

MINUTES

LEGISLATIVE MEETING – JUNE 19, 2013

The June 19, 2013 Legislative Meeting of the Lower Swatara Township Board of Commissioners 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, Jr., Vice President
- Michael J. Davies, Secretary
- Thomas L. Mehaffie III, Commissioner
- Jon G. Wilt, Commissioner
- Brenda K. Wick, Planning and Zoning Director
- Peter R. Henninger, Solicitor
- Jean R. Arroyo, Recording Secretary

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

President Linn welcomed the visitors to the meeting and opened the floor for public comment.

PUBLIC COMMENTS:

Michelle Keeney, 310 Dauphin Street, expressed her opposition to GreenWorks developing the cemetery property across from her home for yet more student housing.

Ron Keeney, 310 Dauphin Street, also expressed opposition to this development. He noted that if this plan is approved, the lighting around the buildings will result in his home being lit up 24/7. Mr. Keeney suggested that the Board take into consideration the people that already live in this neighborhood. He stated that more student housing is not needed, and reminded the Board that the developers have not even completed their first project. Mr. Keeney also stated that someone needs to take a look at the high vegetation that is growing on the side of the hill in this area. President Linn stated that he will turn this matter over to the Code Enforcement Officer.

UPDATE ON KEYSTONE OPPORTUNITY ZONE (KOZ):

Vice President Leonard introduced Skip Memmi and Shaun Donovan. Mr. Memmi explained that he is with the Dauphin County Office of Community and Economic Development and Shaun Donovan is with Harrisburg Regional Chamber of Commerce and CREDC. They are here to speak about the Keystone Opportunity Zone (KOZ), which is being considered for expansion throughout the state. SARAA has requested that three parcels of its land, which are already tax exempt, be placed in the Keystone Opportunity Zone (KOZ). The sites that involve Lower Swatara Township include the old terminal and the parking lot adjacent to the old terminal. In addition, some property behind the Twin Kiss, which was originally thought to be totally in the Borough of Highspire, is also partially located in Lower Swatara Township. They are also looking at the Crawford Station, which is located in the Borough of Middletown. The total area of these potential additions to the opportunity zone is approximately 100 acres. The Steelton Highspire School District and the Highspire Borough have already approved the resolution necessary to make this happen. A meeting was held with the Middletown School District last tonight, and it also seemed to have a favorable reaction.

Mr. Memmi explained there are benefits in bringing development to the sites mentioned. As the Township is aware, the old terminal has been on the market for some time, with no real interest shown. It is scheduled for demolition within the next few months. Any future development in there, at least along the tarmac, must be aviation related, so there are restrictions. Mr. Memmi added that he understands that SARAA cannot sell its property, so any development would be through a land lease. The proposed resolution which will be before the Board would give properties in the KOZ relief from real estate taxes for ten years. After ten years, the tax rate on the improvements of land would come to the Township and School District. Mr. Memmi added that they would also need to approach the county and state for this tax forgiveness.

Mr. Donovan stated that the biggest benefit to business coming into the zone would obviously be a waiver of local real estate taxes and state taxes. Any business operating on those sites would be exempt from taxes including Corporate Net Income Taxes, Capital Stock Foreign Franchise Tax, Sales and Use Tax for equipment purchases, Insurance Premiums Tax, etc. These zones are set up for businesses that are rapidly expanding. Certain requirements must be met to make this move; businesses cannot randomly move from a taxable parcel to this non-

taxable parcel just to save money. As Mr. Memmi mentioned, the properties would return to the tax rolls after ten years.

Mr. Memmi stated that the goal here is to bring jobs into the area. If the employees live in the community, it would also help raise the EIT taxes. He explained to the Board that there are penalties for businesses that decide to just pick up and move after the ten year tax relief period. There is a requirement that these businesses must stay for an additional five years after the ten year exempt period. Otherwise, the taxes to all the taxing jurisdictions during the exempt period will revert back and be due. Obviously, this is a strong incentive for them to stay.

In response to a question from Commissioner Davies, Mr. Memmi stated that the application for this update of the zone must be submitted by October 1. Commissioner Davies also observed that some of the sites fall into other municipalities. Mr. Memmi agreed, and stated that any taxing jurisdiction involved must agree or else the site is off the table. This includes municipal entities, school districts, and the county and state.

