

MINUTES

NON-LEGISLATIVE MEETING

FEBRUARY 3, 2010

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
- Thomas R. Clark, Commissioner
- Thomas L. Mehaffie III, Commissioner
- Ronald J. Paul, Manager
- Peter R. Henninger, Township Solicitor
- Chris Bauer, HGR, Township Engineer
- Richard T. Wiley, Police Chief
- Robert S. Grauel, Public Works Director
- Jean R. Arroyo, Recording Secretary

Excused:

- Robert L. Loych, Commissioner

Residents and visitors in attendance:

- Mayor John R. Hoerner (Highspire Borough)
- Dauphin County Commissioner Nick DiFrancesco
- Carl Dickson (Dauphin County Parks and Recreation)
- Mike Williams (Bryn Gweled Subdivision)
- Chris DeHart (LST Fire Department)
- John Wilt (resident)

HIGHSPIRE RESERVOIR PARK WALKWAY:

President Linn reported that County Commissioner Nick DiFrancesco and Highspire Borough Mayor John Hoerner are in attendance this evening to discuss plans for the Highspire Reservoir Park Walkway.

Commissioner DiFrancesco stated that this is a plan that has been around for many years. The reservoir is quite an environmental gem, and there is also a lot of historic value associated with the Pennsylvania Canal. This area is rich in birds, reptiles, etc., and there has always been a desire to have some type of park network for people to enjoy the environmental elements of the park. Its placement in the lower part of the County also makes it unique, since there aren't a lot of parks in the southern end of Dauphin County.

Commissioner DiFrancesco noted that the project is not proposed to require the investment of any property tax dollars. The project, as drawn, will cost approximately \$650,000 and will be financed in part through gambling revenues and a matching grant from DCNR. The entire plan is located in the Borough of Highspire, although Lower Swatara Township properties will abut the project. It will basically be a combination of boardwalks and pathways. There will be security cameras along the route, which can be accessed via the internet. In addition, there will be low-level lighting that will be on sensors. Commissioner DiFrancesco stated this project has the potential to be a real community asset which will be utilized by all ages: individuals enjoying their lunch break at the park, senior citizens enjoying the wildlife, and students on educational trips. He added that this project will very likely increase property values in the area.

President Linn stated that he was approached by residents whose properties abut the proposed project. Their concern is that people will now be walking near their back yards, and they simply won't have as much privacy as before. Commissioner DiFrancesco agreed that several citizens attending the Borough of Highspire meeting did mention this. He noted that most of the walking traffic will probably be in the daytime, but could also occur on the weekends. Concerns were also expressed about young people using this area as a place to hang out, particularly in the evenings. Commissioner DiFrancesco remarked that it is hoped that the presence of the security cameras will discourage this type of activity. He also suggested the importance of sending out a strong message right away that this won't be tolerated. Commissioner Clark noted that the residents who live in properties abutting the path in Derry Township initially had the same type of concerns, but there have not been any problems experienced.

Vice President Leonard inquired if any thought had been given to expanding this walkway sometime in the future, possibly to connect to the Township. Commissioner DiFrancesco stated that there is no motion at the County-level right now to do interconnecting projects. He agreed that there is merit to doing so, and this could definitely be possible in the future.

Commissioner Clark asked if this will be a County facility or a Borough facility. Commissioner DiFrancesco stated that the idea is for the County to build it, and for minor maintenance, such as trash collection, to be the responsibility of the local municipality. However, this is a regional park, and maintenance of the boardwalks, paths, etc. would be the responsibility of the County. Commissioner Clark explained that he had asked this question because he can confirm that the inspection of wooded parks can be a costly process. Commissioner DiFrancesco responded that they have in-house expertise to check these things out, and crews are rotated from other parks to do such inspections. Solicitor Henninger agreed that he had visited the site, and was concerned with some of the older trees. He inquired if there were plans to clean out some of the bad wood in this area. Commissioner DiFrancesco explained that plans are to leave this area in its natural state and as un-touched as possible. However, it also needs to be a safe environment, so this could certainly be built into the project.

