

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held July 14, 2009

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:54 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, and Gary A. Crissman.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Sam Robbins, Public Works Director, and Mat Miller, Engineering Field Technician; Jeff Wendell, CET Engineers; Bryce Hoch, Mike Schmerl, Corey Wolff, Energy Systems and Installation; Robert Dobslaw; Greg Brunner and Marcus Hite, M&T Bank; Ted Robertson, SWAN; and Catherine Scheib.

Pledge of Allegiance

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

Public Comment

No public comment was provided.

Presentation by M&T Bank on potential bank
financing options for capital projects

Mr. Wolfe explained that Mr. Hite requested to make a presentation to the Board members regarding potential bank financing options for capital projects, such as the \$32 million capital project for sewer upgrades.

Mr. Hite stated that he appreciates the business that M&T Bank has with Lower Paxton Township, and he noted that one of the goals of the bank is to expand and enhance its relationship by bringing opportunities to the Township as a valued customer. He explained that he wanted to provide information on a new product that M&T Bank has been able to offer to its clients for the past year. He noted that in the past, if a municipality wanted to borrow funds, they were only able to purchase a general obligation bank loan. He noted, as of August 2008, M&T Bank acquired a major portion of the former Ferris, Baker, and Watts fixed rate bonds division out of Baltimore. He explained that Greg Brunner works for that division of M&T Bank and is

present to explain what services the Bank could offer to the Township for a fixed rate bond. He noted that the fixed rate bond could be taken out for a longer period of time to allow for a longer period of payments than what a normal bank loan could offer.

Mr. Hite requested the Board members to feel free to ask any questions during the presentation. He noted that M&T Bank was founded in 1856 as Manufacturers and Traders Trust Company in New York. He noted that the two acquisitions that brought M&T Bank into the Pennsylvania area were the Alfirst Bank acquisition in 2001 and Keystone National Bank, at a later date. He noted that M&T Bank has the number one market share for the Central Pennsylvania region, to include Dauphin, Cumberland and Franklin Counties. He noted that M&T Bank is one of the top 20 bank holding companies, with over \$64.5 billion in assets. He noted that there are 230 bank branches across Pennsylvania, and in the Dauphin County area, there are roughly 50 to 60 branches.

Mr. Hite noted that one of the key highlights that has occurred for M&T Bank over the past six months is that the bank was one out of four of the top 20 banks that had their rating affirmed by S&P and Moody's. He noted that the bank was also removed from a negative watch by S&P and Moody's.

Mr. Brunner explained that he works in the M&T Securities Division, and specializes in municipal bonds. He noted that he has been doing this work for more than 25 years, in the mid-Atlantic region. He explained that 16 professionals from Ferris, Baker, Watts, in Baltimore moved over to M&T and expanded the securities area last August. He noted that Ferris, Baker and Watts was a major underwriter for bonds in Pennsylvania. He noted that that group that made the move to M&T Bank included the entire distribution system, the underwriting side and institutional sales force. He noted that secondary market traders that trade bonds after they are sold, as well as the municipal research analysis also moved to M&T.

Mr. Brunner noted that M&T has continued to increase its municipal efforts. He noted that M&T has opened an office in Pittsburgh and is making a significant commitment to municipal bonds. He noted that his team has underwritten roughly \$50 billion municipal bonds since 2001. He explained that page four of the presentation lists some of the M&T's clients in Pennsylvania, noting that M&T has completed more than 100 financings as the senior or co-senior managers.

Mr. Brunner explained that M&T knows many of the smaller investors that may not be in the radar screen of other banking investment firms, and this helps to provide value to the

Township for selling bonds. He noted that most bonds are sold locally, and the smaller banks are not seeing as many bonds; therefore, he tries to focus in that area to deliver a lower interest rate.

Mr. Crissman questioned, if there are any local school districts or municipalities that M&T provides services that are not included in the list provided by Mr. Brunner. Mr. Brunner answered that he could provide a list to the Township. Mr. Crissman requested Mr. Brunner to email the list to Mr. Wolfe.

Mr. Hawk questioned if M&T had the entire bond issue for the Pennsylvania Turnpike Commission. Mr. Brunner answered that they were part of a team, noting that it was a large deal and a group of firms were involved with the Commission. He noted that the ultimate goal is to get the best distribution at the lowest rate, and when you sell significant bonds, you want as many firms working for you that you can get.

Mr. Brunner noted that the Township would want someone who could provide whatever structure works best in the market, and technical expertise to put a deal together to get the lowest rate. He noted that it is very important to understand the market and what is going on. He noted that many structures that were very popular a year ago are not necessarily the best deal now. He noted that the investors have different appetites at different times, but M&T could offer a firm salesman research analysis who is out there talking to investors and understanding what their needs are and able to bring the customer the best deal suited to the market at that time. He noted that the other area is technical, to provide all sorts of structures, to bring as an option to evaluate anytime the Township wants to make a deal. He noted that it also includes structure on investments, making sure the Township maximizes its return, and also continues to monitor the deal. He noted that they would keep their eye out for what refunding opportunities are available.

Mr. Brunner explained that he has a database established for his clients and can consistently monitor where their rates are and look for opportunities for refinancing. Mr. Crissman questioned if this would be reported to the Township every two or three months. Mr. Brunner answered that they would not report back to the client until they find good opportunities. He noted that the Township would be notified, in advance, that the market was approaching an opportunity. Mr. Brunner noted, for M&T's internal basis, it would be a quarterly report, but if there is no market movement, then there is no need to report back to the client.

Mr. Brunner noted that the Township has 30-year fixed rate bonds with the costs locked in. He noted that investors, when looking to buy bonds, want to be assured, if they want to get

liquid at some point down the road, that there would be some support behind that. He noted that it would encourage the investors to buy bonds in the first place.

Mr. Brunner explained that he has a strong secondary market team that does a lot of business, and he was told that they were only one of two firms that were bidding on bonds in the market. He noted that M&T put their capital to work on behalf of its clients. He noted that when the Township is selling its initial bonds, investors would have more comfort in the firms that were involved in doing the bonds, noting they were more comfortable in buying the bonds.

Mr. Brunner noted that they have 19 institutional sale professionals covering the larger firms ranging in size to money market managers and local banks. He noted that the other source of bonds is individuals, and over the last year, there has been a dramatic increase in individuals' interest in buying municipal bonds. He noted that many times, individuals have less opportunity, so there is a slightly lower yield by selling the bonds to those individuals. He noted that this market has increased as equities have dropped, and taxable returns have dropped, and as a result, the municipal yield has become more and more attractive. He noted that M&T has 230 offices throughout the region and each office has a financial consultant dealing daily with the clients and looking for investment opportunities. He noted that it is a very attractive way to get bonds out into the market.

Mr. Hawk questioned if all of Mr. Brunner's bond deals are negotiated. Mr. Brunner answered that they purchase competitive deals as well. He noted that he has seen a decrease in non-competitive deals done completed last year, mainly because of the market volatility. He noted that negotiated deals will market and sell the deals for several weeks in advance of the actual pricing. He noted that getting people comfortable with the deal has given more value to that sort of process, where in the past, a competitive deal would be put out with a certain rate, and banks would bid on it at that point in time. Mr. Hawk noted that with a negotiated deal, you know what you are facing.

