

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held July 10, 2012

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6: 08 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 and Gary A. Crissman.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Tom Stang, Waste Management; Brett Mashchak, Darden Restaurants; Sam Robbins, and Matt Miller, Public Works; Steve Fleming, HRG; and Watson Fisher and Ted Robinson, SWAN.

Pledge of Allegiance

Mr. Seeds dispensed with the recitation of the Pledge of Allegiance as it was recited for the previously held Sewer Authority meeting.

Public Comment

No public comment was presented.

Discussion with Tom Stang, representing Waste Management, regarding potential extension of the solid waste and recyclables collection contract

Mr. Wolfe noted that Tom Stang is present representing Waste Management (WM), the contracted waste carrier for the past eight years. He noted that the last contract for solid waste and recyclable collection was awarded in July 2008 with a contract ending date of June 2013. He suggested that it would be appropriate to have an initial discussion with Mr. Stang in regard to the current status of the contract and if the Board would be interested in entertaining a proposal from Mr. Stang for an extension of the contract. He noted that Mr. Stang is present to have a general discussion with Board members in regards to other services that could be provided by WM.

Mr. Stang noted that he would like to get ahead of the curve with the contract coming to an end a year from now. He noted that the contract allows for a one to five-year contract extension. He explained that he would like to attend the August workshop meeting to make a formal presentation as to what he is thinking about.

Mr. Stang noted that WM would like to help the Township recycle more goods, reduce the expenses for the Township to bring more revenue to the Township. He noted that some of the ways he may be able to do that is to provide a larger recyclable bin, noting that the larger the bin, the more the people will fill it. He noted that there is a huge conversion in the industry from the standard 18 or 28 gallon bin to a cart size 64 gallon container. He noted that WM recently was awarded the Hagerstown Maryland contract in January of this year for 16,000 homes, comparable to the size of Lower Paxton Township. He explained once the larger carts were provided, the amount of recycle tonnage went from 20 tons a month to 50 tons a month in a matter of three months. He noted that he is looking for way to recycle more materials that will bring in more grant money and revenue sharing.

Mr. Seeds questioned if he was talking about the large carts that are automatically picked up by the trucks. Mr. Stang answered that there are large ones that are 96 gallons but there are also the 64 gallon carts. He noted that he could bring them in for the Board to see at a future meeting. He suggested that the 64 gallon is more residential friendly as people have protected areas within their garages and the 96 gallon container may be too large. He noted that he has areas where the 96 gallon cart is available. He noted that there is some expenditure for purchasing the recyclable bins. Mr. Wolfe explained that the Township does not purchase the bins for the people, noting that the program started in 1990, and the Recycling Committee determined that purchasing and distributing 16,000 plus containers would be difficult. He noted that the Township provides a sticker for residents to adhere to their container of choice.

Mr. Crissman questioned if WM provided bins for its customers. Mr. Stang answered that part of the thought process would be that the investment into the carts in that WM would provide to the residents as part of the contract extension. He noted that he would be looking at a five year contract extension since the expense of the carts would be carried out over those five years. He noted that would be part of his presentation that he plans to provide in the near future.

Mr. Crissman questioned Mr. Stang if he would be providing numbers for the next presentation. Mr. Stang answered yes. Mr. Crissman noted that he would be comparing prices with local vendors as well.

Mr. Seeds noted that overall he thinks WM does a good job of picking up trash, however, he occasionally gets a call that the yard waste was not picked up. He noted that his is sitting behind his home and it should have been picked up a week ago. Mr. Stang noted that when he hears of issues from his route supervisor in regards to a delay, it normally concerns the yard waste more than anything else. He noted if we are short workers, we tend to delay the yard waste over the trash service. He noted that he has not heard many issues regarding yard waste. He noted that of the four services provided he has heard the least complaints regarding yard waste. Mr. Wolfe noted that yard waste this year was delayed two or three times, noting that part of the problem was that early in the season the volume of material was far more than what anyone expected due to the mild winter and warm spring. He noted that the Township was deluged with material early in the season. He noted that currently there is very little put out for trash.

Mr. Stang noted that he gets more yard waste from Lower Paxton Township than anywhere else. He noted that this Township educates its people much better than others, and they all receive a schedule for yard waste. He noted that the advantage of higher recyclables is land fill cost avoidance and revenue sharing.

Mr. Wolfe questioned how the Harrisburg incinerator is working. Mr. Stang answered that his trucks have waits every single day, noting that his trucks can be in line for over an hour and a half. Mr. Seeds questioned if they are that busy or is it a management problem. Mr. Stang answered that he does not have those waits at other incinerators.

Mr. Hornung questioned where WM takes the yard waste. Mr. Stang answered to the Lower Paxton Township Compost facility. Mr. Wolfe explained that everything generated in the community goes to the compost facility and WM hauls in bulk from the yard waste from West Hanover Township. Mr. Stang explained that certain days of the weeks are reserved for the residents access to the Compost Facility and his trucks coming from West Hanover Township use it the other days.

Mr. Seeds stated that he hopes that the trucks are not coming in too early. Mr. Stang answered that his trucks are doing very well this year. He explained that Carolyn Markle called to Township to get permission to start early for a day or two due to the extremely hot weather and Mr. Wolfe granted that request.

Mr. Crissman noted that other than recycling and the new containers are there any other areas that the Township should be mindful of before Mr. Stang returns to discuss the proposal. Mr. Stang answered that he could not think of anything. He noted with the cart system, he would look into a longer term contract as an investment to get automated trucks to pick up the carts and dump it. He noted that he could discuss if there would be an interest in automated carts for trash as well. He noted that he is doing that now in Derry Township where they have 96 gallon carts for trash and 64 gallon carts for recyclables. He noted that most of what he would be looking at with the contract extension is to stay within the confines of the contract as he does not want to come in the door with added services where he would have to charge more money for the added services. He wants to keep the pricing as it currently is but possibly rewarding it on the backside. Mr. Wolfe noted that the current contract does defines the terms of an extension as part of the past bid documents.

Review of a request for waivers for the preliminary land
development plan for Longhorn Steakhouse

Mr. Brett Mashchak, Site Development Manager for Darden Restaurants, explained that Darden is the parent company for Longhorn Steakhouse. He explained that he met with staff and received initial comments on the proposed site plan. He noted that they received four comments as a result of that meeting to include adding sidewalk and landscape along the frontage, and meeting some of the other requirements that were part of the ordinance. He noted that the last comment was to redo the entire mall entrance driveway as part of the development of the steakhouse. He noted when a cost analysis was done for this, it became a deal killer for Darden. He noted that he met with Ms. Moran again and was informed that the drive entrance redo is part of the Ordinance and that he would have to asked for forgiveness from doing the work, it was suggested to him to discuss this further with Mr. Wolfe and the Board of Supervisors during a workshop session to see if this could be overlooked as part of the development. He noted that his business is only a little piece coming into the larger Sears parcel.

Mr. Seeds read that the additional work for this area will bring our overall area of site development over one acre thus taking us into the state requirement to bring the site into today's standards for both water quantity and quality. He questioned if that meant that he must put in a new detention area. Mr. Mashchak answered that he would have to put in a detention and quality system for the site. He noted if he stays under one acre and does not do the driveway entrance and keeps the plan under one acre he increases the green space area by more than 20% of what exists currently.

