

## MINUTES

### NON-LEGISLATIVE MEETING

AUGUST 3, 2011

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
- Robert L. Loych, Commissioner
- Thomas L. Mehaffie III, Commissioner
- Ronald J. Paul, Manager
- Peter R. Henninger, Solicitor
- Charles Smith, HRG, Engineer
- Richard T. Wiley, Police Chief
- Steve Anderson, Public Works Director
- Jean R. Arroyo, Recording Secretary

Absent:

- Thomas R. Clark, Commissioner

Residents and visitors in attendance:

- Chris DeHart (LST Fire Dept.)
- Timothy Przybylowski (Century Engineering for FedEx Freight, Inc.)
- Jon Wilt (1257 Longview Drive)
- Matt Genesio & Tim Sipe (KGH Properties)
- Mike Williams (Bryn Gweled Subdivision)
- Phyllis Zimmerman (Patriot-News)
- Roger Erickson (235 Shady Lane)
- Jim Lewis (Press & Journal)

President Linn opened the floor for public comment.

PUBLIC COMMENT: None

Hearing no comments from the visitors, President Linn reminded the public that the Board's workshop meetings have been advertised to allow for formal vote on items, when necessary. Several items require action tonight. He asked that the Board consider these items at this time.

Mr. Paul first addressed the Preliminary and Final Land Development of FedEx Freight, Inc., located at 2030 North Union Street, prepared by Century Engineering and submitted by FedEx Freight, Inc. The plan was recommended for approval by the Planning Commission on June 23, 2011 with stipulations. The plan is due to expire on September 22, 2011. He explained that all corrections to the plan have been made and the improvement guarantees and monies to go towards the improvement of the traffic signal have been posted. The only outstanding issues are concurrence from the Conservation District and DEP on the NPDES permit and the planning module, which is actually simply a waiver of the planning module. The staff is, therefore, recommending a conditional approval on this plan. Prior to taking action on this plan, Mr. Paul suggested the Board act on the Operation and Maintenance Agreement, Stormwater Management Best Management Practices, for said plan. A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the Operation and Maintenance Agreement, Stormwater Management Best Management Practices, for the Final Land Development of FedEx Freight, Inc. The motion was unanimously approved. A motion was then made by Commissioner Mehaffie, seconded by Vice President Leonard, to grant a conditional approved on the Final Land Development Plan of FedEx Freight, Inc., based on concurrence from the Conservation District on the NPDES permit and concurrence from DEP on the planning module. The motion was unanimously approved.

The Board next addressed the Final Subdivision and Land Development for Campus Heights Village, located north of S.R. 0230 (West Main Street) immediately adjacent to the west side of Wood Street, prepared by Forino Company, L.P. and submitted by KGH Properties, L.P. The plan was recommended for approval by the Planning Commission on June 23, 2011 with stipulations. A 90-day time extension was granted by the Board on July 20, 2011. The plan is due to expire on October 24, 2011. Mr. Paul stated that the staff is also recommending a conditional

approval on this plan with the condition that the actual letters of credit are received by the Township, including the posting of recreation fees. The other main condition is that the Lawrence Street Construction Plan must be approved and improvement guarantees posted; this plan is scheduled to appear on the Board's August 17 agenda. Before taking action on the plan tonight, Mr. Paul suggested the Board act on the Developers' Agreement which is associated with this plan. A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to approve the Developers' Agreement by KGH Properties, LP and Lawrence Street Partners, LP and Lower Swatara Township pertinent to the Relocation of Lawrence Street. The motion was unanimously approved. A motion was then made by Vice President Leonard, seconded by Commissioner Mehaffie, to grant a conditional approval on the Final Subdivision and Land Development for Campus Heights Village, based on the stipulation that the letters of credit, including the recreation fees, are received by the Township, and also based on the stipulation that the Lawrence Street Construction Plan is approved and improvement guarantees are posted for that plan. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Loych, to approve the Application for Payment #15 in the amount of \$390,340.04 to Leon E. Wintermeyer, for construction phase services related to the Meade Avenue Project. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to approve the Application for Payment #3 in the amount of \$13,747.15 to Leon E. Wintermeyer, for utility relocation services related to the Meade Avenue Project, and to be reimbursed through the Township's Utility Grant. The motion was unanimously approved. President Linn questioned when this road will be complete. Mr. Paul explained that the scheduled date of completion is August 5, but the project will not be completed by Friday. The contractor will be requesting an extension of time, and will be required to provide justification for this extension. President Linn asked if there is a penalty clause in the contract for late completion. Mr. Paul agreed that there is a liquidated damage clause in the contract. President Linn suggested Solicitor Henninger look into this, as it appears that the contractor is dragging its feet. President Linn also inquired when Rosedale Avenue will be reopened. Mr. Paul stated that the guiderail is being put in now, so it should be open very soon.

