

## MINUTES

### NON-LEGISLATIVE MEETING

OCTOBER 5, 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 7:00 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
- Harry N. Krot, Manager
- Peter R. Henninger, Solicitor
- Richard T. Wiley, Police Chief
- Steven W. Anderson, Public Works Director
- Alan J. Knoche, EMA Director
- Jean R. Arroyo, Recording Secretary

Absent:

- HRG, Engineer

Residents and visitors in attendance:

- Roger Erickson (235 Shady Ln.)
- Robert Gingrich (790 Fulling Mill Rd.)
- Paul Navarro (Navarro & Wright Consulting Engineers, Inc.)
- Mike Will (Fulling Road LLC)
- Mike Davies (525 Constitution Dr.)
- Jason Garner (1150 Oberlin Rd.)
- Jon Wilt (1257 Longview Dr.)

President Linn welcomed the visitors to the meeting, and asked that the Board first take action on the items that require formal approval this evening.

A motion was made by Vice President Leonard, seconded by Commissioner Loych, to approve an Agreement of Release between the owner of 1225 North Union Street and Lower Swatara Township. Mr. Paul explained that the agreement specifies that the Board and Sewage Enforcement Officer are willing to waive the minimum isolation distance of 100' from well to the on-lot sewage disposal system at 1225 N. Union St., and thus issue the permit, provided that the homeowner releases the Township and the Sewage Enforcement Officer from any liability that may arise with regards to any possible malfunction or any other problems with said on-lot sewage disposal system. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to approve the Application for Payment #7 in the amount of \$31,605.00 to Leon E. Wintermeyer for utility upgrade related to the Meade Avenue Project. Mr. Paul noted that this should be the last bill for all the utility work, which is being covered through a County grant. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Clark, to approve the final payment in the amount of \$35,093.00 to JVH Excavating, Inc. for reconstruction of flood damaged Rosedale Avenue (original bid amount was \$44,930). The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Commissioner Loych, to approve the partial payment of \$15,182.00 to JVH Excavating, Inc. for construction in part of flood damaged Greenwood Circle area (original bid amount was \$30,815). Mr. Paul advised the Board that due to the magnitude of the damage, the final cost of this job may be higher than the original bid amount. The motion was unanimously approved.

Mr. Paul referenced a letter from a young lady asking permission to use the Old Reliance Farms playground area for a "mini-carnival" fundraiser on October 30, from 2 P.M. – 6 P.M. The proceeds will be used to fund her mission trips. There were no objections expressed by the Board.

President Linn reported that the Board had gone into executive session after the September 21 legislative meeting in order to discuss personnel issues. He asked that the Board again go into executive upon conclusion of this evening's meeting in order to discuss issues with the Finance Committee and also address the police contract.

PUBLIC COMMENT:

Roger Erickson, 235 Shady Lane, explained that he is here to speak on behalf of his son, Brad Erickson, who couldn't be here tonight due to work commitments. His son, who resides at 798 Fulling Mill Road, suffered serious flood damage to his home due to a blocked pipe that prevented the water from getting to the other side of the road. Since this is a Penn DOT pipe, his son has been putting numerous calls into the state, but has not yet heard anything back. Steve Anderson, Public Works Director, stated that Penn DOT is aware of the problem, but may be backlogged with flooding issues. He will make contact with them. Mr. Paul agreed that the outlet of the pipe must be clogged; Penn DOT knows the length of the pipe and realizes that it has a responsibility to get out there and open the pipe. The Township cannot do much else at this time, except encourage Penn DOT to move faster. Mr. Erickson added that his son's homeowners insurance will not pay for the loss, since it claims the damage was not due to the flood itself. He stated that Penn DOT should be held responsible for the losses. President Linn suggested Mr. Erickson contact Representative Payne to see if his office can provide any assistance.

Paul Navarro, Navarro & Wright, updated the Board on the residential retirement community planned for the corner of Nissley Drive and Fulling Mill Road. There has been no response to-date on the September 6 submission to DCED. Mr. Navarro reported that he is also trying to arrange a meeting with Penn DOT to get its input on filing an amendment to the HOP permit which calls for a reduction of the pavement width.

