

MINUTES

LEGISLATIVE MEETING – FEBRUARY 20, 2013

The February 20, 2013 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Frank Linn, Sr.

Roll call was taken with the following officials in attendance:

- Frank Linn, Sr., President
- William L. Leonard, Jr., Vice President
- Michael J. Davies, Secretary
- Thomas L. Mehaffie III, Commissioner
- Jon G. Wilt, Commissioner
- Harry N. Krot, Township Manager
- Brenda K. Wick, Planning and Zoning Director
- Steve Anderson, Public Works Director
- Alan Knoche, Code Enforcement Officer
- Peter R. Henninger, Solicitor
- Jean R. Arroyo, Recording Secretary

Residents and visitors in attendance:

PLEASE SEE ATTACHED SIGN-IN SHEET

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

PUBLIC COMMENTS:

Ruth Helwig, 341 W. High St., stated that she would like to make some comments after KGH has addressed the Board on its zoning amendment request.

UPDATE ON RESIDENTIAL RETIREMENT COMMUNITY:

Mark Will (Fulling Road LLC) and Paul Navarro (Navarro & Wright) updated the Board on the status of the Residential Retirement Community Plan. Mr. Will reminded the Board that the developer had been contemplating a change in the zoning to remove the age restriction component. This was mainly due to financing. There is, however, a buyer for the property who

is in the process of obtaining financing with the age restricted stipulation on the property. Hopefully this will move the project forward. President Linn asked if the issues with Highspire had been squared away. Mr. Navarro explained that things are moving along. He thanked the Board for the Township's letter of support for the gaming grant. An application was submitted, with Highspire as a co-applicant. The Dauphin County Board of Commissioners announced last week that the project was awarded \$140,000, which will certainly help with the off- site improvements. Mr. Navarro noted that they will be meeting with Highspire tomorrow to establish a time frame for the work, as the grant does have a time frame associated with it. With another piece of the puzzle completed, it looks like this project will be much more economically viable. Mr. Navarro added that this also impacts the Williams' project (Bryn Gweled Subdivision) and should help move it forward.

APPROVAL OF MINUTES:

A motion was made by Vice President Leonard, seconded by Commissioner Wilt, to approve the Minutes of the January 16, 2013 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the Minutes of the February 6, 2013 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Vice President Leonard, to approve the payment of bills as presented on Warrant No. 2013-1. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to approve the Treasurer's Report for January 2013. The motion was unanimously approved.

ENGINEER'S REPORT: None

SOLICITOR'S REPORT:

Solicitor Henninger reported that he has been working with Mr. Krot and Ms. Wick on various items. He referenced an addendum to the agenda regarding an agreement with CenturyLink for an easement for an anchor. Although he did review this agreement, Solicitor Henninger stated that he would like to discuss this with the Board in executive session since it involves the potential transfer of a real estate interest. He asked that any action on this item be deferred until after that time.

MANAGER'S REPORT:

Mr. Krot reported that the auditors will be here next week to conduct the 2012 audit. He noted that he and other staff members will be participating in a teleconference next week pertinent to the phone system upgrade.

COMMITTEE REPORTS:

Police Committee – Vice President Leonard – reported that the hiring process for the police department continues. Background checks are being conducted at present time. Chief Brandt was scheduled to meet with the new Middletown Police Chief this afternoon and will provide an update to the Board on this meeting. Work is progressing on the Fire Department's new Rescue truck. Vice President Leonard reported that he will be attending a meeting of the Penn State Advisory Board on March 1 and will provide an update to the Board.

Public Safety – Commissioner Wilt – reported that with the exception of the Police Committee, none of his committee assignments had any recent meetings.

Public Works – Commissioner Mehaffie – reported that the purchase of the freightliner truck is on tonight's agenda. Mr. Anderson, Public Works Director, is also in attendance and can answer any questions regarding the Public Works Department.

Budget and Finance – Commissioner Davies – reported that cash receipts for the month of January totaled \$162,901.67. Historically January is slow for cash flow in. The major sources of revenues were from the broad category known as accounts receivable from 2012. During the month of January, the Township had receipts of close to \$100,000.00 in such receivables all of which were recorded against the 2012 budget and other miscellaneous receipts. Cash expenditures totaled \$397,757.93 and were comprised of the three transfers to the payroll

account, all outstanding invoices from 2012, and all invoices due and payable. Investments totaled \$521,728.26 with an average annual yield of 0.5%.

