

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held May 8, 2012

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:02 p.m. by Vice-Chairman William C. Seeds, Sr., on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

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

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Brian Luetchford, Parks and Recreations Director; Robert MacIntyre and James Seidler, Parks and Recreation Committee; Stephen Fleming and Eric Stump, HRG, Inc., and Watson Fisher and Ted Robinson, SWAN.

Pledge of Allegiance

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

Public Comment

Ted Robertson, 4351 Crestview Drive noted that he was made aware this past week that he might be getting another group home in the Crest area, and he questioned if it is a permitted use in a residential area. He questioned what has to happen for the operator of the home to operate it as a group home, and if they need to go through the Zoning Hearing Board or before the Board of Supervisors to gain permission to do so. Mr. Wolfe answered, by law, residential care of individuals with disabilities has to be treated like a family unit and cannot be restricted in any way. He noted if a family unit is a permitted use as opposed to a conditional use, then a group home has to be treated the same way. Mr. Stine noted that information is accurate.

Mr. Robertson questioned if there is any room for public comment in this regard. Mr. Stine answered no. He noted if you don't allow group homes then the U. S. Attorney General will file a suit against you.

Mr. Robertson questioned if the residents can be made aware of the fact that a group home is moving into the area and who the residents are going to be. Mr. Wolfe answered that

the Township is not notified, so in most situations, the operator purchases the structure and occupies it as a residential unit. He noted the only thing that staff might find out, in some instances, if they do minor repairs they may obtain a building permit and then the Township finds out. He noted that typically, the Township is not made aware of it ahead of time.

Mr. Robertson questioned if the Township knows who the people are or how they are selected. Mr. Wolfe noted that the reality transaction is just like a house; we do not know who is buying homes in the Township. He noted that we have to treat the occupants of that structure the same as you would a family for people with developmental abilities. Mr. Stine noted that it is not like they are operating a half-way house. Mr. Robertson questioned if they could be alcohol or drug related rehab housing. Mr. Stine answered that drug and alcohol related rehab housing would not qualify for a group home. He noted that they are normally mentally retarded or have certain developmental disabilities, but drug and alcohol would not qualify.

Mr. Robertson questioned if there is any recourse for the residents if they have opposition. Mr. Stine answered no.

Mr. Crissman questioned if they are paying to live in the home does it make a difference as opposed to a resident who may take a border and receive compensation. Mr. Wolfe answered that if it is a licensed group home facility then they are exempt from the Township's ordinance requirements on rental and non-related individuals residing together.

Mr. MacIntyre noted that they are subject to State regulations and State inspections.

Mr. Crissman questioned if it would be similar to him allowing a border to live in his home for a year. Mr. MacIntyre answered that you can't do that. Mr. Crissman questioned why. Mr. MacIntyre noted that you would be running a boarding home. He noted that this is a family situation. He explained that he was on the Board of Directors of New Directions for Progress that dealt with residences in Dauphin County for people with developmental resources. He noted that it is covered by federal regulations.

Mr. Wolfe noted that he lived in Meadowbrook and found that the occupants living in a dwelling down the street were part of a group home and he noticed no difference from anyone else in the neighborhood to include on-street parking.

Mr. Robertson noted that there are two homes within blocks of his home that are group homes.

Meeting with the Parks and Recreation Board to discuss issues of mutual concern

Mr. Wolfe explained it was decided to meet with the Park and Recreation Board (PRB) as a result of the rushed workshop meeting that was held last month that needed a quick response to a situation. He explained that he invited the members of the PRB to attend this meeting and they are present to discuss certain items with the Board members.

Mr. Robert MacIntyre noted that there are three items the PRB would like to address with the Board of Supervisors. He noted that the one thing to keep in mind is that the PRB is here to help the Board of Supervisors. He noted that the PRB is not in a position to criticize the Board; rather we are trying to help the Board as much as possible.

Mr. MacIntyre noted that he understands that financial situations are tuff throughout the Township and the PRB is cognizant of that in trying to work the PRB magic which is letting staff do what they do and supporting them in their work. He explained that he wanted to go over the PRB Action plan to provide the Board with an update of what it is working on.

Mr. Luetchford explained the PRB Action Plan is a new document, noting that it is in draft form at this time. He explained that it lists what the PRB wants to tackle over a period of time, and they have only listed what they want to address this year. He noted that there is planning that the PRB would like to do in regards to the recently approve Park and Recreation Comprehensive Plan.

Mr. Luetchford noted that they would like to look at various projects that could be undertaken for this year and would like to share those ideas with the Board to determine if there are any objections to any of those items or if anything needs to be added or subtracted. Mr. Crissman questioned if the PRB is in the process of prioritizing the list of items. Mr. MacIntyre noted that the PRB has completed most of the items on the list. Mr. Crissman questioned if they are in priority order. Mr. MacIntyre suggested that the fact that they are all done gave them a high priority for the list. He noted that the review of the Greenway Plan was an example of looking at what the Greenway Committee plans to so and the same is for the Arts Council. He noted that Mr. Luetchford's staff prepared the 2011 Annual Report.

Mr. MacIntyre noted that other items to be addressed are the continuing tasks, such as the operations of the Friendship Center. He noted that the Friendship Center Operating Board takes

care of that. He noted that the maintenance in the parks is an ongoing issue, noting that there was very little vandalism this past winter.

Mr. MacIntyre explained that the PRB is looking for a way to come up with a non-profit foundation to prevent all the groups from soliciting funds from the local organizations. He noted that it would provide an opportunity to deposit the funds in the Parks and Recreation Department Account and they would allocate the funds to the different groups. He noted that it would take the heat off the local business owners who have been very generous. Mr. Crissman noted that this would have an impact on the other boards and he applauds the effort as it will be a major undertaking.

Mr. MacIntyre noted that the PRB has already taken the tours of the parks and they are moving their monthly meetings to the parks to see input from the people at the parks. He noted that they had planned to do this with the May meeting but the weather did not cooperate and there were other issues as well. Mr. Seeds stated that he thought the PRB meets at the parks on a yearly basis. Mr. MacIntyre noted that the PRB has gotten away from that but he thinks that it is important to start it up again.

Mr. MacIntyre noted that the second issue that he would like to address is the DCNR Planning Grant. He noted that it is a matching grant that would require \$40,000 from the Township for a park study. He noted that the study would have to be completed by July 1, 2013 and it would take a year to complete. He noted that the PRB needs to know what the Board is planning for the Wolfersberger Park. He explained that the sooner the PRB knows this the sooner it can return the funds if they will not be used. Mr. Crissman noted that he would not want to lose \$40,000. Mr. MacIntyre stated that the PRB would not like that either. He noted that it is not just a developmental plan for the Wolfersberger Park, but also a study of Koons Park to see how it could be better utilized. He noted that we need to alleviate the overuse of Koons Park.

Mr. Luetchford explained that the grant was applied for a couple of years ago, a \$40,000 matching grant to plan Wolfersberger and re-plan Koons Park. He noted that Koons Park was built in the late 1950's and early 1960's and there is no buffer between the residences, resulting in baseballs being hit into the streets or at neighboring homes. He noted that it is heavily used and there are not enough parking spaces. He explained that the two parks are within a mile of

each other and the thought is in planning Wolfersberger it should be done in conjunction with reviewing how Koons Park is being used.

Mr. Seeds noted that there is a problem with Koons Park in the summer months in that baseball and softball are heavily played on those fields with inadequate parking. He noted that Mrs. Carl, who passed away a few years ago, owned land adjacent to the park and he thought that it would have been good to purchase her land for parking. He noted that the home was torn down, and suggested that the PRB should take a look at that in the event some funds would become available.

Mr. Crissman noted that the funds from the grant could not be used for that purpose.

Mr. MacIntyre noted that once the study is completed, it would put the PRB in a position to look at the purchase of additional land for parking. He noted if the Township returns the grant funds, the money would be lost and the PRB could try to develop the park but he is not sure staff and the PRB has the expertise and time to do this. He noted that there are also volleyball courts and the pool is located at Koons Park. He noted that there is a lot that goes on in Koons Park, and in August the football season starts.

