MINUTES
SEWER ADVISORY BOARD (SAB) MEETING
OCTOBER 24, 2019

The regular meeting of the Upper Allen Township Sewer Advisory Board was held on October 24, 2019 in the Upper Allen Township Municipal Building, 100 Gettysburg Pike, Mechanicsburg, Cumberland County, Pennsylvania.

MEMBERS
George Bedorf, Chairman
Christopher Gleeson, Vice Chairman
Bruce Yerger, Secretary
Dave Gabel
Robert L. Haines

TOWNSHIP OFFICIALS
Rick Castranio, Commissioner (absent)
Paul M. Rigney, Commissioner
Barry A. Cupp, Sewer Dept. Manager
Kodi Hockenberry, Asst. Sewer Dept. Mgr. (absent)

GHD ENGINEERING SERVICES
Joel Kostelac, P.E.

Chairman Bedorf called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited by all. Roll Call was taken by Sewer Department Secretary, Kathy Ferrari.

APPROVAL OF MINUTES
SEPTEMBER 26, 2019

Chairman Bedorf called for approval of the minutes of September 26, 2019 meeting. Mr. Gabel made a MOTION to approve the minutes of September 26, 2019. SECONDED by Mr. Yerger. ROLL CALL: carried unanimously.

CHAIRMAN’S ANNOUNCEMENTS

There were no announcements.

CHAIRMAN’S RECOGNITION OF VISITORS

Chairman Bedorf recognized in the audience this evening, Yvonne E. and Christopher Brown, 2521 Rolo Court. The Browns are in attendance this evening to discuss the Rolo Court Mobile Home Park.
OLD BUSINESS

ROLO COURT MOBILE HOME PARK

Chairman Bedorf said that since we have visitors here to discuss the last item on tonight’s agenda, he would entertain a motion to move the Rolo Court Mobile Home Park from the final agenda item to the first agenda item for discussion. Mr. Gabel made a MOTION to move the Rolo Court Mobile Home Park from the final agenda item to the first agenda item for discussion. SECONDED by Mr. Gleeson. ROLL CALL: carried unanimously.

