

MINUTES

LEGISLATIVE MEETING – JUNE 18, 2014

The June 18, 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. President Mehaffie called for the pledge of allegiance followed by a moment of silence. Roll call was then taken.

The following officials were in attendance:

- Thomas L. Mehaffie III, President
- Jon G. Wilt, Vice President
- Laddie J. Springer, Secretary
- Michael J. Davies, Commissioner
- Dominic D. DiFrancesco, Commissioner
- Samuel D. Monticello, Manager
- Robert S. Greene, Planning and Zoning Coordinator
- Peter R. Henninger, Solicitor
- Erin J. Letavic, Engineer
- Jean R. Arroyo, Recording Secretary

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

President Mehaffie opened the floor for public comment.

PUBLIC COMMENTS: None

President Mehaffie asked if the Board could first address the very last item under New Business, pertaining to the filing of an application for a Dauphin County Infrastructure Bank loan request, since there are representatives here to answer questions the Board may have about this item.

Mr. Monticello explained that this application is addressed in a resolution before the Board this evening, Resolution No. 2014-R-7. There will, however, need to be two changes to the resolution. The amount of the loan request will be reduced from \$1,264,000 to \$500,000, and the loan will cover only the first project listed on the resolution, which is the Richardson

Road Bridge Replacement. President Mehaffie explained that the Richardson Road Bridge is a small bridge off of Eisenhower Boulevard and is in very poor condition. Erin Letavic reported that as per the Board's request, HRG had previously performed a study on the bridge to obtain cost estimates for its replacement as well as the sanitary sewer realignment associated with the replacement. At that time, the approach was to seek the least expensive option, which would be a metal structure as opposed to a concrete structure. This metal structure and relatively simple sewer realignment was estimated to cost \$350,000. When staff members spoke to County officials last week about the possibility of pursuing a gaming grant for this project, they were told that this project would be more appropriate for an infrastructure bank loan. Therefore, it was felt that the Township should try to get more bang for its buck and pursue the more expensive concrete structure, which would last longer. The concrete box culvert also increases cost of the sanitary sewer portion of the project, since it would require more complex sanitary sewer realignment. The estimate for this concrete bridge and more complex sewer realignment is \$500,000.

Ms. Letavic explained that an updated project sheet is in front of the Board this evening. The recommendation is to fund the bridge replacement project with this loan. The anticipated term would be five years at a rate of .5%. One payment would be made annually, and that payment could be made with grant dollars and liquid fuels funding. Part of the strategy is to apply for this loan and then apply for a gaming grant and possibly CDBG (Community Development Block Grant) funds to get the first payment lined up for next year. Plans are to submit this loan application on Friday, a CDBG application in July, and a gaming grant application in September. Ms. Letavic noted that there will be approximately \$20,000 in closing costs associated with this loan. Commissioner DiFrancesco asked if there was a breakdown of the estimated closing costs. Ms. Letavic responded that there was not. Michael Musser II, CNR (Community Network Resources), explained that average closing costs are \$15,000 and legal and bond counsel costs would also need to be factored in.

Vice President Wilt agreed that the concrete culvert option, while more expensive, seems the best way to go for longevity purposes. Commissioner Davies asked if the concrete structure would support vehicles of heavier weights. Ms. Letavic agreed that it likely would.

Commissioner DiFrancesco asked why the amount of the borrowing and the scope of work had been scaled down. Mr. Monticello explained that this was done to keep costs down and also due to the fact that the Township needs to do some other projects with its liquid fuels funds.

Mr. Musser highlighted some of the specifics of this new infrastructure loan program through the County, and explained that there is a tremendous borrowing opportunity due to the low interest rate and the flexibility in how it can be paid back. The key is that the projects must be liquid fuels qualified projects. He also advised the Board that gaming funds are not as abundant right now. Mark Stewart, Eckert & Seamans, noted that the application for this loan has been extended until June 30. The money will probably be available in October, and the first payment due around September of 2015. Commissioner Davies asked if more funds would be available in the future, should the Township limit its project scope this year. Mr. Musser responded that it is very likely.

Solicitor Henninger asked if the relocation of the sewer line, which is related to the bridge replacement, qualifies for liquid fuels funds. Ms. Letavic responded that her understanding is that it technically does, but added that the Township can always consider allocating some Municipal Authority funds to that portion of the project. This sewer relocation work, however, is included in the \$500,000. Solicitor Henninger also questioned the possibility of the project coming in at less than the \$500,000 borrowed. He asked what would happen to the remaining funds. Attorney Stewart explained that if the Township has another eligible project, it can amend the loan to include it. Otherwise, the Township would be encouraged to pay back the remaining funds as soon as possible.

