

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held September 14, 2010

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:06 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, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Stephen Fleming, Township Engineer, HRG, Inc.; Mike Bova, Boenning and Scattergood; Sam Robbins, Public Works Director; William Weaver, Authority Director; John Kerschner, Parmer Family Foundation; James Snyder, Snyder Secary & Associates, LLC; Lori Wissler and John DiSanto, Holy Name of Jesus Church; David Lupold, AIA, Ganflec Architects; Barry Wampler, CET, Engineering, Inc.; and Watson Fisher, and Ted Robertson, SWAN.

Pledge of Allegiance

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

Public Comment

No public comment was provided.

Presentation of a proposal to refund a portion
of the existing Township debt

Mr. Mike Bova, Boenning and Scattergood, explained that his firm has acted as the Township's investor banker for many years, and with the dramatic drop in interest rates, there is an opportunity to save the Township several thousand dollars in the refinancing of certain bonds. He explained that he projects a net savings of over \$265,000 after costs, noting that the interest rates are at historically low levels. He explained that he has continued to monitor the markets and was able to identify a portion of three bond issues that would generate significant levels of a savings after cost. He noted that those bonds include Series 2004, Series 2002A, and Series

2002B that will save \$265,000 which is 2.9% of refunded par. He noted that the average benchmark savings level for refinancing is 2%, and for the Commonwealth of Pennsylvania it is 3%, so this is very close to the 3% benchmark the Commonwealth has identified.

Mr. Bova explained that he ran a program that only includes the bonds that provide the most savings and out of those three series, he has come up with an issue of \$9.5 million that saves almost \$265,000. He noted that the annual savings will be realized as a debt service reduction in 2011, however, if the Board desires, it could be provided upfront or over time. He noted that the savings only became eligible as of September 3, 2010, and the plan of financing includes both taxable and tax-exempt bonds in order to manage a federal tax law restriction known as transferred proceeds that he has with one of the outstanding issues.

Mr. Bova explained that he has reviewed the interest rates for the past 20 years, using the bond buyer index for the tax exempt market equivalent to where the prime rate is in the taxable market. He noted that the current Bond Buyer Index 20 is zero, and he explained that at this point in time, the rates have not been lower than this for the past 15 years. He noted that this is a very good time to refinance debt.

Mr. Bova provided a summary of the savings for each year and in 2011 the savings is \$167,616 for the Township and \$95,060 for the Authority. He noted in subsequent years, the savings are plus or minus a couple hundred to thousand dollars since bonds can only be issued in increments of \$5,000. He noted that he tried to match the old debt service to the new debt service to bring all the savings up front.

Mr. Bova noted that page four identifies bonds and what their rates are and which provide the most savings. He noted that the sources and uses page shows what the uses would be for and what the proceeds will come from. He noted that the money will be spent on providing escrows to pay off the outstanding debt, legal, underwriting discount, printing, and rating. He explained because the Township enjoys a high credit rating, this will be done without insurance which saves the Township additional funds by not having to pay insurance.

Mr. Bova explained that it is a very clean high-to-low refinancing going from a higher interest rate to a lower interest rate, and all the savings will be for the benefit of the Township in 2011. He noted, based upon the schedule of Board meetings he would be prepared to present a bond purchase agreement on October 19th if he is authorized tonight to proceed.

Mr. Bova explained that Tom Smida, bond counsel from Mette, Evans and Woodside, has reviewed the structure and blessed the refinancing. He noted that there is a legal review and all that is needed is the authorization from the Board of Supervisors.

A woman from the audience questioned how much the fees would be in the savings of \$265,000. Mr. Bova answered that the cost of issuance is \$175,000; however, the cost of issuance on the last bond refinancing was only \$45,000. He noted that he always estimates high, but \$265,000 is a net savings. Mr. Blain noted that the Townships would still be saving 3% on the total issue.

Mr. Wolfe explained that the Township would need a debt ordinance and the best date for this to be placed on an agenda would be October 19th, if the Board authorizes Mr. Bova to move ahead. Mr. Bova explained that his only concern is that five of his bankers from his Pittsburgh office are attending other refinancing meetings this night because the rates are at such historical low levels, and all these deals can go now. He noted that his is not the only firm that is doing this, and he explained that there will be many deals coming to the market in the next couple of weeks, so he wants to get this done as quickly as possible. He noted if there are too many, he will pull it, otherwise he will prepare everything to go, get the rating and pull the trigger at the right time. He noted with the supply and demand so low, the only way to get rid of the bonds is to raise the rates, and when you raise the rates, it lowers the savings. He noted that is the quickest the process can move as the Township must go through the rating process and write the documents. He noted that Mr. Smida is unavailable until October 11th.

Continued discussion of waivers requested for the preliminary/final land development plan for Pleasant Meadows

Mr. Hawk noted that this plan has been before the Board in numerous workshop sessions. Mr. Wolfe noted that the Board had subsequent questions it wanted to address with the developer, and he requested Mr. Kerschner to review the requested waivers.

Mr. John Kerschner, Parmer Family Foundation, explained that Mr. Parmer was unable to attend the meeting tonight. He explained that Mr. Jim Snyder, from Snyder Secary & Associates, LLC is also present to discuss the plan. Mr. Kerschner thanked the Board for their continued interest in the project.

Mr. Kerschner noted during the prior meetings, there were discussions concerning the width of the streets. He explained that the proposal is for private streets in the development and they will be owned and maintained by the Foundation. He noted that the street was widened to 30 feet, limiting parking to one side of the road only, and for the other side he will provide a four-foot pedestrian path on the cartway. He noted that there are no concrete sidewalks located in those areas where the foot pedestrian cartway will be located, but it will be a 30-foot curbed street. He noted that this will provide for adequate overflow parking in excess of what is necessary, and the added width for the emergency vehicles. He noted that the changes were made to bring the street to a 30-foot width; however, a waiver would still be required for the four foot pedestrian cartway in the street.

Mr. Kerschner noted that the second area of concern was the cul-de-sac on Primrose Place. He noted that the width was originally designed with a 40-foot radius and a 80 foot diameter, but now it has been amended to a 50-foot radius for a 100 foot diameter width, however, they a landscape planting in the center island is still proposed. He noted that no parking would be permitted in the cul-de-sac, and it would provide adequate space for emergency vehicles in the cul-de-sac area. He noted that although the diameter of the cul-de-sac conforms with the ordinance, the planting island within it does not, therefore the waiver is requested.

Mr. Kerschner noted that the third item of concern is the recreation components of the project. He explained that the Board asked him to provide a list of the recreational improvements within the project. He noted that the ordinance is geared to more active recreation. Due to the age restriction of this project, the recreation is geared more to an age-appropriate type. He noted that the Parmer Foundation is asking to be provided credit for this, and reported that the list has been updated since there was a concern about including the landscaping items on the previous list. He noted that it has been removed, however, he did not include a land factor on that list and it has been added to the current one.

Mr. Kerschner noted that the other waivers have been endorsed by the Planning Commission and were not items of contention.

Mr. Hawk noted that Mr. Kerschner is estimating the recreational costs at a little over \$400,000. Mr. Kerschner answered that was correct.

Mr. Seeds noted that he still has a problem with not installing sidewalks within the development. He noted that he has an issue with the curbing and sidewalk along Locust Lane,

west of the new driveway. He noted that there were comments from HRG, Inc. in regard to the traffic with the main entrance to the development as it is directly across from the Dauphin County Technical School (DCTS). He noted that there are traffic issues now when the students come to and leave school. He stated that he has concerns with the cul-de-sac and street widths, the waivers of sidewalk and curbing, and sidewalks along Locust Lane. He noted that he has no problem with the waiver request for sidewalks along Fairmont Drive. Mr. Kerschner noted that the only area that he is asking for a waiver for is the section of roadway along Locust Lane immediately to the west where there are topography issues. Mr. Seeds noted that he sees no reason why curbing can't be placed there. He noted that there is a letter from the Colonial Park Fire Chief that states there are issues with the cul-de-sac and a secondary access where there will be a hard surface over a grass area from Shope Place. Mr. Kerschner noted that those issues were already addressed with the Planning Commission.

Mr. Kerschner noted that originally there was a 28 foot street width, and it has been increased to 30 foot. Mr. Seeds noted that he is okay with a 30-foot width but he would like to see sidewalks on one side of the street. Mr. Kerschner noted that he is providing a four-foot pedestrian path within the street width. He noted that there are sidewalks located in some areas of the development, but for the areas they are not located, he is putting the pedestrian path in the street cartway. Mr. Seeds noted that people will be walking on the street. Mr. Kerschner answered yes. Mr. Seeds noted that he does not like that concept as it was used at Meadowview Village. Mr. Kerschner noted that this development does not have the same street width as that development as they only had a 24-foot cartway. Mr. Seeds noted that he has a problem with older people like himself walking on the street. Mr. Kerschner noted that he recognized that early on and instructed their engineer not to design the same plan for their roads.

