

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held June 12, 2012

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

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

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Dan Robertson, Pugliese Associates; Jason Campbell and Melissa Rodkey, South Central Emergency Medical Services (SCEMS); Brian Luetchford, Parks and Recreations Director; and Watson Fisher and Ted Robinson, SWAN.

Pledge of Allegiance

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

Public Comment

Mr. Mark Levine, representing Stray Winds Area Neighbors, wished to make some comments regarding the flooding that occurs at 4905 and 4907 Earl Drive. He suggested that this would concern a branch of the Paxton Creek that crosses Earl Drive, initiating at Brightbill Park, to rear of Hastings Drive, crossing Carolyn Street behind Litchfield Road. He noted that there is another branch that starts at the former Danny's Tires near Hoffman Ford branching into another stream from the Hoffman Ford parking lot that deposits water into the Lakeside Marina. He noted that the water eventually gets to Earl Drive and then to Harman Drive. He noted that many people are impacted when this branch of the Paxton Creek floods.

Mr. Levine noted that HRG, Inc. completed a study around 1995 that recommended ripping out the 11 foot corrugated pipe and installing a concrete pipe under the bridge. He suggested that it may not be necessary if the level for the 100-year flood could be taken down six feet. He noted that these people live in a flood plain and it would prevent the water from entering their homes, although it would continue to impact their backyards. He noted when he

examined the huge pipe under Earl Drive; he noticed that it changed its shaped, now appearing similar to an egg lying on its side.

Mr. Hawk noted that the Board has viewed that area on its recent road tour. Mr. Crissman questioned what specific request Mr. Levine was making. Mr. Levine noted that the people who live in those homes would like another smaller pipe installed along side the large one. Mr. Wolfe answered that the engineer looked at that as a solution and he stated that it is not a viable one for a number of reasons. He noted that a bypass pipe would most probably not be permitted by the Department of Environmental Protection (DEP). He explained that we don't have a solution for this problem at this time.

Mr. Levine questioned if HRG could take another look at the problem since it has been 17 years since they completed the original study to determine if there is a solution to bring the water level down six feet. Mr. Wolfe noted that HRG has told the Township that the culvert is not of a sufficient size to pass the flow of a 100-year storm. He noted that the only way to correct it would be to replace the culvert. Mr. Hawk questioned what it would cost to do that. Mr. Wolfe answered that it would cost roughly \$500,000.

Mr. Levine suggested that a second option would be to request the owners of the Lakeside Marina to draw down the lake about one foot in the spring and summer months as it would keep the water coming from Route 22 contained at that site for a longer period of time, acting as a detention pond. Mr. Wolfe noted that he could ask HRG to look into this option. He noted that they could determine the additional capacity for storage that would be created and how much that flow impacts the Earl Drive culvert.

Mr. Hawk noted that the Board would love to go out and correct all the problems but there is a great cost factor to do that. Mr. Levine noted that the 1995 Study solution is very expensive and he suggested that there needs to be another solution. Mr. Hawk noted that the citizens end up paying for the repairs through their taxes. Mr. Levine noted that many of the people who live along the area from Earl Drive to the Lakeside Marina had their homes flooded by heavy rains.

Mr. Hawk noted that he spoke to Mr. Hopple who questioned when the Township would be working on his flooding issue and he told him that he did not know. Mr. Levine noted that it

may not happen this year or next but it should be on a list of work to do. Mr. Wolfe noted that it is on a long list of projects for stormwater issues.

Presentation by Dan Robinson, representing Pugliese Associates,
regarding their services as government affairs consultants

Mr. Dan Robinson explained that he is present to secure a better understanding of the needs of Lower Paxton Township. He noted that he previously worked for Representative Ron Marsico and joined Pugliese Associates firm in March of this year. He noted that the firm is located on the second floor of Strawberry Square in Harrisburg.

Mr. Robinson noted that the Township has issues of stormsewer, fire, emergency services, and economic development projects and has partners with others in the past to accomplish some projects such as the Linglestown Square project. He noted that Lou Bianchi, a former Penbrook council person now works with Pugliese Associates working with the Builders Association. He noted that his firm could assist to bring the necessary resources to fund projects and Township needs.

Mr. Robinson noted that Rocco Pugliese has a good relationship with the current governor and many of his secretaries from the Department of Environmental Protection (DEP), to Labor and Industry to PENNDOT; navigating grants through the Department of Community and Economic Development (DCED) to local government. He noted that he mentioned to one Board member that he did not want to diminish the good work that Senator Piccola, Representative Marsico, and Congressman Holden have done in the past. He noted that his firm would like to add to those values for what they have been able to provide to the Township in the past. He noted that next year the Township will have a new congressman and a new senator. He explained that he would like to hear from the Board members what the Pugliese firm could do for the Township. He noted that items come up from time to time and the Pugliese firm exists to provide assistance to the Township.

Mr. Hawk requested Mr. Robinson to list three projects that he has been involved in that the Board members might be able to relate to. Mr. Robinson answered that some are confidential, noting that one concerns a local municipality on the West Shore that recently had a company that wanted to locate there, bringing 850 jobs with it. He noted that he was able to

secure the company \$3 million in State grants, noting that the 850 people will be working in the area, paying local wage taxes, and may live in that municipality. Mr. Hawk noted that he would like to know what specifically Mr. Robinson gets involved in. Mr. Robinson explained that the company asked his firm to work with the Township on a Local Economic Revitalization Tax Assistance program, (LERTA) which might not be exciting to the Township for the local tax abatement; however, he noted that the Township was willing to create that zone noting that Cumberland County and the school district were also on board. He noted that he was able to secure grants and loans through the Commonwealth Financing Agency.

