

MINUTES

REORGANIZATION AND WORKSHOP MEETING -- JANUARY 6, 2014

LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The Reorganization Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by Solicitor Peter R. Henninger. Solicitor Henninger then turned the floor over to Judge Bernard Coates, who presented the oath of office to Commissioner-elect Thomas L. Mehaffie III, Commissioner-elect Laddie J. Springer, and Tax Collector-elect Julie A. Wilt.

Roll call was then taken by Solicitor Henninger. The following officials were in attendance:

- Thomas L. Mehaffie III, Commissioner
- Jon G. Wilt, Commissioner
- Michael J. Davies, Commissioner
- Dominic D. DiFrancesco II, Commissioner
- Laddie J. Springer, Commissioner
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, Engineer
- Jean R. Arroyo, Recording Secretary

Residents and visitors in attendance:

(Please see attached sign-in sheet)

Solicitor Henninger called for nominations for President of the Board. A motion was made by Commissioner Wilt, seconded by Commissioner Springer, to nominate Thomas L. Mehaffie III as President. Hearing no other nominations, the nominations were closed and the motion to appoint Thomas L. Mehaffie III as President was unanimously approved. Solicitor Henninger congratulated President Mehaffie. The gavel was then turned over to President Mehaffie.

President Mehaffie called for nominations for Vice President of the Board. A motion was made by Commissioner Springer, seconded by Commissioner Davies, to nominate Jon G. Wilt as Vice President. Hearing no other nominations, nominations were closed and the motion to appoint Jon G. Wilt as Vice President was unanimously approved.

President Mehaffie called for nominations for Secretary of the Board. A motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to nominate Laddie J. Springer as

Secretary. Hearing no other nominations, nominations were closed and the motion to appoint Laddie J. Springer as Secretary was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to reappoint Herbert, Rowland & Grubic as Township Engineer. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to reappoint Peter R. Henninger, Jones & Henninger, P.C., as Township Solicitor. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to reappoint Waggoner, Frutiger and Daub, Certified Public Accountants, as Township Auditor. The motion was unanimously approved.

A motion was made by Commissioner DiFrancesco, seconded by Commissioner Davies, to approve Resolution No. 2014-R-1. This resolution authorizes the entry into an Agreement with Dauphin County, Janis Creason, elected Treasurer of Dauphin County, and Julie Ann Wilt, elected Tax Collector and Treasurer of Lower Swatara Township, whereby Dauphin County and the Office of County Treasurer be appointed Collector of Real Estate Taxes for the Township and County pursuant to the terms thereof. The motion was approved by a 4 – 0 margin, with Vice President Wilt abstaining.

A motion was made by Commissioner Davies, seconded by Commissioner DiFrancesco, to approve an Agreement with Julie Wilt, an elected tax collector for Lower Swatara Township; Lower Swatara Township, a first class township existing under the laws of the Commonwealth of Pennsylvania; Janis Creason, elected treasurer of Dauphin County; and Dauphin County, a third class county under the laws of the Commonwealth of Pennsylvania whereby the Township Treasurer appoints County and the Office of the County Treasurer to act as agent and depository for Township for the purpose of receiving and collecting all taxes levied upon real estate by Township and County. The motion was approved by a 4 – 0 margin, with Vice President Wilt abstaining.

The Board acknowledged the reappointment of the Keystone Collections Group as Earned Income Tax Collector.

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve the reappointment of Mid Penn Bank as Township Depository. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve the reappointment of Powell, Rogers & Speaks as Lower Swatara Township delinquent tax collector for Act 511 taxes for the year 2010 and prior. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to approve the reappointment of Berkheimer Tax Administrator as delinquent tax collector for Act 511 taxes for the year 2011 – 2013. The motion was unanimously approved.

The Board acknowledged the confirmation of the list of Special Fire Police for the year 2014, as submitted by the Lower Swatara Volunteer Fire Department.

