

MINUTES

COMBINED WORKSHOP/LEGISLATIVE MEETING – JULY 18, 2012

The July 18, 2012 combined Workshop/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 & Zoning Director
- Steven W. Anderson, Public Works Director
- Alan K. Knoche, EMA Coordinator
- Richard Wiley, Police Chief
- Peter R. Henninger, Solicitor
- Jean R. Arroyo, Recording Secretary

Residents and visitors in attendance:

- Rod Kiner (544 N. Wood St.)
- Ronald J. Keeney (310 Dauphin St.)
- Ron Fisher (220 Dauphin St.)
- Michelle Keeney (310 Dauphin St.)
- Ruth Helwig (341 W. High St.)
- Peggy Ginnovan (535 N. Lawrence St.)
- Ken Stover (402 Young Ave.)
- Lin Coble (400 Young Ave.)
- Michael Otl (1125 Rosedale Ave.)
- Nicole Brown (520 N. Lawrence St.)
- John Murphy (Alpha Consulting Engineers)
- Doug Ferguson (Phoenix Contact)
- Kurt Smith (Gatter & Diehl, Inc.)
- Dan Lispi (DRL Consulting)
- Chris DeHart, LST Fire Chief
- Robert Furlong (126 Richardson Rd.)
- Mark Will and John Hoffer (Fulling Road LLC)
- Paul Navarro (Navarro & Wright)
- Phyllis Zimmerman (Patriot-News)
- Noelle Barrett (Press & Journal)

PRESENTATION OF CITATION TO FORMER FIRE CHIEF ROBERT FURLONG:

President Linn stated that prior to opening the floor for public comment, the Board would like to present a citation. Former Fire Chief Robert Furlong, who retired from this position in June, was presented with a citation for his years of service as Chief of the Lower Swatara Fire Department by Vice President Leonard, who had also served in the capacity of Fire Chief. Vice President Leonard noted that since the Lower Swatara Fire Department is all-volunteer, Mr. Furlong is to be commended for the many hours of personal time he spent serving the Fire Department and public. This service included responding to calls around the clock, attending training classes, working on grant applications, etc. Mr. Furlong was congratulated by the Board and by his replacement, Chief Chris DeHart.

PUBLIC COMMENTS:

Ron Keeney, 310 Dauphin Street, stated that he has numerous complaints about the closing of Lawrence Street due to the construction in the Eagle Heights area. One of these concerns is the heavy truck traffic and the fact that these fully-loaded trucks are traveling way too fast around the corner. He added that the residents were also promised that the road that joins Wood Street would be an emergency exit. It now appears it will be any entrance and exit from the complex, and once the new Lawrence Street is complete, it will also be an entrance. He stated that he doesn't believe a barrier will be put up to keep people from coming in and out. Mr. Keeney stated that the contractor did finally pave the street. However, the residents were told some type of barrier would be placed along High Street. This has not happened. All that has been put up are some small trees that will take more than fifteen years to grow tall enough to serve as a barrier. This is unacceptable. The Board does not seem to care and is not controlling what the contractor is doing. Mr. Keeney also noted that there are numerous times when trucks are parked in the middle of the street. He questioned what will happen when the school buses need to come through here. In addition, there is a water drainage problem in this area which is being ignored.

Ron Fisher, 220 Dauphin Street, added that since Lawrence Street has been closed, the tractor trailers are using his driveway as a back-around point. Yesterday, one of these trucks wiped out his mailbox and did not even leave a note. He added that the emergency road put in

to connect to Penn State should have been opened up to these tractor trailers in order to provide them a way out.

Rod Kiner, 544 N. Wood Street, stated that he had previously been before the Board to report that GreenWorks Development cancelled the contract it had with him to purchase his home. Since then, there have been at least two other contracts cancelled. He surmised that even more will be cancelled. Mr. Kiner added that there are rumors that GreenWorks purchased thirteen acres of the Middletown Cemetery. He questioned whether it is legal to sell cemetery land for development. President Linn stated that he cannot respond to this, since the cemetery is in the Borough of Middletown. He also noted that since the contracts with residents are private, the Township has no control over them.

