

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held April 14, 2015

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:08 p.m. by Chairman William B. Hawk, on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

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

Also in attendance was George Wolfe, Township Manager; Steven Stine, Township Solicitor; Steve Fleming, HRG, Inc.; Martin Schoffstall, Schoffstall Farm LLC; and Watson Fisher, SWAN

Pledge of Allegiance

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

Public Comment

Ms. Judy Beskit noted that she lives at 2192 Parkway West with her husband Frank and their 45-year old son. She explained that they live on eight acres and they would like to have the property subdivided so that they could build a duplex or two condos or two smaller houses so that their son could live next door. She noted as they get older it becomes harder to take care of him. She explained that she does not want to put him in a group home, so they thought the best thing to do would be to build a duplex home or two condos where they could live in one and he could live in the other. She noted that there is no lot foot frontage. She explained that she has the plan and would be happy to share it with the Board but she would like to know before they get into any expense if there is a possibility to get a variance to subdivide the land. She noted that the land is zoned A-1, so a condo or a duplex would not be a normal use for the zoning. She noted that they would need a variance for the road foot frontage and for the type of housing.

Mr. Hawk questioned if Ms. Beskit was looking for approval at this meeting. Ms. Beskit answered no as she came to see if there is any possibility to get this done before she had the land perked and probed and all the engineering and surveying. She noted that she knows that it has to go before the Zoning Hearing Board first. She questioned if the Board would approve what she

wants, only to have the Zoning Hearing Board turn it down. She noted that she would not like for that to happen.

Mr. Wolfe noted that it is a two-step process. He explained that the variance for lot width would be granted by the Zoning Hearing Board. He noted if they grant the variance, the Board of Supervisors is obligated to accept that as part of the subdivision plan.

Ms. Beskit questioned if there is an opportunity to go before the Zoning Hearing Board informally to see if it would be approved before they do all the engineering work. Mr. Wolfe answered that you do not have to do engineering, surveying etc. before you go before the Zoning Hearing Board; however there is no informal process. He explained that Ms. Beskit would have to apply for a variance to create two lots with smaller frontage than is required by the ordinance. He noted that you don't need to engineer the plan, but you need to do a formal application. He noted that he would be happy at staff level to sit down with Ms. Beskit to go over the process.

Status report regarding the 2015 Lower Paxton
Township Storm Sewer Project

Mr. Steve Fleming, HRG, explained that he wanted to provide a status report for the 2015 Storm Sewer Project. He noted that the public bids are due Friday, April 17, 2015 and will be opened at 9 a.m. He noted that there was a mandatory pre-bid meeting that was attended by approximately ten different contracting firms. He explained that the project is estimated at a total contract cost of \$1.2 million although it is being bid as a base bid project with three alternates which would provide the Township an option to make it a smaller project.

Mr. Fleming noted that the projects are located on Crums Lane behind the U-Haul business off of Route 22; South Houcks Road at Fritchey Street, going from the lower corner of El Rodeo Parking Lot across Houcks Road and Prince Street, discharging behind the homes on Prince Street; culvert replacement and road reconstruction with some guiderail work on Parkway East; culvert and inlet replacement on St. Thomas Boulevard; culvert replacement on Compton Drive; and culvert lining project on Forest Hills Drive near Shillington Drive.

Mr. Wolfe requested Mr. Fleming to explain to the Board members the engineers' estimate per project. Mr. Fleming answered: Crum Lane - \$370,000; South Houcks Road –

\$ 269,000; St. Thomas Boulevard - \$126,000; Parkway East - \$223,000; Forest Hills Drive - \$108,000; and Compton Drive - \$127,000.

Mr. Hawk questioned what the total is. Mr. Fleming answered \$1.2 million, with a base bid of \$750,000.

Mr. Crissman questioned if the bids are going to be opened at 10 a.m. on Friday. Mr. Fleming answered that the bids will be received until 9 a.m. and will be opened at that time. He explained that it is a Penn Bid online project so contractors submit bids up to that time at which the bidding closes and staff will review the bids.

Mr. Crissman questioned how quickly will they be tabulated and verified to provide a recommendation for the Board's approval. He questioned if they will be ready for next Tuesday's meeting. Mr. Fleming answered that he will have the bids tabulated and checked the same day and will be prepared to provide a recommendation to staff by the end of the week to be ready for the next Board meeting if that is what you want.

Mr. Crissman questioned after the bids are awarded, when the projects will begin. Mr. Fleming noted that it would be about 45 days after the bid award, to have the pre-construction meeting.

Continued discussion with Martin Schoffstall regarding proposed amendments to the Zoning Ordinance as it pertains to Farm-Related Businesses

Mr. Wolfe explained that the Board met with Mr. Schoffstall, at his request, during the last workshop meeting and reviewed potential amendments to the Lower Paxton Township Farm Related Businesses within the Zoning Ordinance. He noted that he has, at the Board's direction, taken those significant amendments as proposed and reduced them to a fill in the blank, one page, fact sheet for discussion this evening. He noted that the Board will continue to discuss this tonight for a period of time, not with the intention of finishing this work but to explore some of the items that are listed as bullet points.

Mr. Schoffstall noted that the first item concerns the maximum number of employees to be set at, questioning how you would define employees. He noted that you would have to define all the Farm Related Business (FRB) as full time equivalents. He noted that in agriculture there are significant part-time employees, noting if you take St. Thomas Rosters, a small coffee shop,

they may have 15 to 20 employees but they may only have 3 1/2 full-time equivalents in one week. He noted that you have a definitional issue of how many employees that you want for the FRB. He suggested that he would like that number to be ten full time equivalents.

Mr. Hornung questioned what would they be doing. Mr. Schoffstall answered, if there was a coffee shop, they would be servers and roasters. Mr. Hornung noted that there would be so many full-time employees based on the operation you are doing. Mr. Schoffstall answered yes. He noted that the use that creates a job in the Township has a different number of full time employees for it. He noted that he is not talking about a 24 foot by 7 foot manufacturing plant, but a small number of service agricultural businesses.

Ms. Lindsey questioned why Mr. Schoffstall wants to change the Zoning Ordinance. Mr. Schoffstall answered that he tried to discuss this in the prior presentation he made last month which is that he views the position of the Township with regard to where it is going as kind of unpalatable. He noted where it has been is no longer where it needs to go. He noted if you want every square foot of the Township in housing, then you have everything you need. He noted if you want space that is greener, more agricultural, wilder, then you need some ordinances and policies that actually encourages it. He noted at the current time, the two largest employers in the State of Pennsylvania are agriculture and tourism. He noted that those two come together at this moment and time in a combination of a vineyard and the brewery business. He noted that there are other potential uses that would come with the intersection of agriculture and tourism. He noted that the Township needs something to replace the death of retail. He explained if Amazon continues to be successful, the need for the K-Marts and Sears of the world will decline as they are already declining. He noted that it is the issue of retail moving forward in the Township.

