

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held June 11, 2013

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:11 p.m. by Chairman William B. Hawk, on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

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

Also in attendance was George Wolfe, Township Manager; Steven Stine, Township Solicitor; Brian Luetchford, Parks and Recreation Director; Bruce Senft, Community Engagement Committee; and Watson Fisher and Ted Robertson, SWAN.

**Pledge of Allegiance**

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

**Public Comment**

No public comment was provided.

Mr. Wolfe explained that he needed to make some adjustments to the agenda due to the timing of personnel who need to attend the meeting.

Request from the Linglestown Fire Company for a Township contribution to its July 3<sup>rd</sup> fireworks display at Koons Park.

Mr. Blain explained that he received a phone call from Mike Kraska from the Linglestown Fire Company who requested financial assistance from the Township in the amount of \$4,000 since they are ready to do the fireworks this year.

Mr. Seeds noted that the Township paid the Linglestown Fire Company \$4,000 in April of this year for last year's fireworks.

Mr. Hornung questioned Mr. Stine if the Township makes a contribution to the fireworks, does it open the Township for any additional liability. Mr. Stine answered that he did not think so. He questioned if we pay the funds to the fire company. Mr. Blain answered yes. Mr. Stine

noted that since the funds are provided to the Fire Company, they are free to use it for whatever they desire.

Mr. Blain noted that the Township has historically given the Linglestown Fire Company funds to do the fireworks and Mr. Kraska is asking if it would be willing to free up \$4,000 out of the budget to sponsor them again this year. Mr. Wolfe noted that those funds are unbudgeted at this time because when staff prepared the budget they had been cancelled.

Mr. Seeds noted that staff had to find the money to pay last year's fireworks in April. Mr. Wolfe noted that it was in the 2012 budget. He explained that the fire company asked for the money in 2012 and staff asked for a bill. He noted that the fire company stated that they gave the Township a bill but we did not have it. He noted that they never brought the bill over until a second invoice was delivered in April of 2013.

Mr. Blain questioned if the Board is willing to provide the \$4,000 allocation for the fireworks. Mr. Hornung answered that he is. Mr. Blain answered yes. Mr. Hawk noted that the Board provided the Fire Company the approval to go with it, so it would be appropriate to provide the funds. Mr. Wolfe noted that it would be appropriate for the Board to approve it during this meeting. Mr. Crissman agreed.

Mr. Seeds questioned if the Paxtonia Fire Company would also ask for funds. Mr. Wolfe answered that he did not know. Mr. Seeds noted if they do ask for money, the Board would have to give them money since it provided funds to Linglestown Fire Company. Mr. Wolfe noted that the Township did not provide funds to Paxtonia the last time they sponsored fireworks as they paid for the display themselves. Mr. Blain noted that it would be a go to fund the Linglestown Fireworks in the amount of \$4,000.

Mr. Crissman noted that we should have an agreement that if Paxtonia comes for financial assistance for fireworks that the Township will also provide them help. Mr. Hawk suggested that we should wait to see if they ask for help. Mr. Crissman stated that he was only saying that we need to treat the fire companies equally.

Request from the Paxtonia Athletic Association for the support of a Dauphin County Local Share Grant Application to install ball field lights at George Park

Mr. Blain noted that he could cover the Paxtonia Athletic Association (PAA) request. He noted that the president of the Paxtonia Athletic Association is unable to attend the meeting until

much later in the evening as he is coaching an event and since he sits on the Board he would be able to handle this agenda item.

Mr. Blain noted that the Board for PAA has decided that it wants to apply to Dauphin County for gaming funds to put lights up at the major ball field. He explained, if you drive into the complex, the field below the Paxtonia Elementary School... Mr. Seeds noted that it is the Central Dauphin School District property that the Township leases from the School District. Mr. Seeds noted that we would have to get their permission to do it. Mr. Wolfe noted that the School District would have to agree to do it.

Mr. Blain noted when you drive into the facility there is a baseball field that has been there for 30 years that has a scoreboard. He explained that the PAA Board feels that there is a need for lights and the reason is because one of the minor fields located behind the major field is being encroached by swampland and there is great concern that we will lose the use of that field. He noted that the PAA has met with Mr. Robbins and he has told us what we need to do to keep the field, which is to build it up three or four feet. He noted that it costs a lot of money to bring in fill. He noted that they are going to skin another baseball field in George Park, Field Number 2, a field dedicated to PAA, but with having lights at the major field we could play multiple games on the one field and keep everyone consolidated at that one facility. He noted that it is a very nice facility and a lot of quality baseball is played there and we would eventually like to conduct tournaments. He noted that we have gone through the application process for the gaming money, attending the pre meeting with Dauphin County and have completed the PAA steps for the application. He explained that he is requesting that the Township endorse the project.

Mr. Blain noted that the Board has no idea how many other organizations will apply for gaming funds and it is the Board's job to rank the projects before they are submitted to the Gaming Commission.

Mr. Hawk noted that the PAA is not asking for financial support. Mr. Blain responded that the PAA is not asking the Township for any financial support, noting that the organization has been raising money through the 50/50 raffle for the past two years and the organization has about \$12,000 set aside for this and will continue to raise funds through private donations to get it done. He noted that they are looking to apply for gaming funds to get the project done. Mr.

Wolfe explained that the Board would have to pass a resolution authorizing submission of the grant application and eventually it would rank all the applications.

Mr. Hawk noted that the Board would act on the resolution at next weeks meeting.

Mr. Blain noted that the total cost of the project is \$70,000 and if the organization has \$12,000, the organization would be happy to get \$50,000 from gaming funds.

Mr. Seeds questioned how much does the lighting cost. Mr. Blain answered four large pole lights with multiple lights on top of that to light the major field and batting cage is \$70,000.

Mr. Seeds questioned what you are doing with the fields. Mr. Blain answered that the field behind the big field by right field is slowly being absorbed by wetlands since there is a lot of water run off from George Park and the soccer fields that are near the wetlands. He noted that the field is unplayable now as we had a heavy rain yesterday. Mr. Seeds questioned if there are three fields there. Mr. Blain answered that there are six fields in the complex. Mr. Seeds noted that there is the one you are speaking about, the one to right field and one up in the corner. Mr. Blain noted that it is a T-ball field. Mr. Seeds noted that one has a lot of cattails as well. Mr. Blain noted that those fields are in danger and that is why we are moving to a field in George Park to invest money to build that park so we have a usable field outside the complex. He noted that the goal is to keep everyone in the complex.

Mr. Seeds questioned if Mr. Robbins stated that you need a foot of fill. Mr. Blain answered that they would need to build the base up with three to four feet of fill. Mr. Seeds questioned on the field that you want to light. Mr. Blain answered no, on the field behind the main field.

Mr. Blain noted that the President of PAA would be present but he is coaching a game this evening.

Mr. Hawk noted that we will go ahead with the resolution for next week.