Ruth Helwig, W. High Street, explained that she lives right across from where they are building. She reported that her private road is being used by the tractor trailers. She added that there is just too much traffic and dust from the construction, and she hates to leave her home for fear that she will not be able to get back into her driveway. Ms. Helwig stated that when the Board allowed the developer close Lawrence Street, it made a big mistake. There is one way in and one way out of the area, which is just not good. She suggested that something be done.

Peggy Ginnovan, 535 N. Lawrence Street, stated that on Mondays and Tuesday there is gridlock in the neighborhood. The tractor trailers pull in and do not have sufficient space to back up. She was recently asked by one of the firemen to allow him to park the fire truck in her driveway since the Fire Department needed to do an inspection. She stated that she did give him permission, since he had nowhere else to go. Ms. Ginnovan added that she has personally been run off the road twice by dump trucks, and also witnessed two dump trucks nearly run into each other due to the blind corner. Ms. Ginnovan agreed that Lawrence Street should have never been closed off until the new one was up and running. She also agreed that having that emergency access open to these trucks would alleviate a lot of the traffic.

Ronald Keeney also stated that the traffic signal on Wood Street only allows two to three cars to get in and out. There are also visibility problems at the signal. He stated that there will be one heck of an accident up there. There will be even more traffic problems when this new student housing complex is complete. Mr. Keeney stated that he realizes the Township is looking for more tax revenues, but this situation is not good.

Solicitor Henninger reiterated that the contracts referenced are private contractual matters that are between the developer and the property owners. The Township does not have any control over these. Mr. Kiner stated he understands this, but the Township approved the student housing developments. These should not have been permitted to be built until the residents were already out of that area. He stated that mixing college buildings with residential housing is not too smart.

President Linn suggested that the concerns from tonight's meeting be summarized and a meeting set up with the developer on Thursday or Friday to discuss them. He asked that Chief Wiley also be in attendance of the meeting.

Ms. Wick asked to address the concerns about the traffic signal. She explained that the signal was taken off the Borough of Middletown's timing link. It is a bit more responsive, but is still a very fast changing light.

Commissioner Wilt referenced the remarks that Lawrence Street should not have been closed until the new one was open, and reminded the residents that Penn DOT simply would not allow both streets to be open at the same time. Lawrence Street is closed in order to do the necessary road work, including the curbing. The Board did question GreenWorks Development about this but unfortunately the Township's hands are tied. Mr. Keeney noted that the contractor still hasn't done any of the curbing work yet. They have, however, started putting up a new building. He suggested that the Township is also being lied to.

President Linn thanked the residents for expressing their concerns. He stated that the Board does care, and will be addressing these issues with the developer.

Doug Ferguson, representing Phoenix Contact, stated that yesterday, in the middle of the day, United Water was testing hydrants on Fulling Mill Road. No prior notification had been given. This is the second incident where Phoenix Contact was not notified, and this interruption in service does causes problems for the business. Mr. Ferguson stated that he will be contacting John Hollenbach of United Water to discuss this issue. He did, however, want the Township to also be aware of this situation. Solicitor Henninger stated that he believes there is also a PUC requirement to make notification when water service is being interrupted or impacted.

DEPARTMENT REPORTS:

Emergency Management Report:

Alan Knoche, EMA Coordinator, reported that he has been working on the hazard mitigation grant paperwork since September and is finally at the point where FEMA has approved two of the Township's projects. The first project is to acquire thirteen homes. Once acquired, they will be demolished and the lots will remain open space forever. The second project is to acquire the Farr Apartment Building along the Swatara Creek. This building will also be demolished and will remain open space forever. Also pending is a second round of projects to acquire two additional homes; this will only take place if there is money left over with FEMA from the flood grant projects. Mr. Knoche reported that this week, he received an agreement from FEMA that he needs to sign if the Township intends to proceed with the projects. The federal government will pay 75% of all costs, the state will pay 22%, and the Township will be responsible for the remaining 3%. At this time, it appears the Township's total cost portion will be \$57,114. Mr. Knoche stated that he needs guidance from the Board tonight on whether to sign and proceed with the projects. Commissioner Davies asked if there is a time frame for the paperwork. Mr. Knoche explained that this is an expedited program; the papers were just received two days ago and need to be executed by July 23. Solicitor Henninger added that copies of the title searches were also requested to ascertain that there are not any mineral rights issues associated with any of the properties. President Linn stated that the Board had witnessed the flooding in this area, and now there is an opportunity to do something. He recommended Mr. Knoche be authorized to sign the papers. A motion was made by Vice President Leonard, seconded by Commissioner Wilt, to move forward with acquisition of these properties in conjunction with federal and state shares, at a cost of \$57,114 to the Township. Commissioner Davies asked if it would be prudent to put a price range in the motion. He asked Solicitor Henninger for his guidance. Solicitor Henninger agreed that a "not to exceed" number would be advisable. While the numbers appear to be locked-in at this point, things could change. Mr. Knoche agreed that things happen that cannot be anticipated. Vice President Leonard amended his motion to include authorization to move forward with a target amount of \$57,114, but not to exceed \$70,000. Commissioner Wilt seconded the amended motion, and the motion was unanimously approved. Mr. Knoche added that the property owners who had national flood insurance also had riders on the policies which were usable only for demolition.

These property owners were asked to sign a portion of this over to the Township, with the state getting the rest. In addition, there may also be Public Assistance Section 407 funds that may be used for demolition. Neither of these possible reimbursements is included in the \$57,114.

Mr. Knoche also reported that an exit interview had been held for the public assistance funding, which is reimbursement of the Township's expenses during Tropical Storm Lee. Mr. Krot thanked Mr. Knoche, Ms. Blymire and Mr. Anderson for their efforts to pursue this funding.

Fire Department Report: Chief DeHart

Chief DeHart reported that calls for the month of June totaled 42. The next Sunday breakfast will be held on July 22, from 7 AM to 11 AM. A roast beef dinner was held on July 15. The Rescue project is moving forward and the new engine will be back from the vendor soon and hopefully in service by mid-August.

Chief DeHart also referenced several charts showing alarm data.

Planning & Zoning Report: Brenda Wick

Ms. Wick reported that in the Code Department, there were 29 residential inspections and 20 residential permits; 11 of these included new townhouse permits. There were 36 property complaints and 106 commercial inspections. In total, there were 30 zoning and building permits. Ms. Wick stated that most of her report will be covered by items as they appear on the agenda. She did note that the Zoning Hearing Board had met last month regarding a deck variance for Campus Heights. Plans are to extend the deck on the old Victorian home located along Wood and High Streets.

Police Department Report: Chief Wiley

Chief Wiley reported that for the month of June, there were 17 Part 1 offenses, 58 Part 2 offenses, 660 service calls, 57 cases, 23 arrests, 17 suspects, 49 victims, 3 DUIs, 26 traffic citations, 5 non-traffic citations, 15 warnings, and 41 vehicle investigations. Year to date, there were 100 Part 1 offenses, 335 Part 2 offenses, 4,321 service calls, 297 cases, 157 arrests, 64 suspects, 253 victims, 29 DUIs, 412 traffic citations, 67 non-traffic citations, 234 warnings, and 646 vehicle investigations.

Chief Wiley reported that the Township will participate with eighteen other departments in regional police testing. There is a cost savings by participating in a group. The application deadline is August 24. Each candidate must pay a \$50.00 nonrefundable fee when submitting the initial application. Agility testing will be held September 29 and 30, and those passing will move on to the written test in October. Chief Wiley also reported that he had met with Civil Service Commission to update members on the testing, and to discuss recommendations on staffing. The Police Advisory Board also met, and agreed to once again do the “Witch Watch” program on trick-or-treat night. This program uses high school seniors as safety ambassadors during trick-or-treat, and has been very successful. The Advisory Board also discussed the possibility of initiating a crime prevention program. It is looking into advertising the event, finding a location (possibly the Fire Department) and exploring funding and donations for refreshments for the event.