Ms. Lindsey questioned if this has anything to do with the Zoning Hearing Board meeting in January where you were denied for the brewpub. She questioned if you would get the Zoning Ordinance changed would this enable you to put the brewpub in. Mr. Schoffstall noted that technically the Zoning Hearing Board approved his variance in January... Ms. Lindsey noted that it was the February meeting. Mr. Schoffstall answered that the February meeting was a request for the brewpub where he was denied. Ms. Lindsey noted, by Mr. Schoffstall coming

back with this, if we would change all of this, then it would allow you to put in the brewpub. Mr. Schoffstall answered yes.

Mr. Hawk questioned if Mr. Schoffstall planned to go down the list of items. Mr. Schoffstall responded that he would do it however the Board prefers. Mr. Hawk noted that it would be a good way to do it.

Ms. Lindsey noted that she wanted to be up front with this in that she has a problem with this as we appoint the members of the Zoning Hearing Board to do a job and she felt in February that they did the job. She noted that she has a problem with Mr. Schoffstall coming back and trying to get the Board to change the zoning so that he can put in what was denied in February. Mr. Schoffstall noted that you established a causal thing, similar to the causal thing that was established in February which were not contributed. He noted both of those applications went at the same time and they were recommended by staff to do so. He noted that this was perceived as a cleanup of the agricultural issues in the Township and moving forward with agriculture, he noted that is the reality. He explained that he wants to use this for things that he wants to do but it's not that causal as you put it.

Mr. Schoffstall noted that for the FRB you have to define how many square feet you want to set aside for those. He noted there is no current limit. He noted that this would be an example of Marty being a good boy in your view. He noted for the way the ordinances are written he could put up a 3 million square foot building and do dog management. He suggested that the Board would not want that to be true; he suggested that the Board would like to limit the space. He noted that there is an adjacent 125 acres to his property which will probably be developed in housing as that is where it is going in this Township. He noted that he would prefer if it remained agricultural and that they would not have a 1.25 million dog management facility.

Mr. Schoffstall noted that the total area used should be fixed in terms of the acreage for parking. He noted that it is currently set at three acres, you may want to make it less or more. He noted that there is an issue that non-agricultural operations shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9 p.m. and 7 a.m. He suggested that it should be more like 11 p.m. or midnight. Mr. Dehner questioned why it wouldn't be 2 a.m. Mr. Schoffstall noted that most agricultural business are not interested in

being open to 2 a.m. He noted if you are worried about the brewpub, he doesn't know of any that are open after midnight in this area or the State.

Mr. Schoffstall noted the next issue is retail sales that are limited to a maximum of 20 hours per week, except for the sale of agricultural products. He noted, right now he can sell anything. He noted that he has a list of items that staff came up with that should be deleted from the Zoning Ordinance. He suggested that you would want to remove the saw mill, small engine repair and sales, processing or mixing of seeds, feed, and chemical fertilizers, farm equipment for farm vehicle repair for other people. He noted that these are the big issues to consider.

Mr. Hawk noted that it states that retail sales should be limited to 20 hours per week except for certain item, things that should be deleted. He noted that he needs to know how you feel about that and the next list of items are those thing proposed to be added to the current Zoning Ordinance. He noted that would generate more conversation. Mr. Schoffstall noted under state law the Township cannot prohibit him from selling agricultural projects, so that is why he has the acceptance thing. He noted that the removal part probably came from historic Lower Paxton situations. He noted that he has been driving on Route 22 since 1961 with his parents and watched the building of I-83 and I-81 through the Township with the movement of houses to make it happen. He noted the issues to be removed are items that people are no longer interested in doing in the Township. He noted that is the sense that he got while discussing this with staff that these were things that looked backwards and not forward.

Mr. Hawk noted that he is not sure how to move forward with this to get it resolved.

Ms. Lindsey noted for the items proposed to be deleted, did you ask the Township for those things to be removed or did the Township say to you that it felt they should be deleted. Mr. Schoffstall answered that he could not remember, but he did remember discussing the farm equipment or vehicle repair for a third party that it was not in the best interest of the Township. He suggested that it was a mixed cocktail.

Mr. Hornung questioned if Ms. Lindsey thinks that they should be deleted. Ms. Lindsey answered that it makes it sound, the way he is presenting it, it makes it sound to her that the Township is saying that we should take away small engine and she wanted to know if the Township said that these items should be removed or did Mr. Schoffstall say that he wants to get rid of small engine repair, rental and storage. She wanted to know who suggested that these

things need to be taken away. Mr. Wolfe noted from the staff perspective, he can say that staff has met with Mr. Schoffstall on several occasions and what was prepared is an all-inclusive discussion of items that could be changed. He noted that none of which is particularly recommended by staff but at the same time staff has recommended the document.

Mr. Hornung questioned Ms. Lindsey why it is important who recommended it as it is there for the Board to look at and if you don't feel that something belongs, that is fine. Ms. Lindsey answered that it sounds like Mr. Schoffstall is saying that the Township said that these things should be taken out and she wanted to know, does he want them taken out or is it the Township. Mr. Hornung answered that it is both but he does not understand why it is important for whether they should be in the ordinance or not. He noted that it is not relevant.

Mr. Hawk noted that he and Ms. Lindsey are struggling with the same question. Ms. Lindsey questioned where this recommendation is coming from to get rid of this, this and this. She questioned if Mr. Schoffstall doesn't want them there and the Township said okay, we will type that in. Mr. Hornung answered that is not the case...Ms. Lindsey questioned if the Township said that certain things should be removed. Mr. Hornung noted that it is not relevant, he was also a part of coming up with the list in that he did not think that farm equipment or vehicle repair should be allowed in an area, especially adjoining residences. He noted, at this time, Mr. Schoffstall could open a farm equipment repair operation but he does not think it is appropriate. He noted that he asked for it to be removed. He noted that he does not see the relevance as either you agree with it or you don't. He noted that it doesn't matter who asked for it. He stated that you can look at the original ordinance and you may also find some items that should be removed. He noted that once we started to look at the ordinance we saw all these things, we don't want the repair of motor vehicles out there, unless it is related to the farm operation, but now he could open a repair shop and people could bring their motor cars there. He noted that those items do not belong in the ordinance and while we were looking over the ordinance, we found that it needs to be updated. He suggested that it may be okay for someone who has a 500 acre farm in Perry County but not in the Township.

Mr. Hawk noted that he agrees with Mr. Hornung as they really don't belong but he questioned if Mr. Schoffstall is in agreement that they don't belong in the ordinance. Mr. Schoffstall answered that he agrees that they should be removed. Mr. Hawk noted that he does

not see Mr. Schoffstall mixing seed, feed and chemical fertilizers. Mr. Schoffstall noted, as a citizen of Lower Paxton Township, he feels that they should be deleted. He noted that he is not sure how many people operate commercial agriculture in the Township. He suggested that it may be down to three or four people, so his discussions with staff have been around what is in the agricultural ordinances, and from his perspective, they are dated and this is an opportunity to update it.

