

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held October 9, 2012

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6: 11 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; Lydia Dietrich and Phil Grant, Friendship Center Seniors; Christopher Schoonmaker and Richard Leatham, S&A Homes, Jeff Staub, Dauphin Engineering; Terry Loughran; and Watson Fisher and Ted Robinson, SWAN.

**Pledge of Allegiance**

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

**Public Comment**

No public comment was presented.

Discussion with representatives of the Friendship Senior Center

Mr. Wolfe noted on September 18, 2012, Lydia Dietrich, the manager of the Friendship Senior Center (FSC) attended the Board of Supervisor's business meeting and requested to be put on the agenda for the workshop session. He indicated that she wanted to talk about the letter that the seniors received from the Friendship Center Operating Board (FCOB) dated May 19, 2012. He noted that it requested reimbursement for expenses that are incurred by the FSC at the Friendship Center (FC). He noted that it does not deal with expenses in the FSC that is already covered by a separate agreement. He explained that this letter only covered FC expenses. He noted that Ms. Dietrich also wanted to discuss the fundraising efforts of the FSC to address the reimbursement requested by the FCOB. He explained that the third issue that Ms. Dietrich mentioned is the agreement of understanding between the FCOB and the FSC. He explained that she wanted to discuss how that agreement is effected by the letter from the FCOB. He noted that the Board is here tonight to meet with Ms. Dietrich and other representatives from the FSC.

Mr. Hawk noted that the Board members have a copy of the agreement, and various correspondences between the FC, FCOB and Mr. Wolfe. He questioned if Ms. Dietrich would be the spokesperson for the group. Ms. Dietrich answered that she would speak as well as two other individuals.

Ms. Dietrich noted that the first item to address is the letter from the FCOB dated May 19, 2012, informing the seniors that it does not have to pay the utilities as per the Dauphin County Area on Aging agreement. She noted on page two, the FCOB wants to charge the FSC \$12,752 for seven support services. Mr. Wolfe noted that the letter dated September 14, 2012, for the Board member's correspondence, the first page dealt with utility costs however there was no attempt at this point by anyone to charge for utilities at the FC. He noted that all the FCOB was trying to do was to show that it is paying for these additional costs out of the FC Operating Budget. He noted that it did not request reimbursement for any utility costs.

Ms. Dietrich noted that she would like to turn her presentation over to Phil Grant. Mr. Grant explained that he has been a member of the FSC for four years and runs his own business. He explained that he was asked by Ms. Dietrich to assist her in this presentation.

Mr. Grant noted that the second area which is more important is the additional costs amounting to \$12,752 from an itemized list. He noted that the FSC submitted a letter to the FCOB September 7, 2012 asking for clarification on those items. He noted that they wanted to know how those numbers were determined. He noted that we have not received a response to the letter, and he was told that the FCOB was waiting for direction for its response from the Board of Supervisors. He noted that Ms. Dietrich distributed a copy of that letter to the Board at the October 2<sup>nd</sup> meeting. He questioned if any direction was given to address these costs. Mr. Crissman answered that the letter of September 7<sup>th</sup> was submitted for information, but at the same time Ms. Dietrich made comments that she wanted to meet with the Board of Supervisors, so there was a meeting conducted with representatives from the FCOB and the Board of Supervisors to try to resolve the issue. He noted that she then asked to meet with all the Board members, communicating with the FC and Board of Supervisors, and at this point the Board of Supervisors told the FC to stop any further communications until it resolved all the issues and request for meetings. Mr. Crissman noted that he hoped that Ms. Dietrich would ask the Board if it would be possible to continue meeting with the FCOB. He noted as time when on, it became

much more complex. Mr. Grant noted that Ms. Dietrich and her Board have a responsibility to the senior's to provide management, oversight, and fiduciary responsibility to assure that any costs that they incur are correct and appropriate. He noted that all he is asking for is for the Board to please provide a letter to the seniors responding to their letter concerning the Board's May 19, 2012 letter.

Mr. Grant noted that the seniors believe that all the items under the \$22,152 request are all covered in the 2006 Letter of Agreement for free use under clauses 1, 2, 3, and 10. He noted that Ms. Dietrich has asked the Supervisors that if they feel that the Letter of Agreement is not binding to explain why. He noted that Ms. Dietrich has brought in an outside attorney and they have reviewed all the documents from the lease and the Letter of Agreement and their preliminary finding is that it is legal and binding.

Mr. Grant noted that the other two costs included in the May 19, 2012 letter were FC Programming Costs in the amount of \$4,700. He questioned if it is based upon the FC help desk providing the exchange of key service for badges. He noted when the seniors use the pool or do aquatics; the FC is proposing that the FSC inherit a cost of \$4,700 to handle the key exchange. Mr. Grant explained that he pays \$3 to use the pool for aquatics for roughly 45 minutes. He noted that the money is given to the seniors and they reimburse the FC based on the head count using the facilities. He noted that the FC desires some payment for labor costs for the help desk to exchange the FSC membership cards for a locker key. He noted that the seniors use the lockers and facility and then bring the key back to exchange it for their badge. He noted that the FSC is proposing that instead of the cost be pushed onto the FSC, that if there is additional funding needed to handle the key exchange, that it be handled directly by the participant. He noted that the people who use the service will pay for it rather than being passed back to the FSC.

Mr. Grant noted that the second expense of \$4,700 is the issue with accessing the corridor on the east end of the building. He noted when the seniors wish to use the walking track, lap pool, or pool table, there is an additional labor cost for someone to push the buzzer that allows the senior to access the corridor, rather than walking outside and accessing the building from the outside. He noted that they recognize the impact over the past four years where the FC has been operating at a loss. He noted that it is his intent, in some way, to use those documents to protect

the seniors from paying these extra costs, but they also acknowledge that they want to help and propose ways to reduce the costs. He noted in any business, the first step is not to charge people more, but to reduce the costs. He noted that in addition to passing the costs for the key exchange onto the user, he would suggest allowing the seniors to be able to control the access corridor door. He noted that he was told that there is a system already in place in the FSC office that allows them to open not only their door to allow visitors to come into the east annex into the Senior part of that center, but also to control the door into that hall. He noted that it would seem better that they would be responsible for seniors entering into the FC from the annex. He explained that he was told that that was the intent for that door. He noted that the seniors recognize that the FC operates a daycare center in that area and there are issues with security and safety but it is proposed that rather than hold up a badge and show their face to the person at the front desk, rather to allow the seniors in their center to verify that they are a senior and to make sure that no one is hauling a package into that corridor. He proposed to cut costs where the seniors would consume that cost by allowing them to operate the access.

Mr. Hawk noted that Mr. Grant has stated that the seniors wish to reduce the costs in place of being charged more. He noted that we are constantly trying to do that at the Township level. He noted that normally when you start to reduce costs, you start reducing services and that generally goes against the grain of most people. He questioned what the other option is. Mr. Grant replied that he is proposing to reduce services. He noted that the costs to have the door open for entry to allow seniors to use the corridor should be incurred by the FSC and not the FC. He noted that the labor costs for doing that should be done by the FSC to make it more effective and efficient.

Mr. Crissman noted that it is nice to hear Mr. Grant say that because this is the first time that we have heard any proposals. He noted that it has taken all this time to get to this level for that to occur and it could have happened at the first or second meeting with representative of the FCOB. Mr. Grant noted that there was a letter sent to the FCOB back in October of 2011, talking about ways to reduce costs. He noted that this specific proposal was not included but they shared ways of using equipment that the Senior's have like tables and chairs because they are used by the FC after 3:30 p.m. for both staff meetings and public programs. He noted that they proposed ways of sharing costs or reducing costs. Mr. Crissman noted that the FCOB initiated a

meeting with the seniors to discuss its costs and the costs to be incurred. He noted at that point in time there was no continuation of that discussion, it only escalated and it didn't serve any purpose. He noted that it took from June to tonight to get to this far in discussions.

Mr. Grant noted that he wanted to correct Mr. Crissman in that this was the first time that the FCOB proposed the costs to the seniors and the seniors invited Mr. Crissman and staff three times to come to their management meetings back in July to share with them what the basis was for the letter. Mr. Crissman responded that it was not his place to go down the hall and talk with the membership. He noted that he did not appreciate being corrected... Mr. Grant noted that Mr. Crissman stated that he didn't want an offer from anyone to reduce the costs... Mr. Crissman noted, after the letter was sent and everyone met... Mr. Grant requested to go through with his proposal to reduce costs and continue with the process. He noted that his belief is, based upon the record of documented letters to the FCOB, that there was an offer to share costs and reduce costs.

