

MINUTES

LEGISLATIVE MEETING – DECEMBER 17, 2014

The December 17, 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 taken with the following officials in attendance:

- Thomas L. Mehaffie III, President
- Jon G. Wilt, Vice President
- Laddie J. Springer, Secretary
- Michael J. Davies, Commissioner
- Dominic D. DiFrancesco, Commissioner
- Samuel D. Monticello, Manager
- Robert S. Greene, Planning and Zoning Coordinator
- Daniel L. Wagner, Public Works Superintendent
- Richard Brandt, Police Chief
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, 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:

Eric Wise, Middletown Press & Journal, noted that prior to tonight's meeting, he had asked for copies of the information that was provided to the Board to make decisions this evening. His understanding is that under the Right to Know Act, this information is to be made public if it is distributed to a quorum to make a decision. Mr. Wise stated that he would like to see copies of the ordinances that the Board will be voting on, and thinks the public has a right to see this information so that they can make intelligent comments on what the Board will be voting on, if they chose to comment. Solicitor Henninger stated that Mr. Wise already has

access to these ordinances, since they were advertised in the Press & Journal and copies of the entire ordinances were also provided to the Press & Journal. Mr. Wise questioned copies of the other information in the Board packets. Solicitor Henninger stated that he will review the request and get back to Mr. Wise under the time requirements of the Right to Know law. Commissioner DiFrancesco asked Mr. Wise if he was looking for anything in particular. Mr. Wise explained that he is simply looking for copies of the information that the Board received in order to follow along and understand what is being discussed. He noted that he has been here several months now, and feels that it is sometimes difficult to follow along. Commissioner DiFrancesco stated that he does not feel that the Township has ever attempted to be anything but open. President Mehaffie asked if this is the first time Mr. Wise requested information. Mr. Wise explained that he had requested copies of the Board packet earlier today, and was provided with some documents but the response was that he could not be given materials that were not approved yet. Solicitor Henninger again stated that he will review the Right to Know request submitted by Mr. Wise and make available to him, at a minimum, the information required to be released under law. He asked if Mr. Wise was requesting this information on a continual basis. Mr. Wise confirmed that he is. President Mehaffie added that Board usually receives the packets the Friday afternoon before a meeting, but noted that there may be items added afterwards depending on time sensitive issues.

President Mehaffie reported that the Township has guests tonight from Middletown Borough and United Water to discuss the transition with the water company and the sanitary sewer. Chris McNamara, President of the Middletown Borough Council, stated that he is here tonight as a gesture of good will and to update the Board. He introduced Lester Lanman, Public Works Superintendent and Don Goodroe, Transition Project Manager for United Water. Mr. McNamara explained that in September, Middletown entered into a partnership with United Water to lease both the water and sewer system. This did a lot of good things for Middletown Borough which had 26 million dollars in general obligation bond debt as a result of that system and also had over 11 million dollars in post employment benefits and pension unfunded liabilities. Then there was a series of projects that were underway to get the I&I under control. The first project undertaken was South Union Street, which has been completed. Two other projects to be undertaken include Spring Street and Route 230. It is hoped that these projects will solve the majority of the I&I problems. Those projects have an upfront payment of about