Mr. Seeds suggested that the big issue is the request for a waiver of fees for recreational uses. He noted that none of the items that Pleasant Meadows has included meet the Parks and Recreation Ordinance. He noted that there are some huge issues with the plan, and he noted that Mr. Kerschner had not covered them in his overview. Mr. Kerschner noted that many of these issues were settled with the Planning Commission and he was not aware that they were still outstanding issues.

Mr. Seeds noted that the Zoning Hearing Board granted the variances needed, and the Parmer Foundation has a right to build what they have proposed. He noted that the Board does

not have to grant the waivers. Mr. Kerschner noted that up until this point, Mr. Seeds had never expressed his objection to the plan. Mr. Seeds answered yes he did. Mr. Kerschner responded with what they are building. Mr. Seeds answered that he is not objecting to the plan because they have the right to build the plan. Mr. Kerschner questioned Mr. Seeds if he feels that there is a need for this type of housing in the Township. Mr. Seeds answered that he did not think there is. He personally thinks there is enough in the Township.

Mr. Hawk noted that Mr. Seeds is making two points, noting that the variance for the zoning that was granted by the Zoning Hearing Board permits the Parmer Foundation to build the project. He noted that Mr. Seeds is objecting to the walkway on the street as opposed to a designated sidewalk. Mr. Seeds answered that is correct. Mr. Hawk noted that the other concern has to do with recreation. Mr. Seeds answered yes, and also Locust Lane as he would like to see the curbing and some improvements regarding the conflict with the two driveways. He noted that when he is told that people 55 and over only have one car or don't drive as often, he knows better, because he is over 55. Mr. Kerschner noted that Mr. Seeds is misconstruing this project with the other over 55 communities. He noted that Mr. Parmer is targeting the 70 and 80 year olds, not the 55s. He noted that market has already been addressed in the Township with Amesbury, Meadow View and others. Mr. Seeds noted that this development is for 55 and over. Mr. Kerschner noted that Mr. Parmer is targeting 70 and 80 year olds. Mr. Seeds noted that you cannot tell someone who is 55 that they can't move in. Mr. Kerschner noted that it would be illegal, but most folks between 55 and 65 aren't going to want to live in this place since the sizes of the homes are so small. Mr. Seeds suggested that due to the economic reasons, some people may not have a choice. He noted that sometimes people have to live in places where they may not be happy.

Mr. Hornung noted that targeting older people is the purpose for the proposal of this particular plan since the developer is not making any profit off of this project. He noted that the developer is putting his own money into it. Mr. Seeds noted that he has no idea of this. Mr. Kerschner noted that Mr. Parmer stated that from the beginning, that it is a non-profit entity. Mr. Hornung noted that it is a non-profit project to try to provide cheaper housing for people who can't afford other housing. He noted that this is Mr. Parmer's sole purpose in doing this project, to set aside a foundation to provide the money to do this. He noted that whatever costs are incurred would be offset into the cost of the housing. He noted at some point he would like to

stop contributing to it and set it up as an entity that would be carried forth on its own. Mr. Hawk noted that there are no profits on the waivers. Mr. Hornung noted that there is no profit for the development at all. Mr. Blain questioned if that is something that the Board can take into consideration. Mr. Hornung noted that he is not saying that it is, but he wanted to clarify this. Mr. Blain suggested that the Board's focus needs to be more on whether the waiver requests should be granted, and does it make sense to build sidewalks in the development as well as sidewalk along Locust Lane. He noted that he agrees with Mr. Seeds about the sidewalk along Locust Lane. Mr. Kerschner noted that he is installing sidewalk, except for a short section where the topography and guiderail are in the way. Mr. Blain questioned if there is sidewalk along the area to the church. Mr. Kerschner noted that he would continue that sidewalk to the entrance. He noted that it would only be from the entrance of the development to the western line of the property that would not have sidewalk. He noted when you get to the end of the property there is not sidewalk to join up to. Mr. Blain noted that this is not unusual throughout the Township.

Mr. Seeds noted that it is none of his business whether it is profit or non-profit. He noted that he needs to know if it meets the ordinances and if it is good for the Township. Mr. Hornung noted that he agreed with Mr. Seeds, but he brought up another issue that he did not believe that the Township needed this type of housing. He noted that is not a decision for the Board members to decide, it is for the economics to decide. He stated that the Board should not be making decisions based on whether the Township needs this kind of housing or the public needs this kind of housing. Mr. Seeds noted that Mr. Kerschner asked him if he thought the Township needed this housing and he answered that it was his opinion that there was enough of it. Mr. Hornung noted as soon as the government gets into the economics, deciding what is needed and what is not needed, it always gets it messed up. He suggested that government needs to stay out of that. Mr. Hawk noted that it becomes a moot point because they do have the authorization to build on that land. Mr. Hornung noted that the subject of discussion is the waivers.

Mr. Hornung questioned if there should be some allowance for recreational fees in that they are providing recreational facilities for the type of person who will be living in this area. He noted that it is done in many areas, for example, where there are children, the developer is required to build a baseball field. He noted that it would not be appropriate for the developer to build a baseball field for this development as it would not be used much, therefore, if you build recreational facilities that are more suited for the type of person who will be moving into this

situation, it would be more appropriate. He noted that you could get into a discussion as to whether they are more applicable or not, but it seems that it doesn't make sense to install a baseball field. Mr. Seeds noted that the Board has never allowed this in the past; it's not in the ordinance. He noted that there are other developments that have amenities within the development, and the Board has never allowed that to be counted towards the recreation fees. Mr. Hornung noted that even if it makes sense, it hasn't been done in the past. Mr. Seeds noted that the Board would have to change the ordinance. Mr. Kerschner suggested that the ordinance is changing, and the new ordinance does allow this, it allows for consideration to be given for other improvements. He noted that the ordinance, as it was written, never considered this type of facility. Mr. Seeds noted that you have to interpret it in different ways. Mr. Kerschner noted that the requirements for active recreation does not target 70 and 80 year olds, and Mr. Parmer felt that it was appropriate to locate amenities that were targeted towards those who would live in the development. Mr. Kerschner suggested that Mr. Luetchford indicated that in his review.

Mr. Hawk noted that this is the time for public comment for this plan.

Ms. Darlene Benner, 5913 Shope Place, requested clarification on the targeted age group. She questioned if everyone who lives in that field area is going to be 70 to 80 years old. Mr. Kerschner answered that it is the intended use age; however, Pennsylvania State Law does not permit you to.... Ms. Benner noted that it would be age discrimination, but she questioned if he could limit it to 55 and older. Mr. Kerschner answered yes, noting that the design and amenities are geared for that age group. She questioned if it would be the same for the cottages as well as the three-story housing. Mr. Kerschner answered yes. Ms. Benner questioned what the four-foot path is made up of. Mr. Kerschner answered that it was asphalt.

Ms. Darlene Cover, 1232 Barley Corn Square, wanted to know what kind of recreational facilities Mr. Kerschner is proposing. Mr. Kerschner explained that it would include an off-street pedestrian pathway, six-tenths of a mile in length, and wellness stations will be located along that pathway. He noted that an area for community gardens would be set aside, and an open-space area with a gazebo, wild life watching areas, and within the building itself, there will be a community room, fitness room with exercise equipment, and outdoor activity area. Ms. Cover questioned what a cottage would sell for. Mr. Kerschner noted that it is difficult to put a number on it at this time, but it would probably be between \$120,000 and \$150,000. She questioned what the floor layout would be. Mr. Kerschner explained that the cottages would be single-story with

one or two bedrooms, kitchen, one and half bathrooms, and only 800 to 1,200 square feet. He noted that many people are living in older homes that are less efficient and too big for them to take care of. He noted that that the widows or widowers lack interaction living at home by themselves, and by providing new smaller homes, with the Foundation taking ownership of all the common areas, once the home is no longer needed by the occupant, it would be sold back to the Foundation. He noted that the Foundation would fix up the home and put it back on the market at the same price that they bought it for so the homes would become more affordable as times goes by. Ms. Cover noted that the Foundation does not make any money on the 36 acres, rather from the resale of the houses that they buy from the people who are moving into it. Mr. Kerschner noted that was wrong, it is a non-profit entity; much like the setup used at the Masonic Homes or Messiah Village. He noted if you buy a home, you would agree when you purchase the home that you would sell it back to the Foundation at 85% to 90% of the cost that you purchased it for. He noted that the Foundation would use that money to refurbish the unit and put it back on the market at the same price, and with each subsequent transfer, it becomes more affordable.