Mr. Hawk noted that those seven items could easily be deleted. Mr. Hornung noted that there may be more, therefore we need to take a look at it. Mr. Hawk noted that the more critical discussion would be the items to be added to the ordinance such as a bed and breakfast, for how big it would be, how many he would be allowed. Mr. Schoffstall noted that the Township has an ordinance for a Bed and Breakfast that is clearly defined. Mr. Wolfe noted that there is an ordinance separate from FRB that provides for and regulates a bed and breakfast. Mr. Schoffstall noted that he is asking that a Bed and Breakfast be allowed as a FRB occurrence.

Mr. Hawk stated, when he thinks of a Bed and Breakfast it would be a place you would go to sleep and have a nice breakfast, noting that it is an ongoing item, having to change sheets, etc. He noted that it is more than a place to hang your hat at night to go to Hershey Park the next day. Mr. Schoffstall noted that the Township has a definition for a Bed and Breakfast, he was trying to refer to that definition. He explained that that he met with the Pennsylvania Director for the Bed and Breakfast Association, and there are 362 B&B's in Lancaster County and only two in Dauphin County, one of which is not actually open because there are historical issues with regards to Bed and Breakfast. He noted since he moved to the Township there has been a number of hotels that have been built in the Township, but he is talking about a very small facility that would be associated ultimately with people who do agriculture around the hops and grapes.

Mr. Hawk noted that the items to be added seem to require some in-depth conversation between the Board and Mr. Schoffstall as to how limited they should be or how they should be available. He questioned how big a restaurant would have to be that is attached to a brewery pub or winery.

Mr. Schoffstall noted the charge that goes back to a meeting with staff in August of last year was to do this process in the open with the Board of Supervisors at a workshop meeting.

Mr. Hornung noted that is the purpose of coming to this meeting to go through the list one-by-one. Mr. Hawk noted that we need to refine what you are saying. Mr. Hornung explained that is what we are trying to do now, but how do you do that. He questioned how the Board should proceed with this. He noted, in the past we brought in an expert and he sat down, wrote the ordinance and we went through them one-by-one, kind of like this. He noted that we are looking at this to see how the Board wants to revise the ordinance. He stated that he is not sure how to proceed to delineate what would be appropriate in general, not just for Mr. Schoffstall, as we have other sites that this may be possible. He noted when we went through the process and had all the zoning ordinance meetings, one thing that came through loud and clear was that people wanted the development to be slowed down, providing for larger lot sizes and those kinds of things. He noted when you get the opportunity to keep land from being developed and turned into something else, noting that we talked about this in the past, if you look at Paxtang and areas that are built up, the taxes have to go way up because there is no more room for development. He noted that we saw a little flavor of that in the 2008, 2009 and 2010 recession where we lost a major source of the Township's income. He noted as we get closer and closer to build out that is going to slow down in the Township, what do we do to prepare for that. He noted that the more houses we build, the more traffic jams we have, the more problems we have with red light, all of which costs a lot more money and then we have to raise the taxes to mitigate the traffic jams. He questioned if there are other ways to provide sources of income through earned income which is another big source of income for the Township, and at the same time, provide for the large land areas not to be developed, but at the same time help the tax base by providing the use in those areas to provide earned income and additional real estate value for the homes that would not be built on that land. He noted that his goal is to try to do it in a control factor that does not reduce the real estate tax value but enhances it. He thinks that it can be done and it can be done in a fashion that will preserve our land area and not turn everything into housing where in ten to 20 years it will necessitate a tax increase. He noted that it would be good not to have to rely on housing development for tax revenues.

Mr. Hornung explained that this is not just for Mr. Schoffstall but for any areas of land where someone may want to put up \$2.5 or \$3 million to start a winery or start some type of agricultural business. He noted that agriculture, as it was in the past in this Township is dead for

the large farms. He noted that we need to slow down development as per the Comp Plan and at the same time provide a larger income tax base reducing the infrastructure to provide a double bang on the tax liability.

Mr. Hawk noted that Mr. Hornung makes a compelling argument. He explained that he was looking at the word distilleries and he could not define that. Mr. Schoffstall answered that Pennsylvania and Federal Government have very clear definition of what it is. Mr. Hawk noted that he thinks of Jameson and Bushmills and that kind of thing and he does not think that is what Mr. Schoffstall has in mind. Mr. Schoffstall answered that he has no interest in a distillery, but he is looking to build an ordinance that grasps the whole enchilada instead of a tiny bit of a enchilada. Mr. Hawk noted that we need a certain control factor for these things.

Mr. Crissman noted that the Board has to decide if it wants to review the ordinance. He suggested that the answer is yes. He noted if we are reviewing the ordinance and consider changes to the ordinance it has to be for what is in the best interest of this community, sans Mr. Schoffstall. He noted that he is not part of the process as we review it, it is what is in the best interest for the community, not what is the best interest for Mr. Schoffstall. He suggested that he agrees with that. He noted that we are looking at ten bullets and we have to make another decision, do we bring someone in to review those to make recommendations or do we as the Board attack those ten issues. He noted if we choose to attack the ten issues then, in the interest of time, we set a certain amount of time for discussions for the ordinance over three meetings. He noted for the first issue alone, where we are discussing the maximum number of employees to be set, the first question is how many are full time, how many part time and define part time as it concerns benefits and or full time equivalencies. He noted that issue could take an hour or maybe two hours. He explained that these were his four issues for moving forward.

Mr. Schoffstall noted that he agreed with Mr. Crissman except for the san Mr. Schoffstall as he is a member of the community. Mr. Crissman noted that Mr. Schoffstall has a vested interest and he understands that but he has a responsibility to the total community not to deliver something that will benefit one person in the community. Mr. Schoffstall answered that he understands that and he will continue to attend the meetings.

Mr. Schoffstall noted in Linglestown, someone came to him and told him that he took quite a beating in February. He noted that this person said that they have 50 acres that they were

thinking about converting to a vineyard and winery, but he questioned if he should just develop houses. He noted the question will arise, what you say through this set of actions, but as a citizen of the Township those things need to be removed as they open the Township to problems, not advantages.

Mr. Crissman noted that he has no problem with Mr. Schoffstall's input into the process noting that there are many communities that have wineries. He explained that his daughter lives in State College, and in her development there is a farm next door and they could not make the farm successful so they planted a vineyard and they have a winery and the people walk from that community at lunch time or in the evenings. He noted that it is a viable element in the community. He explained that he is not opposing this, rather he has a responsibility to the overall commitment and contribution that makes this community a valuable asset where people want to come to live.

Mr. Seeds stated that he agrees with Mr. Crissman and what he says about communities, but we always have to weigh the rights of the individual property owner versus the community and sometimes that is tough to do. He questioned if Mr. Schoffstall had any examples of Townships in Pennsylvania that allows the uses that you are proposing with the R-1 agriculture related businesses. Mr. Crissman noted that he just provided an example of a community that did this in State College. He noted that he does not know what their zoning is but he assumed that it permits the agricultural activity.