Mr. Hawk noted that he does not sit on the FCOB and does not have the information on some of the conversations going on, so if he asks probing questions it is a matter of trying to understand the issue. He noted that Mr. Grant has indicated some items that he wants to do to reduce costs and the Board will have to discuss this further. Mr. Crissman questioned Mr. Grant if he has put his proposals in writing. Mr. Grant answered that he did not because he needs to hear what the basis is for the costs. He noted that he does not want to truncate that process as the FCOB submitted a letter to the FSC on May 19, 2012 and in return, the FSC submitted a reply in September asking for clarification on the costs. He noted that he also asked to know what benefits are provided to the FSC from the State or Dauphin County to the FC. He noted, in a fair and equitable process to determine what a legitimate cost is; the seniors need to know what reimbursement is provided to the FC.

Mr. Grant noted that the third item of concern is the Letter of Agreement. He noted that the FSC wanted to know from the FCOB why it did not recognize the Letter of Agreement and the list of itemized costs that it proposed, prior to sending the letter, and if the FCOB had a different opinion as to whether the Letter of Agreement was binding. He noted that he shared some ideas of reducing costs, and we would wait for a response to the letter, or as Ms. Dietrich

proposed at the last meeting that the BOS intervene to look at the Letter of Agreement and make a determination if the costs proposed by the FCOB are appropriate.

Mr. Hornung noted that letters are going back and forth but they remind him of emails and sometimes the best way to communicate is not through an email. He stated that he does not have copies of all the letters, so first of all, is the Letter of Agreement considered to be binding. Mr. Crissman noted in Item four, it says that “each of the above activity areas may be used by the members of the Senior Center. The Community Center, at its sole discretion, may, at any time terminate the free use by members of the Senior Center of the above activity area. Township Staff shall give a minimum of one month notification to the Friendship Senior Center Manager of any changes in the availability of the free use areas.” He noted that for the areas that are covered above, the Center has the right to, at its sole discretion, to terminate the use of those areas which they have done by letter, indicating that the use of those areas will now incur a fee. Mr. Hornung noted that it would include the lap lanes, therapy pool, swimming pool, walking track and all that. Mr. Grant noted that he recognizes that the FC has sole discretion but that is only for item four which is specific to the aquatics; however, the \$22,752 costs are referenced in section 1, 2 and 3. He noted in addition to the free use of the east annex, these services are included in the free use, utility payment, set up and tear down of tables and chairs, and custodial service. Mr. Hornung noted that he read that and understands that and is not challenging what Mr. Crissman read.

Mr. Crissman questioned Mr. Grant under Item 4, do you exceed the limitations for the times and areas that we discussed or do you conform to the limitations. Mr. Grant answered that the seniors conform to the limitations, and in fact, those costs are currently in place starting September 2012. He noted that the seniors are meeting those costs. He noted that the aquatics fee has been increased from \$2, and to reduce costs on the senior side, they moved all of the athletic programs into the main part of the annex. He noted that the Tai Chi, Peppi and other exercise areas have been moved out of that space that Mr. Crissman is asking for additional costs because we could not handle those costs. Mr. Hornung questioned if he was speaking about the multi-purpose room. Mr. Grant answered yes. Mr. Hornung noted that staff can now run other programs in that room. Mr. Grant agreed.

Mr. Hornung questioned Mr. Luetchford if there were other areas of free items that were not on the list that were being used by the seniors. Mr. Luetchford noted that there are things being used by the seniors, noting that he has a list such as the copier; however they have stopped using the copier. He noted that he and the seniors have come to a consensus for some of these items, and are continuing to work on more items. He noted that once in a great while they will use the Information Technology person for the computer system. He explained that staff provides support services or contractors provide for their use of the annex. Mr. Hornung questioned if that was in regards to the east hall to allow people through that area. Mr. Luetchford noted that it is found on page two of the May 19<sup>th</sup> letter, a fee of \$4,700. Mr. Hornung questioned Mr. Luetchford if he feels that the costs for set up and tear down etc. should not be free. Mr. Luetchford noted that the understanding was that according to the contract with Dauphin County we are to provide free service to the east annex for eight hours a day, five days a week. He noted that there are support services in addition that are not necessarily part of their use of the FC. He noted that they could be doing many of these items on their own if they chose to as they have chosen not to use the copier. He noted that we do equipment repair, provide cleaning services, and the setting up and tearing down of tables. He noted that some of it is due to other programs that have been put in place.

Mr. Grant noted that the seniors have a list of six other areas where they are looking at ways to reduce costs. He noted that computers are in the agreement to be covered for free service to include a fire wall protection. He noted that they will wait until they get a letter from the FCOB explaining these costs as they want to make sure they aren't misaddressing the intent of the letter. He noted if they agree to reduce or share costs, in no way do they want to pull out of the 2006 Letter of Agreement. He noted that he is asking the Board to support the FCOB position or use its own legal counsel to evaluate it. He noted that the senior's legal counsel is advising the FSC that it is legal and binding and they do not intent to give up the Letter of Agreement. Mr. Hornung noted that is not his intention either but he needs to consult with the FCOB and he noted that you can't operate at a loss very long before you close the doors and call it quits and then there is no letter of agreement. He noted that he is not threatening that, it is the reality of our economy and of what the Board is trying to accomplish. Mr. Grant noted that they had that discussion internally and the key is to develop an era of cooperation, looking at where

they are. He noted if you can reduce costs and lay off a person, then it is true cost reduction. He noted if it is less use of a person, and it doesn't have any impact on the payroll, then it is not a savings. He noted that some of the savings have to be judged for what they impact and where they can actually cut something. He noted that these are the key items that we want to focus on, not just effects. He noted if they can come up with some real cost savings to the Township it would be beneficial to everyone involved, meaning that they can stay open longer but also reinvestment back into the FC. He noted that the building is aging and Mr. Luetchford provided the Board a list of what needs to be replaced, costing tens of thousands of dollars. He noted that we are not saving up for that so at some point in time you have to reinvest a good portion of the profit into the business. He noted that he was glad to see that Mr. Grant is involved as he came to this discussion from a businessman's level. He noted that there is no such thing as a free lunch and as soon as everyone understands that we will all be better off. He noted that he likes Mr. Grant's attitude and he thinks if we can communicate less through letters and more through talking we will all be better off. He noted that we have to look at how we can reduce our real costs. He noted that we have to work together to keep the FC running or we sell it and close the doors.

Mr. Crissman noted since this is the first encounter, he would be more than happy to work with the seniors and the Board wants to be helpful providing a cooperative effort in solving the issue noting that it has made that commitment since day one.

Mr. Grant noted that he appreciates the Supervisors comments. He noted that Ms. Dietrich and her Board of Representatives are present and they don't want the FC to close down. Mr. Hornung noted that the Supervisors don't want that either. Mr. Grant noted over the past few days he read the Township's Comprehensive Plan, and Resolution 12-08 and in it he was impressed that the Township is looking at the population age groups within the Township and clearly both documents discuss that more people will become seniors. He noted that the problem that the seniors are currently having is that they doubled their dues in July and even when they add that as their primary revenue base the additional cost of adding \$22,000 to that revenue is a factor of five. He noted that it is the difference between \$4,500 and \$22,000. He noted with the additional burden the seniors would not survive.

Mr. Seeds noted that many of the Board members have not seen the letters that have gone back and forth. Mr. Grant noted that there have only been two letters. Mr. Seeds noted that there are many misconceptions in the press in regards to the FC, as it was not built for the seniors only; it was built for all the residents of the Township. He noted that it also had to be self supporting. He noted that everyone is faced with budget restraints and every year we squeeze the budget more. He suggested if we all sit down we can work out some of the problems.

Mr. Seeds noted that the one letter that came back from Ms. Dietrich stated that some of the costs that the FSC incurs such as an annual fee for the Senior Center program required by the Department of Aging is \$2,400. Ms. Dietrich explained that it is a computer program whereby she has to report how many people use the center during the month. Ms. Seedor explained that the FSC was requested by the Dauphin County Department of Aging to set up a computer that provides each member a scan card and they use it every time they come to the FSC. She noted that it provides a report for what activities they used on a monthly basis. She explained that she must send Dauphin County a monthly report for how many people use the different areas. She noted that the FSC fee is based upon how many attend the center. Mr. Seeds questioned why it costs the FSC \$2,400 a year. Ms. Seedor noted that is the cost for the software.

Mr. Seeds noted that the FSC carries insurance for liability and D&O. Ms. Dietrich noted that it is for the directors and officers.

Mr. Hawk noted that he agreed with what Mr. Hornung stated, knowing that we all have a better understanding for what is needed. He noted that we will both come up with ideas but we may not agree on all of them; however, collectively we can come up with what will work. He noted that the Supervisors made a significant financial commitment to build the FC. He noted that neither the Supervisors nor FCOB wants to see the doors close, as we want to make it a sustainable place for all to enjoy. He noted that it is a matter of blending our ideas and if you want to reduce something to writing then we will get back to you.

Mr. Grant noted that we would still like to receive a response to the three questions in the September letter that was sent. He noted that he wants to have a better understanding for what the costs are all about. Mr. Hawk noted that he has made a note of that.