Mr. MacIntyre explained that the PRB is asking the Board to consider funding the \$40,000 for the DCNR Grant. Mr. Crissman noted that a decision must be made quickly since the completion date is July 1, 2013. Mr. Luetchford suggested that a study would take approximately one year to do. Mr. MacIntyre stated that the PRB is up against a wall to get this done.

Mr. Seeds noted that the Board had \$80,000 in last year's Park and Recreation Board budget for the study that was not spent. He questioned if the \$40,000 would be for the study and if it was included in the 2012 budget. Mr. Wolfe answered no.

Mr. Luetchford explained that the study would include a concept plan of all 90 acres of Wolfersberger and 33 acres of Koons to determine if some baseball fields should be moved from one park to another and what room there is for adding fields for the 33 adult sports organization. He noted that the Dog Park people are looking for additional land. Mr. Seeds noted that we went through part of this process years ago. Mr. MacIntyre explained that we did that with the development of George Park. Mr. Seeds questioned if there was a public meeting to discuss Wolfersberger Park development. Mr. MacIntyre noted that the PRB had one meeting where we

talked about the acquisition of the property and the biggest question that people had was if there would be a buffer between the parkland and their properties. He noted that they had a concern that there would be no areas for the deer population.

Mr. Blain noted that he is hesitant to approve a \$40,000 match of money to do a study for the Wolfersberger Tract because numerous items remain to be completed at George Park. He noted that the playing fields need to be completed and basketball and tennis courts are planned for the park. He noted that we have not put the money into the park because we don't have enough funds to do it. He stated that he has a concern of putting \$40,000 towards a study and then have the PRB take the time to determine what it should look like only to find out that nothing will happen since we don't have the funds to develop it. He noted that he would not want to waste the PRB time if the Board has not determined what it wants to do with that land due to budget constraints.

Mr. MacIntyre noted that he fully agrees with what Mr. Blain is saying but his obligation is to inform the Board that the funding is available and we will lose it if we don't act on it soon. Mr. Blain noted that the Board members would like to have another park, especially since it is very crowded at Koons Park. He noted that we all want more parkland but he would hate to throw \$40,000 into a study to have the PRB do a lot of work and nothing happens because we are in a budget crunch. He noted that he has a concern of developing a new park when George Park has not been finished.

Mr. Blain questioned how much it would cost to complete George Park. Mr. Luetchford answered for two basketball courts, tennis and volleyball court, the baseball fields, walking trails around the park, and building another hockey rink would be close to \$500,000. Mr. Blain noted that he would rather put the \$40,000 to George Park to put in a basketball court.

Mr. Hornung questioned if the grant funds could be used for George Park. Mr. MacIntyre explained that it is a development grant, a planning grant to see what we can do. He suggested if a determination is made for Wolfersberger Park that the Authority would be dumping topsoil at that location then it would be good to plan for future fields and some dirt could be pushed around at a minimum cost to the Township that could allow for the building of a baseball field at a minimal price. He suggested that a football field could be moved to that location and it would open up areas at Koons Park. He noted that we need to talk to everyone

about this, especially the people in the neighborhood. He noted that the plan may not be developed right away, but we would have ideas of what could be done and it could be developed slowly.

Mr. Crissman questioned if the grant money is restricted to layout and design. Mr. MacIntyre answered yes, but he stated that he was looking at additional sources of funds for moving dirt. Mr. Seidler noted that there has been discussion of dumping excess dirt from the sewer projects into this site. Mr. Blain noted that you would be making open areas but it may not be decided what will operate in what areas. He suggested that it would be good to work with HRG, CET, and the sewer authority to determine if it is wise to use the waste products from their projects to level out areas. Mr. Seidler noted if we had a plan in place, these are the kinds of things that we could do to save costs. He noted that it is all a guess at this time.

Mr. Crissman questioned if permission was given for the matching grant, how the PRB would feel if they did all the planning and nothing is done. He noted that you might be disappointed and questioned what you would think if this occurs. Mr. MacIntyre noted that the PRB fully understands that money is a major problem for government with the economy the way it is. He noted that although we won't be able to do things now, maybe five years or ten years out we may be able to do it with a plan that is ready to go. He noted if we wanted to put in a field it would take two to three years for it to be usable. He noted that the PRB might find out from talking to the people that they want larger walking trails. He noted that it would mean opening up an area and adding parking. He noted that he does not see that a fully operating park will be opened by a certain date.

Mr. Hornung suggested that the major issue with the Wolfersberger Tract is not the housing but the condition of Wenrich Street. He questioned what would you do about that. He questioned if that would have to be fixed before developing the park. Mr. MacIntyre answered if you fix the street first; you limit what you can do in the park for your access. He noted if you have a park plan completed then you can move the entrances to a location where it is not at the crest of a hill or the bottom of the hill.

Mr. Seeds noted that the Township was looking at \$500,000 to fix Wenrich Street since the road would have to be widened. Mr. Blain noted that the big issue is the over-vertical on the one hill and the cost to remove it. He suggested that was the big dollar cost. He questioned if

upgrades to the parkland would subject people to greater risks for travel on Wenrich Street. Mr. MacIntyre noted, when you get to the point of developing the property as part of the planning process it should determine a cost to fix Wenrich Street.

Mr. Hornung questioned if that land could be swapped for other land in the Township that is in an area where a park is more needed, such as the southern end of the Township. He questioned if the Board has made a decision on that. He noted that he would like to see that decision made by the PRB first to determine where you want the next park. He noted that he was not sure if it could be done. Mr. MacIntyre noted that Mr. Stine would have to determine what the considerations for the deed are. He noted that a park placed on that property has to have a certain name, so he questioned if they had to build a park in that location or could it be sold and other areas developed. Mr. Hornung noted that the Board could talk to Mr. Spangler and ask if a park could be created in the southern end of the Township and name it Wolfersberger Park. He suggested that Mr. Spangler would say yes. He questioned if the PRB should spend \$80,000 to find out that we are doing something different. He noted once those decisions are made, he would feel more comfortable spending the money on the design. He noted that the first cost would be to fix Wenrich Street and having a \$500,000 cost upfront before doing anything is some what of a deterrent for the Wolfersberger Tract. Mr. MacIntyre noted that the issue would be the continued use of the current access to the land. He noted that the design would be made before the park is utilized and he suggested that it will occur years down the road. He suggested that it might be good to move the access to the park at the bottom of the gully to eliminate the problem. He explained that there are wetland issues, and every time we ask a question it brings up a number of other ones, and the PRB sits around and asks the same questions. He noted if a professional was charged with the design they will be the ones getting the answers to the questions. He noted that he wanted to bring this concern to the Board for their consideration.

Mr. Crissman noted that the PRB is looking for direction from the Board. Mr. MacIntyre noted that the Board knows the money situation far better than the PRB does and also the prospect for the availability of more money. He noted that the Board has a better sense of the long range plans that the PRB does and he wanted to bring this concern to the Board; noting that the PRB would like to move on this, but if it can't do it, it is understandable.

Mr. Seeds noted that we need to finish George Park and it would be premature to move on this unless the economy picks up faster than predicted as there will be no money for any development in the next few years.

Mr. MacIntyre questioned if there is a pressing need to finish George Park. He questioned if it is killing us that we don't have basketball and tennis courts. He questioned if the people are upset because there is no place to play tennis or volleyball.

Mr. Blain noted that Mr. Macintyre makes a good point as he always thought that it might be better for George Park to have open space for soccer and baseball fields and not macadam basketball and tennis courts. He noted that the Board must figure out what it wants to do as there are money issues. He noted that it could be decided to make George Park an open space park for open fields for soccer and baseball, lacrosse and field hockey with the PRB in agreement. He noted that part of the \$500,000 that was to be used for George Park could be spent for the park study. Mr. MacIntyre noted that we have always talked about the need for open spaces. He noted what happens if CASA decides to put fences around the soccer fields they are building, it defeats the whole idea of having an open area that can be used for other things. Mr. Blain noted that will not happen. Mr. Crissman noted that it was made very clear that the fields are for all residents.

Mr. MacIntyre noted that the public might want more open green space and maybe the development of the Wolfersberger will consist of putting up some big green pitches which can be used for kids to play flag football or other things and walking trails. He noted that there may be a large demand for another dog park. He noted that we don't know any of this stuff, but all of these things are significantly less expensive to develop than a new regional park. He noted that the PRB should be driven by what the people are saying. He noted that the concept may change if at some point the property north of Wolfersberger is able to be developed with 250 houses. He noted that he is looking at what we can do with the land. He suggested that the \$40,000 the PRB is asking for provides \$80,000 to come up with ideas. He noted that it would provide a cost to accomplish the goals of the study and it can be downsized if the money is not available.