Mark Will, Fulling Road LLC, updated the Board on the status of the agreements necessary to address the sewage upgrades for this plan. Tom Flynn has still not signed the agreement despite daily calls. Mr. Paul inquired what Mr. Flynn's reason is for failing to sign the agreement. Mr. Will explained that Mr. Flynn does not want to sign it because Mike Williams (BW Partnership) has not signed it. President Linn suggested that all three parties come to the Township Building and sign the agreement at one time. Commissioner Clark asked why the Township staff should invest its time to get a private agreement signed. Mr. Will agreed that staff should not have to do this, but he asked what else he can do at this point. He stated that the Board had said the plans must be ready for action at the October legislative meeting, and this just isn't going to happen. Mr. Paul questioned if there is more behind this failure to sign. He asked if all three parties are willing to proceed with the plans and are willing to put up the assets needed to move forward. Mr. Will verified that his firm is prepared to bond the project upon signing by Highspire of the Highspire

Agreement. He added that he doesn't anticipate doing the actual improvements to sometime next year. Mr. Will again explained that neither Tom Flynn or BW Partnership has signed the memo of understanding – neither party will sign it until the other signs it. Without the signed memo of understanding, the Highspire Agreement cannot be executed. Mr. Paul suggested Mr. Will contact Mr. Flynn and BW Partnership in attempts to have them meet here at the Township Building and have all three parties sign the agreement at the same time in his presence. Mr. Will agreed to try this approach, and noted he will include Mr. Paul in the emails. Mr. Will added that unfortunately, he will have to come back to the Board in two weeks and ask for yet another time extension on the plan. Mr. Paul asked Mr. Will to contact him to discuss this issue in more detail.

#### FIRE DEPARTMENT REPORT:

Chief DeHart reported that there were 55 calls in August and 167 calls in September, for a year-to-date total of 605 calls. He thanked the EMA, Police and Public Works Departments for all their hard work during the flooding experienced last month. He added that it got to the point where the Fire Department was having a hard time responding to calls, since it was difficult just getting from Point A to Point B.

The Sunday Breakfasts this year had a grand total of 922 in attendance, and the Department is looking forward to doing them again next year. The October 16 Dinner will be stuffed chicken breast. The Fire Department's Annual Open House is scheduled for October 13, from 6 P.M. – 8 P.M., and a poster contest will be done again this year. The new engine should be here by late winter or early spring. The rescue specs are expected to be complete within the next two weeks and will be turned over to Solicitor Henninger for review. The Fire Department's fund drive has been sent out the residents and businesses. The Department submitted paperwork for a new federal grant, and has requested \$82,000. It will also be purchasing two SCBA air packs thanks to Representative John Payne's grant last year. The Fire Department is working on its budget, and is looking forward to its annual meeting with the Township. The new fundraiser for this fall is the Service First Calendar. The cost is \$15.00, and the proceeds will be split 50/50 between the Fire Department and Red Cross.

Chief DeHart called the Board's attention to several graphs depicting call data. He added that the Department is almost 200 calls above the normal rate. Services and demands are increasing. If not for the five station live-ins, the Department would be struggling. President Linn

thanked these volunteers for their outstanding service, and reminded residents of the importance of contributing to the fund drive. Having a volunteer Fire Department saves a significant amount of tax dollars.

EMERGENCY MANAGEMENT AGENCY (EMA) REPORT:

Alan Knoche, EMA Director, stated that it was unbelievable how the Fire Department volunteers made their way through impassable flooded areas to respond when needed. Mr. Knoche stated that he has been receiving numerous questions about buy-outs of flooded homes. Although an individual assistance disaster declaration has been proclaimed, the Township gets its funds when a public assistance declaration has been called. This is anticipated to happen. 15% of these funds, if received, would be set aside for hazard mitigation grant programs.

Mr. Knoche also explained there are some potential problems with buy-outs of mobile homes in Lisa Lake Mobile Home Park, since the ground is rented from the park owner (Highspire Mobile Homes). The hazard mitigation grant officer had indicated that these homes could not be bought-out; if the Township purchased these trailers, the park owner could just rent the lot to another trailer owner, who could again experience flooding. No flood hazard mitigation would have resulted. There is the possibility that part of the mobile home park could be sold (Hoke Lane and Hummel Lane, but not Lisa Lake). A similar situation exists for the homes destroyed in the Swatara Creek area. These homeowners don't actually own the land; this is a large parcel owned by the Frey Trust. Mr. Knoche asked direction from Solicitor Henninger on this issue. Solicitor Henninger stated that he would have to look into this. He added that there are other hurdles too. Receiving federal money is just step 1, since that will only provide 75% of the funds to purchase the homes. The other 25% is the local share. Mr. Knoche agreed, and stated that it is hoped that the state will again come forward to pick up this 25% share, as it did during Ivan.

