

MINUTES

LEGISLATIVE MEETING – FEBRUARY 19, 2014

The February 19, 2014 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Thomas L. Mehaffie III.

The following officials in attendance:

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

Residents and visitors in attendance: PLEASE SEE ATTACHED SIGN-IN SHEET

President Mehaffie welcomed everyone to the meeting, and opened the floor for public comment.

PUBLIC COMMENTS:

Roy Honeycutt, 328 Dauphin Street, stated that he is disappointed with how the construction from the new KGH student housing project is affecting his home and his life. Stone was impacted into the foundation, which knocked things off his wall, including the workbench from the block wall in his basement. Mr. Honeycutt explained that the concerns he expressed about this during the planning stages are coming to light. Matt Genesio has been very nice when contacted, but the problems remain. Mr. Honeycutt also suggested the “road closed” signs may need to be moved, since vehicles come the whole way to his home and then try to figure out how to turn around. Basically, this area is a muddy mess and yet another inconvenience for him. President Mehaffie stated his understanding that the developer did send someone out to physically overlook the home for damage. Mr. Honeycutt agreed this was done, but added that it felt like his privacy was invaded. He was told that his foundation was going to be inspected, but the individual also inspected each and every room of his house. President

Mehaffie surmised that this was done to ensure that there was no other resulting damage. Mr. Honeycutt suggested this should have been explained to him from the start. President Mehaffie asked that Mr. Honeycutt continue to contact the Township with any issues. In the meantime, he will get together with the developer to discuss these concerns. Commissioner DiFrancesco questioned whether seismic meters were put in. Mr. Honeycutt explained that the meters were not put in his house, but the recorder was put near the roller when vibrating. It was thought things would be fine, but he noticed things lying on the floor as soon as he entered his home, so they had to stop. He added that he feels he must personally inspect his home prior to his family entering it to make sure it is safe. President Mehaffie again noted that he will contact the developer to see what can be done to alleviate these concerns.

RATE INCREASE REQUEST BY PENN WASTE:

Ed Ward, municipal contract manager at Penn Waste, referenced a letter and backup information he sent to the Board relative to an increase of disposal rates at the Harrisburg Incinerator; rates are increasing \$2.91/ton to \$80.00/ton. The LCSWMA (Lancaster County Solid Waste Management Authority) is the new owner of the Harrisburg Incinerator, now known as the Susquehanna Resource Management Complex (SRMC). This increase to \$80.00 per ton will be locked in for the years 2014 – 2016. Mr. Ward explained that as a result of this increase, Penn Waste will need to increase its quarterly rate per home by \$0.60 per quarter. This figure was arrived at by using the Township's 2013 tonnage figures. The good news is that this figure is down due to the fact that recycling efforts in Lower Swatara Township are working. The Township's current quarterly rate of \$52.91 would increase to \$53.51.

President Mehaffie asked if this increase would affect all of Dauphin County. Mr. Ward confirmed that this is correct. Solicitor Henninger explained that some municipalities have it built into their contracts that a tipping fee increase is automatic. It has been the position of prior Boards here at the Township that they want to see the justification and have the ability to discuss and act on increases. Mr. Ward stressed that from a bidder's standpoint, this is the only cost that they cannot predict or control. If they would base the contract on a guess of what the increases might be, it could be detrimental to the municipality. He noted that the disposal escalator is a pretty common practice. The next time the Township's contact comes up for bid, which will be in 2016, this rate will be known since it has already been set by the new owner.

A motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to approve a request by Penn Waste for a rate increase due to a disposal rate increase at the Harrisburg Incinerator. The new rate, effective April 1, 2014, will be \$53.51 per quarter. The motion was unanimously approved.

Mike Williams questioned if the pay-per-bag rate will be increased. Mr. Ward responded that it will not be changed.

APPROVAL OF MINUTES:

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve the Minutes of the January 15, 2014 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Davis, seconded by Commissioner DiFrancesco, to approve the Minutes of the February 5, 2014 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to approve the payment of bills as presented on Warrant No. 2014-1. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner Davies, seconded by Commissioner Springer, to approve the Treasurer's Report for January 2014. The motion was unanimously approved.