Mr. Hawk noted that the Township is a member of the Pennsylvania State Association of Township Supervisors (PSATS) umbrella and they do a tremendous amount of lobbying work that filters down to the Township level. Mr. Robinson noted that he would not diminish or suggest that the Township not renew its membership, but he would be looking to target specific items the Township is going after. He noted if the Township would be looking to upgrade Route 22 or Nyes Road seeking State or DEP funding that would be something that his firm could work on. He noted that PSATS looks for funds for every Township, whereas his firm would target only the Township for funding.

Mr. Blain noted that the Township is trying to complete the Nyes Road project and he questioned if Mr. Robinson would be able to secure funding for the improvements at Devonshire Heights Road and Nyes Road to work with PENNDOT. Mr. Robinson explained that Representative Ron Marsico knows well that the days of the walk about money, better known as WAM's from DCED have dried up. He noted that securing funding is more of a competitive project. He noted that he would work with the leadership of the House or Senate as well as the Secretary of PENNDOT and staff to find grants.

Mr. Blain noted that we have stormsewer issues in the Township, with a need to replace a significant amount of stormsewer due to the large damage from last year's storms. He questioned if Mr. Robinson could help to secure funding for these types of projects. Mr. Robinson answered, with the current budget, many things are in flux, but historically, he has a good relationship with DEP and DCNR. Mr. Hawk questioned Mr. Robinson if he would work with the Secretary of Transportation for the Nyes Road project. Mr. Robinson answered that he would work with the Governor's Policy Director, Jennifer Branstetter assisting in the trickle

down effect. He noted that they built a connector road off of Route 743 to the Hershey Industrial plant and it was funded by DCED, not PENNDOT. He noted that having lived in the Township for most of his life he noted that Montgomery Ward went out of business and for several years there was empty store space at that location. He noted that some of those challenges may come up again on the retail side and he thinks that his firm could help to mitigate it with how the tax is put together.

Mr. Hawk noted that Mr. Blain is also looking for specific ways that Mr. Robinson's firm can help the Township. Mr. Robinson answered if the Township is seeking funds for the Nyes Road project, or needs to borrow an excessive amount of money for stormsewer issues, his firm could assist the Township for these targeted projects. He noted that he is not looking to be a retainer firm for the Township, preferring to work on targeted items.

Mr. Seeds explained that the Township used Delta Development Company years ago to secure funding for the Village of Linglestown project. He questioned Mr. Robinson what the fee schedule is for Pugliese Associates. Mr. Robinson answered that he typically works on a one-year retainer, mapping out what his firm would do for the Township, based upon the feedback provided to his firm. He noted that the fee is based upon the scope of work, and if it is for something that they can't deliver, they will tell you. He noted that the firm will not take on something that it doesn't have a reasonable expectation to achieve. Mr. Seeds noted that the huge issues for the Township are sanitary sewer as a result of a mandate from DEP. He noted that there is the Chesapeake Bay issue as well. Mr. Robinson noted that they all trickle down to the Township footing the bill, with the residents paying it in taxes. He noted that the purpose of his firm is not to make work, but help with the challenges that the Township faces. He noted that this Township has maintained what it has and has a good solid Board to govern it.

Mr. Robinson noted that sometimes you have to spend money to get money and it appears that other Townships are going that way.

Mr. Crissman requested Mr. Robinson to identify the single most important strength of the firm. Mr. Robinson noted that his firm has the relationships with the governor, a state-related firm that has good relationships with the State Secretaries and their staff, and the legislature. He noted that his firm deals with the leaders in State government.

Mr. Crissman questioned what the weakness of the firm is. Mr. Robinson answered that his firm has a lot of competitors that will say that they can do it better, but his firm has been in business since 1980 and we can do it better. He noted that the firm has over 50 clients and he provided a list of their names with his information. He noted that the firm has a team of people who look at procurement and potential grant opportunities every day as well as having a grant writer on staff. He explained that he knows the Board members and he strongly feels that the Pugliese team could be helpful to the Board.

Mr. Crissman questioned if four firms were in front of him now, how his firm would have the edge over them other than the fact that he knows everyone on the Board. Mr. Robinson answered that he would not overpromise. He explained that his firm would provide a quality product, and have the integrity to set a reasonable fee based on what it thinks it could accomplish. He noted that most of their 50 clients have been with his firm for more than a year, and his goal is build a long-term relationship with the Township.

Presentation Jason Campbell regarding South Central Emergency
Management Services and its plans for the future

Mr. Jason Campbell explained that he wanted to provide information to the Board about South Central Emergency Medical Services (SCEMS). He noted that SCEMS has undergone some major changes and he introduced Melissa Rodkey as the new Office Supervisor. He explained that she has been with SCEMS for 17 years, and has replaced Ginny Stapf. He noted that he is now the Chief of Operations and Executive Director for SCEMS. He explained that Barry Calhoun has taken an early retirement for budgetary purposes, allowing him to work on next year's budget. He noted that it was planned to reduce the office staff from 7.5 people to three in order to save money. He noted that Jeff Bingaman is the new book keeper having 26 years of accounting experience and 23 years of bank management experience.

Mr. Campbell noted that there are eight service providers for EMS in Dauphin County: South Central EMS, Susquehanna Township EMS, Community Life Team, Londonderry Township, Williamstown EMS, Halifax Township EMS, Millersburg Area EMS, and Life Lion EMS. He noted that Life Lion is owned by Penn State Hershey Medical Center and they also cover Lebanon County. He noted that three of the providers for Upper Dauphin County are run by volunteers.

Mr. Campbell noted that SCEMS's membership is \$50 per household. He explained that the rated for ambulance service with an invoice of \$1,500, for a non-member insured approved for service, the insurance covers, \$1,200 and the patient pays \$300. He noted that the same person who is denied payment would be responsible to pay the entire item of \$1,500. He noted if they have a membership with SCEMS and the insurance pays \$1,200, the patient pays zero. He noted that this is true for a member who is denied a claim as well.