Commissioner Mehaffie referenced the police testing, and asked if there is any cost factor to the Township for this, or just to the applicants themselves. Chief Wiley confirmed that the cost is borne solely the applicants. Any surplus from the testing fees is retained and utilized for advertising costs for the next scheduled testing.

Public Works Report:

Mr. Anderson reported that the Shopes Garden Paving Project is complete and came out very nice. The summer parks maintenance program is continuing, as well as mowing and trimming. Upcoming projects include curb painting, inlet repair, as well as ongoing right of way trimming and park maintenance. The dumpster will be available to residents on Saturday, August 4, from 8:00 A.M. to noon.

Commissioner Mehaffie stated that he was driving down Longview Drive today and observed a public works employee mowing the right of ways on the side of the road. He noted that when cresting that hill, it is nearly impossible to see this slow moving vehicle, especially when it is out onto the roadway. He suggested the department may want to set a truck or sign out there during the mowing. Commissioner Mehaffie stated that this is a bad hill, and he does not want to see anyone get hurt or rear-ended. Mr. Anderson explained that sometimes “mowing ahead” signs are put up, and this vehicle does have flashing lights and a beacon. The

police are often asked to control traffic when a vehicle has to be out on the roadway. Mr. Anderson explained that they try to be as safe as possible.

APPROVAL OF MINUTES:

A motion was made by Vice President Leonard, seconded by Commissioner Davies, to approve the Minutes of the June 20, 2012 Legislative Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to approve the payment of bills as presented on Warrant No. 2012-6. 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 2012. The motion was unanimously approved.

President Linn asked the Board members to review the financial statements. He noted that budget time is approaching, and the Board hopes to pass the budget in November this year.

ENGINEER'S REPORT: None

SOLICITOR'S REPORT:

Solicitor Henninger stated that he will address items as they appear on the agenda this evening. He requested an executive session immediately upon conclusion of tonight's meeting in order to discuss a personnel issue.

MANAGER'S REPORT: None

COMMITTEE REPORTS:

Police Committee – Vice President Leonard – none

Public Safety - Commissioner Wilt – none

Public Works – Commissioner Mehaffie – thanked Middletown for graciously taking the Municipal Authority through its new treatment plant. He also informed the Board that Amy Burrell, Director of the Olmsted Regional Recreation Board, will be resigning to take another position. He noted that he is sorry to see her leave, as she has done a very nice job.

Commissioner Mehaffie reported that he and Commissioner Davies had recently met with the Middletown School Board to discuss a temporary water solution for the soccer fields. They are now waiting for the Borough of Middletown to okay this agreement. Commissioner Mehaffie asked Solicitor Henninger if the Board could act on approving this agreement tonight, contingent upon written approval of the Middletown Borough. Solicitor Henninger responded that he feels the Board can do so. He added that he did phone the Middletown Authority Solicitor twice about this temporary circumstance, but has not received a response back. Solicitor Henninger noted that he is fine with the draft agreement. Commissioner Mehaffie informed the Board that this is just a temporary water solution. The Township is working with HRG on plans for a well at that location. He explained, however, that the Township cannot wait much longer or it will lose those fields.

Commissioner Davies stated that he does not mind moving forward with this agreement, but is concerned that the rest of the Board has not had time to review it. Solicitor Henninger explained that the agreement states the Township would basically be charged the metered rate for the water used. The only provision that always gives lawyers heartburn is the “indemnify and hold harmless” clause. He agreed, however, that he would probably require his Board to include this also. He stated that the agreement is temporary in nature, and he does not see any risks.