Vice President Leonard stated that it appears there is a potential benefit to the Township after a business has been in the zone for ten years.

Commissioner Mehaffie asked Solicitor Henninger if the Township had ever entered into any type of agreement like this in the past. Solicitor Henninger responded that it had not. Commissioner Mehaffie also inquired if all these potential KOZ sites are on Airport property. Mr. Memmi confirmed that they are.

President Linn stated that he does not have a problem with this concept, since this is land owned by SARAA, and the Township does not get tax money from this property anyway. Otherwise would not be in favor of giving any business tax relief.

Commissioner Mehaffie referenced the area of the old Crawford Station, which is located entirely in the Borough of Middletown. Only half of this will be usable due to flood mitigation. He noted that with all the past flooding experienced in the Jednota Flats area, it is important to ensure that any development of this site doesn't cause additional problems upstream.

Solicitor Henninger inquired if this agreement would impact building permits on these properties. Mr. Memmi stated that it would not. Solicitor Henninger also inquired if the Earned Income Tax was part of this tax relief. Mr. Memmi responded that it is not. The only time EIT would be relieved is if it was a residential development, and these individuals lived in the KOZ.

This area is not proposed for residential development. Local service taxes would not be impacted either. Mr. Memmi noted that the draft resolution is only a template, and can be modified for the Township's purposes.

After a brief discussion, the Board directed Solicitor Henninger to review the draft resolution and make necessary revisions for review by Mr. Memmi, Mr. Donovan, and the Board. It can be considered for formal action at the July 17 legislative meeting. In response to a question from Mr. Memmi, Commissioner Mehaffie agreed that he would appreciate their attendance at the July 17 meeting, since the public may have additional questions about this item.

ROUTE 230 UPDATE:

Matt Genesio, KGH Developers, updated the Board on work at Route 230. He stated that he just received the latest plan review back from PennDOT. The long story short is that the Borough of Middletown's engineer and Penn DOT's engineer do not agree on the design that was put forth to them at the meeting. Mr. Genesio stated these latest comments were incorporated into a new design that was submitted this afternoon; Ms. Wick and Vice President Leonard were copied on the email. Mr. Genesio explained they are now back in the same boat that they were three weeks ago – awaiting engineering review of the new plan. In response to a question from President Linn, Mr. Genesio explained that they had seven work days to redesign the plan according to these new comments.

Mr. Genesio also referenced an email from the Township asking that the developers be in attendance tonight, and at future workshop and legislative meetings. He stated that he will be present whenever possible, but knows that he will not be able to make the July 2 Special Meeting. He asked if an email update would suffice in instances where he cannot physically attend the meeting. Vice President Leonard suggested an email update be provided, or another person be sent to give the update. Vice President Leonard also stated that last time there was a roadblock, a meeting was held with all involved parties at PennDOT. Middletown Borough was not at this particular meeting, because no one was aware that the Borough had any involvement at that point. Vice President Leonard stated that since there has been no progress made, and they are again hearing differences of opinions, another meeting should be scheduled in order for all parties to meet face to face and hammer things out.

Commissioner Mehaffie asked the general problem with the submission, and asked for confirmation that Lower Swatara Township and the Borough of Middletown use the same engineering firm, but have different engineers working for them. Mr. Genesio explained that Gregg Bogia, the engineer for KGH, designed the latest change in order to get the increased volume of stormwater underground. He increased the size of pipes and added inlets, and tried to prevent the creation of pooling on the Middletown side of Main Street. What was proposed was more costly to undertake, but it was felt it would help with getting the water underground and prevent pooling. A meeting had been held with PennDOT and the Borough to discuss these plans, and both verbally indicated they did not like how flat it was going to be, but understood the purpose. Now the engineers have changed their minds, and there is a difference of opinion. Mr. Genesio explained that it is a mathematical issue; physically things cannot fit in there, so there needs to be some sort of leeway granted. It appears the trouble is deciding which leeway they feel most comfortable with. Mr. Genesio stated that KGH is just asking them what they want them to build, but they are being told three different things. In essence, this is what has been happening for the last year and a half: they review comments, make changes, submit plans.