Mr. Campbell noted that the payment schedule for Medicare is slightly different in that a non-member who is Medicare approved, SCEMS would received a payment of \$275.00 and the non-member could not be charged the difference. He noted that SCEMS must accept what Medicare pays and can not bill the patient for the extra cost. Mr. Hawk questioned what would cause a member to be denied payment. Mr. Campbell explained if it is found that the incident was non-medical emergency or necessity, such as the flu, they will not pay for it. He noted that the payments for services for a Medicare claim for a member would be paid, even if denied.

Mr. Hawk noted that a hospital based service cannot charge for a membership.

Mr. Campbell explained that SCEMS raised their membership fee from \$45 to \$50 this year and it will pay for itself in just one call.

Mr. Campbell noted that the call volume for the top three providers is as follows: South Central EMS, 7,000 per year; Susquehanna Township EMS, 4,700 per year; and Community Life Team, 15,000 per year. He explained that Susquehanna Township just came off of probation for EMS. He explained for non-emergency transports the top three providers were: South Central EMS with 950 transports; Susquehanna Township with 1,075 transports and Community Life Team with 13,000 transports. He noted that SCEMS is cutting back on providing this service. He noted that they originally had five wheel chair vans, but now that service is being moved to the ambulance side. He noted every time a unit goes on a transport assignment; it takes a unit off the street and prohibits it from answering a 911 call.

Mr. Campbell noted prior to looking into additional expenditures for the previous nine months, SCEMS earnings were \$177,360. He noted for Susquehanna Township, it was \$48,000 and for Community Life Team it was a negative \$1.2 million. Mr. Seeds questioned how Community Life Team can continue to keep their doors open. Mr. Campbell answered that they are a subsidiary of Pinnacle Health (PH). He noted that Community Life Team has an obligation

to PH and PH has many subsidiaries to the hospital. He noted that some of the PH Departments take a loss, and they are known to drop subsidiaries. Mr. Seeds suggested that PH will not continue to subsidize that much of a loss. Mr. Campbell noted that loss was as of March 31, 2012.

Mr. Campbell noted that the benefit to the citizens from SCEMS is that the average provider has 12 years of EMS service, and the response time is 7% below the national average of 12.5 minutes. He noted that they are the 1st and only EMS organization in Dauphin County with 100% Mobile Dispatch Technology usage. He noted that the computers in the ambulances are directly connected with Dauphin County Communications can provide additional information to find an address. He noted that they move their units as the calls come in to provide more service. He noted that the Township is the busiest call volume for their service. He explained that SCEMS has the state of the art EMS gear, upgrading to three Life Pac 15's costing \$103,000. He noted that SCEMS can transmit the readings from their equipment to the hospital so that by the time they arrive at the hospital; they sometimes bypass the ER and go straight to the cardiac floor. He explained that they received an award from PH for having 100% compliance with the call-ins and for all the information transmitted to the hospital to the catheterization laboratory.

Mr. Campbell noted that SCEMS administered a large diverse amount of mediations at the direction of the hospital. He noted that the protocol informs the EMT what they should give. He noted that they do monthly and year end qualification training in order for the employees to continue their employment.

Mr. Campbell explained that he offers business and residential memberships providing an extra cushion to pay for the ambulance service. He noted as long as the transport was medically necessary, a member will not receive a bill. He noted that all Township employees and volunteers are covered under the business membership while they are working. Mr. Seeds questioned if a Township employee needs an ambulance would SCEMS bill the Township. Mr. Campbell answered that is he would not, due to the generous revenue supplied by the Township. He noted that fire and police standby coverage is included as well as anyone injured in the line of duty.

Mr. Campbell explained that SCEMS is able to get a 60% reduction on costs for all medical supplies that are ordered through them and they provide an 80% reduction in cost for

CPR training for police and fire. He noted that many of the fire companies order their medical supplies through SCEMS and there is free replacement of all supplies used on an EMS call. He noted that SCEMS donated two AED's to the Township this year and they plan to replace another one in July. He noted that his supplier will pay half the cost of the replaced AED with SCEMS paying the other half.

Mr. Campbell noted by reducing the amount of routine transports, it plans to increase the unit's availability for 911 calls.

Mr. Campbell noted that the current SCEMS agreement with the Township for a yearly contribution of \$224,000 or quarterly contribution of \$56,000 expires December 31, 2013. He proposed a five-year agreement starting January 1, 2013, of a yearly contribution of \$204,000 with a quarterly payment of \$51,000. He noted that it would provide the Township a savings of \$20,000 annually; \$5,000 quarterly; and for a five-year period, a savings of \$100,000. He provided the Board members with a copy of that draft agreement.

Mr. Seeds questioned who pays for the gasoline for SCEMS. Mr. Wolfe answered that SCEMS reimburses the Township for all the fuel they use. Mr. Seeds questioned if they do that at a reduced cost. Mr. Wolfe noted that the Township pays for the gasoline before the tax so that tax-exempt organizations can purchase gasoline at a lower cost.

Mr. Campbell explained in 2008, the Township increased its contribution by \$100,000 and assisted SCEMS when it was in need. He noted as a result of reduced expenses in 2011 of \$400,000 and an estimated reduction of another \$350,000 in 2012, SCEMS wants to give back to the Township funds for supporting it in 2008.

