

## MINUTES

JULY 20, 2011

### 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 7:07 P.M. by President Frank Linn, Sr. He apologized for the delay in the starting time this evening, but explained the Board had just adjourned from an emergency executive session in order to discuss a personnel matter. President Linn called for the pledge of allegiance and moment of silence.

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

- Frank Linn, Sr., President
- William L. Leonard, Jr., Vice President
- Thomas R. Clark, Commissioner
- Robert L. Loych, Commissioner
- Thomas L. Mehaffie III, Commissioner
- Ronald J. Paul, Manager/Secretary
- Peter R. Henninger, Township Solicitor
- Charles Smith, HRG, Township Engineer
- Jean R. Arroyo, Recording Secretary

Residents and visitors in attendance:

- Dave Mease (Larson Design Group)
- Rob Shatts (Act One Consultants)
- Bill & Emily Botterbusch (880 Oberlin Rd.)
- Pete Russo (PJR Law)
- Mike Williams (Bryn Gweled Subdivision)
- Timothy Przybylowski (Century Engineering)
- Don Isabella (Republic Services)
- Tim Sipe (KGH Properties)
- Matt Genesio (KGH Properties)
- Brian Gaughan (Forino Co.)
- Matt Tunnell (GreenWorks Development)
- Jim Lews (Press & Journal)
- Chris DeHart (LST Fire Dept.)
- Phyllis Zimmerman (Patriot-News)

President Linn opened the floor for public comments.

## PRESENTATION BY REPUBLIC SERVICES:

Don Isabella, representing Republic Services (commonly known by the local name of York Waste Disposal), stated that the Township's present contract for waste and recycling collection will be expiring this year, and he would like to discuss a concept for possible implementation in the new bid specifications. He noted that he recently met with Mr. Paul and Ms. Arroyo to discuss this new program, which is a semi-automated "carted" service. Residents would be provided a 96-gallon wheeled cart (toter) for trash, and another 96-gallon wheeled cart for recycling. An automated "arm" on the side of the truck would allow Republic to pick up the carts, dump them inside the truck, and then replace them at the curb. Mr. Isabella explained this would mean the hauler would only need one individual inside the truck and that individual would do no lifting. In addition, it would mean all work would be done from the side of the truck, rather than the rear. He pointed out that this is a big safety advantage, since trash/recycling trucks are often hit from the rear by drivers who aren't paying attention. He explained this semi-automated service is focused on safety, but is also very attractive to the neighborhoods, since all containers are the same style. Also, these carts have attached lids, which mean trash will not blow around the neighborhoods. Numerous municipalities throughout the area are currently using, and enjoying, this new concept including Derry Township.

President Linn asked what additional costs are associated with purchasing the new carts. Mr. Isabella explained that there may be no additional cost. The cost of the containers is built into the cost of providing the service. Republic sees a cost savings from this type of program since it provides a safety savings, and also cuts down on the manpower necessary since this is a one-man operation. Also, trends show that when residents are provided with a larger recycling container, they tend to recycle more. With the ever-increasing costs at the Harrisburg Incinerator, every ton that is kept out of the landfill equates to a cost savings to the hauler, which is then passed on to the customers during the bid pricing. The carts themselves could be provided to the residents by Republic Services and remain the property of the hauler.

Mr. Isabella again explained the advantages of this type of program: (1) it would be a huge safety improvement, (2) it would allow for a one-man operation, (3) it would keep the neighborhoods more attractive looking, and (4) it would likely increase recycling tonnage. He further explained that the Township's current contract allows residents to put out three standard

32 -33 gallon bags plus one bulk item per week. He added that this bag measurement is based on the bag being wide open and not tied. The cart provided by Republic Services can easily accommodate four of these bags.

President Linn inquired about the residents who only generate minimal trash. Mr. Isabella agreed that most municipal contracts recognize the low volume generators. For example, in lieu of using the carts, these residents could be required to purchase a minimum number of bags per year, typically 24 or 26. President Linn agreed that he is very concerned with safety, and would personally endorse this program.

Commissioner Loych asked if the one-man operation would be slower. Mr. Isabella agreed it can be, since instead of picking up containers/bags from both sides of the streets at one time, the truck's automated arm means it must come up one side of the street and then turn around and come down the other side. He also advised the Board that due to the size of the carts, the recycling collection could be cut back from every week to every other week. Commissioner Loych stated that Republic Services would be realizing a huge cost savings from decreasing its manpower with these automated trucks, and he would expect these cost savings to be reflected in its bid.

Vice President Leonard asked how this program would impact the woody waste collection. Mr. Isabella stated that the collection procedure for woody waste could remain the same, with residents either bundling their woody waste or placing it in kraft bags.

Commissioner Clark explained that when Derry Township first started this program, there were some hitches. However, some of the residents that didn't want these large carts changed their minds a few months later and requested them. So far, this semi-automated program has been running very smoothly.

President Linn thanked Mr. Isabella for his presentation tonight.

PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

A motion was made by Commissioner Loych, seconded by Commissioner Clark, to approve the Minutes of the June 15, 2011 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to approve the Minutes of the July 6, 2011 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Leonard, seconded by Commissioner Mehaffie, to approve the Payment of Bills as presented on Warrant No. 2011-6. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner Leonard, seconded by Commissioner Loych, to approve the Treasurer's Report for June 2011. The motion was unanimously approved.

ENGINEER'S REPORT:

Charles Smith, HRG, stated that he will address specific plans as they appear on tonight's agenda.

SOLICITOR'S REPORT:

Solicitor Henninger stated that he had provided the Board with a copy of a proposed Agreement and Release. A permit was issued for an on-lot sewage disposal system for 710 Longview Drive, which is Lot 2 of the Shireman Subdivision Plan. The contractor failed to have the SEO (Sewage Enforcement Officer) come out to do an interim inspection, which is the scarification prior to placing the stone. The SEO was informed the entire system was installed, and it did pass the final inspection. The options are twofold: (1) have them dig up the whole thing, or (2) have the property owner enter into an Agreement and Release whereby the SEO would issue the permit and the property owner would release the Township and SEO from any liability should the system fail.

Mr. Paul asked if the property owner will be paying the legal costs for preparing this agreement. Solicitor Henninger stated this was not discussed, but can be a part of the agreement. A motion was made by Commissioner Clark, seconded by Vice President Leonard, to approve the Agreement of Release contingent upon the applicant picking up the legal costs associated with preparation of

the agreement. The motion was unanimously approved. Solicitor Henninger agreed to calculate his fees and add this wording to the agreement.

#### MANAGER'S REPORT:

Mr. Paul reported that Chief DeHart had met with him today regarding the status of upgrades to the radio system. Come year 2013, the radio communication system used by the Public Works and Emergency Management Agency (EMA) will be obsolete. Therefore, the Township needs to plan for the replacement of this equipment. Mr. Paul has asked Alan Knoche, EMA Coordinator, to head this initiative. The Township does intend to approach the County to see if there are any gaming funds available to assist with the equipment replacement. Vice President Leonard surmised that other municipalities are in the same position, and suggested it might be beneficial for them to work together in applying for these casino grants. Chief DeHart stated that while this is an option, he would suggest that the Board move forward on its own application now, since the application for this year's casino grant must be in by September 1. He noted that communication is everything, and the FCC deadline is 2013. President Linn added that several of the Commissioners will be meeting with the County Commissioners tomorrow night, and suggested they speak to them about sponsoring the replacement of this equipment for the entire county.

Mr. Paul also reported that the Township will be working again this year with Concord Public Finance to provide for the Township's public disclosure financial disclosure obligations. He also advised the Board that a meeting was recently held with DEP to discuss the problems with the detention pond on Whitehouse Lane. Talks are ongoing. Mr. Paul again referenced the rejection letter from the Dauphin County Soil Conservation District on the E & S Plan for the Lumber Street Interceptor. This issue impacts two plans which have been tabled for some time and will expire next month: the Residential Retirement Community Land Development Plan and the Bryn Gweled East Subdivision Plan. It appears there is no interest from these developers or their engineers to respond to this letter. As such, the Conservation District withdrew the plan and deemed it not adequate. It would need to be resubmitted in its totality. Mr. Paul asked if the Board would like him to send a letter to the two developers expressing concern about the status of these plans. The Board agreed, and directed Mr. Paul to do so.

## COMMITTEE REPORTS:

Police Committee – Chairman Clark – no report

Public Safety – Commissioner Mehaffie – stated that he had the opportunity to speak to Steve Liphart, head of the Dauphin County EMA, and was provided with a citation to be forwarded to Alan Knoche, Township EMA Coordinator, for one of highest awards from the County for an EMA Coordinator. Commissioner Mehaffie stated that Mr. Knoche deserves a lot of credit for the work he does for the Township, and the Board appreciates him being part of the team. President Linn added that the County wanted to personally present this award to Mr. Knoche at a public meeting, but Mr. Knoche did not want this, stating he was just doing his job. President Linn also thanked Mr. Knoche for doing an outstanding job. Mr. Mehaffie also informed the Board that TMI will be updating its sirens by replacing all of them with battery backups.

Public Works – Commissioner Loych – reported the Department has been focusing its work in the Township's parks. He also reported that the reopening of the Middletown Public Pool has been a big hit with citizens. In fact, it is approaching capacity some days.

Budget and Finance – Vice President Leonard --- reported that the 2012 budget process is approaching quickly. As for the June report, he noted that cash receipts for the month of June totaled \$1,372,316.95. The major sources of revenues were from Act 511 Taxes (namely the Earned Income Taxes and the Local Services Tax), miscellaneous grants including the ongoing Meade Avenue project and the Police South Central Task Force grant, real estate taxes (current and delinquent), and other miscellaneous receipts. Cash expenditures totaled \$1,275,654.55 and were comprised of the two transfers to the payroll account, the expenses associated with the Meade Avenue Project and the South Central Task Force, costs associated with the Rosedale Avenue project, and all invoices due and payable. Investments totaled \$521,503.94 with an average annual yield of 0.5%. Vice President Leonard referenced the recent action of the City of Harrisburg to vote down the Act 47 recommendation. He cautioned that as Harrisburg goes, so does everyone around it. The Township has already had to pay increased tipping fees and has borne its share towards the debt of the Harrisburg Incinerator. He stated that he is not in favor of shouldering any additional finances to help the City of Harrisburg address its financial issues.

Community and Economic Development – President Linn -- – reported that he and Commissioner Mehaffie had recently attended the annual conference of the PA State Association of Township Commissioners. During the conference, Bill Leonard was recognized for his 12 years of service as

a Township Commissioner, and Tom Clark was recognized for his 20 years of service as a Township Commissioner. President Linn presented both Commissioners their citations and congratulated them on this achievement.

UNFINISHED BUSINESS:

A motion was made by Commissioner Loych, seconded by Commissioner Clark, 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 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 plan is due to expire on August 17, 2011. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, 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, August 18, 2010, and November 17, 2010, February 16, 2011, and May 18, 2011. The plan is due to expire on August 17, 2011. The motion was unanimously approved.

Mr. Paul reported the next agenda item is 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. Mr. Paul noted that the developer has submitted a written request for a 90-day time extension on this plan so that final issues can be worked out with DEP regarding the extension of Longview

Drive to Strites Road. A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to grant 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. Commissioner Clark questioned if there is any mechanism in that plan that would allow the Township to require that sidewalk be installed on the south side at a time when it is deemed necessary. He explained that should the Colony start into construction, the already busy pedestrian and bicycle traffic will increase even more. Solicitor Henninger stated that in other rural municipalities, it is very common that curbs and sidewalks are not “waived” but “deferred”. Commissioner Clark stated this is exactly what he has in mind. Commissioner Clark also asked Mr. Paul to elaborate on the waiver request for site distance. Mr. Paul explained that the Township’s ordinance is actually out of step with Penn Dot regulations. The waiver request would comply with Penn Dot criteria. The motion to grant the 90-day time extension was unanimously approved.

Mr. Paul stated that the Land Development Plan for William O. and Emily R. Botterbusch for a proposed dog kennel use at 880 Oberlin Road, prepared by Act One Consultants, Inc., and submitted by William and Emily Botterbusch, is in order and ready for action. The plan was recommended for approval by the Planning Commission on February 24, 2011. The plan was due to expire on April 27, 2011. A 90-day time extension was granted by the Board on April 20, 2011. The plan is due to expire on July 26, 2011. Before acting on the plan, however, he suggested the Board address the four waiver requests associated it. He noted the fifth waiver request listed on the agenda, a waiver of the infiltration testing at the BMP site as required by Section 303.D., is no longer pertinent. The Planning Commission did not recommend granting said waiver, and the testing was subsequently completed. In addition, Mr. Paul recommended the Board act on the Operation and Maintenance Agreement, Stormwater Management Best Management Practices, for this plan. A motion was made by Commissioner Clark, seconded by Vice President Leonard to grant a request for an “Alteration of Requirements” for a waiver of the following requirements of the Code of Ordinances, Chapter 22, Subdivision and Land Development (Planning Commission recommended granting these waiver requests): (1) a waiver of the Preliminary Plan as required by Section 403, (2) a waiver of curbing on Oberlin Road as required by Section 606, (3) a waiver of sidewalk on Oberlin Road as required by Section 607, and (4) a waiver of the paved 12’ wide access drive for Phase 1 only as required by Section 502.11.C. The motion was unanimously approved. A

motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to approve the Operation and Maintenance Agreement, Stormwater Management Best Management Practices for said plan. The motion was unanimously approved. A motion was then made by Commissioner Clark, seconded by Commissioner Loych, to approve the Land Development Plan for William O. and Emily R. Botterbusch for a proposed dog kennel use at 880 Oberlin Road, prepared by Act One Consultants, Inc., and submitted by William and Emily Botterbusch. The motion was unanimously approved.

Mr. Paul stated the next plan for action is the Preliminary/Final Land Development Plan for Penn State Harrisburg Capital Union Building Addition, prepared by Larson Design Group and submitted by Penn State Harrisburg Campus. The plan was recommended for approval by the Planning Commission on April 28, 2011. The plan is due to expire on July 27, 2011. All stipulations have been addressed. Mr. Paul suggested the Board act on a waiver request associated with this plan before taking action on the plan itself. A motion was made by Commissioner Loych, seconded by Commissioner Clark, to grant a request for an "Alteration of Requirements" for a waiver of the Preliminary Plan as required by Section 403 of the Code of Ordinances, Chapter 22, Subdivision and Land Development (Planning Commission recommended granting said waiver). The motion was unanimously approved. A motion was then made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve the Final Land Development Plan for Penn State Harrisburg Capital Union Building Addition, prepared by Larson Design Group and submitted by Penn State Harrisburg Campus. The motion was unanimously approved.

#### NEW BUSINESS:

Mr. Paul stated the first plan under New Business is 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. He suggested this plan be tabled, since the Township is awaiting the posting of the improvement guarantees for the new sewer line that needs to be installed. A motion was made by Commissioner Clark, 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 motion was unanimously approved.

Tim Przybylowski , Century Engineering, reviewed with the Board 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. There are also two waiver requests attached to this plan. Mr. Paul stated that this particular plan goes back to when Watkins Trucking Terminal bought 30 acres from the Pickles and had actually submitted an extension for the warehousing. The plan was approved, but the five year deadline ran out, and the property was sold. Mr. Przybylowski stated that FedEx Freight purchased this property from Watkins in 2006. The plan approved for the Watkins warehousing extension back in 2000 looks very similar to the plan FedEx Freight has before the Board this evening. It proposes a 144 dock addition, and will create 76 new full time positions, which will be local hires. FedEx freight will be budgeting an additional \$4 million in direct payroll and over \$200,000 for additional property taxes as a result of this expansion. Mr. Przybylowski added that per discussions with the Planning Commission, FedEx Freight has agreed to contribute to an upgrade of the traffic signal at North Union Street and Fulling Mill Road in order to convert the signal to LED.

Vice President Leonard commented that the area east of the holding pond back to the Swatara Creek isn't planned to be developed, which is positive in many ways. First, the Middletown/Hummelstown Railroad is back there, as well as the Union Canal which is of historical significance. He stated that while it is great that development is not going back there, it would be great to preserve that area sometime in the future, if financially plausible.

In response to a question from Commissioner Clark, Mr. Przybylowski estimated that the additional bays will generate about 35 more trips per day. Commissioner Clark expressed concern with how this additional traffic will impact the timing of the present signal and suggested that if the signal is being upgraded, it should be upgraded with more than just LED's. He noted that the signal is already pretty horrendous, with the truck traffic coming south on North Union Street. Charles Smith, HGR, explained the amount of trips generated by this plan should be about the same number of trips that was estimated to be generated with the previous plan approved back in year 2000. The background traffic, however, may have increased over the last ten years and the Township does have the option to require a traffic study. Commissioner Clark stated that the signal doesn't seem to give any consideration to southbound movement; drivers sit at that signal for

minutes and minutes looking at nothing turning left or nothing coming straight through. He stated that he certainly doesn't want to hold the developer hostage by requiring a traffic study for the addition of a few more bays. He does, however, feel strongly that if the bulbs in the signal are going to be upgraded, the whole signal should be addressed. Commissioner Mehaffie inquired if this is a loop signal. Commissioner Clark stated that it is, and suggested the Township might look into making it a video detection signal. Mr. Przybylowski noted that FedEx Freight has agreed to contribute monetarily to upgrade this traffic signal; how the money is used for the upgrade will be up to the Township.

Mr. Paul stated that the staff is recommending the plan be tabled tonight, since there are a lot of stormwater issues and some minor odds and ends that need to be addressed. It can, however, be placed on the August 3 agenda. He stated the Board can vote tonight on the two waiver requests. A motion was made by Vice President Leonard, seconded by Commissioner Loych, to grant a request for an "Alteration of Requirements" for a waiver of the Preliminary Plan as required by Section 403 of the Code of Ordinances, Chapter 22, Subdivision and Land Development (Planning Commission recommended granting said waiver) and also to grant a request for an "Alteration of Requirements" for a waiver from the requirement that the total increase in runoff from the 2 year/24 hour storm event be mitigated on site in whole or in part as required by Section 118.2.(A).(1) of the Code of Ordinances, Chapter 26, Water, Part 1, Stormwater Management (Planning Commission recommended granting said waiver). The motion was unanimously approved. A motion was then made by Commissioner Mehaffie, seconded by Commissioner Clark, to table 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 motion was unanimously approved.

Mr. Paul stated the next plan for consideration is 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. The plan is due to expire on July 27, 2011. Along with the plan are several waiver requests: (1) a waiver of the Preliminary Plan as required by Section 403, (2) a waiver of curbing on Wood Street as required by Section 606, and (3) a waiver of sidewalk on Wood Street as required by Section 607. There is a fourth waiver request that is not listed on the agenda, and it has to do with the driveway entrance (access drive) off of Route 230.

The minimum grade in the Township ordinance is 5% and the developer's request is for 6%, which will provide a cover for the existing sanitary sewer line. This does meet with Penn DOT criteria. In addition, the Board will need to act on the Operation and Maintenance Agreement, Stormwater Management Best Management Practices for said plan.

President Linn asked why a waiver of sidewalk is being requested for Wood Street. Mr. Paul explained that the development will have its own sidewalks, but the primary reason for the waiver request is that it would be almost physically impossible to install sidewalk and curbing on that road. In lieu of that, however, the roadway will be widened.

Mr. Paul noted that in addition to the Final Subdivision and Land Development Plan, there is a separate street construction plan for the construction of Lawrence Street. GreenWorks also recently submitted its plan, and the Planning Commission will be looking at that next Thursday. The construction of Lawrence Street will result from the two developers working together through various agreements and right of ways, which Solicitor Henninger has reviewed. As a condition of Land Development approval, Lawrence Street must be constructed in accordance with these agreements. Solicitor Henninger added that approval of a Developer's Agreement should also be on the agenda as part of the approval process. He has already reviewed it, and it has been signed by both parties.

Matt Genesio, KGH Developers, reported they are looking for a conditional approval tonight. There are a few minor things that need to be finalized with this plan but none of these will impact the plans that the Board sees before them this evening. These items include posting of the improvement guarantees, approval of the Lawrence Street Construction Plan, and E&S approval from the County.

Charles Smith, HRG, stated there is an access out onto Route 230, the new relocated Lawrence Street. This is shown on the land development plan as just a stub road to provide access to their development. Right now, it is shown on half of the property owned by KGH and half on the property owned by their neighbor, Lawrence Street Partners. At this time, there is no executed agreement or dedicated right of way that establishes the right to build that entrance. At a minimum, obtaining that dedicated right of way or easement would need to be one of the conditions for approval, should the Board decided to conditionally approve the plan. Mr. Genesio clarified that they already do have this easement signed. Mr. Smith stated that he was not aware of this. Solicitor Henninger agreed to forward a copy to Mr. Smith.

President Linn again expressed concern about the waiver request for curbing and sidewalk, and stated he is extremely concerned that the lack of sidewalk from the development to Route 230 will create a safety hazard for students trying to cross the street to the shopping center. Mr. Smith explained that the area President Linn is referring to is actually a paved swale. Installing sidewalk and curbing wouldn't be a good idea, since the water wouldn't have anywhere to go. The Coble house will remain, and due to the embankment and the right of way line, it would be difficult to install curbing and sidewalk in compliance with Township regulations. This is the reason why the Township insisted on a 4' shoulder in addition to the 12' cartway. Mr. Genesio added that KGH will be putting curbing and sidewalk on Lawrence Street to direct the internal pedestrian flow to Lawrence Street.

Mr. Paul added that the Township may want to keep the entrance onto Wood Street open as a normal access, not just a temporary entrance as noted on the plan. Commissioner Mehaffie suggested this access be posted as a private road in order to control its use as much as possible. Mr. Paul stated it will probably still be used regardless of the signage, but agreed this can be done.

Mr. Smith briefly referenced the plan for the redesign of Lawrence Street and the stipulations which have yet to be addressed (right of ways agreements, improvement guarantees, etc.). Any conditional approval of the Land Development Plan tonight should include these stipulations being addressed.

Commissioner Clark stated that this Board has not historically granted conditional approvals on plans, except plans having very minor stipulations. This plan has a list of contingencies. He suggested that KGH ask for an extension to the August 3 meeting in order to address these items. Mr. Paul agreed, and asked if Mr. Genesio is prepared to submit a written request for a time extension on the plan. Mr. Genesio stated that he had hoped the Board would grant the conditional approval since these conditions pertain to the Lawrence Street Construction Plan, not the Land Development Plan which is on the agenda for action. None of these conditions will really change the plans that are before the Board. Commissioner Clark stated that during the lengthy conversation on this plan, it appears there is a lot of confusion over what information has been shared between the staff, Engineer and Solicitor. Mr. Genesio stated that if this is the Board's decision, he is prepared to submit the written request for an extension. A motion was made by Commissioner Clark, seconded by Commissioner Loych, to grant a 90-day time extension, as requested by the developer, on 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 motion was unanimously approved.

Mr. Paul stated there were some questions tonight about the waiver requests associated with the plan, and asked if the Board would like to act on them tonight. He added that it would be helpful for the developer to have the Board's direction on the waivers tonight, since these also impact the plan and would require additional changes to it. A motion was made by Commissioner Clark, seconded by Commissioner Loych, to grant the following requests for an "Alteration of Requirements" for a waiver of the following requirements of the Code of Ordinances, Chapter 22, Subdivision and Land Development (Planning Commission recommended granting these waiver requests): (1) a waiver of the Preliminary Plan as required by Section 403, (2) a waiver of curbing on Wood Street as required by Section 606, (3) a waiver of sidewalk on Wood Street as required by Section 607, and (4) a waiver of the grade entrance from 5% to 6%. The motion was approved by a 4 – 1 margin, with President Linn dissenting.

Mr. Paul stated the Board can also act this evening on the Operation and Maintenance Agreement associated with this plan, since it is fully executed. A motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to approve the Operation and Maintenance Agreement, Stormwater Management Best Management Practices, for said plan. The motion was unanimously approved.

Vice President Leonard referenced previous discussion about a Developer's Agreement associated with this project, and asked if the Board needs to take action on this also. Solicitor Henninger stated there are a few corrections that need to be made to this document, but it also will be placed on the agenda of the August 3 meeting.

A motion was made by Commissioner Clark, seconded by Vice President Leonard, to approve the Operation and Maintenance Agreement, Stormwater Management Best Management Practices, for Noah W. Kreider & Sons, LLP Land Development Plan approved June 15, 2011. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Clark, to approve the payment of Estimate No. 11 in the amount of \$22,446.23 to Navarro & Wright Consulting Engineers 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 Clark, to approve the payment of Application for Payment #14 in the amount of \$118,450.73 to Leon E. Wintermeyer, for construction phase services related to the Meade Avenue Project. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the payment of \$5,026.56 to HRG, Inc. for services rendered for the period May 30, 2011 through June 26, 2011 for construction phase services relative to the Meade Avenue Project. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Vice President Leonard, to approve the high bid for the sale of a 2003 Police Ford Crown Victoria, Serial #2FAFP71W93X209444, to Bay Ridge Motors, Inc., in the amount of \$1,315.00. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve authorization to prepare and advertise bids for the Lower Swatara Township Municipal Solid Waste Collection and Recyclables Collection and Marketing Services Contract. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to approve authorization to prepare and advertise bids for Traffic Signal Maintenance Services. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the following 2011 Personal Tax Exonerations:

|                   |                    |
|-------------------|--------------------|
| List 1, Full Bill |                    |
| Per Capita        | \$ 7,255.00        |
| Occupation        | \$36,275.00        |
| <b>TOTAL</b>      | <b>\$43,530.00</b> |

The motion was unanimously approved.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

President Linn asked that the Board again convene into executive session in order to discuss personnel matters. 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 8:50 P.M.

ATTEST:

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Ronald J. Paul  
Manager/Secretary