

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held May 12, 2015

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:07 p.m. by Chairman William B. Hawk, on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

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

Also in attendance was George Wolfe, Township Manager; Steven Stine, Township Solicitor; Martin Schoffstall, Schoffstall Farm LLC; Daniel Summy, Greg Smith, Sean Reed and John Reed, Linglestown Paintball; and Watson Fisher, SWAN

Pledge of Allegiance

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

Public Comment

Mr. Donald Bickel, 5991 Timothy Road, explained that he has been a resident of the Township on and off for 25 years and has lived at the Timothy Road address for 12 years. He noted this is the first time he came before the Board for any issues concerning regulations and ordinances. He noted that he has two concerns, one is for the Farm Related Business Zoning request in the Township and the other is in regards to the Police Department in regard to a 911 call he made back in April.

Mr. Bickel strongly advised the Board to tread carefully on the issue being discussed as he has several concerns on the recent proposal based on tax fairness concerning surrounding commercial and residential properties, safety concerns and quality of life impact to the residents surrounding the farm. He noted that strong economic commerce enriches the quality of life for those in the surrounding areas; however, the zoning change will have multiple negative adverse impacts to the surrounding community and residents that far outweigh any potential and economic results. He noted that his concern is in regards to taxing with the farm property in question. He noted if the owner seeks to utilize this property for commercial interest that goes beyond simple farming. He noted that the owner should be assessed as a normal commercial

property. He noted that a good example is the Nissley Vineyard which is located in Banbridge, Pennsylvania in Lancaster County. He noted that the property is zoned commercial-retail and is about the same size and acreage as the property in question. He noted that Nissley Vineyards has about half the assessed property building and land values as compared to Spring Gate. He noted that the property taxes paid on the Nissley Vineyards property is approximately 20 times what is currently paid by Spring Gate. He noted that all they do is simply wine selling at their shop in addition to growing and making vine. He noted that the shop also had limited hours of 10 a.m. to 5 p.m., Monday through Saturday and 1 p.m. to 4 p.m. on Sundays. He questioned the variance to relation to the local bars and taverns such as Gilligan's which pays about two-thirds of the property tax than the current farm owner does, for acreage less than 45 times the current size of the property of the restaurant. He noted that the tax question concerns also the tax of the current residence that is taxed at less than what his own property is currently. He explained that he has less land and living space than the residence in question.

Mr. Bickel noted that Spring Gate Vineyard skirts established laws by offering catered meals they charge a fee for and make a profit from. He noted that this includes selling wine and other retail goods at their establishment. He suggested that he should start to utilize his home as a restaurant, selling catered food so he does not have to pay the increased commercial use tax, all the while driving his neighbors crazy about the increased traffic that results to his area. He noted what is to stop other farms in the area from utilizing their properties for an intention other than farming as it sets a bad precedent and needs to be immediately reined in by the Township.

Mr. Bickel noted beyond simple tax concerns, he wanted to bring up several safety concerns. He noted that there are significant flaws in the safety usage of the property with how he believes the owners tend to utilize it that will impact both the safety of the customers and the residents in the surrounding area. He noted that the only two entrances both in and out of the property currently reside in a flood plain. He noted should an event occur similar to what happened in Middletown and Hershey in September 2011, where the water rose from inches to feet in a matter of minutes, customers would be trapped on their property, unable to leave the area, becoming a problem for first responders in the area. He noted another safety concern is in regards to one of the property's exit roads which leads out to Devonshire Road near the property at 5885 Devonshire Road. He furnished the Board some pictures of that noting that it is available

on Google Maps. He stated that the intersection is pretty bad. He noted that the exit leads out to an area which has a sharp line curve on Devonshire Road. He noted that drivers heading east on that road would have insufficient stopping time to fully brake for any car that would attempt to make that turn from that exit. He noted that those who greatly travel this curve know how treacherous it is even in dry conditions, let alone when wet. He noted that drivers with a clear unobstructed view of a vehicle exiting the property that would be attempting a left turn would have almost 30 feet of braking distance, an impossible feat when the pavement is wet. He noted that oncoming traffic headed westbound would reduce this braking distance to a mere 20 feet, which is impossible under optimal driving conditions. He noted worse than that, there is no wiggle room around to avoid a vehicle making a left turn onto Devonshire Road as the guiderail lines the right side of the curb, followed by a telephone pole and tree. He noted that the telephone pole alone has been struck and destroyed at least twice in the past three years. He noted that at the very least this exit should be stricken to allow right turns only, but realistically should be used only for property entrance purposes.

Mr. Bickel noted approximately a quarter of a mile away, the sound usage for the weekends can be annoying and distracting at times. He noted that Friday and Saturday nights there are live bands playing music which can be quite distracting at times in his neighborhood. He noted that there has been a marked increase of vehicular traffic on his street on the weekends with cars traveling at excessive speeds along the street where he lives and his kids play. He noted this has made it worse in allowing his kids to play with the neighborhood kids up the street without fear of being hit by an intoxicated speeding driver.

