LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held November 10, 2015

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:04 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 Robin L. Lindsey.

Also in attendance was George Wolfe, Township Manager; Steve Stine, Township Solicitor, Chiefs Tom Swank, Bill Payne and Mike Fife; Sewer Authority Director, William Weaver; Andrew Kenworthy, HRG; Public Works Director Jeff Kline; James Diamond, Attorney for Dauphin County IDS, Skip Memmi and Petrie, IDA, ; and Watson Fisher, SWAN

Pledge of Allegiance

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

Public Comment

No comments were provided.

Board Member Comments

Mr. Seeds wished Happy Birthday to his fellow Marines and noted that tomorrow is Veterans Day. He wanted to thank all veterans of all the services as it takes a teamwork to keep us free. He noted that the reason we are able to assemble here this evening is due to the people who gave their all.

Discussion regarding Phase IV of the Fire Equipment Capital Plan

Mr. Wolfe noted that the three fire chiefs are present to discuss equipment that they would like to purchase as Phase IV of the Fire Equipment Capital Plan (FECP). He noted that Colonial Park Fire Company is looking to purchase an engine/rescue; Linglestown Fire Company is looking to purchase an engine; and Paxtonia Fire Company is looking to purchase a tiller truck. He noted that the price quotations are in the Board's packet and he requested the three fire chiefs explain their requests to the Board.

Chief Tom Swank, Colonial Park Fire Company noted that the Board has the pricing for what he is proposing to purchase. He noted that he is still trying to get the price lower, noting

that the price will not go any higher as long as we do something before December 31st of this year. He noted that he is trying to figure out what type of rear end needs to be put on the engine that would serve the best purpose for the community.

Ms. Lindsey questioned if that is the bottom line price is $687,013. Chief Swank answered, if we go with the discounting, it could be less. Ms. Lindsey questioned if that is with a trade in. Chief Swank answered that he had one company and he provided Mr. Wolfe with the information on what they were willing to offer at that time for Engine 35 and Engine 33-1. He noted that there is another company that is interested, but when he checked today, they still have not gotten back to KME with their proposal. He noted that is the only figure that he has at this time.

Chief Swank noted that we have an idea of where we want to go, he noted that he is trying to get the best bang for the buck. He noted that we need to do something before December 31st as KME told him that there will be a significant price increase in 2016.

Ms. Lindsey questioned if we order the truck, will it take almost a year before it is delivered. Chief Swank answered up to a year. Ms. Lindsey questioned if that is the same for Linglestown. Chief Payne answered yes. Chief Fife answered yes as well.

Mr. Crissman questioned if it would make sense to bid the rigs out to get quotes. Chief Swank noted for the two pieces of equipment, they are Costars quotes, so they are already discounting us for the two pieces of equipment. He noted that the two rigs are not identical so the discount wouldn't be the same. Mr. Crissman questioned if there is a way to get more of a discount. Chief Swank answered that we are getting a good price.

Chief Payne noted that he is done with his specifications as they have been approved by the Fire Company and he is ready to go. He noted that his discount is $18,000 if it is paid in full and Colonial Park's discount is $22,000. He noted that Paxtonia's Fire Company is going with a different manufacturer.

Ms. Lindsey noted that it says severe service pumper, what does the severe mean. Chief Payne answered that it is like buying the different grades, like a Ford Taurus, it is the name of the pumper, it is a different model. He noted that it is a plain Jane, with no bells and whistles.

Mr. Hornung noted that you are looking at a pumper. Chief Payne answered yes, it is basically the same thing that we have now. He noted that he has upgraded the safety features

with air bags and it has a smaller amount of water because of the weight of the rig. He noted that everything else is pretty much the same.

Ms. Lindsey noted that it will have a trade in as well. Chief Payne noted that we will trade in the old one in, noting that we have prices from one person but he does not know why the other person has not gotten back to us. He noted that they were told that this person would provide a guaranteed price if we go with KME as long as we maintain the rigs next year until the new one comes in.

Ms. Lindsey noted that Chief Payne's bottom line is $593,000. Chief Payne answered yes.

Chief Fife noted that he did not get a spec from KME as they don't make tractor drawn aerials at this time. He noted that it was not an option. He noted last year he got specs from Seagrave and Pierce and Seagrave came in with the lower price. He noted this year, they provided 30 days on the price, with a $17,000 discount for prepayment. He noted that he is still waiting on word from the factory, working on a deal with the engineers to sell the tiller truck back to them for them to refurb it and sell it. He noted that those monies would come off the purchase price. He noted that they should be back to him in two weeks with that information.

Chief Fife explained that he got to the price that you have before you because we dropped one high side compartment of the truck that we currently have and it is an identical truck to what we currently run. He noted that he took it off because he had no idea of knowing once January 1st comes along, how the revisions to NFPA 1901 will take effect as they deal directly with cab integrity, He noted that it will increase the price of the aerial that you get if you have to have a ladder built with attachment points on as it deals directly with that. He noted that he has no idea of what extra costs it would be and he dropped something off of the existing truck to try to make the prices as low as he could. He noted that the price that you see is with the discount and the only changes that the company would want to make with the truck is tool mounting, which does not cost the Township. He noted that we are ready with the cost price. He noted that he will get back to Mr. Wolfe about selling the current truck back to Seagrave. He noted that he was told that they will use it as a loaner because paid fire companies that have tiller trucks tractor drawn aerials don't want to borrow a straight stick truck as it is not what their men are used to.

Mr. Wolfe noted by March of next year the budget will have about $1.6 million in the fire

equipment capital fund but the total purchasing amount that you have before you this evening is a little over $2.2 million which is what you expected. He noted that the fire equipment capital fund in each of the first three phases of implementation purchased from a deficit position with the General Fund loaning the balance until it was paid off over time through future year contributions. He noted with that being said, the fire chiefs are looking for your concurrence that they can proceed with the procurement of these three pieces of firefighting apparatus, with future reports on pricing.

Mr. Hornung questioned what the payment schedule would look like, when they would fund the end payment. Mr. Wolfe answered that it would be cutting a check for $2.2 million next year. Mr. Seeds noted that it would have to be this year to get the discount. Mr. Hornung noted that it would take three years to get caught up. Mr. Wolfe noted at the end of 2019 you will be at zero. Mr. Hornung questioned if we have ever done that much in advance. Mr. Wolfe answered yes.

Mr. Hornung noted that he wanted to commend all three fire chiefs and he asked them how many hours a top performing fire fighter puts in in a year. Chief Payne questioned do you want to include fundraisers. Chief Payne said 400 hours easily. Chief Swank noted that would be on the low side as it would not include training. Mr. Wolfe noted that you have firefighters who are doing 350 calls and a call takes more than an hour. He suggested that it would be more like 1,500 hours a year. Chief Fife noted that the Firehouse software logs the hours when the firefighters go on calls and adding training and fundraising to that, last year he was at 1,600 hours. He noted that Chief Payne probably put in more since they have more fundraisers then he does.

Mr. Hornung noted that it is nice seeing all three fire chiefs together noting that you are making commitments to work together, and for what you provide to this Township, noting that 1,500 hours at $10 an hours would be $15,000 added to your income. He noted that it is the wives who pay the price so he commends them as well as they are the ones who have to sit at home and do without that $15,000 every year.

Mr. Seeds noted that we have some female firefighters as well.

Mr. Seeds noted that the fire chiefs are looking for some action by the Board. Mr. Wolfe noted that he needs the consensus that the firefighters can move forward. Mr. Crissman noted

that we have that consensus that they are to move forward.

Review of a proposed Lower Paxton Township Authority Resolution regarding collection procedures for delinquent accounts

Mr. William Weaver, Sewer Authority Director provided Resolution 2015-13 to establish attorney fees for Solicitor Stine for the collection of delinquent sewer accounts, specifically in relationship to the discussion held during the August meeting. He noted that the Board members were asking questions about sheriffing personal property compared to sheriffing the actual real estate. He noted that he has had discussions with staff, Solicitor Stine, and Harry Albright from Modern Recovery solutions. He noted that Mr. Albright is present to provide an update about his collection procedures. He noted that there was a specific question about collecting delinquent sewer accounts for people who do not have public water.

Mr. Weaver noted that we meet with Mr. Stine and he prepared a resolution to allow him to collect accounts through a sheriff sale for people who do not have public water.

Mr. Weaver noted that he also included Mr. Albright's report on collections and a list of accounts for where the delinquencies are. He noted that there are 215 accounts owning $460,170.80. He noted that 110 of those are $278,775.31 for people who don't have public water. He noted that Mr. Stine does not do bankruptcies so he has been working with Mr. Albright and special counsel of the Slusser Law Firm so that will continue as we have a previous agreement and resolution with them for their fees. He noted that there are 22 pre-bankruptcy accounts at $30,000, and some post-bankruptcy accounts at $34,000. He noted that we have $460,000 in total and he hopes with the new procedure with Mr. Stine and Mr. Albright working together that we can knock down that $278,000 for the 110 accounts that have wells. He noted that at the last Authority meeting the Board was concerned with the $660,000 total for all accounts. He noted that the rates have gone up in the past 20 years so getting down to $200,000 or $300,000 may take some time. He noted that the process for the 110 accounts is to file a lien and proceed with the sheriff's sale.

Mr. Harry Albright, Modern Recovery explained when he started to work for the Authority the summary of all the accounts was1,557 accounts for $1.3 million that were delinquent. He noted of those he collected 1,077 for $956,096 with a 70% recovery. He noted

that the national average for utilities is 60.5% with the average age of accounts in placement being 90 days. He noted that sometimes it is older than that now.

Mr. Albright explained that he met with Attorney Stine and for the well accounts the lien process is the way to go. He noted that he can prepare the paperwork for Attorney Stine to get them processed.

Mr. Crissman questioned if Mr. Weaver is asking the Board to approve the Resolution 2015-13 or asking to move forward to the Board of Supervisors for next Tuesday night's agenda. Mr. Weaver noted that he would like to move it forward to the next meeting noting that it will be approved at the regular Sewer Authority meeting. He noted since the Board has not seen this before and Mr. Albright has not been in to speak to the Board for a while he wanted to make sure the Board was comfortable with the resolution.

Mr. Hawk questioned if you are comfortable putting this on the agenda. Mr. Weaver answered yes, noting that he wants to do this through both Boards because Mr. Albright is the collection agent for the Township and the Sewer Authority sets the rates and also the collections. He noted that both Boards will approve the resolution. He noted that the Supervisors will see it first and then the Authority will see it on November 24th.

Mr. Crissman noted that it was excellent for Mr. Albright to share this information with the Board prior to going to the two Boards for approval.

Ms. Lindsey noted that Mr. Albright had a water shutoff list for November, but she questioned how far in advance you notify the homeowners that the water will be shut off. Mr. Weaver answered that it is ten days. He noted that he turns this over to Mr. Albright's staff noting that they work with the water company and the water shutoffs.

Ms. Lindsey questioned if the residents are given the opportunity to pay something up front instead of … Mr. Weaver answered yes.

Mr. Hornung noted that the people who have wells owe a large amounts of money. Mr. Albright noted when he gets the accounts in we actually score the accounts, credit scores, credit ratings, to determine who has the ability and means to pay. He noted with the well people we don't have the shut off leverage, but he uses all those tools to know who can and who can't pay.

Ms. Lindsey questioned what the average household owes that does not have a well. Mr. Albright answered he did know but there are 110 accounts for $278,000. Ms. Lindsey questioned

if some are very high and some are very low. Mr. Weaver noted that was a question from the last Authority meeting, but he did not have the age report. He noted that he will provide that at the Authority meeting. He noted that $2,000 for the larger accounts is a good average. He explained that the original procedure was to go to the magistrate and sell the personal property because the amount of time to do a civil complaints takes from 15 to 20 days. He noted in August the Sewer Authority was questioning why we were doing that and Solicitor Stine mentioned that a sheriff sale was a better avenue. He noted that we won't be doing the magistrate complaints any more, we will use the sheriff's sale. He noted that shutting off water is very effective because people need their water and we are the last to get paid. He noted if you shut the cable, and water and electric off, we are the last to be paid. He suggested with Mr. Albright and Mr. Stine working together, can collect these accounts earlier and achieve what the Board is looking for to get the delinquents down to the level that they were before the 2008 recession.

Status report regarding the site work activities at the Public Works facility

Mr. Hawk noted that Mr. Wolfe will lead off this discussion with a public statement.

Mr. Wolfe distributed a copy of the public statement to those in the audience. He noted "On April 1, 2014, the Board of Supervisors approved Ordinance 14-02, which authorized General Obligation Bonds, $4 million of which are for an addition to the Township's Public Works building. On July 21, 2015, the Supervisors approved the sale of 1.0251 acres of its property frontage at 5975 Locust Lane to the Dauphin County Industrial Development Authority (IDA) for $148,639.50, based upon the appraised square foot value of the property. The Supervisors have worked cooperatively with Dauphin County officials and local sports organizations to develop plans for a 16,000 square foot addition to its Public Works building and a Babe Ruth baseball field. The Dauphin County IDA plans to construct a 3,000 square foot. Magisterial District Justice (MDJ) office on the parcel it has purchased from the Township. To accommodate the loss of one of the two Hurley baseball fields at the Public Works site, on November 18, 2014, the Supervisors approved a lease of Mateer Fields, placing two youth baseball fields into municipal operation at Mateer. On February 2, 2015, the Township entered into a Memorandum of Understanding with the Capital Area Soccer Association, Paxton

Baseball Association, Linglestown Baseball Association, and the Dauphin County IDA, providing for:

- The reconstruction of the Babe Ruth baseball field at the Public Works site, for use by Paxton and Linglestown Baseball Associations.
- The use of a proposed George Park baseball field for soccer by CASA.
- Construction of a Public Works building addition and an MDJ Office on the Public Works site.