Mr. Seeds questioned if Mr. Campbell had the approval of the SCEMS Board for what he was presenting. Mr. Campbell answered yes. Mr. Seeds questioned if he is doing this with the other Townships and Boroughs that belongs to SCEMS. Mr. Campbell noted that the Township is the only one at this point. He noted that Middletown changed their agreement last year whereby their costs were increased in the third year 3%. He noted that no other municipality has funded SCEMS the way the Township has, so since he has reduced the expenses he wants to share those reductions with the Township. He noted that SCEMS is pinching pennies just like the Township therefore SCEMS wants to give back to the community what it can.

Mr. Hawk thanked Mr. Campbell for taking the time to provide the information. Mr. Crissman thanked Mr. Campbell for the outreach and for sharing the transition information with the Board.

Review of proposed resolution designating a Uniform Construction Code Appeals Board

Mr. Wolfe noted during last months meeting, Mr. Stine provided the Board members with information regarding a recent Commonwealth Court decision in which it determined that a Township could only participate in a joint Uniform Construction Code (UCC) Appeals Board if it had joint enforcement of the UCC. He noted the participants in the Capital Area Council of Governments use the joint municipal appeals board, however, most enforce their own UCC locally. He explained, as a result of this court decisions, the Township does do not have an appeals board at this time for the UCC. He explained that he has prepared a resolution in conformance with the Township's adoption of the PA UCC.

Mr. Wolfe noted that the Resolution would create a Lower Paxton Township Appeals Board, appointing the members who are currently on the Capital Area Council of Governments Appeals Board who are willing to serve in other municipalities as the Township's designated professionals to sit on the Board. He noted that the requirements to sit on an appeals board are very technically challenging, having people with specific expertise in construction for service. He noted in following this approach, Ed Stainecker is willing to serve as the Coordinator and Steve Haas as the Solicitor for any municipality for its appeal board. Mr. Stine noted that he would not be able to provide this service as it would be a conflict of interest. Mr. Wolfe noted if the Board adopts this resolution; the Township would have its own appeals board, legally established in accordance with the UCC and the current Commonwealth Court decision. He explained that there is one caveat to this in that before the Board can adopt the resolution, it must solicit the community to see of there are interested individuals who desire to sit on the appeals board, and he would have to make that solicitation before placing the resolution on a board agenda.

Mr. Crissman questioned if there is a set number of board members. Mr. Wolfe answered that a hearing board is composed of three or five hearing officers, and it would depend on the type of appeal such as electrical or plumbing. He noted that it is the applicant's choice to

determine who will serve on the appeals board. He noted that he would obviously want someone in the given trade to sit on the appeals board.

Mr. Crissman questioned if the process would be to solicit members of the community who would meet the requirements to sit on the board. Mr. Wolfe noted that the Board could appoint those members as well, but it is not allowed to appoint people from outside the community unless it has solicited inside the community. Mr. Seeds noted that he did not read that in the information provided to him. Mr. Wolfe noted that Section 403.121, c. 4 states “that a municipality may fill a position on the board of appeals with a qualified person who resides outside of the municipality when it cannot find a person within the municipality who satisfies the requirement of this section.” Mr. Seeds noted that he did not see that language. Mr. Stine noted that he just read that language from the document. Mr. Blain noted that it states when you cannot fill it from within the municipality, noting that you look from within first, then you may solicit members from the outside. Mr. Seeds suggested with a population of over 47,000 we should have someone qualified living in the Township. He noted that he is fine with the appeals board as it stands, but he is sure we have plumbers in the Township. Mr. Wolfe explained that the Township solicits from the community every year for all the Boards and Commissions and typically it gets a handful of applications. He noted that on many occasions there have been vacancies that it could not fill. He noted for this situation, not only do you have to solicit from your community, but these people have to have specific qualifications that comply with the listing found in Section C 1. Mr. Seeds noted that it doesn’t mean that you don’t have the people rather; you don’t have anyone who is willing to do it.

Mr. Hawk noted that we must do this before we could put the resolution on the agenda. Mr. Wolfe noted that he would advertise this in the newspaper, Township Newsletter or Sanitary Sewer insert and then he will bring the information back to the Board members. Mr. Crissman questioned who makes the determination if they are qualified. Mr. Wolfe answered that the Board would use the applicant’s credentials. Mr. Crissman questioned what standard would the Board use. He noted that the requirements of the Board of appeal are listed in Section 402.121. c 1., “ a member of the board of appeals shall be qualified by training and experience to pass on matters pertaining to building construction. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry, and training or experience as an

inspector or plan reviewer.” Mr. Wolfe noted that the Board would be looking for a licensed electrician or master plumber. He noted that the Township would request a completed appointment application as well as any additional documentation.

Mr. Seeds questioned if a person received compensation to sit on this Board. Mr. Wolfe answered that they receive a certain amount per docket similar to the Zoning Hearing Board. He noted that the Township would mirror the COG’s fees since we have already approved those amounts. Mr. Seeds questioned if the appealing applicant would pay those costs. Mr. Wolfe answered yes.

Discussion of required amendments to the Zoning Ordinance to permit oil and gas operations in accordance with PA Act 13 of 2012

Mr. Stine explained that Act 13 of 2012 was adopted earlier this year that preempts local regulations for oil and gas operations. He noted that the Act is 174 pages, dealing with many items, to include impact fees, and one of the chapters discusses land use regulations for oil and gas operations to include wells, pipelines, compressor stations, and things of that nature. He noted that the Act allows certain zoning regulations as long as it complies with the Act.

Mr. Hawk noted that you must allow this in all zones. Mr. Stine noted that certain items are allowed everywhere, and certain other items are allowed only in industrial or agricultural zones, and as a conditional use in other areas. He noted that since it preempts local zoning regulations he is not sure why the Township had to do an ordinance to provide for these items except that the State Legislature was concerned that neither it nor the PUC could control zoning for a local municipality. He noted that the Act tells the Township what it can do and then we have to do it.