Mr. Josh Herscher noted, if you have a normal retirement home, you provide different levels of care, but this plan would not have that. Mr. Kerschner answered that was correct. He questioned if this would be a desirable community to live in for that age group knowing that there is no extended care or would they rather go to a place that provides all levels of care. He questioned if there was a market for this type of housing as the people would have to sell this property back and find another place to live. He suggested as he gets older, he would want to move to a place where he could complete the rest of his life. He questioned if this was a good type of community for the Township. Mr. Hawk noted that this is not designed for care beyond independant living. Mr. Herscher questioned if people would want to live at this place knowing that status. Mr. Parmer suggested that no one could answer that question, but he feels that the market would be there. Mr. Kerschner noted if the tract was larger he might have been able to provide additional services. He noted, with the last attempt to build, intensity was an issue, therefore, now they are only proposing 150 units that uses the entire tract. He noted that the Foundation will have affiliations and liaisons with other entities such as Messiah Village or Bethany Village that have the ability for later care. He noted if the residents are unable to take care of themselves, they will not be out on the street. He explained that there is nothing located on the East Shore that provides this type of care. Mr. Hawk noted that he would compare it to the

Masonic Village as they have apartment living. He noted when you need additional care, the Masonic Village has the capability to provide more care, but this place will not have that option.

Mr. Herscher questioned how much a person would get for their home if they lived there for while. Mr. Kerschner noted that it would be based upon the number of years the person lived in the home. He explained, the longer you live there, the closer you get to the target amount of 85%. Mr. Herscher questioned what the drop off cost is and what would you get if you lived there for only six months. Mr. Kerschner answered that it would be stepped within a certain range.

Mr. Herscher noted that the sidewalks are a huge issue noting that he agrees with Mr. Seeds on that issue. He noted the people in his development use the sidewalks and no one walks in the streets. He noted with the way people drive these days, he would prefer to walk on the sidewalks. He suggested as a person gets older, to make the location desirable, you need to have a place for people to walk, avoiding the street, except where you need to cross an intersection that would be clearly marked with crosswalks. He noted that a resident should be able to walk from their home, on the sidewalk and stay off the road, noting that it would be more of a safety issue for older people. Mr. Hornung noted that there are two arguments for this, noting that there are many communities built like this proposal, and they tend to have the residents walk on the side of the street. He noted that they are very different from the community that you live in, because the majority of the people who travel through the area live there because it is not a thoroughfare, not like you can travel from one community to the next one. He noted that this can currently be done in many communities in the Township and he does not agree with this concept. He noted that it causes for a lot of transient traffic through a community that is not respectful of the people who live there, consequently, it lowers the quality of life. He noted that 90% of the traffic that uses the roads will be by the people who live there or who are visiting. He noted that traffic will be less and of a different type. He noted that what holds true for your community may not hold true for this community. He noted that he is not arguing for or against sidewalks, rather it will be very different and there are many communities like this that do it this way and it is very successful without accidents.

Mr. Herscher questioned what would be the argument for not installing sidewalks. Mr. Hornung answered that it is costs. Mr. Herscher stated that is what he figured. Mr. Hornung noted in most cases Mr. Herscher is right, but in this particular case as you add costs; the price of

the house goes up. He noted that it would impact on the price of the home that the person is moving into. He noted that every decision that is made effects the last final cost number at which the unit would be sold for.

Mr. Herscher questioned if it would be a good cost compromise to widen the road to provide enough walking space on either side or for both lengths of traffic. Mr. Kerschner responded that is what he did as there is a dedicated walking space on one side. Mr. Herscher questioned what about both sides, so a resident could walk on his side of the street if he lived in the development. Mr. Kerschner noted that you would have to cross the street eventually. Mr. Hornung noted that there is parking on one side of the street, so it would preclude a pedestrian path for both sides as he was requested to provide more on-street parking.

Mr. Herscher questioned if there would be parking at the cottages. Mr. Kerschner answered yes. Mr. Herscher noted that he was under the impression that parking on the street would be for visitors only and not for the residents. Mr. Kerschner noted that the ordinance requires him to provide two off-street parking spots for each resident. He noted that he could easily provide for that, and in addition to that he has at least 100 on-street parking spaces. He noted that the units will have garages, carports or driveway parking. He noted for all cases, there will be two off-street parking spaces.

Mr. Herscher questioned how much parking is available at the apartment building. Mr. Kerschner answered that it is close to 70 parking spaces and meets the ordinance requirements. Mr. Herscher questioned if there was extra parking at that location, since there is a recreation room at that location. Mr. Kerschner answered that there is plenty of parking at the building. Mr. Herscher noted that it only provides one parking space for each unit, and if everyone has a car it does not provide for extra parking. Mr. Kerschner noted if he does not have enough parking, the only one who suffers will be the Foundation since it would not be able to sell the units and it will not be attractive to buyers. He explained that he feels very confident that the parking provided is adequate for the facility. Mr. Herscher questioned if it was based upon other facilities like this. Mr. Kerschner noted that there are no facilities around like this. Mr. Herscher questioned, liked any apartment that people like this would live in. He noted when his grandfather was still alive, and he would visit there would be extra visitor parking. Mr. Kerschner noted that he is in compliance with the ordinance and has excess parking on the plan. Mr. Hawk noted if you came to his house you could park two cars in front of his house, beyond that you would have to park in

front of the neighbor's house. Mr. Herscher noted that he was speaking to the apartment buildings, not the cottages. He noted that the recreation area would need extra parking as some of the residents would not want to walk to the apartments and prefer to drive, so there would be more cars to park in addition to visitors. He suggested that this should be planned if there is adequate space for it. Mr. Kerschner noted that he appreciates his concerns and there are plans for additional parking if needed.

Mr. Bob Cover noted that there are 60 apartments shown on the plan, but only 68 parking spaces, relying on the on-street parking to take up the slack.

A question was asked what would be the cost for the apartment units. Mr. Kerschner noted that a price has not been established yet. A question was asked if they would be low-income pricing. Mr. Kerschner noted that it would be listed as low an income as a 70 or 80 year old would have, noting that in many instances some people that age don't have much of an income. A question was asked if the Foundation must allow for a certain amount of Section 8 housing such as 15%. Mr. Kerschner answered no, however the persons living in the apartments are retired, and their income may be below a certain level and will be low-income housing.

Ms. Bender noted that she is concerned about what the maintenance fees for the snow removal would be. Mr. Kerschner noted that it would be partially based upon what the Foundation is required to install. He noted that it will be charged at cost as the Foundation is a non-profit entity. She noted that she is concerned that anyone will be able to afford to live in these places, especially with the maintenance fees. She questioned what would happen if people don't buy the units, what the Foundation would do with the buildings. She questioned if the Foundation would come back to the Board to ask for a variance for age. Mr. Kerschner noted that this is not an age issue. Ms. Bender noted that the plan is age-targeted, and questioned if the Foundation would remove the age restriction if they can't sell the units. Mr. Kerschner answered no. Ms. Bender questioned if the units will sit there empty like the ones across the street from the church. Mr. Kerschner explained that the units will be built as the market demands.

Ms. Bender questioned what the Foundation has planned for Shope Place. Mr. Kerschner answered that the Foundation plans to provide an emergency connection which would be a subsurface stabilized base with grass growing over it and it would be delineated to show where the road connection would be, only to be used in the event of an emergency. Ms. Bender questioned if it would be for emergency personnel only. She questioned if there would be

signage to prohibit use. Mr. Kerschner noted that he would address this with the Township as he would follow their requirements. Mr. Hornung explained that you would not know that the roadway is there as it will have grass growing on it. He noted that the emergency people will know where it is. Ms. Bender noted that she lives on a dead end street and many children play in the area, and she noted if ambulances and fire trucks are running up and down the street it will not be safe. Mr. Hornung noted that it would only be used under emergency circumstances.

Mrs. Cover noted that there are 90 single-family residential units, plus a 60-unit apartment, so that will total 150 vehicles. A woman noted that there are only 68 parking spaces at the apartment building. Mr. Kerschner explained that the plan provides adequate parking for the apartment users and their guests. He noted that the homes will have adequate parking, in addition to the on-street parking. Mr. Cover noted that there is not adequate parking if there will be parties at the recreation facility. Mr. Kerschner noted that is true if every apartment owner owns a car, noting that is an assumption that everyone would own a car. He noted if there is not adequate parking he would have to add more. Mr. Herscher questioned if there was space to put additional parking if needed. Mr. Kerschner noted that it is not that easy to build extra parking but there is space.

