

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held July 12, 2016

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:01 p.m. by Chairman William L. Hornung, on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

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

Also in attendance was George Wolfe, Township Manager; Steve Stine, Township Solicitor, Erin Letavic, HRG, Inc.; Jacob Kanagy, Neighborhood Dispute Settlement, and Watson Fisher, SWAN.

Pledge of Allegiance

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

Public Comment

Mr. Tim Murphy, 1524 Pine Hollow Road, wanted to bring to the Supervisors attention that in the spirit of openness, disclosure, and the Sunshine Law, he attended the last two Planning Commission meetings and at both they could not vote to approve the minutes of the previous meeting because the minutes had not been typed. He questioned in a months' time, you can't get the minutes typed up so the Board can act upon them for the following meeting. He suggested that the Board should take a look at that and get it expedited. He noted if they are not approved, then they are not posted on the web site and we have discussed the tremendous lag for months between the occurrence of the meeting and the posting of that meeting. He suggested that a little more effort needs to be made to get that information out to the public.

Continued discussion on a proposal from HRG, Inc. to provide engineering services to
Design channel improvements upstream of the Earl Drive Culvert

Ms. Erin Letavic from HRG, noted that she is on the agenda to continue the discussion for the Earl Drive culvert upstream improvements that were discussed a month ago with the

Board. She noted that she will refresh the Board's memory from the slides she showed at that last meeting.

Ms. Letavic noted the Township has quality goals that are set forth in the Paxton Creek, Total Maximum Daily Load (TMDL) and the Municipal Separate Storm Sewer System (MS4) water quality permit that continues to require compliance measures. She explained that you can't put more pollutants into the stream then the stream can handle. She noted that a report was put together for Paxton Creek with an allocation to Lower Paxton with respect to pollutant reductions and last year we worked on a plan resulting in the project that is before you as one of those projects to reduce the pollutant loads of sedimentation.

Ms. Letavic noted that Tropical Storm Lee flooding occurred almost ten years ago and after that occurred there were a number of different hydrologic studies that HRG performed on Paxton Creek and the Earl Drive culvert ultimately resulting in some cost prohibitive projects. She noted that upgrades to the culvert were not worth it for the benefits and the flood mitigation was also cost prohibitive. She noted that this is not a flood mitigation project it is a streambank restoration project.

Ms. Letavic noted that we have streambank deterioration that you can visibly see, but we also have sediment loading which is the regulatory compliance issue with respect to the Paxton Creek and MS4 permit. She noted that we have unstable banks and also deteriorating private property and these are issues that can't be solved on their own.

Ms. Letavic showed three pictures of what streambank deterioration looks like noting that there is no vegetation along the streambank having piles of rock that have pulled out from any outcroppings that have occurred along the stream side. She noted that there is a lot of sediment in the streambank and it is eroding downward providing a poor habitat for water quality for the regulatory compliance. She noted that it is an issue when property owners mow up to the streambank.

Ms. Letavic showed an aerial shot of the project area. She noted that three colors are delineated along the streambank: the red area is intended to be riprap; the green area would have a living wall; and the blue area would have coir rolls and live stakes plantings that provide low impact and low disturbance measures that can help to reinforce some of the material in place so that when it rains and the stream has a minor flood event it will keep the sediment in place.

Ms. Letavic displayed pictures of a previously conducted project by HRG showing a coir roll and live stakes project where the water level was very low, evidence of in-streambank erosion. She noted that there is not much of a defined bed and bank for the low flow condition so it shows a coil roll that has some medium in the side stakes. She explained that it is a piece of vegetation, like a dogwood tree that landscapers slice off of a mature shrub to develop small roots that you can plant along the streambanks, and with watering and low maintenance it does a good job of developing a solid root structure to keep the materials in place.

Ms. Letavic noted that an example of a living wall can be found along the Francis Cadden Parkway in Swatara Township. She noted that project was built last year, noting that it is along Spring Creek having guiderail that protects the traffic from the creek. She noted that you could tell that there was a significant amount of erosion along that bank, but the right side shows a living wall that is filled with a particular media that has vegetative seed and different types of grasses. She noted that you lay it in place with stakes to provide structural integrity and it turns into vegetation being more desired than using riprap or concrete as a traditional retaining wall. She noted that it is a fairly cost effective measure.

Ms. Letavic noted that there are many regulatory requirements noting that it has a 100 year floodplain so there is a need for FEMA coordination, as well as a DEP Joint permit with the U. S. Army Corps of Engineering. She noted that there are E&S Permits, Dauphin County Conservation and NPDES permits required as well.

Ms. Letavic noted that she has some construction goals having the Township staff installing the riprap stabilization. She noted that a contractor would install the living wall and Township staff and volunteers could do the coir log and live stake installation. She noted that it could involve the boy scouts, or Paxton Creek Watershed Association, saving some money on labor, just having to cover the cost of materials.

Ms. Letavic explained that her updated scope of work added a public input budget understanding that we are impacting a number of private property owners and the Board has a desire to make those folks aware of this project as soon as possible. She noted that is identified on page four under public input task, an open house concept, invitation only, for those who will be impacted with the idea that they can write down their comments and we will do our best to address it.