Ms. Schoffstall noted, under the law as he stated at the meeting in February, the zoning is irrelevant. He noted once you have ten acres, under State law, in agricultural use, the agricultural act triggers. He explained, what he produces he can sell. He noted whether it is in an R-1 or Z-5, this is going on. He noted that the Hershey Vineyard is in what Township. Mr. Seeds stated that it is in Londonderry Township. He would recommend that the Board members go to some of these places and see what the \$5 million to \$15 million investments look like and their impact in terms of employment, impact on the land, impact on the Township's citizens. He noted that Wynridge is near Dallastown, and there are a number that are reasonably close.

Ms. Lindsey questioned if they are in residential areas where you have houses all over the place. Mr. Schoffstall answered some are and some are not; the one in State College is.

Mr. Seeds questioned how they address traffic issues. He noted that is another point that we discussed last month. Mr. Hornung noted that this type of activity that Mr. Schoffstall is planning, the traffic occurs in off-times. He noted that it will not be during the rush hour and it has its advantages. He noted what he does not understand, aside from the brewpub, which everyone seemed to get caught up on the brewpub, and Mr. Schoffstall does not want to do that. He stated that we should be welcoming development like this, as we have too many builders out there that want to build, just go in and line up the houses and the rest of the Township has to suffer with the development. He noted if we don't make it advantageous for the right type of development to come in and provide for alternate types of development to help keep the traffic down and also help to raise taxes, then what we are doing is counterproductive to the future of Lower Paxton Township. He noted that we got hung up on the brewpub, but on the other hand he does not want to beat up individuals who may want to put \$5 million or \$10 million into some land area to turn it into a winery which has low impact. He suggested that we should welcome this type of development, setting criteria and boundaries. He noted that we need to do this in a positive manner, not where we bring people in and beat them up.

Mr. Hornung noted that Eric Kessler knows what it is like to be on the development side and to get beat up and we should welcome lower impact type development and encourage people to come in and spend that kind of money and investment in the Township.

Mr. Seeds suggested that he did not think we were beating up anyone. Mr. Hornung noted that Mr. Schoffstall stated that he felt like he got beat up. Mr. Schoffstall explained that occurred at the February Zoning Hearing Board meeting. Mr. Hornung noted that Mr. Schoffstall is a resident and we should work in a positive fashion otherwise Mr. Schoffstall could turn around and sell the land for a lot more money than he has in it and let a developer come in to develop houses and we could not stop him. (People in the audience said, good.) Mr. Hornung questioned if they want all houses on that land.

Mr. Joe Dehner questioned if we have to be blackmailed to do what Mr. Schoffstall wants to do. Mr. Hornung answered that is not correct, he questioned if we can work this out to make it work for the betterment of the Township. Mr. Dehner noted that the whole things has to do with the brewpub and it is inconsistent, your zoning people said it was inconsistent, and instead of going with what your people said what was best for the community, meaning us who

own properties and have invested in it, we are going with a differential that Mr. Schoffstall wants to put forth so he can do what he wants to do. And he begs to differ with Mr. Hornung, 15 retail jobs is not going to improve the tax base in the Township. And he will also tell Mr. Hornung that most of you are not aware of the level of traffic that is there now. He noted that there are over 11,000 vehicles that come up Nyes Road that cut over through Devonshire Heights Road. He noted that there are 7,000 vehicles a day that drive up to the Vo-Tech and come over that way. He noted that there will be an impact from the development that is being developed next to the Vo-Tech. Mr. Hornung noted that it will get worse if we continue to put houses in that area. Mr. Dehner noted that it will be worse if you put a bar in with a winery because if you go to the MADD report... Mr. Schoffstall questioned which specific report... Mr. Dehner stated, let me finish, you have had your time... Mr. Schoffstall noted that you made a citation... Mr. Dehner noted that he did not interrupt his talk, so you stay there. Mr. Dehner noted that MADD says as soon as you combine different types of alcohol you increase drunk driving issues.

Mr. Hornung questioned if Mr. Dehner could be gentlemanly. Mr. Dehner answered that we can be civil.

Mr. Hawk noted if you are going to speak you should go to the microphone as we need everyone to hear you. Mr. Hornung noted that Mr. Dehner yelled loud enough. Ms. Lindsey noted that people should go to the microphone and state their name and address. Mr. Crissman agreed as the community at home who is viewing this does not have the opportunity to know who is speaking.

Mr. Hawk noted that Mr. Seeds asked the question if there are any wineries in the area that do this kind of thing. Mr. Seeds noted that was not the question, he noted that he wants to know what the uses are, how they handle everything, how does it work, and if they have a history. Mr. Hawk noted that there are three that he can think of, one in Hershey in a very rural out of the way location, the other is Nissley Vineyard and the third is Armstrong Valley outside of Halifax. He noted that they don't have housing development around them. Mr. Seeds noted that he has been to most of those places and you are correct, noting that they are much more rural.

Mr. Schoffstall noted that the counter would be West Hanover Township and Nittany Lion which is the one in State College which is in a development.

Mr. Schoffstall noted that he would like to get rid of the brewpub thing. He noted that brewpub law will probably be removed, and he is not going to apply for a brewpub license so it is not an issue for him. He noted that the Board has to decide if it wants other people to have brewpubs in the contest of agricultural space. He noted that he does not need a brewpub, he might have wanted it, but he has what he needs under State law. He noted that we don't have to discuss the brewpub at all.

Ms. Lindsey noted that Mr. Schoffstall applied for a brewpub license and questioned if he changed his mind. Mr. Schoffstall answered yes, that is public information available on the PA LCB website where you can see that he withdrew his application. He noted that the PA LCB recognizes that the brewpub nomenclature and the law is out of date. He noted that they are working to amend it. He noted that he does not need it to do what he wants to do, noting that he wanted it as there were some additional things he wanted to do but they are gone and he is moving on.

Mr. Schoffstall noted if the brewpubs remains and continues the Board has to decide if it wants to encourage people to have those types of things in agricultural zones.

Mr. Seeds noted that other people may want to speak to this issue.

Mr. Hornung requested Mr. Wolfe to research the ordinance for State College to use it as a starting point for reviewing the ordinance. Mr. Wolfe answered that he would look into this. Mr. Hornung noted that there must be other areas where there are wineries surrounded by residential uses.

Mr. Joseph Dehner, 5901 Devonshire Road, noted that he would like to correct a couple of things. He noted that Mr. Schoffstall brought up the difference in aging real estate and retailing, you have the marketplace but the Wall Street Journal published a recent article that showed that over 65% of the people that are buying in public still want to go to a retail outlet, feel the product, and maybe order it online afterwards. He noted that there is a controversy in terms of what retailing will look like. He noted if you call the LCB, one of the reason why the brewpub was put on hold was because the zoning declined to approve it, and the LCB put the application on hold. He noted if Mr. Schoffstall decided to pull the application afterwards it was a moot point as it was put on hold due to the zoning situation where it was declined.