Mr. Hornung noted that being in the public he gets considerable and sometimes aggressive accusations that the FC received funding from the Township and too much money.

He noted that lately these accusations seemed to have died down, but people don't believe that we do not keep it going with Township funds. He noted that people don't believe the Board on this matter. He noted that he takes that with a grain of salt but there is a general population that is upset and thinks that we support the FC way too much already. He noted that he gets it from both ends. He noted that there is the other side that you may not be seeing. He noted that he is under the gun to keep to the agreement that the FC would be self-sustaining.

Mr. Grant noted that internally within the seniors and Board and Manager, we are trying to actively go out and find sponsors and donors. He explained that we have expanded the newsletter and are doing things. He knows that there was an intention to doing things together, to piggyback on each other for marketing and any special activities. He suggested that there may be a major issue where you combine the seniors with Township processes. He noted that he has been communicating with other senior boards, such as the one in Hershey as to ways of generating money. He noted that they rent space and they have land and costs they have to cover and are more structured than what we are here. He suggested that there is a way for the FC and FSC to find someone like a sports authority that would be willing to put up a sign in the FC, just like the Giant Center in Hershey. He noted that the FC was to be fully operational and self-sustaining after the second year but there is one way to provide major annual income by using advertisers. He noted that he knows of two organizations that would be willing to consider it.

Mr. Hawk called a recess at 7 p.m. to move to room 174 for the remainder of the meeting.

Mr. Hawk called the meeting back to order at 7:07 p.m.

Presentation of proposals by S&A Homes to revise the Montrail subdivision plan

Mr. Wolfe noted that staff has met with representatives from S&A Homes who have the Montrail Plan which received final approval from the Board of Supervisors several years ago. He noted the plan half circles the Central Dauphin East High and Middle School properties, with some frontage on Rutherford Road and Union Deposit Road. He noted that due to the current economic conditions, S&A Homes believes that the Montrail Plan in its current form is no longer marketable and they would like to discuss changing the plan.

Mr. Chris Schoonmaker explained that he is with S&A Homes and Rich Leatham from S&A Homes is also in attendance, as well as Jeff Staub from Dauphin Engineering.

Mr. Schoonmaker noted that S&A Homes has a current project in the Township, the Amesbury Development, an over 55 community, adjacent to the FC. He noted that the firm has been in business for over 30 years and has developed in the Harrisburg Area for some time.

Mr. Schoonmaker explained that the parcel is located off of Union Deposit Road, and was purchased from the Central Dauphin School District in 2006. He noted that he received approval for the plan for 57 single family homes on 44 acres. He noted that the current lot width for most of the homes is between 75 and 80 feet. He explained that he completed the work for the Highway Occupancy Permit in 2009 as opposed to asking for an extension.

Mr. Schoonmaker requested a change in zoning from an R-1 with a TRND overlay to R-3. He noted that the TRND is no longer an active zone for the Township. He explained that he met with Township staff and engineer to discuss what would be the best use for the project and what is the best way to move forward. He noted, over the past six years, the housing market has change substantially from what it was when the project was originally purchased and laid out. He explained that he received feedback from potential buyers that are looking for a more economic housing market. He noted that S&A works hard as a company for value engineering for the product that it builds and is trying to keep the land portion down by making the lots narrower or deeper as most people prefer to spend more time in their backyard instead of their side yards.

Mr. Schoonmaker stated that it is his hope by redoing the project to bring it in at \$180,000 for a multi-family or townhouses and single-family homes in the range of \$240,000. He noted that some homes would be more expensive, depending on the options that people pick. He noted that the lot sizes that he is looking for are 7,000 square foot for a single-family lot using a 60 foot wide lot versus 50 which is allowable in the R-3 zoning. He noted for the townhouses the lot size would be 2,200 square feet, being either 20 or 30 foot wide depending on if they are the middle or end units. He provided some pictures of what the changes would look like, displaying pictures from development located within the State.

Mr. Hornung questioned what the size of the lots in front of the property on Union Deposit Road would be. Mrs. James answered that they are 75 to 100 feet wide. She noted that the 100 foot wide lot is adjacent to the road for the development and the 75 foot wide lot is

located next to that lot. She noted that the lots are 200 feet deep, and most of the lots along Union Deposit Road are that size. Mr. Wolfe noted that it is an R-1 zone with a cluster overlay.

Mr. Schoonmaker noted that the pictures that he displayed are from a community in State College with lot widths of 60 feet wide which is similar to what he proposes for this plan. He noted that there is always a question about having single-family and multi-family in the same community however, he has found it to be very successful working within the same neighborhood. He noted that the streetscape shows how he would lay the houses along on the street.

Mr. Seeds questioned how many units are in the current plan. Mr. Schoonmaker answered that there are 57 single-family homes. Mr. Seeds questioned how many could be built in the R-3 zone. Mr. Schoonmaker answered that it would depend on what units would go in. He noted that his initial thought was about 140 unit range. He noted under the R-3 zone there could be over 200 units. Mr. Seeds noted that is what the Board would have to look at as the plan could change hands. Mr. Schoonmaker explained that he spoke about that with staff and he would not be looking to do that. He noted that he did not go into much detail for a site plan until he knows what the zoning would be. He noted that he is looking at a combination of single-family homes and townhouses in the \$140,000 range.

Mr. Hawk questioned why Mr. Schoonmaker was looking to make a change now instead of in 2004 before the market tanked. Mr. Schoonmaker answered, when the planner looked at it originally, noting that he was not involved in that work, the \$350,000 homes were very popular at that time. He noted that they believed that it was the market and there were many other plans that were designed and approved that never came to fruition. He noted now, more people are looking to purchase an economical home.

Mr. Hawk questioned what market demands you are seeing, noting that they were all two story homes. He questioned if he is looking at a mixed market. Mr. Schoonmaker answered that we have Amesbury, an over 55 community in the Township, so that market for the Township and S&A is being served. He noted the one item that is not abundant that S&A is getting requests for are first time home buyers. He noted that he would provide two-story and single-story units as 75% people are asking for a two-story home and only about 25% are looking for a single-story home. He noted that nationwide, there are many two-story homes and many of those would

have an owner suite on the first floor. He noted with the schools next door, this property would serve the people who have children that would attend the schools; and those types of people would rather have a two-story home. He noted that he would like to be able to provide the \$180,000 bracket homes for multi-family versus renting or someone who wants to bump up into a home.

Mr. Hawk questioned what would the cost be. Mr. Schoonmaker noted for a townhouse it would be \$180,000 and for a single-family it would be \$240,000. He noted that there is a lot of pressure to reduce costs in building homes and he has worked very hard on customer service and energy efficiency. He noted that keeping the quality and efficiency is very important to S&A. He noted that S&A tries to make efficient floor plans while looking at the lot sizes and costs as well. Mr. Hawk suggested as you get older, many people use the second floor for grandchildren or visitors.

Mr. Hawk noted that there is a mixed demographics in the community that Mr. Schoonmaker showed, people who are older who don't want a lot of yard to mow and many younger couples who are both working and don't have the time to maintain the yard. He noted, if the lot is 70 feet or 60 feet, the extra five feet on the both sides won't make that much of a difference. He noted that most people want their yard in the back versus extra room on the side. He stated that he can design a nice streetscape with narrow lots.

Mr. Hawk explained that the Township only had about 42 home starts last year and he questioned if this is an optimal time to build this. Mr. Schoonmaker answered that he is seeing signs that will help the housing market move forward to be able to find affordable housing. He noted that many people have not been able to afford a new home in terms of where the economy is today and he has had to rethink their plans to build smaller units. He noted that the 180-foot wide lots are not as marketable as they used to be so some changes are needed.

Mr. Seeds noted that the approved plan had homes that were \$350,000. Mr. Seeds questioned if that is the price for the homes in Amesbury. Mr. Schoonmaker answered that they are multi-family units starting in the high \$100,000 and low \$200,000. Mr. Seeds noted that there is not much activity in Amesbury so he questioned what made Mr. Schoonmaker think if the Board would approve this that they would sell as it will be about the same price. Mr. Schoonmaker answered that the zoning at Amesbury is for 55 plus whereas this would be a much

larger demographics to grab from. He noted that he is looking at the first-time home buyer or first-move up buyer. He noted that there is a large market for seniors as was shown with the previous presentation for the Friendship Senior Center, but there is also the other mentioned large market.

Mr. Seeds noted if you talk to realtors, houses are still moving slow, but there are many homes that are out there for sale that are \$180,000 or less and they don't seem to be selling. Mr. Schoonmaker noted that his job as a company is to promote why people should buy a new home. He noted that people would rather purchase a new home that has a ten-year warranty, is more energy efficient, with new appliances, at a similar price, than a 20 to 30 year old home.

