

## MINUTES

### MARCH 17, 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
- Christopher K. Bauer, P.E., HRG, Township Engineer
- Jean R. Arroyo, Recording Secretary

Residents and visitors in attendance:

- Mike Williams (Bryn Gweled Subdivision)
- Phyllis Zimmerman (Patriot News)
- Jim Lewis (Press & Journal)

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 February 17, 2010 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to approve the Minutes of the March 3, 2010 Non-Legislative Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Vice President Leonard, seconded by Commissioner Loych, to approve Payment of Bills as presented on Warrant No. 2010-2. 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 February 2010. The motion was unanimously approved.

ENGINEER'S REPORT:

Chris Bauer, HRG, updated the Board on the project checklist for the Meade Avenue project and noted that the reimbursement agreement has been received. Solicitor Henninger suggested that since time is of the essence, the Board make a motion to approve the reimbursement agreement, subject to final review of the solicitor, manager, and engineer. He explained that there does need to be clarification of several items, including the question of whether the Township will be responsible for the cost of an audit on these federal funds. Mr. Bauer agreed that this is a new requirement, and he is looking into it. It was noted that Penn Dot has the project set for a June 4 letting, although the project manager is looking into pushing the let date back into May. However, the Township must first have the rights of ways and the joint permit that is still at DEP. Once this permit is issued and the rights of ways are received, the project will be ready to go. A motion was made by Commissioner Loych, seconded by Vice President Leonard, to approve the general reimbursement agreement/federal aid highway project (the Meade Avenue project), subject to final approval by the Township manager, solicitor and engineer. The motion was unanimously approved. Mr. Paul added that in conjunction with this agreement is a resolution authorizing the President to sign the agreement and the Manager to attest to it. A motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to approve Resolution No. 2010-R-4, which authorizes the appropriate officials to sign the agreement. The motion was unanimously approved.

SOLICITOR'S REPORT:

Solicitor Henninger reported that he has been busy working with Mr. Paul on getting the required right-of-way agreements from Penn State for the Meade Avenue project. President Linn added that it is not Penn State Harrisburg that is holding up the required paperwork, but the Main Campus.

MANAGER'S REPORT:

Mr. Paul called the Board's attention to several pieces of correspondence in their packets of information. He also requested the Board convene into executive session immediately upon conclusion of the meeting in order to discuss a personnel matter.

COMMITTEE REPORTS:

Police Committee – Commissioner Clark – reported that he had met with Chief Wiley last week. President Linn asked to be informed when these meetings are held. Commissioner Clark reported that the COG met Monday night; he added that he is now Secretary of the COG. Topics discussed included the Comcast cable franchise agreement. The COG also recently placed the road materials out to bid; bids were approved and the Township should be receiving a copy in the mail within the next week or so.

Public Safety – Commissioner Mehaffie – referenced a letter from the Life Lion EMS thanking everyone who helped with snow removal during the recent snow storms.

Public Works – Commissioner Loych – reported that Glenn Snavely, Township Code Administrator, provided the Board with a written history and update of the water pressure issue on Edinburgh Road. There is still a substantial decrease in pressure. The Township is waiting feedback from United Water on this issue. Commissioner Loych presented the monthly report from the Public Works Department. The Department has been busy preparing the baseball fields for opening day, which is April 24, and also preparing the parks for the spring/summer season. Other recent jobs of the Department include cleaning up all of the sod along the roads that was plowed up during the winter season, street sweeping, and patching. The dumpster will be available to residents Saturday, April 10 from 8:00 to noon. This is the second Saturday of the month due to the holiday weekend. Commissioner Loych informed the Board that he had attended, as a representative of the Olmsted Regional Recreation Board, the recent meeting of the Middletown Borough Council, in

order to encourage Middletown to move forward on the community pool project. Commissioner Loych explained that there were concerns that Middletown Borough may be in jeopardy of losing the grant for the pool if it doesn't move forward with this. The Borough indicated that this it is not in jeopardy. However, at the meeting, it was reported that it is \$100,000 short and will be requesting a contribution from both Royalton Borough and Lower Swatara Township.