Ms. Letavic noted that she broke out the costs on a per phase basis on the last sheet and it seems like the public open house may be a milestone where you wouldn't want HRG to proceed any further until you have a decent design that can be reviewed by the property owners to know what the potential impact will be. She noted that we will need to get the support from those who will benefit from this project and then the Township would have to decide if it wants to proceed or not. She noted that phases one and two would serve as the preliminary design to bring it to the point where we can present a plan to the property owners. She noted if we presented the very simple sketch we have currently, we won't have the confidence to know that it is the only impact. She noted that she would like to have more hydraulic analysis and other items done to better understand that the project is feasible. She noted that this first phase would be a detailed feasibility study noting if the property owners are on board, and the Township has the funds in the budget, then we can proceed with permitting and construction documents.

Mr. Seeds noted that as soon as we have the figures and design work accomplished then we need to have the public meeting. He noted if we don't have the support from the public then we should drop it and not spend any more funds. He noted that it is a good project.

Mr. Wolfe questioned if the Board was to approve the scope of services this month how long would it take for Ms. Letavic to be ready for the public meeting. Ms. Letavic suggested that the meeting would occur sometime in the fall. Mr. Seeds noted that much of this work has been done by your firm over the years. He noted that the Township has expended a good amount of money and it should be able to help the TMDL. Ms. Letavic noted that the survey scope is small because it will be a confirmation of what we did before. She noted that since it is private property there may be new objects close to the streambank that we did not see before. She noted that the same for the preliminary design that we did some hydraulic and hydrologic analysis in the past, we intend to reuse them, but again the scope of the project is a little different. She noted that we have a good starting point.

Mr. Crissman question when you have the designs ready in the fall will you or someone from HRG share with the Board the drawings and provide an expectation for the impact on Earl Drive as it is applicable to the culvert, and what those results will be as a result of the work if we do it. He explained, to be spending that kind of money for the preliminary he wants to be certain that we have information and the experts in the field will be able to share what we are doing in

the preliminary and final design will be the project outcomes, and have the projected impact. Ms. Letavic answered that we will be able to provide preliminary calculations to demonstrate for how it will work. Mr. Crissman noted that it is a lot of funds for the preliminary design and it does not include the project. He noted that he does not want to waste money as we need to collect the data in order to make good decisions.

Mr. Wolfe noted that this will not impact the culvert. Ms. Letavic explained that there may be some impact but the performance of the culvert is not the goal. She noted that we will know what the impacts to the culvert should be. Mr. Crissman noted that he is interested in what the impact will be with the water coming as he does not want to spend funds for the study and project only to find that it has created another problem that we need to resolve.

Mr. Seeds noted that this will not help the 100 year flood. Ms. Letavic noted that it may not help at all but the burden of proof is for us to demonstrate to the regulatory agencies that the plan will work.

Mr. Seeds noted that this does not include the cost of HRG to do the bidding document or inspections. Ms. Letavic answered that is correct and it does not include easement acquisition as well as it could take a significant amount of staff time. She noted that the scope of work gets you to the permit stage.

Mr. Hornung questioned what project management is. Ms. Letavic answered that is for her to keep the project running in the right direction, it is not contract management.

Mr. Hornung noted that flooding occurs in that area and how would it impact where they plan to put in the plantings, especially if a flood wipes them all out. Ms. Letavic answered that we would identify the planting areas that have enough scour and correlate it to velocity. She noted with the private property owners, you will get an easement for drainage but it does not mean that you will be out there mowing around these trees. She explained that she hope if we get enough private property cooperation that if a storm hits and something is leaning over that the private property owner will be willing to put it back up. She noted if we have another Tropical Storm Lee and things are not getting established we will have a different issue. She noted that we will have to consider this during the design phase.

Mr. Houck noted that we have a lot of stream banks in this Township that go into the Paxton Creek, Beaver Creek and other basins. He noted that he is not sure we will end up with a

TMDL for Beaver Creek in the future, but until that time, how much streambed do we have in the Paxton Creek and what percentage of loading do we have to reduce. He noted that we are looking at the overall project for what we have to do to be where we need to be. Ms. Letavic questioned if he was thinking of pounds of sedimentation reduced. She noted that within the Paxton Creek TMDL Report it was identified how many linear feet of stream it takes to meet the goal. She noted that she can look that up. She noted that this is only a small portion and there are a lot of projects like these that will need to be done to meet the federal obligation.

Mr. Hornung questioned what the actual finished project will cost. Ms. Letavic answered that it may be around \$300,000 if it was a contracted project, but she anticipates using volunteer labor from the Township and volunteers. She noted that she hopes you will be able to save on the labor side, but you will get a preliminary cost estimate with the preliminary design.

Mr. Hornung questioned what percentage of the overall project this project would be. He requested Ms. Letavic to provide to Mr. Wolfe the percent of streambed compared to the total requirement. Mr. Wolfe suggested that it would be 1% or less.

Mr. Hawk noted that Mr. Hornung questioned the ultimate cost but Mr. Seeds stated that we need to bring it out to the public, noting that there has been significant flooding at a very high dollar cost. He noted that one of the things that impresses him is the riprap, noting that a living wall is a new concept to him, but all of it is incorporated for the topography for the streambed. Ms. Letavic noted that the idea is to instill some cost savings as well.

Ms. Lindsey questioned what about the people who live on Topview, the ones having water damage in their homes. She noted that this will not help them at all. Ms. Letavic answered that was correct.

Mr. Seeds noted that this is the first step of many projects that will come our way in the future with the Chesapeake Bay initiative. He noted that he would like to see us move forward and put this on the agenda for next week's meeting.