SPEAKERS FROM THE AUDIENCE

Yvonne E. Brown
2521 Rolo Court

Mrs. Brown said that she believes this Board had started to discuss this item at the last meeting but since those minutes have not yet been approved, she was unable to see any of that discussion. Mrs. Brown told the Board that she and her husband had been displaced from their home on April 11, 2019, when the sewer system at Rolo Court was pressurizing through their shower drain and flooded the bathroom, hallway and into the bedroom closet. She said that with the sewer contamination the home is not livable. Mrs. Brown said that Rolo Court sent a maintenance man out to stop the backup and she was told it would take forty-five minutes to an hour to address the backup. She said that the maintenance man did not actually come into the mobile home but stopped the backup from the outside. She said that the cleanout that maintenance used is on the neighboring lot and had been spurting sewage. She said according to the neighbor on whose property the cleanout is located, this has happened on more than one occasion. He told the Browns that the spurting of sewage happened on three different occasions. Mrs. Brown said that since having been displaced from their home they found out there are several others in the mobile park that have had issues with their sewer. She added that as far as they know no other residents had issues the same day they did, but they have been told there have been other incidents. She said that through this whole process they found that the open sewer pipe for the mobile home that had been across from them and since demolished is still open and all kinds of debris has fallen into the pipe. She said there is at least one other open pipe up the road from them. She said that these are the old orangeburg pipes which are outmoded by this date. She said she is hopeful something can be done to rectify this issue because others in the park are going to continue to have the same issues. Chairman Bedorf asked if the Browns own the home and rent the lot. Mrs. Brown replied that was correct. Chairman Bedorf asked if the home is still on the lot but the Browns are not able to live in the home. Mrs. Brown said that was correct. Vice Chairman Gleeson asked if the Browns filed any sort of action with the Magisterial District Justice (MDJ). Mrs. Brown said they have and at this point there was a decision made at the magisterial level, but it is still within the timeframe that it could be appealed either way. Mrs. Brown said that she believes that if you look on the MJD website you would be able to find the ruling on the action as a matter of public record. Mr. Cupp said he will go to the website to review the findings. Mr. Cupp reported that on Monday we (the Township) received a “right to know” request from an attorney in York, PA requesting
all the Townships records, emails and any other correspondence on anything that had to do with Rolo Court. The Township complied and sent all the information on file as requested. He noted that he is not sure of the reasoning behind the request; however, it is assumed that this is in connection with recent legal proceedings. Mr. Cupp said that originally, we had hoped that we could smoke test the public sewers in that area to try to identify the problem areas. Unfortunately, our Solicitor advised us that we are not permitted to enter private property to investigate without an Administrative Warrant. He explained that if someone in the park has an overflow or backup problem, homeowners can let the Township in to investigate the problem but Township personnel are not permitted to investigate anything outside the home. Mrs. Brown questioned that even with the Township laws (Code) stating that any property that is connected to your public sewer system is required to allow the Township to inspect during reasonable hours, the Township is still not permitted to go on the Rolo Court property? Mr. Cupp responded “not without the park owner’s permission”. Mr. Cupp added that as we all are aware, DEP may enter the property but cannot take any action unless the sewer is actively overflowing onto the ground surface. Mr. Cupp said that at this time we are caught between a rock and hard place. He said that we had considered inviting the owners of the mobile home park here to discuss the problems, but that we are going to wait until we find out if they have something going on (legal actions) that we are not aware of at this time. He said obviously they did the “right-to-know” request for a reason. Chairman Bedorf asked if Mr. Haines has seen any other instances at DEP like this situation. Mr. Haines responded that he was a former wastewater inspector for DEP and most of the issues they dealt with were with the public sewers. He said that if there were issues with the lateral, the responsibility fell to the homeowner. In similar cases DEP would put pressure on the municipality to put pressure on the owner. Chairman Bedorf commented that the Township is stuck because we are responsible for the environmental conditions in the sewer system and apparently, we have someone that is uncooperative in owning up to their responsibility at least ethically, technically and legally. He said that if the Township is going to be pressured by DEP by these incidents, our challenge is what we can do to stop or address this issue, noting that it is not just Rolo Court but is a system issue that could happen on any property. He said there are other properties where part of that collection system, even though it does not go to individual homes, is owned by the landowner. Mrs. Brown asked if a permit is required by the Township for sewer repair work and is there a way to track whether permits have been issued for the repairs in the park? Mr. Cupp said permits are required. Mrs. Brown asked if permits were not pulled what actions could be taken by the Township? Mr. Cupp replied that he believes they could be cited for not acquiring a permit. He said he knows repairs have been done in the park but to his best recollection Rolo Court has never applied for a sewer repair permit. He said we will be keeping a close eye on this in the future, this being one course of action we can take now. Mr. Cupp said that our Township Solicitor did tell us that we could get an Administrative Search Warrant that would allow us to enter private property but mentioned that the MDJ for our jurisdiction is reluctant to issue these warrants based on our past experience. Mrs. Brown said that one thing she does not recall seeing when she was researching the legislative things, concerned what is permitted or not permitted for homeowners and developers. She understands that if this were a newer sewer system being in a development, the developer would be responsible to set it up (design and construction) and have the system inspected by the Township and then turn it over to the Township, which is not the case with the older systems. She questioned whether
the system repairs work requires a specific type of certification such as a plumber’s license? Mr. Cupp replied “no” but the work must comply with our specifications and be inspected and tested by the Township. Commissioner Rigney asked if Mr. Cupp would consider the construction of the sewer line in Rolo Court now to be considered substandard based upon newer standards. Mr. Cupp replied it would have to be because the Rolo Court system was constructed prior to Upper Allen Township being sewered. He said he believes there are very few cleanouts and likely clay and Orangeburg pipe, which is a substandard pipe material and susceptible to roots and leakage. Commissioner Rigney asked if they could video tape what goes on outside their premise and hand it to the Township. Mr. Cupp said that a while back he sent a letter to Rolo Court recommending a course of action they could take to investigate their system and they basically refused to do and said anytime there are issues they address them. Commissioner Rigney said he meant could the individual homeowner video tape and would it be admissible to use against the owner of the park? Mr. Cupp responded he did not know how that would work. He said that he is not even sure if the homeowner could have someone come in to televise the line, noting that the park owners would probably not allow the televising. He said before approaching the mobile park owners about the issues being discussed, we want to make sure there are no legal issues that we are unaware of at this time. Mr. Cupp said the issue remains in a holding pattern. Chairman Bedorf commented that if there is a property in the Township in need of major repairs, the Township will declare it unfit for habitation, with a notice being placed on the door. He said while the mobile park issue is an isolated case, perhaps the whole park should be deemed unfit for habitation. He added that deeming the park unfit for habitation would not solve the sewer issue and perhaps create a different issue for many residents as far as relocating. Mrs. Brown said she appreciates the Board’s concern for the safety and displacement of the 160 mobile home park residents and their families. Chairman Bedorf said that the Board does not wish to create more issues for mobile park residences but appreciates Mrs. Brown coming forward and speaking on the record. He said he would like to see more residences of the park come forth and do the same to help in addressing/correcting this issue. Chairman Bedorf said that there is always a risk of the park owners shutting down the park but if they would choose to take this route, they would be required to replace the system to code before they could reopen the park. Vice Chairman Glesson said that if the Solicitor said that the MDJ Martin is usually reticent to issue an Administrative Search Warrant, more residents of the park with the same issues stepping forward may help to obtain the warrant. Mr. Cupp stated that we will keep the Browns posted on any new developments.