Vice President Leonard stated that he understands the value of the agreement, but is concerned that the Township has not heard back from Middletown Borough. He also expressed concern that he is being asked to vote on an agreement that he has only seen minutes ago. President Linn noted this is just a temporary solution. Commissioner Mehaffie agreed, and again explained that the Township is working on alternatives, but needs something done immediately. If these fields are lost, it will cost more money for the replanting. The agreement

is straightforward, and is being recommended for approval by the Township's legal professional. Solicitor Henninger agreed that if Middletown is okay with it, he would recommend approval. Mr. Krot added that the agreement sets a finite time and also allows only a certain amount of water to be used. Commissioner Mehaffie added that he would like to thank the School Board for putting its best foot forward. They were nothing but nice and accommodating. A motion was made by Commissioner Mehaffie to approve the temporary water agreement with Middletown, with the stipulation that approval is given by the Middletown Borough. Commissioner Davies seconded the motion, with apologies to his fellow Board members for the short notice. A roll call vote was taken with the following ballot tabulation: Commissioner Wilt – aye, Commissioner Mehaffie – aye, Commissioner Davies – aye, Vice President Leonard – aye, President Linn – aye. The motion was approved by a 5 – 0 margin.

Budget and Finance – Commissioner Davies – reported that cash receipts for the month of June totaled \$696,075.78. The major sources of revenues were from real estate taxes (current and delinquent)--\$271,263.41; Act 511 Taxes (namely the Earned Income Taxes and the Local Services Tax)--\$206,997.95; the second payment of the 2011 refund from Benecon--\$65,451.00 and other miscellaneous receipts. Cash expenditures totaled \$430,133.02 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 \$521,634.90 with an average annual yield of 0.5%. With six months of the fiscal year having elapsed the revenues are at 60.10 % of budgeted projections. While this percentage may appear to be high, the grants for Meade and the South Central Task Force are part of the revenue calculation. Expenditures are at 47.92 % of budget projections. It was noted that the invoices related to the Shopes Garden road reconstruction projects have not yet been submitted during the time frame at which is being looked at and compared. Commissioner Davies reported that there was a Budget and Finance Committee meeting last week. It was noted that the Township has realized \$117,582.72 from the Benacon refund of benefits. The Township is doing pretty well so far this year and has seen a serious increase in the amount of revenue from permits. Commissioner Davies reported that during the recent meeting, the Budget and Finance Committee discussed the idea of presenting the budget in November. There could be one budget hearing during a budget workshop session at which the Board goes over the first draft and discusses possible changes and concerns before coming up with a final budget for

advertisement. The staff would present rationale for the expenditures within the budget hearing, so it would be a forum for all Board members to hear what is being requested. Vice President Leonard agreed that this would give Board members an opportunity to speak with their department heads. Last year, budgets were presented to the Budget and Finance Committee and the Committee had to figure out how to get the budget drafted. This is an attempt to get more dialogue to make the process easier.

Community and Economic Development – President Linn – stated that he had nothing to report. Commissioner Mehaffie stated that there was a question posed about what is happening with plans by Delta Development to develop the Shope Farm. President Linn responded that he has not heard anything new about this project.

UNFINISHED BUSINESS:

Mr. Krot stated that no action is required on agenda items A, C, 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 Subdivision Plan of Old Reliance Farms (Section 18-B, 9 lots), and the Revised Five Oaks Village (Mobile Home Park) Plans. The motion was unanimously approved.

Mr. Krot stated there is a written request for a 90-day time extension 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 and April 18, 2012. The plan is due to expire tonight, July 18, 2012. In response to a question from Commissioner Mehaffie, Solicitor Henninger explained that they are still waiting on resolution of right-of-way issues with the Borough of Highspire. He did contact the Highspire Authority Solicitor, and was told they are working on it. A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve a request for a 90-day time extension on the Final Land

Development Plan of Residential Retirement Community, Phase 1, located along Fulling Mill Road at the intersection of Nissley Drive. The motion was unanimously approved.