Mr. Seeds questioned if it would qualify for a gaming grant. Mr. Blain answered yes as the PAA has already met with Dauphin County to determine that and was told by Mark Stewart that it qualifies. Mr. Wolfe noted that Mr. Mosca is meeting with the Parks and Recreation Board tomorrow night to review the proposal.

Mr. Hornung noted that parking is a big issue at that location. Mr. Blain noted that it is a major problem for them. He noted that it is School District property and the maintenance

building is at that location. He explained that the School District posted no parking signs in front of the garage bays and recently some people parked in front of the bays. He noted that a maintenance person was trying to get into one of the bays and called the police and they cited about 20 cars for parking in a no parking area.

Mr. Blain explained that Brian Mosca has met with Brian Luetchford and the School District to determine how to better design parking at that facility. He noted that there is a lot of room to park, but the circulation needs to be redesigned. He noted that they are looking at ways to find additional parking spaces. He explained that he has told people to park at the Paxtonia Elementary School and walk down the hill or park in George Park and walk over.

Mr. Seeds questioned if the School District was provided permission to park in the medical facility. Mr. Blain answered that he does not want to tell people to do that due to the liability if someone gets hit by a car while crossing the street. He noted that the medical facility is allowing PAA to do that but there is no crosswalk in that location and we don't encourage people to park there.

Mr. Hawk noted that some people would probably park there anyway. Mr. Blain noted that many people do but we do not want them to do that.

Mr. Seeds noted that sometime ago, the Township put in a stone lot. Mr. Wolfe noted that it was on the north side. Mr. Blain noted that it gets full with cars. Mr. Blain encouraged the Board members to go over one night when there are games going on. He noted that the fields are very well kept and the Township does a great job with the moving of the fields and the PAA does a great job manicuring the fields to make them look nice. He noted that it is very well run. Mr. Crissman noted that the people must make sure they leave the bay areas open as staff needs access to that building all the time.

Mr. Hornung noted although you don't encourage people to park across the street, but questioned if there was anyway without incurring additional liability to provide some type of safe crossing. Mr. Wolfe noted that there is a signed crosswalk at the park entrance. Mr. Blain noted that there are sidewalks that lead to that crosswalk but people won't use it. Mr. Hornung questioned if it is possible to put a crosswalk at the medical office. Mr. Wolfe noted that mid-block crosswalks on state routes are next to impossible. Mr. Blain noted that it is coming from private property and it would be a crosswalk going to no sidewalk. Mr. Hornung noted that cars

are going at a pretty good speed at that location and people with kids are running across the street. He noted that it is not a good thing. Mr. Blain noted that they have asked people not to park there but rather on the facility, at George Park or at the school. Mr. Hornung noted that he agrees that you need to come up with more parking near the maintenance building. Mr. Blain explained that he thinks they can make that happen by reconfiguring the circulation and parking. Mr. Hornung questioned how quickly that can occur and is there anything the Township can help with. Mr. Blain answered that we just started this discussion and there is only two more weeks of activity and after that the complex will not be as full.

Review of Request for Proposals to be issued for energy services for  
Replacement of Friendship Center natatorium HVAC units

Mr. Wolfe noted that the Board issued General Fund debt in part to replace the two PoolPAKS units at the Friendship Center (FC) at an estimated cost of \$650,000. He noted that the two units that need to be replaced serve only the natatorium, over 13,000 square feet of wet space. He explained that you have a 25 meter lap pool, a recreation zero entry pool and a spa, a very wet area that is compounded by the fact that the water is kept at a warm temperature given the clientele. He noted the pool has slides and spray features that are spraying water into the air. He noted that the HVAC units for this facility need to be top-end units and designed properly. He requested the Board issue a Request for Proposal (RFP) for design services for the HVAC pool units. He noted that the Township has an engineering agreement with HRG, and they have been asked to provide staff with their qualifications in regards to this type of work. He noted that they have not provided staff with anything and he doesn't believe that they have a mechanical engineer on staff that has done a significant amount of indoor pool facility work.

Mr. Wolfe noted that the engineer needs to be able to do the following bullet items:

- Evaporation rates for Lap pool, Leisure pool, Spa, Slide, Water Features and Pop Up Jets
- Natatorium design details
- Indoor air design details
- Outside air design details
- Latent load from spectators (potential based on bleacher area)
- Outside air requirements for Natatorium and potential spectators
- Appropriate cooling requirements for natatorium, including lights, solar heat gain, and outside air (broken out by season since values will change)

- Winter building heat loss analysis
- Vapor barrier analysis
- Natatorium insulation analysis
- Window insulation analysis
- Air distribution analysis
  - o Evaluate return duct placement
  - o Evaluate supply air register placement
  - o Evaluate possibility of short cycling air from supply to return
  - o Evaluate possibility of stratification of air in Natatorium
  - o Evaluate proper velocity of supply air to deck
  - o Evaluate proper amount of supply air "washing" the windows and outside wall to prevent condensation during colder months
  - o Evaluate ability to increase supply air within the existing duct work
- Analysis of roof structure supporting the equipment, (weight capacity) in the event that large units are needed
- Engineer must take responsibility for commissioning once project is complete.

Mr. Wolfe noted that he and Mr. Luetchford believe that using someone other than HRG may be the way to go and he has identified several firms in Pennsylvania which do natatorium HVAC work. He noted that he is not familiar with any of them, but the list includes: Wallover Aquatics International in Lancaster; Mainline Commercial Pools in King of Prussia; Aquatics Facility Design in Millersburg; and Deep Run Aquatics Services Incorporated in Pipersville. He noted that these are the know firms in Pennsylvania that could do this work.

Mr. Wolfe noted that staff is not suggesting that we not invite HRG to participate and if they want to participate they should be allowed but we believe that the engineer who provides the services to the FC for a very specific and high cost item should have detailed experience with it.

Mr. Wolfe questioned if he has the Board's permission to issue the RFP or do you just want to ask HRG to do it. Mr. Seeds questioned if this is to replace the existing dehumidifiers. Mr. Wolfe answered that it would replace the HVAC units that do air conditioning, heating and dehumidifying. Mr. Seeds questioned if the PoolPAK had to do with water. Mr. Wolfe answered no. He noted that there are separate pumps in the pump room for the water and chemicals. Mr. Seeds noted that the system has never worked correctly from day one. Mr. Wolfe noted that he would not say that, but it has not worked well. He noted that it was slightly deficient, noting that part of the problem is that staff keeps the natatorium and the water warmer than most because of our clientele since we have a significant amount of old people who use the water, especially in

the leisure pool, and they like it warm. He noted that spray facilities push the warm water into the air so the demands put on the PoolPAK units may not have been completely understood at the time the building was designed. Mr. Seeds noted that this is the replacement and nothing additional. Mr. Wolfe answered that it is replacement as the current units are 13 years old and reaching their useful life having had major repairs to both units over the past couple years since the average useful life for a PoolPak is 15 years.

