

MINUTES

LEGISLATIVE MEETING -- JANUARY 18, 2012

LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The January 18, 2012 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Linn.

Roll call was then taken with the following officials in attendance:

- Frank Linn, Sr., President
- William L. Leonard, Jr., Vice President
- Michael J. Davies, Secretary
- Thomas L. Mehaffie III, Commissioner
- Jon G. Wilt, Commissioner
- Harry N. Krot, Manager
- Ronald J. Paul, Manager
- Peter R. Henninger, Solicitor
- Jean R. Arroyo, Recording Secretary
- Alan J. Knoche, EMA Director

Residents and visitors in attendance:

- Chris DeHart (LST Fire Department)
- Ronald Burkholder (Old Reliance Partnership)
- Mike Williams, Peg Stoops, Tom Williams (Bryn Gweled Subdivision)
- Phyllis Zimmerman (Patriot-News)
- Mark Will (Fulling Road LLC)

President Linn reported that the Board had met in executive session this evening at 6:30 P.M. for personnel reasons.

President Linn then noted that this will be Mr. Paul's last meeting, since he will be retiring from his position as Township Manager/Planning & Zoning Director at the end of this month. President Linn stated that during his 35 years at the Township, Mr. Paul has been quite an asset and has worn many hats. The hat, however, that Mr. Paul was proudest of was his "resident" hat. His love for Lower Swatara Township was always evident in the decisions he made. President Linn stated he will miss Mr. Paul, and commended him for being a good leader and a good friend. He added that he knows Mr. Paul feels good about leaving the Township in the capable hands of the new Manager, Mr. Krot. Mr. Paul thanked President Linn for the

comments, and stated it has been his pleasure serving the residents. The success of the Township is due to the team effort here, and the Township will continue on this good path.

Vice President Leonard stated that he first met Mr. Paul when he himself moved into the Township and became involved with the Fire Department. He continued to be involved with Mr. Paul during his role as Township Fire Marshal and member of the Planning Commission. During that time, he could always count on him to provide friendly and direct advice and guidance. He added that all one has to do is look around this Township to see Mr. Paul's fingerprints all over it.

Commissioner Davies stated that while he is new to the Board, he has had the pleasure of working closely with Mr. Paul when he served on the Zoning Hearing Board. Mr. Paul was always very supportive and gave clear guidance on what direction should be taken; he also cautioned how decisions can set precedents. Commissioner Davies congratulated Mr. Paul on his retirement and wished him good luck.

Commissioner Mehaffie thanked Mr. Paul for his thirty-five years of service, and stated that he appreciates the advice Mr. Paul gave him and what he has done for this Township. He anticipated that because of Mr. Paul's guidance, the Township should be set for the future.

Commissioner Wilt stated that he is also brand new to this Board, but has had dealings with Mr. Paul in the past. He stated that Mr. Paul was always very kind and pleasant. He also wished Mr. Paul the best.

Solicitor Henninger stated that he first met Mr. Paul when he was a young attorney working with the Planning Commission. At that time, Mr. Paul was wearing his Code Enforcement hat. Solicitor Henninger noted that he has learned a lot about land use and zoning working with Mr. Paul. Mr. Paul has always had the best interest of the Township at heart, and is a very straight-up individual. Solicitor Henninger stated it has been his extreme pleasure and honor to work with him.

Chief DeHart stated that he has also learned a lot from Mr. Paul over the year. He added that Mr. Paul is extremely detail-oriented and a stickler for detail. He always made sure things were done correctly.

Mr. Knoche noted that when he was offered his position here at the Township, he accepted it because he knew Ron Paul would be his boss. He thanked Mr. Paul for being a great boss.

APPROVAL OF MINUTES:

A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve the Minutes of the December 21, 2011 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to approve the Minutes of the January 3, 2012 Reorganization Meeting. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve the Minutes of the January 3, 2012 Non-Legislative Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the payment of bills as presented on Warrant No. 2011-12. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the Treasurer's Report for December 2011. The motion was unanimously approved.

MONTHLY FINANCIAL REPORTS:

Vice President Leonard stated that all Commissioners had received several financial reports in their packets. He suggested these would be good to retain, since they are basically year-end reports. Commissioner Mehaffie stated that it is nice to see that revenues are over the projected amounts.