NEW BUSINESS:

Mr. Krot reported that the first plan under New Business is the Final Land Development Plan for Phoenix Contact, Inc., prepared by Gatter and Diehl, Inc. and submitted by Phoenix Contact, Inc. Said plan was recommended for approval by the Planning Commission on June 28, 2012 with stipulations. The plan is due to expire on July 25, 2012. John Murphy, Alpha Consulting Engineers, explained that the plan before the Board tonight will add 185,000 square foot to the facility on Fulling Mill Road. It will also provide for an additional 175 new employees. The Planning Commission did recommend granting a waiver of the Preliminary Plan. It also recommended approval of the plan itself, with a few minor stipulations. These included approval from the Dauphin County Conservation District (DCCD) on the erosion and sedimentation control plan, the submission of a complete estimate of construction costs for the improvement guarantees, the Stormwater O&M Agreement, and the sewer module approval from DEP. He noted that since the meeting, DEP planning module approval was received. The O & M Agreement and an estimate of construction costs were also submitted. He noted that there also some minor comments submitted by Charles Smith of HRG. Mr. Murphy stated that they have no issue with these comments. He stated that he feels the plan is ready to move forward with a conditional approval. Ms. Wick verified that DEP planning module approval was received. The Stormwater O&M Agreement was just handed to her this evening, so she will need to review it. The estimate of construction costs for the improvement guarantees has been going back and forth a bit due to a difference in contractor numbers and the numbers the Township uses with prevailing wages. Some adjustments are being made. Mr. Murphy explained that he would certainly stipulate to work out any differences with the staff prior to plan recordation. Mr. Wick agreed that the only thing beyond the Township's control is the Dauphin County approval. Solicitor Henninger summarized the contingencies: Dauphin County Conservation District approval, approval of the agreement with regards to improvement guarantees, posting of improvement guarantees, review of the Stormwater O& M Agreement, plus any residual final comments from HRG that have not been addressed. Mr. Murphy suggested the motion state that any remaining issues on the two memorandums must be

addressed prior to plan recordation. A motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to approve the Final Land Development Plan for Phoenix Contact, Inc., with the contingencies outlined in the two memorandums. Vice President Leonard asked if this includes the request for the alteration of requirements. Solicitor Henninger stated the waiver request should have been acted upon prior to the plan itself and recommended that the motion and second be withdrawn. Commissioner Wilt and Commissioner Mehaffie withdrew their motions. A motion was then made by Vice President Leonard, seconded by Commissioner Davies, to grant the request for an "Alteration of Requirements" for a waiver of the following requirements of the Code of Ordinances, Chapter 22, Subdivision and Land Development: A waiver of the Preliminary Plan as required by Section 403 (Planning Commission recommended granting said waiver). The motion was unanimously. With the waiver request addressed, a motion was then made by Commissioner Wilt, seconded by Commissioner Mehaffie, to approve the Final Land Development Plan for Phoenix Contact, Inc., with the contingencies noted in the two memorandums. These contingencies include, but are not limited to, the posting of improvement guarantees, erosion and sedimentation control approval, and any other items. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the Scope of Work (estimated fee of \$3,500) as submitted by HRG, Inc. for NPDES (National Pollutant Discharge Elimination System) MS4's (Municipal Separate Storm Sewer Systems) Permit Renewal. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Leonard, to approve the additional Scope of Work (estimated fee of \$8,000) as submitted by HRG, Inc., to complete the measureable goals associated with the six (6) MCMs (Minimum Control Measures) for Permit Year #10 of the NPDES (National Pollutant Discharge Elimination System) Phase II Stormwater Permit and complete/submit the Permit Year #10 Annual Report to the Southcentral Region PA DEP Office. Commissioner Mehaffie asked if this is a yearly thing. Ms. Wick confirmed that it has been an annual item since 2003. The prior agenda item is to complete new paperwork for the state because it is changing the requirements which will take effect in 2013. It will consist of HRG filling out new paperwork to renew the permit through March 2013. This second scope of work will approve HRG to continue providing the annual reports, presentations, public education, etc. This began on March 10, 2012. Commissioner Davies asked if there is any

way to avoid this. Ms. Wick stated there is not, since these are DEP and EPA requirements. The motion was unanimously approved

