

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held August 14, 2012

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6: 08 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; Tom Stang, Waste Management; Vince Pinizzotto, William Minsker and Christine Hunter, Heroes Grove; Brian Luetchford, Parks and Recreation Director; Mike Kraska and William Minsker, Linglestown Fire Company; Brett Mashchak, Darden Restaurants; Matt Miller and Sam Robbins; Public Works Department; 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.

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

Mr. Wolfe noted that the Waste Management (WM) contract for solid waste and recyclable collection expires on July 1, 2013. He noted that it is approximately a year from now and if the Board allows the contract to expire, the rebidding process is long and involved. He noted that the contract that is currently in place at this time was bid with a provision that it could be extended for up to five additional years with the rates for service set forth in the bids as an amount not to exceed. He noted that the actual amounts are subject to negotiation between the Board and WM.

Mr. Wolfe noted that Tom Stang is present to discuss this matter with the Board this evening.

Mr. Stang noted that he discussed this issue with the Board a month ago and he wanted to follow up, with the forewarning from Mr. Crissman to sharpen his pencil.

Mr. Stang noted that he has enjoyed the relationship with the Township for many years and is looking to get ahead of the curve. He noted that there is an opportunity to renew the contract for up to five years by way of a contract extension and he would like to work on that now. He noted, in an effort to do that, he has been meeting with his financial people and operational side and submitted a letter to Mr. Wolfe dated August 13, 2012, with an offer for a five year contract extension. He noted he would waive any increases in year one and two, the 2.2% increase that would be permitted under the contract for the first two option years. He noted that he would bring it back into play for years three, four and five for up to the 2.2% increase.

Mr. Wolfe noted that Mr. Stang indicated that he was waiving the first and second year increases but he questioned if that meant in year three those two year increases would be applied or they are waived for the entire contract term. Mr. Stang noted that he never thought of that and it was not his intention to do that, he noted in year three he would look to increase it from today's number with the 2.2%. He noted that it is with the understanding that we have the ability to deal with the fuel escalator for up and down prices, and also any disposal increases from the Harrisburg Incinerator. He noted that it would be a 2.2% increase based on this current price plus the escalators. Mr. Crissman noted that there was an increase dated July 1, 2012.

Mr. Crissman questioned Mr. Stang if he could further delay the 2.2% increase to year three or four as opposed to three, four and five. Mr. Stang responded that based upon the number of residences in the Township, the current savings would be in excess of \$126,000. He noted that he feels that it is a very fair offer and he would tend to believe that if he went back to his management that we might be having a different conversation, for a one year extension only. Mr. Crissman questioned if he could have a one year hold past the first two years. Mr. Stang answered that he could not provide for a third year hold.

Mr. Blain questioned if the Township had to bid this contract out. Mr. Wolfe answered that it could bid it but when it was bid the last time; it was bid with option years six, seven, eight, nine and ten, with an amount not to exceed for those years. He noted that WM's bid for six,

seven, eight, nine and ten was for no more than a 2.2% per year increase. He explained that the Board does not have to bid this out.

Mr. Seeds questioned if the 2.2% included the increase in tipping fees or fuel costs. Mr. Wolfe noted that the tipping fees and fuel are covered by an escalator. He noted that they go up or down based upon cost; for instance, this year the vehicle fuel went down and tipping fees increased. Mr. Stang noted that it would be the same for the contract extension as it is not a variable. Mr. Wolfe noted that Mr. Stang is proposing no other changes in the contract other than the cost for service from his firm. Mr. Hawk noted that the tipping fees are subject to what the City of Harrisburg does. Mr. Stang noted that he does not know of a municipal contract in Dauphin County that does not have the escalator clause for the Harrisburg Incinerator.

Mr. Stang noted that he appreciates Mr. Crissman's looking for something additional; however, he almost wasn't able to be here tonight as he was trying to get an answer from his people and this is all he can provide.

Mr. Hawk suggested that the Board could take votes during a workshop session depending on certain requirements. Mr. Stine noted that you can take a vote at any public advertised meeting, but the Board normally doesn't vote at workshop sessions as it has been more of a tradition than a rule.

Mr. Hawk noted that he is okay with the new contract.

Mr. Stine questioned if there is a time frame for a confirmation for the contract. Mr. Stang answered no, noting that he wanted to secure it and keep the relationship strong. Mr. Wolfe noted that Mr. Stang is not here because he requested to come before the Board, but because he has been bugging him. He noted, at staff level, we know that the bidding process for this million dollar contract takes several months and you have to have it in place several months before to provide for a smooth transition if you change haulers. He noted that you would not want to start this process any later than October. He noted that the Board had some flexibility and time but we don't want to wait until the end of the year to do this. He noted if the Board wants to bid the project he would want to start it soon, however if you are interested in executing a contract extension it would be a simple two-page document. He noted that Mr. Stine could put this together and it could be approved during any business meeting.

Mr. Seeds questioned if there is any benefit if the Board does not take action soon as there may a possibility that something would change from WM's end. Mr. Stang answered that he does not see that happening.

Mr. Blain noted that he was okay with the extension as it is a fair offer.

Mr. Wolfe noted that he would put this on the September 4<sup>th</sup> agenda.

Mr. Stang noted if the Board wanted to do a one-year extension he would be looking to get the 2.2% in the one year.

Mr. Blain questioned if the Board would have to review where they send the recyclables as they are currently going to Penn Waste. Mr. Wolfe answered that the Township has a year-to-year contract for that and we could look at that as well. He noted that he wanted to get this contact in place first before looking at that contract.

Mr. Seeds noted that he is undecided at this time and he does not know if we would get a better rate if we rebid it. He noted that he would like to get the best price for the rate payer.

Mr. Hornung questioned Mr. Stang what are the rates for the neighboring townships. Mr. Stang noted that they vary based on services. He explained that Middle Paxton Township went out to bid and his number was the same number and they were awarded the contract. He noted that they don't have yard waste collection and are only allowed to put out two cans. He noted that the demographics for that township are much different as there is a longer distance between stops.

Mr. Hawk noted that his daughter has a different hauler and she wished she could have the services we have in the Township. Mr. Wolfe noted that staff watches the reported awards found in the newspaper and it is pretty much price stability. He noted that you don't see big price increases and very few that are under what we are currently paying for costs for services. He noted that the Township has a benefit since it is a large community and geographically compact.

Mr. Hornung noted that payroll and health care costs are increasing as well as vehicle maintenance. He noted that his sales must increase or he can't make it, noting that he has to sell more products to keep the operation going. He noted that he must have a 3% to 4% increase in sales to stay in business. He noted that he does not know how WM could go two years without a rate increase as it eats into their profits. He noted that keeping a business going at this time is so difficult and there is so much pressure that it is almost impossible to stay afloat.

Mr. Stang noted that a contract like this covers a lot of other costs for the Township as well. He noted that it covers 13,000 homes and the Township helped to purchase the trucks and what is needed on the streets. He noted that approval for this contract went up three notches in the chain of command, and it was not just he and his boss making the decision.

Mr. Wolfe noted that he would prepare an amendment draft for Mr. Stang to review and then place it on the September 4, 2012 meeting agenda.

Presentation by representatives of the Heroes Grove Committee regarding issues in the development of the memorial in Brightbill Park

Mr. Vince Pinizzotto explained that he is the Vice-Chair for the Heroes Grove Committee. He noted that Heroes Grove Vision is to develop a vehicle to increase public awareness of the agencies, organizations and people who protect and serve our society, those who serve as first responders in Dauphin County. He noted that the purpose for coming to this meeting was to solicit the Township's commitment to manage and maintain Heroes Grove once it is developed. He noted that the goal is to construct a memorial by securing funds through grants and contributions to honor heroes of Dauphin County.

Mr. Pinizzotto noted that Dauphin County has countless ordinary citizens who have done extraordinary things and the project will honor those heroes in a place that currently does not exist, nor is duplicated by any other county-wide memorial. He noted that the project is endorsed by local, county and state law enforcement agencies, veterans, firefighters and emergency service organizations. He noted that this project has previously been endorsed by the Township Supervisors by allowing the location of the one-acre facility to be placed within Brightbill Park. He noted that the Park is the home of several playgrounds, ball fields and soccer fields. He explained that the project was designed by H. Edward Black and Associates and will be constructed in phases, making the site usable to the community after each phase is completed.

Ms. Christine Hunter, of H. Edward Black and Associates noted that Steve Quigley has been very instrumental in bringing the vision of Heroes Grove from a concept plan to an actual schematic plan. She noted that the ultimate goal is to include seating, landscaping, flags and a memorial at the bottom near the flags tying into the parking lot of the Colonial Commons Shopping Center.

Mr. Hornung questioned why the seating is partially grass and if there was a benefit to a soft area versus a hard area. Ms. Hunter answered that she did not think the soft grass area would be much of a problem as it would have a root structure to protect the mound. She noted that some of the sketches show some concrete but it is an informal outdoor amphitheater using hard and soft seating, noting it would be a cost savings, and that some people like to sit on a blanket or on a grass surface. She noted that the picture shown on the screen portrays the ultimate goal for the project. She noted that it has taken a good many years for the Committee to get to the point where it is ready to spend some money to move dirt.

Ms. Hunter noted that Phase I is a modest start. She noted that the Committee has raised some funds for the project as well as receiving matching gaming grant funds for a total of approximately \$100,000. She noted that Plan A will include site grading and lawn seeding at a cost of \$100,000 with the commercial excavation work coming in at a lower price as it will be done by the National Guard. She explained that the National Guard does its training by doing real projects and at the same time providing for the community needs. She noted that they should be able to create the cage stage area and incorporate some sponsoring pavers for the outer ring. She noted that the project will be developed in phases as the money become available.

Mr. Pinizzotto noted that it is important to know that after the completion of each phase it will be a workable memorial that won't look like an unfinished product. He noted that \$100,000 is available to start the project and to date the Committee has secured a site, obtained H. Edward Black and Associates as the Project Manager, and is working to secure approval for parking from the Colonial Commons Shopping Center. He noted that the Schematic Site Plan has been developed and the construction costs for estimated development have been determined and Phase 1 documents are in process.

Mr. Pinizzotto noted once the project is completed the Friends of Heroes Grove organization will be formed to help support maintenance, however, management of Heroes Gove will be turned over to the Lower Paxton Township Parks and Recreation Department. He noted that the Committee will reserve the following dates for services to honor Heroes: Memorial Day, September 11 and Veterans Day.