Mr. Dehner noted that he disagrees with the all-hours thing. He noted that there was traffic on Saturday, four people almost got hit in front of his house. He noted that seven people came out from the lower exit that is on a 15 mph. "S" curve, and instead of going right, made a left, and one was almost on his neighbor's lawn, and one almost hit a couple with a baby, and another exited out the left side and almost had a head-on collision within a 20 minute timeframe.

Mr. Dehner stated that to the Zoning Hearing Board, a couple of emails were sent by people who lived by Cricket Lane who tried to go through the intersection and almost has T-bone accident over the last six months and Mr. Schoffstall was having events on Fridays, Saturdays and Sundays. He noted that it had nothing to do with five o'clock at night.

Mr. Dehner noted that you have Amber Fields that is now entering into the same traffic pattern to go up to the shopping centers through Devonshire and Devonshire Heights Road. He noted that he had three people contact 216 houses, 156 people responded with 12 people having a neutral or positive feeling at that time about the brewpub, the rest all had concerns about their safety. He noted that there were older people on Devonshire Heights Road that won't go to the mailbox because of the traffic and the significance of the dangers involved in it. He noted that he agrees about being modern in the way you people may change zoning. He noted that it was meant for the benefit of the majority of the people at any given location, not for one person for one idea.

Mr. Dehner noted that he requested and had business issues here and went through zoning, they were changed for the betterment, but it is not for the betterment when it affects the majority personally and the minority in the positive.

Mr. Dehner noted that he wanted to share a couple of numbers from the State because when he called the Township he found that there has never been a road, traffic or impact count on Devonshire or Devonshire Heights Roads. He noted on Nyes Road from Locust Lane to Jonestown Road there are 11,671 vehicles a day. He noted that many of those cars cut over to go to the shopping center but we don't know how many of those cars cut or stop because they run the traffic count all the way to Jonestown Road. He noted on Locust Lane from Prince Street to Fairmont Drive, there are 7,179 vehicles. He noted that none of that counts the other development that are in there now in terms of Amber Fields, noting that they have a problem

now as they don't have enough exits from their development. He noted that we are looking at a traffic problem.

Mr. Dehner noted that Devonshire Road in front of his house has a traffic control mark put there by the police. He noted that the police sit on his lawn, in front of the bottom exit from the farm, the left side of his house on the corner, and they typically spend one hour there and have five violations in one hour. He noted that is substantial and it is normally at two to three in the afternoon, not at four or five in the evening. He noted that they never spend the night there, they will spend Saturday and Sunday afternoon, so there is a significant difference. He noted that most people have not had a problem with the winery but he does have a problem with the fact that aesthetically it now looks like a concentration camp. He noted that they have wire fences with barbwire on top of them. He explained that he has traveled every state in the United States and has toured wine country in Napa Valley and all of New York and Canadian, and if we compare the one we have in Lower Paxton Township with any of those it is like comparing Wildwood Lake to Lake Erie. He noted that they are out in the open, there are no fences, and they do not affect R-1 zoning and if you had a house close to one the value of the house would appreciate. He noted if someone stands out in front of his home and almost gets hit due to the traffic situation as it is uncontrolled, the value of his home is going to depreciate. He noted that adding ten or 20 retail jobs on the farm is not going to improve the value of the R-1 housing that surrounds it. He noted that you have a sea of R-1 and an island of alcohol and that is not to be beneficial to anyone.

Mr. Dehner noted, at the other meetings we did not beat up on anyone but we could have taken a petition and we would have had a couple hundred signatures. He noted that the group chose to look at it from a logical standpoint that zoning would look into it and make a decision that would be for the benefit for all involved, and they did that. He noted beyond the brewpub situation there was never any comment or discussion but the brewpub was simply the one that the people were opposed to, they were opposed not only because of the traffic, they were opposed by the hours, and the combination of alcohol but Mr. Schoffstall will tell you something else. He noted if you go to the PA LCB records you will find that Pennsylvania exceeds by 12% the number of underage drinkers in the United States. He noted the situation that occurred on Saturday, and there were four people standing in his yard at one time, we don't know if any of

those were alcohol related or simply the way the people were exiting the property. He noted that either way it was grossly nerve racking to see what could have happened with the family as well as the other head-on collision that was nothing more than a near miss. He noted for the people who live there, and he saw that in the testimony that was given in the first meeting, there were a couple of people who stated that they love to go down and have wine. He noted that is fine, but those people did not live in that neighborhood. He noted that they lived on the other side of Route 22. He noted that he is looking at an investment and you are talking about an investment in the Township and we are looking at the investment that we made in this Township to live in a quiet neighborhood, putting our money into it, keeping the properties well maintained and expect a good return on the investments. He noted that you must be careful if for what you change will have a positive effect on a minority and an adverse effect on the majority.

Mr. Hawk noted that we will not solve this this evening as it will bear more conversation.

Mr. Schoffstall explained that you did beat him up by calling his place a concentration camp. He noted that he did not know the fence was offensive in 2005 when he installed it, when there wasn't a wine grape on the place in order to keep out the deer. He noted all over Pennsylvania, vineyards have fences around them as it is rare in Pennsylvania, due to the deer population which happens to be the largest deer population in the United States, not to have a deer fence. He noted that it certainly is not a concentration camp.

Mr. Hawk noted that he is like King Solomon who was asked to cut the baby in half. He noted that it is not always the easiest way to come to a conclusion.

Mr. Hornung noted that it is not a matter of cutting the baby in half, it is a matter of finding if the Township can write a set of ordinances that will maintain or enhance retail value of the houses in the area and at the same time. This is not Mr. Schoffstall's deal, but more of an opportunity to come up with alternate sources of land use other than building what could be 120 houses on this spot. He noted that he does not see it as an either or, it is working together in conjunction to try to come up with something that would be amenable and works for both a developer who may want to put a winery in and also for the people who are surrounded by the land. He suggested that it can be worked out and if it is, we will all be happy and he believes that. He noted that is the journey that he wants to go down, he doesn't see it as a decision that we have to make this or that, but more as a community decision to work through it in a very civil

manner to try to make something work. He noted if we continue to build homes in the Township it will not be a good place in 30 years for our kids to live here. He noted that it is his vision and that is what he would like to achieve.

Mr. Crissman noted that he has offered his model and he continues to stand by it.

Review of a sketch plan for the Parkway Farms property
as proposed by the McNaughton Company

Mr. Joel McNaughton noted that he is present on behalf of the owners of the Parkway Farms Associates which is an entity of the McNaughton Company. He noted that he is the owner of the property located off of Parkway West immediately adjacent to his existing Autumn Oaks Community. He explained, a few months ago he came to the Board with the previous owners of the farm who cut off a few pieces of the farm property, one of which is this particular parcel. He noted that the parcel is 31 acres in size and located off of Parkway West immediately adjacent to Autumn Oaks and is serviced with all of the underground utilities, public water and sewer, natural gas, electric, cable and telephone as part of the extensions from Autumn Oaks. He noted that north would be up on the map, and the Autumn Oaks is to the left and Parkway West is to the right. He noted that the parcel is 31 acres. He noted that it is currently zoned Agricultural Residential (AR) and is available for development under the open space development overlay zoning.