The Township and the IDA have moved forward with site work to provide for a reconstructed Babe Ruth baseball field, and pads for the Public Works building addition and the MDJ office building. On September 15, 2015, the Supervisors awarded a bid to York Excavating Company, LLC at total cost of $1,016,550.12, a cost shared proportionally by the Township and the IDA. Site work is now nearly 50% complete. All site work activities are being performed in accordance with an approved NPDES Permit and an approved E&S Plan. The MDJ Office is a project of the Dauphin County IDA. The Supervisors support this project and desire that it proceed through to completion. It is the opinion of the Township that the IDA, as an entity of the Commonwealth of Pennsylvania, may, in certain circumstances, proceed forward with land development activities irrespective of municipal regulations. The MDJ office will be located on Locust Lane next to a Public Works building, a Sewer Operations building, a cell tower, a salt storage building, a water tank, and the Dauphin County Technical School. MDJ Offices are often located in conjunction with or next to other governmental properties and facilities. As examples, the MDJ Office located on the north side of Lower Paxton Township abuts Linglestown Elementary and Middle Schools. The Middle Paxton Township MDJ Office is located between the Middle Paxton Elementary School and the Middle Paxton Township Building. The MDJ Office benefits no Township Supervisor in such a fashion to create a conflict of interest, as set forth in the PA Public Official and Employee Ethics Act.

To complete this Public Statement:

1. The Township Solicitor will detail his opinion of the applicability of the Ethics Act to the development of the MDJ Office;

2. The Township Engineer will describe the current status of site work, including the testing performed to address resident concerns over ground vibrations;
3. Representatives from the Dauphin County IDA will address the development of the MDJ Office; and
4. The Township will respond to the written concerns provided by residents whose homes abut this project as requested by the Board of Supervisors and provided to the residents this week.

Mr. Wolfe requested the Township Solicitor to address Ethics Act. Mr. Stine noted the Ethics Act prohibits public officials from engaging in any conduct that would be considered a conflict of interest. He noted that conflict of interest is defined in the definition section as, "a public official cannot engage in any conduct or take any vote or use any of their authority of their office in order to provide financial gain for themselves or members of their immediate family." He noted in regards to the Public Works project none of the board members who are sitting up here nor their immediate families profit or had any financial gain whatsoever as a result of the development of the Public Works facility. He noted in this case there is no conflict of interest as it is prescribed by the Ethics Act.

Mr. Wolfe requested Andrew Kenworthy, Township Engineer from HRG, to describe the current status of the Public Works site work activities as well as the recent testing for vibrations that are occurring from the construction site.

Mr. Kenworthy noted that there is construction and it is undertaken as one complete project with some sub phases to it. He noted that there are three phases for construction, the first portion close to Locust Lane the MDJ parcel, south of that is the ballfield, and then further south is the third phase of the Public Works Building addition. He noted that the area of the MDJ office is to final grade and has been stabilized with some grass growing and some additional stone added to the site. He noted that the majority of earth moving for the first stage has occurred and the next phase is to build a retaining wall as outlined on the plan. He noted that it will include backfill for that area, at which point the majority of the earthmoving will be done with final grading around that area. He noted that the Public Works building addition will be prepared for design plans and the building will be constructed at that area with a minimum

amount of site work to be completed. He noted with this portion of the project the baseball field will be completed with fences, baselines, dugouts and whatnot. He noted that we are halfway through the earth moving portion, 30% of the total construction has been completed. He noted that HRG has been observing the contractor during the process as he has completed the construction in accordance with the approved plans from Dauphin County Conservation District for E&S controls.

Mr. Kenworthy noted with a significant amount of earthmoving concerns were raised about potential vibration issues, particularly with a vibratory roller, the large roller that vibrates to compact the earth. He noted that certain standards are required in the design documents that indicate what those compaction limits should be. He noted in order to do that a vibratory roller is used for that process. He noted once concerns were raised, it was recommended and agreed that we should have a third party come in to set some readers to test the vibration limit to go through the course of vibration to indicate that it is something of a concern and should be investigated further. He noted that the process was to place four stationary monitors along the resident's backyards that abut the property and then there was a fifth mobile reader that the technician located at different locations around the Township parcel and the different location away from the vibratory equipment. He noted that information was gathered last week and Vibrotech, the company who performed that testing, did provide some upfront information; however they have not finalized the report. He noted that all meters that measured vibrations at different levels as the equipment was moved back and forth, noting that he had the contractor move the equipment at various locations at all levels of their vibratory range, noting that the meters were recording the vibrations in the ground. He noted that the information from Vibrotech noted that there is vibrations, as there is always vibrations at construction sites, but the initial readings showed that the vibration is very low on the scale, there doesn't seem to be any initial concern to the damaging effects from the vibrations anywhere on the Public Works property or the immediate vicinity. He noted he hopes to get the full report from Vibrotech soon to provide to the Board of Supervisors for its review.

Mr. Wolfe noted that Attorney Jim Diamond, Counsel for the Industrial Development Authority is also present to address the MJD process.

Mr. James Diamond stated that he represents the Dauphin County Industrial Development Authority (IDA) and that the MDJ court house is part of a comprehensive county-wide program to bring all of the MDJ courthouses up to the current best standards and to stop renting from commercial landlords. He noted that they are the proto-type courthouse buildings, not much bigger than a house at 3,000 square feet, noting if anyone wanted to see one, the exact building has already been built behind the Ciocca Honda dealership in West Hanover Township, 8110 Bretz Road.

Mr. Diamond noted that there seems to be some misconception about what an MDJ courthouse is, almost suggesting that there should be razor wired fences around these buildings. He noted that this is what in the old days was called a Justice of the Peace that was renamed District Justices. He noted in some states it is a small claims court, noting that criminal matters do go through there but it is primarily traffic tickets, noting that it is not like domestic relations or things like that. He noted that it is limited to matters less than $12,000. He noted on the criminal side, the arraignments, if there is serious criminal matter, the arraignments are done by a video conference. He noted that they are demonstrated to be very safe, with low impact, a very quiet place. He noted that he thinks that this has been put out of context making it sound bad noting that this specific District Justice office may have had 5,000 cases, but a case may be someone who writes and files a ticket, mostly traffic tickets, and most are paid through the mail. He noted that a small fraction have hearings. He noted that another District Justice office is located by the Linglestown Elementary and Middle Schools on Stevenson Avenue off of Mountain Road. He noted that they are low traffic, low impact and appropriate for this area. He noted that it took years for Dauphin County to find this site noting that the cost worked well, and the payment was to the penny based on the appraisal noting that the property is 1.0251 acres at $145,000 per acre.

Mr. Diamond noted that Mr. Petrie and Mr. Memmi are in the audience with Mr. Petrie being a representative of the court administration. He noted that they would be available to clean up any misrepresentation that exists for the project. He noted that some people think of this as a prison or booking station, but it is not that at all, they are located all over the state in all kinds of neighborhoods.

Mr. Wolfe noted that the Board asked the residents, as a result of the last business meeting, to prepare a list of the comments that they voiced about the project. He noted that a written request for questions and information was requested and the Board received the written request yesterday and the Board has prepared a written response. He noted that he will go through that at this time and provided some copies to those sitting in the audience.

Mr. Wolfe noted that he will detail the individual question and provide the Township's response noting that the first set of questions are in regard to the Subdivision and Land Development Ordinances (SALDO). He requested Mr. Diamond to respond to anything that he feels needs a response.

I. District Justice's Office

A. *"The residents want this portion of the project stopped and discontinued completely. The Township should not permit a Magisterial District Justice's Office to be built in an R-l neighborhood at all because it is inconsistent and incompatible with the use of the adjacent properties, it will be detrimental to the neighborhood's safety and general welfare, and it significantly changes the current use of the land by eliminating an open, natural, recreational area and replacing it with a building and parking lot which will be open and busy daily, thereby increasing noise, traffic, and other public health and safety hazards in the neighborhood."*

The Magisterial District Justice (MDJ) Office is a project of the Dauphin County Industrial Development Authority (IDA). The Supervisors support this project and desire that it proceeds through to completion. Further:

- **It is the opinion of the Township that the IDA, as an entity of the Commonwealth of Pennsylvania, may, under certain circumstances, proceed forward with this project irrespective of municipal zoning regulations.**
- **MDJ Offices are not detrimental to public safety, and are often located in conjunction with municipal facilities and/or closed to other public properties. He noted that he highlighted two such locations in our general neighborhood of Dauphin County.**
- **One ballfield will remain onsite, with the other ballfield already replaced by the Township with 2 ballfields at Mateer Field.**
- **The traffic and noise generated by the development of the 5975 Locust Lane with a Public Works building addition, MDJ Office, and ballfield will be comparable to that of the existing Public Works site with 2 ballfields.**

B. *"Lower Paxton Township did not properly follow the required process and procedure to approve this portion of the project, including the provisions in both the Subdivision and Land Development Ordinance (Chapter 180) and the Zoning Ordinance (Articles 116 and 306). As a result, the nearby residents were not given notice of or an opportunity to be heard on either the proposed subdivision or the proposed change in the use of the land, possibly violating due process."*

Again, the Magisterial District Justice (MDJ) Office is a project of the Dauphin County Industrial Development Authority (IDA). The Supervisors support this

project and desire that it proceeds through to completion. It is the opinion of the Township that the IDA, as an entity of the Commonwealth of Pennsylvania, may, under certain circumstances, proceed forward with this project irrespective of municipal regulations.

Mr. Jim Diamond noted that the IDA subdivision did go through the SALDO process. Mr. Wolfe noted that was correct.

C. *"On September 29, 2015, Township Supervisor Lindsey voted to approve a plan that proposed to subdivide a 1.025 acre tract of land off the Township's Public Works parcel site that would be developed by the Dauphin County Industrial Development Authority (IDA) for a Magisterial District Judge Office of about 3,000 square feet in area for her husband Joseph S. Lindsey. It appears that Supervisor Lindsey actively participated not only in this vote, but also in other votes related to bringing the District Justice office to this site. In essence, Supervisor Lindsey used her position as a public official to sell off Township land for the purpose of benefiting her husband by guaranteeing that his District Justice Office will now be housed in a new million dollar building on former Township R-l land. If not an actual conflict of interest, Supervisor Lindsey's actions and involvement in locating her husband's new office on former Township land certainly gives the appearance of impropriety."*

All Supervisors voted to approve the division and sale of a 1.025 acre tract of land from the Public Works parcel to the Dauphin County IDA for a Magisterial District Judge Office. Justice Joseph Lindsey, as a sitting MDJ for Dauphin County, will occupy this office as part of a landlord-tenant relationship between the County and its IDA. Neither Justice Lindsey, nor Supervisor Lindsey, gain financially by this transaction between the Township and the County and its IDA.

Mr. Wolfe requested Attorney Steve Stine to reiterate his previous comments. Mr. Stine noted that the definition of conflict of interest is defined as a public official using his or her position or office to obtain financial gain for his or her self or their immediate family.

Mr. Jim Diamond noted that is the legal and technical definition, but it is important to emphasis that we are talking about a proto-type office, this is not something special, this is the standard; every one of these offices is going to be the same style, shape and they are designed to be Pennsylvania courts, the Administrative Office of Pennsylvania Courts standard. He noted that there is nothing out of the ordinary for this, it is the same as the exact building that was built in West Hanover Township and it is not something permanently made for any specific individual judge. He noted that it is a public facility for county and for whatever judge is elected for as many years as they serve their term. He noted that it is a court house building. He noted that it is an inter-governmental transaction; no private company is involved.

Mr. Wolfe noted that he sees hands in the audience but it is the Township's intention to complete its responses first and then the Board of Supervisors will take additional questions and comments after he gets through this document.

D. *"The Dauphin County District Justice Office is a non-township governmental facility; and therefore should not be permitted in a residential zone without the granting of a Special Exception. No Special Exception has been granted to build a District Justice Office on this R-l zoned land."*

<u>Again</u>, the Magisterial District Justice (MDJ) Office is a project of the Dauphin County Industrial Development Authority (IDA). The Supervisors support this project and desire that it proceeds through to completion. It is the opinion of the Township that the IDA, as an entity of the Commonwealth of Pennsylvania, may, under certain circumstances, proceed forward with this project irrespective of municipal regulations.

E. *"If the Township Supervisors contend that no Special Exception is required to build the District Justice's Office or that they do not have to comply with the normal subdivision procedures or the zoning requirements of the Ordinance, the residents request that the Supervisors provide us with a copy of the ordinance, regulation, law, or legal opinion or justification which they contend permits exemption from the Special Exception requirement of the Zoning Ordinance and exemption from the provisions of the Subdivision and Land Development Ordinance."*

The legal opinions of the Township Solicitor to the Board of Supervisors are protected by attorney client privilege. He noted that he asked Solicitor Stine to comment further on why the Township has attorney/client privilege for information that he provides to the Board.

Mr. Stine noted that the reason why he is not surrendering legal opinions to third parties is when it is done, the client waives attorney/client privilege which could have serious consequences through the course of the representation. He noted that it is important that it remain confidential.