Commissioner Davies asked if there is still open, standing water on the north side of Route 230 on the KGH side and if so, has it been there at least 12 months. Mr. Genesio confirmed that the water is still there, and has probably been there that long. Commissioner Davies asked if there is any remedial effort being made to deal with this. He expressed concern about the possible health repercussions due to this standing water. Mr. Genesio stated that this is a valid point.

Commissioner Mehaffie asked if an additional meeting with PennDOT would resolve the problem, or would result in the same answer the Board is hearing tonight from Mr. Genesio. Vice President Leonard stated that there was some progress made the last time all parties came together in one room. Commissioner Mehaffie asked Ms. Wick where HRG stands on this matter, and if there is any interaction there to help work through this issue. Ms. Wick explained the difference of opinion is between PennDOT's engineer and the Borough's engineer, which is HRG. HRG's engineer for Lower Swatara Township actually agrees with what PennDOT's engineer has requested. Commissioner Mehaffie requested Ms. Wick arrange a meeting with the involved parties and PennDOT to try to resolve this issue. He asked Ms. Wick to make sure the Borough of Middletown is also involved in the meeting.

Vice President Leonard observed that PennDOT did state that Lawrence Street could be done separately. Mr. Genesio stated that it would be best to do both together for coordination reasons. Vice President Leonard asked if Mr. Genesio's last estimate of an August project completion date is still valid. Mr. Genesio stated that unfortunately it is not, since there is not even an approved plan at this point. He estimated that it will take another twelve weeks once an approved plan is received. In response to a question from Commissioner Mehaffie, Vice President Leonard stated that Penn DOT had verbally stated at the last meeting that Lawrence Street could be done independently of Wood Street. The deceleration lane, top coat, locating of underground utilities, etc. could be handled independently of Wood Street. Ms. Wick confirmed that they were told that Lawrence Street and Wood Street could be broken up into two projects. Mr. Genesio remarked that the whole issue is the crosspipe at Wood Street. He expressed concern about the possibility of displacing the water problem, although he does not feel this will happen. However, there are still risks involved in ordering material without an approved plan. Mr. Genesio stated that he is not sure that GreenWorks would be okay with that either. He noted that he would want to ask PennDOT at the meeting if this portion of the plan is approved, and if there is a willingness to order up material on a plan that is not approved. Vice President Leonard agreed that the statement that Lawrence Street could be done independently was a verbal statement; there is nothing in writing. Commissioner Wilt suggested it would be a good thing to get this in writing. Solicitor Henninger suggested that a meeting should be held to try to resolve this plan issue, a written statement should be obtained stating that work on Lawrence Street can be done independently, and the parties should work toward proceeding with construction. Otherwise, they are going to be out of the construction season once again. Commissioner Mehaffie asked that Mr. Genesio have his engineer submit this request to PennDOT to see if it can get stamped and approved as soon as possible, maybe even prior to the group meeting. He asked Mr. Tierney with GreenWorks Development if he is okay with this. Mr. Tierney confirmed that he is.

The Board next discussed the request for a reduction in the letter of credit for this project. The developers are asking to get the letter of credit for the Lawrence Street portion of the project reduced. Mr. Genesio stated that this is a separate letter of credit from the letter of credit for work on Route 230. As per Municipal Planning Code, the developers are asking to get the Lawrence Street portion in the Township reduced down. Obviously, there is no request to

PennDOT for a reduction in that letter of credit, since that work has not yet been done. In response to a question from Commissioner Mehaffie, Mr. Tierney confirmed that GreenWorks is also in agreement with this requested reduction. Solicitor Henninger explained that after review, the Township Engineer came up with slightly different number than the original request; both developers are in agreement with HRG's recommended reduction. This is what is before the Board tonight. Pursuant to the municipal planning code, the Township must take action on this request by July 4.