Mr. Hornung questioned if there is a request for evaluation of cost in the RFP. Mr. Wolfe answered that they would have to do that when they do the design work but not in the RFP, but they will provide their cost for services. He noted that they could not provide a good cost estimate until they do the design. Mr. Hornung questioned if they will do an analysis of cost comparisons for other options. Mr. Wolfe noted that he would ask for that. Mr. Seeds questioned if he was asking what it would cost to run it. Mr. Hornung noted that he is looking for a cost analysis for different types of units. Mr. Wolfe explained that staff is already investigating different types of units that they would like them to look at. He noted that there is a Dextron Unit that we look at originally but it was a little expensive.

Mr. Hornung questioned if he could also ask them to provide examples of creative solutions that they may have come up with for problems similar to this. Mr. Wolfe read from the RFP, "Respondents are encouraged to provide Lower Paxton Township with useful information that improves the quality and /or price of its response." He noted that he can make that sound a little better. Mr. Hornung noted that he is looking for the vendor to be a little more creative and not just replace the units.

Mr. Hawk noted that the original need was underestimated by the architect working at that time. He noted that the units have been serviceable but they could have been better. Mr. Hornung noted the higher you heat the water, the more demand you put on those units and they probably weren't designed to have the running water. Mr. Crissman noted that we can only buy what the dollar amount is that we have that is available. He noted that was the issue at the time. Mr. Hornung noted that air stratification can be huge in an environment like this. He noted that he was glad that it was included in the RFP.

Mr. Hawk noted that the estimate for replacement is \$605,000... Mr. Wolfe noted that it is \$650,000. Mr. Hawk noted that it could be a flexible figure.

Mr. Crissman noted in answer to Mr. Wolfe's question, yes he would like to look at other people other than HRG. He noted that he would provide them the opportunity, but he would like to have someone who has an expertise in these types of buildings to look at the proposal.

Mr. Wolfe noted that we have loyalty to HRG on all sorts of projects, noting that we went to them for the roof replacement on the Municipal Center and they are more than capable of handling that, however, staff thinks that the FC natatorium needs a professional who only focuses in this environment.

Mr. Hawk noted if another proposal hits the nail on the head and HRG doesn't, they should understand that we would choose someone else. Mr. Wolfe noted that staff has used HRG for some HVAC services at the FC and that service typically comes out of the State College office. He noted that he will prepare and issue the RFP for improvements for HVAC in the natatorium.

Property maintenance issues at Meadowview Village and at 6108  
Nassau Road (as per the 6/4/13 business meeting)

Mr. Wolfe noted during the last business meeting there were two individuals raising property maintenance concerns; one was in regards to Meadowview Village (MV). He noted if you drive in MV from Union Deposit Road and pass the guard house and go east into the developed area there is common ground and a high bank. He noted that the high bank had not been properly maintained in the past but it is now being maintained. He noted that the bank buffer with Page/Newside Roads is very well maintained. Mr. Seeds asked who owned that property. Mr. Wolfe answered that it was part of the Homeowners Association (HOA).

Mr. Wolfe noted that there are two areas in question, one area that was some type of non-residential use which after some work, staff determined to be owned by Eric Kessler. He noted that there is another area labeled 1B where the two units have not been built which is currently the responsibility of the HOA to maintain. He noted that all lots within the development have been turned over for maintenance to the HOA. He noted that there are high weeds and grass on the land owned by Mr. Kessler and also on the two vacant lots. He noted that the new property maintenance code regulations require that within the required setback showed at 20 feet on the plan, that the high weeds and grass must be maintained. He noted that staff has made contact with Mr. Kessler and he is agreeable to maintain it and will begin maintenance as soon as

practically possible. He noted that he will not be cutting the entire area as regulations do not require him to do so, only the setback area as it abuts a residential use.

Mr. Wolfe noted for other two vacant lots, the HOA must maintain those within the building setback area and they have been so informed. He noted that both the HOA and Mr. Kessler will be cooperative. He noted that his comment to staff was that he would use the same maintenance company that the HOA uses to maintain his 20 foot wide setback area. He noted that staff is being told that the areas in question will be cut and he expects it to happen next week.

Mr. Seeds noted that the HOA must not have been aware that they needed to maintain some of the property in question. Mr. Wolfe noted that the individual who came to the last meeting lives in a unit that abuts the vacant lot to her north and west. He suggested that this property maintenance issue will be resolve.

Mr. Seeds questioned if Mr. Kessler was originally going to put a bank in the front lot that abuts Union Deposit Road. Mr. Wolfe noted that different items were proposed for that space. Mr. Wolfe noted that Mr. Kessler would only have to maintain a portion of the property and not the entire undeveloped property. Mr. Seeds questioned if it would go from Union Deposit Road back so far. Mr. Seeds suggested that Mr. Kessler would also have to maintain the land that abuts Union Deposit Road. Mr. Wolfe noted that Mr. Kessler is maintaining the first 200 feet into the development. He noted the confusion if for what needs to be maintained and who has to do it. Mr. Crissman noted that the HOA is maintaining the entrance to the development. Mr. Hawk noted that Mr. Kessler has been very amenable about solving the maintenance problem.

Mr. Crissman questioned who will develop the two lots. He noted that someone is doing construction at the other end of the development.

Mr. Wolfe noted for the 6108 Nassau Road property, it looks much better on the outside than it does for the inside. He noted that the property is extremely overgrown and hasn't been lived in for several years. He noted that multiple violation notices have been sent to the record owner of the property but he is no longer alive. He noted that it does not appear that the property and the estate have been settled as there is no bank involvement. He explained, on occasion, someone has tried to live in the house who is a relative but they have no specific title to the

property. He suggested that not only is the property unfit for human habitation but it could require condemnation and demolition.

Mr. Wolfe explained that the Township tore down the Ranger Road property that was probably a little bit bigger than this house and it cost about \$20,000 to tear it down and have the rubbish removed, land filled in and the lot property landscaped. He suggested that this lot may not be quite 10,000 square feet and the concern at staff level is if we go through the process for this property, we may not be able to recoup the costs. He noted that staff has the authority to do this, but he is not sure the Township would be made whole in the end.

Mr. Seeds questioned if anyone ever signed for a certified letter. Mr. Wolfe answered no. Mr. Hornung questioned if there is anyone alive who owns the property. Mr. Wolfe answered, not that he is aware of. Mr. Hornung noted that it would go up for a sheriff's sale but we would not get anything for it. Mr. Stine noted that it would end up going for an upset sale because no one will buy it since there are probably enough liens on it that it wouldn't be worthwhile. He noted at an upset sale, the property would be sold free and clear of all liens. He noted that someone might buy it to tear it down. Mr. Hornung questioned how it gets to that point. Mr. Stine answered, time.

