

MINUTES

DECEMBER 15, 2010 LEGISLATIVE MEETING

LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The regular monthly meeting of the Lower Swatara Township Board of Commissioners, held at the Lower Swatara Township Municipal Building, was called to order at 7:06 P.M. by President Frank Linn, Sr. President Linn called for the pledge of allegiance and moment of silence.

Roll call was taken with the following officials in attendance:

- Frank Linn, Sr., President
- William L. Leonard, Vice President
- Thomas R. Clark, Commissioner
- Robert L. Loych, Commissioner
- Thomas L. Mehaffie III, Commissioner
- Peter R. Henninger, Township Solicitor
- Jean R. Arroyo, Recording Secretary

Excused:

- Ronald J. Paul, Manager/Secretary
- HRG, Township Engineer

Residents and visitors in attendance:

- Phyllis Zimmerman (Patriot-News)
- Ron Lucas (Stevens & Lee)
- Matt Tunnell (Greenworks Development)
- John Tierney (Greenworks Development)
- John Ziats (271 Selma Ave.)
- N. Pendergras (Briarcreek Ln.)
- Robbin Barnes (328 Dauphin St.)
- Roy Honeycutt (328 Dauphin St.)
- Glenn & Sonja Miller (506 N. Lawrence St.)
- Ruth & Ron Helwig (341 W. High St.)
- Peggy Ginnovan (535 N. Lawrence St.)
- Norma Keeney (310 Dauphin St.)
- Michelle & Isaiah Keeney (310 Dauphin St.)
- John Wilt (1257 Longview Dr.)
- Julie Wilt (1257 Longview Dr.)
- Jim Lewis (Press & Journal)

President Linn reported that the Board had convened in executive session at 6:30 P.M. this evening in order to discuss a personnel matter. He then opened the floor for public comments.

PUBLIC COMMENTS:

None

APPROVAL OF MINUTES:

A motion was made by Commissioner Loych, seconded by Vice President Leonard, to approve the Minutes of the November 17, 2010 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve the Minutes of the December 1, 2010 Public Hearing. The motion was unanimously approved.

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to approve the Minutes of the December 1, 2010 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Vice President Leonard, seconded by Commissioner Loych, to approve the Payment of Bills as presented on Warrant No. 2010-11. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Vice President Leonard, seconded by Commissioner Loych, to approve the Treasurer's Report for November 2010. The motion was unanimously approved.

ENGINEER'S REPORT:

None

SOLICITOR'S REPORT:

None

MANAGER'S REPORT:

In the absence of Mr. Paul, President Linn referenced the list of future meeting dates and holiday closings. Solicitor Henninger noted that the Planning Commission meeting, originally scheduled for December 16, has been cancelled due to a lack of business. He also reported that although the Township Offices will be closed on December 31 for the New Year's Holiday, Marylou Rittner, Financial Administrator, will have tax hours here at the building on that date for those residents wishing to pay their 2010 taxes.

COMMITTEE REPORTS:

Police Committee – Chairman Clark – no report

Public Safety – Commissioner Mehaffie – no report

Public Works – Commissioner Loych – no report

Budget and Finance – Vice President Leonard – reported that formal adoption of the 2011 budget is on this evening's agenda. The 2011 budget actually went down, which is a good thing. He then reported that cash receipts for the month of November totaled \$574,927.50. The major sources of revenues were from the third quarter distribution of the Earned Income Taxes and the Local Services Tax, a reimbursement to the General Fund from the Highway Aid Fund for road work, SARAA parking fees, and other miscellaneous receipts. Cash expenditures totaled \$420,666.70 and were comprised of the two transfers to the payroll account, a \$75,000 transfer to the Post Retirement Health Care Fund, the quarterly payment for EMS services, and all invoices due and payable. Investments totaled \$788,915.54 with an average annual yield of 0.5%. Vice President Leonard reported that the Fire Department will be bringing a copy of its budget to the Board at the Board's January workshop meeting. Solicitor Henninger added that legally, since the Fire Department receives tax dollars from the Township, it is the Township's responsibility to scrutinize its budget and ascertain it is in compliance.

Community and Economic Development – President Linn – reported that the new driveway which will access the Linden Centre is moving along and should be completed very soon.