Mr. Seeds noted that he read if the Township does not have the zoning ordinance and someone would want to locate a compressor station in a proper zone with the proper set backs, it would have to allow it, but if it doesn’t adopt the ordinance then it can’t receive any of the funds. Mr. Stine noted that is correct. Mr. Stine noted if we fail to act, someone could locate a compressor station by the Act and the Township would be out the funds as established by Act 13. Mr. Stine explained if the Township tries to regulate it without an ordinance that would be lawful under Act 13, however, there would be civil liabilities to the municipality including

damages and attorney fees. He noted that the Township is not in a Marcellus Shale area, whereas areas of Northern Dauphin County are, including Halifax and Upper Paxton Townships.

Mr. Seeds noted that he read an article that indicated, in the not too distance future ,you will see the compressor plants all over Pennsylvania since they will be shipping more of the gas and extracting methane. Mr. Stine noted that it is like a pump station. Mr. Seeds noted that they will pump it to plants and change it chemically to methane. He suggested within ten years or less we will see this happen in the Township.

Mr. Hawk noted that there is also the Utica Shale site located in the State and it is even bigger.

Mr. Seeds noted that the Township has no choice in this matter and it will not realize any money since it is not included in the ordinance. Mr. Stine noted that the Dauphin County has already adopted its impact fees for Act 13.

Mr. Stine provided the Board a sample ordinance prepared by PSATS. He explained that he has other samples from the Boroughs Association and Tri County Regional Planning Commission, however they are all different. Mr. Hawk explained that the one PSATS created has been adopted by a significant number of the townships that have been affected by the Marcellus Shale Industry. He noted that he is bias to that one. Mr. Stine noted that the one issue that the Township will have to wrestle with is whether it should be adopted as an overlay or integrate it into the existing ordinance. He suggested to integrate it into the existing ordinances would be a nightmare and it would be much better to make it an overlay ordinance. He noted that it would be less costly to do it that way. Mr. Hawk noted that the important thing is to have the ordinance in place. Mr. Crissman suggested that it is forced government.

Mr. Hawk explained that they can drill as close as 300 feet to a building. Mr. Stine noted that wells are permitted in every zoning district. Mr. Seeds noted that they have to meet the sound ordinance. Mr. Hawk noted that it must be no greater than 60 decibels. Mr. Stine noted that all the regulations are built into Act 13.

Mr. Hawk noted that he knows of an individual who has a significant amount of Marcellus Shale under his property but he refuses to sell the rights, even though the drillers can extract it by doing horizontal drilling. Mr. Stine noted that they don't have to pay him a dime to

do that. Mr. Crissman noted that he admires the person, noting that he doesn't need the money and he can tell them to go pound sand.

Mr. Stine noted that the deadline for adopting this ordinance is August 9th. Mr. Wolfe noted that it is almost impossible to make that deadline at this point. Mr. Stine noted that it is an artificial deadline at this point since no one is looking to do that work at this time in the Township. Mr. Seeds questioned if the State set up the deadline. Mr. Stine answered, when Act 13 was adopted, municipalities had 120 days to adopt the zoning ordinance changes but there were numerous municipalities against the Act stating that it was invalid. He noted that Commonwealth Court extended the deadline until the second week of August. He noted if the Township was a Marcellus Shade community; it would want to meet that since there is civil liability if it did not do that.

Presentation of a concept plan to bid the Wolfersberger Tract as a clean fill site

Mr. Wolfe noted that Mr. Luetchford and he are going to discuss a plan that Sam Robbins and Steve Fleming came up with in regards to the sanitary sewer work that is being done. He noted that the sewer projects are generating a tremendous amount of fill as contractors are not permitted to back fill with the excavated materials. He explained that the fill must be hauled away and the trenches must be filled with stone. He noted that the purpose for doing that is to maintain the integrity of the roads as the stone can be properly compacted and paved over, whereas the old material provides for settling issues causing the need for roadway repairs. He noted that the overall projects are so massive, that staff does not want to be constantly filling in sinkholes created from these projects.

Mr. Wolfe noted that Ronca developed the earthen berm that separates and buffers the eastern line along the Township landfill from the new homes that are located in the residential development Kendale Oakes. Mr. Wolfe noted that Ronca took all the materials and shaped the earthen berm.

Mr. Wolfe noted that discussions have been had with the Sewer Authority for the potential for bidding jobs and providing contractor's access to the Wolfersberger Tract, noting that it would save the contractors in their construction process. He noted that the recent Spring Creek bids that were discussed during the last business meeting included a \$50,000 credit from

one bidder to dump the materials locally on a \$2.5 million project. He noted that contractors place a value on having an easy way to get rid of the fill, especially one that is close to a work site.

Mr. Wolfe noted that the concept is to bid the Wolfersberger Tract to have someone manage it as a clean fill site. He noted that a contractor who does earth moving activities could bid on this site and for the next five years he would have a place to put his fill material. He would need to place the clean fill in accordance with the plan, compact the fill and ensure that something is growing on it in exchange for saving money or accepting fill at cost from other contractors. He noted when George Park was built; there was an earth moving contract of roughly \$1 million with no expense to truck in the materials. He noted that for this project the materials would be trucked in and placed in location and the Township would not spend any money to do it. He noted if it costs the Township money, then we will not do it. He explained that HRG has presented a concept plan for this. He noted that he would need to bid the project to determine if it would be a benefit to the Township.

Mr. Luetchford noted that he recently spoke to the Board members regarding the DCNR grant for the park study for the Wolfersberger Tract. He noted that the front 50 acres is relatively level farm property and lends itself to ball fields. He noted that is why he did not choose the back 43 acres as the site most logical to make level open areas. He noted that there are various rectangles shown on the plan provided by HRG that could be possible parking lots. He noted that he is not looking to label the fields at this time; just attempting to find open level areas for programming through the planning process.