F. *"The tract of land is zoned R-l and was being used as open/recreational space. The proposed use of a District Justice's Office is not suitable in that the natural features of the land, open space, are being totally eliminated and replaced with a building and parking lot, completely destroying the natural features of the site. Moreover, the lot is not big enough for the proposed building and parking lot. Based on a review of the plan, it appears that it will fail to comply with the requirement of no more than 40% impervious cover on the lot. The residents request proof that the proposed building and parking lot will have no more than 40% impervious cover on the lot."*

Lower Paxton Township is a community of more than 47,000 people. Any and all development that has occurred to provide for this population has come at the expense of open space and natural features.
The most basic functions of local governments are to provide public services, which are done so through government centers, public works facilities, schools, sewage and water plants, etc. The LPT Public Works facility is necessary for the maintenance and repair of roads, bridges, traffic signals, stormwater facilities, public parks and properties, etc. This facility has been in operation since the late 1980's and before any homes existed in the abutting residential development to the west.
<u>Again</u>, the Magisterial District Justice (MDJ) Office is a project of the Dauphin County Industrial Development Authority (IDA). It is the opinion of the Township that the IDA, as an entity of the Commonwealth of Pennsylvania, may, under certain circumstances, proceed forward with this project irrespective of municipal regulations as they relate to impervious cover.

G. *"Article 306.B. 1 .d. of the Zoning Ordinance provides that a non-Township owned Government Facility, i.e., the proposed District Justice's Office which would be owned by the County, is only permitted in the R-l zone with a Special Exception, which would have required Zoning Hearing Board approval, which can only occur after a public hearing has been held per Article 116."*

<u>Again</u>, the Magisterial District Justice (MDJ) Office is a project of the Dauphin County Industrial Development Authority (IDA). The Supervisors support this project and desire that it proceeds through to completion. It is the opinion of the Township that the IDA, as an entity of the Commonwealth of Pennsylvania, may, under certain circumstances, proceed forward with this project irrespective of municipal regulations.

H. *"There was no hearing and the Zoning Hearing Board has not granted a Special Exception to the County to permit the building of the District Justice Office. Therefore, the project should be immediately stopped."*

<u>Again</u>, the Magisterial District Justice (MDJ) Office is a project of the Dauphin County Industrial Development Authority (IDA). The Supervisors support this project and desire that it proceeds through to completion. It is the opinion of the Township that the IDA, as an entity of the Commonwealth of Pennsylvania, may, under certain circumstances, proceed forward with this project irrespective of municipal regulations.

Mr. Haschert noted that an opinion is an opinion and it is not a legal interpretation and there are liars in here. He noted that all I hear is your opinion that they proceeded correctly. He noted that he had to leave since he was so upset.

I. *"The purpose of the Special Exception process is to allow careful review of uses that have some potential conflict with adjacent uses or areas. Zoning Ordinance, Article 116."*

The above is a statement of fact. No response is requested.

J. *"The use of this residential land as a site for the District Justice Office is in conflict with the adjacent land and uses. Building a District Justice Office in a residential neighborhood would be detrimental to the neighboring community. The proposed use would substantially change the character of the surrounding residential neighborhood."*

The above is a statement of opinion, provided without factual evidence. No response is requested.

The proposed MDJ office will be located next to a Public Works building, a Sewer Operations facility, a cell tower, a salt storage building, a water tank, and the Dauphin County Technical School. Other MDJ offices in Dauphin County are located next to similar uses.

K. *"No traffic or safety study was conducted to determine how this changed use would affect the traffic in and safety of the community.*

Municipal regulations only require that a traffic impact study be performed when non-residential uses generate 100 or more peak trips per hour. The proposed MDJ office will generate nowhere near this level of traffic.
<u>Again</u>, the Magisterial District Justice (MDJ) Office is a project of the Dauphin

County Industrial Development Authority (IDA). It is the opinion of the Township that the IDA, as an entity of the Commonwealth of Pennsylvania, may, under certain circumstances, proceed forward with this project irrespective of municipal regulations as they relate to impervious cover.

L. "No plans, studies or other data were provided to demonstrate that the proposed District Justice Office would comply with all applicable requirements of the Zoning Ordinance, as required by the Ordinance."

<u>Again</u>, the Magisterial District Justice (MDJ) Office is a project of the Dauphin County Industrial Development Authority (IDA). It is the opinion of the Township that the IDA, as an entity of the Commonwealth of Pennsylvania, may, under certain circumstances, proceed forward with this project irrespective of municipal regulations as they relate to impervious cover.

M. "Clearly putting a Magistrate Judge's office, which could likely hear more than 6,000 cases a year, in a quiet residential area will have a detrimental effect on the community. There will be increased traffic on this two-lane road causing congestion and traffic hazards; there will be potential disputes and conflicts arising as a result of all the court cases that will be heard, including the arraigning of accused criminals. Inviting a criminal element into a residential neighborhood, a nearby baseball field used by children and a local school will negatively impact the safety of this neighborhood and will decrease the property values of the neighboring properties. In addition, there appears to be no safety fence or other division or barrier between the proposed District Justice's Office and the adjacent properties to protect the neighborhood or the adjacent children's baseball field from potential dangers."

The "residential area" referred to above is Locust Lane, which includes a Public Works building, a Sewer Operations facility, a cell tower, a salt storage building, a water tank, and the Dauphin County Technical School.

The Magisterial District Justice. Using the number of "6,000" cases per year and (assuming closure on 10 legal holidays, working 50 weeks per year/5 days per week) would hear 24 cases per day or 3 cases per hour. However, a significant number of cases are resolved through the mail or heard by video arraignment, with no actual visit to the MDJ Office by the involved parties.

Mr. Diamond noted that you must realize that the MDJ offices by state law and court ruling for practical purposes have to be in many locations but in a limited area because they are designed to serve the jurisdiction for the local area. He noted that they are small areas that the county is able to look at in order to determine if it is an appropriate place and some parts of that small area are widely expensive compared to this like along Route 22. He noted that you can't put this on the other side of the county, it is limited by law, and for the convenience of the citizens. He noted that this essential government function has to be located in a tight geographic area.

Mr. Wolfe noted that the next set of questions has to deal with the Maintenance Building Expansion.

A. The residents do not want the Maintenance Building expanded towards the north or closer to their property lines. Rather, they believe that if the building needs to be expanded, it should be expanded to the south away from their properties, i.e., away from the residential neighborhood, due to the increased levels of noise and emissions and the decrease in privacy. The existing maintenance building is about 200 feet from Alexandre's deck, and 265 feet from the Fields' house. The proposed building expansion will be about 135 feet from Alexandre's deck and 140 feet from Fields'. More than half the interval between the existing building and Alexandre's property was in trees and shrubs, most of which were removed by the Township without notice to the property owners and they are now gone. The residents request that instead of the proposed 200 feet long retaining wall ranging from 10 to 14 feet high which is now between the baseball field and the proposed building expansion, that expense be reallocated to construct a retaining wall that would permit the building expansion to be to the south of the existing building.

It is not practically possible to expand the Public Works building to the south. This is due to slope and fill issues with the property to the south of the existing building.

Mr. Andrew Kenworthy, HRG, noted for the operations to be located to the south of existing facility, there are already facilities back in that location and there is a significant slope behind it. He noted with the operational circulation, in expanding the public works facility and the personal vehicles that circulate through the area that is where the expansion was identified to be best located for that operations. He noted with maintaining the baseball field, to maintain the expansive level area requires the wall to be where it is so there is not a significant slope across the field to provide for a practical level playing area.

B. Despite the fact that there is a known history of noise complaints from adjacent residents, which should have triggered the need for a noise evaluation by the Township, no study was conducted to determine what impact and affect the increased noise levels and emissions would have on the residents and their residences, including on their property values. The residents request that such a study be completed before any further work is done to expand the maintenance building.

There is no know history of noise complaints. There will be no increase in noise or emissions levels. The Township is not increasing the size of its fleet or its number of employees. The building addition is to accommodate existing operations, trucks and personnel. He noted what is there now will be the same post construction.

C. Further, the residents request that the storm water basin be moved away from their property lines. Equivalent storm water detention capacity can be achieved elsewhere on the site. The current proposed placement of the storm water basin is so close to the property lines that a proper buffer zone, through the use of a wall, planting or other landscaping, cannot be accomplished, which will result in decreased privacy and property values and increased noise and emissions.

Contrary to the above statement, equivalent storm water detention capacity cannot be achieved elsewhere on site. All usable areas on site, downslope of the proposed improvements are occupied by either Township facilities or stormwater detention

areas. Therefore, the stormwater detention basins have been located in the only available areas.

D. The residents would like to see an accurate map showing the overlay of the proposed Maintenance Building expansion on the Zoning Map, as they believe that the proposed expansion goes into the R-l zone.

The Public Works addition will extend into the R-1 zoning district which extends south from Locust Lane 600 +/- feet. Facilities of Lower Paxton Township are permitted uses in the R-1 zoning district.

E. The Township's Greenway Plan shows Hurley Field as a "destination" for off-road trails & a neighborhood bikeway. The proposed current placement of the Maintenance Building expansion and storm water basin will block access from the planned off-road trail in contradiction to the Township's Greenway Plan.

The Greenway Plan lists the Hurley Field as a destination for neighborhood bikeway and walkway, as depicted in the Plan on Locust Lane. Pedestrian/bicycle access to the Hurley Field will not be blocked by the development that is occurring on-site.
Off-road trails are proposed in the Greenway Plan to be located to the rear of the existing Public Works building and will be unaffected by the development that is occurring on-site.

F. Article 3 of the Sewage Facilities Planning Module requires that the Township review the subdivision and/or land development plan described in the Planning Module and determine if it conforms to applicable zoning, subdivision, other Municipal Ordinances and plans and was approved by the Supervisors at your October 20, 2015 meeting as Resolution #15-21. The residents request a copy of the module and related documents.

No new lot has been created for the Public Works building addition, and there is no proposed increase in flows to the sanitary sewer from this addition. As such, a Planning Module in not required. A Planning Module may be required for the proposed vehicle wash facility. If it is required, one will be applied for prior to any application for a building permit for the wash facility.

Mr. Wolfe noted that a planning module will be required prior to the construction of the MDJ office. He noted that Dauphin County is aware of that and is currently doing the engineering for the planning module.

Mr. Wolfe noted that the next set of questions are in regard to the baseball field and paragraphs A through E are statements of opinion, provided without factual evidence. No response is requested.

A. If the District Justice's Office is not built, the Baseball field could be reconfigured, as could the Maintenance Building expansion, as discussed above in Section II.

B. The proposed project attempts to fit too much in too small an area, and as a result, the adjacent property owners are suffering the adverse consequences of this poor planning.

C. If the Baseball field were reconfigured, the outfield would not rest only 3 feet from the Hare's property line and it would eliminate the need to build a retaining wall on the Hare's property line.

D If the Baseball field were reconfigured, the trail going by the creek shown on the Greenway Plan could be put back into the Plan.

E. If the Baseball field is not reconfigured, the properties adjacent to the field need a privacy buffer to protect against the decreased privacy and the increased likelihood of stray baseballs hitting their property.

F. The residents adjacent to the field request that the Township work with them to create a buffer, which is discussed in greater detail in Section IV. Landscaping, below.

The Board of Supervisors supports the request of residents for the Township to provide a landscape buffer. The trees to be planted will be evergreens, possessing an initial height when planted of at least 6 feet. In the area of the retaining wall, if evergreen trees are not suitable due to their potential effects on the wall, the Township will plant suitable shrubs in cooperation with the affected property owner.

Mr. Wolfe noted that the following questions concern landscaping

A. The adjacent property owners request that the Township work with them to create a buffer and landscaping, both hard and soft, that at a minimum complies with Articles 803 and 804 of the Township Zoning Ordinance, in order to attain a buffer from the increased noise and emissions and decrease privacy resulting from the encroachment of the proposed projects on their properties.

There will be no increase in noise or emissions levels. The Township is not increasing the size of its fleet or its number of employees. The building addition is to accommodate existing operations.

The Board of Supervisors supports the request of residents for the Township to provide a landscape buffer and will work with residents to accomplish same. The requisite buffer zone has been included on the site work plan for the project.

B. The adjacent property owners request that the Township provide a landscape architect to help with the creation and implementation of a landscaping plan. The plan should include wall, trees, bushes and a composite fence above the wall. The adjacent property owners should have the right to approve or disapprove elements contained in the plan.

The Township will utilize a landscape architect to prepare a landscape plan for the buffer. The contents of the plan will be determined by the design professional, with input from adjacent property owners.

C. The adjacent property owners request that they be consulted before any buffer zones or landscaping is chosen and be given the right to select appropriate materials and plants that will be utilized by the Township to create these zones.

Again, the Township will utilize a landscape architect to prepare a landscape plan for the buffer. The contents of the plan will be determined by the design professional, with input from adjacent property owners.

D. The adjacent property owners request that some of the landscaping be planted on their land so that the Township cannot cut the buffer zone or privacy landscaping down without notice or approval, as they did in this case.

The Township is willing to provide plantings on adjacent properties if it is given an easement for such plantings from the property owners.

E. The adjacent property owners request that the Township agree to replace any plantings that die within 2 years of planting with similar plantings, whether the plantings are on the Township's land or the residents' land.

The Township will replace any landscape buffer plantings that die within two years of installation.