UNFINISHED BUSINESS:

A motion was made by Commissioner Clark, seconded by Vice President Leonard, to table the Final Subdivision Plan for Bryn Gweled East (26 lots), located along Lumber Street,

immediately south of PA 283, prepared by Dauphin Engineering Co. and submitted by B W Partnership. The plan was recommended for approval by the Planning Commission on May 24, 2007. 90-day time extensions were granted by the Board on July 18, 2007, November 21, 2007, February 20, 2008, May 21, 2008, August 20, 2008, November 19, 2008, February 18, 2009, May 20, 2009, August 19, 2009, November 18, 2009, February 17, 2010, May 19, 2010, July 21, 2010, and November 17, 2010. The plan is due to expire on February 16, 2011. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Vice President Leonard, to table the Final Land Development Plan of Residential Retirement Community, Phase 1, located along Fulling Mill Road at the intersection of Nissley Drive, prepared by Navarro & Wright, Inc. and submitted by Fulling Road LLC. The plan was recommended for approval by the Planning Commission on November 15, 2007 with stipulations. The plan was due to expire on February 20, 2008. 90-day time extensions were granted by the Board on February 20, 2008, May 21, 2008, August 20, 2008, November 19, 2008, February 18, 2009, May 20, 2009, August 19, 2009, November 18, 2009, February 17, 2010, May 19, 2010, and August 18, 2010 and November 17, 2010. The plan is due to expire on February 16, 2011. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Vice President Leonard, to table the Final Subdivision Plan of Old Reliance Farms, Section 18-B (9 lots), prepared by Dauphin Engineering, Inc. and submitted by Old Reliance Partnership. The plan was recommended for approval by the Planning Commission on May 27, 2010. A 90-day time extension was granted by the Board on April 21, 2010. A one-year time extension was granted by the Board on July 21, 2010. The plan is due to expire on August 25, 2011. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Vice President Leonard, to table the Final Subdivision Plan and Final Land Development Plan of the Odd Fellows Home of Pennsylvania, Family Care Center Practice and Radiological/Lab Suite, located at the northeast corner of West Harrisburg Pike and Rosedale Avenue, prepared by Schlouch, Inc. and submitted by Middletown Management Associates, L.P. The plan was recommended for approval by the Planning Commission on October 28, 2010. The plan is due to expire on January 26, 2011. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Vice President Leonard, to table the Preliminary/Final Land Development Plan for New Parking lot at The Penn State University – Harrisburg Campus, located at the northeast corner of College Avenue and University Drive, prepared by Gannett Fleming and submitted by Penn State University. The plan was recommended for approval by the Planning Commission on October 28, 2010. The plan is due to expire on January 26, 2011. The motion was unanimously approved.

NEW BUSINESS:

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to approve Ordinance No. 524. This ordinance adopts a new Stormwater Management Ordinance. A roll call vote was taken with the following ballot tabulation: Commissioner Mehaffie – aye, Commissioner Loych – aye, Commissioner Clark – aye, Vice President Leonard – aye, President Linn – aye. Ordinance No. 524 was approved by a 5 – 0 margin.

Solicitor Henninger reported that the next agenda item is to take action on Ordinance No. 525. This ordinance amends the Township of Lower Swatara Zoning Ordinance to define the term “Student Housing”, permits Student Housing as a use by Special Exception in the Commercial Neighborhood (C-N) District, and establishes criteria that must be met for Student Housing to be permitted as a Special Exception. A Public Hearing was held on this proposed ordinance on December 1, 2010 and the ordinance was properly advertised.

Commissioner Mehaffie asked to address this item. He reported that he had the opportunity to travel to Kutztown and see the two housing projects of the developers (KGH Properties) who are interested in developing student housing in the Eagle Heights area. Both of these projects are located right in the middle of town. He stated that one project is three years old and another is two years old, but both look brand new. It is obvious that KGH is taking great care of these buildings. He circulated some photos that he had taken of the buildings. Commissioner Mehaffie stated he was also impressed that upon entering the buildings, the tenants knew Matt Genesio (the developer) by name, and Mr. Genesio also knew them by name. In addition, Commissioner Mehaffie had the opportunity to freely speak to one of the neighbors in this area. The resident told him that she was very opposed to this student housing concept at the get go, but after two years of living beside the project, she has changed her mind. There have been no problems except occasional speeding and loud music, but these have been addressed immediately when they were brought to the attention of

the students. Commissioner Mehaffie added that when Mr. Genesio interviews the students and/or their parents, he encourages them to talk to and befriend the residents. He commended Mr. Genesio for taking this extra step. On a personal note, Commissioner Mehaffie stated that he and his wife own rental properties and rented to students from Penn State for about five years. These were some of the best tenants they ever had, and proved to be great neighbors.