Ms. Nancy Blosser questioned if there is any entrance into this development off of Fairmont Drive. Mr. Kerschner answered no, noting all the traffic enters from Locust Lane. She noted that she has a concern with additional traffic on Locust Lane with no traffic signal at Locust Lane and Fairmont Drive. She noted that she lives at the base of the hill on Barley Corn Square and daily around 8 a.m. and between 2:30 p.m. and 5 p.m. she must judge which way to travel due to the school traffic and soon the traffic from the additional 150 residents and visitors. She explained that she read that there was no need for this development to install a traffic signal because the huge Shadebrook Development Plan would provide a traffic signal at that location, but there is no idea when it will happen. She noted that she has to drive way out of her way to get to her bank or doctor or wherever she wants to go. Mr. Hawk noted that the Municipalities Planning Code which determines what the Township can require from developers, notes that the Board is responsible for requiring that the plan meets the ordinances but it does not have the right to go off the property and insist that the developer upgrade the road or install a traffic light. He noted all he can do is to ask for a contribution and traffic signals are running about \$250,000. Ms. Blosser questioned what the price of her life is when she gets plowed down. She noted that

she and her father, who is 90 years old and continues to drive, go out and have to direct traffic at the base of the hill due to accidents on the hill. She noted that she is concerned with the lack of sidewalks within the plan. She noted that she had a mother in a wheel chair and she knows what it is like to push her on a sidewalk and she can't picture her on a paved road after a cinder truck has come through, with no continuous sidewalk for access to the recreational area. She suggested that it is not adequately designed for the 70's and 80's year olds, and maybe it is not designed for someone who uses a wheelchair. Mr. Kerschner noted that the development is geared for independent active adults, noting that is not to say that someone who is in a wheelchair couldn't live there, but it is not geared for them, and certain accommodations would have to be made. Mrs. Cover noted that it is not geared to the handicapped people, but it is geared to 75 and 80 year old people, with no cars.

Ms. Cover questioned if the developer must install the handicap ramps in the sidewalks, and handicap access to buildings. She suggested that it doesn't make sense that they don't have to have paved sidewalks, but can install asphalt sidewalks. Mr. Hornung explained that is what they are proposing at this time. Ms. Cover questioned if there are grades to the asphalt from the road surface. Mr. Hornung answered that the asphalt is on the road surface, with a white line that delineates from the street. Mr. Kerschner explained that this is not part of the off-street path that he discussed earlier. He noted that part of that would be concrete sidewalks and off the road it would be an asphalt area. He noted for the areas where there is no path or sidewalk he would provide a four-foot width on the roadway delineating it as a walkway.

Mr. Bob Cover question if the Board has taken into consideration the additional traffic that will occur on Locust Lane and have they discussed this with a traffic engineer. Mr. Jim Snyder explained that he is the engineer for the project and as part of the land development process, he was required to conduct a traffic study. He explained that Locust Lane is a State road and it does not meet the warrants for a traffic study under PENNDOT's standard because the traffic from the development is low. He noted that he conducted a traffic study for the Township that was submitted and reviewed and that was one of the items Mr. Seeds was talking to earlier. He noted that he is proposing a full access intersection with one lane in and one lane out with a boulevard entrance aligned across from one of the driveways from the DCTS. A question was asked when the study was done. Mr. Snyder noted it was done a couple months ago. A question

was asked if it was done when school was in session. Mr. Snyder answered that it was done when school was in session.

Mr. Herscher questioned if the driveway is directly across from a school driveway. Mr. Snyder answered yes. Mr. Herscher noted it would work for a traffic light. Mr. Snyder answered that it would never meet the warrants for a traffic signal. Mr. Herscher noted that there is an entire half hour of time when the school buses leave the building; and at that point you would never be able to get out of the development. He noted that there are super peak time periods and normal periods for traffic; noting that at some point the residents would complain that they would never be able to get out of the development and you will have to install a traffic light. He suggested that it would be good to do it right away and do it right. Mr. Seeds noted that the intersection does not meet the warrants for a traffic signal; however the Township's engineer recommended the addition of an eastbound and westbound turn lanes. Mr. Fleming noted that he recommended taking a look at installing turning lanes towards the development and the school, using a center turning lane to facilitate the traffic movement during peak traffic movement. Mr. Herscher questioned Mr. Fleming if a traffic light was necessary. Mr. Fleming noted that it won't meet the warrants for a traffic signal. Mr. Herscher questioned who would put the traffic signal in. Mr. Fleming noted because it is not a true street intersection, he would not install a traffic signal to facilitate the overcrowded activity, because a traffic signal work all day long when school is in session and during the night it would not be necessary. He noted, in this situation, it makes more sense to do something to improve the traffic movement to keep it moving so that the turning traffic can get out of the way. Mr. Herscher questioned who would pay for the improvements. Mr. Fleming answered if it is not done now, the Township would install the turning lanes. Mr. Herscher noted that it would make sense to have the developer install the tuning lanes signal now and bear the cost. Mr. Seeds suggested that the Township could not require the developer to do this. Mr. Blain noted that it is an off-site improvement and he agreed with Mr. Seeds. Mr. Seeds noted that the amount of traffic does not warrant improvements on the part of the developer. He noted if the Township could ask them to contribute to the turning lanes, since the Township might help the developer with some other costs, it would be a big help. He noted that the Township cannot legally require the developer to make the road improvements.

Mr. Mark Heberle, Barley Corn Square, noted that there are always accidents at the bridge on Fairmont Drive every time it rains. He questioned what impact the development would

have on the already troubled sewer system. He noted that he has been living there for 34 years and has not had any help at all. He noted that they installed a liner that makes a pipe smaller and with more people moving in, he knows he has a sewer issue going on. Mr. Hawk explained that the Township is under a consent decree from the Department of Environmental Protection (DEP) to upgrade the sewer system, and the Authority is working on that. He noted that it is not a quick fix. Mr. Heberle noted that this plan would complicate the matter. He noted that there are many accidents that occurred at the bridge on Fairmont Drive. He noted that it is a disaster waiting to happen and with the added flow of traffic it would make it worse.

Mr. Hornung noted there is so much misinformation on the sewer that when he gets the opportunity to straighten it out he takes it. He explained, if there was no more development at all in the Township we would still have a problem. He noted if everyone in the Township left and not one toilet was flushed, when it rains heavily, we have a problem. He noted that the overall problem is not related to the daily flow, and new residents hooking up to the system actually help lower the sewer rates since they contribute to the costs of repairing the old sewer, not the new sewers. He noted every time someone hooks up they have to pay a tap in fee which is thousands of dollars, which contributes to the cost of repairing the older sewers. He noted that it helps to reduce your bill, not raise it. He explained that the older homes are causing the problem, not the new ones. He noted that the old terracotta pipe is difficult to repair, and when the rain water gets into the sewer system, that causes the problem, not the amount of people flushing toilets. He noted that the Township is mandated by DEP to fix the problem.

Mr. Hawk noted that due to the mandate by DEP, you will not see your sewer bills decrease. Mr. Seeds noted that the Township must, by law, provide sewer service, noting that the Township cannot just refuse to allow more connections because it has a problem. He noted that several years ago, DEP put the Township on a moratorium for any more connections. He noted that some developers sued the Township since they couldn't get sewer connections. He noted that the Township ended up with a settlement and the problem has to be fixed. He noted that the Township is under a mandate to fix the sewers.

Mr. Hawk noted that the Township has been able to struggle through 20 years without a Township tax increase.

Mr. Hawk noted that there is some agreement into what the Palmer Foundation is doing but there are some concerns mentioned and he requested if they could provide some relief on the

sidewalk aspect. Mr. Kerschner noted that he could look at the plan again, but he thought that they had done that by widening the street and providing the path he thought the Board wanted. Mr. Hawk noted that he has been in communities where they have dedicated pedestrian paths or bicycles paths in the roadway, noting that there are multiple ways to solve the problem. He noted that these people would prefer more sidewalk relief.

Mr. Blain noted that one of Mr. Seeds' concerns has not been addressed and that is the recreational fee-in-lieu. Mr. Seeds noted that it appears, in his opinion, that the Foundation is making some room for the Board to move, but he is not willing to waive the entire fee. He noted that the fee is \$2,300 per unit and with 150 units it amounts to \$345,000 in fees. He noted that the Palmer Foundation is claiming that they are spending more than that on recreational facilities for residents only. He noted that according to the current ordinance the amenities that he would provide are not mentioned as acceptable in the ordinance. Mr. Kerschner questioned if one of the units would be equal to a single-family dwelling found in another communities. Mr. Seeds answered that it is not. Mr. Kerschner questioned why it would have to be \$2,300 times 150 units. Mr. Seeds noted that there should be some movement if it is acceptable to the other Board members but he does not agree with a total waiver of the fee. Mr. Kerschner noted that the other option would be to propose a greenway in the development. Mr. Seeds noted that the ordinance says that 20% of the land could be provided in place of the fee-in-lieu. Mr. Kerschner noted that Mr. Parmer has dedicated land in the Huntleigh Development.