Mr. Bickel noted that he recently made a 911 call to the Police Department for the sound of gun fire in his neighborhood. He noted that he served in the US Army for ten years, five of which were active duty. He noted that he is quite aware of what gunfire sounds like. He noted that the responding police officer responded within three minutes of his phone call; however he never returned to tell him what was making the sounds and if it was safe for his children to play outside. He noted that he would appreciate it if the local police force would notify people who make 911 calls similar to this what the issue was and if it was safe to resume normal activities.

Mr. Bickel noted that resumes his discussion on his two topics and requested the Board to take this into consideration as it impacts his family's residential quality of life.

Mr. Seeds noted that it would have been better if Mr. Bickel saved his comments as the rezoning is the first item on the agenda. Mr. Bickel noted that he had no idea how this works.

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

Mr. Wolfe noted that during the workshop session held in April, the Board discussed a potential to amend the Lower Paxton Township Zoning Ordinance as it relates to Farm Related Businesses, (FRB). He noted, at that time, the Board directed him to obtain examples of zoning regulations governing FRB activities from other municipalities in Pennsylvania. He noted that Mr. Crissman specifically referenced one in a community that he was aware of which he looked into only to find that it was a variance and not part of the regulations as a permitted use. He noted that it would not be applicable to what we are discussing.

Mr. Wolfe explained that he did online research in regard to FRB and zoning ordinances and you find that the topic has significant discussions in two locations, Napa Valley, California and Lancaster County, Pennsylvania. He explained that he obtained information specific to Lancaster County, Pennsylvania.

Mr. Wolfe noted that he would like to start with the Agritourism Guidelines which was prepared by the Lancaster County Planning Commission. He noted that it was prepared for the Lancaster County Municipalities as part of their revision of zoning regulations pertinent to agricultural uses and agricultural related businesses. He noted that the Planning Commission began with a recommendation that the following items be included when drafting specific Agritourism regulations at that local level: farm size, liability and safety issues, visitor management, visitor service and transportation. He noted that these are all items that we have in our current ordinance as regulations and it has been discussed to further amend the ordinance to further regulate agricultural activities as they relate to FRB, but at the same time promoting Agritourism activities.

Mr. Wolfe noted that the rest of the document becomes a guide for developing zoning regulations including the preparation of a draft ordinance in regards to Agritourism activities as they would relate to special events. He noted if the Board decides to move forward this document can be a helpful resource.

Mr. Wolfe noted that the second document he would like to refer to is Agritourism Business in Pennsylvania prepared by the Center for Rural Pennsylvania. He noted that it discusses the need to encourage Agritourism activities; FRB in existing agriculture in our State. He noted on page five, it lists the reasons to consider Agritourism. He noted in Pennsylvania, agricultural operators consider Agritourism for several reasons. He noted that one of the reasons, the one that Mr. Hornung refers to on many occasions, is to preserve land. He noted that some examples of activities, such as roadside stands, farmer's markets, Christmas Tree farms, U-pick farm operations, gift shops and agricultural crafts, restaurant food and concessions, ice cream shops, corporate events and company picnics, weddings, special events, breweries and wineries. He noted that this document further explains how a FRB can benefit a community and how interested farmers can establish a FRB. He noted that it is a resource document, not something you were exactly looking for but he wanted to show the Board that the neighboring county and the State of Pennsylvania are looking into FRB and how they should be regulated and encouraged.

Mr. Wolfe noted that the third document that he referenced is a model agricultural zoning ordinance prepared by Lancaster County for its municipalities. He noted in this model, starting at page three, it list the permitted uses by special exception in an agricultural business fashion. He noted that they go through a host of business types, such as a bed and breakfast, other FRB on specific acreage that can be permitted by a special exception in accordance with the Township Zoning Ordinance. He noted within this draft document they are proposing an operation similar to our Township, where we provide for FRB as a special exception or as a conditional use and this draft ordinance provides for FRB as a special exception. He noted what the special businesses and exception criteria are particular to each specific community.

Mr. Wolfe noted the fourth document is from Hellam Township in York County, southwest of Elizabethtown and northeast of York. He noted it includes their rural agricultural regulations to show you that as a permitted use on page two, agricultural activities including a winery as a conditional use. He noted that they have additional uses which may be permitted by the municipality if it meets certain criteria.

Mr. Wolfe noted that in his research he can tell the Board that there are not a lot of good examples for how to regulate these activities and that the Township's ordinance is not that far off

from those who have been recommended and implemented in Lancaster County. He noted that Londonderry Township in Dauphin County may be the most complete zoning ordinance amendment for FRB that he has seen. He noted he has found that the Township needs to define what farm related businesses it wants and what specific criteria you want to set to those uses. He noted that he has not found a standard list of FRB as they vary by whoever is writing the specific ordinance. He noted that it is up to local discretion and what this Board of Supervisors and Planning Commission would determine staff to do. He noted that he would be happy to address any questions.