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the authorization of payment for the Middletown Borough Authority Waste Water Treatment Plant BNR construction upgrades, Requisition 27-A, in the amount of \$2,995.96 to Middletown Borough Authority. Commissioner Mehaffie asked if this is the final invoice. Solicitor Henninger explained that the legal part is ongoing, since there is a dispute with the contractor. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve Resolution No. 2012-R-3. This resolution establishes a temporary speed limit of 25 mph on Greenfield Drive. This will be a temporary 90-day regulation but will become permanent when the Township addresses it via an ordinance that will include other signage that requires formal action. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the payment of an invoice in the amount of \$3,600 from JVH Excavating, Inc. for the repair of the inlet at Greenwood Circle. The motion was unanimously approved. In response to a question from Commissioner Mehaffie, Ms. Wick verified that there the Township does have a written agreement for the warranty.

ITEMS FOR DISCUSSION:

Mr. Krot reported that Paul Navarro, Navarro & Wright, has submitted sample language for a Zoning Amendment to allow larger buildings in the CN District and to allow Architect/Engineers Professional Offices in Residential Retirement Facilities. Dan Lispi, who is assisting Mr. Navarro with this project, stated that at the Board's last meeting, it became evident there were some zoning issues associated with plans to construct this 22,000 square foot, two-story building. The first issue relates to language in the zoning ordinance regarding the size of buildings permitted and the second issue relates to uses in the CN District. In the overlay retirement community, there is a list of specific permitted uses, and a professional doctors' office use is one of them. However, the specific use of an engineer/architect office is not included. The following sample language was provided by Navarro & Wright:

Part 14 COMMERCIAL NEIGHBORHOOD DISTRICT: CN Section 27-1402. Permitted Uses. Subsection 2. the introductory language, shall be amended to read as follows:

2. The following uses which deal directly with consumers, offices and establishments are permitted : provided that the building structure containing such use or uses does not exceed a footprint of 12,500 square feet.

AMENDMENT 2

Part 20 GENERAL REGULATIONS:, Section 27- 2002. Use Regulations. Subsection 27. Residential Retirement Facilities. Paragraph H. Ancillary Uses. shall be amended to add a new Sub-Paragraph (13) to read as follows:

(13) Offices of Architects and Engineers

Mr. Navarro explained the goal is to file a formal zoning amendment with the Township and take the request through the formal process, including Planning Commission input. Commissioner Mehaffie asked if the entire building would be occupied by Navarro & Wright, or would some of the space be rented. Mr. Navarro explained that his business currently needs about 15,000 square feet, so there would be about 8,000 available for lease to acceptable uses. President Linn thanked Mr. Navarro for his attendance tonight, and recommended the amendment go through the normal approval process.

Mr. Krot reported that the Township had received a request from the Citizens Fire Company No. 1, Inc., of Highspire to purchase fuel (diesel and regular gasoline) from Lower Swatara Township for its apparatus. Apparently Citizens was getting its fuel from Swatara Township but this option is no longer available since Swatara Township will no longer have underground fuel tanks. Mr. Anderson stated that he did not see a problem with this arrangement, although he would like to get an estimate of how much fuel they use. He explained that he would set them up with their own access card and billing would be specific to them. Commissioner Mehaffie stated that the School Board had asked a similar question regarding the possibility of the Township being a docking station for its school buses due to the convenience of its location. The School District had mentioned there are costs associated with the pumps, such as underground storage tank testing. Therefore, they indicated they would be willing to help incur some of these costs, based on what percentage they use. Commissioner Mehaffie suggested any approval for use of the pumps by an outside group include an agreement to pay for some of these fees. President Linn agreed. Mr. Anderson asked the Board to keep in mind that the Township only has two 8,000 gallon tanks – one for diesel and one for gas. Commissioner Mehaffie asked if Citizens would be

replenishing the fuel or paying for it. Vice President Leonard responded that according to the letter, it appears they are asking to be invoiced. Solicitor Henninger stated that he has some concerns that he would like to look into prior to approval. There are significant responsibilities with underground storage tanks, including environmental concerns. Since no one is here from Citizens, he suggested the Board table the request. He explained that the Township should probably have some type of formal agreement in place if it wishes to approve the request. Allowing an outside group to use the pumps is different than having the Township departments use them. Commissioner Davies suggested that Citizens also be asked what time frame they would like to begin this use. A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to table the request by Citizens Fire Company No. 1, Inc., of Highspire to purchase fuel from Lower Swatara Township. The motion was unanimously approved.