A motion was made by Commissioner Leonard, seconded by Commissioner Mehaffie, to approve authorization of payment for the Middletown Borough Authority Waste Water Treatment Plant BNR construction upgrades, Requisition 17-A, in the amount of \$77,931.79 to Middletown Borough Authority. The motion was unanimously approved. In response to a question from Commissioner Mehaffie, Mr. Paul noted that the project is also very close to being complete.

A motion was made by Commissioner Loych, seconded by Vice President Leonard, that the probationary appointment with the Lower Swatara Township Police Department of Timothy Wells not be made permanent, and that he be placed on administrative leave, with pay, through August 18, 2011, the end of his one-year probationary period, at which time his employment with Lower Swatara Township will cease. The motion was unanimously approved.

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to accept the resignation of Officer David J. Greeley effective August 17, 2011. The motion was unanimously approved.

#### POLICE DEPARTMENT REPORT:

Richard Wiley, Police Chief, reported that calls are steady, and there is nothing major to report on criminal activity this month. The information sharing grant process has gotten more complicated, as two of the four vendors now want to build an express bridge into their system in order for the information to be extracted and viewed. This would be an additional cost, and they are requesting to be paid for it. Chief Wiley explained that payment for this item was never brought up since the inception of this program, when the grant was put in place. Chief Wiley stated he should know a lot more next month, and will keep the Board updated.

#### PUBLIC WORKS DEPARTMENT:

Steve Anderson, Public Works Director, reported that UGI has adjusted the metal brackets on the bridge on Richardson Rd; they no longer pose a hazard. UGI will also relocate the gas line that is there. The department will make some temporary repairs to the bridge until a permanent solution is found. The tree trimming operation is complete, improving the appearance of the parks as well as eliminating obstacles for the mowers. The department will start the preparation of Spring Garden Drive/Turnpike Industrial Road for its second and final road project on Monday, August 8. Paving is scheduled for August 22 through August 26.

There have been numerous sinkholes developing; the most serious one is at 8 Greenwood Circle. The sink hole was filled with six yards of flowable fill and the ground was allowed to stabilize and then covered with fill. Additionally, the Public Works Department repaired the inlet at this location in order to provide better drainage. The Department is currently improving the intersection of Burd Road and Heatherwood Road. The crew has repaired three inlets and will pour concrete on August 4 and then backfill and repave the road on August 5.

The guide rail on Nissley Drive incurred damage from two separate accidents. Mr. Anderson explained that he is awaiting estimates of damage and repair/replacement costs for this cable guiderail and will bill the drivers for the repairs. Mr. Paul suggested that it might be a good time to think about upgrading this old guiderail. Solicitor Henninger agreed that from a liability standpoint, he would recommend that the Township look at replacing this guide rail with the current standard in the industry.

Mr. Anderson stated that the traffic signal at the intersection of Fulling Mill Road and North Union Street (southbound) has been a source of driver complaints. Two problems have been identified and are in the process of being resolved with the hope of improving southbound travel. One problem is the fact that the stop bar was incorrectly installed in the straight thru lane after the road was repaved – it is approximately 35 feet short of the intersection. Mr. Anderson has contacted Handwerk (project contractor), which is in the process of correcting the problem. Handwerk will remove the incorrect stop bar, and install a new stop bar in the correct location as well as extending the existing white lane line. The second issue is the three second passage time. Mr. Anderson has contacted Penn Dot, which has agreed to allow the passage time to be increased to six seconds without a traffic study. Penn Dot is in the process of reissuing the signal light permit. Upon receipt of this, Mr. Anderson will have the passage time adjusted. He noted that the light is currently working as designed and programmed, and with these changes traffic flow should improve.

Vice President Leonard stated that he has observed a problem with a signal, typically during the Sunday biker breakfasts at the Fire Department. On the east/west loops at North Union Street Street and Route 441 on Fulling Mill Road, cyclists seem to sit for long periods of time before the light trips. Mr. Anderson explained that the loop detectors work on metal, and motorcycles typically don't have a lot of metal on them. If they aren't near one side of the loop, they may not be detected. He suggested that the motorcycles stop at either the far right or far left side in order to have the best chance to be detected. Vice President Leonard also informed Chief Wiley that during

rush hour, and coming from North Union Street towards Route 441 on Fulling Mill Road, there is the straight-thru and left turn lane, and a single right turn lane. If there is a noticeable amount of traffic and a car sitting in that left turn lane, he has observed cars behind that vehicle dart into the right turn only lane in order to go through. Vice President Leonard stated that he has seen this dangerous maneuver occur many times. Chief Wiley stated the Police Department is aware of this, but he will again alert the officer to watch for this.