Mr. Hornung noted that young people do not have the knowledge to fix things up themselves as they spent most of their time on electronics unlike when we grew up with a hammer in our hands. He noted that they can afford to buy a used home at \$150,000 but they can't afford to fix it since they have to pay someone to do it, or they try to do it themselves, which is more difficult. He noted that a newer home at \$150,000 is more attractive than a used home where they have to go and do the work themselves. He noted that they also love the warranty because for the next ten years they only have to make a phone call.

Mrs. Terrance noted the current plan shows the road coming into the development off of Union Deposit Road, and then goes in one direction with another loop that goes in the other direction, and within those two roads are 57 homes. She questioned if you triple the amount of homes that you are building, are you going to spread them out or keep them in the same area. Mr. Schoonmaker noted that he has looked at using the ground that abuts the apartments. Mr. Hornung questioned if you can provide an egress in that area. Mr. Schoonmaker answered that he has talked to staff about that noting that it is a private road that goes in that direction. He noted that there are also slope issues and areas that he can't get across. He noted that he has looked at using that upper area but there are some challenges to overcome. Mr. Crissman questioned if the private road belongs to the School District or the apartments. Mr. Schoonmaker noted that the School District has a road and the apartment complex is private. He noted that when he met with staff and HRG, they discussed a possible access point but he hasn't gone into great detail for this, however, he has looked at a conception plan to use that area as well.

Mr. Hornung noted that it is wise to come in and discuss this without spending a lot of money on engineering, but you are talking about tripling the amount of homes and it would trigger a need for a traffic count. He questioned where do you see the people utilizing the roads to get on the interstates or in what direction do you see them driving. Mr. Staub explained, to have two entrances in and out, the only way to access that would be to use the private street that serves Pennswood Apartments. He noted if you were to build a road across part of the School District property that would almost be in the form of an emergency access. He noted that the main part would access the existing boulevard driveway. Mr. Schoonmaker noted that he would have to do a new traffic study and he has looked at it preliminarily to see if it would work within the Highway Occupancy Permit (HOP) access that we have. He noted that he does not have an exact number yet. Mr. Hornung noted that the Township has a problem with the Union Deposit Road and Interstate 83 intersection as it has the highest accident rate for an intersection. He noted that the Township has done some things to reduce the accidents at that site but putting more traffic in that area will only compound the problem. He questioned if most of the traffic would go towards the interstate or Nyes Road. Mr. Schoonmaker noted that it is a good question and he would need to secure more information to provide an answer. He suggested that it would probably be a combination of both directions.

Mr. Hawk noted that Board members listened to a market analysis by a local realtor and there seems to be a fair amount of homes on the buy list with an average sale time of 60 to 90 days. He noted that the more expensive homes take a longer time to sell. He questioned if the Board agreed to rezone the land would S&A sit on it and wait until the market comes back. Mr. Schoonmaker noted that the higher price homes are sitting on the market much longer than the lower ones as there are many more people who can afford a lower price home than the higher price home and there is very little new housing in this price level. He noted that we believe that the market is starting to come back, the competition is picking up and we have a good location. He noted if we can bring a nice product for this price we can be very competitive, therefore his intention would be to develop it.

Mr. Hawk noted that once the Board approves a plan it must notify the school district of that plan and this is close enough that the students could walk to school. Mr. Schoonmaker noted that is what we looked at to determine what is the best product for this piece of property.

He noted that there is R-3 zoning surrounding the property but with the close proximity of the school, a senior citizen project next to the school would not be the best match for the property. He noted that it is good to have the kids walk to school. Mr. Crissman noted that elementary students would have to be bused to school and the advantage would be for junior or senior high school students only.

Mr. Seeds noted that the Greenway Committee was looking to create trails in that area. Mr. Staub suggested that there was an agreement with the School District to allow cross country paths where trails would be maintained. Mr. Leatham explained with the physical constraints on the property there is still an opportunity, even with single and multi-family units, to do something along those lines, but maybe not as expansive as what was talked about before. He noted that the original plan had natural walking trails. Mr. Seeds questioned if you would be proposing anything like that. Mr. Schoonmaker noted that once he gets further along he would propose some trails noting that S&A wants to build a desirable community. He noted that walking trails are a highly desirable item that people are looking for. Mr. Seeds noted that it would be in addition to the fee-in-lieu.

Mr. Hawk questioned Ms. Terrance if she lived in the area. Ms. Terrance answered that she owns the first two properties on Union Deposit Road that are adjacent to the corner of Montrail Road. She noted that neither S&A nor the School District maintains the cross country paths as the people along Union Deposit maintain the paths. Mr. Crissman noted that the neighbors have been doing that for years. He noted that the track has been there for years back to when the Leisure's owned the property. He questioned if Mr. Schoonmaker has talked to the School District or the Apartment complex about providing access on the roads that are still owned by them. He noted if neither would provide the access then all traffic would have to access by way of Union Deposit Road. Mr. Schoonmaker stated that he has tried to make contact with the Apartment complex and the local people have referred him to the owners in Philadelphia. He noted that he has not pushed it since he does not want to get too far out there until he has a better understanding for the rezoning. He noted for the School District, he reached out to Gilbert Tunney but he has been unable to connect with anyone. Mr. Crissman noted if you don't have access other than Union Deposit Road, then he would not vote for it.

Ms. Terrance explained in December, Bishop McDevitt High School will open and will provide more traffic in the area.

Mr. Hornung noted that we have looked at ways to acquire affordable housing in the Township because he feels that it is the right thing to do. He noted that he has been very critical as for where it should be located because the one overwhelming issue that was addressed in the Comprehensive Plan review was decreasing density to diminish the amount of cars on the road. He noted that economically, as the Township expands and fills in, what is left when the development slows down, and that is what we are doing now, is the headaches from the traffic issues. He noted adding new traffic signals or improved roads are an economic issue at this time for the Township. He noted that a concern for the future is when a municipality is built out like Paxtang or the Susquehanna Township level that has a base that is not able to expand but has to deal with issues of past allowances. He noted that the Board is very careful for where the higher density should be located because of the impact on the surrounding roads which will have to be dealt with long after the houses are sold and the developers are gone. He noted that although the property owners are paying taxes, it does not come to the point of correcting some of the problems when you talk about \$1 million in traffic signal replacement. He noted that he would be inclined to allow the higher density to reduce some of the infrastructure costs but not to go with a much higher total number of lots. He noted that he might be amenable to 75 or 80 lots on smaller lots to make them more affordable. He stated that he would be willing to work with the developer to reduce infrastructure costs for possibly sidewalks on one side of the road or reducing street width as long as extra parking can be accommodated. He noted that the location is very important and what the impact would be to the surrounding areas noting what the Township would be left with when the developer is gone.

Mr. Schoonmaker noted that it is a good question and if you look at the aerial map, you can see that red area shows the Montrail property and the blue shows the R-3 zoning and the yellow is the institutional zoning for the school. He noted that the property is surrounded by R-3 with some single-family homes along Union Deposit Road. He noted that traffic is an issue that will always need to be addressed, but suggested having the higher density properties surrounding this property has some merit.

Mr. Hawk noted that the entrance is right off of Union Deposit Road.

Mr. Schoonmaker noted if affordable housing is needed in the Township this is a good location for it. He noted that there are obstacles that need to be overcome but it is a good location from a marketing perspective, especially having the school adjacent to it.

Mr. Schoonmaker questioned what feedback the Board would have for the rezoning or what steps should he take. Mr. Seeds noted that it is a huge jump from 57 lots to the possibility of 200 lots. He noted that the zoning goes with the land and even though S&A may only want to build 140 lots it would be entitled to 200 with the rezoning. He noted that it is also a lot of traffic. Mr. Schoonmaker noted that the reason for the R-3 request is that he is looking for certain usages that are not permitted in an R-2 zone. He noted that he is open to alternatives and would like to know how to fit this plan into the Township's zoning. He noted that it was not his intention to build apartments, but if there is something else he could do with the zoning he would be open to that. He noted that he is looking for feedback from the Board. Mr. Seeds noted that the Township could end up with apartments in this plan. Mr. Schoonmaker noted that it would be allowed. He noted that he discussed this with staff to determine how he could do what he wants to do that fits in the zoning. He noted that apartments are not permitted in R-2, but the lots are much bigger. Mr. Seeds noted that he liked the TRND as it provided for open space. Mr. Schoonmaker noted no matter what we do we will provide open space based upon topographical issues for the land.

