

MINUTES

AUGUST 7, 2013 WORKSHOP MEETING

LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The August 7, 2013 Workshop Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by Commissioner Michael J. Davies, Township Secretary. Commissioner Davies explained that President Linn is absent this evening due to a medical emergency. He called for the pledge of allegiance followed by a moment of silence. Commissioner Mehaffie, liaison between the Board and staff, called roll. The following officials were in attendance:

- Thomas L. Mehaffie III, Commissioner
- Michael J. Davies, Secretary
- Jon G. Wilt, Commissioner
- Peter R. Henninger, Solicitor
- Brenda K. Wick, Planning and Zoning Director
- Alan Knoche, Emergency Management Coordinator
- Erin Letavic, HRG
- Richard D. Brandt, Police Chief
- Steven W. Anderson, Public Works Director
- Jean R. Arroyo, Recording Secretary

Excused:

- Frank Linn Sr., President
- William L. Leonard, Jr., Vice President

Residents and visitors in attendance:

(See Attached Sign-in Sheet)

Commissioner Davies welcomed the visitors to the meeting and opened the floor for public comment.

PUBLIC COMMENTS:

Ronald Keeney, 310 Dauphin Street, stated that he is outnumbered tonight by the residents that are in favor of the proposed new student housing project. However, he feels that before the Board approves any additional student housing plans in this area, it should insist that

the developers first make the road, as well as take care of the improvements at the bottom of Route 230. He also asked that the Board take into consideration the school bus that comes up Wood Street, and how its route may be impacted by this new plan. Mr. Keeney stated that many of the neighbors will be moving. He, however, is not. He asked that the Board give the residents who are remaining here a break.

Ann Quinn, 1541 Farmhouse Lane, asked the status of the Old Reliance Farms Subdivision Plan. She explained that she has lived at the corner of Ebenezer Road and Farmhouse Lane since 1980. Ebenezer Road is really not intended for the amount of traffic it carries, so she has a personal interest in seeing Powderhorn Road extended through. Ms. Quinn explained that seven years ago, she came to a Township meeting and learned that Powderhorn Road was designed to handle heavier traffic and would provide sidewalks for pedestrians as well as access for emergency vehicles from Chambers Hill for that section of the development. President Linn had told her that Powderhorn Road would definitely be extended through. Years later and there is still not a road, only conflicting stories. She stated that either the developer or the Township needs to execute this project and get it done. Ms. Quinn added that she should be able to trust her elected officials to follow through on what they promise.

Ruth Helwig, 341 W. High Street, referenced the proposed new student housing project, and reminded the Commissioners that they were the ones that put the residents in the position where they felt forced to move. She and her neighbors have been waiting for over three and a half years for this opportunity to get out. Most of them now have contingency contracts on other homes and cannot afford to wait any longer. She asked that the Board not hold up this proposed project.

Donald Burger, 505 N. Lawrence Street, stated that he has lived in Eagle Heights for about 25 years. School buses never used to come up through the neighborhood since the bus stop was on Route 230, at the signal. He stated that he is not sure why the bus comes up there now, especially since there are only one or two children. Commissioner Davies explained that this would be a School District matter and decision.

AWARD FOR DEMOLITION WORK OF THE FARR APARTMENT BUILDING

Alan Knoche, EMA Coordinator, reported on the bids received for the demolition of the Farr Apartment Building through the flood hazard mitigation program. Three bids were received

ranging from a high bid of \$48,501 to a low bid of \$25,916. Mr. Knoche noted that the low bid was from SDL Construction, which is the same firm that was awarded the demolition bid for the other thirteen flood properties purchased through this program. Solicitor Henninger added that he had reviewed the bid contract and insurance documents, and would concur with the recommendation to approve award of the bid to SDL Construction. A motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to approve award for the demolition of the Farr Apartment Building purchased through the hazard mitigation program to SDL Construction, Inc., in the amount of \$25,916. The motion was unanimously approved.

RENEWAL OF EMS CONTRACT WITH HMC LIFE LION EMS:

