

MINUTES

NON-LEGISLATIVE MEETING

APRIL 4, 2012

The Non-Legislative Meeting of the Lower Swatara Township Board of Commissioners, held at the Lower Swatara Township Municipal Building, was called to order at 7:00 P.M. by President Frank Linn, Sr.

Roll call was taken with the following officials in attendance:

- Frank Linn, Sr., President
- William L. Leonard, Vice President
- Michael J. Davies, Secretary
- Jon G. Wilt, Commissioner
- Harry N. Krot, Manager
- Peter R. Henninger, Solicitor
- Richard T. Wiley, Police Chief
- Steven W. Anderson, Public Works Director
- Jean R. Arroyo, Recording Secretary

Excused:

- Thomas L. Mehaffie III, Commissioner
- HRG, Township Engineer

Residents and visitors in attendance:

- Chris DeHart (Lower Swatara Fire Dept.)
- Paul Navarro (Navarro & Wright)
- Mark Will (Fulling Road LLC)
- Mike Williams, Peg Stoops, Tom Williams (Bryn Gweled Subdivision)
- Ron Burkholder (Old Reliance Farms Subdivision)

PUBLIC COMMENT: None

RESIDENTIAL RETIREMENT COMMUNITY UPDATE:

Paul Navarro, Navarro & Wright Consulting Engineers, and Mark Will, Fulling Road LLC, updated the Board on plans for the residential retirement community. Mr. Navarro reported that erosion and sedimentation control approval was received by the County on the sewer portion of the project on Lumber Street, so the permit can now be submitted to DEP for water quality management. This will require action by the Municipal Authority. Mr. Navarro explained that he hopes to have this ready by the next Authority meeting. Mr. Navarro also updated the Board on the revisions to the PA DOT Highway Occupancy Permit for this plan, which will add a third driveway to that stretch. The original permit required paving to the center line of that road. Since the road has since been paved, it doesn't make sense to tear it up. Mr. Navarro stated that the HOP will be submitted to Penn DOT for its approval.

Mr. Navarro then updated the Board on the sewer issue. Kent Patterson, Attorney for Highspire Borough Authority, has indicated that he is still working on the easements necessary for this project. Mr. Navarro stated that any assistance the Township can lend to get this moving forward would be appreciated. He added that he did provide Attorney Patterson with the legal descriptions. Solicitor Henninger stated that he will be speaking with Attorney Patterson on another matter, and will address this issue with him.

Mr. Navarro also informed the Board that he has not been successful in finding much in the way of grant money for the sewer portion of this project. He has discovered that private developers cannot apply for the casino grant. Lower Swatara Township, Highspire Borough, or both municipalities together could, however, agree to sponsor the grant. He asked the Board whether it would be receptive to this idea. Solicitor Henninger stated that Highspire actually owns the lines, so it might make sense to approach the Borough first. He agreed that there could be the possibility of a joint application, but stated that Mr. Navarro would need to speak to both the Lower Swatara and Highspire Municipal Authorities to see if they would be willing to sponsor a grant. President Linn stated that he personally has a problem with sponsoring a grant for the benefit of a private entity. Mr. Navarro explained that the line was actually undersized before this project became involved. President Linn stated that he is also frustrated that the developer is dragging his feet on the project. Mr. Navarro responded that it is a very tough market. Vice President Leonard stated that the Board is not in a position to give input tonight, since Commissioner Mehaffie is not present. He suggested

the request be put in writing and submitted to the Board so that all five Commissioners can review it and provide input. Solicitor Henninger suggested that an estimated dollar amount also be included in this letter. Mr. Navarro agreed to provide a letter to Mr. Krot.

Mark Will, Fulling Road LLC, stated that would like to discuss with the Board the possibility of eliminating the age-restricted designation of the residential component of the project and converting it to an age-targeted community. Lower Swatara Township Ordinance 493 allows the Residential-Retirement as a Special Exception in the Commercial-Neighborhood District. It outlines that 80% of the units in each phase must be occupied by someone 55 or over. Mr. Will explained that the market has evolved since starting this project. Due to this, he would propose an amendment to the ordinance which would eliminate the age restriction and utilize age targeting. This would not significantly change the design of the development, but rather change the age group that can occupy these units in order to make them more marketable. The overall impact of the change would include the elimination of some of the amenities, saving money for the developer and for the residents who occupy these units. By age targeting, some of the standards in an age restricted community would be relaxed; many features would be optional rather than standard. Mr. Will stated that the municipalities are always concerned about how developments will impact the school system. Studies show that this type of development is not attractive to families, but to older individuals or younger couples without kids. Mr. Will explained that when the type of buyer is limited, it gets tougher to market these homes. He added that there is a potential buyer interested in the property. However, it was discovered that bank financing for age restricted communities is extremely difficult in today's economy. If this proposed change can be made, there are lenders stating that they would be interested.