Mr. Staub noted when the plan was approved it required a variance for that zone for the smaller lot widths. Mr. Hawk noted that it is a TND overlay but the configuration of the parcel does not seem to fit the traditional of a TND. Mr. Staub noted that it is a TRND. Mr. Schoonmaker noted that putting alleys behind the homes gets very expensive but every house will be different and they won't be the same. He noted that TND's look great and have a great curb appeal but putting an alley in the back with separate garages does not meet everyone's need. Mr. Staub noted that this property is too small for a TND as it requires 80 acres. Mr. Wolfe noted that this is not a TND, it is something that predated what is currently in the ordinance and it is a holdover. Mr. Hawk noted that a TND would have walking trails and a business center. Mr. Schoonmaker noted that the idea is to provide a place to live, work and play all in one area. Mr. Seeds suggested that there would be some hoops to jump through for the new stormwater regulations. Mr. Schoonmaker noted that everything would have to be updated to the current

regulations. Mr. Staub noted that this is currently under the old ordinance so it would have to be redone and resubmitted. Mr. Schoonmaker noted that there is a lot of work that would need to be done before spending a lot of money for the rezoning.

Mr. Hawk noted that it is an interesting piece of property but he is concerned about the density. Mr. Blain noted if you would have a density increase, you might as well do it at that location. He noted that you have R-3 across the street and behind it. Mr. Hornung noted that it would not be a spot zoning issue if it was rezoned to R-3, but the question is how much R-3 do we allow as we get built out and suffer the consequences of the higher traffic counts. He noted that his concern is what traffic access is available for the major highways and what implication would it have on traffic now and in the future. He noted that he would feel more comfortable with a housing around 140, knowing that 50 does not work; however he is willing to work with the developer for the part of the land that is undevelopable. He noted that he is not content with 140 homes. Mr. Staub noted that the issue with the R-2 is the lot size for the single family homes. Mr. Blain questioned what the lot width is for the R-2. Mr. Schoonmaker answered that it is 80 feet. Mr. Blain noted that he only proposes a lot width of 60 feet. Mr. Schoonmaker noted that the current plan provides for 75 to 80, so that is already smaller than what would be allowed for R-2, nothing that it is essentially the same, only it does not permit apartments. Mr. Hornung noted that you already received a zoning variance for the lot widths for the current plan. Mr. Schoonmaker noted if there is a need in the Township and a lot of people would agree that there is a need, he would not be able to do it with the 100 or 80 foot wide lots. He noted if affordable housing is going to happen in the Township, this is the place for it to occur. He noted that trying to do that with a piece of property surrounded by R-1 would not make much sense. He noted that the traffic issue needs to be resolved by the traffic engineers. He noted that all the other R-3 zoning in the Township is built up.

Mr. Blain noted that his counter argument to Mr. Hornung is that we have discussed not having higher density but yet this Board a few years ago voted to have significant higher density on a plot of land behind the Dauphin County Technical School that are surrounding by R-1, making it a TND. He noted that it mixed townhouses with single family homes and a commercial district. He noted that we were going to do that in the middle of nowhere. Mr. Hawk noted that was a TND concept... Mr. Blain noted that he understands that but if you want

to control densities, this is a good way to do it because you keep the higher densities together and keep the R-1 zones the way they are. He noted that you are still putting more density on Union Deposit Road but you would have easy access to I-83 and the larger highway routes than you would if you put it way out on Union Deposit Road where it would funnel the traffic onto Nyes Road. Mr. Hornung noted that he agrees with Mr. Blain but he is in favor of the lower impact on the Township. He noted that the density is irrelevant if you put it right next to the highway, if it does not create a traffic issue. He noted that all the complaints about traffic that were part of the Comprehensive Plan Review were adamant about trying to keep the amount of traffic down. He noted that is his main concern, traffic and not density. He noted that it is a good area for this type of development. Mr. Blain noted that he would agree with Mr. Hornung about the traffic impact as well. He noted that it is a better spot to allow the mixed uses such as townhomes with smaller lot single-family homes over a traditional R-1 zone.

Mr. Schoonmaker noted that he would have to have a traffic consultant verify that it would work. He noted if there is a need for affordable housing in the marketplace, we need to talk about the traffic. He noted that he is trying to get the Board's opinion if it would work and if there is interest to determine if this is the right piece of property for this to be rezoned to.

Mr. Hornung directed Mr. Schoonmaker to come back with more analysis and impact information for traffic and provide some illustrations to provide an idea for what it would look like. He noted that he would not want S&A to spend tons of money on engineering. He noted that he did not know if he would be willing to go up to 140 units but he would be willing to look at what 100 units would look like or 70 or 80 units. He noted that we all agree that we need affordable housing for young people who want to move into the Township and we don't provide that at this time.

Mr. Schoonmaker noted that he would work closely with staff to come up with a plan.

Mr. Blain questioned if Mr. Schoonmaker knows Brian Hudson with Pennsylvania Federal Housing Administration. Mr. Schoonmaker answered yes. Mr. Blain noted that the Board has meet with Mr. Hudson, and suggested that Mr. Schoonmaker could work with S&A. Mr. Schoonmaker noted that when the company first started, it was building 24 feet by 40 feet ranchers for the first time homebuyers. He noted that the owner worked with the Farm Home Administration in terms of one percent loans.

Mr. Hawk noted that the discussion provided feedback for Mr. Schoonmaker to come back with more detail for another workshop session. He noted that everyone is concerned with the density of the development and the safety of all.

Mr. Crissman suggested that 140 units are too high and his concern is with the traffic flow. He stated that he wants to know that Mr. Schoonmaker has talked to the Pennswood Apartment Complex owner and the School District for added egress. He noted, if there is only one egress, then the density must come down very low or he won't vote for the plan.

Presentation of a proposal by Ed Paukovitz regarding the replacement of a failing storm sewer serving properties on Dunmore Drive

Mr. Edward Paukovitz noted that he has a mutual problem with the Township as Township water is going into a private system that has been compromised. He noted that it covers four lots and not the entire system. He suggested that he is three to four years away from a solution, and he is looking for a short-term solution. He noted that this solution is not a 20-year fix.

Mr. Paukovitz noted that there is a grate on Lot 1 and 2 on the other side of the lot and there is a grate on his drain on the downside, and another drain on the Lot 4. He explained that he paid for an engineer to do a preliminary study and he came up with two solutions. He noted that the first solution is to replace a 200-foot section of pipe from Drain 1 to Drain 2; however the pipe is nine feet deep. He noted that it would connect two drains and there are no utilities or structures in the way. He noted that there is a right-of-way and it would be slightly off the right-of-way, starting at the right-of-way but not staying on the right of way. He noted that the second solution is to connect Drain 1 to Drain 4 which is in the right-of-way. He noted that it would solve the situation of the decrepit pipes that we have. He noted that it would entail another 200 feet of pipe, and all the neighbors are in support of this. He noted that he is not proposing to change anything downstream as they will be getting the same water as only our pipes are compromised. He noted that he put some money into this project and he would propose that the Township pay for some engineering work to determine if it is feasible and the costs. Mr. Hawk question if the Township was to do the engineering. Mr. Paukovitz answered yes and the Township could provide the pipe and stone for the project and he would pay for all the labor. He noted that we are talking about 200 feet of pipe and the runs are fairly straight. He noted that he

would like to see it done before the spring rains, to prevent water from coming in the basements. Mr. Hawk noted that it may solve the problem for the next 100 years. Mr. Paukovitz noted that the down stream system may or may not be compromised. He noted that he is not proposing to replace the system as all the house drains feed into this system to include the basement and footer drains. He noted that it may solve the problem for five more years until all the water has been removed from the sanitary sewer system. He noted that no one downstream has any issues as the downhill slope is pretty steep and most of the drains go into the rear swale. He noted that his drain is located outside of the right-of-way from the back of the lots, and is really close to the house.

Mr. Hawk noted if we correct the problem at your location, what happens if more homeowners come to get their issues fixed. Mr. Paukovitz answered that he could not guarantee that the neighbors won't but most of those drains are on the right-of-way so they don't seem to have a problem. He noted that he is not changing the downstream flow, and it will not continue to flow near our homes. He noted that the ultimate solution would be to install a pipe to the pond and tear up everyone's backyards, and going through right-of-ways where there are structures. He stated for his fix, there is nothing in the way. He noted that it is a mutual problem. He explained that a homeowner from a street above his tied his drains into this system and he is addressing this as it is not legal to do that. He noted as more people put additional water into the system it will become a bigger problem.

Mr. Hawk noted that the Board members took a look at this during its recent road tour and anything that we can do to try to fix a sticky problem we will do. Mr. Paukovitz noted that we would love to participate in this solution and are not pointing a finger saying that this is the Township's problem, but it is a mutual problem in that the water comes from 17 drains from Fairway and Ashbury into their system. Mr. Hawk noted that staff has an idea of how much it would cost for stone and pipe. Mr. Paukovitz noted that the Township can purchase the pipe and stone at the cheaper State rate. Mr. Crissman questioned if that would be legal. Mr. Blain noted that we don't know what the total costs would be to do this project to include engineering and materials. Mr. Wolfe questioned Mr. Robbins what materials and stone would be for a 400-foot replacement. Mr. Robbins answered that it would be \$17 per foot for the pipe and stone would depend on how deep the pipe is. Mr. Paukovitz noted that one solution called for 200 foot repair

and the other called for a 400 foot repair. Mr. Blain noted that Mr. Paukovitz stated that he would pay for the cost of the materials and labor and the Township would provide the engineering services. Mr. Paukovitz stated that he proposed to only pay for the labor. Mr. Blain noted that the Township would pay for the materials and engineering. Mr. Paukovitz suggested that the engineering would cost less than \$1,000.00.