Mr. Seeds questioned if some of the \$40,000 could be used to determine how George Park should be finished. Mr. Crissman answered that the grant can only be used for Wolfersberger Park and Koons Park. Mr. Seeds questioned if we need to finish George Park. Mr. MacIntyre answered that it depends on what you want. He noted when a young girls gets married

she has a beautiful white dress, but how much lace and pearls that are put on the dress are determined by the cost. He explained that the dress can be great just plain; noting that it depends on what the demand is. He suggested that the demand now is for open space and parking. Mr. Blain noted that he does not see people clamoring for more basketball and tennis courts. He noted that the hockey rink is being used but it is not like there are full fledged games going on or that people are waiting around to use it. He suggested that we should spend the money to upgrade the turf at George Park, not to the extent that CASA is doing as they are installing professional soccer-type grass, but spend money to upgrade the turf conditions on the areas around the hockey rink and the lower areas. He noted that it would provide for nice open areas and then divert those funds to future development in Wolfersberger Park.

Mr. MacIntyre noted that you don't need a soccer field to practice on, you need green areas. He noted that we are getting by without the tennis and basketball courts. Mr. Blain suggested that we need to invest more funds at George Park at this time in upgrading the turf, especially the lower fields that have poor drainage.

Mr. Seeds noted that he would like a recommendation from the PRB on what we should do. He questioned if we should complete the plan for George Park that was developed years ago or do something different.

Mr. Hornung noted, if we spend the \$80,000, the study will tell you that. He explained that you can't study the park needs for the Township without looking at the impact to the other parks. Mr. MacIntyre noted that you will look at the community. He questioned if should we consider that is all we want to do at George Park, noting that ideally, we would like to put in all the other stuff, however, there is no money to do it at this time. He noted that the PRB wants the Supervisors to be good stewards of our money.

Mr. Hornung questioned Mr. Luetchford if he was given \$1 million what would he spend it on. Mr. Luetchford answered that he would have a good idea as this is discussed regularly at the PRB meetings. He explained that he knows what the demands are and where the busiest places are. He explained that Koons Park is a heavily used place that needs parking badly. He noted that the dog park is the most heavily used facility. He noted that the basketball league has over 1,000 players in it. He noted that the macadam volleyball league is heading south, but sand volleyball is huge. He noted that you can see the trends, such as the alternative sports like rock

climbing. Mr. Hornung questioned if we need to spend \$80,000 to find out what we need or could we find it out in other ways. Mr. Blain questioned if we could figure out what to do without the DCNR grant, and having to match it with \$40,000. Mr. Luetchford noted that George Park was designed by the PRB by meeting with the public and checking things out. He noted that it is not that you can't do it, but you might not be as fully informed. He suggested doing two parks at one time would be much more difficult and that is the plus for going with a consultant. He noted that we don't have to do it or are required to do it. He noted that DCNR does have the money, and if you do a planning grant with them, you tend to get more grants to develop the park later on. He questioned whether DCNR will have future funds for these kinds of things. He suggested that they may not; however, they might have funds a few years from now. He suggested if we return the grant funds, they will have the opinion that the Township did not follow through with its commitment for the park study.

Mr. Hornung questioned if the Township could get gaming funds for this project. Mr. Wolfe suggested that you could get gaming funds for anything depending on who is doling it out.

Mr. Seeds noted that Mr. Luetchford mentioned the 1,000 participants in the basketball league, but he questioned what percentage of those players are from outside of the Township. Mr. Luetchford suggested that it is around 25%. Mr. Seeds noted that we are providing recreation facilities for a wide area. Mr. MacIntyre noted that those basketball players pay a steeper price to play.

Mr. Blain noted that we have been discussing this for 50 minutes and have numerous other items on the agenda. He questioned if the Board could further discuss this issue on the \$40,000 grant and then get back to the PRB. Mr. Crissman questioned if we do not accept the grant and return it, DCNR would be less likely to offer the Township implementation dollars later on. Mr. Luetchford noted that he was told that by their staff.

Mr. Hornung questioned if there is money in the budget to pay for the \$40,000. Mr. Wolfe answered that it was not budgeted in 2012. Mr. Hornung questioned where we would get the funds if we decide to move ahead with the grant. Mr. Wolfe noted that it would have to be taken from the fund balance. Mr. Blain questioned if we budgeted anything for improvements to George Park. Mr. Luetchford answered roughly \$10,000 to do the infields for both ball fields. Mr. Blain questioned Mr. Luetchford if that will happen. Mr. Luetchford noted that staff is

prepared to do it, but the Paxtonia and Paxtang Athletic Association must come up with the manpower. Mr. Blain noted that he sits on the Paxtonia's Board and he did not think they are in a position to do that. He suggested that Paxtang might be in the same position because Glenn Knapp sits on the Board and works for Paxtang.

Mr. Hornung questioned where the Board could come up with \$30,000 for this grant. Mr. Wolfe noted that you could take it from the fund balance. He noted that it is too early in the fiscal year for most line items to make any judgments. Mr. Hornung questioned if the income is coming in at the rate that we thought it would be. Mr. Wolfe explained that we are doing better than we thought we would be doing, noting that we are 19% ahead of last year at this time. He noted that part of that is due to the tax increase.

Mr. Hornung noted that he is in favor of matching the grant. Mr. Crissman noted that he is in favor of doing it as well. Mr. Blain noted that he is okay with moving forward, since we are not doing the infields and some long-term stuff to George Park. He suggested that we have made a decision to keep George Park open and not move forward with any physical improvements to the park other than turf improvements. Mr. Crissman noted that it was good that members from the PRB heard the Board comments and concerns, and he knows that they will take those comments into considerations in moving forward. He noted that he was glad that the PRB came to exchange their concerns. Mr. MacIntyre agreed.

Mr. Seeds noted that everyone is supportive of approving the \$40,000 budget expenditure. Mr. Crissman questioned if any action needs to be taken. Mr. Wolfe answered that the next action the Board would take is to retain the consultant to do the study. He noted that Mr. Luetchford would prepare a Request For Proposal and the PRB would shepherd the process and make a recommendation to the Board. He suggested that it would take about three months to do this. Mr. Hornung noted that he would like to see the proposal before it goes out.

Mr. MacIntyre noted that the last thing that he has is a nit picking item. He noted at times, the PRB feels that people go around them to get to the Board to get something done quickly. He noted that he understands that, but part of the PRB job is to take some of the weight off of the Board and he asked if people are coming to the Board and doing things, to continue to ask if it has been run past the PRB. He noted that every now and then we see things going by and question how did we get into this mess or we didn't know anything about it. He noted that

the PRB asked the Board to be cognizant of that and to send things to the PRB to provide an answer. Mr. Crissman noted that the Board hears that loud and clear and it appreciates all the work that the PRB does. He noted when people try to bypass the PRB; the Board asks if they discussed it with the PRB. He noted that he would like to set times for both Boards to meet jointly, and it would preclude people from going around the PRB. He suggested that the Board may have made mistakes in the past but it won't do it again. Mr. MacIntyre noted that the PRB has made mistakes in holding on to things that should get to the Board faster. Mr. Crissman noted that the Board values the PRB and all that they do. Mr. MacIntyre noted that the Board Members do jobs that he can't imagine why anyone would want to do it. He noted that the PRB appreciates the support that the Board has given them over the years.

Presentation of concept plans for improvements to the intersection of
Devonshire Heights and Nyes Road

Mr. Steve Fleming explained that he and Eric Stump are present to review the study that was prepared for the intersection of Devonshire Heights and Nyes Roads. He noted that the Board tasked HRG to complete a study for the intersection with proposed improvements that focused on the safety of the intersection. He noted that staff prepared a study and he has the results to present to the Board members. He noted that he and Mr. Wolfe recently attended a meeting at PENNDOT District 8 regarding the proposals. He noted that Mr. Stump will explain the study and the results of the meeting.