Mr. Hawk noted that there is roughly \$345,000 in recreational facilities, and Mr. Kerschner would like to do a tradeoff, but he is hearing that he thinks the people would rather have the recreational facilities, than have Mr. Parmer pay the fee-in-lieu. Mr. Hornung noted that some of the fee-in-lieu should be credited toward some of the improvements, but what the percentage is at this point in time, he is not sure. He suggested that the cartways be decreased and sidewalks should be installed, and some parking should be expanded at the apartment building, possibly adding another ten parking spaces. He noted that some of the people who live in those types of communities do not have cars, and there may be some savings in that regards. He noted that there will be recreational facilities in that area, and as part of the facility it needs to be a nice facility and you would need parking to accommodate it. He noted that the final negotiations are split on the recreational fees, and this is still up for discussion, but this would get the plan closer to approval. He explained that he understands that the developer is trying to

make affordable housing and not all people are as fortunate as others and he suggested that someday he may have to move there. He suggested that before Mr. Parmer spends more money on engineering costs, it might be good to come back with a plan showing the changes.

Mr. Blain noted that he does not like the ideas of walkways located in the street. He suggested that 70 and 80 year old people will not want to walk in the street. He noted that Mr. Kerschner resolved the cul-de-sac issue and he appreciates it. He noted that considering the developer is putting a considerable amount of money into the walkway system around the development, there may be some compromise in the fee-in-lieu if the developer will consider installing turning lanes in front of the development at the intersection of the DCTS. He noted that there will be an accident someday at that location because there is so much traffic in the area, with people passing on the shoulders, and if the Township can work with the developer, it would be good to have a left turning lane into the development with traffic allowed to pass to the right going eastbound on Locust Lane. He suggested that it would be a safety concern for him and the same holds true for the opposite direction. He noted that it would involve some road widening and curbing, and suggested that it could be a compromise for some of the recreational fee-in-lieu. He noted, whether it is off site or not, as a developer he did not see why Mr. Parmer would not want to address that issue. He noted if you have 90 stand-alone houses in the development with 60 apartments, with only two trips per day, noting that most would drive safely, providing a turning lane to turn safely into the development would make a lot of sense.

Mr. Hawk noted if the developer makes a compromise to install the sidewalks and reduce the road cartway, noting that the citizens would prefer sidewalks over a pathway on the street, and add additional parking for the apartment area, it would amount to a win-win situation for all.

Mr. Seeds suggested that Mr. Kerschner should address the issues that Chief Swank from the fire company raised, and get with them to make sure they are fine with the changes to the plan. He noted if the DCTS Board of Directors could provide some funds for the road improvements that would be a help. He questioned Mr. Fleming what the costs would be for the turning lane improvements. Mr. Fleming answered he did not know. Mr. Kerschner noted when the school went for their land development plan addition they were not required to install the turning lanes. Mr. Seeds noted that the school additions had a very little effect on the total number of additional students.

Al Schroff, Haney Drive, noted when a discussion was first held for this parcel with the Planning Commission and Mr. Parmer requested a variance for the density, people presented the existing density counts for all the subdivisions around this area, and they wanted to know why Mr. Parmer could justify the increase in density. He noted what everyone seems to forget is that we have a zoning ordinance in effect, and why it was put into effect. He noted because there are areas that have high density where they should not have it and uncontrolled development in the Township and this is what leads to these conditions. He noted that the Township passed the zoning ordinance, so now someone wants a variance from the ordinance. He questioned if the Township was going to start tearing pages out of the ordinance and throw them away. He noted that they have doubled the density for this tract, and the Planning Commission suggested if it was a single-family development, many homes would have four or five vehicles per home, and questioned what the difference was if 150 units with one car per house were built. He noted that the arithmetic is wrong as there will be more than one car per house, noting that he is 71 and he owns two vehicles. He noted that the Planning Commission didn't seem to think that it mattered. He noted that he does not know of anyone in his neighborhood that has teenage kids that has four or five cars, maybe two at the maximum. He noted that the Planning Commission is going out of its way to justify things that they are granting to a developer, yet the little individual comes in with a small lot to subdivide and he has to put in curbing and sidewalks and tow the rope on everything. He noted that the part that irritates him the most is when you try to set a standard for the Township, and then you grant waivers, it creates substandard neighborhoods. Mr. Hornung questioned Mr. Schroff if he had any facts to back this up. Mr. Schroff noted that this is a variance for curbing and sidewalk. Mr. Hornung noted that Mr. Schroff made the accusation that it makes it substandard. Mr. Schroff noted if it is not following the zoning ordinance, and it is not by way of getting a variance, then it is substandard. He noted that he is not saying that they are building slums, but it is not the norm. He noted that comparing the senior living along Union Deposit Road to Amesbury that has curbing and sidewalks, Amesbury is much more pleasing to live in. He noted that this is what they want to put in for Pleasant Meadows, and he is saying that he wants curbs and sidewalks to make it look decent like Amesbury to get it closer to what the zoning ordinance is calling for, instead of granting waivers all the time, and allowing changes to make it substandard since it does not meet the standards of the zoning ordinance. He noted that this will happen if the Township continues to grant all these variances, and he questioned

when enough is enough, when will it stop. He noted that the Township is going back to the same way things happened before it had an ordinance and one of the reasons it was enacted was to control that. He noted that the ordinance was made to control the density, but a waiver was granted to increase the density and there is too much of this going on. He suggested that it is occurring all over the Township where its grants all the variances and no one seems to think why they created a zoning ordinance in the first place. He questioned when do we stop changing the ordinance and make this a Township we can be proud of, one that maintains the goal to keep the Township rural in nature. He noted by increasing the density we are certainly not keeping it rural. He noted that he is getting tired of this because every time he sees this occurring he has to go to a meeting to fight a waiver. He questioned why the Township cannot just put in standard developments. He noted that this is his biggest objection, asking when it will stop. He noted that you say that you can't make a developer do this or that, well he has worked in a development that had to go a mile and a half beyond its border to make changes at five intersections so it would meet the traffic patterns. He noted that it was an industrial development, and he would have to check to see what class township it was, but he knew that they spent hundreds of thousands of dollars per intersection. He noted that he did not know if this could be done here or not.

Mr. Hawk noted that Mr. Kerschner would go back to rework the plan and he thanked all those who were in attendance who expressed their opinions.

A question was asked how they would know when this plan would be on the agenda again. Mr. Wolfe noted that the agendas are posted weekly on the Township's website.

Mr. Herscher questioned if he would be able to view the plan. Mr. Wolfe noted that the plan is available for review in the Community Development office. He noted that it is too big to put on the website.

Presentation of the proposed development plan
for the Holy Name of Jesus Church

Mr. Wolfe explained that this is a presentation to show the development plan for the proposed Holy Name of Jesus (HNJ) Church prior to beginning the review process with the Board of Supervisors.

Mr. John DiSanto introduced Dave Lupold, the architect for the project. He noted that everyone is familiar with the HNJ site, and he noted that existing church is attached to the school with a little connector over to another wing of the school. He noted that Route 22 is located in the front of the school and the Harley Davidson dealer and Sheetz are located to the east of the plan. He explained that he proposes to build a new 1,400 seat sanctuary in the area behind the current church. He noted that he would provide some paving to the western side of the building, stormwater management to the west, explaining that the on-ramp to I-81 north is located in that area, and additional parking to the rear, with a day chapel to the rear side of the main sanctuary. He noted that work has been done to improve the traffic flow near the school for the bus and student drop off area. He noted that the buses will travel out the main access and exit the site from Blue Ribbon Avenue. He noted that the parking area will be reconfigured and improved in the area near the existing gymnasium.

Mr. DiSanto displayed an elevation of the church with a view of the inside of the sanctuary, and explained that the church was able to secure 38 stain glass windows from a church that was closed in Connecticut. He noted that it will be a very traditional church on the inside. He noted that there will be some parking lot improvements but none that border Route 22 as the church lot is a separate parcel. Mr. Seeds questioned if that is the area for the overflow parking for the gym. Mr. DiSanto answered yes, and explained that it will be used when large events occur at the church. Mr. Seeds questioned if anything on the plan would be torn down. Mr. DiSanto answered that an existing maintenance shed will be removed.

Mr. Seeds questioned what would happen to the existing church. Mr. DiSanto answered that would be Phase 2 of the project, and it will be retrofitted into large instruction classrooms or the library or music rooms. He noted that the church is a huge financial undertaking by the parish, and that the school project is on the three to five year plan. He noted that the existing church was constructed to be a gymnasium.

Mr. Hawk requested that Mr. DiSanto review the road that goes to the left. Mr. DiSanto noted that the new maintenance building will be relocated that another area. He explained that the buses currently drive through this area as part of the traffic pattern, and it has been a problem for student safety as they walk to the gymnasium. He noted that students are always walking along this road, but now there will be a green area that will be separated from traffic. He noted that it will become an access road to the maintenance building.

