

## MINUTES

OCTOBER 19, 2011

### 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. President Linn called for the pledge of allegiance and moment of silence.

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

- Frank Linn, Sr., President
- William L. Leonard, Jr., Vice President
- Thomas R. Clark, Commissioner
- Robert L. Loych, Commissioner
- Thomas L. Mehaffie III, Commissioner
- Ronald J. Paul, Manager/Secretary
- Harry N. Krot, Manager
- Peter R. Henninger, Township Solicitor
- Alan Knoche, EMA Coordinator
- Jean R. Arroyo, Recording Secretary

Absent:

- HRG, Township Engineer

Residents and visitors in attendance:

- Charles Kihm (1901 Powderhorn Rd.)
- Jon Wilt (1257 Longview Drive)
- Julie Wilt (Tax Collector)
- Mark Will (Fulling Road LLC)
- Ron Burkholder (Old Reliance Partnership)
- Mike Williams (Bryn Gweled Subdivision)
- Chris DeHart (LST Fire Department)
- Phyllis Zimmerman (Patriot-News)
- Karen Cullings & John Miller (Dauphin County Library System)
- Daryl Peck (Concord Public Finance)
- David Twadell (Rhoads & Sinon LLP)
- Mike Davies (525 Constitution Drive)
- Paul Navarro (Navarro & Wright)
- Jim Lewis (Press & Journal)

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

PUBLIC COMMENTS:

Charles Kihm, 1901 Powderhorn Road, explained that he is an avid bicyclist, and would like to call the Board's attention to a safety issue in front of the Jamesway Plaza (Linden Centre). There is a concrete ramp that comes down onto the shoulder of the road, probably to facilitate wheelchair access, and this allows only five or six inches of clearance before you are actually out onto the road itself. Mr. Kihm noted that he has had several close calls in this spot. Mr. Paul agreed to have the Engineer investigate this issue.

PRESENTATION BY DAUPHIN COUNTY LIBRARY SYSTEM:

Karen Cullings, Community Relations Director of the Dauphin County Library System, and John Miller, Librarian of the Alexander Family Library in Hummelstown, updated the Board and visitors on the services provided by the library system. There are eight libraries in the Dauphin County Library System, and use of these libraries continues to increase, most likely due to the economy. Besides the traditional borrowing of books, citizens are using the library's public computers to do research, apply for jobs, and file unemployment benefit claims. Borrowing of CD's, DVD's and E-books has also spiked. The libraries offer many programs, such as children's programs and summer reading programs. Mr. Miller added that the Commissioners are always welcome to utilize the library for research purposes. There are dedicated staff members available to assist with this. Vice President Leonard stated that the renovations at the Colonial Park and Hummelstown facilities look great. Commissioner Mehaffie, who is serving his first year as Trustee on the Board of the Dauphin County Library System, stated that this is a fantastic group of people to work with and they have been extremely good with the budget this year. He added that the library also has a ninth library, which is its website.

APPROVAL OF MINUTES:

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to approve the Minutes of the September 21, 2011 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to approve the Minutes of the October 5, 2011 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Vice President Leonard, seconded by Commissioner Loych, to approve the Payment of Bills as presented on Warrant No. 2011-9. 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 September 2011. The motion was unanimously approved.

ENGINEER'S REPORT: No report

SOLICITOR'S REPORT:

Peter Henninger, Township Solicitor, reported that he had received an email from Janis Creason, Dauphin County Treasurer, which included a copy of an email from Traveler's Indemnity, which is the bonding company for the previous Township Treasurer. Travelers Indemnity has approved a claim in the amount of \$225,000, and \$95,000 of this is due to Lower Swatara Township for tax years 2006 – 2010. Upon signing of a release by the County, the funds will be distributed and the Township should expect to receive these tax payments within 30 – 45 days.

MANAGER'S REPORT:

Harry Krot, Township Manager, reported that he had been requested to look into the utilities that the Township uses. Commissioner Mehaffie had provided him with a contact person, and Mr. Krot is also investigating a program through the League of Cities. He is awaiting more information on this, and will update the Board as it becomes available.

## COMMITTEE REPORTS:

Police Committee – Commissioner Clark -- no report

Public Safety – Commissioner Mehaffie – acknowledged Alan Knoche, EMA Coordinator. Mr. Knoche announced that the President has approved the public assistance component of the public disaster declaration for Tropical Storm Lee. The public assistance process has started, but it will take time since there are 2200 applicants. The next meeting on this will be December 13, and will focus on what is and isn't covered. Mr. Knoche stated that there is usually a 75% recovery from this federal program. The good news is that the state has agreed to kick-in the remaining 25%. This means 100% reimbursement for any eligible and approved expenses associated with the flood. In response to a question from Vice President Leonard, Mr. Knoche explained that this public assistance component is for municipalities, hospitals, school districts, fire departments, certain non-profit organizations, etc. It does not cover individual homeowners. President Linn stated that he is pleased to hear of the 25% reimbursement by the state. He thanked Mr. Knoche for staying on top of things.