Mr. Brunner noted that the Tier I Institutions are the large major buyers of bonds and are covered by all the firms. He noted that Tier II and III Institutions are smaller investors, noting that the Tier II is covered by many firms, whereas, the Tier III are not. He noted that the Tier III firms are located all over the USA, whereas M&T focuses on selling bonds in the region. He noted that there are a lot of High Net Worth individuals that buy, but he noted that there are many smaller investors coming into the municipal market.

Mr. Brunner noted, that as of March 31, 2009, M&T Bank has total consolidated assets of \$64.9 billion, and has a strong capital position that enables the firm to support underwriting commitments required by the clients. He noted that they are a leader in providing secondary market support for clients' bonds to increase liquidity thereby improving market demand for primary issues. He noted if not all of the bonds are sold on day one, then they buy in the bonds and work them off in the future, and are also in the secondary market buying bonds.

Mr. Brunner noted that M&T is a group that is specialized in selling bonds in the region, very committed to the industry, and to the community as well, and has the experience of all sorts of transactions. He noted that they have a strong regional distribution network.

Mr. Hawk questioned what Mr. Brunner's connection was with Ferris Baker Watts. Mr. Brunner answered that it was purchased last June, and all the capital markets were limited, since they were only purchasing the retail broker network. He noted that the entire municipal capital market moved to M&T, to include himself, on the banking side, as well as the research analysis, and the entire distribution network.

Mr. Hawk noted that many traditional bonding institutions are moving into banks, noting that Raymond James is working with Fulton Bank. Mr. Brunner noted that he has been through four consolidations, and the market is changing. He noted that, in the past, much of the business was done by major Wall Street firms, but there is a trend to move back to firms that understand the regions they are working in. He noted that the Township is looking to do a fixed-rate bond deal, and the Township could focus on its operations, and let someone do the bond work.

Mr. Brunner noted that the Township could pretty much do any structure that it wants. He explained that depending on the yield curve, there are certain times when some would rather do a 15-year deal and take the client's risk to try to pick up 2% or 3%. He noted that it is his job to provide options that would suit the Township's needs. He noted that there have been some changes in the new tax law, noting that bonds producing less than \$30 million in a year are classified as bank qualified. He noted that he has written many of those bonds, and with the bank qualified option, the bank could purchase it internally, or if the structure works better for the township, he could market it and talk to the smaller banks who are unable to provide the Township with a \$25 million dollar loan, but possibly a \$5 million loan, buying a piece of the bond. He noted that there are the Build American Bonds, which are new to the market and at certain times, make sense, however, because of some questions incurred with their structures, he would recommend going with the tax exempt traditional fixed-rate bond issue. He noted that an

example of the Build American Bond is where a portion of the interest is rebated to the issuer by the Federal government.

Mr. Hawk questioned, since these are GEO bonds as opposed to revenue bonds, would the Township be looking at bond insurance. Mr. Brunner answered that it would be something that needs to be evaluated. He noted that Pennsylvania Bond Insurance is actually a provided value, and there are only two, FSA and Assured Guaranty. He noted that they have value, but the decision would be, as you approach the time when you plan to sell the bonds, where would you be if you sold them on your own, and where would you be if you sold the insurance and what is the cost for the premium. He questioned if the Township would save money by going that route. He noted that investors are providing more value for higher rated bonds; however, for a very good quality bond with a slightly lower rating there is a bit more spread in the market. He noted that Pennsylvania is seeing bond issues that are still valuable.

Presentation regarding the potential to develop
a solar farm on the closed municipal landfill

Mr. Wolfe noted that Mr. Wendle had an idea that he has discussed with him and other people suggesting the Township consider the development of a solar energy generation farm on the closed municipal landfill. He suggested that the energy be marketed to the Swatara Township Treatment Plant to develop a program that is income-producing for the Township.

Mr. Wendle introduced from ESI Power, Cory Wolff, Mike Schmerl, and Bryce Hoch. He noted that ESI Power would be making the presentation and answering questions. He noted that a couple months ago, he attended a PMNA Conference, and listened to a presenter talking about solar power as a renewable energy source. He explained that there is a virtual net metering, which means, if the farm is located within two miles of the source of the usage of its energy, it would almost be like you would have a meter that is trading off. He noted, if you are a power plant selling into the grid, you have to pay a wholesale price. He noted that the Swatara Treatment Plant upgrades that are being built would use a lot more power than they did before, and it is located within two miles of the landfill. He noted that the Swatara Township Treatment Plant pays \$250,000 a year at \$0.075 per kwh which is equal to 3,000,000 kwh per year, and the price will rise when the cap rates come off. He noted, as prices increase, a renewable source would be more valuable than buying from a power company. He proceeded to show some pictures of an array of solar panels that ESI provided. He suggested that a solar panel farm could

be located in the northwest corner of the landfill using five to six acres of landfill land. He noted that it is a nice sloping area to the southwest.

Mr. Wendle explained that the estimated installation costs are \$14,000,000, but there are potential funding sources to fund the project. He noted that zero interest bonds, either Clean Renewable Energy Bonds (CREBs) or Qualified Energy Conservation Bonds (QECBs) are available. He noted that the Township would issue a zero interest bond and the people that buy the bonds, get tax credits. He noted that it would be zero interest to the Township, and someone would get a tax credit as opposed to the Township paying them interest. He noted that there is a potential grant for \$1.5 million from the Pennsylvania Energy Development Authority (PEDA) as well as private investors. He noted, if private investors spend \$14 million on the project, they would get an immediate 30% tax credit. He noted that they would be able to accelerate the depreciation of that over the next five years.

Mr. Wendle noted that another possibility would be to lease the land to the investors and if they sold the power and received the energy credits, the payback would probably be only six years. He noted, if the Township did this, they could sell the electricity at an agreed rate of roughly \$.095, it would generate roughly \$285,000 in revenues from the sale of electricity, but the Township could also sell the renewable energy credits that the power companies are required to buy at 2.5 times the cost of power. He noted that the big income would be from selling the renewable energy credits. He noted at \$.25 per kwh, noting that the Township would be a fairly large producer; the Township could market them in a clump and get a decent price. He suggested that it would provide an income of \$750,000, and there is another thing called Renewable Energy Production Credits, providing 2.1cts, per kwh which would add another \$63,000. He noted that there is some risk involved, in that the \$63,000 has to do with appropriations, and the renewable energy credit contracts are for ten years, the annual debt service at 20-years with zero-interest would be \$700,000. He noted that an allowance would need to be made for minimal operating costs of \$28,000, providing a net of \$370,000 in years one through twenty, noting that the panels have a 25-year life span, but even with reduced power the panels would continue to create power beyond that. He suggested that there would be a revenue stream of \$425,000 for the first 20 years.

Mr. Wendle noted that the Township has a piece of vacant land that is not doing anything. He noted that the \$14,000,000 estimate also included additional fill needed at the landfill, since the system would be anchored into the ground, needing two feet of cover. He

noted that a project such as this would have to be bid, but he explained that ESI could help in the grant writing process, and prepare specifications that they would have to bid on.

Mr. Seeds suggested that it would not be a good investment since it has too long a period of investments. Mr. Wendle noted if all the credits and electricity were sold, the Township would get its investments back in six years.

Mr. Hoch noted that he did a commercial application today, and the clients are looking to produce 2 megawatts and \$8.5 million. He noted that the credits for those gentlemen are called US Treasury grants, and the money that they paid to the Federal government for the last five years they can go back and get all that money up to 30% of the project costs. He noted that they paid over \$3 million and when the application is completed, they will get a check back from the IRS for \$3 million. He noted that they can write the full system off, mitigate their power rate increase and generate the renewable energy credits (RECS). He noted that the paybacks are extremely appealing, but you need to have someone who has a tax liability. He noted that it is a little harder to find that now with the current economy.

