

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held May 11, 2010

An administrative workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:40 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; and Watson Fisher and Ted Robertson, SWAN.

**Pledge of Allegiance**

Mr. Hawk suspended the recitation of the Pledge of Allegiance as it was recited during the prior business meeting.

**Public Comment**

No public comment was presented.

Review of Ordinance 10-02; accepting a portion of Raspberry Alley  
west of North Mountain Road as a public street.

Mr. Wolfe noted that the Township received a right-of-way description for Raspberry Alley from the west side of Mountain Road, and the Board is in a position to move forward to make it a public right-of-way by means of the adoption of an ordinance. He noted that the proposed ordinance is exactly the same ordinance that was used to accept Blackberry Alley last year, as prepared by Mr. Stine.

Mr. Wolfe explained that he could advertise the ordinance for Board action during the first meeting in June if the Board so chooses. Mr. Stine questioned if the ordinance was advertised for a public hearing. Mr. Wolfe answered yes. He explained that the Township would write a letter to all the abutting property owners stating that the Board would hold a public hearing at its meeting in June to act upon the ordinance to make Raspberry Alley a public right-of-way.

Mr. Wolfe noted, when this topic was discussed during the March workshop meeting, there was at least one property owner who was in opposition to making Raspberry Alley a public right-of-way. He noted that the Linglestown Merchants Association (LMA) requested the Township to accept Raspberry Alley as a public right of way. He noted that LMA was asked to meet with Ms. Minium to try to work towards an amicable solution. He noted that no meeting has occurred to date; however, he received correspondence explaining that they have contacted Ms. Minium by mail, and that Mr. Eric Kessler, the Chairman of the Village of Linglestown Committee will represent the LMA in an attempt to come to a consensus over the issue. He explained that he does not know what would result from the outreach; however, he suggested that the attempt would not be successful. He suggested, if the Board moves to act on the ordinance at its June 1st meeting, there will be public opposition voiced during the public hearing. Mr. Crissman questioned if there would be others in opposition to the ordinance. Mr. Wolfe answered that there were other residents who attended the workshop meeting who did not want to see the entire alley opened. He noted that it is not the intent of the Township to take ownership of the entire alley, noting that the proposed paving would stop in the area of the road closed sign.

Mr. Wolfe questioned if the Board wanted him to move forward with the advertisement to schedule the public hearing. Mr. Hawk noted that he came to the conclusion, as a result of the workshop meeting, that the majority of the people were in favor of opening a portion of Raspberry Alley, with the major opposition coming from Sherry Minimum. He noted that she expressed her concern for the safety of her children who work on cars and play in the alley. Mr. Crissman noted that the Board should move forward to adopt the ordinance and see what kind of opposition occurs during the public hearing. He noted that the LMA has made an effort to make contact with Ms. Minimum. Mr. Hawk agreed.

Mr. Seeds questioned what area the ordinance covers. Mr. Hawk noted that it would start at the currently posted dead-end sign (Sugar Alley) located in the Alley and proceed east to Mountain Road. He noted that it would encompass the paved parking lot and driveway for the First Impressions and Olivia's Tea Shop businesses.

Mr. Wolfe noted that it has been almost two months since the workshop meeting and there has been no aggressive attempt to reach out to Ms. Minimum. He stated that he did not know when Mr. Kessler would meet with Ms. Minimum, and there may be no one-on-one

contact by the June 1<sup>st</sup> meeting. He suggested that the Township should not wait any longer to act on this ordinance.

Mr. Seeds questioned if the survey work has been completed. Mr. Wolfe noted that the information is included in the description of the plan, but it is only for the western side of Raspberry Alley. Mr. Hawk noted that waiting would only delay the potential to pave Raspberry Alley. Mr. Hornung agreed, the sooner the better for the discussion on Ordinance 10-02. He noted that the Township must provide relief for the customers to get around the construction area to the businesses.

Review of a proposal from ParenteBeard LLC, to undertake an independent review of the proposed development of a solar farm on the Township's closed municipal landfill

Mr. Wolfe explained that as the Township moves forward with the development of the solar farm located at its closed landfill, the Board has determined that it needs to do due diligence in regards to the proposal submitted by Energy Systems and Installations (ESI). He noted that Board needs to determine if the proposal is valid, if it make sense, and if the assumptions used to develop the proposed facility are accurate. He explained that he has talked to several other firms that deal in solar farm development regarding this issue, firms that are competitors of ESI. He noted that ParenteBeard, LLC. has an environmental energy division within their firm and he found them to be very knowledgeable. He explained that he requested ParenteBeard, LLC. to provide an independent analysis of the project as proposed by ESI.

