

LOWER PAXTON TOWNSHIP/
BOARD OF SUPERVISORS

Minutes of Board Meeting held April 8, 2008

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:20 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; Ken Parmer, Eric Epstein and Ted Robertson, Stray Winds Area Neighbors; Forest Troutman, Yingst Homes; John Snyder, Rettew; Fred Lighty and Roy Newsome, Planning Commission; Scott Wagner and Ed Ward, Penn Waste; and Greg Grudovich, Recycle America.

Pledge of Allegiance

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

Public Comment

Mr. Ken Parmer, 4292 S. Carolina Drive, noted that there was a one-page advertisement for a meeting to be held at the Township in April concerning the Paxton Creek Watershed. He noted that the Board is considering the rezoning of Agricultural-Residential to Institutional which would permit 10 units per acre on the side of Blue Mountain which rises 200 feet in a quarter mile resulting in a 16% slope. He noted that the rezoning was tabled until the April 15, 2008 meeting due to a request from the residents to hold an additional meeting with the developer. He noted that Mr. Pleasants spoke about his property in Forest Hills and Mr. Parmer noted that the area behind Centennial Acres was rezoned to R-1 from A-1 and P-1. He noted that Mr. Pleasants noted that he had a setback of 50 feet, but it was pointed out to him that he no longer had to fulfill the P-1 requirement of a 50-foot setback since his land was rezoned to R-1. Mr. Parmer noted that he did not realize that most of the land on Blue Mountain was rezoned to R-1 as a result of the Comprehensive Plan. He noted that there was much rezoning done without the knowledge of the property owners.

Mr. Parmer noted that the Estates of Autumn Oaks has chosen not to take advantage of the R-1 zoning, noting that they are planning to develop one lot per 1.77 acres. He noted that he did not understand how A-1 and P-1 could be rezoned to R-1. He explained that the Community Planning Unit (CPU) meetings were held in the year 2002 to discuss the new comprehensive

plan, and what the people wanted, and noted that nothing was discussed until it was adopted in 2006. He noted that he did not know how well the adoption of the new Comprehensive Plan was advertised.

Mr. Eric Epstein noted that there is a potential EPA mandate regarding sediment phosphate and he noted to the Board members that there is an agreement with Triple Crown Corporation for the areas along the Paxton Creek. He noted that he has approached other property owners to see if they would also be interested in creating a de-facto conservation area throughout the entire Paxton Creek Watershed in the Township. He suggested that this should have some value to the EPA, noting that if you walk the Paxton Creek, there may be some controls already in place, noting that it is a matter of organizing it and meeting with the EPA to discuss this. He noted that he would be happy to work with the Board on this matter, especially since the Township has a buffer requirement for the Paxton Creek. He noted that in terms of sedimentation, the Township has probably exceeded what is expected of it as a municipality. He noted that the phosphate issue is probably one of a lawn issue. He suggested that the Township should be recognized for protecting the buffers for the Paxton Creek Watershed and for steep slopes.

Mr. Epstein noted that the Township is mandated to spend more funds on the threat to the Paxton Creek Watershed, and he explained that he is already working with the Susquehanna River Basin Commission, a federal agency, on this concern. He suggested that it would be nice if the agencies could work together.

Mr. Seeds noted that he had a map to show the rezoning from the 2006 Comprehensive Plan. He noted that the R-1 and the RC is shown on the map. He noted that it looks like the purpose for the rezoning was to re-straighten the line. Mr. Parmer noted that the green area behind the Sportsmen's Golf Course, became R-1, and it would have been all green if it would have been left alone.

Ms. Wissler explained that the rezoning occurred during the preparation of the Comprehensive Plan during which the Board of Supervisors and the Planning Commission met monthly to discuss the issues. She noted that the land was changed to R-1 due to the Forest Hills Development being single family. Mr. Seeds noted that the Board held many meetings in the Township. Mr. Parmer stated that the minutes stated that they were held in the year 2002. Ms. Wissler noted that they continued after that on a monthly basis. Mr. Blain noted that many citizens came to those meetings to discuss the zoning issues. He noted that it was not just the Board members and Planning Commission. Mr. Parmer stated that it was a lot of builders. Mr.

Blain noted that it was more than that and if he would have attended the meetings he would have known that.

Mr. Hawk noted that the CPU meetings were spotty in attendance. Mr. Blain noted that two members from the Planning Commission are in the audience and they could relay that there were more than just builders attending the meetings.

Mr. Parmer noted that Mr. Brightbill attended a recent meeting regarding the rezoning of his land, and Mr. Shatto was also present and noted that his land was rezoned and he was not aware of it. Ms. Wissler noted that Mr. Shatto attended the joint meetings held to discuss the rezoning. Mr. Seeds noted that only the opposite side of the road was rezoned.

Presentation by Public Works Department employees regarding preparation of draft vision, mission, and culture statement

This item was tabled until a future meeting. Mr. Hawk noted that Mr. Robbins was unable to attend the meeting due to a death in the family.

Presentation of the proposed plan for the Shadebrook TND by Rettew and discussion of outstanding issues.

Ms. Wissler noted that staff has reviewed the plans, and the Shadebrook Traditional Neighborhood Development (TND) is scheduled for the April 9, 2008 Planning Commission meeting. She noted that she had a few comments that she included in her memo concerning the plan.

Ms. Wissler noted that the definition for open space for the TND stated that portions of land must be at least 50 feet wide, and there are several lots that do not meet that definition. She noted that if the developer does not meet the minimum reserve open space, the Township could ask for a fee-lieu. She noted that the other concern is in regards to the insufficient cartway width for bicycle paths.

Mr. Hawk noted that Ms. Wissler is talking about the pocket parks. He noted that the map in the packet showed several areas marked with asterisks. He noted that if the pocket parks are less than 50 feet, it was marked on the map. Ms. Wissler noted that it must be 50 feet to meet the minimum requirement for the preserve open-space. She explained that a TND is required to have 20% open space, and she suggested that some of the pocket parks don't meet the definition of open space, and as such they could not be included in the open space, and if the plan does not meet the 20% requirement, then the Township has the right to request a fee-in-lieu. Mr. Seeds

suggested that a TND is not permitted a fee-in-lieu. He noted in Section 314.f.1(b), it states “that a payment of a fee-in-lieu of providing open space required by this section shall not be allowed for a TND.” He noted that the intent is to require the open space. He noted that he agrees with Ms. Wissler on the bicycle cartway issue.

Ms. Wissler noted that it is not the intent of the TND, but it also states that open space shall be in place of any recreation land or fee requirement that is present in the SALDO provided that a minimum of 50% of the required preserved open space is approved for active and passive recreation purposes. She noted that the open space has to meet that definition, and that is why she thought that the Township could accept a fee-in-lieu. She noted that the Municipalities Planning Code (MPC) requires you to have land, but the ordinance also permits a fee-in-lieu.

Mr. Hawk noted that the plan must meet the active and passive recreation regulation, and he questioned what the definition of active and passive recreation is. He suggested that less than 50 feet can be used for a passive recreation. He suggested that if you level it, grass it, curb it and put a park bench on it, it would be considered passive recreation. Ms. Wissler noted that the 50-foot plot does not meet the requirements for the open space requirement. Mr. Seeds noted that it could be passive recreation with a four foot piece of land with a park bench, but it doesn't meet the ordinance if it doesn't have 50 foot. Mr. Snyder noted that the 50-foot requirement states that provided that such restrictions shall not apply to a developed park in a TND. Mr. Hawk suggested that the operative word becomes developed. He noted that according to Webster's dictionary, developed means “to make land available or useful.” He suggested, if the land is developed and useful, it should be considered to be developed. Mr. Seeds questioned what the Township's requirements are for a developed park. Mr. Hawk answered that it must be cleared, grassed and curbed. Mr. Seeds suggested that there was criteria for a pavilion. Mr. Hawk noted that you could install a pavilion on less than 50 feet. Mr. Seeds suggested that there must be a definition of a developed park. Mr. Hawk suggested that active recreation requires physical exertion on the part of the participant. He noted that little or no exertion would be considered passive recreation.

Mr. Stine questioned if there was a definition for park in the new zoning ordinance. Ms. Wissler answered no. Mr. Seeds suggested that the TND is the only zoning that does not allow a fee-in-lieu. Mr. Hawk questioned what staff wanted to do with the pocket parks. Mr. Wolfe noted that it is not staff's duties to design it, noting that it is staff's job to review the plan and decide if it meets the regulations. He noted that if the plan doesn't meet it, staff does not suggest what to do with it. He noted that if the smaller areas don't meet the requirements, then they

cannot be included in the calculations for the required open space. He noted that the Township is getting small strips of land that are difficult to define in the ordinance, especially since there is no definition for developed, active or passive. He noted that the Township has never considered developed available for development, and has never called a vacant piece of ground a developed park.

Mr. Hawk noted that when he went to visit the Kentlands, they had pocket parks and they served as good buffers. Mr. Wolfe noted that he is not arguing that, but, the ordinance makes specific provisions, and it is unclear if the areas labeled pocket parks meet the requirements for the recreation and open space. He noted that they can provide them, but can they count towards the numbers required by the ordinance. Mr. Seeds questioned what the definition of a developed park is. Mr. Wolfe answered that the Township has never had this issue before. He noted that it has always been assumed that a developed park would have a park facility on it.

Mr. Troutman noted that the entire concept of land development is pretty well used in the Township. He noted that these pieces of ground that are called pocket parks are developed because they were just raw land prior to that. He explained that he submitted a plan to develop them and call them parks. He noted that there is no standard in the ordinance to be any different than that. He noted that most of the pocket parks are just grass, but to do something else, would require a design by a registered landscape architect as per the Ordinance. He questioned when calculating the open space if you can count the pocket parks as part of the open space. He noted that he has more than 20% open space on the plan but to get to the minimum required open space, you need to use the Section 202 definition which says that you cannot have a piece of ground that does not have a 50-foot width. He noted that it does not say where the 50-foot is to be measured. He noted that if it is measured at the right-of-way, it states that you cannot count that in the calculations of open space. But it goes on to say that if it is a developed park in a TND, which is what it is, the whole provision drops out and you don't have the 50-foot requirement anymore. He noted that a TND is very favorable to the pocket parks, using the concept to make it a friendly place to put a blanket down in the sun or sit in a chair and read a book. He noted that it is a design to provide a feel of a walkable, bicycle friendly development.