Mr. Murphy noted if this represents 1%, noting that we have \$100,000 in engineering fees then it would be \$10 million in engineering fees. He noted if it is two or three times that for the construction you are talking about another \$20 to \$30 million so it may be a \$50 million project. He noted that this one step leads to a \$50 million journey. He noted this is what we are talking about. He requested Ms. Letavic to go over the mandates and penalties. Ms. Letavic

noted that there is no steadfast time frame that she is aware of that all the other Paxton Creek municipalities will be held to show that we are meeting the goals. She noted that there are penalties identified in the legislation but she has not reviewed them herself. She noted that DEP and EPA have jurisdiction to call the Township on this and the message that they have sent to consultants is show progress. She noted that we need to get started but it will be a long road if this is how we are to address it.

Mr. Seeds noted that this is similar to the sanitary sewer replacement where we are a little ahead of the curve in being one of the leaders in the State in fixing the sanitary sewers. He noted that we may have an opportunity to get some help through grants and bonds as it is something new as we are fixing, on our own, issues with the Chesapeake Bay. He noted that it is a good place to start if we can get the buy in from the neighbors.

Mr. Wolfe noted that Ms. Letavic is accurate when she says that the EPA and DEP want to see projects, something accomplished by the next time they meet with us. He noted that we are looking at close to a \$30 million project over a 15 to 20 year span of time. He noted that it looks like a huge number but it is 1/10th the size of the sanitary sewer project. He noted that it is not as big as what we are already half way through with the sanitary sewers.

Mr. Hornung noted that we have been putting our toe in the water with stormwater projects and how we handle those costs as we have many flooding problems throughout the Township. He questioned if any of this can be merged together. Mr. Wolfe answered that it is an overall program for stormwater management which includes our existing facilities as well as the Paxton Creek NPDES requirements and the MS 4 requirements. He noted that it ultimately means that maintaining our existing facilities does not count towards meeting the goal of a 35% reduction of sediment in Paxton Creek. He noted that the EPA and DEP are looking for stream bank restoration and the money that we borrowed to do stormwater projects is for replacement of pipe in the ground and that does not count.

Mr. Hornung noted that there could be the potential of some of this at the same time we are doing those projects for bank remediation. Mr. Wolfe agreed, noting that we have to start thinking holistically that our stormwater system is not only the pipe in the ground, it is the stream channels that it flows through, the stormwater detention facilities that are private now but most

likely will become a public fixture. He noted that it will be an evolution of facilities and management over a 20 year period.

Mr. Letavic noted that Mr. Wolfe mentioned the stormwater basins, noting that he projected that many will end up in our lap, as there a potential to revamp the stormwater basins to reduce the TMDL. Ms. Letavic answered that you can accomplish some of your pollutant loading reductions through individual inserts in the boxes, but they are expensive to install and they are high maintenance. She noted that DEP has guided us towards streambank restoration because it is comparatively cheaper, spending more on engineering than construction on a percentage basis compared to a storm project like Winfield Street. She noted that our clients over the past 20 years have been replacing an outfall but the streams have eroded. She noted that you don't want to do that now because you will have extra permits that will be needed. She noted if you want to extend it, they can provided the additional permit costs but you can accomplish two objectives at one time. She noted that you can replace your storm pipes and can address the outfall locations as well. She noted that it has been avoided due to the additional costs and time spent to do it. Mr. Hornung noted that he understands that but it kills two birds with one stone and it may be more efficient overall. He noted with the sewer projects that we do we have looked for the low hanging fruit first and we have a number that we work with such as \$2 per gallon of water removed for I&I. He questioned how we can do this for stormwater. Mr. Wolfe answered that this will be a low hanging fruit as you have a problem area that is effecting residential properties that is known to have stream bank deterioration that can be affected at a relatively low cost. Ms. Letavic noted that they have identified what the low hanging fruit is for the Paxton Creek TMDL in terms of need, but feasibility is the next stage.

Mr. Wolfe questioned if this should be put on the upcoming business agenda.

Mr. Tim Murphy, 1524 Pine Hollow Road, noted that he does not have a packet so he does not have a lot of the details that the Board has in front of it. He questioned what the proposed cost for the engineering is. Mr. Hornung answered that it is \$102,850. Mr. Murphy noted that he has a general idea for where this is located from the map that was on the screen but it looks like we are talking about streambank stabilization and not just upstream from the Earl Drive culvert but back to a number private properties.

Mr. Hornung questioned Ms. Letavic if she had an extra report. Ms. Letavic answered no but she stated that she could email him one. Mr. Murphy noted that would be a big help to him but the people who are watching this from home don't have a packet.

Mr. Murphy noted since we are talking about stabilizing streambanks in private back yards, noting that the Township has an obligation to meet the TMDL's, is there any provisions for public/private partnership here where the land owners will help to pay for this, or will it come out of the Township's coffers. Mr. Hornung noted that we have found from the sewer projects in which it was the property owner's responsibility to fix their laterals that it does not work. He noted that the Township ends up burying the costs as you could try to extract the money from them but we end up in court and end up spending more funds in legal fees than in getting the job done. He noted that we have gone down that road with the Sewer Authority and we don't intend to do that again. He noted that we may have more difficulty with this as people don't associate that it is a community project, and one person cannot hold up the streambed restoration as it has to be contiguous. He noted that he does not think that is part of the solution at this time.

