

## DAUPHIN BOROUGH

### COUNCIL SPECIAL MEETING MINUTES

July 21, 2020

Present: Dave Grbich, Council President  
Brian Cuddy, Vice President  
Jeffrey Thrush, Councilman  
Jennifer Peck, Councilwoman  
Kevin Musselman, Councilman  
George Bechtel, Councilman  
Mike McKenna, Mayor  
Cindy Long, Treasurer/Assistant Secretary  
Mike Cassidy, Solicitor  
Keith Heigel, Engineer  
Linda Durgin, Secretary/Administrator

Not Present: Don Harner, Councilman

**Meeting started at 7:00 p.m.**

#### Discussion of LDI Riverview Project

**Cassidy:** No action will be taken at tonight's meeting, there will be no public comment, this meeting is informational only. If there will be any actions taken, we will need to open for public comment.

**Heigel:** Mike Keffer is present and has been working with LDI on the Riverview project. This has been 13 years in the making. Mike will provide a summary of project.

**Mike Keffer (from Light-Heigel):** LDI began planning project in 2006 and worked with the Borough for a number of years. The first attempt for the LDI project failed. Provided history of WWTP: built in mid 90's, designed with excess capacity, WWTP has problems with I&I (inflow & infiltration). DEP involvement started due to the I&I problem and required a Corrective Action Plan to be created. Shortly after Corrective Action Plan (CAP) requirement, DEP saw LDI project as an opportunity for the Borough to obtain funds for corrective actions.

**Cuddy:** Why was the WWTP built with such large capacity? Was it due to a known I&I problem, or with the plan to add Middle Paxton Township?

**Heigel:** WWTP was designed from records of the old plant (a.k.a. primary plant). There is a difference in the flow for the sewage from the upper portion of Dauphin and the lower portion of Dauphin. Older sewer in lower Dauphin goes through two processing steps. Designing the plant to take 200,000

gallons/day would take the plant where DEP could stop requesting/requiring additional treatment from lower Dauphin sewer.

**Keffer:** The Borough was not planning on 65" of rain in 2018 which is 20" more than normal – causing the I&I situation. In March 2019, DEP flows exceeded capacity and determined the WWTP was in hydraulic overload, which led DEP to require the CAP. Light-Heigel developed a CAP that covers 10+ years of actions to take to correct the I&I problem. The CAP specifically details the first 5 years of actions and anticipated costs. DEP approved the CAP and suggested that the Borough work to add Middle Paxton Township to the sewer to help with costs associated with corrective actions.

**Cassidy:** CAP requirement is utilized by DEP when an issue is identified – not a violation, but a red flag where DEP expects a plan and implementation by a municipality. They want to see the municipality taking action to correct whatever caused the CAP over a number of years and continue to implement corrections.

**Keffer:** Can provide CAP to newer council so they can see a map of specific streets and sewer. The developer can provide detail about additional funding. This development (LDI) is part of the CAP too. Extra development will raise revenues rather than raising rates on current 400+ connections.

**Cuddy:** So the Corrective Action Plan includes LDI as part of the solution?

**Keffer:** Correct

**Cuddy:** Where does it stand?

**Cassidy:** To clarify, the CAP does not include LDI as a requirement. If Dauphin enters into arrangement with LDI, this will raise revenue to help funding issues/corrections in CAP.

**Keffer:** The lower portion of Dauphin gets pumped twice. The upper portion of Dauphin is pumped by gravity. The lower section is most costly operationally, repairs in the CAP are for the lower end of Dauphin.

**Cassidy:** To explain the relationship with LDI more; both LDI and McNaughton came to the Borough to fund and complete an I&I study to see if WWTP services could be provided to newer development in Middle Paxton Township. Borough and LDI entered into negotiations, 2011-2012 the process stalled, then more or less the Borough broke off discussions with LDI. Eventually, LDI was considering a private sewer system. DEP suggested that LDI contact the Borough to use existing plant and funding the CAP.

**Eric Clancy** (Partner of LDI): Accompanied by Leroy Kline, President of Delta Development Group and LDI Partner. Provided history of relationship with Borough and the Riverview Project:

**2006** – first discussions started to develop on 150 acre tract of land on Hagy Ln. A Federal grant was requested in the amount of \$400,000, the Borough declined to use funds.

