

## MINUTES

### JANUARY 7, 2015 WORKSHOP MEETING

#### LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The January 7, 2015 Workshop Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Thomas L. Mehaffie III. President Mehaffie called for the pledge of allegiance followed by a moment of silence.

Roll call was taken with the following officials in attendance:

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

Residents and visitors in attendance:

PLEASE SEE ATTACHED SIGN-IN SHEET

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

#### PRESENTATION ON THE DAUPHIN COUNTY LAND BANK:

Skip Memmi, Dauphin County Community & Economic Development, provided a presentation on the Dauphin County Land Bank, which was established by the Dauphin County Commissioners about two years ago. This was the first land bank created within the Commonwealth of Pennsylvania, and it completed the first renovation of a property under this program about two months ago. This property is on Centerfield Street in Susquehanna Township.

Mr. Memmi explained that the Dauphin County Land Bank Authority is a tool to facilitate the return of vacant, blighted, abandoned and tax-delinquent properties to productive use thereby combating community deterioration, creating economic growth and stabilizing the housing and job market. It was funded with some seed money – about \$250,000 from the gaming grant program. The MOU (Memo of Understanding), should the Board decide to participate, would be between Lower Swatara Township, the Middletown Area School District, Dauphin County, and the Land Bank Authority, which is a seven member board made up of members of the Development Authority and two other members. Mr. Memmi noted that the Land Bank will not acquire property by eminent domain. That is in the by-laws. A municipality would supply the Land Bank with a list of properties that it feels to be problem properties. The goal is to acquire the property and figure out the best use for it, which could be to demolish it or renovate it and put it back on the tax rolls. The MOU does state that the first five years that a property goes back on the tax rolls, the Land Bank Authority shares 50% of the real estate taxes with all three taxing jurisdictions. This helps to seed other project, since the initial \$250,000 in program funds will not go far and revenue will need to be generated to continue to do other projects. Mr. Memmi noted that if the Township supports participation in this program and desires to move forward, he would ask that it go to the School District and help it understand the importance of this program. Mr. Memmi stated that he believes this is a good tool for any municipality to have, and asked the Board if Lower Swatara Township would be interested in it.

Commissioner DiFrancesco agreed that this is a great program and tool for every municipality to have in its toolbox. Blighted properties are a real concern in many municipalities. He added that one blighted property can take a whole neighborhood down. Commissioner DiFrancesco gave the County Commissioners a lot of credit for this program, and added that he cannot understand why any municipality would not want to participate and have this in its tool kit in the event that it is needed. Mr. Memmi agreed. He added that unless all three taxing jurisdictions -- the municipality, the school district, and the county – are willing to sign the MOU, the Land Bank cannot do a project. Commissioner Davies asked if all three taxing authorities have to agree to do a particular project. Mr. Memmi explained that a committee is created, and it does have one member from the municipality. The school district can also have a representative if desired. The bottom line, however, is that the Land Bank will not do a project that the municipality does not recommend. Commissioner Davies asked who is responsible for the care and upkeep during the interim period

that a property is removed from the tax rolls while being remarketed. Mr. Memmi explained that the property from the walls in would be the responsibility of the Land Bank. The municipality, however, will be asked to maintain the lawn, shovel snow, etc. He added that it would probably have to do this anyway for a blighted property.

Vice President Wilt asked if his understanding is correct that the property will not be put in the program if the municipal representative says it does not want to participate. Mr. Memmi agreed that this is correct. If a municipality does not support the project, it will not be done. Vice President Wilt remarked that he can see the program being a financial burden on a municipality if the Public Works Department is constantly sent out to maintain a property or properties in this program. He added that he does not see Lower Swatara Township having a problem with blighted properties. President Mehaffie asked Mr. Monticello if the Township has any problem properties. Mr. Monticello stated that it does, although not many. He agreed to provide the addresses.

Solicitor Henninger stated that he did not see the eminent domain issue addressed in the agreement or the by-laws. Also, the MOU references an attached policy, but this was not provided. Mr. Memmi agreed to provide the policy and added that Bruce Horn, Solicitor for the Land Bank Authority, can answer any legal questions. Solicitor Henninger also inquired if this is a now or never deal. Mr. Memmi explained that it is not, and the Board can decide to get involved in this program at a later time. The Board directed Solicitor Henninger to speak to the solicitor at the Land Bank Authority to discuss details.