Carl Dickson, Director of Parks and Recreation, addressed several of the previous comments. He referenced comments about “undesirables” going there, and noted that time after time, it has been proven that these types of parks consistently draw a more desirable group. Linear parks are the most requested parks in the country, and this is a linear park. The state has placed great emphasis on connecting linear parks, so there are opportunities to eventually extend it. Mr. Dickson stated that he will be responsible for writing the \$250,000 grant application match from DCNR, which is due April 1, and will be using these favorables to make it a more solid proposal for funding.

Commissioner Mehaffie inquired about restroom facilities and pet clean up at the Wildwood Park. Mr. Dickson noted that Wildwood is a much larger loop, so it has restrooms at both the northern and southern end. It also has stations with bags for the purpose of pet clean up. He explained this is a favorite place for dog walking. Commissioner DiFrancesco added that while there are no guarantees, there is a very vibrant group at Ft. Hunter and Wildwood that volunteers for such clean up duties. Given the smaller size of this park, it is uncertain whether similar interest can be generated. Mr. Dickson stated that during the last meeting, it was discovered that two volunteers

at the Wildwood Park actually live in Lower Swatara Township. It is very likely that they will be active volunteers at this new park. Mr. Dickson added that the walkway is only intended for pedestrian traffic, not bike traffic.

Resident John Wilt inquired about the parking facilities. Mayor Hoerner explained that there will be designated parking areas. In response to a question from resident Mike Williams, Commissioner DiFrancesco verified that the insurance for the park will probably be covered by community policies.

Mayor Hoerner stated that even now, the park is used heavily by ice skaters. He added that the Borough plans to solicit businesses to donate monies to keep it maintained. In addition, several citizens have already volunteered to assist with maintenance.

Mr. Paul questioned the width of the walking paths. Mr. Dickson stated that they will be eight feet wide.

President Linn thanked Commissioner DiFrancesco, Mr. Dickson, and Mayor Hoerner for their attendance this evening.

PUBLIC COMMENTS: None

POLICE DEPARTMENT REPORT:

Chief Wiley discussed legislation associated with the use of cell phones while driving. He distributed hand-outs of state cell phone driving laws throughout the United States. Pennsylvania doesn't have a state law prohibiting the use of cell phones at this time; however, it is in the process of enacting one. Chief Wiley noted that cell phone use while driving is extremely dangerous and has resulted in documented deaths through the country. He suggested that the law needs to be enacted on a state-wide level rather than a local level, since regional cell phone laws are more difficult to enforce. The Lower Swatara Township Police Department does require its officers, when responding to accidents, to identify and document if the driver was using a cell phone. The Board will be kept abreast of this issue.

The Civil Service Commission met today and authorized the yearly testing for police officers to move forward. Billboards are being donated by Lamar to advertising the testing. Chief Wiley explained that Lower Swatara Township participates in a joint testing with Swatara Township and Susquehanna Township, since all three are first-class Townships and have the same

rules and regulations. Testing is scheduled to be held at the Susquehanna High School on April 11. The written test will be held in the morning. Immediately following, the tests will be graded and then the agility testing will be held. By the end of the day, a list is basically established. In response to a question from President Linn, Chief Wiley explained that the Department tries to have a new list every year. It can be extended an additional year, but it is best to maintain a fresh list in order to have quality candidates. Chief Wiley also confirmed that the regulations regarding military are still followed. He also referenced promotional examinations as it pertains to military. Solicitor Henninger explained there was a recent case involving a borough, but the language is exactly the same in the borough code as it is in the first class township code as far as promotions. The case involved promotional exams, and it was determined that veterans preference does not apply to promotional exams. Chief Wiley explained that at one time, it was mandated that the veteran be selected over everyone else on the list.

The monthly SRO report was distributed, as well as the monthly crime report. Chief Wiley reported that the Township recently experienced a rash of thefts from automobiles in the Shopes Gardens area. These thefts were from vehicles that were unlocked and had items clearly visible. Both uniformed and plain-clothes officers were put out at different times of the day, and the word was spread to the community via crime bulletins and the newspapers. The thefts have stopped. Vice President Leonard suggested that a blurb be placed in the next Township newsletter about the importance of keeping automobiles locked.

Commissioner Mehaffie inquired if Chief Wiley had a bill number for the cell phone law. Chief Wiley stated that he does not, but can certainly obtain it.