Mr. Murphy questioned if there is any problem with the Township expending money to enhance private properties. Mr. Stine answered that they are private properties but they border a water of common cause. He noted that DEP and the EPA will look to the Township to resolve the TMDL problem no matter where it is. He noted that we will always be the responsible party, and with regard to MS4, DEP comes out to do inspections and if we haven't done our due diligence on M4's we will be responsible for it even if it is on private property. He noted if we have a basin that is not in compliance, even though they are all private, if we don't do what needs to be done to bring it under compliance we will be fined, not the property owner. He noted that it is a public project.

Mr. Murphy explained that he understands that the Township has a legal responsibility to get it accomplished, he is just exploring ways of getting it done. He noted that there is a complexity of dealing with multiple property owners so the idea of having some volunteer labor involved is a good move and hopefully it will include the property owners. Mr. Hornung noted that we will go after some grants funds.

Mr. Murphy noted that he is not against this as he is totally for it and he understands that it is necessary and he wants to applaud using some of the green techniques of the living wall and

coir logs. He questioned if the Board understand that they will not have durability against high flows that riprap would, but they are a lower cost option and he is happy to see that it is being considered.

Presentation regarding the services performed by Neighborhood Dispute Settlement

Mr. Jacob Kanagy explained that he is from Neighborhood Dispute Settlement (NDS) and he thanked the Board for allowing him to share his information. He explained that he started at NDS the end of February and part of his goal is to visit area municipalities in the Tri-County Region, to explain what they do and the services that they provide. He noted that there has been much turnover in the municipalities so he is not sure who is familiar with NDS services and who is not. He noted that NDS is a nonprofit organization that provides mediation and conflict resolution services to the Tri-County region. He noted that we deal with land landlord/tenant issues so if a tenant is late on rent or there are maintenance issues with the apartment or house, we work with that. He noted that we work with neighbor to neighbor issues for a property line dispute or noise issues, and in some cases where the police are called they will refer those parties to us as we bring them together to help them reach an agreement.

Mr. Kanagy noted that we also deal with custody issues, family issues for wills or inheritance, and also with businesses. He noted that we recently helped an LLC to dissolve. He noted that we currently have 25 active volunteer mediators as he is the only paid staff person. He noted that we have five to six cases a week and have surpassed last year's total of cases. He wanted the Board to know that we are still around and it is important work especially with all the violence that is occurring around the country. He noted that many police departments are having trouble hiring officers and so we are able to take some of that load off of them as they get all these calls for menial tasks and issues. He noted that we help with their caseload so they can focused on more pressing issues.

Mr. Kanagy noted that we don't charge for our services, noting that we ask for about \$10 a case, but we don't require that. He noted that our funding comes from the County through grants. He questioned if anyone had any questions.

Mr. Seeds noted that a number of years ago we were involved in this program but he suggested that it did not work for the Township as no one got involved in it. Mr. Wolfe noted

that Lower Paxton Township did provide a small financial contribution to NDS years ago, but the Board after a couple of years providing the contribution determined that the Township was not benefiting, noting when we knew of neighbors in dispute we tried to refer them to NDS but we did not see that type of result. He noted that is not to say that it is not a good organization or does not provided a good service but it one that we did not find to be beneficial for our needs.

Mr. Kanagy noted that people are not aware of our services and if they are not aware of our services they will not contact us. He noted that the work that we do is critical and important.

Mr. Kanagy noted that we also get referrals from Judge Lindsey who is located in Lower Paxton Township.

Mr. Crissman questioned how you market your services to the community. Mr. Kanagy noted that he has newsletters, brochures that are in courthouses, and he meets with areas police chiefs and Township managers. He noted that he is doing a lot if visiting to get our name out there. He noted that we have relied on past relationships but many of them are no longer in existence, so many people are not aware of our services.

Mr. Seeds suggested that we could put something in our newsletter and have people contact them directly. Mr. Kanagy noted that he can send a newsletter to Mr. Wolfe. Ms. Lindsey suggested that we could display the brochures in our Municipal Center in the lobby for the residents. Mr. Kanagy noted that he can send some to the Township as well.

Mr. Crissman suggested that Mr. Kanagy should contact the local service organizations in our community and become part of their program to speak before a Lions Club or a Rotary Club as they are the people who are the movers and shakers in their respective community. He noted that they need to hear about your program so they would be able to identify this service that is available in the community. He explained that he is connected with one of those organizations and if he was provided with you name and contact number someone could call you to make those arrangements.

Mr. Seeds questioned if Mr. Kanagy gets involved in landlord tenant issues. Mr. Kanagy answered yes as it is one of the most heavily used services. He noted that sometimes the District Justice will refer their cases to his organization.

Ms. Lindsey thanked Mr. Kanagy for coming to the meeting as many residents watch this program from home and they may have issues with their neighbors and have no idea where to go

for help. Mr. Kanagy noted that he will send some brochures to Mr. Wolfe. Ms. Lindsey suggested to Mr. Wolfe that we should put something in the newsletter as well as having brochures at our Municipal Center.

Continued discussion regarding the permissible start time for the
collection for solid waste and recyclables

Mr. Wolfe noted as a result of discussions held during the last workshop meeting, he prepared a sample ordinance in regards to changing the start time for commercial collections from 6:30 a.m. to 5:45 a.m. and he also included the terms and conditions of the contract for residential collection which states that all collections shall be made between the hours of 6 a.m. and 5 p.m. He noted if you desire to change this document it would be a contract amendment with Waste Management as it is not an ordinance issue but an amendment to the contract to change the time from 6 a.m. to 5:45 a.m. He noted that he put the information together to move forward with these changes if you so choose.