Mr. Wolfe explained that it is not a contract to provide top soil or turf grass; he is only looking to get fill to put the basic concept in place. He noted that Mr. Fleming has estimated that there are 200,000 cubic yards of fill needed and it would reasonably take five years to fill it in. He noted if the Board wants to issue bids and make an award; it would have to make the final payment on the parcel before anything could be done. Mr. Luetchford noted that the final payment would be \$40,000.

Mr. Seeds questioned if this would be a separate contractor to oversee the grading project. Mr. Wolfe explained that it has nothing to do with the Sewer Authority, but would be a separate contract to operate and manage a clean fill site. He noted as per the specifications, the

contractor would place material where it is specified, compact it, and shape it very much like what Ronca did for the Township at the landfill. Mr. Seeds noted that we would have to pay the contractor. Mr. Wolfe answered no. Mr. Blain noted that the contractor would have the benefit of having a plan to put his clean fill from the various sewer projects in the Township. Mr. Wolfe explained that he would bid this for how much a contractor would be willing to pay the Township to use this space to dump its clean fill, and if no one is willing to pay the Township, then we have only lost the cost of the bidding process. He noted that it would have nothing to do with the sewer bids.

Mr. Luetchford explained that the contractor would accept fill from many locations including potential sewer projects. Mr. Seeds questioned what would the benefit be to the contractor. Mr. Luetchford noted that it would provide a local location to dump their clean fill from their projects. Mr. Wolfe noted in the last bid, a contractor stated that the cost to have a site to dump would save him \$50,000; therefore he would be willing to pay \$50,000 to dump his material. Mr. Seeds noted that one contractor might provide another contractor money to be able to dump there as it closer and he could get rid of his material. Mr. Wolfe noted that one of the sewer contractors might determine that it provides him a competitive advantage, and he is going to bid on it. Mr. Seeds noted that the other persons who are bidding on the projects would have to seek permission from the awarded contractor to dump the clean fill on that site.

Mr. Wolfe noted if the Board is in agreement, he will work on bid specifications and get it out on the street.

Mr. Seeds noted that the first thing the Township would have to do is pay the \$40,000 debt on the land. Mr. Wolfe noted if the Board decides to award bids, the Township would have at least 30 days to do that. Mr. Seeds noted that the Board has never decided if it plans to develop that land. Mr. Wolfe explained that is the next item on the agenda. Mr. Wolfe noted that the Board may decide that it may never want to develop that site as a park, but the land would be more sellable.

Mr. Seeds noted that there are road straightening issues for Wenrich Street. Mr. Wolfe noted that it is not a concern for this contract as it is not a park plan. Mr. Seeds questioned if there would be any state agency that the Township would need to get permission from for trucking in the fill. He questioned if it would affect public safety and if PENNDOT would have

issues with this. Mr. Wolfe noted that it is a Township road and PENNDOT wouldn't have any say on it. Mr. Seeds noted that we would need a temporary road to get the material from Wenrich Street to where the fill would be dumped. Mr. Wolfe answered that it would be part of the contract, just like Ronca did at the landfill when they placed the fill at that location. He noted that the contractor would have to have a construction entrance as they exited the tract onto Wenrich Street. He explained that the concept plan from Mr. Fleming shows three points of connection with Wenrich Street.

Mr. Luetchford explained that one entrance could be located at the southern end of the site across the street from the Millersdorf Apartments. He noted that the middle entrance would be located across from the Whisper Woods Development and the other area would be the current entrance used for the Linglestown Paintball business. He noted that you would not have to use all three, but there are three potential entrances. Mr. Seeds questioned if this would affect the paintball people. Mr. Luetchford answered that it doesn't need to, but eventually we will have to discuss how their parking could be affected.

Mr. Wolfe noted that the concept is not recreation motivated, rather it is a means to reduce earth moving costs in the Township and develop a more usable parcel of land. He noted if the Township can do it, it is a win-win for the Township. Mr. Crissman noted that it is a good concept and we need to move forward.

Mr. Seeds questioned if the contractor would compact the fill since this is a different scenario from the landfill which we have to monitor forever. He noted that they would be dumping the fill and compacting it so if the Township was to use it for a park or sell it there would be no problem with compaction. Mr. Wolfe answered that there will be specific requirements on the placement of the fill and it will be required to be compacted. Mr. Seeds questioned if the fill would have to meet certain criteria. Mr. Wolfe answered that it would have to be clean fill.

Mr. Robertson questioned if DEP has to be involved in this project. Mr. Wolfe answered, not for a clean fill site, however a NPDES permit would be required for the earth moving and a Erosion and Sedimentation Plan would need to be in place. He noted that there would be a sedimentation basin, noting that Mr. Fleming showed two on the plan that could be filled in at the end of the project once everything is reestablished.

Review of RFP for planning services for Wolfersberger Park
development and Koons Park redevelopment

Mr. Blain questioned if this is what the Board discussed at the last meeting. Mr. Luetchford noted that this is the outcome of the grant from DCNR that the Board chose to match at a previous meeting. He noted that he has attached the Request for Proposal (RFP) and the scope of work for the Board to review prior to its being put out to bid. He noted that the Parks and Recreation Board (PRB) already discussed this suggesting a potential date of August 8th to begin interviews with the consultants.

Mr. Wolfe noted that the Board specifically requested to see the RFP prior to it going out; therefore he put this item on the workshop agenda. He explained that it is a standard RFP using the Township's boiler plate that Mr. Luetchford modified to meet his specific needs. He noted that Mr. Luetchford attached the back end of the DCNR grant requirements as well. He noted that a Master Plan Committee is required and it will shepherd this process through and oversee the activities of the consultant. He noted that staff will bring more information on this in the future.

