

## MINUTES

### LEGISLATIVE MEETING – JULY 17, 2013

The July 17, 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
- Brenda K. Wick, Planning and Zoning Director
- 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: None

#### ROUTE 230 UPDATE :

Matt Genesio, KGH Developers, provided an update on the Route 230 road work. News was received yesterday that a permit number has been issued for the Borough of Middletown's stormwater HOP. The HOP for the Borough's water line relocation was also submitted. The subcontractor placed the order for all materials and inlet boxes last Monday. KGH's engineer had confirmed some questions they had with submittals. Mr. Genesio added that they are still waiting to hear back from the pre-caster on the expected delivery schedule. The pre-caster had some concerns about the design of the boxes during transportation. The delivery schedule will be forwarded to the Township as soon as it is received. A detailed line-item construction schedule will also be provided. Mr. Genesio stated that based on initial projections, which he feels are still feasible, delivery of materials on site should occur in about five to six weeks --

August 15 – 22. The construction was projected to take another seven to nine weeks -- October 1 – 15. The goal remains to get this project done before PennDOT's paving season ends. Based on the information received, that is very likely. Mr. Genesio agreed to keep the Board posted on the status of the project.

APPROVAL OF MINUTES:

A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to approve the Minutes of the June 19, 2013 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Wilt, seconded by Vice President Leonard, to approve the Minutes of the July 2, 2013 Special 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. 2013-6. 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 June 2013. The motion was unanimously approved.

President Linn asked that the Board look closely at the monthly financial reports in preparation of the 2014 budget process. He requested that the Chairman of the Budget and Finance Committee, Commissioner Davies, contact the department heads and ask them to be prepared to sharpen their pencils.

ENGINEER'S REPORT: None

SOLICITOR'S REPORT:

Solicitor Henninger reported that the demolition project is moving forward. Settlement on the last property involved should take place sometime next week. The tax exemption

petitions for the properties purchased through the program have already been filed and approved. After the final property is purchased, tax exemption will be filed for it too. Solicitor Henninger reported that he has been having discussions with Commissioner Mehaffie, the newly appointed liaison between the Board and staff, on various subjects. He and Ms. Wick have also been discussing some zoning/subdivision issues.

MANAGER'S REPORT:

Commissioner Mehaffie thanked the Board for placing him in the position of interim liaison between the Board and staff. He also expressed his appreciation to Commissioner Wilt and Ms. Arroyo for their assistance in his first week and a half in this new role, and to the entire staff for their help during this time. Commissioner Mehaffie explained that he has been meeting with individual employees and department heads to get feedback. One concern that was voiced was that occasionally emails or mailings from agencies go directly to the home or personal emails of individual Commissioners. He asked that any Commissioner receiving such information forward it to Ms. Arroyo for distribution to the proper department.

Commissioner Mehaffie referenced information that was provided in the Board packets. Don Fure, Building Code Official, has provided a draft document of proposed permit and zoning fee changes. Mr. Fure and Ms. Wick have been working on updating fees; this has not been done for many years. The Board will review and discuss this document at the August workshop meeting. The Board has been invited to a meeting at the Tri-County Regional Planning Commission next Thursday at 3:30 P.M. Any Commissioner interested in attending should let Ms. Arroyo know. Commissioner Mehaffie called attention to a letter from a resident, Mr. Tucker, who lives near the Shopes Garden playground. Mr. Tucker is concerned about the use of the playground as a launching site for fireworks. This occurs at various times throughout the year. Mr. Tucker is asking that "NO FIREWORKS" signs be placed in the public parks. Commissioner Mehaffie stated that the Township does have an ordinance prohibiting illegal fireworks, but perhaps this additional wording can be added to the park regulations signs that are already in the park. Commissioner Mehaffie also informed the Board that the staff has been proving Ms. Arroyo with departmental updates to the website. Each Commissioner is also being asked to take a look at the website and review the information posted, including their personal bios. Any changes or additions should be provided to Ms. Arroyo by July 31.