Mr. McNaughton noted that the problem with the open space development overlay in the AR zone is that even when you provide all the utilities, the lots are required to be 20,000 square feet or about half an acre. He noted that there is a 40% open space requirement which carries through to other zones. He noted that 20,000 square foot lots are an estate lot and prices out most first, second and even third time buyers in today's market. He noted when you get into half acre lots, you get into a high rendering community with nearly 100 of those estate type lots located next door at the Estates of Autumn Oaks. He noted, as a developer and builder in Lower Paxton Township, he sees a need for more entry level housing, something for the first or second time home buyer, more affordable homes for people with a family, like himself.

Mr. McNaughton noted that he came up with a sketch plan with the property changing from Agricultural Residential to R-1. He noted that it would be developed under the open space development, overlay district using the same 40% open space requirement as is needed for the

AR but it would allow him to take the lots size down to 10,000 square feet. He noted the lots would be similar to what you have in the first phase of Autumn Oaks, where you have a smaller house on smaller lots that are affordable for families and reach a much larger portion of the market. He noted, based on his activity in the market, he believes those are the types of houses for which there is a need.

Mr. Hornung questioned what price range would these houses be. Mr. McNaughton answered, for Autumn Oaks in the first phase some of the houses along Patton Road were in the \$220,000 to \$230,000. He noted if he could start at that level and go up to the low \$300,000 that would be the style of house that he would be looking to build here.

Mr. Hornung questioned if that is the price of a starter home today. Mr. McNaughton answered unfortunately yes, for a single-family home it is very difficult to do much better. He noted it would be for 1600 to 1800 square feet up to less than 3,000 square feet. Mr. Hornung noted would it be as low as 1600 square feet. Mr. McNaughton answered that it would be the low side, with a cost of about \$230,000.

Mr. McNaughton noted this is the plan that he came up with and what he sees as the need for housing. He noted that the plan has 54 lots serviced with all the utilities. He noted that they would be on dedicated public streets and one street would be Continental Drive. He noted that the 31 acres is one of the missing pieces to the puzzle of the long-term goal to extend Continental Drive from Parkway West to Crooked Hill Road. He noted that the only missing piece after this extension of Continental Drive will be the land in the area of the Sportman's Golf Course. He noted with this piece and Autumn Oaks and the other communities, you could drive across Sportsman's Golf and get from Parkway West to Crooked Hill Road without ever accessing Linglestown Road.

Mr. Seeds noted that the Country Club would still be in the way. Mr. McNaughton noted it would depend on where you go with Continental Drive. He noted that the connection has been very controversial over the years as there are a lot of people on Continental Drive that are very much opposed to that connection. Mr. McNaughton noted he has heard that but he has also heard that the long-term desire has always been to be able to provide this parallel alternate to Linglestown Road. Mr. Seeds noted that a lot of people are very fearful that it will become

another Linglestown Road for traffic for the people who live up there. He noted that he just wanted to mention that.

Mr. Hornung noted that he did not know if it would be a good thing to connect the roads. Mr. Seeds noted that this plan would not connect it. Mr. McNaughton noted that it would be one of the missing pieces. He noted that he has avoided all the environmentals except for a little wetland crossing that is necessary to extend Continental Drive. He noted that it was a necessary evil as he wanted it to join Parkway West.

Mr. McNaughton noted that he has appeared before the Board recently in regards to the Patton Road agreement. He noted that he has an agreement to move forward with Patton Road in the third phase of Autumn Oaks and we have had some discussion as to whether traffic is going that way and if we should do those improvements now. He noted with this property extending Continental Drive, it would provide an alternate concept for a way to consider what we will ultimately do with Patton Road.

Mr. Hawk questioned how many homes you are looking to build. Mr. McNaughton answered 54 homes on 31 acres so it is less than two units to an acre.

Mr. Seeds questioned Mr. McNaughton what he was asking from the Board. Mr. McNaughton noted for tonight he was not asking for anything just the opportunity to present the concept and asked if he does submit a rezoning application which is what he would like to do... Mr. Seeds noted that you will have to submit this plan for rezoning. Mr. McNaughton answered yes for the map change, that the Board would accept and consider this. He noted that a hearing would be necessary for the map change and also provide time for discussion with the Board, for an opportunity to work on the Patton Road agreement.

Mr. Seeds questioned what Mr. McNaughton would need to change to. Mr. McNaughton answered that he would have to change it from AR to R-1. Mr. Seeds questioned what the adjoining property is. Mr. McNaughton noted that the Autumn Oaks property was R-1 but it was developed under the Residential Cluster, RC so it was R-1 but developed as RC. He noted that the AR would be developed under R-1 under the open space.

Mr. Tim Mellott noted that the land to the south is totally undevelopable as it is Paxton Creek. He noted that it provides for a large buffer along the southern portion of the property. He noted that there is nothing to the south, only the creek and wetlands.

Mr. Crissman questioned which road the majority of people who live near Patton Road use for access to Linglestown Road. Mr. McNaughton answered that the traffic study showed that most people are driving Continental Drive to Colonial Road and out to Linglestown Road. He noted that they are not using Patton Road. Mr. Crissman noted that they have two choices. Mr. McNaughton noted now they will have three choices, Patton Road, Colonial Road and Parkway West.

Mr. Seeds noted that Mr. McNaughton expressed before that more people are using Colonial Road than Patton Road. He questioned how many homes could you build with the AR. Mr. McNaughton answered that it would allow one home per acre so he could build 31 homes.

Mr. Crissman questioned if this tract sits higher or lower or the same as the homes that are contiguous with these. Mr. McNaughton noted as compared with Autumn Oaks, it is slightly higher, just enough that sanitary sewer can flow back, but it is not drastically higher. He noted that the properties that are adjacent to it on Parkway West are generally the same or similar elevation. Mr. Crissman noted that we have had other situations where two developments have been developed and the development below had run off issues. He noted that they have had numerous complaints about the developer above them and the water is running off having all kinds of issues. He stated that he does not want to see that happen here. He asked Mr. McNaughton to take this into consideration and to be prepared for those types of questions. Mr. McNaughton noted the mountain is up and Paxton Creek is to the south so everything is generally flowing from the top to the bottom. Mr. Crissman noted that he wanted Mr. McNaughton to be prepared for how it would impact the residents to the left of the plan in Amber Fields.

Mr. Hawk noted that the Board would do a road tour on April 28th and suggested that we add this to the list. Mr. Wolfe answered yes.

Ms. Lindsey questioned if Mr. McNaughton is finished with the second phase of Autumn Oaks. Mr. McNaughton answered that the second phase is developed but not built out.