Ms. Lindsey noted that she is not in favor of starting at the 5:45 because 5:45 goes to 5:30 and it goes to 5:15. Mr. Seeds noted that he agrees with Ms. Lindsey.

Mr. Hornung questioned if we have a residential pick up time that is in the ordinance. Mr. Wolfe answered that it is in the contract. Mr. Hornung questioned if it is 6 a.m. for residential then why not for the commercial ones. Mr. Wolfe answered that it would go back to the 1990's when this was first established and he can't answer for that as it was before his time. Mr. Hornung questioned if it would make sense to make it 6 a.m. since we do the residential at 6 a.m. He questioned, the ordinance for commercial is 6:30 a.m. so why aren't they the same. He noted that the residential hauler is Waste Management and the commercial hauler could be anyone, so he is not sure where the 6:30 a.m. time came from. Mr. Seeds noted that he thought it was all the same and maybe it should be, but we should probably wait until the next contract is discussed. He noted that we don't bid the commercial. He noted that no one is complaining about the commercial as they have not asked to come in earlier. Mr. Hornung noted that he has not heard that as well.

Mr. Crissman noted for the residential, he knows that Ms. Lindsey would like to keep 6 a.m. but since we have had this discussion he had people in his community say to him that they like the 5:45 as they like to take in their garbage cans before they leave for work. Ms. Lindsey

noted that we had it at 6 and they were picking up at ten after five, five fifteen, five thirty, and she is afraid if we... Mr. Crissman noted that is the same thing as having a speed limit of 60, and people will go 65. He noted that it is the monitoring, the enforcement, so for him he has no problem with 5:45 as long as it is observed just as 60 mile speed limit is a 60 mile speed limit. He noted for him it is the same thing. He noted that he has no problem with it. He noted especially in the hot weather, Waste Management would like to get their people out while it is still cool rather than having to work in the beating sun during the summer days. He suggested that 15 minutes is not a big deal. He noted that he will support the proposal.

Mr. Tim Murphy explained that this came up before but it is his understanding that Ms. Lindsey had complaints from people in her neighborhood... Ms. Lindsey answered not just in her neighborhood but along the Locust Lane area. Mr. Murphy questioned why we are trying to fix a problem of early pickups by allowing it to happen earlier.

Mr. Hornung questioned if the complaints are coming from commercial carriers or residential carriers. Ms. Lindsey answered that most were from residential and one was a commercial from Springford at 2:30 a.m. She noted that the ordinance says 6:30 a.m. and they were picking up at 2:30 a.m. Mr. Hornung noted that is way out of line. Ms. Lindsey noted that the lady moved in on a Friday and was awakened by the trash on a Monday morning. Mr. Hornung noted that he is not arguing that it didn't happen, he is just saying that it is certainly one that needs to be addressed. He noted that changing the time 15 minutes impacts, but when it is 2:30 it now becomes 1 o'clock. He noted if you have heard from residential people and they are upset about it getting earlier than 6 a.m., then he is okay and will buy into that.

Mr. Murphy noted if the whole discussion originates with complaints about early collections; does allowing an earlier collection solve the problem. He noted that it legitimizes what is a violation of an ordinance; he question what ordinance we are talking about for commercial pick up times. Mr. Wolfe answered Chapter 165, Article 1. Mr. Murphy noted that he is aware that there is a noise ordinance in the Township and it says that noise can't start until 7 a.m. He questioned how we reconcile that with the 6:30 a.m. that is in this other ordinance and the six o'clock that we have in the contract with Waste Management. He suggested that there are some disconnects here that we need to sort out and make right. He noted that no one talked about

five forty-five, and he is still mystified how a five forty-five start time alleviates the early pick up problem.

Ms. Lindsey questioned Mr. Wolfe if Waste Management contacted the Township about starting at 5:45. Mr. Wolfe answered that was the discussion at the workshop meeting last month. Mr. Seeds suggested the next time they come back and bid on the next contract they can give us a financial break on the amount we have to charge the residents for trash pickup and then maybe we can give them something back in return.

Mr. Murphy noted that he would be happy having them come after 6 o'clock rather than saving on trash collection.

Mr. Seeds noted that the trash pickup was set at 6 a.m. and that is when our Public Works employees start work. Ms. Lindsey noted that Public Works Department starts at 6:30 a.m. Mr. Crissman noted fifteen minutes makes a difference for the efficiency of the service and he would support, efficiency of the service. Mr. Seeds noted maybe they will give us a break on the fees. Mr. Crissman noted that is a different issue and the only request is for fifteen minute move back time. He noted that fifteen minutes is not that big of a deal. He noted that they are asking for efficiency of operation and if that proves to be true he would support that.

Mr. Wolfe noted that it is 15 minutes for commercial and 45 minutes for residential with both going to 5:45 a.m. He noted that one would move from 6 a.m. and the other from 6:30 a.m. Mr. Crissman noted to be consistent everything would start at 5:45 a.m.

Mr. Murphy noted if someone thinks they will be able to bring their trashcans in if the pick up at 5:45 a.m. that is assuming that theirs is the first pickup of the morning. He noted that someone has to be first and someone has to be last. Mr. Crissman noted that he will volunteer to be 5:45 a.m. Mr. Hawk noted that he does not care.

Mr. Crissman noted that people who work 24/7 are coming home at 5 a.m. or 3 a.m. so no time is ever going to be a good time for everybody and we will never please everyone, especially on this issue. He noted if we had quiet trashcans maybe it would be easier to decide. Mr. Murphy noted that the trucks are the problem not the cans.