Commissioner Mehaffie introduced Kain Robbins of Hershey Medical Center (HMC) Life Lion EMS, who presented the Board with a proposal for a contract extension. Commissioner Mehaffie noted that it is a very fair contract, and has been reviewed by Solicitor Henninger. Mr. Robbins explained that HMC would like to continue the partnership that it has enjoyed with the Township for many years now. What is being presented is a proposal to extend the current contract for five years, at a reduced rate with the same services. Commissioner Davies questioned the paperwork regarding station needs/minimal requirements. Commissioner Mehaffie explained that the present accommodations will continue; everything will remain the same. Commissioner Davies expressed his appreciation to HMC for working with the Township on this contract. A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the proposal for renewal of the EMS contract with Penn State Milton Hershey Medical Center Life Lion EMS, effective October 1, 2013. A roll call vote was taken with the following ballot tabulation: Commissioner Davies – aye, Commissioner Wilt – aye, Commissioner Mehaffie – aye. The motion was approved by a 3 – 0 margin. Solicitor Henninger added that this is a five-year fixed rate contract of \$70,000 annually with no escalator. This is a great deal for excellent service. Commissioner Wilt agreed, and stated that this is 50% of what the Township had previously been paying, resulting in a savings of \$350,000 over the next five years. He also thanked HMC for this fine contract. Commissioner Mehaffie asked that the Board's thanks be conveyed back to Scott Buchle, Manager of the Life Lion EMS.

ROUTE 230 UPDATE:

Matt Genesio, Campus Heights, reported that all the HOP's (Highway Occupancy Permits) have been approved and issued. From a construction schedule standpoint, the gas company started surveying work on Monday. Subcontractors will then follow up with water line work. Simultaneous to that will be stormwater work. The first three inlets and the oversized box should be delivered the week of August 26. Because of some redesign issues and issues with the pre-caster, the rest of the inlets and boxes should arrive a week to two weeks after that. Sometime during the week of August 19, as projected, they will gear up on the site with signage. The end date for the subcontractor to do the PennDOT paving will be done right at the October 15 deadline. Mr. Genesio added that there is some additional work that needs to be done on their side of the curb. Plans are to leave the current curb in place while doing this work in order to provide better traffic protection. This work will be done at the end of October into November. With the cooperation of the weather, everything should be on schedule. Commissioner Mehaffie asked that the construction schedule be emailed to the Board, as well as Ms. Wick. Mr. Genesio agreed to do so.

PRESENTATION OF CAMPUS HEIGHTS PHASE II SKETCH PLAN:

Matt Genesio introduced plans for the proposed Campus Heights Phase II. He explained that in order to get this plan approved as presented, there will be a lot of paper roadways and Township roadways proposed for vacancy and elimination. The benefit is that it will clean up dated roads and address the lack of a stormwater management system. The design proposed is based on input from the staff, Planning Commission, and HRG. It will extend Lawrence Street straight up from West Main Street (Route 230) with just a few slight curves due to setbacks of other private properties. There has also been a suggestion to rename this road to West Emaus Street as an extension of Emaus Street in the Borough of Middletown, which should come through the Nardo property and "T" into 230 where Lawrence Street is now. The current Lawrence Street has a zigzag pattern and would create a dead end that would "T" into the site. Plans are to rename the street and keep the remaining "L" portion of Lawrence Street; it would not be dedicated back to the Township, but rather be kept as a private roadway that Campus Heights and GreenWorks would share maintenance of. In reality, there would be no more

Lawrence Street, except for that tiny “L” private road. Commissioner Mehaffie asked if this had been worked out with GreenWorks. Mr. Genesio stated that there are three issues that require concurrence from GreenWorks, and GreenWorks did verbally indicate its agreement: (1) Campus Heights would take back that part of Lawrence Street and maintain it, (2) the horseshoe shape of Gina Lane would be eliminated and it would just be extended straight into the new Emaus Street, and (3) West High Street which is now between the original Campus Heights and the Nittany townhouses would be eliminated from the easternmost portion of Gina Lane all the way up to the new Emaus Street. Whether it will be milled, made with grass or reinforced turf, or kept for emergency access has not yet been determined.

Mr. Genesio further explained that this project is planned to be a 160-bed facility with one larger central building with a central courtyard and ample parking. The project would meet all the requirements of the Township ordinance. The only real issue is the roadway vacations. Basically, the proposed plan would include relocating a Township road, but the new road would be upgraded with full pedestrian sidewalk, would be fully lit, and would include a full stormwater management system. Mr. Genesio asked his engineer, Chuck Hess of Forino Company, to address the specifics of the plan.

Mr. Hess presented the latest rendition of the sketch plan. He stated that the design is relatively the same as the last rendering, but addresses the great amount of feedback received pertinent to access issues. It also maintains the goals of the developer. Being so close to the campus, the developer wanted to promote and accommodate pedestrian traffic, which is planned via a sidewalk system and a pedestrian path which will need to be worked out with Penn State. As Mr. Genesio explained, it will consist of about 40 units with four bedrooms each for a total of 160 beds. There will be a minimum of one parking space per bed. The plan will conform to Township ordinances and requirements. The big question is whether the Board is comfortable with the overall idea of the developer submitting the petitions to vacate and whether the Board has any concerns about vacation of the other right of ways and creation of the private street right of way.