Vice President Leonard then presented the finance report for the month of December. Cash receipts totaled \$987,236.74 for the month of December 2011. The major sources of revenues were from the state distribution for the Meade Avenue project, taxes—all sources, and other miscellaneous receipts. Cash expenditures totaled \$784,541.30 and were comprised of the two transfers to the payroll account, the expenses for the Meade Avenue project (paid by the

funds mentioned above), the tax allocations to the miscellaneous funds, and all invoices due and payable. Investments totaled \$521,572.97 with an average annual yield of 0.5%. Revenues and expenditures related to 2011 are still being compiled. Many line items will be further adjusted during the upcoming audit. The Township has received some of the monies for the prior year taxes from Dauphin County; additional monies should arrive during 2012.

ENGINEER'S REPORT: None

SOLICITOR'S REPORT: None

MANAGER'S REPORT:

Mr. Krot stated that he had previously reported that a pre-bid meeting for the new Heavy Rescue Truck for the Fire Department would be held on January 4. This meeting was held, and eleven out of the fifteen vendors who requested bid specifications attended. There were, however, numerous questions posed by the vendors regarding the specifications. After discussions with Solicitor Henninger, it was felt it would be best to pull the bid in order to tighten-up the specifications. Mr. Krot added that the Township and Fire Department are looking into the possibility of purchasing this vehicle through the state's "COSTARS" Program as opposed to placing it out for bid. Solicitor Henninger agreed that it looks very promising that the COSTARS Program will be able to provide a vehicle that will suit the needs of the Fire Department.

EMA REPORT:

Alan Knoche, EMA Director, updated the Board on the Hazard Mitigation Grant Program. There are two separate projects under this program. Project 1 involves the potential buy-out of 16 single-family dwellings, 8 in Swatara Park and 8 in Jednota Flats. The cost of the project is approximately \$1,820,680.00. The federal share of 75% would equate to \$1,365,510.00. The state has now committed to a 22% share of eligible projects, which would equate to \$400,549.60. This would leave the Township responsible for 3% of the cost, or \$54,620.40. Project 2 involves the Farr apartment building, which is one owner residence and nine apartments. Cost of this project is \$379,721.00. The federal share (75%) would equate to

\$284,790.75, the state share (22%) would equate to \$83,538.62, and the Township share (3%) would equate to \$11,391.63. Mr. Knoche summarized that both projects would cost a total of \$2,200,401.00, with a federal share of \$1,650,300.75, a state share of \$484,088.22, and a Township share of \$66,012.03. He added that while applications have been submitted to FEMA, neither project has been approved yet. The Township does have the option to withdraw after the application is submitted, and the residents involved may also withdraw at any time. Mr. Knoche strongly encouraged the Board to find funding for these projects. He explained that these homes are uninhabitable, and the residents who own them spent their last dime to secure other housing. They simply do not have the money to demo these properties. If these properties are not demolished, they will become a public nuisance and hazard.

Mr. Paul asked about the timing of these projects. Mr. Knoche stated that since the projects have not even been approved at this point, he cannot provide an estimated date.

Solicitor Henninger added that the estimates provided by Mr. Knoche are based on assessed values and could change when the actual required appraisals are done. As mentioned earlier, some property owners may also drop out of this buy-out program. Solicitor Henninger also explained that this grant mitigation program will help the rating of those homeowners who do have flood insurance in this area.

Commissioner Davies agreed that it would be helpful if any type of time frame could be provided for these projects. He noted that it would be beneficial if the Township could spread these costs over more than one budget year. An "A" Phase and "B" Phase would be easier on the budget.

UNFINISHED BUSINESS:

A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve a 90-day time extension, as requested by the developer, on 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 BW 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, February 16, 2011, and May 18, 2011. The Board granted an additional time extension on August 17, 2011, with an expiration date of October 20, 2011. The Board granted an additional 90-day time extension on October 19, 2011. The plan is due to expire on January 18, 2012. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve a 90-day time extension, as requested by the developer, on 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, August 18, 2010, and November 17, 2010, February 16, 2011, and May 18, 2011. The Board granted an additional time extension on August 17, 2011, with an expiration date of October 20, 2011. The Board granted an additional 90-day time extension on October 19, 2011. The plan is due to expire on January 18, 2012. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Leonard, to approve a 90-day time extension, as requested by the developer, on 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 was due to expire on August 25, 2011. An additional 90-day time extension was granted by the Board on July 20, 2011. The plan is due to expire on November 23, 2011. The Board granted an additional 90-day time extension on October 19, 2011 with an expiration date of February 21, 2012. The motion was unanimously approved. Solicitor Henninger added that this 90-day time extension will actually begin when the plan is set to expire, which is February 21, 2012. He suggested that Mr. Burkholder revise his written request to note this. In response to a question from Commissioner Davies regarding the waiver requests associated with this plan, Mr. Paul

explained that the Board will hold off on addressing these waiver requests until closer to the actual approval of the plan itself.