Mr. McNaughton questioned if he submits a rezoning will the Board accept and consider the application. Mr. Crissman answered that we will consider it.

Review of a proposal from the Cohen Law Group to perform legal
and planning services in regard to wireless facilities

Mr. Wolfe noted that the Board agreed to a free legal review of the Township's Zoning Ordinances as it relates to wireless facilities. He noted that the review was offered to members of the Capital Region Council of Governments in conjunction with the Tri-County Regional Planning Commission. He noted that these two organizations chose the Cohen Law Group, out of Pittsburgh, in that they specialize in wireless facility regulations and primarily represent municipalities in these efforts.

Mr. Wolfe noted that the Cohen Law Group has provided a proposal that is included in the packet. He noted that the Cohen Law Group has indicated that the current cell tower provisions for Lower Paxton Township Zoning Ordinance that were adopted in 2006 are still relevant to today's standards; however, the ordinance is completely devoid of any regulatory features for distributive antennas systems for cable Wi-Fi and data collection units. He noted that these units are typically located in a municipalities' right-of-way and are unregulated in the Township at this time.

Mr. Wolfe noted that the proposal by the Cohen Law Group would be a maximum cost for the rewrite of the Zoning Ordinance to include the facilities which he referenced from a wireless basis of \$6,000 and the cost would be reduced based upon the number of municipalities from the Council of Government that participate. He noted, if by any chance, more than 40 would do so, it would lower the cost to \$3,900.

Mr. Wolfe recommended that this would be a viable and cost effective way to update the zoning ordinance to provide adequate regulations of wireless facilities that we currently don't regulate and were not contemplated when the zoning ordinance was prepared.

Mr. Wolfe noted that Mr. Seeds has a Council of Governments meeting coming up and he is looking for some direction from the Board.

Mr. Seeds explained that the meeting is next Monday night. He noted during the last meeting three fourths of the membership said they would go along with this, at least to have the free review of their current ordinances. He noted that we be told if our ordinance needs to be updated as per the Cohen Law Group. Mr. Wolfe noted that the Township received its free review and the ordinance is deficient in regulating the facilities that are typically now located in

right-of-ways. He noted to update the ordinance the price proposal for the Township would be \$6,000. He noted that the cost could be reduced if the number of municipalities from the COG reached a certain threshold.

Mr. Seeds noted that he may find out next Monday how many are considering this free service and follow up update. He noted that the most it would cost is \$6,000. He suggested that at least half of the COG participant's would probably participate in the updates.

Mr. Crissman noted if the other communities will be making that commitment next Monday night we would know by next Tuesday night. Mr. Seeds answered that it won't be a final commitment, it will be a consensus. He noted that some may still need to go back to their Board for that determination, but they will poll those present.

Ms. Lindsey noted if we agree to participate and not many decide to do this, the Township's price will be higher. Mr. Seeds noted that the most it would be is \$6,000. Mr. Crissman questioned if the other municipalities will be doing what we are doing right now in discussing it and sharing with their representative if they will make the commitment so when they attend next Monday's meeting they would know if they are making a commitment or not. Mr. Seeds answered hopefully they will but he can't speak for them. He noted that it would be nice if they were able to make a commitment at next week's COG meeting. He requested Mr. Seeds to make that speech on his behalf to the COG.

Mr. Hawk questioned if Mr. Wolfe was looking for action this evening. Mr. Wolfe answered no, just a consensus so Mr. Seeds can proceed with the group.

Mr. Crissman answered that we have a consensus but he suggested that we hold the vote until Tuesday night when we hear what kind of report Mr. Seeds brings back to the Board members from his Monday night meeting regarding the other's commitments.

Mr. Seeds noted that either way he believes that the Township should do this and move ahead as it is a good price to do this. Mr. Crissman noted that it should be placed on Tuesday's agenda as opposed to making a decision tonight. He noted by next Tuesday night, we will have a report from you for what occurred at the COG meeting.

Mr. Hornung noted at this point he would say that all five are in support of this. Ms. Lindsey noted that Mr. Seeds can take that information back to the COG next Monday.

Mr. Seeds stated that he would.

Review of PennDOT's I-83 East Shore Section 1 design proposal for Revere Street

Mr. Wolfe noted that he received correspondence from PennDOT in regard to Revere Street as part of the I-83 Project. He noted that staff has met with PennDOT on several occasions at staff level, and although this is not a commitment, this is what we have been able to agree to with PennDOT's staff on how to properly redesign the neighborhood in question.

Mr. Wolfe noted that the PennDOT proposal, at this time, is a relocation of Revere Street to the west... Mr. Hornung questioned if they are getting rid of the alley. Mr. Wolfe answered that the alley will stay in place and will not be changed. He noted that we looked at multiple ways to accommodate the alley or move the alley, however, the property owners that use and back up to the alley and actually own it as it is a private right-of-way, do not want PennDOT to touch the alley.

Mr. Wolfe noted that the property owners to the east of the alley would be acquired and Revere Street at that location will be moved to the west to connect from Locust Lane to Madison Street.

Ms. Lindsey questioned from Locust Lane to Madison Street, there are about 15 houses, and PennDOT will take all of the houses. Mr. Wolfe answered yes. He noted that it is not a definitive response, but it is their preferred plan at this time, and it has been achieved in discussions with property owners. He noted that not all the property owners are in favor and they don't all have to be in favor. He noted that it was his understanding from PennDOT that the super-majority are in favor of it. He noted that they are still having discussions with those who are on the fence.

Mr. Wolfe noted that the benefits of this arrangement are that the retaining wall that was proposed in this area will be eliminated, but the sound barrier will still be constructed. He noted that it is shown as the red and yellow line on the drawing. He noted that Revere Street will still exist but it will be used as one of the primary points of ingress and egress to the neighborhood and its intersection with Locust Lane will be improved for sight distance.

Ms. Lindsey questioned if the people will be allowed to make a left from Revere Street to Locust Lane. Mr. Wolfe answered that it will be a left that will be permitted by construction standards, although just barely meeting that. Mr. Seeds noted that they are not permitted to do that now. Mr. Wolfe answered that they do permit it. He noted that this would be a safer

movement as the sight distance will be improved, and the land will become Lower Paxton Township's to maintain from the alley to the east that abuts Revere Street, there will be a strip of land that will be 35 to 40 feet in width and it will run two blocks in length.

Ms. Lindsey questioned if we will have to mow it. Mr. Wolfe answered yes, depending on how they plant it or what they want to do. He noted this is where the inefficiencies come into play in that PennDOT can't acquire property and then logically it should become part of the backyards of the abutting properties to the rear. He noted that they can't give property away. He noted that it is a process that they can't legally participate in. He noted that the Township is hampered by the same acquisition and disposition regulations. He noted that the Township will end up with more property to maintain by mowing grass. He noted the usefulness of the property on either side of Revere Street will be limited but it could lend itself to a Greenway. He noted that staff had discussions with PennDOT about incorporating some type of Greenway facilities, pedestrian paths into this area. He noted that PennDOT is willing to do this.

