

MINUTES

NON-LEGISLATIVE MEETING

SEPTEMBER 7, 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
- Robert L. Loych, Commissioner
- Thomas L. Mehaffie III, Commissioner
- Ronald J. Paul, Manager
- Richard T. Wiley, Police Chief
- Steve Anderson, Public Works Director
- Jean R. Arroyo, Recording Secretary

Absent:

- Thomas R. Clark, Commissioner
- Peter R. Henninger, Solicitor
- HRG, Engineer

Residents and visitors in attendance:

- Jackie Leonard (LST Fire Dept.)
- Mark Will (Fulling Road LLC)
- Jon Wilt (1257 Longview Dr.)
- Sarah Garner (1150 Oberlin Rd.)
- Brad & Jes Erickson (790 Fulling Mill Rd.)

President Linn 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 the payment of Estimate No. 13 in the amount of \$19,899.34 to Navarro & Wright Consulting Engineers for construction phase services related to the Meade Avenue Project. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve Application for Payment #17 in the amount of \$288,346.18 to Leon E. Wintermeyer, for construction phase services related to the Meade Avenue Project. The motion was unanimously approved.

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to approve the Application for Payment (Agreement #089540) in the amount of \$76,439.76 to PPL for utility relocation services related to the Meade Avenue Project to be paid through the Township's Utility Grant. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve authorization of payment for the Middletown Borough Authority Waste Water Treatment Plant BNR construction upgrades, Requisition 18-A, in the amount of \$76,444.64 to Middletown Borough Authority. The motion was unanimously approved. In response to a question from Commissioner Mehaffie, Mr. Paul noted that he could not quote a specific percentage of what portion of this job is complete. He stated, however, that the project is very close to being finished.

President Linn then opened the floor for public comments.

PUBLIC COMMENT:

Mark Will, Fulling Road LLC, updated the Board on the status of the residential retirement community plans, specifically progress on the agreement with the Borough of Highspire. He again explained that the memo of understanding must be signed by all involved parties (Fulling Road LLC, BW Partners, and Tom Flynn) prior to these same parties also signing the Highspire Agreement. BW Partners had not signed the memo and had requested a change to it. The task since the last meeting was to get Tom Flynn to accept the change and then have him resign it. Mr. Will noted that he believes Mr. Flynn is very close to signing the memo. Mr. Paul reported that he had spoken to Mr. Flynn today, and he seems agreeable to whatever percentage the parties talked about,

and also seems very willing to sign the memo of understanding. He just wants to make sure that when he signs the documents and cuts the check, the project will indeed get done. Mr. Will again explained that after this memo is signed, Mr. Flynn will sign the Highspire Agreement, which has already been signed by BW and Fulling Road LLC. Mr. Will also reported that Navarro & Wright has resubmitted the E & S plan for this upgrade.

POLICE DEPARTMENT REPORT:

Richard Wiley, Police Chief, reported that the officers have been busy assisting the Public Works Department, Emergency Management Office, Fire Department, and other personnel with the flooding emergency. About five streets have been closed due to the high water. Unfortunately, citizens are doing unsafe things, such as moving barricades and attempting to drive through the flooded streets. Several people had to be rescued from vehicles while attempting to drive through waist-high water levels. The Police Department did issue tickets to several offenders. Some of the officers were unable to get home due to the flooded roads and will be staying overnight at the station. Chief Wiley noted that it has been a harrowing experience, but he is very proud of the efforts of the officers, particularly Mark Salada, who worked closely with the Public Works Department. He also noted that all Township departments and emergency operations, including the fire police, have been doing an outstanding job. Alan Knoche, the Township's EMA Director, has been working diligently in the command post. Since Mr. Knoche will be out on vacation beginning tomorrow, Dick Myers, Deputy EMA Director, will serve in his absence.