Russel Blust
2536 Rolo Court

Mr. Blust commented that next week he hopes to have a court order that will allow him to camera the sewer line at his property. Mr. Blust said that the biggest issue here is that it is against the law to knowingly disperse sewerage and have the system they have in Rolo Court Mobile Home Park. He said that the park owner’s open the system with a jet, and it is Orangeburg pipe which could be blown apart by using the jet. He stated that he has massive pictures of repairs. He said he will file a “right to know” to have his questions answered unless they can be addressed this evening. He asked if permits are required to do repairs. Mr. Cupp replied that we did discuss that earlier before Mr. Blust arrived. Mr. Cupp stated

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that any repairs made to building sewers or laterals or any sewer that discharges into the public sewer requires a permit. He said as previously stated, the Township is not aware of any permits for sewer repairs being issued to Rolo Court. Mr. Blust said that he would give Mr. Cupp the footage from his repairs. He added that there were eight repairs made to his sewer line, and he can give a rough idea of when they were done, show the standpipe and distance in between. He asked if the Township has a master plumbing license requirement for sewer repairs. Mr. Cupp responded “no”; if the repair complies with our specifications and we inspect and test, that is all the Township requires. Mr. Cupp said that to the best of his knowledge the mobile park has never applied for a sewer repair permit. Discussion ensued regarding the current case before the MDJ Martin. Mr. Blust said that on February 22nd, Rolo Court maintenance said they opened his line. He said that they left the cap open and the sewer spewed all over from February 22nd until June 18th of this year when he became aware of the problem because of a high water bills he received from their “makeshift” water system. He provided the Board with photos of the actual current system and repairs. He also mentioned an energy audit and some environmental testing done by Cumberland County which indicated that there were mold and fungus spores all over the undercarriage of the mobile home. Mr. Blust also stated that he is a landlord and is in landlord/tenant court all the time, noting that tenants always have the right to escrow rent but not in MDJ Martin’s office. He said that since he escrowed the rent he is currently in the appeals process. He stated that there are many violations to the Mobile Home Protection Act in the Rolo Court Mobile Home Park. Mr. Blust said that he has filed a criminal complaint with the Attorney General’s Office. He said that the Brown's were fortunate enough to get a settlement but was surprised to learn that MDJ Martin would award money only if the tenant agreed to give up the title to the mobile home. Vice Chairman Gleeson asked if Mr. Blust had considered bypassing MDJ Martin. Mr. Blust said he went before MDJ Martin and lost. He said losing at this level allowed him quicker access to higher courts. He said that currently his mobile home damage is around $20,000 and he is going to file to have the home relocated to a safer location where there is an adequate sewer system. Discussion turned back to the Orangeburg pipe size, cold and hot water flows and number of trailers connected to one line. Vice Chairman Gleeson asked when a repair is being done can Mr. Blust tell what type of pipe is being installed. Mr. Blust replied that one of his neighbors is supposed to send him photos of the open line during repair work and after the repair. He said he keeps asking him to send him the photos but believes like other residents in the park they are afraid to be bullied by the park owners. Mr. Blust added that he has done inspections and evaluations of mobile home parks. He said that people in Rolo Court are not normal tenants but have a financial investment in the park (own their homes). Mr. Blust asked if Mr. Cupp would be allowed to testify in court. Mr. Cupp responded that according to the Township Solicitor, only if he is subpoenaed. Mr. Blust said he is currently working with MidPenn Legal Services, Attorney Jillian M. Copeland. Mr. Blust stated that as Mr. Cupp and this Board know, it is illegal to knowingly deposit sewerage onto the ground whether it is under a mobile home or not. Mr. Cupp stated that it is a violation of the Clean Streams Law. Discussion turned to the age of the system, installation, and hazardous chemical being washed into the sewer system. Mr. Blust said he hopes with all the documented incidents/violations and number of agencies such as DEP and the Attorney General’s offices now involved that something can be done to address and resolve the issue. Mr. Blust asked if there is a way, he could get a letter of confirmation from Mr. Cupp stating that Rolo Court