43 million dollars. Those projects are fully funded and there is zero debt for Middletown. As of January 1, Middletown will be debt free. Mr. McNamara conveyed to the Board that after January 1, nothing changes. The Borough did not sell the system; it leased it. United Water will take over the operations, and everything should be status quo. Don Goodroe, United Water, explained the specifics of the 50 year lease of the system. Preparations have been made to make this a seamless transition with no customer impact. The level of service, quality of service, and existing staff will not be changed. Commissioner Davies asked if the Township's sewer rates would be impacted at all. Mr. Goodroe stated that United Water does not set the rates, but is bound by existing agreements. Commissioner Davies asked if the treatment plants should need upgrading, would the Township share costs under an arrangement similar to past ones. Solicitor Henninger explained that it would be the same arrangement. The Township has 20% reserve capacity in that plant. Improvements that take place would result in the Township being responsible for 20% of the costs. In regards to capital improvements, if it relates to Lower Swatara flow there would be a similar type of responsibility. This is all governed through an agreement. Solicitor Henninger asked that this presentation also be provided at a Municipal Authority meeting, since the Authority members also have questions. Mr. McNamara addressed comments about user charges, and explained that since the rates were set through 2019, no changes should occur until that time. President Mehaffie asked if the Borough of Middletown plans to continue using HRG as its Engineer. This has been a good marriage, since the Township also utilizes the firm as its engineer. Mr. McNamara stated that it does, and agreed that Middletown has a good working relationship with the firm. Solicitor Henninger stated that he has never seen the relationship between Middletown Borough and Lower Swatara Township as good as it has been over the past two years. He expressed hopes that this continues to be the case when United Water comes on board.

APPROVAL OF MINUTES:

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve the Minutes of the November 19, 2014 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner DiFrancesco, seconded by Vice President Wilt, to approve the Minutes of the December 3, 2014 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Commissioner Springer, to approve the payment of bills as presented on Warrant No. 2014-11. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

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

ENGINEER'S REPORT:

Erin Letavic, HRG, referenced the monthly report and provided the Board with an update on the MS4 Program. Earlier this month, Ms. Letavic along with President Mehaffie and several staff members had attended a CAP COG workshop which focused on how to prepare for an EPA audit. This afternoon, she had met with Mr. Monticello, Mr. Greene, Mr. Wagner, and Ms. Arroyo to discuss revamping of the Township's program, as well as forms which will be utilized for activity documentation. The staff will meet again in early January to keep things moving forward.

SOLICITOR'S REPORT: No report

MANAGER'S REPORT:

Mr. Monticello acknowledged the staff for the assistance it provided him in the preparation of the 2015 budget which will be considered for adoption this evening. He also noted that this is the last meeting of the year and his first year as Township Manager, and he would like to thank the Board for giving him this opportunity. Mr. Monticello added that he is pleased to be working with this group, and feels that it was a very positive year.

COMMITTEE REPORTS:

Police Committee – Vice President Wilt – turned the floor over to Chief Brandt. Chief Brandt updated the Board on the recent car break-ins and noted that an arrest was made. The break-ins stopped but then commenced, so there appears to be others involved. He added that most are in the Old Reliance Farms and Clearview areas. Again, citizens were urged to lock their car doors, as all thefts at this point have been from unlocked vehicles. Chief Brandt also reported that the Department has been dealing with a lot of scams, which is common at this time of the year. These include IRS scams and Lottery scams. Citizens were urged to contact the Police Department if they have any questions about the legitimacy of a phone call.

Public Safety – Commissioner Springer – no report

Budget and Finance – Commissioner Davies – reported that the two ordinances pertaining to the 2015 budget and tax rates will be voted on later this evening.

Community and Economic Development – Commissioner DiFrancesco – no report

Public Works – President Mehaffie – asked Mr. Wagner if he had any updates. Mr. Wagner noted that Longview Drive was paved Monday. This is not the final coat, but the contractor did finish binding it in, and it looks much better. He also reported that the backhoe is back up and running after less than a week. The previous Public Works Superintendent had estimated the repair costs to be between \$15,000 - \$25,000. Mr. Wagner stated that he is not sure the repairs even hit the \$8,000 mark. He acknowledged Township mechanic Rodger Mason for his outstanding work.

UNFINISHED BUSINESS:

A motion was made by Vice President Wilt, seconded by Commissioner Davies, 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, March 19, 2014 and June 18, 2014, and October 1, 2014. The plan is due to expire on January 8, 2015. 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, May 21, 2014, August 20, 2014 and October 15, 2014. The plan is due to expire on February 16, 2015. The motion was unanimously approved.