Mr. Wolfe noted, on the first page of the proposal, the scope of work is listed as following: 1) Evaluate the proposed area to host the solar farm system, including its characteristics, area type, size, shading, sun access, existing structural design and existing electrical system design; 2) Analyze the potential maximum size of the photovoltaic (PV) system and its energy yield; 3) Analyze electricity bills from the Swatara Township Authority Facility; 4) Analyze the total cost of the PV system, 5) Analyze the financial model based upon estimated project cost, energy yield, AEC sales (energy credits) and taxation over the estimate life of the PV system; 6) Comment on owning the PV systems versus entering into a Power Purchase Agreement (PPA); 7) Comment on any potential issues with the development of the PV system, including environmental and regulatory issues; and 8) Present findings to management. He

explained that they could provide all this information in a two to four week time period for a cost between \$8,000 to \$12,000.

Mr. Wolfe suggested that ParenteBeard, LLC, is well equipped to do this work. He noted that there are other firms that claim they can do the work, but this is a local firm who has a detailed knowledge base. He suggested that their price is a little high in comparison to the services received from ESI that are much lower.

Mr. Hawk noted that it is a major undertaking by the Township and will have long range effect and costs savings. He noted that he would like to have a full and complete understanding of what the Township is entering into. Mr. Seeds noted that ESI and ParenteBeard, LLC, both desire the work, and he suggested that they would both agree that the solar farm is a good thing to do as they would want an opportunity to make money. Mr. Wolfe noted that the Township is in a difficult position noting that there are firms who are competitors of ESI who will comment on their work, and ParenteBeard, LLC, is one such firm. He noted that although there is a potential for issues in this work, he did not think it would create a problem. He noted that ESI made the proposal to the Township and designed the solar farm, yet they must also provide the Township with a bid to do the work. He noted that he does not have a problem with someone evaluating their proposal and design work, even if that firm could also bid on the project.

Mr. Blain noted that ParenteBeard, LLC is a public accounting firm and they perform energy work, but he questioned if they are more focused on the financial analysis. Mr. Wolfe explained that ParenteBeard, LLC also does installations. He noted that the introductory letter states that they have over 60 projects representing over 16mW in the State of Pennsylvania, representing more than 15% of the total commercial photovoltaic projects awarded rebates under the Pennsylvania Sunshine Program. He noted that they are very active in taking large commercial buildings and installing photovoltaic systems on the roofs. Mr. Blain questioned if they do the actual installation. Mr. Wolfe answered that they have a subcontractor doing the work for them. He noted that they indicated that they have a design section within their firm dedicated to photovoltaic installations.

Mr. Wolfe noted that the proposal lists the three major persons who would do the work. Mr. Blain noted that for the Township's needs, he is fine with using the firm. He suggested that ParenteBeard, LLC is more of a financial analysis and funding operation and not as much a design operation. He noted that he did not realize that they do design work. Mr. Wolfe noted that

the design work is not as technically challenging as what you may think. He noted that you determine how many panels could fit on a roof providing adequate setback from the end of the roof with no shading from HVAC equipment.

Mr. Seeds noted that he would want someone to tell him that the project is economically viable. Mr. Blain noted that is the reason for hiring ParenteBeard, LLC. Mr. Seeds suggested that they would tell the Township that it is because they want the Township's business. Mr. Blain disagreed as ParenteBeard, LLC, would be more objective about the project since they did not design the project, and he suggested that they would scrutinize the project more because they would try to find fault in ESI's work. Mr. Wolfe agreed. Mr. Crissman agreed also. Mr. Seeds noted that the question is, will the project produce the end result that ESI predicts that it will. Mr. Blain noted that is the reason why the Township needs to hire ParenteBeard LLC to do the study. Mr. Blain noted that they would provide verification of ESI's work, and he suggested that the rates are within the industry standard. Mr. Crissman noted that it should be put on the agenda for the May 17<sup>th</sup> meeting. Mr. Hawk agreed.

