

MINUTES

JULY 21, 2010 LEGISLATIVE MEETING

LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The regular monthly meeting of the Lower Swatara Township Board of Commissioners, held at the Lower Swatara Township Municipal Building, was called to order at 7:00 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/Secretary
- Peter R. Henninger, Township Solicitor
- Jean R. Arroyo, Recording Secretary

Excused:

- Christopher K. Bauer, P.E., HRG, Township Engineer

Residents and visitors in attendance:

- Mike Williams (Bryn Gweled Subdivision)
- Ron Burkholder (ORP)
- Steve Carten (PPC)
- Joe Rinaldi (INS)
- Scott Akens (Akens Engineering)
- Phyllis Zimmerman (Patriot News)

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

PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

A motion was made by Commissioner Loych, seconded by Vice President Leonard, to approve the Minutes of the June 16, 2010 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Commissioner Loych, to approve the Minutes of the July 7, 2010 Special Meeting. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve the Minutes of the July 7, 2010 Non-Legislative Meeting. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Clark, to approve the Minutes of the July 15, 2010 Special Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve Payment of Bills as presented on Warrant No. 2010-6. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

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

ENGINEER'S REPORT:

On behalf of the engineer, Mr. Paul noted that the Board had gone through the required process of obtaining the consultant for the inspection of the Meade Avenue project. The actual agreement from Penn Dot should be in the Township's hands this Friday; the agreement will require signature from the President and attest by the Secretary. Mr. Paul asked the Board to take action on a motion to authorize him and President Linn to sign the Consulting Inspection Agreement pertinent to the Meade Avenue project. A motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to authorize execution of the Consulting Inspection Agreement by President Linn and Mr. Paul. The motion was unanimously approved.

SOLICITOR'S REPORT:

Solicitor Henninger referenced information he had provided the Board regarding the assessment appeal between Conewago Contractors, Inc. and the Dauphin County Board of Assessment Appeals for property at 1400 AIP Drive. Based on the letter from Jeffrey Engle, attorney for the Dauphin County Board of Assessment Appeals, Solicitor Henninger recommended that the Board of Commissioners accept the proposed Stipulation and Joint Motion for agreed upon Order. He noted that while this will result in a reduction in tax revenue with regards to this parcel, this seems to be the way of the world these days in a declining real estate market. A motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to approve acceptance of the proposed Stipulation and Joint Motion for agreed Upon Order in regards to the Conewago Contractors, Inc. assessment appeal. The motion was unanimously approved.

MANAGER'S REPORT:

Mr. Paul referenced the list of future meetings dates.

COMMITTEE REPORTS:

Police Committee – Commissioner Clark – reported that Chief Wiley had provided the Board with an activity report. The Board held interviews Monday evening with police officer candidates. Due to this, Commissioner Clark explained that he was unable to attend the COG meeting that same evening. President Linn advised the Board that Chief Wiley and Mr. Paul have requested an executive session immediately upon conclusion of this evening's meeting in order to discuss personnel matters.

Public Safety – Commissioner Mehaffie – no report

Public Works – Commissioner Loych – reported the Department has completed its paving projects on Fiddlers Elbow Road and Stoner Drive. Paving of Market Street Ext. is scheduled for the week of August 2. Residents were reminded that the dumpster will be available on Saturday, August 7, from 8:00 A.M. to noon. Commissioner Loych informed the Board that there is no Recreation Board Meeting this month.

Budget and Finance – Vice President Leonard – reported that cash receipts for the month of June totaled \$694,255.19. The major sources of revenues were from Act 511 Taxes (namely the Earned Income Taxes), Real Estate Taxes (current and delinquent), miscellaneous grants including the

recycling, snow and recreational area, and other miscellaneous receipts. Cash expenditures totaled \$494,013.53 and were comprised of the two transfers to the payroll account, the transfers to the various miscellaneous funds (such as the street light and hydrant funds), a transfer to the PLGIT account, and all invoices due and payable. Investments totaled \$686,449.91 with an average annual yield of 0.5%. With six months of the fiscal year having elapsed, the revenues are around 60% of budgeted projections. While this may appear to be high, it should be noted that the grant for the soccer fields has been included. The real estate taxes which most owners pay during the discount/face period have a major impact at this time and will only trickle in for the remainder of the year. Expenditures are at 50.25% of budget projections. As with the revenues, it should be noted that the highway reconstruction projects had not yet begun during the time frame being looked at. The Township will continue to closely monitor all expenditures for the balance of the year, as it looks at expenses including a public works director, the additional/replacement person in the finance department, the additional costs of benefits, etc.

Community and Economic Development – President Linn --- reported that the Meade Avenue project is scheduled to be awarded in August. Mr. Paul clarified that hopefully confirmation of this will be received by the end of the week. Commissioner Loych questioned previous comments about the possibility of a crushed water line at the Linden Centre impacting the water pressure in the Colonel James Burd area, and asked if anyone had heard back from Mr. Nardo about this issue. Mr. Paul stated that the water company has been in contact with Mr. Nardo. Commissioner Loych suggested the Township encourage Mr. Nardo to work with the water company. President Linn agreed to speak to Mr. Snavely to get more information about this situation. Vice President Leonard inquired if the Township has any updates on what is happening at the Linden Centre. President Linn stated that the construction of the Meade Avenue project will also involve Mr. Nardo and his project. Commissioner Loych and Vice President Leonard both reported that they are receiving complaints from residents about the lack of movement at the plaza. President Linn agreed that he hears similar complaints all the time; he will try to contact Mr. Nardo this week. Mr. Paul stated that Mr. Nardo has submitted the final plans for signature to be recorded. He added that it is his understanding that Mr. Nardo is trying to piggy-back with the contractor who will be doing the road work for the Meade Avenue project. Commissioner Clark inquired if Mr. Nardo has any permits with the Township yet. Mr. Paul responded that he does not. President Linn also informed the Board that he has been invited to a SARAA subcommittee meeting on August 20, at 9:00 A.M.,

to discuss the issue of the detention pond clean-up. Mr. Paul will also attend this meeting. President Linn referenced a phone call from Senator Casey in response to the Township's request for funding assistance for sound barriers. Senator Casey indicated that there is no money available at this time for the sound barriers. However, applications will come out again in December, and the Township is welcome to apply for funding at that time.

UNFINISHED BUSINESS:

Mr. Paul reported that the developer of the first plan under Unfinished Business, the Final Subdivision Plan for Bryn Gweled East (26 lots), has submitted a written request for a 90-day time extension on the plan. A motion was made by Commissioner Loych, seconded by Vice President Leonard, to grant the request for a 90-day time extension 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 B W Partnership. The plan was recommended for approval by the Planning Commission on May 24, 2007. 90-day time extensions were granted by the Board on July 18, 2007, November 21, 2007, February 20, 2008, May 21, 2008, August 20, 2008, November 19, 2008, February 18, 2009, May 20, 2009, August 19, 2009, November 18, 2009, February 17, 2010, and May 19, 2010. The plan is due to expire on August 18, 2010. The motion was unanimously approved.

A motion was made by Vice President Leonard, 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, and May 19, 2010. The plan is due to expire on August 18, 2010. The motion was unanimously approved.

Mr. Paul informed the Board that the developer of the Final Subdivision Plan of Old Reliance Farms, Section 18-B (9 lots), has submitted a request for a one year time extension. Mr. Burkholder explained that while it may not take an entire year, there is additional time needed in order to delineate the wetlands. A motion was made by Commissioner Mehaffie, seconded by

Commissioner Loych, to grant the request for a one-year time extension 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. The plan is due to expire on August 25, 2010. The motion was unanimously approved.

Mr. Paul reported the final item under Unfinished Business is to take action on the Land Development Plan for Highspire Terminals Corporation, formerly Eldorado Properties Corporation, prepared by Rettew Associations, Inc. and submitted by Petroleum Products Corporation. The plan was recommended for approval by the Planning Commission on May 27, 2010 with stipulations which have since been corrected. The plan is due to expire on August 25, 2010. Prior to taking action on the plan, he suggested the Board act on two minor waiver requests.

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 following requirements of the Code of Ordinances, Chapter 22, Subdivision and Land Development: (1) a waiver of the Preliminary Plan as required by Section 403 of the Code of Ordinances, Chapter 22, Subdivision and Land Development, and (2) A waiver of certain Stormwater Management procedures, as required by Section 507 – more specifically the methodology used for run-off calculations as required in Section 26.111.H(3)(a) a predevelopment meadow condition. The Planning Commission recommended both waiver requests. The motion was unanimously approved.

A motion was then made by Commissioner Clark, seconded by Commissioner Mehaffie, to approve the Land Development Plan for Highspire Terminals Corporation, formerly Eldorado Properties Corporation, prepared by Rettew Associations, Inc. and submitted by Petroleum Products Corporation. The motion was unanimously approved.

Mr. Burkholder asked if the Board had inadvertently failed to take action on the waiver requests associated with his project. Commissioner Loych stated the Board has a whole year to act on the waiver requests. Commissioner Clark agreed, and stated that that he doesn't feel the need to act on a plan which the Board just extended for one year. He noted a lot of things could change. Mr. Paul concurred that there is really no need to act on the waiver requests this evening, and stated it makes sense to wait to address these closer to the time frame for plan approval.

NEW BUSINESS:

Mr. Paul stated the first plan under New Business is the Land Development Plan for Advanced Conversion Technology, Inc., 2001 Fulling Mill Road, prepared by Akens Engineering Associates, Inc. and submitted by I Need Solar. The plan was recommended for approval by the Planning Commission on June 24, 2010 with stipulations and is due to expire on September 22, 2010. Although the plan is ready for approval, the Township is still waiting for SARAA to approve the height requirement. No building permit can be issued until FAA concurrence on the height requirements is received. Prior to acting on the plan, Mr. Paul suggested the Board take action on a waiver request. 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 requirement of the Code of Ordinances Chapter 22, Subdivision and Land Development: 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 Vice President Leonard, seconded by Commissioner Clark, to approve the Land Development Plan for Advanced Conversion Technology, 2001 Fulling Mill Road, prepared by Akens Engineering Associates, Inc. and submitted by I Need Solar. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Loych, to approve authorization of payment for the Highspire Waste Water Treatment Plant BNR construction upgrades, Requisition No. 11, in the amount of \$258,854.50 to Highspire Borough Authority. Mr. Paul added that the first allocation of CFA funds in the amount of \$494,391.00, of which the Township gets 64%, was credited towards the original amount, resulting in this residual amount of \$258,854.50. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to approve authorization of payment for the Middletown Waste Water Treatment Plant BNR construction upgrades, Requisition No. 4-A, in the amount of \$92,912.55 to Middletown Borough Authority. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the following 2010 Personal Tax Exoneration Lists:

List 1: Full Bill Occupation \$2725 Per Capita \$1160 TOTAL: \$ 3885

List 1: Occupation Occupation \$ 325 TOTAL: \$ 325

Vice President Leonard inquired how individuals get on these exoneration lists. President Linn explained that they are required to complete the necessary paperwork at the School District, and must have an income level of under \$5,000. The motion was unanimously approved.

FINAL COMMENTS:

Commissioner Loych commended the Public Works Department for its excellent work on Fiddlers Elbow Road and Stoner Drive.

President Linn reported that the Fire Department was called out to the High School; the refreshment stand was burnt to the ground.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:03 P.M.

ATTEST:

Ronald J. Paul
Township Secretary