## COMMITTEE REPORTS:

Police Committee – Vice President Leonard -- noted that Chief Brandt is in attendance this evening, and can provide an update. Chief Brandt presented the monthly statistics for June, which was an average month with 717 total calls. He reported that the Police Department did pass its three-year reaccreditation. The five new police officers continue to receive training; all five are now fully accredited by MPOETC (Municipal Police Officers' Education and Training Commission). Chief Brandt referenced the weekly staff meeting held this morning, and stated that Commissioner Mehaffie and Commissioner Wilt had asked about the bridge work on Route 441, just north of Spring Garden Drive. Chief Brandt sent some of the officers out to speak to the contractors, and the officers were informed that this Friday, July 19, PennDOT will be switching working lanes and placing new reflectors. Chief Brandt stated that they would not confirm an end date for the project, although the possibility of October was discussed. Commissioner Mehaffie explained that there had been concerns expressed by citizens about the loss of reflectors through the bridge, causing drivers to get in the wrong lane and go head to head with oncoming traffic. Chief Brandt noted another item discussed at the staff meeting was police protection and response at the new Sheetz, which is on Airport property. Coincidentally, there was a meeting of the Dauphin Chiefs of Police today, and Larry Miller, the Police Chief at HIA, was in attendance. Chief Miller explained that this issue had been discussed with former Chief Wiley a year and a half ago. They came to a consensus and then ran it through District Attorney Marsico for his opinion. District Attorney Marsico confirmed that this is the Airport's jurisdiction for police response. Chief Brandt also noted that the Dauphin County Chiefs of Police has designated Thursday, October 31 as this year's "trick-or-treat". Vice President Leonard asked Chief Brandt to report on the agenda item pertinent to filling the Sergeant's position. Chief Brandt explained that last year, he was promoted from Sergeant to Chief and this left a vacancy in a Sergeant's position. Filling the position was addressed in this year's budget, so the necessary written testing was given to the three individuals who expressed interest in the position. This test is extremely difficult, and only one of these individuals passed. That individual continued through the required process, which included the oral interview and the psychological and physical exams. He passed all exams. The Civil Service Commission then certified the "list", which is actually a list of one name. It is now up to the Board of Commissioners to decide whether it desires to promote this individual. Commissioner Mehaffie suggested the Board take action on this item as it appears on tonight's agenda. Vice President

Leonard also reminded the Board that last year, the Fire Department served as a staging area for emergency responders to the hurricane disaster on the east coast. The Fire Department is once again being used for a staging area, this time for emergency responders traveling to the fires out west.

Public Safety – Commissioner Wilt – reported that he had stopped at the Public Works bay which houses the Hershey EMS operations for the Township. The fellows on call at that time appreciated the visit and expressed their desire to stay in the Township.

Public Works – Commissioner Mehaffie – referenced an update provided by Mr. Anderson. Street sweeping continues. The final touches are being done on the new freightliner truck. The Municipal Authority and Public Works Departments are doing the prep work for the upcoming road construction on Nissley Drive, Scarlett Lane, and O’Hara Lane. Nissley Drive is expected to be closed one day on July 19 for throughway traffic only. Residents living in the development will be able to get in and out of there. Scarlett Lane and O’Hara Lane will then be addressed. Work on the GIS system continues. The Township has renewed its agreement with the Middletown Area School District for the District to provide water to the Greenfield soccer fields. Commissioner Mehaffie referenced the sinkhole at Kreider Lane. Plans to correct this include tearing up the road and bringing in a compactor. The dumpster will be available to residents on August 3, from 8:00 A.M. to noon. The Municipal Authority staff has been training on its new billing system, which was transferred over on July 9. Tracey Bechtel has provided the Board with a memo on the anticipated benefits of the new system. Another update will be provided to the Board once the bills go out and the system is actually in use. President Linn noted that some residents received notices from the Township regarding the need to trim trees which overhang the road. Commissioner Mehaffie added that some homeowners were also informed that their mailboxes are too close to the road, which could present a problem during the road milling project. Vice President Leonard referenced an article in the Press & Journal about the Middletown Borough being close to withdrawing from the Olmsted Regional Recreation Board. He asked for an update on this. Commissioner Mehaffie explained that the Olmsted Recreation Board has done a great job over the years, but at this point it seems the only thing being used is the two gyms and the public pool. He added that it does offer a nice basketball program. He suggested that the involved municipalities will need to meet and discuss this before coming to any conclusions. He stressed that he does not feel Middletown Borough

has any ill intent towards others, but is simply trying to look out for its own best interests.