Commissioner Davies asked if input would also be provided by the Planning and Zoning people and the Solicitor. Mr. Hess explained that this concept was actually presented to the Planning Commission and Zoning Hearing Board, and both groups indicated they preferred the direction of this latest plan. Solicitor Henninger explained that the road vacation is actually a

two-part process. Attorney Ron Lucas, counsel for the developer, is aware of this. The Township has the ability to vacate Township roads, which include the section of Dauphin Street and Lawrence Street as highlighted on the sketch. The Township cannot, however, vacate that 15' alley, a portion of Young Avenue, and the portion of High Street since they do not technically belong to the Township. He added that the name change from Lawrence Street to West Emaus Street should not be a big deal or present any major issues. In response to a question from Commissioner Davies, Solicitor Henninger explained that the first step in the process would be for the developer to file with the Board a petition to vacate which would require approval from the Board. He suggested that the Planning Commission also be asked to review the petition.

Commissioner Mehaffie recommended that High Street actually be removed to get in as much green space as possible. Mr. Hess explained that the Fire Chief had expressed interest in using this area to get to the rear of the buildings for emergency access. This type of rear access, however, is not typically provided in other developments. Mr. Hess agreed that he would also like to see this as green space rather than pavement, which would also help with stormwater. Commissioner Mehaffie asked if there will be a three-way stop sign with this new street design. Drivers already run the stop sign that is up there, and there were concerns expressed by the Police Chief that a straight-thruway would become a race track. Mr. Hess explained that they are not that far into the plan engineering, but agreed it could be looked into. In response to a question from Commissioner Mehaffie, Mr. Hess explained that this new plan condenses the buildings, but there is still the same number of units proposed. A fire truck will be able to drive into the middle of the courtyard, as suggested by Chief DeHart.

Mr. Hess stated that they may request a waiver of the preliminary plan process and move right to the final land development plan, since there will be no phased construction here and the site will be built out at one time. Ms. Wick agreed that this is a fairly typical waiver request on a lot that is one property and will be built all at one time. Mr. Hess concluded the presentation by stating that no action is being requested from the Board tonight. Campus Heights simply wanted to present this concept to the Board so that it can get a sense of how the Board feels about the plan before pursuing things.

UPDATE ON FINAL SUBDIVISION PLAN FOR OLD RELIANCE FARMS, SEC. 18-B:

Ronald Burkholder, Old Reliance Partnership, provided the Board and public with an update on the Final Subdivision Plan for Old Reliance Farms, Section 18-B. The plans have been submitted, along with answers to the most recent set of comments. Mr. Burkholder explained that he will be asking for Board action on August 21. Ms. Wick anticipated that the plan will be in a position for a conditional approval at the Board's August 21 legislative meeting. There are some minor notes and details that need to be reviewed by the Authority Engineer and HRG, which should be taken care of prior to the August 21 meeting. Other outstanding items will be receipt of the NPDES (National Pollutant Discharge Elimination System) Permit and posting of the improvement guarantees. Mr. Burkholder stated that he has been trying to get this permit approved for many years, and it looks like it will finally happen within a month or so. He added that he will be asking for three waivers on the plan. Once these are addressed with the Board, the improvement guarantee can be put into place. Ms. Wick explained that the waivers include a waiver of sidewalk along the south side of Longview Drive, a waiver of requirements to use the Township Sight Distance Diagram Chart and instead use Penn DOT sight distance criteria, and a waiver of certain Stormwater Management procedures. Mr. Burkholder stated that if he can get the conditional approval, he can then place the project out for bid. He noted that he would like to start on the project this fall. Mr. Burkholder referenced Ms. Quinn's comments about her frustration, and added that he is also extremely frustrated, since he has been working for seven years to get this plan approved. Linda Mehaffie asked about the layout of the project. Ms. Wick stated that she has a copy of the plan that Ms. Mehaffie is welcome to look at.

DEPARTMENT REPORTS:

Code Enforcement – Don Fure – reported that he had previously provided the Board with a draft of proposed permit and zoning fee changes. Mr. Fure explained that the Township has been using the same fees for the building department since around 1988. The proposed revisions will increase the Township's fees for commercial and residential building and make them comparable to the fee schedules of surrounding municipalities. Commissioner Mehaffie added that this revised fee schedule will also include administrative fees for land development costs, which had not been included in the past. A motion was made by Commissioner Mehaffie, seconded by

Commissioner Wilt, to authorize preparation of a resolution amending the fee schedule. This resolution could potentially be considered for action at the Board's August 21 legislative meeting. The motion was unanimously approved.