Commissioner Davies stated that if this Lawrence Street section includes the area that now contains standing water, he does not feel that the developer has fully met with conditions of the agreements. Therefore, he would not be interested in approving a reduction of the letter of credit. Solicitor Henninger clarified that the bond is not being released in total, just reduced. HRG's opinion is that the retainage would be sufficient to complete the remaining improvements. In response to a question from Commissioner Mehaffie, Mr. Genesio stated that KGH and GreenWorks still have a \$50,000 letter of credit with PennDOT for the Route 230/Main Street portion of the project. Solicitor Henninger added that what is being recommended after HRG's review is for the bond for the Township's part of the project to be reduced; \$23,650.26 would be retained by the Township. Vice President Leonard stated that this will be on the agenda of the July 2 Special Meeting for formal action. Commissioner Mehaffie stated that at this point, all the Township's paid professionals are in agreement with the reduction. The only concern is the standing water issue expressed by Commissioner Davies. He asked Mr. Genesio what can be done to get rid of the stagnant water. Mr. Genesio explained that the only solution would be to start the completion of the deceleration lane and the installation of those inlet boxes. Commissioner Mehaffie asked if the water can be pumped out. Mr. Genesio agreed that it can be, but they would have to rely on having a subcontractor come in and pump it during heavy rains. The contractor may be working at other sites and not be available. Contractors will not just leave pumps there.

Commissioner Mehaffie stated that he does not see a problem with approving this request tonight. A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the request for reduction of Improvement Guarantees for the Construction of Lawrence Street from the current \$275,918.73 to \$23,657.26. The reduction will be distributed evenly between the two developers who posted the improvement guarantee, Lawrence Street

Partners and Campus Heights Associates, I. Vice President Leonard called for a roll call vote: Commissioner Wilt – aye, Commissioner Mehaffie – aye, Commissioner Davies – nay, President Linn – nay, Vice President Leonard – nay. With a 2 – 3 margin, the motion failed.

Mr. Genesisio asked what the Board needs done in order for him to get this reduction approved, based on the Municipal Planning Code. President Linn expressed his frustration, and stated that what he wants to see is a completed project. Commissioner Mehaffie stated that the engineer reviewed this request and is recommending approval. The Board has a timeline to take action. He asked if the intent is to stretch it out to the last day. Vice President Leonard stated that he would like to see some progress made before approving the bond reduction. He agreed with Commissioner Davies that it is an unfinished project, and has been unfinished for too long. Mr. Genesisio clarified that they are talking about two different portions of improvement guarantees. Commissioner Mehaffie stated that he can understand Commissioner Davies' position, but he would assume the Township Engineer is taking this into consideration. He added that it is unfortunate that the engineer is not here tonight to explain this recommendation. Commissioner Mehaffie asked Ms. Wick if she agrees with HRG's recommendation to reduce the bond. Ms. Wick stated that approval is required by the Municipal Planning Code, and she does agree with the recommendation to approve the bond reduction. Commissioner Wilt stated that he does not see the purpose of delaying this approval to the very limits of the legal time frame just for the sake of stretching it out.

Vice President Leonard referenced a letter from May 16, 2012 listing items that the Township had requested for this project. He stated the lack of receipt of the majority of these items influenced his vote tonight. These items include a schedule of construction for Lawrence Street, a construction completion punch-list and walk-thru, a legal description of the plot plan showing right of ways, a maintenance bond, and construction plans for stormwater management. The items that were addressed include the two entrance points for emergency access and the fire hydrants. Basically, five of the eight items requested in 2012 are still outstanding. Commissioner Wilt asked if these were related to the requested reduction. If not, they should have nothing to do with this vote. He stated that it is unfair to hold the reduction request hostage. Commissioner Mehaffie asked Mr. Genesisio to address these outstanding items. Mr. Genesisio explained that he cannot provide a schedule of construction for Lawrence Street without the approved plan and the ability to know what PennDOT has approved to be built.

Construction must be complete before he can provide a punch list. He added that he has provided Ms. Wick with a legal description, although it cannot be officially recorded until the road is dedicated and accepted. Ms. Wick stated that she does not have this document and it was never submitted to the Township. Mr. Genesio agreed to provide her with a copy. Mr. Genesio continued that a maintenance bond will be provided once this is dedicated and accepted. He summarized that most of the items requested are based on completion of the roadway. They can certainly be provided after construction. Again, the major problem is that they do not know what they are building until the final plan is approved by PennDOT.