Mr. Crissman noted that Mr. Mashchak stated that his proposal is a small piece, but it would also have a major impact on the entrance/exit driveway. He stated that he can not understand how it can be a small piece and have no impact for the access and egress from that facility for what you are asking the exception for. Mr. Mashchak noted that the entrance as it is today functions well. He noted that he has not done any traffic studies on it to determine if there are any issues with the way it functions currently with the left/right turn lanes and straight through lanes coming out of the Sears parcel. He noted that once he completes his traffic studies it will show that it works as it functions currently and that the suggestions will only be cosmetic.

Mr. Seeds questioned Mr. Mashchak if he thinks he can get his plan less than one acre, noting that the Township cannot waive any State regulations. He noted that Sears is not as busy as it once was; however during the holidays, especially at Christmas time there is a backup coming out of the shopping center. He questioned what changes the Township would require Mr. Mashchak to do. He questioned if it would require him to install left, straight and right turn lanes. He noted at this time how many lanes are at the traffic signal. Mr. Mashchak answered that currently there is a left, straight and a right turn. He noted that there are three lanes now. Mr. Fleming noted that he did not recall the lane variations but that there was a retrofit of the entrance with a metal guiderail to restrict traffic to make it channelized, forcing the vehicles to queue for the traffic signal. He noted that there may be some stacking but it is on the Sears parcel and away from the other shopping center traffic. He noted that the improvements that were discussed during the staff meeting were of a nature to make it a more permanent improvement and not guiderail and pavement and to formalize it with curbing and landscape islands to address that entrance and the proposed development area.

Mr. Hornung questioned if it would change any of the lanes. Mr. Mashchak answered no, but it would remove the existing guiderail and add curbing for both sides of the entire entrance and add landscape areas. Mr. Seeds nodded that he is asking for a waiver to keep it like it is.

Mr. Crissman questioned if it was premature to ask Mr. Fleming for his opinion. Mr. Fleming answered that he took a look at a sketch plan and made a recommendation at that meeting to consider this improvement. He noted that he has not reviewed anything since then and any traffic improvements would be based on traffic study. He noted that this was something he thought was necessary to make that end of the shopping center functional making an improvement to the overall site. Mr. Crissman questioned if he wants to reserve his opinion until the traffic study has been completed. Mr. Fleming noted as far as expanding turning lanes, yes. Mr. Seeds noted that everyone would welcome the steakhouse as it would be a nice addition. Mr. Crissman noted that Mr. Seeds should speak for himself. He noted that there are things that he would like to see that are required as per the ordinance.

Mr. Mashchak noted if the traffic study comes back that the lanes function properly and there are no issues with it and it becomes an aesthetic issue, he is lined up to do the work for the portion that he would be dealing with, about halfway back the drive entrance on the Sears left side. He would redo it by adding landscaping at that location and redoing the entire front to put in a sidewalk, street trees, and landscape at that location, but he does not want to rip out everything in that driveway and put curb and landscaping along the entire driveway as it would become a very expensive undertaking.

Mr. Hornung questioned how expensive it would be. Mr. Mashchak answered that his construction site budget went from \$300,000 to almost \$700,000 to include the curb, gutter, cutting, ripping the asphalt out, and doing everything. Mr. Fleming questioned if that included the sidewalk and new curbing along the front. Mr. Mashchak answered yes, for all the work in the front and the landscape island that he is adding in the parking lot. Mr. Fleming noted, during the meeting, it was mentioned that the addition of the sidewalk or pedestrian route along the frontage was an item that would be required and the only curbing was interior to the site at the entrance driveway but not necessarily along Route 22. Mr. Mashchak noted that the big uptake is removal of the guiderail, changing all the drive configurations, and putting curb and gutter into

that entire area with landscaping and sod. He noted that Sears told him that it would be his responsibility if it is required. Mr. Fleming noted that it is a substantial increase when you are preparing a restaurant at a cost of \$300,000 and make additional improvements for an additional \$350,000. Mr. Mashchak suggested that it was around \$300,000 more. He noted that it would take him over to an acre and a half of development that would get him into huge State requirements.

Mr. Hornung noted that curbing and sidewalk are not that much. Mr. Mashchak noted that you get into the underground issues as well.

Mr. Fleming questioned Mr. Mashchak if he met with the Dauphin County Conservation District yet to determine how they would view the property as an existing impervious area and the increase the restaurant would have. Mr. Mashchak explained that he has not met with them yet to have that discussion, only with his engineers.

Mr. Seeds explained that without the completed traffic study he did not know how to proceed to consider what would be required. Mr. Hornung suggested that he is saying that it is not worth doing a traffic study if the Township requires the improvements because it is not worth it at this point. Mr. Mashchak noted that he does not want to waste his money; however, if the Board feels that it is willing to waive some of the requirements then he is willing to spend money on the traffic study which may end up requiring other changes that may kill the deal also. He noted that these requirements are a deal killer at this time.

Mr. Hornung explained that some developers come to the Board asking for waivers since they state that it will cost \$50,000 to \$100,000 to do something, but he wants the proof to back those costs. He noted that it is easy to say that it will cost an exorbitant amount of money, and then the Board waives the request, but sometimes he feels like he has been duped and he knows that the little bit of work along Route 22 would not cost near \$100,000. He suggested that a water retention area could very quickly escalate the costs. He noted that he is willing to waive it but he needs to see a written estimate that can be verified. He noted that he does not feel it is wise to make someone who wants to develop a restaurant spend almost twice the amount of money for improvements if the Board can somehow make this work without violating our ordinances. Mr. Mashchak noted that he would talk to his vice president of construction and have them put the

numbers together. He noted that it is not like he is adding to the impervious coverage, as it is already all asphalt. He noted that anything he does, landscape wise would be an improvement.

Mr. Hornung noted that this area drains into an area that has stormwater issues. Mr. Mashchak noted that the last time it was raining; the entire parking lot water was flowing out into the streets.

Mr. Crissman questioned if he had to consider a retention pond in the area. Mr. Mashchak answered if he stays under an acre he would have to do water quality solutions. Mr. Crissman noted that is a secondary issue. He noted that he is not prepared to do anything until more information is provided. Mr. Hornung noted that we could not take action tonight as it is a workshop session.

Mr. Mashchak questioned if he needs to get this information to Mr. Wolfe. Mr. Crissman answered yes. Mr. Wolfe noted that he would make sure Mr. Fleming gets the information.

Mr. Mashchak noted that he is looking to end the development halfway back the driveway and he would be willing to do the front to add curbing and landscaping along the Sears Auto Center. Mr. Seeds noted that some of the metal guiderail would remain. Mr. Mashchak noted that area around the Sears Auto Center would remain as is and the majority or halfway back on the parking lot side would remain metal guiderail. He noted that the backside of his building forward would be curbed with landscaping. Mr. Seeds questioned if it would include the curb and sidewalks in the front. Mr. Mashchak answered yes. Mr. Hornung questioned why we want sidewalks in front along Route 22. He noted that it doesn't make any sense as it is all macadam. Mr. Crissman noted that there is sidewalk along Route 22. Mr. Mashchak noted that there is none at that location now. Mr. Fleming noted that there is an ADA ramp in front of the tire center. Mr. Crissman questioned if there is a sidewalk going up to Mountz Jewelers. Mr. Mashchak suggested that there is curbing but no sidewalk. Mr. Hornung noted that he did not know why the developer should have to put in sidewalk. Mr. Mashchak noted that in many instances he agrees to do that because the community wants it. He noted as more redevelopment occurs, sidewalks are installed. Mr. Crissman noted that it would be good to be able to walk from that location to Mountz Jewelers. Mr. Hornung noted that there is macadam there now and he would prefer that the developer plant bushes or something that would make it look nice. Mr. Crissman suggested that we should wait to see what he comes back with. Mr. Hornung noted

when Mr. Mashchak comes back with the drawing; he would like to see a proposal and a second one showing what he proposes to keep. He noted that trees are to be planted but he doesn't care if sidewalk is installed. Mr. Crissman noted that it is negotiable.

