

MINUTES

NON-LEGISLATIVE MEETING

JANUARY 5, 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
- Thomas R. Clark, Commissioner
- Robert L. Loych, Commissioner
- Thomas L. Mehaffie III, Commissioner
- Ronald J. Paul, Manager
- Peter R. Henninger, Township Solicitor
- Chris Bauer, HRG, Township Engineer
- Steve Anderson, Public Works Director
- Richard T. Wiley, Police Chief
- Jean R. Arroyo, Recording Secretary

Residents and visitors in attendance:

- Jim Lewis (Press & Journal)
- Jon Wilt (1257 Longview Dr.)
- Julie Wilt (Township Treasurer/Tax Collector)
- Chris DeHart (LST Fire Dept.)

Solicitor Henninger informed the public that the 2011 Board meetings were advertised a bit differently this year. The ad indicated that while there is normally no action taken at workshop meetings, the Board does reserve the right to take action since there is sometimes the need to act on something in an expeditious manner. This will be the case tonight, as several items will be presented for Board action.

President Linn then welcomed the visitors to the meeting, and opened the floor for public comments.

PUBLIC COMMENTS: None

FIRE DEPARTMENT REPORT:

Chief DeHart reported that there were 58 calls during the month of December. There were 565 total calls for year 2010, which is up slightly from the previous year. Fire Department personnel will be working with EMA Director Alan Knoche in preparation for the TMI drill later this year. The monthly dinners start on January 16, with a stuffed chicken dinner.

Chief DeHart informed the Board that the Fire Department is able to meet on January 11 or 13 to review the 2010 and 2011 budgets. Commissioner Loych stated that since Vice President Leonard, President Linn, and Commission Clark are all members of the Fire Department, he would suggest that he and Commissioner Mehaffie meet with the Fire Department on this item. President Linn agreed to appoint Commissioner Loych and Commissioner Mehaffie as the Board's representatives to this review committee. Vice President Leonard stated he had talked to Dale Ryder, the new Treasurer of the Fire Department. The Department's 2011 budget was already approved. However, invoices for the 2010 fiscal period are still coming in. Therefore, it doesn't really make sense to look at the results of the 2010 year before all the invoices have been received. Commissioner Mehaffie agreed that it would be better to meet and do the review at the beginning of February. He asked that he and Commissioner Loych be provided the budget document a week prior to meeting, since he is not familiar with the Fire Department's budget and would like some time for preliminary review. Commissioner Clark clarified that he is not a member of the Fire Department.

Chief DeHart then reviewed several charts highlighting Fire Department data including incidents by response time, staff hours by training category, staff hours by activity, and incidents by alarm hour. He noted that more than half of the calls responded to are in Lower Swatara Township, and most calls are responded to within ten minutes. He also called attention to the significant number of volunteer hours. The bingo fundraisers, for example, totaled approximately 3500 volunteer hours for year 2010.

Chief DeHart thanked Public Works Director Steve Anderson and the rest of the Public Works Department for assisting the Fire Department in various jobs, including replacing some lights in the bay. He also informed the Board that the contract for the new engine has been signed, although the engine won't arrive until close to year's end.

President Linn referenced comments made by Chief DeHart regarding the upcoming TMI drill. He reminded the Board members that April 5 and April 12 are important dates for this event. All Commissioners should make sure they are available on these dates.

PUBLIC WORKS DEPARTMENT:

Steve Anderson, Public Works Director, reported that the Department has all of its trucks prepared for winter maintenance. An additional fifty ton of salt should be delivered this Friday.

The Department is working on the highway signage on North Union Street, adjusting sign height, and removing and replacing signs as necessary. It is also collecting litter on an ongoing basis, depending on the weather. To date, North Union Street and Whitehouse Lane have been cleaned; Longview Drive and Stoner Drive are next. Mr. Anderson stated that there is a lot of trash and recyclables blowing out of containers in the Georgetown area. He spoke to Mr. Knoche to exchange suggestions on how to remedy this problem. President Linn stated that he has a suggestion: the Township should send a letter to the residents of Georgetown regarding the amount of trash/recyclables blowing around in the area and ask that they put lids on their trash cans/recycling containers. He stated that the area is starting to look like a disgrace. This is not fair to the farmer on Whitehouse Lane, as this litter is ending up in his field. It is also not fair to the Township, since the Public Works Department is spending labor hours picking up trash. President Linn further suggested that if the Township finds litter with people's names on it, these individuals should be cited for littering. President Linn also suggested that the Township put up some temporary orange fencing along this area in the wintertime to protect the farmer's field from this blowing debris.