Commissioner Davies added that the pool budget is the biggest operating expense. The pool actually belongs to the Borough, which maintains it. The Olmsted Recreation Board staffs and runs it. Commissioner Mehaffie and Commissioner Davies agreed to keep the Board posted as more information is received on the status of the Recreation Board.

Budget and Finance – Commissioner Davies – reported that cash receipts for the month of June totaled \$399,718.88. The major sources of revenues were from real estate taxes (current and delinquent)--\$179,530, Act 511 Taxes (namely the Earned Income Taxes, the Local Services Tax, and the Real Estate Transfer Taxes)--\$114,040, the receipt for the SARAA parking fees--\$18,039, and other miscellaneous receipts. Cash expenditures totaled \$407,565.63 and were comprised of the two transfers to the payroll account, the tax transfers to the miscellaneous funds, various quarterly insurance premiums (e.g., workers compensation), and all invoices due and payable. Investments totaled \$721,778.56 with an average annual yield of 0.5%. With six months of the fiscal year having elapsed the revenues are at 67.94 % of budgeted projections. While this percentage may appear to be high, it should be noted that the real estate taxes which most owners pay during the discount/face period have been collected at this time and will only trickle in for the remainder of the year. Expenditures are at 44.33 % of budget projections. President Linn asked Commissioner Davies when he would like to begin meetings for the 2014 budget. Commissioner Davies responded that he would like to start meeting with department heads at the end of August. Commissioner Mehaffie asked Commissioner Davies if they could sit down with the Ms. Rittner and Ms. Blymire within the next couple of weeks to discuss the budget. Commissioner Davies agreed.

Community and Economic Development – President Linn – reported that he had received a phone call about a possible future expansion of a Township business, Pratt Whitney. He and Ms. Wick then visited the site to discuss these plans. In response to a question from President Linn regarding progress on the Sheetz plan, Solicitor Henninger explained that Sheetz is still working through a sewer connection issue. Ms. Wick added that there is also a floodplain issue to be resolved.

UNFINISHED BUSINESS:

The Board tabled the Final Subdivision Plan for Bryn Gweled East (26 lots), located along Lumber Street, immediately south of PA 283, prepared by Dauphin Engineering Co. and submitted by BW Partnership. The plan was recommended for approval by the Planning Commission on May 24, 2007. 90-day time extensions were granted by the Board on July 18, 2007, November 21, 2007, 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, July 21, 2010, November 17, 2010, February 16, 2011, May 18, 2011, August 17, 2011, October 19, 2011, and January 18, 2012. A one-year time extension was granted by the Board on April 4, 2012, and additional 90-day extensions were granted by the Board on March 20, 2013, and July 2, 2013. The plan is due to expire on October 14, 2013. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Wilt, to approve acceptance of 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, October 17, 2012, January 16, 2013 and April 17, 2013. The plan is due to expire on July 17, 2013. With acceptance of the 90-day time extension, the plan will expire on October 15, 2013. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Davies, to approve the acceptance of a 90-day time extension, as requested by the developer, on the Final Subdivision Plan of Old Reliance Farms, Section 18-B (9 lots) prepared by Dauphin Engineering, Inc. and submitted by Old Reliance Partnership. The plan 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, February 1, 2013 and May 15, 2013. The plan is due to expire on August 18, 2013. With acceptance of the 90-day time extension, the plan will expire on November 16, 2013. The motion was unanimously approved.

The Board tabled the Revised Land Development Plan for KGH Properties – Campus Heights Village Wood Street Access, prepared by Forino, Inc. and submitted by Campus Heights Associates I, LP. The initial Plan submittal was due to expire on December 26, 2012. A 90-day extension was approved by the Township on December 19, 2012. Additional 90-day time extensions were approved by the Township on March 20, 2013 and June 19, 2013. The plan is due to expire on September 22, 2013. This plan remains tabled by the Planning Commission. The motion was unanimously approved.

The Board tabled the Final Land Development Plan for Middletown Home Access Driveway/Parking Revisions, prepared by Schlouch, Inc. and submitted by the Middletown Home. The initial Plan submitted was due to expire on May 29, 2013. A 90-day time extension was granted by the Board of Commissioners on May 15, 2013. The plan is due to expire on August 27, 2013. The plan remains tabled by the Planning Commission. The motion was unanimously approved.