Review of the Winfield Street storm Water Drainage Study

Mr. Fleming explained that a month ago he came before the Board to discuss the Winfield Street Drainage Basin. He noted that this area has been a historic and problematic flooding concern and an area that the Public Works Department must address several times a year. He noted that he utilized a stormwater program known as Storm Water Management Model (SWMM) which is an Environmental Protection Agency (EPA) program which analyzes flooding by surcharging storm sewer systems to find the problem sections of the system to determine what the solution is. He noted once that is done, he must come up with program level cost estimates for the Board to review to determine if the project should be pursued.

Mr. Fleming noted that Map 1 in the drawings section of the study identifies the limit of the drainage basin, noting that it is a large area that funnels down to the Winfield Street area and includes North Side Elementary School, the Friendship Center, the neighborhood in between Route 22 and Devonshire Road, as well as the neighborhood between Ethel Street and Devonshire Road. He noted that all of the drainage in that area works its way through a network of storm sewers that has been installed over a period of time as the area was developed and it has been in use for many years. He noted that last year a section of pipe was replaced which had reached the end of its life as it failed during the large storm event and Public Works replaced a section of it as well as the outlet structure and upstream inlet. He noted that the largest pipe in the existing storm network is 48 inches and there are series of different sized that are used to convey the storm sewer through the area including one section that was improved from a substandard size that goes from a 30 inch pipe to an 18 inch pipe and back to a larger pipe that has caused a restriction in the center of the drainage area.

Mr. Fleming explained that the study revealed that the existing system does not have the capacity to handle even a one-year storm event. He noted that the current Township Ordinance requires a new storm sewer to be designed for a ten-year storm event which is still on the lower

side when you consider that this is what we would consider a critical system. He explained that there is no secondary path for the water to flow into if the system becomes surcharged.

Mr. Fleming noted that he manipulated the storm water model to determine what would be a likely solution for the Township to explore, and he came up with two alternatives. He noted that Drawing No. 5; Alternate 1, shows that the storm network labeled in red is what he proposes to replace. He noted that it would increase the capacity of the system to make the entire drainage basin function without surcharging during a ten-year storm event. He noted that it is quite an extensive replacement project and it would increase the size of the system but would cost roughly \$800,000 to complete. He noted that it is a large number and the reason is because it would convert the current system that is sized for a one-year storm to a ten-year storm system. He noted that it would address the failures in the system and also expand the size of the system to take in more water. He noted that he would increase the largest pipe of 48 inches to 72 inches.

Mr. Fleming noted that in the discussions with staff there was an idea to install a relief system in Devonshire Road with the goal of relieving the pressure for the flooding system to bypass some of the drainage. He noted that he plugged in the additional pipe network to see what its effect on the overall system would be and the computer model results showed that the Winfield Street system would have to be replaced, so while there would be some benefit and it is an alternate route to consider with a final design, he was not confident to say that he would not have to touch the system on Winfield Street to install the system on Devonshire Road. He noted that it would be an additional cost over the \$800,000, around \$950,000. He noted that the numbers are large and he did not want to spend time on details that most people glaze over. He noted that he would like to come up with a game plan to move forward.

Mr. Crissman questioned what kind of cost recovery would there be if only Alternate 6 was done. He noted that it sounds like there may be some duplication or some things that are not necessary to do. Mr. Fleming noted that the studies are to find potential solutions and alternate routes to provide the magnitude for a solution. He noted that focusing the project on Winfield Street is the most efficient route to go, however the Devonshire Road plan is a good option. He explained if he could not get the needed capacity in Winfield Street, and run into construction limitations, he could always add the Devonshire Route if necessary. He noted as far as pursuing

the Devonshire Route as part of the final design he knows that there is some redundancy but the existing system in Winfield Street will be replaced anyway.

Mr. Crissman questioned if the Devonshire route might be a backup plan to go with if we started construction in Winfield Street. Mr. Wolfe noted that the Devonshire Plan was one that staff brainstormed as a potential solution hoping that it could have been less expensive. He noted that it turns out that it costs more. He noted that no one is recommending that we go that route; however we did not know that at the time. Mr. Fleming explained that it is a logical alternative when you look at it in the field but he wanted to see what it does for the numbers. He noted when looking at the Devonshire route, the other concerns are utilities, the gas and water lines that are under pressure at minimum depth, and the traffic on Devonshire Road.

Mr. Seeds noted that Mr. Robbins and Mr. Miller mentioned before that this is an ongoing issue and if the water was relieved from that area, it would be sending more rain downstream. He questioned who would be impacted downstream. Mr. Fleming answered that the downstream is a wooded area and once it gets to the enwall located at the last house behind the pool it moves down into the wooded area. Mr. Miller noted that the water crosses under Colonial Road and travels along the south side of the shops along Colonial Road and meanders through that area towards the highway. He suggested, at this point no development is impacted by this. He noted that it is entering into natural water courses once it leaves this area. Mr. Seeds questioned if a large amount of water is put in that area in a short period of time would it impact anyone else. Mr. Robbins answered that he did not believe it to be so. Mr. Miller noted that this might help to get the water there quicker but he thinks through the design process, using a rip-rap apron it would slow the velocity once it gets out of the system so it would not have a dramatic increase on the downstream.

Mr. Robbins noted that a concern for the drainage in this basin is that it is old. He noted that there is a lot of old infrastructure that requires constant attention by staff. He noted that he did not want to throw money at something that could ultimately be torn out, making sure we do it right the first time.

Mr. Fleming noted that the wooded area is a large open channel, and over time, channels were piped and streets were built on top of it so the overland capacity was lost. He suggested that

it when the storm sewer was installed back in time, the programs that we use today were not available. He noted that stormwater was very rudimentary back then.

Mr. Wolfe noted that he is not asking the Board to take any official action on this at this time as it is a large budget number and an item that cannot be funded in 2012, and maybe even next year, but staff wanted the Board to be aware that the drainage basin has issues and that the solution is not cheap.

Mr. Hornung questioned how many houses are located in this drainage basin and flooding. Mr. Fleming answered there are roughly 200 homes, a school, and lot of commercial establishments. He noted that the Friendship Center is located at the top of the basin and it includes the Amesbury Development along with Devon Manor. Mr. Hornung questioned how many homes were flooded by this past event. Mr. Fleming suggested that it was four or five homes. Mr. Crissman noted that most of the flooding occurs south of Devonshire Road as the school sits high.

Mr. Robbins noted for Drawing No. 1, from Cove Road to the "W" in Winfield Street there is street flooding in those areas. He noted at Houcks and Devonshire Roads, the water comes out the manholes. Mr. Crissman questioned what the impact was caused by the new Amesbury Development. Mr. Fleming answered that recent developments like Amesbury, the Friendship Center, and the church were all developed to the current storm water ordinance so they can't release anymore post development than they did pre-development. Mr. Robbins explained all that storm water is being controlled. Mr. Crissman noted that the most of the problem is south of Devonshire Road except for the small piece near Houcks Road. Mr. Fleming noted that there is a finger of the 100-year floodplain that extends across Cove Road. Mr. Robbins noted that there is street flooding at the end of Bristol Drive and Houcks Road.