Mr. Dave Lupold explained that an existing building used to be an ice rink, and it will be converted to the new maintenance building. He noted when the new church is built the other buildings will remain, however, in the future when improvements are made to the school, theoretically, the sanctuary will become part of the school and they will be able to move some of the student functions from the modular units into the building and the modular units will go away. He noted that that area will be improved into a much nicer playground.

Mr. Seeds questioned if there are plans to expand the football field. Mr. DiSanto answered no, it will remain the same. Mr. Hornung questioned if there is a plan to increase the student population. Mr. DiSanto explained that the student population many years ago was as high as 900 students, but now it is stabilized at 450 students. Mr. Hornung questioned if there were plans to increase the student population. Mr. DiSanto answered that the new Bishop McDevitt High School is in the process of being built, and it has been suggested that it may stimulate additional students depending on economics, but he does not see it ever returning to the higher student population that once attended the school. Mr. Seeds questioned why the numbers decreased. Mr. DiSanto noted that the parish subsidized many of the students' tuitions and it could not continue to do that and once that stopped the students went away. Mr. Seeds noted that he was told that Central Dauphin School District's enrollment is down. Mr. DiSanto noted the Bishop McDevitt High School's enrollment has increased.

Mr. Hornung noted that he would like to see the population increase, as it provides for an awesome education. Mr. DiSanto noted that St. Margret Mary built a new church and Holy Name parish only lost ten families to that parish. He suggested that the parish population may increase a little.

Mr. Hornung questioned what the target date is for construction. Mr. DiSanto noted that the plan is scheduled to come before the Board at its September 21st meeting and the proposed start date is November 22nd. He noted that the parish has met the fund raising goals with the Diocese. Mr. Lupold noted that they are in the process of submitting for the final approval with the Diocesan Building Committee in October and the College of Consulters in November.

Mr. Seeds questioned what the status with the Bishop McDevitt High School project is. Mr. DiSanto answered the project will go to bid next month and he hopes to start ground work in January 2011.

Mr. Snyder explained that the Holy Name plan has been before the Planning Commission and has received its recommendation for approval. He noted that the plan received two variances from the Zoning Hearing Board, and the purpose of coming tonight was to introduce the plan to the Board members. Mr. Hawk questioned how many waivers are on the plan. Mr. DiSanto answered that there are no waivers and the plan is compliant. He noted that all the comments have been addressed that have been submitted with the packet. Mr. DiSanto noted that it is good for the community. Mr. Seeds noted that it is good for the economy. Mr. DiSanto explained that it is very good that this project hit its financial goals since it also parallels the Bishop McDevitt project. Mr. Hawk noted that the McDevitt plan received some very nice contributions. Mr. DiSanto noted that a couple of \$1 million donations add up.

Review of proposed changes to the Stormwater Management Ordinance

Mr. Wolfe noted that the Township is required to amend its Stormwater Management regulations to comply with the State mandate and HRG, Inc. has prepared amendments to the ordinance denoting the changes; he suggested that it would be good to have Mr. Fleming discuss those changes to the ordinance prior to advertising and taking the ordinance to a public hearing and action.

Mr. Fleming explained that the easiest way to summarize the changes to the ordinance is that it updates the current ordinance to be in line with the Department of Environmental Protection (DEP) model ordinance which is written to correspond with the MS4 and NPDS programs. He explained, late last year the Board approved a new Stormwater Management Ordinance (SWMO) which was written to reflect the model ordinance that they had in place at that time. He noted that DEP had revised that ordinance to make it easier for staff to enforce occurrences with relation to earth disturbance and to reference the State manuals and updated codes. He noted that it is an upgrade that is mandated by the State, and if the Board does not amend its ordinance there would be financial implications.

Mr. Fleming noted that the significant changes would be how stormwater management is calculated from the volume standpoint. He noted that DEP has provided the process on how they are looking to recharge volumes with relation to detention basin designs and technical way that

they are requiring developers to catch their stormwater. He noted that there are some significant changes with relation to those types of conditions that are being required.

Mr. Hornung questioned what effect it would have on development, such as mandating larger detention basins or different types of detention basins. Mr. Fleming answered that it is his understanding that the real world impact for the changes will not be significant, with it being more to do with methodology. He noted that the last ordinance required many calculations for recharge volume accounting for each one of those volumes in the design, but overall the detention basins that he has revised have not increased in size. He noted that the engineers were finding more creative ways to improve the efficiencies of the basins that they were designing while maintaining the same overall size. Mr. Hornung noted that there is an issue in the Township where people do earth moving irrelevant to construction, and then the neighbors have issues. He noted that they don't want the water coming on their property so they divert it around their property and it flows onto the neighbors and he questioned if this will help to stop that from occurring. Mr. Fleming answered that it will help to enforce that situation on a Township level. He noted that currently, DEP looks at stormwater and Conservation looks at erosion, and the Township looks at stormwater, but this ordinance helps to bring all those agencies together. He noted that ultimately the responsibility for a situation is the Township's, however the Township's permit and approval processes don't always require that plans be submitted for the earth moving activity. He noted that the process gets caught between two agencies outside of the permit requirements. He noted that the Township will now have requirements for this process, noting that it will spell out the smaller levels of earth moving and what is required of the property owner. He noted that this will help Mr. Robbins with his MS 4 program.

Mr. Fleming noted that the consistency in reviewing plans is premium. He noted that any time you have an opportunity to coordinate requirements it is an improvement for the developers. Mr. Hawk suggested that this will occur more at the State level. He explained that he attended a Department of Community and Economic Development (DCED) conference on land growth and future management and one of the things they constantly address is consistency. He noted that coordination is important.

Continued discussion regarding proposed Beaver Creek (BC) 1 stormsewer system

Mr. Robbins noted that he would like to discuss the BC- stormsewer improvements for Elmer and Elaine Avenues which is a mini-basin that the Sewer Authority is working in to replace all the sewers. He noted that one of the requirements is to reconstruct the roadway and stormsewer improvements need to be made. He noted that he spoke at one point about directing the water across Route 39, which is a State road, to the new Linglestown Road stormsewer project. He noted that this suggestion will not work, and he is trying to find an alternate solution to get the stormwater from the back of the properties along Elmer Avenue, around the Pinci property, to a pipe that crosses Linglestown Road. He explained that a pipe runs down Mr. Metka's property and terminates at the back of his property, directing the water into a swale that runs around the corner, under Pinci's driveway, and crosses under the culvert underneath Route 39. He noted that the property next to Mr. Metka's is Mr. Bayliff's, and both gentlemen are in attendance at the meeting. He explained that another pipe runs behind Mr. Bayliff's property that terminates into the swale. He noted that one of the problems that staff is faced with is that the swale has been altered by the Pinci's who have put various things into the swale that has affected the water flow. He explained that one proposal is to set a new inlet box at the corner of Mr. Metka's property, running new storm pipe across Mr. Matter's and Mr. Shades' property and discharging the water on the corner of the Pinci's property where it has always been discharged. He noted that nothing else would change. He noted that the water would meander in the same way that it has for years.

Mr. Robbins explained that he met with the Pinci's earlier last month and presented this plan to him and the discussion went very well, and when he spoke with them later that same week, Mrs. Pinci informed him that they did not want to cooperate with the plan and sign the easement. Mr. Hornung questioned if they stated why they did not want to cooperate. Mr. Robbins answered that they did not. He explained that he can't get the water across Linglestown Road without accessing the Pinci property. He noted that it is a very reasonable design from the Pinci's point of view as the water is no longer running on their property but across the Matter and Shade's properties in a pipe where it is discharged at the same point that it has always been discharged, but the Township needs the easement from the Pinci's. He noted that it amounts to two inlets, about 220 feet of pipe and cleaning out 200 feet of swale to get the water into the pipe. Mr. Hornung questioned what Mr. Robbins meant by cleaning the swale. He questioned if

Mr. Robbins would be moving earth. Mr. Robbins explained that he would be directing the water down to an inlet where the existing pipes are located. He noted that it is currently full of debris. Mr. Wolfe noted that it would be properly sloped.

Mr. Seeds questioned if more water would be placed on the Pinci site than there is currently. Mr. Wolfe answered no. Mr. Robbins noted that since the Sewer Department has tightened up the mini-basin, any clearwater that would be coming into that basin that used to be running into the sewer would be coming through the clearwater system, but no other stormwater is being added to this. He explained that a clearwater system was constructed in the mid 1995's in Elmer Avenue. Mr. Wolfe explained that where the pipes daylight now, the proposal is to take those pipes and extend them to the swale to prevent additional collection of stormwater. He noted that the problem is getting the water out of the low flat area into the suitable channel and then reconfiguring the channel to ensure it works. He noted that to do that the Township needs to condemn an easement. Mr. Seeds questioned if the Township already has the easements from the Madder's and Metka's. Mr. Robbins answered that he does not have them, but he has spoken to them, and they are present tonight and they have agreed to provide easement to the Township, but he hasn't done that yet since the Pinci's have not cooperated. He noted, instead of having two pipes that run behind the properties, he would combine the two drains into one pipe, and only one pipe would be running behind the properties. He noted that he does not want to pave the streets until he knows what the final solution will be, and this is the right time to fix the problem. He explained that the inlet box is at grade, and there is a pipe that runs into it, and when the clearwater system producing clearwater, it runs all the time. He noted that it is not an ideal situation, noting that the area in the backyards is very soggy.