Michelle Keeney referenced the photos presented, and stated that these projects are a much smaller scale than what is proposed for the Eagle Heights area. She stated her main concern is the high concentration of people -- 264 students -- in this very small area. Attorney Lucas stated that this is a very preliminary design on the sketch -- exact numbers are not finalized. Ms. Keeney added that this project is just a gateway development. Once approved, the other student housing project will be pursued. She also questioned how this impacts security with the proximity to the Airport.

Norma Keeney, 310 Dauphin Street, stated that she had talked to the developers many times and complimented them on addressing issues that have been raised by the residents. The problem, however, is the developer's lack of experience with a site like this one. It could take years to get the studies done and permits acquired just to get to the construction stage. As mentioned previously, the residents are concerned about the large number of people in an already congested area. They are concerned about the volume of traffic generated by these students, and the means of egress in and out of the complex. She stated that she has heard of informal talks about extending the bridge road up North Lawrence Street so that the students would not have to come out onto Main Street to get to the campus. Mrs. Keeney also reminded the Board that back in the 70's, the Township had made the comment that there would be no more trailer parks in the Township. She stated that she feels allowing this use is compromising that position by putting a large volume of people in a small area. Ms. Keeney questioned if her understanding is correct that passage of this ordinance doesn't mean this particular development is going in the way it is presented. She agreed that 264 people is a lot of people; the project may not be as objectionable if this amount is substantially lowered. President Linn agreed her understanding is correct. What is being presented tonight for approval is not the plan itself. The Board has not even seen the final plans yet and will also have lots of questions. Ms. Keeney stated she wants to make sure that an approval of the ordinance tonight isn't a rubber stamp on this, or any other, student housing project.

Vice President Leonard stated that if the Board approves the ordinance tonight, it will not mean rubber stamping any plans. Historically speaking, there have been several occasions where the Board denied proposed developments. He noted that he realizes that changes such as this are difficult on the existing neighbors. He also reminded the residents that this Commercial-Neighborhood District allows for such uses as hardware stores, liquor stores, bars, etc. Sometimes it is better to work with one tenant than several separate tenants. Vice President Leonard stated that Commissioner Mehaffie's visit to Kutztown is evidence that the Board doesn't just rubber stamp things. He also reported that he had spoken to a teacher at the old Grandview elementary school. The staff of the school initially had concerns about the noise from the new student housing buildings that were being built just yards away from the school. However, these concerns were never validated. Part of that is because citizens came to the meetings and made themselves available to the developer to insure that things like barriers were installed. Vice President Leonard reminded the residents that their ongoing participation in this type of process is critical.

John Ziats, 271 Selma Avenue, reiterated his remarks from the Public Hearing about his desire to see the beautiful Victorian homes in this area kept as part of this project. Middletown is a historical town, and Mr. Ziats expressed hopes that the area doesn't come to resemble a strip mall. He suggested the developer look into doing something unique and diverse in its building style. He also suggested that the developer get Mr. Nardo of the Linden Centre project involved in an architectural scheme that would make the whole area a nice gateway into the community.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to approve Ordinance No. 525. This ordinance amends the Township of Lower Swatara Zoning Ordinance to define the term "Student Housing", permits Student housing as a use by Special Exception in the Commercial Neighborhood (C-N) District, and establishes criteria that must be met for Student Housing to be permitted as a Special Exception. Commissioner Clark stated he had a question. At a previous meeting, the Board encouraged KGH to communicate with the other developer, Greenworks Development, which is interested in doing a similar student housing project in this area. He asked Attorney Lucas if this had been done. Matt Tunnell, Greenworks Development, responded that Mr. Genesio and he did speak, and agreed that they will meet the first quarter of next year to bring their plans together and discuss such issues as stormwater, traffic access, aesthetics, etc. In a response to a question from Commissioner Clark, Mr. Tunnell

confirmed that Greenworks will be pursuing a direct access from its property right onto the campus. This will minimize the traffic impact onto Route 230.

President Linn asked if there were any more questions or comments. Hearing no other questions or comments and with the motion already on the floor and seconded, he called for the vote. A roll call vote was taken with the following ballot tabulation: Commissioner Mehaffie – aye, Commissioner Loych – aye, Commissioner Clark – aye, Vice President Leonard – aye, President Linn – aye. Ordinance No. 525 was approved by a 5 – 0 margin.

Vice President Leonard also encouraged the residents to continue coming to meetings and to also work on a personal basis with these developers. He explained that a few years ago, residents in the Old Reliance Farms development were very concerned about warehouses being built near their homes. They successfully worked with the developer to put some things in place to make it more palatable.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve Ordinance No. 526. This ordinance appropriates specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during fiscal year 2011. A roll call vote was taken with the following ballot tabulation: Commissioner Mehaffie – aye, Commissioner Loych – aye, Commissioner Clark – aye, Vice President Leonard – aye, President Linn – aye. Ordinance No. 526 was approved by a 5 – 0 margin.