Mr. Seeds questioned if the taxes have been paid on the property. Mr. Wolfe answered that there are sewer liens on the property and he would expect that there are delinquent taxes, but it has not gone to a point where it is an upset sale. Mr. Hornung questioned what is required to get an upset sale. Mr. Stine answered that it must go to a sheriff's sale first and if it doesn't get sold for a couple of times, after that all the lien holders receive a notice from the court informing them of the upset sale.

Mr. Hornung questioned what the difference between a probate sale is. Mr. Stine answered that he did not know.

Mr. Hawk noted that there is no one to turn to for this issue. Mr. Stine answered no. Mr. Hawk noted that an upset sale could be a long way off. Mr. Stine answered that it could be. Mr. Hornung noted if we tear it down and it goes to an upset sale, it will wipe out the Township's lien. Mr. Stine answered that was correct. Mr. Wolfe noted that there would also be the County and School District liens as well. He noted if we take it in its current condition, we will protect our liens but we will also have their liens as well.

Mr. Crissman questioned if it has progressed to a sheriff's sale. Mr. Wolfe answered no. Mr. Hornung questioned why it would go to a sheriff sale. Mr. Wolfe answered as a result of unpaid taxes. Mr. Hornung questioned if the Township could wipe their liens off the book and at that point tear it down and try to sell it off. He questioned if it would be a buildable lot. Mr. Wolfe answered that it is a non-conforming lot and you could build on it but you may need a variance to do so. He noted that it is a corner lot and there is double frontage that reduces the buildable area that makes it harder but not impossible. He noted that it is not a favorable lot to do a whole lot with.

Mr. Hornung questioned if the Township could request a zoning variance ahead of time so that when it was sold it would be a buildable lot. Mr. Wolfe noted that you could. Mr. Hornung noted that a lot in Lower Paxton Township with sewer and water is worth about \$40,000. Mr. Wolfe noted that once the municipality takes possession of it as owner, which we typically try not to do, we normally condemn the property, tear the house down, file a lien and let the eventual owner sell it to make us whole. He noted once the Township owns it, selling it is not easy. Mr. Hornung noted that we would have to auction it off.

Mr. Seeds questioned what it would cost to clean up the outside area. Mr. Wolfe suggested \$500 to \$1,000. Mr. Hornung suggested that it would be more than that. Mr. Stine noted that it is like putting whip cream on a turd. He noted that the house is still uninhabitable.

Mr. Wolfe noted that staff does not mind proceeding with it however the concern is that you might have to eat some of the costs. Mr. Seeds noted if it becomes a real public nuisance, with rats etc., then it becomes a public safety concern. He noted at that point you really have to do something. Mr. Wolfe noted that the Township is the entity of last resort.

Mr. Crissman questioned if this is the worse house that we have in the Township. Mr. Wolfe answered that it is not the worse from a condition standpoint, one of the worse from an organization standpoint, can't find an owner, no bank involved, no one that we can point to as having legal title to the lot. He noted we have ones with worse property maintenance issues but they may have someone we can deal with such as a bank or they may be on a lot that has more value to make the Township's efforts to clean it up not as serious. He noted that it is difficult as there is no one to deal with. He noted that we could continue to cut the grass for the next 20 years until it falls down or suck it up and take a loss.

Mr. Seeds noted that people have been caught going in the house. Mr. Wolfe noted that the Township tore down the home on Ranger Road last year which was a floodplain issue but very similar circumstances. He noted that the Township tore down a home on Page Road this year but we have liens on the property and we will get our costs out of it. He noted that is not the case for this one.

Mr. Hornung suggested that the Township has its best chance of getting its money back if we ask the County and School District to wipe out their taxes. Mr. Hawk suggested that was a good idea. He noted that we tear the house down, and auction the property off free and clear, and if it needs to, the Township will secure a zoning variance to make it a buildable lot. He suggested that the lot should be worth at least \$20,000, noting that a buildable lot in the Township is around \$40,000 when it has all the amenities. He noted that it is a small lot and might be worth around \$30,000. He noted that a house could be built on the lot. Mr. Wolfe noted that it won't be a big house.

Mr. Wolfe noted that the value of what you can put on the lot is limited by the neighborhood. Mr. Hornung suggested that it might be \$100,000. He noted that there is a huge demand for \$100,000 homes. Mr. Wolfe noted that it is hard to put a house on a lot for \$125,000 in new condition. Mr. Hornung suggested that it would be about 1,000 square foot home worth about \$100,000. Mr. Wolfe noted that you could build a modular home on it also. He noted that staff will move forward with it and keep the Board posted before doing anything. He noted that he would ask the School District and Dauphin County about their tax liens and also start the condemnation process.

Mr. Seeds questioned if staff will cut weeds or take down... Mr. Wolfe noted if we do weeds now and tear it down later, it is an extra cost. He noted that the man who demolishes will do everything at once. He noted that we have a decent relationship with a contractor who basically grinds up everything on site and uses it as backfill and then the rest is hauled off to the landfill. He noted that we pay separately for the landfill costs to whatever hauler we use and we pay the house grinder his fee which is usually about \$10,000 and he can normally complete the job in two days. He noted that taking it down is very easy; it is all the work after that that takes time.

Mr. Hawk noted if we do not do anything it will only get worse. He noted if we go to the School District and Dauphin County and they agree what kind of obligation it gives the Township to move forward. Mr. Wolfe suggested that would be the best deal we would get and we better move forward at that point.

Mr. Wolfe noted that from the closure for the house on Ranger Road, to demolish the house, level and clean the lot, it took less than three months.

Mr. Seeds noted that there may be other liens on it as well. Mr. Wolfe answered yes. Mr. Hornung questioned if the taxes could be abated until we get a buyer. Mr. Stine noted that they can exonerate the taxes. Mr. Hawk noted that it would make sense. Mr. Seeds noted that staff would have to deal with the Sewer Authority. Mr. Crissman noted that staff would have to go through the process of searching for liens. He noted approaching the School District would take time but in the meantime staff could file for condemnation. Mr. Stine noted that Ms. Mitchell does that on her own.

Review of the 5/17/13 DEP inspection report  
for the Township's Compost facility

Mr. Wolfe noted that Lower Paxton Township owns a municipal landfill that has been closed for 20 years. He noted that it is a 60 plus acre parcel of land that will be maintained forever. He noted that it contains a methane gas collection facility, leache water collection facility, methane gas is vented and the water from the landfill is collected and transmitted to the Swatara Township Treatment Plant. He noted that a two foot topsoil cover was planted with a special type of grass mix and several years ago with the advent of leaf waste recycling and Pennsylvania Act 101, staff began to operate a compost facility on the landfill.