Chief Wiley reported that traffic continues to be the number one problem for the Police Department. The Police Department does a lot of traffic enforcement, but will be stepping up enforcement in some of the neighborhoods like Shope Gardens, Old Reliance, etc. He cautioned the public that citations will be issued in an effort to remedy some of these problems.

In response to a question from Commissioner Clark, Chief Wiley stated that the new radio system is outstanding. It is extremely clear, and is a 100% improvement over the old system.

PUBLIC WORKS REPORT:

Mr. Grauel reported that recent jobs of the Department include cleaning the Township office building and working at the Greenfield Park soccer fields. He noted that people are already enjoying use of the walking path.

A request was received from Scott Dintiman and Rob Harper of the Township Athletic Association. They are inquiring about the use of one of the garage bays at the old fire station for indoor batting practice and for use of the northern end of the building (the old social hall) to practice pitching. A net would be hung from the beams. The group does have its own insurance. Mr. Grauel had advised them that he would speak to the Board about this request. Commissioner Clark inquired as to the age group. Mr. Grauel explained that it would be younger kids, not teenagers. They presently use the School District's facilities for this, but there are so many kids that the average time allotted is 8-10 minutes per kid for batting practice. If it's nice out, they practice outside. President Linn noted that he is extremely supportive of the Athletic Association and what it does for the kids and the Township. He noted, however, that he has several concerns. First of all, the Township uses this area to store some of its equipment, so it would have to be moved. Secondly, a new fire station had to be built because the old station had a host of safety issues associated with it. Thirdly, the Township did allow a group to use the old station in the past, and it was left a mess. The Township then discouraged any outside groups from using the station.

Solicitor Henninger stated that should the Board approve this request, he would advise the securing of a certificate of insurance naming Lower Swatara Township as an additional insured specific to that facility. Also, he suggested that it be verified that the balls don't go anywhere except in the boxed netting. Mr. Grauel explained that the netting that will be used is a four-sided netting. No pitching machine will be used; the coaches will do the pitching behind the nets. The time frame for the use would be from mid-February through the first week of April. President Linn again stated that the reason for getting rid of old the station was due to liability and safety issues. He stated he would hate to see a child injured. Commissioner Clark cautioned that a ball hitting one of the fluorescent overhead lights could be disastrous. In response to a question from Vice President Leonard, Mr. Grauel stated that the supervision would come from the coaches.

President Linn suggested the Township adopt a formal policy that the station can only be used by Township officials. Commissioner Clark agreed, especially since the Board did experience problems in the past with allowing an outside group to use the station. President Linn stated that he

would like to hear input from the other two Commissioners. Vice President Leonard agreed that there appears to be too many risks involved with this use, especially since there will be no supervision by the Township. He added that he knows first-hand that the floors in the old station get extremely slippery when there is any type of moisture. He stated that the Board is very supportive of athletics, but this situation is unique due to the risks involved. Commissioner Mehaffie stated that he has never been in the bay side of the old station, so he would have to look at it prior to making his determination. He added that he would like to speak to Mr. Dintiman to get more details about the request. In addition, he suggested that Commissioner Loych be provided an opportunity to give his input before any formal decision is made.

Mr. Paul added that this is first time a group has requested use of the hall. In the past, only use of a bay was requested. This particular request is for both a bay and the social hall. He noted that if the request is approved, safeguards would have to be put in place, such as boarding up the bathrooms and kitchen area.

After further discussion, the Board agreed to make a formal decision on this request at the February 17 legislative meeting.

Mr. Grauel reminded the Board and residents that the dumpster will be available this Saturday, from 8:00 A.M. to noon.

FIRE DEPARTMENT REPORT:

Chief DeHart thanked the Public Works Department for its assistance in plowing the parking lot at the station. He also informed the Board that two weeks ago, there was a gas leak in the Shopes Gardens area. The leak occurred at about 1:00 A.M. and twelve homes were evacuated and homeowners put up in the new station. Approximately four hours later, the residents were cleared to go back to their homes.