Mr. Seeds questioned Mr. Troutman if he felt that grass would be a developed park. Mr. Troutman answered that if it was grass planted by the developer, yes. Mr. Seeds suggested that that was not the intent. He noted that the concept for less than the 50-foot requirement was for a swing or sliding area that would be a little sliver off of a park. He noted that this would be permitted since it was part of a park, and not for a piece of grass. He noted that a developed park

should have play apparatus, a ball field, tennis court, and basketball hoops; more than just grass. Mr. Troutman noted that the Ordinance talks to passive and active open space and in Ms. Wissler's materials she included the definitions of active and passive, and passive includes arts, crafts, spectating, which sounds like standing and looking at something. He suggested that if you can do that on a piece of grass, then you have a park. He noted if someone wants to toss a ball back and forth, the last thing they want to do is to run into a park bench. He suggested that they would want to have a grassed area that is open and free. He noted that some areas have mounds.

Mr. Seeds questioned if 50% of the land must be contiguous. Mr. Troutman noted that there is a 25% looping trail that connects the parks. Mr. Hawk noted that the area where the land is looped around penalizes the developer. Ms. Wissler noted that it would not if it was developed. Mr. Hawk questioned what it means to be developed. Mr. Wolfe noted that that is the problem since the ordinance has no definition for developed, and the Township has always understood developed parkland as something used for active recreation.

Mr. Epstein noted that for the Stray Winds Development, the passive parkland could have been a bird watching area. He noted that one of the provisions he has was to install a bench for birders or nature watchers. Mr. Hawk noted that he may just want an area to place a lawn chair to read a book. Mr. Epstein noted that point 8, Section 314.F seems to indicate that there is a special designation for a general level playing field with a minimum length of 100 feet and minimum width of 50 feet that allows for unscheduled informal sports by young persons.

Mr. Newsome noted that it is limited on how far you could go, but the Planning Commission had intended to have passive but developed grass open areas that were very small throughout this type of plan. He noted that it is diminimus whether you talk about 50 feet or 100 feet in this kind of concept. He noted that he wanted to permit little ribbons of open space that people could recreate, walk, or sit and read a book. He noted that this was the intent of the plan.

Mr. Seeds questioned who would define active or passive; he suggested that passive could be anything. Mr. Hornung noted if these questionable areas were taken out of the total calculation, what percentage would the plan have for open space. Mr. Troutman noted that he would have to determine where the 50-foot is measured since it doesn't state that in the ordinance. Mr. Crissman requested Mr. Snyder to point out the questionable areas on the map. Mr. Crissman noted that the triangular shaped pocket park provides a nice area for the residents to sit rather, as opposed to walking to a playground. He noted that it opens the space so that you don't feel crowded. Mr. Wolfe noted that staff agrees with that, but the question remains, is it developed or undeveloped parkland. Mr. Hawk noted that the land is available and useful. Mr.

Seeds suggested that the intent for the 50-foot requirement was to prevent four-foot little areas of open space. Mr. Hawk noted that he did not see anything wrong with areas smaller than 50 foot.

Mr. Hornung noted that he had less of a problem with some of the little pocket parks that are intermixed with the housing, but, he had a problem with nothing more than a buffer that is located at the top of the drawing. He did not think it should count as open space. He noted that it is a buffer and not recreational use. Mr. Crissman agreed that it is a buffer. Mr. Hornung questioned if this area was counted as open space. Mr. Troutman answered yes. Mr. Hornung noted that he would not count that area. Mr. Snyder noted that there is a walkway to the north as well as a vegetative buffer screen. Mr. Hornung noted that the people who abut that will claim it as their land.

Mr. Wolfe noted that staff has identified an issue, and if the Board is split on the issue, then he is not sure what the answer is. He noted that the Zoning Officer would make a decision and if the developer doesn't agree with it, they can appeal it. Mr. Hornung noted that most of the Board members are fine with the little islands; he noted that he and Mr. Crissman are not okay with the buffer at the top. He suggested moving the homes further north and coming up with a better open space. Mr. Snyder noted that the buffer was a direct request of the Planning Commission for the Master Plan. Mr. Hornung questioned how wide that area is. Mr. Snyder noted that it is 20 feet to 30 feet in width. Mr. Crissman questioned if the Planning Commission requested that area as a buffer or passive recreation area. Mr. Hawk suggested that it could be used for both. Mr. Snyder noted that the ordinance does not differentiate between buffer and open space. Mr. Crissman noted that he can differentiate that very quickly. Mr. Snyder noted that the ordinance does not.

Mr. Seeds noted that the Township approved the Master Plan, but he recalled that he stated that there would be a tremendous problem with traffic using Fairmont Drive. He noted that there are things that he doesn't like, but overall, he likes the plan. Mr. Hornung questioned if he did not like the buffer to the north. Mr. Seeds answered that he had heard that the Planning Commission liked the buffer, but he does not think that it should be counted towards the 20% of open space and he does not see it as recreation area. Mr. Seeds questioned if it has to be countable. He noted that the developer could rely on a decision from the Zoning Officer or request an appeal, but he suggested that it would be better to settle it on this level. Mr. Seeds suggested that it would not need to be counted since it is less than 50 feet in width. Mr. Hornung questioned if it should be accepted as open space. Mr. Hawk noted that he is willing to accept it

as open space. Mr. Blain noted that this goes back to the definition of 50 feet and how is it measured. He noted that it meets the 50-foot requirement in an east to west direction.

Mr. Epstein noted that this is the Township's first TND, and it would be a precedent. He noted that these issues would set the tone for future TND's. Mr. Crissman suggested that the areas in the internal sections could be considered passive recreation areas used by many residents, but the buffer to the north is not a multiple use area and would be used by the people who abut it, therefore, it is a buffer.

Mr. Blain noted that the Township needs to better define what can be considered as open space, and if the 50-foot requirement should be a radii where it starts in the middle and must be 50-foot around. Mr. Crissman noted that the Township needs to get it right the first time. Mr. Seeds noted that no one would use the buffer area except for those residents who live in the vicinity.

Mr. Lighty noted that it was the intent of the Planning Commission that the land to the north serve as a buffer, but it was never the intent that it would not count as open space. He explained that buffers were counted as open space in the other developments. He noted that he is not saying that it is necessarily usable for active or passive recreation, it was asked to be put there as a buffer, and the developer should not be penalized for adding the buffer. Mr. Crissman noted that the buffer is necessary. Mr. Lighty noted that it was the intent to allow pocket parks, but if they are required to be 50 feet by 50 feet or greater, then it is problematic. He noted that not every park has to be developed with a ball park or playground.

Mr. Seeds questioned why a buffer was not required to the east of the plan. Mr. Lighty noted that it is open land that it was thought that someday this land could be developed into an extension of the TND. He noted that the land is owned by the Kocevar Family.

Mr. Crissman noted if Mr. Lighty states that the buffers have always been included in the open space calculation, then he would be amenable to that. Mr. Seeds noted that he would be okay with it too, but he does not want fee-in-lieu; it should only be land.

Ms. Wissler noted that there is an issue with the road cartway and bike path. She noted that in some areas, there is insufficient cartway width to provide room for bicycle riding, noting that she listed those areas. She noted that Article 314.D.9 states: "that new streets shall be sufficient in width to allow on-street parking on at least one-side of each street, and provide room for bicycle riding, unless a separate pathway is provided." Mr. Seeds noted that there will be problems with traffic on Fairmont Drive, and if the road is so narrow that walkers or bicycles can't get through, it would create a huge problem. Mr. Hawk questioned if it would help to have

parking only on one side of the street. Ms. Wissler noted that there are areas where parking is allowed on both sides of the street and it is very tight.

Mr. Seeds questioned if the commercial area would have parking on both sides of the street. Ms. Wissler answered yes. He questioned if there would be room for two lanes plus a bicycle. Mr. Snyder noted that, as shown on the Master Plan, the purpose of the TND is to share the road. He noted that it is about a walkable community. He noted that everything you do to make it cartway wider is a decrease in safety for pedestrians. He noted that the purpose is to share the streets with cars, buses and bicycles. Mr. Seeds questioned if that is stated in the TND ordinance. Mr. Hawk answered that it does not state that. Mr. Snyder noted that the concept is that everything shares the road. He noted that Ms. Wissler had a problem with the way the intersections narrowed everything out, making it narrow to allow for the narrowest pedestrian crossways, but too narrow for bicycle traffic. He noted, if its intersection was wider; it would be less safe for pedestrians.

Mr. Hawk questioned what would happen if parking was limited to one side only. Mr. Troutman noted that it would make the street wider and speed the cars up.

Mr. Seeds questioned what streets Ms Wissler had a problem with. Mr. Seeds noted that the people could ride their bikes in the alleys. Mr. Troutman noted that they would ride bikes in the alleys, sidewalks, parks, and walking paths. He noted that the design would encourage the bikes to ride with the cars, but if the cars are speeding, the bicyclist would not want to do that, therefore, it is important to slow traffic. He noted that the intersections are necked-down to make it easier for pedestrians to cross the road. He noted that the TND is not going to be used as a shortcut for people to get home. He noted that the intent is to walk around and enjoy the surroundings. Mr. Seeds noted that Ms. Wissler is only defending what the ordinance states. Mr. Troutman noted that the ordinance requires that it be sufficient in width, but it would be helpful if it was more specific, and if it needs to have a bicycle lane, then it should state that it needs a bicycle lane. He suggested that the roads are sufficient in width to meet the purpose of the TND, which is to have everyone share the road. He noted that he could not change that without going back to the Master Plan. Mr. Seeds noted that the street should be wider to allow for bicycles or provide for a bicycle lane. Mr. Troutman noted that if it is deemed not to be sufficient in width, then there are other options such as a bicycle lane or parking on one side only. He noted that the question remains, are the roads sufficient in width. Mr. Seeds noted that the road width is not sufficient for a vehicle and bicycle to be side-by-side. Mr. Troutman noted that he disagreed with Mr. Seeds. He noted that he would feel much safer if the vehicles were moving slower, but if it is

a wider street the vehicles would be moving much faster, and he would not want to share the road.