**2008 and 2009** – LDI paid for a study to isolate processes for I&I

**2011** – Borough requested that LDI provide an undetermined amount of funds for corrections. LDI decided to look into private sewer, which would require approximately \$900,000 for permitting

**2019** – DEP suggested LDI go back to the Borough to try to enter negotiations again and if Borough refused, DEP would consider moving forward with private sewer for LDI.

Phase 1 of development provides \$160,000 in annual operating fees (revenues) for Borough. To get that yield is a 55% rate increase for current residents. There are very few planned connections within the Borough. The new construction would have low flow appliances. The average EDU is about twice as high as the EDU out of new construction.

The Borough's solution to the CAP is very heavily based on Riverview project. Riverview would gravity feed into the Borough system. LDI tried to stay away from existing I&I issues. Based on an engineer's study in 1990, the WWTP is designed to handle flow of 1,000,000 gallons every 4 years. Delta Development Group prepared a grant request for the Borough in the amount of \$1,400,000, which can be leveraged as a match on the overall project program.

\*Eric provided copies of documents and plans to Council.

**Cassidy:** Can you explain how the project is being phased in/sequenced?

**Clancy:** Final land development will include 216 garden apartments in 9 buildings on 30 of the 150 acres of land. Plan to break ground late this year.

The second piece is 40 acres of commercial office; no tenant at this point. Envisioning a grocery anchored center, but grocers are not building at the moment (again, this is not planned, it is a vision only)

There are also maybe 8 or 9 single family lots on the land.

**Peck:** What is the chance of additional developers developing and wanting to attach to the Borough's sewer plant?

**Cassidy:** The Intermunicipal Agreement with Middle Paxton Township defines where the Borough can extend sewer service.

**Keffer:** The Borough has the capacity at the WWTP for the current sewer request.

**Peck:** The revenues would be for the Sewer Fund only; however, there is a potential for increased traffic on Borough roads.

**Bechtel:** How does Middle Paxton Township feel about this process? Is there a benefit to Middle Paxton? Why wouldn't Middle Paxton try to fix current homeowners sewer/lack thereof?

**Heigel:** The primary plan is moving along on the Sewage Planning Module. Middle Paxton Intermunicipal Agreement defined and committed to areas, there would be no further reach out to water sheds or malfunctioning systems. The Borough is not obligated to go beyond the terms of the intermunicipal agreement.

**Cassidy:** That would be between DEP and Middle Paxton Township to address failing sewer systems. Early to mid 1980's Act 537 planning dealt with the treatment of sewage, and the township was able to avoid providing a public sewer system.

**Cuddy:** Was there a thought or plan to service existing homes in township if it was found that there was inadequate or failing sewer systems? Asking because I do not want to see the sewer plant turn into a larger downtown facility based on pressure to cooperate and provide.

**Cassidy:** Agreement is very clear that the Borough is under no obligation to accept/approve additional connections. DEP is not pressuring, but brought LDI as an opportunity and funding source for the I&I improvements.

**Thrush:** Do we have an idea on cost without LDI?

**Keffer:** Yes, numbers on original submission extends out 16 years for funding without LDI. DEP said that is was a long time for correction, but the CAP was created with long timeframe in order to self-fund. CAP was also submitted for H2O Grant. Identifies 7 areas of improvement, totaling \$1,449,823. The portion for LDI to connect is additional \$729,777. Grand total is \$2,179,601.

**Leroy Kline** (President, Delta Development Group/Partner, LDI): To provide information on the grants; the Federal grant for \$400,000 mentioned earlier was turned down due to additional standards costing more than the value of the grant.

Delta Development did a grant on behalf of LDI and the Borough. Grant request is approximately \$1,400,000 for the Borough with LDI providing \$700,000 as match. DCED and DEP have shown interest in advancing the grant (contacted LDI for confirmation of match). The LDI match is contingent on the progression of the LDI development. If LDI development does not progress, the \$700,000 match goes on the rate base of the sewer/residents of the Borough.

Kline was in the meeting with DEP, who was on the verge of approval for private sewer. LDI was ready to move forward with private sewer. DEP said go to Borough and try again, if that fails, then DEP will review the private sewer for Riverview.

**Peck:** So breaking ground is part of the grant match?

**Cassidy:** Yes

**Cuddy:** Can someone clarify what the approval at the 7/07 meeting was for?

**Heigel:** The Sewer Module was needed for the grant approval. The grant would have \$1.4 million coming to the Borough and a 1/3 match coming from LDI (which are the funds needed to create the connection to the sewer plant).