Mr. Genesio asked what is going to happen with this request, and if he is required to submit anything more. Solicitor Henninger stated that he believes, based on the submittal, HRG's review, and acceptance by both developers of the number HRG came back with, that this matter is ready for consideration. The Board considered it tonight, and rejected it. The Board has a Special Meeting scheduled for July 2, and this matter will be on the agenda for formal vote that evening. Solicitor Henninger added that it is his opinion that HRG would not have submitted this recommendation for reduction without first making a full inspection of the site.

APPROVAL OF MINUTES:

A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve the Minutes of the May 15, 2013 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Wilt, seconded by Vice President Leonard, to approve the Minutes of the June 5, 2013 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve the payment of bills as presented on Warrant No. 2013-5. The motion was unanimously approved.

APPROVAL OF TREASURER’S REPORT:

A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to approve the Treasurer’s Report for May 2013. The motion was unanimously approved.

ENGINEER’S REPORT: None

SOLICITOR’S REPORT:

Solicitor Henninger reported that on June 10, he submitted his annual opinion letter to the Township auditors.

Solicitor Henninger also reported that he was recently contacted by the attorney for the proposed Woodland Hills development in the Borough of Middletown regarding the future need for a traffic signal where the development would come out across from the High School entrance. With improvements on Route 441, there will also be improvements on the Lower Swatara Township side, including some stormwater improvements. He and Ms. Wick met prior to tonight’s meeting to review the plans, and will get back with the attorney regarding a stormwater management agreement and the addition of the Township to the traffic signal agreement, if and when this development goes forward. In addition, there will be sewer issues that the Municipal Authority will need to address as development proceeds.

Solicitor Henninger called the Board’s attention to the addendum to the agenda, which pertains to the Blacklatch Lane sewer replacement project. Part of the line goes across the park owned by the Township, so there are two Agreements that will need formal approval by the Board. A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve an Abandonment of Easement Agreement with the Municipal Authority of Lower Swatara Township related to the Blacklatch Lane sewer line replacement project. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Mehaffie, to approve an Easement and Right-of-Way Agreement with the Municipal Authority of Lower Swatara Township related to the Blacklatch Lane sewer replacement project. The motion was unanimously approved.

President Linn reminded the Board and public of Family Outdoor Movie Night at Shope Gardens Park this Saturday, beginning around 8:00 P.M. This event is sponsored by the Dauphin County Commissioners, Dauphin County Park and Recreation, Lower Swatara Township and Lower Swatara Lions Club.

COMMITTEE REPORTS:

Police Committee – Vice President Leonard -- reported that the five new police officers are now doing some field training. The request to PennDOT for approval to place “Watch Children” signs on Route 441 near the Discovery Kids daycare has been granted. The mock police accreditation process went well; the actual assessment will be held on July 24 and 25. If all goes as anticipated, the Police Department will be accredited for another three year period.

Public Safety – Commissioner Wilt – reported that he had attended the swearing-in ceremony of the five new officers at Judge Smith’s office. This was a historical event, since it was the first time in the history of Lower Swatara Township that five officers were sworn in at the same time. Commissioner Wilt noted that it was a very nice event.

Public Works – Commissioner Mehaffie – noted that he did not have any information from Mr. Anderson. He asked that Vice President Leonard have Mr. Anderson provide him with a weekly report on what is being done by the Public Works Department. Commissioner Mehaffie referenced Solicitor Henninger’s remarks about the Municipal Authority’s Blacklatch Lane sewer replacement project, and asked the status of the easements necessary for this work. Solicitor Henninger responded that the impacted residents are making appointments to get the paperwork signed and notarized. Hopefully construction on this project can be begin mid-July. Commissioner Mehaffie reported that he will be getting some information from Jeff Sipe, Authority Systems Operator, on the GIS system.

Budget and Finance – Commissioner Davies – reported that cash receipts for the month of May totaled \$713,262.85. The major sources of revenues were from distributions for the Act 511 taxes including the Real Estate Transfer Tax, Earned Income Tax and the Local Services Tax, Real Estate Taxes, a remittance from PMHIC (“Benecon”) for a return of 2012 premiums which were applied against the respective expense line items, and other miscellaneous receipts. Cash expenditures totaled \$674,863.05 and were comprised of the two transfers to the payroll account, the transfers to the various miscellaneous funds (such as the street light and hydrant funds), a

\$200,000.00 transfer to PLGIT, and all invoices due and payable. Investments totaled \$721,769.59 with an average annual yield of 0.5%. Commissioner Davies also reported that he and Commissioner Mehaffie recently met with Fire Department representatives to review the Fire Department's 2013 budget. Some additional information was requested, but everything basically looks good.

Community and Economic Development – President Linn – stated that he had nothing new to report. Commissioner Mehaffie asked about the status of the Sheetz plan, since he has not observed any movement at the site. Ms. Wick responded that she has not received anything from Sheetz since its conditional approval was granted. There are outstanding permits from DEP that Sheetz is awaiting. Solicitor Henninger added that there are also some issues pertinent to getting sewer access across the CVS parking lot. This is not the Township's line, so they have to deal with the owner of the property at this point. President Linn asked Ms. Wick and Vice President Leonard if they had any further updates about the scheduling of a meeting to discuss emergency response to the new Sheetz property, which is owned by SARAA. Vice President Leonard stated that he had touched base with Mr. Yingling via email, but is not aware of a formal meeting date yet.

UNFINISHED BUSINESS:

A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to table the Final Subdivision Plan for Bryn Gweled East (26 lots), located along Lumber Street, immediately south of PA 283, prepared by Dauphin Engineering Co. and submitted by BW Partnership. The plan was recommended for approval by the Planning Commission on May 24, 2007. 90-day time extensions were granted by the Board on July 18, 2007, November 21, 2007, 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, July 21, 2010, November 17, 2010, February 16, 2011, May 18, 2011, August 17, 2011, October 19, 2011, and January 18, 2012. A one-year time extension was granted by the Board on April 4, 2012, and an additional 90-day extension was granted by the Board on March 20, 2013. The plan is due to expire on July 16, 2013. The motion was unanimously approved. Solicitor Henninger noted that this plan expires July 16, prior to the Board's legislative meeting, so the

developer should be contacted to determine what action will be taken at the Board's July 2 Special Meeting.

A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to table 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 and April 17, 2013. The plan is due to expire on July 17, 2013. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to table the Final Subdivision Plan of Old Reliance Farms, Section 18-B (9 lots) prepared by Dauphin Engineering, Inc. and submitted by Old Reliance Partnership. The plan was recommended for approval by the Planning Commission on May 27, 2010. A 90-day time extension was granted by the Board on April 21, 2010. A one-year time extension was granted on July 21, 2010. Additional 90-day time extensions were granted on July 20, 2011, October 19, 2011, January 18, 2012, May 16, 2012, August 15, 2012, October 17, 2012, February 1, 2013 and May 15, 2013. The plan is due to expire on August 18, 2013. The motion was unanimously approved.

A motion was made by Commissioner Wilt, seconded by Commissioner Davies, to approve the acceptance of a 90 day time extension, as submitted by the developer, on 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. An additional 90-day time extension was approved by the Township on March 20, 2013. The plan is due to expire on June 24, 2013. This plan remains tabled by the Planning Commission. With acceptance of the 90-day time extension, the new expiration date of the plan will be September 22, 2013. The motion was unanimously approved.

A motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to table 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. A 90-day time extension was granted by the Board of Commissioners on May 15, 2013. The plan is due to expire on August 27, 2013. The plan remains tabled by the Planning Commission. The motion was unanimously approved.

NEW BUSINESS:

Vice President Leonard noted that the first item under New Business is the Revised Final Land Development Plan for Stoneridge Lot #3, submitted by DC Gohn Associates, Inc. and prepared by Cumberland Design & Building Company, Inc. The plan was recommended for approval by the Planning Commission on March 28, 2013. In conjunction with this plan are three waiver requests which should be acted on prior to plan approval. A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to grant the request for an “Alteration of Requirements” for a waiver of the following requirements of the Code of Ordinances, Chapter 22, Subdivision and Land Development: (1) §22-404. – The applicant has requested that the Board of Commissioners waive the requirements of preliminary plat requirements. The plan is on an existing street and no new streets are involved, so it qualifies as a Minor Plan. The Planning Commission made a recommendation to approve the waiver request on March 28, 2013; (2) §22-607. – The applicant has requested that the Board of Commissioners waive the requirement to install sidewalks along Stoneridge Drive. There are no sidewalks in the area. The Planning Commission made a recommendation to approve on the waiver request on March 28, 2013; (3) §26-126.2 – The applicant has requested that the Board of Commissioners waive the requirement to design the stormwater basin to dewater between 24 and 72 hours. The basin is an existing basin that is being designed to control the runoff from the proposed addition. It will dewater in 10 hours. The waiver request is supported by the Township Engineer because it will allow the stabilized area to remain stable and soil testing was recently performed and the rate of infiltration is in the desirable range. The Planning Commission made a recommendation to approve on the waiver request on May 25, 2013. The motion to approve the three waiver requests was unanimously approved. With the waiver requests granted, a motion was then made by Commissioner Wilt, seconded by Commissioner Davies, to approve the Revised Final Land

Development Plan for Stoneridge Lot #3. The motion was unanimously approved. Vice President Leonard stated that with the plan approved, the Board should now act on the Security Agreement and the O&M (Operations and Maintenance) Agreement for this plan. A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve the Security Agreement for the Revised Final Land Development Plan for Stoneridge Lot #3. The motion was unanimously approved. A motion was made by Commissioner Davies, seconded by Commissioner Mehaffie, to approve the O&M (Operations and Maintenance) Agreement for the Revised Final Land Development Plan for Stoneridge Lot #3. The motion was unanimously approved.

The next plan for consideration was the Final Subdivision Plan for Dauphin Street Partners, L.P., submitted by Dauphin Street Partners, L.P., and prepared by Century Engineering. The plan was recommended for approval by the Planning Commission on April 25, 2013. Vice President Leonard noted that there is one waiver request associated with this plan, and it should be acted on prior to vote on the plan. A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to grant a request for an “Alteration of Requirements” for a waiver of the following requirements of the Code of Ordinances, Chapter 22, Subdivision and Land Development: §22-404. – The applicant has requested that the Board of Commissioners waive the requirements of preliminary plat requirements. The plan is on an existing street and no new streets are involved, so it qualifies as a Minor Plan. The Planning Commission made a recommendation to approve the waiver request on April 25, 2013. The motion was unanimously approved. With the waiver request granted, a motion was then made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the Final Subdivision Plan for Dauphin Street Partners, L.P. In response to a request from Commissioner Davies, Ms. Wick explained that there is no sketch plan to review at this point. This is simply a division of land. The motion was unanimously approved.

The Board discussed a proposal from HRG regarding a study of the Richardson Road Bridge. Ms. Wick explained that this scope of work is a lump sum cost of \$4,800 and will allow HRG to assess the situation. Repairs/replacement need to be assessed and planned for prior to any problems occurring. Commissioner Mehaffie inquired the validity of the study if it is done now but the actual work is not performed for a period of time, say two years. Ms. Wick stated that two years would be a very valid timeframe from assessment to actual construction. Ten

years would be a bit much. Commissioner Wilt asked if the Township would be financially responsible if repairs or replacement would need to be done. Ms. Wick agreed it would, since it is a Township bridge. HRG would be able to look into eligibility for grants, and also look into it going through the HATS system. A motion was made by Commissioner Wilt, seconded by Commissioner Davies, to approve the proposal from HRG for the Richardson Road Bridge replacement study. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to approve Resolution No. 2013-R-7. This resolution states that by majority action the Board has accepted the low bid and awarded the Contract to Recon Construction Services, Inc. for a Cold- in-Place price of \$55,183.28, and a Milling price of \$25,804.10. Commissioner Mehaffie stated that he was not at the last meeting when the bids were officially approved, and asked for a little background on the status of the project. Vice President Leonard explained that this particular resolution is for the resurfacing and replacing of some stormwater drains on Nissley Drive. Fundamentally, they will be resurfacing the road. Ms. Wick added that this includes Nissley Drive from Fulling Mill Road to Oberlin Road, and also Scarlett Lane, Melanie Lane, and O'Hara Lane in the Twelve Oaks development. Blooming Glen was the successful bidder for the wearing course, which will be laid once this work is complete. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve Resolution No. 2013-R-8. This resolution states that by majority action the Board has accepted the low bid and awarded the Contract for Paving to Blooming Glen Construction, Inc. for a price of \$21,105.50. Commissioner Mehaffie asked if this work is budgeted with liquid fuels money, and stated the Township usually does it own paving. Vice President Leonard explained that this project was budgeted. Mr. Anderson looked at various options and, from a labor standpoint, it was more attractive to subcontract it out when looking at time and labor expenses. The contractor can do the work for less, leaving the Public Works Department to address other projects. Commissioner Wilt added that the contractor will also provide a guarantee on the road work. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve Resolution No. 2013-R-9. This resolution appoints the Township Police Chief, Richard D. Brandt, as the Lower Swatara Township Police Department Right-to-Know Officer to serve until his successor is appointed. The motion was unanimously approved.

FINAL COMMENTS:

Ms. Wick referenced the Turnpike Bridge replacement project. Representatives of the Turnpike Commission had attended a recent Board meeting to discuss this project. Ms. Wick was also invited to a subsequent meeting regarding these plans, which include changing a portion of Nissley Drive between the stop sign on Donald Avenue and Rosedale Avenue. The plan for the new bridge would change the configuration of the intersection so that Donald Avenue would become a straight-thru to Rosedale Avenue, with a stop control on Nissley Drive. One property owner would be impacted by an address change from Nissley Drive to Donald Avenue. Ms. Wick asked the Board's direction on this potential address change. Vice President Leonard stated that from an emergency services standpoint, it makes sense to change the address to Donald Avenue. Commissioner Mehaffie agreed that contact should also be made with the property owners, Mario and Joyce Corradi, to discuss this proposed address change with them. President Linn added that for safety reasons, he would request that the two-way stop be retained. Ms. Wick agreed to relay this request.

Commissioner Mehaffie requested an executive session immediately upon conclusion of this evening's meeting. He noted that he will not be in attendance of the July 2 Special Meeting. Commissioner Mehaffie referenced a letter to the Township from Southcentral EMS about the possibility of providing services. He asked if any other information had been obtained about this possibility, or if contact had been made with them. President Linn responded that it had not.

Vice President Leonard referenced the staff activity spreadsheet and highlighted several items of interest. As the Board is aware, the current EMS contract will expire this year and the Board will need to decide whether to look at other service providers or to extend the current contract. Vice President Leonard stated that he believes Commissioner Wilt is heading up the evaluation of the contract. Commissioner Mehaffie clarified that he had agreed to take care of this item. Vice President Leonard continued, stating that the Township has been having some phone system issues in the building, partially due to aged equipment. Staff was able to negotiate a proposal with the existing supplier, LSI, to upgrade the system and actually save money at the same time. The current price of \$660 a month will go down to \$460 a month. The staff will move forward with this proposal from LSI, unless there are any objections. No objections were voiced. One of the staff members will be providing an update to the Board in August regarding the

anticipated and actual benefits of the new Municipal Authority sewer billing system. The buy-out of the flood properties is nearly complete, with one property yet to be settled on. The Public Works/Municipal Authority has been dealing with some computer issues, again due to aged equipment. They will be looking into the possibility of purchasing three new computers, at a total estimated price of around \$3,000. Pricing will be presented to the Board once obtained. The PennPrime safety audit has been complete, and Vice President Leonard submitted a letter of responses to the findings. Many items cannot be addressed until the new Manager is on board. Vice President Leonard stated that he will be providing the Commissioners with hard copies of the report from N.J. Hess regarding the Township's requirements for a new manager. This report was also emailed to the Board. Along these lines, he reminded the Board that his appointment as liaison between the Board and staff will be ending on June 30. Due to other commitments, he will not be able to serve in this capacity after that time. He asked that someone else be prepared to step into that role; action on this can be approved tonight or at the Board's July 2 Special Meeting. He stated that he currently spends about 2 – 3 days a week in the building working with the staff as liaison.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Vice President Leonard, seconded by Commissioner Wilt, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:50 P.M.

ATTEST:

Jean R. Arroyo
Recording Secretary