Continued discussion regarding the proposed BC-1A  
stormwater system improvements and its effects on abutting properties

Mr. Wolfe requested the Board members to view several maps on the table in order to explain the next item on the agenda. He noted as part of the BC-1A mini-basin work, the Township has a clearwater system that outfalls into the back yard of two properties and then flows along an undefined channel to the rear of Mr. Pinci's property. He noted that Mr. Robbins proposes to pipe the water across Linglestown Road into a pipe that runs parallel to a pipe that has already been installed by Leon Wintermyer, and discharge that water into an existing swale. He noted that this is part of the \$160,000 storm sewer work project that is ongoing now.

Mr. Wolfe noted that the owner of the parcel of ground on the north side of Linglestown Road, Eric Kessler, believes that an area of his property is now much wetter that it ever was before, especially since the work began in Linglestown. He noted that as a result of the pipe that was installed by Leon Wintermyer, and the direct piping to the stream channel, the area is unsuitable for farming.

Mr. Wolfe displayed an aerial picture of the area dated 2003, when the old Eyster Farm structures were located on the land. He noted that it shows the drainage channel as it existed at

that point. He noted that he did not know the last time the land was actively farmed. He noted that the area is the same color as everything around it, and not shown as a wetland area. He noted that the 2008 aerial picture shows that the area is becoming a wetland. He noted that the wetland area is a function of the end of a slope from an area filled in where Wintermyer now has their job trailers. He noted that the fill material was not shown on the map in 2003 and that several of the buildings have been removed, and there is a remnant of a silt fence that is not shown on the 2003 map with the same elevation. He noted that another area to the east has also been filled and this is shown on the 2008 map. Mr. Seeds noted that additional fill has been added since the 2008 map. Mr. Wolfe noted that some of the fill that was added was done so by Wolsen Construction under Mr. Kessler's authorization when Wolsen did the Township's BC-1A sanitary sewer force main. He noted that Mr. Kessler worked an arrangement with Wolsen Construction, outside of the Township, to apply the fill. He noted that Wintermyer's job trailers are located on that site now and none of that fill was placed by Wintermyer. He noted that additional fill and demolition of the buildings was completed by Mr. Kessler after 2003 when he acquired the property. He noted that two areas have been filled and a wetland is forming and it all occurred in 2008, prior to the start of the Village of Linglestown project that started in the fall of 2009.

Mr. Crissman suggested that the new project has not created this condition. Mr. Hawk questioned if the wetland has increased from 2008 to the present time. Mr. Wolfe noted that he has no new maps to show that.

Mr. Seeds noted that Mr. Kessler has added fill to the site. He noted that he was told that there are five pipes that lead into the meadow from along Linglestown Road. He noted that when he walked the areas he only found one pipe. He noted that they are to be shut off with a new drain, and Mr. Kessler's concern is that the Township does not allow more water to run off into this land. He noted that he is concerned that by piping the water under Route 39, it would put more water on Mr. Kessler's land. He noted that the water conditions might be caused by the additional fill that Mr. Kessler added and as a result of the work to be done for the remainder of the project. Mr. Wolfe noted that the Township has not done enough work to change anything. He noted that when the Eyster's actively farmed the land, they probably did some maintenance for the flow in the stream. He suggested that over time, streams will fill with silt and vegetation will overgrow and he suggested that the stream flow is not what it was in the past and as a result

the water ponds. He noted that the water cannot spread out any further with the additional fill that has been placed.

Mr. Seeds noted that the land has been farmed. He noted that they have cultivated hay on the farm. Mr. Wolfe suggested that they have not planted any crops, or turned the soil for a long time, or maintained the stream channel for a long time.

Mr. Hornung noted that the Township has not done anything to increase the impervious coverage in Linglestown that would increase any flow to his property. Mr. Wolfe noted that Mr. Kessler claims that the area has never been wet until the Township started doing work. Mr. Hornung questioned what work Wintermyer has done other than replace some pipe. Mr. Wolfe noted that Wintermyer added a pipe to along the stream channel. Mr. Seeds noted that they also cut the bank back along the roadway. Mr. Wolfe explained that there is no additional impervious coverage and no redirection of water flow. Mr. Seeds noted, if the Township adds more water from the underground pipe, then Mr. Kessler would have a legitimate argument. Mr. Crissman noted that Mr. Kessler changed the terrain by adding fill to various areas and the water is restricted to the area.

