

LOWER PAXTON TOWNSHIP

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December 21, 2011

Eric Epstein
4100 Hillsdale Road
Harrisburg, PA 17112

Dear Mr. Epstein:

I am providing this letter in response to your correspondence of October 25, 2011 and of December 12, 2011. Your letters questioned the reimbursement provided to Mr. Richard Pleasants by the Lower Paxton Township Authority for installation of a building sewer at 4101 McIntosh Road.

First, in your October 25th correspondence you stated that: "This is apparently the first time that LPT has reimbursed a property owner for sewer addition work that he completed on his own." However, in my response to your Right-To-Know Law request of September 21, 2011, I provided the following:

"Although there are no recent examples of reimbursements similar to that provided to Mr. Pleasants, the initial format for building sewer replacement in accordance with the LPTA's sanitary sewer rehabilitation program provided for such reimbursement to property owners. Attached are copies of LPTA Resolutions 96-04 and 97-01 which authorize payments to property owners for replacement of their building sewer. Given that payments to property owners under these two resolutions were made up to 15 years, the Township no longer has record of such reimbursements."

Second, in your October 25th correspondence you stated that: "A question clearly exists as to whether Mr. Pleasants was given preferential treatment..." It is the Authority's position that Mr. Pleasants has been, in fact, treated similarly to all property owners in the PC-1A sanitary sewer mini-basin project. In short, all property owners with identified defective building sewers received new facilities paid for by the Authority. In the case of Mr. Pleasants, the reimbursement provided was equivalent to the Authority's contractor unit prices to perform the installation of building sewers.

Third, in your October 25th correspondence you stated that: "...the record indicates that the LPT Supervisors may have not formally given Mr. Pleasants that option (to replace his building sewer and receive reimbursement) at a previous meeting." You attach to this letter minutes from the February 22, 2011 meeting of the Authority in support of this statement. In response to your 3rd issue, the Authority's February 22nd minutes outline the discussion that occurred between the public body and Mr. Pleasants. No decision was made by the Authority regarding the request of Mr. Pleasants and, as such, no option was approved or denied.

Fourth, in your October 25th correspondence you stated that:

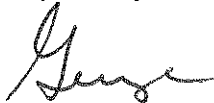
- (a) "Mr. Pleasants failed to notify the Township or its contractor that construction would disturb hazardous waste products...." In response, I concur; Mr. Pleasants did not provide the Township notice of on-site soil contamination.
- (b) "The property has not been cleaned up to residential standards..." In response, it is the Township's understanding from discussions with PA DEP that 4101 McIntosh Road has not been cleaned to residential standards as so classified by the PA DEP.

Fifth, in your October 25th correspondence you state that: "It appears Mr. Pleasants was afforded preferential treatment which establishes a precedent and exposes the Township to economic damages if other residents' exploit this loophole." In response, The Authority treated Mr. Pleasants equally to other property owners in the PC-1A sanitary sewer mini-basin – he received the replacement of a defective building sewer in accordance with the costs paid to a contractor under a publically bid project.

Finally, in regard to economic damages, the end result in all possible situations is that the Authority pays for the replacement of a defective building sewer. This is exactly what is occurring in the many sanitary sewer mini-basin projects that have been, are now, and will continue under the direction of the Lower Paxton Township Authority.

If you have additional information needs, please do not hesitate to contact me.

Respectfully,



George Wolfe
Township and Authority Manager

Cc: Lower Paxton Township Authority
Steve Stine, LPTA Solicitor
William Weaver, Sewer Department Director