Mr. Pinizzotto noted that the next step to be completed by December 31, 2012 is completing the construction documents for Phase I; secured the needed approvals from Lower

Paxton Township and the Dauphin County Conservation District, and secure an easement from the Colonial Commons Shopping Center. He noted that the Committee needs to secure the National Guard to do the excavation work, solicit contributions from community businesses, update the web site, update marketing collateral materials, and file for additional grant dollars with the Gaming Commission and Governor's Office.

Mr. Pinizzotto noted that the site has been secured; Phase 1 dollars are available; plans are in progress to secure additional funds through major contributions, individual contributions, fund raisers, and various grants, with a plan to break ground in the Spring of 2013. He noted that the Committee is currently meeting monthly to provide updates to its members.

Mr. Pinizzotto noted that he is present to make the following requests of Lower Paxton Township: to mow the grass, clean up after events, remove snow as needed and coordinate the reservations for use for the grove. He noted that the Friends of Heroes Grove will continue on-going fundraisers to offset the cost of maintenance and provide periodic clean up by volunteers such as the Boy Scouts, Key Club, etc.

Mr. Pinizzotto noted that there is much public support for the project and he has included the names of those who have provided public support as well as the Committee members. He noted that Bill Minsker is also present from the Committee.

Mr. Hawk noted, over the past six or seven years, there was much discussion about this project, and the Committee, in that time, has raised \$100,000; however, he had a feeling that it may not be built in his lifetime. He noted that \$100,000 is not a lot of money to come up with over a six-year period. He noted that he was under the impression that this was a Heroes Grove for Dauphin County project; however it looks like it will become a Heroes Grove for Lower Paxton Township project. He questioned how the other municipalities are involved in this project, noting that the management and maintenance seems to be another unfunded mandate for the Township that can wreck a budget.

Mr. Pinizzotto noted in terms of the time period, when the project was begun, there was a lot of time spent on the effort but little money was raised in that time period. He noted over the past six to eight months, more progress has been made than what occurred in the first several years. He noted that the people are active on the Committee and dedicated to getting the project done. Mr. Hawk noted that he supports the idea but he had to ask those questions since the

Board represents all the citizens in the Township. Mr. Pinizzotto noted that they are questions that should be asked and addressed. He noted that there has not been a lot of progress over the past several years, but there has been much more over the past several months and he hopes to see that momentum continue. He noted that the second point regarding Dauphin County versus Lower Paxton Township, it is his understanding that the project needed a municipal sponsor to get it rolling in regards to the Gaming Commission and since it is located within the Township that is why they came to the Township for help.

Mr. Hawk noted that the hand out he received at the last project meeting indicated the need for insurance to indicate ownership and who would maintain the ownership of the project. Mr. Pinizzotto noted that he understands that the Township would be the owner as they own the property. Mr. Hawk suggested that it makes it the Township's Heroes Grove and not Dauphin County. Mr. Pinizzotto noted that the memorial has to be built somewhere as it cannot encompass the entire geography of Dauphin County.

Mr. Minsker noted that the final agreement that was done in reference to those points indicated that those items needed to be addressed. Mr. Crissman noted that would include the insurance as well. Mr. Minsker noted that it would also include the utilities as well. He noted from the beginning, when the Committee approached the local government and organizations representing firemen, police, military, ambulance personnel, for endorsement of this idea, it was also with the idea that there would be a request for considerable funding. He noted that the Committee is at the point where it is ready to move past the verbal endorsements to secure actual funding or in-kind types of service that will make this a visible activity. He noted that we need to start doing activities to bring it into the eyes of the public. Mr. Hawk questioned where the commitment is from other townships to kick in with funding, before he is asked to take the lion's share for any losses that may incur.

Mr. Crissman noted that Lower Paxton Township has given the land, but what has other municipalities in Dauphin County given. Mr. Pinizzotto answered at this point, nothing. Mr. Crissman noted that he sat on this Committee when it first started. Mr. Blain noted that he was the treasurer.

Mr. Blain noted that the land is dedicated to the project, but questioned if the Committee is asking the Township to provide maintenance, cleanup and coordinate its use. Mr. Minsker

responded that it needs help with the actual operation of the memorial as the Committee can't do it. He noted that the Parks and Recreation Department would be in a better position to do it. Mr. Blain suggested that the Committee is looking for more in-kind contributions such as cutting the grass which staff already does, and cleaning up after events, which is already done in that area, and snow removal which is highly unlikely. He noted that the only thing that he can see that will take time is the coordination of events for use. Mr. Minsker noted that it is time now for everyone else to start getting involved in realistic ways and for the public to become involved. He noted that individual sponsors have purchased bricks and that is where much of the initial feed money has come from. He noted that he has maintained the records for contributions in the past.

Mr. Hawk noted that he does not want to get involved in something that will ruin the Township's budget. He noted that the cost of this project is close to \$3.5 million and it could be more. He noted that the Committee has \$100,000 towards a \$3.5 million project. Ms. Hunter noted that the overall project includes a building, restrooms, lighting, sound system, and yes it might not get built to that extend, but it could be very usable by the Township. She noted that it is not a dead static place, but a place to be used. She noted that it could provide a venue for activities that are not available for the community as well.

Mr. Hornung questioned what would be the Township's cost to maintain the facility. Mr. Luetchford noted that until the infrastructure starts to crack, it would be mowing where we are already mowing. He noted that it would be an additional land form and it might take a little extra time to mow it and there would be an additional trash pick up. He noted that they are listing the minimal costs and suggested that it may only be a couple thousand a year. He noted that we talked about how the fireworks help to bring the community together to have a event. He noted that it can have benefits in the area of police work and things like that having that with National Night Out. He noted that there is something to be said for bringing people together as it helps to keep the violence and crime down and provides for pride in the community that helps in other areas. He noted if we are not going to be doing fireworks, we can take the money that we will be saving and put it towards the maintenance of this project and it would be more than enough to pay for it. He suggested that it could be a substitute for one of those events on a positive side.

He noted that we should not just look at the costs only. He noted if it is only \$2,000 a year that is minimal to have that type of facility to provide some type of community.

Mr. Luetchford explained that the initial reason for the Park and Recreation Board suggestion of an amphitheater for the memorial was because it was recognized that the Township does not have a location for the performance of music and the arts. He noted that the old band shell at Koons Park is long since gone. He noted that they thought this would provide for a place for concerts or it could be used for day camp or day care for skits or plays sponsored by the Arts Council. He noted that the Park and Recreation Board suggested that it could be very usable for many things. He noted if no electricity is provided to the site, then it would not be good. He noted that we must also think about parking for these types of events, and we are still working on those types of items. He noted that parking would have to be in the Brightbill Park parking lot or rethought entirely. He noted that they showed the Shopping Center parking lot at the corner by Joann Fabrics, but it only parks around 45 vehicles. He noted if we can get an easement from the shopping center it would become the additional overflow parking lot.

Mr. Hawk noted that he agrees with what Mr. Luetchford is saying, but he does not want to get stuck with the cost of construction, noting if they need money he would have to come back to the citizens requesting a tax increase in order to cover it. He suggested that it would not go over very well. Mr. Minsker answered that this is not the intent of the Committee. He noted that it is not just the Lower Paxton Township project. Mr. Crissman suggested that it sounds a lot like that.

Mr. Pinizzotto noted that the Committee does not expect to initiate any further phases until it has the dollars to do it.

Mr. Blain noted that it is very much like the Possibility Place project. He noted that they raised the money and it was built in the Township by organizations from all over the area. He noted that they raised extra money to put into the maintenance fund so we could access the fund without having to... Mr. Luetchford noted that he perceives this to be very similar to Possibility Place which was very enthusiastically embraced. He noted that the Possibility Place money is no longer significant and there is one person who works on it, so functionally they are no longer supportive of that project. He noted that the chances of a Friends organization continuing the support many years after it is built is uncertain, however, it is a great idea.

Mr. Hawk noted that we must be honest with each other in expressing our thoughts as it is a tremendous opportunity for so many venues and it would not be that burdensome to maintain but he noted that we need to think in terms of how long it will take to build it and that the financial aspect does not impose any undue hardship on the Township.

Mr. Seeds noted that these are very good points, noting that we want this and it would be a tremendous addition for the Township as well, but many people complain that Lower Paxton Township gets everything and that it will be a Lower Paxton Township park. He noted that because it is located in the Township we would get more use out of it, and someone needs to maintain it. He questioned if the Township could get a commitment from Dauphin County to put it in their budget to help with the yearly maintenance as they will want to have programs there as well. He suggested that the Committee should look into this. Mr. Pinizzotto stated that he has no problem approaching Dauphin County for support. Mr. Seeds noted that everyone is after the Gaming money, but it will dry out and it is being committed for some long-term projects. He noted if people quit going to the Casino's a lot of organizations will be in trouble. He suggested that the reason the Committee has not been able to raise the funds is due to the economic times. He noted that he was part of the Committee that build the memorial at the Central Dauphin High School for its veterans noting that it was easier but it was a much smaller project. He noted that the alumni helped with that project. He thanked those who are on the Committee.

Mr. Pinizzotto noted that this project was been going on for six or seven years and nothing much has been done, but now we have made some positive strides in the past several months and he hopes to continue doing this. He noted that there will be no bulldozer in the ground unless there are funds to pay for what that bulldozers are set to do. He noted that it has been the Committee's mantra since day one, nothing will be developed and it will be done in phases so that when the Committee has the dollars to build Phase 1 it will build it and so on. He noted that it is the Committee's commitment to the Township.

Mr. Hawk noted that during your last Committee meeting, you talked about hiring a professional fundraiser. He noted if the Committee had more commitment from the local municipalities, it will help to build the pot. Mr. Pinizzotto noted to be clear, nothing will be built unless we have the money to do it and we are not looking for money from the Township, just in-kind contributions.

Mr. Seeds noted that there are many other hoops to jump through and he questioned where the Committee is with those items. Ms. Hunter explained that many of the items in Mr. Luetchford's letter have to do with land development approval, Dauphin County Conservation approval, and H. Edward Black and Associates will be preparing the documents, having them reviewed by Township staff, and coordinating with the Township, assuring the Board that no construction would occur without the necessary approvals.