A motion was made by Commissioner Davies, seconded by Commissioner DiFrancesco, to approve the following list of committee/commission appointments:

APPOINTEE	COMMITTEE	TERM
Billy, Alex (at large rep.)	Non-Uniform Pension Advisory Bd.	2
Arroyo, Jean (staff rep.)	Non-Uniform Pension Advisory Bd.	2
Wagner, Daniel (staff rep.)	Non-Uniform Pension Advisory Bd.	2
DiFrancesco, Dominic (Commissioner rep.)	Non-Uniform Pension Advisory Bd.	2
Wilt, Jon (Commissioner rep.)	Non-Uniform Pension Advisory Bd.	2
Billy, Alex (at large rep.)	Police Pension Advisory Board	2
Davies, Michael (Commissioner rep.)	Police Pension Advisory Board	2
Springer, Laddie (Commissioner rep.)	Police Pension Advisory Board	2
Dinger, Justin (staff rep.)	Police Pension Advisory Board	2
Tingle, Daniel (staff rep.)	Police Pension Advisory Board	2
Breon, Eric	Planning Commission	4
Wagner, Paul	Planning Commission	4
Wagner, Jason	Zoning Hearing Board	3
Jurgill, Stanley	Code Hearing Board	3
Kazakavage, James	Civil Service Commission	5
Dintiman, Scott	Township Recreation Board	5
Martino, Donald	Municipal Authority	5
Knoche, Alan	Fire Prevention Officer	2
Myers, Richard	Assistant Fire Prevention Officer	2

The motion was unanimously approved.

President Mehaffie made the following President's Appointments:

PRESIDENT'S APPOINTMENTS	CHAIRMAN	VICE CHAIRMAN
Police Committee	Wilt	Springer
Public Works	Mehaffie	DiFrancesco
Budget & Finance	Davies	Mehaffie
Public Safety	Springer	Davies
Community Development	DiFrancesco	Wilt
Personnel	Wilt	Mehaffie
Building Committee	DiFrancesco	Springer
Commissioner liaison to EMS	Wilt	
Commissioner liaison to EMA	Springer	
Commissioner liaison to Fire Dept.	DiFrancesco	
Commissioner liaisons to Olmsted Rec. Bd. (2)	Springer, Mehaffie	
Commissioner liaisons to Middletown School Board (2)	Davies, Springer	
Commissioner liaison to Municipal Authority	Mehaffie	
Commissioner liaison to Dauphin Co. Agency on Aging	Davies	
Commissioner liaison to PSU Hbg. Advisory Board	Wilt, liaison & Springer, alternate	
Commissioner delegate to COG	DiFrancesco	
Commissioner alternate to COG	Davies	

With the reorganization business complete, President Mehaffie opened the floor for public comments.

PUBLIC COMMENTS: None

DEPARTMENT REPORTS:

Fire Department – Chief DeHart – could not be in attendance this evening, since the Fire Department is also having its swearing-in ceremonies. He does plan to attend the January 15 legislative meeting to provide an update.

Public Works Department – Steve Anderson – was unable to attend tonight due to vacation, but a report has been provided by Steve Severin, who is acting Public Works Director in his absence.

President Mehaffie thanked Mr. Severin for filling in during this time, and noted that the department has been busy with cindering and plowing operations. Repairs are being made on equipment as necessary, and salt supplies are being replenished. The department was notified by the Police Department of improper signage north bound on Union Street; a “No Trucks Except for Local Deliveries” sign was replaced by a “No Trucks Except Residential Deliveries” sign to match the other four on the roadway. The dumpster was available to Township residents on Saturday, January 4.

Police Department – Chief Brandt – reviewed the monthly statistics. The Department wrote 215 traffic citations, many of which occurred on North Union Street as a result of trucks and speeding vehicles. He referenced last month’s thefts from vehicles in the student housing projects and Penn State Harrisburg, and noted that a suspect has been arrested. There is also a suspect for the recent thefts of storm grates which occurred in multiple area municipalities. Chief Brandt reported that the Police Department received new handguns last month. He thanked the Board for approving this purchase, and noted it is very much appreciated.