Calls for the month of January totaled 46. The Dauphin County radio system goes live for the Department on February 17. The Department's Federal Fire Act equipment grant went to the next level; the grant is approximately \$67,000 and the Department's cost would be a little over \$3,000. There has been no word to-date regarding the new engine grant status; the Department has not yet received a rejection letter. The Fire Department has also submitted a recruiting and retention grant in the amount of \$222,000. Chief DeHart explained that this grant would help retain members by paying towards the tuition of a live-in or member that goes to college. The Department presently

has live-ins that attend HACC and Penn State Harrisburg. Criteria for the live-ins/members to get this reimbursement of up to \$5,000 would be for them to stay all year, run 20% of the fire calls, attend a training session every month, and be active in the monthly fund raisers. The grant would provide approximately \$50,000 a year for this purpose, and run for a four-year period. The Department hopes to solicit funds to establish an endowment fund to keep this program going after this grant program is complete.

The list of 2010 officers was referenced, as well as graphs showing incidents by district, total staff hours by activity code, and total staff hours by training category.

President Linn referenced Chief DeHart's comments about the gas leak, and inquired if the residents involved were provided a meal by the Fire Department. Chief DeHart explained that there was a contingency plan in place, but it was not necessary, since the problem was corrected and the residents were back in their homes within a short duration. President Linn stated that he feels it is the Board of Commissioners' responsibility to share in the expense of feeding citizens during emergencies; the Fire Department and Ladies Auxiliary shouldn't be expected to cover the costs. He asked Vice President Leonard to look into this further. Commissioner Clark suggested that when an emergency evacuation is due to a problem with a utility company, such as the gas leak with UGI, that company should also share in the cost.

President Linn stated that he had recently taken several members of the executive board of the PA State Association of Township Commissioners on a tour of the Fire Department, and they were extremely impressed with the layout and cleanliness of the building.

Commissioner Clark inquired as to the status of the Fire Department SOP's. Vice President Leonard responded that he has copies, and can provide them to the Township and to any Board member desiring copies.

ENGINEER'S REPORT:

Mr. Paul reported that Chris Bauer from HRG is here to update the Board on the Meade Avenue Project. The project is winding down, and will be let within the next several months.

Mr. Paul explained there are things that need to be decided, and the turn around time is not always convenient for Board vote. One of these issues is advertising for RFPs to get the inspection work done. This was essential, so HRG was directed to move ahead with the advertisement. Mr. Paul then turned the floor over to Mr. Bauer.

Mr. Bauer distributed to the Board copies of the Enhancement Project Checklist. He noted that final plans and specifications will be submitted as soon as the structural plans are finished. The plans will then be officially complete. Focus will also be on the reimbursement agreement for federal aid, which is an agreement between Penn Dot, Lower Swatara Township, and the contractor. Solicitor Henninger agreed that when federal funds are involved, there is a specific timeline that must be followed. The timeline to complete the necessary right of way acquisitions is very tight, so it is hoped that all involved parties will expedite the process. Mr. Bauer reported that the project is scheduled by Penn Dot for a June letting, but the project team is trying to advance the schedule to early May, at the latest.

Mr. Bauer added that one thing that recently came up is that the Township is going to be responsible for the construction inspection of the project itself. Penn Dot will be reimbursed through general funds, but the Township must hire a consulting firm to inspect the project. HRG is not permitted to do the inspection, since the engineer is precluded from inspections over a million dollars. This process has started, since it will take from two to three months to get everybody under contract. Requests for proposals have been submitted to ACEC. Mr. Bauer explained that since federal funds are involved in the construction, a qualification based selection is required. This is the first step of the selection. There are no formal proposals involved, simply a statement of interest including a resume, how the firm plans to perform the work, etc. It is not a priced based selection. Negotiations are entered into after the consultant is selected. Mr. Bauer presented a draft resolution that will need to be passed by the Board after the selection is completed. It basically sets forth the procedure that has to be followed as spelled out in the Qualifications Based Selection. One thing that has to happen is a section committee of three individuals has to be designated. These three individuals will rank the statements of interest. Mr. Paul recommended that the following three individuals be appointed to the selection committee: HRG (Christopher K. Bauer, P.E.), the Township Manager, and Mr. Grauel. Due to the time constraints of this federal project, Solicitor Henninger suggested the Board acknowledge the appointments to this committee this evening. The committee will review the RFPs and come to the Board with a recommendation at the February 17 meeting. At the legislative meeting, the Board can also confirm the selection committee appointments. There were no objections noted from the Board, and the committee appointments were acknowledged. Mr. Paul noted that the draft resolution will also appear on the Board's February 17 agenda.