Mr. Eric Stump explained that the intersection has two driveways that enter out at the intersection. He noted that it is a fairly wide open area resulting in conflicts with left turns compounded by the geometry of Nyes Road and the substandard site distance at the location.

Mr. Wolfe requested Mr. Stump to explain further the sight distance issues for the intersection. Mr. Stump noted that south of the intersection there is an over-vertical curve that limits sight distance for vehicles. He noted that there is also a sight distance issue for vehicles on Devonshire Heights Road driving north onto Nyes Road. He noted that the intersection exceeds the minimum requirement but it does not meet a desirable result. He noted that this was a consideration in looking at a realignment of the two intersections. He noted that they did not want to move the realigned intersection closer to the over-vertical curve. He noted with the wide

open area in the intersection, there are concerns for safety and operation for both side streets as they are fairly busy streets.

Mr. Stump noted that the first alternative that they looked at was signalizing the current roadway with no road work. He noted that the driveway approaches would also be signalized. Mr. Hornung questioned if a signal would be put at each of the four legs of the intersection. Mr. Stump noted that he would signal both driveways. Mr. Hornung questioned if a signal would be put in the middle of the intersection or at each entrance way. Mr. Stump noted that the stop bars would be back from the intersection. Mr. Hornung questioned where the traffic signal would be located. Mr. Stump noted that each approach would have its own signal provide a wide open intersection area. He noted that it would provide some benefit for the cars waiting on Devonshire Heights Road, but it does not do much for the safety of the intersection noting that you still have the off-set nature and the left from Devonshire Heights coming into skew. He noted that the sight distance for vehicles stopped at the signal would be an issue for the over-vertical curve, noting that traffic could backup and cause an accident. Mr. Fleming noted that signalization does not offer any room for growth at the intersection, as it only addresses today's concern, but it does not provide any options for expanding the intersection. He noted that it is a short-term fix.

Mr. Stump distributed a matrix that provides the cost for the improvements for each scenario as well as a description of the project.

Mr. Stump noted that the next alternative that provides more of a benefit is tying in both approaches of Devonshire Heights at 90 degrees to Nyes Road, providing an offset intersection where there would be two T intersections. He noted that he looked to add left turn lanes along Nyes Road to provide some separation between the left turning vehicles and the through vehicles. Mr. Blain noted that it would almost go through the one house or at least use much of the yard. Mr. Fleming noted that there will be right-of-way impacts on any type of improvement for realignment options. Mr. Stump noted that this was a stop control and not a signalized intersection. He noted that this intersection draws closer to the over-vertical curve and the sight distance is reduced. He noted that the capacity would continue to be limited because of the stop sign control. He noted that it would Nyes Road would require reconstruction if it were to be signalized.

Mr. Stump noted that the next example uses two small roundabouts on the north and south side of the intersection that increases the capacity; however due to the close proximity of the two roundabouts they had to be made smaller than the ones in Linglestown. Mr. Blain questioned how the southern roundabout would work since the other side of the road has a significant drop off into the creek area. He noted that stabilizing rock was added along the side of the hill and the guiderail is tilting. Mr. Stump answered that they would have to relocate the entire stream further back and that is part of the reason why the cost is so high. He noted that there is an existing culvert in various spots that would be impacted by this scenario.

Mr. Crissman questioned which scenario would bring in the most visitors to the Board on any given night. Mr. Stump noted that they all have their advantages and disadvantages.

Mr. Fleming noted that the fourth option is the best one. Mr. Blain noted that it is also the most expensive one. Mr. Wolfe noted that after meeting on this, once with PENNDOT, this is the only real option that is viable for now and into the future. Mr. Stump noted that PENNDOT said that if it was an easy job it would have already been done.

Mr. Fleming noted that the existing topography and close proximity of the houses to the roadway and the environmental impact of the existing drainage makes it a difficult intersection to work. He noted that it is very costly.

Mr. Stump noted that the single roundabout pulls Devonshire Heights Road off its current alignment whereas previously there was only a small amount of reconstruction. He noted that there is more right-of-way impact associated with this project. He noted that there is a house that may be impacted by the change when the road is graded. He noted that he would be relocating the driveway over to M Street. He noted that the lower driveway would be relocated to Devonshire Heights Road. He explained that there would be major impact to both properties.

Mr. Stump noted that the single roundabout provides for a better flow area. Mr. Seeds questioned if this is the preferred option by PENNDOT. Mr. Stump answered yes. Mr. Fleming noted that PENNDOT thought this was the best option, it moves the intersection away from the sight distance issue to the south, and it cleans up the site distance issue to the north. He noted that the benefit of the roundabout is that traffic slows down as they enter and as the speed is reduced, the sight distance requirements relax so it helps with the movement of traffic. Mr. Seeds noted that there would be a lot of expense in moving those private driveways. Mr.

Crissman noted that none of the private driveways exit into the roundabout, they have all been diverted. He questioned how many driveways need to be diverted. Mr. Stump answered that it is two.

Mr. Blain noted that HRG is suggesting that the roundabout works because you would have traffic forced to slow down which provides the sight distance requirement versus if you straighten the intersection into a T intersection with a traffic sign that would not work since it does not provide the necessary sight distance from the south. Mr. Fleming noted, with traffic signals you would continue to have stacking issues. He noted as vehicles stack they reduce the stopping sight distance to the signal, so as they stack to the south near the over-vertical curve it does not address that issue. He suggested that it may make it worse. Mr. Stump noted that Locust Lane and Nyes Road had the same issue for signalization.

Mr. Crissman questioned who met with PENNDOT. Mr. Wolfe answered that they met with PENNDOT and due to their experience in Lower Paxton Township, they now like roundabouts in Pennsylvania, and District 8 has been chosen as a demonstration district for roundabouts. Mr. Stump noted that they are a pilot district and will receive funding for roundabouts. Mr. Crissman questioned how much money PENNDOT is willing to put into this project. Mr. Blain noted that Nyes Road is a State Road so if PENNDOT is okay with the roundabout, PENNDOT would fund 80% of it and Lower Paxton would have to fund 20%. Mr. Wolfe noted that we may not have to fund that. He noted that it is staff's desire to get the intersection into the Transportation Infrastructure Program (TIP) to fund the plan at a level that would justify the chosen improvement. He noted if we can get it to a funding level of \$250,000 to \$500,000 and it would be approved, the Township could undertake the roundabout option. He noted that he would not ask for a roundabout as it would call for a complete design study. He noted if the Board would desire to buy into the roundabout concept we would be looking to request funding at \$2.5 million. Mr. Wolfe noted that he expects that PENNDOT would fund this in some form eventually in their TIP. He noted if there is a required local match, staff has some escrow funds that the Township is holding in the amount of \$80,000 from Paxton Towne Centre and Amber Fields Development.

Mr. Crissman questioned Mr. Robertson or Mr. Fisher if they had any comments on this project. Mr. Robertson noted that this improvement is definitely needed as he travels that area

quite a bit. He noted that the sight distance to the south is horrible. He noted when he drives north on Nyes Road as he gets to the top of the hill before the intersection he puts on his brakes. He suggested that it is a great solution. He questioned what the maximum is that the Township would be liable for. He noted that is what we are talking about. He noted that he would like it to be less than 20%. Mr. Crissman questioned how much funding could we get. Mr. Fleming answered that he wants to get the project placed on the TIP and he will start to identify sources of funding. He noted that there are pools of money that are rumored to be considered, but it has not officially come out yet. He noted there are also the gaming funds, similar to what he did for the Jonestown Road Bridge project, LPT-10. He explained that he needed to move it forward and identified what the Township was willing to contribute in the beginning and then he will work to reduce the Township's exposure throughout the project to get to a point where it will cost the Township very little for the project. Mr. Wolfe noted that if it is a bridge project there are eligible federal funds. He explained that the local share for that project was 5% and that was split with West Hanover Township. He noted that they received gaming funds for the Township's share. He explained that the Bridge Project is on the TIP and because it was not fully funded, we can't move forward with the project. Mr. Fleming noted that it will be fully funded and he hopes to start it soon so we don't lose the local gaming grant funds. Mr. Fleming noted that he was told that there was a glitch in the programming and it is being rectified. He noted that there is a TIP update and it should be on that TIP update.