Mr. Hawk noted if it is constructed in such a way that all you have to do is concrete certain areas for bleachers... Ms. Hunter noted that the general idea is to create the land form and then you fill it in. Mr. Hawk questioned if the center area where the stage would be would that be part of Phase I or would that come later. Ms. Hunter answered that the Committee's hope is that it would be part of Phase I. Mr. Hawk noted if you had that and the swale but not the seating, you would have the sloping grass and people would be able to bring in their own chairs or blankets and have events. Ms. Hunter noted that it is not the ultimate goal but it could be done.

Mr. Crissman noted, to this point in time, Lower Paxton Township is talking the bulk of the project as it provided the land, but they are carrying the weight to carry things through and he does not see a commitment from Dauphin County, or any other municipality. He noted that he does not want to be saddled with the entire project, and if it is to move forward, there should be a commitment from every municipality in Dauphin County, including the County. He noted that he will not be supportive until he sees that occurring as it needs to be a joint effort. He noted how he feels about the project philosophically is different from the reality that he has to approach it. Mr. Pinizzotto responded, so noted.

Mr. Blain noted that Dauphin County provided gaming funds and they have recognized the importance for this in providing the funds. He noted that the Township applied for those funds for the Committee. Mr. Hornung suggested if the Township won't invest any funds in this project he doubts that others would do also simply because it is in this Township. He suggested that it is unrealistic to expect that. Mr. Crissman noted if that is the case, then we must make the assumption that it is the Township's project. Mr. Hornung noted that we are not building it, we are only maintaining it.

Mr. Blain questioned where has the funding for this project come from so far. He noted that \$45,000 came from gaming funds and \$50,000... Mr. Pinizzotto explained that we had a

couple of fundraisers... Mr. Blain noted that they have raised private funds and secured gaming funds, so technically, the Township has not given them anything. He noted that we provided some land. Mr. Crissman noted that it would be the value of the land, and they are developing it for the Township. He noted that the land has value. Mr. Blain noted that they are increasing the value of the land by using their money. He noted that it is very similar to what CASA did with the soccer fields. He noted that they dropped \$100,000 in the soccer fields and built them for the Township. Mr. Hornung suggested that it is a win-win situation. He noted that the maintenance costs are minimal and over the year it will add to the community.

Mr. Seeds suggested that Dauphin County would buy into the project as well, requesting certain spaces to use each year, such as the Friday night concerts. Mr. Minsker noted that the approach has always been county-wide and he never just says Lower Paxton Township. Mr. Seeds suggested that the upper county townships will not contribute to this. Mr. Blain suggested that Susquehanna Township, for instance might help with fundraising by securing private funds for it. He noted that he agreed that no other municipality will provide funding for it, however the reason they received the endorsements from them was that they may be able to help raise private funds.

Mr. Seeds noted that he would like to see more of a commitment from Dauphin County.

Mr. Hawk noted that the Board cleared the air for many things and that was positive. Mr. Pinizzotto noted that the questions that Mr. Hawk asked needed to be asked. He noted that it was a long time in planning, but we are moving forward. Mr. Hawk suggested that it was a positive thing. Mr. Pinizzotto noted that there will be no shovels in the ground unless we have the funding.

Mr. Luetchford questioned Mr. Pinizzotto if he was looking for a commitment from the Board to get the National Guard involved. Mr. Pinizzotto answered not that he believed. Ms. Hunter noted if the Township is comfortable with this then the project could move forward with construction, so that everyone understands what is happening. She noted that once the project moves forward, the Township will want certain things in place. Mr. Wolfe noted that Ms. Hunter brings up a very good point in that the Heroes Grove Committee nor the Township wants a shovel in the ground until we have all this worked out. He noted that they would like to have a

shovel in the ground by the Spring of 2013. Mr. Minsker explained that is why we are here tonight.

Mr. Luetchford noted that one concern the Parks and Recreation Board and Parks Director had is what will happen to the water flow; will it be usable as a site for concerts or dramatic presentations, such as one sponsored by the Arts Council, noting that these are practical use questions that need to be addressed.

Mr. Seeds questioned if the Dauphin County Conservation District would be involved for storm drainage. Ms. Hunter noted that the plan would need an Erosion and Sedimentation Control Plan approved by them. She noted that she met with Township staff several months ago to review the steps that would need to be taken prior to construction and due to the amount of disturbance, we would not be allowed to do anything until the plan has received the County Conservation approval.

Mr. Seeds noted that a lot of work was done with the stream that runs through Brightbill Park. Mr. Luetchford explained that some work was done near the Heroes Grove area as far as reconstruction for water issues, but this would not effectively have an adverse impact on the streams in the area. Mr. Crissman questioned if there would be a person who would oversee that all these things will be resolved between the proper parties. Ms. Hunter explained that the plans will be reviewed by Township staff and the consulting engineer, but it would not go through the land development process as it could be approved by staff.

Mr. Hawk requested Ms Hunter and Mr. Pinizzotto to come back to the Board to provide future updates.

Discussion with representatives of the Township's Fire Department  
regarding public fireworks displays in municipal parks

Mr. Wolfe noted that given the fireworks display that occurred in Koons Park on July 3, 2012, and the subsequent finding of multiple unexploded shells in the park, even up to four weeks after the event, the Board of Supervisors determined that it did not want to do fireworks displays in Township parks anymore. He noted that staff has informed the Linglestown Fire Company who was a co-sponsor with the Township in regard to the 4<sup>th</sup> of July fireworks event. He noted that staff informed the Paxtonia Fire Company who has its own firework display

scheduled that it must be cancelled. He noted that representatives from the Linglestown Fire Company have asked that some of its members address the Board members on this issue.

Mr. Mike Kraska noted that four shells found two weeks after the event of the fireworks display was quite concerning noting that he and Chief Payne left work as soon as they heard about it. He stated that he could not explain how they missed four shells on a subsequent search.

Mr. Kraska noted that he would like to provide a timeline and throw out some other ideas that were not entertained by Mr. Luetchford in regards to the August 1<sup>st</sup> search of Koons Park. He noted that there may be a possibility that all of these items are not related to us. He noted on July 3<sup>rd</sup>, the fireworks display was held with Sky Shooters doing their initial search after the event. He explained that the Fire Company does its search after that one is completed. He noted that the Police Department does a search the next morning at six and the Fire Company does another one at 8 a.m. searching for debris around the shooting area and does another sweep of the park. He noted that there were four searches of the park within 24 hours. He noted that he was concerned how a 2.5 inch shell lays in the grass, the size of a baseball, and not one fireman sees it. He noted that is concerning. He explained that he brought in Sky Shooters the next day, and Jack says that he can't see the wrapping on the labels. He noted that he demonstrates an enormous amount of integrity for his business, but because he is the last licensed person to do this in the park he must take responsibility.

Mr. Kraska noted that he is faced with the question, how we missed four shells. He noted that he was so glad that the worker who was mowing grass did not get hurt by the machinery as a result of the detonation. He questioned how it happened. He noted that he conducted another search which was followed up by another search with bomb sniffing dogs, six searches of the park, and nothing was found. He noted that two weeks to the day at noontime on July 17th another one is found under a set of bleachers which was removed by Chief Payne, noting that they found beer bottles at that location, but nothing else. He noted that they do another subsequent search, however he did not find out about this decision until after the Board too a vote to discontinue the fireworks. He noted that he was called the next morning at 9:30 a.m. and told that they needed to do yet another search. He explained that they searched the park again, the seventh time, and then the press release was put out.

Mr. Kraska noted that on July 18<sup>th</sup>, Sky Shooters took responsibility and took the shells back to cut them open and he stated that they are consistent with their product but they could not determine if they were theirs but they took the responsibility for the shells. He noted that they discussed what could be done to prevent this from happening again. He stated that he could not understand how they could miss four shells. He noted that they discussed doing different search patterns or searching the park in a similar manner as to what is done by an air craft carrier that after so many shots they put crew members across the deck shoulder to shoulder and walk the whole deck looking for any bits of debris. He noted that they could use the Sherriff's office dogs. He noted that they spoke about reaching out to Paxtonia Fire Company to let them know there was a problem and that they would support them and they feel bad for them now. He explained that he spoke to Chief Fife about it at National Night Out. He noted that they spoke about using a grass rake on a gator, or a leaf collector.

Mr. Kraska explained that Springettsbury Township is very much like Lower Paxton Township except they have a paid fire department, but they have the same fire display and same shooter and they had one incident where a child was struck with a dud, with no injuries or lawsuit and they continue to shoot. He noted that the Township only had one shell in nine years that was found on the basketball court. He noted that August 1<sup>st</sup> comes around and he is trying to tell Mr. Luetchford that there has to be another explanation as there is no possible way that they could miss five shells. He noted that there is no way that it could have landed on a metal bleacher and the shooters would not have heard it. He noted that the provider explained if a dud hits the ground they can hear it hit. He noted if a dud hits metal it would be heard within 50 to 60 feet of the shot. He suggested that there has to be another explanation.

Mr. Kraska noted that Officer Cook told the firefighters that there are fireworks shot around this park all the time, and some are similar in size or even bigger than what was shot by Sky Shooters. He noted that he questioned Officer Cook why something wasn't done and his response was when they see something, they go to look for it but if can see where it originated from; they are unable to locate the source. He noted that the people who live around the park and Balthaser Street know that someone on Larue Street shoots fireworks just as big as the fire company. He noted that there has to be another reason and he cannot accept sole responsibility for the found shells. He noted because they used a licensed person they will accept some of the

palpability. He noted that now we find a shell under a bleacher that was search by a fire chief on July 31, 2012. He noted that we search the park six times up to that point and we missed one shell.

Mr. Kraska noted that there is a possibility that someone could have purchased a similar shell, noting that a person that has an out-of-state driver's license can go to East Hanover Township, where they have a warehouse with fireworks that are bigger than the one that Sky Shooters uses, and they can buy them. He noted that we have reports of people shooting fireworks around the park who have access to fireworks, and there could there be a plausible reason why these shells exist. He noted that it is possible.

Mr. Kraska noted that he was very upset when he found out that the Board of Supervisors decided against doing anymore fireworks in the parks. He questioned why he was not invited to be part of the discussion as the fire company has always had an open relationship with the Township and they enjoy providing services for the Township and this vote was taken 12 hours prior to the firemen doing another search of the park. He stated that he would stop short of saying that these are not our shells because he can't say if they are or not. He noted that he can say that they have put on the fireworks for nine years, had one shell land in a basketball court, shells the size of a baseball or bigger, the grass is cut before the fireworks display so there is no reason they would not be found as part of a search, and he noted that he did not know how the guy mowing the lawn missed it as it is a rather large shell.