Mr. Wolfe noted that the permit with the Department of Environment Protection (DEP) states that the compost facility is to be maintained within a five acre area of land. He noted that there are also certain setback requirements of 300 feet from any residential structure. He noted that we are in compliance there, but with the success of the compost facility and use of it by West Hanover Township, it has grown outside the five acre footprint. He noted being close to the State Capitol, you get extra attention but it is also one of the things that is bad about it as well. He noted that the facility had an inspection by DEP staff made up of five or six people who met with Mr. Robbins, Mr. Shoaff, and himself on May 17<sup>th</sup>. He noted that they were very

professional with us but their specific concern was that the compost facility has exceeded its permitted area and the Township would need to file for a different type of permit that would allow it to exceed the five acres. He noted that staff will need an engineer to assist the Township with the permit as it is a more formal permitting process, one in fact that no one from DEP's staff has ever been through. He noted that we will be the first. He noted that the cost to go through the process will be about \$10,000.

Mr. Crissman questioned if they are providing financial assistance since it is a learning process for them. Mr. Wolfe answered no but he asked for financial assistance in other areas... He noted that staff has stockpiled processed material at times that it can't get rid of. He noted that there is no usable market for bulk mulch that is ground up. He noted we can't sell it as it is a product that is not processed properly in accordance with Department of Agriculture regulations. He noted that staff uses it in our Township parks and we do allow residents to take it away; however, at some point in time we have far more than we can get rid of it. He noted that we asked DEP to work with PennDOT to require road contractors to use this processed material from compost facilities for their stormwater management controls on construction sites as it is permitted for that activity. He noted that we would be happy to get rid of it. He noted that DEP understood that but we didn't get very far. He noted that we need help from the State in coming up with more creative uses for the product that we are making.

Mr. Seeds noted that we had someone who was taking it out. Mr. Wolfe noted that was correct, but that person found a source for organic material from a sludge operation and it was a closer haul than from our location. Mr. Seeds questioned if there was a way we could cut back and stay within the five acres. Mr. Wolfe answered that we need more room. He noted that we have to store more material until it degrades, then you can compress it or if it is a dry period we can spread it out over Township parks and use it up. He noted, at this time, we have an abundance of material, primarily the woody waste material. Mr. Hornung questioned if we use it for mulch. Mr. Wolfe answered that we do but it is not the best. He noted that we have used it in the islands at the FC. He stated that it is not what you would want to put down in front of your house. He noted that we do not have a screener so we can't screen out impurities. He noted that we use to borrow Swatara Township's screener, bartering the use with them, but their Commissioners found out that we had it and they were not happy.

Mr. Crissman questioned if it would be to our advantage to purchase one. Mr. Wolfe answered that they are an expensive item. Mr. Crissman questioned if it would be worth the investment and would we get our money back. Mr. Wolfe noted that you would not get your money back, just reduce the amount of material that we have on site.

Mr. Wolfe noted that it was very friendly and cordial inspection; however, we are deficient in that we are using more area at the landfill for the compost facility than we are permitted to use and will have to amend the permit for this activity. He noted that it would be a more formal permit process and he would keep the Board up to date.

Mr. Hawk noted if you drive up Route 322 towards Fishing Creek Valley Road, there is a business called Dig My Earth. He questioned if it would be worth seeing if he could take some of our woody waste. Mr. Wolfe noted that Public Works has made contract with everyone that they are aware of that is in this business to see if they would take the material. He noted that every now and then they find someone who will take it. Mr. Wolfe explained that we will check out that place on Route 322.

Mr. Wolfe noted that it looks better than it ever has and staff is running it much better than we use to in the past. He noted that staff is doing its best to accommodate the neighbors along Conway Road and the complaints from those residents have all but gone away. He noted that we do the best to operate the facility in the best possible way.

Mr. Hornung questioned if there is anything that the people would want. He questioned if outside people could come in and get it. Mr. Wolfe answered that it is only for residents of the Township. He noted that most people want a location to dump their stuff, not take it away. He explained that we can't sell the material. Mr. Hornung noted if we had something that people would desire to have, he could talk about it on his Hardware Show on Saturday to draw people to buy permits. He noted that the radio show coverage is way beyond the Township and he did not know if we wanted to allow outside people to take the stuff. Mr. Wolfe noted that he would discuss this with Mr. Robbins.

State legislation that could affect Lower Paxton Township – Senate Bill 1 (Transportation infrastructure funding) and Prevailing Wage Reform

Mr. Hawk noted that Senate Bill 1 passed the Senate and is in the House now. He explained that he talked to Glen Grill and John Payne, and they both feel that it will pass the

House however there may be some amendments to it. He noted that they feel that it will ultimately pass both houses.

Mr. Wolfe questioned if the Board wanted to officially adopt a resolution at the next meeting to support Senate Bill 1. He noted that Pennsylvania State Association of Township Supervisors (PSATS) is requesting that you do. He noted that Senate Bill 1 would increase the State's annual transportation investment by \$2.5 billion for the entire State-wide transportation system, which would include funds for local roads. He noted by the third year, it would directly benefit municipalities by increasing the total amount of Liquid Fuels distributed from the increased allocations by 60%. He noted that it would increase the amount paid to the Township from \$1 million to \$1.6 million, and would be equal to the amount that staff currently has budgeted for roadway paving allowing us to double the overall roadway paving. He noted that the bill would directly benefit municipalities. He noted that it is a phased benefit and would raise new revenues by extending new registrations by two years and driver's licenses to six years but it would almost double the fees. He noted that there are some other changes as well. He noted that municipalities would also benefit from the uncapping of the oil company franchise tax which provides direct revenue to Liquid Fuels.

Mr. Wolfe noted that it is before the House of Representatives and he has heard different opinions for what will happen to this bill. He noted that some are saying that there will be negotiations and it will go through to the Governor in its current status and other say that the negotiations will be tied to liquor privatization where one side wants one thing and the other side wants another. He noted that there is also the potential that it will fail altogether. He questioned if the Board wants to go on record supporting this bill even though it will increase driver's fees. Mr. Crissman answered yes and directed Mr. Wolfe to move forward with the resolution. Mr. Seeds noted that in California, they pay over \$800 a year for a vehicle registration. He noted that you don't see many junk cars out there.

Mr. Wolfe noted that there is legislation that supports reform for the Prevailing Wage Act. He noted that it is wage rate set by the Pennsylvania Secretary of Labor and Industry that is significantly higher than the market rate and applied to most municipal construction activities. He noted that the proposed reform to this Act would do three things, increase the threshold for compliance from \$25,000 to \$189,000 which is the inflated amount of \$25,000 that was set in

1963 to its current level today. He noted that it would restructure the method used by the Secretary of Labor and Industry to determine the prevailing wage rate to make sure it is comparable throughout the state as opposed to having a Philadelphia area bias, and it would exclude maintenance work on roads, highway and bridges from compliance to the Act. He noted that the Township has applied prevailing wage to roadway paving and it increased the price. Mr. Seeds noted that the price for guiderails is one example.

Mr. Wolfe noted if this Act was adopted it would significantly reduce the Township's cost for roadwork.