Mr. Knoche added that there are many unknowns. He has already submitted a letter of intent and pre-agreement to the state's mitigation officer expressing the Township's interest in pursuing a hazard mitigation program, if available. President Leonard questioned who would own a property that was purchased through a buy-out program. Mr. Knoche explained that the Township would own the property, and it must permanently remain open space.

## POLICE DEPARTMENT REPORT:

Richard Wiley, Police Chief, stated that he feels the residents deserve special recognition for their resiliency during the flooding disaster. They coped extremely well, and many pitched in to help each other. This speaks volumes about the community. Thanks were also conveyed to Jed Yingst for the kindness and courtesy he extended to the residents in his mobile home park during the flooding. Mr. Yingst placed residents in hotels, provided rides, etc. Chief Wiley added that the Police Department also faced some trials and tribulations during the flooding disaster, including dealing with looters and citizens driving through unsafe areas.

Chief Wiley reported that he and Mr. Paul recently met with Dr. Weinstein, Superintendent of the Middletown Area School District, to clarify some points concerning the School Resource Officer Program. The County RMS (Records Management System) data sharing project is moving forward, although the process is rather complicated due to the many entities and systems involved. A part-time police officer has been hired, and was involved in assisting with the flooding issues. The Department is targeting its traffic patrol in areas which get the most complaints, which include North Union Street, Fulling Mill Road, and Route 441. The Police Department's 2012 budget needs are also being prepared for presentation to the Budget & Finance Committee. Chief Wiley concluded his report by welcoming Harry Krot on Board as Township Manager.

## PUBLIC WORKS DEPARTMENT:

Steve Anderson, Public Works Director, reported that September was an extremely busy month for the Department, with record rainfall of 18.43 inches for the month and over 62 inches so far for the year. Irene and Lee kept the department busy with mudslides on Route 441, downed trees, and massive flooding. Department personnel responded with extraordinary professionalism and calm throughout these events. Rosedale Avenue east of Stoner Drive was partially destroyed due to flooding. JVM construction did a superb job repairing the embankment, road surface and guiderail. Rosedale Avenue was opened on September 29. JVM Contractors is currently working on the larger sink hole on Greenwood Circle. It repaired the small sink hole between the two properties, and partially repaired the major sinkhole behind the storm drain. The storm drain system is functioning at this time. However, the Township is still waiting on Verizon to relocate its pole.

The Department placed and removed ten 30-yard yard dumpsters provided by York Waste in the Jednota Flats area from September 12<sup>th</sup> to the 28<sup>th</sup>. It provided the equipment and manpower

to pick up the debris from the residents' homes. Mr. Anderson thanked Avis Car Rental Company for the use of its lot. He also thanked Mr. Yingst of Highspire Homes for providing additional dumpsters and his assistance and cooperation with the debris removal. From September 21 to date, the Township provided six additional 30-yard dumpsters from Penn Waste and York Waste to the Swatara Park area and again provided the equipment and manpower for the debris removal in that area. A final clean-up will be done the beginning of next week. Mr. Farr was thanked for his assistance in providing a crew of workers to help in the cleanup effort. The Township kept its dumpsters at 800 Oberlin Road open and available from September 13 to September 24. Residents were permitted to dispose of flood damaged items at no cost. 105 truck loads and 33 car loads of debris were brought in, filling six 30-yard dumpsters. Arrangements were also made with the Dauphin County Hazardous Waste Department to remove a significant amount of hazardous material from the flood areas. In addition, 120 tires were collected and properly disposed of.

Mr. Anderson reported that he had made arrangements for the equipment and fuel to be delivered to Lisa Lake to once again pump out the lake. So far the water level has been lowered by 5.5 feet. Pumping operations are currently suspended for one week to allow the drainage work on the Meade Avenue project to be completed. Pumping operations to lower Lisa Lake will resume next week.

The guide rail on Nissley Drive incurred damage from two separate accidents; the individuals were billed for the damage. Estimates were received for the repair /replacement of the guiderail and these repairs were scheduled for the October/November timeframe.

Throughout the flooding, the Department has kept pace with mowing where conditions permitted. The Department is trying to catch-up this week. Additionally, jobs for this week have included repairing damaged culverts, drains and storm drain systems. The area around North Union Street is being cleaned out from the flood damage. Cold patching is being done throughout the Township. Mr. Anderson informed the Board and residents that the dumpster will be open Saturday, November 5, from 8:00 A.M. to Noon.