Mr. Wolfe noted that we would like to pursue funding for the roundabout in the amount of \$2.5 million which would take into account any of the alternatives but the preference is the roundabout option.

Mr. Crissman noted that based upon the information that was shared that District 8 is becoming a roundabout model for PENNDOT it seems that they would be more receptive in providing funds and if we get 100% reimbursement, he would be happy to support this.

Mr. Seeds noted that from the Linglestown perspective the roundabout works pretty well. He noted what is wrong is that the ingress and egress are too close together. He noted that it provides for a conflict since the people are so close to each other. He noted if two cars enter at the same time they don't know what to do. He suggested that a roundabout with a longer spread between the lanes coming into it would be a benefit. He questioned if the plan that PENNDOT

favors would be the same diameter. He questioned if the entrances would be as close together. He noted for the people living in the Village, there are no fumes, screeching brake sounds, loud startup sounds, vehicles sitting and idling and the noise is much less. He noted that the Township doesn't have to maintain the traffic signal which saves money. He suggested that PENNDOT is seeing the benefits. Mr. Fleming noted that is why they want to try to get more implemented. He noted that their concern with the bowtie roundabout option was the small radius of the roundabout. Mr. Crissman questioned how it would impact the fire trucks or school buses. He noted that he would rule it out immediately. Mr. Fleming noted that they are designed so that the larger vehicles ride up on the apron. Mr. Seeds noted if you look at the roundabout in Linglestown, they have busted up the inner concrete. He noted that they hit the inner circle. Mr. Crissman noted that the Central Dauphin Transportation Department is not happy with the roundabout for the buses. He noted that it is difficult to get the buses around the roundabouts. Mr. Blain noted that it is a lot of fun if you are riding a bicycle.

Mr. Crissman questioned if the Board needs to do anything at this time. Mr. Wolfe answered that it is just an information session. Mr. Fleming noted that he will meet with the Harrisburg Area Transportation System (HATS) to discuss this project and keep Mr. Wolfe up to date.

Mr. Hornung noted that the roundabout is going to provide some major issues for the one homeowner. He noted that he would like to find a way to mitigate the issue. Mr. Wolfe noted that it may result in total acquisition.

Continues review of a proposed Resolution establishing a building permit application fee

Mr. Wolfe noted that he previously presented a staff proposal to change the formula for a non-residential building permit fees. He explained that he took the information from the previous workshop session with staff that had a concern with people applying for a building permit, having the plan reviewed and not picking up the building permit and being responsible for the plan review cost. He noted that staff has stepped back one step from that process and decided to look at the permit formula. He noted that he reviewed several fee schedules from different municipalities in Pennsylvania and he found it to be all over the board. He noted that there is no standard way among the municipalities to assess building permit fees. He noted that it

would have been nice when the State developed the Uniform Construction Code (UCC) if they would have developed a uniform formula as well. He noted that every municipality does it differently.

Mr. Wolfe explained that he found a standard presented in the International Code Council Code (ICC) Book that has a formula based upon the value of construction computed on a nationwide basis and upon the costs of the Township's code services. He noted that he never completed the calculated costs for code services applying it to the building permit fee in the past, and it is really something that we should be doing.

Mr. Wolfe noted that the third component of the ICC formula is that the value of non-residential construction within the community is taken into account over the last calendar year. He noted that he included a copy of the ICC formula with his memorandum. He explained that he computed the total costs of Codes Enforcement for the 2012 budget and it comes to \$376,593, including the codes officer, secretarial staff, office rent, Township Manager and Solicitor time, employee benefits and anything that would go into the operation for a building permit issuance and enforcement. He noted that the declared value of all building permits issued in the Township last year was \$49,719,026, and by the ICC building permit formula, you divide the total budget by the declared value and come up with a permit fee multiplier of .0076. He noted that you plug that multiplier fee into the size of the structure based upon the use of the structure. He explained that there is a significant amount of classifications in this structure, and for example, a permit fee for an open warehouse would be \$4,800, while a permit fee for a hospital is \$26,000.

Mr. Wolfe noted that his first concern is to do this right and not to raise additional revenues. He explained, Resolution 10-33-10, the current language for building code permit fees are \$7 per \$1,000 worth of construction. He noted that the flaw in the current calculations is that construction cost is based upon bids or an estimate prepared by the engineer. He noted it can vary depending on the quality of the engineer, market conditions for bidding, or whether someone is honest or dishonest. He noted if you use the construction costs based on the national scale as proposed, applying \$7 per \$1,000 would provide for a permit fee anywhere from \$4,500 to \$24,000 for the hospital. He noted the formula will not increase the permit fee by any large amount; rather it will place it on a uniform and fair basis.

Mr. Wolfe questioned if the Board is interested in making this change noting that he still need to determine how to classify a building with multiple uses, and how to apply the formula in terms of remodeling.

Mr. Wolfe noted that he attached the ICC formula in the given narrative description that explains how to come up with the permit fee multiplier. He noted that he massaged the formula based upon the Township's budget system to come up with the number. He noted the national standard permit fee multiplier happens to be .0075 and the Township's is .076. He explained that their example for a use Group B produces a permit fee of nearly \$18,000 and that would be the Township's permit fee.

Mr. Wolfe noted the ICC explanation for uses would not be foreign for staff as they would understand what an assembly, business, institutional and mercantile uses are to include utility and miscellaneous. He noted that the highest use group would be the assembly, theaters with stage to the lowest use, occupancy for a utility-type basis at less than \$40 per square foot of construction costs. He noted that the numbers represent square foot of construction costs based upon national averages that the ICC has computed.

Mr. Wolfe noted that the Township's permit values on a declared basis for 2011 are \$49 million.

Mr. Wolfe questioned if the Board has an interest in getting away from the \$7 per \$1,000 of construction basis and going with the ICC Council recommended format for assessing building permit fees. Mr. Seeds questioned what staff's opinion is. Mr. Wolfe answered that staff would prefer the ICC fees, noting that we don't like the idea that someone estimates the cost of their construction or bases the costs upon bids. He noted that you may have a \$2 million value building based upon market values and only get bids for \$1.75 million. He explained that applicants would be paying the building permit fee based on the undervalued construction bid. He noted that you may have a designer who may massage his numbers downward to start the building permit fee process. He noted that he has never been comfortable with that formula. He noted that ICC provides a chart, to determine what the use is and a number.

Mr. Crissman noted that it is a set standard. Mr. Wolfe noted that it also sets the standard on our costs incurred. He noted that the Township's costs will be covered based upon this mechanism. He noted that staff feels more comfortable with this fee; however he still has issues

to work out for the remodeling situation, noting that it ranges from installing new windows or gutting the entire building. Mr. Crissman questioned if there was any guidance. Mr. Wolfe answered that there is none but he will do more investigating. He noted that the other issue is multiple uses; he suggested he could determine the fee based on the percentage of use.

Mr. Seeds noted that this would charge so much per square foot based upon the use. Mr. Wolfe answered that was correct. Mr. Seeds questioned if there would be some sort of escalating factor to prevent it from being revised. Mr. Wolfe answered that every year the Township would have to adopt the new national average. Mr. Seeds noted that the ICC would amend that every year however, he questioned if it would be easier to administer than what is used now. Mr. Wolfe noted that there is nothing easier than using a \$7 per \$1,000 for the cost of construction formula; however, the ICC fee would be more accurate and fair. He noted that he would have to work on the application fee for paying for the application review. He noted that he hasn't solved that issue, but there is a better way to access the building permit fee. Mr. Hornung noted that it helps prevent residents from lying when completing the building permit application. Mr. Crissman agreed. Mr. Hornung noted that there are always dishonest people who cheat the system, and he likes this approach. Mr. Crissman noted that he likes having a standard. Mr. Blain agreed.

Mr. Wolfe noted that staff will work on this more and get back to the Board.

Review of the 4th quarter 2011 Key Indicator Report

Mr. Wolfe noted that he has had to make a significant change from the report prepared for the last meeting and it is good that it was tabled from that meeting.