Public Works – Commissioner Loych – reported that the Recreation Board is scheduled to meet next week.

Budget and Finance – Vice President Leonard --- asked Chief DeHart if he had updates for the Board from the Fire Department. Chief DeHart reported that Solicitor Henninger is presently reviewing the specifications for the new engine. Solicitor Henninger explained that he will need to meet with the Fire Department and Mr. Paul to address some minor comments on the bid documents. Vice President Leonard then present the finance report. Cash receipts for the month of September totaled \$1,030,388.22. The major sources of revenues were from the transfer from the state for the Meade Avenue project, the annual receipt from the state for the Fire Relief Association, Act 511 taxes—including per capita, occupation and real estate transfer taxes, Real estate taxes—all sources, and other miscellaneous receipts. Cash expenditures totaled \$960,512.14 and were comprised of the two transfers to the payroll account, payments for the Meade Avenue project, various invoices related to the ongoing road work projects, and all invoices due and payable. Investments totaled \$521,542.80 with an average annual yield of 0.5%. Vice President Leonard reported that while the 2012 budget is not finalized yet, it looks like there will be a \$500,000 - \$600,000 shortfall, which is quite significant in a 4.5 million dollar budget. Reasons for this include property reassessments that have gone down resulting in less tax dollars, the flood

expenses and the uncertainty of what will be reimbursed, the shortage due to the situation with the previous tax collector, litigation the Township has been involved in, decreased liquid fuel income and increased fuel costs.

Community and Economic Development – President Linn -- – reported a ribbon cutting ceremony was held Tuesday for the opening of Meade Avenue. President Linn thanked Mr. Paul for all his efforts in carrying this project through. Since the Township was required to be lead agency in this project, Mr. Paul spent a considerable amount of time overseeing things. President Linn also reminded the public of the Lions Club Halloween Parade tomorrow evening.

#### UNFINISHED BUSINESS:

Mr. Paul updated the Board on the first two plans under Unfinished Business, the Bryn Gweled East Subdivision and the Residential Retirement Community Plan. He reported that a meeting was held in the Township office last Friday, at which time all three parties, which included Tom Flynn of Advanced Conversion Technology, signed the revised agreements with Highspire. These documents are now ready for approval and execution by the Highspire Municipal Authority, which meets tomorrow evening. Mr. Paul added that the staff feels the process is moving along, and would recommend that the requests for 90-day time extensions, as submitted by developers of both plans, be approved.

A motion was made by Vice President Leonard, seconded by Commissioner Loych, to grant a 90-day time extension, as requested by the developer, on 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, and November 17, 2010, February 16, 2011, and May 18, 2011. The Board granted an additional time extension on August 17, 2011, with an expiration date of October 20, 2011. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Loych, to grant a 90-day time extension, as requested by the developer, on 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, and November 17, 2010, February 16, 2011, and May 18, 2011. The Board granted an additional time extension on August 17, 2011, with an expiration date of October 20, 2011. The motion was unanimously approved.

Mr. Paul stated the developer of the Final Subdivision of Old Reliance Farms, Section 18-B, is also requesting a time extension on his plan, which expires next month. As the Board is aware, the DEP permitting process is delaying this plan. A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to grant a 90-day time extension, as requested by the developer, on 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. The plan is due to expire on August 25, 2011. An additional 90-day time extension was granted by the Board on July 20, 2011. The plan is due to expire on November 23, 2011. The motion was unanimously approved.

Mr. Paul suggested the Board table the next plan, the Revised Five Oaks Village (Mobile Home Park) Plans located on Swatara Park Road. He explained that since the flood, the developer is re-thinking things. A motion was made by Commissioner Loych, seconded by Vice President Leonard, 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:

Mr. Paul introduced Daryl Peck, Concord Public Finance, and Dave Twadell, Rhoads and Sinon, who are here to discuss the first item under New Business, Ordinance No. 533. Mr. Peck reported that he was here last month to discuss the possibility of refinancing the 2006 bond issue. He commented that today was a very good day for Lower Swatara Township in the bond market. Through refinancing of its 2006 bonds, the Township will be able to save about \$245,000. He congratulated the Township on being affirmed at a AA- rating, which is very strong credit rating. This rating is due to strong fiscal management, and is a credit to the Board and staff.