#### NEW BUSINESS:

Commissioner Mehaffie noted that the wording for agenda item 16A has been revised to better clarify the motion. He asked Ms. Wick to further explain this motion. Ms. Wick explained the motion before the Board is to act on a request for the release of the Improvement Guarantee for the Subdivision and Land Development Plan for Lawrence Street Student Housing from the current \$282,324.07 to \$0. A Maintenance Guarantee in the amount of \$45,439.06, 15% of the original cost estimate will be held for a term of 18 months. She noted that the original request from Lawrence Street Partners was received in December 2012, and upon the recommendation from HRG to reduce the amount held to \$20,603.00, the developer chose to complete the improvements rather than proceed with the reduction. The most recent notification from the developer that the site work has been completed was on June 10, 2013. The 45 day period allowed by the MPC ends on July 25, 2013. All improvements on the Land Development Plan have been completed and a Maintenance Guarantee with an 18 month term for 15% of the

actual cost of the guaranteed improvements is now required. Ms. Wick summarized that basically, the developer has chosen to keep it in the same paperwork rather than get a new bond. Solicitor Henninger explained that this practice is becoming more common these days for financial reasons, since it avoids the fees associated with issuing a separate bond. In response to a question from Commissioner Davies, Ms. Wick confirmed that this work is all on the private property and does not include Lawrence Street which is the Township's portion or the HOP on Route 230. A motion was made by Commissioner Wilt, seconded by Vice President Leonard, to approve the request for the release of the Improvement Guarantee for the Subdivision and Land Development Plan for Lawrence Street Student Housing from the current \$282,324.07 to \$0. A Maintenance Guarantee in the amount of \$45,439.06, 15% of the original cost estimate will be held for a term of 18 months. The motion was unanimously approved.

The Board discussed the Termination of Easement between Lower Swatara Township and the Susquehanna Area Regional Airport Authority (SARAA). Solicitor Henninger added that these lines, in the area known as the North 29, were never used by the Township. The Municipal Authority is recommending the termination of easement, and as solicitor to both the Board and Authority, he is also recommending the termination. A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to approve the Termination of Easement between Lower Swatara Township and the Susquehanna Area Regional Airport Authority (SARAA). The motion was unanimously approved.

Commissioner Mehaffie stated that Shaun Donovan from CREDC is here to address any further questions about proposed Resolution No. 2013-R-10, which would place two parcels of land in the Keystone Opportunity Zone (KOZ). The properties involved consist of the old terminal property, and the lower half of the old Bethlehem Steel property. Mr. Donovan added that Solicitor Henninger had provided some revisions to the original draft resolution. Commissioner Davies inquired if there were potential tenants for these properties. Mr. Donovan stated there is not at this point in time. In response to a question from Commissioner Davies, Mr. Donovan also confirmed that these will be leased properties, since they belong to the Airport. Commissioner Mehaffie explained to the public that placing these properties into the KOZ will give them tax exempt status for ten years. After those ten years are over, the Township will benefit from taxes on any improvements to the properties. In addition, these businesses must stay at the location a minimum of five years after this initial ten year tax free

period or face tax penalties. It was noted that any airport operation type of usage, however, will still not be taxable. Commissioner Davies added that since this is Airport property, the Township does not receive tax revenue on it now. Commissioner Mehaffie asked Mr. Donovan what happens if a business falters. Mr. Donovan stated that it depends on the situation and how the individual lease is written. A motion was made by Vice President Leonard, seconded by Commissioner Davies, to approve Resolution No. 2013-R-10. This resolution approves the placement of certain parcels of land in the Keystone Opportunity Zone (KOZ). The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve a Stormwater Operation and Maintenance (O&M) Agreement for William Young, 740 Longview Drive. Ms. Wick explained that this is a requirement any time an individual proposes more than 1,000 square feet of impervious area on his or her land. She added that this particular agreement is for a single family home. It was reviewed by HRG, and all comments were satisfied. In response to a question from Commissioner Davies, Ms. Wick stated that the acronym BMP stands for "Best Management Practice." The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Wilt, to approve the Civil Service Commission list to backfill the vacant Sergeant position. The motion was unanimously approved.

FINAL COMMENTS:

President Linn requested an executive session immediately upon conclusion of this evening's meeting in order to discuss personnel matters.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Wilt, seconded by Commissioner Davies, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:53 P.M.

ATTEST:

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Jean R. Arroyo, Recording Secretary