Commissioner Mehaffie stated that the entire Township experiences this problem on windy days, so it wouldn't be fair to target the Georgetown area residents. Commissioner Clark also stated that it would be unlikely that the District Justice would impose fines for something like this. President Linn maintained his position that this particular area has a serious problem with littering from the trash and recycling, and sending out warning letters would be appropriate. Commissioner

Mehaffie suggested a better approach might be to put something in the next newsletter about the importance of keeping lids on containers during windy days. Mr. Anderson added that the Township is almost out of its stock of round recycling containers, and it may want to look into getting another style (either taller or rectangular) that is more stable during windy weather. Mr. Paul stated the problem is that it is hard to legislate common sense.

Mr. Anderson reported that the Public Works Department is also cleaning and organizing the old Public Works Building into a more functional work and storage area. The Department is in the process of temporarily repairing potholes throughout the Township with coldpatch to prevent any further damage to the road surface, and also assisted the Police Department today with its wireless project. Mr. Anderson informed the Board and residents that the dumpster will be open Saturday, January 8, from 8:00 A.M. to Noon.

POLICE DEPARTMENT REPORT:

Chief Wiley thanked the Public Works Department for its assistance with the installation of the new wireless system.

Once again, the Township is experiencing thefts of items from unlocked automobiles. The Market Street Extended area was recently hit, and apparently part of Highspire Borough was also targeted. Some arrests have been made, but it appears there are multiple offenders. Chief Wiley explained that the Department continues to put the word out regarding the importance of locking vehicles and not leaving valuables in sight.

The Police Department is using a new records management system which is a vast improvement over the Harrisburg metro system. The Department has been receiving training on it during the last several days.

Chief Wiley requested to meet with the Board in executive session immediately upon conclusion of this evening's meeting in order to discuss a personnel issue.

ENGINEER'S REPORT:

Chris Bauer, HRG, provided the Board with a status report on the Meade Avenue Project. Utilities have been relocated, and drainage inlets are still being installed. All the box culverts have been installed. There have been some issues with the sub grade; as a result, undercutting was required and this did cause some change orders. However, the project is well within the project

budget. The relocation of the sewer force main will move things along significantly. For the most part, the project is out of the ground and that's where most of the variables lie. Once out of the ground, the chance of change orders will be less likely. The only remaining major excavation is for the signal pole light.

Mr. Bauer noted there was a by-pass valve that was added to the contract. The contractor, Leon Wintermeyer, provided a price of \$5582 for this work, which will be completed under work authorization #7. Mr. Bauer also referenced previously discussed work authorization #5 for undercutting. This was originally thought to be very expensive – in the area of \$15,000 - \$20,000. It now appears that this change order request will be significantly less, at a cost of around \$9,000. Mr. Bauer also referenced unforeseen sub grade conditions at the Linden Centre box culvert which will require undercutting and pre-treating. Mr. Bauer distributed photos of the construction project to the Board. In response to a question from Vice President Leonard, Mr. Bauer stated that the target date for project completion is still June 23, 2011.

Mr. Bauer noted there are several requests for payments associated with the construction phase services related to the Meade Avenue Project. He added that these requests were reviewed and are being recommended for approval. He asked the Board to take formal action on these.

A motion was made by Vice President Leonard, seconded by Commissioner Loych, to approve payment of Application for Payment #2, in the amount of \$406,477.70, to Leon F. Wintermeyer. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve the payment of \$7,086.11 to HRG, Inc. for services rendered for the period November 1, 2010 through November 28, 2010. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the payment of Estimate Number 2 in the amount of \$19,266.62 and Estimate Number 3 in the amount of \$17,220.45 to Nardo & Wright Consulting Engineers. The motion was unanimously approved.

MANAGER'S REPORT:

Mr. Paul referenced an information memo regarding a new sound system for the Boardroom. The Township will need to obtain two more quotes on this item. The Board directed

that this be pursued. Mr. Paul also informed the Commissioners that he had provided to them an invitation from the COG to its annual banquet.