Mr. Wolfe noted that the plan has not been engineered, it is still conceptual and PennDOT is in the process or will be contacting the property owners that will be most effective.

Ms. Lindsey noted in 2016, PennDOT will widen the bridges, and the work on the widening of the lanes will start in 2018. She questioned what side they will do first. Mr. Wolfe answered that he did not know. Ms. Lindsey noted that it could be four years before they remove the houses. Mr. Wolfe noted that it would be at least two years if not four.

Mr. Seeds questioned if the whole length of Revere Street would be relocated. Mr. Wolfe answered yes. Mr. Seeds questioned if about 18 homes will be removed. Ms. Lindsey answered that she counted about 15 homes. Mr. Seeds noted that some homes front the alley west of Revere Street. Mr. Wolfe noted that anything on the east side of the alley will go. He noted for the west side there will be no changes. Mr. Seeds questioned if they will improve the alley. Mr. Wolfe answered no. Mr. Seeds questioned if it is a private alley. Mr. Wolfe answered yes.

Mr. Seeds noted that there will be a strip of land; therefore, the comments about what will happen to the land as it will be dedicated to the Township and needs to be planted, with trees etc. Mr. Wolfe explained that the Township will have to maintain everything out of the interstate right-of-way. He noted that we will have the right-of-way for Revere Street that will be a

Township road, providing a 50-foot right-of-way, and probably include any green area that they can't account for.

Mr. Seeds questioned if there will be parking on the one side as it is now. Mr. Wolfe questioned why you would need parking on either side. Ms. Lindsey noted that there will be no homes there, just a road, unless visitors are parking. Mr. Crissman noted that this is just a conceptual drawing at this point.

Mr. Wolfe explained that he wanted to provide a heads up for what would be contemplated at this stage, noting that PennDOT can discuss this positively with the affected residents.

Mr. Seeds noted that PennDOT is taking the lead for this project. Mr. Wolfe answered that it is entirely their project, noting that the Township is not involved in it in any way other than it becomes an affected party since some of our facilities will be effected, like Revere Street.

Action to approve the Capital Region Water sanitary sewer rate, a cost of services study for future rate making, and the distribution of a settlement payment

Mr. Stine noted that there are three elements to the memorandum from Scott Wyland who serves as special counsel to the Suburban Municipalities in regard to the City of Harrisburg sewer issue. He noted that the first matter is the wholesale rates that Capital Region Water (CRW) charges to the Suburban Municipalities. He noted that they have proposed a rate increase, even though the Township did not receive written notice of that last year. Mr. Wolfe agreed that it did not. Mr. Stine noted that it will be \$3.14 per thousand gallon whereas now the current rate is \$3 per thousand gallons providing an increase of \$.14 per thousand gallons conditioned upon the unreleased claims, that the City did not release, from March of 2012 until sometime in 2013, for whatever reason based upon what the Suburban Municipalities deemed as the appropriate rate and the rate the City of Harrisburg wanted to charge. He noted on the condition that the Board approve the rate increase of \$.14 per thousand gallons, CRW will then release all of those claims against the Suburban Municipalities.

Mr. Stine noted that the Suburban Municipalities are currently in negotiations with CRW regarding an inter-municipal agreement to replace the one that is currently there. He noted that it needs some updating. He noted that the rate committee for the Suburban Municipalities has

recommended that the fully allocated cost of service study be prepared by AUS, the rate consultant and GHD the engineer for the authority, at a cost not to exceed \$50,000. He noted that this would aid the Suburban Municipalities in configuring the 2016 rate and beyond. He noted that it would be fully allocated meaning all the charges that are set forth for sewer for CRW would be properly allocated for which property it would belong to. He noted if it is a CRW cost, they would absorb it for themselves or is it something that should be allocated between CRW and all the Suburban Municipalities, it would be a shared cost. He noted that it is not clear that it is being done currently so they want to do a rate study noting that we do not want to pay for things that are the responsibility of CRW such as the collection system for the City of Harrisburg. He noted that we have no role for that and should not have to pay for it or any upgrade that they may do. He noted that it should cover whatever interceptor carries our flows into the City and our allocation of the treatment costs which we accept, but nothing to do with the collection system.

Mr. Stine noted that there is an upcoming payment that is due to the Suburban Municipalities from CRW in the amount of \$1.5 million which is to be received tomorrow. He noted that it would be divided between the Suburban Municipalities by certain percentages.

Mr. Stine questioned Mr. Wolfe if he intended to have this agreement approved this evening. Mr. Wolfe answered, given that the payment is to be made tomorrow he was hoping to approve it tonight.

Mr. Seeds suggested that they need to know by tomorrow. Mr. Stine answered that they do.

Mr. Seeds questioned who AUS is. Mr. Stine answered that it is the Suburban Municipalities rate consultant who figured out what the rate should have been.

Mr. Hawk questioned what the actual payment would be. Mr. Seeds noted that it is \$556,800.

Mr. Crissman made a motion to approve the 2015 Capital Region Water sanitary sewer rate at \$3.14 per 1,000 gallon conditioned upon CRW releasing the "Unreleased Claims" which relate to our sewer payments after March 1, 2012; the preparation of a fully allocated cost of service study by AUS and GHD at a cost not to exceed \$50,000, that will aid in setting rates for 2016 and beyond; and to approve the distribution of \$1.5 million to all the Suburban

Municipalities which will be received from CRW on April 15, 2015, at allocation percentages previously agreed to and set forth below. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Improvement Guarantees, Development Agreements, Plan Reaffirmations, etc.

Mr. Hawk noted that there are three Improvement Guarantees and a plan withdraw.

Chateau Woods/Kings Point

A reduction in a letter of credit with Integrity Bank in the amount of \$12,936.00 with an expiration date of April 14, 2016.

Laurel Ridge

A reduction in a letter of credit with PNC Bank in the amount of \$1,925.00 with an expiration date of April 14, 2016.

The Arlington Group

A reduction in a letter of credit with First National Bank in the amount of \$29,012.50 with an expiration date of April 14, 2016.

Mr. Seeds noted that the reduction plan for Chateau Woods isn't clear. Mr. Wolfe noted that it is being reduced to \$12,936 based upon the recommendation of the Township Engineer and extended a year through to April 14, 2016. Mr. Wolfe noted that it is being reduced and extended. Mr. Seeds noted that the numbers don't add up. Mr. Wolfe noted that Chateau Woods is agreeable to the amount recommended by the Township Engineer, and that amount is to the benefit of the Township. Mr. Seeds agreed.

Mr. Crissman made a motion to approve the three improvement guarantees and the withdrawal of a plan from Greg Hereing for 4041 Valley Road, the Laura Givens plan. Ms. Lindsey seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Adjournment

Mr. Seeds made a motion to adjourn the meeting and the meeting adjourned at 8 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

William L. Hornung
Township Secretary