Mr. Wolfe noted that he did not want to spend much time on the end of 2011 figures; however, the Township had revenues of \$18,481,301 and expenditures of \$18,507,732 with a transfer \$467,823 to the General Improvement Fund (GIF) for capital projects. He noted that capital projects totaled \$1,071,041. He noted that the General Fund (GF) balance at the end of 2011 was \$4,831,413. He explained that the Friendship Center (FC) had a budget of \$2 million and ended up with a year-end deficit of \$167,686 with expenditures of \$155,801. He noted that the Authority had revenues of \$13 million and expenditures of \$22 million; using existing operating funds on the AR mini-basin project that was not covered under bond funds. He noted

that \$11 million was spent for capital projects using the bond funds. He noted, at the end of the fiscal year, the Authority had \$40 million. He noted that the Township has two employee pension funds containing \$26 million in assets.

Mr. Wolfe noted what changed from last month was the GF balance. He noted at the end of the year it was \$4.8 million exceeding the 25% threshold level. Mr. Blain noted that it is not real cash. Mr. Wolfe explained, at staff level, we should have started last year with a different fund balance. He noted that the auditors have asked the Township to accrue Earned Income Tax (EIT) to the end of the first quarter, as compared to the past practice of the end of February. He noted that making the change results in additional revenues the first time you change the period. He noted that it does not mean that we have more money, only that we are taking money from the first quarter of one year and adding it back to the previous year and every year forward will be based upon that date. He noted that we should have done it for 2010, but now it was done for 2011. He noted that it added roughly \$1 million to the GF from the first quarter receipts for EIT.

Mr. Wolfe noted that we continue to have the same cash flow issues that we had before, and this is only a different way of looking at the assets. Mr. Blain noted that the Township is accruing for the EIT that belongs in 2011 that was collected in 2012 through the end of March. He noted when the receipts are received, you can tell what is related to 2011 and what is related to 2012, and by the end of March we know that the Township collected \$1 million in cash that was related to 2011, so they accrued the receivable that is due to come in. He noted that it does not change the cash position, but it changes the GF balance.

Mr. Wolfe noted that the benefit to this is that it will make the Township look better when it is rated for a bond in 2012. He noted that the fact that the GF is above the 25% threshold is a plus, however it does not mean that we have more money.

Mr. Seeds had a question about the FC Operating Fund and what the \$3,419,000 represented. Mr. Wolfe answered that it is the Fund balance of assets possessed by the FC including its capital assets. He noted that it is not a cash item.

Mr. Wolfe noted that the GF ended with an operating loss of \$93,000 as compared to the year before when the operating loss was \$1,416,700. He noted that some things happened last year to the benefit of the Township, such as the receipt of a significant amount of State Aid funds for pension and Firemen's Relief Association that were not budgeted. He noted that overall the

revenues were 9% higher. He noted that expenditures for 2011 were only 3% higher than 2010. He explained that we are ahead 6%, noting that is a huge difference and why we are able to end up at almost a zero balance for the GF for 2011. He noted that fewer capital improvements were done in 2011 resulting in less money transferred to the GIF and more money in the GF.

Mr. Wolfe noted that State Aid had a balance at the end of the year of \$123,981; funds that will be used for projects in 2012. He noted that the Fire Equipment Capital Fund balance at the end of the year was \$586,822. He noted that another \$200,000 was added in 2012. He suggested as the number grows the firemen will want to spend it.

Mr. Wolfe noted that the LOSAP had a balance of \$240,937 with another \$60,000 added this year. He noted that the GIF used \$1,071,041 for capital projects, primarily the completion of the Linglestown Road project, and other projects.

Mr. Wolfe noted that the FC had a deficit of \$123,288 noting a continued decline in memberships due to economic reasons. He noted that the program revenue is helping to offset that somewhat and Drayer Physical Therapy has executed a lease with the FC for the west annex. He noted that Mr. Luetchford has two churches renting space, one on a Saturday and one on a Sunday morning. He noted that this should help to improve the financial situation in 2012. He noted that free service is provided to the Senior Center and the Operating Board is working with the seniors to address that issue. He noted that funds were spent last year for energy improvements in the FC; however, the Township did not receive all the reimbursements from the Department of Conservation and Natural Resources (DCNR) Grant. He noted that \$132,000 of the \$215,000 grant has been spent. He noted that the FC Capital Fund had a year-end balance of \$167,686 and the Operating Fund which is the cash balance of the FC in its General Operating Fund had a balance of \$297,798. He noted that the \$3 million overall fund balance includes assets. Mr. Seeds questioned if that would include what the building is worth. Mr. Blain noted that the building is being depreciated; it is not the market value for that building. He suggested that it would be higher. Mr. Seeds questioned if it would include the building and equipment. Mr. Blain answered yes.

Mr. Wolfe noted that the Board has reestablished a capital fund and a capital improvement program in 2012. He noted the membership chart shows that the annual

membership rates are not bad; however, staff would like to have them over the 2,500 level and the current average is between 2,350 to 2,400.

Mr. Wolfe noted that the Authority budget is very capital intensive in regards to building the sewer mini-basin program and all the contracts for 2011 are listed. He noted that it is made up of five contracts totaling \$16 to \$18 million.

Mr. Wolfe noted that the annualized return for the Police Pension Fund was .5% and for the non-uniformed plan it was 1.1%.

Mr. Seeds noted that the Public Works Maintenance repairs were over budget by 7%. He questioned what that was all about. Mr. Wolfe noted that it is not a huge amount so the percentage may look high. He noted that it is an older building that needs repairs and another explanation is that that line item may have been under budgeted as well.

Mr. Seeds questioned if the two grant awards from Dauphin County were for Page Road. Mr. Wolfe answered that was correct.

Mr. Seeds questioned if the figures for that project are up to date. Mr. Wolfe noted, financially, it has not been closed out yet. He noted that Wintermyer should be under contact with PENNDOT for a year warranty. He suggested that we will do another walk through at the end of this year and anything that has failed they will be required to fix. He noted that PENNDOT still owes the Township on two invoices.

Mr. Seeds noted that the natural gas was over budget by \$13,000 and that is with a mild winter. Mr. Wolfe explained that we do not know why that is. He explained that the gas is bought through Central Pennsylvania Energy Consortium (CPEC), and with the energy improvements that were made to the FC and the milder winter he expected to see less energy use. He noted that changes were made to the hot water heaters, and suggested that something is wrong with that number. He noted that staff had had one meeting with CPEC and they are supposed to get back to us on this issue.

Mr. Seeds noted under Administration it states that fund budgets are more than \$75 million. He questioned what they included. Mr. Wolfe noted that it includes the GIF, GF, State Aid, Sewer Fund, FC Fund and Pension funds. He noted if you take out the fiduciary funds it would be roughly \$50 million.

Mr. Seeds noted for Beaver Creek we are allowed 150 planning modules but only 168 connectors. Mr. Wolfe noted that the agreement was negotiated a long time ago. Mr. Stine explained that DEP wanted to limit the amount of lots we could create to connect to the sewer plant until things got under control. Mr. Seeds noted that there are no limits for Paxton Creek but we have 63 connections. Mr. Wolfe noted for the Paxton Creek, the connections don't expire, whereas in Beaver Creek they do. He noted that we bank the permits for Paxton Creek. Mr. Stine noted that Beaver Creek was limited to 150 planning modules because there were over 2,000 lots approved at the time, and DEP did not want to give us more planning modules until we used them up. Mr. Seeds questioned if it is still in effect after all these years. Mr. Stine answered yes.

Mr. Seeds noted that under the Public Works equipment it list two regenerative air sweepers, and he suggested that it must mean sweepers. Mr. Wolfe suggested that it is a software issues as staff uses very primitive scanning software and it is difficult at best.

Mr. Hornung questioned if there is any significant items found in the 1st Quarter Key Indicator Report for 2012. Mr. Wolfe noted that there is nothing out of the ordinary for expenditures, the difference between this year and last year at this time is 19%, part of that is the tax increase and year end close out in EIT from Berkheimer. He noted for expenditures, in the first quarter, typically you purchase capital equipment, but this year we have leased it instead of purchasing it. He noted that the Board did not want to take out the Tax Anticipation Note; however, today Mr. Houck paid back \$1.5 million of the \$2.5 million note. He noted that staff did not want to spend anymore in interest than we had to.

Mr. Hornung noted that it would be dangerous to use the equipment fund for cash flow. Mr. Wolfe noted if you start borrowing from a dedicated fund you can get yourself in big trouble.