PUBLIC WORKS DEPARTMENT:

Steve Anderson, Public Works Director, thanked the Police Department for the good communication between the departments in dealing with the flooding problems and mudslides. Roads have been opened and closed as the water levels warrant. As mentioned by Chief Wiley, citizens have driving around the barricades, creating a very dangerous situation. Lumber Street and a portion of Spring Garden Drive into Turnpike Industrial were double barricaded. Mr. Anderson agreed that coordination between the Township departments and agencies has been excellent. Communication has also been ongoing with the Middletown Area School District. There was one incident where a school bus was permitted to come up Lumber Street, but the driver dropped the children off too close to the flooded area. Two of them actually fell into the creek there, but were

able to get out. Mr. Anderson will speak to the School District about stressing to the drivers that they take the extra time and drive around the flooded areas. There were several mudslides on Route 441; Penn DOT did come out and look at them and will be coming back out.

Paving has been completed on Spring Garden Drive /Turnpike Industrial Road. All appropriate signage has also been updated. There have been numerous sinkholes developing; the most serious one is on 8 Greenwood Circle. The sink hole was filled with six yards of flowable fill. The ground was allowed to stabilize and then the flowable fill was covered with fill ground. Additionally, the inlet at this location was repaired to provide better drainage. Unfortunately, the same sink hole has redeveloped and the department will have to dig deeper to find the underlying cause. The department has also finished improving the intersection of Burd Road and Heatherwood Road. The guide rail on Nissley Drive incurred damage from two separate accidents. Estimates of damage and repair/replacement costs were received, and the Township will bill the drivers for the repairs. This will allow the Township to replace all of the old cable and posts with “W” shaped guiderail. The Township will pay the difference in the cost of this upgrade.

The intersection of Fulling Mill Road and North Union Street (southbound) has been a source of driver complaints. Two problems were identified and are in the process of being resolved with the hopes of improving southbound travel. The stop bar was incorrectly installed in the straight thru lane after the road was repaved. Handwerk (project contractor) was contacted and removed the incorrect stop bar and installed a new stop bar in the correct location, as well as extending the existing white lane line. The second issue is the three second passage time. Penn Dot has agreed to allow an increase in the passage time to six seconds without a traffic study. They have reissued the signal light permit and the passage time will be adjusted when the routine maintenance of the signals is done in September or October. The light is currently working as designed and programmed and with these changes traffic flow should improve.

Mr. Anderson commended the Public Works Department for doing an excellent job today with very limited resources. He noted that the dumpster will be open Saturday, September 10th from 8:00 A.M. to 12:00 Noon for Township residents. He added that the Borough of Middletown had opened its woody waste facility to residents from 7 AM to 7 PM after the recent storm and had kept it open until last Saturday. Residents were not charged to bring tree debris to the center.

Mr. Paul reminded the Board that bids for the traffic signal maintenance contract will be opened on September 19, and can be awarded at the September 21 legislative meeting.

EMERGENCY MANAGEMENT AGENCY REPORT:

Alan Knoche, EMA Director, reported that a Flood Disaster Emergency was declared today. This is a record breaker and major event. There is some damage assessment being done now, although most places are still not accessible to do the assessment. Mr. Knoche stated that he will be on vacation beginning tomorrow; Dick Myers, Deputy EMA Director, will be heading up the Emergency Operation Center in his absence. Mr. Edwards of HIA has been good at keeping the EMA advised as to the status of the gate valve that drains Jednota Flats. He has been provided Chief Wiley's phone number and will keep him informed of the status. Mr. Knoche reported that the valve started off today being 100% open. At one point it was closed 50%. Within two hours at the most, it was reopened to 65%. Mr. Knoche added that around 5:00 this evening, it was reported to be at 75%. HIA is carefully monitoring this valve, as it is very sensitive to how it impacts the Township, specifically the Jednota Flats area. Mr. Knoche stated that the homes in the Jednota Flats area are significantly flooded, and the residents are extremely frustrated. Many are claiming that the valve was closed. Again, it was never fully closed, and only closed to 50% for a short time period. Mr. Knoche reported that several roads are closed. These include Route 230 at the Airport Connector, Richardson Road, and North Union Street at Fiddlers Elbow. In addition, the smaller roads through Jednota Flats and Swatara Park are closed.