Mr. Krot called the Board's attention to an email that he just received this afternoon from a representative of the Ronald McDonald house. They are looking for a municipal sponsor in order for them to apply for a gaming grant to do sidewalk improvement in that area. Mr. Krot stated that during a phone call with the representative, he had inquired why they did not pursue this request with their home municipality, Derry Township. She explained that they did, but were turned down. Derry Township indicated that they plan out projects, and this project is not a part of the plan. They do not want to jeopardize any future grant projects of their own by applying for the \$125,000 for these sidewalk improvements. The representative informed him that any of the five or six contiguous townships to Derry Township would be able to make the applications; she will also be approaching these other municipalities. Mr. Krot stated that he had not had time to verify this information. The representative had informed him that the deadline for submission of the letter to the County is August 1, which is why he is bringing it to the Board this evening. Commissioner Davies asked how this might impact other requests by Lower Swatara Township for gaming grants. Solicitor Henninger said he is not sure, but this is the same discussion that the Board had with Navarro & Wright last month when it asked the Township to consider sponsor gaming grants for infrastructure improvements. Obviously, Derry Township must have the same concerns since it does not wish to sponsor it. Vice President Leonard stated that the Ronald McDonald House is a great charity, but he does not feel that Lower Swatara Township should jeopardize its own funding, especially since Derry Township turned it down for the same reason. Vice President Leonard made a motion to reluctantly turn down the request. Hearing no second, the motion died.

Mark Will, Fulling Road LLC, stated that he is here tonight to discuss with the Board the proposed zoning amendment for the residential retirement community plan. He noted that he had submitted a request for a 60-day time extension on the amendment, and that was approved by this Board. He explained that he thought the Board's next meeting was tonight and had planned to come here to pursue this discussion. Solicitor Henninger explained that with the time extension granted, the Board has until September 14 to hold a public hearing on the requested amendment. He asked if Mr. Will had the official updated amendment at this point. Ms. Wick noted that the Township only has the same information received last time. This amendment was forwarded to the Planning Commission for discussion at its June 28 meeting. However, no one was present to represent the amendment at the meeting. It was, therefore, discussed among the three members present and tabled. Mr. Will stated that at the last Board meeting he attended, he was asked to come before the Board and answer some questions; he is here tonight to do so. He noted that he will also attend the next Planning Commission meeting if necessary. Vice President Leonard stated that the amendment should go through the correct steps, which includes the Planning Commission. He added that he will personally rely strongly on what the Planning Commission recommends. He recalled that his remarks last time included the fact that the Township went through the Special Exception process years ago and spent money to advertise and pay the legal expenses. Now it is being asked to do so again, duplicating these fees. The developer is asking for this change before it even turned dirt over on the project. Mr. Will recalled that Solicitor Henninger previously addressed the concern about duplicate fees by noting that the developer did pay application fees for these expenses both this time and last time. He added that this change is being requested to improve the chances of success for the project. The change being requested is a change from age restricted to age targeted. This will not significantly change what the development will look like but will simply eliminate the absolute requirement of 55 and over. This will allow younger people to buy homes in this development, if they so desire. These types of designs are not attractive to most families, because they can get larger homes for less money and less fees in other areas. Mr. Will explained the change is a direct effect of the economy. He noted that he does not want to go into this project and have it fail. Vice President Leonard thanked Mr. Will for his attendance this evening, and suggested he first take his amendment to the Planning Commission for its input. Mr. Will agreed to do so.

FINAL COMMENTS:

Commissioner Davies said that it was unfortunate that the Board had to push through the agreement for temporary water service so quickly. He stated, however, that the discussions with the School District were refreshing and positive, and focused on working together and cooperating on future projects.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, 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 8:55 P.M.

ATTEST:

Harry N. Krot
Township Manager