The Board tabled the Susquehanna Area Regional Airport Authority (SARAA) sewage planning module for the North 29 Area (land where Sheetz and other commercial properties are planned to be built) requesting that the sewage be sent to SARAA's treatment plant instead of Middletown Borough Authority as would be required according to their location within the sewage area. Lower Swatara Township Authority's agreement with the Middletown Borough Authority reads that sewage in the designated area shall be exclusively treated at Middletown Borough's treatment plan. The Planning Commission approved the planning module, conditioned upon SARAA getting Middletown Borough to agree that the exclusivity can be waived in this instance or upon proof that the exclusivity portion of the agreement does not apply to SARAA because of established Authority statues. The burden of proof is on SARAA at this point. The planning module was due to expire on January 23, 2014. The Board of Commissioners granted a 90-day time extension on January 15, 2014, April 16, 2014 and July 2, 2014. The Board granted a 120-day time extension on October 1, 2014. The plan is due to expire on February 17, 2015.

NEW BUSINESS

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve Ordinance No. 556. This ordinance appropriates specific sums estimated to be required for the specific purposes of the municipal government hereinafter set forth, during fiscal year 2015. President Mehaffie noted that this is the 2015 budget. A roll call vote was taken with the following ballot tabulation: Commissioner DiFrancesco – aye, Commissioner Springer – aye,

Commissioner Davies – aye, Vice President Wilt – aye, President Mehaffie – aye. Ordinance No. 556 was approved by a 5 – 0 margin.

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve Ordinance No. 557. This ordinance fixes applicable tax rates for the year 2015. A roll call vote was taken with the following ballot tabulation: Commissioner DiFrancesco – aye, Commissioner Springer – aye, Commissioner Davies – aye, Vice President Wilt – aye, President Mehaffie – aye. Ordinance No. 557 was approved by a 5 – 0 margin.

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve the attached list of 2014 budgetary adjustments (see attachment). The motion was unanimously approved.

A motion was made by Commissioner DiFrancesco, seconded by Commissioner Springer, to approve Resolution No. 2014-R-12. This resolution adopts an Emergency Operations Plan for Lower Swatara Township. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to accept the resignation of Alex T. Billy from the Police Pension Advisory Board and the Non-Uniformed Pension Advisory Board effective December 31, 2014. The motion was unanimously approved. President Mehaffie noted that Mr. Billy has served well on these boards for many, many years. Commissioner Davies added that Mr. Billy had a vast depth of knowledge and will be difficult to replace. Commissioner DiFrancesco agreed, and asked that a letter of appreciation be sent to Mr. Billy for his long tenure on the pension boards.

FINAL COMMENTS:

Ms. Letavic stated that she appreciates the kind words earlier about HRG. HRG works hard for its clients, and it is nice to hear such comments. She added that this was a great year for her, because she became a pseudo staff member earlier in the year and feels that Lower Swatara Township is one of the clients she knows best. Ms. Letavic stated that she enjoys working with this group, and looks forward to 2015. President Mehaffie commended Ms. Letavic for an excellent job and for stepping in when times were tough.

Commissioner DiFrancesco stated that he now has a full year in after being appointed to this Board, and has seen what a difference a year can make. He gave Mr. Monticello credit for this, and noted that Mr. Monticello had in turn given his staff credit. This team is doing a good

job for the Township, and things are running smoothly. He added that his fellow Board members also did a good job keeping things together during the transition period. President Mehaffie thanked Commissioner DiFrancesco for the kind comments, and added that he has been a fine appointment to this Board.

Commissioner Springer thanked Alex Billy for his many years of service on the pension boards. He also thanked Mr. Monticello for his efforts this year, and expressed his utmost confidence in him. Commissioner Springer thanked the Board and staff for the assistance provided to him during his first year as commissioner. President Mehaffie thanked Commissioner Springer for a fine job during his first year.

Vice President Wilt thanked Mr. Monticello and the staff. He noted that this Board had confidence that Mr. Monticello would do well in running the Township. He thanked Ms. Letavic for her help when the staff was lacking in certain areas. Vice President Wilt noted that the new staff members hired this past year have also worked out well. It is great having Commissioner DiFrancesco back on the Board, having Commissioner Springer as a new Commissioner, and having Commissioner continue his duties. President Mehaffie thanked Vice President Wilt for filling in during times when he was unavailable.