Mr. Crissman questioned if the Township could legally enter private property to do any work. He noted, even though Mr. Paukovitz would be doing the labor, could the Township legally purchase the materials at State rates and provide them for this project to be reimbursed by Mr. Paukovitz. He suggested that the answer would be no. He noted those are the issues that the Board and staff need to address.

Mr. Seeds noted that the Board would like to help Mr. Paukovitz, but there are so many of these problems in the Township. He questioned if the Township did this project would the Board be setting a precedent where we could be doing this all over the Township. He noted that that system was built privately as part of a development. He noted if staff does this it could easily spend over a couple million dollars doing all the others. Mr. Paukovitz ventured to say that is not the case since no one else would be willing to participate in the costs.

Mr. Hornung explained that he is not worried about setting a precedent rather if it is the right thing to do. He noted that he needed an answer from Mr. Stine on this.

Mr. Stine explained that the stormwater system is owned by each lot owner that the system passes through. He noted whatever is on Mr. Paukovitz's lot he owns, although this part of the stormwater system is in an "easement" it is an easement on a plan, called "an easement by implication". He noted that all the upstream lot owners have rights to discharge their water through this system. Mr. Paukovitz answered that is not totally true. Mr. Stine noted that they all have rights to do it but whether they do it or not is a different story. Mr. Paukovitz answered that they don't because of the private compromise. He noted that they have no rights to put the water there. Mr. Stine answered that they do because there is an easement on the plan that this thing is supposed to go through...Mr. Paukovitz answered that there is no system on the plan, there is a swale that is on the plan that was approved. He noted that there is no easement and no pipes on the plan. Mr. Stine noted then there is no way the Township could provide any money for this since it all belongs to the lot owners. Mr. Paukovitz noted that we don't have to allow Township

water to enter the system. Mr. Stine noted that you must allow what is currently occurring. Mr. Paukovitz answered no. Mr. Stine noted that you can say what you want to say but wherever the water flows now it can continue to flow. Mr. Paukovitz answered that it can't. He noted that Mr. Stine is the counsel for the Township and he has his own counsel. Mr. Stine noted where water has flowed; it is allowed to continue to flow. Mr. Paukovitz answered not if it is compromised. Mr. Stine noted that is a new rule for him as he has not heard that one.

Mr. Crissman noted that the Board is obligated to follow counsel's advice just as Mr. Paukovitz has council. Mr. Hornung suggested that counsel should talk to counsel about this. Mr. Paukovitz noted that we might as well just end it now. He noted that he is looking for a reasonable compromise. Mr. Blain noted that it would make sense that our counsel would speak to your counsel to understand what your position is. Mr. Paukovitz noted that he has not retained counsel, he received a legal opinion a year ago and has been trying to work away from that legal opinion. He noted that we have a major problem... Mr. Blain questioned if Mr. Paukovitz had the legal opinion in writing or did someone provide a verbal opinion. Mr. Paukovitz answered that he has it as he paid for an attorney. Mr. Blain questioned if the Board can see it. Mr. Paukovitz answered that he did not provide it to the Township as he does want to go legal as he is trying to work out a short-term solution to a major problem because he knows the street is compromised and the entire system is compromised in that development. He noted that eventually the entire thing will be the Township's problem and the pond is also a problem. He noted that the whole water flow from the entire development is bad and it compromises the stream and the bridge. He noted that the bridge must be rebuilt after every storm. He noted that there is water problem here. Mr. Blain noted that Mr. Paukovitz stated that he does not want to go legal with this but the bottom line is that it is a legal matter as our counsel is telling us that it doesn't appear that the Board can do this as it is a private property matter. He noted that Mr. Paukovitz is saying that he got an opinion that was provided a year ago, so it would make sense to him to provide that opinion to the Township solicitor so he could see if there is something in this entire scenario that he does not understand and it might change his mind. He noted that all Mr. Stine does is municipal law, but maybe he missed something. He noted in his profession he misses stuff, and we all do. He suggested that it would help resolve the issue to move forward.

Mr. Hornung noted if you have two legal entities fighting each other, that is one thing, but when you have two legal entities trying to resolve the issue and make something happen, then you have a different expense bill. He noted that the Board members feel for Mr. Paukovitz and want to accommodate him but if the Township was to say that it would provide the pipe and stone, legally, what could happen if someone upstream wanted to do it and the Board said no, they could come back and force each one of the Board members to pay that bill out of their pocket. He noted that the Board has to protect the Township. He suggested that there may be other ways of doing this. He questioned if there was a right-of-way through the property and if there was could the Township claim it.

Mr. Stine questioned if the Township obtains a right-of-way through the properties that belongs to the Township could it build its own stormwater water system, the answer is yes. Mr. Paukovitz questioned what if the area does not belong to the Township now. Mr. Blain answered no. Mr. Stine noted that it is called an easement by implication as it was never dedicated to anyone; it just appears on a plan. Mr. Stine noted that is what he was trying to explain to Mr. Paukovitz earlier when he told Mr. Stine that he was not correct. Mr. Paukovitz noted that is not what he was trying to say. He was talking about across the street where the piping is shown on the plan, the Township owns that. He noted that the Township is maintaining it. Mr. Hornung noted that Mr. Stine might not be familiar with the plan. Mr. Hornung noted that Mr. Robbins might know. Mr. Robbins questioned which pipe Mr. Paukovitz was referring to. Mr. Paukovitz answered any of the other ones in the development that are shown on the original plans. Mr. Robbins noted that the only pipes that the Township owns are in the legal right-of-way. He noted that a drainage easement in the Township's name would have to be put up for dedication to us. He noted for many phases in that development, this was not done. Mr. Paukovitz noted that he knew that Public Works worked on a drain... Mr. Robbins noted down the street from Mr. Paukovitz's home, there is a very similar situation, it is in a drainage easement but it is not in the Township's name. He noted that we can not come outside of the right-of-way.

Mr. Paukovitz noted that he is looking for a short term solution. Mr. Crissman suggested that the first step is to provide his attorney's opinion for our counsel to review to determine if there is anything that can be done. Mr. Blain noted that we all want to help but we are also bound

by the fact that we can't set a precedence that would provide for a major liability in the future. He noted that there is no one on the Board that would not want to help if it can legally occur.

Mr. Paukovitz noted that he is trying to avoid any legal ramifications. Mr. Hornung noted that the same goes for the Board. Mr. Stine noted that the concepts are inextricably intertwined. He noted that you can't separate them. Mr. Paukovitz noted that he would provide the opinion to Mr. Wolfe. Mr. Wolfe noted that he could set up a meeting between whoever needs to attend. Mr. Crissman noted, at that point the Board would look at what it is legally allowed to do.

Mr. Hawk question if we could agree to do the job but hire Mr. Paukovitz to dig the hole. Mr. Stine answered no since you are working on private property. He noted that you can't spend public money on private property. Mr. Hornung noted that there is a good reason for that.

Request for waiver of a land development plan requirement to fence  
the detention basin that serves the Holy Name of Jesus Church

Mr. John DiSanto, Triple Crown Corporation, representing Holy Name of Jesus Church, explained, during the approval process at the eleventh hour the detention pond came to light that included fencing in that area. He showed on a map the location of the church, the parking lot, the old church, current school, and the pond. He noted that the pond is on the western end of the property located near the I-81 entrance and exit ramps. He noted that there was a concern about having a fence around the pond and he decided not to fight that battle back then, but to come back when the Improvement Guarantee would expire. He explained that he is seeking a waiver not to install the fence around the pond. He noted that it will cost the church more than \$9,000 to install the fence plus the 10% increase for the improvement guarantee, amounting to almost \$10,000.

Mr. DiSanto noted that the fence is not necessary, acknowledging that everyone was discussing the safety issue at the time, but the current pictures show the thick vegetation, with no standing water. He noted that there are no signs of silting in the stone in the pond. He noted that the pond looks the way it does on purpose as it is an infiltration area, designed to hold water less than 16 inches deep that saturates deeply into the ground. He noted that no one will try to go into this pond. He explained that the main inlet pipe has shallow slopes into the pond, and the church is mowing the grass around the pond. He explained that the church has easy access to do this since no fence has been installed. He noted that there are no signs of silting anywhere in the

pond. He noted that there has been some rain recently but the pond is made up of mud and plants, using specific wetland plants. He noted that the shallow banks are maintained.