Presentation of the Lower Paxton Township 2011 Annual Report

Mr. Wolfe explained that each Department Director has prepared his own section for the Annual Report and they take pride in their sections. He noted that throughout the course of the year he uses it for newsletter articles and it is a required that it be present one each year as per the Township Ordinances. He noted as the Department Directors are present at the upcoming workshop sessions he will have them explain their reports at that time.

Mr. Crissman noted that it would be good to have a five minute or less explanation and the opportunity to provide them with a well done comment.

Presentation regarding the Length of Service Awards Program
(LOSAP) for volunteer firefighters and fire police officers

Mr. Wolfe explained that in 2013, the Township will start to provide benefits from the Length of Service Awards Program (LOSAP). He noted that he has been asked by the firefighters how the system works. He explained that he prepared the following presentation to show to the firefighters how it works. He noted in addition, it will be the topic for his Capstone presentation for the professional development program to the Association of Pennsylvania Municipal Managers (APMM) Conference in Lancaster in May. He noted that he will not be in attendance at the Sewer Authority meeting to be held May 22nd as he will be making a presentation at this meeting on the LOSAP.

Mr. Wolfe explained that providing some type of service for fire fighters in Townships and Boroughs is a hot button topic at this time. He noted how to fund it and how to maintain volunteers is something that everyone is struggling with and he suggested that this program is unique in Pennsylvania.

Mr. Wolfe noted that the LOSAP is a tax-deferred compensation program for volunteer fire fighters and fire police officers. He noted under the federal law only emergency service personnel are eligible. He explained that other states have LOSAP legislation, with the primarily purpose to train and attract volunteers and to reward those who have provided many years of service. He noted for his presentation before the APMM he will provide some slides on the basic demographics for the Township as well as a slide showing all the Departments. He noted that he mentions that the Township has three volunteer fire companies, each with a service area, responding through a mutual aid basis throughout the community. He noted during 2011, all three fire companies answered approximately 1,800 calls for service.

Mr. Wolfe noted that the Township's format for volunteers is very similar to most other non-third class cities in Pennsylvania. He noted that most are volunteers are members of multiple volunteer companies within a municipality, noting that we are not the only municipality who has three fire companies, independent entities that may or may not get along. He noted that they are constantly seeking volunteers and tired of doing fundraisers. He explained that this is the

standard for service in Pennsylvania at this point with an alternative of full-time paid fire fighters which is predominantly occurring in Third class cities, a few boroughs and an odd Township.

Mr. Wolfe noted that the millage rate for the Township helps to fund fire services with a \$200,000 allotment for the Fire Equipment Capital Fund, \$60,000 for the LOSAP, and each fire company is getting close to \$500,000. He noted in addition to those items, the Township pays for the fire hydrants in the community. He explained that the fire services receive a good chunk of the funds from the Real Estate Tax.

Mr. Wolfe noted that LOSAP would typically attract new volunteer fire fighters and reward existing fire fighters for their years of service. He noted that the goal for the Township was not to pay for a fire department but to provide an incentive to volunteers to keep it that way.

Mr. Wolfe noted that it started with the Board members seeking a way to support the volunteers. He noted that some volunteer fire fighters were not in support of a LOSAP. He noted that some of the volunteers stated that they do what they do because they like it providing community service and not expecting a reward for it. He noted that some volunteers would rather put the funds into equipment or a fire station, or provide more funds so they don't have to do fund raising all the time. He explained that staff and the fire fighters finally overcame those hurdles and jointly agreed that a LOSAP was appropriate thing for the community. He explained that Keith Cerzullo from Paxtonia Fire Company was very instrumental in presenting this proposal to the Board.

Mr. Wolfe noted at the time there was a concern over the statutory authority. He noted that the local authority would fall under an ordinance, however, for the Township to adopt an ordinance it would have to have State-wide authority, and up unto 2008, it did not have it. He explained when you give someone compensation, you need federal authority as well. He noted that there has been federal authority to treat a LOSAP as a deferred compensation program for volunteer emergency service providers for several years.

Mr. Wolfe noted that the Board of Supervisors had to agree on an amount that the Township could afford, and then it had to match it to a level of service, noting that the volunteers wanted as much benefit as was available and the Board wanted to provide a benefit without spending a whole lot of money. He explained that he engaged Conrad Siegel as the actuary to prepare a valuation of benefit options, and from that analysis they finally settled on the plan. He

noted that he had to determine eligibility, how much service would they have to provide for what years of service, how old a person had to be, and what fire companies could the service be with. He noted that the Township finally settled on a specific list of criteria, dealing with the legacy volunteers, those who have been volunteers forever and may reach age 65 which is the retirement age but not collect on the benefit because they provided all that service prior to the plan.

Mr. Seeds noted that there were issues in that they didn't want to include past service and Mr. Cerzullo's plan did not want to include the fire police. He explained that he wanted the fire police to be included in the plan. Mr. Wolfe noted that it took over a year to work through the issues.

Mr. Wolfe noted for his presentation he included the federal Internal Revenue Code for reference for anyone who is looking to establish this type of plan. He noted that he provided further explanation for the federal authority as well as the local authority. He noted in 2008, PA Act 7, 8, & 9 Townships of the First Class and Second Class Boroughs required that fire and emergency medical services be provided by the governing body by the means and to the extent determined by the Township including the appropriate financial and administrative assistance. Mr. Stine noted that was the key item. Mr. Wolfe noted until that Act was passed, there was no language that was anywhere near that flexible in what you could give a fire company. He noted the "by the means and to the extent that you determine" gives you a great deal of latitude. He noted that previously you could provide for operations and equipment and that was it. Mr. Stine explained that the administrative assistance provides for the Township to manage the LOSAP as opposed to turning it over to volunteers to manage. He noted that prior to that there was no ability for the Township to keep the funds. Mr. Wolfe explained that the funds become the property of the fire companies and the Township has a fiduciary responsibility in the management of those funds. He noted according to Mr. Stine's interpretation we are allowed to do this.

Mr. Seeds questioned if there are other townships or boroughs that have this. Mr. Wolfe answered that he is not aware of any. Mr. Seeds noted that this program came from the State of New Jersey. Mr. Wolfe explained that New Jersey has dedicated legislation that municipalities can establish a LOSAP and in doing so they have a specific format that they must follow. He

noted that New York State also has enabling legislation and several other states have various forms of a LOSAP.

Mr. Wolfe noted to earn the LOSAP benefit; you have to be a fire fighter between the ages of 18 to 65. He noted that the program was started in 2008 and a member becomes entitled to the benefit at age 65. He explained that they can earn a maximum of 25 years of service, noting that you could earn 20 years of credit for prior years, but to vest you must have five years of service and reach age 40. He noted if you start at age 20, you have to stay as a volunteer until you reach age 40 before any of the years count. Mr. Crissman noted that it is the minimum age to take advantage of the benefits. Mr. Wolfe noted that part of the concern in developing the two-tiered vesting at age 40, which is a long age to reach as a volunteer, is because we have a lot of live-ins from Harrisburg Area Community College that are receiving free housing. He noted that he did not want to provide them with an additional benefit of a LOSAP noting if they remained here until they were 27 or 28 and had been in school for four or five years, that they could vest in the LOSAP. He noted that was not the purpose of the LOSAP. He noted that the purpose was to provide the benefit to people living in the community. He noted that the monthly award is \$10 per month for every year of service that is portable among the three fire companies in the Township. Mr. Crissman suggested that Mr. Wolfe needs to tie into the maximum credit for prior year's service of 20 years that it has to be within the municipality.

Mr. Hornung questioned if the service has to be continuous. Mr. Wolfe answered that it does not. He noted that you do have to be in service at age 40. He noted that there are people who have dropped out, and since this program began, they have come back and they are trying to get however many years they need, a minimum of five years. Mr. Crissman noted that broken service is acceptable. Mr. Wolfe noted that there are at least three people who stopped serving and are now back.

