

## MINUTES

### LEGISLATIVE MEETING – JANUARY 16, 2013

The January 16, 2013 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by Vice President William L. Leonard, Jr.

Roll call was taken with the following officials in attendance:

- William L. Leonard, Jr., Vice President
- Thomas L. Mehaffie III, Commissioner
- Jon G. Wilt, Commissioner
- Harry N. Krot, Township Manager
- Brenda K. Wick, Planning and Zoning Director
- Peter R. Henninger, Solicitor
- Jean R. Arroyo, Recording Secretary

Excused:

- Frank Linn, Sr., President
- Michael J. Davies, Secretary

Residents and visitors in attendance:

- Kory Freshwater
- Bruce and Joanne Harter
- Noelle Barrett (Press and Journal)
- Bonnie and Rod Kiner (544 N. Wood St.)
- Donald Burger
- Ronald J. Keeney (310 Dauphin St.)
- Ken Stover (402 Young Ave.)
- Ron and Ruth Helwig (341 W. High St.)
- Peggy Ginnovan (535 N. Lawrence St.)
- Michele Keeney (310 Dauphin St.)
- Isaiah Rogers (310 Dauphin St.)
- Chris DeHart (LST Fire Department)
- Lin Coble (400 Young Ave.)

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

PUBLIC COMMENTS:

Ron Keeney, 310 Dauphin Street, referenced a recent newspaper article about GreenWorks Development, and stated that it does not say a lot of good things about the developer. Mr. Keeney added that GreenWorks did not want opposition to the student housing project, so it entered into contracts with the residents to purchase their homes. After the project was approved by the Township, it backed out of many of the deals. Now KGH wants to develop the other side of Lawrence Street for student housing, and GreenWorks wants to purchase some of the Middletown cemetery land for student housing. He stated that there is simply no need for more student housing, especially since enrollment at Penn State is said to be down. He suggested that if more student housing is desired, Penn State should build its own housing on its own land. Mr. Keeney again expressed his concern about the dangerous situation for pedestrians when attempting to cross at the signal at Wood Street and Route 230. A traffic study needs to be done here, and crosswalks need to be painted. He added that people are still not obeying the stop signs in this area.

Ruth Helwig, 341 W. High Street, stated that KGH apparently wants to purchase eleven of the properties in her neighborhood. She stated that she is one that does want out. She added that GreenWorks is definitely going to develop the cemetery property, which will add about 700 additional students. Property values of the existing homes continue to go down, and the remaining residents really need to get out of there.

Michelle Kenney, 310 Dauphin Street, stated that while she can understand that some people do want to get out of there, she does not want to see any more development in her neighborhood. She stated that the Township should not have permitted the students to be there before the road was completed. Things need to be safe for everyone, not just for the students. Ms. Keeney added that she loved her neighborhood, but it is not there anymore. She also referenced plans to build on the field across from her, which is cemetery land, and questioned how a developer is even permitted to build on cemetery grounds.

Mr. Keeney stated that at the last meeting he attended, GreenWorks and KGH had agreed to get together and discuss the situation at the bottom of Lawrence Street, including the runoff problem. There appears to be a little bit of dirt moved to make it look like something is being done. He stated that this situation is getting ridiculous. Vice President Leonard explained that both KGH and GreenWorks Development had been at the last workshop meeting, and indicated

to the Board that some of the work, including the lighting, will be done by the end of January. The final completion of the road project is anticipated to be completed as early as May or no later than June.

Commissioner Mehaffie added that the lighting is actually being worked on right now, and PPL should have it completed by the end of the week. The drainage project at the bottom of Lawrence Street will take a bit more time, since the culvert must be ordered. Mr. Keeney stated that the developers keep asking for variances and waivers. There is no excuse for these delays. He cautioned the Board to not believe everything it is told.

Peggy Ginnovan, 535 N. Lawrence Street, stated that she has lived here for 44 years and thought it would be her final home. Student housing came in and broke up her quiet little neighborhood. GreenWorks had promised to buy out the properties, which the residents thought would be their way out of this. Now this is not happening. The other developer has become interested in purchasing the properties, and the residents here would like to take advantage of this offer. She added that the neighbors across the street found out that their mortgage is more than the house is worth after the decline in property values due to the student housing. Ms. Ginnovan stated that she was told by Matt Tunnell of GreenWorks that eventually this entire area will be student housing. Living among the student housing is already terrible, with the same complaints and no relief. Eleven of the property owners have offers, and they do want out. They are asking the Township to give them the opportunity to get out of there now.