Chairman Bedorf asked Mr. Cupp if we have a known situation of sewer repair work being done without permits and not to code what additional leverage does this give to the Township. Mr. Cupp said that even though the gentlemen this evening said that repairs were made in the past at the park, the Township does not have any documented proof. He said going forward he believes we would have some leverage but not for past issues. Chairman Bedorf questioned what would happen if he replaced his sewer line and added a shed in the back that ran into the sewer and did not tell the Township about it, but the Township found out later? It is his understanding that the Township can take action. He said that he always thought that if you failed to get a permit it is fair game for the inspector to require immediate corrections. Discussion ensued. Chairman Bedorf said he does not want to drag this into a court case, but we do need to look at how these issues are going to be handled going forward so it does not happen again. He said he sees it as a systemic catch 22. He asked if our ordinance allows us to do inspections in such reported incidents as being addressed tonight. Mr. Cupp said our ordinance already allows such inspections. Chairman Bedorf questioned then why are we not conducting the inspection? Mr. Cupp responded that our Solicitor said we cannot do the inspections on private property without the owner’s authorization. Mr. Cupp said that the ordinance states that if we have reason to believe there is a problem, we can investigate it and require the owner to repair it and if he does not comply within 60 days, we have the authority to go in make the repair and charge the owner. Vice Chairman Gleeson stated that an Administrative Search Warrant would allow the Township to enter the property and do the inspection. He asked if there is any sort of violation that the Township could issue since there are photos from residents of before, during and after this repair occurred and no repair permit was issued by the Township. Mr. Cupp said going forward yes but not in the past. He explained that we (the Township) do not have our own documentation or proof of repairs being done on file. Chairman Bedorf said we do have residents that have witnessed the overflows and repairs and they do have photos. Mr. Haines questioned how the Township would ever witness any repairs being done without permits unless they drove through the park daily. Vice Chairman Gleeson said that the only evidence of permits not being pulled and repairs being performed is residents of the park taking the pictures. Mr. Bedorf asked if it is a gated community with no entry signs. Mr. Cupp responded that No Trespassing signs are posted. Discussion ensued regarding comparison of illegal sump pump inspections and access to private property and legal action procedures. Commissioner Rigney stated that the Rolo Court issue is very serious and affects the safety and welfare of residents of this Township and there must be an avenue on which we can proceed to give them some relief. Discussion ensued regarding ordinance modification, stronger enforcement, the number of residents and units (160) in the mobile home park, current number of abandoned properties and ordinances that address these violations, and discharge and surface water runoff relating to stormwater violations. Chairman Bedorf commented that part of what residents pay for with the sewer/stormwater utility bill is to have a safe environment. Chairman Bedorf said he agrees with Commissioner Rigney that something
needs to be done to help these residents. Vice President Gleeson asked if Commissioner Rigney knew of any other discussion by the Board of Commissioners about Rolo Court. Commissioner Rigney said that in his fourteen years serving on the Board the only thing he recalls is a few comments from the police. Mr. Haines asked: If the Township is not enforcing its ordinances does it open the Township up to any third-party lawsuit? Mr. Kostelac commented that he is no attorney but believes this is a public health issue and even though it is private property and the Township has the duty to some extent to protect the residents of Upper Allen Township. He added that the Township may be open to become part of some type of litigation. Mr. Cupp suggested the issue be put on the Public Improvement agenda. Commissioner Rigney said he would like it to be put on the Board of Commissioners agenda because it is more of a legal issue verses improvement. Chairman Bedorf commented that currently we have an OLSDS Program in place that requires property owners to have their septic system pumped every three years, he suggested that going forward the Township should look at requiring multiple dwelling private systems to have periodic inspections of their sewer lines. Discussion ensued. Consensus of the Sewer Advisory Board is that the issue should to be turned over to the Board of Commissioners for further review and action.