Mr. Weaver noted that when he first designed the BC-1A mini-basin which included approximately 100 homes, he conducted a public meeting for the residents, and coordinated efforts with the Public Works Department. He noted during the meeting, many of the residents discussed that their backyards are flooded, and unable to be mowed. He noted that they requested that this problem be resolved, and he met with Mr. Robbins and Mr. Wampler, and designed this stormwater pipe to convey the stormwater from the street, but also to act as an underdrain for Madder's property. Mr. Weaver noted that he has the two easements, but he did not need one from Pinci's since the original survey information was incorrect. He explained that he directed

R.J. Fisher to redo the survey and the new results showed that the discharge is located on the Pinci's property.

Mr. Hawk noted if this plan moves ahead it will solve Mr. Metka's problem, however, Mr. Pinci does not want to sign an easement. Mr. Blain noted that Mr. Robbins is asking the Board to move ahead with condemnation of Mr. Pinci's property. Mr. Wolfe noted that he would place this plan on the agenda for September 21st Board meeting. Mr. Seeds questioned if Mr. Robbins is crossing the pipe across Linglestown Road further east near the pump station. Mr. Robbins answered that this project does not involve installing a pipe across Linglestown Road, just directing the water to the original cross pipe that it has flowed to for many years. Mr. Seeds noted, during a heavy rain, the water would flow across the surface of the road. Mr. Weaver questioned if the Pinci's indicated what their objection was. Mr. Robbins stated that Ms. Pinci's indicated that her husband did not wish to move forward, and provided no explanation. Mr. Fleming noted that they might come back with an alternate proposal, but overall they agreed with the plan in concept. Mr. Weaver noted that it would provide for a more effective movement of the water around their property. Mr. Fleming noted that they recognize that there is a maintenance responsibility that goes with the swale, but they have had trouble keeping up with it. He noted that he recommends the Township get the easement to maintain the conveyance of the water. Mr. Metka questioned if he was talking about the swale along Linglestown Road or the one behind his properties. Mr. Fleming answered both.

Mr. Metka explained that the Pinci's created a swale between the properties that is very well maintained, so that it keeps the water bundling through there. He noted that he does not agree with what they have done, because he was under the impression that that land was to be an alley. He noted that he has lived in his home for 21 years, and the back part of his yard contains springs that make it so wet that he can't cut the grass until June. He noted that he cuts grass that is a foot and a half high. He explained that it is nothing but mud in the back of his yard, and it is to the point that it has almost ruined the Madder's garden. He noted if you look at the drain that was installed between the two properties over 15 years ago, the problem was not fixed as water come out of the pipes and the Pinci's would not allow the Township to run the water to Linglestown Road at that time. He noted that someone purposely fills the swale trying to block the water, and it sits there for weeks after a rainfall. Mr. Madder noted that that drain is five feet of the line, and when the sewer personnel were out working, they had to pump water out of the

trench and had to remove the debris that Mr. Pinci has placed on top of the grate to allow the water to run through there. Mr. Robbins noted that he has no legal recourse to go in and do anything since there is no easement for that location. He noted that when the pipe was installed, the Pinci's wanted some of the swale material to be put in the existing swale that was built back in 1995. He noted that there is a 99% chance that it is wetlands now, but he told Mrs. Pinci that prior to any fill being placed on her property she would have to get permission from DCCD. He noted that Mrs. Pinci requested Mr. Robbins to set up a meeting with DCCD, so he called Mr. Steve Fry who stated that he was going to bring his wetlands person from DEP with him, but the meeting was canceled by the Pinci's.

Mr. Seeds noted that a normal easement requires a payment of a \$1. Mr. Stine noted that there is nothing in State law that requires that, that is just what the Township provides. He noted that some people are just willing to dedicate the easement. Mr. Seeds noted that he thought you had to provide some amount of money. Mr. Stine answered that there is a nominal consideration that you recite, but the consideration is typically that the person is granting the easement gets some benefit because of the work that is being done. Mr. Stine noted that the people are entitled to fair market value if that is what they want. Mr. Robbins questioned if an appraisal would need to be done. Mr. Stine answered yes. Mr. Seeds noted that it is a matter of negotiation. Mr. Stine answered no, with Pinci, it is condemnation, not negotiations; rather he would file the declaration of taking for the Township. He noted that he would have to get an appraisal; otherwise, the Township can pay just compensation. Mr. Hornung noted that it is similar to what was done in Linglestown. Mr. Weaver noted that this will be a topic of discussion for the next agenda meeting.

Mr. Seeds noted that once the Township is granted the easement, it has the right to enter the property and maintain the property for ever. Mr. Stine answered yes.

Mr. Hawk noted at this point the Pinci's do not want to move forward, Mr. Robbins does not know why, and he questioned if Mr. Robbins could find out why. Mr. Wolfe noted that the Pinci's never wanted to cooperate with the project. Mr. Metka noted that he was told that there was a pond in the area and the Pinci's bought the property from the Township. Mr. Wolfe noted that the Township did not own the property, but he agreed there was a pond. Mr. Metka noted if there is a pond, there is ground water coming up to feed the pond, and he did not know why you would want to build a home near a pond and he did not understand why you would build a

basement and then wonder why you get water in the basement. He noted that he did not know if they have legal proceedings against the Township or anyone else, and maybe that is why they won't grant an easement. He noted that the neighbors question why they won't provide the easement for the stormwater plan knowing that it will probably help rectify their water problem. Mr. Wolfe noted that the Township does not have the answer to that question.

Mr. Madder explained, for the project that was completed in 1995, he had a big green galvanized pipe coming out of his yard with a stream flowing every time it rained. He noted that if they were draining the fire hydrant at the other end of the block, he would have to call the Township to find out how long it would be since it was running through his yard. He noted that all the water flowed into his yard and stopped. He noted that he has an open drain at the bottom of his yard next to his fence and every time it rains it clears out the old water and puts new water into it and it just lays there. He noted that he has concerns when his grandchildren come around, with the heat and mosquitoes. He explained that last year he couldn't cut the grass at the bottom of his yard from his swimming pool to the fence, a situation he never experienced before.

Mr. Hawk noted in order to rectify the neighbors' concerns, the Township needs an easement. Mr. Robbins answered that is correct. Mr. Robbins noted that the pipe that runs between the Madder's and Metka's homes must be replaced.

Mr. Madder questioned what would happen if the Township does not complete the project. Mr. Robbins noted if he replaces the pipe only, nothing will change. Mr. Madder noted that the backyards will become swimming pools three times more than what they are now. Mr. Metka agreed noting that there will be more water in the yards and that it will not be able to go through the storm drain. Mr. Wolfe noted the solution is to authorize this to be an agenda item for the next Township business meeting. Mr. Hawk agreed. Mr. Metka noted that this is a health issue, especially since they have grandchildren living at his house. Mr. Madder noted that the corner of his property and the back of Mr. Metka's property is nothing more than a swamp.

Mr. Bailiff questioned how fast this could be completed. Mr. Robbins answered that he has a contractor that is ready to do the work but he can't move forward until the condemnation is filed. Mr. Seeds questioned who is paying for this. Mr. Robbins answered that the Township is paying for it at a price of \$46,000. Mr. Robbins noted that he has a change order from Rogele to do the work. He noted that they will take the work to the road. Mr. Weaver noted that as part of

his contract he will be installing the pipe behind the residents' properties, but once it gets to the discharge or the swale, then Mr. Robbins will take over responsibility of the project.

Mr. Hawk noted if the Township gets the easement, then where do we go from here. Mr. Robbins noted once the easement is obtained, he would authorize Rogele to do the construction, and clean the swale in the fall to allow the water to get to the crossover pipe in Linglestown Road. Mr. Blain noted that it would make sense to go for condemnation to make it happen. Mr. Metka questioned if Mr. Pinci would have a legal right to stop the condemnation. Mr. Stine explained that once he files a declaration of taking, Mr. Pinci has 30 days to file preliminary objections, based upon whether or not the Township has the authority to take the property. He noted that this is a public need situation because it is a stormwater issue which is one of the items the Township is responsible for. He noted that Mr. Pinci chances of prevailing on preliminary objections are slim to none, but can it take some time to go through the process. Mr. Metka noted that it would be Mr. Pinci's money to spend to do this. Mr. Stine noted that the preliminary objections would be filed with the Court of Common Pleas, and they would have to be briefed and argued, and Mr. Pinci would have to hire someone to do that for him. Mr. Metka noted that it could take a couple of months to have a hearing. Mr. Robbins noted that he would have to bid out another contract to do this work if that was the case. Mr. Bailiff noted that he would not want the water to run down into the hole, flooding his yard.