Mr. Blain questioned what Mr. Kessler wants the Township to do. Mr. Seeds noted that he wants the Township to pipe the water to the stream valley near the sewer pumping station. Mr. Blain noted that Mr. Kessler needs to come to the Township and make that request. Mr. Crissman noted that he would like to hear from him directly. Mr. Seeds explained that Mr. Kessler has been sending numerous emails to Mr. Wolfe regarding this issue. Mr. Wolfe noted that he received one email. Mr. Seeds explained that he visited the site with Mr. Kessler to view the problem.

Mr. Blain noted that until an engineering analysis is completed as to why the land is wet, there is not much the Township can do. Mr. Wolfe explained that he wanted to inform the Board that Mr. Kessler is making an allegation that the Township has made his land wet, when the area was wet prior to the Township doing any work, and he wants something done. He noted that he, along with Sam Robbins and Jeff Case will be meeting with Mr. Kessler later this week to discuss this issue. Mr. Hawk suggested that it would be interesting to know what his reaction is when he views the maps.

Mr. Seeds noted that he would not agree to adding more water in the stream. Mr. Hornung noted that the proposed outfall would be piped directly to the stream channel. He

questioned where it ends now. Mr. Wolfe answered that it ends behind the properties. Mr. Seeds noted that it flows above ground.

Mr. Crissman questioned if the new work had been done after 2008. Mr. Wolfe noted that Wintermyer added the pipe in the fall of 2009. He noted if a wetland was already developed in 2008, then Mr. Kessler created it by adding the fill in the two locations.

Mr. Wolfe noted that he wanted to inform the Board of what was going on and that staff plans to meet with Mr. Kessler.

Mr. Seeds noted that that land was always wet, and Mr. Kessler is claiming that it is even wetter now. Mr. Hawk questioned how the Linglestown project could have created that much damage in that short of time. Mr. Blain noted that they only started to work on the project a couple months ago. Mr. Seeds noted that they did add the one pipe.

Mr. Hornung noted that an engineering report is needed to review a 2010 picture of the same land to determine if there has been any progression in the wetlands. Mr. Wolfe noted that there is no current map and it would cost money to print one. Mr. Hornung suggested that a engineering study should be done to determine if the project impacted the land and how much it impacted the land. He noted that it is a PENNDOT project, and they are the ones that directed the water to the location. Mr. Wolfe noted that extensive stormwater studies were completed prior to bidding the project and detailed calculations were prepared by Arora and Associates which have been given to Mr. Kessler. Mr. Hornung noted that he would like to see that information in a summary format to get an idea of what the conclusion is. Mr. Wolfe noted that PENNDOT must have determined that it would be okay or they would not have gone forward with the project. Mr. Hornung noted that the project would have to add some additional water.

Mr. Crissman noted that Mr. Kessler has altered the contour of the land therefore he has created an impact on the drainage and it is shown on the 2008 map. Mr. Hornung suggested it would be good to know when the fill was added and what impact that activity had on that area. Mr. Hawk suggested that there could not be that much of an impact on wetlands in that short a period of time. Mr. Hornung agreed. Mr. Seeds suggested that most of the problems were created by Mr. Kessler and only a small part might have been created by the construction. He noted if the Township piped more water on his land, then he would really have a case. Mr. Hornung noted that the impact of piping additional water should be included in the engineering study. Mr. Seeds noted that Mr. Kessler wants the Township to pipe the additional water to the new pump

station. Mr. Hornung noted that some infiltration would occur from the change in the road construction, and he requested to know what difference that will make. Mr. Wolfe noted that the outlet pipe that Wintermyer installed is sunk which means water lays on top of it at all times to create a habitat for invertebrate. He noted that this is the design standard for PENNDOT for the Best Management Practice, to create a habitat. He noted that Mr. Kessler sees a pipe that is underwater which may lead him to conclude that there is more water now than there was before.

Mr. Hornung questioned why the Township is involved in this issue if this is a PENNDOT project. Mr. Wolfe noted that the Township is responsible and paying for 20% of the project and Mr. Kessler came to the Township to complain. Mr. Seeds suggested that Mr. Kessler went to PENNDOT and they directed him to go to the Township.