Community and Economic Development – President Linn – no report

UNFINISHED BUSINESS:

Mr. Krot stated that no action is required on agenda items A, B and D. A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to table the Final Subdivision Plan of Bryn Gweled East (26 lots), the Final Land Development Plan of Residential Retirement Community Phase 1, and the Revised Five Oaks Village (Mobile Home Park) Plans. The motion was unanimously approved.

Mr. Krot noted that a 90-day time extension had been submitted by Ronald Burkholder, the developer of the Final Subdivision Plan of Old Reliance Farms, Section 18-B (9 lots). This plan was prepared by Dauphin Engineering, Inc. and submitted by Old Reliance Partnership. It was recommended for approval by the Planning Commission on May 27, 2010. A 90-day time extension was granted by the Board on April 21, 2010. A one-year time extension was granted on July 21, 2010. Additional 90-day time extensions were granted on July 20, 2011, October 19, 2011, January 18, 2012, May 16, 2012, August 15, 2012, October 17, 2012. A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to acknowledge a 90-day time extension, as submitted by the developer on February 1, 2013 (the plan will expire on May 20, 2013). The motion was unanimously approved.

NEW BUSINESS:

Mr. Krot reported that the first plan under New Business is the Final Land Development Plan for Sheetz, Inc., as prepared and submitted by K&W Engineers & Consultants. The Planning Commission conditionally approved the plan and five waiver requests on December 20, 2012 and January 24, 2013. The approvals were conditioned on the stipulation that all comments from HRG and the staff must be addressed. A 90-day time extension was granted by the Board on January 16, 2013. The plan is due to expire on April 23, 2013. He explained that a discussion of the requested waivers was anticipated; the plan has outstanding comments from HRG and staff. Mr. Krot referenced a letter from K&W Engineers & Consultants requesting that the plan be tabled from action or discussion tonight. They do plan to attend the Board's

workshop and legislative meetings in March. Ms. Wick added that there are a few stormwater comments that they are still working through. A motion was made by Vice President Leonard, seconded by Commissioner Davies, to table the Final Land Development Plan for Sheetz, Inc. The motion was unanimously approved.

Mr. Krot introduced Catherine Kilgore from the District Attorney's office, who is here tonight to update the Board on the BASLE grant. Ms. Kilgore explained that the primary purpose of this grant is to improve information sharing between police forces. This has been a huge undertaking, and due to some technical issues, there is a request for an additional time extension on this grant. A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve a request by the District Attorney's Office for a time extension to the BASLE grant to September 30, 2013. The motion was unanimously approved.

Mr. Krot stated the next item pertains to a request by Deimler and Sons Construction to waive the building permit fees associated with the construction of a home on Morgan Drive through a program that builds homes for service people who have been seriously injured in the line of duty. Alan Knoche, Township Code Enforcement Officer, explained that the Township received a permit application to build a new home on Morgan Drive. This one is special, since it is an accessible home for someone who has given a great deal to our country, Sergeant Dennis Leonard. Mr. Knoche stated that in his thirteen years at the Township, he can recall a waiver of fees only one time, and that was for the Fire Department's new building. The permit fees for this home are \$2,716, and that is money that could be better used in the program itself. He noted that he understands the concern of setting a precedent, but feels there will never be a better reason to waive fees. Mr. Knoche added that he will also approach the Municipal Authority to request relief from sewer permit fees. Mark Smith, Deimler and Sons Construction, explained that this program, Helping A Hero, builds roughly forty new homes a year for injured veterans. Deimler and Sons is donating the labor to do as much of the work as possible. Since the build and equipment needed for this home is rather expensive, they have also approached the suppliers and vendors for assistance. Commissioner Wilt stated that he does not feel that the Board should be worried about setting a precedent, as requests like this should be considered on a case by case basis. He commended Sergeant Leonard for his service, and stated that he would support waiving the fees for such a worthwhile cause. Commissioner Mehaffie also thanked Sergeant Leonard for his service, and asked Solicitor Henninger if the \$3850 sewer fees would

also need to be officially approved by this Board. Solicitor Henninger stated that they would not. Relief from the sewer fees would be a decision made by the Municipal Authority. A motion was made by Commissioner Wilt, seconded by Commissioner Davies, to approve a request by Deimler and Sons Construction to waive the building permit fees associated with the construction of a home on Morgan Drive through the Helping A Hero program. The motion was unanimously approved.