Ms. Lindsey questioned if the models that Mr. Wolfe presented are surrounded by residential like we have or are they out in the country. Mr. Wolfe answered that the model ordinance for Lancaster County, noting that it is similar to Dauphin County in size, Manheim Township in Lancaster County is almost as big as Lower Paxton Township, and they have suburban municipalities around them, but they have one specific difference from Dauphin County in that they have some of the best agricultural land in the world and we in Dauphin County are not as fortunate as we only have average agricultural land at best. He noted Lancaster County is far more active in promoting and preserving agricultural land and activities. He noted the answer would be yes, municipalities in Lancaster County would have similar environments to what we have in Lower Paxton Township with the one difference in that agriculture operations in Lancaster County are valued more than they are in Dauphin County.

Mr. Hawk noted for the Board to hammer out an acceptable ordinance would take more than us sitting here and talking about it between ourselves. He suggested that Mr. Schoffstall should be invited to participate in a sub-committee of some sort to take a look at it. He noted that FRB such as Bed and Breakfast and Farm Markets are discussed, some as a conditional use. Mr. Seeds thought that we do not have a Bread and Breakfast in our ordinance. Mr. Wolfe answered that we do permit it in the Township but it is regulated by a different section of the zoning regulations. Mr. Seeds questioned if Mr. Schoffstall would be allowed to do a Bed and Breakfast on his land. Mr. Wolfe answered not as a FRB, currently as it is written now.

Mr. Seeds noted that the big question is the restaurant part of it, noting that he would not be opposed to a Bed and Breakfast as there would not be much of a problem for that. He noted

that he has the winery and is already doing it, but his issue is the restaurant. Mr. Hawk suggested that it is the largest issue that we need to discuss further.

Mr. Hornung questioned the Board if he and Mr. Wolfe could hammer out an ordinance putting options for further discussion, to start going through it to decide what it should look like. He noted that it should be a green area preservation type for farmland, not so much a winery or this or that. He noted that we need to determine how we can preserve farmland in Lower Paxton Township and the ordinance should be geared to that. He noted that there should be two discussions, one next to a residential area and the other that is not next to a residential area; having one ordinance to cover both uses. He questioned if that would be acceptable to the Board.

Mr. Hawk noted that anything the Board would do would have to be in a public setting; however if someone wants to work on it as a project, that would work.

Mr. Seeds suggested that Mr. Hornung and Mr. Wolfe should include some members of the Planning Commission. He noted that it would have to be a public meeting. He suggested that he could ask Mr. Lighty and form a sub-committee to discuss this knowing that it would be acceptable to him.

Ms. Lindsey noted whatever you consider, you have to think about the traffic at that location. She noted that she keeps getting calls, especially in regards to the discussion of the near accidents that occurred a few weekends ago, the residents in the area are concerned about the amount of traffic. She noted the more you add back there, the more traffic you will have. Mr. Hornung agreed, but you are looking for lower impact traffic uses versus higher impact traffic. He noted that is part of the goal as well. He noted every time we come up with a new development you get a room full of residents complaining about the traffic. He noted that there are certain rules that the developer must follow in accordance with the traffic, such as a traffic study, and he suggested that it would look a little similar to that. He noted that there would be some inclusions for traffic studies similar to what you would do for a development. He noted that the developer does a traffic study and gets approval and builds the development. He noted that this Township has gone from when he grew up as a kid from dirt roads to everywhere you go there is traffic. He noted, other than overhauling the other ordinances, you will never stop it, we can only try to slow it down. He noted that we are still stuck with development moving in and traffic going up. He noted that we have tried to use as much leverage as we have in the law to

provide less impact on intersections and things like that to accommodate more traffic. He noted that we are stuck with millions of dollars in maintenance for traffic lights and roads that we can't afford, so the key is to try to develop the land in a way that creates lesser traffic impact and not more. He noted that it is not only green space and farmland preservation, there is also an effort to try to keep the traffic down. He noted that it is a two-fold approach and if Ms. Lindsey wants to be a part of the group, anyone who wants to be a part of it is more than welcome.

Ms. Lindsey noted that the more you add to that area and allow to happen, the more traffic you will have. Mr. Hornung noted that we look at that with developments as we try to require that for the over 55 group; it is complicated. He noted that the traffic generated from that grouping a little different than from regular homes. He noted that the purpose would be to do more of that.