Presentation of the EPA Administrative Order and Findings  
of Violation in regard to the Township's MS4 Program

Mr. Wolfe explained that the Environmental Protection Agency (EPA) cited 79 municipalities in South Central Pennsylvania, in the middle of April, for administrative failures in their stormwater management programs. He noted that the EPA is adamant that these programs are crucial to the Chesapeake Bay area. He noted that the Pennsylvania Department of Environmental Protection (PADEP) is not as adamant and taking a hands-off approach and the two agencies do not appear to have a consensus on what is going on. He noted that it is all related to creating a clean habitat in the Chesapeake Bay through up-stream sources, and Lower Paxton Township will be a part of this program as it relates to the Susquehanna River.

Mr. Wolfe noted that the EPA Administrative Order which the Township received on April 12, 2010, stated that municipalities have 120 days to make the changes to come into compliance with the Small Municipal Separate Storm Sewer Systems (MS4) Permit. He explained that the EPA held a seminar on May 5, 2010 and Sam Robbins and Matt Miller attended that seminar. He noted that PADEP did not attend.

Mr. Wolfe noted that page four of the report contains the violations that the Township has been accused of, notably, paragraphs 27 through 32. He explained that the MS4 Permit requires the Township to implement and enforce a program to detect and eliminate illicit discharges. He noted paragraphs 31 and 32 mentioned that the Township has not issued any violations for illicit discharges. He noted that the Township has not found any locations where people have

inappropriately dumped something into a stormwater system, and no corrective measures have been taken. He noted that part of the Township's overall administrative failures, in the EPA's mindset, is that the Township does not have an active enforcement program. He noted that the Township is required to identify the MS4 by mapping the stormwater outfalls, which the Township has done. He noted that the Township must have an ordinance to prohibit non stormwater discharges, and he noted that he was not sure if this had been completed. He noted that the Township must take corrective actions to eliminate illicit discharges.

Mr. Wolfe noted that Mr. Robbins provided a memorandum which explains what he learned after attending the May 5<sup>th</sup> meeting. He noted that the Township has been reporting to PADEP for the past six years on the stormwater system. He noted that the Township has never received a response from PADEP on those reports. He noted that the EPA completed an audit of the PADEP files, and EPA found deficiencies in those files, and because of that, they issued violation orders. He noted that Mr. Robbins stated that the EPA would not discuss any of the issues with the administrative order and informed him that the Township must respond via telephone or email to the EPA to get more specific answers to the administrative order.

Mr. Wolfe noted that the Township has not been as diligent as the EPA would want the Township to be in enforcing stormwater management protocols for stormwater outfalls. He noted that this goes back to the Paxton Creek TMDL and the very aggressive nature the EPA has taken with municipal governments especially in Pennsylvania for correcting stormwater issues. He noted that the Township has room to improve, but neither the EPA nor PADEP have instructed the Township how to improve. He questioned if it was physically possible for the Township to do what the EPA wants it to do.

Mr. Hornung questioned if the Township has taken samplings from the outfalls. Mr. Wolfe answered that the Township has done samplings, and it has mapped the outfalls. He noted that the Township has not gone out to look for illicit discharges. Mr. Hornung questioned if the samplings indicate that there were any illicit discharges. Mr. Wolfe noted that he has never been told that there was a significant finding. He noted that the EPA may want the Township to do more samplings or they don't believe that the Township has not found any illicit discharges. He noted that the Township has submitted reports for six years to PADEP and has never received any comments from PADEP that the reports were deficient. Mr. Seeds noted that they are now telling us that they are. Mr. Wolfe noted, that is according to the EPA, not PADEP.

Mr. Wolfe noted that this could cost the Township more money in legal fees, and make the Township less friendly to the development community. He noted that the Township would have to issue citations and take enforcement action when people are violating or polluting the waters of the Commonwealth that pour into the Chesapeake Bay. He noted that the Township will have to provide an intensive Community Education Program on proper vegetation and yard management. He noted that the newsletter has contained articles about the right way to apply lawn fertilizer. He explained that the Township has created a rain garden project in conjunction with the Paxton Creek Watershed Association. He noted that up until this time, no one has notified the Township that it is doing anything wrong, and now it will have to find out exactly what it is doing wrong and what it needs to do to improve the situation.

Mr. Seeds noted that the newsletter the Board members received from CET, mentioned that the EPA issued \$953 million regulations for construction stormwater.