Mr. Krot reported that the next agenda item is to approve the ordering of a Freightliner Truck to be purchased through the Commonwealth's Co-STARS program. Commissioner Mehaffie noted that this is in the 2013 budget, and Mr. Anderson has the specifications. Solicitor Henninger added that he had reviewed the lease, which is actually a lease/purchase. A motion was made by Vice President Leonard, seconded by Commissioner Wilt, to approve the ordering of a Freightliner Truck to be purchased through the Commonwealth's Co-STARS program. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve an agreement with Approved Code Services, Inc. to provide "back-up" third party inspection and inspection services. Commissioner Mehaffie added that he had looked into this company, which represents many area municipalities, mostly in Cumberland County. He noted that they have a very good reputation. In response to a question from Commissioner Davies, Mr. Krot verified that there is no cost unless they are utilized. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve an amendment to the existing agreement with Approved Code Services, Inc. to also include sprinkler system plan review and inspection. Mr. Fure, Township Building Code Official, is recommending this due to the complexity of these systems, especially in larger warehouses. It also takes the responsibility off of the Township. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Leonard, to approve the NPDES MS4 General Permit Renewal Stormwater Management Program, as submitted by HRG. In response to a question from Commissioner Mehaffie, Solicitor Henninger explained that this is basically a one year continuing agreement; it is a five year program although the Township is not locked into all five years. The costs are front loaded

since most of the work is done initially. Ms. Wick added that the new permit will begin in March. The motion was unanimously approved.

The Board discussed setting a date for a Zoning Map Amendment hearing requested by KGH. Ms. Wick explained that due to the timing of the meetings of the Dauphin County Planning Commission and the Lower Swatara Township Planning Commission, the dates recommended by staff are April 3 or April 17, 2013. There needs to be ample time to advertise the hearing date twice prior to the hearing. Matt Genesio, KGH, asked to address the Board prior to the setting of a date. He requested that, if at all possible, the date of the hearing be sped up and asked if the Board would consider a March 20 hearing date. He stated that while he understands the reasoning for the later meeting, his goal would be to go to the Township Planning Commission next week and ask for a recommendation contingent upon the County's recommendation; the County Planning Commission meets the following week on March 4. This would prevent the need to wait another month to get a recommendation. Mr. Genesio noted that back in December, both the Township Planning Commission and County Planning Commission did recommend the rezoning of one of these acres for GreenWorks Development's proposed project. Therefore, he is under the assumption that the Township and County will also recommend this request, since it does fit into the comprehensive plan. He added that he would like to expedite this process for the neighbors. If the project is stretched to the outer limits of the time frame, it could get close to the end of the year or early 2014 before full approvals are received to purchase the homes. If it gets to this point, he will probably delay purchasing the homes for another 6 – 7 months, because he will not gain any capital due to losing a school year.

Ms. Wick again noted that the Township Planning Commission meets February 28 and the County Planning Commission meets March 4. She noted that the Township Planning Commission does not usually make a recommendation without the benefit of first having a recommendation from the County Planning Commission. Commissioner Mehaffie asked if this request is much different than the GreenWorks zoning request which was withdrawn. Ms. Wick responded that this is a request for a map amendment to change the property from RU (Residential Urban) to CN (Commercial Neighborhood). This was previously proposed, but never acted on by the Board. Ms. Wick noted that while this request is similar to the request withdrawn by GreenWorks, it involves more than twice the area and includes the rezoning of some public and private streets. Solicitor Henninger again noted that the Township Planning

Commission does not ordinarily make a recommendation without the benefit of a recommendation from the County Planning Commission.

Michelle Kenney, 310 Dauphin Street, stated that she is against more student housing projects in the area, and questioned what happens to the residents who are not included in the buy-out. She noted that the Board is not looking at the big picture; the traditional college setup is not the way of the future.

Ruth Helwig, 341 W. High Street, stated that there appears to be a conflict of interest here. This rezoning was going to be done by GreenWorks, but now that KGH is requesting it, the Board doesn't know whether it wants it done. The residents living here just want out. They have been fooled and manipulated for two years, and finally have a chance to get out. The process needs to move ahead, and not be delayed until the summer of 2014. Ms. Helwig added that student housing is obviously needed, as Penn State continues to expand.

Ron Keeney, 310 Dauphin Street, noted that he commends KGH for wanting to help out. However, his home is only three houses away from the proposed development, meaning he will be surrounded by student housing with 24/7 lighting. He has not been offered any buy-out deals, and his property will be an island. Mr. Keeney also questioned what will happen to Lawrence Street if this plan goes through. He suggested that it will be gone completely. Also, there will only be one way to get in there. Increasing traffic yet again in this small area is just crazy.

Donald Burger, 505 N. Lawrence Street, stated that his home was one of the original four properties that GreenWorks had wanted to buy. There are two streets that go through there – High Extension and Young Avenue.

Ms. Keeney stated that just because Penn State is building a new building on the campus does not mean that the need for student housing is expanding. These projects are taking away green space which is not enriching the community, and is in fact encouraging a transient environment. She questioned why the student housing cannot be built somewhere else.

Ms. Helwig disagreed with Ms. Keeney. The newspaper reports that enrollment is up 75% this year and is expected to continue to grow. She stated that she is tired of the noise and commotion resulting in living among a community of students.

Peggy Guinovan, 535 N. Lawrence Street, stated that she has lived there for 44 years. Everyone up there wants out and has received offers except for the Keeneys, because they did

not want to sell. Rumors have it that they want a million dollars for their property, so nobody ever approached them.

Solicitor Henninger noted that the appropriate time for citizen comment on this issue is at the Public Hearing. The issue before the Board tonight is the selection of a date for this hearing.

Vice President Leonard clarified that the Board never voted on any zoning change for this property. There were proposals which were withdrawn. He stated that his preference would be to go through the normal process which has worked well in the past, and take the staff's recommendation to allow the Township Planning Commission to hear the input from the County Planning Commission prior to its recommendation to this Board.

Commissioner Wilt stated that he appreciates what Vice President Leonard just said, but would hate to see the project delayed. His preference would be to move it up to March if at all possible. Ms. Wick stated that there is the risk that the Board will not have the Township Planning Commission's recommendation by March 20 since it does not meet until March 28. Commissioner Wilt agreed that there does not seem much of an alternative then.

Solicitor Henninger stated that historically, when hearing public comment on zoning requests, the Township holds its public hearings one meeting night, and then votes on the request at the following meeting. However, if the Board so desires, the hearing can be advertised so that formal action can be considered the same evening as the hearing.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve advertisement of the Public Hearing on April 3, at 6:00 P.M., with formal action on the request to be considered the same evening. The motion was unanimously approved.

The Board discussed a request from Phoenix Contact to waive the requirement to provide a maintenance bond to the Township for a period of eighteen months after the completion of public improvements which include stormwater management facilities. Ms. Wick stated that the staff is not recommending the granting of this request; it would put risk on the Township in the event that there are problems with items that are constructed. In response to a question from Commissioner Mehaffie, she estimated that about 60% of the project is done. Solicitor Henninger agreed that he cannot recommend granting such relief to Phoenix Contact. Should there be any type of failure, and Phoenix Contact would not be cooperative, the burden would be on the Township to do the work and then sue them. The risk would be on the Township and taxpayer dollars. A motion was made by Commissioner Wilt, seconded by Commissioner

Davies, to reject a request from Phoenix Contact to waive the requirement to provide a maintenance bond to the Township for a period of eighteen months after the completion of public improvements which include stormwater management facilities. Commissioner Davies added that while he appreciates what Phoenix Contact does for the Township, he does not feel it is a particular hardship on them to meet this requirement. Commissioner Mehaffie agreed that the Township simply cannot assume this type of risk. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Wilt, to approve authorization of payment for the Middletown Borough Authority Waste Water Treatment Plant BNR construction upgrades, Requisition 34-A, in the amount of \$660.84 to Middletown Borough Authority. In response to a question from Commissioner Mehaffie, Solicitor Henninger reported that there is still no end in sight to this issue due to ongoing litigation. He noted, however, that he has requested copies of the actual invoices. The motion was unanimously approved.

Mr. Krot stated that the next agenda item, advertisement for RFPs (Request for Proposals) for EMS services, was requested by Commissioner Mehaffie. Commissioner Mehaffie stated that as liaison to the EMS, he feels it is very important to reach out to other EMS services for proposals. Vice President Leonard inquired if there is sufficient information in hand to put out the RFPs. Commissioner Wilt asked if it could be based on the current contract. Vice President Leonard stated that it could, but reminded the Board that during its last discussion regarding this item, there were questions posed, including the possibility of menu pricing. Commissioner Davies agreed that the Board needs to secure proposals with designated requirements. Commissioner Mehaffie stated that he can certainly understand that there may be questions about whether the Board is comfortable with the current type of services or would prefer to have a different type of service. He simply wants to get the ball rolling on this item. If there is something different than the current contract services desired, this needs to be discussed among the Board members.

Mr. Krot asked for an opportunity to get together some sample proposals, including the one the Township used ten years ago, in order to have something to base the proposals on. There is time, since the current contract does not expire until September 30. He stated that he has other things on his plate right now and would just ask for some flexibility. Commissioner Mehaffie asked the time period to get the proposals back to the Township. Mr. Krot stated that

thirty days would probably be the normal time frame. Commissioner Mehaffie asked what date these request for proposals can be sent out to the vendors. He asked if May 1 is feasible. Commissioner Wilt asked Mr. Krot if this is sufficient time for him. Mr. Krot again responded that he has some items on his plate, including the new Authority billing software. He stated, however, that if the Board so directs, he will do his best to put something together for the Board to look at in order to meet this deadline. Vice President Leonard suggested the Board give Mr. Krot time if he has other projects on his plate. Commissioner Wilt added that there will always be things on the plate. If Mr. Krot finds that he cannot meet the May 1 deadline, he can simply advise the Board of this. A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve advertisement for RFPs (Request for Proposals) for EMS services with a target date of May 1. Commissioner Wilt, Commissioner Mehaffie, Commissioner Davies, and President Linn voted “aye”. Being no vote in opposition for nor lodged, the motion carried.

Mr. Krot noted that the next agenda item, advertisement for RFPs (Request for Proposals) for Human Resources Services, was also submitted by Commissioner Mehaffie. Commissioner Mehaffie stated that this item was budgeted for, and he would like to get things in motion. Mr. Krot reminded the Board that back in April, Nancy Hess had been before the Commissioners to provide a proposal for services. The Board had asked him to shop around for prices, and he had contacted several other human resource specialists. During the budget process, however, this item was reduced to a total amount of \$12,000, which is approximately half the cost of what was thought to be an all inclusive proposal. Therefore, the RFPs will need to be revised accordingly. Commissioner Wilt asked Mr. Krot what he felt would be a reasonable time frame for this item. Mr. Krot stated that his schedule right now is full, and includes getting the new phone system up and running, getting the new sewer billing software in place, working with the auditors on the yearly audit, and now working on the proposals for an EMS contract. He stated that he cannot predict what his schedule will be like, and would again ask for flexibility. Commissioner Mehaffie asked if July 1 would be a suitable date for the RFPs to go out. Mr. Krot stated that if the Board so directs, he will do his best to meet this July 1 deadline. A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve advertisement for RFPs (Request for Proposals) for Human Resources Services with a

target date of July 1. Commissioner Wilt, Commissioner Mehaffie, Commissioner Davies, and President Linn voted “aye”. Being no vote in opposition for nor lodged, the motion carried.

Commissioner Mehaffie asked about the status of previous discussions regarding the establishment of social media, specifically a Facebook account, for the Township. He noted that it would be informational only, and include such topics as snow emergencies, leaf collection schedules, etc. Commissioner Davies stated that in his experience, Facebook can be a double edged tool. The interplay of personalities is not always a positive thing, and having a site requires care and maintenance. It can, in fact, become a miniature battleground and a graffiti board for cranks. In response to a suggestion from Commissioner Wilt, Commissioner Davies stated that he does not believe comments to posts can be prevented. Commissioner Mehaffie stated that inappropriate comments can always be deleted. Commissioner Davies confirmed that this is true, but noted that someone must make that decision. Arbitrarily removing negative comments may also cause issue. He stated that he has heard of other municipalities putting a lot of resources into Facebook, and not getting much of a positive return.

Vice President Leonard stated that he does feel social media can be a good thing. However, seeing this on the agenda, he did look at other municipal Facebook pages and observed what Commissioner Davies is concerned about regarding comments. It is good to respond to comments, but someone must be given the authority and responsibility to manage these comments. There remains the question of who manages the site, how much time is involved, and who makes the decision on whether a comment is inappropriate and should be removed. He stated that while he does not want to discount the idea totally, he is personally not an advocate of a Township Facebook at this point in time.

Commissioner Wilt stated that he feels the Township website should suffice right now for informational purposes.

President Linn stated that it appears the majority of the Board is not interested in pursuing a Facebook page right now. Commissioner Mehaffie thanked the Board members for their input.

FINAL COMMENTS:

President Linn reported that Dauphin County Parks and Recreation, along with the Board and the Lions Club, will once again be sponsoring a summer movie night. Details will be forthcoming.

Commissioner Mehaffie reported on the passing of the father of Bob Grubic (HRG) and asked if the Board had any objections to sending him a sympathy card on behalf of the Board and staff. No objections were voiced.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Davies, seconded by Vice President Leonard, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:18 P.M.

ATTEST:

Harry N. Krot
Township Manager