Commissioner Davies thanked Mr. Monticello for a fine team building year for both the staff and Board.

Solicitor Henninger thanked the Board for its continued confidence in him. He stated that it was a pleasure working with this Board, Mr. Monticello, and the new staff this past year. The Township is in a good position to keep moving forward as a first class Township. President Mehaffie thanked Solicitor Henninger for his kind words and assistance to the Board and staff. Vice President Wilt noted that he had forgotten to mention that Solicitor Henninger has the longest tenure here. He gave him credit for keeping the ship on course. President Mehaffie agreed, and added that Solicitor Henninger's history here is bar none and has been invaluable

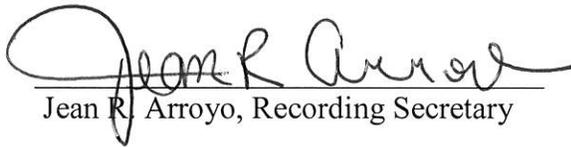
President Mehaffie thanked Middletown Borough and United Water for speaking to the Board this evening. He stated that he desires to continue building relationships and getting things done with the Middletown Borough as well as all other neighboring municipalities. President Mehaffie added that this is his first year as Board President, and he is truly pleased to work with such a wonderful Board and staff.

The Board members wished everyone a happy holiday and new year.

ADJOURN:

With no further business to discuss, a motion was made by Commissioner DiFrancesco, seconded by Vice President Wilt, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 7:49 P.M.

ATTEST:


Jean R. Arroyo, Recording Secretary

Lower Swatara Township
2014 Budgetary Adjustments

Account #	Description	Debit	Credit	Explanation
301.500	Real Estate Taxes Fire Protect.	\$	\$ 3,000	Increase in Taxes - Fire Protection
301.550	Real Estate Del for Fire Dept.		3,500	Increase in Del. Taxes - Fire Protection
310.100	Real Estate Transfer Tax		200,000	Increase in Real Estate Transfer Taxes
331.110	Vehicle Code Violations		20,000	Increase in Vehicle Codes Violations
362.410	Building Permits		530,000	Increase in Building Permits
362.420	Electrical Permits		25,000	Increase in Electrical Permits
362.430	Plumbing Permits		29,000	Increase in Plumbing Permits
387.000	Contributions & Donations		13,000	Increase in Contributions & Donations
400.310	Legal Services	16,000		Increase in Legal Services
408.120	Salary, Receptionist	8,500		Change for PT to FT position
408.161	Payroll Taxes	650		Change for PT to FT position
411.540	Contribution, General Current	3,000		Increase in Taxes - Fire Protection
411.555	Contribution, Prior Years	3,500		Increase in Del. Taxes - Fire Protection
429.150	Wastewater Collection - PW	7,000		PW assistance to Authority
429.161	Payroll Taxes	550		PW assistance to Authority
429.184	Wastewater Collection - PW OT	150		PW help on call out
430.150	Retirement Payout	4,000		Retirement payout
430.373	Repairs & Maint. Svcs. - Bldg	14,000		Additional Repairs *
430.740	Major Eqpt. & Machinery	22,500		Cost of Radios (\$23,273)
430.750	Minor Eqpt. & Machinery	6,500		Additional Eqpt./Machinery for Inspections **
432.200	Material & Supplies	45,000		Bad winter - salt & cinders
486.351	Property & Liability	13,500		Broker Fee
492.300	Transfer to Capital Reserve	678,650		Transfer to Capital Reserve
		\$ 823,500	\$ 823,500	

* Sealcoating \$6,112
 Salt Shed Repairs \$5,400
 Air Conditioner \$1,361
 Sludge/Oily Water \$1,125

** Optical Visual Aimer \$1,249
 A/C Charger & Reclaimer \$4,519
 Plasma Cutter \$1,742