Mr. Blain noted that he rides his bicycle on Nyes Road and when cars pass him at 40 mph, it is scary. Mr. Seeds suggested that it is a very dangerous place to ride a bicycle. Mr. Blain noted that if you are driving in a development, you need to slow traffic, not wanting extremely wide cartways. Mr. Troutman suggested that it is a delicate balance and that is why the ordinance does not state an exact amount. Mr. Crissman noted that Ms. Wissler states that there is not sufficient cartway width to provide room for bicycle riding on certain roads. He noted that the ordinance is real clear that the streets shall have sufficient width to allow on-street parking on at least one side of the street and to provide room for bicycle riding. He noted that this is the intent of a TND and needs to be included in the project. Mr. Hawk questioned if a wider cartway is needed. Mr. Crissman answered yes, if that is what is needed to come into compliance. He noted that that is a selling point for the project. Mr. Blain suggested that the best way to handle the problem is to have a bicycle path, since the intent is to be user friendly. Mr. Crissman noted that the ordinance provides for that option.

Mr. Seeds noted that a TND would be similar to a village and he would never ride his bicycle on Linglestown Road in the Village, only in the alleys, but he does ride along Linglestown Road where PENNDOT widened the road. Mr. Seeds noted that the current TND plan is not wide enough for bicycle travel and would be dangerous. Mr. Hornung noted that you can't take a population that has been brought up to know that you don't ride on the street with cars and then all of a sudden say it's okay to ride on the street with cars. He noted that no where else in the Township would this happen, and he suggests that it would be problematic. He noted that all you would need is to have a teenager driving fast in the same area where a family rides their bikes with their children. He suggested that it would be a problem. Mr. Troutman noted that it would be a problem, but that is not what he is talking about. He noted that the question is, is the cartway a sufficient width. He noted that it is up for interpretation.

Mr. Hawk questioned if this is a problem for all the streets. Ms. Wissler answered that she is concerned for certain streets only. Mr. Seeds questioned what the planned widths for the streets are. Mr. Hornung noted that he likes the design for the intersections, narrowing the area. Mr. Snyder noted that the plan calls for two ten-foot travel lanes, and two eight-foot parking lanes. He noted that the roads all have a 36-foot width cross section. He noted that for the roads around the outside of the project, the house's driveways front the street, and there is only parking permitted on one-side of the street.

Mr. Blain suggested that Autumn Ridge's development has a cartway of 36 feet. He noted that it was a concern at the time it was developed. Mr. Hornung questioned if there was parking on both sides of the street, noting that there would be many cars parked, all the time, on both sides of the street. He noted that this would be more like a down-town affect. Mr. Hornung noted that parking spaces are required to be nine feet in width. Ms. Wissler noted that the requirement is nine feet by eighteen feet. Mr. Hornung noted that the cartway is two feet shorter than required for the parking area, and then add to that a road that is typically twelve feet, narrowed to ten feet. He noted that he did not have a problem with that as much as it would make it very uncomfortable to drive and would slow you down, but, having two cars passing on a ten foot road with cars sticking out from the parking lanes, would make it impossible to get a bicycle through that area. Mr. Seeds noted that PENNDOT does not allow driving against traffic for bicycle traffic. Mr. Troutman questioned if a bicycle path would be needed for both directions.

Mr. Hornung questioned if some of the streets could be made one-way streets. Mr. Snyder answered that it would defeat the purpose of the TND, to have multiple access points for emergency vehicles, and it would eliminate easy access to all the homes. Mr. Hornung suggested keeping the streets the same width, but making them one-way. He noted that an emergency vehicle will drive in the wrong direction if it has to. Mr. Troutman noted that a 20-foot cartway would promote higher speeds. Mr. Hornung noted that it would not occur if a bicycle path was put on part of the roadway. Mr. Snyder noted that by making the roads one-way it would make it more difficult for people to get access to their homes. He suggested that it would take longer for emergency vehicles to respond to calls. Mr. Hornung noted that emergency vehicles will sometimes go in the wrong direction to get to a call. Mr. Snyder noted that it would provide a wider cartway width.

Mr. Seeds noted that he thought the intent was to have alleys and separate bikeways. Mr. Troutman noted that there are many alleys in the plan. He noted that all the homes have alleys except for the homes located along the outside perimeter. Mr. Seeds suggested that the bicycles could ride in the alleys. Mr. Crissman noted that he would not want to only ride his bicycle in the alleys; he noted that he would want to ride his bicycle on the streets and see nice things, not garages and cars. He noted that the concept is for a small town community, and people should be able to rides their bikes, but now we are backing off on some of those things, and he is not willing to do that. Mr. Hawk noted that Mr. Crissman wants a wider cartway. Mr. Crissman answered only if that is what it would need to provide sufficient room for bicycle traffic.

Mr. Blain questioned how wide the streets are. Mr. Troutman answered that the streets are 36 feet wide, narrowing down to 20 feet at the intersections. He noted that only a few that need to be widened. Mr. Snyder noted that the ordinance states “sufficient” and it is not a concrete term. Mr. Blain noted that staff does not think that it is sufficient for a few areas on the plan. He requested Mr. Troutman to find four more feet or whatever is necessary. Mr. Troutman questioned where that would leave him with the Master Plan, and questioned if it would put him back at square one.

Mr. Hawk questioned what four streets are questionable. Ms. Wissler noted that they are streets, G, I, F, and A. Mr. Snyder noted that Road F is Cider Press Road; Road G is the commercial main street; Road I is a bottom road, and Road A is a side road.

Mr. Blain questioned if Mr. Snyder could find more roadway width in those areas without major redesigning. Mr. Snyder noted that it would depend on the cross-section and right-of-way width the Township would find sufficient. He noted if the current right-of-way width would remain, and expand the cartway width an extra four feet, it could be done.

Mr. Crissman noted that the developer knew what was required when the plan was put together, so why is there a need to change the plan at this stage. Mr. Blain noted that the developer thought they were providing sufficient width, but the Zoning Officer is challenging the width and now that is why the plan is before the Board members. Ms. Wissler noted that there are certain recommendations in The Greenway Plan as well as PENNDOT regulations that make the plan questionable. Mr. Blain noted that the Board must do some more research to determine what is sufficient, noting that it is a Township issue and it must determine what the number should be. Mr. Crissman noted that Ms. Wissler has already done the research and determined that there is not enough width. Ms. Wissler noted that there is additional information provided in The Greenway Plan that she could provide to the Board members.

Mr. Hawk questioned if additional space could be found on one or two of the roadways, would that be sufficient, and then bicycle riding would not be permitted on the other two streets. Mr. Troutman suggested that you would not want to do that. Mr. Blain noted that it would defeat the purpose of the plan. Mr. Crissman noted that he would want to preserve the intent and spirit of what was planned for the TND. Mr. Wolfe noted that he would not argue expanding the main street or having a bicycle path on the main street, but bicycle traffic could utilize the service roads or the parking lots on either side of the main street and still serve the same purpose. Mr. Crissman noted that he disagrees, explaining if he wants to ride his bicycle into town, he would only be permitted to ride so far and would have to walk the rest of the way. Mr. Wolfe suggested

that the bike racks would be parked behind the stores, and a person would walk into the main street. Mr. Blain suggested that people would want to walk their bikes down the main street and find a rack in the front of the stores.

Mr. Snyder noted that the TND Ordinance doesn't go far enough. It provides street design criteria for a private street, but the sufficient requirement for bicycle travel is not limited to private or public streets. He noted that it is a TND street, and in addition to discussing the bicycle width, there is a need to discuss the street widths in addition to the bicycle width. He noted, if bicycle riding is sufficient for a private road, with the same design street criteria, why wouldn't it be sufficient in a public street with the same design criteria. He questioned if the public street design is to be different, then it needs to be addressed. Mr. Crissman questioned why the two streets would be different. Mr. Snyder noted if you are talking about adding lanes for bicycles, they are different, since the private lane standard does not have bicycle lane in it.

Mr. Seeds questioned if all the streets would be dedicated to the Township. Mr. Snyder answered that all the streets are proposed to be dedicated.

Mr. Newsome noted that Mr. Snyder is raising a very important point. He noted that the Planning Commission reviews regular subdivisions with street requirements, and he questioned if the Planning Commission should be looking at those requirements to determine if they are sufficient for bicycle traffic. He noted that there are two separate sets of criteria, one for a TND and one for a regular subdivision. He noted that the TND streets are larger than what is required for a regular subdivision. He suggested that it is illogical. Mr. Seeds noted that the intent is that it would be user friendly for walkers and bicycles noting the larger density for the area. He noted that it is different from a regular subdivision. Mr. Newsome noted that he is not denying bicycle access to public streets in the Township. Mr. Hawk noted that the dynamics are different in a TND than a regular subdivision. Mr. Newsome suggested that Mr. Hawk hit upon a critical issue. He noted that it is not logical for the Township to require wider streets in a TND because people will ride bicycles and then to require narrower streets in the regular subdivision requirements because the Township is not paying attention to people riding bicycles in those locations. Mr. Crissman questioned Mr. Newsome if it would be in the best interest for the TND to develop a separate road requirement for the TND from the rest of the roads in the Township. Mr. Newsome answered that there should be separate road requirements for the road in a TND, but they should not be wider than what is required for a regular subdivision. Mr. Seeds questioned why. Mr. Newsome answered that it is counter to what is to be accomplished with a TND design. Mr. Snyder noted that The Kentlands is very nice, but he imagines this to be so much more. He noted

that cars will stop to wait for other cars to pass, and will also stop to wait to go pass bicycles. He noted that that is how a TND works, being a totally different dynamic from what people are used to. He noted that traffic is slowed to 20 mph and it is orientated around pedestrian safety and building a walkable community. Mr. Seeds suggested that certain areas will need wider streets, such as Fairmont Drive and the commercial area. He noted that in the neighborhoods, cars can give way to bicycles just as they do in any other neighborhood, but there will be a heavier traffic volume on the main arteries. Mr. Hawk noted that streets A and F should be wider. Mr. Seeds noted that the roads that go from Locust Lane to Union Deposit Road need to be wider since there will be a larger volume of traffic. He suggested that the rest of the roads could remain as designed.

Mr. Lighty noted that he is against subjective standards, noting that sufficient does not define anything. He noted if a particular width is desired, it should be stated as such. He stated that he is thinking in terms of a small town situation where bicycles and cars travel together in a line of traffic as equal vehicles. He suggested that if that is what the Township is looking to develop, then the width needs to be smaller and not larger. Mr. Hornung noted that he agrees that this is true for a neighborhood street, but he noted that he agrees with Mr. Seeds for main streets that run through the development. He noted that many people who drive through the development do not live in the development and do not understand the concept. He noted that he would not trust a five-year old child riding his bike with a parent to bike along side a car. He noted that he would be very scared to have a five-year old ride his bike with him on the "A" street.