**Audience question:** What happens if grant is not awarded in full?

**Kline:** The project would need to be rescoped based on the awarded amount. Will need to collectively decide how to accommodate project or plans for lesser money.

**Clancy:** Configure the list to match the existing priorities.

It was noted in discussion that tap on fees would be in addition to the \$700,000 cost for LDI and have not been discussed yet.

**Audience comment** (Ron from D/MP Park Authority): The Park Authority would like to see a community center built near the baseball fields in Dauphin and they are pursuing grants for it (similar to Lower Paxton's Friendship Center). Will look into sewer connection in the future.

**Keffer:** The CAP is structured to allocate 3 connections per year. Assumes it would cover a connection by the proposed community center. Believes there would be capacity for that.

**Audience comment:** As a resident, what would be the plan if LDI is not pursued? Would there be an increase in taxes? Additional costs passed to residents?

**Grbich:** Cannot answer that question at this time. The simple answer would be that the money would have to be found somewhere; increased rates or loans

**Cuddy:** Have LDI past due amounts been satisfied?

**Clancy:** It will be taken care of

Update on Parks/Roads projects

Keith Heigel provided updates on the parks and roads projects. At the 7/07 council meeting, Keith informed council that there was dismay of the sub-contractor at the park. Keith spoke to Co-Star contractor, and the contractor let the sub-contractor go. There was a significant amount of cost incurred with the unsatisfactory work performed. The contractor put in writing that he will reimburse the Borough for two items (\$600.00 and \$816.00) totaling \$1,416.00.

**Thrush:** Do we have to use Co-Star due to grant?

**Heigel:** No, Co-Stars was selected due to the sales on the park equipment.

**Grbich:** Co-Stars is a program that supplies municipalities with equipment, etc.

**Cassidy:** Municipalities can satisfy bidding requirements by using Co-Stars because it is a cooperative purchasing program.

Farhat is working on the curbing along Allegany St and is concerned about plowing. One option provided was slant curbed delineators which would cost \$1,400.00. Light Heigel is not recommending.

Sewer Change order proposed for \$4,500.00 due to degrading sewer line. Keith recommends approval.

Plan to start August 3<sup>rd</sup> (Monday) on Erie St with milling – planning to be done that week with thee paving machine right behind that. Will work to get notice out. Paving needs to be the right temperature before driving on it. Working with the Mayor on street closures.

614 Charles Rd – there was an issue with the lateral – not in great shape. House was built in the 70s. Thought there was a root issue. Last week Church St had back ups and it was discovered that there were 3 root balls causing 90% blockage of the sewer line. Since the company (Klines) was present, they scoped Charles Rd. It was discovered that the lateral stops at the main. There was repair done in 2002 and the owner was told by the repair company to throw crystals down there and it would work. This wasn't true because the sewer is not connected to the main. Troy Toland gave Keith Heigel the video of the scoping; if it is fixable. A decision needs to be made on the paving of Charles Road.

**Grbich:** What kind of liabilities do we have with that not being connected?

**Heigel:** No liabilities, but now with knowledge, we can and should fix it.

**Cassidy:** No liability to the Borough.

**Heigel:** In February 2002 the line was initially repaired. In May 2002, a contractor supposedly identified root and cut it. In 2003 the same contractor identified root and put crystals down. Will look at video and come back with recommendation.

**Bechtel:** Person has been paying sewer bills for 18 years.

**Cassidy:** They were connected to the sewer system, it just was not a proper connection. It is the homeowner's responsibility to make sure they are connected to the main. Should have been inspected. Maybe find out who signed off on inspection.

**Heigel:** Floral Lane trench has been completed. Contractor was looking for approval of payment at 7/21 meeting. The approval will have to wait for August meeting.

**Troy Toland** (Borough employee): 302 Church St had to have lateral cleaned and scoped. The whole main was blocked with roots. Three root balls identified. The trimmer got wedged and the line had to be cut. It was approximately 250 ft. of line and the cutter head in the main. Klines told Troy it would be \$10,000+ to fix. Troy is capable of doing the work, received approval by Dave Grbich to complete.

**Grbich:** Introduced Linda Durgin to council.

**Toland:** Notified council that due to sewer work mentioned above, Church Street would be closed 7/22 and 7/23.

**Meeting adjourned at 8:37pm**

Attest:

Approved:

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Cindy Long  
Assistant Secretary

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Dave Grbich  
President, Dauphin Borough Council