Discussion regarding proposed sanitary sewer improvements between Fox and Catherine Streets in regard to stream channel and buffer issues

Mr. Weaver explained that he would like to show a power point presentation of the next five year priority projects under the group one mini-basins that are under the consent decree order with DEP for Paxton Creek (PC)-2C and PC-2D, the last group for this project. He noted that the PC-2D project was already started and this has been completed as part of the Village of Linglestown Road construction project. He noted that there is \$1.5 million remaining to complete the work in PC-2D, and for PC-2C there is \$3.3 million worth of work to complete. He noted that both are designed and ready to be bid in the next few months. He noted that the first phase is to conduct a public meeting and before he conducts that meeting, there are some design issues that he would like to review with the Board members, noting that most of the issues are found in the PC-2C mini-basin.

Mr. Weaver noted that the green area on the map is the PVC area, where the I&I crew conducted air testing. He noted since there was such a high pass rate, he presented to DEP at the annual meeting, that even though they only did selective air testing and did not meter the entire mini basin, not to replace or air test all the building sewers in this PVC area. He noted that the PVC area is complete, and he is now working on the APC area, that includes 200 homes at an estimated cost of \$3.3 million to complete. Mr. Weaver noted that these homes were built around 1972. Mr. Seeds noted that the area that Mr. Wolfe lives in is not that old. Mr. Wolfe noted that it is more like 20 to 25 years old.

Mr. Weaver explained staff does the deed research and Mr. Stine prepares the deeds. He noted, at that time, he will conduct a public meeting to go over the easements and the building sewer construction. He noted that there are 60 easements for the main sewer construction, and that is a large number. He noted that there are some wetlands that will require an US Army Corps of Engineers permit, and there could be possible public opposition at the public meeting due to the removal of trees in the area. He noted that is the main issue for discussing this project with the Board members. He noted that changes were made to the sewer design as a result of illegal fill and construction over the sewer line.

Mr. Weaver noted that the dark areas are the area of easements for the 60 properties. He noted that Mr. Wampler moved the sewer line to save some of the trees in the wetlands. Mr. Wampler noted that the old sewer was constructed along the stream, and it also crosses the stream in a few locations. He noted from previous experience of working in the wetlands, the US Army Corps and DEP does not like to have trees removed that are in the wetlands. He noted that the rest of the wetlands are what is called emerging wetlands, containing lower lying plants. He noted that there are many scrubby trees that protect the stream, keeping it shady and the right-of-way is located close to all those trees. He noted by moving the sewer further north, into a more cleared area, he can save some stream crossings, and a lot of the trees along the stream.

Mr. Weaver displayed a picture of the wetlands, and noted when the Board members traveled Catherine Street on Road Tour, they may have noticed this area north of Catherine Street that crosses over to Ranger Road from Mountain Road. He noted that his concern is that the residents will have a problem with the Township digging through the wetlands, and if you consider lining the project, there is a manhole in the middle and there are access issues. He questioned if it would be a good idea to line pipe in a wetland since you know it is wet. He noted

that the liner has some space that does not have a chemical bond, so it could leak. He suggested that you would not get your money's worth for this lining. He noted that Mr. Wampler explained that the Township has had experience with this in other areas, where when you cut through the wetlands; it is surprising how fast they re-vegetate. Mr. Wampler explained that you would have to remove two to three feet of material, put it off to the side, and place that same material back where it came from. Mr. Seeds noted that you need a permit from the US Army Corps of Engineers to do this. He questioned if it could take years. Mr. Weaver explained that they have a procedure that requires the Township to get a permit and a bond. He noted that the Township has a good relationship with U. S. Army Corp of Engineers, and Mr. Wampler has a good contact with them. He suggested that he was told that he may not even need one.

Mr. Weaver noted that the main issue is with the trees and the people who live behind Fox Street. He noted that there is a resident who lives in the area that works for CET and they have some concerns about replacing trees, and they would like to have a meeting with the Township. Mr. Seeds suggested getting the Shade Tree Commission involved. Mr. Weaver noted that he has met with Dr. Lacasse and John Whaley, and they will design a landscape plan for the replacement of the trees.

Mr. Wolfe noted that there is roughly 30 feet between the homes for two developments, and if the area is cleared out, people who are used to a private backyard will now be looking into the backyard of three or four other homes. He noted that the neighbors are very much concerned about losing the trees. Mr. Seeds suggested that people probably bought those homes because they like the trees in the backyard.

Mr. Weaver noted that he will conduct a public meeting and there will be opposition during that meeting. He noted to line the manhole you would have to take down the trees to get access to the manhole, and lining is not a 50-year fix like replacement. He explained that he is mindful of the people's concerns and that is why he planned to have the Shade Tree Commission design a landscape plan that the contractor could install after the project.

Mr. Weaver noted that you can see the change of elevation from one manhole to the next, with ten foot of fill that was added to the property. He noted that the manhole used to be 7 or 8 feet, but now it is 18 feet deep. He noted that this is an issue that the Township needs to address throughout the Township. He noted that another person installed a pool over the sewer line. He suggested that these situations could be corrected internally between the Community

Development, Sewer, and Public Works Department. He noted if the three departments do not start to work together, there will be more problems. He noted, when someone applies for a building permit, they could provide the plot plan to CET, who could overlay the sewer line, and then the Township would know not to permit a pool to be built in that location. He noted that Mr. Wampler has to realign the sewer lines that are located in the tree area.

Mr. Weaver noted that there is an area where he has to line the pipe that is under a fence and another area where the house is up against the sewer. He noted in those cases, he does not have any choice other than to line. He noted that it makes it very hard to explain this to people at the public meeting that some areas must be lined while it is not economical to line in other areas.

Mr. Weaver noted that other issues for this design are located on Mountainview Road, where United Water PA installed their water line over the sewer line. He noted that Mr. Wampler redesigned the sewer in that location since they built the water line over it. He noted that other than that, the issues with the public will be the easements and the trees. Mr. Horning questioned if you had to rip up the waterline, would we have to pay to put it back in. Mr. Weaver answered that there is a code of conduct that a water line should be installed five feet away. Mr. Wampler stated that he tried to keep it at least ten feet away. He explained if you request a highway occupancy permit from PENNDOT you have to go through all these hoops, but with the Township there is no permitting program, and he and staff are working on developing some control when outside utilities dig and install their lines.

Mr. Weaver explained that due to the proximity of the school, it was decided to have the meeting at that location as they are expecting around 150 people.

Mr. Hornung questioned how many complaints Mr. Weaver receives a day. Mr. Weaver answered that it is four to five complaints a day. He noted for the most part the public has been very understanding and patient. He noted that every once in a while you come across a group that does not want any disturbance to their area. Mr. Hornung noted that you can tell them that they can pay to do the repairs or let the Authority do it. Mr. Wolfe noted that Mr. Weaver and the engineers from CET have had at least ten of these meetings, completed the mini-basins projects, obtained over a thousand easements, and very rarely does a complaint come to the Board. Mr. Weaver noted that he has five inspectors overseeing the jobs and he requested them to track the complaints. He noted for the PC-4B/6C project they have received up to 65 complaints this year.

He noted whenever you work on private property, people are really particular with what you doing on their property.

“Otta Know” Presentation: Actions required by FEMA in regard
to a new Floodplain Management Ordinance

Mr. Wolfe noted that the Board reviewed the 60 plus page stormwater management ordinance earlier in the meeting that the Township needs to adopt to be in compliance with the new regulations. He noted that Federal Emergency Management Association (FEMA) has adopted new floodplain maps and new sample radiance must also be adopted. He noted that this must be done within six months. He explained that the floodplain maps will change slightly and it could require a zoning and map amendment.

Mr. Seeds questioned what the Township has done as far as the public is concerned. Mr. Wolfe noted that he put an article in the Township Newsletter instructing residents to come to the office to review the maps, and FEMA has advertised the availability of the maps in The Patriot-News. Mr. Hornung questioned if this is FEMA’s attempt to try to reduce their liability. Mr. Wolfe answered that it is FEMA’s attempt to provide a more accurate floodplain map, as opposed to the haphazard way that it was done 30 years ago. He noted that the maps are more accurate and it is a good thing. Mr. Seeds noted if the Township does not make the changes, individuals may not be able to get flood insurance.

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Crissman seconded the motion, and the meeting adjourned at 8:55 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by;

Gary A. Crissman
Township Secretary