Mr. Lighty questioned if bicycles are permitted on sidewalks. Mr. Hornung noted that they are not permitted on sidewalks.

Mr. Lighty noted that sidewalks are to be built on both sides of the street, and the size was increased from four feet to five feet. Mr. Hornung noted that, in the past, bicycles were not permitted on sidewalks, but he did not know if that remained in the new revisions. He suggested that a sidewalk could be designated as a bike path. Mr. Seeds questioned if the five-foot sidewalks are required throughout the entire development. Mr. Lighty answered yes, noting that a four-foot sidewalk was not wide enough for two people to walk side by side. Mr. Lighty noted that the sidewalk width for Main Street is 15 feet to allow for outdoor cafes and sidewalk sales in the commercial area.

Mr. Snyder noted that if a parent is riding his bike on the street and his five-year old child is riding a bike on the sidewalk he would hope that a police officer would not arrest him for

riding his bike on the sidewalk. He noted that street “A” is not just a through street; it is part of the development with housing fronting it. He noted that that was the reason for the tapering of the roadway into the development to slow the traffic. He noted that you want the traffic to flow slowly through the main street area. Mr. Seeds noted that it would not stop people from using the road as a shortcut from Locust Lane to Union Deposit Road. Mr. Troutman noted that once people start using the road, they will find that it is not a shortcut. Mr. Seeds suggested that the five foot sidewalk width requirement is not necessary, but he would like to see a wider cartway in the main street. Mr. Troutman suggested that you would run the risk of safety if you make one road more of a thoroughfare versus another. He noted that the idea is that once you reach the border of the TND, a child should be able to ride a bike in front of a car and the cars will not push you off the road since they would also be traveling slowly. Mr. Blain stated that he understood the concept, such as occurs in France, going from farmland to small towns, however, over the hill is another major road leading to several other developments. He noted that people will travel the roads with the mindset of a shortcut, and not a small town. He noted that at the northern buffer, there is not a large expansion of undeveloped farmland. Mr. Seeds suggested that students attending Dauphin County Technical School will use this as a shortcut. Mr. Blain noted that the Board asked the developer to develop a town and that is what they did, but he questioned if there was a need for certain modifications to be made considering what development surrounds the TND.

Mr. Hawk noted that when he travels Prince Street, it is very difficult to travel 25 mph on that street. He suggested that maybe you would need a bicycle area, but again, there is no definition for sufficient. He noted that cars, bicycles, and pedestrians all use the same roadway in New York City, all going in the same direction. Mr. Crissman questioned if the TIND would want the New York City environment. Mr. Hawk noted that they accommodate each other. Mr. Troutman noted, if you are trying to determine what is sufficient; it opens the realm of what to consider making that recommendation. He noted that possibly, only extra signage is needed to alert people that they need to share the road, or state that bicycles have the right of way. He noted that the ordinance is clear about what it says, but you can't tell what it means. Mr. Hawk noted that there are many locations that you find signage that directs to yield to pedestrians.

Mr. Snyder noted that a good analogy would be The Kentlands development. He noted that this is the exact same traffic pattern for that development. Mr. Hawk noted that he does not want to see a tragedy occur.

Mr. Hawk noted that Schoolhouse Lane has the same cart-width with cars parked on one side of the street, and bicycles and cars share the road.

Mr. Hornung noted if the ordinance states, requires a sufficient area for bicycles, and the intent was to put in the minimum amount of space that two cars can travel through an area, then why add the information about a bicycle. He noted that it doesn't make sense. Mr. Troutman noted that "the sufficient width" means that it has to accommodate all of those uses. Mr. Hornung noted if the minimum width that you can make a street for two cars to pass is 20 feet wide, there is no allowance for a bicycle. He noted that it doesn't make sense to include the language you are using, the minimum width for two cars. He noted that with that language, it means that the road must be wider than the minimum requirement. Mr. Troutman noted, if the minimum is 20 feet anywhere, he noted that it is not stating that it must be 20 feet, but sufficient to allow the bicycles to also be there. He noted that it would imply a cartway wider than 20 feet. Mr. Troutman noted that he does not think that is what it means. He noted that the bicycle and the car must be able to travel in the 20 foot width roadway, and if they can, it would be sufficiently wide enough. Mr. Snyder noted that the private street standard would accommodate the bicycle lane, but it doesn't, it omits it. Mr. Hornung noted that the Township does not provide for bicycle lanes on private streets. Mr. Snyder noted that the bicycle lane in the TND does not specify that it must be on a public street, rather all TND streets.

Mr. Blain suggested that the Board should take a week to determine what it needs to do about the width issue, and discuss it next week. Mr. Hawk stated that he did not think that it would resolve the issue.

Mr. Troutman noted that the TND ordinance is a different animal, noting that he had a Master Plan, which included the streets, that was approved. He noted that he is relying on the Master Plan to design the project, and explained he is taking the plan to the Planning Commission tomorrow to seek approval. He noted, if the roadways do not have significant width, then he should not bother to take the plan to the Planning Commission. Ms. Wissler noted that, in addition to this issue, the plan needs a Conditional Use and Special Exception for the apartments. Mr. Snyder noted that he changed the plan to eliminate the apartments.

Mr. Seeds noted that he did not have measurements for the Master Plan on street widths. He noted that it was only a conceptual plan for the layout. Mr. Snyder answered that the street widths were included in the details. Ms. Wissler noted that the developer has changed the Master Plan by changing the apartments. Mr. Snyder stated that he only did that because he could not qualify for the extra density bonus.

Mr. Seeds questioned what a Master Plan has to contain. Mr. Troutman answered that the Master Plan is not required to include the same level of engineering detail as a preliminary subdivision plan. In addition, storm water calculations, construction details, erosion and sedimentation control, profiles and similar engineering details are not required. He noted that the Master Plan shall include sufficient information to accurately show existing conditions and the proposed layout of the homes, non-residential uses, lots, open space, and streets. Mr. Seeds questioned if the dimensions must be shown. Mr. Troutman noted that it would not make much sense to show them if you don't show the width.

Mr. Hawk noted that they have done what the Township asked for in the Master Plan. Mr. Seeds questioned if they have. Mr. Crissman noted that staff does not agree that they have done this. Mr. Seeds noted that it has not been determined if there is sufficient width. Mr. Hawk questioned if the Township is making the TND comply with the R-1 cartway width. Mr. Seeds did not think so. Mr. Hornung noted that a bicycle lane is not required in an R-1 District because it is not necessary, but it was noted that this is something different. Mr. Hornung noted that a bicycle pathway is required in the TND. Mr. Crissman noted that sufficient room must be provided for bicycles unless a specific bicycle path is provided. Mr. Hornung questioned why a bicycle path could not be provided separate from the road. Mr. Troutman noted that it is an option. Mr. Hornung suggested that there would be a way to do that. Mr. Hornung noted that the language is there to include room for bicycle traffic.

Mr. Lighty noted that the ordinance does not state that there must be room for a bicycle path, just that they must be on the road. Mr. Hornung noted, if the ordinance did not imply to make a space separate for bicycles, they would not have put the language in the ordinance. Mr. Lighty suggested that this was Mr. Schmehl's intent since it was never discussed during the joint meetings. Mr. Crissman noted that it is something new and not all the "what if's" were discussed during the planning stage. Mr. Seeds noted that the intent was a separate bicycle area; otherwise it would not have been included in the Ordinance. Mr. Hornung noted that he could buy into the plan if it provides for bicycles to get into the center of town, with the exception of driving through the center of town. He suggested that you would not have to move very much to accommodate this request.

Mr. Troutman noted that the question still remains, how wide is sufficient. Mr. Hornung suggested that it should be two to three feet.

Mr. Troutman questioned if he should take the plan to the Planning Commission. Mr. Hornung answered that he should take the plan to the Planning Commission meeting since he

thought he could correct this. Mr. Wolfe suggested that Mr. Troutman should take the plan to the Planning Commission, address issues that haven't been discussed tonight. He noted that the topic of bicycle paths could be put on the agenda for the May workshop meeting. He noted that he did not think it would affect the Master Plan or the timing with the Planning Commission, and would keep the discussion on-going while moving through the process.

Mr. Troutman questioned if he was to come back to a workshop meeting to discuss the bicycle path and open space questions. Mr. Hawk answered no; he suggested that the open space issue did not warrant more discussion. Mr. Hornung noted that this would not need to be discussed as much at the Planning Commission meeting, noting that bicycle access to the center of town needs to be further discussed by the Board members. Mr. Hornung noted that he is willing to fudge a little to be able to move the plan forward, but he wants to come up with something that will work, something that would provide a way for a five-year old on a bicycle to move from one spot to another without jeopardizing their safety. Mr. Crissman noted that he would not want to squeeze anything for this TND since it is the "guinea pig", and he would want to make sure it is right and the correct standards are established. He noted that he would not want to be told that the Township made exceptions for one, and have another developer expect the same treatment. Mr. Hornung noted that the language could be corrected between now and then. Mr. Troutman noted that it is a common goal.

Mr. Newsome noted that he had an occasion to go to the Compost Facility and commented that it is very organized and looks very good. He noted that there was an elderly couple dumping materials and they also commented how great the facility was. Mr. Wolfe noted that he would pass that information along to the Public Works Department personnel.

Review of proposal from Recycle America to accept and market recyclable materials on behalf of Lower Paxton Township

Mr. Wolfe noted that there are two items taking place within the Township in regards to waste and recyclables. He noted that the Township is accepting bids for the collection and transportation of solid waste and recyclables. He noted that this is a joint municipal bid between Lower Paxton, South, East and West Hanover Townships. He noted that the services provided affect approximately 20,000 customers for a total contract price of \$20 million plus. He noted that there is a pre-bid meeting scheduled tomorrow morning to review the bid specifications.

Mr. Wolfe noted that the second item in regards to waste and recyclables is the acceptance and marketing of recyclable materials. He noted the recyclable market has changed

dramatically, and there is now money to be made in the sale of recyclables by municipalities. He noted that Recycle America offered a proposal to the Township whereby a rebate based upon tonnage would be provided to the Township if the Township would direct all of its recyclables to the Recycle America facility.