ENGINEER'S REPORT:

Ms. Letavic reported that the Tri-County Regional Planning Commission is putting together its 2040 regional transportation plan. It has initiated a task force that will compile and review projects with the intent of prioritizing them for the potential distribution of federal transportation funds within the Harrisburg Area Transportation Study. Tri-County has contacted Ms. Letavic about the Oberlin Road project, which she understands is no longer on the table. This project involves the realignment of Oberlin Road. She questioned whether the Board

would like HRG to provide, for a small fee, some basic information in order to keep this project on the list. Basically, the Township could spend a little bit of money to keep it as a placeholder. Commissioner Davies stated that as one who uses the intersection of Oberlin Road and Spring Garden Drive on a regular basis and is well aware of its short-comings, he would be interested in keeping open the possibility to improve it. President Mehaffie asked how difficult it would be to place the project back on the table if it were removed. Ms. Letavic explained that the Township could still move forward with the project, but it would not be on the table for funding. Vice President Wilt asked Ms. Letavic's recommendation. Ms. Letavic responded that she does not feel it will hurt to keep it on the list, but does not feel it will necessarily help either. Right now, it is not a strong project without a partner. Commissioner DiFrancesco stated that he would like to see the Township spend a couple hundred dollars to keep this on the plan and be prepared should the opportunity arise. President Mehaffie agreed. A motion was made by Commissioner DiFrancesco, seconded by Commissioner Davies, to direct HRG to submit a transportation problem description form. The motion was unanimously approved.

SOLICITOR'S REPORT:

Solicitor Henninger reported that as a result of the ongoing audit of the Township's municipal pension plans, there is a resolution that needs to be put in place which basically defines specific procedures when going out to hire a new pension advisory firm. A draft resolution will be provided to the Board for review at the March workshop meeting for formal action at the March legislative meeting.

Solicitor Henninger requested an executive session upon conclusion of tonight's meeting in order to discuss a pending litigation matter, a personnel matter, and an inter-municipal agreement matter.

MANAGER'S REPORT:

President Mehaffie referenced the list of future meeting dates, and noted that the Planning Commission meeting originally scheduled for February 27 has been cancelled due to a lack of business. He also reported that Samuel Monticello was scheduled to begin his employment as the new Township Manager on February 17. Due to the weather and finalization of paperwork, Mr. Monticello's employment will be delayed one week until February 24.

COMMITTEE REPORTS:

Police Committee – Vice President Wilt – reported that Chief Brandt would like to make a brief presentation to the Board this evening on a new program through the Crimewatch Network. Chief Brandt highlighted a new law enforcement website initiative that was started in 2012 by District Attorney Ed Marsico. It is basically a law enforcement website for police departments; they design a very professional website that also connects directly with Facebook and Twitter, and includes a free mobile application that citizens can use on their smart phones. This is a great advantage, as it allows police departments to get their information out immediately. The initial licensing fees and startup would be free. However, there would be maintenance costs involved. Normally, these fees would be \$200/month. The discounted cost for paying for the first years would be \$2,700. After the first three years, costs would be negotiable. Chief Brandt encouraged the Board to take a look at the websites for Swatara Police Department and Susquehanna Police Department, as they utilize this program. He noted that no action is requested tonight; it will be brought back to the police committee for recommendation and then discussed further with the entire Board at the workshop meeting.

Public Safety – Commissioner Springer – reported that on February 1, Exelon Corporation, owner/operator of Three Mile Island, hosted an all-day training session for local emergency workers. Deputy Emergency Management Coordinator Tingle and eight individuals from the Fire Department attended the training. Commissioner Springer added that as everyone is aware, there were a number of snow emergencies declared in the Township during the last weeks.

Budget and Finance – Commissioner Davies – reported that cash receipts for the month of January totaled \$357,873.49. Major sources of revenue were from the distribution of Act 511 taxes (including Earned income taxes and Local services taxes), patron parking at SARAA, PEMA reimbursement for Municipal Authority, SRO reimbursement, and other miscellaneous receipts. Cash expenditures totaled \$415,020.78 and were comprised of the two transfers to the payroll account and all invoices due and payable. Investments totaled \$921,882.67 with an average yield of 0.25%.