Mr. Fleming noted that the larger concern is that Winfield Street is frequently flooded in that area. He noted that there are reports of surcharges from the inlets. Mr. Crissman noted that he would be leaning toward Drawing No. 5 because that is where the majority of the flooding occurs, but how does it pick up Bristol Drive and Houcks Road. Mr. Fleming noted that the surcharge that occurs further away from Winfield Street is actually caused by the system not being to take the water in Winfield Street, with the storm network backing up. He noted that the

drainage that is getting into the system on Bristol Drive is surcharging since it can't get into the inlet and pipe. Mr. Robbins noted that option five would take care of that issue.

Mr. Seeds noted that there is a person who lives on Bristol Drive who is getting water from the School. Mr. Robbins noted that there are several people that he talks with frequently from that area. Mr. Fleming noted that is an overland flow issue from runoff from the field. Mr. Miller noted that it comes to the intersection of Bristol Drive and Devonshire Road.

Mr. Hornung questioned if this was high on the list for priorities. Mr. Fleming answered yes, but it is also high for the cost. Mr. Robbins noted that the Township spends money to keep the system going every time it rains. He noted that staff constantly had to address holes and we need to do something at some point. Mr. Wolfe noted that sooner or later major portions of this system are going to have to be replaced. He noted there are other areas in the Township that have comparable flooding, and many other ones in the Township where the storm sewer is failing. Mr. Hornung questioned why this basin was picked to be engineered. Mr. Wolfe answered that it was not engineered. He noted that staff is continually doing repairs on a nickel and dime basis and there was a potential for an alternate solution to fix it on Devonshire Road that may have been cost effective. He noted that the existing system was in a state of disrepair and it was undersized but it was unknown how much it was undersized for the drainage basin. He explained that it was determined that there needed to be study before putting any more money into repairs. He noted that you would not want staff to replace the current pipe with undersized pipe.

Mr. Seeds noted that Mr. Robbins asked about this study and the Board approved it.

Mr. Wolfe noted that there are areas in the Township where the pipe has failed that could be replaced since staff knows it has sufficient capacity. He noted this was not the case for this area.

Mr. Hornung questioned what impact the price has on its priority rating. He questioned if it remains the same or do we need to try to budget the work. Mr. Wolfe answered that it is a discussion for future budget workshops. He noted that the price shocked him. Mr. Robbins noted that he did not expect it to be that high, but it was one of the benefits of doing the study. He noted that now we know what we have to do.

Mr. Seeds noted that it would be replacing and adding pipe. Mr. Robbins noted that it would be adding capacity. Mr. Fleming noted that you could install a single pipe but considering that it is in a low area and does not allow for much cover, it would be better to install two pipes, side-by-side, and since it would be replacing pipes in the street, it is not necessarily a problem since you have drainage on both sides of the street and you can run the pipes on either side. Mr. Miller noted that it is a programming price at this time. He noted if the project was bid, the pricing may come in a little better since it is a competitive market.

Mr. Fleming explained that he did enough of a survey to do a study but he did not do a hard survey to run profiles.

Mr. Wolfe noted that Mr. Hornung wanted to know why we studied this area when we don't do that for all the other areas. Mr. Hornung questioned if the cost would change the priority. Mr. Wolfe suggested that it will. He noted when you know how much it costs to fix something it will have an impact on priority. He noted that the Board asked Mr. Robbins to identify projects but when this new number is added, there may be a need to make some changes. He noted that it will be discussed further as part of the budget process. Mr. Fleming noted that it provides information to the Board before it would consider engaging HRG to do a design. Mr. Hornung noted that HRG did a great job by doing it this way. Mr. Fleming noted once the Board has determined how this would fit into its budget, the next step for him would be to come up with a design and final plan.

Continued discussion regarding specific storm water management issues

Mr. Wolfe explained that Mr. Robbins has a power point presentation to make for this agenda item.

Mr. Robbins noted that he would like to make a presentation about storm water facilities and pipes that are outside the legal right-of-way. He noted, for the most part, those pipes are our responsibility to maintain. He noted that he will talk tonight about pipes that are outside the right-of-way and the different items that staff is experiencing with those types of facilities.

Mr. Robbins noted that staff is starting to see a significant amount of failures outside the right-of-way with an aging infrastructure that was very well tested last year. He noted that you find sinkholes that start to show up and that really tells the true colors of the condition of the

system. He noted that they are in areas that are near the roadway or in an easement. He noted that the bottom of the pipe fails, and dirt is used to fill the sinkhole and every time it rains it washes the earth away. He noted that residents assume that the Township will fix the pipe.

Mr. Robbins noted that the issue that he faces for the facilities is funding, manpower, accessibility, increased liability and risk, and dealing with private property issues. He noted that 2733 Keystone Drive, the Galida residence, has a pipe that leaves the roadway and discharges behind the house. He noted that it primarily handles road drainage. He noted that the homeowner extended the pipe, however, they did not follow proper construction practices and it can alter the existing pipe that you are tying into and that is what we are starting to see. He noted that the recorded plan for this development shows a 20 foot drainage easement to the natural water course. He noted that the easement is not in the Township's name. He noted that they have various sinkholes in their property, and since they extended the pipe, the owner scrapes the pipe when he cuts his grass. Mr. Wolfe noted that he provided Mr. Stine with a deed for this property as there is a 20 foot drainage easement and asked him to determine what the Township's responsibility is. Mr. Stine explained when the development was constructed; the developer chose to do it this way. He built the street, installed all the storm water facilities but the pipe extension was done some time after that. He noted that the Township accepted the streets; however, other items such as the drainage easement were not dedicated to the Township. He noted that drainage easements are usually put there for the benefit for the people who live in the development to allow water to be conveyed from point A to point B. He noted without it, the owners of the lot may have a cause of action against the other people. He noted that the Township does not own the easement nor does it have the responsibility or the ability to fix the problem. He noted if we don't own it we can't fix it.

Mr. Seeds noted that someone extended it by adding more pipe and filled it in to have more yard, but it has to end somewhere. Mr. Robbins explained that it ends at the back of the picture as there is a natural waterway there, noting that the pipe was extended maybe 40 or 60 feet, and now the original pipe has been compromised and the secondary pipe that was installed has been compromised resulting in several sinkholes in their yard. Mr. Seeds questioned if the end of the pipe is okay. Mr. Robbins noted that he did not walk to the end of the pipe but he

would imagine that some of the water is getting there. He noted that he does not think there is a traditional end section on the pipe as they ran the pipe and covered it with dirt.

Mr. Robbins noted on 2317 Marion View Drive, the Paszek residence, the inlet runs behind the owner's home, resulting in a six to seven foot scour hole in the back of property. He explained that these facilities have reached their useful life. He noted that it takes a significant runoff from the Mountain and goes under the street at the top and comes down behind the properties, crosses the street and discharges behind Dr. Paszek's property. He noted that the road drainage is significant from the mountain, and there are several sinkholes behind his property. Mr. Wolfe noted that the woman at the bottom of the hill, Ms. Duncan lives on the next street over and has been out to see Mr. Hornung many times. He noted that the drainage is shot and some of it may be leaving the pipe and coming down to her home in a peak storm instead of coming out through the pipe like it normally would. He noted that this plan shows a 20 foot drainage easement that is not in the Township's name. He noted that Ms. Duncan has spoken at several public meetings and has been getting a significant amount of water in her home where it has ruined her HVAC. He noted that we don't own the pipe that is not able to convey water. He suggested that the pipe should be directed out into the street to be maintained by our Department.