The Middletown Area High School sophomore class used the garage to construct its homecoming float; everything went well and there were no problems experienced. Mr. Anderson stated that he is working on the Department's 2012 budget, and is prepared to meet with the Finance Committee on October 12 to present his items.

Commissioner Clark referenced the large amount of debris on the Handwerk side of the Fiddlers Elbow Road Bridge and stated that Mr. Anderson had questioned whether the Township should clean take care of this clean-up work. Commissioner Clark reminded the Board that years ago, the Fire Department had wanted to put a boat launch in that area, and Handwerk did not want this because of liability issues. Based on that, he feels Handwerk should be responsible for any clean-up. Mr. Knoche stated that Handwerk took a major hit as a result of the flooding. He surmised this clean-up may not be on its list of priorities.

PLANNING AND ZONING/MANAGER'S REPORT:

Mr. Paul referenced three letters from Conrad Siegel, the Township's actuary for the pension funds. The most startling one is based on assumptions and pending pension numbers, and recommends changes from one table to another. This does impact the cost of the pension plans. He asked the Board to review this for action at its October 19 legislative meeting. The other two pieces of correspondence recommend updating regulations in both the Uniformed and Non-Uniformed pension plans in order to be in compliance with various acts and laws. This will need to be done via ordinance. Action to prepare and advertise these two ordinances will be on the October legislative agenda.

Mr. Paul reported on two proposals received from the Township's current auditor, Waggoner, Frutiger and Daub, for auditing services for both the Township and Municipal Authority. The price is actually 15% lower than this year's rate. Mr. Paul recommended that the Board retain the services of Frutiger and Daub, especially for continuity purposes as the Township transitions to new management and accounting staff. This will also be on the October 19 agenda.

The Township's trash/recycling contract review committee met this week, and concluded to keep the Township's contract the same as the current contract when it goes out for bid. Commissioner Clark asked why the option to allow for a cart-style service is not being considered, at least as an alternate. He noted that the representative from at least one company alluded to the Board that it could provide this service at a cost savings to the residents. He cautioned that the Township may be missing the boat if it doesn't explore this option. President Linn explained that the residents are comfortable with the four bag limit. In addition, many will not like to transport or store two large carts. Mr. Paul explained that it may be difficult to keep the four-bag limit with this option, since the dialogue from the hauler indicated the cart is equivalent to three bags. He added

that the same company stated recycling pick-up with this style of cart would be every other week. Commissioner Clark added that the Township may also have to buy more recycling containers, at its own expense, under the current contract; this cart option would include the containers. Again, he suggested the cart program be offered as an alternate. Mr. Paul explained that a hauler offering the cart service is not being precluded from bidding on this contract if it can provide what is being called for in the contract. Vice President Leonard agreed that the point is what service and schedule the Board desires. The way the haulers go about providing this service and schedule is up to them. As long as the hauler can meet the specifications of the contract (weekly trash and recycling pick up, 4-bag trash limit or 3 bags and one bulk item, woody waste collection, etc.) they can use the system they have in place. Mr. Paul noted that unless the Board objects, the contract will be drafted similar to the current contract and will be placed out for bid. There were no objections stated.

Mr. Paul advised the Board that the Township's fee schedule needs to be upgraded, and will be done so through a resolution. He also noted that the Budget Committee will be meeting with the department heads next week to review department budgets for 2012.

#### FINAL COMMENTS:

President Linn stated that he would like to correct comments from the media regarding Mr. Paul's retirement. The Board has hired a new manager early in order to train with the present manager prior to his departure. Mr. Paul did not retire on October 3, and has not yet submitted his official resignation.

Vice President Leonard stated everyone has been doing a great job in preparing for the 2012 budget, which is tight. He referenced Mr. Paul's report regarding the retention of Waggoner, Frutiger and Daub as the Township and Municipal Authority's auditing firm. He reminded the Board that the Fire Department had also planned to do an audit, and suggested it would be a good idea to add the Fire Department audit to this same cycle so all three get done at same time. He stated that he will need to speak to Fire Department officials about the possibility, but asked if the Board had any objections to this. There were no objections expressed by the Board.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Clark, seconded by Commissioner Loych, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:20 P.M.

ATTEST:

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Ronald J. Paul,  
Manager/Secretary