Mr. Wolfe noted that the next section contain a request of notice of Future Projects

A. The residents on Pine Hollow Road, Pine Hollow Court, Shope Place, Haney Drive and Locust Lane [names and addresses will be provided by the residents under separate cover] request that the Township Supervisors, Planning Commission, Zoning Officer, and Zoning Hearing Board provide them with timely written notice of any future project proposed for this entire tract of land owned by the Township and now the Dauphin County Industrial Development Authority prior to approval of any such projects, including any request for building, sewer, or other permits.

The Township will provide notice of any public meetings or hearings regarding its Public Works site, to include the Dauphin County MDJ Office site, in accordance with the Section 709 (c) of the PA Sunshine Law.

B. Pursuant to Article 112.A.3. of the Zoning Ordinance, the same residents mentioned in Paragraph A., above, request that the Zoning Officer and the Zoning Hearing Board provide them with timely written notice of any application or request for a Special Exception or any other requested change in zoning or in use of this 1.025 acre tract of land at the corner of Locust Lane and Porsche Drive off the Township's Public Works parcel site, which site has been transferred to the Dauphin County Industrial Development Authority.

The Township will provide notice of any application for Special Exception in accordance with the notice provisions of the Zoning Ordinance.

Mr. Wolfe noted that the last section is the remediation and remuneration for existing or future damage

A. The residents request that the Township provide them with remediation and remuneration for damage already incurred and any future damage that may result from these proposed projects being built and/or developed on the above-referenced sites, including but not limited to damage to our homes from vibrations or other incidents of construction, decrease in our property values, and damage to our water lines or gas lines.

Mr. Wolfe noted in the event that damage has been caused, property owners may pursue private legal remedies.

Mr. Stine noted that has always been the property owner's ability to do that if they have incurred any damage.

Mr. Wolfe explained that he has gone through a statement from the Township including its design professional, legal counsel and representatives from the Dauphin County IDA, and it is responding to the requests of the residents as transmitted to the Board by way of email yesterday.

Someone from the audience told Mr. Wolfe to stop saying yesterday as he did not get it yesterday, it was the… Mr. Wolfe noted that he only received the email yesterday.

Mary Ann Haschert, 5908 Pine Hollow Court noted that she is one of the homeowners who has damage in her house. She noted that there are a lot of questions out here but she wanted to ask two. She wanted to know who prepared the response that was read to the people tonight, and she would like to ask each of the Supervisors to answer one-by-one if you read it before tonight. Mr. Hornung noted that the Board saw it tonight at 5 p.m., George Wolfe prepared it and we discussed the responses and are okay with all the responses. He noted that he was not sure what Ms. Haschert was looking for at this point but that is the answer to the question.

Ms. Haschert questioned if each and every one of you saw it before tonight's meeting. Mr. Crissman answered that we saw it at 5 p.m. before tonight's meeting. Ms. Haschert questioned if you are in agreement with it. The Board members answered yes.

Ms. Virginia Alexandre, noted that she has live at 5906 Pine Hollow Court for 26 years. She proceeded to share some handouts with the Board. She noted that she shares a property line with the Township Public Works Facility where it is presently located off of Locust Lane near the Vo-Tech. She noted that the handouts she provided are pictures of the damage to her home, a major foundation crack, and driveway damage. She noted that you are also in receipt of an invoice showing that she unfortunately had her driveway redone on September 1st and two months later this is what her driveway looks like now. She noted that it is further evidence that you must hear our pleas to stop this project. She noted that not only have you decimated our property values, but now you are doing major damage to our homes. She questioned who is responsible for compensating us for the repairs. She questioned if the Board had a certificate of insurance from York Excavating. She noted that it is her expectation that the Township and or York Excavating is going to be on the hook for paying for the damage to our homes. She noted that they are looking for immediate relief; stop the construction now until you can ensure the safety of our homes. She noted that someone needs to communicate to her who will pay for the

damages. She noted that one of the Supervisors at the last meeting said that you have immunity, but as elected officials you have made decisions that have hurt us financially and diminished our quality of life. She requested the Board to put themselves in our shoes as you can't expect us to pay for the damages and devaluations to our homes that were no fault of ours. She noted if you do expect us to foot the bill, please have the courage to say so for the record; if not we want to know how you are going to help us be made whole again. She noted that they would like each supervisor to visit our properties and homes as we can only believe that you don't realize what has been done to the Pine Hollow development and surrounding neighbors. She questioned if the Board knew that they were there when they voted for the project. She questioned if you realized just how close we are. She questioned if the Board was aware of the already, just bearable, tolerable noise that the Public Works Facility building makes every day before this project started. She noted that she gets that they will make noise during everyday operations, but that is her point, the building is already much too close to the homes and now you are planning on moving it 180 feet closer. She noted before this project even started, for many years she was woken up every morning at 6:30 a.m. by the beep, beep, beep, of the Township's vehicles; sometimes on weekends. She noted that the huge metal building with the garage that is right on the side of our neighbor's property is now going to be sitting off of our back yards. She noted that you are moving it 180 feet closer, are you kidding me, it isn't going to increase noise or emissions. She noted that you cut down 100 year old trees, 100 foot high trees that absorbed the noise and emissions, they are gone. She questioned what six foot trees will do for us now; by the time they get big enough to do any good for us, she will be looking at them from above. She noted that there will be no more sleeping for anyone in the neighborhood past 6:30 a.m. She questioned what if this was your home, we are asking you to have the decency and the respect to the taxpayers, you need to stop things now until they are figured out. She noted that the Township is continuing to fast track this project with no indication that our voices have been heard and no signs that you care at all about the impact to the residents. She questioned if the board would consider a site visit to meet with the neighbors to see for yourselves exactly how we are situated with this project literally on top of us. She noted that the Board has tried to squeeze too much in to too small of a space and we are the collateral damage.

Ms. Karen Hare, 5902 Pine Hollow Court noted that her back yard borders the property line where this project is taking place. She noted that she has a couple of comments, one about the vibration testing that took place. She noted that the vibration testing that took place on November 5th did not come close to replicating the intense vibrations we experienced on October 26th, the week before. She noted that during the Board of Supervisors meeting on Monday, November 2nd, Mr. Wolfe, Township Manager, made the following statement, "The next instance of serious vibrations will not occur for another two to three weeks." She said, imagine our surprise when we received an email two days later from the Township Public Works Director to inform them that vibrations testing had been scheduled for the next day, Thursday, November 5th. She noted at first we thought that maybe the Township was concerned about our properties but she did not think that was the case. She noted on Thursday morning, a representative from Vibrotech, along with Mr. Kline, Director of Public Works, came to our home at 7 a.m. to set up the equipment. She noted at that time, several residents discussed with Mr. Kline our concerns that the Township will ensure that they replicate the same conditions that existed on October 26th when numerous residents experience severe vibrations which caused their windows, walls, china cabinets, and TV's to shake. She noted that Mr. Kline stated that they will make sure everything is done the same way. She noted that unfortunately that did not occur. She noted that several times during the testing, residents inform representatives from Vibrotech that the vibrations were not even close to what they experience on October 26th. She noted at the most maybe 15 to 20% intensity. She noted that he stated he wasn't there on October 26th so he had to rely on the Township. She noted that it became clear that moving the testing up two weeks would not give an accurate test result. She noted that the Township and contractor knew full well they would not be conducting a large scale earth moving or compacting operation like they did on October 26th.

Ms. Hare noted that the Manager himself said the next incident of series of vibrations would not occur for another two to three weeks. She noted if you want us to believe you're working in good faith then prove it. She requests that the Township provide continuous vibration monitoring during the course of the project in order to catch an accurate vibration activity in real time. She noted that anything short of that will question your creditability and sincerity for wanting to work with us.

Ms. Hare noted when we responded and had all those questions and concerns we emailed them to the Supervisors address on Friday at 11 a.m. She questioned why Mr. Wolfe did not see them ahead of time. Mr. Hornung noted that the Board saw your questions. Ms. Hare noted that she was asking when you got our information. Mr. Hornung noted that it was Friday; however, Mr. Wolfe did not get the email until Monday.

Ms. Hare questioned, as far as the other District Justice Magisterial Office that you keep on referring too, the land that they are building on, what is it zoned. She questioned if it is zoned residential, industrial, or commercial. Mr. Hawk noted that he did not know. She noted that she would appreciate if you would let them know.

Ms. Hare noted when you are saying about the IDA that they are exempt under certain circumstances. She noted if they are exempt by abiding by the ordinances under certain circumstances, could you let us know what they are. She noted that she looked at it as if they can do pretty much anything they want, then why does your ordinance have that line there that other governmental facilities need to have a special exception if it is never going to occur, why even have it there.

Mr. Hornung questioned if Mr. Wolfe could respond to the one question. Mr. Wolfe noted that Mr. Kenworthy has obtained a price quotation to install a seismograph… Mr. Kenworthy noted that it would be a seismograph, a metering system that measures vibrations and it can be done on a continuous 24 hour basis for as long as the Township desires. Ms. Hare questioned where it will be located. Mr. Kenworthy noted that it could be located at any location. Ms. Hare questioned if it would be the same that Vibrotech did as putting it on people's properties that had damage. Mr. Kenworthy answered it would be the same system, noting that you use a geophone which is the unit that measures the vibration that would be placed at designated locations by the Township in cooperation with neighbors for where it would go. Ms. Hare questioned if there would only be one. Mr. Kenworthy answered that it could be one or multiple ones, regardless of the number, it would record data 24 hours a day and send the information back to Vibrotech office and weekly reports would be generated from that.

Ms. Hare questioned if that would be similar to what they did before. Mr. Kenworthy answered that it would be a stationary unit that would go into the ground and stay there 24 hours a day for as long as needed. Ms. Hare noted that she appreciates that.

Mr. Frank McKamey, 5910 Locust Lane noted that he lives directly across the street and yesterday, his neighbor told him he was home sick and he felt the vibrations at his house at 5912 Locust Lane which is closer to the VoTech School then the construction site. He noted that there is something severe going on there but his real question is that the Township spent a lot of time and effort in meeting and talking with CASA, Paxton Baseball Association, and Linglestown Baseball Association; did it ever occur to you to talk to the residents. He noted that is what everyone is so angry about the fact that no effort was made to talk to anyone of us, but all the effort was given to baseball teams and soccer leagues. He noted that he knows we can't fix this going backwards, but he hopes going forward we all learn something out of this and he hopes especially the learning is on your end. He noted that you need to involve the people who are going to be impacted the most; we are the ones who put you in or take you out. He noted that it is your job to serve us, we weren't served.

Mr. Greg Hare, 5902 Pine Hollow Road, noted that he has calmed down and his heart is beating at a normal pace. He noted from the attorneys that are in the area if I give you an opinion that he weighs 125 pounds and can run a marathon that is his opinion. He noted that he is doing this on behalf of his wife Karen, she has been researching this thing about the special exemption; all we want is for the elected officials to show us you followed the procedures correctly, and now you are invoking client privilege or whatever the heck that was. He noted that it is your opinion that you did everything correct. He stated, prove it to us, instead of hiding behind some kind of whatever. He noted that the Dauphin County, he said there was a sub from the IDA, he indicated earlier today that you, that there was a subdivision. He questioned that was done when and where. Mr. Diamond noted that he does not recall the date. Mr. Hare questioned if he attended it. Mr. Diamond answered that he did not. Mr. Hare noted that we were not provided that information from, I guess George Wolfe runs the Township in my opinion because every time we go to George Wolfe. He noted that we would like our elected officials to be transparent. He noted if you think you were transparent with this, hiding behind a client

privilege or whatever it is just baffles me as a citizen when all we hear about transparency, transparency, transparency; the Township wanted to develop land and apparently they knew there would be objections and that is his opinion. He noted that you are all shaking your head no, but if you looked at any drawings someone would have said, someone lives there, maybe it's the Hare's or Field's or Virginia, who knows, no one took the time to do that so now all we are saying, is in his humble opinion, is that something doesn't smell right, you investigate, something doesn't smell right about this and Ms. Lindsey, he understands that there was no financial gain, but he thinks that even the appearance and he was wandering when you voted… Ms. Lindsey questioned when this came to the Board she went to Mr. Stine and asked him if she was allowed to participate and he told her yes as there was no financial interest on her or her husband's part. She noted if he would have told me no, then she would not have participated. She noted if she would recuse herself from everything, she was born and raised in this Township for 58 years, if she would recuse herself from everything that came in front of the Board because she knows someone who knows this person or someone who is a friend of someone, she would never be able to make a decision. She noted that she did go to Mr. Stine and did ask him and she felt because he represents the Board as the attorney, she felt that she could move on with the project.

Mr. Hare questioned Mr. Stine if it states anything other than financial, the appearance of… Mr. Stine noted that it is financial. Mr. Hare questioned if there is anything about appearance of. Mr. Stine noted that is in the rules of professional responsibility that he has to abide by. He noted for a public official it has to be in fact a conflict as defined by the act. Mr. Hare noted that is financial gain. Mr. Stine answered that is correct.

Ms. Lindsey noted on Friday she did not respond because she worked until 6:30 at night and it was not fair to her that she did not get a chance to respond to the accusations that were levied against herself and her family.

Mr. Hare noted if we can ever get a legal interpretation that what you did was correct across the board with this whole project; he would be welcome to sit down with the County… Ms. Lindsey noted that you are getting the legal opinion. Mr. Hare noted that he is talking about the whole project, the special exemption. He noted that he would like the County, he can't get

Mr. Marsico to call him back, or anyone to tell him as a citizen where he goes for help that the government did the right thing, short of getting an attorney or law firm to oversee. He noted that it is transparent government, why can't we get the information, show us at the County level that everything was done above board and there was no back door dealing.