Commissioner Loych stated that it is not the Township's pool; the Recreation Board simply runs the pool for Middletown Borough. He suggested the Board take action on this request this evening.

Budget and Finance – Vice President Leonard – reported that with two months into the new year, revenues are at 11% of budgeted projections. He explained that tax money usually doesn't come in early in the year. Vice President Leonard asked the Board to keep in mind that the budget does not include a contribution towards the Middletown pool project, and the Township's revenue stream isn't such to support the pool. He stated that strictly from his position as Finance Chairman, he doesn't feel the Township is in a financial position to give any kind of money to Middletown for the pool. The monthly finance report was then summarized. Cash receipts for February totaled \$422,785.92. The major sources of revenues were from the quarterly allocation of the Earned Income Taxes and Lower Swatara Township Taxes, Real Estate taxes (current and delinquent), SARAA patron parking fees, and other miscellaneous receipts. Cash expenditures totaled \$417,585.32 and were comprised of the two payrolls, the tax transfers to the various miscellaneous funds (such as the street light and hydrant funds), the quarterly billing for EMS services and all invoices due and payable. Investments totaled \$586,348.06 with an average annual yield of 0.05%. Vice President Leonard stated that the recent Fire Department appreciation banquet was well attended and was an excellent program. Commissioner Clark referenced the pool issue, and suggested the Recreation Board be asked to provide the Township with figures indicating how many Lower Swatara residents are, or have been, members of this pool. Commissioner Loych noted this was referenced at the meeting; the comment was made that Lower Swatara Township residents don't use the pool. Dr. Clouser's response was that the Township was still going to be asked to contribute.

Community and Economic Development – President Linn --- reported that he had attended the recent Penn State Advisory Board meeting, where discussion focused on the Meade Avenue project. President Linn also asked Board authorization to hold the Lions Club Annual Easter Egg Hunt on

April 3, at 10:00 A.M., on the ballfield at the Shopes Gardens playground area. There were no objections stated by the Board.

UNFINISHED BUSINESS:

A motion was made by Commissioner Clark, seconded by Vice President Leonard, 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 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 and February 17, 2010. The plan is due to expire on May 19, 2010. The motion to table was unanimously approved.

A motion was made by Commissioner Clark, seconded by Vice President Leonard, 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 and February 17, 2010. The plan is due to expire on May 19, 2010. The motion to table was unanimously approved.

NEW BUSINESS:

A motion was made by Commissioner Clark, seconded by Commissioner Loych, to approve Resolution No. 2010-R-3. This resolution authorizes and directs the Township Manager to sign an Agreement Associated with the Business Partner Registration for Lower Swatara Township and authorizes the Financial Administrator to attest to the same. Mr. Paul further explained that this is in conjunction with the grant and the electronic filing of paperwork that Penn Dot needs to pay the bills for the Meade Avenue project. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Vice President Leonard, to approve the elevation of Jeffrey Webb from probationary patrol officer to permanent status effective

March 30, 2010, the first year anniversary date of employment. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve authorization of payment for the Highspire Waste Water Treatment Plant BNR construction upgrades, Requisition No. 5, in the amount of \$407,877.89 to Highspire Borough Authority. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve authorization of payment for the Middletown Waste Water Treatment Plant BNR construction upgrades, Requisition No. 1-A in the amount of \$201,271.37 to Middletown Borough Authority. The motion was unanimously approved.

President Linn then referenced the request from the Middletown Borough for a contribution of \$25,000 from Royaltown Borough and \$75,000 from Lower Swatara Township to cover the shortfall needed to get the Middletown pool back into operation. Vice President Leonard again reminded the Board that this item was not addressed in the budget. In addition, tonight's discussion about the possibility of paying for an audit for the Meade Avenue project will mean an additional unbudgeted expense. Commissioner Loych stated that Middletown maintains ownership of the pool; the Township contributes as a member of the Recreation Board. The pool is a good thing for the Borough, and is needed for the youth and community there. However, the Township shouldn't be responsible for funding it. Middletown needs to step up to the plate and move forward. President Linn added that the Recreation Board actually saves Middletown Borough money by running the pool. A motion was made by Vice President Leonard, seconded by Commissioner Loych, to send a letter to the Borough of Middletown acknowledging receipt of its correspondence and explaining that Lower Swatara Township is simply not in a fiscal position to support the request. The motion was unanimously approved.

Mr. Paul referenced the draft letter to the Highspire Borough regarding public comments about the Highspire Reservoir Park walkway. He noted that he had not received any feedback from the Board, and will have President Linn sign the letter as presented. Commissioner Mehaffie asked if the letter should also include the positive comments that were offered about the proposed project. Commissioner Loych stated that he thought the letter was to explain the Township's concerns about the project. Vice President Leonard remarked that he was not present at that meeting, but agreed that if there were positive comments made by the citizens that evening, they should also be noted in

the correspondence. He referenced the draft letter, and stated he personally doesn't know how the Board can say that the trail will be too close to the existing dwellings. Mr. Paul asked the Board for its direction on this draft letter. After further discussion, the Board directed Mr. Paul to attach a copy of the Minutes with the correspondence, since they also reflect the positive comments made by both the Board members and the citizens about the project.

#### FINAL COMMENTS:

President Linn congratulated Commissioner Mehaffie on being elected Third Vice President of the Central Association of Township Commissioners. Commissioner Mehaffie thanked President Linn, and asked to update the Board on the recent conference of the Central Association. Commissioner Mehaffie stated that President Linn and Solicitor Henninger also attended the conference, which was very informative. He referenced a group called Tower One Partners, which builds cell towers on municipal land. These municipalities get approximately 40% of the revenues generated by that tower. Some municipalities are enjoying as much as \$35,000 - \$100,000 a year in reoccurring revenue. There would be a 29-year agreement required with the company. The agreement contains a clause that if the tower is built and no service provider (Cellular One, Verizon, etc.) signs on, they will remove the tower within 12 – 13 months at no cost to the Township. Commissioner Mehaffie stated he would like to have representatives from Tower One Partners provide a presentation to the Board and discuss this possibility. President Linn stated he had previously expressed concerns about cell towers popping up everywhere, and shining their lights on homes. However, under this program, the Township would actually have more control over the cell towers. President Linn agreed that he would like to hear the presentation.

Commissioner Mehaffie reported that Penn Prime Insurance, the Township's insurance carrier, was also at the conference. Penn Prime offers municipal video training, playground inspections, training sessions, and scholarships. Mr. Paul agreed the Township has taken advantage of some of these programs in the past.

Mr. Mehaffie added that another item discussed at the conference was outdoor wood-fired furnaces. He suggested the Township look into its ordinances regarding what can and can't be put into the Township. With increasing electric costs, residents will be looking into windmills, solar panels, etc. Solicitor Henninger remarked that Londonderry Township is looking into this now, and will be banning outdoor wood fire burning furnaces temporarily in order to give its Planning

Commission a chance to look into this issue. There are no EPA or DEP regulations on these furnaces at present time; it is being left up to local municipalities. Commissioner Clark reminded the Board that the County is coming up with a model ordinance on those wood burning stoves.

Solicitor Henninger addressed the issue of windmills, and added that a case recently came down where residential windmills were deemed to be an acceptable accessory use as long as they adhere to the required setbacks. He stated that the Township should encourage people to go green, but not be intrusive to their neighbors.

Commissioner Mehaffie stated that he would like to pursue proposals to upgrade the Township's website in order to make it a better informational tool and more user- friendly. This could also cut down on paper costs and mailing expenses.

Commissioner Clark stated that at the recent Fire Department banquet, he and Commissioner Loych were presented with a number of certificates of appreciation to various staff members/Township departments. He forwarded these to Mr. Paul and asked that they be distributed accordingly.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Vice President Leonard, seconded by Commissioner Clark, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:47 P.M.

ATTEST:

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Ronald J. Paul  
Township Secretary