Commissioner Loych asked if the Airport would close if the river crests at 26.2 feet on Saturday, as predicted. Mr. Knoche stated that Mr. Edwards indicated that it would only close the gates if there is too much water coming in from Township; the river would need to get pretty high before that would be considered. HIA does have pumps available to keep up with the water, but additional water coming in from the Township would cause them to throttle down that valve. Mr. Knoche stated that even if the river crests at 26.2 feet, HIA doesn't anticipate having to throttle down that valve. President Linn asked if the Airport itself would close. Mr. Knoche stated that the Airport never closed today. However, it is a single runway, and if that would get flooded, obviously this would be necessary. This, however, is not anticipated to happen.

Mr. Knoche reported that it is too early to know if federal aid will be available. The Federal Emergency Management Agency (FEMA) is financially strapped with all the natural disasters occurring, but the Township will do all it can to pursue any available funding for the residents.

President Linn thanked Mr. Knoche and the staff for their great teamwork during this tough time. Mr. Anderson also thanked Mr. Knoche for his assistance in relaying some of the calls to the

Public Works Department. Chief Wiley stated there are some issues with the various radio channels, and this needs to be looked into. Mr. Knoche reported that Mr. Paul had previously asked him to look into the possibility of obtaining the new county frequency on the new county system. It would be a \$55,000 project to outfit the Public Works trucks so they could be on the same frequency as fire, police, and emergency management. It is too late to pursue a grant from the gaming monies this year, but this should be looked into next year. Mr. Knoche stated the new system is definitely far superior.

Mr. Knoche added that the Emergency Declaration made today is good for five days unless rescinded by the Township. He suggested that the Township allow the five day period to expire on its own.

President Linn observed that several individuals entered the meeting late, and asked if they would like to be recognized.

Sarah Garner stated that she lives right on old Oberlin Road, off of Fulling Mill Road. Although she doesn't live in a flood plain, her home was flooded. After looking at the situation, it appears that at some point, the water drain that goes underneath Fulling Mill Road to the other side of the road was backfilled. She and her neighbor's home are the low points in the neighborhood and both homes were completely flooded. The Township crews did come out and take a look at the situation, but informed them that this is a Penn DOT road, and therefore Penn DOT must come out and assess the problem. Ms. Garner added that she has no electricity and no flood insurance, and the pump is still running in attempts to clean up the waters; she needs help. Mr. Paul explained that unfortunately, this is a Penn DOT issue. When the water is cleared from the pipe, the Township can run a camera in there. If it can find the end of the pipe and mark it, it can share this information with Penn DOT. Ms. Garner stated the water should be low enough to do that now. Mr. Paul stated maybe this can be done first thing tomorrow.

Mr. Anderson explained that since this is a state road, the Township can't just get in there and start digging. There are utilities in this area, and these need to be contacted via a PA one-call before digging. If the Township should dig without the required approvals, this would be a huge liability. As Mr. Paul suggested, however, the Township can put a camera in there and try to locate the end of the pipe. If they can find the end of the pipe, they can drain it. Mr. Anderson stated that he will pursue this with Penn DOT, but urged the residents in this area to also contact Penn DOT. He offered to provide them with the appropriate contact information. Mr. Paul stated he is

perplexed on how the pipe got blocked. He noted that this also speaks to the size of this storm event, since it has obviously been blocked for some time, yet no one in this area has experienced flooding before this storm.

Brad Erickson, 790 Fulling Mill Road, stated that he is Ms. Garner's neighbor and he has ten inches of water on his first floor. He thanked the Township's Public Works Department for doing its best to assist the neighbors in this area by bringing in a backhoe and pump. Mr. Erickson stated it is what it is, but he can't afford for this to happen again. He noted that he had just turned off the pump; the water is in the grate now. He expressed hope that the Township can get the camera in there and come to some conclusion on what is happening. Mr. Erickson stated that the squeaky wheel gets the oil, and if Mr. Anderson provides him with the appropriate contact information for Penn DOT, he will call repeatedly until he gets a response.

PLANNING AND ZONING/MANAGER'S REPORT:

Mr. Paul referenced previous requests from groups and organizations to use the old Fire Department on Oberlin Road. The Board has denied these requests, since the building is not safe and this could present liability issues. Mr. Paul stated that the Board has received another request for its use. Earl Bright from the Middletown Alumni Association is asking for space to build floats for the Homecoming Parade. The Manager of the Borough of Middletown had also spoken to Mr. Paul about this request. A total of four spaces are needed to build four floats, and the Alumni Association would like to see the Township provide whatever spaces it can spare. Mr. Paul had explained the policy on use of the old fire station, but agreed to present this to the Board tonight.

Mr. Anderson explained that the bays are full right now, and one bay is being utilized to store one of Middletown's fire engines. If the Board so directs, though, this equipment can be parked outside for a time period. President Linn stated that the Board discussed this issue many times, and safety is the major concern. In addition, when this group used the old station in the past, there were issues with clean-up and adult supervision of the students. Vice President Leonard agreed this is a difficult issue, since the Board does want to support the School District and the students. However, liability is a major concern, as well as the fact that this Board turned down similar requests by other groups for that very reason. In addition, the old station is located at a difficult intersection, which could also present a hazard to students pulling in and out of it. Mr. Paul

stated that the concern is not the storage, but the occupancy of this building. Commissioner Loych agreed that he would not be in favor of allowing use of the old station due to safety concerns.

Mr. Anderson offered a suggestion to the Board. He stated perhaps the Alumni Association could use a bay or two in the Public Works Building here on Spring Garden Drive. Equipment would need to be moved out in the interim. Vice President Leonard suggested that if this is approved by the Board, it should designate a particular timeframe it can be used, provide a sign-in/sign-out sheet at the building, and stipulate that adult supervision must be provided when working on the floats and also that the bays be cleaned up after usage. Mr. Anderson added that inexpensive tarps can be purchased and placed on the floor in order to keep it free of paint. He recommended that the group also be advised not to touch the equipment inside. The Board agreed to provide the use of two bays at the Public Works Building to the Alumni Association to work on float construction until the date of the Homecoming Parade.

Mr. Paul also reminded the Board that the waste/recycling contract is due to expire at the end of this year and will need to be placed out for bid. He requested at least one Board member join he and Ms. Arroyo to finalize the bid specs for these services. York Waste Disposal did provide a presentation on its use of a toter-style concept. In order for this concept to fit into the contract, there would need to be some revisions made in the specifications. Mr. Paul noted that the Township currently has a 4 bag or 3 bag and 1 bulk item limit each week. Since the residents are comfortable with this level of service, he suggested the standards be kept the same in the new contract. President Linn and Commissioner Loych stated they would agree with this. President Linn agreed to serve as the Board member on the contract review committee. President Linn also noted that Commissioner Clark and Commissioner Loych are on the Public Works negotiation committee. Mr. Paul stated the Board members should have received a letter from the Public Works Department regarding a question on its health care benefits.

FINAL COMMENTS:

Mr. Paul requested an executive session immediately upon conclusion of this evening's meeting in order to discuss personnel issues.

Commissioner Mehaffie referenced correspondence back from Congressman Holden's office indicating that they are working with Penn DOT on the flooding issues impacting the Jednota Flats area. A consultant has been hired to look at the issues at the airport connector and the

detention pond areas. Commissioner Mehaffie stated that he hopes to hear something back within the month. He thanked Congressman Holden for his assistance with this matter, and also thanked the Township staff, departments, and organizations for their efforts during the flooding.

Vice President Leonard also expressed thanks to those involved in the flooding. Since Chief DeHart could not be here, he provided an update from the Fire Department. The August Biker Breakfast was impacted by the hurricane and had to be cancelled. The Fire Department is busy working on its budget, and will present it to Board. Vice President Leonard referenced a finance report update from the Fire Department, and stated that it is doing a great job at managing expenses. He added that Dale Ryder is doing an excellent job as the new Treasurer of the Department. The new fire engine is expected to arrive the first quarter of 2012, and the Fire Department will be working with the Township to put out bids for the purchase of a rescue truck.

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 8:10 P.M.

ATTEST:

Ronald J. Paul,
Manager/Secretary