Mr. Hawk noted that Mr. Wolfe mentioned \$189,000 but the original proposal was to move it from \$25,000 to \$80,000. He noted that a lot of lobbying has gone into the Act.

Mr. Wolfe noted if the Board is agreeable he would put resolutions for both Acts on the next business meeting agenda. Mr. Seeds noted that we already did a resolution for the Prevailing Wage Act. Mr. Wolfe noted that we may have, but this is a new bill and it would provide new support.

#### Presentation of the 2012 Annual Report

Mr. Wolfe noted that he is required to do an Annual report every year. He stated that he would discuss the Executive Summary at this time, noting that the Departmental components of the report are also available. He noted that he could have the Department Heads make presentations, but he normally posts the information to the Board's confidential web portal.

Mr. Wolfe noted that the Township is the 17<sup>th</sup> largest municipality in the Commonwealth with a population of 47,360 residents according to the 2010 census who live within the 28 square miles. He noted that staff provides municipal services to its citizens at an annual cost of \$75 million, with 137 full-time staff and 400 part-time employees. He noted that staff has 190 miles of road to maintain, 250 miles of sanitary sewer, and 378 acres of parkland. He noted that all the facilities are protected by the Police and Fire Departments and Emergency Medical Services that are obtained through a third party contract.

Mr. Wolfe noted that the Board of Supervisors is the governing body of the Township, and as a 2<sup>nd</sup> Class Township the Board performs legislative functions such as adopting ordinances, performing executive functions such as the appointment of individuals to serve on Board and Commissions, and administrative functions, running the day-to-day operations of the

Township. He noted, unlike most other forms of government, Township Supervisors are one of the few that are required to perform legislative, administrative and executive components of local government operations.

Mr. Wolfe noted that the Township has a vision statement that was adopted by the Board and it is, "Lower Paxton Township will be an open, vibrant and progressive municipality, working within the bounds of available resources, providing the best quality of life for a growing community to be a recognized leader in Central Pennsylvania." He noted that the mission is, "To achieve the vision for Lower Paxton Township and to meet and exceed the needs of a growing Township in a cost effective manner." He noted that the Township's slogan is, "Good Government for a Great Community."

Mr. Wolfe noted that the municipal facilities are as follows: Municipal Center, Friendship Center, Public Works facility, 12,000 square foot Sewer Operations Facility, closed landfill, Compost facility, and 400 acres of parkland with 18 specific park facilities, four of which are regional park facilities.

Mr. Wolfe noted that the 137 full time employees are significantly lower than where the Township was before the great recession started in 2007, at which it had 152 employees. He noted that the Board has completed its strategic plan and has operated without one for two years. He noted that the 2012 and 2013 budgets have focused on the maintenance of the existing capital facilities and infrastructure, primary stormwater as well as sanitary sewer. He noted that the labor operations are composed of three AFSCME collective bargaining units and one police collective bargaining unit. He noted that the AFSCME contracts extend through 2016 and the police collective bargaining agreement expires in 2014.

Mr. Wolfe noted that the Township participates in the Pennsylvania Municipal Health Insurance Cooperative for employee healthcare benefit, one of 200 member municipalities in that group and he explained that he serves on their Board of Directors. He noted that the group provides benefits to over 7,000 members. He noted that the savings for 2011 that was distributed to the Township in 2012 was \$537,726, and it was based upon the Township's excellent performance workforce. He noted that the Township is also a member of the Susquehanna Municipal Insurance Trust for workers compensation coverage, one of 48 municipalities and he also sits on that Board of Directors. He noted that the Township has been able to maintain stable

worker's compensation benefits through the Trust and of the 48 members; the Township has the sixth lowest experience modification for worker's compensation coverage.

Mr. Wolfe noted that the Board already received the year-end financial report at a previous workshop session. He explained that he would highlight some items for 2012. He noted that the Township has a real estate tax rate of 1.3 mills which is one of the lowest of any of the developed municipalities in the Harrisburg area. He noted at the end of 2012, there was a surplus of \$600,000. He noted that 2012 was the first year, since the great depression, that the Township had a surplus after factoring out capital expenditures. He noted that it had a good year last year and it helped to offset some of the previous years. He noted at the end of 2012, the Township had a General Fund balance of both restricted and unrestricted funds of \$5.9 million. He noted in 2012, the Township incurred new debt of \$2 million in General Obligation Bonds, part of which was for stormwater improvements and the rest for the new financial management package and a new roof on the Municipal Center. He noted that those funds will probably be spent this year. He noted in 2012, the Township received a Pennsylvania Infrastructure Bank loan in the amount of \$750,000 and for the first time, the Township had to issue a tax anticipation note that was repaid by mid June of 2012. He noted that there was no need for a tax anticipation note in 2013.

Mr. Wolfe noted that the Township received State Liquid Fuels Funds, and the General Improvement Fund for capital projects spent \$2 million on ongoing capital projects in 2012. He noted that the big item last year was the final payment for the Village of Linglestown project.

Mr. Wolfe noted that the Fire Equipment Capital Fund has a balance of \$780,000; Length Of Service Awards Program (LOSAP) had a balance of \$300,000; and the Township has two enterprise funds, one for the FC and the other being the Lower Paxton Township Authority. He noted that there are also two pension plans; a police pension plan with a fund balance of \$16.6 million and the non-uniformed pension fund of \$10.6 million. He noted that both plans last year experienced very good growth, noting that the police had a 9% gain and the non-uniformed plan had a 10.4% gain.

Mr. Wolfe noted that Community Development continues to have slow growth in the housing market. He noted in 2012, new single family housing starts totaled 48, with 40 in 2011, 54 in 2010 and 51 in 2009. He noted that prior to the recession; the ten year average per year was 182 houses. He noted that it has taken the Township four years to build the number of

homes that it typically builds in one year. He noted that this Department maintains the Comprehensive Plan, Zoning Ordinances, Subdivision and Land Development Ordinances, New Stormwater Management regulations, and new Floodplain regulations. He noted that the land use regulations and plans are up to date and current up to the last ten years. He explained that the Township is an active participant in the administration and implementation of the Pennsylvania Uniform Construction Code and provides assistance to the Board of Supervisors, Planning Commission, Zoning Hearing Board, Public Safety Committee and Capital Region Council of Government Appeals Board for the Pennsylvania Uniform Construction Code Act.

Mr. Wolfe noted for the Health Department, the Township had 14,000 customers that are served by Waste Management for solid waste and recyclables collection and utilize Penn Waste for the sale of recyclables. He noted that staff sells permits to a compost facility that is managed by Public Works employees. He noted that the closed municipal landfill is maintained through the Health Department and last year it investigated 389 property maintenance complaints, issued 265 violations, and 44 properties were found to have significant violations which required the Township to institute some type of abatement. Mr. Wolfe noted that there were 138 vacant houses known to the Township at the end of the year; homes that were unoccupied and not for sale.

