

## MINUTES

### NON-LEGISLATIVE MEETING

MAY 4, 2011

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 7:05 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
- Robert L. Loych, Commissioner
- Thomas L. Mehaffie III, Commissioner
- Ronald J. Paul, Manager
- Peter R. Henninger, Solicitor
- Ryan Hostetter, HRG, Township Engineer
- Steve Anderson, Public Works Director
- Richard T. Wiley, Police Chief
- Jean R. Arroyo, Recording Secretary

Absent:

- Thomas R. Clark, Commissioner

Residents and visitors in attendance:

- Chris DeHart (LST Fire Dept.)
- Jon & Julie Wilt (1257 Longview Drive)

Mr. Paul stated there is one item that the Board should take formal action on this evening. A motion was made by Vice President Leonard, seconded by Commissioner Loych, to approve, with the caveat that there is discussion prior to the vote, the payment of Application for Payment #9 in the amount of \$70,158.83 to Leon E. Wintermeyer, for construction phase services related to the Meade Avenue Project. Vice President Leonard inquired if the contractor had complied with the

Township's prior request. President Linn explained that the issue had been resolved; the construction schedule was submitted as requested. The motion to approve the payment of Application for Payment #9 in the amount of \$70,158.83 to Leon E. Wintermeyer was unanimously approved.

President Linn reported that the Board had met in executive session at 6:00 P.M. this evening in order to discuss personnel matters.

PUBLIC COMMENTS: None

POLICE DEPARTMENT REPORT:

Chief Wiley stated that there is nothing major to report as far as criminal activity. The Department has had success with resolving some thefts, including a fraud situation which is still being investigated.

Dr. Weinstein, Superintendent of the Middletown Area School District, has indicated that the SRO (School Resource Officer) Program will stay intact. This program has proven to be very useful. Work on the Record Management Sharing Grant, which the Township sponsored, continues. Lt. Hall, who previously was one of the point persons for this project, retired from his position at Derry Township. The South-Central Task Force recently appointed Frank Williamson, Chief of Upper Allen Township, to work with the Township on this regional grant.

Vice President Leonard stated that last year, the Board had discussed the need for legislation regulating the use of cell phones/handhelds while driving. He asked if there are any updates regarding state action on this issue. Chief Wiley explained that the state has not yet enacted legislation on the use of cell phones while driving. While some cities have done so – including Harrisburg and Philadelphia – the citations issued can be challenged. The PA Chiefs of Police is pushing to get a state bill passed and has met with the area legislatures to express the need for such legislation. President Linn agreed that the legislation must come at a state level to have some teeth. Chief Wiley added that Chiefs Association doesn't want to see this made as a secondary offense, but rather a primary offense.

Vice President Leonard stated that the Board had talked about brake retarders and the fact that there is a statute of law in the Commonwealth of PA for highways yet municipalities are allowed to make rulings on use of break retarders in their own municipalities. This is fundamentally

a complementary law. He asked why a complementary law can't also be passed for handheld devices. President Linn stated that the Township could certainly pass this law, but it could easily be challenged. Solicitor Henninger explained that the legal argument would be that since the state does address break retarding on state highways, municipalities can address break retarding on municipal roads. Since the state does not address hand-helds, municipalities can't address them either. Solicitor Henninger added that when Harrisburg first adopted the ordinance prohibiting use of cell phones while driving, the citations it issued were challenged and threw out of court by the District Justice. Therefore, Harrisburg City put the ordinance to the side. He noted that he has not seen any upcoming legislation about this issue coming out of the State Association, the League of Cities, etc. Solicitor Henninger stated that his personal opinion is that if municipalities test this issue by enacting an ordinance, they put pressure on the state, even if the citations they issue can't be upheld in court.