Mr. Wolfe noted that Greg Grudovich is present to represent Recycle America, and explained his proposal. He explained that Mr. Shoaff contacted Penn Waste to inform them that the Township was considering selling its recyclables to one facility, and they responded by providing a proposal. He noted that both proposals are similar in length and concept and proposed a rebate based upon tonnage generated, and provide estimates based upon the recyclables generated in the Township for the year 2007. Mr. Wolfe requested Mr. Grudovich and Mr. Wagner to present their proposals to the Board Members.

Mr. Greg Grudovich, Recycle America, explained that the concept to establish a direct relationship with the processor and the municipality is not new. He noted that it is a concept that Waste Management came up with to become more competitive and secure tonnage in Central Pennsylvania. He noted that his proposal's base pricing could change, month-to-month, based on the OBM Index, also known as the "Yellow Sheet." He noted that his proposal would be a revenue sharing program, measuring the volumes on their scales, and processing checks to the Township on the 15th of each month. He noted that he could provide software that would allow the Township to track, in real time, how much tonnage is collected to allow for budgeting revenue.

Mr. Hornung questioned what affects the standard that sets the price for tonnage. Mr. Grudovich answered that the index that he uses is a paper index since one of the most common commodities recycled is paper or newspaper. He noted that the index is created by a third party that surveys mills and those who generate waste paper. They determine the high and low ends for the market by region. He noted that supply and demand also impact the price, not just for domestic markets, noting the overseas demand is driving the market up, especially the Asian market.

Mr. Hornung questioned if the demand is for plastics and not paper. Mr. Grudovich answered that one of the largest items exported is cardboard and newspaper. He noted that using the paper index, the Township would be paid for all recyclable materials based upon that index. He noted that there is a monthly movement for that index in the range of \$5 to \$10. He noted that there has been a steady increase in the index for the past 18 months.

Mr. Grudovich noted that the Waste Management customers are permitted to mix or co-mingle their recyclables in one bin. He noted that this helps to increase recycling.

Mr. Scott Wagner, President of Penn Waste, noted that his proposal is very similar to Recycle America. He noted that Penn Waste completed the construction of a 40,000 square foot recycling building in December 2007, located off the Emigsburg exit in York. He noted that he installed a single-stream system that permits Penn Waste to recycle in a single-stream fashion. He noted that this is the second facility he owns on a 15-acre complex. He explained that he has 25 years of experience in the waste and recycling business.

Mr. Wagner's noted that his proposal is based on an index, the official board index, commonly known as the "Yellow Sheet". He noted that the index changes on a monthly basis and the rebate is a formula offered in his proposal based on tonnage received. He stated that he has questions regarding Recycle America's proposal. He noted that his index is based on mixed paper and he is offering to rebate on #6 newspaper or mixed paper, whichever is greater. He noted that he has a floor price, and if the bottoms fall out of the market, the Township would receive the floor price. He noted that in March of 1995, newspaper rose from \$25 a ton, to \$165 a ton in September, and down to \$15 a ton in January 2006. He noted that the Asian market is driving the market, and the United States is exporting a tremendous amount of paper products and cardboard. He explained that a lot of his plastics are sold domestically, and noted that much of the bottling recyclables are re-consumed in South Central Pennsylvania. He explained that much of the plastic materials end up at the carpet mills in the Southern part of the Country. He noted that the milk jugs and detergent bottles are driven by the price of oil.

Mr. Wolfe noted that in regards to the collection of the recyclables, there is a proposal from RecycleBank, and he questioned if both vendors were familiar with RecycleBank, and could they operate using that concept.

Mr. Wagner noted that he is very familiar with RecycleBank, noting that it is an entity that would like the Township to use their carts, 35, 64 or 96 gallons in size, providing one to every resident for a fee. He noted that the fee is anywhere from \$2 to \$3 per month. He noted that the waste management collector would pick up the recyclables in a RecycleBank cart and put the material in a cart. Mr. Wolfe noted that the Board members are aware of what RecycleBank does in the field and the collection program. He questioned if Penn Waste could accept materials in the RecycleBank weighing proposal, noting that it could result in a 30% increase in tonnage that could be received from the communities. Mr. Wagner answered that he

could, and he stated that it would not affect him in any way. He noted that it would affect the collector and not the end processor.

Mr. Grudovich answered that Recycle America has the Information Technology to support the program.

Mr. Seeds questioned who would pick up the trash and recyclables. Mr. Wolfe answered that the successful bidder would. Mr. Wolfe noted that RecycleBank would provide the container and the Awards program.

Mr. Seeds questioned who would be charged the \$2 fee for the carts. Mr. Wolfe answered that the hauler would pay that fee. Mr. Seeds noted that this would need to be known prior to making a bid. Mr. Wolfe noted that it is an alternate in the bid specifications. Mr. Crissman noted that it would need to be put into the bids to get those fees from the customer.

Mr. Wolfe questioned what amounts of materials are thrown back into the waste stream. Mr. Wagner answered that it varies from day to day, and based on the education that each municipality provides its citizens. Mr. Grudovich noted that his residual rate is 6% or less, and explained that he recycle all glass.

Mr. Seeds questioned how RecycleBank makes money on its operations. Mr. Wolfe answered that they make money on the amount of materials that go to the recycling facility and the reduction in tipping fees that occur at the land fill. He noted that they also have a promotional website and web partners. He noted that the hauler would have to strike a deal with RecycleBank. Mr. Seeds noted that the homeowner would receive credits towards purchases at stores. Mr. Grudovich noted that the hauler makes his money by attracting visitors to their website to get the advertising dollars.

Mr. Wagner noted that his residual rate is greater than 6%. He suggested that he did not agree with the 6% rate from Recycle America.

Mr. Hornung questioned if given the incentive to recycle, would residents put more trash in the recycling. Mr. Wagner explained that the Carlisle Borough has a bag contract; therefore, all residents must purchase a bag for \$3.75 per bag. He noted that they will attempt to put more trash in the recycling bin to prevent having to purchase more bags. He noted that people will attempt to use larger bins to put more trash in them. Mr. Blain noted that people would have more of an incentive to fill a larger bin. Mr. Wagner noted that the first bins were very small, and the packaging for items has changed dramatically, noting that the tonnage has increased and decreased. He noted that as the containers have been up-sized, there has been a 25% to 60% increase in weight. He noted that he is finding less and less glass containers and more plastic. He

noted that the transition from glass to plastic has reduced the weight. He noted that he accepts magazines, junk mail and various types of paper products such as phone books and catalogs.

Mr. Wolfe questioned if this would be for a five year term. Mr. Wagner and Mr. Grudovich both acknowledged their preference for a five term contract.

Mr. Seeds questioned if both plants were located near each other. Mr. Grudovich answered that they are both located in York County. Mr. Wolfe noted that the Board members toured both facilities.

Mr. Wolfe noted that he only received Mr. Wagner's proposal today. He noted that no mention has been made of the proposal costs. He noted that since the Township has been told by the Solicitor that there is no need to bid this project, the Board could provide each vendor 48 hours to provide a final written proposal. Mr. Hawk noted that it sounded fair to him. Mr. Wolfe questioned if the two vendors would be willing to prepare a second proposal knowing that they have competition for the project. He noted that both proposals are structured in a similar manner, with a different end result.

Mr. Wagner stated that he spent seven days, 12 to 14 hours per day on the proposal, only learning of the proposal last week, and he has provided a good proposal. He noted that he has not heard the numbers. He noted that there is a pre-bid meeting tomorrow and the Township is expected to inform the bidders what facility was chosen. Mr. Wolfe noted that the Township could extend that date if it so desires. Mr. Wagner noted that he has provided a good proposal.

Mr. Grudovich suggested that he could improve on the floor proposal to fulfill the desires of the Board members.

Mr. Wolfe noted that the decision would be up to the Board members. Mr. Crissman questioned Mr. Wagner and Mr. Grudovich what was the difference between Waste Management and Penn Waste's proposals. Mr. Wagner answered that he did not know what Mr. Crissman was looking for as he explained his proposal in great detail. Mr. Crissman noted that there are a lot of similarities, but he wanted to know what makes Penn Waste's services better than Waste Management's services. Mr. Wagner noted that he was asked, less than a week ago, to provide a price, and now he may be asked to come back again in 48 hours with another price. Mr. Crissman noted that he asked Mr. Wagner to remove the price from the equation, and to discuss services. Mr. Wagner noted that Penn Waste is a locally owned and operated company, and he is in business to make a profit. He noted that he is a large contributor in dollars to many non-profits in South Central Pennsylvania, based in York, Pennsylvania. He noted that his competition is a public company, not based in this area. He noted that his money flows through local banks. He

noted that, based on his pricing structure, he is using No. 6 news as the index off the official New York pricing market. He noted that he offered in the proposal No. 6 news or mixed paper, whichever is greater. He noted, if the competition is using South East, there is a \$15 price difference in the paper.

Mr. Grudovich noted that Recycle America's operations are located in York, Pennsylvania, and that their tax dollars support the community as well. He noted that he is a subsidiary of the parent company Waste Management, which is a \$13.5 billion company. He noted that Recycle America is at the top of the solid waste industry and the number one recycler in the nation. He noted that he can market materials domestically and internationally. He noted that Waste Management's CEO has made a commitment to expanding the recycling abilities and has the capital and resources to do so. He noted that in years 2, 3, 4, and 5, he may be able to come back and offer something greater in the way of recycling. He noted that the Township would be partnering with an expert in the field. He noted that the resources and depth cannot be matched by a smaller company.

Mr. Crissman noted that Mr. Ward's proposal remains as is, and Mr. Grudovich would like the option to re-price his proposal. Mr. Grudovich noted that this is his first proposal for South Central Pennsylvania using this concept. He noted that since he first made his proposal, as the first to offer a revenue sharing concept for recycling, he has taken a second and third look at the proposal and noted that there were some changes he could make to the proposal.

Mr. Seeds noted that if either Mr. Ward or Mr. Grudovich knew who the recycling company would be, it might change the bids for the solid waste pickup. He noted that the vendors would not be providing rebates to the Townships for recyclables unless they were making money. Mr. Wolfe noted that the Board would make a selection for a facility to accept recyclables, noting that it would be part of the bid specifications. He noted that the successful hauler would be directed to take the Township's recyclables and sell them to the designated facility.