The agenda of the January legislative meeting will include the previously tabled subdivision and land development plans. Hopefully several of these will be in a position for approval. Mr. Paul asked Solicitor Henninger if he had a chance to read the email he had forwarded to him regarding KGH' request to the Planning Commission. Mr. Paul noted it seems unusual. The request is for the Planning Commission to recommend to the Zoning Hearing Board a special exception --- it would make a general recommendation although it didn't formally review anything. Solicitor Henninger stated that this request is something that is authorized under the municipal planning code, although it is quite unusual. Mr. Paul added that the Board will also be taking action soon on an ordinance which will amend the subdivision and land development ordinance to bring up to date some language consistent with the floodplain management ordinance that was recently passed. Mr. Knoche is working on the flood ordinance. The staff will also be working on the Airport zoning ordinance. Commissioner Clark asked the status of an ordinance pertaining to regulations regarding cell phone towers. Mr. Paul stated nothing has been done yet, and agreed this still need to be looked into. Vice President Leonard suggested the Township may also want to look at restrictions for solar panels. Commissioner Loych agreed this issue is already creating problems in other municipalities.

Mr. Paul stated the Township's actual zoning map is need of update. The last zoning amendment that impacted the map was the Lehman Shope property. What were rezoned were specifically the two parcels that the applicant requested to be rezoned. The Planning Commission's recommendation was to rezone these two parcels and "others", but the Board opted not to pursue the others. Mr. Paul explained his concern is how the Commercial District comes out to North Union Street where the mobile home park parcel was located. There has been no feedback from the project developers, since the project is in limbo. Mr. Paul stated that to change the zoning of this property would probably take a zoning amendment. Solicitor Henninger clarified that the zoning map is technically amended when the Board adopts a zoning change. Mr. Paul is referring to an actual paper document. Mr. Paul agreed to mark up the map so the Board can more clearly see what he is referencing. He added that three parties will contribute to the cost of the upgrade.

Vice President Leonard stated that he would also like to discuss a personnel issue with the Board during this evening's executive session. He also stated that with email being utilized and relied upon more heavily, he would like to know whether email usage is an appropriate way to

communicate. He asked for formal input and guidance from Solicitor Henninger. Solicitor Henninger agreed that there are concerns about email parameters and how email relates to the Right to Know Act and the Sunshine Act. There is currently a case pending with regards to personal email accounts and whether they are subject to The Right to Know Act. He agreed this question should be looked into further. Commissioner Loych added the Board may want to add cell phones to this question; California just passed legislation that gives officers pulling over a vehicle the right to information on that driver's cell phone. President Linn stated that he, for one, does not favor email and stated that is why the Board has workshops – to meet face to face and discuss issues.

Vice President Leonard acknowledged that there has been a lot of progress with the Meade Avenue Project, and expectations are that once this project is in place, other improvements may happen. However, he expressed concern with the eyesore created by the tons of dirt in the parking lot of the Linden Centre. He added that he hasn't heard an update on the project all year. Vice President Leonard stated that he realizes the economy is suffering, but feels that updates should be provided to the Board. Mr. Paul reported that while it is slow, there is progress being made on this project. He noted that he will be meeting with Mr. Nardo tomorrow morning and will get further details. President Linn suggested that Mr. Nardo could also be requested to attend a future Board meeting to provide an update.

Commissioner Clark referenced Mr. Bauer's report on the Meade Avenue project, and stated this road is expected to be used heavily by trucks. He asked if the two signals would have loops or video detection. Mr. Bauer stated that loops are shown for this intersection. Commissioner Clark voiced concerns that all this truck traffic may tear up the loops. Mr. Bauer explained that the loop option was chosen basically due to economic reasons; the video detection option would have been an added expense at the time. In response to a question from Commissioner Mehaffie, Mr. Bauer explained that the upfront costs of video detection would be higher, although the long term maintenance costs would not be. Commissioner Clark suggested that since the project appears to be under budget, the video recognition option should be explored. Mr. Bauer agreed that this could definitely be looked into.

SOLICITOR'S REPORT:

Solicitor Henninger stated that he has one item for Board action tonight. Proposed Resolution No. 2011-R-1 would authorize the entry into an agreement with Dauphin County, Janis

Creason (elected Treasurer of Dauphin County), and Julie Ann Wilt (appointed Tax Collector and Treasurer of Lower Swatara Township), whereby Dauphin County and the Office of County Treasurer would be appointed Collector of Real Estate Taxes for the Township and County for 2011. Solicitor Henninger noted that the County did already approve this agreement. Janis Creason, County Treasurer, will be at the Board's next meeting to explain specifics about how this arrangement will work for 2011. A motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to approve Resolution No. 2011-R-1. The motion was unanimously approved.

Solicitor Henninger also referenced the previous discussions about the importance of placing lids on the trash/recycling containers, and suggested this information be placed on the Township's website.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Clark, seconded by Commissioner Loych, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:54 P.M.

ATTEST:

Ronald J. Paul,
Manager/Secretary