Mr. Luetchford noted that the PRB has discussed some of this and suggested that some members of the PRB would form part of the Master Plan Committee with additional people from the general public as well.

Mr. Wolfe requested Mr. Luetchford to describe what the final product should be from the consultant, noting that it includes the Wolfersberger Tract and Koons Park. Mr. Luetchford answered that it would be a year-long process including a series of public meetings with the Board, other Committees, key person interviews, surveys, to determine what the public wants to see in those parks. He noted that the end result should be similar to the Greenway Plan, noting what kind of facilities may be included in the park, a general concept plan, estimates of costs, and much more documentation for the concept of the park.

Mr. Wolfe noted that it would be fair to say that this plan may make recommendations for modifications to Koons Park. Mr. Luetchford noted that it would also include re-planning Koons Park since they are within a half mile of each other and will work in tandem.

Mr. Wolfe questioned Mr. Luetchford what his estimated cost for study is. Mr. Luetchford noted that it should fall within the budget amount of \$80,000; with \$40,000 from DCNR and the matching \$40,000 from the Township.

Mr. Wolfe noted that the Board would not commit to anything until it awards the contract to the consultant. He noted that this bid is occurring at the same time that the Board would act upon bids for land fill for Wolfersberger Tract. He noted if the Board is willing to properly place the fill at that location; it would be a good time to determine what the Board wants to do with the land in the future.

Mr. Seeds noted under the Scope of Service, it states that the development of this property with a local community park would be the next step in the expansion of the Township parks system. He suggested that the Board is not committed to that yet, only taking a look at it at this time. He noted that the wording made it sound like the Board is pretty sure that it will build the park.

Discussion regarding proposals received from PAWS and
Lower Paxton Community Cats for the spay and neuter of free roaming casts

Mr. Blain reported that Ms. Romberger's car has signs on it for the Lower Paxton Community Cats (LPCC). He noted that she is very active in the Township. Mr. Wolfe noted that she works out of her house.

Mr. Wolfe explained that the Board has received numerous email and correspondence from citizens regarding cats. He explained that this started when the Police Department made it regulations more stringent in regards to animals that were dropped off at the Humane Society. He explained that people were taking anything to the Humane Society saying that they were from Lower Paxton Township and the Township was paying for it. He noted that since that time, the Police Department will only allow stray dogs to be taken to the Humane Society by a resident. He noted that the Township has a legal requirement as per the Second Class Township Code to address this issue. He explained if a Township resident finds a domestic cat they will be permitted to take it to the Humane Society at our cost, but the Township will no longer allow ferial or wild cats to the taken to the Humane Society.

Mr. Wolfe noted a colony of cats could have as many as 50 to 60 cats. He noted that individuals will feed these wild animals, and once in a while a resident will catch one and

expects the Township to take care of it. He noted if it is taken to the Humane Society, the animal stays there for an extended period of time, is vaccinated and receives medical care on the Township's bill. He explained, when the Township stopped taking feral cats to the Humane Society, certain individuals became incensed that they no longer had Township support. He noted as a result, an individual formed an organization called Lower Paxton Community Cats (LPCC) and operates this service from her home. He noted that LPCC collects animals, transport the animals to a PAWS clinic where it will be spayed, neutered, and vaccinated and will take care of the cat after the surgery until it is healed at which time it is released into the cat community.

Mr. Wolfe explained that he found that LPCC utilized the PAWS clinics to have the animals spayed and neutered. He noted that PAWS will provide almost the same service at their clinic for roughly \$30 per cat. He noted that the individuals have been told that the only money budgeted for this type of service would be the \$1,500 surplus expected from the Humane Society line item for this year. He noted that staff is not recommending that the Board take this on or provide it as a community service. He noted that the Board needs to provide a response to PAWS and LPCC. He questioned if the Board wants to contract with an organization, and if it does, which one.

Mr. Wolfe suggested that staff would recommend PAWS versus LPCC.

Mr. Seeds noted that the difference between PAWS and LPCC is unknown since there is very little information from LPCC. He suggested that Ms. Romberger takes the cats she finds to PAWS. He noted that LPCC monitors the cats for 48 to 72 hours after the procedure, where as PAWS would give the cats back to who ever brought them in. He noted that LPCC collects the cats and has her own cages. He questioned if PAWS collects the casts, noting that it is not clear to him about who does what. Mr. Wolfe answered that PAWS does not collect the cats and they don't monitor the cats after the procedure. He noted that the collection and monitoring activities that occur at the residence of LPCC do not comply with the zoning regulations as the Township does not allow that number of domestic animals at one residence at a time as Mr. Crissman very well knows.

Mr. Seeds questioned what eight spay neuter appointments per year means. Mr. Wolfe answered that he did not know, and explained that neither of the organizations are good at

providing documentation. He noted that he does not know how the document lists it as eight for a certain number of spaying or neutering of cats. He noted that they will do that for a reduced rate of \$30 and PAWS enters into agreements with these clinics for these services. He noted that staff would inform residents to call PAWS to make the arrangements for the clinic. He noted that the clinic would instruct people that they would do the operation, and to come back the next day to pick up the cat, watch it for two days, and then release it into the wild. Mr. Seeds noted that it would be up to the individual to get the cats to the clinic.

Mr. Seeds questioned what the TNR program was that was listed on the bottom of page one. Mr. Blain suggested that it stands for trap and return.

Mr. Hawk noted that people would have to take the cat home for two days, take care of it and release it. He suggested that the person might end up with a cat.

Mr. Seeds noted that they tip the cat by putting a v-notch in the ear so that the cat would be easily identified as being neutered.

Mr. Crissman noted that the real issue is what the Board is going to do. He questioned if it should support either one of these agencies by spending the money to do so.