Mr. Hornung noted that he does not think there is support for this but he feels that it is a shame because all too often we look at the industrial hauler and we point to the corporation and not the guys that are standing on the back of the truck and have to work through the heat. He

noted that sometimes we have to think past ourselves and this is one case, but he does not think there is enough support for this change. He noted that we will let this one die.

Status report regarding the Friendship Center Priority Projects

Mr. Wolfe noted that the Township did not receive bids for the solicitation for the priority projects for the Friendship Center (FC). He noted the project had several features, the most significant of which was a climbing wall in the weight and fitness area to the north of the building, followed by reconfiguration and rehabilitation of the front entrance way. He noted that two other parts of the bid were the changing of the light fixtures in the natatorium to accommodate LED lights from a current metal halide light. He noted that it would also take two classrooms and turn them into an active recreation area such as a cardio studio. He noted that those items had a cost estimate of \$500,000 and they were bid in accordance with Township procurement law receiving no bids. He noted that we had contacts from people asking for information. He assumed that the reason no bids were received is because there is no one piece of work that is significant for anyone contractor to take it on as its own and do a good job and make a profit. He noted that you have electrical work, but it is two types of electrical work, one is changing the lights in the natatorium, and the other is a cardio studio which is more audio-visual equipment. He noted that there is a significant amount of cabinetry case work which is comparable to putting in a kitchen and glass panel walls that will be relocated and a climbing wall which is a steel sub-frame with a plywood exterior frame. He noted that he does not know if there are any contractors in the area that have built one before and there might be some hesitancy in taking on that project.

Mr. Wolfe noted that he spoke to Harrison Bink and he has provided a proposal to take the bid package and segment it into individual bids; one for the climbing wall, the front entrance and casework, the cardio studio, and for direct purchase and hiring of an electrician for the lighting in the natatorium. He noted that Mr. Bink's cost to do this work is \$46,000 and it would also include project management upon award of bid to any contractor to do the work.

Mr. Wolfe noted that advertising the bids a second time for bids will not produce a different result. He noted that a job at a half million dollars is not a small sum, but the actual amount that anyone contractor would be looking at would be \$150,000. He noted to deal with

public wage rates, and in the case of the climbing wall, to deal with the Public Steel Products Act, it would require our project manager to do more hand holding with contractors that would normally occur. He noted the option we have before us this evening is to do four contracts with the architectural firm Weber, Murphy and Fox managing those contracts and contractors for us.

Mr. Seeds questioned if Mr. Wolfe is recommending this. Mr. Wolfe answered that he knows of no other way to do the work at this time.

Ms. Lindsey questioned if we advertised where we normally do for all of our bids. Mr. Wolfe answered that we advertised in the Patriot News and typically for bids we advertise in the Paxton Herald. He noted that we also communicated the bids with the Dodge Report Services who have this information. He noted that contractors were aware of it as we had significant phone calls, but it is a difficult project to understand.

Mr. Crissman noted since the project had such a diversity of parts that no one contractor wanted to tackle all the individual parts so by segmenting these into smaller units we will get bids, but the individual projects are now even smaller. Mr. Wolfe noted that it would require more management services for the architect.

Mr. Crissman noted that we need to rebid, and questioned if we are six months behind in this project. Mr. Wolfe answered that we are four months behind and this will put us another two months behind. Mr. Crissman noted that he does not see any other option.

Ms. Lindsey questioned where Weber, Murphy and Fox are located. Mr. Wolfe answered in State College and it is the firm that Harrison Bink works for now. Mr. Crissman noted that Mr. Bink's office use to be in Camp Hill. Ms. Lindsey noted that we are saying that they will manage the project, will they have someone down here on site. Mr. Wolfe answered that they will have a project manager on site, not full time, but throughout the week, two or three days for two or three hours a day. Mr. Wolfe noted that more management will occur with all the different contractors. He noted that we hoped to turn this over to a general contractor and have weekly job conferences and that would be it, but this project did not work out that way.

Mr. Seeds questioned if we can take action tonight or do you want to put it on the agenda for next week. Mr. Wolfe answered that it is up to the Board.

Mr. Hornung noted for the \$46,000, it is much more than just cutting up the bid, but he does not understand why there is trash removal. Mr. Wolfe suggested that it would be trash

removal for any phase of the project, but he will get an answer on that. He noted that they are only the incidentals as the actual fee is \$40,211 found in the letter of proposal. Ms. Lindsey questioned if that is on top of the \$500,000. Mr. Wolfe answered that it would be in addition to the construction costs.

Mr. Hornung questioned if anyone could do this cheaper that is local. Mr. Wolfe noted that 6% of construction is the industry standard and Mr. Bink is the person who created the design. He noted that handing it off to someone else midstream is not good. Mr. Crissman noted that he does not like it but we don't have any choice.

Mr. Seeds noted that he did not notice the trash removal. He suggested that Mr. Bink would assume the cost for all the contractors so when they bid the individual projects they would not have to put a cost for removal of trash. He suggested that it should cover the entire project. He noted that their bids should be less since they don't have to rent a dumpster. Mr. Hornung noted that he is not sure what that is about but Mr. Wolfe will find out.

Mr. Wolfe noted that he can get an answer for that. He questioned if the Board wanted this on the next agenda. Mr. Crissman answered that it would provide time for Mr. Wolfe to get the answers that the Board is seeking.