Mr. Wolfe noted that there is a significant difference between this situation and the first one. He noted that first incident involves a small pipe that the property owner installed on his own. He noted that property owners should not be doing anything with these types of facilities and they do not know what they are doing. He noted that it is big and deep and on a three to one slope in a forested area and has a very deep scour hole. He noted that the property owners would not have the ability to maintain this pipe. Mr. Stine noted if we don't own the easement we do not own the pipe.

Mr. Hornung questioned what the difference was between the first one incident and this one. Mr. Wolfe answered that neither one are municipal responsibilities, but his point for the first one is that the property could logically maintain that easement; however the property owner is not going to be able to maintain the pipe on the mountain. He noted that this system is shot and it will need to be repaired by a contractor. He noted that there is no homeowners association to take care of this and there are issues. Mr. Robbins explained that these people are looking to the Township for help and he talks to them once or twice a month. Mr. Wolfe suggested that once

they get tired of talking with Mr. Robbins, they will come to the Board. Mr. Robbins noted that he tries to prevent that from happening, but he is getting to a critical point where the complainants will come to the Board.

Mr. Robbins noted 4929 Janelle Drive, the Kistler property is very similar to the Keystone Drive facility. He noted that it primarily conveys road drainage and the pipe was extended by the homeowner but proper construction practices were not followed resulting in a sinkhole. He noted that they are looking for the Township to fix it and the recorded plan shows a 20-foot drainage easement. He explained that the property owner installed a snow fence around the sinkhole. He noted that the property owner had a two foot deep hole in his backyard and it keeps growing every time it rains. He suggested that the pipe ended at this location into a grass lined swale to the large pond. He noted that someone extended the pipe because they wanted to have a flatter backyard. Mr. Stine noted that there is nothing different with this one as it is the same as the other two.

Mr. Robbins noted for 4460 Dunmore Drive, the McDonald's residence, the pipe cuts across the back of his property and he has developed a sinkhole in his backyard. Mr. Wolfe explained that the Board toured the northern portion and walked the storm drain facilities for that section on a Road Tour. He noted that this issue concerns the southern portion of Dunmore Drive and Mr. Ed Paukovits and Ms. Lawrence are present who both live in the northern section. He noted that there are some differences for this problem.

Mr. Robbins noted that the facilities have reached its useful life. He noted that it takes primarily street drainage, using a 20-foot drainage easement. He noted that Mr. Paukovits has the installed a fence around the hole to protect his family. He suggested that the pipe is seven to nine feet deep and it runs straight across Mr. Paukovits' land. He noted that it is a little different between the two sides of Dunmore Drive in that all the facilities that were discussed are located within a 20-foot drainage easement, and the easement was not dedicated to the Township. He noted for the other side of Dunmore Drive there is a 20-foot drainage swale shown on the plan and the drainage facilities are located outside the drainage easement area. He noted that they drain to different ponds.

Mr. Robbins noted for 4316 Avon Drive, the Moyers' residence has an inlet box located before Avon and Long Drives, and it leaves the roadway and flows behind Mrs. Moyer's and Mr.

Dan Brallier property. He noted that there is a hole in both homeowners' yards. He noted that there are no easements shown for the recorded plan and explained that someone took a pipe and tied it into the Township facility and ran it behind properties and now there are issues with the pipe. Mr. Miller suggested that the water that discharges on Mr. Brallier's property is what is believed to be the existing water course. He noted that there is a good natural conveyance that back 50 years probably continued up through that area. He suggested that the pipe ended in an area when someone wanted to develop a lot, the pipe was put in and the hole is probably where the joints were glued together.

Mr. Robbins noted for 912 Elm Drive, the Jones have a drain that crosses their property, runs behind another property, misses the corner of another property, and ties into a drain on Colonial Road. He noted that the facilities have reached their useful life with multiple sinkholes between Elm and Colonial Roads. He noted that numerous people were flooded last year in this area. Mr. Wolfe noted that there is no room to work in this location. He explained that the plan is from the 1940's and it does not show on the recorded plan a cross pipe running underneath the road. He noted that water comes down off the mountain, runs under the cross pipe, and ultimately flows out to Colonial Road. He noted that someone connected the pipe and ran it across three separate properties to get it to an inlet. Mr. Wolfe noted that the green area is Mrs. Prah's property. He noted that the pipe has to be relocated and moved to a different area.

Mr. Robbins noted that the Winchester Park Development has a pond as part of the development and it has an outlet structure that discharges water across Goose Valley Road with a golf course across the road. He noted that the drainage pipe that exits the outlet structure has reached its useful life and controls the discharge from the pond. He noted that sinkholes have developed in the bank. Mr. Wolfe noted that the Board looked at this on its recent Road Tour, and the Township will take some ownership for this as well. He noted that the problem with the cross pipe is that there will always be a hole there unless the other party addresses the issue, and it will always be a potential safety issue when you tie a good pipe to bad pipe.

Mr. Robbins noted for the Liptak Property located at 4081 Rosewall Court, there are repeated sinkholes, and he replaced the area from the inlet out to the outfall. He noted that the pipe was replaced in 2010. He noted that it is drainage easement in a recorded plan. He noted that he also repaired a similar pipe on Toftree Drive. He noted that the issue with this location is

the amount of runoff from the mountain resulting in significant scour holes. He noted that he replaced the one at Mr. Litpak's property. Mr. Wolfe noted that there was a previous history of maintenance for that location. Mr. Robbins noted that the facilities that run from Rosewall Court up to Forest Hills Drive are in a 20-foot drainage easement and the pipe is starting to show its age noting that it is about 20 years old. He suggested that the process for replacing the pipe will be very expensive.

Mr. Robbins noted if the Township's position is that it is not responsible for the pipes, staff will have to develop a policy to put people on notice that it is the Township's position. He noted that the Board must make a policy as these issues will not go away. He noted that he speaks to all these people every time it rains. He noted that he does not think that anyone will be able to tackle these problems from a financial standpoint.

Mr. Hornung questioned if there was some motivation on the part of a homeowner, would it not be possible to acquire the right-of-ways. Mr. Stine answered yes. Mr. Hornung questioned if that would be the procedure to be able to make any repairs. Mr. Stine answered that was correct, but then the Township would have it forever. Mr. Robbins noted that concrete pipe would last 100 years. Mr. Hornung questioned what the lifetime is for Polyvinyl Chloride PVC/corrugated pipe. Mr. Robbins answered that this is the same issue they had 50 years ago when they were installing Asbestos Cement (AC) pipe for sewer work. He noted that it was assumed that it would last forever but now we are taking it out in large numbers. He noted that would be High Density Polyethylene Pipe (HDPE). He suggested if it is installed correctly it might last 50 to 60 years. Mr. Fleming noted that it is PENNDOT approved so it is equivalent to a Reinforced Concrete Pipe Poly (RCP), but would not last as long. He noted that any material like that is tested under a certain condition so if it is not used in the field in that manner, you may not get the same longevity. He noted a lot of what he is seeing, especially up in Forest Hills and the Mountain View Developments, where you have mountain run off that is very abrasive with a lot of stone, it is tearing the pipe off. He noted that the stone will nick the pipe and whatever coating that is inside the metal pipe is compromised and then the rusting process will start. He noted for the plastic pipe, you have two in one, the liner pipe and the corrugation on the outside. He noted that it provides for a backup plan but under an abrasive condition, you will not get your

ideal design life, but it is much better than metal pipe. He noted that it is much easier to install and much cheaper than the RCP.