John Trish, 600 Prince Street, noted that he attends a couple of the meetings a year he noted the biggest problem we have is there is a perception that what was done was done behind closed doors because, he is just saying, there is a perception. He noted if someone wants to add on to their porch and it is within ten feet of their neighbor, there is a variance applied for and posters put up on telephone poles and the neighbors are given a notice that their neighbor wants to do this. He noted that he was at the meeting when Mrs. Lindsey asked Mr. Stine and he did not have a problem with it. He noted that there were a lot of people in this room that woke up to a bulldozer plowing in their backyard and they didn't like it. He noted that there wasn't anything on the news or in the newspaper about it, absolutely right. He noted that the judge has a right to have an office and maybe a lot of these people would have come in and say to build it down at Nyes Road next to George Park where there are no residential houses. He noted that we are doing a lot of things and we are supposed to be doing it for the good of the whole Township, not for Dauphin County. He noted in his opinion, a lot of people have the perception that it was done behind closed doors which he was at a lot of those meetings but the fact is that there should have been something posted that we are going to do this and a lot of these people wouldn't be upset.

Mr. Don Haschert noted that he lives at 5908 Pine Hollow Court. He noted relating to the monitoring situation, he was home on the first day of the vibration, October 20th a Monday. He noted that it was very severe but he was not home on the 26th. He noted that he was home on the day that they did the vibration. He noted that there are engineers, technicians, architects, lawyers and everyone else that did that test on the day that you knew you were not replicating what happened on those serious vibration days. He wanted someone to tell him if it was a true representation of what happened on the 26th. He noted that the design guy is here. Mr. Kline that was no representation.

Mr. Timothy Murphy noted that he has lived at 1524 Pine Hollow Road for 25 years. He noted before he gets to his prepared statement he wanted to thank the Board for responding to

our issues in such a timely manner, but he was surprised that we got a response that quickly, but it makes it very easy when most of the answers are the same, we are exempt. **He stated,** sorry doesn't cut it. He noted that the questioned on the availability of land in the District Justice area, was the County aware that it was buying residential land when it bought it, because there is commercial land available. He noted that he is not a realtor, but he found land very easily and since you have no hesitation to put it near a school, Jonestown Road at the end of Nyes Road, across from Paxtonia School there is a lot for sale that you should know about it. He noted that the sewer repair work has a storage area there right now, what was wrong with that lot. He noted that it is priced more reasonable than most other one acre lots that are in the area and it is zoned commercial. He noted that is where this should be, it is just down the road from where the DJ's Office is now; this was a matter of convenience for the Township and the County.

Mr. Murphy noted that he called his prepared statement a tale of three garages. He noted that the Township is busily preparing a site to build a 16,000 square foot expansion to the Public Works garage, a 70% increase to the size of the building at a cost of $4 million. He noted that the new building will be even closer to the neighboring residents who already have a problem with noise from the Township's trucks starting at 6:30 a.m. and at any hour during a snow storm. He noted that part of the building will extend into the R-1 residential zone, no public input was sought by the Township in the planning of this facility. He noted at a Township meeting this summer, Mr. Seeds expressed concerns that the reconfigured ball field would be so close that balls might strike and damage the Public Works building that will be 80 feet from the ballfield. He noted that none of you expressed concerns or thought to ask about Greg Hare's garage which is only going to be 50 feet from the ballfield. He questioned what about his site, where is the equity.

Mr. Murphy noted that they had expressed concerns about the loss of one of the two ballfields, and you explained last week that the Township had conferred with the baseball associations about the loss of the field and that Mateer Field, more than two miles away is being leased as a substitute. He noted that no one thought to ask anyone in our neighborhood about the loss of the ballfield, baseball associations speak only for itself and does not represent me. He noted that they won't answer my emails or phone calls, where is the equity.

Mr. Murphy noted that recently, Mr. Troy Hess wanted to construct a 1,600 square feet garage on his property at 5548 Old Locust Lane, less than a half a mile from the Public Works garage. He noted that his garage, only 10% of the size of the planned Public Works expansion required a zoning variance complete with public notification and public hearing. He noted that he had to get water quality testing on the stream next to his property and in the end Mr. Hess was allowed to build a 1,250 square foot garage. He noted that he is not questioning that process, he is applauding it. He noted this process gave the public a chance to comment on the proposed project that did not fit within the existing zoning requirements and a reasonable solution was achieved, but where is the equity.

Mr. Murphy noted that the Township claims that it is exempt from the zoning ordinances but with the numerous issues surrounding this project why would a reasonable Township Board not insist on public input, where is the equity. He noted that the Township is not exempt from the SALDO ordinance proposing to build a 16,000 square foot garage in a R-1 district should trigger a public hearing, where is the equity in how this project has been handled.

Mr. Murphy noted that we have offered to work with you to resolve this mess to no avail, but it now appears that we have a fight on our hand that we did not ask for at a cost of several thousand dollars because we were denied due process, where is the equity.

Mr. Terry Reilly, 5700 Locust Lane noted that he wanted to ask about the building itself and its use. He noted that you talk about how it is a government building, is that to say that it is the only use that it will be used for. Mr. Diamond answered yes. Mr. Reilly questioned if it could be changed or voted upon by the local supervisors that they can change it. Mr. Diamond noted that it is the County's intention that it be its use.

Mr. Reilly noted if it is not eventually used for its intended purpose, can it be turned into a commercial use. Mr. Diamond noted that he can't speculate on that. Mr. Reilly questioned if it would go back to residential. He noted in talking about all of this, there is still time to change your minds on putting an MDJ a couple streets down from his house. He noted that people talk about its minimal impact for safety and that they have done studies for the time that these buildings have been in place and what happens around them, but as we all know in recent news that doesn't hold any water as it happens regardless of safety measures. He noted that he knew

nothing about the District Justice office before two days ago. He noted that he did a little research on the Unified Judicial System in Pennsylvania website. He noted that they have dockets for each one of the districts and he read about the one that is intended to go in on Locust Lane. He noted that although they may be minor traffic violations most of them are repeat offenders with higher problems like stealing or drug use. He noted that these people will be going up and down our roads where his kid has to play. He noted that he does not want to have to deal with that and he shouldn't have to and you all have kids and you know that. He noted that there is a potential for these people to use our properties as shopping centers meaning our property and our kids that are along that road. He noted that he will calm down and read the rest of his statement.

Mr. Reilly noted that he would first like to draw attention to his personal safety concerns for the community at large. He noted when he heard a few weeks ago about the plan his immediate response was fear in raising his children at his home on Locust Lane, both of which will be on display for those with drug and alcohol abuse problems, just to name a few. He noted that he talked to victims of and have heard from those close to him about the cold and callous nature that even family members can perpetrate on one another when it comes to getting the next fix, i.e. my lawnmower or my son or something in my house. He noted that this problem is only getting worse and as the recent news has told us about the heroin use in Pennsylvania. He noted that the community and children and our property will be on display and become opportunities for people who travel from and to the office, many of which are repeat offenders. He noted that he knows this because he has educated himself in the particulars for the DJ Office customers and the kind of cases that it sees by using the Unified Judicial System of Pennsylvania website.

Mr. Reilly noted in the month of October there were 367 dockets showing on the website and though he mentioned the fact that a lot of people were sending their payments in pleading guilty to traffic violations, but he was in there personally for having an accident by the store on Locust Lane, he had time to sit for an hour in the District Justice office, and multiple people came in to make payments on their fines because they couldn't afford the payments. He noted that possibly they were repeat offenders. He noted that a few things struck him the most as he viewed some of the dockets, many were either repeat offenders and had nominal charges and

particularly he was amazed at the amount that were charged with driving without a license or inspection, with drugs or paraphernalia added to the charges. He noted this in particular brings another safety concern; we will be putting our students, families and cyclists who use this road daily for extracurricular activities as a means to get from point A to point B in harm. He noted that it will bring them in definite and obvious danger, not a maybe; it is just a matter of time; one time happening to offset the costs of moving this building somewhere else. He noted that he cannot come to any other conclusion that we need to do whatever we can to stop this construction.

Mr. Reilly noted that he would like to speak about traffic and its effect from the MDJ office going in. He noted that we are already seeing the negative effects from the MDJ office going in, and with the infrastructure and ensuing traffic volume. He noted that the traffic at Nyes Road and Locust Lane have a four to five light cycle wait time and the same at Prince Street and Locust Lane, at the end of the day and the beginning of the day. He noted that it may not be happening throughout the day, but we don't care about that as we are at work. He noted that he does not care what the traffic does when he is working, he cares about what it does when he is on his way to home or going out to the store, and he already has to sit at Nyes Road four or five light cycles at the end of the day. He noted that it will get worse with this building and the development that is going in behind the VoTech and probably the proposed development that will happen where Trinity Church is. He noted that you should not get him wrong, he is a proponent of development but sustained development that can also be serviced in times with resources, connected services are restricted, where a catastrophe strikes.

Mr. Reilly noted the MDJ office, in his humble and semi-informed opinion, estimated monthly based on just 300 dockets, noting that there are probably studies to say how many people come and go inside a District Justice Office physically, but he came to about 1,000 monthly which would be approximately 30 people a day. He noted that 30 law breakers that are coming past his house regardless of what they did as a crime. He noted in conclusion we all have a part to play in our communities, especially our elected officials so let's work together on this issue and put our community first.

Ms. Sandy Stoner noted that she lives at 1516 Pine Hollow Road and has lived there for over 20 years. She noted that she would like to address the issue of the failure to get a special exception by Dauphin County in order to build the project. She noted that there is a reason for a zoning ordinance and that is to ensure that zoning is done properly and according to the plan that the Township adopts in order to properly assure that properties are protected. She noted in the R-1 District, is says in your own zoning ordinance, that the purpose of the R-1 district is to provide for low-density residential neighborhoods that are primarily composed of single-family detached dwellings to protect these areas from incompatible uses. She noted that the zoning ordinance says under R-1, that a government facility which is defined in the zoning ordinance as a use owned by a government, government agency or government authority for valid public health, safety, recycling collection or similar government purpose which is not owned by Lower Paxton Township or an Authority created solely by Lower Paxton Township. She noted that we have heard that the land is owned by Dauphin County. She questioned if it has been sold to Dauphin County. Mr. Diamond answered that is correct, not by the County, by the IDA which is an instrumentality of the Commonwealth, not the County.

Ms. Stoner noted that the IDA is part of Dauphin County. Mr. Diamond answered that statutorily it is an instrumentality of the Commonwealth of Pennsylvania that is located in Dauphin County. Ms. Stoner noted that it is not a Township-owned property and it is not a Township-owned building. He noted that under your ordinance it is a government facility that is required under R-1 to get a special exception. She noted if you look up various laws that relate to zoning, and she assumed that what you are saying it is because it is an instrumentality of the Commonwealth that it is preempted from complying with the zoning law, the Commonwealth is only preempted in zoning ordinances in certain circumstances, such as mining, anthracite coal, things like that. She noted as far as she knows and sadly to say that you are unwilling to give us the information that we need to know whether or not that is true, it is not preempted, this IDA from complying with zoning ordinances at least that she is aware of, and if it has, then she asks to show her the case or the evidence that we have. She noted that zoning is really sacrosanct and the whole purpose of zoning is to require that entities before they change a use in a zoning area by special exception or variance, that the public be put on notice so they can come in and talk to the zoning board and talk about whether this use is compatible with the neighborhood. She

noted that the purpose of a special exception is designed to allow careful review, Section 116, to allow careful review of these uses that have some potential of conflicts with adjacent uses or landowners. She noted that is what is going on here. She noted that there is a potential conflict and the fact that there is a municipal garage that is further down that same lot does not change the fact that this use has always been open space or recreational. She noted that it was not, the garage is not readily seen from the road, Locust Lane and the uses of it the baseball field and open space was compatible with the neighborhood. She noted that now you are talking about putting a 3,000 square foot building which will require people to come in and out, having a parking lot that will cover the land and so there is no open space now. She noted that is not compatible with the residential neighborhood. She noted that this is not the place to be doing this, the place that we should be doing this is in the Zoning Hearing Board. She noted that is the whole point of the zoning ordinance, it is to allow the neighbors to be able to talk about it, to present their evidence. She noted under the zoning ordinance, it is the burden of the entity that is trying to get a special exception to come in and explain why it is compatible and should be allowed. She noted that the other parties have a right to talk and explain to the Zoning Board why it should not happen. She noted that you are circumventing the process without any evidence that you can. She noted that your statement that you can and you don't have to tell us why is insufficient and really unfair.

Ms. Stoner noted that we understand that you have gone down the road and made some kind of agreement with Dauphin County to try to work this out but there are other places this could be built and until you tell us what your proof is or on what you base your claim that you don't need to get a special exception for a government facility according to your zoning ordinance we ask that you stop the project on the District Justice Office.

Ms. Stoner questioned if the Township is willing to tell us that basis of your opinion that this entity is exempt.

Mr. Hawk noted that we agreed to provide the answers to the questions that you provided to us. He noted that we will follow the same procedures for the questions you are asking now. Ms. Stoner noted that we already asked the question and you said no, you won't tell us. The people in the audience shouted that we want you to tell us.