Mr. Crissman questioned Mr. Wolfe if he needed the proposal by Thursday, April 10, 2009 at 4 p.m.

Mr. Ward noted that there is a distance between the two facilities and this would impact the bids. He explained that Penn Waste is located closer to the Township, and Recycle America is another 20 to 30 minutes away. He suggested that the bid for Recycle America would have to be higher than the bid for Penn Waste. He noted that this would impact the best bid for the collection standpoint.

Mr. Grudovich noted that all the haulers tip at his facility including Penn Waste from time-to-time. He noted that he has a 75% chance of getting the material whether he is selected or not. He noted that he would prefer the direct relationship with the Township.

Mr. Wagner noted that he was very taken back by this. He noted that when he submitted his proposal today, he was not told that this would be a best and final contest, and this is what this is turning into. He noted that no prices have been discussed. Mr. Hawk noted that it would not be fair to do this with both vendors sitting here. Mr. Crissman noted that the process allows the Board to do this in this fashion as it does not require a request for proposal. Mr. Wagner answered that he disagreed with that. Mr. Crissman noted that this is the interpretation of the solicitor and the Board is required to follow the advice of counsel.

Mr. Wagner noted that he is disappointed. He explained that he has attempted for almost 15 years to get his company to secure the Township's business. He noted that he was taken back on how this process was going. He questioned how he would know that Mr. Grudovich had not seen his proposal, or if it had been discussed with him by anyone in the Township. Mr. Hawk noted that it has not been, nor has Mr. Grudovich's proposal been discussed with Mr. Wagner. Mr. Wagner noted that he has a legal opinion that this project should be bid. Mr. Crissman noted that legal minds differ, and he noted that the Township relies on paid counsel's advice.

Mr. Wagner noted that he wanted to know how the rebate money would flow back to the residents. Mr. Wolfe noted that this is a payment to the municipality, and it is none of Mr. Wagner's business what the Township does with the money once it receives it. He noted that if he wants to do the work for the Township, that is fine, and bid on the collection service, that is fine, but how the Township operates internally is none of his business. Mr. Wagner agreed with Mr. Wolfe that it was a good comment.

Mr. Wagner noted that he disagrees with the process. Mr. Wolfe noted that he could accept that he disagrees with the process. He noted that this is the first time the Township has ever done this, but when you cross the line and tell the Township how to operate internally with money received on a rebate, that is not your prerogative.

Mr. Wagner stated that this process is pretty secretive, noting that he submitted a proposal. He suggested that everyone should be told the numbers, and then a decision should be made. He noted that he spent a lot of time on the proposal after just finding out about it. He noted that he never heard anything from the Township. Mr. Wolfe noted that the Township never heard from anyone. He noted that the Township had been solicited by Recycle America. He noted that

Penn Waste never solicited the Township. He noted that Mr. Wagner stated that he has tried to get the Township's business, but he never solicited the Township for this proposal.

Mr. Wagner noted that it is a municipal bid. Mr. Wolfe noted that collection is a municipal bid; however, the Township is not doing a municipal bid in regards to the selling of recyclables. He noted that the solicitor has clear evidence, and an opinion, that the Township can negotiate for this service and that is what it is doing. Mr. Stine noted that it is not a service; the Township is selling recyclables which it is permitted to be done without bidding.

Mr. Wagner noted that the service is in excess of \$10,000. Mr. Stine noted that it is not a service, and he provided Mr. Wagner with copies of the statute that relates to the sale of recyclable materials.

Mr. Hornung explained that the Board members know what the numbers are, and he suggested that the Township could make an award since Waste Management noted that they are willing to raise their lower limit. He noted that based on that, there is enough information to make a decision to make the award. Mr. Wolfe noted that the Board could announce the prices and then ask if anyone wanted to recalculate their proposal. Mr. Blain noted that to share the prices would enable the two vendors to state if they could match the prices. Mr. Hawk noted that he has a problem with that. He noted that if he knew his competitors price, it would allow him the opportunity to beat his competitor or walk away from it. He noted that if he wants the business bad enough, he would beat him.

Mr. Grudovich noted that he was not prepared to make a live bid, only a proposal to the Township.

Mr. Wolfe noted that it would not be good to go into a live bid this evening, noting that the current proposals could be announced, and if anyone wants extra time to further respond, the Board has the option to allow this or make a decision.

Mr. Seeds noted that Mr. Stine has provided legal advice, which the Board members should take, but then again, he questioned if the Township should bid the proposal. Mr. Stine noted that there is not enough time to bid the process now.

Mr. Hornung questioned if Mr. Stine has had time to review the proposals and ensure that there are no issues to be discussed. Mr. Stine noted that the proposals provide a lot of pricing information, noting that Mr. Wagner's proposal provided a sample agreement, but he did not see one from Recycle America. Mr. Wolfe responded that he did not receive one yet. Mr. Stine suggested that there are language issues to be worked out. Mr. Hornung noted, if the Board decided to choose a vendor, there would be time to work out the agreement. Mr. Stine agreed.

Mr. Hornung noted that he is prepared to make an award. Mr. Blain noted that he is of the mindset to make the amount public, and provide both vendors with 24 hours to sharpen their pencils. Mr. Hawk questioned if it would be appropriate to ask for a five minute recess. Mr. Hornung noted that you cannot do that since it is not a good enough reason to go into a recess in the middle of an open meeting.

Mr. Seeds questioned if the parties objected to making the numbers public. Mr. Wagner noted that he would like to hear the numbers. He noted that the agenda states that the Township would accept prices for the marketing of recyclables. Mr. Grudovich noted that he would like the opportunity to raise the floor pricing, noting that he would like another opportunity. Mr. Hornung noted that the prices should be shared. Mr. Hawk agreed. Mr. Hornung noted that it would be fair to share the prices and make the award. Mr. Blain noted that the Township is the one who would benefit from the program, and he suggested that the prices should be shared since they are in competition with each other. Mr. Hornung noted that he is willing to share the prices, but he did not know if he was ready to award the project.

Mr. Crissman noted that the vendors need to know, before the prices are shared, if they would have another opportunity to come back to make a second proposal. Mr. Wolfe answered that if you don't do that, then you may as well award the proposal.

Mr. Blain noted that his suggestion would be to share the prices and provide the vendors additional time to come back with a second proposal, and the decision could be made at next Tuesday's meeting. Mr. Crissman noted that Mr. Hornung is not comfortable with that. Mr. Hornung noted that the Township asked for two proposals from two people, and they have provided them, therefore, they should be made public and a decision would be made to award to the vendor who provides the best proposal. Mr. Seeds noted that these are not bids. Mr. Hornung noted that they are bids. Mr. Crissman suggested that he would be willing to go an extra step since the Township is not in a RFP position, since there is a law that permits the Township to do this in an entirely different procedure. Mr. Hornung questioned what is fair.

Mr. Blain noted that he works in an industry where he bids work all the time, and in some aspects, it would be nice to know what the competition bid is to make a determination if you want to resubmit a better bid or drop out. Mr. Hawk suggested that once the bids are made public, someone may want to fold.

Mr. Seeds noted that the Board can't make a decision at a workshop meeting.

Mr. Wolfe noted that these are not bids, but rather unsolicited proposals in that the Township did not prepare an RFP with standards. He noted that there is nothing to stop either

person from yanking their proposal now. He noted that one potential could be to announce the prices and both vendors could walk away. He suggested that the Board is in a position to accept the proposal or announce the prices and get a response. He suggested that the Township should be prepared that if the prices are announced and ask for a response, it would provide a chance for both to remove their proposal. Mr. Stine noted that if there is a disparity, one could say that they left too much on the table and resubmit something, but it would not be better than what was originally proposed.

Mr. Crissman noted that the other option would be to provide another opportunity and not make public the prices. Mr. Wolfe noted that this further explains the need to bid most items.

Mr. Grudovich suggested that the two proposals are not apples to apples and he requested the Township to take that into consideration. He noted that his formula is a little different from Mr. Wagner's. Mr. Wagner noted that his proposal is very clear and is based on pricing. Mr. Wolfe noted that both proposals are very clear. Mr. Seeds suggested that the Board should provide 48 hours, and make the decision next Tuesday.

Mr. Hornung noted that the Board should just award the project. Mr. Blain noted that he would not have a problem providing the prices, and allow them an additional 48 hours to come back with a second option. He noted that the formulas may be different, but at the end of the day, all that counts is the final price. Mr. Hawk noted that he is willing to award the project now.

Mr. Wolfe noted that the Board could announce a tentative award with the contract being prepared for action at the next business meeting. He noted that this was the original intent when it was thought that only one person was proposing the service.

Mr. Hornung noted that if the Board wanted to provide an additional 48 hours the prices must not be made public. He noted that it would be to the Townships' detriment to do this. He noted that there is no question that the award should be made now. Mr. Crissman noted that he is used to working in a RFP environment, but he is concerned that if the numbers are made public, they may choose to walk away. He noted that he wants to protect the proposals, and the only way to do that is not to release the amounts, and provide an additional 48 hours.

Mr. Wolfe noted that these are not bids, but unsolicited proposals from each vendor. He noted that there is no requirement for them to hold the prices, no bid bond.

Mr. Wagner noted that the Board is talking about the potential of someone walking away from the process, but he noted that he is offended by this. He explained that he has 54 municipal contracts and an impeccable reputation in South Central Pennsylvania. Mr. Wolfe noted that there is no legal obligation for either one to follow through at this point in time. He noted that

both parties could hear each other's prices, and one could pull his proposal with no strings attached. He noted that he was under no obligation to fulfill the proposal. Mr. Wagner noted that he included an agreement that he signed and if the Board accepts it tonight, it's an agreement. Mr. Wolfe acknowledged that he signed it. Mr. Hornung noted that he would be fine with providing the prices.

Mr. Crissman noted that Mr. Wagner stated that he would not walk away from his proposal. Mr. Wagner stated that that was correct. Mr. Crissman questioned Mr. Grudovich if he would walk away from this. Mr. Grudovich stated that no matter what the case, he would submit a proposal. He noted that both have made verbal commitments, therefore he did not mind sharing the prices, but would prefer to provide 48 hours to submit an additional proposal.