Mr. Seeds questioned if the mineral coming off the mountain damaged the pipe. Mr. Miller noted that the result is similar to sandblasting. Mr. Seeds noted that the plastic pipe might last for 50 years. Mr. Fleming explained that he had an intake system that was pulling water out of the creek that was too close to the bottom and it was pumping it under pressure through the pipe and it wore right through the pipe in a very short amount of time. He noted that it has a sandblasting effect.

Mr. Robbins noted that he has replaced sections of pipe in Forest Hills Development with PVC and the pipes are compromised. He noted that the problem with doing peace meal is if you have a piece that you replace and the piece above it is bad, you never get rid of the grit and some will come off the mountain. He noted that it would be less compromised if you could replace it all in one felt-swooped to provide a better system. He noted that he has replaced a 1,000 foot of pipe in that area.

Mr. Seeds noted that the Township would need to act in a similar manner as the Sewer Authority does to secure the right-of-ways if we were to do this work. Mr. Fleming noted that it would be a utility easement. Mr. Wolfe noted, thankfully the storm water facilities are 15% to 20% in length as compared to the sanitary sewer facilities. He noted if the Township accepts responsibly for the work Township-wide it would have to do projects like the Authority does on a mini-basin basis for storm water. Mr. Robbins noted that he was not sure what the number is. Mr. Wolfe noted for the private and public sewer lines it is roughly 500 miles. Mr. Miller suggested that it might be 75 miles and 5,500 drains or catch basins. He noted that the storm waster system is very large and unlike the Authority project that use 8, 10, or 12 inch pipe, the Public Works Department can be working with 72-inch pipe. Mr. Robbins noted that the smallest pipe they use is 18 inches. Mr. Miller noted that he may be dealing with less length, but the sizes can be significantly larger.

Mr. Hornung questioned if this would include those we are discussing. Mr. Robbins noted that he does not have a breakdown of those in the right-of-way and those outside the right-of-way; however, he could research it and provide those numbers to the Board. Mr. Miller noted for most of the items that are leaving the right-of-way, for instance in Keystone Drive, it may

have run for hundreds of feet with only one small discharge for sixty feet. He suggested that it would be a small percentage for what is outside the right-of-way. He noted that a land development plan would list how many linear feet of streets and storm water it covers. He noted when development was booming, the Township would easily take over 2,600 to 3,200 linear feet of storm sewer for one plan.

Mr. Hornung questioned what the purpose was for the presentation. Mr. Wolfe answered that it was to educate the Board for this issue. He noted that he is not looking for any specific direction at this time, but it will be combined with the fall road tour and budget discussions. He noted that some storm water work is in process; however residents are interested in what the ultimate decision will be regarding their issues. He noted that residents attended the last meeting with regards to the culvert on Earl Drive. He explained that he wants to keep the issue alive before the Board, knowing that decisions will have to be made in the future.

Mr. Paukovits questioned if there is a possibility of a State program for clearing up this type of issue. He questioned if there is state funding for an overall reclamation project. Mr. Wolfe noted that he is not aware of any specific state funding that is currently available. Mr. Fleming noted that there is state money available but not for items like this; however you could get loans.

Mr. Seeds noted that the Township is under a mandate for a consent decree to fix the sanitary sewers with Department of Environmental Protection (DEP) and there is nothing like that for storm sewer where the State would force the Township to fix it. Mr. Wolfe noted that is not true. He noted that staff is currently dealing with the Paxton Creek Total Maximum Daily Load (TMDL) which are nitrogen and phosphorus issue that may not have been properly instituted in the Paxton Creek. He noted that the Environmental Protection Agency (EPA) continues to enforce the Municipal Separate Storm Sewer System (MS4) requirements upon municipalities. He noted that the Township has an EPA permit for the storm water system and we are required to do certain things with that system. Mr. Miller noted that MS4 is a nation-wide program overseen by the EPA and he believes that MS4 will eventually be one of the largest hurdles that municipalities nation-wide will face. He noted that the sanitary sewer system has a revenue stream of quarterly payments to fund the projects. He noted that storm water historically

is not funded at all nation-wide. He noted that it is put in by the developer, everyone is happy, it is new and somehow the municipality ends up maintaining the system.

Mr. Miller noted that there are six criteria that municipalities have to meet and there are various components of those criteria and the Township does a good job keeping the EPA content. He noted each time the Township goes for a permit renewal, every five years, there are additional requirements and DEP and EPA do not agree with what the requirements should be. He noted that they don't talk to each other in regards to MS4, and staff is concerned about where this will be ten or fifteen years from now, going through two more permit renewals, that ultimately may provide for more regulations.

Mr. Wolfe noted that during the road tour the Board viewed some detention ponds that were failing. He noted that the MS4 program deals specifically with detention ponds and the fact that they must be operational. He noted that staff only has the responsibility of making sure the responsible property owner undertakes those improvements. He noted that the MS4 issue is very serious as Swatara Township was singled out recently by the EPA for a surprise inspection and was fined over \$150,000. He noted that they negotiated the fine down to \$48,000 exclusive of the legal fees. He explained, if the EPA would have chosen Lower Paxton Township, they would have had the same results. He noted that it is an attempt by the federal government to achieve a certain result to improve water quality, and the Township has experienced this with the upgrades to the sanitary sewer treatment plants, the elimination of sanitary sewer overflows, and now, the maintenance of storm water facilities, identification and prohibition of illicit discharges, etc.

Mr. Miller noted that we tend to think of pollution in terms of items that get into the water, via sediment, which creates cloudy impacts to the fish gills, or it could be a chemical leak that gets into the waterways, but now the hot item is thermo pollution. He noted that it will become more of an issue in the future. He explained that the normal base flow streams in Pennsylvania are 52 degrees, however, if you take an area like the Colonial Park Mall, on a 90 degree day, where the sun heats the asphalt all day long followed by a brief thunderstorm, when the runoff reaches the creek, the water is no longer 52 degrees anymore. He noted when streams experience an influx of 70 or 80 degree water, the EPA will move towards addressing thermal pollution and it will require impounding the water until it cools off sufficiently before allowing it

to enter the stream. Mr. Robbins noted that the EPA and DEP would not look favorable on the Township in this matter.

Mr. Seeds noted that it would impact aquatic life, but he questioned what else it would impact. Mr. Miller answered that aquatic life is the big thing. Mr. Seeds noted that it does not affect the pipe. Mr. Miller answered that it does not affect anything physical, noting that physical impacts don't concern the EPA, they are only interested in the environmental stuff. Mr. Wolfe noted that the overall condition of our system ultimately impacts the streams. Mr. Robbins noted that they are concerned about sediment leaving the pipe and getting into the streams.

Mr. Wolfe noted, at staff level, we are learning and it is important enough that we should provide this information to the Board so that you will know what will be coming as we move forward into the future. Mr. Crissman noted that he appreciates the update for this issue. He noted that it provides a greater reality of what we are dealing with.

Mr. Paukovits questioned the Board if it would be looking for a general ruling for the entire Township for storm water or possibly addressing individual issues based on their merits. Mr. Crissman answered that he has no idea at this point. Mr. Miller questioned if he meant in relation to the right-of-way access issue. Mr. Paukovits questioned if it would be a general ruling or could separate solutions be made for each problem that would be cost effective. Mr. Crissman answered that he did not know yet. Mr. Seeds noted that staff is already working to fix some problems that are in the public right-of-way. He noted that more discussion needs to be had on this issue. Mr. Robbins explained that we need to continue discussing this issue as it is not going to go away. Mr. Crissman noted that it is one item that needs to interface with the budget for storm water management, and the Board needs to be kept up to date on this issue.