Mr. Blain noted that his son played a baseball tournament in that park July 13<sup>th</sup>, for a five-day period, and there are tons of people running around the park. He reported, not to find a shell, and then all of a sudden they start popping up; he thought about it also, since they last met, and something does not feel right about the entire situation. He noted that initially his thought was to put a moratorium on it and discuss how we can ensure safety, and investigate it a little further as to what is going on. He noted that something does not sound right as he was in the park that weekend in July and there were tons of people in the park. He noted that all of a sudden, shells just start to show up. Mr. Kraska noted that shells were found on July 17<sup>th</sup>, and he questioned how many times the park was mowed between July 17<sup>th</sup> and July 31<sup>st</sup>. He suggested that someone with a weed whacker would have found the shell under the bleacher. Mr. Wolfe suggested that it was probably the first time the grass was mowed after the fireworks.

Mr. Blain noted that there are issues with private fireworks displays, noting that the police were called to an individual's home that he knows and he can see his fireworks display for miles. Mr. Wolfe noted that they should be showing up every year also. Mr. Blain noted that he agrees but the situation is weird in that we are finding all these ordinances.

Mr. Seeds noted that the kids are playing ball in those fields every night if it isn't raining. He questioned why someone did not find one sooner.

Mr. Kraska suggested that it is an issue that we need to collectively ask the community to address. He stated that putting a moratorium on fireworks is the ultimate answer. He noted that his fireworks display requires a 280-foot perimeter and they used a 400-foot perimeter all the way around. He noted that they take extraordinary precautions. He explained that when he met with Sky Shooters on July 18<sup>th</sup>, they were brainstorming and discussed how this could be prevented from happening again. He asked how we missed four shells, and there is no true explanation other than there has to be another reason. He noted that the shells were found in different directions. He explained that he is asking for consideration to sit down next year to discuss the firework display. He noted that Supervisor Hornung mentioned that it brings Linglestown together, and it is rated as one of the best fireworks display around the Harrisburg area. He noted that a lot of people come to Linglestown to see the fireworks and it brings the community together for one night, and the fire company enjoys doing this for its citizens since they give so much to them and it is an opportunity for the fire company to give back.

Mr. Blain noted that discussing a moratorium is the difference between a four-year suspension and the death penalty. He noted that the Board gave the fire company the death penalty and he would like to put it on hold until we figure out why and how it happened. He noted if we can ensure safety and figure out how it happened, then we could bring it back ensuring safety for next year's event. He noted that the Board has given the fire company the death penalty.

Mr. Kraska noted that he does not think the Board received all the information when you provided the death penalty. He noted that we are now the Penn State Trustees looking at the decision. He noted that you have to consider the fact that these shots came from somewhere else. He noted, in nine years, we have only found one shell and in this year we find five shells. He explained that this is probably one of the safer displays in the area, noting that you can't

make it much safer. He noted that we discussed putting other safeguards in and talking to the Balthaser Street residents, asking if we could search their property after the event. He noted as a public safety representative, these are the safest fireworks that we could possibly provide to the community. He noted that he does not think we will find out where these shots came from because once the lifting charge is lit, the identifiers are gone. He noted that he would like consideration from the Board to be able to prepare for 2013 that we will have certain things in place and make sure that once we are out of the park it is cleaned up. He noted that we have Sheriff Lotwick on board with this to use his dogs.

Mr. Seeds noted that he liked the suggestion to use the bomb sniffing dogs along with the lights from Station 37, in addition to closing the park as long as it takes to search the grounds. Mr. Kraska noted that there are issues between the three fire companies, however, with regards to Paxtonia Fire Company, we need to reach out to them as there may be a problem and to inquire if they needed any assistance in their fireworks display and to double the security at George Park. He noted that Linglestown Fire Company thinks that Paxtonia should be able to do their fireworks display as it is a very safe show. He noted that Mr. Luetchford stated during the July 18<sup>th</sup> meeting about moving the shows to the new park when it is opened. He noted that it would still be within the Linglestown area, out of the residential area, and would provide for a bigger perimeter. He noted that the fire company could consider that in the future. He noted that the discussion held on July 18<sup>th</sup> was moving forward to determine how to prevent this from occurring again, but he did not expect the death penalty. He noted if you look at the timeline, finding a shell July 31<sup>st</sup> with the Board voting on that day to forego fire works, and the fire company was not notified about the vote, members from the fire company are out searching the park again, and by the way, you are done.

Mr. Seeds noted that the other caveat was that Sky Shooters would discontinue that particular brand of fireworks. Mr. Kraska noted that was correct and they also said that they were having a problem with another product line. Mr. Seeds noted that the Board could insist that they not use that product. Mr. Kraska explained that they showed up with a list of what they shot that night, noting that they will not shoot that brand. He noted that the fireworks bring the community together once a year, the pride of Lower Paxton Township, people coming from miles to see it. He noted that businesses have contacted him inquiring for how they can

contribute to make it bigger and better. He suggested that maybe the fire company can let the Township off the hook for its contribution towards the fireworks. He noted that everyone is short of cash and it would save the Township \$4,000. He respectfully asked the Township to look at 2013, and to allow the fire company to preplan the event, and to get everyone involved to come up with a plan.

Mr. Kraska noted that he would like to see Paxtonia Fire Company have the opportunity to have their fireworks on Labor Day as he thinks the fireworks display is safe and a great opportunity for Linglestown to help Paxtonia search George Park. He noted that he has a concern about the wooded area behind the park but it would not be a landing zone. He noted that these shots all landed within the perimeter. He noted if they were ours, they all landed within the perimeter and were never close to the audience. He noted that the fire company always looks at ways to do it better, and how to do the search patterns, but he requested that the death penalty not be implemented; rather put the event under probation.

Mr. Kraska explained when it first came to light on July 17<sup>th</sup>; he did not go to work trying to find out as much as he could. He noted that we are trying to do something good for the community and potentially someone could have been hurt, but he feels there is more to this story than meets the eye. He noted that you have to agree that there is a plausible argument that they may not be Sky Shooters' shells.

Mr. Hawk noted that the decision was not made as a punitive decision again Linglestown but the overriding concern was safety of the citizens and the liability for the Township. He noted that we live in a litigious society and we want to ensure the safety of the citizens. Mr. Kraska noted that the fire company thought of this as well, and they called Don Enders, their insurance agent, to determine if their policy covers the fire company and Township liability, and was told if the Township was sued that their insurance would cover it. He noted that it is similar to the Dauphin County dispatch system, noting if they send a unit out and something bad happens, and the perception is that the proper units were not dispatched, even if the dispatcher follows the protocol, the insurance will accept the liability plus the punitive damages. He noted that is why they stick with Pro-Cue A and will not use any other dispatch protocol as they are covered for liability. He noted that 75% of the members of the Linglestown Fire Company would be willing to accept that responsibility for the Township if we could do this. He noted that they would have

to do another fund raiser, but that is fine. He noted, at the last company meeting, the members encourage him to approach the Board to ask for the opportunity to do fire works next year.

Mr. Hawk questioned if there is a way that a shell could land in a restricted area. Mr. Kraska answered no, noting that you are trying to control an explosion but until you light the firework, you won't know where it is going. He noted that you can think that a car will drive a certain way but until you drive it you don't know. He noted that the safety zone is set by the number of inches of diameter of the shell, for every inch of shell that is fired, you must have a safety zone of 70 feet, and the largest shell that is fired for the display is four inches which means we must provide a 280-foot perimeter. He noted that they use a 400-foot safety zone which provides a larger area than required. He noted if they were their shells, they were within the perimeter. He questioned how they missed four shells the first time around and he noted that he was super suspicious of the last found shell. He noted that they stand very close to where the guys are shooting using three guys that shoot in sequence, meanwhile guys are listening out in the audience for duds. He noted if that shell came down on metal bleachers it would have been heard, if it was our fireworks. He noted Chief Payne swears that he found beer bottles under that bleacher.

Mr. Seeds questioned if the one bleacher was over by the football field. He noted that one was moved and it is not placed until football season. Mr. Luetchford noted that it is near the third base side by the softball field. Mr. Kraska noted that one was found in left field of the teenier field, and three outside the left field of the fence inside the field. Mr. Seeds noted that it is not plausible because his grandson plays games on those fields all summer. He noted that it does not sound feasible.

Mr. Kraska noted that he was asking for consideration that we preplan for 2013 and do not put a moratorium or the death penalty for fireworks. He noted that he was glad that we did not do the Penn State thing and sweep it under the rug as we made it public. He noted that he would bring the plan to the Board during a workshop session to explain it and if the Board is assured that we can be extra safe, as they are safe now, and that there is another plausible reason for why the shells were there, he would like the opportunity to do that. He noted that he would like Paxtonia have the opportunity to have their fireworks. He noted that they deserve it. Mr. Crissman explained that the fire company always has the right to come and approach the Board

and ask for consideration and to provide what it thinks will be a safe environment, but he must understand that it is his duty to protect the health and safety and provide a safe environment for the citizenry. He noted whether in fact it was the fire company's fireworks or not, the fact remains that a child could have been seriously injured. He noted that the moratorium needs to remain in place; however, the fire company always has the right and ability to come back to discuss this and to have the Board reconsider the decision.

Mr. Blain noted that he is confused as he would like to see the fire company continue to do the fireworks and suggested that the Board put a hold on any preplanning for next year until we figure out, to the best of our ability, what happened, why it happened, and how we can better control it. He suggested putting a plan together to come back to the Board of Supervisors and explained the public safety aspect and if there is consensus that we feel comfortable that there can be public safety, then move forward with it. He noted that he would not want to say that we are done with it and it is over as we need to figure it out because at the end of the day as Mr. Crissman stated, we have to ensure the safety of the public. He noted if we have unexploded ordinances out there it is an issue. He noted that something doesn't sound right.