Mr. Seeds noted that in 25 years, the Township would not have received \$250,000. Mr. Stine noted that the Township would have positive cash flow in year one after it pays its debt service. Mr. Hoch noted that the beauty for the municipalities is the CREBS, the zero interest bonds that are extremely appealing and allow the Township to finance it. Mr. Wolfe questioned if there was a maximum bond amount. Mr. Hock answered that it was \$25 million. He noted that when the stimulus package was created, they came in with the second bond list, QECCB, noting that it is money thrown at the State for them to spend. He noted that everyone is scrambling for those funds, but the CREBS have been around for a while and the funding was just increased to \$3.2 billion. He noted that you have to apply to the IRS to get the approval to issue the bonds.

Mr. Crissman questioned if there is more money, loans, reimbursement, stimulus for solar as opposed to wind. Mr. Hock answered that the Township could not do a wind project at the landfill, and if you are not at a 2,000 foot elevation, it is a waste of money. He noted that there is a wind map for the State, and the State does not fair very well for wind. He noted that the State has set targets for 2021 of generating 851 megawatts from solar power. He noted that the target is so high, the market must move forward, and the grants are much better for solar power than wind power.

Mr. Seeds noted that they estimated yearly maintenance at \$28,000. He questioned if the panels would have to be replaced in 25 years. Mr. Hoch answered that the systems are designed

to produce within 90% of their rate of power for the first 20 years. He noted that the \$28,000 addresses a figure, taken out over the life of the system, since the electrical components that convert the sunlight to electricity do not have a 20 year life span. He noted that there is no maintenance with solar panels, noting that he does not want anyone to wash or touch the panels. Mr. Seeds questioned how long the panels would last. Mr. Hoch answered 40 years, but after 20 years they start to decline. Mr. Wolfe questioned how long it would take to install the panels. Mr. Hock answered that it would take roughly 2 months to install the panels, noting that additional fill would have to be added, and he would need to make sure there were no zoning issues. He explained that he uses a small piece of machinery that screws the panels into the ground that would allow him to readjust the angle or contour.

Mr. Seeds questioned if there would be environmental problems with the landfill or permit problems with DEP. Mr. Robbins noted that DEP would have to be made aware of the installation. Mr. Schmerl noted that the Secretary of DEP is supportive of these types of installations. Mr. Seeds questioned if there was any noise affiliated with solar panels.

Mr. Hock noted that the penetrating depth for securing the panels is not very deep.

Mr. Crissman questioned, after the panels are installed, is there a need to monitor the panels to check for settlement. Mr. Hock answered that the inverters that convert the Direct Current (DC) to Alternate Current (AC) power, have come a long way and are monitored by a meter. He noted that in addition to taking physical measurements, he can monitor the output 24 hours a day. He noted, if a deficiency occurs, he would need to find out why. Mr. Wendle noted that they would not be looking at the settlement, rather, how much power is being produced.

Mr. Seeds questioned Mr. Robbins if he was okay with this project, noting that he had been working with Mr. Wendle. Mr. Wendle noted that he has not discussed this project with Mr. Robbins. Mr. Robbins noted that he only read the proposal this afternoon. Mr. Seeds questioned Mr. Robbins if he had any comments. Mr. Robbins noted that as long as it doesn't affect the operation of the Compost Facility, he had no problem with it. Mr. Seeds noted that the Township could never build a park in that location. Mr. Wolfe agreed that you could not build a park; however, the Township could come up with revenues of \$1.4 million a year.

Mr. Hornung noted that the project would earn \$750,000 in RECS; however, he suggested that it may be a moving target. He requested someone to explain that. Mr. Schmerl explained that the income base is figured at 9.5 cents, noting that whatever you are pay for it, that is what you would get for a payback. He noted that the 3.04 megawatt system should

generate more power than Mr. Wendle accounted for. Mr. Wendle suggested that it would create 3,500,000 kwhs as opposed to only 3,000,000 kwhs. Mr. Schmerl noted that for the RECS, he used an average from the State from last year, but that could change. He noted, the larger your operation, the better price you would get since the utilities would work directly with you. He noted, by law, the utility companies need to buy these RECS, or they will be penalized. He noted, last year they did not bother with RECS, and were fined \$540 per megawatt hours. He noted that he could not predict what the price would be. He explained that the pending House Bill 80 would push the solar farm out six times higher than it is now. Mr. Hornung suggested that the price could be driven lower if many people come on line with RECS. He noted that New Jersey has had a big program for the past five to eight years, and their price is \$600 a RECS.

Mr. Schmerl noted that in order to modernize these programs for investors, you almost need to sell the RECS ahead of time. He noted that you could contract with PPL for what they would give the Township for their RECS for the first ten years. He noted that the Township would sign a contract with PPL, and they would pay so much down, and so much every year, but PPL could mitigate to go to \$500, but, it would also lock the Township into a nice fixed income.

Mr. Wolfe questioned what the first step to initiate the process was. Mr. Schmerl answered that he would need to apply to CREBs, finalize the proposal and layout, do a letter of intent, and apply for a grant. He noted that his firm would help to complete the process.

Mr. Crissman questioned what happens 20 years from now, when the Township starts to see a decline in production and the panels need to be replaced. Mr. Bryce answered that there is already an emerging secondary market for used solar panels. He noted that, as the Township experiences a decline, and as new technology emerges, the racking could support a change in technology. He noted that the racking is what holds the panels up. He noted that the Township would have options to sell its entire array on the secondary market to other countries. He noted that the medical equipment that Hershey Medical Center might deem unsuitable for continued use has a high value in other countries and there are people who broker those products. He noted that the same would occur with the equipment at the 20-year age of its life. Mr. Hock noted that a cost data analysis would need to be conducted to determine, if and when, it would be financially prudent to replace the equipment.

Mr. Wolfe suggested having ESI provide the Township with a written proposal. Mr. Wendle noted that the project would have to be bid, and specifications would have to be prepared. He noted that site work would have to occur, with fill being placed at the landfill. He

questioned if it would be better to provide a proposal to assist with funding, and get that in place first, and once the Township received a positive answer on that, then it could bid the project with performance standards, such as providing a certain amount of power, and warranty standards, and those kinds of things.

Mr. Crissman questioned if ESI has done any work in Pennsylvania. Mr. Hoch explained that he is one of a handful of NEB sub-certified solar installers in the State of Pennsylvania. He explained that he recently joined ESI, noting that he is an experienced installer from the State of Michigan, and has taught the technology at Northwest Michigan College. He noted that not much is happening in Michigan and he is very happy to be in Pennsylvania. He noted that he needed to move where the market is growing and viable, and the support is very good at the State and municipal level. He noted that ESI is getting their feet wet in Lower Paxton Township, and the other two gentlemen are long-time residents, but he brings a wealth of experience in this technology. Mr. Schmerl noted that he is working on a project in Sacramento, Pennsylvania, near Heggins. Mr. Hoch noted that he is working on projects in Hershey, Palmyra, Campbelltown, and Columbia.

Mr. Schmerl noted that it is a very new field, noting that there is a very large installation, a 3 megawatt system, in Bucks County.

Mr. Blain questioned what would be the projected megawatts for this system. Mr. Wolfe answered that it would be a little over 3 megawatts. He noted that it would be the largest one in the State.