Mr. Seeds questioned if the pond was constructed when the church was built. Mr. DiSanto answered yes. Mr. Seeds noted that it has grown in fast. Mr. DiSanto explained that they planted \$10,000 worth of wetland plantings, planting over 500 wetland plants. He explained he has a sheet that shows the plantings for the pond and there are 2.5 feet of special mixed sand, compost and topsoil that is sitting on top of it. He noted that this is a breeding ground for West Nile Virus, but the Best Management Practices are only concerned about infiltrating water and keeping it out of the Chesapeake Bay that in turn creates another problem. He noted that the bottom of the pond in a storm event would at the most hold 18 inches of water. He noted that a huge storm, a 100-year storm may come to the top of the overflow but the most the pond can hold is two feet, ten inches. He noted that there is a six inch under drain in the flow channel that goes down through the middle of the pond that accelerates the de-watering. He noted when you look at it; common sense tells you that no one would drown in the pond.

Mr. Seeds noted when the plan was approved he thought that the pond was next to the school. Mr. DiSanto noted that the pond is 150 yards away from the school. He noted that it is a money issue but it is common sense and there is no way anyone would drown in that pond and it will make it harder for the church to maintain the pond if they had to install a fence. He noted that the weeds are higher than what is allowed by the ordinance. He noted that it is a fine functioning wetland environment. Mr. Wolfe agreed.

Mr. DiSanto noted that the slope is four to one and maybe three to one on one side. He noted that a kid has a better chance of getting hit by a bus then drowning in the pond.

Mr. Crissman questioned what about the Friday night football games. Mr. DiSanto answered that the football field is 250 yards from the pond and that area is fenced from the church property. Mr. Crissman noted as an educator, he is never going to agree to provide the wavier but the other four Board members may do so. Mr. DiSanto noted that is why he did not fight it during the approval process but now he wanted to show what the area looks like. He noted that he did not know if the Board could act on this. He noted that his nephews and nieces go to that school and he has no problem with leaving the area unfenced.

Mr. Hawk noted that he has been out at that location many times and had driven by the area and can support the waiver. Mr. Hornung and Mr. Blain agreed. Mr. Wolfe noted that he would need a written request from the Church to put it on the agenda for the next business meeting. He explained that it has been inspected and approved except for the fence. He noted that he would not need anything else from Mr. DiSanto.

Mr. DiSanto noted that the buses mainly come in from the other end of the campus and the students are policed during all hours of the day. Mr. Crissman noted that as an educator, he could not support the wavier request.

Review of a proposal received by CAP COG from the Cohen Law  
Group to conduct a cable franchise compliance review

Mr. Wolfe explained that Dan Cohen is making a presentation Thursday to the Capital Region Council of Governments (COG) Managers in regards to conducting a comprehensive review of cable television franchise activities for both Verizon and Comcast. He noted, within the proposal, he has broken down the services to provide a financial audit and compliance review of franchise conditions such as ability to provide proper service, and that coverage is provided to everyone in the Township.

Mr. Wolfe noted that there are two franchise agreements that are very similar and both audits are provided for a five-year period. He noted that Mr. Cohen provided a fee schedule based upon the number of municipal participants and population size. He noted that the current cost for a franchise review on an independent basis is \$8,900 per review. He noted for the COG, if two to nine municipalities participate the cost drops to \$7,900 per review. He noted if 10 to 14 participate the costs decreases to \$6,900, and if it is more than 25 participants the cost would be \$3,900 per review. He explained that he wanted to know if the Board was interested in undertaking the franchise review for both Comcast and Verizon.

Mr. Blain noted that we do this every year. Mr. Wolfe answered that we have never done this before. He noted that Mr. Cohen conducted the franchise negotiations. Mr. Seeds noted that this was proposed last year but it was too late in the year. He explained that many COG members want to do the Verizon audit as many people have issues with them. He noted that the consensus was if we are going to do it, we should do it for both Verizon and Comcast. He noted that the more that participate the cheaper the costs and the Township could stand to realize a good bit of

money. Mr. Wolfe noted that is only if either of the two are doing something they shouldn't be doing. Mr. Seeds noted that they could be distributing the franchise fees to the wrong municipality. Mr. Wolfe noted that we have never done a review in the past.

Mr. Wolfe noted that the maximum cost could be \$16,000 for two and the minimum cost could be \$8,000. Mr. Hornung noted that he would base his decision on the final price. Mr. Wolfe noted that the Township could agree to participate based upon a certain category for a certain number of municipalities. Mr. Seeds noted that there are 41 members in the COG at this time, and it is his job to convince the other members to do it and include it in their 2013 budgets. Mr. Wolfe noted that the Township receives a lot of revenue from both and the fact that it is an unaudited source of revenue which the Township does not have many of; it may not be good to allow this service to go on for years without an audit.

Mr. Seeds noted if the franchises knows that we will do it, it will force them to be more careful with what they are doing. He suggested that the Board should provide a threshold for which it would be comfortable doing the audit. Mr. Crissman questioned if 20 participants is too high a number. Mr. Wolfe suggested that the 15 to 20 or next level up would be good. Mr. Hornung noted that he would be comfortable with a minimum of 15 participants. Mr. Blain answered that he was fine with that. Mr. Seeds noted that 15 must participate. Mr. Hornung noted that it would be the threshold. Mr. Wolfe noted that 15 participants is a good place to start and it might help getting the other municipalities on board. He noted that it would provide direction for him without the Board actually committing itself at this time. Mr. Hawk noted that he is not wild about doing it. Mr. Hornung noted that it is not something you would do all the time. Mr. Wolfe suggested that it should be done once or twice during a franchise period and that is for a ten-year period. He noted that they don't run concurrent but they are within a couple years of each other. Mr. Crissman noted that the decision is not a final commitment.

Proposed ordinance amending the Township's solid waste and recyclables collection program as it pertains to public events

Mr. Wolfe noted that the Township is applying for its recycling performance grant funds and it has gone through another review by Department of Environmental Protection (DEP) and they have found the current ordinance to be missing a provision that requires community events

to recycle. He noted that the language that is contained in paragraph D is directly from Act 101, however, that language is missing from the Township's ordinance. He noted that a community event as defined by DEP as anything with more than 200 participants. He noted that definition was not contained in Act 101, however DEP has informed the Township that their municipal regulations contains a definition for a community activity to be 200 or more individuals per day. He noted that includes but is not limited to fairs, bazaars, social, picnics, organized sporting events, and publicly or privately sponsored events. Mr. Seeds noted that this affects the school district. Mr. Wolfe answered that it doesn't as institutional activities have always been required to recycle. Mr. Crissman agreed. Mr. Seeds noted that if you attend a football game at Landis Field they only have one type of trashcan and nothing marked recycling. Mr. Wolfe noted that they have been in violation of the regulations for a long time. Mr. Seeds questioned if we have to enforce it should we send a letter to the School District.

Mr. Wolfe noted that DEP is requiring that the Township regulations match their regulations to obtain the funding. He noted that this is similar to the time when the Township acted to stop open burning. Mr. Crissman suggested that this ordinance be put on a future agenda to make the Township in compliance with the DEP regulation. Mr. Wolfe noted that he would have to advertise; therefore it should be scheduled for a business meeting the end of November or beginning of December. He noted that the grant is usually in the range of \$100,000. Mr. Hornung noted that he is fine with it as long as it doesn't add to manpower hours to regulate it, by having to hire another person.

Discussion regarding the request from Keystone Collections  
Group to collect delinquent Earned Income Tax

Mr. Hawk noted that the Dauphin County Tax Collection Committee (DCTCC) discussed using the Keystone Collections Group or allowing each entity to go out and use whomever they wanted to for the collection of delinquent Earned Income Tax (EIT). He noted that most of the municipalities in Dauphin County have agreed to use the Keystone Collections Group as the collector since Keystone has all the detail and information. He noted that the recommendation of the DCTCC at its last meeting was to use Keystone Collections Group for the collection of Delinquent EIT.

Mr. Seeds questioned Mr. Hawk if the Committee has received many complaints about Keystone. Mr. Hawk answered no.

Mr. Wolfe noted if the Board is so inclined he would schedule a resolution for this at the next business meeting. Mr. Hornung questioned who collects it now. Mr. Blain suggested that Berkheimer would do the ones that they collected, and before that, it would be the CAPTAX.

Mr. Hawk noted that Keystone has attended every DCTCC meeting.

“Otta Know” Presentation: Act 97 of 2012 amending the  
Municipalities Planning Code

Mr. Stine explained that Act 97 of the 2012 Municipalities Planning Code will require the Township to notify the superintendent of the school district when a final plan for development has been approved within a month of that approval. He noted that it must include certain information in the notification letter.

Mr. Stine noted when anyone applies to do anything, whether a building permit or land development plan, they are required to send the sewage officer a letter or application to ensure that there is enough sewage capacity in the system. He noted that the sewage officer has 30 days to review the application and if he does nothing it is deemed approved. He noted if he responds and does not issue a permit or an approval, he must state the reason. He noted that the Township cannot provide a building permit or a plan approval on anything until it receives the certification that the system has enough capacity and everything is fine. Mr. Seeds questioned if Mr. Shoaff would handle this. Mr. Stine suggested that it would be Mr. Weaver as he is in charge of the Sewer Department as it concerns public systems. Mr. Seeds questioned if this would be needed for a single family home. Mr. Stine answered that he did not recall.