President Mehaffie stated that historically, every dollar of the \$200,000 - \$250,000 yearly allocation of liquid fuels funds that the Township receives is spent on road projects. Each year, a road or two is put on the schedule and addressed. He explained that his concern is that putting liquid fuels money towards this loan would pull away money from these necessary road projects, and possibly prohibit a road from being completed. Attorney Stewart explained that even if the Township borrowed \$1,000,000.00, and if the application for a gaming grant was awarded, the annual debt service would only be in the \$34,000 range. Again, this is a very cost effective borrowing tool for the Township.

A motion was made by Commissioner DiFrancesco, seconded by Commissioner Springer, to approve Resolution No. 2014-R-7 authorizing the filing of an application for a Dauphin County Infrastructure Bank loan request, in the amount of \$500,000 to be used for one project, which is the Richardson Road Bridge Replacement. The motion was unanimously approved.

APPROVAL OF MINUTES:

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve the Minutes of the May 21, 2014 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner DiFrancesco, seconded by Commissioner Davies, to approve the Minutes of the June 4, 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. 2014-5. 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 May 2014. The motion was unanimously approved.

ENGINEER'S REPORT:

Ms. Letavic reported that a meeting has been scheduled with staff pertaining to the current annual MS4 report which is due June 30. There is no further update on the Greenfield Well; it is now in the design phase. The Township is pursuing a grant application through the Greenways, Trails and Recreation Program for park improvements.

SOLICITOR'S REPORT: None

MANAGER'S REPORT:

Mr. Monticello reported that he had met this afternoon with a PennDOT representative regarding the liquid fuels program. The Township is seeking a project number to do a project with liquid fuels fund beginning this summer and carrying over into 2015. That project is to complete construction of Riverview Drive, including storm sewers, sanitary sewers, and a total repaving job. Plans this year are to replace the storm and sanitary sewers and skin coat the road to carry it over until next year. After things have settled, the complete paving will be done. The estimated cost for this project is \$225,000 - \$240,000. The Municipal Authority has also been enlisted to contribute towards the costs associated with the sewer work. The remainder of costs will be paid through liquid fuels funds. As of now, the Township has \$250,000 in its liquid fuels fund. Mr. Monticello noted that this project will be bid out as opposed to done in-house since there are five different utilities in this particular area

Mr. Monticello noted that he had sent the Commissioners an email regarding the poor condition of the carpeting in the administrative offices of the Township Building and plans to improve this situation. The carpeting is approximately fourteen years ago, and is worn in the hallways, which are high traffic areas. What is being proposed is to replace the hallway carpeting at a cost of approximately \$4,820, and clean the carpeting in the rest of the building, at a cost of \$900. A motion was made by Commissioner DiFrancesco, seconded by Vice President Wilt, to authorize the expenditure of \$4,820 to Essis and Sons for replacement carpeting for the hallways and to authorize the expenditure of \$900 to Gelco Carpet & Upholstery Cleaning for carpeting cleaning for the remainder of the building. The motion was unanimously approved.

President Mehaffie referenced the list of future meetings and events, and reminded the public that the annual "Movie in the Park" at the Shoppes Gardens Park/Lions Club Building will be held this Saturday, beginning at 8:30 P.M. He noted that the County does a real nice job with this event; it has been a very well-attended since its inception several years ago.

COMMITTEE REPORTS:

Police Committee – Vice President Wilt – reported on the May 28 active shooter training at the 193rd PA National Guard. This full-scale exercise was attended by several of the Township's police officers, who found it to be very beneficial.

Public Safety – Commissioner Springer – no report

Budget and Finance – Commissioner Davies – no report

Community Development – Commissioner DiFrancesco – no report

Public Works – President Mehaffie – reported that the Public Works Department has been busy with the planning of upcoming projects. Routine tasks, including grass mowing, are also keeping the Department busy.

UNFINISHED BUSINESS:

A motion was made by Commissioner Davies, seconded by Commissioner DiFrancesco, to grant a 90-day time extension, as requested by the developer, on 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, December 18, 2013 and March 19, 2014. The plan is due to expire on July 12, 2014. Upon acceptance of the 90-day time extension, the plan will expire on October 10, 2014.

Commissioner DiFrancesco observed from the agenda that the Board has already granted 26 time extensions on this plan, which dates back to 2007. Solicitor Henninger agreed that the Township is long overdue for an update from the developer. Commissioner DiFrancesco suggested that two things need to happen. First of all, the staff needs to be updated on the plan. Secondly, the Board needs to make a decision from a policy standpoint on whether to allow these extensions to appear eternally on the agenda. President Mehaffie stated that there was a three-party sewer issue with the plan, although the Bryn Gweled project has subsequently been withdrawn. Also, age restricted/retirement communities are not in demand right now.

Commissioner DiFrancesco added that the Board needs to be cautious what the plans are, since the density in this area is a major issue and will matter greatly. He noted that he was on the Board when the zoning was approved and stated that it was a very tough rezoning. The Board

at that time had compromised greatly on the density when the overlay was approved. Commissioner DiFrancesco expressed concern that there may be more discussions on revising the density. President Mehaffie noted that he and Vice President Wilt had attended a meeting some time ago that the developer had arranged with residents of the neighboring Twelve Oaks community. At that meeting, the idea of lifting the age restriction was pitched, and was not well accepted by the residents. Solicitor Henninger agreed that this plan has been hurt by the turn of the economy, but added the developer has not provided status updates for quite some time. The Board directed Mr. Monticello to contact Paul Navarro and Mark Will to arrange for a meeting to obtain a status report. If Mr. Monticello feels it is necessary after that meeting, the developers will be asked to attend a future Board meeting. The motion to grant the 90-day time extension was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to grant a 90-day time extension, as requested 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. Additional 90-day time extensions were approved by the Township on March 20, 2013, June 19, 2013, September 18, 2013, December 18, 2013 and March 19, 2014. The plan is due to expire on June 19, 2014. This plan remains tabled by the Planning Commission. Upon acceptance of the 90-day time extension, the plan will expire on September 17, 2104. Matt Genesio reported that mylars have been submitted to PennDOT; he anticipated things will be wrapped up within the next 90 days. The motion was unanimously approved.

The Board tabled 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, November 20, 2013, February 19, 2014, and May 21, 2014. The plan remains tabled by the Planning Commission. The plan will expire on August 22, 2014.

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 statutes. 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 and April 16, 2014. The plan is due to expire on July 23, 2014.

The Board tabled the Preliminary/Final Land Development Plan for Capital Valley Business Park – Building 'C', prepared by LSC Design submitted by Capital Valley, L.P. The plan had been tabled by the Planning Commission, and was due to expire on June 9, 2014. The Board granted a 90-day time extension on May 21, 2014. The plan is due to expire on September 7, 2014.

NEW BUSINESS:

A motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to approve Improvement Guarantee Reduction #1, in the amount of \$242,316.80, for site improvements to Campus Heights Village II. This reduction from the current balance of \$608,639.90 will leave a remaining balance of \$366,323.10. The motion was unanimously approved.

A motion was made by Commissioner DiFrancesco, seconded by Commissioner Springer, to approve a Letter of Acknowledgement by the Lower Swatara Volunteer Fire Department and Lower Swatara Township for participation in Pennsylvania Intrastate Mutual Aid, Act 93 of 2008. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve a scope of work for HRG to perform stream monitoring services for the Meade Avenue Project. In response to a question from President Mehaffie, Ms. Letavic explained that this is Year #2, Report #3, of the monitoring requirements. Upon review of these reports, the Army Corp of Engineers can elect to shorten this monitoring period. It is hoped that this will be the

case for the Township. Vice President Wilt questioned the cost factor. Ms. Letavic noted that the cost is \$1,400 for each report. The motion was unanimously approved.

President Mehaffie stated that there is one additional item that needs to be addressed under New Business, and that is the Agreement of Resignation of Steven Anderson. The Board has reached an agreement with Steve Anderson regarding his resignation. A motion was made by Commissioner DiFrancesco, seconded by Vice President Wilt, authorizing the execution of the Agreement of Resignation of Steve Anderson. The motion was unanimously approved.

FINAL COMMENTS:

Mr. Monticello requested a very brief executive session in order to address personnel matters.

Matt Genesio provided an update on the Gina Lane connection project. All agreements have been executed and the design approved. Work will start next week. Most of the underground work should be done by July 4, and the road will remain in a stone condition until July 14 at which time the binder will be placed. The wearing course will be done the same time as Lawrence Street is addressed, which is scheduled for July 30. The Board thanked Mr. Genesio for his efforts in making this connection happen. Mr. Genesio referenced the upcoming June 23 meeting of the Municipal Authority, and asked if a request for a reduction in his letter of credit is on the agenda. Mr. Monticello agreed to find out and get back to Mr. Genesio.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, a motion was made by Vice President Wilt, seconded by Commissioner Davies, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:12 P.M.

ATTEST:


Jean R. Arroyo, Recording Secretary