A motion was made by Vice President Leonard, seconded by Commissioner Loych, to approve Ordinance No. 527. This ordinance fixes applicable tax rates for the year 2011. A roll call vote was taken with the following ballot tabulation: Commissioner Mehaffie – aye, Commissioner Loych – aye, Commissioner Clark – aye, Vice President Leonard – aye, President Linn – aye. Ordinance No. 527 was approved by a 5 – 0 margin.

A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve Resolution No. 2010-R-16. This resolution amends, changes, and modifies the Code of Ordinances of the Township of Lower Swatara, Ordinance No. 448, Fee Resolution, in order to establish fees for Stormwater Management Plan reviews. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Clark, to appoint the law firm of Eckert Seamans (Michael McAuliffe Miller) as legal counsel to Township's Civil Service Commission. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to approve authorization of payment for the Highspire Waste Water Treatment Plan BNR construction upgrades, Requisition No.15, in the amount of \$20,341.09, to Highspire Borough Authority. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Commissioner Loych, to approve the following list of reappointments:

PRESENT APPOINTEE	COMMISSION/COMMITTEE	TERM OF OFFICE
David Robbins	Zoning Hearing Board	3 years
Stanley J. Jurgill	Code Hearing Board	3 years
Kevin J. Zimmerman	alternate, Code Hearing Board	3 years
Frank R. Waple, Jr.	Township Recreation Board	5 years
Virginia L. Noll	Township Recreation Board	5 years
James R. Gingrich	Municipal Authority	5 years

The motion was unanimously approved.

Solicitor Henninger stated that he had several items to present under other New Business.

A motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to approve the Municipal Animal Protective Service Agreement with the Humane Society of Harrisburg Area, Inc. Said Agreement will expire on December 31, 2011. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to accept the resignation of Loretta Matz as Township Treasurer and Tax Collector, dated December 7, 2010 and effective that date. The motion was unanimously approved. Solicitor Henninger explained that the Township is required to appoint someone to fill this position within 30 days of the vacancy. He asked if the Board would like to make any nominations. A motion was made by Commissioner Loych, seconded by Vice President Leonard, to open the floor for nominations. The motion was unanimously approved. Commissioner Mehaffie made a motion to nominate Julie Wilt to the position of Treasurer and Tax Collector. Hearing no other nominations, a motion was made by Commissioner Clark, seconded by Vice President Leonard, to close the floor for nominations. The motion was unanimously approved. Solicitor Henninger stated that the Board will now need to act on Resolution No. 2010-R-17, which appoints Julie Ann Wilt as Township Treasurer and Tax Collector. The term would expire on the first Monday in January of 2012. A motion was made by Vice President Leonard, seconded by Commissioner Clark, to approve Resolution No. 2010-R-17.

This resolution appoints Julie Ann Wilt as Township Treasurer and Tax Collector, to serve in accordance with the requirements of the First Class Township code and all the Pennsylvania Statutes and Township Ordinances. The motion was unanimously approved. The Board congratulated Ms. Wilt.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to approve, in principle, an Agreement with the Dauphin County Treasurer's office and the newly appointed Treasurer/Tax Collector to have the County serve as the Township's real estate tax collector for 2011. The motion was unanimously approved. Solicitor Henninger explained that since Ms. Wilt was just appointed tonight and hasn't had an opportunity to see this document, she will be provided a copy for review. Also, the County Commissioners will have to review and consider this Agreement. The formal Agreement will be voted on at the Board's January 5 workshop meeting. He noted that in the meantime, residents should continue paying their 2010 taxes to Marylou Rittner, Finance Director, at the Township Building. In response to a question from Commissioner Mehaffie, Solicitor Henninger explained that this County Agreement as drafted would also allow the residents to bring their tax payments to the Township Building in 2011; payment would then be forwarded by the Township to the County on a weekly basis.

A motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to reject the grievance dated November 29, 2010, as submitted by Officer Jamie Ecker. The motion was unanimously approved.

FINAL COMMENTS:

Commissioner Loych requested the Board convene into executive session at the conclusion of tonight's meeting in order to discuss a personnel matter.

The Board members congratulated Julie Wilt on her appointment to the position of Township Treasurer and Tax Collector and wished everyone a Happy Holiday.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:55 P.M.

ATTEST:

Jean R. Arroyo
Recording Secretary