Mr. Bickel noted that the two comments that he wanted to make were that Lancaster County puts aside \$800,000 a year for farm preservation, where they actively pay farms to force them forever to be farms and it is money provided up front and they reduce their taxes as part of the tourism draw. He noted that is not one of the tourist draws for Dauphin County specifically in our area. He noted that he does not believe that we are trying to get into the agricultural tourism in this area. He noted it is not what we do. He noted that we have several shopping outlets and other types of procedures but it is not one of the main goals of the Township to be in the agricultural tourism business. He noted that it is a residential commercial business area. He noted if they want to be a farm, he has no problem with that, but the other issue that you have to deal with is traffic, is the issues that there has been a marked uptake in the past two years of traffic in the areas because of the increased activity and changes due to events at the winery that have been very noticeable to the residents. He noted Manheim Township that you talked about with regards to zoning regulations is for Nissley Vineyards and it is not surrounded by residential neighborhoods. He noted that they did a traffic analysis and there aren't residential areas that completely encircle a farm. He noted if he wants to stay a farm, that is fine, he has no problem with that, he is all about economic activity, but at only \$8,000 coming into the Township for 60 acres, that is ridiculous for trying to preserve that as there is no economic value to the Township from that. He noted that we are talking \$9,000. He noted that the headaches alone that the Township Manager had to deal with from the increased traffic, the telephone pole that he is

talking about, as it was a headache for Mr. Wolfe as Verizon promised a year ago to get it done. He noted that there is a lot of safety issues that come with the increased traffic in the area and it is ridiculous for local residents. He noted if they want to keep it as a farm, that is fine, but it is supposed to be a farm and they are paying taxes as if it is a farm. He noted that a Bed and Breakfast is not a commercial activity for a farm, he is sorry. He noted that they pay two-thirds of the property taxes that goes along with the property, so if you want to put four or five billion into it, by all means, but it is not a lot more money coming into the Township for it. He noted that you have to look at the tradeoff here, because there is no way that it is sustainable, the only way you can do that is to altar both entrances that go into this area to make it safe. You would have to put a light in which is also an increase to the Township costs. He noted that you are only charging maybe \$1,000 a year in local taxes coming in for that property, some of which are residential because there is a house there. He noted that this is a lose-lose for the Township, you are losing money by doing this as it doesn't make economic sense.

Mr. Hornung questioned Mr. Bickel if the property is developed will the taxes stay the same. He noted that you have two different issues, one traffic, and one taxes. Mr. Bickel noted that is correct, but if you had additional taxes coming in with the increased traffic, there is more money that the Township could afford to put a light there, versus having more funds to better improve the roads in the area as the roads have started to fall apart due to the increased traffic that comes to the area. He noted you can see this by driving in the area as he is not making it up.

Mr. Hawk noted that Mr. Hornung make a suggestion and he questioned if anyone had any comment in regard to that.

Mr. Crissman answered that he wants to make sure that it is clear that there are two issues, one is that he meet with Mr. Wolfe and whoever and review the current ordinance. He noted in that review he is going to recommend that what they do in the ordinance they do for what is in the best interest for all of Lower Paxton Township. He noted that the second issue is the specific request, and the ordinances that we are reviewing cannot be addressed to one specific issue that we are dealing with, but for what is in the best interest for the community. He noted that Mr. Hornung knows that and is prepared to go there. He noted in the Hellen Township Ordinance, it talks about a winery type, showing where it is permitted, and provides specific criteria but he could not find it in the document. He requested that Mr. Hornung look at that

criteria and encompass it as we develop what is best for the Township. Mr. Hornung noted that there was a lot of references to other things.

Mr. Crissman noted that he would like to address the two specifics and he asked Mr. Schoffstall to respond, but what he heard him say the last time, that the beer and restaurant is off the table. Mr. Martin Schoffstall, 5790 Devonshire Road, questioned what Mr. Crissman wanted to know. Mr. Crissman answered that during the discussion held at the last workshop session, it was noted that the winery was acceptable by the Township ordinances, but then the beer and restaurant issue came up. He remembered Mr. Schoffstall saying not to worry about the beer and restaurant because it was off the table. Mr. Schoffstall noted that the brewery is accepted and in operation as it was accepted by the Township earlier, but what he was leading to was the brewpub which infers a restaurant in many people's minds and that is off the table for the property, yes.

Mr. Crissman noted that is a specific issue for him, totally different then what we are asking Mr. Hornung to do.

Mr. Schoffstall requested to response to a couple of issues that were discussed. He noted that the Earned Income Tax (EIT), does the Township get any taxes from the EIT. Mr. Wolfe answered yes. Mr. Schoffstall asked what percentage of the EIT makes up the Township's budget. Mr. Wolfe noted that it is about 1/3 of the overall revenues. Ms. Schoffstall noted if he has an employee doing agricultural employment on his property, then there would be additional EIT coming to the Township. Mr. Wolfe answered that is correct. Mr. Schoffstall noted that using the property for whatever agricultural process that he is going through month by month, quarter by quarter, increasing the taxes that go to the Township. Mr. Crissman noted that the employee would have to live in the Township. Mr. Schoffstall answered that was correct. He noted that he has targeted Lower Paxton Township employment, it may not have been significant a year ago, but a growing significance as more of those employees are hired. He noted when the gentleman was talking earlier he was talking to one tax, the real estate tax, but there are actually multiple taxes that apply to agricultural operations.