Fire Department Report – Chief DeHart – stated that there were 29 calls for the month of June, and 27 for the month of July, for a grand total of 269 so far this year. He reminded the Board and public that HIA will hold a full-scale drill on September 7. The new Rescue Truck should be here by the end of the year. The Fire Department recently voted to replace its aging boat and utility truck; it will be asking the Board to be a co-applicant for these equipment purchases through the casino grant program. This is the same grant that was secured to purchase the Rescue Truck. Chief DeHart stated that the submission deadline for this grant is September 3. Commissioner Mehaffie asked Chief DeHart to provide the estimated costs of this equipment for Board review so that it may be in a position to vote on co-sponsoring the grant at its August 21 legislative meeting. The Fire Department will also be submitting for a yearly PEMA grant next month. The Department made some changes in its reporting system this week and is now on a cloud based system. This is convenient to the volunteers, who can now access information at home. Training will be done at the old Farr Apartment Building purchased through the flood grant program until it is demolished. This will not involve live burning. The Fire Department has been getting some excellent publicity and television coverage as a result of the Forestry Service utilizing the station as a pass-thru area. Upcoming fundraisers include the August 18 Turkey Dinner and the August 25 Breakfast. Commissioner Mehaffie referenced the meeting held to review the Fire Department's budget, and asked Chief DeHart to remind Mr. Rider to submit the requested items as soon as possible. Chief DeHart agreed to do so, and added that the Department would like to review the annual budget prior to the end of the year, if at all possible.

Police Department – Chief Brandt – distributed the monthly crime stats, and stated that it was a relatively good month, with 764 total calls. Arrests and citations have increased, partly due to five new officers out there providing additional enforcement. He reported that an officer was injured today while backing up Highspire Police Department on a domestic call. The good news is that the officer was released from the hospital with bumps and bruises. Commissioner Mehaffie advised the public that if they see two officers in the same car, it is because the new officers are receiving training. Commissioner Mehaffie asked Chief Brandt what can be done about the ongoing complaints regarding speeding truck traffic on Route 441. Ms. Mehaffie

added that she has often observed trucks speeding between the hours of 4:00 P.M. and 6:00 P.M. Chief Brandt agreed to concentrate speed detail in this area. He added that most of the citations issued during traffic detail in this area are actually issued to cars.

Public Works Department – Mr. Anderson – reported that vehicle maintenance is ongoing. The backhoe is out for repairs, and a replacement backhoe has been rented. The new freightliner truck was delivered to the Township and the radio is being installed. General maintenance also continues. All Township streets have been swept, and right of way moving is complete. The Township continues to experience problems with littering and residents blowing grass out onto the streets. Manholes are being marked ahead of the GIS program. Park maintenance is ongoing. A letter was submitted to the Middletown Area School District for use of water at the soccer fields; this request was approved. The cold in place recycling of Nissley Road is complete, with paving to begin August 19. All storm water inlets on Nissley Drive, Scarlett Lane, Melanie Lane, and O’Hara Lane within the paving project area have been repaired, cleaned or replaced. The Township is now in the process of road base repair and sanitary sewer manhole adjustments for the same paving project area. The large sinkhole on Kreider Lane was filled with millings and flowable fill. Although the road was repaired, the site will be monitored for the next week prior to pavement repair. The Public Works Department has been crack sealing in Old Reliance Farms, and has repaired a manhole on Ebenezer Road and a small sinkhole on Pennsylvania Drive at Swatara Drive. The Township dumpster will be available to residents on Saturday, September 7 from 8:00 A.M. to noon.

Planning and Zoning Report – Ms. Wick – referenced the Codes, Planning, & Zoning Report for July. She highlighted three items under the miscellaneous items category that require Board direction. The first is an issue with corner lots. In many municipalities, a corner lot is considered to have two front yards to prevent sheds, swimming pools, etc. from being in the side yard. The Township’s ordinance currently has corner lots having one front yard and one side yard with a width equal to the front yard and only restricts the principal structure. Changing both to front yards would maintain the neighborhoods as constructed so far, and keep with the intent of the Township. Solicitor Henninger agreed with Ms. Wick’s recommendation to change the ordinance to make two front yards for corner lots. He stated that since this would be a change to the zoning ordinance, it would require preparation of the proposed ordinance for review by the Township Planning Commission and Dauphin County Planning Commission, as well as

advertisement of a Public Hearing. He suggested that any other revisions to the zoning ordinance be made at the same time in order to save on advertising costs. Commissioner Mehaffie asked Ms. Wick if the Board should wait to see if there are any other items in the zoning ordinance which require amending. Ms. Wick stated that she is not aware of anything, and would recommend that the Board move on this particular issue. The Board agreed to place authorization on the August 21 legislative agenda to prepare the proposed ordinance and begin the process of consideration through the Township and County Planning Commissions.

Ms. Wick also provided a brief update on the Greenfield well. HRG completed the first phase of the project which included a site visit and a desk review of aerial photos, maps, and geologic reports. Two locations were identified on the site. Both have been identified as adequate by Steve Anderson. HRG is continuing with specifications needed to procure a qualified well driller. Commissioner Mehaffie recommended a meeting be set with the Recreation Board next month at 6:00 P.M., prior to the September workshop meeting, to further discuss the situation with the well.

Ms. Wick stated that the Tri County Regional Planning Commission has a project listed for Oberlin Road on the Regional Transportation Plan. The project includes improvements to two intersections on Oberlin Road (Fulling Mill Road and Spring Garden Drive) and realignment of 1,800 feet of Oberlin Road. Ms. Wick questioned whether this should be removed from the list. It was planned when the Shope farm went through rezoning; there has been no movement on that property that the Township is aware of since 2008. Ms. Wick explained that she is seeking direction to notify the Tri County Regional Planning Commission that it should be taken from, or kept on, its list. Commissioner Mehaffie stated that since Delta Development has withdrawn from this proposed project, he would recommend removing it. Commissioner Davies noted that using that intersection on a regular basis, he feels it would be attractive to have it improved. Solicitor Henninger noted that both President Linn and Vice President Leonard served on the Board when this project and improvements were discussed. They may be able to provide additional input. The question may be whether there is any harm in just leaving the project there. Commissioner Davies agreed that if the Board asks for it to be removed, it may be difficult to get it back on the project list if necessary. The Board agreed to table consideration of this decision until further discussion at its August 21 meeting.

Ms. Wick stated that she has one item for formal action tonight, which is a request by Penn State Harrisburg for release from the Maintenance Guarantee for the parking lot construction that was completed in December 2011. A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the request by Penn State for release from the Maintenance Guarantee for the parking lot construction that was completed in December 2011. The motion was unanimously approved.

MANAGER'S REPORT:

Commissioner Mehaffie reported that this morning several Board members attended the ribbon cutting ceremony for Sergeant Dennis Leonard's new home on 524 Morgan Drive. The home was built through the "Helping a Hero Program". Sergeant Leonard gave the ultimate sacrifice and lost both his legs in combat. Commissioner Mehaffie added that it was a very nice and emotional ceremony. He thanked Mr. Knoche, Code Enforcement Officer, for the extra efforts he put into providing assistance during the construction. The Board will also be attending the Hilti Service Grand Opening at 1981 Fulling Mill Road on August 13, at 8:30 A.M.

Commissioner Mehaffie stated that he is recommending the removal of the pine tree at the back door of the Township Building and possibly the birch tree in front. The pine tree creates a sappy mess and is very large. It could be dangerous and do damage to the building should it ever fall. The birch tree is also quite large, and is growing over the roof and gutters. He suggested this be discussed further when the entire Board is present.

The advertisement of the Township Manager's position has been placed on the Township website and in the PSATS (Pennsylvania State Association of Township Supervisors) magazine and website. It will also appear on Pennlive.com later this month, as well as in four upcoming editions of The Patriot News.

Commissioner Mehaffie requested an executive session immediately upon conclusion of this evening's meeting in order to discuss personnel matters, including the hiring of a part-time receptionist.

SOLICITOR’S REPORT:

Solicitor Henninger reported that settlement occurred on the last of the flood properties on July 22. He did file the paperwork for tax exemption on this property last week. He has also been working with Commissioner Mehaffie and Ms. Wick on various issues that have arisen.

Commissioner Mehaffie informed the public that the Blacklatch Lane sewer line replacement project will begin next week. This information will be placed on the Township website. He explained that the Board and staff are attempting to use the website more as a tool to update the residents and public on Township projects and activities.

ENGINEER’S REPORT:

Erin Letavic, HRG, updated the Board on the demolition of the properties involved in the flood hazard mitigation program. SDL Construction is doing this demolition work, and tonight this same firm was awarded the contract for the Farr Apartment Building demolition. Ms. Letavic stated that everything is scheduled to be completed by the end of the month, ending with the Farr Apartment Building. Solicitor Henninger added that Londonderry Township has been very pleased with the restoration work done by SDL. Ms. Letavic noted that the firm has been excellent to work with.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, a motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:49.

ATTEST:

Jean R. Arroyo, Recording Secretary