Commissioner Springer asked who is determining the listing price for the program properties. Mr. Memmi explained that a licensed real estate broker is retained and comes up with the fair market value of the property. Commissioner DiFrancesco asked if there is any limit on who these program homes can be sold to. Mr. Memmi stated that there is not. Solicitor Henninger explained that they cannot discriminate one buyer from another. Commissioner DiFrancesco commented that he would like the program a lot more if the program homes were targeted for affordable housing and put into a program for first time home owners.

Mr. Memmi added that another program that the Township might want to consider is one that the Industrial Development Authority has put together using the potential of an ESCO to do multiple projects across the county. They are trying to bundle multiple projects for different

municipalities or authorities across Dauphin County and put a package out for bid. The IDA would be the bundler and float the bond issue. The Board thanked Mr. Memmi for his presentation this evening.

PUBLIC COMMENTS: None

DEPARTMENT REPORTS:

Fire Department – Chief DeHart – reported that calls for 2014 totaled 557. The new Special unit will arrive mid February and should be ready for service by early spring. Boat bids were rejected, and the Fire Department will be working with Solicitor Henninger on the next step. The New Rescue has been put into service and is working well. The old Rescue will be sold as soon as possible. Officers for 2015 are as follows:

President Mike McKillip  
Fire Chief Chris DeHart  
1st Vice President Austin Byler  
1st Assistant Chief Jason Brown  
2nd Vice President Bill Leonard  
2nd Assistant Chief Ken Phillips  
Treasure Dale Rider  
Captain 59 Sean Taylor  
Secretary Sherry Pickel  
Captain 591 Justin Chenault  
Lt 59 Jess Etzle  
Lt 591 Kevin Zimmerman

Chief DeHart noted that he had included several reports and graphs to illustrate how busy the Department is. He added that 66% of the fire calls were in Lower Swatara Township in 2014, which is an increase from previous years. Also, manpower has reduced to an average of five persons per call which is a decrease by two from the previous years. The new year will bring more training including a CPR class on January 12 and the NFPA 1006 core rescue training. Chief DeHart reviewed call data charts and graphs. He also reminded Commissioner DiFrancesco that a meeting still needs to be held to review the budget. Commissioner DiFrancesco stated that last year, he and Commissioner Davies did this review during the same evening as a fire department meeting. This worked out well since it provided them the opportunity to view a meeting and meet the volunteers. Chief DeHart noted that these meetings

are held the first Monday of each month. President Mehaffie asked that a copy of the budget also be emailed to Mr. Monticello for distribution to the entire Board.

Police Department – Chief Brandt –referenced the monthly report and reviewed call and crime statistics for the month. There were 619 total calls. Overall it was a good month, with crime down. Chief Brandt also reviewed totals for 2014. Theft seems to be the predominant crime here in Lower Swatara Township. Fraud is also a big issue. There were 9,645 total calls for service last year. He noted that there were 134 DUI arrests last year, which is extremely high for any municipality. Vice President Wilt commended the Police Department for a great job and asked that it keep up the good work. President Mehaffie referenced the statistics provided, and asked if the calls could be broken down by location, such as Chief DeHart does with the fire calls. Chief Brandt confirmed that the Police Department does provide assistance to other departments, which is included in the call volume reported. He agreed to start breaking down the calls by location.

Public Works Department – Daniel Wagner – reported that the last snow storm was a good one for the new road crew employees to get in the swing of things and learn the routes. Things are going well overall. Current projects include maintenance of equipment and televising storm pipes and inlets for 2015 paving projects. Mr. Wagner noted that multiple problems were found, which he will need to discuss with Ms. Letavic. One is a stormwater issue on Blacklatch Lane and Candlewycke Drive. Work is also being done to comply with the MS4 requirements (documentation, cleaning storm drains, implementing new policies and procedures).

Mr. Wagner added that the Department is doing its best with the snow. As cold as it is, the salt will not melt it. Commissioner DiFrancesco noted that an eye needs to be kept on Nissley Drive, which is dangerous due to the snow that continually blows over the road. Vice President Wilt and Solicitor Henninger agreed that they also came across drifting this evening.

Mr. Wagner noted that three road crew employees are out now addressing problems. President Mehaffie asked if the new truck with the liquid de-icing capabilities is operational yet.

Mr. Wagner explained that unfortunately, there are no provisions to have the liquid stored here, so the truck would have to go somewhere to be filled. The truck would need to be filled up twice to get through one route, which is not cost effective. Mr. Wagner added that he spoken to PennDOT and was told that when temperatures get to be 25 degrees, they do not even use it because it is not effective. Commissioner DiFrancesco asked if there are any alternatives that

should be looked into to address the roads near open fields or perhaps other types of product that can be put down. Mr. Wagner confirmed that there is, and he would like to explore these a bit more along with neighboring communities. President Mehaffie asked about the possibility of snow fences for certain areas. Mr. Wagner explained that this is an option. There is maintenance required, but the other problem is the recommendation to stay back 50 to 80 feet off the road. This also creates a challenge.

Planning and Zoning Report – Robert Greene – referenced the printouts of inspections and permits and highlighted plan reviews and completed jobs. 176 permits were issued for the year, with total permit fees of \$763,639.00. The Planning Commission took action at its meeting on December 18 to recommend approval of five waivers and voted to table action on the Penn State Student Enrichment Center plan until the January 22 meeting. Written approval was received from DEP on the Planning Module Waiver Form request. Application was received for a Special Exception, Docket #2014-07 for Allied Properties, Inc. located at 2751 Spring Garden Drive. The Zoning Hearing Board took action at its meeting on January 16 to approve the special exception request, without any conditions, to allow outdoor storage of material and equipment in the Industrial Park (IP) zoning district. An application for a Variance to install a second wall sign, Docket #2015-01, for Holiday Inn (currently Days Inn) located at 815 Eisenhower Boulevard will be heard by the Zoning Hearing Board on January 28. An application for a Variance request was also received for property at 22 Davis Drive to allow a structure to house animals that would be less than 100 feet from the property line. This will also be heard by the Zoning Hearing Board on January 28. Two meetings were held this past month with David Sizer from 3<sup>rd</sup> Element Consulting Group on the Document Management System to discuss selection of proposals from three vendors for off-site scanning of current files. File X Company was selected for the scanning services at a cost that falls within the budget. The Department is now preparing file boxes to begin shipping for the scanning process. Staff will be receiving a proposal from 3<sup>rd</sup> Elements for purchase of a software system that will include start-up, automatic updates along with system training. They will also be submitting recommendations along with pricing for hardware system and products. Mr. Greene and Mr. Fure attended the code training seminars for Relocated Manufactured Housing (Habitability and Installation) and Proper Handling of Factory Built Housing and Buildings on December 9. This is mandatory training every two years as per the UCC and will give a total of 6 CEU's. Staff met with

Michael Peters from General Code Service on January 5 to discuss the need to update the Code of Ordinance service agreement. The previous service agreement with Keystate Publishers, Inc. expired April 30, 2009 but they had continued codification updates until 2012. The Township will be looking for service proposals from both companies for consideration followed by report to the Board of Commissioners. Solicitor Henninger agreed that it is very important to keep the code of ordinances updated. Commissioner DiFrancesco asked how often it is necessary to do a complete recodification. Solicitor Henninger explained that this does not need to be done often; what is important is that the code book be updated every year or two years so that the newly approved resolutions and ordinances are codified in one place. Mr. Greene added that the proposal will actually include pricing for a complete new codification, system and method. In response to a question from Commissioner Davies, Mr. Greene confirmed that a digital version of the codification will be provided.

Mr. Greene referenced three items that require formal action tonight.

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve the Deed of Dedication for Lawrence Street Relocation from Campus Heights Associates I, LP, Campus Heights Associates II, LP and Lawrence Street Partners, LP, Grantors. Described as Parcels A, B and C representing the entire area of the relocation of Lawrence Street as depicted on the attached Plot Plans referenced as Exhibit A, B and C. All required maintenance guarantees are in place and in the correct amount. A roll call vote was taken with the following ballot tabulation: Commissioner DiFrancesco – aye, Commissioner Springer – aye, Commissioner Davies – aye, Vice President Wilt – aye, President Mehaffie – aye. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve an Improvement Guarantee Reduction in the amount of \$2,800.00 for improvements associated with Morgan's Run, Lot 23, File #2004-14. This reduction from the current balance of \$63,906.93 will leave a new balance of \$61,106.93. The motion was unanimously approved. President Mehaffie noted that it is his understanding that this road is not yet dedicated to the Township and therefore the Township is not plowing or taking care of it yet. Mr. Wagner confirmed that this is correct. President Mehaffie asked if it would be dedicated anytime soon. Mr. Greene agreed to speak to the developer about this.

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve an Improvement Guarantee Reduction in the amount of \$231,957.91 for improvements associated with Old Reliance Farms Section 18-B, File #2010-01. This reduction from the current balance of \$386,532.85 will leave a new balance in the amount of \$154,574.94. The motion was unanimously approved. President Mehaffie asked Mr. Burkholder if the road, which is not yet a Township road, is open to the public for use. Mr. Burkholder explained that he has had it open and allowed it to be used, but has already received a complaint regarding a driver hitting the curb and damaging a wheel. He noted that he would like to allow it to be open for the public to use, but may need to close it off due to potential liability concerns. Solicitor Henninger explained that it is the landowner's call.

MANAGER'S REPORT:

Mr. Monticello reported that he had reviewed the Retainer Agreement – 2015 Fee Schedule as submitted by HRG for engineering and related services. Overall, rates have generally increased about 2.14%. Commissioner Springer commented that it would be helpful in the future to be able to see the prior year rates for comparison purposes. Vice President Wilt commented that Social Security annuities only went up 1.7%. A motion was made by Commissioner DiFrancesco, seconded by Vice President Wilt, to acknowledge the Retainer Agreement – 2015 Fee Schedule as submitted by HRG for engineering and related services. The motion was unanimously approved.

ENGINEER'S REPORT:

Ms. Letavic referenced a letter from Rogele, contractor for the Greenfield Park Well and Irrigation Project, for an extension of time to its contractual schedule. The bottom line is that they are having a hard time getting a well pump control system from their manufacturer. The official request is for an extension of 8 - 12 weeks. Ms. Letavic recommended that the Township increase the contractual time for substantial completion to March 20, 2015. The final payment date in the contract is April 15, 2015, and that date would remain the same. A motion was made by Commissioner DiFrancesco, seconded by Commissioner Springer, to approve an extension to the substantial completion date for the Greenfield Park Well and Irrigation Project to March 20, 2105. The motion was unanimously approved.

Township staff met in December to update its protocol and documentation for the MS4 program. DEP audits are occurring, and locally there is a sense of urgency to make sure these programs are in place and that staff feels comfortable with them. The Fire Department and Police Department will also be receiving training to help them understand the municipal requirements as they relate to illicit discharges. Another staff meeting is scheduled next week to discuss MS4. President Mehaffie asked if there was any response yet from Lancaster City about attending a future meeting. Ms. Letavic stated that a stormwater management staff member from Lancaster City may be able to attend the Board's February or March workshop meeting. President Mehaffie asked that once a date is confirmed, an invitation also be extended to the Township's Sewer and Stormwater Authority.

Ms. Letavic informed the Board that there is a change order anticipated for the Riverview Drive Sewer and Drainage Improvement Project, Contract No. 2014-02. There is no dollar figure for this yet, but the Board should be aware of this issue. On Riverview Drive, the stormwater infrastructure which is adjacent to the sanitary sewer has been blamed all along for the sanitary sewer failures. It turns out that there is a groundwater problem there as well. Between these two issues, the pipes are just engulfed in water. This needs to be fixed or the new infrastructure will not last as long as it should. HRG is working with Mr. Wagner and the Municipal Authority staff to determine a cost effective solution. HRG has sent to the staff for consideration the concept of putting in two clay dikes and a short section of pipe to basically stop the groundwater, collect it, and get it into the storm pipe and away from the sanitary sewer system. She asked if the Board is interested in this concept, and would it like HRG to ask the contractor for a price. In response to a question from President Mehaffie, Ms. Letavic agreed that there is a possibility that this problem is due to an underground spring. Mr. Monticello stated that he would recommend HRG follow up on getting a price for this recommendation. Ms. Letavic agreed to request a quote of potential costs for consideration at the next meeting.

#### SOLICITOR'S REPORT:

Solicitor Henninger reported that he also had several items for formal action tonight.