Planning and Zoning Report – Erin Letavic – reported that she has three items to discuss with the Board this evening. The first is consideration of approval, with conditions, for the Final Lot Consolidation and Land Development Plan for Campus Heights Village II, submitted for Campus Heights Associates I, LP and prepared by Forino Company, LP. Three waivers have been requested: (1) 22-404 – preliminary plan submission and procedure; (2) 22-502.7.A – streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than 75-degrees; and (3) 22-502.7.F – at intersections of streets the curb or edge of pavement radii shall not be less than 15-feet. The Planning Commission recommended approvals of the waivers, conditioned upon the requirement to construct the relocated Lawrence Street to a binder course condition prior to demolition and closing of the portions of Dauphin and Lawrence Streets that are planned to be vacated, and conditioned upon the original four-way Gina Lane configuration (as previously conditionally approved) being built if the neighboring property owner allows it in the future. These conditions will be included in the Developer’s Agreement. The plan is due to expire on January 22, 2014. A motion for conditional approval of the plan is requested, conditioned on receipt of NPDES and E&S permits.

Attorney Ambrose Heinz, representing the developer, stated that as mentioned by Ms. Letavic, there was one requested condition from the Planning Commission, which is that the original connection for the Gina Lane extension be provided upon request from the Township. The developer is agreeable to this, and Solicitor Henninger asked that this wording be included in the Developer's Agreement. The Agreement reflects a commitment to make that connection upon the request of the Township provided notification is received by June 1, 2014. Up to that point, the developer would be responsible for the work and the costs of these improvements. After that date, the neighboring property owner would be responsible for the cost of making that improvement and doing the work. Campus Heights would set aside the area for the easement and for the connection to be made at that time. Solicitor Henninger added that he had forwarded the revised Agreement to the Board this afternoon. He stated that he understands the developer's request to add this deadline to provide some finality. He also asked if the right of way is shown on the plan. Attorney Heinz confirmed that it is. Mr. Genesio explained that he had selected this June 1 deadline since the equipment will still be on site during that construction period, and he would like to allow for eight weeks to complete the construction. He explained that if he has to remobilize the equipment after August 1 and re-contract this small project, this rather minor job could double in price. Five months seems adequate time to come up with the agreement.

In response to a question from Commissioner DiFrancesco regarding the Township's liability, Solicitor Henninger explained that the Lawrence Street project itself is bonded at 125% of the cost for the entire time of the project. With the Developer's Agreement, the Township is well protected.

Solicitor Henninger explained that if the Board is so inclined, there are actually three actions required. The first is consideration of the two waiver requests (the waiver of 22-404 – preliminary plan submission and procedure was previously approved by the Board). A motion was made by Vice President Wilt, seconded by Commissioner Springer, to grant a waiver of 22-502.7.A – streets shall intersect as nearly as possible at right angles, and no street shall intersect another the at an angle of less than 75-degrees; and a waiver of 22-502.7.F – at intersections of streets the curb or edge of pavement radii shall not be less than 15-feet. The motion to grant the two waivers was unanimously approved. The second action required is on the plan itself. A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve, with conditions, the Final Lot Consolidation and Land Development Plan for Campus Heights Village II, submitted for

Campus Heights Associates I., LP and prepared by Forino Company, LP. These conditions include receipt of NPDES and E&S permits, any outstanding engineering comments, and execution of an approved Developer's Agreement. The motion was unanimously approved. A motion was then made by Vice President Wilt, seconded by Commissioner Springer, to approve the revised Developer's Agreement, as submitted in the format provided to the Board this afternoon, which includes the June 1 deadline. The motion was unanimously approved. President Mehaffie encouraged Mr. Genesio and Mr. Sipe to continue to work on getting the Gina Lane extension through, and added the Board is here to help in any way possible.

Ms. Letavic reported the next agenda item pertains to a zoning hearing application for a requested variance. The zoning hearing is scheduled for January 22. The property is located at 401 Aviation Way, Highspire, PA 17034. The applicant, which currently has its operations on Paxton Street, requests a variance from the provision of Part 19, Section 27-1902.4 to permit use of the premises as a machine shop utilizing presses which have rated capacities in excess of 20-ton. The four presses that would be utilized at the site have rated capacities of 28-ton, 32-ton, 60-ton, and 105-ton. The Board can take a position on this request if desired. This is a unique location of the Township. It is a Township tax parcel, although it is surrounded by Highspire Borough. This particular use would actually be permitted in the Borough. Commissioner Davis inquired if this use will generate heavy truck traffic. Ms. Letavic responded that she does not anticipate that it will. Commissioner Davies and Vice President Wilt both remarked that it only makes sense to encourage a business to move into this building, which has been vacant for many years. Solicitor Henninger stated that if the Board so desires, it can take a position to convey to the Zoning Hearing Board, although the decision itself is up to the Zoning Hearing Board. A motion was made by Commissioner Davies, seconded by Vice President Wilt, to convey to the Zoning Hearing Board that the Board of Commissioners is in favor of this variance. The motion was unanimously approved.

Ms. Letavic next reported that SARAA submitted a sewage planning module for the North 29 Area (land where Sheetz and other commercial properties are planned to be built) requesting that the sewage be sent to SARAA's treatment plant instead of Middletown Borough Authority as would be required according to their location within the sewage area. Lower Swatara Township Authority's agreement with the Middletown Borough Authority reads that sewage in the designated area shall be exclusively treated at Middletown Borough's treatment plan. The Planning

Commission approved the planning module, conditioned upon SARAA getting Middletown Borough to agree that the exclusivity can be waived in this instance or upon proof that the exclusivity portion of the agreement does not apply to SARAA because of established Authority statutes. The burden of proof is on SARAA at this point. The Board can take conditional action on this planning module; it expires on January 23, 2014. Solicitor Henninger stated that they have not heard anything back from the SARAA representative since the last Planning Commission meeting. He added that his opinion is that it would be premature for the Board to act on this tonight. He noted that the Municipal Authority should probably provide its recommendation on this before the Board of Commissioners takes action. His recommendation continues to be that the Township cannot sign off and approve the module due to the existing intermunicipal agreement. Since the planning module will expire on January 23, the Board could entertain a request for an additional time extension on this plan at its January 15 legislative meeting. Vice President Wilt agreed that he does not feel it would be appropriate to grant an approval tonight and force this upon the Borough of Middletown. He would like to see these two entities work things out among themselves. The Board agreed not to take any action this evening.

MANAGER'S REPORT:

President Mehaffie requested an executive session immediately upon conclusion of this evening's meeting in order to discuss advertisement for the Planning and Zoning Coordinator position, and also the hiring of a Township Manager. He also reminded the Board that the term of the uncompensated liaison between the Board and staff had expired at the end of 2013. After a brief discussion, a motion was made by Vice President Wilt, seconded by Commissioner Springer, to extend President Mehaffie's position as uncompensated liaison between the Board and staff until February 5, the date of the next workshop meeting. The motion was approved by a 4 – 0 margin, with President Mehaffie abstaining.

SOLICITOR'S REPORT:

Solicitor Henninger stated that he had one additional item that should be addressed this evening. Due to changes in the law last year, the elected Tax Collector should also be appointed as the Treasurer. A motion was made by Commissioner Davies, seconded by Commissioner DiFrancesco, to appoint Julie A. Wilt as Township Treasurer for 2014. Solicitor Henninger added

that although the motion is for one year, Ms. Wilt would actually serve until replaced. The motion was approved by a 4 -0 margin with Commissioner Wilt abstaining.

FINAL COMMENTS:

Solicitor Henninger thanked the Board for the vote of confidence by reappointing him, and noted that he looks forward to working with the Board this year.

Ms. Letavic thanked the Board for reappointing HRG as Township Engineer.

Vice President Wilt wished everyone a Happy New Year, and conveyed his congratulations to the newly elected Township representatives and wished them good luck.

Commissioner DiFrancesco congratulated newly elected Commissioner Springer, and stated he is certain he will enjoy his new position very much.

Commissioner Davies also congratulated Commissioner Springer, and the entire new leadership team.

Commissioner Springer wished everyone a Happy New Year. He thanked the Board members for their well wishes, and noted that he is looking forward to working with everyone.

President Mehaffie thanked the Board and residents for their confidence in him. He stated that this is his second term of office, and he is humbled to be a Commissioner of Lower Swatara Township. This Board will work hard to get things done and remain good stewards of the people.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, a motion was made by Commissioner DiFrancesco, seconded by Vice President Wilt, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:02 P.M.

ATTEST:

Jean R. Arroyo
Recording Secretary