Vice President Leonard stated that Mr. Burkholder's letter requesting a time extension on his plan did include the reasoning behind the request. He asked representations of the Bryn Gweled Subdivision and the Residential Retirement Community Plan to advise the Board why they were asking for time extensions on their plans. Mike Williams, representing the Bryn Gweled Subdivision, stated that the poor economy is the reason for the extension request. Mark Will, representing the Residential Retirement Community Plan, stated that Mr. Navarro was not able to be in attendance tonight, but will update the Board at the February workshop meeting. He did note, however, that reasons include issues with DEP and also the fact that the HOP (Highway Occupancy Permit) for this plan will need to be revised to create another entrance off of Fulling Mill Road. Mr. Paul stated that it is very important that someone from the developer meet with Brenda Wick, the Township's Planning & Zoning Director, as soon as possible to address these changes.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to table the Revised Five Oaks Village (Mobile Home Park) Plans located on Swatara Park Road, prepared by Dauphin Engineering Co. and submitted by Thomas A. Farr on behalf of Shirley J. Farr, owner. The plan was recommended for approval by the Planning Commission on June 23, 2011 with stipulations. The motion was unanimously approved.

NEW BUSINESS:

A motion was made by Commissioner Davies, seconded by Vice President Leonard, to appoint Joel Bechtel to a three-year term on the Zoning Hearing Board. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to table the appointment of a member-at-large to a one-year term on the Olmsted Regional Recreation Board. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve Change Order No. 1, in the amount of \$675.00 (Performance Bond), to Mainline Excavating for the Spring Garden Drive Flood Repair Project. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve the final payment, in the amount of \$31,130.50, to Mainline Excavating for the Spring Garden Drive Flood Repair Project. The motion was unanimously approved. Mr. Paul noted that even with the change order, this project came in approximately \$200 less than the bid amount.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve Resolution 2012-R-2, "Application for Permit to Install and Operate Flashing Warning Lights" on Fulling Mill Road (S.R. 3002), Segment 20-Offset 466 and Segment 20-Offset 1122 for Rectangular Rapid Flashing Beacons at Two Pedestrian Crosswalk Locations, as requested by Tyco Electronics (now known as TE Connectivity). The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve a Pedestrian Crosswalks Maintenance Agreement between Lower Swatara Township and Tyco Electronics (now known as TE Connectivity). The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve entering into a contract with Vijay Kapoor of Public Financial Management (PFM) to serve as an arbitration consultant for the Township. This is being recommended by the Township's legal counsel. In response to a question from Vice President Leonard, Mr. Krot stated that the fees for Mr. Kapoor's services will be \$175/hr., with a maximum of \$16,500. It was noted that Vice President Leonard and Commissioner Mehaffie had spoken to Mr. Kapoor and agree it is a good idea to secure his services. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve the amendment of the Right-to-Know Policy (Resolution No. 2008-R-9) to designate Harry N. Krot as Lower Swatara Township Open Records Officer effective February 1, 2012. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Mehaffie, to designate Harry N. Krot as the CEO for the Township's pension funds. The motion was unanimously approved.

Mr. Paul stated there is one item not on the agenda that requires action tonight. The Township needs to retain the services of Powell, Rogers and Speaks for the collection of delinquent taxes for years 2010 and prior. A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the continuation of services by Powell, Rogers and Speaks for the collection of Act 511 taxes for years 2010 and prior. The motion was unanimously approved.

Mr. Krot informed the Board that he had recently met with the Township's workers compensation provider and was offered a scholarship to attend Public Employer Labor Relations Advisory Service training in March. All expenses will be paid, with the exception of two dinners. Since this training will coincide with the Board's meeting in March, he asked Board authorization to attend. President Linn agreed that this type of education is extremely important. A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to grant Mr. Krot permission to attend the training and be excused from the March meeting. The motion was unanimously approved.

FINAL COMMENTS:

Vice President Leonard requested a brief executive session immediately upon conclusion of this evening's meeting in order to discuss a personnel issue.

Mr. Krot advised the Board that a note will be included with the February 1 sewer billing informing residents of the rate increase. The bill will increase from \$42.00 a month to \$44.75 a month (an increase of \$2.75/month).

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, a motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to adjourn the Legislative Meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:05 P.M.

ATTEST:



Harry N. Krot
Township Manager