Solicitor Henninger explained that this change would require an amendment to the zoning ordinance, since the ordinance is very specific about the age requirement. The amendment would have to go through the Township Planning Commission and the County Planning Commission. A Public Hearing would then need to be held on the amendment, and it would ultimately go before the Board of Commissioners for final consideration. Mr. Will stated that he doesn't feel it will be insurmountable to make the change. President Linn stated that he had warned the developer five years ago that this project would be hard to market due to the income levels of the senior citizens versus the cost of living in this project. He also cautioned that he doesn't want to see this become a low budget project.

Mr. Will again explained that there will be no change in the footprint of the project. The problem is that without financing from the banks, 90% of builders don't have the ability to construct homes.

Commissioner Davies asked if this change would require that the Special Exception component be revisited. Solicitor Henninger confirmed that it would. Solicitor Henninger questioned the position that the Dauphin County Planning Commission will take on this if the age restriction component is removed. It may then look upon this as multi-family housing. A residential retirement use was initially supported since there was found to be a need for this type of age restricted housing in the Township. Without the age requirement, this would no longer be the case. He reminded the Board that there is a minimum of 25% of the project which must be commercial in the Commercial-Neighborhood designation. Technically, the whole tract could be developed commercially.

In response to a question from Commissioner Davies, Mr. Will stated that there are no provisions in the current ordinance which would prohibit this from being rental properties.

Vice President Leonard suggested that he would also like to see this particular request be put in writing and submitted to the Board for input. Solicitor Henninger added that it would be helpful if the developer could redline the proposed changes in the ordinance and submit this to the Board so it can see exactly what changes are being requested. He suggested that it may also be beneficial for the developer to speak to the County Planning Commission to get a feel on whether it is even realistic to pursue this change/process.

Mr. Krot noted there are several items which require formal action tonight and suggested the Board address these now.

A motion was made by Vice President Leonard, seconded by Commissioner Wilt, to approve payment of Estimate No. 20, in the amount of \$1,006.50, to Navarro & Wright Consulting Engineers for construction phase services related to the Meade Avenue Project. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Wilt, to approve the request by Navarro & Wright Consulting Engineers for the transfer of \$2,500 from the expense budget to the labor budget for construction phase services related to the Meade Avenue Project. The motion was unanimously approved.

A motion was made by Commissioner Wilt, seconded by Commissioner Leonard, to accept the resignation of Randall Breon from the Civil Service Commission effective March 28, 2012. The motion was unanimously approved.

A motion was made by President Linn, seconded by Vice President Leonard, to appoint Tom Shank to fill the unexpired term of office on the Civil Service Commission as a result of the resignation of Randall Breon (term will expire 12/31/2016). President Linn asked if there were any other nominees for this position. There were no other names offered, and the motion was unanimously approved.

Mr. Krot stated that the Board had previously been provided with a letter from BW Partnership requesting that its plan, the Final Subdivision Plan for Bryn Gweled East, be withdrawn. However, BW Partnership is here this evening to modify this request. Rather than request a withdraw, it is seeking a time extension on this plan. Mike Williams explained that he had provided Mr. Krot with a request for a 90-day time extension on this plan. He asked, however, if the Board would be willing to grant a one-year extension. Commissioner Wilt made a motion to grant the one-year time extension, given the economic circumstances in today's market. The motion was seconded by Commissioner Davies. Vice President Leonard asked if the Board should be concerned about setting a precedent by granting a one-year time extension. Solicitor Henninger stated that the 90-day time extensions are granted by the Board as a way to keep the plan process moving. Mr. Burkholder's plan (Section 18-B, Old Reliance Farms) was given a one-year extension due to the wetland issue and the fact that the Township was well aware that it would take that long to hear back from the Army Corp of Engineers on this issue. Solicitor Henninger explained that he feels a one-year extension on this plan is also justifiable, due to the poor economy and the fact that this plan ties in with the Residential Retirement Community Plan as far as sewer, and can't move without that being resolved anyway. The motion to grant the one-year time extension was unanimously approved. Mr. Williams added that the sewer for this project will cost \$350,000. This is a big hit to the developers. He reiterated Mr. Navarro's comments that any help the Township can provide, such as sponsoring a grant, would be greatly appreciated.