Solicitor Henninger recommended that the Board act on a proposed Stipulation and Joint Motion for Agreed Upon Order that Parcel No. 36-013-139, known as Capitol Business Center, shall have the market value of \$12,759,000 as of January 1, 2014. This will result in the Township

owing about a \$20,000 refund. He noted, however, that the Township always prepares for the worst case scenario when an appeal comes in, and sets those funds aside. Therefore, this refund has been budgeted for. A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve a Stipulation and Joint Motion for Agreed Upon Order that Parcel No. 36-013-139, known as Capitol Business Center, shall have the market value of \$12,759,000 as of January 1, 2014. Commissioner DiFrancesco stated that he will offer his standard comment that when counties undertake reassessments, the process tends to be controversial. Businesses come in with attorneys and appeal to obtain reductions, but property owners do not because of the costs involved in the appeal process. Commercial properties are able to take advantage of the law and reduce their tax burden, which of course shifts the burden to residential property owners. Commissioner DiFrancesco recalled that during the last County reassessment, approximately 70% of property owners were not harmed or their situations improved. Only 30% of the residents saw an increase in their taxes. He cautioned that it is not a good thing when there is a long period of time between reassessments. With the motion and second on the floor, the motion was unanimously approved.

Solicitor Henninger noted that there is another real estate appraisal item for consideration tonight. A motion was made by Commissioner Davies, seconded by Commissioner DiFrancesco, to approve authorization of an expenditure not to exceed \$806.00 to pursue a real estate appraisal in conjunction with the Middletown Area School District and Dauphin County, for Parcel 36-013-141, 3146 Fulling Mill Road. The motion was unanimously approved.

Solicitor Henninger reported that back in the fall, the legislature passed and the governor signed a bill that requires elected tax collectors to appoint deputy tax collectors. This was very necessary, because until now, if a tax collector became incapacitated and died in office, the responsibility would fall on his or her heirs to take over the duties of tax collector. The Township's tax collector, Julie Wilt, and the Township has entered into an agreement with the County Treasurer's office to collect real estate taxes for the County and Township. This was a four-year agreement signed last year. They are also willing to serve as the Deputy Tax Collector. Julie Wilt has already signed the appointment form, which needs to be approved by the Board of Commissioners and also Dauphin County and then forwarded to the surety company. A motion was made by Commissioner DiFrancesco, seconded by Commissioner Davies, to approve the appointment of Janis Creason, Dauphin County Treasurer's Office, as Deputy Tax Collector of Lower Swatara Township. The motion was unanimously approved.

Solicitor Henninger reminded the Board and staff to complete the annual State Ethics Commission Statement of Financial Interest reports and return to Ms. Arroyo.

President Mehaffie noted that there are two additional items for action before the Board tonight.

A motion was made by Commissioner Springer, seconded by Commissioner Davies, to approve the 2015 Municipal Domestic Animal Protective Service Agreement with the Humane Society of Harrisburg Area, Inc. Solicitor Henninger noted that he had reviewed the Agreement and everything is in order. The proposed rate would be \$2,945.07, which is an estimated price. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the following list of board/commission reappointments and appointments:

	<b>COMMISSION/COMMITTEE</b>	<b>TERM OF APPOINTMENT (YEARS)</b>
Fred Sembach	Representative to SARAA	5
Darlene Stoudt	Community Policing Adv. Board	3
James Kazakavage	Community Policing Adv. Board	3
Joel Bechtel	Zoning Hearing Board	3
Benjamin Hall	Code Hearing Board	3
Paul Yoder	alternate, Civil Service Commission	5
Tim Yeich	Recreation Board	5
James Kazakavage	Recreation Board	5
Richard Wilkinson	Municipal Authority	5

The motion was unanimously approved. President Mehaffie added that there is still a vacancy that needs to be filled on the Recreation Board due to the resignation of Frank Waple. There is also a vacancy on both the Police Pension Advisory Board and the Non-Uniformed Pension Advisory Board due to the resignation of Alex Billy.

FINAL COMMENTS:

Happy New Years were extended by the Board and staff.

ADJOURN:

With no further business to discuss, a motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:47 P.M.

ATTEST:

  
Jean R. Arroyo, Recording Secretary