President Linn apologized to the audience for not providing an explanation on this discussion. He explained that this project, as requested by Penn State Harrisburg, will result in a new road being constructed from the former Fruehauf property to Route 230. In order for Penn State to qualify for the grant money, the local municipality (Lower Swatara) must be the lead agency in this project. Penn State will be paying for the majority of the project, but the road will be a Township road. This will divert traffic out of the campus itself. Presently, there are as many as 500 tractor trailers per day traveling First Street, which poses a significant safety issue. Parties involved in this project include Penn State Harrisburg, the Linden Centre, and SARAA.

Mr. Paul noted that the Township was successful in getting a \$220,000 county grant for utility relocation on this project. Execution of the agreement by President Linn will appear on the February legislative agenda.

Vice President Leonard asked if it was ascertained that this project would not add any water to the Jednota Flats area. Mr. Paul stated that while the project will not cure the flooding problem in the Flats, it should actually make it better.

PLANNING AND ZONING/MANAGER'S REPORT:

Mr. Paul reported that plans scheduled to appear on the February legislative agenda include two previously tabled plans; a request for a time extension has already been submitted for the Bryn Gweled Subdivision and one for the Residential Retirement Plan will most likely be forthcoming. This hold up is due to the necessary upgrades to the sewer line in the Borough of Highspire. Mr. Paul reported that as times go on, other resolutions pertinent to the agreements discussed by Mr. Bauer will also appear for approval. As previously mentioned, the County grant agreement will also appear on the agenda for formal execution.

Commissioner Clark asked if there has been any further feedback regarding the Township's request for sound barriers. Mr. Paul stated that when he had contacted Penn Dot earlier in the year, he was told that it was not really a Penn Dot decision; the Township needs to go to its legislators and request the funding. Commissioner Clark stated that the last he had heard, these barriers were going to be included with future improvements to the cloverleaf. He asked if this was still the case. Mr. Paul responded that Penn Dot never actually committed to putting up the sound barriers. Vice President Leonard, who attended a meeting here at the Township Building which was hosted by Representative Payne and Penn Dot, stated that there was a lengthy list of Penn Dot projects

presented, but he does not recall this particular project. President Linn directed that a follow up letter be sent to Senator Piccola and Representative Payne about the sound barriers.

Vice President Leonard added that it is also important that the Township stay on top of the scheduled improvements to the on-ramp in front of the new Fire Department. He reminded the Board that it had discussed a cutover for emergency access to the lower part of the Township. Mr. Paul explained that he believes the HOP is already in place. What is not in place is the construction dollars to do the project. If the Township is patient enough, it can get the work done in conjunction with improvements that will be done with other projects. In response to a question from Chief DeHart, Mr. Paul responded that the estimated cost for the cross over is \$10,000.00.

FINAL COMMENTS:

Commissioner Mehaffie thanked Mayor Hoerner for his attendance this evening.

Vice President Leonard stated that the Fire Department's Biker Breakfasts will be starting up soon. He also referenced the recent news coverage about the financial problems being experienced by the City of Harrisburg and how it hopes to balance its budget. One of the things being proposed is for the County to assume debt responsibility for the incinerator. Vice President Leonard stated his opinion is that the only way the County can take care of the incinerator situation is to get funding from everyone else in the County. He expressed hopes that if it comes to this, the Township takes a firm opposition to paying for the incinerator due to someone else's screw up. Solicitor Henninger agreed that there is no way the situation at the incinerator can have a positive outcome. Mr. Paul was directed to send the Dauphin County Commissioners a letter stating the Township's vehement opposition to any more money going to the City.

Chief Wiley informed the Board that the Civil Service Commission is requesting the addition of another alternate member, and is asking that Bernie Sobotka be appointed as an Alternate to the Civil Service Commission. This appointment will appear on the February 17 agenda.

ADJOURN:

Hearing no other business, a motion was made by Vice President Leonard, seconded by Commissioner Clark, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:50 P.M.

ATTEST:

Ronald J. Paul,
Manager/Secretary