Mr. Anderson reported that the Township is again dealing with a lot of water issues on Market Street Extended. Mr. Snavelly will be contacting the water company and asking it to check the houses on Lexington Avenue to see if there is a water break in this area, since there is a lot of water coming down from the backside of the houses. Mr. Anderson added that drainage has been put in and is working, but there is still a lot of water lying on the surface. He noted that the water company recently repaired two leaks: one on Mountainview Road and one on Hanover Street and Market Street Extended. These lines are old and may be breaking.

Mr. Anderson stated he would like to discuss with the Board in the near future the budgeting of two items for the Public Works Department: anti-ice/de-ice equipment, and the eventual replacement truck for one of the older dump trucks. Mr. Paul asked that these items be submitted for consideration through the upcoming budget process.

The use of the Middletown woody waste facility by Township residents is going well. Purchase of the access card allows residents to use the facility 24 hours a day, 365 days of the year. In addition, they can contact the Borough for some of the mulch this is being produced there.

He also advised the Board and residents that the Township dumpster will be available on Saturday, August 6, from 8:00 A.M. to noon.

#### FIRE DEPARTMENT REPORT:

Chief DeHart reported that calls for July totaled 62, with a year to date count of 387. The Fire Department will be resubmitting the FEMA grant from last year (for an air compressor, new computers and gas meters); the amount of the grant is approximately \$83,000. The Fire Department's safety house went to Middletown yesterday for National Night Out. Hose testing has been completed for the year; several sections of hose will need repaired. Chief DeHart added that while hose testing is an expense, it is very important. If the Fire Department does not test the hose

ever ten years, residents will pay higher fire insurance rates. The July breakfast went well, with 196 in attendance. The next one is scheduled for August 28. A turkey dinner is scheduled for August 21, from 11:00 A.M. till sold out. The Department has accepted another person for the live-in program, bringing the total number of live-ins to four. Chief DeHart noted that he will have a report by the middle of the month in order for the Township to submit it to the Casino Board for the rescue update.

Chief DeHart reported that there are some issues with water pressure reduction on Fulling Mill Road. As a result, the Department's sprinkler system is not working properly. A meeting has been arranged with United Water on August 18 at 9:00 A.M. to discuss this problem. The meeting will be held at the fire station, and will also be attended by Glenn Snaveley, Township Fire Marshal and the Fire Department's sprinkler system contractor. Chief DeHart added that he has also asked that Mr. Hollenbach from United Water be in attendance. In response to a question from Vice President Leonard, Chief DeHart verified that the Fire Department is not the only one experiencing problems with water pressure. Other businesses at the east end of Fulling Mill Road are also experiencing similar problems. Mr. Paul added that this is why he and Mr. Snaveley are insisting that the water company meet with the businesses in this area to discuss this situation in depth.

Vice President Leonard referenced the next Biker Breakfast fundraiser, and stated this event will also support breast cancer. He asked if the newspapers could assist by advertising the event.

President Linn acknowledged resident Roger Erickson, 235 Shady Lane, who came into the meeting late. He advised Mr. Erickson that the Board meetings are now held at 7:00 P.M. rather than 7:30 P.M.; he welcomed him to the meeting and stated he is welcome to address the Board at this time. Mr. Erickson expressed concern that the upper portion of Rosedale Avenue is still closed. President Linn stated that he had also questioned this earlier tonight. He explained that work on Rosedale Avenue is almost complete. Mr. Paul added that the guiderail is being put up now, and it should be reopened within a month.

#### PLANNING AND ZONING/MANAGER'S REPORT:

Mr. Paul reported that the August 17 agenda will include several plans which were previously tabled by the Board. As requested, he has sent letters to the two developers that are involved with the Lumber Street sanitary sewer upgrade. Mark Wills from the residential

retirement community plan has indicated that he will be in attendance of the August 17 meeting to discuss this situation with the Board.

FINAL COMMENTS:

Jon Wilt, 1257 Longview Drive, questioned if there is a problem with the timing of the signal of Oberlin Road and Fulling Mill Road, as it seems to take forever for the light to trigger. Mr. Anderson explained the procedure for the phasing of the signal, and stated there shouldn't be a problem, provided the vehicles pull up to the stop bar.

President Linn reported that the Board had held an executive session earlier this evening in order to discuss a personnel matter.

Vice President Leonard stated that budget time is here, and asked the department heads to prepare for their upcoming needs. He also requested the Board convene in executive session immediately upon conclusion of this evening's meeting in order to discuss personnel matters.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:45 P.M.

ATTEST:

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Ronald J. Paul,  
Manager/Secretary