

MINUTES

LEGISLATIVE MEETING – OCTOBER 15, 2014

The October 15, 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
- Samuel D. Monticello, Manager
- Robert S. Greene, Planning and Zoning Coordinator
- Daniel L. Wagner, Public Works Superintendent
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, Engineer
- Jean R. Arroyo, Recording Secretary

Absent:

- Michael J. Davies, Commissioner
- Dominic D. DiFrancesco II, Commissioner

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

President Mehaffie opened the floor for public comment.

PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the Minutes of the September 17, 2014 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Springer, seconded by Vice President Wilt, to approve the Minutes of the October 1, 2014 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the payment of bills as presented on Warrant No. 2014-9. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner Springer, seconded by Vice President Wilt, to approve the Treasurer's Report for September 2014. The motion was unanimously approved.

ENGINEER'S REPORT:

Erin Letavic, HRG, reported that the contract for the Greenfield Park Well Irrigation Project was awarded to Rogele, Inc. A pre-construction meeting was held with the Township staff and HRG last week. There is no confirmed schedule at the moment, but all expectations are that the contractor will be able to initiate the pipe and trenching work for the irrigation portion while they await the pump to come into stock. It typically takes four to six weeks for materials to be ordered and delivered.

The bid opening for the Riverview Drive Drainage Project appears later on the agenda, and will be addressed at that time.

The Township Solicitor has confirmed that the Librandi property is indeed located in the Borough of Middletown. To that end, there are a few municipal boundary corrections that should be made along the Township/Borough line. The Borough is also aware of the discrepancies and is interested in the County GIS database being updated. HRG is coordinating that effort with the County, as this is a fairly significant undertaking.

Ms. Letavic reported that she had attended the Harrisburg Regional Chamber & CREDC Environmental & Energy Subcommittee meeting on October 7, 2014 to listen to Kelly Hefner, PADEP, speak to the new Chesapeake Bay Agreement, signed in June of 2014. New initiatives are being developed in the coming year that will affect local municipalities, especially MS4 communities like Lower Swatara Township. Ms. Letavic noted that that these initiatives are not yet known, but committees are being established to determine how to comply. DEP is not paying consultants for this; it is interested in local government getting involved. Ms. Letavic encouraged the Board and staff to consider getting involved in this effort with DEP. She

referenced a snippet from the actual agreement that includes what the partnership is intended to look like. One of these things is to acknowledge, support and embrace local governments and other local entities and watershed restoration and protection activities. She noted that this is all good for the MS4 program, but it does take money. Ms. Letavic again stated that if the Township wants its voice heard, it should get involved. President Mehaffie agreed that the Township should be represented, and inquired how one gets on a committee. Ms. Letavic will look into this and report back to the Board. President Mehaffie stated that being on the Executive Board of the State Association of Township Commissioners, he can say that this entire process has been time consuming and sometimes overwhelming. He noted that John Thomas at Hampden Township represents the state on this, and has done a very good job.

Robert Greene, Planning and Zoning Coordinator, announced that on October 1, 2014, the Zoning Hearing Board held a Special Meeting at which time it appointed John Davidson from the law firm of Yost & Davidson to serve as the Solicitor for the Zoning Hearing Board. Attorney Davidson has been notified of his appointment, and meeting minutes are available for anyone desiring a copy.

SOLICITOR'S REPORT:

Solicitor Henninger referenced the gaming grant which the Township was awarded for a new special unit and boat for the Fire Department. The special unit will be purchased through the state COSTARS program, and therefore not required to be placed out for bid. The boat, however, will need to be publicly bid. Chief DeHart, Chief Brown, Mr. Monticello and Solicitor Henninger met last week to review and tweak the bid specifications and draft bid advertisement. The notice of bid will be placed one time in the Patriot-News. The pre-bid conference will be scheduled for November 3, with bids to be received on November 21 and opened on November 24. The bids will possibly be awarded at the Board's December workshop meeting. Solicitor Henninger added that the Township will also need a very simple letter agreement with the Fire Department stating that any amount for the vehicle and the boat that exceeds the grant funds will be the responsibility of the Fire Department. Solicitor Henninger stated that he is looking for Board authorization to advertise the notice for bids. A motion was made by Commissioner Springer, seconded by Vice President Wilt, to authorize the advertisement for bids for the boat, with the understanding that there will be a signed letter agreement stating that

the Fire Department is responsible for any expenses over and above the grant amount. The motion was unanimously approved. In response to a question from Chief DeHart, Solicitor Henninger agreed that the Board should also take action on moving ahead with the special unit. A motion was made by Commissioner Springer, seconded by Vice Wilt, to authorize the Fire Department to move forward with the COSTAR purchase of the special unit, with the understanding that there will be a signed letter agreement stating that the Fire Department is responsible for any expenses over and above the grant amount. The motion was unanimously approved.

MANAGER'S REPORT:

Mr. Monticello referenced a copy of the Renewal of the Trust Agreement with the Susquehanna Municipal Trust for 2015 for workers compensation insurance. A preliminary draft of this was presented back in August. It has not changed since that time. The rate for 2015 is the same as this year, 2014. However, there will be a change in the Township's experience modification. It was .742 in 2014 and will be .903 in 2015. This was expected because of some past situations. The higher rate will be blended over a three year period. A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the adoption of the Revised Trust Agreement with the Susquehanna Municipal Trust. The motion was unanimously approved.

The Local Share Municipal Grant Application Hearing is scheduled for November 12, 2014 at 4:30 P.M. Mr. Monticello stated that it is important to get a Board member in attendance, if at all possible. President Mehaffie agreed to attend.

Mr. Monticello noted that the Township had received a Letter of Support from Representative Payne for the Commonwealth Financing Authority (CFA) Greenways, Trails and Recreation Program funding request submitted by Lower Swatara Township for playground improvements and recreational initiatives at Shope Gardens Park and Old Reliance Park. He thanked Representative Payne for his support. President Mehaffie thanked both Representative Payne and Senator Folmer for helping in this effort.

President Mehaffie acknowledged receipt of a letter from Paul Swartz expressing his concerns with the potential warehouse project in the North Union Street/Longview Drive corridor and its impact on the Nisley Swartz Cemetery, which has been in existence since 1803.

President Mehaffie thanked Mr. Swartz for providing this information.

President Mehaffie highlighted future meeting dates and events:

October 23	7 PM	Planning Commission Mtg.
October 27	7 PM	Municipal Authority Mtg.
October 30	6 PM – 8 PM	Trick-or-Treat
November 4	General Election – Township Offices Closed	
November 5	6 PM	Recreation Board Meeting
November 5	7 PM	Board of Commissioners Workshop

COMMITTEE REPORTS:

Police Committee – Vice President Wilt – noted that on November 6, from 2:00 P.M. through 7:00 P.M., the Department of Health will be distributing potassium iodide tablets here at the Township Building.

Public Safety – Commissioner Springer – asked Chief DeHart how the Fire Department’s Open House went. Chief DeHart stated that it went very well and was well attended, with about 300 residents in attendance. Commissioner Springer apologized for not being able to attend due to a family emergency. Commissioner Springer also referenced a suggestion from Commissioner Davies, recommending the Township consider increasing its supplies of personal protective equipment. He stated that this is something that should be considered. President Mehaffie agreed.

Public Works – President Mehaffie – reported that the Public Works Department was working at the soccer fields today. The fall project of punching, seeding and fertilizing was started. He added that they did get the earthquake machine out there today. President Mehaffie asked Mr. Wagner if the work was finished. Mr. Wagner estimated that it is about $\frac{3}{4}$ of the way finished. President Mehaffie also referenced an invitation to the Olmsted Soccer Fall Festival, scheduled for November 8 and starting at 1:00 P.M.

UNFINISHED BUSINESS:

The Board tabled 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.

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 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 and August 20, 2014. The plan is due to expire on November 18, 2014. Upon acceptance of the 90-day time extension, the plan will 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:

The first item for Board action was the approval of the award of the Riverview Drive Sewer and Drainage Improvements Project, Contract No. 2014-02. Ms. Letavic called attention to a Recommendation of Award letter from HRG to accept the bid of BP Paterson Inc. for a unit price bid amount of \$212,282.35 subject to receipt of performance and payment bonds which have not yet been received. She noted that BP Paterson has also provided miscellaneous information, including a list of equipment, experience, references, etc. She called the Board's attention to a certified bid tabulation of the six bids received. In addition, a spreadsheet has been provided which breaks down the low bid expenses in terms of expenses realized by the Municipal Authority and expenses realized by the Township. Ms. Letavic explained that this is a sewer and drainage project, but is being bid under one contract. The Municipal Authority will pay for sewer related expenses and the Township will pay for the stormwater drainage related expenses. A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve award of the Riverview Drive Sewer and Drainage Improvements Project, Contract No. 2014-02, to BP Paterson, Inc. in the amount of \$212,282.35. The motion was unanimously approved. President Mehaffie requested that Mr. Wagner provide a heads-up, possibly via a letter, to the affected residents when the work will start.

The Board acknowledged the hiring of Edward A. Finsterbush, Jr., effective October 6, 2014, as a Laborer for the Public Works Department. President Mehaffie noted that Mr. Finstersbush had recently been hired as a part-time laborer, but was moved to a full time employee due to retirement in the department.

A motion was made by Commissioner Springer, seconded by Vice President Wilt, to approve the release of the 18 month Maintenance Guarantee, Letter of Credit # 155, in the amount of \$14,230.55 for site improvements to Middletown Management Associates, Pinnacle Health/Medical Building, File # 2010-05. This release from the current balance of \$14,230.55 will leave a balance of \$0.00. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the Improvement Guarantee Reduction in the amount of \$23,657.26 for improvements associated with Lawrence Street Relocated "Lower Portion", File # 2011-08, "50% (\$11,828.63) from KGH Properties, LP Letter of Credit # 2011547 and 50% (\$11,828.63) from Lawrence Street Partners, LP Letter of Credit # D005924. The motion was unanimously approved.

In addition, a Maintenance Guarantee in the amount of \$41,387.81, 50% (\$20,693.91) from KGH Properties, LP and 50% (\$20,693.91) from Lawrence Street Partners, LP which is 15% of the original improvement total amount of \$275,918.74, needs to be submitted and held for a period of 18 months following the acceptance of Lawrence Street “Lower Portion” by the Township. In response to a question from President Mehaffie, Solicitor Henninger stated that he will contact both developers about providing the necessary signatures prior to the next Board meeting. A motion was made by Commissioner Springer, seconded by Vice President Wilt, to require that a maintenance guarantee in the amount of \$41,387.81, 50% (\$20,693.91) from KGH Properties, LP and 50% (\$20,693.91) from Lawrence Street Partners, LP which is 15% of the original improvement total amount of \$275,918.74, shall be submitted and held for a period of 18 months following the acceptance of Lawrence Street “Lower Portion” by the Township. The motion was unanimously approved.

FINAL COMMENTS:

President Mehaffie requested the Board convene in executive session immediately upon conclusion of this evening’s meeting in order to discuss a contractual issue with the Solicitor.

President Mehaffie suggested the Board schedule its annual budget meeting to go over the draft budget with the public. The Board members agreed to schedule the budget meeting one hour prior to the November 5 workshop meeting. President Mehaffie added that the anticipated schedule would be to approve advertisement of the proposed budget at the November legislative meeting. It would then be put on public display for a minimum of twenty days, and formally acted on in December. President Mehaffie also suggested that all department heads attend the meeting in order to provide input or answer questions. Ms. Arroyo was directed to advertise the meeting.

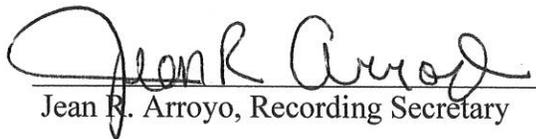
Mr. Wagner questioned where things stand with the proposed sign ordinance. Solicitor Henninger stated that he had received emails from Officer Josh Malott about this. The procedure would be to come up with the desired locations, authorize advertisement of the draft ordinance, and then formally act on the ordinance. Mr. Wagner added that HRG had indicated that Swatara Township was agreeable to the Township using the traffic study that it had already performed on three of the roads involved. President Mehaffie added that Lower Swatara is also still waiting on its own traffic study for North Union Street. Ms. Letavic stated that she had

recently spoken to Mr. Monticello about an issue with this. After going through about 50% of the scope of work, it was recognized that a restriction cannot be put on North Union Street without performing pavement corings. This, however, is an additional expense. If pavement corings are done, it is best to include any other roads that may also need to be restricted. A subcontractor will have to take the cores in the roads, and it will cost extra to have them immobilized more than once. Ms. Letavic suggested it might be best to wait and get this expense in next year's budget in order to do more roads and get more bang for the buck. At this point, she recommended that the Township move forward with the restrictions for which there are already supporting studies. A game plan can then be put together for the roads that need to be included in the 2015 budget. President Mehaffie requested Ms. Letavic to put together a budget for this work.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, a motion was made by Vice President Wilt, seconded by Commissioner Springer, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:39 P.M.

ATTEST:


Jean R. Arroyo, Recording Secretary