Mr. Hoch noted that until recently the price of solar energy was out of reach due to the expense of installation, however, the price has come down, and now, it is more affordable. He noted that without the grants, bonds and other opportunities, it would still be very expensive.

Mr. Hornung questioned if there is new technology for solar collection. Mr. Wolfe answered that it changes on a daily basis. He noted that there are American firms who have been doing this successfully for 20 years, and he looked for a combination of all things that are trustworthy.

Mr. Wendle noted that the initial presentation that he looked at would have required 16 acres as compared to six acres. He noted that this system is more expensive per square foot, but it would produce more power.

Mr. Crissman questioned if ESI would provide assistance with grant writing. Mr. Schmerl answered that he would provide help and networking within the State.

Status report from Robert Dobslaw regarding the amendment
of the Zoning Ordinance to permit the subdivision of condominiums

Mr. Dobslaw stated that he would like to provide the latest update for the zoning amendment. He noted that over a month ago he came before the Board to explain that the Pennsylvania Commonwealth Court had issued a ruling stating that the creation of units under the Planned Community Act, (PCA) constituted a subdivision. He noted that the Township's ordinance did not envision such a thing and the ruling included condominiums. He noted that it was never envisioned that apartments or condominiums would be considered subdivided lots. He noted that he created two proposed ordinance revisions to address this development, which was the result of the Shaffer Court Case heard last October in the Commonwealth Court.

Mr. Dobslaw noted that he appeared before the Planning Commission and wrote the proposed ordinance. He noted that last week the Supreme Court of Pennsylvania accepted his petition for review of the Commonwealth Court decision. He noted that a schedule will be issued for briefs to be submitted to the court. He noted then they will schedule oral arguments, and several months thereafter they will issue their decision.

Mr. Dobslaw noted that the ordinance changes that he suggested got bogged down, noting that he only addressed the issue of ownership of units, and how it impacted the zoning and subdivision and land development ordinances. He noted that Mr. Schmehl reviewed his proposal on behalf of the Township, and he had some comments. Mr. Dobslaw noted that he felt that Mr. Schmehl did not fully understand what he was attempting to do, and he wrote Mr. Schmehl a second comment to point out that you cannot create separate rules for condominiums or planned communities. He noted that Mr. Schmehl suggested that there is an issue in the zoning ordinance, noting that it does not address the issue if several buildings are built on one site, should there be something in the ordinance that sets how far apart those buildings must be. Mr. Dobslaw noted that Mr. Schmehl suggested that a minimum separation distance should be set for safety purposes, and he stated that the ordinances don't address that issue. Mr. Hawk noted that there is a section that states that each end unit must have a certain set back and side yard. Mr. Dobslaw answered that it only covers buildings on individual lots, however, if it is a rental project, or big box stores, there is nothing in the ordinances that states that the buildings must be built a certain distance from one another. He noted that there is a requirement in the TND that lists a 20-foot setback. Mr. Seeds noted that the Business Campus zone may also have a requirement. Mr. Dobslaw noted that he was only focusing on residential uses. He noted that, if the Board is going

to the trouble to make a change in ordinances, then this issue should be addressed. He noted that Mr. Schmehl suggested that the setbacks should be equivalent to what it would be if they had been laid out on lots.

Mr. Dobslaw noted that he talked to the engineer for the Schiavoni Development, currently owned by the Balanced Development Group, noting that the name of the project has been changed to Monticello Heights. He noted that the project would meet Mr. Schmehl's requirements. He noted that this raised a new issue, noting that the Planning Commission tabled his ordinance suggestions and said that they would have to review what Mr. Schmehl suggested. He noted that the Planning Commission would be spending more time on things that have no impact on what he is doing. He noted that he did not know when the Planning Commission would have a recommendation, noting that the Dauphin County Planning Commission would need to review the changes also. Mr. Hawk questioned if the Dauphin County Planning Commission approved the changes. Mr. Dobslaw answered that they approved it with only a minor change, however, if the Planning Commission suggests expanding the scope of the amendment, he would need to start all over.

Mr. Seeds questioned if Mr. Dobslaw read Mr. Schmehl's comments. Mr. Dobslaw stated that he has and his latest version should set up the requirement that a building would have the equivalent of a yard, as the separation distance. Mr. Seeds noted that the Dauphin County Planning Commission recommended that you add the name. Mr. Dobslaw noted that he had no problem with Dauphin County's recommendation.

Mr. Stine noted that there is yet another issue to discuss. Mr. Dobslaw explained that he came across a decision from the Commonwealth Court that was issued five weeks ago. He noted that that decision came about as a result of the issue of taxation, noted that the Court has issued yet another opinion. He noted that the new opinion takes away the necessity of what the Township is going to do. He noted that in the Shaffer case, the Court said that it is unquestionably a subdivision when you divide a property into units. He noted in the case of PU versus the Board of Assessment Appeals in Chester County, a father and son owned a 68 unit apartment building(s) as tenants in common. He noted that the father owned 62% and the son owned 38%. He noted that they decided to divide the building physically between the two. He noted that they created a two-unit condominium with one unit having 44 apartments, and the other unit having 24 apartments. He noted that they filed the declaration and created a condominium. He noted that, for his situation, he questioned if it would be considered a

subdivision. He noted that after they recorded the two-unit condominium, the County Assessment Board reassessed the property and said that each unit would be assessed separately, noting that it doubled the tax on the property. He noted that the father and son appealed the assessment, but in their argument they raised the exact same issue that he is faced with. He noted that the Condominium Act stated that a municipality may not impose a local law, ordinance, or regulation based upon the type of ownership. He noted that the Commonwealth Court issued the following opinion. He explained that while the conversion to a condominium does not constitute a subdivision of property for purposes of the application and approval process set forth in the MPC, it does constitute a division of land for purposes of whether a new assessment is permitted. He noted that they could divvy up the land for assessment purposes, but it is not a subdivision under the MPC. He noted that they ruled the opposite of what they ruled in the Shaffer case.

Mr. Dobslaw noted that based upon the findings in this case, his feeling is that creating a condominium under the PCA is not a subdivision for purposes of the MPC.

Mr. Dobslaw suggested that what the Commonwealth Court is saying is that municipalities regulate use and not ownership. He noted that the Board looks at the use of the plan, parking, lighting, etc. He noted that how that gets sliced is not a matter for municipal regulation and he suggested that that is the way to go.

Mr. Hawk noted that the Supreme Court must make a logical decision.

Mr. Seeds questioned if the Township is on hold for this request. Mr. Dobslaw answered that he has sufficient information to counter the Shaffer case. He noted that he would recommend to the Balanced Group that they rely on this decision and move forward with their property, dividing it into planned community units, since it now meets the necessary requirements for setbacks, etc., therefore, the use of the property is fully in compliance with the ordinance as it exists, but also as Mr. Schmehl suggests that it be.

Mr. Hawk questioned if there was reluctance on the part of the banks to loan money for the sale of the condominiums. Mr. Stine noted that the reluctance was to issue to a condominium project, to buy air space without an associated piece of land, as opposed to a planned community. Mr. Seeds noted that the Township has been working with Mr. Schmehl for some time. Mr. Dobslaw noted, if the Township decides to take the opportunity to look at the issue, that would be fine, as his project meets his suggestions. Mr. Seeds noted that Mr. Dobslaw and Mr. Schmehl have differences. Mr. Stine answered that that is not the case; it is only a timing issue. Mr. Dobslaw noted that Mr. Schmehl's first suggestion was that the Township should require that

condominiums have certain requirements; however, he wrote him and told him that if he was going to do that, it has to apply to anything. He noted that Mr. Schmehl came back and stated, if the Township feels it wants building separation distances in their ordinances, here is what he recommended. He noted that he had no objections to this and would be willing to work with everyone. Mr. Dobslaw noted that it would probably be 90 to 120 days before he would have oral arguments, and then the Court takes eight to nine months to issue a decision.