Commissioner Mehaffie stated that he believes there are some laws in place regulating the use of cell phones by truck drivers and young drivers. He asked if this is correct. Chief Wiley responded that he is unaware of any such legislation for truck drivers, and stated there are no regulations for the youth. Commissioner Mehaffie also noted that the police activity report distributed by Chief Wiley is rather lengthy, and stated his copy can be emailed instead, if that is an option. Chief Wiley confirmed that he will do so in the future.

Commissioner Loych referenced the School Resource Officer's report, and asked if parents are held accountable for some of things these kids are doing in the schools. Commissioner Loych expressed disappointment that the schools are turning over discipline to the Police Department. Chief Wiley explained that there is a lot of follow-up with the parents, but it is difficult to hold parents accountable for the actions of their children. Commissioner Loych stated that all he can say is times have really changed. Chief Wiley agreed.

Chief Wiley requested an executive session with the Board upon conclusion of this evening's meeting in order to discuss a personnel matter.

#### PUBLIC WORKS DEPARTMENT:

Steve Anderson, Public Works Director, reported that the Department recently picked up its new zero-turn Kubota mower. The Department is mowing and maintaining the parks this year; only one part time employee will supplement, and then only when needed. Drainage problems are

continuing to be addressed throughout the Township due to the recent heavy rains. Many of the problems are a result of the 10' of rain received in April. The Department is working on road shoulders throughout the Township to improve drainage. This should be finished by May 13. 80% of the work has been completed with positive results, especially on North Union Street, Spring Garden Drive, and Strites Road. There is an issue with some debris on Mr. Beyer's property. This will be cleaned up as soon as the ground is dry.

The entire Department attended a four hour class on paving machine operations. The class was presented by Stephenson Equipment, Inc. and will be very helpful for future paving operations.

The Department is in the process of preparing Rosedale Avenue for paving. It is hoped that the paving can be completed this month due to the rising cost of asphalt. Additionally, this year's paving schedule may need to be adjusted if costs continue to rise. Due to rising oil prices, the Township's cost for diesel fuel increased .82 cents per gallon since November of 2010. This amounts to approximately \$5,000.00.

The Department picked up and delivered a third load of Diamond Tex in support of the Lower Swatara Township Athletic Association, for the ball field at Glad Tidings Church. On April 19, the Department also set up a 6" silent pump at Lisa Lake to draw down the water level. The pump should run for approximately four weeks to lower the lake about 6 or 7 feet.

Mr. Anderson advised the Board that "no parking" signs will be installed underneath the bridge on Turnpike Industrial Drive, as it is against the law to park on or under bridges, most likely due to security issues. Mr. Paul stated that Township ordinance does prohibit parking on or under bridges.

Mr. Anderson concluded his report by reminding the Board and residents that the dumpster will be available on Saturday, May 7, from 8:00 A.M. to Noon.

Mr. Paul referenced comments about the increasing cost of materials, and noted staff will be looking closely at individual budget items to make sure they stay status quo with the bottom line. One of the items looked at was the part time summer help. The pressure washer which was budgeted this year has already been put on hold, and the paving program may need to be revamped. Mr. Paul also noted that costs for the pumping of Lisa Lake are being paid by the owner of Lisa Lake Mobile Home Park.

Commissioner Mehaffie inquired about the amount of over-run on the asphalt. Mr. Anderson stated that it would be difficult to provide a number right now, since prices are changing from month to month. Depending on the price of oil and if it continues to go up, it could jump up another \$8.50 per ton. President Linn suggested Mr. Anderson and Mr. Paul adjust the paving project schedule as necessary.

#### FIRE DEPARTMENT REPORT:

Chief DeHart reported that there were 56 calls for April for a total of 218 so far in 2011. It has been an extremely busy year so far.

The department voted to change its electric supplier, and expects to save approximately \$2500 this year as a result of this action.

The Summer Breakfast series starts May 22, from 7:00 A.M. to 11:00 A.M. A Ham Loaf Dinner is scheduled for May 15, beginning at 11:00 A.M.

The new engine will be going online in the next several weeks. The Department will be starting to change the original rescue specs and will then send the bids out by mid-June. Most of the live-ins will be going home for the summer and returning late August. The tanker truck was on standby for an hour during the water outage experienced by the City of Harrisburg.

#### ENGINEER'S REPORT:

Ryan Hostetter, HRG, Township Engineer, provided a status report on the Meade Avenue project. Even with the rain, progress is being made. Most of the work being done now is focused on the culverts and force main. In response to a question from President Linn, Mr. Hostetter explained that the contractor will soon be putting down the sub-base for the road. Plans are to pave from just above Rosedale Avenue to Alumni Drive on May 11 and 12. The rest of the paving will be done sometime in June. The contractor has provided a schedule and the engineer is still working with the contractor on acceptance of that schedule, since information is needed regarding the extension of time. The original contract was to run up on June 24; the schedule provided shows a complete date of August 5. The reason for this is that the schedule shows the new signal on SR 230 being operational on July 6. There is a 30-day operation period for acceptance before they can say the signal is complete. The period of July 6 to August 5 constitutes that 30-day period.

Commissioner Mehaffie inquired if there will be budget issues for this project due to the rising costs of asphalt. Mr. Hostetter responded that there is an escalating factor in the contract. The escalation will depend on the exact dates of the paving. He stated that he doesn't believe there will be any issues budget wise, although there will most likely be an additional cost to the project.

Vice President Leonard asked when any portion of the Linden Centre will tie into this roadway. He explained his reason for asking is that there will now be an extra traffic signal within a short span. He inquired if the existing light at the Linden Centre will be eventually cut-off or if both signals will be active for a time period. Mr. Hostetter responded that they will not be active at the same time. When the new signal is completed on July 6, the old signal will be shut down.

Mr. Paul added that the pedestrian signal at the entrance to the Linden Centre was run over this past weekend by a tractor trailer. Since the Township would rather not pay to replace it if a new signal is in operation by July 6, it is hoped that this work will fit in with the Township's inspection schedule, which is mandated by Penn DOT.

#### MANAGER'S REPORT:

Mr. Paul referenced information provided by Solicitor Henninger regarding the possibility of adopting a fire insurance escrow ordinance. He also called attention to the Tri County Regional Planning Commission's letter regarding a possible memo of understanding for municipal joint planning. The Tri County Regional Planning Commission is basically encouraging municipalities to work and plan together. He asked the Board to take a look at this thick packet of information for future discussion.

#### SOLICITOR'S REPORT:

Solicitor Henninger referenced the materials he had provided the Board about the possibility of implementing a fire insurance escrow ordinance, and stated that the Township has never really had an issue with the items covered by the ordinance. It might be beneficial, however, to think about having such an ordinance in place.

Solicitor Henninger also referenced the memo of understanding from the Tri County Regional Planning Commission and also some grant money that is becoming available. The grant deadline, however, is July 15. He noted that he is not sure if the Township has any cooperative

projects or projects along the lines of TNDs that will require infrastructure improvements. Mr. Paul stated that pulling together such a grant by July 15 would be extremely difficult.

FINAL COMMENTS:

Commissioner Mehaffie reported that he had spoken to Congressman Holden's office regarding the Jednota Flats flooding problems. They are in contact with the state at this point and are trying to work some things out. He told them it was very important to get back to the Township as soon as possible, and they agreed to do so. In addition, a press release from SARAA indicates that it is obtaining a permit for the clean-out work it needs to do, but the permit cost is around \$30,000.

Vice President Leonard stated that the Middletown Community Pool is finally scheduled to reopen this month, after being closed for several seasons.

President Linn reminded everyone of the Lions Club Pancake Breakfast this Saturday. He noted that opening day of baseball was held this past Saturday. Several of the Commissioners recently attended the Central Conference dinner with the new Secretary of Transportation.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

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 7:48 P.M.

ATTEST:

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Ronald J. Paul,  
Manager/Secretary