Mr. Crissman noted that some of the ordinances talk to the number of employees, and he hoped that Mr. Hornung would take that under consideration.

Ms. Lindsey noted that Mr. Schoffstall came to the Board of Supervisors before because of the brewpub, and now you are saying that the brewpub is off, so why do you want the ordinance changed. Mr. Schoffstall answered that many people have tried to pin this whole execution on what Marty Schoffstall needs, he noted that he doesn't need any of it. He stated that this is the ordinance that the Township needs for the other people to come in and develop their property likewise. He noted that there are two other families in the Township who own large acreages that are looking for portions of the ordinances to be updated for their success. He noted that there are things that he wants, sure, but they are not things that he necessarily needs, but he believes that the Township needs to do this if they want to recruit development dollars to keep the farmland going.

Ms. Lindsey noted that Mr. Schoffstall stated that the brewpub is off, but would you consider putting a restaurant in. Mr. Schoffstall answered that the Board would have to approve that but... Ms. Lindsey questioned if he would come before the Board and say now I would like to put a restaurant in. Mr. Schoffstall answered that he does not know what the ordinance would look, like. He explained that he has been a business person for 40 years, you have to look at what everything entails in terms of the law, the ordinance, the cost of doing business; he can't answer that question. He noted that given the tenor of what he has seen the last three or four months, you've scared pretty much everyone away as the perception by the business people is that you don't want this to happen, no matter what. He noted that whatever will be constructed here will be so bad that it won't happen. He noted that you have to be careful if you want those kinds of investments.

Mr. Crissman took exception to that comment. He noted that Mr. Schoffstall stated that it was the perception of this community, but he disagrees with that. He noted that he does not feel that we are pushing people out, and he disagrees with the comment. He noted that he does not think that is true in this community and it is Mr. Schoffstall's perception of what this community believes is wrong and he does not think that the community has that perception. Mr. Schoffstall noted that is not what he said. He noted that the business people who want to invest have a perception based on the community response so far, that this is not a place to make these kinds of investments. Mr. Crissman noted that is your opinion, but his opinion is that it is not accurate as he knows other business people who do want to make an investment in this community. Mr.

Schoffstall noted that he is talking in the context of the family farm. Mr. Crissman noted that we have the right to disagree on our opinions. Mr. Seeds noted that he is talking about farm related business. He noted that he has always had the consensus from people that we are generally business friendly, especially with our taxation as we don't have a lot of the taxes like the City of Harrisburg has.

Mr. Seeds noted that we have to look at the definition of a restaurant, a brewpub and the other terminology that he has been hearing. Mr. Crissman noted that is the job of the sub-committee to work out.

Mr. Hawk noted that you also have a winery A and a winery B and there are certain conditions to be met for those. Mr. Crissman noted that Mr. Hornung will do that for us.

Mr. Hornung noted that it is complicated not only because Mr. Schoffstall has questioned certain things like the brewpub, and it brought to light that we have some antiquated ordinances in this area that need to be updated. He noted if it ends up not helping business, then so be it, but we should attempt to see if it can work both ways. He noted what makes it difficult at times is that there are certain other state laws for wineries and FRB that they have a right to and we can't stop it. He noted that some of those areas are gray and it makes it a little more difficult and we will try to plow through it and if it doesn't work out, it doesn't work out. He noted that Mr. Schoffstall is fine where he is now and nothing changes but to him it is an opportunity to do one of the things he always wanted to do, noting that the majority of people wanted less development. Mr. Seeds agreed.

Mr. Hornung noted if we can do this and make it work without having a negative impact on the residents, noting that the residents are here first and we will try to make it to enhance their quality of life.

Mr. Seeds noted that we are overdue in updating the Comprehensive Plan as that is all part of it for where we want to see the Township go. Mr. Hornung noted that we will make an attempt at it but he has no idea where it will go.

Mr. Bickel noted that he has been to Mr. Schoffstall's farm and it is a beautiful vineyard and he likes what his organization has done trying to create a communal environment for a lot of residents. He noted that he has bought vegetables from his stands and a lot is admirable but the concern is in regards to the response to taxes, the income tax that Lower Paxton Township gets is

.5% of the Earned Income Tax. He noted that assuming that he employees the maximum amount of ten employees as allowed by current regulations and meets the Pennsylvania Farm medium average of \$53,000 a year, it only amounts to \$2,500 to \$3,000 in additional income taxes assuming those people live in the Township. He noted that it is a drop in the bucket compared to three other properties with acreage of .5 who live in the area. He noted that is a fact and it should not be compared to a property such as Gilligan's which has one total acre and contributes two-thirds of the total taxes that he does and that is not including the earned income tax which they have 50 to 60 employees in that area as well. He noted if you want to compare apples to apples, look at the impact of travel as well. He noted that what he does needs to be balanced against the residential needs for the area. He noted that there is not a whole lot of commercial activity in traffic that can be handled in that residential area. He noted that increased traffic will be in his area, and he will have to make changes for the ingress and egress for his traffic. He noted that everyone on the Board should understand that but he wanted to bring up the tax portion of it and put out a figure, knowing that it is not a lot of money for the Township.