Mr. Hornung questioned if there was a potential for fines. Mr. Wolfe answered yes, and also other punitive fines, such as not allowing the Township to issue building permits. Mr. Hornung questioned if the EPA has alluded to anything like that. Mr. Wolfe answered, not yet. Mr. Seeds suggested that they may do surprise inspections, review the books, and view outflows. Mr. Wolfe noted that the EPA can do that. Mr. Wolfe stated that he would keep the Board updated on this issue and explained that he hoped to have gained more information on this after the May 5<sup>th</sup> meeting, but that did not occur. He noted, there was a newspaper article where Mr. David Sanko, from PSATS was quoted as saying, "This is typical that EPA would cite municipalities and then offer them a training course on compliance three weeks later, rather than the other way around."

Mr. Hornung suggested that staff take a look at the results to ensure they are accurate.

#### Discussion regarding the intersection of Locust Land and Fairmont Drive

Mr. Wolfe noted that the Board members will be reviewing, in the near future, a subdivision plan for the Parmer Tract, northwest corner of Fairmont Drive at Locust Lane, called Pleasant Meadows. He noted that the plan proposes a senior living complex with single-family dwellings and one three-story, 60-unit condominium building. He noted that Mr. Fleming, from HRG, Inc. highly suggested that the Board consider the intersection of Locust Lane and Fairmont Drive and the need for signalization. He explained that the intersection was identified in the

Shadebrook Traffic Study for the Traditional Neighborhood Development (TND) as warranting a traffic signal, prior to the development of Shadebrook. He noted that the subdivision approval for Shadebrook identified Locust Lane and Fairmont Drive as an off-site improvement, and the subdivision approval provides for improvements to the intersection. He noted that there is no developer's agreement with Shadebrook; however, his understanding is that the developer is responsible for a traffic signal and turning lanes. Mr. Hawk noted that he remembered that conversation with Richard Yingst in that he stated he would help to correct that intersection. He noted a second smaller development, Pleasant Meadows, will be located catty-corner to Shadebrook, and also be an off-site improvement, but would certainly impact the intersection of Fairmont Drive and Locust Lane. He noted that this plan will be coming to the Board in the near future, and he would expect that they will take the position that it is an off-site improvement. He noted that the Township has a substandard intersection that warrants a traffic signal that one developer has agreed to contribute to, and the Board may want to ask the other developer to participate in those upgrades.

Mr. Wolfe noted that the Pleasant Meadows subdivision plan identified the driveway for the Dauphin County Technical School (DCTS) as being substandard and that is located across the street from the outlet to Pleasant Meadows. He noted that improvements could be warranted at that location as well. He suggested that the Pleasant Meadows developer could be asked to discuss the improvements with the developer of the Shadebrook TND and work a deal among themselves to do the necessary improvements and split the costs, or do it on a per unit basis. Mr. Hawk suggested that Mr. Yingst would be amenable to that. He noted that Mr. Yingst has agreed to underwrite a large portion of the upgrade.

Mr. Wolfe noted that the last experience with the Palmer Tract was not a pleasant one. He explained that he wanted to provide some information on this issue as this plan would be coming to the Board in the near future. Mr. Seeds suggested that there will be neighborhood opposition to the plan for Pleasant Meadows. Mr. Wolfe noted that the current plans call for 60 single family units and one three-story building for independent senior living. He noted that the developer will not need a variance for height. Mr. Seeds questioned what the land was zoned for. He checked his information and found that it was zoned residential cluster. Mr. Wolfe noted that they are also looking for a waiver of street width, using a much narrower cartway. He noted that

staff is working with the developer on this issue trying to come up with a more reasonable number than what they are proposing.

Mr. Crissman noted that Mr. Wolfe made a comment about the impact for DCTS, and he questioned to what extent this would impact the school. Mr. Wolfe noted that the driveway for DCTS is substandard by volume of traffic flow. He noted that it would probably call for turning lanes at the school. Mr. Crissman questioned if the school would be responsible for doing this work or should the developer do this work. Mr. Wolfe answered that the developer will need a highway occupancy permit (HOP) for Locust Lane, to place his roadway across the street from the school. He noted that the new development would have additional impact on the school; and PENNDOT may force him to do improvements at the school, at least to the one driveway that is directly across the street from his proposed development. Mr. Crissman noted, as a taxpayer, he would not want to have the school pay for a situation that was caused by a new development.