Mr. Wolfe noted that the Parks and Recreation Department maintains 400 acres of parkland and provides programs, events and activities to 15,000 participants in the parks serving 34 sports organizations. He noted that the Township secured the Wolfersberger Tract and lease land from the Central Dauphin School District for George Park Paxtonia Fields as well as the Central Dauphin East Middle School football field. He noted that the Greenway Committee which is working on a Greenway Plan, and the Parks and Recreation Department has provided service to the Parks and Recreation Board, Friendship Center Operating Board, Greenway Committee, Community Engagement Committee, Koons/Wolfersberger Park Planning Committee and the Arts Council.

Mr. Wolfe noted that the Friendship Center offered nearly over 800 programs and events last year serving over 9,000 participants. He explained that there is an active senior center located in the Friendship Center and the Friendship Center Operating Board primarily focused on the 2011 Operations Audit last year. He noted that the Board and Friendship Center Operating

Board adopted the Friendship Center's capital replacement plan as a programmed way to replace capital facilities within the structure.

Mr. Wolfe noted that the Police Department has a sworn compliment of 53 officers down from a high in 2009 of 64 officers. He noted that the support staff consists of seven full-time individuals. He noted that a detailed report exists for the part 1 and 2 crimes both of which were down from 2011. He noted that the clearance rate for part 1 crimes was 44% and for part 2 crimes it was 65%. He noted that the Department issued 5,000 traffic citations and 14,000 written warnings. He explained that the Department provides standard police services and maintains a Citizen's Police Academy, Rapid Response Team, School Resource Officers, Community Service Officers, Warrant Officer, Fire Marshall, Honor Guard, and members of the Department serve on the Dauphin County Strategic Response Team and Drug Task Force. He noted that the Township houses the Victim Witness program within the Police Department and police officers continue to serve on a Juvenile Alternative Sentencing Program, a probation program for juveniles sponsored by police officers providing work study activities.

Mr. Wolfe noted that there are three fire companies, Paxtonia, Linglestown and Colonial Park and emergency medical services are provided by South Central EMS, although the Board did solicit proposals from PinnacleHealth Life Team.

Mr. Wolfe noted the Public Works Department maintains 150 acres of developed parkland, 150 miles of stormsewer, 38 traffic signals, with one new traffic signal installed at the new Bishop McDevitt High School intersection. He noted that there are over 4,500 street signs, seven bridges, 100 Township vehicles and pieces of heavy equipment. He noted that this Department maintains all of the road infrastructure, and last year paved 6.3 miles of roadway, mostly through sanitary sewer basin work. He noted that the Department has a very detailed stormwater component that began last year and is continuing this year and into next year.

Mr. Wolfe noted that the Lower Paxton Township Authority is a component part of the municipal operation, providing service to the community. He noted that it agreed to the second amendment of a second consent decree which is being implemented now, providing for mini-basin work that reconstructs sanitary sewers in identified mini-basins. He noted, last year, in total, \$26.2 million of work was under contract.

Mr. Wolfe noted that ends the Executive Summary and Departmental components will be posted on the Board's website.

Mr. Seeds questioned when the Village of Linglestown Committee was sunset as it was still listed in 2012. Mr. Wolfe noted that it was during the December 18, 2012 meeting.

Review of a recommendation from the Community Engagement  
Committee regarding proposed fundraising activities

Mr. Wolfe noted that Bruce Senft is the chairman of the Community Engagement Committee (CEC) and he also serves on the Friendship Center Operating Board. He noted that the CEC is made up of seven members who represent the Friendship Center Operating Board, Parks and Recreation Board, Arts Council and Greenway Committee. He noted that the CEC has met with the Board previously and they now have a memorandum that formally states their recommendations, asking the Board to consider it at this time.

Mr. Senft noted that he will not go through the memorandum in detail; however, he would make some additional comments regarding it. He noted that the CEC was formed in October 2012 with the purpose to engage individuals, businesses and other organizations throughout the Township to develop community and financial support for a variety of projects that are undertaken by the Parks and Recreation Department. He noted, over the past several months, the CEC has looked at a number of different things, noting that they meet the second Wednesday of the month at the Friendship Center at 7 p.m., meetings that are open to anyone who desires to attend the meeting.

Mr. Senft noted that the CEC has addressed organizational issues, discussed marketing and commercial support, and developed policies and procedures that would help to define the role the CEC would play. He noted that the Committee has looked at potential projects for fundraising activities.

Mr. Senft noted that the first part of the memorandum summarizes the activities that the CEC has engaged in over the past several months.

Mr. Senft noted that a project will be presented to the CEC, coming from anyone of the four parent organizations, for review and approval. He noted that there will be guidelines set up for the review process to determine if the project meets their approval noting that it would have to ultimately come before the Board of Supervisors for final approval. He noted that the project

would have access to a variety of resources that will be developed, such as marketing, volunteers, grant writing, access to fundraising consultants, overall planning and support coordination. He noted that the entity that submits the project would take the lead in whatever the campaign is, noting that the CEC would supply support and coordination for the project.

Mr. Senft noted that there are three projects that the CEC would like to move forward with at this time. He noted that the CEC may decide to combine the three projects into one campaign or keep them separate and run them separately. He noted that the CEC will look for guidance from fundraising experts for how to do this. He noted these are the kinds of resources that the CEC hopes to develop over time to be available for the various projects that would come out of the Parks and Recreation Department.

Mr. Senft noted that the CEC has a lot of work to do in developing the resources. He noted that the second part of the memorandum is an outline of what the CEC wants to proceed with after receiving the Board's approval. He noted that he has asked the different entities to come up with additional projects and the ones listed are the Friendship Center equipment replacement, Nyes Run Greenway planning, and Arts Council project for Heroes Grove. He noted that the CEC would like to become involved in any community event such as National Night Out or the Koons Park Fireworks for the purpose of distributing literature to raise public awareness and enlisting volunteers. He noted that the CEC would like to establish itself in a role as the main coordinating body for the various fundraising projects. He noted that the CEC is in the process of establishing subcommittees to include: marketing, events, finance and public relations. He explained that the CEC continues to work through the guidelines that will use to review projects and it plans to interview consultants to work with the CEC, not being paid by tax payer's money, but instead taking a percentage of the proceeds raised as their compensation. He noted that the CEC wants to establish an internet presence through social media working with Township policies and procedures and begin active fundraising. He explained that they expect to start fundraising events in 2014.

Mr. Senft noted that he is asking for the Board's authorization for the CEC to proceed along the lines mentioned in the memorandum.

Mr. Hawk noted that he was very impressed with what he read as it was a very comprehensive analysis and study. Mr. Senft noted that the CEC could not have done it without

the support of staff. Mr. Hawk noted that there are many creative ideas and he hopes that it will make an impact.