Michelle Kenney expressed concern that the Board is not looking at the big picture. She noted that the college scenario is not the same as it was 20 years ago, and is continually changing. In the future, there will not be the archaic concept of a physical building and campus. She questioned why the Township would want to destroy an entire neighborhood with these useless buildings.

Ms. Helwig addressed the comment about decreased student enrollment, and noted that Penn State is adding on, which means more students. She has been here 46 years and wants out. If other people want to stay there and be surrounded by student housing, that is up to them but she asked that they do not hold the others back.

Bonnie Kiner, 544 N. Wood Street, explained that she is one of the few residents that did not get a new contract or offer for a buy-out. She will have a decreased home value and be stuck in Eagle Heights, which is an area not well maintained by the Township. It is an area with

drainage problems, lack of lighting, road problems, etc. She added that she had complained about these issues even prior to the student housing. Ms. Kiner expressed concern that the Board is going to allow this additional development. She agreed that she does not want to hold anyone back, and would get out herself if she could. She did, however, urge the Board to take a good hard look at what it will allow in the next phase, and take the big picture into consideration. She asked that the Board think about what it is allowing these developers to do, and not approve anything until they have finished what they started. The Board needs to do its due diligence for the residents.

Lin Coble, 400 Young Avenue, stated that she had a signed agreement with GreenWorks but it backed out of it. KGH has now made her an offer, and she expressed hopes that she can get out of here.

APPROVAL OF MINUTES:

A motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to approve the Minutes of the December 19, 2012 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the Minutes of the January 2, 2013 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to approve the payment of bills as presented on Warrant No. 2012-12. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

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

ENGINEER'S REPORT:     None

SOLICITOR'S REPORT: None

MANAGER'S REPORT: None

COMMITTEE REPORTS:

Police Committee – Vice President Leonard – reported that as the Board is aware, the Police Department did recently have an officer resignation. The process to hire officers has started. In addition, Chief Brandt has provided documentation for the promotion of an officer to the Sergeant's position which became vacant as a result of his promotion to Chief. In the absence of Commissioner Davies, Vice President Leonard presented the monthly finance report. Cash receipts for the month of December totaled \$631,196.35. The major sources of revenues were from Act 511 taxes, the transfer from the State Highway Aid Fund for various allowable expenditures, state funds for the both the recycling grant and the contracted snow removal, and other miscellaneous revenues. Cash expenditures totaled \$734,206.63 and were comprised of the two transfers to the payroll account, the tax allocations to the miscellaneous funds, the transfer to the Post Retirement Health Care Fund, and all invoices due and payable. Investments totaled \$521,707.47 with an average annual yield of 0.5%. Vice President Leonard noted that revenues and expenditures required to close out 2012 are still being compiled. When numbers are finalized, updates will be provided.

Public Safety – Commissioner Wilt – no report

Public Works – Commissioner Mehaffie – reported that Mr. Anderson is in the process of drafting specifications for the new truck which was approved in the 2013 budget. The Olmsted Regional Recreation Board meets next week. Commissioner Mehaffie noted that more details regarding the reorganization of this group should be known after the meeting.

UNFINISHED BUSINESS:

Mr. Krot stated that no action is required on agenda items A and C. A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to table the Final Subdivision Plan of Bryn Gweled East (26 lots) and the Final Subdivision Plan of Old Reliance Farms (Section 18-B, 9 lots). The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve a request for 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, and October 17, 2012. The plan is due to expire on January 18, 2013. The motion was unanimously approved. Commissioner Mehaffie inquired if the Township had heard anything back after the meeting that the developers held with the neighboring residents. Mr. Krot responded that he had not heard anything from the developers.

Mr. Krot stated that the final item under Unfinished Business is the Revised Five Oaks Village (Mobile Home Park) Plans located on Swatara Park Road, prepared by Dauphin Engineering Co. and submitted by Thomas A. Farr on behalf of Shirley J. Farr, owner. The plan was recommended for approval by the Planning Commission on June 23, 2011 with stipulations. Mr. Krot reminded the Board that there had been discussion about removing the plan from the agenda. He reported that Ms. Wick had contacted Mr. Farr about this, and Mr. Farr is requesting the plan be kept on the agenda, as he is waiting to see if there are any changes in the economic climate. Also, this is the area that was impacted by Tropical Storm Lee, and some of those homes will be demolished. Mr. Farr would like to wait and see how the area looks after that occurs.

NEW BUSINESS:

Brenda Wick, Planning and Zoning Director, addressed the Final Minor Subdivision Plan for Lloyd T. & Dawn M. Byers, prepared by Act One & Associates and submitted by Bruce Harter. The plan was recommended for approval with stipulations by the Planning Commission on December 20, 2012 and is due to expire on March 20, 2013. Ms. Wick stated that the plan is basically a side yard swap; Mr. Harter is buying some land from Mr. Byers and will add this to

his existing residential lot. In conjunction with the plan is a request for an “Alteration of Requirements” for a waiver of the following requirements of the Code of Ordinances, Chapter 22, Subdivision and Land Development: (1) A waiver of the Preliminary Plan as required by Section 403 (Planning Commission recommended granting said waiver), (2) a waiver of curbing on Longview Drive and Strites Road as required by Section 606 (Planning Commission recommended granting said waiver), and (3) a waiver of sidewalk on Longview Drive and Strites Road as required by Section 607 (Planning Commission recommended granting said waiver). In response to a question from Vice President Leonard, Ms. Wick confirmed that there are no outstanding issues that would prevent the plan from being acted on tonight. Vice President Leonard suggested the Board act on the waiver requests prior to taking action on the plan. A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the waiver of the Preliminary Plan, the waiver of curbing on Longview Drive and Strites Road, and a waiver of sidewalk on Longview Drive and Strites Road. The motion was unanimously approved. With the waiver requests approved, a motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the Final Minor Subdivision Plan for Lloyd T. & Dawn M. Byers, prepared by Act One & Associates and submitted by Bruce Harter. The motion was unanimously approved.

A motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to approve a 90-day time extension, as requested by the developer, on the Final Land Development Plan for Sheetz, Inc., as prepared and submitted by K&W Engineers & Consultants. The Planning Commission conditionally approved the plan on December 20, 2012, with the stipulations that all comments from HRG and the staff must be addressed. The plan is due to expire on January 23, 2013. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve Resolution No. 2013-R-1. This resolution adopts an Emergency Operations Plan for Lower Swatara Township. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve Resolution No. 2013-R-2. This resolution amends Resolution 2011-R-17, authorizing the establishment of an employee benefit opt out program. Mr. Krot noted that he had provided the Board with a memo regarding this resolution, which is a result of going through some changes with the insurance carrier’s compliance division in order to make it in compliance with

IRS regulations. Commissioner Mehaffie asked if the only change is the inclusion of the police department in the opt out program. Mr. Krot explained that there were additional changes in order to clarify some language. For example, this opt out was previously provided only to employees who had family coverage. According to Benacon, in order to be non-discriminatory, it must be offered to all non-uniformed employees. Another change was the reduction of the opt out window from one quarter to one month. There were also some other minor language changes. Solicitor Henninger clarified that it was not that singles were not covered, but the language could have been interpreted that it only applied to families. Therefore, language was added to clarify this. Commissioner Mehaffie questioned whether the police department was added to the program. Mr. Krot confirmed that this is correct. This was not part of the police contract negotiations, but representatives of the department did approach the Township afterwards to express interest in participating. The motion to approve Resolution No. 2013-R-2 was unanimously approved.

A motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to approve Resolution No. 2013-R-3. This resolution authorizes and directs the proper Township officials to execute the ECOMM Networks Communication Proposal. Mr. Krot stated this is basically acknowledgement of the upgrade of the Township's current phone system. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve authorization of payment for the Middletown Borough Authority Waste Water Treatment Plant BNR construction upgrades, Requisition 33-A, in the amount of \$1,073.85 to Middletown Borough Authority. The motion was unanimously approved. Commissioner Mehaffie inquired how much longer the Board can expect to see these invoices. He noted that he understands a portion of this is for recurring legal expenses. Solicitor Henninger surmised that it could be a long time, since the legal issue is only in the discovery stage.

A motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to acknowledge the contract for 2013 for Township Manager, Harry Krot. The motion was unanimously approved.

Mr. Krot noted the next agenda item is the appointment of an Alternate to the Code Hearing Board (three-year term). Don Fure, the Township's Building Code Official, has submitted the name of Jason Brown, who also serves as 1<sup>st</sup> Assistant Chief to the Lower Swatara

Fire Department, as a candidate for this appointment. A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the appointment of Jason Brown as Alternate to the Code Hearing Board. The motion was unanimously approved.

FINAL COMMENTS:

Commissioner Mehaffie requested a brief executive session.

Solicitor Henninger referenced the agenda item pertinent to the phone contract, and noted that Mr. Krot did an excellent job negotiating this contract. It will basically be an upgrade to the current phone system, with more “bells and whistles” and updated technology, but at a lesser cost.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:32 P.M.

ATTEST:

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Harry N. Krot  
Township Manager