POLICE DEPARTMENT REPORT:

Richard Wiley, Police Chief, provided call statistics for the month of March: 14 Part I Crimes, 49 Part II Crimes, 734 service calls, 49 total cases, 23 arrests, 18 suspects, 44 victims, 7 DUI arrests, 65 traffic citations, 5 non-traffic citations, 45 warnings and 110 vehicle investigations. He also reported the following statistics year-to-date: 39 Part I Crimes, 146 Part II Crimes, 1993 service calls, 128 total cases, 59 arrests, 29 suspects, 109 victims, 11 DUI's, 232 traffic citations, 22 non-traffic citations, 138 warnings and 370 vehicle investigations.

Chief Wiley reported that there was recently a K-9 search for narcotics in the Middletown Area High School parking lot; there was a hit on one vehicle, and an arrest was made. The Department is also working on crime mapping of areas where it gets the most complaints and accidents. These areas are being targeted for traffic enforcement and visibility of officers. The Police Department is also focusing on conflict resolution in the schools. There are lots of arguments between students in school, and the intent is to not make an arrest but rather resolve these conflicts through dialogue between students, parents and school officials.

Vice President Leonard stated that he had attended the recent award ceremonies of the American Legion; Dick Brandt was honored as Officer of the Year, and five Fire Department volunteers shared the honor of Firefighter of the Year. He thanked the Legion for this nice event and for honoring these individuals. Chief Wiley agreed that the American Legion is very good to the Police Department.

PUBLIC WORKS DEPARTMENT REPORT:

Steve Anderson, Public Works Director, reported that due to the mild weather, mowing has already begun. The Greenwood Circle project is 99% complete; the only item left to address is road repair around the inlet. The Shopes Garden paving project continues, with the Municipal Authority grinding and adjusting the seven remaining sewer manholes for the paving project.

Mr. Anderson informed the Board that the Township has had an issue for years with the roadway sinking in front of 15 James Street. After televising the lateral, it was found that the lateral sinks in the road. The lateral is the responsibility of the homeowner. However, the Township will be paving this road, and with more material and compaction, it runs the risk of breaking the lateral. With the road being opened up, the Township would have the ability to go down and replace a section of that lateral from the main sewer line so that portion doesn't sink anymore. From that

point to the house would still be the homeowner's responsibility. Solicitor Henninger stated that he doesn't feel this would set an unfair precedent, since this is a unique circumstance and the integrity of the road would be jeopardized by not taking care of it right now. He stated it just makes sense for the Township to go ahead and address this. President Linn stated that on the advice of Solicitor Henninger and Mr. Anderson, he would ask that the Board authorize this repair. Solicitor Henninger added that the Municipal Authority may have the ability to cover this additional expense in its budget. Mr. Anderson also addressed the need for shoring. This is an unbudgeted expense, but perhaps can be shared by both the Township and Authority, since both will utilize it. President Linn agreed that the safety of the employees is the most important thing, and suggested Mr. Anderson pursue pricing on this item and work with Mr. Krot on it.

Mr. Anderson reported that the Department has received its 12,000 lb. utility truck and is putting it to work. The salt spreaders have been removed and prepared for storage. The Department recently delivered nine cubic yards of tan bark to the Fire Station. It also assisted ORSA (Olmsted Regional Soccer Association) twice in moving the soccer goals and may need to do it one more time. The Department has been focusing most of its time this month on the parks and ball fields.