Mr. Hawk noted that there is a new law on the books that if the Township closes off a road and a person tries to go around the barrier, they can be fined \$250 to \$500. He noted if the person needs emergency rescue or services the fine can be much more. Mr. Stine noted that was the result of people driving into flood waters.

## Stormwater Guarantee

### 6551 Devonshire Heights Road

A new escrow with Lower Paxton Township for \$8,275.30 with an expiration date of October 9, 2013.

Mr. Hornung made a recommendation to approve the stormwater guarantee. Mr. Crissman seconded the motion and a unanimous vote followed.

Mr. Wolfe noted that he wanted to point out to the Board members that this is an example of a person, Mr. Terry Loughran who had to establish an improvement guarantee for a stormwater facility that is costing him \$8,275.30 to construct and that does not include the engineering fees. He noted that no one on staff likes doing this.

Mr. Terry Loughran noted that he is present in regards to the stormwater guarantee. Mrs. Loughran noted that she would like some clarification for understanding the process since it is all new. She noted that she applied for a building permit for a garage and after not hearing anything for three weeks; she called and was told that she needed to submit a stormwater management plan. She explained that she hired an engineer and having completed that work was told that she would have to post a bond. She noted that they did that the other day and then found out that there is an option where she could have installed the system, had it approved and then received the building permit without having to post the bond. She noted that she is looking for some clarification on this, and questioned if she could do this. She noted that she has not gotten any feedback on the building permit. She stated that she hopes that she has not spent thousands of dollars on the engineering and the bond only to find out that the building permit would not be approved.

Mr. Loughran suggested that the process has the cart before the horse. He noted that the individual on-site stormwater management system is all new. He explained that he was building a garage that has over 1,000 square feet of impervious surface, and all of a sudden the \$20,000 garage is costing \$36,000; \$8,000 to install the system and an additional \$8,000 for someone to hold until it is all done. He questioned why he can't install the system first instead of putting up a bond. He noted that no one in the Municipal Center knew how to do that or no one knew that it was available. He questioned why should he put up a bond and spend funds for engineering if he

doesn't know if he can get a building permit for the garage. He explained that he was told in order to secure the building permit the engineering work must be completed. He questioned why he should spend \$1,000 for engineering only to be turned down for a building permit.

Mr. Wolfe noted that building permits are permits by right as long as you build it in accordance with the regulations. He noted if you have a suitable site and you build it per the requirements for the code, which is what the permit should ensure, you are guaranteed a permit. Mr. Loughran noted that you can't do anything until you have a building permit. He noted that they don't tell you that. He noted that staff told him that someone will review the plan and it could take three weeks to do it, only to find out that you could be turned down. Mr. Wolfe noted that is not what staff told you. Mr. Wolfe noted when you apply for a building permit, staff will review it and if staff finds that you are not building it within the code they will tell you that you have to modify it to comply with the code. He noted if you do that you get your permit.

Mr. Loughran noted if the modification costs him double the cost of the original plan so it works for this Township... Mr. Wolfe noted that it is not for this Township only, it is all Townships. Mr. Loughran questioned when a person spends funds for engineering; he would like to know that he will be issued a building permit. Mr. Wolfe explained that staff cannot provide a building permit until you have proper stormwater facilities. Ms. Loughran noted that it would be better to be able to submit for a building permit and have someone tell you that the building permit and plans are fine.

Mr. Wolfe noted that the applicant is looking for a way to delay paying the costs for a plan until we have the first step right. Mr. Loughran questioned what the first step is. Mr. Wolfe noted that the stormwater is the first step. He noted that staff can't issue a building permit until the stormwater is in place. Ms. Loughran questioned what would happen if he submitted a plan only to find out that it must be built in a certain way, doubling the cost only for him to determine that he can't afford to do the project, because it was increased by \$10,000.

Mr. Hornung noted that is why you don't get the permit upfront for that very reason. He noted that people get a permit and think they can build any way they want and then they get a complaint after it is built and we have to make them tear it down. He noted if you follow the rules and the engineer knows what he is doing, we can't deny the building permit. Mr. Loughran noted that is the first time anyone told us that. Mr. Hornung noted that staff is used to

dealing with people who do it all the time and who know what they are doing. He noted that he is sorry that staff did not explain it to you in more detail. He noted that the regulations have changed so much and that it was never this restrictive before. He explained that he is going through the same problem that the Loughran's are as his costs have gone up by over \$100,000 because of the new stormwater management regulations. He noted that a parking lot that used to cost him \$80,000 will now cost him \$180,000.

Mr. Loughran questioned if staff can say that if you don't want to put up a bond, then you have the option to build it, have it inspected, pay for the inspections and then it is done. Mr. Hornung noted that is problematic as well. He noted that you can't get a permit to build the stormwater management plan until you post a bond to build it. He noted that staff must review the plan and say that it meets the specifications and then the stormwater permit is issued. He noted if build and it is wrong then costs go way up; it is better to do it this way. He noted that the bond costs about \$800. Mr. Loughran noted that we put up the cash. Mr. Hornung suggested to Mr. Loughran that he could get a bond or a letter of credit. Mrs. Loughran noted that it costs money. Mr. Hornung noted that staff is concerned that people will build something that is not to code and will not work. He noted then you would have to have an engineer help fix it to make it right, and you would have recurring costs to dig it back up.

Mr. Stine noted that he only spoke to Mr. Loughran on the phone recently and he did not do any research on it. He noted that the way it works for improvement guarantees for developments is when you get the preliminary plan approval, if you want to you can install all the required improvements but no one does that as it is way too expensive. He noted that they put up a financial security and install in a piecemeal fashion as they need to. Mr. Loughran noted for an onsite stormwater plan it is not as expensive. Mr. Stine noted that the regulations fall under the Municipalities Planning Code, but is it available under the stormwater management regulations. He noted that he has never looked at this, but it makes sense that it could be, yes. He questioned if you need a stormwater permit to do the work, and he questioned if the regulations provide that you must put up money to get it. He noted if it would be that you don't have to do that, the permit could be issued after the stormwater management plan is approved, is built to the design and inspected. He noted if it complies, then you could theoretically apply for a building permit without having to put up financial security as it is already built. He noted that it would

have to be 100% built, not 90% built. Mr. Loughran noted that is working capital for him as it is hard to come up with the \$9,000 to post for a bond. Mr. Stine noted that he would have to research to see if you can get a stormwater permit without having to put up the guarantee.

Ms. Loughran noted that is why he and his wife are here. Mr. Loughran noted that we are not a big developer that has a lot of money who can do an escrow, or go to a bank and get a letter of credit. He noted that a letter of credit would cost us working capital money as well. He noted if you save to build a garage and then have to spend an extra \$7,000 for this and another \$8,000 for this because of Township regulations, he questioned why not just use the \$8,000 to put in the system, get it approved and then you are done.

Mr. Hornung noted that the entire issue revolves around trust and people doing the right thing. He noted that you are a couple that would have the integrity to do the correct thing. He noted that staff does do not always deal with people like that, so it has to have some protection when dealing with people who are not always the most scrupulous people. He noted that many laws are written to prevent those things from happening.

Mr. Loughran noted that he needs clarification for this issue. He noted if he did all the stormwater work and could not get a building permit until he spends the \$8,000 to do it to code building it the right way and then he would get the building permit. He noted that he did not think anyone would spend \$8,000 and do a very poor job only to find out that he would not get a building permit at the end. Mr. Hornung noted that people try to cover things up by covering dirt and other things. Ms. Loughran noted if you follow the inspection procedures and it is properly inspected it should be okay. Mr. Loughran noted unless the inspector is dropping the ball. Ms. Loughran questioned if their stormwater plan was approved, will he be notified. Mr. Seeds noted that the Board approved the bond for the plan at this meeting. Mr. Loughran questioned if he could start the project. Mr. Blain noted that Mr. Wolfe and Mr. Stine are reviewing the regulations to determine if you can do that. Mr. Hornung noted at this time you must post a bond before you do anything and you have just done that. Mr. Loughran questioned if he was told something different, could he get his money back and use that money to build it. Mr. Wolfe noted that he would get back to the Loughran's in a day or two. Ms. Loughran questioned when she could start digging the stormwater improvements. Mr. Wolfe noted that the bond is in place and could be picked up the permit to begin that process. Ms. Loughran noted that she wanted to

get this done in order to get grass growing.

**Adjournment**

There being no further business, Mr. Crissman made a motion to adjourn the meeting, and the meeting adjourned at 9:13 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

Gary A. Crissman  
Township Secretary