Mr. Seeds noted that he would not want to give the prices and provide 48 hours to present a second proposal if they so choose. Mr. Crissman noted that he is fine with providing the prices, but would like to provide the 48 hours to respond. Mr. Hawk noted that the count is four to one and stated that the prices should be provided. Mr. Wagner asked that this be awarded tonight. He explained that he is a small company and if Waste Management wants this job bad enough, they would change the numbers. He noted that he came in good faith and put a lot of time in his proposal. Mr. Crissman noted that the Board cannot take action at a Workshop meeting. Mr. Hornung noted that the Board could request Mr. Wolfe to prepare the contract for action at Tuesday's meeting. Mr. Blain noted that the Board could make a commitment tonight.

Mr. Blain suggested that no prices should be given, and the final bid opening would be Thursday at 4 p.m. He noted that if the big companies want to get the job, they will find a way to come up with the numbers. Mr. Crissman noted that the Board is acting in an RFP mindset although it does not have to. Mr. Blain noted that it comes back to ethics and what is fair. Mr. Stine suggested that with professional services the Township uses the RFP process, but there is no service aspect for this proposal.

Mr. Hornung noted that the Board should provide the price and make a recommendation or wait 24 hours, but not release the price information. He suggested that the best thing to do is to award it tonight. He explained that he personally sued the Township, years ago, regarding issues between Waste Management and other companies. He noted that he is sensitive that the process has not been fair in the past.

Mr. Blain noted that the goal for tonight's meeting was not to award the contract but to understand more about the contract and the process. He suggested that this has been accomplished. He noted that Mr. Wolfe stated that both vendors provided a non-binding

document. He noted that the prices should not be given out but additional time should be provided to redo the proposal, and then open the proposals on Thursday.

Mr. Wagner noted that to a certain degree he has already disclosed his price by stating what the index is. Mr. Crissman noted that no numbers have been shared and he takes exception to that in that he is stating that the paperwork has not remained confidential. He noted that he only asked him to explain his advantages, and not his price. Mr. Wagner noted that he responded by telling him that he used a certain index and a specific region. He noted that he stated that it was based on \$15 per ton. Mr. Hornung noted that Mr. Wagner has multipliers on that as well. Mr. Grudovich noted that he used the South East region as a base.

Mr. Hawk noted that both provided proposals, and the fact that they may have used different formulas is their decision. He noted that if he were in that position, and had the better price, he would hate to have the price pulled out from under him by saying it would be good to provide a second chance.

Mr. Crissman noted that he agrees not to share the numbers and provide 24 hours to update their proposal. Mr. Blain agreed. Mr. Seeds agreed too. Mr. Blain noted that nothing would be disclosed to anyone and it would remain confidential. Mr. Hornung noted that he would agree as long as everyone commits not to divulge the prices. Mr. Crissman noted that the Board has been in this position before where it had to keep information confidential for legal reasons. Mr. Blain noted that the goal tonight was to understand the process. Mr. Seeds noted if the information was divulged then it should have been awarded tonight. Mr. Hawk noted that he wants to award it tonight, noting that Mr. Hornung agreed to this, but the vote is three to two.

Mr. Wagner questioned if the Board members have seen the prices. Mr. Hawk answered yes. Mr. Wagner questioned who else has seen the prices. Mr. Wolfe answered that outside of the Board members only he, Mr. Shoaff, Mr. Stine and Ms. Heberle have seen the prices. Mr. Hawk noted that only the people in the room have seen the prices.

Mr. Crissman noted that he has an obligation to the citizens to make the best decision. Mr. Hornung noted that there is a risk waiting 48 hours. Mr. Crissman noted that he takes the gentlemen at their word.

Mr. Grudovich questioned why the Board would think that he would withdraw his offer and just hand the business to Penn Waste. Mr. Crissman suggested that both gentlemen are men of their word.

Mr. Hornung questioned what would happen if the lower bidder would present a bid just slightly higher than the highest bid. He suggested that it would be indicative that the price was

divulged. Mr. Hawk noted that he would be very disappointed in the Board if that happened. Mr. Wolfe noted that these proposals are public documents and the second proposals will be public documents, and there will be no way to document that prices have not been divulged from this point in time. He noted that no one in the room or on staff would divulge prices, but he does believe that the Township would be open to criticism from the unsuccessful proposer that someone divulged the price. He noted that he does not believe that this would occur, but he does believe that the vendors will state that the price was divulged. He noted that he did not know if it means anything, from a legal standpoint, but from a public perception standpoint, it would look very bad, and this would be the issue raised by the unsuccessful vendor.

Mr. Seeds questioned Mr. Wolfe if he thinks the project should be awarded tonight. Mr. Wolfe noted that he would not go that far, only wanting to provide warning, that in his opinion, that those with sour grapes will throw rotten fruit.

Mr. Hornung noted that both bidders are very competitive and both have given their best price since they don't want the competitor to have it, therefore, it should be awarded now. He noted that the process has been hostile in the past and he sees that it will continue to be that way. He thinks the Board should be open and candid and award it to the highest bidder.

Mr. Hawk noted that if this would have been done as a regular bid opening, it would be over and done with. Mr. Hornung noted that that is how this should have been done.

Mr. Seeds noted that he would change his mind. Mr. Crissman noted that the Board could have gone through the RFP process, but chose to follow counsel's advice. Mr. Wolfe noted that in the end, he did not think anything would be different. He noted that the ability to make a decision would have been easier. Mr. Blain noted that it should be awarded now. Mr. Crissman noted that he has not changed his opinion and still wants to wait 24 hours.

Mr. Hornung noted that four people want to award the project tonight. Mr. Crissman noted that the Board should go ahead and award the project.

Mr. Wolfe explained that he would read the proposals from Penn Waste and Recycle America and requested the Board to choose to select a facility to receive and accept the Township's recyclables and market them on behalf and pay a fee for the service. He noted that he would request Board to direct staff to prepare a motion to that affect for the Tuesday, April 15, 2008 business meeting.

Mr. Wolfe noted that the proposal from Penn Waste is dated April 8, 2008 and it is for \$15 per ton floor price. He noted that their proposal is also based upon the OBM publication, "Yellow Sheet," using No. 6 news price of April 5, 2008 which they list at \$95 per ton. He noted

that they are calculating to include 82.5% amount of the \$95 per ton, minus a \$25 per ton processing fee which brings the total payment per ton to \$53.38. He noted that a sample calculation based upon 2007 recyclable volumes being 3,132.1 tons of material at a rate of \$53.38 per ton, would produce an annual rebate of \$167,191.50.

Mr. Wolfe noted that the proposal provided by Recycle America is based upon No. 8 news; the OBM price being from the South East High Side with a price in 2007 was \$105.00 per ton. He noted that their floor price is \$7 per ton with a maximum amount of \$35 per ton. He noted that the floor and the maximum are based upon a rebate amount of 19% of \$105 per ton which is \$19.95 on 3,132.1 tons for 2007 producing a rebate amount of \$62,483.00 a year. He noted that Waste Management has also provided a list with a proposal based upon an increased volume of recyclables with a 30% increase in tonnage. He noted that they would increase the percentage pay out from 19% to 23 %, producing a pay out of \$24.15 per ton using the \$105 OBM per ton payment for No. 8 news for 3,132.1 tons which would result in a gross rebate amount of \$97,952.40.

Mr. Wolfe noted that both proposals are for a five-year period of time and both understand that there are no tipping fees to be charged to the selected haulers that will be designated by the Township. He noted that it would be appropriate at this time, for the Board to select a facility to sell its recyclables to, and direct the Township Solicitor to prepare a contract for this sale.

Mr. Seeds questioned Mr. Wagner and Mr. Grudovich if the proposals presented by Mr. Wolfe are indeed their proposals. Mr. Wagner stated that it is correct. Mr. Grudovich stated that it is correct.

Mr. Stine noted that the Board normally does not take action during workshop meetings, but this is a public meeting and they could vote if they desired to. He noted that over the years, the Board has established the workshops to be more of a discussion type meeting, but it is publicly advertised.

Mr. Hawk noted that based on the figures the award would go to Penn Waste. Mr. Seeds noted that the Board would direct the solicitor to prepare a contract and then take action on the contract at the April 15th meeting. Mr. Stine noted that Penn Waste provided an agreement but he would need to review it.

Mr. Hornung noted that he made a motion to request a contract be prepared for Penn Waste to be the successful bidder in the sale of the recyclables. Mr. Seeds seconded the motion. Mr. Crissman questioned if this action would not take place next Tuesday. Mr. Stine answered

that the Board would take action next Tuesday to approve the agreement. He noted that this would be a notice of intent to award. Mr. Hawk called for a vote, and all members voted aye, except Mr. Crissman who voted nay. Mr. Crissman explained that he voted nay because he believed that the procedure was wrong.

Presentation by SWAN regarding suggested
changes to the Zoning Ordinance

Mr. Robertson questioned if the Board members received copies of the suggested changes to the Zoning Ordinance. Mr. Wolfe answered that they did. Mr. Robertson noted that all he was looking for was an answer to their suggestions. Mr. Wolfe noted that he had prepared a staff response and offered it to Mr. Robertson for him to review noting that further discussion could be held.

Mr. Seeds noted that he had more comments for the zoning ordinances, and he would meet with Ms. Wissler about that.

Discussion regarding zoning in Paxtonia and the potential to encourage
village revitalization through zoning amendments

Mr. Wolfe noted that Mr. Hornung requested the Board to review this presentation and it would last more than an hour. He noted that Mr. Lighty would also like to be a part of this presentation. Mr. Hornung noted that he would like to move this to another night, but he requested the Board members to drive through the Paxtonia area to view, that due to the lot sizes and other things, it has become an economically depressed area. He explained that he asked Mr. Wolfe to prepare a means to revitalize the area as incentives to builders. He noted that it could become a very nice TND, but the Township would need to do some progressive thinking to make it happen. Mr. Seeds noted that this was discussed in the joint Planning Commission meetings.

Mr. Wolfe noted that Paxtonia, in his mind, is the area from Lockwillow Avenue to east of Nyes Road, and most of it is zoned Commercial Neighborhood District. He noted that there are many large buildings in the area. He noted that while taking pictures he found a vacant lot for sale that abuts George Park. He noted that the asking price for the lot is \$150,000. He noted that the adjoining lot and house are also for sale for \$200,000.00. He explained that both lots are on one parcel of land, and the person is selling the two out-parcels. He noted that the Township now pays \$6,000 a year in fees and services to the New Love in Christ Church for an easement to gain access for parking. Mr. Seeds suggested that not all of the parking belongs to the Township.