Ms. Lindsey noted that we advertised in the Patriot News, a lot of people don't read the paper anymore. She questioned if there is any other site... Mr. Wolfe answered that it was put in the Dodge Report, a contractor site for public bidding.

Discussion regarding the Dauphin County Local Share Municipal Grant Application process and desired municipal project submissions

Mr. Wolfe noted that this is a two-fold discussion. He noted that he provided the Board with the application package for the Dauphin County Local Share Municipal Grant Application to show you what is involved. He noted that Lower Paxton Township, if it is going to submit a grant application, needs to have a meeting with the Gaming Board prior to the end of this month, and the grant must be submitted before the end of next month. He noted that it is a process that we are very familiar with at staff level, but to undertake that process the Township needs to identify projects that would be worthwhile to submit to the program. He noted that he has included with the packet the list of projects from last year, to note that the Township applied for three projects. He noted that it applied for \$150,000 to update the Comprehensive Plan and

received a \$50,000 grant. He noted that it applied for \$50,000 for sidewalks per the request of the Greenway Committee along Nyes Road and it was not funded. He noted that it applied to install noise abatement facilities at the Township's Compost Facility at an estimated cost of \$200,000 and received no funding. He noted that other projects in the municipality were funded. He questioned what the Board would like to submit for this year. He noted that the Board has already approved the submittal of the replacement of the flooring for Possibility Place for a CBDG program and he questioned if the Board wanted to add this to the list of grant applications.

Mr. Wolfe explained that local share funds could also be used for local fire equipment and we have had a significant amount of funds going to the Heroes Grove facility. He noted that he needs to know what the Board will support prior to meeting with the Committee.

Mr. Seeds questioned if we have had any other applicants yet. Mr. Wolfe answered that he is telling all those who want to apply that they should come to the Board and present their applications during the August workshop meeting. He noted that there are greenway projects that we could look at.

Mr. Seeds noted that he could not believe that we did not get the grant last year for the sidewalk along Nyes Road especially since it involved the school and the community. Mr. Crissman suggested that we can reapply. Mr. Seeds agreed that we should try that one again. Mr. Wolfe noted that he can resubmit that application and he questioned if he should resubmit the noise abatement application as well. Mr. Crissman noted that we should submit the two applications that were denied last year. He questioned if the Township could apply for additional funding for the Comprehensive plan as it requested \$150,000 and only received \$50,000. Mr. Wolfe noted that the program will consider multi-year funding, however the Planning Commission feels that it is a sufficient amount of funds to do that project. Mr. Crissman noted that we need to do that one and move forward with that project.

Mr. Crissman noted that the two remaining that were not funded should be included and if we want to add additional requests then we could resolve that at the next workshop. Mr. Hornung noted that maybe we could look at the Friendship Center and Possibility Place. Mr. Wolfe noted if the Friendship Center projects are done this year they are not eligible as they will be done this year as the grant awards will not be announced until March of 2017. Mr. Hornung

noted that he would not want to wait until then. He noted that Possibility Place would work if it is not funded by the CBDG Program as we don't plan on doing this year.

Mr. Crissman questioned if there is any special thing we are doing in Parks and Recreation for the park system that could use funding. Mr. Wolfe noted that the big project has been the Heroes Grove facility and the site improvements at the Wolfersberger Tract but it does not need funding at this point. He noted that it would be a good future one when we move to develop the park.

Mr. Hornung noted that there are efforts to come up with recreational area in Hodges Heights and he questioned if that would qualify. Mr. Wolfe noted that we only have a concept at this point but no project. Mr. Hornung questioned if we could apply for a grant for stormwater projects. Mr. Wolfe noted that he can look into it, possibly applying for funding for the Earl Drive Upstream Culvert project.

Review of a model ordinance prepared by the Tri-County
Regional Planning Commission regulating medical marijuana

Mr. Wolfe noted that the Pennsylvania legislature passed and the Governor signed Act 16 of 2016 which provides for medical marijuana growth, processing and dispensing in Pennsylvania. He noted that this Act allows municipalities to regulate the location of these facilities within their jurisdiction. He noted under the Act, medical marijuana and its growth are not considered an agricultural use so they are not protected by the Agricultural Preservation Act. He noted that it is considered to be a non-agricultural use.

Mr. Wolfe explained that the Tri-County Regional Planning Commission has prepared a draft ordinance that could be inserted into our zoning ordinance and it provides that medical marijuana dispensing, growth and production facilities can be located in commercial and or industrial zoning districts. He noted that they note that there are specific restrictions in regard to medical marijuana. He noted that the size shall be limited to 20,000 square feet for processing and restrictions in regard to noxious odors, chemicals and dust. He noted that there are restrictions in regard to locations from schools, daycare centers, and recreation facilities. He noted that it would be appropriate for the Township to look into this type of regulation. He noted that staff has already been contacted by two entities in regard to the potential distribution or sale

of medical marijuana from a facility in the Township. He noted at this time, such a facility would be permitted in our Business Campus Zoning District as a use by right under pharmaceuticals.

Mr. Wolfe noted that he did not want to go into a detailed discussion at this time but it would be good for the Board to have the draft ordinance and send it to the Planning Commission for further analysis and recommendation.

Mr. Crissman questioned if Mr. Stine had an opportunity to review the model ordinance. Mr. Stine answered yes. He noted that it is in compliance with the Act noting that you can't put any zoning restrictions on it as the Act prescribes how to handle it. He noted that you need to work within the confines of the Act otherwise you would be in violation of it. He noted that it would have no more impact than anything else, noting that it is an allowed use. Mr. Crissman noted that Middletown has already approved this as there is a gentleman setting up his business. Mr. Stine noted that he has to get his permits from the State first.