Work includes the following:

- Little Hollywood Park
 - Painted the concession stand
 - Pressure washed, stained and sealed the wood surfaces
 - Repaired the roof of the garage, concession stand and dugouts
 - Groomed and sprayed weed control on the 4 ball fields
 - Installed Certified Playground Mulch in both play areas
 - Installed Batting Nets
 - Mowed and trimmed
- Rosedale Park (Market St)
 - Removed old playground equipment
 - Graded and laid out new playground area
 - Mowed and Trimmed
- Greenwood Hills Park
 - Installed Certified Playground Mulch
 - Mowed and trimmed
- Woodridge Park
 - Installed Certified Playground Mulch
 - Groomed and sprayed weed control on the ball field
 - Mowed and trimmed
 - Installed Batting Nets
- Greenfield Park (Soccer complex)
 - Installed Certified Playground Mulch

- Mowed and trimmed
- Shope's Park
 - Groomed and sprayed weed control on the ball field
 - Mowed and trimmed
 - Installed Batting Nets
- Georgetown Park, Old Reliance Park
 - Mowed and Trimmed

Mr. Anderson noted that due to the Easter holiday, the dumpster will be open for Township residents on Saturday, April 14, from 8:00 A.M. to noon.

Commissioner Davies referenced a storm sewer basin which has been dug up for awhile in the Greenwood Hills development. Mr. Anderson agreed that he is aware of this pipe, which is located on Colony Drive, and stated that it will be repaired this spring. He suggested the Township may want to consider requiring any new developments to use PVC pipe since it lasts longer.

President Linn expressed concern with the ballast placed at the corner on Route 441 and Longview Drive, and stated that a truck kicked it out and almost hit his vehicle. Mr. Anderson stated there are other options, such as putting macadam or binder in there. He was directed to discuss this with Mr. Krot.

FIRE DEPARTMENT REPORT:

Chief DeHart reported that calls for March totaled 38. The new engine is in, and will be put in service at the end of May. The Fire Department is teaming up with Scotts Lawn Service; any new customer that signs up and mentions the Fire Department will result in a \$10.00 donation being made to the Fire Department. In addition, Scotts is treating the Fire Department's lawn for free. The Biker Breakfast series starts on April 22. A turkey dinner is scheduled for April 15. The Department is also selling t-shirts for \$12.00. Chief DeHart reported that the specs for the Rescue were sent to two vendors; the goal is to turn this over to Mr. Krot by mid-May. The Fire Department is working on ways to come up with the difference between the casino grant and the actual cost of the new Rescue; this could be as much as \$150,000. The 2011 state grant was received and will be used to reduce debt and pay off the Seagrave engine. Application has been made for a FEMA grant to replace an air compressor, computers systems for the apparatus, etc. The Department has not been rejected yet, so it is still in the running. Chief DeHart noted that the Fire Department's old air compressor is beyond repair and is now out of service. Cost to replace it is \$22,000. He also reminded the Board that next year, the Fire Department will need to start

replacing all of its SCBA's. Cost is about \$5,500 each. The Department will need 28 of these, at a total cost of about \$156,000.

MANAGER'S REPORT:

Mr. Krot stated that he was absent from last month's workshop meeting in order to attend the PELRAS conference on a scholarship from Penn Prime; there was no cost to the Township. The conference was held in State College, and centered around labor law, personnel, management, etc. Mr. Krot noted that it was informative and worthwhile. He also informed the Board that he and Brenda Wick, Township Planning & Zoning Director, will start interviewing candidates next week for the Administrative Assistant for the Code Department.

Mr. Krot requested the Board convene in executive session immediately upon conclusion of this evening's meeting in order to discuss personnel matters.

FINAL COMMENTS:

Commissioner Wilt referenced Mr. Knoche's EMA report, specifically as it pertains to the flood grant recalculations, and asked if the other Board members had received this information. The Board verified that they had.

Vice President Leonard reported that he had attended the first round of the police arbitration. He also attended a meeting with Sheetz regarding its future plans to locate to the Township. Vice President Leonard thanked Chief DeHart and the Fire Department for the great job putting the specs together and getting the new engine here.

Solicitor Henninger referenced a memo he had provided the Board regarding the purchasing power of the Manager. As a result of Mr. Krot's attendance at PELRAS, a question came up regarding his purchasing power under Ordinance. Rather than amending the ordinance, Solicitor Henninger suggested the Board simply adopt a policy pertinent to the Manager's authority regarding the purchase of non-bid, required items that have been budgeted. This will be placed on the agenda of the April legislative meeting.

President Linn reminded the department heads to provide articles/photos for Ms. Arroyo for inclusion in the spring/summer newsletter.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Vice President Leonard, seconded by Commissioner Davies, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:20 P.M.

ATTEST:

Harry N. Krot, Jr.
Township Manager