Mr. Schoffstall noted as an engineer and computer scientist coefficients rule so his numbers are wrong as Mr. Bickel assumes that he is limited to ten employees. He noted that he has 20 employees because as an agricultural operation, he is not limited to the number of employees that he has, so this morning, working in the fields he had three employees and working in the fields in the afternoon was an additional two employees. He noted that he has many more than ten and there is no limit on how many agricultural employees he can have.

Mr. Schoffstall noted the second question is what kind of employee he can have, as he has two employees with PHD's because chemistry is a major issue in wineries and breweries. He noted that these are not necessarily just agricultural employees in the field, these are high-end positions in the context of Lower Paxton Township. He noted that it includes interns from the community college and hopefully soon, Penn State. He noted that he is not only serving wine, but everything from growing, to making, to serving, and for some of those things, they are professions.

Mr. Hawk noted that Mr. Hornung made a suggestion that he and Mr. Wolfe and Mr. Lighty should work on the ordinance to put it on paper and bring it back to the Board for more discussions.

Mr. Hornung noted that he needs to determine the process for doing this, piece by piece but he will get back to the Board on this and keep it up to date as things move along.

Request from John Reed to discuss the paintball use at the Wolfersberger Tract

Mr. John Reed, 130 S. Johnson Street, explained he has been a resident at that location since 1987. He wanted to thank the Board for allowing him to speak on the issue of the paintball field. He noted that he was present last April when he discussed the possibility of shutting it down and together they came up with a solution at that time and he was able to operate for a year along with the construction that is happening on the land. He noted that other members of the paintball field operation are present and they can explain it better than he can. He requested if it would be okay for Mr. Wolfe to show a commercial video they made out in the field for their business. Mr. Wolfe proceeded to show the video to the Board members.

Mr. Reed noted that there is a lot of young and middle-age people who love to play paintball and there is no other paintball in the immediate area except for Dillsburg. He noted that the paintball field has been in operation for over 20 years and it is one that many people come to. He noted if the operation is shutdown in November, it will take away the ability for the people to enjoy playing it. He noted that he averages 60 or 100 people a weekend. He explained that he would like the other owners that are present to discuss a solution they came up with to change the access road going in that would allow him to stay open and work with the contractor.

Mr. Dan Summy noted that he lives in Camp Hill and has lived in the Township but he and his wife relocated. He noted that they want to come up with an alternative lane to get back to the business because if it is landlocked the business is done. He noted that he is trying to figure another alternative lane to work with what is existing. He noted that the contractor has to level out the landscaping for the new park but he questioned if they could do a another zigzag around, noting that there is gravel being laid and he is looking for another way they could work the access process.

Ms. Lindsey noted that Mr. Yingst does not want to provide any access for the paintball business. Mr. Greg Smith noted that is what he was told. He explained that he spoke with Yingst Homes and received a call back and their answer was no, with no further discussion. Ms. Lindsey noted that the Board recently toured the site on Road Tour two weeks ago and

questioned if they proposed to use the same lane going in the site. Mr. Smith answered yes as there is no other option. He noted that they tried to find other ways but there are none. Ms. Lindsey questioned if you went into the lane, where would you go from there; where would you cut off from the gate. Mr. Reed noted where the small parking lot is before the gate, that is the area in question, that they would have to backfill to and he was hoping that the tree line to the left where you go in, that they could skirt around the construction to get to where we need to go. Mr. Wolfe suggested that the Township does not own the area of the tree line. Mr. Reed noted not past the tree line but the space between the current lane and the tree line.

Mr. Wolfe noted that we have improved the road further back. Mr. Reed noted that he was told that we would lose that section. Mr. Wolfe answered that he did not think so as staff has looked at it and we should be good for at least another year. He noted that they recently put more millings down, almost to the parking lot, and we should be able to maintain that access for another year. He noted that things have changed a little bit and you are good to go for a little bit.

Mr. Hornung questioned, what about this time next year. Mr. Wolfe answered that he questioned the Board, noting that it has 45 acres in the back and this business is using a portion of it and they are paying a license agreement for it. He noted that there will come a point in time when the Board will want to develop the back property for park and recreation purposes, and at some point, as you develop, you will not have land available. He noted that it is not a decision the Board needs to make at this time, but the paintball group will have to have those discussions over the course of next year.

Mr. Reed questioned what the plan to get to the back section is. He questioned if there is any time frame. Mr. Wolfe suggested that we are 18 months away, noting that we are filling in the north half of Wenrich Street parcel now, and then we will move to the south half. He noted where the old farm house is in the south parcel, there is a driveway in from there and that is the second access for where we are coming in. He noted that he will do the same thing from that access driveway as we have done at the north and then we will move to the back section. He noted that it has taken the Township nine months with another six or seven months at the current site, then construction will move to the south and do the same process.

