

MINUTES

NON-LEGISLATIVE MEETING

JULY 7, 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 7:10 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
- Richard T. Wiley, Police Chief
- Robert S. Grauel, Public Works Director
- Jean R. Arroyo, Recording Secretary

Residents and visitors in attendance:

- Ron Burkholder (ORP)
- Mike Shelly
- Mike Williams (Bryn Gweled Subdivision)
- Fred Sembach (SARAA)
- Jon Wilt
- Steven Hickoff (102 Bradford Ave.)
- Chris DeHart (LST Fire Dept.)

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

PUBLIC COMMENTS: None

President Linn reported that he had invited Fred Sembach, the Township's representative to the Susquehanna Area Regional Airport Authority (SARAA), to this evening's meeting in order to hear the Board's concerns about the cleanup of SARAA's holding pond. President Linn stated that he is extremely angry with both SARAA and HRG, which is SARAA's engineer for this project. He referenced a letter from HRG to the Township indicating that the project is not being pursued. President Linn reported that this afternoon, he went down to the Jednota Flats area to view SARAA's holding pond. He could easily see that there is about five feet of weeds there, and that the silt is higher than the pipe. After seeing this, he cannot understand how an engineer could send out this letter. He suggested that the engineer come down himself and take a look at the holding pond. It is evident that the pond is clogged up.

President Linn added that the Township had asked that 18" of silt be removed. Mr. Paul clarified that this statement is not really correct – the Township had simply asked that the holding pond be maintained properly and the silt removed. The 18" just came up as a good suggestion. President Linn noted that last year, SARAA promised to accept its responsibility to clean out the silt and maintain these pipes. Now, the Township is being told that SARAA refuses to do this work, since costs of the project have increased. President Linn stated that if SARAA hadn't put off the project, this increase wouldn't have happened. He added that he is sorry to have to say that SARAA is not a good neighbor, since it won't cooperate and honor its commitment and responsibility.

President Linn further explained that the Township is not saying that this work will control the flooding problem. However, maintaining the holding pond should help the Jednota Flats residents during flash flood events. He noted that it's obvious that SARAA doesn't care about the residents. President Linn added that Penn DOT appears to be cooperating with its commitment to pursue work at the interchange. However, when the water gets down to SARAA's property, there is no water running in there at all. He remarked that it doesn't take an engineer to figure this out. Bob Grubic developed this pond, and knows it well. Blueprints and figures don't mean anything when you can see it with your own eyes. President Linn added that if money is an issue, SARAA should rent out the empty top floor of its parking garage and collect revenues that way. He also suggested that another option would be for SARAA to grant the Township permission to go in there and clean it out. In exchange, the Township would put a tax on the airplanes that land on the Airport's property and use that money to pay for the work. President Linn again conveyed his anger and

disappointment with SARAA. SARAA has caused the Township to lose tax dollars from Route 230 south, since it has landlocked the businesses along there. SARAA also needs to tear down the little “restaurant” shack, which is filthy and covered with weeds. President Linn stated that he will provide SARAA with one more opportunity to reconsider its decision to clean out the pond. He told Mr. Sembach that he respects him, but is asking that he take these comments back to SARAA. President Linn noted that he means business and would like to hear something back shortly. If SARAA doesn’t want to meet its obligations, the Township will meet them for SARAA.

Commissioner Loych asked Mr. Sembach if he was familiar with the correspondence indicating that this project will not be done. Mr. Sembach confirmed that he is. Commissioner Loych referenced President Linn’s comments about being a “good neighbor”, but added that SARAA is actually in Lower Swatara Township, so it should be more of a partner. He asked Chris Bauer, HRG, how long it would take to remove 18” of silt. Mr. Bauer explained that this is not his division, but added that he is taking notes to bring back to HRG. President Linn also questioned a potential conflict of interest on HRG’s part, since it represents both Lower Swatara Township and SARAA, and is forming an opinion against the Township. Commissioner Loych agreed that it would have been nice if Mr. Grubic had come back to the Township with this fact, and agreed to discuss the letter with the Board.