Mr. Wolfe noted that in front of TYCO building, there is a very huge front parcel of land, over 300 feet, that is zoned Industrial that could be developed into Neighborhood Commercial. He noted that it could be developed into a nice Village Commercial area, and it would tie in with the entire Paxtonia area.

Mr. Wolfe noted that he would like to discuss these two big issues at a future workshop meeting. Mr. Seeds noted that this is very different from the Village in Linglestown as the lot sizes are very different. He noted that it would not make sense to prohibit people from tearing down structures in the Paxtonia area. Mr. Hornung noted that there are too many cross-mixed uses, for example there is a car repair shop in the middle of a residential area. He questioned if Mr. Wolfe could come up with a plan to make the area much nicer.

Mr. Wolfe questioned what the most prevalent land uses for the Paxtonia area was other than residential. Mr. Wolfe answered that it is childcare. Mr. Hornung noted that the New Love in Christ Church is struggling with the building that it is using, and he noted that Mr. Schoffstall agreed to put a lot of money into the building if they would be willing to transform the building into some type of commercial use. He noted that Mr. Schoffstall would pay for the renovations. Mr. Crissman noted that there was a plan to make an indoor pool in that building.

Mr. Hornung noted that there are two mobile home parks in the area.

Mr. Wolfe requested the Board members to look at the parcel of land for sale to determine if the Township needs direct access to George Park from Jonestown Road. Mr. Seeds stated that he had suggested buying a home to accomplish this. Mr. Wolfe noted that the land is vacant at this time. Mr. Blain questioned if the Township should buy both tracts of land. Mr. Wolfe noted that the Township would only have to purchase one tract of land for access. He suggested that the access could be built along the west side of the old football field and loop into the parking lot at Ranger field. Mr. Blain questioned if this would interfere with any of the soccer fields. Mr. Wolfe answered that it would not, but it would split the soccer fields having one on each side of the roadway. He noted that this idea is only conceptual at this point.

Request from the Parks and Recreation Board for the Supervisors
to establish a Greenway Committee

Mr. Wolfe explained that the memo is self-explanatory, noting there was a Greenway Study Committee that prepared the plan, and now the Parks and Recreation Board is requesting a standing Greenway Committee to shepherd the implementation of the plan. He noted that this is the recommendation from the Parks and Recreation Committee, and if the Board so desires,

which he thinks is a good idea, he could formalize it by a Resolution that could be adopted at a business meeting.

Mr. Crissman stated that this should be done. Mr. Seeds and Mr. Blain agreed. Mr. Hornung noted that he agreed.

Review of the agreement with South Central EMS to implement desired changes discussed during 2008 budget preparation

Mr. Wolfe noted that during the budget discussions, the Board agreed to provide more funding to South Central EMS (SCEMS) but he noted that the agreement came with strings attached. He provided the Board members with the current agreement, noting that he has made some necessary changes, adding an additional change to Section 21 on page six. Mr. Seeds noted on page four, number six, he explained that he is provided with a report, but he suggested that SCEMS should be required to send a report to the Finance Director. Mr. Wolfe noted that he would add the wording to say that they shall provide a report to Lower Paxton's Manager.

Mr. Crissman noted that on page four, number seven, that SCEMS is required to submit an annual budget to the Township, but he suggested that it should be in a format determined by the Township. Mr. Wolfe noted that he would add wording to state that it should be in a format approved by Lower Paxton Township.

Mr. Hornung noted that it was discussed to alter their Board membership. Mr. Seeds noted that Mr. Wolfe has requested two representatives to the Board, but he noted that since the Township accounts for more than 60% of the service, it should have more of a vote on the Board. Mr. Hornung noted that it would not provide control of the meetings. Mr. Seeds noted that two votes are better than one. Mr. Crissman noted that the Township should have 65% representation on the Board. Mr. Blain noted that if that was the case, then the Township and School District would have control of the Capital Tax Collection Bureau.

Mr. Seeds noted on page five, number 12, it is noted that South Central shall direct its CPA to report in writing to whoever it should be. Mr. Wolfe noted that it should be the Township Manager.

Mr. Seeds noted that under number 16 it states notification should be made to the representative, but he suggested that Township Manger should be added to that section.

Mr. Seeds noted that number 17 has to deal with one appointment, and Mr. Wolfe suggested increasing the number to two. Mr. Wolfe noted that the number could be whatever the Board desires. Mr. Seeds noted that the Township shall possess two votes, even if only one

representative is present. He noted that one representative could vote by proxy for the other member. Mr. Hornung questioned how many members are on the Board now. Mr. Seeds answered nine. Mr. Hornung noted that no new members should be added, but the second Lower Paxton position should replace one of the current positions. Mr. Blain questioned if the Board members have term limits. Mr. Seed answered yes. Mr. Blain noted that it should state that the next available seat shall be filled by a representative from Lower Paxton Township. He noted that the representative could be the Finance Director, Township Manager or Solicitor.

Mr. Seeds noted on page seven, number two, third line, it states non-salary operating expenses; he suggested removing that. He noted that the funds the Township supplies are to be used for salaries. Mr. Wolfe noted that it should be removed. Mr. Crissman questioned if the Township has been provided an accounting of those line items to determine how the expenses are paid. Mr. Wolfe noted that the Township receives an audit report.

Mr. Seeds noted on page 21, it is listed as schedule B, and there are no references to any increases. Mr. Wolfe noted that SCEMS has never provided the Township with references to increases. He noted that the Township wants its funding to go to wages, and not other things. Mr. Crissman noted that under restrictive covenants, number two, it states, "shall be used exclusively for capital equipment." Mr. Wolfe noted that it lists medical equipment, supplies or operating expenses. He noted that wages would be operating expenses, and he suggested that the Township's contributions shall not be used to pay compensation for Directors and Executive staff. Mr. Seeds suggested that it would be hard to do that.

Mr. Wolfe noted that SCEMS will provide replies to the changes in the agreements.

Mr. Crissman noted on page seven, item eight, it states that the Township is asking for a two-year contract. He noted that the contract is self-renewing. He questioned if \$53,000 is correct for number three. He noted that it would prevent the Township from giving SCEMS more funding, and it would lock them into a two year request. Mr. Seeds noted that it would lock them into the same amount of \$224,000 for two years.

Mr. Seeds noted that Section three, paragraph six, will be payment, for a quarterly fee, only after SCEMS has complied with the report requirements of section three, paragraph six. Mr. Crissman noted that in that section, should there be included a reference to the restrictive covenants number two that talks about the accounting system for the utilization of the funds. He noted that SCEMS would be required to follow section three, paragraph six, and section five, number two.

Mr. Seeds noted that SCEMS asked him for money at the last Board meeting and he told Ms. Stapf to call Ms. Speakman. Mr. Wolfe noted that the Township has no legal authority to provide anything to them since there is no contract. He noted that the Township is obligated to pay the current amount under the old agreement, but not the new amount.

Second review of draft bid specifications for the collection
of solid waster and recyclables

Mr. Seeds noted that Mr. Wolfe made the corrections to the specifications that he suggested. He questioned what would happen if the emergency pickup occurred in the off season. Mr. Wolfe noted that it would be for whenever the Township declares an emergency. He noted that there is nothing to limit it to April through September.

Mr. Wolfe noted that he made the corrections that Mr. Seeds requested, noting that this contract is for the collection of up to four cans or bags of trash on a weekly basis, curbside, from all persons in the Township that participate. He noted that it also includes the unlimited collection of recyclables. He noted, as an alternative, there is a proposal to have RecycleBank rewards program be included by the hauler. He noted that the other options are three leaf waste options, one, the hauler collects leaf waste from all residents in the Township bi-weekly from April through December, or two, the hauler only collects from those who choose to pay for the service, much like the current program which has roughly 1500 customers, and thirdly, an emergency leaf waste collection, whereby if a big storm occurs, the hauler would collect from everyone and the Township pays the bill. He noted if that option is awarded, the people will know it and expect the Township to use it. Mr. Wolfe noted that it would be good to see what price comes in for the third option.

Mr. Wolfe noted that he changed the vehicle fuel escalator to a vehicle fuel adjuster. He noted that there are specific terms for a contract extension, and he has the complete participation from East, South and West Hanover Townships. He noted that they will be attending the pre-bid conference tomorrow.

Mr. Wolfe noted that Mr. Wagner estimated that it would cost the customers an extra \$2 to \$3 per month to participate in the RecycleBank Program. He suggested that under the current program the rates could go up to \$20 or \$21 per month, but a person could earn up to \$36 per month in credit, based upon the amount of material recycled. He suggested that \$36 may be unrealistic, but most people should be able to earn \$10 to \$12 per month. Mr. Seeds noted that the Township must be very careful in this process.

Mr. Hornung questioned if the Township staff receives abuse from this program. Mr. Wolfe noted that, in general, the Township probably gets more abuse regarding leaf waste than trash collection. He noted that the Township gets complaints about missed pickup or about COMCAST. He noted that they receive many complaints about leaf waste. Mr. Hornung questioned if there was anything that could be done to alleviate staff from getting nasty calls. Mr. Wolfe noted that Waste Management provides acceptable services and he stated that he had no reason to believe that Penn Waste could not do an adequate job.

Mr. Wolfe noted that he would report back to the Board after the pre-bid meeting that would be held tomorrow. Mr. Stine noted that Penn Waste had not submitted a proposal to the other municipalities. Mr. Wolfe noted that he would ask them not to designate tomorrow, but Lower Paxton would designate tomorrow. Mr. Seeds noted that the other municipalities could request that Penn Waste provide the same formula for their Townships.

Mr. Seeds questioned if the letter from David Shepherd was answered in regards to the Local Services Tax. Mr. Wolfe noted that he was sent a copy of the EMST and Local Services Tax. Mr. Blain suggested that he was off base in his request. He noted that what the Township is currently doing is okay. Mr. Stine noted that the statute states to tax the gross amount. Mr. Stine noted that it was a State statute that established the tax that provides for gross receipts. Mr. Seeds questioned if it could be changed. Mr. Stine stated that it could not be.

“Otta Know” Presentation: No Items Scheduled

Adjournment

There being no further business, Mr. Seeds made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 10:20 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary