

MINUTES

LEGISLATIVE MEETING – JUNE 15, 2016

The June 15, 2016 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 and a moment of silence.

Roll call was taken with the following officials in attendance:

- Thomas L. Mehaffie III, President
- Jon G. Wilt, Vice President
- Michael J. Davies, Commissioner
- Laddie J. Springer, Assistant Secretary
- Todd F. Truntz, Commissioner
- Anne Shambaugh, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, Engineer

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

PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

A motion was made by Commissioner Springer, seconded by Commissioner Truntz, to approve the Minutes of the May 18, 2016 Legislative Meeting. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the Minutes of the June 1, 2016 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve the payment of bills as presented on Warrant No. 2016-05. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve the Treasurer's Report for May 2016. The motion was unanimously approved.

ENGINEER'S REPORT:

Ms. Letavic updated the Board on the MS4 (Municipal Separate Storm Sewer Systems) Program. She and Ms. Shambaugh will be attending a meeting tomorrow with representatives of the Alliance for the Bay and some other municipal partners to talk about some potential partnerships for MS4 opportunities. A call has also been made to the Manada Conservancy to see if it would be willing to attend the July or August workshop meeting of the Board to discuss a stewardship program it is promoting.

An update was provided on the Greenways, Trails, and Recreation Park Grant and DCNR Grant Execution for the Old Reliance and Shope Gardens Parks. HRG has proceeded with preparing a submittal which is required to be approved by DCNR prior to procuring equipment for the project. The current schedule is to submit the required documents to DCNR in June (ahead of the July deadline) to construct the projects this fall.

Ms. Letavic also reported on the Greenways, Trails and Recreation Park Grant (2016) – Little Hollywood Park/Memorial Field. Ms. Letavic stated that she understands that looking for a grant for this is important to the Board, so in front of the Commissioners this evening is a packet of information regarding the project. At the last Recreation Board Meeting, the focus was on the park as a whole. However, with the addition of the new scoreboard at Memorial Field, Ms. Letavic suggested it might be a good idea to focus improvements on that particular field. Originally, there was discussions on upgrading the lighting, and quotes were obtained. Ms. Letavic explained that the packet of information identifies a number of other improvements. One of these is replacement of the existing bleachers. While the bleachers are not in poor shape, they do not meet today's safety standards. Other improvements include designating additional areas of pavement around the concession stand areas. Also, if the Township does decide to replace the bleachers, it is suggested that wheelchair spaces be designated along the side of them. Trash and recycling receptacles are also suggested to be replaced. Ms. Letavic called the Board's attention to the last page of the handout, which is the estimated grant budget if the Board wishes to proceed. It includes LED lights, bleachers, an ADA walkway extension, striping and

ADA wheelchair spaces, and replacement of recycling and trash bins. If the Board wishes to proceed, the grant application will be due at the end of the month. Included in the information packet is a draft resolution that can be approved tonight for inclusion in the grant application. Total estimated cost of the project is \$124,630. This grant program is an 85/15 split, so the Township's match would be approximately \$19,000.

President Mehaffie asked the condition of the backstop. Commissioner Truntz explained that it is old, but serviceable. President Mehaffie suggested it would be nice to have one constructed like the new one at the Shope Gardens Park.

Commissioner Davies asked if there are any grants available for the efficiency increase to upgrade to LED lights. He added that PPL used to have a grant program for this purpose. Ms. Letavic explained that interestingly enough, the vendor indicated that there is not an anticipated significant reduction in electrical usage expected. For that reason, there may not be a grant opportunity. The LED upgrade is still being recommended, however, because the lights are lower maintenance and last longer.

Commissioner Davies asked if the bleacher replacement is for both base lines. Ms. Letavic confirmed that is correct, but only for this particular field. He also inquired if ADA access improvements include ramp access onto the bleachers. Ms. Letavic explained that this is not proposed. ADA regulations state that compliance can be gained by identifying a space for accessibility adjacent to the bleachers. In addition, one or two spaces may need to be painted off to designate spaces for friends/family that will sit with the individual needing the ADA space.

Commissioner Truntz stated that the estimated cost to the Township is \$18,600. Since many of the big ticket items pertain to ADA compliance, there may come a point when the Township has to do them anyway, and would have to pay more than that, and out of its own pocket.

Vice President Wilt agreed that since it is an 85% grant, he feels the Board should proceed. He added that with 85% being covered, it would be wise to include the backstop. Ms. Letavic agreed that it could be added to the application. President Mehaffie suggested the Board may want to raise the amount to \$150,000, and see where it comes in.

Commissioner Truntz asked if the grant deadline will place any unusual demands on the staff. Ms. Shambaugh responded that not that she is aware of, but if it does she will ensure that it gets done.

Solicitor Henninger suggested Ms. Letavic check to see if any legal support for the project should be included in this budget.

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve Resolution No. 2016-R-12, which requests a Greenways, Trails and Recreation Program (GTRP) grant application not to exceed \$250,000 (the maximum amount of the grant) from the Commonwealth Financing Authority to be used for Memorial Field Improvements. The motion was unanimously approved.

The Capital Improvements Plan – PENNVEST Funding for Stormwater Projects was discussed. The Board had been provided with a spreadsheet which proposes a five year plan and associated costs. The Highland Street Culvert and the second Richardson Road Culvert are identified and are recommended to be funded through a DCIB loan at some point in the near future. Four stormwater projects that really stood out as being a good fit for PENNVEST funding are also listed. These will not require an excessive amount of permitting. The four that are being recommended include Rosedale Manor, Nissley/Richard/Donald/Burd, Georgetown, and Longview Drive from Ebenezer Road to Strites Road. The recommendation is to consider the two culverts for one DCIB application. Subtotals are shown at the bottom of the page for both of these projects. Ms. Letavic added that the DCIB subtotal shown does not include a feasibility study for the Highland Street Bridge, but assumes the Township will look at one material, one size, and proceed with that.

The four stormwater projects are projected to cost 2.4 million dollars. PENNVEST is a loan/grant program, 50% of each. The loan is a 1% loan with a term of 30 years. Therefore, this project would involve a 1.2 million dollar grant and a 1.2 million dollar loan.

Commissioner Davies referenced the Highland Street Bridge project, and asked if it was feasible for the Township to do a DCIB submission by the September deadline. Ms. Letavic explained that since there is no engineering required, the deadline is doable.

President Mehaffie asked the total costs of all six projects. Ms. Letavic explained that to complete all six projects in the next three years, the Township would be borrowing on the order of 1.9 million dollars, and would receive 1.2 million dollars in grant funding.

Ms. Letavic explained that the agenda includes approval of the scope of work for PENNVEST funding. While the deadline is November, all engineering must be completed in time for the application, and permits must be in hand. She added that she understands that DEP

is understaff and overwhelmed with this permitting right now. Commissioner Davies asked the commitment in terms of engineering fees to get things rolling. Ms. Letavic explained that she does not have the scope of work for the DCIB loan yet, since she wanted to first see what direction the Board wished to go. The PENNVEST scope of work was included in the Board packets. To get the four projects to the point where they could be constructed, as per PENNVEST requirements, would cost an estimated fee of \$188,325. This would be to engineer the four projects to a point where they would basically be “shovel ready”. In response to a question from President Mehaffie, Ms. Letavic agreed that the \$189,000 in engineering fees will be included in the application; ½ will be reimbursed through the grant, and ½ will be rolled into the loan. She added that she does anticipate a favorable response to the grant request. PENNVEST is starting to fund stormwater, and she recommended that the Township get in on this opportunity early before it becomes competitive.

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve a scope of work to complete engineering design and permitting in support of a PENNVEST application for storm sewer improvements as set forth in the June 10, 2016 letter from HRG. The motion was unanimously approved. The Board also directed Ms. Letavic to submit a scope of work for the Highland Street Bridge and Richardson Road Culvert 2.

Ms. Letavic reported that the Richardson Road Bridge #1 is still out to bid. The bid opening is scheduled for June 28.

A meeting with CVS, the Township, HRG, and landscaper representatives occurred on June 7. The Township was offered reimbursement of \$100 for live stakes replacement. Live stakes are not available this time of year; replanting will occur this fall. Ms. Letavic noted that she did drive by the area and observed that the grass appears to be growing in the flagged-off areas.

Ms. Letavic reported on the abbreviated traffic count for Old Reliance. Traffic counts were completed on Powderhorn Road as requested by the Board. Of the 1171 vehicles counted over a 53-hour period, five exceeded 35 mph and none exceeded 40 mph. The posted speed limit is 25 mph. Ms. Letavic explained that data does not necessarily support that excessive speeding is occurring, although she agreed that it could certainly appear that way to a resident seeing a car

zip by his or her front yard. President Mehaffie asked Ms. Shambaugh to report these findings to the residents who expressed concern about speeding at this location.

Ms. Letavic informed the Board that she will again make contact with the new manager of the Borough of Middletown regarding status of the update of the Borough's Zoning Map.

MANAGER'S REPORT:

Ms. Shambaugh referenced a letter from PennDOT regarding a construction project on North Union Street over PA 283 as well as a detour route. PennDOT will begin construction to repair this bridge on September 1 and expects the work to last through November 22. The project is the result of damage to the bridge by a tractor trailer, leaving it unsafe. PennDOT is asking that the Township sign off on the memo of understanding. A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve a Memorandum of Understanding between Lower Swatara Township and Penn DOT for the construction project to repair the North Union Street Bridge over PA 283. A roll call vote was taken with the following ballot tabulation: Commissioner Truntz – aye, Commissioner Springer – aye, Commissioner Davies – aye, Vice President Wilt – aye, President Mehaffie – aye. The motion was approved by a 5 – 0 margin.

President Mehaffie reported on future meetings and events:

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| June 18 | 7 PM | “Movie in the Park” at Shope Gardens Park |
| June 23 | 7 PM | Planning Commission Meeting |
| June 27 | 7 PM | Municipal Authority Meeting |
| July 6 | 7 PM | Board of Commissioners Workshop Meeting |

Mr. Greene added that the Zoning Hearing Board has scheduled a continuance of a hearing on July 14 on the variance request for the Dickerson property and some other properties on North Union Street. Solicitor Henninger explained that at least one of the property owners dropped out of the application, which necessitates an amended application and a continuance of the hearing.

SOLICITOR'S REPORT:

Solicitor Henninger reported that he had forwarded the Board a letter from Jeffrey Engle, solicitor for the Dauphin County Board of Assessment Appeals, regarding a tax appeal filed by Phillips Real Estate Investment Partnership. Phillips feels that the fair market value of its property is \$2,500,000. The County's implied fair market value is \$3,157,800. The difference is

\$657,000. At the Township's current millage rate, that is a \$2,800 difference in taxes. An expert needs to be hired to do a formal appraisal. Historically, the cost of this is broken down by millage rates. The Township's share would be an amount not to exceed \$763.20. Since this is a \$2,800 a year potential loss, Solicitor Henninger recommended that the Board approve its share of the costs to do an appraisal. A motion was made by Commissioner Davies, seconded by Commissioner Springer, to approve an expenditure not to exceed \$763.20 in regards to Phillips Real Investment Partnership versus Dauphin County Board of Assessment Appeals. The motion was approved by a 4 – 0 margin, with Commissioner Truntz abstaining from the vote due to a potential conflict of interest.

COMMITTEE REPORTS:

Police Committee – Vice President Wilt -- reported that with Chief Brandt retiring at the end of this month, the Board is looking at different options and talking to the sergeants about the future of the Police Department. Commissioner Truntz asked about the status of hiring the two new officers. Ms. Shambaugh responded that she had just received the formal background checks for each of the four candidates. The candidates must be hired in accordance with the regulations of the Civil Service Commission. Because two are being hired, the Township must interview four. One of the candidates is a veteran, and according to the Civil Service Commission, that is all but an automatic hire. The next step is to schedule interviews for the candidates. Ms. Shambaugh stated that it is her understanding that the entire Board usually participates in the interviews for police officers. She asked if the Board would like to schedule the interviews prior to the July 6 or July 20 meeting, or on another date. Vice President Wilt remarked that the interviews take time, so it would not be a good idea to schedule them before a meeting. Commissioner Truntz suggested the interviews be held sooner rather than later. President Mehaffie asked if July 5 would work for the Board members. Commissioner Truntz stated this date would probably not work for him. President Mehaffie explained that he will not be available for a period after July 7. He noted, however, that the interviews need to be done and can be done without him. Ms. Shambaugh was asked to provide the Board with some tentative dates. Commissioner Truntz added that he understands that an officer is going out on medical leave, which will necessitate overtime. He asked if efforts will be made to avoid double shifts. Ms. Shambaugh confirmed that with the second officer going out on medical leave, Chief Brandt had already

spoken to one of the detectives who will be coming out of his detective role and going back into a uniformed role. This will continue until such time as the new officers that are hired are brought up to speed and can help cover those shifts. She explained that according to the police contract, a 30-day notice is required to the detective, so there will be a three-week period where the detective cannot cover the shift. The Township will have to cover the shifts with the officers that are available. Chief Brandt has spoken to Sergeant Young, who is the daylight supervisor and is currently working on the scheduling. Attempts are being made to ensure that officers only work four hour overtime shifts. This means the officer coming off of the 3:00 shift would work four hours on the next shift, and the officer coming in at 7:00 would come in four hours early and cover the rear end of that shift. This will be done as often as possible. However, some of the officers do have pre-arranged vacations, so this will not always be possible. In response to a question from Commissioner Truntz, Ms. Shambaugh confirmed that the detective cannot go on patrol duty until 30 days after he received the notice. President Mehaffie asked the cut-off date for applications for the Public Safety Director position. Ms. Shambaugh reported that the Township has six candidates thus far, all with extensive law enforcement backgrounds. The ad states that applications will be accepted until the position is filled. The Board agreed to accept applications up until this Monday.

Public Safety Committee – Commissioner Springer -- no report

Budget & Finance – Commissioner Davies -- no report

Public Works – Commissioner Truntz -- reported that the Department is busy mowing, doing pavement repairs, sealing, etc. President Mehaffie noted that the Board had discussed getting quotes for paving. He asked if Ms. Shambaugh had gotten the quotes back yet. Ms. Shambaugh explained that she had not. Plans are to advertise for quotes on the last Sunday in June with an anticipated opening on July 18, and potential award on July 20. President Mehaffie asked if this work will be done prior to school reopening. Ms. Shambaugh agreed that it will be. President Mehaffie suggested that Ms. Shambaugh confirm the date with Dr. Suski and include the date in the scope of work.

Community and Economic Development – President Mehaffie -- reported that Fire Chief Brown had emailed him today about a glycol leak at the new high school, which got into the storm system and made it down to University Drive and College Avenue at Penn State. This is a non-hazardous, bio-degradable glycol and will be cleaned up this evening. He thanked Mr. Greene,

staff, and the MS4 team for going out and addressing this. Mr. Greene added that the Public Works Department was out there all afternoon attempting to find the source. DEP was immediately notified, and was also present.

UNFINISHED BUSINESS:

The Board tabled the Final Land Development Plan of Residential Retirement Community, Phase 1, File #2007-14, 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, June 18, 2014, October 1, 2014, December 17, 2014, March 18, 2015 and July 1, 2015. The Board, at its October 7, 2015 meeting, granted a time extension to January 20, 2016. The Board, at its January 20, 2016 meeting, granted a time extension to April 20, 2016. The Board, at its May 4, 2016 meeting, granted a time extension until July 20, 2016.

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. Time extensions were granted by the Board of Commissioners on May 15, 2013, August 21, 2013, November 20, 2013, February 19, 2014, May 21, 2015, October 15, 2015, January 21, 2015, May 18, 2015, August 19, 2015, and November 18, 2015. The Board, on February 17, 2016, granted a time extension until May 18, 2016. The Board, on May 18, 2016, granted a time extension to expire on August 17, 2016.

Ms. Letavic recommended that the Board table the next item, which is the scope of work for engineering services to replace the Highland Street Bridge. She added that this will most likely not reappear on the agenda. It will instead be wrapped into a separate scope of work with the second Richardson Road Bridge for funding purposes. The Board agreed to table this item.

NEW BUSINESS:

Ms. Shambaugh reported that the first item under New Business is approval of a Confined Space Entry Policy and Protocol. The Board had been provided a draft of this document at the last meeting, and had asked that a specialist review it. Ms. Shambaugh explained that the specialist is on vacation this week. She asked that this be tabled until the July 6 workshop meeting. The Board agreed to table this item.

The Board discussed the Final Subdivision Plan for Noah W. Kreider & Sons, File #2016-02, located at 420 and 480 Longview Drive. Mr. Greene explained that this is a minor subdivision. They are basically just swapping some property – it is a non-building lot. He noted that the Planning Commission, at its May 26 meeting, recommended conditional approval including nine Waivers: (1) §22-404 – Preliminary Plat Procedure; (2) §22-403.1A(1) – Soil Erosion and Sedimentation Control Plan; (3) §22-403.1.A(2) – Sheet size no larger than 14” x 36”;

(4) §22-403.1.A(2)(e) – Separate drawings of proposed Lot (1 inch equals 100 feet);
(5) §22-403.1A(2)(e) – Five Foot Interval Contours; (6) §22-403.1A(2)(f) – Location Map Minimum Scale (1 inch equals 1,000 feet); (7) §22-502.3.A – Roadway widening;
(8) §22-606 – Installation of Curbs; (9) §22-607 – Construction of Sidewalks. Karen Cupp, representing the plan, added that it is her understanding that they will continue to farm this property. Solicitor Henninger stated that the first six waiver requests are fairly standard ones and are recommended by staff, engineer and solicitor. He stated, however, that he would not recommend a waiver of the last three requests. Over the past few years, the Board has granted deferrals on similar requests rather than waivers. The Planning Commission is fully aware of the Board’s position, but felt under these circumstances, with this property just being taken off the back of that farmland, that these requests could be totally waived. Solicitor Henninger stated that he personally disagrees, and would recommend that the Board grant the first six waiver requests and grant deferrals on the last three waiver requests: deferral of roadway widening, curbing, and sidewalks. There are also a few minor comments that need addressed. A motion was made by Vice President Wilt, seconded by Commissioner Springer, to grant waivers 1 through 6 -- (1) §22-404 – Preliminary Plat Procedure; (2) §22-403.1A(1) – Soil Erosion and Sedimentation Control Plan; (3) §22-403.1.A(2) – Sheet size no larger than 14” x 36”;

(4) §22-403.1.A(2)(e) – Separate drawings of proposed Lot (1 inch equals 100 feet); (5) §22-403.1A(2)(e) – Five Foot Interval Contours; (6) §22-403.1A(2)(f) – Location Map Minimum Scale (1 inch equals 1,000 feet). The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to grant deferrals on waiver requests 7 through 9: (7) §22-502.3.A – Roadway widening; (8) §22-606 – Installation of Curbs; (9) §22-607 – Construction of Sidewalks. The motion was unanimously approved.

With the waivers and deferrals addressed, a motion was made by Commissioner Truntz, seconded by Vice President Wilt, to approve the Final Subdivision Plan for Noah W. Kreider & Sons, File #2016-02, located at 420 and 480 Longview Drive, subject to the outstanding comments. The motion was unanimously approved.

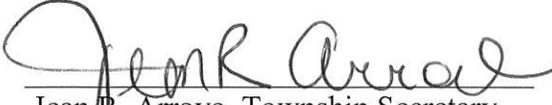
Ms. Letavic explained that she is recommending a revision to the next agenda item which is worded as follows: “Approve/reject the Improvement Guarantee Reduction, Irrevocable Standby Letter of Credit No. 1011547 for site improvements for Campus Heights Village I, KGH Properties, LP, File #2011-03 requesting a reduction of \$7,568.96 from the current amount of \$7,568.96 leaving a balance of \$0 conditioned on receiving a Maintenance Guarantee in the amount of \$39,063.00 for 15% of the total improvement guarantee estimate. Maintenance Guarantee shall remain in place for a period of 18 months from date of receipt.” She explained that she is recommending that the existing irrevocable standby letter of credit at its current amount not be reduced, but instead be held for the maintenance guarantee, but only on the storm pond because it is the only improvement that has changed in the past year. Solicitor Henninger agreed that the other work has been done, and concurred with Ms. Letavic’s recommendation. A motion was made by Vice President Wilt, seconded by Commissioner Truntz, to retain the Irrevocable Standby Letter of Credit No. 1011547 for site improvements for Campus Heights Village I, KGH Properties, LP, File #2011-03 in the amount of \$7,568.96 as a Maintenance Guarantee for a period of 18 months. The motion was unanimously approved.

President Mehaffie noted that the Board had received correspondence from Valley Baptist Church, 1190 North Union Street, asking permission to use both the Rosedale and Georgetown playgrounds on July 10 through July 14 (6:30 PM to 8:00 PM) for its Backyard Bible Club. Vice President Wilt stated that the church has done this for a number of years now, and it is a good program for the community. A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve a request from Valley Baptist Church to use these two playgrounds from July 10 through July 14. The motion was unanimously approved.

ADJOURN:

Hearing no other business, a motion was made by Vice President Wilt, seconded by Commissioner Truntz, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:15 P.M.

ATTEST:


Jean R. Arroyo, Township Secretary

PLEASE PRINT NAME CLEARLY

Board of Commissioners Legislative Mtg. – June 15, 2016

NAME	ORGANIZATION (IF APPLICABLE) OR ADDRESS
Eric Wise	Press And Journal
RONALD J. PAUL	2 RICHARD AVE.
CHRIS DEHANT	OLD RELIANCE RD
Rod + Bonnie Kimer	544 N wood st
NORM FAYE	
Nancy Avolese	1451 N. Union St.
N. Pondergrass	1835 BRIARCREEK LN
Karen Cupp	ACT ONE & ASSOCIATES