Mr. Hornung noted that we can discuss and discuss this issue but it won't solve any problem. He questioned how expensive this problem is such as \$20 to \$30 million. He question why discuss it anymore, we know what the size of the problem is realizing that it is bigger than anything that could be solve with a small tax increase. He noted that we should look to start an authority and move forward to address the issues. Mr. Stine noted that it is not as simple as that. He noted that the person who represents PMAA does not think that it is lawful in Pennsylvania to start an authority just for storm water. Mr. Hornung questioned if there are entities that have done it. Mr. Stine answered that there may be, however it doesn't make it lawful. Mr. Hornung

noted that it is lawful until someone challenges it. Mr. Stine noted that you don't want that to happen because if you borrow money to do the work you would have a huge legal problem.

Mr. Miller noted that it is being worked through, and Chairman Hawk is very versed in it. He noted that there is a large push to amend the authority code through the State legislature to make it happen. Mr. Hornung noted that he knew that Mr. Hawk has been talking about it, but he does not have a lot of faith that government will solve the problem. He questioned what the Township can do. Mr. Stine noted that it was mentioned that you can take an existing authority that does something and add storm water to it. Mr. Hornung questioned if we could add storm water to the sewer authority. Mr. Stine answered potentially, yes. Mr. Hornung requested Mr. Stine to investigate that for the Board. Mr. Stine answered that he would.

Mr. Miller noted that it would be a great avenue as the Township already has many components in place, specifically the structure as well as the invoicing end of it. Mr. Hornung noted that he would not want to be in the same situation as the City of Harrisburg where they moved money from one authority to another authority. Mr. Stine noted that this would all be the same authority.

Mr. Hornung noted that we would have to figure out how to build a rate structure. Mr. Robbins noted that there has been a lot of discussion about charging based upon impervious area. Mr. Wolfe noted that it can be done differently for the different types of land use, but the first thing to do is to ensure that we can do it.

Mr. Hornung noted when the storm water gets into the sanitary sewer and it is removed by the Authority projects, it creates problems for the residents when the storm water ends up in their basements. He noted that we end up putting in storm water facilities as a result of the sanitary sewer impacts. He noted if we remove more of the storm water, it will reduce the I&I in some of the areas. He noted that we have an idea of how big the problem is, and now we have to solve it. Mr. Robbins noted that we keep talking about it because that is how we will solve it. Mr. Hornung told Mr. Robbins that he wants to discuss solutions as we know what the problems are. Mr. Wolfe noted that some of the solutions will ultimately be decided upon by the Board and what it wants to accept as its responsibility. He noted if the problem could cost potentially \$40 million to fix depending on what the Board assumes its responsibility to be. He noted that staff needs that direction from the Board; however, it does not need it tonight. He noted that fixing

one pipe in one location may set a policy that the Board would accept pipes like that throughout the entire Township.

Mr. Hornung noted that even though the Township does not own the right-of-ways, it is the Township's responsibility to try to solve the problems, noting that Abraham Lincoln started, "Government should do for people what it can't do for themselves." He noted that a lot of this they can't do for themselves, especially since it goes across property lines. He noted that you can't install one piece of pipe only to have the next neighbor refuse to do it. He suggested that without the Township, the residents may not be able to solve their issues. He explained that he would not say that every problem belongs to the Township, because some of the issues are self-generated. He noted that the Board needs to be careful for when people cause problems for the Township versus what has been a problem that the developer put in incorrectly leaving it for the Township to solve. He noted that the Township has to step in to do something and we need to tax someone to come up with the funds and this should be done through an authority based upon a user fee.

Mr. Seeds noted that we need to have a buy-in by the stakeholders. He noted that the Board should have public information meetings to get input from people. Mr. Robbins noted that he has learned that you have to get the community involved. Mr. Hornung noted that there will be people on both sides of this issue. Mr. Robbins noted if we can educate the bulk of the people it will go a long way.

Ms. Lawrence noted, as a homeowner who cannot sleep when it rains even when you have installed whatever you can, such as four sump pumps, a whole house generator, noting that she has spent a lot of money to try to fix the problem as much as she can but she can't fix the water that is coming down into her area as a result of a faulty pipe. She noted that she can't do anything more to help herself other than start up her other two sump pumps when it starts to rain. Mr. Crissman noted that it is unfortunate that we have no power to go back to the source where it was created, so now we have to find a way to make it right.

Mr. Hornung noted that depending on what could happen, the residents can help to solve their own problem if the Board decides to do this as an authority issue, issuing a user fee but there will be those residents who will agree with it or those who will oppose it. He noted that it

will be incumbent on the residents who have issues to get enough people to push it through the system.

Mr. Robbins noted that he wanted the Board to understand the severity of the problem. Mr. Hornung noted that he does not need Mr. Robbins to take more pictures as he has seen enough, and now it is up to the Board to provide the funds to fix it. He noted that now we have to figure out how we could pay for this problem. Mr. Wolfe noted that the first step is getting an answer from Mr. Stine on what the Township can do.

Mr. Seeds called a short recess at 8:07 p.m. Mr. Seeds called the meeting back to order at 8:09 p.m.

Continued review of proposed resolution amending the fee for a building permit

Mr. Seeds noted that we have discussed how to amend the building permit fee to make it work properly during previous workshop sessions. He noted that currently we have a building permit fee that is based upon the dollar value of construction and it works well for single-family residential type construction but commercial construction requires an engineer's estimate of construction cost or an architect's estimate of construction cost or a bid for construction cost. He noted that those estimates don't always work properly and it has been a problem in the past. He noted that other issue is with people who apply for permits, having the plan reviewed and then failing to pick up the permit leaving the review costs to be paid by the Township.

Mr. Wolfe noted that the last time we discussed this item, the Board considered going to a commercial permit fee based upon the square footage of construction based upon a national scale for construction costs. He noted that it was reviewed on a concept basis and the Board gave authorization to put it in a resolution format. He noted that he underlined the current resolution to show the changes and the "Now, therefore" section states that only the fees applicable in this resolution are those that will be charged. He noted that there was some question among staff for what can and cannot be charged and the resolution states that these are the only fees that will be charged in regards to a building permit.

Mr. Wolfe noted that single-family will remain the same, using a construction cost based upon a calculation of \$65 times square foot of living area and \$35 times square footage for decks

and basements, and then multiplying that times \$7 for \$1,000 worth of construction cost. He noted that single-family homes have basically been on a square foot basis.

Mr. Wolfe noted that paragraph "A" would be removed and what he added is underlined in which the building permit fee will be calculated using the International Code Council Building Valuation Data, that is based upon a square foot of construction costs and a permit fee multiplier that is determined by the Township based upon the actual costs of operating the Community Development Department. He noted that he computed the entire costs of operating the Community Development Department and came up with that multiplier. He noted that it makes the permit fee far more defensible than what it currently is because it is not based upon the total operation for the Department.

Mr. Wolfe explained that the permit fee formula which is the gross area times the square foot of construction cost, (from the table) using the permit fee multiplier will provide a dollar amount. He noted, for unfinished basements, it is \$35 times the square footage, the same as for residential; and for a building shell, it would be 20% reduction of that computation using the formula. Mr. Seeds questioned why you would do that. Mr. Stine answered that it would provide for flex space, warehouse space with no planned use where they just build the shell. He explained that the builder would complete the building layout at a later date. He noted that it would be covered under Section 3 of the resolution, under repairs and remodeling. He noted that would be based upon the applicant's contract price. He noted that he and staff talked about other areas for interior outfit that could be anything from putting up drywall to running wire for complicated computer systems. He noted that you have to go with the actual construction costs for that installed.