Mr. Wolfe noted that the CEC is ready to move forward to implement their work; he suggested that it would be appropriate to reduce what they want to do to a written format as a resolution to have the Board take action. He noted that the CEC would have the Board's official consent that they could do what they want to do. Mr. Crissman agreed. Mr. Wolfe noted that he could put this on next Tuesday's agenda for approval.

Mr. Seeds questioned if the CEC could use the Township's website and TV channel. Mr. Wolfe answered yes. Mr. Crissman noted that they could have access to the Township's newsletter as well.

Mr. Blain complimented Mr. Senft for the Committee's effort. Mr. Senft noted that he is very pleased with the work, as the CEC has very committed people but they have just started to scratch the surface. He noted that they have a lot of work to do and if they are able to pull this off, it will be a tremendous asset to the Township.

Mr. Hawk noted that one project concerns the future Heroes Grove Park, noting that he mentioned the addition of public art at the future amphitheater in that park. Mr. Senft explained that he would have to ask Mr. Luetchford what that entails. He noted that he was told that there is a desire to do some type of artwork or ironwork for the park that would relate to what the park is all about. Mr. Wolfe noted that is part of the concept plan that is being promoted by that organization.

Mr. Seeds noted that the Heroes Grove Park is starting to move along as they have secured grant funds for the work and possibly someone to do the earth moving.

Mr. Crissman noted that Mr. Senft and the CEC are doing an excellent job.

“Otta Know” Presentation: Act 46 of 2010 and Act 87 of 2012 and their affect on certain Township approvals.

Mr. Stine noted that Act 46 of 2010 is also known as the Permit Extension Act. He noted that it was effective July 1, 2010, but retroactively applied to approvals and permits that were in effect on or about January 1, 2009. He noted that the economy was bad and developers were complaining because their approvals were on a clock and they were starting to expire but no one was building anything. He noted that the legislature extended the permits to 2013. He

noted that Act 87 was enacted and it further extended the permits to July of 2016, but there is also another amendment in the works. He noted that it will stop the permit extension for things that are approved after July 1, 2013. He noted that they will not get extended, but everything before that will continue to have the extension into 2016 and it is a tolling statute. He explained what that does is if you have a plan approved with five years to build it, if you used up a year before the Extension Act became applicable, it stops the running of your time period so you will continue to have four years and once 2016 comes around, then you get your four years, so it actually extends the permits until 2020. He noted that it works for almost every approval that the Board grants and almost every permit that it issued and for some agreements like improvement guarantees. He noted that the tolling runs for those as well.

Mr. Wolfe noted this is the reason why he wanted to put this on the agenda because he understands the need to get work done and the Board sees a large number of improvement guarantees with no action for many years and it wants to force developers to implement the improvements so the Board often grants only a few months to do the work. He noted that by this legislation you can't do that. He noted that you have to provide the extension regardless.

Mr. Stine noted that the Board does not have to give them the time, it is automatically granted to them. Mr. Seeds questioned when the homes are all completed... Mr. Wolfe noted if the approval was granted within the time frame their window stops and it doesn't start again until 2016. Mr. Seeds questioned even if all the homes are built. Mr. Stine answered yes as the agreement is automatically extended by statute. Mr. Seeds noted that many people are upset because the streets do not have the final wearing coat. He noted that they will be coming into us complaining. Mr. Wolfe noted that we have one plan now that is developed off Continental Drive, the townhomes, Phase three of Wyndhurst Manor, that we received several complaints from neighbors about the cutting of a bank, as it is half done, and the abutting property owners want a landscape buffer. He noted by this legislation, the developer does not have to put it in until 2020. Mr. Crissman noted that when the Board changed the date in the past, he is surprised that someone didn't come in and challenged the Board. Mr. Wolfe noted that we have not denied anyone yet. Mr. Stine noted that many developers are not aware of this provision and they don't have to request it as it just happens automatically.

Mr. Seeds noted that some of the issues are small things, something that the developer does not have a legitimate excuse not to do it. Mr. Stine answered that they do now.

Mr. Seeds questioned if there was an Act of 2008 that was redone in... Mr. Stine noted that the Act of 2010 had retroactive application back to the beginning of 2009. Mr. Seeds noted that it expires July 2, 2013, so if the Board gets a plan after that date... Mr. Stine noted that it would not apply to that plan as long as the new legislation is adopted. Mr. Seeds noted that Section 1606, 1 c, you can put a fee up of 25% of the original application fee or \$5,000. Mr. Stine noted that he does not remember that section of the Act. Mr. Wolfe noted that the primary problem is with Improvement Guarantees, and there is no fee to establish one. He noted that there is an inspection fee of \$50.

Mr. Wolfe noted that there are a couple of developments that will get to the point where you will soon have a room full of people and developers will know that they have protection. He noted for the Wyndhurst Manor Development, he expects to find a room full of people sometime this summer coming in to complain about the lack of work getting done. He noted that they want their landscape buffer.

Mr. Hornung noted when the law was written and put into place; maybe they did not see this consequence for this type of item. He questioned if it would be possible to act on the Improvement Guarantee and force it and if it goes to court then resolve it that way. He noted that it would be a costly way to do it but it would help to get a part of the Act revamped. Mr. Stine answered no, since the Permit Extension Act is unequivocal and automatic. He noted if you go to court you will lose. He noted that the developers have the protection, and the Township will not get very far.

Mr. Seeds noted on page 43, it says, "The government agency which issues an approval permit, may charge a fee to extend the approval that may be no more than 25% of the original application fee. In no event may the fee be greater than \$5,000." Mr. Stine noted that our application fee is... Mr. Wolfe noted for a large plan it may be \$2,500.

Mr. Wolfe noted that there are other fees such as the fee-in-lieu for recreation, engineer's payment fee, but the application fee is not the big one. Mr. Stine noted that it is only a fee to extend the approval, so it would not apply to fee-in-lieu funds.

Mr. Seeds noted that people will come in to complain and we better have the information available to read it to them directly. Mr. Stine noted that during the tolling period and the rest of their approval period, no ordinance changes can affect them. He noted that developers will essentially have an extension to 2020 to build out a plan, and it could be for approval done in 2009. Mr. Wolfe noted that you may have a developer who cleared a lot and did minor public improvements in 2009 and stopped due to the market. He noted that abutting property owners are now seeing dirt piles and weeds instead of forested areas. Mr. Crissman noted that they won't have to cut the weeds.

Mr. Hornung noted if something was approved today, would it fall under these conditions. Mr. Stine answered yes, until July 2013, if they pass the new legislation.

### **Improvement Guarantees**

#### Laurel Ridge

A reduction in a letter of credit with PNC Bank in the amount of \$834,558.60, with an expiration date of April 16, 2014.

Mr. Blain made a motion to approve the one improvement guarantee. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote and the motion unanimously passed.

### **Adjournment**

There being no further business, Mr. Blain made a motion to adjourn the meeting. The meeting adjourned at 8:06 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

Gary A. Crissman  
Township Secretary