Mr. Seeds questioned what about the inoculations such as rabies. Mr. Wolfe noted that it is included in the cost of the procedure. Mr. Seeds suggested that it is a good deal. He noted that they have clinics to do this. Mr. Wolfe explained that PAWS will conduct clinics for residents for free.

Mr. Blain noted that the big difference is that PAWS doesn't trap and LPCC will trap the cats and take them to a PAWS clinic and then release them when ready.

Mr. Wolfe noted that LPCC is not a 501-C3 organization, noting that they are a program of a 501-C3. He noted that it is operated from a location that is a legal business.

Mr. Seeds questioned if the Township has an ordinance against feeding cats. Mr. Wolfe noted that you are not supposed to feed wild animals. He noted that every year we get complaints about people feeding wild animals. Mr. Crissman noted that people feed birds, squirrels and rabbits all the time. He noted that it that classification lumps them all together.

Mr. Blain noted that the "Best Friends Forever" is the name of Stacy Romberger's organization that is a 501-C3 and he questioned if she is saying that LPCC is a subsidiary of it.

Mr. Wolfe answered that the words that Ms. Romberger used was program, yet the contract she proposed is with LPCC and he did not know how a program can contract.

Mr. Wolfe noted that the Board has a legal right to spend municipal tax dollars for services to take care of animals, other than dogs that are running at large over; however it only as the responsibility for doing this for dogs. Mr. Seeds noted that he would sooner let Ms. Romberger do it since she would trap the animals, take them to the clinic, and then monitor the animals post surgery, however, there could be a problem with her doing that at her home since she is not zoned to do this. Mr. Stine noted that it would be contributing to a zoning violation.

Mr. Hornung questioned if the Township could pay PAWS to spay and neuter the cats that they catch. Mr. Wolfe explained that PAWS does not catch the cats. Mr. Blain suggested that he means Ms. Romberger. Mr. Wolfe questioned if Mr. Hornung wanted the Township to pay PAWS directly as we don't pay anyone to do this service at this time. Mr. Seeds noted that we gave Ms. Romberger money.... Mr. Crissman noted that the Township has not given her any money to do this. Mr. Seeds noted that she appeared before the Board asking for funding for this. Mr. Crissman noted that the Board did not approve giving her any money. Mr. Wolfe noted that the Board does not have any right to give her money... Mr. Crissman agreed. Mr. Seeds suggested that there was some justification and the consensus was to do it. Mr. Crissman answered that there was no consensus on that as he would never have agreed to do that.

Mr. Wolfe noted that he remembered that staff was directed to develop some arrangement for the Board to consider which is what he prepared for this evening. Mr. Seeds noted that Ms. Romberger came in with a request. Mr. Wolfe noted that Ms. Romberger asked the Board to pay for something she authorized and billed without the Board's authorization. He noted that the Board has no legal right to provide her compensation for it. He noted that the Board has a legal right to demand that she prove that she is a legal entity and then enter into an agreement with her to take care of cats into the future.

Mr. Blain noted that the difference between the two organizations is that PAWS does not trap and LPCC will trap the cats and take them to PAWS to get them spayed and neutered. Mr. Seeds noted that she will monitor the animals for a few days after to ensure that they are okay prior to releasing the cats back into the wild.

Mr. Blain noted that the issue with LPCC is that she may be violating the zoning ordinance for operating a business out of her house, and the second item is if LPCC is a program of the Best Friends Forever. He questioned what the Board wants to do about this. Mr. Seeds stated that we need a better agreement than what was provided to the Board. Mr. Wolfe noted that the agreement from PAWS would need some work but it is workable. He noted if the Board agrees to work with Ms. Romberger, the first thing staff must do is check into the possibility of a zoning ordinance violation. Mr. Hornung noted that he would not want to do that, but he questioned if there was a way the Board could support an annual program to neuter cats. Mr. Wolfe answered if that is the only desire of the Board, then it should enter into an agreement with PAWS.

Mr. Hornung questioned if it would have to be bid. Mr. Wolfe answered no as it is a professional service. Mr. Hornung noted that he would like it to be an annual service that would need to be agreed upon by the Board members for services for a certain amount per cat. Mr. Wolfe answered that is roughly what the Board does now with the Humane Society.

Mr. Hornung stated that the agreement would note once it utilizes a certain amount of funds, then it would be done for the year. Mr. Seeds noted if Ms. Romberger wants to take the cats to PAWS that is fine. Mr. Blain noted that the Humane Society will not take free roaming cats, only domesticated cats.

Mr. Wolfe noted that it is his understanding that the Board wants to see a workable agreement with PAWS. Mr. Blain noted that he is willing to go along with what the other Board members decide, noting that Ms. Romberger does appear to have a vested interest in supporting the cat community in the Township. Mr. Seeds noted that Ms. Romberger does not make any money from the work she does if she is only charging \$30 and turning around and giving it to PAWS. Mr. Hawk noted that her heart is in the right place. Mr. Wolfe noted that the issue is the first time a neighbor complains about odors coming from her house, and we have to send a code officer to investigate, you have now contributed to someone who could be violating a zoning ordinance. Mr. Hornung noted that he does not want to contribute the funds to Ms. Romberger, but anyone who wants to take a feral cat to PAWS they could drop it off. He suggested that she would use the PAWS agreement the most, but he does not want to support her in anyway because of the implications. He suggested that the Board should send her a letter stating that if

she is operating this service out of your home, it could be a problem, warning her in a nice way. Mr. Seeds noted that we can't help her due to the zoning restrictions. He noted that he agrees that we should do something with PAWS. Mr. Wolfe noted that he would wait for the Board to take formal action before sending any letter.

"Otta Know" Presentation:

There was nothing to present for this item.

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 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary