

## MINUTES

### NON-LEGISLATIVE MEETING

NOVEMBER 3, 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 7:00 P.M. by Vice President William L. Leonard.

Roll call was taken with the following officials in attendance:

- 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
- Steve Anderson, Public Works Dept.
- Richard T. Wiley, Police Chief
- Jean R. Arroyo, Recording Secretary

Absent:

- Frank Linn, President

Residents and visitors in attendance:

- Jim Lewis (Press & Journal)
- Matt Genesio (KGH)
- Paul Cook (1508 Old Reliance Rd.)
- John Wilt (1257 Longview Dr.)
- Sandy Litts (Farmhouse Ln.)
- Evelyn Tatkovski (109 Greenwood Dr.)
- N. Pedergran (Briarcreek Ln.)
- Matt Tunnell, John Tierney, Doug Neidich (GWD)
- Chris DeHart (LST Fire Department)

Vice President Leonard welcomed the residents and visitors to the meeting and opened the floor for public comments.

PUBLIC COMMENTS:

Paul Cook, 1508 Old Reliance Road, stated that he has a problem which has been going on for 20+ years -- a stop sign which basically sits in his front yard. He stated that the lay out of the sign poses a safety hazard to his family. Mr. Cook explained that he came before the Board more than three years ago to ask if this could be addressed, and was told that the Police Chief would come out and assess the situation. Mr. Cook stated he is still waiting for this to happen. He also advised the Board of a situation that happened about two years ago. There was an incident at his house with a tree that had ice on it, which came down to the stop sign and was blocking the stop sign. The Public Works Department came out and wanted to cut some branches from the trees; Mr. Cook did not want this done. The police ended up on his doorstep and an unpleasant situation arose. After this incident, he came to the Township and asked that there be no reprisals against him. There have been no reprisals until now. Mr. Cook explained that the other day, he received a letter from Alan Knoche, Code Enforcement Officer, stating that he is in violation of Township ordinance due to vegetation hanging over the street. Mr. Knoche did come out and show Mr. Cook the violation. There was nothing hanging in the street, but there was a branch in front of the stop sign. Mr. Knoche showed him the small branch which needed to be cut, Mr. Cook cut off the branch, and the violation letter was pulled. He noted that he was told the branch needed removed because of snow removal equipment. Mr. Cook stated that if the equipment hits that branch, it is not a problem with the branch but the stop sign. He explained that the stop sign continues to create problems for him. He can't even park in front of his own house. Very few people stop at the stop sign anyway, although he was told the real purpose of the sign is to slow down traffic. He suggested a sign saying "SLOW" might be more appropriate than a stop sign. Mr. Cook again stated that the real issue is the presence of the stop sign at this location.

Vice President Leonard noted that the former Police Chief did retire, but Chief Wiley could certainly come out and take a look at the situation and provide the Board with a report of his findings. Mr. Cook stated this would be helpful, although he is still upset that a letter was even sent because of a small branch. He suggested there is a vendetta against him for the prior incident, since

the Public Works Department was the department that inspected for these violation letters. Mr. Paul reminded Mr. Cook that Mr. Knoche had explained the purpose of the letter, and noted that it certainly had nothing to do with a personal vendetta.

Commissioner Loych asked Mr. Cook if he feels that the stop sign does slow down traffic. Mr. Cook explained that in some cases it does, and in some it doesn't. Drivers can look right down Blacklatch Lane so they don't have to stop – they can see if there is anything coming. Mr. Paul reported that he visited the property today to look at the situation. This is the only street that has a stop on the main thoroughfare. He agreed that the Township should look at the situation to determine the safest option. Mr. Cook noted that Chief DeHart is his neighbor, and can probably verify that the stop sign is often ignored. Chief DeHart concurred that Mr. Cook's comments are correct – drivers don't stop at that stop sign.

#### REQUEST FOR EXECUTIVE SESSION:

Vice President Leonard requested the Board convene into executive session immediately upon conclusion of this evening's meeting in order to discuss a personnel issue.

#### GREENWORKS DEVELOPMENT:

Mr. Paul reported that representatives from Greenworks Development are in attendance this evening to discuss interest in doing a student housing project in the Eagle Heights area. As the Board is aware, another developer, KGH Properties, is also interested in student housing in this area and has already submitted a zoning amendment request, which will be discussed later this evening.

Matt Tunnell, Senior Vice President and Partner of Greenworks Development, introduced himself and his associates to the Board and audience and explained that his firm is a Harrisburg based development company that only does sustainable development, primarily in urban areas and on land that has already been developed. Greenworks has been working with Penn State in trying to find sites for student housing. Mr. Tunnell showed the Board the land that Greenworks has secured in the Eagle Heights area. This represents approximately five acres of property. Since engineering of the site has just begun, there is no specific plan to present to the Board this evening. Greenworks is aware that the Board is looking at the possibility of other student housing in this same area, so it felt it appropriate to come here this evening to advise the Board of its intent to also look at student

housing in the Eagle Heights area. Mr. Tunnell added that Greenworks is also looking at other land in this area, and believes in the next week or so it may also have other properties under agreement.

Mr. Tunnell stated that his firm is aware that access to the site is a significant issue, as well as the issue of pedestrian access to the campus. Stormwater integration with Route 230 and issues with Penn DOT are also concerns that may emerge. Mr. Tunnell stated that the map does show a road connecting into the Penn State campus (Olmsted Drive). While he is not suggesting this will be the exact location where the road will be built, Greenworks does have a verbal agreement with Penn State to connect this development with the campus.

Commissioner Loych asked if Greenworks is working with Penn State or through Penn State. Mr. Tunnell explained that his company has a very close relationship with Penn State; the firm was actually asked by Penn State to look at these properties and assist with student housing. Greenworks, however, would retain ownership of the student housing project and this would be taxable property. Commissioner Loych asked if the housing would be restricted to students. Mr. Tunnell concurred that Greenworks does indeed want to restrict the project to student housing. It would like to discuss with the Board the zoning of this property and how to make sure it can be restricted to student only housing. Mr. Tunnell also advised the Board that Greenworks has just secured the 1.6 area property on the edge of the campus. This was critical for the project to be contiguous to the campus. He also briefly explained the timeline of the project. The engineering work will begin this month, and the zoning and land development should occur at the end of this year and beginning of next year.

Commissioner Loych stated he would be interested to hear how this housing can be legally restricted to students only. Mr. Tunnell explained that he knows the Board is looking at a zoning amendment to the existing Commercial- Neighborhood District which would permit student housing by special exception. Greenworks is also looking at the possibility of having this property zoned the same as the campus, which would fall under the Educational/Institutional zoning and whether that type of zoning would limit the housing to students. Mr. Tunnell explained that Greenworks' interest is student housing. It is not looking to build general apartments. He noted that he would be open to ideas from the Board on how to do this. Solicitor Henninger stated that this same issue was raised with the other developer. He expressed his opinion that since this is not the Township's project, the Township should not have to pay him legal fees to look into this issue. He suggested the developer should be responsible for showing the Township how it can legally

restrict housing to students in a Commercial Neighborhood zone. Solicitor Henninger added that he hasn't see anything to support this restriction so far. He noted that he does like the thought of an Educational/Institutional zoning as a possibility. Mr. Paul stated that he feels the ownership of the property might be a problem with this type of zoning since Penn State does not own this property. Mr. Tunnell agreed that Greenworks would research the legal issues.

Commissioner Clark stated that he is familiar with the kind of work that Greenworks does, and asked what it plans to build here as far as sustainability. Mr. Tunnell explained that it is looking into doing buildings under the LEEDS principles. There would be lots of sustainable features built into not only the buildings, but also the environment around the buildings.

Vice President Leonard suggested that if possible, Greenworks work with KGH Properties, since they have similar projects in the same area. Mr. Paul agreed, and stated that the access points off Route 230 for these developments are critical and will have to go before Penn Dot. He strongly encouraged all parties to get together to discuss transportation along this whole frontage. Mr. Tunnell noted a sketch plan will be available when the actual submission is done.

#### PUBLIC HEARING SCHEDULED FOR STUDENT HOUSING:

Mr. Paul called attention to the sketch plan that was submitted in concert with the zoning amendment request submitted by KGH Properties for student housing in the Eagle Heights area. The Planning Commission has reviewed the zoning amendment and has recommended that it be passed on to the Board, so the Board can consider scheduling a Public Hearing. He asked the Board to keep in mind that the actual final design and layout of the property will be forthcoming. A sketch was provided in order for the Board to get a feel for what is envisioned for the site.

The sketch shows a main entrance off of Route 230 and one emergency access off Wood Street. The recommendation is to allow, by special exception, student housing in the Commercial-Neighborhood District. Mr. Paul noted that it is patterned closely off the multi-family district regulations. One major change from the multi-family district pertains to parking. The Planning Commission's recommendation is for one parking space per bedroom, not 1 ½ parking spaces per unit. Again, if the zoning amendment is approved, the student housing use would be permitted only by special exception. He explained that it would be handled similarly to how retirement communities and Traditional Neighborhood District uses are permitted in the Commercial Neighborhood District.

Commissioner Mehaffie recalled that when the Board first looked at the sketch, there was commercial frontage proposed along Route 230. Mr. Paul agreed that this has been revised; there is no commercial development proposed at this time. He added that the Coble home is now included in this plan. It will be maintained and used for the project office and residence.

Mr. Paul asked the Board members to look at their calendars in order to set up a Public Hearing date on the proposed zoning amendment. Solicitor Henninger added that he can advertise the Public Hearing, and also advertise for the potential option of taking action on the amendment the same evening, if the Board so chooses. After a brief discussion, the Board concurred to set the date for the Public Hearing on December 1, at 6:00 P.M.

#### ENGINEER'S REPORT:

Chris Bauer, HRG, updated the Board on the Meade Avenue project. Clearing and grubbing is complete, and topsoil stripping is underway. All Erosion and Sediment Control facilities are in place. UGI gas line relocation will be complete this week, and PPL relocation of facilities adjacent to Rosedale Avenue is complete. The Water Company will relocate its facilities when the intersection is lowered. Coordination with ABBCO is ongoing, and it has begun work on its portion of the relocated stream. Presently, there are major grading operations taking place. The contractor has stripped the top soil and is staging it. The contractor is also in the process of locating the exact location of the sewer force main on Route 230. Detention pond 3 is approximately 80% complete. The culverts should be constructed by the end of December. Mr. Bauer noted that this entire project should be completed by the end of June 2011.

Mr. Bauer highlighted several issues that were responsible for the lack of movement on the project, but have been subsequently resolved. Another issue with the project pertains to a Penn DOT strike-off letter. A strike-off letter notifies involved parties of a policy change. This change regarded a statewide increase in the inspectors' hourly rate, which occurred on October 1, 2010. This increase was anticipated, and was actually built into Navarro & Wright's proposal in the form of Escalation of Direct Labor Rates. Penn DOT, however, does require a letter from the Township stating its approval of the rates. Mr. Bauer recommended that the Board send this letter to Penn DOT. The Board directed that this be done.

Mr. Bauer stated that there is also an issue with the force main redesign. Since it was found to be greater than 10', there is some level of redesign effort necessary, in the range of \$1,000 -

\$1,500. This would be reimbursable through grant funds. He also advised the Board that HRG has encountered a lot of unanticipated project coordination. It is tracking the amount of time it is expending, and feels it is on the high side right now. Funds may expire before the project is complete. Mr. Bauer reported, however, that there are federal funds still available that could be used to reimburse for these extra costs, if necessary.

PUBLIC WORKS DEPARTMENT REPORT:

Mr. Anderson reported that the Department has completed the emergency ramp between the Airport Connector on and off ramps. All signs and delineator markers have been installed. Leaf collection is on schedule and will end Friday, December 10. Republic has replaced 53 of the 54 signal light bulbs at the intersection of North Union Street and Fulling Mill Road with LED light. One of the green turn arrows was previously replaced with an LED.

As mentioned earlier in the meeting, the Public Works and Codes Departments have identified approximately 100 residences having trees or shrubs that posed a safety hazard to visibility and Township equipment. Letters were sent to these individuals, and many are trimming the problem trees and shrubs. However, the disposal of the trimmed material could be an issue. Mr. Anderson noted that the Township could agree to stockpile the trimmings and rent a wood chipper at a cost of less than \$500. Commissioner Mehaffie questioned the possibility of the Township taking the materials to Middletown's woody waste center. Mr. Paul agreed that the Township could probably stockpile the trimmings and then transport them to the woody waste center. He suggested Mr. Anderson contact the Borough of Middletown about this possibility.

Mr. Anderson concluded his report by reminding the Board and residents that the dumpster is available on November 6, from 8:00 A.M. to Noon.

FIRE DEPARTMENT REPORT:

Chief DeHart reported that calls for the month of October totaled 44, for a total of 453 calls thus far into the year. The Department submitted for the new state grant for 2010 – 2011. It is also going to submit a grant with Representative Payne's office for replacing the SCBA's.

The Fire Department voted on Monday evening to have Ferrara as its vendor for the new engine. The committee must now do the financial package to be able to purchase the unit. The

deadline is December 1. Final cost will be around \$380,000 - \$390,000. This would be less expensive than the Seagrave, which was purchased thirteen years ago at a cost of \$405,000.00.

Chief DeHart referenced the emergency turn-around recently installed by the Public Works Department, and stated the Fire Department has already utilized it several times.

Next week, the Gaming Advisory Board will be holding a public hearing on the Uniform Local Share Municipal Grant Application submitted by the Fire Department and the Township. Vice President Leonard and Commissioner Loych will be representing the Township at the hearing, and Chief DeHart and Eric Breon will represent the Fire Department.

#### POLICE DEPARTMENT REPORT:

Chief Wiley referenced the crime report and School Resource Officer report provided to each Board member. He noted that thefts from autos are still a problem, and emphasis continues to be placed on educating the public to lock car doors and keep valuables out of sight. Trick-or-treat evening went well, with the "Witch Watch" program at the High School in effect again this year. Approximately seventy volunteers assisted in patrolling the community.

Chief Wiley provided an update on the Record Managements System information sharing. He recently met with a multi-county committee to discuss this \$665,000 grant, which Lower Swatara Township sponsored. He, along with several other local police chiefs, also recently met with Representative Payne to discuss a \$10,000 grant which is earmarked for use for safety equipment that benefits police officers and the community. Items applied for and approved in previous years include AEDs, stop sticks, cameras, videos, etc. Commissioner Loych questioned how many tasers the Department has, and stated he feels they are an excellent safety tool. Chief Wiley responded that each officer currently has a taser.

Commissioner Mehaffie reported that while he was at the polls, he had received complaints from several residents about excessive speeding and truck traffic on North Union Street. Chief Wiley asked that anyone having a complaint be asked to phone him directly, so he can follow up on it. Vice President Clark agreed that he sees an inordinate amount of FedEx trucks coming down Route 441 to get to the facilities. Mr. Paul stated that the Township needs to periodically pay personal visits to these businesses to ask the cooperation of their drivers.

PLANNING AND ZONING/MANAGER'S REPORT:

Mr. Paul reported that the November agenda will include the three plans which have been tabled. The Planning Commission did recommend approval of the Family Care Practice located at the corner of Rosedale Avenue and Route 230. The Planning Commission also recommended a parking lot addition at Penn State University; this will appear on the November agenda. Also appearing will be the previously discussed zoning amendment and the annual Municipal Planning Grant. The Humane Society Agreement is not yet finalized, since there are no firm numbers yet. The COG is working with the Humane Society on scenarios and costs. This item will be forthcoming.

Mr. Paul stated that he had emailed the Board a copy of House Bill 1231 along with a recommendation letter from the State Association. He asked the Board's position on this bill. Mr. Paul stated that the municipalities are not really against the bill, but the language leaves too much open as far as liability. Commissioner Mehaffie agreed. He had spoken to Representative Payne about this bill yesterday. He explained the Association is not really opposing the bill, but the current language is too broad and needs to be tightened. The Board agreed not to support House Bill 1231 in its current form.

Mr. Paul reported that the COG has enacted a group to review the Chesapeake Bay Study and the ongoing design information that EPA is trying to mandate. He explained this is very strict design criteria for wastewater treatment plants. The Township is currently in the process of contributing to have two treatment plants upgraded. If this legislation goes through, the plants will be obsolete before they even go on-line. There is a request from the COG for the Municipal Authority and the Township to each contribute \$2,000 towards legal cost to fight this battle. The request has been forwarded to the Authority, and will also be put on the Board's November agenda. Solicitor Henninger agreed that what the EPA is proposing is ludicrous and would be outrageously expensive. Both DEP and the local municipalities are clearly on the same page as far as agreeing that what EPA is proposing is outrageous. Solicitor Henninger recommended the Board approve the contribution, as it would be money well spent.

Mr. Paul noted a draft of the new stormwater management ordinance has been forwarded to the County for review. It will be advertised for formal action at the December legislative meeting.

The Township will be looking into purchasing a more efficient sound system. Mr. Paul asked the Board if it preferred a podium concept or a hand-held microphone. The Board agreed that a podium set up would be favored.

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 8:23 P.M.

ATTEST:

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Ronald J. Paul,  
Manager/Secretary