Ms. Hare noted that we put a right-to-know request for this specific question and we got a denial. She noted that she will now have to prepare an appeal so we have been asking for this data for a very long time and we have not gotten it. She noted that they have been told that it is attorney/client privilege or it is an opinion and we don't have to share it with you. She noted that we did request it.

Mr. Crissman noted that the legal opinions that are provided to the Board of Supervisors are protected under the client/privilege. He noted as a citizen you would like that but try to draw the parallel, if he was in court, and Mr. Stine was representing him and there was another attorney representing someone else, he could not release the information that his attorney has given him, it is in the same character. He noted that we are obligated to do what we are doing and that is not the answer that you want to hear, but we cannot.

A person asked Mr. Crissman if he could define transparency. Mr. Crissman noted that the Township has been extremely transparent. Many people in the audience state that the Board has not been transparent. Mr. Crissman noted that it is your opinion and he is entitled to his.

Ms. Hare noted when we asked this question and she is a resident, a taxpayer, someone who voted for supervisors who she hopes is looking out for her best interests, and is abiding by the ordinances and expecting them to do the same, when she asked the question about zoning and violations and the fact that a person took our questions to your attorney and he provided an opinion, who is the client here. She noted if the Manager is now the client when the original question came from us, why is there attorney/client privilege. She noted that she is confused and she is not pretending to know the law, or a lawyer, but it is very confusing when the question is given to us. She noted that attorney/client privilege is if a client confides in an attorney that he will not disclose what the client is asking but the question was relayed as she could not go directly to the solicitor to ask that question. She noted that she had to go through someone. She noted if you could clarify that for me maybe it would make more sense to everyone.

Mr. Stine noted that his client is the Township, the entity; it is not any individual. He noted any time that the Board asks him questions, or for advice or he gives an opinion, he can't tell anybody about that. He noted that he can't disclose the terms or anything that his client tells him or what he tells them and if he did he would violate the rules of professional responsibility.

He noted that is attorney/client privilege as it applies to the Township. Someone asked if anyone who has a problem with the Township, we will never get any answers because of the attorney/client privilege. Mr. Stine noted that is not true. He noted if they don't ask for his advice and it does not involve his work product or advice, it shouldn't be an issue but he can't release anything.

Ms. Stoner noted that Mr. Stine can't release anything but the Township Supervisors can. She noted that they have the ability to tell us what they believe to be the basis for the reason why the County does not have to get a special exception, why the IDA is exempt from the zoning law. She noted that the zoning ordinance is its ordinance and it must know under what circumstance or what case it has the Zoning Hearing Board or the State has given in the past that says the County IDA is exempt and that is not something that should be privileged and they certainly should be willing to share that with the people so that we can know. She noted if the answer is given to us then maybe we can go on, and if it is not, then we need to decide whether we want to fight this because as far as we can tell you are keeping something hidden, and you are trying to build a District Justice Office without going through the proper procedure and allowing us to have our say before the Zoning Hearing Board. She noted that it does not feel right and why that may seem strange to you it doesn't seem strange to us and this matters, we don't want a District Justice Office in our neighborhood regardless of what you think. She noted that it is not minimal and its impact on our neighborhood will affect our property values; our children and we don't want it here. She noted that you have not gone through the proper procedures then shame on you. She noted if you have, and we lose that is another matter and then we deal with that, but you are not even willing to share with us the truth of what you did and how you did it. She noted that is very frustrating and she thinks that it flies in the face of the government.

Ms. Dana Fields, 5904 Pine Hollow Court noted that she did not want to speak today as she was trusting and believing that based on your organizational chart that you all are for us as citizens. She noted that she did not know that the Township was a separate entity from us. She noted that according to the organizational chart who is at the top. The people in the audience stated that they are. She noted that she is, and she noted that her father told her a little consideration goes a long way. She noted if she was to do something related to the Township's

backyard or doing something or being considerate before doing it. She noted if we are saying to you that we don't want it then we don't want it and we would like you to consider that. She noted that you didn't consider us, there are numerous projects that are going on throughout this entire Township and she was reading that the Supervisors have contact with neighbors sending out notifications to let them know this is what is happening. She noted that it is not fair that we wake up at 6:15 in the morning to bulldozers and someone tearing down our trees. She questioned if you would like that. She noted that she would like an answer. She noted that you would stand up and say something and according to what she is hearing, this particular decision to have a District Justice office and a lot of these changes which is behind her property, we should have had a consideration, you should have given us consideration of saying something, so we could provide our feedback. She noted that according to this organizational chart, you were supposed to contact us as citizens and to her understanding, Mr. Stine please explain to her that she is not an attorney, but if the Township is supposed to report to the Township citizens then she should then she should be privy to that attorney/client privilege. She noted if that is just yours, then what is the answer; to me it looks like it is something improper. She noted that something is not right and everyone sits here and looks stone face and they don't have any expression or any consideration to what has happened to our homes. She noted that she has had nail pops all over her house so that she is supposed to get an attorney to fight that. She noted that she knows what happened on the 26th, she was home and she had earthquakes throughout her home the whole day. She questioned if this was right. She noted that she has been beside construction stuff before, and she grew up in a home that was in a new development.

Mr. Herbert Stoner, 1516 Pine Hollow Road noted that Sandy is his wife and as she said we have lived there for 20 plus years. He questioned the person from the IDA, about the District Justice office, noting at one of the first meetings with Mr. Wolfe he led us to believe that within this building there would be one or more cells, holding cells, is that correct. Mr. Diamond answered that he believed that is required. He noted that there is a gentleman from… Mr. Stoner questioned, if it will have a holding cell, what is the purpose of a holding cell in this office. Mr. Petrie noted that the building does contain a holding cell for criminal hearings, one holding cell for a criminal hearing for someone who can't post bail for the day of his hearing. He noted that the police bring him out and put him in that holding cell until his hearing. Mr. Stoner questioned

what time of criminal activity might be discussed in those hearings or whatever is taking place that they would be in a holding cell. He questioned what types of crimes are we talking about. Mr. Petrie answered that it could be anything from driving under the influence, anything where a person gets committed or put in jail on bail. Mr. Stoner questioned what the more aggressive types of cases or situations are. Mr. Petrie answered aggravated assault. Mr. Stoner questioned how far might that go in that hearing, someone who attacked someone, or an act of violence. Mr. Petrie noted that he is not an attorney but he believes that… Mr. Stoner questioned if it could involve a violent offender. He noted that he wanted that put into the record because the description sounded like that kind of thing would never be heard in that office and what he is gathering is that there is a need for a holding cell because there may be violent criminals who are brought to that building which means they have to be transported through our neighborhoods and he thinks it is only fair that the citizens as residents of the neighborhood that we be aware of that possibility, and secondly he would like to reiterate that the whole purpose for zoning is so that this kind of thing does not move into a neighborhood without the residents having an opportunity to express their concern or their disagreement with it. He noted that his experience sitting here over the past several weeks has been that the Township is dodging this very primary issue that is affecting us. He noted that he feels that the Board views itself as Township Supervisors as separate and apart from us the residents. He noted that he had hoped for something better and he assumed that you were here for us to represent our interests and he wanted it to be brought out in the open that in fact criminals and possible violent criminals will be traveling through our neighborhood to get to this office.

Mr. Elliot Daniel thanked Mr. Seeds for acknowledging the Veterans, it is very important and he would like to say that he is a friend of the residents in Pine Hollow and he has been going to and from that area for the last four years. He noted as he traveled up the road it reminds him of a war zone. He noted that he was a combat veteran he was expected along with his comrades to take on the responsibility to put ourselves in that situation. He noted that when we were attacked at night in our bunkers we were prepared to have the earth move and the trees removed the next day when we came out of our bunkers we would see that the entire landscape had been changed. He noted that we knew there was provocation and we were prepared for it. He noted as he looks at these folks out here and they are American's they did not sign up for this and he is

embarrassed for you folks for all this to happen without provocation and notification to make a war zone out of their community. He noted this is what it looks like to him. He noted that he does not have a sound expert and he does not have an attorney in my pocket but he has been there and he has experienced it. He noted that the reason we went over to foreign soils was for the purpose that we don't experience that on our land and as American's he applauds these individuals because these are the types of folks that woke up in the early morning with their children or their elderly. He noted that he is certain the children were frightened to death when the earth was being moved and the trees were being disruptive and leveled. He noted that a bulldozer could be put on the same parallel as a bomb. He noted that it completely changes the landscape forever so when you say you will replace the buffer with six foot trees that is a very superficial response. He noted that he respects the Township and the hard working people in it but it just fell a little short on this. He noted if we can get up here every day and pledge allegiance to the flag he is sure the people will pay for this someday because the budget numbers are fueled by State taxes as well. He noted when you come into this room every day you remember one thing why that flag is there because of taxation without representation and he thinks that is what is happening today.

Mr. Don Haschert from Pine Hollow Court noted over the last couple weeks residents have tried to work with the Township. He noted that there are very creative people here, very knowledgeable, they now understand traffic flows, emission regulations, zoning ordinances, more about Township laws and regulations and process then we ever wanted to know. He noted that we are here to work, we are asking you to stop the project, come meet with us somewhere; we will sit down and look at options to do something different then what is being done there. He noted that is why we came in here and that is not what we are getting here. He noted this group will figure it out; we will work together if you will work with us.

Mr. Doug Hare noted that this is going to get a little ugly because the compaction that he sees that will happen is going to happen within three feet of his property line. He noted if his wife won't be standing there and she calls me at work, he will be standing on Township property and one of these gentlemen will have to remove me. He noted that you will not run that vibrator, compaction that close to my property until you put readers in his house and he guarantees the

Board if we can get an honest opinion when they start bringing up the level of the ground that he will be there with his mom's chair and one of these gentleman will have to remove me. He noted unless we get an injunction before that, as of tonight your inability to provide me an explanation, he will take out his 401K and seek legal advice to get an injunction within the next 24 to 48 hours to stop the DJ's office. He noted when they see the damages to the houses that were done, they will stop the entire project as you will not run the compaction, he noted that the contractor is here, that close to his property as he knows that he has minimal damage now but when it comes closer to my house and they have to bring that up to four foot to put that wall in, whenever that is on your agenda sir to put that wall along my property he hopes to get his family sitting out there on their lawn chairs and any neighbors are welcome to come to sit on the Township property outside my border.

Ms. Virginia Alexandria questioned if there is anyway the Supervisors would consider coming to the properties and actually look at how this thing lays out. She noted that they thought that maybe after last week maybe a Supervisor could come out and walk it and go, oh I see what you are talking about here. She noted that she lost the ability to get dressed in her bedroom, all the trees are gone and the Public Works building stares right at her. She noted that she used to drink coffee on her deck, which is gone. She noted that there is no privacy that is all gone, the noise levels are through the roof. She noted that they did not complain every day about the noise level before, we don't want to be a pain in the butt. She noted that she puts a pillow over her head, get over it as she had to get up an hour later anyway. She noted now that the trees are gone and your moving the building closer, it is going to be completely intolerable. She noted no privacy, workman looking right in my bedroom; our whole way of life has changed without any kind of notification. She noted on the morning that you did start she thought a plane came into her house. She noted at 6:15, all you heard was a big roaring and cracking wood. She noted that she flew out of bed, she is sure Jeff Kline can tell you that she went out and started screaming in her pajamas at the bulldozer driver. She noted that it was so unfair and it would scare the kids as it scared the crap out of her. She noted that it should not have happened. She noted that we would love if you would come out and see how those homes; we can't believe you knew we were there when you voted for this.

Mr. Hawk noted you provided food for thought for the Board and we are reluctant to provide specific answers for the legal questions as we are not attorneys and we do rely on legal counsel so he is reluctant to provide a legal position being in that position. He thanked those who came to the meeting.

A person noted for Linglestown Elementary and Middle School, the District Justice office is in their parking lot. He noted that we are talking about safety for our community, really the elementary and middle school.

Mr. Hawk noted that we have talked for an hour and a half and we have other people present who need to conduct more business and they deserve to have their business taken care of.

Presentation of the draft Colonial Road Corridor Evaluation

Mr. Wolfe noted that given the amount of time that we spent on other business items this evening Mr. Stump from HRG was present to make this presentation; however ten minutes ago he let him go. He noted that we can move on to the next agenda item. He noted that he will schedule Mr. Stump for the next workshop session.

Request from Classic Community residents (Victoria Abbey HOA, Quail Hollow, Phases 4 & 5, and Wyndhurst Manor) to discuss the completion of public improvements within their developments

Ms. Alison Eirkson noted that she lives at 2001 Laura Lane in Quail Hollow and on behalf of herself and her neighbors she wanted to thank the Board for the opportunity to speak to the Board about their concerns this night. She noted that she appreciates the Board's attention and hopes that we can work together to avoid having come back here once the winter comes and snow falls. She noted that there are four areas of interest she would like to bring to the Board's attention; snow removal, paving, vacant lot maintenance, and a simple lack of faith in our builder, Classic Communities.