Mr. Wolfe suggested that the developer will make a plea for why a senior assisted living complex should not be assessed for off-site improvements or improvements to the school across the street. Mr. Hawk noted that in order for a developer to have a successful project they always charge that the improvements requested by the Township are off-site improvement, and this puts the burden on the taxpayers to make a development successful. He noted that he objects to the constant feeling that the Township must make exceptions for the developer to make money. Mr. Hawk noted if someone wants to build a development then they need to pony up the money.

Mr. Hornung noted that the Township continues to accumulate traffic signals, and although the energy costs are not as bad as they used to be, the fees paid out to PERC's keep rising. He questioned if there was another solution for that intersection, like possibly a circle. Mr. Wolfe noted that it would be big enough for a traffic circle. He suggested, if the Board held off for a little time to determine how the new roundabouts work in the Village of Linglestown, and then they may decide that that would be the way to go. Mr. Blain suggested that a roundabout would work well at that area as there is plenty of land in the area.

Mr. Seeds questioned if Mr. Wolfe knew what the accident rate was for that intersection. Mr. Wolfe answered that he did not have that information. Mr. Blain noted that there are accidents at that intersection, noting that it is a difficult intersection with the current acceleration lane. He noted that a roundabout may be an idea to broach to the two developers.

## Review of the Key Indicator Report for the first quarter 2010

Mr. Wolfe noted that the first quarter for 2010 shows that the financial picture is not as bad as it was in 2009. He noted that the General Fund budget revenues and expenditures are balanced, including State Aid at \$19,262,494, which also includes \$992,000 for capital projects. He noted that the General Fund at the beginning of 2010 was \$5,302,832 and for the 2010 budget the expenditures were budgeted at \$1,645,200.

Mr. Wolfe noted that the Fire Equipment Capital Fund has a balance of \$314,845 noting that the \$200,000 contribution to the fund will be made in May. He noted that the Friendship Center Operating Fund has expected revenues for 2010 of \$2,293,490 against expenditures of \$2,293,490. He noted that the Friendship Center Capital Fund possesses a balance of \$320,582. He noted that the Authority budget has expected revenues of \$12,771,643 against expenditures of \$12,304,500. He noted that the sewer capital project budget is \$12 million for 2010 with over \$48 million dollars on account in the beginning of the year. He noted that the Authority hopes to close its loan with PENNVEST this week and that will add another \$16 million to that fund. He noted that the two employee pension plans possess a balance of \$14,221,069 for the Police and \$8,121,330 for the Non-Uniformed employees.

Mr. Wolfe noted the General Fund balance is \$19,262,494 and that includes a budgeted amount of State Aid of \$1,000,680. He noted, at the end of the first quarter, the revenues were \$2,827,342 with expenditures of \$3,953,511. He noted that the Township is always upside-down in the first quarter awaiting the tax receipts that are deposited later in the year, and this produced a net loss of \$1,126,168. He noted that revenues are 7% higher in the first quarter of 2010 as compared to the first quarter of 2009. Mr. Seeds noted that the 2010 Real Estate Transfer Tax collections are down 39% as compared to 2009. He questioned why this is occurring. Mr. Wolfe noted that fewer properties have been transferred in the beginning of this year as compared to 2009. Mr. Blain suggested that during the first quarter of 2009, there were many lingering property transfers from 2008. Mr. Wolfe noted that Community Development is at 40% of its budgeted revenue. He noted that the funds are coming in faster from the Real Estate Tax Collector, and there is no transition from the switch to Berkheimer this year for the Earned Income and Local Services Taxes.

Mr. Wolfe noted that departmental spending is at the 25% or less level for spending for the year. He noted that debt service is higher due to the timing of the payments, and the

Friendship Center and Library funding depends on contribution of lump sum monies. He noted that the General Fund expenditures for the first quarter are 8% lower than compared to the first quarter of 2009. He noted that Public Works Department is over budget due to the severe weather that occurred early in the year, and staff has applied to FEMA for funding and hopes to receive over \$75,000 in reimbursement funding. He noted, for the General Fund, the overall deficit for 2010 is \$1,126,168 as compared to \$1,699,925 for 2009 realizing a \$550,000 increase.