Mr. Reed questioned if the Township will finish the front parcel. Mr. Wolfe noted that it will not be finished as playing fields just brought to a level or a slope condition depending on the

design. Mr. Reed questioned when you move to the back section where his business is located... Mr. Wolfe noted that there is a potential for excavation and fill in that area as well. Mr. Reed stated that he thought that a dog park would be located in the back section. Mr. Wolfe answered that they had different plans for different areas dependent on what the Boards wants to do.

Mr. Crissman suggested that Mr. Reed or the group should make arrangements to sit down with Mr. Wolfe and Mr. Luetchford before he leaves, so that you can see the overall plan of what the Township is planning to do and its phases for execution. He noted that Mr. Reed will also have to set his long term plan for the paintball as well. Mr. Reed noted that he has seen the plans and are willing to work with the Township. Mr. Crissman questioned Mr. Reed if he knew what he was going to do in the future. Mr. Reed suggested that he was informed that the Township will not take the entire back parcel and develop it. Mr. Wolfe answered that the back section is fuzzier than the front section. He noted that we have concept plans for the back but a lot will depend on how much fill the sewer projects will generate and how far we get. He noted if sewer projects generate more fill then we expect we will have more to get rid of and do something different. He noted if they generate less, then we will stop earlier.

Mr. Wolfe noted that the entire project that we are doing now is based upon a way to help control sanitary sewer mini-basin costs by providing contractors a place to put their fill as opposed to paying to get rid of it. He noted that much of what is going on there is directed by how much sanitary sewer work we do, where we do it, and how much fill it generates. He noted that he has a good idea of what is going on up to 12 to 18 months, but after that it gets a little fuzzier.

Mr. Reed noted that he needed to get a time frame in order to know where he will need to go as the project is developed.

Mr. Summy noted that the Township has done a great job maintaining the lane back to where the paintball is located, but he asked if he could put more stone down to help maintain our part of the lane. He noted that we have been doing that for years but he wanted to check to ensure that he is allowed to do that. Mr. Wolfe answered that you are a tenant on the property and you can maintain it.

Review of a proposal from the PA Chiefs of Police Association to conduct an employment process for the position of Public Safety Director

Mr. Wolfe noted that Public Safety Director David Johnson has provided the Board with a notice of retirement and it is incumbent to begin a process to replace that position. He noted that the Board discussed in executive session and has determined to use the services of the Pennsylvania Chiefs of Police Association to conduct a recruitment and employment selection process that is under the overview of the Township Manager and Board of Supervisors.

Mr. Wolfe noted the proposal has a cost of \$5,000 plus expenses plus \$1,800 for additional days of oral interviews depending on how many times we want to interview candidates and how many there will be to interview. He noted that the total cost for this project would not exceed \$7,500. He noted that the agreement is attached for the Board's consideration and it has been executed by R. Dane Merryman, Executive Director of the Chiefs of Police Association and attested by Joseph Blackburn. He noted that it is a similar agreement to the ones that were used in the past and if the Board needs to discuss this with a representative from the Chiefs of Police Association, it could be arranged.

Mr. Wolfe questioned if the Board is willing to vote on it tonight to move the process along.

Mr. Crissman noted that he has a question which has to do with contract cost number two. He noted that it states under the basic contract that they will do six interviews as part of the contracted service; but they have not identified if it is the first round of interview of the six and then they will call back three for additional interviews at the cost identified in number two. He noted if that is the case, then he has a major problem with the contract. He noted that it doesn't spell it out and that is why he is asking. Mr. Wolfe questioned Mr. Stine if it would be his reading that everything provided for in Appendix A is incorporated into the \$5,000 and should the Board desire services over and above, that is where the \$1,800 would come in. Mr. Crissman noted that a maximum of six candidates can be interviewed in one day and one day of interviews is included in the contract. He noted if they interview six, are they going to make a recommendation from the six to us or will they need to schedule interviews with the Board for three candidates, and if so is that the additional costs identified in Appendix B. He noted if that is true then he has an objection to that. Mr. Wolfe answered that the six interviews would be

included in the agreement but if the Board wanted to schedule additional interviews without them, which it can and has done in the past, there is no cost for that. He noted if we ask them to do additional interviews it is at \$1,800 per day. He noted that he would not plan on having the Chiefs do any more than six interviews.