Ms. Eirkson noted that she will discuss the concerns over snow removal and ice removal and then turn the microphone over to a few of her neighbors. She noted as it stands now, Classic Community is responsible for snow removal in the newer section of Quail Hollow including Brook and Laura Lanes. She noted to say that we have been disappointed with their attention to

this matter in years past is a drastic understatement. She noted that last year she recalled times that snow removal crews did not appear in the neighborhood sometimes 36 or more hours after the snow stopped falling. She noted when they did arrive, piles of snow were pushed in front of the driveways and left to sit and salting was never a priority. She noted despite several ice-related weather events, we very rarely saw salt spread in our neighborhoods. She noted that she left for work one morning and tried to drive up Brooks Lane and her car turned sidewalks and slid the entire way down Brooks Lane. She noted that she did not hit anything that morning but her next door neighbor Shelly Marshall was not as lucky. She noted if you look at the picture that she passed out, these are photos that she took the morning of her accident. She noted that she drove onto Thicket Lane, a Township road that was clear, salted and fine. She noted that she was going less than ten miles an hour and she knew that Brooks Lane was not salted and turned onto Brooks and immediately slid and crashed into an embankment. She noted that she had $5,000 damage to her SUV and it was un-drivable. She explained if the road had been salted she believes this would not have been an issue because Thicket Lane was fine. She explained that Ms. Marshall immediately called Classic Community to voice her concerns and was told due to budget constraints they were limited for how often they could salt.

Ms. Eirkson noted that there are 45 kids in the neighborhood on Brooks and Laura Lanes. She noted that the safety of our families should never come down to budget concerns as they did not budget enough for salt. She noted with rumors swirling of Classic Community's impeding financial demise and bankruptcy, we are more worried than ever of the upcoming winter. She noted to endure the conditions that we were subject to last winter is bad enough, but what will happen this year. She noted if they didn't have money last year what will happen this year when we are told that they are about to file for bankruptcy. She noted that she is no legal expert as to what kind of legal resource the Township will have but she urged the Board to take action to ensure our safety this winter, fining Classic Community if the work is not done in a timely manner; perhaps using their bond to ensure that adequate snow and ice removal is done. She noted we have people in this neighborhood that must leave at all hours and she is not just talking about herself, she is talking about police officers, nurses; the safety of other people lies in their hands as they can't just decide they are not going into work because their street has not been plowed or salt has not been spread. She noted that last year there were times that they were

forced to do drive on unsafe roads and they should not have gone out but they had to because of the nature of their profession. She noted that we urge you to ensure that Classic Community's dismal snow and ice removal does not repeat itself this year.

Mr. Crissman questioned if the 45 homes that you are talking about are on streets that have not been yielded to the Township. Ms. Eirkson answered that Brooks and Laura Lanes have not been turned over to the Township yet. Mr. Crissman noted that is why you were comparing your roads to the Township road. Ms. Eirkson noted that the road that was clear is the one the Township takes care of. She noted that there are two streets that we live on, with 45 kids alone on those two streets and so many times we call and complain to Classic Community and they were so sick of hearing from us that they told us to form a Home Owners Association (HOA). Ms. Eirkson noted that they need to do what they promised when we bought houses in their development. She noted that they were told that Classic Community would take care of snow removal until the Township took over.

Mr. Hawk noted that they are still responsible for those streets. Ms. Eirkson answered yes. Mr. Seeds noted that it is an ongoing problem all over the Township. Ms. Lindsey questioned if you had a HOA…Ms. Eirkson answered that we do not and in talking to our neighbors it is not something we are interested in because if we had to add a HOA fee on top of the other taxes we are paying, we might not be able to pay for our mortgages.

Mr. Crissman noted the best we can do is to write a letter to Classic Community and remind them of their responsibilities until the streets have been turned over to us. He noted beyond that there is not more legally that we can do. Mrs. Eirkson noted if they don't do snow removal come December and January in a timely manner, is there a way the Township can fine them. Mr. Hornung questioned if we could use funds to force them to do maintenance and then back bill them. Mr. Stine answered that you would have to have an ordinance that required maintenance while it is in construction, but he did not think you have anything like that. Mr. Wolfe suggested that we have something but he did not recall what it is. Mr. Stine noted if we have an ordinance we can enforce that but the improvement guarantee funds that they have, it is only for installation and not maintenance. He noted that we can't plow snow and use that money. Mr. Hornung noted that it is not that we would use that money, but in times past, we have gone on private property if there was a health hazard to clean up and backfill. Mr. Stine noted that it

would be covered under the property maintenance code and we do that but we would have to check with the code officer and see if snow and ice would be included with that.

Ms. Eirkson noted that we have a Harrisburg City Police Officer and probation officer, people who need to get to work. She noted that it took two days to plow the roads. Mr. Stine noted for the Township to enforce things we have to have an ordinance and the question is do we have such an ordinance. He noted that he is not trying to make light that you live there but we have to find a way to do it otherwise it won't turn out well.

Mr. Crissman noted that we could at least generate a letter from the Township reminding them of their duty and responsibility while Mr. Wolfe is doing research in terms of what we have on file that we could use. He requested Ms. Eirkson to give Mr. Wolfe a couple of days to do that research as something may be able to be incorporated into the letter that we would send from the Township to remind them of their duty and responsibilities to you.

Mr. Seeds noted if we don't have an ordinance then we need to enact one very quickly. Mr. Hornung noted if we did that can we put a grandfather clause on that and say they don't have to do it. Mr. Stine noted when developments are submitted whatever ordinances that are effect at that time are the ones they have to follow. Mr. Hornung noted that they would probably pull the grandfather clause. Mr. Crissman noted that we need to have Mr. Wolfe research the ordinances to find the timeliness of that. He noted that we could do a letter at this time.

Ms. Lindsey questioned if we have had this before and if we did, how we accommodated the residents. Mr. Wolfe answered that we have had this issue before but we have not accommodated the residents in any way that has been a good solution. He noted that the Classic Community developments that have been unfinished are probably the most problematic we have ever come across, they have been many years without completion and Mr. Stine can tell you that part of our inability to force completion is the State Permit Extension Act. He noted that ever since the beginning of the great recession developers have been protected from municipalities moving forward with acting upon improvements guarantees to force completion of improvements. He noted that it has been problematic for us and Classic Community got into trouble in the middle of the recession and hasn't move forward for seven or eight years.

Mr. Crissman questioned if there are 45 houses… Ms. Eirkson noted that it is 45 children that live in the homes. He questioned if they are reaching the point where they are ready to turn

the homes over to the Township. A person noted that there are 48 houses in total. Mr. Crissman questioned if those 48 houses are finished. Ms. Eirkson answered yes. Mr. Crissman questioned if they are close to the point of approaching the municipality to take over the roads. Ms. Eirkson noted that there are four to six vacant lots but it is her understanding that they are done, pulling out, and they are not going to develop those lots.

Ms. Lindsey noted that there are two streets in your development that the Township does not own. Ms. Eirkson answered that it is Brooks and Laura Lanes and Brooks is complete but Laura is not as the vacant lots are on Laura Lane.

Mr. Crissman suggested that the best the Board can do is to allow Mr. Wolfe to do the research and then we will be in a better position to know what we can do. He questioned if she would be the contact person for Mr. Wolfe. Ms. Eirkson noted that she has been emailing Ms. Zerbe. Mr. Crissman noted that we will keep the same contact person.

Mr. Seeds questioned if the wearing course is on the street yet. Ms. Eirkson answered no.

Mr. Hawk noted that the pictures that he is looking at are the responsibilities of Classic Community. Ms. Eirkson noted that the pictures are of Brooks and Laura Lanes.

Mr. Hornung questioned how the Board members would feel if he made contact with Classic Community. Mr. Crissman noted that he would support that 100% as it may help these people. Mr. Hornung noted that he would do his best to try to persuade them to do the right thing. He noted that it may come down to the fact that they will do what they will do, but it is worth a try. Ms. Eirkson noted that we have all been reaching out to Classic Community for different issue and the next discussion with be safety concerns that her neighbor has as he could not get a response from Classic Community. She noted that it is very frustrating and they feel like they are not being heard. Mr. Hornung stated that he is surprised that they would want this bad publicity that they are getting on TV as this is not the first time that a community has come to discuss them.

Mr. Hornung questioned Ms. Eirkson if she understands the Permit Extension Act. Ms. Eirkson answered no. Mr. Hornung requested Mr. Stine to explain it. Mr. Stine noted in 2009, the Commonwealth of Pennsylvania, in the middle of the recession, enacted the Permit Extension Act and what it did was there were time periods running for permits, plan approvals or improvement guarantees, any agreement or approval issued by a municipality except NPDES

Permits. He noted that they froze the running of the time period and it was made retroactive until 2008 for any approval received up to a certain time. He noted that was for that period of years; however, it will stop in July of 2016, so for eight years all the permits, approvals and improvement guarantees have been tolled. He noted that they don't run. He noted for an improvement guarantee, if we have one that says it is only for a year, it ends up that some are for eight years and the reason for that was the recession, thinking that real estate was not doing well. He noted they enacted this so the developers would not have to continue building infrastructure that they could not pay for. He noted that it has been an obstacle for most municipalities to deal with it and that is what we are dealing with for the improvement guarantee. He noted that someone sent him the agreements and some were renewed in 2015 so the Act does not apply to them. He noted that they will not be done until 2016. Mr. Stine noted that we can't just take the money unless there is a breach and then he may be able to do it as it might be challenging to get the money.

Mr. Hornung requested Mr. Stine to see what he could do. Mr. Stine noted that he does not remember all the language but it may provide a remedy. Mr. Crissman noted that we can write a letter to Classic Community, noting that Mr. Wolfe and Mr. Stine both need to do more research. He noted that we can pull the information together to get to Ms. Zerbe who can pass it along to Ms. Eirkson. Mr. Stine noted in regards to the letter we need to do more than just the maintenance part, we have to basically detail that nothing has been done to street. Ms. Eirkson noted that Mr. Ham will speak to the roads as they are a huge mess noting that we had an accident with a little boy and his bike this summer and it is very frustrating. Mr. Stine noted the letter should go to the developer but it should be copied to the surety company. He noted that the bonds typically say that when issues arise like this that they should receive communications for it. Mr. Hornung noted that he will make a phone call.

Mr. Matthew Ham noted that he lives 2026 Brooks Lane with his wife and two daughters who are four and seven years of age. He explained that he moved into the Township more than six years ago, and he appreciates the community he lives in, he loves the Township, and he has a vested interest in maintaining his home, properties and streets as a community. He noted that his community needs the Township's help as they have many concerns mostly based upon the safety of our children. He noted that Mr. Crissman brought that up saying that we could have them try

to change some things based upon safety. He noted that there currently are 58 children that are in grades Kindergarten through 12th grade between Brooks and Laura Lanes; with more arriving in the upcoming years. He noted that the community is well represented here this evening, most of the people on the right side of the room, to voice our concerns hoping that something will resonate with the Board to gain a resolution to some legitimate problems that we are facing in Quail Hollow. He noted that he would like to provide a snapshot of the existing road conditions as they currently are right now. He noted if you look at the packets that were provided, Bobby put them together for us as she took many pictures, but to see it in person, those pictures do not do it justice.

Mr. Ham noted that there are construction projects that have caused road issues in the Township noting that the Board has heard many of those issues. He noted that he is talking about four-inch exposed manhole covers and water storm drains that are conveniently located in the middle of the streets sticking out of the ground. He noted that many people have had accidents in front of his house as a result of careening off of the manhole covers and losing control of bicycles and scooters. He noted that he has personally administered first aid not only to children but to adults who have wrecked on our streets because of loose gravel or because of the existing manhole covers. He noted that the manhole covers have also caused multiple flat tires in our neighborhood due to cars hitting them at the wrong angle, pinching the tire resulting in the need of new tires. He noted that he also wanted to address the current situation with the storm sewer drains. He noted that these drains are also located approximately four inches higher than the street making it impossible for any water to drain into them. He noted that Mr. Seeds question if the actual top coat was applied, he noted the entire street of Brooks Lane and 4th stage of the community is complete at this point. He noted that there are only two houses that are able to be built in the entire Classic Community so we are just kind of waiting. He noted that we have heard that this is a game that is played so they don't have to continue to pave the streets and take care of these external obligations that are utilized to finish the projects.

Mr. Seeds noted that Mr. Stine explained that until next July our hands are tied. He noted that we can't require them to do it until then. Mr. Ham noted with highlighting the safety issues that we brought to your attention, it is serious things that we have put on record and people know about it. He noted if something were to happen at this point he is not sure who it would fall on.

Mr. Crissman suggested that it would fall back on the developer. He noted that you have identified the specifics and that is important as Mr. Wolfe will need this information when he prepares the letter to identify all of these areas that they are still responsible for and need to maintain. He noted that he does not want to miss any of those important things. He noted if you have notes, please provide them to Mr. Wolfe before you leave tonight.

Mr. Ham noted that there is no way that any storm water can drain into the existing drains as it runs down the street, causing erosion and doing things that we try not to do as a community with the land. He noted that the potential for one of our children to get hurt by one of these pieces of exposed rebar is a serious concern and he can't believe we have not had a serious problem as a result of that. He noted that we are talking about one inch wide steel rebar coming out of the drain. He noted that the kids are riding their bikes over it. Ms. Lindsey noted that she is looking at this and what a shame. She noted that the child's father is here this evening and this is a safety issue. She noted that the Board members need to look at the picture of the boy. Mr. Ham noted that is only one of the children who were injured, noting that he has performed first aid to kids as kids and adults have wrecked in front of his house.

Mr. Ham noted that the silk socks that are supposed to be protecting our land are full of cinders and have plant growing out of them. He noted that some have trees growing out of them as are evidenced by the pictures. He noted that nothing drains into them and literally all the water forms a lake at the bottom of Quail Hollow and the residents have coined it Laura Lake.