Mr. Peck briefly explained today's internet bond auction. There were seven bidders, with Morgan Keegan offering the best rate, 3.26%. Mr. Peck stated he is extremely happy with the results of the bond sale. He then asked Mr. Twadell to explain the accompany ordinance which will approve this refinancing. Mr. Twadell stated he would first like to add his congratulations to the Township for its AA- rating. He then explained the proposed ordinance actually has two purposes. The first purpose is an amendment to Ordinance No. 494, which authorized the 2006 bonds that are being refunded. As the Board may be aware, the auditors identified that the Township does have some unexpended proceeds from that issue. One consideration was using these proceeds to refund some of this bond issue. However, with the recent flood event, there is a need for funds for extraordinary repairs and capital improvements. Therefore, it is necessary to amend the purpose of the 2006 bond issue to add these additional uses (the original bond issue was to be used for parks and recreation and the new fire station). The second purpose of the ordinance is to approve the bond issue that Mr. Peck just referenced. A motion was made by Commissioner Loych, seconded by Vice President Leonard, to approve Ordinance No. 533. This ordinance amends Ordinance No. 494 enacted on October 4, 2006, to amend the description of the projects to include paying or reimbursing costs of designing, surveying, planning, testing, acquiring, constructing, or making extraordinary repairs to, Township property damaged by flood, including property part of the sanitary wastewater facilities leased to and used by this Township, and of capital additions to other Township property, machinery, and equipment. This ordinance also incurs nonelectoral debt to be evidenced by a series of General Obligation Bonds to provide funds for and toward refunding the outstanding General Obligation Bonds, Series of 2006, of this Township and paying the costs and expenses related to said refunding and the issuance of such bonds. A roll call vote was taken with the following ballot tabulation: Commissioner Mehaffie – aye, Commissioner Loych – aye, Commissioner Clark – aye,

Vice President Leonard – aye, President Linn – aye. Ordinance No. 533 was approved by a 5 – 0 margin.

A motion was made by Commissioner Clark, seconded by Vice President Leonard, to approve preparation and advertisement of an ordinance amending the Code of Ordinances, No. 448, Chapter 1, Administration and Government, Part 7, Police Pension Plan Fund. in order to comply with the Pension Protection Act of 2006 and the Heroes Earnings Assistance and Relief Act of 2008 (Heart) effective as provided in the amendment. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve preparation and advertisement of an ordinance amending the Code of Ordinances, No. 448, Chapter 1, Administration and Government, Part 6, Non Uniform Pension Plan and Pension Fund. in order to comply with the Pension Protection Act of 2006 and the Heroes Earning Assistance and Relief Act of 2008 (Heart) effective as provided in the amendment. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to approve Resolution No. 2011-R-11. This resolution authorizes Alan Knoche, Lower Swatara EMA Coordinator, to execute for and in behalf of Lower Swatara Township, all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288 as amended by Public Law 100-707). The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Clark to approve Resolution No. 2011-R-12. This resolution amends, changes, and modifies the Code of Ordinances of the Township of Lower Swatara, Ordinance No. 448, Fee Resolution. The motion was unanimously approved.

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to approve Conrad Siegel Actuaries' recommendation to change the Mortality, Disability and Retirement assumptions for the January 1, 2011, actuarial valuation report for the Lower Swatara Township Police Pension Plan. The motion was unanimously approved.

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to approve Conrad Siegel Actuaries' recommendation to change the Mortality and Disability assumptions for the January 1, 2011, actuarial valuation report for the Lower Swatara Township Non-Uniformed Pension Plan. The motion was unanimously approved.

The Board acknowledged receipt of the 2011 Foreign Casualty Insurance allocation for \$296,610.82 to be distributed to the Police Pension Plan as \$103,743.00 and to the Non-Uniform Pension Plan as \$192,867.82.

A motion was made by Commissioner Clark, seconded by Commissioner Loych, to approve a three-year engagement proposal by Waggoner, Frutiger and Daub, Certified Public Accountants, for auditing services for the General Fund and Sewer Revenue Fund for calendar years 2011, 2012, and 2013. Commissioner Mehaffie recalled that Vice President Leonard had suggested the Fire Department also be included in this audit. Vice President Leonard explained that the Fire Department is not being included in this action tonight, but he would anticipate seeing this addressed at a future meeting. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to approve authorization of payments for the Middletown Borough Authority Waste Water Treatment Plant BNR construction upgrades, Requisition 19-A in the amount of \$41,422.30 and Requisition 20-A in the amount of \$115,256.40, to Middletown Borough Authority. The motion was unanimously approved.

A motion was made by Commissioner Loych, seconded by Vice President Leonard, to approve budgetary adjustments for 2011 (see attached list). The motion was unanimously approved.

#### FINAL COMMENTS:

President Linn requested an executive session immediately upon conclusion of this meeting in order to discuss personnel matters.

Commissioner Mehaffie thanked the Board for allowing the Dauphin County Library representatives to come in and speak this evening.

Solicitor Henninger congratulated the Board on once again hitting the absolute bottom of interest rates on its bond sale. The history, administration and budgets of Lower Swatara Township are what lead to this. He stated that both this Board and previous Boards are to be commended.

President Linn reminded the Board and department heads that any revisions to the draft of the fall/winter newsletter must be submitted to Ms. Arroyo this evening.

Chief DeHart thanked Mr. Krot for attending the Fire Department's annual Open House.

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 7:54 P.M.

ATTEST:

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Ronald J. Paul, Manager/Secretary