Presentation regarding storm water and road capital facility needs

Storm Sewer Projects

Mr. Robbins noted that he made a presentation to the Board, previously, regarding stormwater, and he has now attached some dollar amounts to that presentation. Mr. Wolfe noted that the Board requested Mr. Robbins to program out the capital costs given the information that he currently has. He noted that the Township's database is not adequate to do detailed cost programming, but he is supplying some information to the Board members.

Mr. Robbins noted that 100 miles of storm pipe has been installed and assuming that 80% of it is corrugated metal pipe, noting that it has a 25-year life span, and 50% of the CMP will fail within five years, it takes the number down to 40 miles. He noted that there are 4,800 inlets that need to be replaced and 50% of that is 2,400 inlets, noting that many of the inlets are made up of block and brick. He noted that 10% of the 275 manholes will need to be replaced, 23 end walls will need to be replaced, and 425 out of 851 end sections would need to be replaced. He explained that as a result of the MS4 program, his personnel are getting out; taking a good look at the system, and the pavement management program is providing data for storm sewer, finding many failing structures. He noted that the deficiencies are also found through the sewer mini-basin work, peak storm events, resident observations and staff field work.

Mr. Robbins noted that 30 miles of 18 inch CMP, 6 miles of 24-inch CMP, 2 miles of 30-inch CMP, and 2 miles of 36-inch CMP need to be replaced. In addition, 2,400 inlets, 28 manholes, 23 end walls and 425 end sections need to be replaced at a cost of \$14,444,510. He noted that these are dollar figures for the facilities only and not for contracts for installation, but do not include restoration for curb, sidewalk, lawn and street restoration.

Mr. Robbins proceeded to show pictures of failed inlets in the Township. He noted that the following developments fall into the criteria for repair work: Clermont, The Blues, Club Estates, Colonial Park, Colonial Crest, Forest Hills, Goose Valley Estates, Hodges Heights,

Devon Manor, Pleasant Hills, Paxtonia, and Colonial Hills. He noted that all these developments are 20 to 25 years old, and have experienced sinkholes in the right-of-way or between homes. He noted that staff has taken a reactive approach to these issues.

Mr. Robbins noted that staff has completed hundreds of storm water projects in the last ten years. He noted that staff has installed 14,000 LF (2.6 miles) of pipe and approximately 160 inlets. He noted that some were done as a result of ice conditions that caused a road hazard for traffic. He noted that the projects are done more on a reactive approach and not a comprehensive approach. He noted that he is in the process of bidding a small project off of Willow Road, north of Locust Lane, involving 1,000 feet of storm sewer. He noted that the project is located in one of the oldest areas of the Township. He noted that there are design costs due to the existing utilities, noting that the pipes are undersized and larger pipes must be installed to meet the new standards, and test boring must be done to see if the pipe can be maneuvered where it needs to go. He noted that it is the first comprehensive project that staff has worked in a while. He noted that he is also responsible for what is in the legal right-of-way when the Sewer Department is doing their work in their mini-basin programs.

Mr. Robbins noted that he does not have enough staff to have a pipe crew installing pipe 12 months out of the year. He noted that it is very difficult to have more than three to four months of time to do this work due to all the seasonal work he must do.

Mr. Crissman questioned, of the \$14 million needed to complete the storm sewer work, how much was placed in the 2010 budget. Mr. Robbins noted that he has not had any discussion with Mr. Wolfe to include it in the 2010 budget.

Pavement Management Program

Mr. Robbins noted that through the year 2028, the Authority will have impacted from 25 to 30 miles of roadway. He noted that he would have to pave six to eight miles of road a year to stay on top of the project, and that a typical asphalt pavement section would only last approximately 25 years. He noted that asphalt life is reduced by several factors, poor drainage, excessive loading, such as is occurring on Briarsdale Road, weathering, poor design, construction, and street cuts. He noted that Mimosa Street is an example where the water lays on the street due to poor drainage as a result of poor crowning in the road. He noted that there is a lot of rutting on Briarsdale Road as that road was never designed to handle the amount of truck traffic that uses it. Mr. Miller noted that the rutting is roughly 5 inches deep, and is at the critical stage. He noted Route 22 is a prime example of hydroplaning from the rutting in the roadway.

He noted that it is a safety concern as the water can freeze in the pocket and can cause hydroplaning during rain events. Mr. Seeds questioned if PENNDOT is going to repaved Route 22 this season, and if they are going to do drainage work. Mr. Miller answered that he did not believe that PENNDOT would be doing any drainage work, and the project was to start in July.

Mr. Robbins noted that when you find that a roadway is white and bleached, it is an example of road weathering. He noted that there are many new innovations for paving products, but you must make sure it is PENNDOT approved. He noted that there are some places where he may be able to use the fabric surfaces to cover the gap where an overlay won't work. He explained that you install the fabric surface and install a mat covering over it and it provides stability for the cracks so they don't come back. He noted that Little Street is an example of an improper design, noting that it was never designed to handle the amount of traffic that uses the road. He noted that Devonshire Road at Fairmont Drive is a classic example of where there is no crown in the road and the water crosses over the road, freezes and becomes a very dangerous condition. Mr. Robbins noted that he needs to pay attention to the issue of street cuts. He noted that more municipalities are cracking down on pavement cuts. He noted that it is similar to having a small rust hole in your car, and if you don't take care of it, they will allow the pavement section to fail. He noted, on Houcks Road, from Muscalus Furs to Locust Lane, there were 42 street cuts. Mr. Wolfe explained that UGI was looking for a gas leak in a line for five years. He noted that UGI should be made to overlay the entire section of roadway. Mr. Seeds noted that the Township cannot make UGI do that. Mr. Robbins stated, not under the current ordinances. Mr. Seeds suggested that the Township should review the ordinance.

Mr. Hornung questioned how the improper paving got to its current status. Mr. Robbins answered that it is difficult for staff to get the contractor to put a crown in the road because they have the fear that they will put down more material than they should. He noted that they have to build the center of the roadway up. Mr. Miller noted that when you look at the work that Pennsy Supply does, they only do one thing and they do it very well. He noted that staff has their fingers in a multitude of different projects and tasks throughout the year that they must shift gears. He noted that there is room for improvement by staff, but they may never maintain the level of a Pennsy Supply that paves 5,000 miles a year, whereas the Township only paves three miles. Mr. Wolfe noted that staff has to work with a 15 year old paver. Mr. Robbins noted that the technology for pavers has improved. He noted that staff may end up selling its paver, and renting

one. He noted that it would free up storage in the Public Works Building. He noted that they are very expensive to maintain, and tires are very costly to replace.

