolfe noted that alternate #2 would require the successful bidder to collect leaf waste bi-weekly from regular collection service MSW customers who select the optional leaf waste service and pay an additional fee for same. Mr. Seeds noted that the Township experienced an ice/windstorm after the compost facility was closed, and as a result, he suggested that an optional pickup be included for a storm event. Mr. Wolfe explained that the Township's trucks pick up debris from the right-of-ways. Mr. Wolfe noted that he could add it, but he did not

know how it would be paid. He noted that it would need to be included as part of the bill, whether or not it was needed, or let the hauler bid it and the Township pay the charge if it occurred. Mr. Seeds noted if the Township gets out of the business, it would not have the equipment or manpower to do an emergency pickup. Mr. Blain noted that the Public Works Department would need to fill this void.

Mr. Hornung noted that the leaf waste program has cost the Township an additional \$100,000 to \$150,000 over what has been collected from the participating residents. He noted that not having to provide this service would be an additional savings to the Township. He noted that the Compost Facility would be open to the citizens to use. Mr. Wolfe noted that he would try to come up with an emergency collection cost.

Mr. Hornung noted if the Township used the RecycleBank, he could not see why the citizens would refuse alternate one. He noted that the Township would save \$150,000, and it would truly be a recycling Township. He noted that the people would have the potential to recover the additional costs through their recycling rewards.

Mr. Wolfe noted that when the Township makes the decision, it would not know for six weeks until the first bills come out to see how the citizens react to it. Mr. Crissman noted that the Township would have to educate the citizens as to why the Township chose to do this, and not wait for the negative feedback. Mr. Epstein noted that education is the most important component, but if you start something and go back you will lose some people. He noted that people do not like surprise, especially when it concerns their pocketbook.

Mr. Wolfe noted that the first thing to do is to get the project bid and see what comes back.

Mr. Wolfe noted that the Township has the potential to bid for a facility to accept and market recyclables. He noted that Recycle America has told the Township that it would pay the Township per ton to accept our recyclables. Mr. Hawk questioned who would collect it. Mr. Wolfe noted that it does not matter, as long as the materials are hauled to their facility. Mr. Hornung noted that there is no incentive for the homeowner to recycle. Mr. Stine noted that this would be in combination with RecycleBank.

Mr. Wolfe noted that Dauphin County now requires that all of its trash must go to the Harrisburg Incinerator, and they set the costs for tipping fees based upon bids. He noted that the Township has the ability to control waste under Act 101, and the Township can do the same with recyclables. He noted that the Township can seek quotes from a recyclable facility for how much they would pay the Township to take all the material that is generated in Lower Paxton

Township. He noted that he may do this as an option, taking it out of the regular specifications and bidding it for the recyclable facility separate from the collection program.

Mr. Stine noted that the first time the Township bid for trash was in 1990, and he prepared the first specifications. He noted that that bid was extended and re-bid again in 2000. Mr. Wolfe noted that none of the processes have ever gone smoothly. Mr. Stine noted that the first challenge was to have the citizens give up their private haulers, going from a ten hauler system to a one hauler system. He noted that they like it when the price of trash collection dropped from \$30 to \$11 per month.

Mr. Crissman questioned if the RFP included a one-day pick up for the entire Township. Mr. Wolfe answered no. He noted that he did not think that any haulers could provide that service. He noted that when the haulers submit the bids, they must provide the routes, and days for service. He suggested that no one is big enough to bid their work this way. Mr. Crissman noted that he liked the one-day collection. Mr. Wolfe noted that it was good for the Township, but not for the trash hauler. Mr. Crissman questioned if it should be included in the RFP. Mr. Wolfe answered that he did not think there were any haulers other than Waste Management that could handle this request. He noted that they would not want to have their equipment and manpower sitting on any given day.

Mr. Crissman noted that he likes Waste Management's phone call warning system. He suggested whoever gets the bid would most probably keep to the current schedule. Mr. Crissman questioned how many bids Mr. Wolfe expected to receive. Mr. Wolfe answered that Waste Management, York Disposal and Penn Waste will definitely bid. Mr. Blain noted that for the past two years there have been very few complaints against Waste Management. Mr. Stine noted that they have been the hauler for 18 years.

Mr. Seeds noted on page 20, the fourth line down, it states that it shall include the maximum of four containers, he questioned if they could bid less. Mr. Wolfe stated that it means that they must collect a maximum of four containers.

Mr. Seeds noted on page 43, he questioned if the numbers are right. Mr. Wolfe noted that he has not confirmed all the numbers for the contract yet.

Mr. Seeds noted on page 47, section 1, the contract extension states that year one could be a certain percent per month, and he suggested that it should be written so that it could not be compounded. Mr. Wolfe agreed.

## “Otta Know” Presentation: the PA Right-To-Know Law

Mr. Seeds questioned if the Township must have an Open Records Officer. Mr. Stine answered yes, noting that the current policy lists Mr. Wolfe as the Open Records Officer. Mr. Stine noted that the Township’s basic policy is fine, but some minor changes will need to be made before the new law goes into affect on 12/31/2008.

Mr. Epstein suggested that there will be no rush for people to request information. Mr. Stine noted that the new law did not make many changes. Mr. Wolfe noted that, in most cases, the Township does not charge people for what they request. He noted that the ordinances and minutes are online and can be downloaded from a computer.

Mr. Seeds questioned if the requested information is on software, is the Township required to make a copy by printing it. Mr. Stine noted that it would depend, as the Township is only required to provide information in the medium available. He noted that if it is possible to put the requested information into another medium, then the Township could do that. Mr. Seeds noted that the person making the request could be charged for that service.

Mr. Seeds questioned if a person could request a tape of a meeting. Mr. Stine answered that they could be provided with one. He noted that the definition of tapes now included audio and video tapes. Mr. Wolfe noted that the Township has never denied a person a copy of a tape. Mr. Epstein suggested that it may be a hardship for some municipalities.

Mr. Wolfe questioned if the audio tapes from the minutes are required to be kept. He noted that they are not part of the record’s retention policy. He suggested that it only covers documents, such as minutes. Mr. Stine noted that the tapes could be reused after the minutes are approved.

Mr. Wolfe requested Mr. Stine to make the amendments to the original policy. Mr. Stine suggested that action on this item could wait until closer to December.

### Improvement Guarantees

Mr. Hawk noted that there were two improvement guarantees for consideration.

#### The Townes at Forest Hills

A reduction and extension in a bond with Insko Insurance Services, Inc., in the amount of \$69,154.25 with an expiration date of March 1, 2009.

#### Wyndhurst Manor, Phase 3

A reduction in a bond with Developers Surety and Indemnity Company in the amount of \$445,802.00 with an expiration date of July 17, 2008.

Mr. Crissman made a motion to approve the two listed improvement guarantees as presented. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and the improvement guarantees were unanimously approved.

### **Adjournment**

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 9:58 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

Gary A. Crissman  
Township Secretary