Ms. Lindsey questioned if anyone gets water in their basement from all this water backing up. Mr. Ham answered absolutely as we have sump pumps noting that his turns on within a half hour of it actually starting to rain and that we in the middle of a dry spell. He noted that there is serious water drainage problems that will have to be attended to once they come through and fix what is going on now. He noted that it will lead to some other residual issues. He noted that he is hoping that the Township will step in and assist us.

Mr. Crissman noted when he looked at the picture of the child… Ms. Lindsey noted that is terrible.

Mr. Ham noted that the water that forms on the road is a dangerous situation considering the number of children who live in Quail Hollow. He noted that any child that cannot swim or is not strong enough to stand up by themselves could drown in that lake. He noted that he wants the

elected officials to know what is going on and whatever hand we have to force Classic Community it has to be done at this point. He noted that we have called, written letters and emailed, people know people, and it does no good. He noted that the road is in terrible shape, the rough coat of pavement is on top and there is nothing smooth about it. He noted when you couple that with at least years of cinders that have been put down as they do come through, they spread cinders but who cleans up in the communities, it is probably someone from the Township. Mr. Hornung noted that we have a street sweeper. Mr. Ham noted that we don't have that luxury as all the cinders are laying in piles or just lying in the road. He noted that riding a bike or doing anything or even driving a car on that when it rains, it is like an ice skating rink. He noted that the roads have deteriorated to a condition where it is no longer safe for people to drive on it or for our kids to play on. He noted that it is an obstacle course at this time. He noted that you have to be prepared when you are coming down the road. He noted at some point in discussing this with my neighbors it was brought up that there may be a bond that could assist us in getting the final road paving completed. He noted that some light was shed on this but if you could circumvent that and tell us if there is a legitimate cause that we could possible pursue further, it would be greatly appreciated.

Mr. Seeds noted that Mr. Wolfe can check on the bond but we can't call it because of the State. Mr. Crissman noted that we explained that part to you that we can't do anything until 2016.

Mr. Hornung suggested that you could contact Representative Ron Marsico noting that this all came from the State noting the July 2016 is far off and maybe they could do something. Mr. Seeds noted that we have all been on your streets, as he has been several times and they are aware of the problem as yours is not the only community. He noted that he knows how bad it is.

Ms. Lindsey questioned if there is anything that could be done before 2016 for a public safety issue that could save this child as this is only one child that was hurt. Mr. Hornung noted that is what we are trying to do. Mr. Crissman noted if Mr. Stine can find something that is outside of the box and what Mr. Wolfe is looking into so when we know what we can do we can draft a letter to make sure we incorporate any of the research that is found into the letter. He noted that the individual items need to be addressed so we don't omit anything and Mr. Hornung will make contact with them to see if he can rattle some cages.

Mr. Ham noted that this is something that we are hoping that our elected officials of this Township can assist us with. He noted that Mr. Wolfe stated earlier in the meeting that the most basic function of local government is to provide public service and that is something we are asking for even if it is something you can't readily do for us now, if you can assist us to get the ball rolling and make it happen we really appreciate it. He thanked the Board for its time.

Mr. Crissman noted that we have legally identified what we can and can't do.

Mr. Ross Weiner noted that he lives at 2027 Laura Lane noting that it is lot 99 on the map that was provided. He noted that the vacant lots are lots 93 to 98. He noted that they are owned by Classic Community and he believes that only two lots can be developed because of a need for a retaining wall behind the other four. He noted that the picture shows that the lots are not being well maintained with debris, trash, cinders, cement blocks, things that are very inviting for the 45 children to go play on. He noted when it snows, the kids want to go back there and sled. He noted the ground is very soft and has a steep drop off in the back. He noted that it is a very unsafe for the children to play and the trash also collects there as well. He noted that during a wind storm we are picking up trash and debris in that area to clean it up.

Mr. Eric Harvey who lives at 2012 Laura Lane noted that he just moved into the development in May of 2015. He noted that the picture that he distributed is Classic Community's attempt to protect our children from falling into the open storm inlets. Mr. Hornung questioned if there is a grate on that. Mr. Harvey noted that he started emailing Classic Community on June 8th and finally on August 16th he contacted the news as he was getting no assistance from Classic Community and Ms. Eirkson was able to help out and two days later it was fixed. He noted that he appreciates that the Board seems to be very receptive to us and we understand that you are handcuffed at this point with what you can and can't do. He noted that we want to put this on the record with all the kids that are in the neighborhood and the ongoing safety issues that Classic Community is not willing to discuss with the residents. He noted in the beginning, Classic Community would respond to emails quickly and get back to me that day. He noted that has completely stopped and they don't have any correspondence with us whatsoever. He requested that the Board do what it stated it would do. He noted that leaving storm outlets wide open for the 60 kids to fall into is a huge concern for us.

Mr. Hornung noted that we will do whatever we can. Mr. Crissman requested the

residents to put all the problems into one letter rather than have three or four different speakers. He noted that it would make it much easier for Mr. Wolfe then having to read from various documents.

Mr. Harvey noted that the issue of the storm drains, noting that the water is getting so deep, over a foot high and over the sidewalk and into his driveway within a few feet of his home. He noted that he has all kinds of water in his basement and he has addressed it with Classic Community and they guaranteed that he would not have that issue and they are not responding to us.

Mr. Bill DiSanto, 2039 Laura Lane questioned what would happen to the bond if they filed bankruptcy. Mr. Stine answered that the bond remains in place as it is held by a surety company so they guarantee the amount of money that is in the bond. Mr. DiSanto questioned with all the information provided that the Township can force an involuntary on them. Mr. Stine questioned if you mean an involuntary bankruptcy; he noted that the Township is not a creditor as they do not owe us money. He noted that the creditors can force the involuntary but we could not do that. Mr. Crissman noted that we will send a copy of the letter to the surety company who is holding the bond and they may be able to provide some pressure. Mr. DiSanto questioned if they file bankruptcy which is the rumors… Mr. Stine noted that the Township has a remedy against the surety company.

Mr. Wolfe explained that other people have the same issue but a different development

Mr. Craig Crotty 4304 Stone Lake Courts and Sue Shebosky 4333 Outerbridge Crossing noted that they are from Victoria Abbey. Mr. Crotty noted that their streets haven't been paved for two years and Classic Community has not done anything for us in over two years. He noted they let vacant lots grow over and we have threatened to call to get them to maintain the lots. He noted for the last two years we had the same issue with snow as Quail Hollow did as the streets weren't plowed. He noted that their landscaper plowed the streets but he is hesitant to do it as he was never paid by Classic Community. He noted that he just received the payment for the snow removal from last year just last week and he refuses to do any work for Classic Community.

Ms. Lindsey questioned if they have an HOA. Mr. Crotty answered yes and the landscaper does all the sidewalks and driveways. He noted that the issue is who will plow our streets as they are still holding the bond and it has been two years as the streets have been

finished.

Ms. Lindsey questioned if this bond would have to roll until 2016 as well. Mr. Stine noted that the streets are paved. Mr. Crotty answered that they have the complete top coat and everything. Mr. Stine questioned if Classic Community is still holding on to the bond. Mr. Crotty answered yes. Mr. Stine noted that the roads would have been offered for dedication on the subdivision plan; staff can check that out noting that the streets could be taken over but we would not be able to get a maintenance bond. He noted that he would expect that the streets have been in so long that we would know what shape the streets are in. He noted that the Board could decide what it wants to do.

Mr. Crotty noted that there are five units to be built using two lots. Mr. Stine noted that you are in a better shape than the last ones as your roads have been completed. Mr. Crotty noted that they are just down the road from us and he has seen the roads in Quail Hollow and he was appalled.

Ms. Lindsey questioned why they would not want to turn them over to the Township. Mr. Hornung noted that Classic Community would have to take out a maintenance bond on the roads.

Mr. Crotty noted that he has heard rumors that they dissolved their corporation and they have started another one and the real estate agents have taken over the lots so we are very concerned as we have a lot of elderly people who live in our development, not having the issue with children.

Ms. Lindsey questioned if we could do a separate letter to include where they are living as well. Mr. Crissman answerer that we could include them in the letter. He questioned Mr. Wolfe, based on what Mr. Stine said, if we could ask our staff to review the street to see if we should take it over. Mr. Crotty noted that there are two streets, North Victoria Way which Kensington comes up to it and the Township has done part of the road going up to the end to turn around to get to the lower section. He noted that it is north of Victoria Way, Outerbridge Crossing and Stone Lake Courts, a circle.

Mr. Crissman noted that Mr. Stine stated if the roads are far enough along, we could take them on them, but it would be good for staff to make a recommendation. Mr. Wolfe questioned if we take it over we would not have release of liens. Mr. Stine answered that is correct and there would be no maintenance bond, but since the streets have been in place for a while it may not be

so bad. Mr. Crotty noted that the roads have be intact for two years and are in good shape. Mr. Crissman noted if the staff assessment is to take over the street that is one thing, but if staff does not agree, then we would include your development in the letter that we will be drafting for the other development. Mr. Crotty answered that is good.

Ms. Lindsey questioned if there is anyone from Wyndhurst Manor. No one responded. Mr. Larry Geesaman, Caldwell Bank, noted that he is an associate real estate broker who lives in Victoria Abbey that is adjacent to Wyndhurst. He noted that he is familiar with the bylaws and covenants for Wyndhurst and the problems will repeat itself. He noted that Victoria Abbey is fortunate in that Pennsy Supply did the streets two years ago and did a nice job so we are in a position to exercise the bond if the builder does not comply. Ms. Lindsey noted that you have the top coat on your streets. Mr. Geesaman noted that they have the wearing surface on and it was properly paved around the perimeters and the storm sewers seem to be operating correctly.

Ms. Lindsey noted that they are not plowing those roads either. Mr. Geesaman noted that the landscaper also plowed the snow last winter and he was not aware that he only just got paid for that work. He noted that he will not be doing it again this year so we need to ask for help. Ms. Lindsey noted that we need to send out Public Works to look at the streets in Wyndhurst. Mr. Geesaman noted that Wyndhurst is too far behind. He noted that there are three separate HOA's, Kensington, Victoria Abbey, and Wyndhurst. Mr. Crissman questioned Mr. Geesaman if he lives in either of them. Mr. Geesaman answered the he lives in Victoria Abbey. He noted from a plan, it should have been put together as one large HOA as three small ones cause a lot of problems. Ms. Lindsey noted that we should take a look at all three developments before we incorporate the letter. Mr. Crissman noted that Mr. Wolfe should review it and come back with a recommendation.

Mr. Geesaman noted that Bob Grubic lives in Victoria Abbey and the Board could consult with him if it needs to. Mr. Crissman noted that he would be an excellent reference.

Review of the 3rd Quarter Key Indicator Report and the 2016 budget for the Friendship Center and continued discussion regarding funding for long-term capital needs as identified in the Strategic Plan

Mr. Wolfe suggested tabling these two items until the next two meetings. The Board agreed.

Otta Know Presentation:
Letter of Intent to participate in Phase 2 of the FEMA Community Rating System (CRSP) program for floodplain management

Mr. Wolfe noted that the Dauphin County Regional Community Rating System (CRSP) Program is offered to municipalities through the Federal Emergency Management Agency (FEMA) and Dauphin Count, coordinating its municipalities to participate in the flood insurance rating program with the Township's participation in this program resulting in lower flood insurance rates for the Township residents. Mr. Crissman noted that we are willing to participate in this program. Mr. Wolfe noted that he will send a letter to FEMA indicating our intent.

The draft Paxton Creek TMDL Strategy

Mr. Wolfe noted that Lower Paxton Township, Susquehanna Township and Capital Region Water are jointly participating in a Total Maximum Daily Load (TMDL) Strategy for Paxton Creek. He noted that all three are required to have public hearings on their strategy and the Township will be first. He noted as part of next Tuesday's meeting there will be a public hearing on the Paxton Creek TMDL strategy. He noted that representatives from HRG and CDM Smith will be in attendance to conduct the hearing on behalf of all three municipalities. He noted that anyone from the community who wants to comment is invited to attend and provide comments. He noted that all three municipalities jointly advertised these public hearings.

Improvement Guarantees

Mr. Hawk noted that there were five Improvement Guarantees and one Stormwater Guarantee.

Wyndhurst Manor, Phase 3

A reduction in a bond with Developers Surety and Indemnity Company, in the amount of $127,036.63 with an expiration date of June 2, 2016.

2521 Patton Road

A reduction of a letter of credit with Metro Bank, in the amount of $2,976.60 with an expiration date of January 20, 2016.

Victoria Abbey at Forest Hills, Phase 2

A reduction in a bond with the INSCO-DICO Group, in the amount of $9,264.82 with an expiration date of September 15, 2016.

Keystone Center

A release in a letter of credit with Centric Bank, in the amount of $647.43.

Tuscan Villas at the Estates of Forest Hills

An extension and increase in a letter of credit with Riverview Bank, in the amount of $144,277.68 with an expiration date of November 10, 2016.

Stormsewer Guarantee

Spring Gate Vineyard – Handicap Parking Area

A release in an escrow with Lower Paxton Township, in the amount of $5,500.00.

Mr. Crissman made a motion to approve the five improvement guarantees and one stormsewer guarantee. Mr. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Adjournment

Mr. Crissman made a motion to adjourn the meeting, and Mr. Hawk adjourned the meeting at 9:28 p.m.

Respectfully submitted,	Approved by,
Maureen Heberle Recording Secretary	William L. Hornung Township Secretary