Mr. Robbins noted that a pavement section standard for PENNDOT calls for 6 inches of stone, 4½ inches of 25mm, and 1½ inches of ID-2/9.5 mm. He noted that in 1987, the Township required 6 inches of stone, 3 inches of BCBC, and 1½ inches of ID-2. He noted that, prior to that, the requirement was 4 inches of stone and 1½ to 2 inches of blacktop. He noted that the last standard is what you will find in the Forest Hills Development. He noted that the revised SALDO calls for different standards, especially since many builders delay constructing the final wearing coat. He noted that now, the builders must install 6 inches of stone, 3 inches of 25mm and a cap of 2 inches of BCBC/19mm, with the final coat requirement of 1½ inches of ED-2/9/5mm. Mr. Miller explained that the 19mm uses a slightly smaller stone and it has higher asphalt content. He noted that it would help to seal the larger porous pavement under it. He noted that when inspecting the road, it is very hard to find minute cracking that would cause further fatigue. He explained that the Township has inherited roadways with the minute damage that had already occurred. He noted that the extra two inches would serve as a better water proofing and provide an additional two inches of structural strength to eliminate or minimize the microscopic fatigue cracking. He noted that the developer will scoff at this requirement as it is more costly.

Mr. Robbins noted that a pavement management program will reveal that the Township needs to capture as many roads, in the excellent to fair part of the curve, because the crack sealing, poly patching and micro-surface work is very low cost. He noted that when a road gets to the bottom of the curve, such as Blue Meadow Farms, the cost for repair goes up expediently. Mr. Miller noted that asphalt wears out, the tar loses it elasticity and it oxidizes over time, therefore, you cannot continue to add layer upon layer because the bottom layer is worn. He noted that eventually, all the roads would need to be reconstructed.

Mr. Hornung noted, in the old days, they use to tar and chip the roads. He noted that they do not do that anymore. Mr. Robbins noted that many rural areas continue to use that method. Mr. Miller noted that the residents do not like it, it is noisy, provides a rough surface, and loose aggregate comes off the surface. He noted that staff has fielded many questions from residents on the micro-surfacing, as they anticipate when the road work is done, that it would result in a perfectly smooth surface. He noted that the purpose of the micro-surface is to improve traction. He noted that the other issue for tar and chip or slurry coatings is that there is absolutely no

structural strength. He noted if a road is starting to experience structural failure, you're putting bad money into it. Mr. Hornung noted that he thought that you sealed coated roads.

Mr. Robbins noted that he has come up with a pavement maintenance cycle for roadwork. He noted that after seven years, a road would be crack sealed to prevent water infiltration. At nine years of age, micro-surface would be installed to prevent water infiltration, fill irregularities, and improve SRL. He noted, at 12 years, base repair work would be completed, preparing for an overlay to provide structural support for pavement sections. He noted at 15 years, an overlay of ½ inch to 1-inch would be installed to fill irregularities, as well as an inch for final surface. He noted at 17 years, crack seal would be applied; at 19 years, an overlay would be done; at 21 years an evaluation of the overlay would be completed as well as base repair, and at 25 years, a curb line milling would be done as well as reclamation to start a new pavement cycle. Mr. Miller noted that the cycle repeats itself, but in the second half of the cycle, the duration is much shorter since the original underlying base is aging. He noted that when you have an 8-inch curb reveal, and add multiply overlays, you impact driveways, drains, and lose your curb reveal. He noted that you need to mill the road, and it is an expensive thing to do.

Mr. Robbins noted that staff will have to do curb milling in the BC-1A mini basin since the curb does not have sufficient reveal and many driveways are higher and tend to trap the water. Mr. Hawk questioned, when you mill a road, if there is a sub-surface, would it continue to deteriorate. Mr. Miller noted that milling can buy you time to do an additional overlay. He noted that stormwater is much easier to do because metal reacts very similar when it is buried. He noted that there are many variables for pavement such as traffic loadings versus the number of trucks. He explained that it can be impacted by the average daily traffic of vehicles, noting that there are many variables that go into asphalt. He noted that throughout the Township's buildout in the 1970's and 1980's, there was a substandard pavement section that was utilized. He noted that the Township has inherited the 1½ inch binder and 1-inch of final topcoat. He noted that those roads cannot be overlaid because there is no structure to overlay. He noted that Conway Road will be more stable because staff ground up concrete and stabilized the base, however, for many of the roads that were built 25 years ago; the pavement won't sustain installing more blacktop over it. He noted that blacktop costs roughly \$55 per ton and the price is very volatile.

Mr. Robbins explained that the past history of paving was in the year 2004, 6.4 miles were paved; 2005, 6.10 miles; 2006, 1.17 miles; 2007, 1.27 miles, and 2008, .8 miles. He noted that Hurricane Katrina occurred in 2005 and the asphalt prices rose sharply after that. He noted

that much crack sealing occurred in 2006, 2007, and 2008. Mr. Miller noted that Conway Road was completed in 2008, and total reconstruction for a road has a great impact on the paving plan. Mr. Robbins explained that the cost to reconstruct Conway Road was \$350,000. Mr. Miller noted that you can do much more overlay work for the price of total reconstruction.

Mr. Robbins noted that he has a list of 11 roads that need immediate crack sealing, base repair, overlay, or reconstruction, for a total of 5.5 miles. He noted that it would cost over \$750,000 in asphalt prices, and that it does not include anything else. Mr. Miller noted that Jonestown Road repairs will be very difficult as it has an 18-foot concrete wide roadway underneath. He noted that Route 22 has concrete underneath it and you can see all the cracks. Mr. Robbins noted that the best option would be to break up the concrete and replace the roadway. He noted that the second option would be to mill the asphalt off, repair the cracks, and repave it. He noted that in repairing the roadway, it is critical to get the water off the roadway and have proper drainage. Mr. Miller noted that fabrics will help greatly with the cracking on Jonestown Road. He explained that he met recently with ACS, a fabric manufacturer, and is looking to introduce this new technology and to work with them to do a demo project for a reduced rate. Mr. Robbins noted that Jonestown Road does not have a proper crown. He noted that he ran preliminary numbers for Jonestown Road from Deaven Road to the Township line, to mill the asphalt, make crack repairs, use the fabric material, improve drainage and repave, and found that it would cost \$600,000 for 2,500 LF of road.

Mr. Robbins provided a chart of asphalt index pricing per liquid ton for January 2007 through July 2009. He noted that the price for asphalt in July 2008 was \$603, and the next month it rose to \$834. Mr. Hawk noted that the price of oil is the major contributor for the rise in price. Mr. Robbins noted that it is also affected by the amount of work as well. Mr. Miller noted that turmoil in Venezuela is extremely impacting. He noted that most of the asphalt manufacturers prefer to get their oil from Venezuela for making the tar for the asphalt.

Mr. Hawk noted that he goes to many County conventions, and usually, there is a distributor present with a tank that has a flat piece of cinderblock immersed in water to show the properties of water run off. He noted that they use this type of material on parking lot surfaces. Mr. Miller noted that the material could be used for parking lots as they show much less wear. He noted that there are several practices that can be used to maintain pavement, and with the aggressive crack seal program used on Prince Street, he is trying to stay at the top portion of the curve to stretch the Township's dollars.

Mr. Hornung questioned what the next step is. Mr. Wolfe noted that the next step is to figure out how to install a pavement management system to provide more refined numbers. He noted that Mr. Robbins has identified capital projects for the Board, but the Board must determine how it can fund those projects, noting that this is similar to what was done in 1995 when the Authority had an inventory of sanitary sewer projects that needed to be done. He noted that the issue is how much of an effort the Board want to put into road improvements, where do we want to begin, and how to fund it.