Mr. Wolfe noted that there is a minor application submission fee to ensure that people pick up their permits and it is non-refundable. He noted for single-family additions and swimming pools it is a flat fee of \$50, however, for remodeling, repairs or decks, there is no fee. He noted for single-family construction, it is 2% of the building merit fee which in most cases would be about \$100.

Mr. Wolfe noted that an applicant can ask to expedite a plan review. He noted if the Township can accommodate it, then the applicant would pay the full costs of the additional fees incurred by the Township for the expedited review.

Mr. Wolfe noted when someone applies for a plan and does not pick up the plan; we also have the ability to bill them for all associated costs incurred by the Township in the review of that plan. He noted that we currently don't have a policy for that. He noted if there is a required re-inspection, the code officer, at his discretion, can bill for the required re-inspection.

Mr. Wolfe noted that the actual fees that people will pay will be somewhat different, but there is no intent to general additional revenues to the Township. He noted that the purpose is to firm up the Township's policy on how we charge and that the charges for commercial building permits are fair and equitable.

Mr. Seeds questioned Mr. Wolfe if he was in favor of this. Mr. Wolfe answered yes. Mr. Seeds questioned what the \$4 fee for Act 45 is all about. Mr. Wolfe answered that every building permit that comes into the Township is required to pay a fee of \$4 that goes to the State and they use it for the training of codes officials.

Mr. Seeds questioned what the \$100 altered use fee was for. Mr. Wolfe answered that would cover when someone changes the use but does not need to get a building permit and is required to get a new occupancy permit by their insurance company or corporate office, staff has to conduct an inspection for occupancy and charge \$100. He noted that staff assessed that fee about four years ago.

Mr. Seeds noted that the date would have to be changed. He noted that Section 303... Mr. Crissman noted that it is a section of the Uniform Construction Code. He suggested that it be put on the next agenda for adoption. Mr. Hornung agreed.

Review of a proposed amendment to the Property
Maintenance Code regarding weeds and high grass

Mr. Wolfe explained that the Property Maintenance Code (PMC) states that any weeds or grass in excess of ten inches is a violation. He noted that more people are becoming aware of this height limitation and are using it to fight with their neighbors. He noted that he does not have a problem enforcing it when it is in a truly residential situation or if a developer has a vacant lot; however, we now have situations where the property owners complain about the property across the street having high weeds and grass when it is a five-acre parcel of land. He noted that they are pointing to large wooded areas and stream channels as being in violation.

Mr. Wolfe noted that the purpose for this amendment is to state that the zoning ordinance has a lot size, and the Township intends to enforce the PMC based upon the zoning ordinance lot size and anything outside the lot size would not be considered a violation. He explained a house with landscape that has six additional acres attached to it which is undeveloped, the six additional acres should not be considered a violation if the weeds and grass are in excess of ten inches.

Mr. Seeds noted, if a person had six acres and the zoning only requires a half acre at 20,000 square feet, they would only have to maintain the grass on that 20,000. Mr. Wolfe answered that was correct.

Mr. Hornung questioned if there was a way to provide the Codes Enforcement Officer with some type of leeway for these issues. Mr. Wolfe answered that is very bad for a Codes Officers. He noted that the first argument would be that the Code Enforcement Officer is showing favoritism and no one would want that.

Mr. Hornung noted that he realizes that this improves the current ordinance, but he can think of several situations where it wouldn't work either, and he questioned how you deal with it. Mr. Wolfe suggested that the answer is that you take a stab at improving it until the next round of abnormalities come up and then you address them. Mr. Crissman suggested that the Board needs to take a step forward. Mr. Wolfe noted that it is very hard for the Codes Enforcement Officer to put up with, "you are making me cut my grass, but look across the street" situations.

Mr. Seeds questioned how this would affect agricultural areas. Mr. Stine answered that it would not impact them. Mr. Seeds noted that it would impact the R-1 and R-2 zones. Mr. Wolfe noted that true agricultural uses are exempt. Mr. Seeds questioned what about a person who has a home on their agricultural lot. Mr. Stine answered that it doesn't matter what it is zoned, rather what the use is. Mr. Seeds questioned if they would still have to maintain grass within so much of the area of the home on the ten acres. Mr. Wolfe suggested that the residence would have to comply with the PMC but the farm use would not. Mr. Stine agreed.

Mr. Seeds questioned what would someone like Mr. Hornung, who has a huge parcel of land, have to maintain. Mr. Hornung noted that is why it is written to enforce, under the PMC,

the minimum lot size by ordinance for what it is zoned. He noted that his minimum lot size is one acre and he would have to maintain one acre of land.

Mr. Crissman noted that he does not have a problem with it and it should be put on the agenda.

Review of a proposed application for Dauphin County Local Share
Grant funds for digital, in-car video equipment for the Police Department

Mr. Wolfe noted that the Police Department is seeking authorization to submit a Dauphin County Local Share Grant application in the amount of \$91,025 to replace the digital in-car video equipment and related hardware for the 13 patrol vehicles. Mr. Crissman noted that the Board would want to do this. Mr. Wolfe noted that the process requires the Board to pass a resolution authorizing the submission of the grant, and it must rank the grants that are submitted from the Township. He noted, at this point in time, this is the only grant that it has in this cycle. He noted that there is no competition at this time but a month remains to make submittals.

Mr. Seeds questioned if the Board has to make a decision tonight. Mr. Crissman noted that the Board only has to support the grant application at this time. Mr. Seeds noted that he would support it but he does not know if it would be number one as something else could come in with another grant that would have to be considered.

Mr. Crissman noted that Mr. Wolfe is only asking for the Board to authorize the submission of this grant application. Mr. Seeds suggested that he was asking for top priority. Mr. Wolfe answered no. Mr. Hornung noted that he did not see that in the memo. He noted that he is in favor of granting authorization for this grant. Mr. Crissman also noted that he was in favor as well.

Mr. Hornung questioned the police officer in attendance how important he thought it was. The officer responded that he thought it was important for the police safety and everyone else's safety.

Mr. Seeds noted that the letter states that the resolution should state that the Board is carrying this as its primary project. He noted that he is in favor of it. Mr. Crissman noted that it is the only grant the Townships is submitting at this point.

Mr. Seeds questioned if this would be the number one project to be submitted for a grant. Mr. Wolfe explained, what the Board has done in the past, is authorized the submission for the

grants and when the Board is aware of all the grants, it submits a letter to the Dauphin County citing the priority of each project. Mr. Seeds noted that it looks like PSD Johnson is asking for the Board to make this application its primary project. Mr. Wolfe noted that he is not asking for the Board to do that at this time. He noted that he is only asking for the authorization to submit a grant.

Mr. Crissman requested Mr. Wolfe to put this resolution on the next agenda.

Mr. Seeds noted that the Township will need to have a sponsor for the grant application. Mr. Wolfe answered that the Township would be the sponsor as it always asks the Dauphin County Commissioners to sponsor its grant application. Mr. Seeds noted that we could ask West Hanover Township. Mr. Wolfe noted that we normally asked the Dauphin County Commissioners.

Mr. Seeds questioned why the police do not record the voice interaction during traffic stops. Mr. Wolfe answered that it is illegal unless you have a search warrant or permission from the person being recorded.

“Otta Know” Presentation:

There was nothing to present for this item.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Hornung seconded the motion, and the meeting adjourned at 8:24 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary