

## MINUTES

### DECEMBER 5, 2012 WORKSHOP MEETING

#### LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The December 5, 2012 Workshop Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Frank Linn, Sr. President Linn called for the pledge of allegiance followed by a moment of silence.

Roll call was then taken with the following officials in attendance:

- Frank Linn, Sr., President
- Michael J. Davies, Secretary
- Thomas L. Mehaffie III, Commissioner
- Jon G. Wilt, Commissioner
- Harry N. Krot, Township Manager
- Peter R. Henninger, Solicitor
- Brenda K. Wick, Planning & Zoning Director
- Richard D. Brandt, Police Chief
- Steven W. Anderson, Public Works Director
- Jean R. Arroyo, Recording Secretary

Absent:

- William L. Leonard, Jr., Vice President

Residents and visitors in attendance:

- Matt Bonanno (HRG)
- Ronald S. Keeney (310 Dauphin Street)
- Ron & Ruth Helwig (341 W. High St.)
- Sonja Miller (506 N. Lawrence St.)
- Michelle Keeney (310 Dauphin St.)
- Frank Nardo
- Peggy Ginnovan (535 N. Lawrence St.)
- Carl & Belinda Dupes (Selma Ave.)
- Chris DeHart, Dale Rider (LST Fire Department)
- Noelle Barrett (Press & Journal)
- Amy Wimmesberger (Steelton Borough Community Cats)

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

PUBLIC COMMENT:

Ronald Keeney, 310 Dauphin Street, questioned how long it takes for completion of a traffic study, specifically the one KGH was supposed to have done. Ms. Wick explained that the traffic study had been submitted and sent to the engineer for discussion at the Planning Commission Meeting on December 20. Mr. Keeney stated that back at a meeting in November, KGH had requested three variances, one of them for the exit/entrance coming out of its complex on Wood Street, which had been signed to be used as an emergency exit for authorized vehicles only. The day after that meeting, a stop sign was put up and the other sign removed. He questioned whether a traffic study had even been done, and asked what right the developer had to do this. Commissioner Mehaffie noted that the Board had agreed to allow that entrance to remain open until Lawrence Street is completed in order to help control the traffic flow. As far as the stop sign, it is permitted if on the private property of the complex. President Linn suggested the developer be brought in to discuss this. Mr. Keeney stated that the developers should have made their road from their property down to Route 230 and left this as an emergency access. Instead, they are infringing on the neighborhood. Mr. Keeney also stated that there is increased foot-traffic at the bottom of the hill near the signal. He suggested that that Township get with the state to have walkways painted across Route 230. He explained that a few nights ago, he almost hit two girls here. Mr. Keeney added that he is glad that GreenWorks pulled its request for a zoning change which would have meant more headaches for the residents in this area. He stated that GreenWorks parks its construction vehicles anywhere they are building, with no respect to the neighborhood. He added that if the Township lets them build across the street from his house, it will be disastrous. More student housing in this area is just not necessary.

Ruth Helwig, 341 W. High Street, expressed concern with the water lying at the bottom of Lawrence Street, which will turn to ice when the weather gets colder. Commissioner Mehaffie responded that work on this is underway. He added that there will also be a meeting tomorrow with PPL and Horst Construction about the lights. Ms. Helwig stated that there are still loud parties occurring in the neighborhood, and her tenants are complaining. President Linn stated that it is important that the Police Department be contacted whenever this occurs. In response to a question from Commissioner Mehaffie, Ms. Helwig noted that this seems to be more of a problem on the GreenWorks side than the KGH side. Ms. Helwig also reported that

she had talked to one of the developers about the students racing through stop signs. He had promised to address this with the students, but it appears nothing has been done.

Donald Burger, 505 N. Lawrence Street, asked if the Board could tell him why GreenWorks bailed out on its rezoning request. He stated that he has heard several excuses from the developer, but would like to know the truth. Mr. Krot explained that the Township was informed that GreenWorks was not interested in moving ahead with the application.

#### PRESENTATION OF MS4 PROPOSAL

Matt Bonanno of HRG discussed with the Board a proposal submitted for MS4 (Municipal Separate Storm Sewer Systems) services. He briefly reviewed the history of the program, which was originally started by DEP in 2003 as a five year program. DEP has been extending the permit in one year increments; the Township is in year ten of the original permit. DEP and EPA have now come together to decide what they want to see in this new permit renewal, which will start in March of 2013. HGR has applied for this permit on behalf of the Township; the permit focuses on stormwater and stormwater discharge. The proposal in front of the Board is for the next five years of this new permit, from March 2013 to March 2018. It will continue to address the six MCMs (Minimum Control Measures). The biggest change of the new permit is that it will include the implementation of a Chesapeake Bay Pollutant Reduction Plan. Commissioner Davies asked the cost of implementing this plan. Mr. Bonanno explained that the cost is undefined at this point; the notice of intent submitted to DEP has not been officially approved. Approval should be granted by spring, and the Township will be looking for guidance from DEP as to what exactly municipalities are required to do. That plan is not due until March of 2014. HRG will work closely with Mr. Krot, Ms. Wick, and the Public Works Department on this plan, which appears to be moving towards a lot of documentation. Mr. Bonanno explained that since 2003, HRG has been submitting annual reports on behalf of the Township, but has not heard one word about them from DEP. Now, however, EPA is going out to municipalities and pulling these reports and fining them. Therefore, attempts will be made to better document everything the Township is doing in the event there is ever an audit.

Commissioner Wilt noted that the estimated fees look pretty expensive. He asked if any of this work can be done in-house by staff to defray some of the costs. Mr. Krot explained that staff will be working closely with HRG on this plan. Commissioner Wilt clarified that his

question is whether staff can do some of the actual work required in order to reduce these fees. Mr. Krot stated that it is probably premature to answer this, since the Township doesn't know at this point exactly what it will be asked to do. It appears some municipalities may need to hire additional people because of these requirements. While Ms. Wick may be able to guide the effort, it is uncertain how much additional work this will impose upon her. Mr. Bonanno stressed that these fees are estimated. They are based on doing the plan for only Lower Swatara Township. HRG may be doing the same work for up to ten municipalities, which would mean a cost savings to everyone since they will be using similar documents.

Commissioner Davies asked if this five year agreement would lock the Township into services with HRG. He also asked if there is an "out" clause. Mr. Bonanno agreed that it is a five year contract. Commissioner Davies asked how this would impact the Township if it should decide to bid out professional services. Solicitor Henninger explained that this proposal only pertains to a specific scope of work, which is the MS4 program. He added that the Township could ask for an annual out type of arrangement with HRG. Commissioner Mehaffie agreed that there should be an out clause unless HRG agrees to lock into these estimated fees, with a statement that they will not be exceeded. Mr. Bonanno agreed that there is always the possibility that the estimated fees could be higher than quoted, but he noted that HRG feels these are solid estimates and should actually go down if more municipalities are involved.

The Board thanked Mr. Bonanno for his presentation.

#### ITEMS FOR FORMAL ACTION:

Mr. Krot stated there are several items that require formal action tonight.

The first item, Ordinance No. 543, requires no action. It pertains to the Zoning Map amendment request, which was withdrawn by the applicant.

The next agenda item pertains to a request for a 90-day time extension 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, LP. Said plan is due to expire on December 26, 2012. Commissioner Davies stated that he has several questions about the plan, including the status of the drainage. He noted that he would like face-to-face answers from the developer, and would prefer to get these answers prior to granting the time extension. He added that this is one of the few pieces of leverage that the Board has on this plan. Since the

plan does not expire until December 26, the Board agreed to table the request and ask the developer to attend the next meeting. In the meantime, President Linn directed that any Commissioner having questions about the plan provide them to Mr. Krot so that all questions can be compiled and presented to the developer at the next meeting.

The Board discussed the possibility of participating in the cable compliance review through the Capital Region COG. This review could potentially discover franchise fee underpayments to the municipality. The estimated fee to participate is \$5,900 but could fluctuate a bit based on the number of municipal participants. Mr. Krot stated that if the Board is interested in pursuing this, he would recommend an expenditure not to exceed \$6,500. He reminded the Board that it had received a similar offer last spring for a cable franchise review of just Verizon. At that time, the Board had agreed not to participate because the low Verizon user rate would not make the cost of participation cost effective. This review, however, also includes Comcast. The deadline for indicating participation is December 15.

President Linn stated that once again, the Township was not given enough time to budget this expenditure. Mr. Krot agreed that it was not budgeted, but could come off the starting cash balance next year. Commissioner Wilt asked Mr. Krot if this would be worthwhile. Mr. Krot explained that it is a gamble, but referenced several municipalities that recouped significant revenues from underpayments. Solicitor Henninger added that even if the review finds that Comcast is paying the Township the appropriate amount, it does put them on notice that the Township is watching. Commissioner Wilt agreed that this might not need to be done again for several years, and it will put them on notice. He questioned, for example, if the new student housing projects were picked up. Commissioner Mehaffie asked how many other municipalities will participate; he would like to see the majority of the COG go with this. If they do not, he doesn't feel the Township should go forward with it. Mr. Krot stated that as of now, there looks to be between 15 – 19 participants. President Linn again asked where the money will come from, and stated that he cannot see spending that amount of money on a gamble, especially since the Township population is a lot less than municipalities like Lower Paxton Township and Swatara Township. A motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to approve participation in the cable compliance review through the Capital Region COG, at a cost not to exceed \$5,900. The motion was approved by a 4 – 1 margin, with President Linn dissenting.

Mr. Krot introduced Amy Wimmesberger, representing Steelton Borough Community Cats. Commissioner Wilt noted that he and Commissioner Mehaffie had met with Ms. Wimmesberger Monday evening to discuss a proposal which could save the Township money with its feral cat issue. Commissioner Mehaffie added that they had also looked at the numbers. So far this year, the Township has had 44 cats delivered to the Humane Society and about 14 dogs.

Ms. Wimmesberger explained that she resides in the Township, and has been involved the last two years in a program that provides cat population control in Steelton Borough, Highspire Borough, and Swatara Township. It also started a pilot program just this week in Derry Township. The program began in Steelton as a volunteer program called "A Plan for Every Cat" as an effort to save the Steelton Borough money. The program does not send cats to the Humane Society, and is not really a rescue project. It is a cat population control effort. 99% of the cats involved in the program are fixed and vaccinated. If they are sick, they are made healthy and put back where they were found. The group does partner with a local rescue for cats that cannot be put back on the streets. Community Cats is a no-kill group. Cats that are on their last legs actually go to a hospice care. The group provides full service trapping, transportation, surgery, after care, and release. This increases participation in the program. The group, which started in January of 2010, has over 400 colony caretakers in its database. What is being proposed tonight is an aggressive trap and return in Lower Swatara Township, at a cost of \$50/cat.

President Linn asked what authority the group has should a person get upset that someone picked up the family cat. Ms. Wimmesberger explained that the group does not just drive around picking up cats. It works with the people who are feeding them to make sure they are probably fixed and vaccinated. The cats are then released back to where they were found.

Commissioner Wilt added that once a cat is fixed and released, it does not add to the population. Therefore, the number of cats on the street greatly diminishes. The Humane Society currently charges \$135/cat and many of these cats are put down within 24 hours. Ms. Wimmesberger agreed, and added that if Community Cats feels a cat is adoptable, it may ask the colony caretaker for permission to place it out for adoption. It does not just take away cats because they are adoptable.

Commissioner Davis asked the status of the organization – whether it is a non-profit, a sole proprietorship, etc. Ms. Wimmesberger explained that for the first two years it provided this service to Steelton/Highspire, it was a project under the Steelton Community Development Foundation. Because it now services other municipalities, it does not fall under the mission statement of the Foundation. Paperwork has been prepared, and will be mailed out Friday, to apply for it to be a non-profit organization in the state of Pennsylvania.

In response to question from Commissioner Wilt, Ms. Wimmesberger confirmed that the group has been fortunate to get grants from several organizations, including Petco, PetSmart, Neighborhood Cats, and Ally Cat Allies. She added that just today, she found out that Community Cats is a finalist in the Central Penn Business Journal Innovation Awards category.

Mr. Krot stated that another advantage is that this group picks up the cats. The arrangement with the Humane Society requires that the resident finding the cat deliver it to the shelter. He added that even if the Board decides to participate in this program, he would recommend it also maintain the Humane Society Agreement in order to address the pickup of dogs.

Ms. Wimmesberger stated that if the Board is interested in participating in this program, an agreement or contract would need to be signed. Commissioner Davies asked what liability the Township would face through entering into an agreement with this program and what protection the group would have against civil suits. Ms. Wimmesberger explained that right now, Community Cats is covered under the Borough of Steelton. It will need to get its own coverage once it becomes a corporation. Solicitor Henninger stated that he would ask for a copy of the agreement for review, and would also recommend the group be required to provide the Township with a certificate of insurance naming Lower Swatara Township as an additional insured. President Linn directed that Ms. Wimmesberger draw up an agreement for review by the Solicitor and subsequent consideration by the Board. Solicitor Henninger stated that if possible, he would like the agreement by the end of next week so it can be reviewed prior to the Board's December 19 legislative meeting. Ms. Wimmesberger explained that the only hold up is the fact that Community Cats is still under the Foundation, but will become a corporation when the paperwork is approved. Solicitor Henninger suggested that the agreement be done with the Foundation until the non-profit organization status is officially approved.

Commissioner Wilt stated that he would like to personally thank Ms. Wimmesberger for her time and presentation.

Mr. Krot stated that he had one final item for Board action. Last year, the Township shopped utility rates and through participation in the Municipal Utility Alliance, which is a program offered through the PA League of Municipalities, was able to save approximately \$6,000 in utility costs. This contract expires on December 15. Tammy Blymire, the Township's Accountant, checked into the rate as of today, and it is roughly the same as it was last year. Mr. Krot asked for authorization to accept the rate offer and sign up for another twelve-month period. A motion was made by Commissioner Wilt, seconded by Commissioner Davies, to authorize acceptance of the rate proposed by the Municipal Utility Alliance, and to sign up with the program for another year. The motion was unanimously approved.

#### DEPARTMENT REPORTS:

Fire Department Report – Chief DeHart -- reported that there were 37 calls last month; a breakdown of calls for the year will be provided next month. The Fire Department held its election Monday evening. Chief DeHart noted that he was re-elected Fire Chief, and Mike McKillip was re-elected President.

Police Department – Chief Brandt – referenced the monthly statistics, and noted that the high number of non-traffic citations is mostly due to underage drinking arrests at the campus as well as other locations. He noted that thefts and burglaries tend to go up this time of year, and stressed the importance of keeping doors and windows locked on both homes and cars. Scams also pick up this time of year, and Chief Brandt cautioned residents to be careful when providing any type of personal information to anyone, either via phone, cell phone, or computer. Chief Brandt reported on the recent abduction and rape at HACC, and reported that one of the Township officers actually tackled and cuffed the suspect.

Public Works Department – Mr. Anderson – reported that the fall maintenance program is ongoing. Leaf collection is winding down, and will be completed on December 7. No leaves will be picked up after that time since the leaf boxes will be removed from the trucks and they will then be prepared for the snow season. Commissioner Mehaffie asked that this December 7 deadline be placed on the home page of the website. Street sweeping will begin on December 10, weather permitting. Traffic intersection pavement painting is complete (Alpha

Space), and adjustments to traffic signals, as necessary, are also complete. Mr. Anderson noted that one of the Department's larger trucks has a broken frame and is scheduled for repair on December 6.

Planning and Zoning – Brenda Wick – reported that much of the residential inspections that are being done are for the townhouses and new builds in Woodridge. The Campus Heights plan was tabled at the Planning Commission meeting last month. The plan is on the agenda this month, and its traffic impact study was submitted and sent to HRG for review. The Sheetz plan remains tabled, and there was no submission last month. Ms. Wick anticipated that it will submit tomorrow for the meeting on December 20. As the Board is aware, the zoning map amendment was withdrawn. The Penn State EAB was recommended by the Planning Commission for approval in October. It did not make the deadline for the November Board of Commissioners meeting, but will be on the Board's December 19 agenda seeking approval or conditional approval. The Planning Commission's December agenda will include the Sheetz plan, a new minor subdivision for a resident on the Byers Farm, and the Campus Heights plan. No submissions were received by the Zoning Hearing Board.

#### SOLICITOR'S REPORT:

Solicitor Henninger reminded the Board that an ordinance amending the Police Pension Plan as a result of the arbitration award will appear on the December legislative agenda.

#### MANAGER'S REPORT:

Mr. Krot reported that has been dealing with a lot of unexpected issues. He has been speaking to some vendors about new sewer billing software. He also met today with the company that provides the Township's phone system. It was recently discovered that the lease on the phone system will expire in February. Since there is not sufficient time to place it out for bid, the existing contract will be extended in order to buy more time to review the current system and needs. Mr. Krot referenced a list of upcoming commission and board expirations, as well as a letter from Skip Guenther stating that he does not wish to be reappointed to the Community Policing Advisory Committee. Mr. Krot asked that any candidates for these vacancies be provided to Ms. Arroyo. He noted that the Board has also been provided with a draft of the Public Meeting Notice for 2013.

ADJOURN:

With no further business to discuss, a motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:24 P.M.

ATTEST:

---

Harry N. Krot  
Township Manager