Mr. Kraska noted that it is a reach, but four year's ago, there was an individual at Koons Park who complained about the fireworks like crazy and ironically this year we didn't hear a peep out of him. He noted that it is a reach, and he is not saying that someone would purposely sabotage the fireworks, but there are always different variables involved. He noted that the fire company shares the Board's sentiments as we don't want to see a child injured or anyone get hurt. He noted that it is plausible to take the extra steps for 2013 because he does not believe that we will ever be able to determine where the shells came from by virtue of the fact that once they are launched... Mr. Blain noted that they need to sit down and come up with a plan that would provide the Board 100% confidence that there will be no unexploded charges found the next day after you do a sweep of the park. He noted that he is trying to help the fire company be able to do the show; therefore they need to sit down, come up with a plan and if you have to do ten searches the night of fireworks and the next morning, then so be it. He noted that you can say that the park is completely clear and anything found in the park going forward is not their ordinance since we have done this. Mr. Seeds suggested that we won't get 100%, but he felt comfortable with using the dogs and the search lights. He noted that we need to take more

measures and he would ask that he not use that manufacturer for the display. Mr. Blain noted that they stated that they will take the extra measures.

Mr. Kraska questioned if there is a way radiate a certain color to the other side because the integrity of the whole ball is intact except for some of the paper wrapping after the lighting charge underneath is burned away. He questioned if he could spray paint them. Mr. Seeds noted that it would depend on how many shells are painted. He noted that he would speak to the provider to see if there is a way to mark the shells before they are sent up. He noted that he would like to come back in January or February to discuss this and he appreciated the opportunity to meet with the Board. He noted that we are here for you and if you tell us today that it is it, they will accept it.

Mr. Hawk suggested that we can both give it some thought and talk again.

Mr. Hornung noted that he is not totally convinced that the unexploded shells came from someone else because they were in the perimeter and the manufacturer had issues. He noted that he is not convinced that they did not belong to someone else since there are a lot of exploded fireworks in other parts of the Township and unexploded shells were not found anywhere else. He noted that he would have to assume that the fireworks belong to Sky Shooters but if you come back and provide a high 99% assurance that the plan is safe he might be willing to reconsider. Mr. Kraska noted that he would speak to Sky Shooters to see if they could mark the shells so when they go up and come back down it would have something on it to provide ownership. He thanked the Board for their time.

Mr. Hornung noted that another way around it is to skip one year and if we find unexploded ordinances when you weren't doing an exhibit it pretty much proves that they came from other sources. He noted that he needs more confidence that this would not be an issue in the future.

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

Mr. Wolfe noted that the Board heard a presentation from Mr. Brett Mashchak, Site Development Manager for Darden Restaurants, during its last workshop session in regards to the plan and potential waivers as required by the Township Engineer, HRG. He noted that specific improvements of concern were the access road going into the Colonial Park Mall at Sears. He

noted that the Board directed Darden to quantify the cost and come back to discuss it with them at this meeting.

Mr. Mashchak explained that you should have received a letter with the breakdown of costs, completed by his design construction person, based upon projects in this region and the costs for those projects for unit materials. He noted that the costs associated with redoing the entrance drive pushes the project above an acre, a milestone for the stormwater quality with Dauphin County Conservation District and DEP and brings it to \$314,000 additional dollars for the project. He noted that it is more than Darden can add to the project. He questioned, when he does the due diligence for the site and traffic study and if the traffic study shows that it does not warrant a change to this driveway that the Board would be willing to waive the requirement of this work as part of the development. Mr. Seeds noted that it would remain the way it is and no improvements would be made to either side keeping the guide rails as is. Mr. Mashchak noted that it would have additional landscaping abutting to his development area towards the rear of the building as he would be upgrading that area with additional landscaping and it would also include the front as well.

Mr. Wolfe questioned how the traffic study would work for Mr. Mashchak. He noted that he would assume that he would generate enough traffic that you would have to do a traffic study as part of the land development process, and if you are doing it and it shows that you will have an impact, then you have already negated the proposal. Mr. Mashchak noted that it is his contention that once you look at the traffic study as opposed with all the development that is in the mall now, it would not impact the plan.

Mr. Seeds questioned if Mr. Mashchak has done the traffic study. Mr. Mashchak answered no, noting that the president of the company is not willing to spend the money to do the study on this site unless he has a feeling from the Board that it is willing to work favorable in Darden's direction, and to waive the improvement to the entranceway. Mr. Seeds noted if the Board agrees to this then Mr. Mashchak would move forward with the traffic study. Mr. Crissman noted that he would not be held hostage with a "if we don't get what we want then we will take our marbles and go home" attitude. Mr. Blain agreed. Mr. Mashchak explained that Darden is looking for some leverage on the part of the Township that if the entrance drive was removed from the project, with the building and everything else, it would probably cost \$2.5

million. He noted without doing the driveway improvements, the project would be an asset to the community, increase tax revenue, and a great benefit. He noted that the entrance around his building would be improved and look a lot better. Mr. Seeds noted that Darden would have to make some changes to the guide rail to put the sidewalk in. Mr. Mashchak noted that the sidewalk is around the frontage, and it starts further back so a portion of that guiderail along the side of the proposed railing would be renovated as he is expanding that area, putting in the landscape strip along the side between the driveway and the building, so there would be some beautification along the that section of it.

Mr. Seeds questioned what Matt Miller, the Public Works engineer thinks of this. Mr. Miller questioned Mr. Wolfe when the cost proposal came in. Mr. Wolfe answered Friday. Mr. Miller stated that he would have to look at the proposal to see if their costs are valid as part of their defense. He noted that HRG and Public Works Department should be part of the process to provide validity to the numbers, and he questioned if Mr. Mashchak has all the information he needs to provide possible concessions or would there be something else added in the future that is still an unknown.

Mr. Wolfe noted that he has not seen a plan for this project and Mr. Mashchak continues to reference sidewalks in the front, but he questioned if there was a reason why he was not asking for a waiver along the frontage as there are no sidewalks along Route 22 between Colonial and Houcks Roads. He questioned why he was asking for a wavier for that as opposed to the access drive. Mr. Mashchak answered that he looked at the sidewalk as an improvement that may access other areas in the future that would be required to have a sidewalk. Mr. Wolfe noted that he is a sidewalk proponent, and typically he does not recommend to the Board a waiver for sidewalk, but unless the entire mall is reconstructed, he does not see sidewalks coming soon. Mr. Seeds suggested that it might be amenable to the restaurant. Mr. Mashchak noted that he has no issue with that as there is nowhere for anyone to walk in that area. He noted that there is a bus stop in front of the proposed restaurant and he would put a sidewalk and handicap accessible walkway from the restaurant to the bus stop, but where they would travel from there makes no sense. He suggested that a grass area along the front might make more sense.

Mr. Crissman noted that the Board does not have enough data to make a good decision. He noted that staff needs to thoroughly review the documents. Mr. Seeds questioned if the staff had the information to review from Mr. Mashchak. Mr. Wolfe answered yes, but he did not think that money was the entire issue, as it is only part of the issue. He noted that the other issue concerns the area of disturbance as a larger area provides for a more significant issue. Mr. Mashchak noted that the Sears property is outside his lease area and for them to upgrade the driveway, they would have to go back to Glimcher and he was told that Glimcher is not going back to the mall tenants to ask for funds to upgrade the mall entrance in these economic times. He noted as soon as they ask to have something waived or done, all the tenants will have their hands out asking for stuff. He noted that he is being held hostage in Bloomsburg by Kohl's Department store that has a site upgrade pad that has been on hold for approval for over a month. He noted that Kohl's won't sign off on the allowance either.

Mr. Miller noted another thing to consider with the site is that the eastern side of the site is almost 100% impervious. Mr. Wolfe agreed. Mr. Miller noted that the only grass area is where Bob's In town Spa's puts his tent toward the area of the Red Lobster. He noted that we don't want to pass an unnecessary burden on the developer but there may be an opportunity to improve a situation that has not been good for more than 45 years. Mr. Seeds noted that it would look better with grass and trees. Mr. Miller noted that there are many facets to this and Darden wants to have a nice looking facility at an attractive price for them. He suggested that there is some room for improving this situation.

Mr. Mashchak questioned if Mr. Miller has seen the plan. Mr. Miller answered no. Mr. Mashchak noted that they plan to place landscaping along the front, back and side against the driveway. Mr. Miller noted that they are obviously trying to keep the disturbance under one acre, noting that going over a certain threshold triggers additional requirements; however, over time if numerous development comes in under that threshold, those things have a cumulative effect that are not in anyone's best interest. He noted, over time, those .95 acre development equal a lot of asphalt which is uncontrolled. He noted that he would like to look at the large picture.

Mr. Wolfe questioned Mr. Mashchak if he has engineered the land development plan yet. Mr. Mashchak answered no. Mr. Wolfe noted that it is somewhat problematic as you can tell by

the discussions that the Board is willing work to a plan that is in the best interest to the community, but they don't have anymore than an architect's plan to look at, and it is difficult to determine if it wants sidewalk on Route 22, as the Board does not have enough information to make a decision. Mr. Crissman agreed.

Mr. Hawk noted that he does not have enough information to provide an honest opinion noting that he has some concerns.

Mr. Hornung noted that other factors to consider at this point is that the mall is not a thriving mall and Sears is on the verge of going out of business as it has cut back on many of its stores and is moving more to becoming a supplier. He noted that is why they signed up with Craftsman to deliver Craftsman tools to the marketplace and Kmart. He noted that you need to take a futuristic look at the mall because if Sears goes out, he questioned what will happen to it as it is an anchor store. He noted that this restaurant would help the mall and we need to work with them to get them in there but he does not trust their numbers and he would like Mr. Miller to evaluate them. He suggested that he has enough information to be willing to do certain things at this point and he does not think the sidewalks are necessary and he would rather see those funds allocated to a pervious area or more decorations. He noted that the difference between Kmart and Target is almost solely appearance. He noted after 25 years you need to tear it down and rebuild the interior and exterior. Mr. Seeds noted that McDonalds does that.

Mr. Hornung noted that they know once it starts to look old, it loses America's appeal and America goes away to another place that is more appealing. He noted that we thought Kmart would take the world and now Wal-Mart is going to take over the world but the bottom line is, as the stores age and are not rejuvenated, they go out of business. He noted that is what is going on in that mall. He noted if we don't do something to upgrade the mall, and bring some life back to it, we will have something on our hands that we really don't want. He noted that it will be an albatross and they won't be paying taxes. He noted that he supports the project and he will try to work with the developer where he can, but he wants honest answers, and considerations as far as a more appealing entrance whether it is trees or something to make it more appealing.

Mr. Seeds noted that he agreed.

Mr. Wolfe asked Mr. Mashchak if that helps. Mr. Mashchak answered yes.