Mr. Seeds noted that we have to allow it somewhere in the Township. Mr. Stine agreed. He noted that the growing must take place inside a building as it can't be outside.

Ms. Lindsey questioned if there is any way of controlling who the medical marijuana will be sold to. Mr. Stine answered that we have no control over that. He noted that the Commonwealth will control the permit that they provide for dispensing as they will be restricted on who they can sell it to. Ms. Lindsey noted that the State will be one who will be coming out to inspect the facility. Mr. Stine answered that is correct.

Mr. Hornung noted that there are two parts, one for dispensing and one for growing. Mr. Stine explained that you can't do both at the same facility. He noted that you may be able to own both but he was not sure. Mr. Hornung questioned why. Mr. Stine answered that he did not know. Mr. Hornung noted that you must transport from the growing location to the selling location and then you have liability for moving the marijuana. Mr. Stine noted that he did not know what the discussions were when the law was enacted.

Mr. Seeds questioned if the marijuana must be injected but not smoked. Mr. Stine answered that it is medical marijuana, not the causal recreational marijuana.

Mr. Crissman noted that we will wait to get a report back from the Planning Commission.

Presentation of the Executive Summary of the 2015 Annual Report

Mr. Wolfe provided the Executive Summary of the Township's 2015 Annual Report as it is required to be provided to the Board as part of Chapter 23 of the codified ordinances. He noted that the Board saw a significant portion of this when it reviewed the year-end financial report for Lower Paxton Township. He noted that this report also contains an inventory of Township significant facilities as well as activities of the Board of Supervisors, Police, Public Works, Community Development, Parks and Recreation, Sewer, and Finance Departments. He noted that he did not plan on reading this to the Board but he wanted to list it on the agenda as it is a codified ordinance requirement.

Mr. Wolfe noted that it is a document that we have posted on the web site for many years.

Ms. Lindsey noted that the census from 2010 lists that we have 47,000 residents, and she questioned if we are closer to 49,000 now. Mr. Wolfe answered, given the rate of births we have had in the first part of this decade we will be lucky if we stretch to 49,000 at this point. He noted that we are an aging community as well, so the family size becomes smaller and new construction is not what it used to be. He suggested that it is safe to say that by the next census in 2020 we will be by population larger than the City of Harrisburg. Mr. Seeds suggested that we will be over 50,000 residents. He noted that the maximum potential size based upon the Comprehensive Plan as it currently exists is 74,000.

"Otta Know" – Participating in the Urban County designation as part of the Dauphin County Community Development Block Grant Program

Mr. Wolfe noted that he put this on the agenda and then realized that we applied for a Community Development Block Grant to Dauphin County. He noted that we have already acknowledged that we will participate in the County's Urban Designation. He noted that it says if we want to apply as an independent municipality in the State of Pennsylvania for a Community Development Block Grant funds we have to do so out of the County's program or do our own standalone program. He noted that we have submitted a grant application already for funding, so by that submission, our part of the County's Urban Program for Community Development Block Grant funds, we won't participate at the State level, we participate at the County level. He noted that is what we have done in the past.

Mr. Crissman noted that it does not preclude us from applying at the State level. Mr. Wolfe answered that it would as we can only apply to one or the other. Mr. Crissman questioned if we must go through the County for any State or Federal dollars. Mr. Wolfe answered that under the Community Development Block Grant Program in 2016 and 2017 we can only apply through the County.

Mr. Seeds questioned why they don't include the City of Harrisburg. Mr. Wolfe explained that the City of Harrisburg is an entitlement municipality and it received CDBG funds directly from the federal government.

Mr. Seeds noted that 46.7% has to be low or moderate income. Mr. Wolfe answered that was correct. Mr. Seeds noted that it does not include for handicap ramps. Mr. Wolfe explained that projects benefiting handicap individuals or elderly are considered by their nature as qualified for low or moderate income benefit.

Mr. Seeds noted that Harrisburg probably applies for their own grants. Mr. Wolfe answered that Harrisburg does not apply, it receives automatically.

Improvement Guarantees

Mr. Hornung noted that there were two Improvement Guarantees and one Stormwater Guarantee.

777 East Park Drive, Phase I

A release of a letter of credit in the amount of \$4,581.50.

Kimco of Pennsylvania Trust

A new bond with Westchester Fire Insurance Company in the amount of \$244,389.40 with an expiration date of July 12, 2017.

Stormwater Guarantee

1527 Nittany Lane – Yingst Homes, Inc.

A release of an escrow with Lower Paxton Township in the amount of \$1,500.00.

Mr. Crissman made a motion to approve the two Improvement Guarantees and one Stormwater Guarantee. Mr. Hawk seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Announcements

Ms. Lindsey noted in light of everything that has occurred in the past week, if the residents see our police officers, she asked that they thank them for the great job that they do. Mr. Hornung agreed, noting that has made a police officer's job much more stressful than it has ever been.

Mr. Hornung noted that prior to the meeting the Board met in executive session concerning negotiations contracts with the collective bargaining Public Works and Sewer Department units and the Police Department.

Adjournment

With there being no other business, Mr. Hawk made a motion to adjourn the meeting. Mr. Seeds seconded the motion and the meeting adjourned at 7:35 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

William B. Hawk
Township Secretary