Mr. Hornung questioned if the \$14,000,000 mentioned earlier for the stormwater improvements would complete all the work or just 50% of it. Mr. Robbins answered that it was only 50% of the work needed to be done. Mr. Hornung questioned, over what time span, it needs to be accomplished. Mr. Robbins answered that he did not attach a time schedule for the work. He noted that the costs are only for the price of materials, noting that a Clermont Street project could cost from \$2.5 to \$4 million. He noted that he would like to develop a five-year plan and determine how it could be budgeted. Mr. Wolfe noted that some of the work could be done in conjunction with sanitary sewer mini-basins. He noted that the Township has become more aggressive about doing the stormwater work with the sanitary sewer work. Mr. Robbins stated, if the Authority is going to destroy a road for sanitary sewer work, they should be made to bring it back to standard.

Mr. Hornung noted that Mr. Robbins has identified a good amount of work that needs to be done, over \$10 million worth, noting that the estimates are low as they do not include the costs for the entire road projects, but he did not know how important it is to continue to identify numbers and refine the plan, as it is more important to figure out what will be funded, and how much it would cost. Mr. Wolfe suggested that the next time the Board borrows for sewer projects, it could borrow a portion of funds for stormwater and road improvements. Mr. Hornung noted that the money would have to be paid back.

Mr. Hawk noted, if House Bill 1066 was passed, it would provide \$.16 out of every dollar that the Township could use. Mr. Wolfe noted that solar revenues at the landfill may help as well.

Mr. Robbins noted that this was discussed prior to the downturn in the economic conditions, and it is a very difficult pill to swallow. Mr. Hornung noted that Mr. Robbins presented a very good argument, and a very immediate need, and delaying these projects would

not allow them to go away, as it would only get worse. He noted that he feels that there is an urgency to determine where the money would come from.

Mr. Miller noted that there are roads that will get beyond the point of no return, and there is no sense in repairing a road that is at that stage. Mr. Hornung noted that the Board understands that, but the problem is where will the money come from, and it looks like it will be a fairly substantial amount of funds needed. He noted, if the Township does not have the expertise to do the paving, and there are other projects that staff does better, like installing storm water, then the concentration of manpower should be used for installing storm water and the paving should be contracted out. Mr. Wolfe noted, for a good portion of the work completed over the past few years, that is what has been done.

Mr. Robbins suggested that it would be good to get a pavement management program up and running, and have staff prepare the roads, do the bank repairs, and leave the blacktop for the people who do it all the time. He noted, if staff installs 12,000 tons of asphalt a year, it would take up to nine weeks of the summer season to do this. He noted that he can't afford to have his people working nine weeks out of the year doing roadwork when the drainage work is needed, and the parks must be maintained, and the grass must be mowed.

Mr. Robbins noted that staff needs to focus on the issue of pavement cuts. He suggested that the revised SALDO could help the Township get a handle on this. He noted that it would prevent the utilities from digging holes in the newly paved roadways. He noted that a pavement management program would also provide a work plan, and then utilities could be notified of paving projects ahead of time to get their utilities in place.

Continued discussion regarding basketball courts
placed in road right-of-ways

Mr. Wolfe noted that during the Road Tour, Mr. Robbins and Ms. Wissler discussed the many basketball courts that are located in the Township right-of-way, and now, kids are playing basketball in the street. He noted that Mr. Robbins provided a list of 382 basketball standards that are located in the street. Mr. Robbins explained that each plow driver had to review their snow routes to locate the basketball standards that are located in the Township's right-of-way.

Mr. Wolfe noted that when a violation is reported to the Township, the Township has taken enforcement action, but staff has not done a comprehensive enforcement action to remove the items, nor has the Township done anything to identify all the basketball standards.

Mr. Hornung questioned what staff suggests. Mr. Wolfe noted that the recommendation from Public Works and Community Development is to conduct a more aggressive enforcement program. He noted that legal counsel is not crazy about basketball being played in the Township right-of-way. Mr. Stine noted that there should be no obstructions in the Township right-of-way. Mr. Wolfe noted that many of the basketball standards are portable facilities, that provide, in front of the home, a place for kids to play on a very low volume street. He noted that many of the streets are cul-de-sacs or eyebrows that get little or no traffic in the evening other than the people who live there and it is their kids who are playing basketball. Mr. Wolfe noted that his neighbor has a basketball hoop in front of his house and they are playing basketball, three or four nights a week during the summer. He noted that he thinks it is a good thing; however, it does not eliminate the issue of these hoops being a safety hazard, a maintenance hazard, and during winter maintenance, a potential liability. Mr. Seeds noted that the Board can be Scrooges or let the kids play.

Mr. Miller noted that, per the zoning ordinance, the basketball standards are illegal. Mr. Robbins noted that his staff is not happy with them as they tear mirrors off the trucks. Mr. Wolfe noted that the Board has made logical and intelligent decisions over the course of time, only to have the general public blow up over an issue that becomes a very large community problem. He suggested that when 400 violation notices are sent out, there may be a problem.

Mr. Blain noted that this has been enforced in the past. Mr. Wolfe noted that it was done on a complaint basis. He noted that most complaints from the neighbors are not necessarily safety issues, but that the kids are too noisy. Mr. Blain noted that of the 384 basketball hoops, he questioned how many are portable units. Mr. Robbins noted that he did not ask that question when the list was created. Mr. Blain noted that he does not have a problem with the portable hoops as they probably locate them in the right-of-way because they were lazy and it would be easy for those persons to move those hoops. Mr. Wolfe noted that they are putting the standards in the street because they do not have a flat place on their property to use them. He noted that the driveway is either pitched or not wide enough or they want to park their car in their driveway. Mr. Blain noted that the street is no place to play basketball. He noted that he thought it was more of a problem that the hoop is hanging over the street than the kids playing in the street. Mr. Miller noted that some hoops hang over the street from the curb; however, some are physically in the roadway. Mr. Blain noted that he has no problem telling those people who have the hoops that are physically in the roadway, that they must move them. Mr. Miller suggested that most are

above the curb, on the grass. Mr. Blain noted that those hoops could be easily moved to a safer place to play. He noted that he has a problem with the people who installed a permanent hoop in the curb. Mr. Miller noted that some people have actually painted the streets in front of the hoops.

Mr. Crissman questioned what percentages of hoops are permanent as opposed to portable hoops. Mr. Miller suggested that less than 20% are permanent hoops. Mr. Wolfe agreed. Mr. Robbins noted that 20% to 25% is a fair number, and the residents do not follow the one-call law. Mr. Wolfe noted that some of the issues that will be heard once the letters are sent are; that the hoop has been installed for more than 15 years, or it is located in a cul-de-sac and no one drives up the street, or it would be moved in the winter. Mr. Seeds questioned what happens when a kid is hit by a car. Mr. Robbins noted that he has no record of that happening. Mr. Crissman noted that the citizens would question how many children have been hit by a car while playing in the street. Mr. Wolfe noted that he is not looking for a decision, but more for direction for the next step. Mr. Blain noted that he has no problem with kids playing basketball in a cul-de-sac, however, he has a problem if the equipment is physically located in the road. He noted that a portable hoop in the road must be moved as well. He noted if the hoop is sitting on their property and hanging over the curb, he had no problem with that.

Mr. Stine noted if a hoop is inside the curb, it is still in Township right-of-way. Mr. Robbins noted that the net that is hanging over the road gets caught in the exhaust of the street sweepers, and tears the beacons off. He noted that the street sweeper must drive around the hoop, and then the residents call to complain that the Township missed a spot in front of the curb.