Commissioner Mehaffie asked Mr. Sembach if SARAA agrees that the pond needs to be dredged. Mr. Sembach confirmed that it does. First, he clarified that HRG is not the Airport Engineer. SARAA has a variety of professional service people that it engages, and HRG just happens to be the one for this project. He also stressed that SARAA is not saying it won’t do the project; the question is when. Mr. Sembach explained that SARAA had all intentions of doing the project, and money was initially budgeted for the work. However, once the process began, the project became more massive and complicated than anticipated, including an issue with potential wetlands. Since SARAA is already operating under a deficit, it simply cannot afford these additional costs. Commissioner Mehaffie stated that this letter seems a little misleading then, as far as saying the project won’t be undertaken. He agreed with President Linn that the project may not control major floods, but maintaining this pond, as well as Penn DOT’s work at the interchange, should help with the flash flooding.

President Linn stated that he has a problem when any engineer comes back to him and uses the excuse “wetlands”. The Board is just asking that SARAA maintain its own property. Mr.

Sembach noted that he is not an engineer, but the bottom line is that SARAA ran into a lot of permit issues and escalating costs. He agreed to take President Linn's comments back to SARAA's Board. However, he suggested the Board also reach out to the other appointees on SARAA's Board to explain its position. It is important that these appointees recognize what the issue is and why it needs addressed. Mr. Sembach noted that SARAA's Board meets again on August 25 at Middlesex Township. President Linn and Commissioner Mehaffie agreed to attend this meeting. Mr. Sembach also agreed to provide the Township Board members with a list of the appointed individuals who serve on the Board of SARAA.

Mr. Paul asked Mr. Sembach if the SARAA Board members are aware of the flooding problem. Mr. Sembach confirmed that they are, but again stated that the issue boils down to a cost benefit. What SARAA thought was a simple problem to address has become a permit issue and a financial issue. Mr. Paul questioned this again, since it is SARAA's responsibility to maintain that pond. Mr. Sembach reiterated that no one is saying this work won't be done. However, \$5,000 was budgeted to do the project, and costs have escalated. Members of SARAA's Board are questioning the cost benefit of the project, particularly since SARAA has been operating under a deficit for two or three years.

Mr. Hickoff stated his frustration with this issue, and noted that it appears that if an area isn't maintained, it becomes wetlands and now nothing has to be maintained because the area is magically wetlands. He added that it sounds like Penn DOT is saying the same thing about the interchange. Mr. Paul responded that he believes the Army Corp of Engineers can grant waivers for such projects. When retention ponds are designed for that purpose and wetlands develop in that area, that doesn't mean they can't go in and perform maintenance, remove silt, or do whatever else needs to be done. There may be permits involved, but the Army Corp of Engineers will work with the applicant to get the work done. Mr. Paul stated that the point is that SARAA can accomplish the goals that need to be accomplished and still allot for the wetlands. Mr. Hickoff agreed that he is getting tired of hearing about things that can't be done due to wetlands. He stated that his property is turning into a wetland too. He noted it is very discouraging to see the project coming close to finally getting started, and then seeing the involved parties back off.

POLICE DEPARTMENT REPORT:

Chief Wiley reported that thefts from unlocked autos are cropping up again. In response to a question from Commissioner Loych, Chief Wiley explained that most of these are in the Rosedale area. The public is continually being educated via newsletters, flyers, and personal contact of the importance of keeping their vehicles locked.

Mike Williams stated that he and Marlin Biesecker would like to know how many citations have been issued recently due to un-muffled jake brakes. Chief Wiley responded that none have been issued. He noted that an officer would almost have to have a mechanical engineering background to verify this. No officers in the department are qualified for this, although they are going through training right now. Chief Wiley added, however, that officers can cite trucks for other violations. He reminded Mr. Williams that according to the Penn DOT regulations, citations prohibiting jake breaks cannot be legally enforced on the roadways in questions.

President Linn advised the Board that Chief Wiley has requested an executive session immediately upon conclusion of this evening's meeting in order to discuss personnel matters. In addition, the Finance Chairman has also requested an executive session this evening in order to discuss personnel matters.

PUBLIC WORKS DEPARTMENT REPORT:

Mr. Grauel reported that the Department has been working on the road construction projects for this year. Fiddlers Elbow Road will be overlaid tomorrow and the road will be closed but accessible to emergency vehicles. A section of Stoner Drive from Rosedale Avenue to the Turnpike Bridge will be paved next week. Market Street Ext. has been recycled; there is one inlet to repair and several driveways to address. This road will then be paved within the next two weeks.

The Department will be replacing 225' of 24" storm drain pipe on Hanover Street. Due to the depth of the pipe, the Township has received quotes for this work, which is deemed an emergency situation. Doug Shope Excavating will be utilized to remove the old pipe and install the new one; cost will be under \$10,000. This is scheduled to begin on Monday, July 12.

ORSA will practice on the new soccer fields beginning Saturday the 17th. The dumpster will be available to Township residents this Saturday, July 10, from 8:00 A.M. to noon.

President Linn remarked that he is happy to hear Mr. Grauel indicate that roads will be closed during the construction work. This is extremely important for the safety of the workers.

FIRE DEPARTMENT REPORT:

Chief DeHart reported that calls for the month of May totaled 42, with a year-to-date total of 244. He also referenced correspondence from Representative Holden pertinent to the equipment grant the Fire Department applied for. Upcoming fundraisers include another Biker Breakfast and a Roast Beef Dinner.

PLANNING AND ZONING/MANAGER'S REPORT:

Mr. Paul reported that previously tabled plans will again appear on the July legislative agenda, including the Old Reliance Farms plan, which is still in limbo. The Planning Commission recently reviewed a Land Development Plan for Advanced Conversion Technology for the implementation of solar panels across the back of the building; this plan will also appear on the agenda.

Vice President Leonard questioned if the follow up meeting was held with Mr. Burkholder and the Army Corp of Engineers. Mr. Paul verified that it had, and asked Ron Burkholder to update the Board on this meeting. Mr. Burkholder explained that the third engineer from the Corp visited the site this past Friday and did indeed find wetlands. He explained that presently, there are three criteria needed to declare a wetland: plants, soil, and water. This site only meets one criterion: soil. However, six months from now, a new regulation will come into effect stating that only one criterion is necessary to declare it a wetland. Unfortunately, it appears that this future policy is being used now as it pertains to this particular project. Commissioner Clark asked Mr. Burkholder how this impacts him at this point. Mr. Burkholder explained his next step is to determine how much land he must set aside for mitigation. He noted that if he has to set aside enough ground that he loses even one lot, the project will not be economically feasible to pursue.

Vice President Leonard asked if the feedback from the Corp of Engineers was verbal or will be followed up in writing. Mr. Burkholder confirmed that he was told he would receive written correspondence outlining what happened. Solicitor Henninger also questioned why Mr. Burkholder would be expected to provide a map delineating wetlands under criteria that doesn't come into effect for another six months. Mr. Burkholder agreed, and again expressed concern about the costs associated with this mitigation. It would require additional engineering, surveying, etc. He also noted that this isn't the kind of wetlands where you picture beautiful flowers, insects, water, etc. This is what is known as a low grade wetland. Vice President Leonard stated it would be helpful if

this letter from the Army Corp of Engineers is dated and states the current criteria. Mr. Paul agreed it would be, but noted this is not likely to happen.

Mr. Paul stated that this plan is not yet ready to expire. However, he asked Mr. Burkholder to let the Board know if he desires it to be tabled or withdrawn as soon as he determines what direction he will be taking on it.

Vice President Leonard asked the Board members if they intend to have any future discussions with the Army Corp of Engineers regarding the Jednota Flats flooding issue. If so, perhaps this could be a group meeting to discuss the Old Reliance issue too. The meeting could include Mr. Burkholder, the Jednota Flats residents, and the Board. Vice President Leonard noted he doesn't understand how future plan criteria can hinder a current activity. President Linn noted he was also told that there would be no problem with Penn DOT cleaning out the pipes at the interchange. Mr. Paul verified that was he told it could be done, although various waivers may be required. President Linn suggested a follow up letter to Penn DOT to see where this stands. Vice President Leonard stated that he is concerned about this, as well as Mr. Burkholder's development and the extension of Powderhorn Road, which is beneficial to a lot of people. Mr. Paul clarified that it's not that these things can't be done, but it boils down to dollars and cents. President Linn directed the Manager to send a follow-up letter to Penn DOT regarding cleanup of its pipes at the interchange. Commissioner Mehaffie also agreed to make personal contact with Penn DOT tomorrow.

FINAL COMMENTS:

Commissioner Clark asked if the Township staff has the ability to scan documents and email them. He stated that the HRG report in front of him tonight is dated June 22, and he is just seeing it this evening. It would be helpful to receive such information in a timelier manner. Mr. Paul confirmed that this could be done.

Solicitor Henninger called the Board's attention to a copy of the first page from the PSATS NewBulletin and a draft resolution. The PSATS is urging municipalities to adopt a resolution opposing legislation to eliminate Townships. The resolution would oppose House Bill 2431, which calls for a constitutional amendment to establish counties as the basic level of government in Pennsylvania, and Senate Bill 1357 which would create a boundary commission to review and recommend changes to local government borders in the commonwealth. Solicitor Henninger

explained that the legislation would basically establish a county-form of government. He suggested the Board take a look at this legislation and the attached resolution for future consideration.

President Linn reported he will be attending the grand opening of the Hummelstown Library on July 27.

Commissioner Mehaffie reported that he had recently attended the State Association of Township Commissioners convention. It was very informative, and he did speak to several municipalities about the issue of jake brakes, but none of these indicated experiencing problems. He also spoke to municipalities in the Philadelphia area about what procedure they used to obtain their sound barriers. It appears that the sound barriers were up for a long period of time, prior to these individuals being in office. In addition, Commissioner Mehaffie touched base with the Borough of Highspire to see if its residents had expressed similar noise problems. The Borough indicated that it has not received complaints. Solicitor Henninger added that he had also spoken to several solicitors at the convention about sound barriers. There are sound barriers from the Valley Forge interchange heading east. However, the road was widened from four lanes to six lanes, which is how these sound barriers were approved. There are very few barriers on the Schuylkill, except where you first get on, and again, this interchange was redone and more lanes put in. There are also not many on 95. Commissioner Clark stated that while he can appreciate that, this still doesn't change the fact that from the Gettysburg exit to the Ramada Inn, there are only four lanes and yet sound barriers all over the place. He questioned if correspondence regarding the request for sound barriers had been sent to the County and HATS, as discussed at a previous meeting. Mr. Paul noted it had not; there were many discussions but a clear direction was not given. Commissioner Clark stated that several meetings ago, it was directed that a letter should be sent to the County Commissioners, HATS, John Payne and Jeffrey Piccola regarding this request. President Linn agreed that the Board would like to know why other districts seem to get approval while Lower Swatara Township's request is rejected. President Linn noted that if there were no objections, the Manager would be directed to draft this correspondence. No objections were expressed.

As suggested by the Township Engineer at this evening's Special Meeting, the Board discussed setting a date and time for another Special Meeting in order to take action on the hiring of a consultant for the Meade Avenue project. Mr. Bauer indicated that it should be no earlier than next Wednesday, nor any later than next Thursday. Vice President Clark stated that he has a scheduling conflict with Wednesday evening, and if there is flexibility, he would prefer the

Thursday morning option. He suggested the Board look at their calendars and coordinate with each other first thing tomorrow morning.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:11 P.M.

ATTEST:

Ronald J. Paul,
Manager/Secretary