Vice Chairman Gleeson made a MOTION that the Sewer Advisory Board recommend that the Board of Commissioners expend Township resources to investigate and rectify health hazards at Rolo Court Mobile Home Park due to sewer overflows and backups. SECONDED by Mr. Gabel. ROLL CALL: carried unanimously.

**ALLENDALE INTERCEPTOR/LEGACY PARK PROJECT STATUS**

Mr. Cupp reported that the Township received a signed agreement and bid form from Landmark Homes who will be constructing the next segment of the Allendale Interceptor through Legacy Park. He said we (Township) received a copy of their NPDES permit which covers our work. He said there is a weekly site inspection report that we will be completing to comply with the permit. E.K. Services, the low bidder, plans to start construction the week of October 28\(^{th}\). As requested by the contractor, we will be providing information regarding the drainage area where amended soils were installed to comply with E & S requirements. All the manholes have been delivered. Mr. Cupp mentioned that tentatively we budgeted to complete this project next year pending approval from the Board of Commissioners. He reviewed the final completion portions with the Board.

**GHD INTERCEPTOR/TRUNK SEWER FLOW MODELING**

Mr. Cupp said there are no new reports on this item. Additional information will be provided to GHD within the next month.
2019 CAPITAL IMPROVEMENTS AT GRANTHAM WWTP

Mr. Cupp reported that the Notice of Intent to Award was sent to Shiloh Paving last week. Mr. Kostelac reported that GHD received the bonds and insurances today. Following review/approval of the documents the Notice of Award will be sent. Mr. Cupp said that a representative from Shiloh Paving was on site yesterday. A pre-construction meeting will be scheduled soon noting that we would like to get the work started as soon as possible. Commissioner Rigney commented that there was a discussion by the Board of Commissioners on the amount included in the bid of $4,500 to remove graffiti from the concrete at the plant. He asked if Mr. Kostelac had investigated a paint that would eliminate graffiti. Mr. Kostelac said that Sherwin-Williams makes a paint that can be applied to the concrete for easier cleanup and removal. Discussion ensued to eliminate the $4,500 graffiti removal charged from the contract. Mr. Cupp added that we recently purchased a security camera for the area that can zoom in on a person’s face. We also plan to purchase a sign stating that the plant is under video surveillance which will hopefully deter further vandalism.

Commissioner Rigney asked if we have Mechanicsburg Borough residents on our sewer system. Mr. Cupp responded thirteen. Commissioner Rigney questioned why the Legacy Park residents could not be put on our system. Mr. Cupp explained that the thirteen properties are part of the system by means of an inter-municipal agreement that was created in 1977 between Upper Allen and the Mechanicsburg Borough. The agreement includes the exchange of twenty-five connections. Commissioner Rigney asked why the same type agreement was not considered for Legacy Park. Mr. Cupp explained that we were approached several years ago regarding additional connections, but Lower Allen did not have the capacity (nutrient loading) and was not interested in an agreement.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

With no further business to discuss, Chairman Bedorf adjourned the meeting 8:14 p.m.

NEXT MEETING IS SCHEDULED FOR NOVEMBER 21, 2019 AT 7:00 P.M.