Mr. Crissman noted that he is fine with paying them for six interviews but it does not say how many they would recommend to the Board. Mr. Hornung noted that it states a maximum of 12. Mr. Crissman noted if they can only do six interviews a day, he does not want to be billed for a second day of interviews. He noted that all candidates should be interviewed for the contract price. He noted that it is a good price to do all the work for interviewing 12 candidates. Mr. Wolfe noted that they would not be interviewing all 12 candidates; they would only be interviewing the six candidates with our consultation. He noted if the Board would choose to interview all 12, that is an extra day, and the Board would be paying for that, and if there are eight, we will have to bring people back for a half day of interviews. He suggested that we can whittle the list down to six candidates for interviews. Mr. Crissman noted that the Board should not be in the position of interviewing six candidates. He questioned how many they may recommend for the Board to interview. Mr. Wolfe noted that they will prioritize the list and the Board can interview two or three on our time without them. Mr. Wolfe noted that is how it worked in the past.

Mr. Crissman noted that he would support this. He made a motion to approve the proposal from the Pennsylvania Chiefs of Police Association to conduct an employment process for the position of Public Safety Director as outlined in the contract. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

“Otta Know” Presentation: Status of the Township’s NPDES Permit for its MS4 Program

Mr. Wolfe noted that he has a submission prepared by HRG in conjunction with staff that was submitted to Department of Environmental Protection (DEP) as part of the Lower Paxton Township Municipal Separate Storm Sewer System (MS4) Total Maximum Daily Load (TMDL) strategy. He noted that it is part of the NPDES Permit requirements for the Paxton Creek stormwater drainage basin. He noted the beginning of the report has an executive summary which explains the reason that the Environmental Protection Agency (EPA) established a TMDL

for MS4 discharge permit for the Paxton Creek. He noted that a municipal separate stormwater system would be Lower Paxton Township, Susquehanna Township; however the City of Harrisburg is not a MS4 community because it does not have a separate stormwater system. He noted that its stormwater and sanitary sewer systems are combined. He noted in the sewer discussions, Harrisburg and other urban centers refer to it as a CSO which is a combined sewer operation. He noted that we are a separate storm sewer system and our acronym is MS4. He noted that we have a discharge permit that is being negotiated for the Paxton Creek watershed.

Mr. Wolfe noted that it further states that the Township has been assigned pollution reductions for suspended solids in the amount of 35% and total phosphorus of 89%. He noted that this was submitted to DEP prior to our completion of litigation with DEP and EPA in which Lower Paxton Township and other suburban municipalities were successful in having the total phosphorus TMDL provisions eliminated from the Paxton Creek as it was never listed as an impaired waterway and is no longer listed as one in Pennsylvania. He noted that Lower Paxton Township is only required to have a pollution reduction plan for suspended solid dirt in Paxton Creek and its related tributaries.

Mr. Wolfe noted that the plan states that the Township will be controlling and reducing suspended solids by sweeping our streets, constructing riparian buffers, and implementing other best management practices in conjunction with the Paxton Creek Watershed Association and developers.

Mr. Wolfe noted that the plan was submitted in 2012 and in February of this year we received this response from DEP. He noted that DEP did not specifically accept our response, stating that, "TMDL reports that approximately 87% of the in-stream sediment is a result of in-stream erosion, and therefore the Strategy should propose stream bank restoration and/or Best Management Practices (BMP)s that will provide reduction in stormwater volume and peak flows." He noted that the Township's plan did not propose stream bank restoration and we are deficient in that regard. He noted that it goes on to say in the next paragraph that we proposed to eliminate sediment in the waterways by sweeping the streets and they are saying that if we are going to count this as a BMP we have to do it in accordance with the established guidelines for street sweeping and that requires streets to be swept on a monthly basis. He noted that we do not

currently sweep the streets in Paxton Creek on a monthly basis. He noted that we are lucky to get to them twice a year.

Mr. Wolfe noted that the fifth paragraph notes that, “TMDL Design details must provide a list of BMPs to be implemented during the remainder of the current permit term, how such BMP’s will reduce pollutant loads, an estimate of the pollutant load reductions, locational information, and a timeline for implementation.” He noted from our streets as the water flows into streams, we need to be providing areas for the sheet flow to percolate into the ground as opposed to the sheet flowing directly into the streams. He noted that the plan was deficient in that regard as well.

Mr. Wolfe noted that DEP has given the Township until December 31, 2015 to provide a response. He noted that staff is meeting with HRG to work on the response and it will be brought to the Board prior to submission at the end of this year.

Mr. Seeds suggested that our report was too generic for DEP and that it was not specific enough for what they were looking for. He noted that we need to identify where the sweepings have stopped sediment from getting into the streams and be more specific.

Mr. Wolfe noted, since 2012, the Township has begun significant Township-wide stormwater improvements which were not contemplated when the report was submitted so they can be used as a BMP credit towards plan and implementation. He noted that we will augment the plan with our multi-million dollar spending in the last two years plus continued plan spending of that amount into the future.

Mr. Seeds noted that we have a coordinated contract through the Council of Governments to be updated as well.

Adjournment

Mr. Seeds made a motion to adjourn the meeting. Mr. Crissman seconded the motion and the meeting adjourned at 7:27 p.m.

Respectfully submitted,

Approved by,

Maureen Heberle
Recording Secretary

William L. Hornung
Township Secretary