Mr. Wolfe noted that the State Aid balance for the end of the first quarter is \$798,853, noting that the Township received \$976,555 in State Aid which was \$20,000 less than budgeted.

Mr. Wolfe noted for the Fire Equipment Capital Fund, the balance is \$303,570, noting that the annual contribution of \$200,000 will be made in May.

Mr. Wolfe noted that the General Improvement Fund budget for capital projects is \$1,645,200 and of this amount \$992,000 is budgeted as a transfer from the General Fund. He explained, when the budget was prepared, the Township did not anticipate receiving two \$250,000 grants from the Dauphin County Local Share Program. He noted that \$150,000 was budgeted and to date no monies have been spent. He noted that there has been little activity for this fund for this year.

Mr. Wolfe noted that the Friendship Center Fund had a net difference of \$175,248 as compared to \$211,231 in 2009. He noted that this number is reflected in the conversion of memberships from annual to monthly. He noted that many seniors were able to move to a membership that is provided by their health programs. He noted that program revenues at this time are up as compared to 2009. He noted that the Friendship Center has a Capital Fund of \$320,657, and that memberships are still holding at the 2,400 level.

Mr. Wolfe noted that he would not go into great detail for the Sewer Authority, but at the end of the Sewer Authority Budget are the contracts currently under management to include: Asylum Run, \$3,395,775; PC 4B/6C Mini-Basin, \$7,243,700; Linglestown Road Pump Station, \$314,132; PC/3B and BC/1A Mini Basins, \$1,792,535; and Maintenance and Emergency Road Repairs at \$257,685. Mr. Wolfe explained that additional projects will be bid later this year.

Mr. Wolfe noted that the Police pension fund for the first quarter earned 2.19% or an annualized return of 15.2%, and 2.97% or 14.9% annualized return for the Non-Uniformed Pension Fund.

Mr. Wolfe noted that the Parks and Recreation Fee-in-Lieu funds are \$30,000 to date. He noted that for the end of April the General Fund is 78% better than it was at the same time in 2009. He noted that the Township is at a year to date loss that is now down to \$324,000 as compared to \$1,488,854 at the end of April 2009. He noted that revenues are at \$1,120,000 which is higher than what it was last year at this time. He noted that much of this is due to more timely reception of the tax receipts. He noted that the only adverse impact to the end of the April report was that the Friendship Center allocation was made in April as opposed to May. He noted if that was adjusted to May, the expenditures for 2010 would be \$60,000 lower than in 2009. He noted at this point in time the Township is looking better than it did in the recent past. He explained that staff is now beginning the 2011 fiscal year budgets and will also provide a revised year-end budget for 2010. He noted that he expects to start the budget process with the Board during the June workshop.

Mr. Blain noted that Mr. Wolfe is doing good work on the analysis and keeping the Board aware of the current budget and the Township is doing all the right things to manage expenses and trying to increase revenues without a property tax increase.

Mr. Hornung questioned at the rate the Township is going, at some time the General Fund will fall below the required 25% requirement. Mr. Wolfe suggested that this would not happen, noting that most of the capital and strategic projects are completed except for the Linglestown Square project. He noted that there is no significant capital project slated in 2011. He noted that outside of sanitary sewer work, all other major capital projects have been stopped. He noted that future draws from the General Fund to the General Improvement Fund are basically zero at this point until the Board decides otherwise. He suggested that the Township should level off at a \$5 million General Fund balance. He noted that there have been years in the past when the spending was conservative until things turned around and the Township lived within its means. Mr. Hawk suggested that people are expecting government to live within its means.

“Otta Know” Presentation: (no items scheduled)

Improvement Guarantees, Development Agreements, Plan Reaffirmations, etc.

Wyndhurst Manor, Phase 3

An extension and 10% increase in a bond with Developers Surety and Indemnity Company, in the amount of \$143,220.00, with an expiration date of May 11, 2011.

Kendale Oaks, Phase I

An extension and 10% increase in an escrow with Lower Paxton Township, in the amount of \$24,484.44, with an expiration date of May 11, 2011.

Kendale Oaks, Phase V

An extension and 10% increase in an escrow with Lower Paxton Township, in the amount of \$154,254.43, with an expiration date of May 11, 2011.

Mr. Crissman made a motion to approve the three Improvement Guarantees as listed. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and the motion passed unanimously.

**Adjournment**

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

Gary A. Crissman  
Township Secretary