Community and Economic Development – Commissioner DiFrancesco -- reported that since coming back to the Board, he has been holding informal meetings with individuals who are developing properties here and others involved with economic development initiatives in the area. He added that he also attended his first COG meeting Monday night. During the meeting,

there was a presentation on the new transportation legislation that will allow the state to fund transportation projects. HGR was there as well to give the briefing. There is now money flowing, or will be flowing, for a lot of projects that will overlap in the Township. The Township needs to become familiar with these as some of this money might overlap and allow things to be accomplished. In response to a question from President Mehaffie about liquid fuels funds, Commissioner DiFrancesco explained that there will be a shift of money which will flow through different avenues. He will give this information to the staff and continue to have dialogue on the types of projects that the Township may want to pursue. Commissioner DiFrancesco also informed the Board that he will be absent from the March workshop meeting. Public Works – President Mehaffie – reported on the recent snow and ice storms which have been keeping the crew busy and putting the equipment through its paces. He thanked everyone for their patience during this time. President Mehaffie also noted that the Municipal Authority’s monthly meeting is scheduled for February 24 at 7 P.M.

UNFINISHED BUSINESS:

The Board tabled 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, November 17, 2010, February 16, 2011, May 18, 2011, August 17, 2011, October 19, 2011, January 18, 2012, April 18, 2012, July 18, 2012, October 17, 2012, January 16, 2013, April 17, 2013, July 17, 2013, October 16, 2013, and December 18, 2013. The plan will expire on April 13, 2014.

The Board tabled the Revised Land Development Plan for KGH Properties – Campus Heights Village Wood Street Access, prepared by Forino, Inc. and submitted by Campus Heights Associates I, LP. The initial Plan submittal was due to expire on December 26, 2012. A 90-day extension was approved by the Township on December 19, 2012. Additional 90-day time extensions were approved by the Township on March 20, 2013, June 19, 2013, September

18, 2013, and December 18, 2013. The plan will expire on March 21, 2014. This plan remains tabled by the Planning Commission. Ms. Letavic provided a brief update on this plan, and noted that Matt Genesio, through KGH, has authorized his engineer to work with Middletown Borough to update the signal plan. This has been holding the plan up, so movement is anticipated although an additional time extension may be sought.

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve the acceptance of a 90-day time extension, as requested by the developer, on the Final Land Development Plan for Middletown Home Access Driveway/Parking Revisions, prepared by Schlouch, Inc. and submitted by the Middletown Home. The initial Plan submitted was due to expire on May 29, 2013. 90-day time extensions were granted by the Board of Commissioners on May 15, 2013, August 21, 2013 and November 20, 2013. The plan is due to expire on February 23, 2014. The plan remains tabled by the Planning Commission. Upon acceptance of the 90-day time extension, the plan will expire on May 24, 2014. The motion was unanimously approved.

President Mehaffie reported the next agenda item is the Final Land Development Plan for the New High School, prepared by Raudenbush Engineering, and submitted by the Middletown Area School District. The initial Plan submitted was due to expire on November 20, 2013. The Board of Commissioners granted a 40-day time extension on January 15, 2014; the plan will expire on February 28, 2014. This plan was recommended for conditional approval by the Planning Commission with four waivers at their meeting on January 23, 2014. Conditions included resolving all outstanding comments, an acceptable developer's agreement, and outside agency approval. President Mehaffie noted that the Township and School District have been working together closely to iron things out. He turned the floor over to Solicitor Henninger and Ms. Letavic to discuss the details of the plan. Ms. Letavic reported that they were able to confirm that all technical aspects of the plan have been addressed. There are officially eight comments left over, but they are all administrative in nature and are related to the Developer's Agreement, outside agency approvals, a recorded deed, and plan recording. Solicitor Henninger added that all parties worked diligently over the last couple of weeks to get the plan to this point. It was definitely a cooperative effort by everyone.

Solicitor Henninger explained that there are three agreements necessary as part of this plan. One is the Developer's Agreement. This agreement does address the walking path. One

of the waivers requested is a waiver of sidewalk along Oberlin Road and North Union Street. The reason behind this waiver request is that there is a significant walking path system within the property. In addition, there were concerns expressed about the potential danger of putting sidewalk right against Oberlin Road. Curbing is also addressed in the Developer's Agreement. The School District had asked for a waiver of curbing. The Planning Commission had recommended the waiver, but this Board was not necessarily in favor of it. After a meeting on Monday to discuss the issue, what is proposed in the Developer's Agreement is a deferral of the curbing with some potential triggering mechanisms, which would basically be the development of the Woodland Hills property or the development of the Oberlin Road farm (the tract across from the High School). Either of these two developments would trigger the requirement to make the connection. Some nuances to this are that PennDOT could require one of these other developers to make that connection, which would alleviate the School District from the responsibility. However, if PennDOT does not require the connection, the School District would need to apply for a highway occupancy permit and, if approved, would have to install the curbing and any associated improvements necessary thereto with a limitation of a \$50,000 expense. If the HOP is approved and the expense is in excess of \$50,000 and the Township Engineer concurs with the estimate, then the Board of Commissioners would have a 45-day time period in which to agree to pay additional funds to have the curbing completed or at that point just waive the requirement. If PennDOT denies the HOP and indicates that it does not want curbing there, it would also trigger a waiver. Solicitor Henninger noted that they are working on the final language for this Developer's Agreement, but feel comfortable that they do have an agreement in principle. There was also additional language added to the special events' parking plan. If the School District proposes to modify or change the special events' parking plan in the future, it must provide 30 days notice to the Township so that the Board and staff can review, comment, and make any suggestions regarding the modification.

The second agreement required is an Operations and Maintenance Agreement. This agreement will need to go before the Municipal Authority on Monday evening for review and approval.

The third agreement pertains to tapping fees, and is more of a Municipal Authority issue. The amount of sanitary sewer is estimated based on tables and schedules. The Municipal Authority has agreed that based on the plans, tables, water efficiencies and fixtures, etc., an

additional four equivalent dwelling units (e.d.u.s) will be required. The tapping fee resolution does provide for a “lookback” provision since this is an estimate. A lookback is conducted after a full year of occupancy to see if the flow is consistent with the fees. Since the new school is being built to accommodate future needs, full occupancy may never occur. Therefore, what is proposed is a Lookback Agreement that will provide a lookback after 1, 4, and 7 years of occupancy. This agreement must also go before the Municipal Authority on Monday evening for approval.

Solicitor Henninger stated that he feels very comfortable with the three agreements based on what was ironed out recently, pending legal review and tweaking. There are other outstanding agency reviews and permits that would prevent the recording of the plan anyway, but these can often come together very quickly. In order to move things along, he would feel comfortable with a conditional approval. Solicitor Henninger added that he has prepared the appropriate motions if the Board desires to move ahead with the conditional approval.

President Mehaffie asked if the School District or Board had any questions or comments. None were offered. President Mehaffie asked when the special events’ parking plan would become effective. Solicitor Henninger noted that this new special events’ parking plan would become effective upon occupancy of the new school.

President Mehaffie thanked the Board, staff, and those who participated in the meetings necessary to get this project moving forward, and asked Vice President Wilt to begin the necessary motions.

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to waive the preliminary plan submission and procedure. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to waive PennDOT approved structures in the courtyard and substitute the yard inlets as proposed. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to approve deferring curbing in accordance with the Developer’s Agreement to be approved, signed and recorded concurrent with the Final Land Development Plan. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to waive sidewalks along all roadway lot boundaries on the condition that the walking path be

provided and maintained in accordance with the Developer's Agreement to be approved, signed and recorded concurrent with the Final Land Development Plan. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the Final Land Development Plan of the Middletown Area High School subject to satisfaction of the solicitor with regards to the related agreements, and subject to the satisfaction of all outstanding engineering comments which include, but are not limited to, all outstanding agency permits and approvals, an approved, signed and recorded Developer's Agreement, an approved, signed and recorded O & M Agreement regarding stormwater, an approved, signed and recorded Lookback Agreement regarding Sanitary Sewer, the posting of all applicable letters of credit, and the recording of the consolidation deed for the entire 117.48 acre parcel. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the Developer's Agreement, subject to final legal review and approval. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to approve the O & M Agreement regarding stormwater subject to Municipal Authority approval and final legal review and approval. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to approve the Lookback Agreement regarding sanitary sewer subject to Municipal Authority approval and final legal review and approval. The motion was unanimously approved.

President Mehaffie noted that the final agenda item under Unfinished Business does not require action tonight; the Board tabled the Susquehanna Area Regional Airport Authority (SARAA) 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 statues. The burden of proof is on SARAA at this point. The planning module was due to expire on January 23, 2014. The Board of Commissioners granted a 90-day time extension on January 15, 2014. The plan will expire on April 23, 2014.

NEW BUSINESS:

A motion was made by Commissioner Davies, seconded by Commissioner Springer, to approve Ordinance No. 551. This ordinance amends the Code of Ordinances of the Township of Lower Swatara, Dauphin County, PA, No. 448, as amended, Chapter 15, Motor Vehicles and Traffic, Part 2, Traffic Regulations, §15-202. Traffic Signals at Certain Locations. §§1 to add the traffic signals at North Union Street and PA Route 283 eastbound and westbound off-ramps. A roll call vote was taken with the following ballot tabulation: Commissioner DiFrancesco – aye, Commissioner Springer – aye, Commissioner Davies – aye, Vice President Wilt – aye, President Mehaffie – aye. Ordinance No. 551 was approved by a 5 – 0 margin.

A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to approve payment of \$9,505.55 (Project 1, Payment No. 3) and contract closeout for Project 1 flood property demolition with SDL Construction LLC, and release the Surety Bond following completion of demolition work on thirteen Hazard Mitigation Grant Program properties. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner DiFrancesco, to approve payment of \$1,264.40 (Project 2, Payment No. 3) and contract closeout for Project 2 flood property demolition with SDL Construction LLC, and release the Surety Bond following completion of demolition work on the Hazard Mitigation Grant Program for the Farr Apartment property. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the improvement guarantee reduction of \$33,330.08 for KGH Properties, LP, Campus Heights Village project. A balance of \$10,928.96 would remain, covering sediment basin conversion and items that could not be viewed by HRG due to snow/ice cover (rock and concrete monuments). The motion was unanimously approved.

FINAL COMMENTS:

Ms. Letavic thanked the Board for inviting her to attend Senator Folmer's municipal grant workshop. There was some good information provided. She will compile a memo that provides an overview of the grants available. Vice President Wilt noted that he had also attended this grant workshop.

Commissioner Davies gave a "hats off" to the legal teams for the Township and School District for getting things hashed out on the plans for the new high school. President Mehaffie agreed, and also thanked Bill Meiser for his diligent work. At the end of the day, this will be a good product.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, a motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:09.

ATTEST:


Jean R. Arroyo, Recording Secretary

PLEASE PRINT NAME CLEARLY
Board of Commissioners Workshop Meeting - February 19, 2014

NAME	ORGANIZATION (IF APPLICABLE) OR ADDRESS
Scott Cousin	CRA, ARCHITECTS
Bill Meiser	
David Amersman	Press and Journal
Ed WARD	Penn Waste
Howard Kelm	KKAL
John Davidson	Resident
Jiel Washok	Penn Waste
Mike Williams	
MICHAEL CARROLLS	MASD
Dawn Zimmerman	resident
Laurie Castagna	resident
Ken Phillips	RBC Capital Markets
MIKE RICHARDS	MASD
LORI SUSKI	MASD
Dana Franklin	
Jack Raudenbush	Raudenbush Eng.
Newt Smith	Lower Sutter Resident
PAMELA PRICE	
Catherine Hoover	Raudenbush Engineer
Ken Belles	Resident
Lori Yeich	Resident
Roy Haney	328 Dauphin
Phyllis Zimmerman	Patriot-News/PennLive
James C. Lyner Dyckhoff	Resident Matteson