Mr. Hawk noted if the Township does not take a positive step, it is just dancing around the issue. He suggested that a letter could be worded that it is not aggressive, but informs the residents of the ordinance. Mr. Wolfe noted that he would not start off in an aggressive manner. Mr. Hawk noted that it could be worded that the current legal interpretation appears to put the placement of a person's basketball equipment in violation of current Township ordinances, and the suggestion is that it be removed to a better location as soon as possible. Mr. Miller noted that he has spoken to Ms. Wissler and Ms. Gourley and discussed that the building setbacks for most residential zones is 25 feet. He noted that it can't even be in the front setback. He noted that most builders put the house right on the setback line, and maybe the Township could take the stance that as long as it is outside the right-of-way, it would be okay. He suggested that this could be a

concession. Mr. Seeds noted that the Public Works issues should be mentioned. Mr. Crissman noted that the health and safety issues for children should also be addressed.

Mr. Wolfe questioned, if the Board wants the Township to start a comprehensive enforcement process of violation properties that have been identified by Public Works. Mr. Blain suggested that the Township could better utilize its time than worrying about basketball hoops. He suggested that Mr. Hawk's letter is a good idea, and suggests that they move the hoops.

Mr. Wolfe noted that there is an issue. He noted, as a municipality, the Township has immunity from issues that it do not have notice of, however, if the Township has notice that there is an unsafe condition in the right-of-way, and it doesn't take action, then it would be liable. He questioned, if the Township would cross the line if it informs people, we know that its there, we want you to do something about it, but doesn't enforce it. Mr. Stine noted that the Township already knows that these violations exist.

Mr. Seeds noted that once you send a letter, you have to enforce it. Mr. Miller noted that the majority of the people would come into compliance. Mr. Hornung noted that the staff should review the ordinance, and if it states that basketball hoops are not permitted in the setbacks, then the ordinance needs to be changed, and the letter could provide that as an option. He questioned, if they only move the hoop into the right-of-way when the kids are playing basketball and move it back, would that be a problem. Mr. Wolfe answered that it would still be a violation, and if there is a neighbor, who is not happy with that situation, calls the police, the police would have to enforce the ordinance. Mr. Seeds noted that an older man left an anonymous nasty voice mail in opposition to the kids playing basketball on the street. Mr. Robbins noted that it must be the same person who is calling Ms. Wissler. Mr. Wolfe noted that he would prepare a very friendly letter to send out and have the Board review it before it is mailed.

Mr. Crissman questioned if the ordinance should be reviewed and possibly changed before the letter is sent. Mr. Wolfe noted that he would review the ordinance to see if it is user friendly, and if it is not, he will look to make changes. Mr. Crissman noted that the letter should site the new changes in the ordinance.

Ms. Catherine Scheib, 131 Oak Park Road, questioned if a piece of non identified property is sitting in a right-of-way, isn't it considered to be abandoned. Mr. Wolfe questioned what she meant by abandoned. Ms. Scheib noted that a basketball hoop is not like a vehicle with a car registration, and if it is sitting on a public roadway, there is no real ownership. She suggested that you could not prove who it belongs to. She suggested that if it is in the way, the

Township could just remove it. Mr. Blain noted that that is not a bad idea. He noted that if it is sitting in the road, it is an issue. Mr. Robbins noted that it does not help with the situation that the net are always over the road. Mr. Wolfe noted that that type of action would only achieve hostility. Mr. Robbins noted that there would be numerous angry phone calls made to the Township. Mr. Miller noted that he would work with Ms. Wissler to come up with a draft change to the zoning ordinance.

Continued review of a request from Dauphin County to use certain
Township properties as Temporary Debris Storage and Reduction sites

Mr. Wolfe noted that during the last workshop meeting the Township received a request from Dauphin County to include Township park facilities, as well as the Compost Facility, in the Dauphin County Emergency Management Plan, as a Temporary Debris Storage and Reduction (TDSR) site, after a storm event. He noted that several questions arose as a result of the request, and he wrote a letter to Ms. Cohick seeking additional clarification. He noted that he received a reply from Ms. Cohick that included a copy of the entire plan as well. He noted that her response was that the definition of temporary would be plus or minus two weeks. He noted that debris does include garbage and construction waste, noting that construction waste is handled at a separate location, although they do not state where that location would be. He noted that they stated that they do not mix the waste. He noted that it is Department of Environmental Protection's (DEP) requirement that temporary debris storage sites not be located in environmentally sensitive areas. He suggested that, in most cases, the parks would not fit into that category. He noted that DEP does check those facilities and there is some sort of monitoring approval process. He noted that the County would take efforts to ensure that there are plenty of other areas for hazardous waste to be disposed of, noting that they should not be disposed in the temporary sites. He noted that there is a contact oversight team that monitors the sites coordinated through the Dauphin County Emergency Management Agency. He noted that DEP has stated, on their website, and to Dauphin County, in the instance of a state of emergency, they would relax their standards for permitting.

Mr. Seeds questioned if Mr. Wolfe felt that Ms. Cohick answered the Township's questions. Mr. Wolfe answered that she did as best she could. He noted that the Township wanted to know if there was a fixed time, but they could not provide a fixed time. He noted that the Township wanted to know what the debris would encompass, and they noted that they would

have a hard time explaining exactly what would be put with the debris. He noted that they would segregate the waste, and do not permit hazardous waste, noting that DEP would be cooperative. He noted that it is true that the area could turn into a landfill

Mr. Seeds noted that he does not like the idea of using parks as TSDR. He noted that he did not mind if they used the Compost Facility or the Wolfersberger Tract once the Township takes ownership of it.

Mr. Hornung questioned, if the Township does not provide any other areas other than those mentioned by Mr. Seeds, would Dauphin County look down on the Township for other future requests. Mr. Wolfe answered that he did not think so. He noted that, if there was a truly significant event, the citizens would have a place to dispose of their debris.

Mr. Crissman agreed that the Compost Facility should be listed, and if there is a viable emergency, then they would need to ask for help from the municipalities, and the Board could act at that time depending on the needs of the citizens. Mr. Wolfe noted that the County is concerned that they do not want to wait for the Board to call a meeting, but to have areas immediately identified to be used. Mr. Crissman noted that he would prefer to call an emergency meeting to discuss additional areas to be used.

Mr. Seeds noted that he would only want to use the parks if it was an extreme state of emergency.

Mr. Ted Robertson questioned why the County would not use the Old Pig Iron area in Steelton. He noted that the area was cleaned out significantly. Mr. Wolfe noted that they would probably use that location; however, they are looking for multiple sites in all communities as a coordinating area for transfer. Mr. Seeds suggested that they would not want to haul debris from Lower Paxton Township to Steelton. Mr. Wolfe noted, in the Dauphin County Plan, on page seventeen, appendix one, it lists the sites for each Township. Mr. Wolfe noted that they are asking for specific locations to be identified for the plan now. Mr. Crissman noted that he has no problem with listing the Compost Facility as a location. Mr. Wolfe suggested just listing the Compost Facility at this time. Mr. Blain agreed. Mr. Crissman noted that he would not want to use the parks as children would be playing in the area.

“Otta Know” Presentation
No items scheduled

MAINTENANCE GUARANTEE

Mr. Hawk noted that there was one Maintenance Guarantee.

Old Iron Estates, Phases 4

A release of a line of credit with Fulton Bank.

Mr. Blain made a motion to approve the one listed Maintenance Guarantee as presented.

Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous voice vote followed.

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Crissman seconded the motion, and the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary