

MINUTES

LEGISLATIVE MEETING – MARCH 21, 2012

LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The March 21, 2012 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Linn.

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

- Frank Linn, Sr., President
- William L. Leonard, Jr., Vice President
- Michael J. Davies, Secretary
- Thomas L. Mehaffie III, Commissioner
- Jon G. Wilt, Commissioner
- Peter R. Henninger, Solicitor
- Jean R. Arroyo, Recording Secretary

Excused: Harry N. Krot, Township Manager

Residents and visitors in attendance:

- Phyllis Zimmerman (Patriot-News)
- Jim Lewis (Press & Journal)
- Osman Kamara (resident and candidate for 106th District)

PUBLIC COMMENTS:

Osman Kamara stated that he has lived in the Township for approximately fourteen years, and is a candidate for the 106 Legislative District. Mr. Kamara explained that he is here this evening to get involved and to see how the Board carries out its business. President Linn welcomed Mr. Kamara to the meeting.

APPROVAL OF MINUTES:

A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve the Minutes of the February 15, 2012 Legislative Meeting. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Davies, to approve the Minutes of the March 7, 2012 Non-Legislative Meeting. Commissioner Mehaffie stated that he would like to make a correction to the fourth paragraph on page 9, in reference to the \$163,000 refund due from Benacon to the Township. He noted that he actually stated that “a very small portion of this amount” – not ¼ of the amount -- will go back to the Municipal Authority. President Linn stated that this correction is reflected in the revised Minutes provided to the Board this evening. The motion to approve the Minutes, with the aforesaid correction, was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Vice President Leonard, to approve the payment of bills as presented on Warrant No. 2012-2. The motion was unanimously approved.

APPROVAL OF TREASURER’S REPORT:

A motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to approve the Treasurer’s Report for February 2012. The motion was unanimously approved.

ENGINEER’S REPORT: None

SOLICITOR’S REPORT:

Solicitor Henninger stated that he did not have anything to report, but would like to request the Board convene into executive session immediately upon conclusion of this evening’s meeting in order to discuss a personnel matter.

MANAGER’S REPORT:

President Linn referenced the list of future meetings/events.

COMMITTEE REPORTS:

Police Committee – Vice President Leonard -- reported that at the last workshop meeting, the Board had been provided detailed activity reports by Chief Wiley. From a budget standpoint, the Police Department is moving ahead and is on track. The crime rate this year is comparable to the crime rate last year. Vice President Leonard referenced the recent vandalism at the Star Barn, and stated that the individuals responsible for this have been successfully identified. Three of the Police Department's car computers have been allocated for update this year; the equipment has been ordered through a leasing program and should be installed within the next month or so. The Township officer that suffered an injury while responding to a domestic dispute has been released by his physician to his normal duties. Vice President Leonard noted that the first police arbitration meeting will be held on March 29; the Board will be kept updated on this process. The Fire Department will begin its Motorcycle Breakfasts again this year, and anticipates another successful season. Several Commissioners attended an excellent and informative meeting hosted by SARAA last Friday. President Linn asked if a meeting had been scheduled with the Middletown School Board. Vice President Leonard stated that the School Board is usually the body that requests to meet, unless the Board has a specific reason to do so.

Public Safety - Commissioner Wilt --- stated that he had talked to Mr. Knoche about the flood grant process, and the FEMA process is moving forward. He also referenced the injured officer, and noted that he is working this morning.

Public Works – Commissioner Mehaffie – reported that he received an email from Mr. Anderson on the current activities of the Department. The Market Street Extended playground prep continues. All equipment has been dismantled and new equipment will be placed in the park. A drainage issue will also be corrected. The Department has finished shrubbery and tree debris clean-up at the Woodridge Playground, and the fields here have been groomed and sprayed. Work at the Shopes Gardens Playground included moving the pitcher's mound and grooming and spraying the ball field. The fields at the Little Hollywood playground have also been groomed and sprayed, and the buildings have been washed and prepped for painting. The Shopes Gardens paving project is going well. The Department picked up the water and gas rings, and the Municipal Authority continues work on the manhole preparation and inlet repairs. Six Department employees participated in LTAP training on Tuesday. Commissioner Mehaffie also thanked SARAA for the excellent information provided, as well as the nice breakfast.

Budget and Finance – Commissioner Davies – reported that cash receipts for the month of February totaled \$527,173.21. Major sources of revenue were from real estate taxes (current and delinquent) in the amount of \$202,895.82 as well as various permits, accounts receivable from 2011, and other miscellaneous receipts. Cash expenditures totaled \$486,362.67 and included payrolls and deposits on insurance policies. The Budget and Finance Committee met briefly Friday morning to discuss Commissioner Mehaffie’s idea of purchasing the additional equipment oriented towards parks and ball fields. Commissioner Davies stated that he understands that Commissioner Mehaffie has now personally purchased and donated one of these pieces to the Township. Commissioner Mehaffie explained that during the budget process last year, he had mentioned to Solicitor Henninger that he would agree not to take his Commissioner’s pay. Solicitor Henninger had advised him that he would have to receive a pay under provisions of the First Class Township Code. Commissioner Mehaffie stated that he had planned to give back his net pay, but decided instead to purchase the fertilizer spreader for the Township. This will give a net gain of more than just \$2000, since there is also a cost savings involved in the type of fertilizer than can be used with this piece of equipment. Commissioner Davies stated that this is much appreciated and a public spirited thing to do. He added that the Budget and Finance Committee has agreed to take a look at the other piece of equipment (ball field groomer) a little later in the year, when the final numbers from last year are verified by the auditors, and the Township has a better handle of what its revenues will be. When the Budget and Finance Committee has a better feeling on the financial situation, it will try to make this happen. Commissioner Mehaffie clarified that the purchase of these two pieces of equipment was really not his idea, but Mr. Anderson’s. Mr. Anderson and the Public Works Department worked hard in getting that information together. He added that Mr. Anderson had rounded up the estimated cost of the ball field groomer to \$3,000, but the actual cost will probably be closer to \$2700. Commissioner Mehaffie suggested that the Budget and Finance Committee obtain the exact number from Mr. Anderson. Commissioner Davies agreed to do so, and added that he does appreciate all the efforts everyone went through to pull this information together. President Linn reminded the Finance Chairman that the Township needs to hold the line on all expenditures until the police arbitration is settled.

Community and Economic Development – President Linn – asked if the other Board members had received an email invitation from GreenWorks Development to tour the new apartments.

Commissioner Mehaffie agreed that he had received an email from Bobbie Van Buskirk at GreenWorks, and had responded that he would be out of town during some of the suggested dates. If these dates work for the rest of the Board, Commissioner Mehaffie agreed to make arrangements to tour on his own at a later date, since Ms. Van Buskirk stated this would not be a problem. He suggested the Board members inform her which dates work for them, and go from there. President Linn also reported that he attended a COG meeting Monday night. Discussion at the meeting included the idea of having each municipality participate in a survey to determine if the cable company is meeting its obligations to the municipalities. Cost to participate in this survey would be \$3,800 per municipality. President Linn noted that he had informed the COG that the Township simply doesn't have this expenditure in its budget; this project should have been presented to the municipalities prior to their budget year.

UNFINISHED BUSINESS:

A motion was made by Vice President Leonard, seconded by Commissioner Wilt, 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, November 17, 2010, February 16, 2011, May 18, 2011, August 17, 2011, October 19, 2011, and January 18, 2012. The plan is due to expire on April 18, 2012. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Wilt, 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, November 17,

2010, February 16, 2011, May 18, 2011, August 17, 2011, October 19, 2011, and January 18, 2012. The plan is due to expire on April 18, 2012. The motion was unanimously approved. Commissioner Mehaffie added that he had spoken to Paul Navarro, the developer of this project. Mr. Navarro indicated that he plans to be in attendance of the April workshop meeting to explain his plan to the newer Commissioners, as well as update the entire Board on his intentions for the project. Solicitor Henninger added that this plan and the Bryn Gweled Subdivision are both set to expire on April 18, 2012. The projects are semi-related from a sewer standpoint. He suggested that Mike Williams, the developer of the Bryn Gweled Subdivision, also speak to the Board about his project at the April workshop meeting.

A motion was made by Vice President Leonard, seconded by Commissioner Wilt, to table 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. Additional 90-day time extensions were granted by the Board on July 20, 2011, October 19, 2011, and January 18, 2012. The plan is due to expire on May 21, 2012. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Wilt, 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 plan was recommended for approval by the Planning Commission on June 23, 2011 with stipulations. The motion was unanimously approved.

NEW BUSINESS:

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve Ordinance No. 540. This ordinance sets forth the application, review, and approval process for construction and development within areas of the Township subject to flooding; certain minimum requirements for construction and development within those areas; and establishing penalties for any persons who fail or refuse to comply with the requirements of this ordinance. Commissioner Davies stated that he had read this lengthy document from beginning to end and questioned if the penalties stipulated are adequate to encourage compliance. Solicitor

Henninger explained that there are limitations under the First Class Township regarding the amount of penalties that can be imposed. A roll call vote was then taken with the following ballot tabulation: Commissioner Davies – aye, Commissioner Wilt – aye, Commissioner Mehaffie – aye, Vice President Leonard – aye, President Linn – aye. Ordinance No. 540 was approved by a 5 – 0 margin.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve the Application for Payment No. 22 in the amount of \$138,364.07 to Leon E. Wintermeyer for construction phase services related to the Meade Avenue Project. The motion was unanimously approved. In response to a question from Commissioner Mehaffie, Solicitor Henninger reported that a payment of approximately \$101,000 is being held as retainage until the Township receives and approves the final ADA curb ramp acceptance forms to be provided by Leon E. Wintermeyer.

A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve the final payment, in the amount of \$23,288.00, to JVH Excavating for work done in association with the Greenwood Circle project; total billed to this project is \$38,470.00. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the payment for the Middletown Borough Authority Waste Water Treatment Plant BNR construction upgrades, Requisition 25-A, in the amount of \$14,412.32 to Middletown Borough Authority. The motion was unanimously approved.

FINAL COMMENTS:

Commissioner Mehaffie stated that the Township's new website will be live very soon; the Board's new photo can be added when it is received and the new logo, when redesigned, will also need to be put on the site. He asked the Board how it would like to approach the logo redesign, which has been discussed for almost a year now. He inquired if any of the Commissioners had made contact with Penn State or the High School about the possibility of having an art student work on this project. President Linn explained that it is very important that the individual who designs the logo knows the history of the Township and what is valuable and important to Lower Swatara. He noted, for example, that 90% of people don't know the significance of the canals that go through the Township. President Linn asked how deep the Board wants to go with the design, which will also go on Township vehicles and equipment. He

offered to provide Commissioner Mehaffie some sample logos that he had worked on in the past. Commissioner Mehaffie asked if Commissioner Davies could talk to Barb Layne and get a contact person for the High School. He also asked if President Linn could speak to the Chancellor at Penn State to get a contact person from the college. Both Commissioners agreed to do so.

Commissioner Davies stated that he was deeply impressed with the level of detail in the floodplain ordinance which was passed this evening. Solicitor Henninger agreed that they are extremely concerned with any impediment to flow. President Linn stated that Penn DOT needs to take care of its own pipes at the Airport Connector and also out on Route 441. He asked if Penn DOT had addressed the issue with the back up on Route 441 yet. Commissioner Mehaffie stated that the Township had yet to hear back from Penn DOT on this issue. Vice President Leonard noted that he did see trucks down there, and stated it would be a pleasant surprise to find out that Penn DOT did indeed scope out the pipes.

Vice President Leonard also thanked Commissioner Mehaffie for personally purchasing and donating the sprayer. He also reported that the Fire Department had an opportunity through United Way to obtain a motorcycle at cost, to be chanced off.

Commissioner Mehaffie reported that the Dauphin County Library System will hold its "Light the Way to Learning" awards banquet on Saturday, April 21. This yearly event is the major fundraiser for the Dauphin County Library. Tickets may be purchased for \$100 per person. Commissioner Mehaffie will post the flyer on the Township's bulletin board.

Commissioner Davies referenced comments about the new website, and stated he would like to see the new site be easier to navigate. For example, he noted that he had a hard time finding the schedule for woody waste collection. Commissioner Mehaffie agreed that the new website will address this concern. President Linn stated that details regarding woody waste collection are ordinarily placed in the spring newsletter, and added that he feels the newsletter is an important way to communicate with residents, since not everyone has computer access. He asked if the Board had any objection to publishing and mailing a spring/summer newsletter. There were no objections expressed, and Ms. Arroyo was directed to pursue this, with input from the Township departments.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, a motion was made by Vice President Leonard, seconded by Commissioner Davies, to adjourn the Legislative Meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:33 P.M.

ATTEST:

Harry N. Krot
Township Manager