Mr. Hawk noted that he is concerned that steakhouses can be very offensive if they are not managed correctly. He noted that he was asked by management to come in the back door one time, and he almost broke his neck on the grease on the runway. Mr. Hornung noted that he is very concerned about the health of the mall but he has been to places where steakhouses are very attractive and where there is a dirge. He noted that he does not want to go negative in that area, only positive.

Mr. Blain noted that there is a Longhorn Steakhouse on the West Shore in front of the Silver Springs Plaza and it is nice. It is very family orientated. Mr. Wolfe noted that there is another upscale restaurant going into the Mall in the near future. He noted if both restaurants are opened, it would help the Mall greatly.

Mr. Seeds stated that he thought that we only wanted to do one side of the driveway and not the other side. Mr. Wolfe noted that part of the problem is we don't have a plan. Mr. Seeds noted if Sears ever developed the other corner, we could have the opportunity to do the other half of the driveway. He suggested that Darden was willing to do half of the guiderail. He noted that there is too much impervious area for that mall that provides for a lot of runoff.

Mr. Hornung explained that he is trying to add parking and an extension to his store and in the last ten years, the costs for the expansion have doubled for purely reasons of government. He noted that it is outrageous that what would normally cost him \$50,000 to \$60,000 will now cost him \$200,000 to build the parking expansion. He noted that he feels like giving up as it is outrageous to put \$200,000 just to expand the parking lot.

Mr. Wolfe explained that he and Mr. Miller were dealing with a person this week who wanted to put in a swimming pool but was required to do storm water management and erosion sedimentation control plans that easily added an additional \$5,000 to \$7,000 to the cost. Mr. Hornung noted that the engineering fees are close to \$10,000 to get all the permits and it has delayed his project by six months.

Mr. Seeds questioned if the guy who left a message on the Board of Supervisors' voice mail was correct. Mr. Wolfe answered that he was correct in that he has to spend more money to do it but he is incorrect that we can't get out of it. He noted that there are regulations mandated to the Township by Department of Environmental Protection (DEP). He noted that the Township adopted the storm water management regulations, a model ordinance that has been recommended

by Department of Conservation and Natural Resources (DCNR) by DEP. He noted that the Board had to adopt it as it an Act 166/167 compliance community. He noted that the Township has no choice. Mr. Seeds noted if he calls me, I need to tell him it is what it is. Mr. Wolfe noted if you are digging more than 1,000 square feet you have to have Erosion and Sedimentation Plan, Stormwater Plan, Best Management Practices, a Maintenance Agreement, a Bond, and all that costs money. Mr. Hornung noted that he is doing 10,000 square feet improvement, and that is another trigger, he noted that it is insane and discouraging. Mr. Robbins noted that it will not get any better, as the Environmental Protection Agency (EPA) will have more regulations to follow.

Initial discussion regarding the potential to form a  
municipal authority for stormwater systems and management

Mr. Hawk noted that Mr. Robbins has done a lot of research for this and HRG has also done some work. He explained that a lot of what he has to say is contingent on what Mr. Stine has to report to the Board. He explained that he spoke to people from Sunbury who have a form of storm water management, and Coraopolis has one as well as the City of Philadelphia. He noted, under the influence of former Governor Rendell and Senator Arlen Specter, Philadelphia is able to do things that the rest of the State can't. He noted that they have storm water management authorities in Maryland, and he has talked to those people as well. He noted that he has been to the Public Utility Commission (PUC) who offered to help in anyway; however the only time they get involved is if it crosses Township lines. He noted that it is possible that they might get involved if it does this. He noted that he needs to hear Mr. Stine's opinion. Mr. Seeds questioned if those Townships have a separate storm sewer authority. Mr. Hawk answered that some are within the sewer system and some are separate. He noted if you include it within the sewer system then you have to segregate the funds so you don't co-mingle funds. He noted that it can be done by assigning account codes.

Mr. Stine noted for Sunbury and Coraopolis, the reason they can make it work is because they have combined sewer systems. He noted that their stormwater and sanitary come together. Mr. Wolfe noted that Mr. Stine is talking about a combined stormwater system (CSO) where water and sewer go in the same pipe as opposed to an authority doing combined storm water and sanitary water and having two different funds for it. He noted one is a financial mechanism and the other is for what is in the ground. Mr. Stine noted that is why they can do it as they do not

need any statutory authority as all they need is the authority under 5607 of the Authorities Act that stated that they have to do sewer, sewer systems or parts thereof. He noted that their sewer system happens to have storm water and sewage all together so that is why they can do it.

Mr. Crissman questioned if there are other communities that have combined systems. Mr. Stine answered that the Cities of Harrisburg and Philadelphia have combined systems. He noted that most cites have combined systems. Mr. Hornung noted that we would never want that. Mr. Hawk noted that is the problem because when you combine it that makes the sanitary sewer system in Swatara more expensive. Mr. Seeds noted that we would have a lot more overflows. Mr. Stine noted that you are not allowed to combine them anyway. He noted that is how those places can do it to have storm water parts as it all goes into the sewer system. He noted that we don't, we have a sanitary sewer system and...Mr. Hawk noted then you have to set up a separate board. Mr. Stine stated that he does not think that you can, noting that the only thing that comes close is that authorities are allowed to do flood control projects and collect money for those types of things. He noted that a flood control project is a very specific type of thing, not just improving a storm water system. He noted in Sunbury they do flood control projects because they are susceptible to flooding, doing levies and pumping stations to control flooding. He noted that he does not think that there is anything in the Authorities' Act that authorizes either a new authority to be formed only to do storm water improvements or even to add it to an existing authority as there is nothing in the Act that discusses storm water. He noted that the Act is pretty clear that if it doesn't say that you can do it, you can't do it.

Mr. Stine noted that the danger is if the Board tried to do one, it would have to borrow money or float a bond. He noted if you borrow the money, do the projects, and start charging residents because you have to pay the debt service, only to find out that it is illegal and you end up in court and it is determined that the Township did not have the authority to do storm water, all the money that you charged the residents would have to be returned and the Township would be stuck with financing the projects with no money to pay for them.

Mr. Hawk noted that the people who will not complain are the people who are having severe problems. Mr. Stine noted that is correct unless they have to start paying for it. Mr. Wolfe noted that many of the people who have come before the Board want their problem fixed but they are not offering to pay for it.

Mr. Seeds suggested that we need new legislation. Mr. Stine noted that there are bills in the work to do that. Mr. Hawk noted that he has a meeting with Mr. Hurl to provide his input for what he knows about the bill and what it stands for. He noted that he has talked to a lot of people, and roughly 40 to 50 people in the Township are for it. He noted if the Township was to charge a \$3 per month tax Township-wide, or by watershed, or community, and you took it times 28,000 homes, it would raise a little over a million dollars. He noted if you add the commercial development you could come up with about \$3 million. He noted that you could get a bond issue for \$12 million and provide for \$15 million, noting that the estimate that he has heard to correct the problem was around \$45 million. He noted that you would have 1/3 of the project done in the first five years, continuing to have the \$3 million coming in each year. He noted that you could eventually borrow more money.

Mr. Seeds suggested that the House and Senate, especially after last year's flooding, should not have a problem with trying to get that legislation through unless Governor Corbett thinks it is another tax and he vetoes it. He noted with all the flooding throughout the State he suggested that the House and Senate would see this as a no brainer. Mr. Hawk noted that they do not always do what you think they would do. He noted that he has contacts all over the state but he is stymied as to where to go from here.

Mr. Miller questioned Mr. Stine if that portion of the Authority Act that he researched provides the authorization to have specific definitions for stormwater. Mr. Stine answered that it talks within the act about sanitary sewer primarily because you can get tapping fees for, but to say that they would consider just a stormwater system to be a sewer system, he does not think it does.

Mr. Miller noted that it is one of the "S" in the MS4 Program as it truly is a sewer but it is not potable. Mr. Stine noted that parts of it are. Mr. Miller noted that the conveyance system is considered to be a sewer and if we get to the point that we are required to put in an end treatment facility, or retention, then it would be similar in construction to a treatment plant. He suggested that there are real good parallels there but he questioned if anyone has challenged it yet. Mr. Stine noted to get to that point you have to have an authority formed. Mr. Miller asked Mr. Stine if anyone has had this problem in the Commonwealth. Mr. Stine answered not that he is aware of any. He noted that the issue is that most combined systems are in cities and that is where you

have a lot of storm water issues. He noted that an Authority can do it in a city because of the combined system because everything is part of the sewer as opposed to being two completely different systems.

Mr. Miller suggested that it has a lot of merit and he hoped that the Township would consider voicing support for passage of the legislation to move in that direction. Mr. Hawk noted if the EPA has their way they want to have developers maintain the water on the property in all new construction to transfer the water to the aquifer at the same temperature that it comes out of the ground. Mr. Miller noted that eventually no water will leave your property as that is their ultimate goal. Mr. Hawk noted that they are moving forward with that kind of legislation.

Mr. Miller noted that he and Mr. Robbins attended a seminar with HRG about six weeks ago where Elizabeth Treadway, from North Carolina provided a great presentation, noting that historically, municipal budgets are comprised of many different items and one point that she brought out was that there is always a police car to buy and a roof that needs to be replaced, with something that is a more pressing need at that moment. She noted there is no dedicated stream of funds to replenish these storm water projects, however, she suggested if Authorities did not impose fees, much of what Townships do with the sanitary sewer system could not have occurred. He noted what we are going through here is nothing new; it is nation-wide and impacts every municipality. He expressed his hope that we can make progress through the legislature.

Mr. Seeds noted that the items Mr. Miller mentioned are visible, such as a leaky roof, but storm water is not visible until someone gets flooded. Mr. Miller noted that many of the people that you met on the Road Tour were concerned with flooding. He noted that it impacts a certain percentage of those people greatly and we don't have the funding as we are in a recovery mode with the Township. He noted the ability to go to Creek Drive and do a stream bank restoration project to improve a situation are projects that we can't undertake now because we are trying to do the actual infrastructure. He noted that the dedicated funding stream could look at being much more broad stroked by attacking different pieces of the puzzle.

Mr. Hawk noted that Mr. Memmi tried to do this in Derry Township ten years ago but he was legislatively stopped.

Mr. Robbins noted that we can't do anything at this point, but we still continue to have conversations to determine what the fairest way to go is in order to be ready when the time

comes that we can move ahead. He noted that part of it may be watching for how much impervious coverage we have. He noted that a 10,000 square foot lot would not be dealt the same as someone who has a much larger lot. He suggested that there is much we can do in preparation for what is coming soon. Mr. Hawk noted that he hopes to get more information after he speaks to Mr. Hurl. He noted that the legislation for prevailing wages, unfunded mandates and other things seems to get put on the back burner.

Mr. Hornung noted that regardless if it is called a tax or a user fee, you are taking money from people.

Mr. Hawk noted that he tells people that they are paying the lowest tax for any municipality around and they don't believe him. He noted that they lump the county, school district and township together and we are only a small percentage of that total bill.

Mr. Hornung noted that we may have to raise taxes to get it covered until legislation comes along that allows the Township to form an authority. Mr. Stine noted that we would not have to form one as we already have one that would allow the Township to do anything the Act allows it to do. He noted that it could be an additional function. Mr. Wolfe explained that you would have to have separate accounts. Mr. Seeds questioned if we could do it under our existing authority. Mr. Stine answered yes. Mr. Wolfe noted once there is legislation that permits it, which we don't have at this time, we could easily do it.

Mr. Crissman noted that the only avenue at this time is to support the legislation.

Mr. Robbins questioned if Mr. Stine had any insight if they were to go in that direction would they modify to authorities act or something else. Mr. Stine answered that the easiest way to do it would be add one sentence to Section 5607 which authorizes what the purposes of the authorities are in their powers.

Mr. Hornung noted that Mr. Weaver always argues that doing storm water projects in areas where there is a lot of I&I helps to alleviate that problem and suggested that we could note that it is a flooding issue and that the Sewer Authority should take care of ground water problems in those areas as they are causing flooding issues. He noted that we could argue that doing the work in some of those areas would help to solve the I&I issue that is responsible for about 10% of the sanitary sewer issues. Mr. Stine suggested that the flood control projects are for building

impoundment facilities, dykes, levies, pump station or treatment facilities. He suggested that is what they are talking about.

Review of the PennDOT Policy and Procedure for Consultant  
selection that is required for the Jonestown Road Bridge replacement project

Mr. Wolfe explained that he and Mr. Robbins met this past week with a representative from PennDOT in regard to the Jonestown Road Bridge. He noted that it is on the Transportation Infrastructure Program (TIP) and has been funded at about \$1.6 million for complete replacement. He noted that the Township and West Hanover Township have also received funding as part of the Dauphin County Local Share program in the amount of \$80,000. He explained that this bridge is jointly owned by both municipalities.

Mr. Wolfe noted to begin the process the Townships must select a consultant as it is a local lead project similar to the Village of Linglestown project. He noted that he is required to select a consultant in accordance with the policy and procedure for consultant selection. He explained that the Board must adopt the policy and procedure first and then implement it in conjunction with West Hanover Township. He stated that both Townships should do it jointly or West Hanover Township should authorize Lower Paxton Township to be the lead agency on their behalf.

Mr. Wolfe noted that there are several steps to accomplish, the first to adopt the policy and procedures, and then discuss with West Hanover Township for how we do this. Mr. Crissman noted, at this time, Mr. Wolfe would like to put this on the agenda for approval of the PennDOT policies and procedures for next Tuesday night.

Mr. Wolfe questioned how he should approach West Hanover Township. Mr. Blain suggested that he should call them. Mr. Wolfe questioned if the Board wanted to be the lead agency or share the process. Mr. Crissman questioned what the advantage is to being the lead agency. Mr. Wolfe answered that the ultimate decision to make is selecting the engineer to do the work, costing roughly \$200,000 as it will be a big job. He suggested that the Board would receive proposals from a large number of local firms, including HRG who happens to be the engineer for both West Hanover and Lower Paxton Townships. He noted that the policy states that we cannot make our selection based upon price. He noted that we can not ask for the engineer's price when we do the RFP. He explained that we only ask for proposals, make the

selection and then get the price. Mr. Crissman requested Mr. Wolfe to run that by him one more time. Mr. Crissman noted that we don't ask for the price in the RFP process. Mr. Robbins noted, in lieu of the pricing for a low bid, you take your RFP and question PennDOT if the firms are reputable and then you decide on the firm. Mr. Crissman questioned if we ask them what their price is after they are selected. He questioned what is wrong with this picture. Mr. Wolfe noted that this is the federal selection process for the engineering consultant. He noted that they don't want local government making the selection purely on cost. He noted that they want the selection based upon quality. He noted that you will have a situation where both municipalities have the same engineer and it is very likely that Rettew and Gannett Fleming and many other high powered firms will want this work. He noted that it will not be an easy process.

Mr. Crissman questioned if the Township should be the lead for this project. Mr. Wolfe questioned if the Board wants the entire responsibility to do this project or share it with West Hanover Township.

Mr. Seeds questioned Mr. Wolfe what he recommended. Mr. Wolfe noted that he does not have a recommendation for this, as he can see good and bad for both. He suggested if the Township is the lead agency it would be much easier, but he could make a decision that West Hanover Township is not happy with. Mr. Crissman questioned if West Hanover Township would have to agree to have Lower Paxton as the lead. Mr. Wolfe answered yes. Mr. Crissman noted if they agree to this then they have to be willing to accept the decision made by Lower Paxton. Mr. Wolfe noted that they may not be willing to give up their authority.

Mr. Seeds questioned what you do then. Mr. Hornung stated that you share it.

Mr. Wolfe noted that he could invite West Hanover Township to a meeting to discuss this. Mr. Crissman noted that it would take much longer than just making a phone call. He requested Mr. Wolfe to make that phone call. Mr. Wolfe suggested that he does not have the authority to make that phone call... Mr. Crissman noted that Mr. Hawk could make the phone call. Mr. Wolfe suggested that it could be made from one Chairman to another. Mr. Crissman noted that we don't need a long discussion to come up with an answer to this. Mr. Hawk agreed. Mr. Crissman noted if it could be handled by a 15 minute phone call it would be more productive. Mr. Seeds noted that Mr. Wolfe could contact their manager, Elizabeth England. Mr. Hawk noted that he knows the Board members from West Hanover Township. Mr. Wolfe

suggested that he could set up a meeting between the two chairmen and manager's. Mr. Crissman suggested that it would expedite things much faster.

Mr. Seeds questioned what ECMS stands for. Mr. Robbins answered that it is PennDOT's website for advertising all their contracts. Mr. Seeds questioned what it stood for. Mr. Wolfe noted that he does not know what it stands for. Mr. Robbins noted that all the people who do PennDOT work go to the ECMS website to bid on projects and gain information. He noted that all bid tabulations are on that website. Mr. Seeds questioned if it would be a modified or standard selection process. Mr. Wolfe answered that it would be modified. Mr. Seeds questioned if there were any special requirements. Mr. Robbins answered that it would be in regard to any special requirements for the project.

Mr. Miller suggested that ECMS stands for Electronic Construction Management System.

Mr. Wolfe noted that he will put this on the agenda and he will schedule a meeting between himself and Mr. Hawk and West Hanover Township's counterparts.

Mr. Crissman questioned if we should let them know what our preference is. He noted that he would prefer that we take the lead. Mr. Hawk noted if we don't take the lead, then the process would be delayed. Mr. Wolfe noted that the Township was the lead in the gaming grant. He suggested that they may be happy that we take the leadership role.

Mr. Hornung noted that he has a hard time recommending someone to do services and then ask them for a price after we select them. He noted that the Patriot-News should do an article on this because this is a problem. He noted that he does not feel comfortable with this process. Mr. Wolfe noted that these are the rules for obtaining federal and state funds. Mr. Robertson noted that it comes from the National Highway Administration Fund. Mr. Wolfe noted that the project is funded 80% federal, 15% state, and 5% local. He noted that 2.5 % comes from each municipality. He noted that we received our share from the Local Gaming grant.

Mr. Seeds noted if you select a firm, after you select them, would you negotiate the fees. He questioned if you still have the right to look for another firm if you are not satisfied with the price. Mr. Wolfe noted if you don't come to an agreement for the contract then you could start over again. He noted that you could reject them if you don't like their price. Mr. Hornung noted that the only price that you will see is the hourly price and you won't know how many hours it

would take to do the process. Mr. Seeds noted that they would have to estimate the price. Mr. Hornung answered that is exactly right and guess what their estimate is going to be, on the low side or the high side.

Mr. Robertson noted when you enter into a contract like that there is a limit for the construction engineering which would include the consultant. He noted that it is set by FHWA and if you exceed the limit you have to pay it. Mr. Hornung noted that he does not get it.

Mr. Wolfe noted that we basically did this with the Village of Linglestown project and selected RBA to do the work.

Mr. Crissman noted that Mr. Wolfe should get the leadership role figured out for this item.

Continued review of the Property Maintenance Code  
requirement for weeds and high grass

Mr. Wolfe noted that he provided a memorandum for the Weed Ordinance when the Board adopted the amendment to Ordinance 1207; however, he was directed that it be brought back to the Board for additional discussion at this workshop session. He noted that the amendment basically stated that weeds and grass higher than ten inches in height would only be a violation of the ordinance when it was inside the minimum lot area of a parcel as required by the zoning ordinance. He noted if you have a ten acre parcel in an R-1 zone, only a 20,000 square foot area would be required to be cut and the remainder of the lot would not be required to be cut.

Mr. Wolfe noted that staff has had multiple problems enforcing this ordinance, noting that it is not a problem when you talk about a normal developed lot and the people are not cutting their grass. He noted that is not the issue, however, it becomes an issue for an undeveloped lot or an oversized lot, or wooded lot when property owners that live beside it want it cut. He noted that the ordinance is used as a weapon between property owners to try to get the Township to force others to do something that ultimately appears to be unreasonable. He noted that it would be unreasonable to cut grass on a ten-acre parcel of ground and mow it as a residential lot.

Mr. Wolfe noted that he has developed alternative means to enforce a reasonable requirement but he stated that he does not know if any of them are any better. He noted that he listed them as bullet points in his memorandum, and they could be used individually or in

combination with what we have. He noted that the Township could require grass and high weeds to be cut within all subdivisions platted for development that have been approved on or after 1968 and possessing five or more lots. He noted that it provides for a plan that you can view, showing a residential lot that would have to be cut. He noted that anything that is not in that condition is exempt. He noted that all weeds and grass could be required to be cut on all land development plans, or commercial areas. He noted, for commercial lots we could require that they be cut prohibiting any interaction among residents.

Mr. Hawk noted that there is a problem in the Meadowview development. Mr. Wolfe noted that it is the undeveloped area that the residents want to be cut. He noted that it is a perfect example. He noted that there are steep slope considerations there. He explained that you can require that all weeds and grass be cut except in agricultural, open space, conservation and institutional districts. He noted that you could exempt from that the farmer's fields that people are growing grass to harvest as it would be considered to be an agricultural project. He noted that the weeds and grass could be required to be cut within the road right-of-way and or the front yard setback, or only to be cut in a planted lawn area. He noted that weeds and grass could be required to be cut on any developed lot of less than whatever size you choose and exempt out harvest, wetland, floodplains, steep slopes and forest areas. He noted that he has looked at what other municipalities do and the only consistency is that a majority enforce the same regulation that we do unchanged. He noted if it is taller than ten inches, it is a violation.

Mr. Seeds questioned if when you say that undeveloped lots must have the grass cut, would that mean the entire lot or the minimum lot size. Mr. Wolfe noted that it would mean whatever you want it to mean. He noted that he provided suggestions for the Board to word it to be whatever it wants. Mr. Seeds noted that we could only require the setbacks be cut so that a neighbor would not have weeds next to the edge of their yard. Mr. Wolfe noted if you are talking about a ten-acre parcel, you are probably talking about a mile of setback.

Mr. Hornung noted that a customer brought in a picture to his business that showed what his backyard looked like. He noted that the customer's neighbor has 20 plus acres that they bought and they are subject to the infestation from that parcel, however, from a purely practical point of view, if we try to make the owner of a 20-acre tract mow all around his property line, he most probably won't do it, resulting in the Township filing a charge with the local magisterial

judge who will most probably throw it out. He suggested that it would be unreasonable to ask someone to do that. Mr. Wolfe noted that they will levy a fine which the person will pay and the grass does not get cut. Mr. Hornung noted that this is a tough one to make a decision for.

Mr. Miller noted that he has been out on inspections with Ms. Gourley and in the north end of the Township, there is a issue with one person using someone else's property as a picnic area and the owner has decided not to allow it anymore. He explained that the property owner is allowing the ground to vegetate and grow back into an forest area and the neighbors who were using the picnic area are not happy. He noted that they are upset that the owner is allowing the land to revert back to what they want it to be. He questioned if a three-acre parcel has a meadow and the owners want a wildflower planting and they go to a hardware store and buy a wild flower mix in the canister, is that going to be required to be mowed. He noted to you it might look like weeds, but to the owner it is what he wanted, a bird habitat.

Mr. Wolfe noted that the Board can adopt a list of noxious weeds, noting that the State already has a good list. Mr. Miller requested the Board to put some good thought into this decision as he is one of the staff that has to go out to make these inspections. He noted that you will not please everyone. He noted that it would not be fair to require an owner to cut down his forested trees around his 15-acre site for an area of 15 feet from the property line to maintain as a moat area. He suggested that the Magisterial Judges would throw out the charges.

Mr. Seeds questioned Mr. Miller if he had any recommendations. Mr. Miller answered that it is a sticky wicket.

Mr. Wolfe noted that he can usually find a sample ordinance that looks like it would work, but no one has a good solution to this. He noted that the Board can choose whatever solution it wants that may be better than what we currently have and we will go with it.

Mr. Seeds questioned if what was passed a few weeks ago would work. Mr. Wolfe noted that it works for staff because it takes us out of some of these neighborhood dispute areas. He noted that it makes staff's life easier as they do not have to go to the person who owns ten acres and tell him that he has to cut his grass. He noted, on the other hand, we continue to have neighbors calling to complain that he is looking out his window at six-foot high weeds, and he wants us to make him cut them down since we have the ten inch ordinance regulation. He noted that staff spends a lot of time on this issue.

Mr. Miller noted that people do not accept what other people do on their own property. He noted that we try to push our views onto everyone else. He noted that not everyone has the same viewpoint in life and they put the Township in the middle.

Mr. Wolfe noted that he did not expect this issue to be resolved this evening, however the Board wanted to discuss it more. Mr. Hornung noted that he does not see a solution for this and if we try to make something happen, it would happen anyway, so the Board may just be spinning its wheels and not achieve any results that would satisfy anyone. He noted that he feels sorry for the homeowner, looking at their backyard with a mosquito infected forest with mice and everything else that is coming onto their property. He noted that he does not see an easy answer for this.

Mr. Wolfe noted that the people who came to the Township business meeting noted that everything was okay until the person who owned the parcel sold it to someone else. He noted that the person who owned it sent everyone letters telling them not to use it. He questioned if it was an issue of adverse possession that if you let someone use your property without notice.... Mr. Stine answered no, he noted if you allow someone to use your land it merely is a license, but if you do not allow it and they do it anyway, then they are adversely possessing it. He noted that is why adverse possession is so hard to prove as you have to do it for 21 years. Mr. Seeds suggested that it could be ownership by prescription. Mr. Stine answered that easements are by prescription, noting that it is like adverse possession except with regard to a driveway or easement. He noted that it is called a prescriptive easement. He explained if it existed for so long then it becomes an easement. Mr. Stine noted that adverse possession is when you become the fee owner of the property by continuous and notorious use of the property that you don't own.

Mr. Hornung noted what if you have 20 acres. Mr. Hawk noted that they should cut it. Mr. Hornung noted that he has a forested lot of ten acres and 90% of it is forested, should he be required to cut it. Mr. Hawk suggested that it is a different situation. Mr. Hornung questioned how you legislate a different situation. Mr. Wolfe noted that you cannot send a code enforcement officer into the field to make it up, parcel by parcel. He noted that is what we are struggling with. He noted if you drive down a residential street and the house in the middle of the block has ten or 12 inches of high grass, that is a violation. He noted when you go to the situation that was described during the past public meeting, where the guy had a seven-acre parcel and he

wanted to let it grow natural, is that a violation or not. He noted that staff cannot make that interpretation at its level.

Mr. Miller noted that as we try to encourage residents to deal with stormwater and they construct rain gardens on their property, sometime they can look a little ratty and someone might not like the looks of it. He noted that it might not meet the intent of the ordinance at 10 inches. Mr. Hawk noted if he turns his front yard into a rain garden then he does not have to cut it. Mr. Miller noted that you may have mice. Mr. Wolfe noted that the ordinance exempts cultivated plants.

Mr. Wolfe noted that we will keep this as a semi-active file and if we need to bring it out again for future discussion we can as we are getting to the end of the high grass season. He noted that this issue will be back again next June.

Review of a proposed application for Dauphin County Local Share  
Grant funds proposed by the Colonial Park Fire Company and  
ranking of grant applications from the Township

Mr. Wolfe explained that the Colonial Park Fire Company wished to submit a Dauphin County Local Share Grant and it needs the Board's authorization for this. He noted that the grant request would be in the amount of \$160,553.61 for debt reduction. He noted that the Linglestown Fire Company submitted an application last year for debt reduction and received approval of a grant for that purpose. He noted if the Board is so inclined to do this he will put it on the agenda for the next business meeting.

Mr. Blain suggested that this is a great idea since we hold the mortgage for that debt reduction.

Mr. Wolfe noted that the Board must now rank this application along with the Police Department's in-car video application in the amount of \$90,000. He noted that he was told that the Heroes Grove project wants to submit another application but we have not seen that one yet. He noted that he was also told that Linglestown Fire Company wanted to submit an application. He noted that the applications are due the end of August and the Board only has one more meeting to act on a resolution for these grants.

Mr. Hawk noted if the entitles don't get the grant application to us on time, then it is not the Board's concern.

Mr. Blain questioned what the actual debt is for the Colonial Park Fire Company. Mr. Wolfe answered that it is \$569,160. Mr. Seeds questioned if the Colonial Park Fire Company applied last year for improvements grants and were denied. Mr. Wolfe noted that they were approved for an application to cover flooring surface and something else.

Mr. Seeds questioned what PENFIRS is. Mr. Wolfe answered that it is the Fire Department's software that they use.

Mr. Hornung questioned if Colonial Park gets the funds for debt reduction, and they pay the Township, could the Township take those funds to pay for the in-car videos. Mr. Wolfe answered that the Board could do that. He noted whatever happens, Colonial Park is paying on their note, but the Township does not have the money to purchase the in-car video equipment and the Police need it. He noted if the Township does not get that grant; it would be out \$90,000 for the 2013 budget. He noted that he would recommend that we rank the police first and then Colonial Park second. Mr. Seeds questioned if we will purchase the in-car video equipment regardless if we get the grant. Mr. Wolfe answered that we need to do that as the equipment is failing. Mr. Seeds noted if we don't get the grant, it would be an additional \$90,000 in the 2013 Police Department budget.

Mr. Crissman questioned if we need to do the ranking tonight. Mr. Wolfe answered, given the fact that he may receive two more applications next week; the Board will have to do the ranking as part of the business meeting next week. Mr. Seeds noted that he agrees that the police would be first and Colonial Park Fire Company second. Mr. Blain noted that he would not do that as he would go with Colonial Park Fire Company first, noting that more than likely someone will get a grant approval and if Colonial Park gets \$160,000, they will pay it back to the Township and then we could use some of those funds to purchase the in-car video equipment for the Police Department. He noted that it is a much higher amount than the in-car video grant application. He questioned why you would put a \$90,000 grant ahead of \$160,000 one when you most likely would get the \$90,000 and \$160,000. Mr. Seeds noted that Colonial Park has been making the payments for their mortgage and they are not behind in those payments. Mr. Blain explained that he is speaking about cash flow and if you get the \$160,000 you can pay for the in-car videos with those funds and it would provide for \$70,000 in additional funds and Colonial

Park would continue to pay the remaining amount for the mortgage. Mr. Seeds noted that we would eventually get the mortgage payment of \$160,000 from Colonial Park regardless.

Mr. Crissman noted that we have may have two more project to consider for ranking.

Mr. Wolfe noted that we definitely have two grants to rank and maybe two more. Mr. Crissman noted that the Board must be prepared to discuss this to make a decision at the next business meeting.

“Otta Know” Presentation: 1) Act 87 of 2012 extending permits and approvals; and 2) Commonwealth Court ruling overturning PA Act 13 zoning provisions for natural gas drilling

Mr. Wolfe noted that due to the late hour, these two items could be tabled until the September 11, 2012 meeting.

Mr. Hawk questioned what an amicus brief is. Mr. Stine answered that it is a friend of the court brief.

### **Adjournment**

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Seeds 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