Mr. Hornung questioned what happens if someone served for ten years from age 20 to 30 and they drop out and come back when they are 40. Mr. Wolfe noted that you must have five years of service at age 40, then your prior service would count. He noted that the prior year's service will only count for years before 2008. He noted that we do not provide credit for prior year's service into the future. He noted if in 2020, you dropped out in 2010 to 2015, you can't get prior years service for that. Mr. Hornung noted that you said that it does not have to be

continuous. Mr. Wolfe noted that he would have to do some research on that. Mr. Crissman noted that he could work from age 20 to 30 and build up ten years and at age 41 he could come back and say that he already has ten years of service that he wants credit for, and at age 42, leave. He noted that the key is broken service and if you can count it. Mr. Hornung noted that you should be able to count it but there should be some stipulation for it. Mr. Wolfe noted if you are absent two years you are considered to be off the roles and you don't get it and you don't get credit. He noted if you are absent one year and come back you can continue credit for past years. He noted that he will have to read that section better. Mr. Crissman suggested that you could lose your credit if you are gone for a two-year period, but if you are gone for one year, do you get it all back or half of it back. Mr. Wolfe noted that he will have to get the answer to that question. He noted that it is important for volunteer firefighters as things happen in their lives and they sometimes have to stop volunteering for period of time. Mr. Seeds noted that they may have to move out of town for their job and then move back. Mr. Crissman noted that the caveat may be if you are away for more than two or three years, you lose everything and have to start fresh or within a certain range get half credit for those years.

Mr. Wolfe noted that an active fire fighter must qualify per Act 66 of 2008 which is a state law that allows volunteers to have a personal income tax credit and you have to earn at least five points per Act 66 in response to fire rescue in the Township.

Mr. Wolfe noted that we had nine to twelve different valuations for the plan for different types of benefit options and we settle on this one. He noted that the benefit multiplier is \$10 per month per year of service with a maximum benefit of \$250 and maximum prior service is 20 years with an amortization period of initial undefended at 15. He noted that the present value of future benefits is \$646,209 and the present value of future normal costs is \$184,589. He noted that the actuarial accrued liability is \$461,620 with a normal coast of \$18,051 and amortization of unfunded actuarial accrued liability of \$42,356 for a total annual cost of \$60,000.

Mr. Wolfe noted that the local enabling ordinance set the yearly contribution and the funds become the property of the fire companies but the Township has control over its management. The funds must be invested per the Pennsylvania Fiduciaries Act. He noted that there is a LOSAP Committee and an actuarial valuation shall be prepared not less than once every three years, and one is being prepared now.

Mr. Wolfe noted that there are 113 active fire fighters on the role. Mr. Seeds questioned if the LOSAP had increased volunteerism. Mr. Wolfe noted that we have the number of participants per year, but it is too early to tell. He explained that three names reappeared on the roster, noting that the LOSAP has been recognized by the people in the community and they are coming back into service for this reason. He noted that you lose volunteers on an annual basis but many times they happen to be the live-ins. He noted that the LOSAP is not intended to maintain those types of volunteers. He suggested that it is too early to tell if the program has been beneficial.

Mr. Wolfe noted that the number of fire fighters who will have a vested benefit is 36, and the plan will start paying benefits to nine volunteers in 2013 in the amount of \$24,000.

Mr. Seeds questioned if they will have to complete some type of form. Mr. Wolfe noted that every year the Township receives certified rosters from the chiefs. Mr. Seeds questioned if they can continue to be active and get a check. Mr. Wolfe answered yes. He noted that their additional years of service can't qualify for the LOSAP benefit after age 65. He noted that they will begin to draw at age 65, but you can't accrue more years after age 65 except for the legacy provision.

Mr. Wolfe noted in 2014 he would expect to have 11 qualifying members and the payment would be \$29,400. He noted as the plan matures, the benefit payments will increase on an annual basis.

Mr. Wolfe noted that the New Jersey Department of Community Affairs has a link to their LOSAP and numerous other documents. He noted that it is legislated in New Jersey but it is not specifically legislated in Pennsylvania, however, Mr. Stine has interpreted legislation to allow the Township to do it.

Mr. Seeds questioned when the plan will be reviewed next. Mr. Wolfe noted that the actuarial valuation is being done now. Mr. Seeds questioned if it is solvent. Mr. Wolfe noted that he is not sure that it is solvent. Mr. Seeds questioned if we will need to add more than the \$60,000 in the years to come. Mr. Wolfe noted that the ordinance states that the maximum contribution is \$60,000. Mr. Seeds noted at some point that will have to be increased. Mr. Wolfe noted at some point you will have to address it, noting that it was established at the worse time to be investing funds for pension type benefits. He noted staff felt that given the way the markets

have been, it would be prudent to keep the funds in a municipal investment, treasury bonds. He noted that the plan has not earned a lot of interest but it has not lost anything of the initial principal. He noted now that the markets are starting to stabilize staff should look at other types of investment. He noted that the plan has not met an annual projected rate of return which is probably 4% or 5% for this plan.

Mr. Seeds questioned if the Committee meets on a monthly basis. Mr. Wolfe answered that it has met in different formats, but not met as a whole. He noted that they have met individually as management staff, and the fire chiefs have met to prepare their annual rosters. Mr. Seeds questioned who the seven members are that make up the Committee. Mr. Wolfe answered that it is made up of six members, one from each fire department, PSD Director, Finance Manager and himself.

Mr. Hornung questioned what happens when the fund needs more than \$60,000, and who pays the difference. Mr. Wolfe noted that is a question to be taken up by the Board members. Mr. Seeds noted that we would have to enact a new ordinance if we want it to be solvent.

Mr. Wolfe suggested that the Board could revisit the level of benefit as what was done for the employees and note that the benefit is costing more, and that it might have to be lowered to a monthly payment of \$8.50 at 25 years, noting that different valuations come up with different amounts. He noted that it was known when staff was working on it that it might be an issue later on.

Mr. Crissman questioned what checks and balances are in place when the money is allocated to the organization to distribute. Mr. Wolfe answered that they don't get the money, the Township keeps the money. Mr. Crissman questioned if the fire chiefs have to send reports to the Township indicating that a person has achieved an amount of money... Mr. Wolfe noted that they do not tell the Township what is to be paid; they only provide the Township with the list of persons that are eligible for the plan. He noted that Ms. Heberle, Dave Hogentogler and Dave Johnson have a spreadsheet that tracks their service.

Mr. Seeds questioned if all three fire companies use the same criteria. Mr. Wolfe answered yes; however it does not prohibit each fire company from establishing its own internal provision as well to classify a volunteer as an active fire fighter, but he stated that he did not think that anyone was doing that.

“Otta Know” Presentation: Review of a Commonwealth Court decision
that affects the Uniform Construction Code Appeals Boards

Mr. Stine noted that the Building Code Appeals Board through the Capital Region Council of Governments is shared by numerous municipalities. He noted that is the same type of organization that is referred to in this court case. Mr. Hornung questioned if they are the County Administrator. Mr. Stine noted that is the only thing the various municipalities did jointly, and it did not include enforcement or administering it jointly. He noted that the four/three decision found if you don't do joint administration and enforcement then you cannot only share in a joint appeals board. He noted that it was found that the appeals board that was created for all the municipalities had no jurisdiction to hear appeals. He noted that is the same situation that the Township is in. He noted if this decision stands, we will have to do something differently with the appeals board since they stated that each should have its own board. He noted that he expects it to be appealed to the Supreme Court.

Mr. Seeds questioned if we had any appeals yet. Mr. Stine noted that the Township has not had any, but he questioned if the Central Pennsylvania Region Council of Governments has heard any appeals.

Mr. Wolfe noted that this is problematic; an appeals board by law has very specific membership. He noted that you have to have an engineer, architect, builder and others. He noted that finding individuals in our community who don't work in front of this Township to serve on that Board is very difficult. He noted that is why the COG Appeal Board worked very well for us.

Mr. Seeds suggested that they get paid so much a docket. Mr. Stine noted that he did not know anything about that, however, if the decision stands, the Township has a problem.

Mr. Hornung questioned if we have a problem now or is there some grace period. Mr. Stine noted that technically it is a problem now but if it is appealed to the Supreme Court, there may be some time to come up with a solution. He noted if the decision is reversed then it may not be an issue. He noted that if it is not appealed it will become a long-term problem for the Township.

Mr. Hornung noted that the petitioner is in limbo since there is no other appeals board. Mr. Stine noted that is correct, so she can't appeal. He noted that she cannot appeal, as it was

thrown out since there is no appeals board for it. He noted that the decision from the appeals board was to deny her relief.

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 8:38 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary