

## MINUTES

### LEGISLATIVE MEETING – JUNE 20, 2012

#### LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The June 20, 2012 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by Vice President William L. Leonard, Jr.

Roll call was taken with the following officials in attendance:

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

Excused:

- Frank Linn, Sr., President

Residents and visitors in attendance:

- Bobbie Van Buskirk, John Tierney, Matt Tunnell (Lawrence Street Partners)
- Phyllis Zimmerman (Patriot-News)
- Rene Lipatas (CHA)
- Don Holtzman (Penn State Harrisburg)
- Paul Navarro (Navarro & Wright Engineers)
- Dan Lispi (DRL Consulting)
- Sam Rittner (Highspire Fire Department)

Vice President Leonard welcomed the public to the meeting, and opened the floor for public comments.

PUBLIC COMMENTS:      None

APPROVAL OF MINUTES:

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the Minutes of the May 16, 2012 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Mehaffie, to approve the Minutes of the June 6, 2012 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Commissioner Mehaffie, to approve the payment of bills as presented on Warrant No. 2012-5. 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 May 2012. The motion was unanimously approved.

ENGINEER'S REPORT: None

SOLICITOR'S REPORT: None

MANAGER'S REPORT:

Mr. Krot stated that he had nothing to report at this time. Vice President Leonard referenced the list of future meetings/events, and informed the public that at its last meeting, the Board had decided to cancel its July 11 workshop meeting and instead hold a combined workshop/legislative meeting on July 18, beginning at 7:00 P.M.

COMMITTEE REPORTS:

Police Committee – Vice President Leonard – reported that one thing that stands out in the Police Department's budget is the money paid for the south-central task force. While this appears higher in the police category, it is covered by an off-set of funds in the general

accounting area. The homicide that occurred in the Swatara Park area is still under investigation. Chief Wiley has indicated that the Police Department is in the process of completing the paperwork necessary for its annual accreditation process. Vice President Leonard reported that he had attended the Penn State Advisory Board meeting last month. If the local campus gets the okay, there are plans for an education building north of the entrance on Route 230. In the absence of Fire Chief DeHart, Vice President Leonard reminded the Board and public that the Fire Department's next Biker Breakfast will be held this Sunday.

Public Safety - Commissioner Wilt --- no report.

Public Works – Commissioner Mehaffie – reported that he had the opportunity to tour the completed Highspire Treatment plant, which is quite impressive. A tour of the upgraded Middletown Treatment Plant will be held this Monday at 6:00 P.M., prior to the regularly scheduled meeting of the Municipal Authority; all Commissioners are welcome to attend. The Public Works Department is extremely busy with the Shopes Garden project. It has basically completed Faye Road, Ray Road, and Shirley Drive. Four or five more inlet boxes need to be addressed. A total of twenty boxes have been replaced thus far. Commissioner Mehaffie stated that residents living in the Shopes Gardens area can expect the paving to start on June 9, with a mid-July completion. Commissioner Mehaffie also reported that he, President Linn, and Commissioner Wilt had attended the state conference this week. It was a very educational conference, and kudos was given to Swatara Township Commissioner Bob Spandler for putting together an excellent program. The seminars were informative, and it is always good when Commissioners from across the state can share experiences on issues they each face. Commissioner Mehaffie expressed hope that next year, everyone can participate in this conference. He noted that it is worth its weight in gold.

Budget and Finance – Commissioner Davies – reported cash receipts for the month of May totaled \$418,970.86. The major sources of revenues were from distributions for the Earned Income Tax and the Local Services Tax, Franchise Fees (Comcast and Verizon), various building permits, and other miscellaneous receipts. Cash expenditures totaled \$473,896.40 and were comprised of the two transfers to the payroll account, the transfers to the various miscellaneous funds (such as the street light and hydrant funds), the quarterly payment to Hershey Medical for EMS services, expenses related to the Meade Avenue project, and all

invoices due and payable. Investments totaled \$521,627.74 with an average annual yield of 0.5%.

UNFINISHED BUSINESS:

Mr. Krot stated that no action is necessary on agenda items A, B, C, and D -- the Final Subdivision Plan of Bryn Gweled East (26 lots), the Final Land Development Plan of Residential Retirement Community ( Phase 1), the Final Subdivision Plan of Old Reliance Farms (Section 18-B, 9 lots), and the Revised Five Oaks Village (Mobile Home Park) Plans. All four plans were tabled.

Vice President Leonard updated the Board on the Powderhorn Road extension issue. Communication has been received from DEP stating that the developer is addressing some outstanding concerns. The developer has agreed to write these up and provide them to the Board for review. The intent is to get the comments back to DEP in a timely manner. It appears that the right people are now involved in this issue and things are finally moving more quickly.

Commissioner Mehaffie stated that he would like to update the Board on the blocked pipe at Fulling Mill Road and Route 441. He reminded the Board that this had caused flooding to homes in that area last year. He and Mr. Anderson had met with the director in charge of that particular Penn DOT district, who told them he would get the PA One Call started and begin the process of locating that pipe. Commissioner Mehaffie reported that he and Commissioner Wilt were out in this area today and noticed that everything is now marked. It appears this issue will finally be addressed, and it is hoped that the residents in this area will finally see some progression with the situation.

Having no Unfinished Business to take action on, Mr. Krot proceeded to items under New Business.

NEW BUSINESS:

A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve the payment of Estimate No. 21 (Final Estimate), in the amount of \$2,663.86, to Navarro & Wright Consulting Engineers for construction phase services associated with the Meade Avenue Project. The motion was unanimously approved.

Mr. Krot referenced the next agenda item, which is to approve the repair of the Greenwood Circle inlet box by JVH Excavating, Inc. at a cost of \$3,600. Ms. Wick added that JVH has agreed to provide a one-year warranty upon substantial completion of the work. Commissioner Mehaffie stated that he would like to address this item, and made the motion to approve for discussion purposes. Commissioner Davies seconded the motion. Commissioner Mehaffie thanked Ms. Wick for pursuing the guarantee. He reported that he took Commissioner Wilt to the site this afternoon to show him the situation. He and Mr. Anderson had also visited the site last Wednesday. Commissioner Mehaffie noted that he has photos that he can show the Board. When they were out at the site, they were approached by two residents that live on the other side of Greenwood Circle. The residents are concerned about the standing water. While this area is a swale, it seems to be extremely soggy. He suggested that if this repair work is approved by the Board, it may also ask the contractor to check this out and make sure there are no problems on the other side. Ms. Wick explained that she can pursue this with the contractor, but explained that due to the extensive repair work and the layers of soil impacted, the area is very saturated. It will take time for it to dry out. She added that it is likely the earth below the surface is holding the water; it may not be that the surface water is not getting away. Commissioner Mehaffie stated his concern is the possibility of another situation with unwarranted work, as well as the standing water and the possibility of the West Nile virus. He added that upon looking at the site and seeing the way the box moved, he cannot understand why it was not pinned from the beginning. He again stressed that he wants to make certain things are taken care of and warranted up-front. Even during hectic times, it is important not to let things slide-through without warranties.

Commissioner Davies asked if the swale referenced was on private property. Ms. Wick responded that it is on private property with drainage easements. Solicitor Henninger suggested it is most likely the Township's responsibility to maintain this, although it is somewhat of a gray area.

Commissioner Wilt stated that in the future, even in an emergency situation where a project is not bid, he would suggest the staff ensure that all such projects be warranted and bonded.

Hearing no other discussion on this item, the motion to approve the repair work was unanimously approved.

The next item for action was the Final Land Development Plan for Highspire Service Plaza, PTC Service Plaza Development Project, located at 300 Industrial Lane, Mile Post 249.7 East Bound on the Pennsylvania Turnpike, prepared by Clough Harbour & Associates, LLP, and submitted by the Pennsylvania Turnpike Commission. The plan was recommended for approval by the Planning Commission on April 26, 2012, with stipulations. The plan is due to expire on June 20, 2012. Rene Lipatas, representing Clough Harbour & Associates, briefly explained what is being proposed. Ms. Wick noted that the plans are available to view, and added that all comments from the Planning Commission, Township Fire Department, Engineer, County, and Municipal Authority have been addressed. Ms. Wick also informed the Board that there is a waiver request associated with this plan. A waiver of the Preliminary Plan is being requested; the Planning Commission did recommend granting said waiver. Ms. Wick suggested the Board act on the waiver request before taking formal action on the plan. A motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to grant a request for an “Alteration of Requirements” for a waiver of the following requirements of the Code of Ordinances, Chapter 22, Subdivision and Land Development: a waiver of the Preliminary Plan, as required by Section 403. The motion was unanimously approved. A motion was then made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the Final Land Development Plan for Highspire Service Plaza, PTC Service Plaza Development Project, located at 300 Industrial Lane, Mile Post 249.7 East Bound on the Pennsylvania Turnpike. The motion was unanimously approved.

The final item under New Business was to act on a request by Fulling Road LLC to amend its application to amend the Zoning Ordinance in regard to its Final Land Development Plan of Residential Retirement Community, Phase 1, located along Fulling Mill Road at the intersection of Nissley Drive. The request is to extend the 60 day time limit between the date of the original application submission on May 17 and the hearing date by an additional 60 days for a total time of 120 days. In addition, the application will be amended to address the Dauphin County Planning Commission comments. Vice President Leonard stated that Mark Will, Fulling Road LLC, had indicated he would be in attendance this evening, but is not. Paul Navarro, Navarro & Wright Engineers, explained that with the request for a time extension, Mr. Will had expected this item to be deferred until the Board’s July meeting. Solicitor Henninger stated the Board could act to accept the 60 day time extension request submitted by Fulling Road LLC.

Commissioner Davies inquired if the Township's Planning Commission had an opportunity to provide input on this amendment yet. Ms. Wick responded that it will be on the Planning Commission's agenda for June 28. A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve the request to extend the 60 day time limit between the date of the original application submission on May 17 and the hearing date an additional 60 days for a total time of 120 days. The motion was unanimously approved. Solicitor Henninger stated that the revised application has not yet been submitted and asked Mr. Navarro to let Mr. Will know that the sooner it is submitted, the better. Mr. Navarro agreed to do so.

ISSUES FOR DISCUSSION:

Mr. Krot stated there are a few items for discussion this evening. He referenced item 16B, pertaining to scheduling of a Public Hearing to receive comment on a request for an amendment to the Zoning Ordinance, as submitted by Fulling Road LLC. Ms. Wick stated that with the previously approved time extension, the Board does not need to decide this tonight.

Mr. Krot stated that representatives from GreenWorks Development LLC are here again this evening to discuss the closure of Lawrence Street for construction purposes.

Bobbie Van Buskirk, GreenWorks Development, stated it is hoped that the Board will provide formal approval this evening to close the existing Lawrence Street. This will allow construction to move forward in both the right of way and on the Lawrence Street Partners Land Development Plan work to complete the site work around the buildings. Commissioner Wilt asked if a temporary road will be provided, and inquired as to the time frame between closure and opening of the new road. Ms. Van Buskirk responded that while it had initially hoped for a 60-day time frame, it may be closer to a 90 day time frame. She also explained that GreenWorks is in discussion with Penn State about the possibility of putting in a temporary access for emergency vehicles. A temporary road would be built off of Dauphin Street and would access onto the parking lot area of the Susquehanna Building. She noted this would be for emergency access only.

Commissioner Mehaffie asked if the concerns about the timing of the traffic signal on Wood Street had been looked into. Ms. Van Buskirk stated that she did contact the Penn DOT District 8 maintenance office, which deferred her to the Borough of Middletown. She left a message with the Borough, but has not yet been able to speak to staff personally. She plans to visit

the Borough Office tomorrow to try to speak directly to someone about this issue. Commissioner Wilt stated this definitely needs to be resolved if Lawrence Street is to be closed. Otherwise, it will be a messy situation.

Commissioner Mehaffie asked if Wood Street had been completed. Ms. Van Buskirk stated that Wood Street was widened in association with the Campus Heights Project. A retaining wall was also placed. It appears the work has been completed. Ms. Wick reported that the base course is down. She surmised that they are waiting to get the heavy trucks off the street before putting down the wearing course. She noted, however, that the widening is done and the street is accessible.

Vice President Leonard stated that he wasn't anticipating the request for approval tonight. Ms. Van Buskirk explained that they did file for an extension of the highway occupancy permit on the closing of Lawrence Street. Formal approval is being sought tonight due to the construction schedule. Vice President Leonard also questioned why the projected road closure has gone from 60 days just two weeks ago to 90 days tonight. Ms. Van Buskirk explained the concern with the 60 days is the time that it may take Penn DOT to accept and open the HOP work. They cannot control Penn DOT. The 90 days would provide a little buffer time. Vice President Leonard also referenced previous discussions about the curbing. Ms. Van Buskirk explained that the curing for the part of the HOP work along Route 230 extends down approximately three feet past the existing Lawrence Street.

Commissioner Mehaffie stated it sounds like nothing can be done to keep the street open while the work is being done. Ms. Van Buskirk agreed that this is correct. He questioned if the road would be closed immediately upon Board approval. Ms. Van Buskirk explained that prior to road closure, the agreement will be put in place with Penn State for the emergency access. The work will then be done to open up this emergency access into the Susquehanna Building parking lot. After this is complete, Lawrence Street will be closed.

Commissioner Wilt asked if GreenWorks feels the work can be completed in time for the fall semester. Ms. Van Buskirk responded that this is what is being hoped for.

Vice President Leonard stated that hypothetically, since the emergency access must be completed first, the Board does not need to vote tonight on the actual closing of Lawrence Street. Solicitor Henninger suggested the Board move forward with this issue tonight by authorizing the closing of Lawrence Street, contingent upon the opening of a temporary emergency access drive

into Penn State. Ms. Van Buskirk agreed this would be sufficient. Vice President Leonard stated he would be okay with this, provided that no other stipulations pop up in the interim. Solicitor Henninger agreed, and added that the Board doesn't meet again until July 18. However, special meetings can always be called for, and advertised, when required.

Commissioner Mehaffie questioned if this will be an emergency access only, or can be made a limited temporary access for use by the residents in this area. Ms. Van Buskirk explained that the conversations with Penn State have been to put in an emergency access. Anything beyond that would need to go to University Park and be presented in front of its Board of Trustees for approval. Vice President Leonard stated it would be great if traffic flow could be directed out this way instead of entirely flowing out onto Route 230.

Commissioner Mehaffie again expressed concern about the traffic signal on Wood Street, which could become a major problem if not corrected. Ms. Van Buskirk and Solicitor Henninger both agreed the signal needs to be addressed. Commissioner Mehaffie noted that the sooner a meeting can be held with the Borough of Middletown, the better. He suggested that Ms. Wick and Mr. Krot may also need to get involved. He also asked if it would be necessary to have Lawrence Street completely shut off during this 90 day period. Ms. Wick confirmed that it would be. She explained the extreme changes in grade simply will not allow the street to remain open while performing the necessary construction. In response to a question from Commissioner Mehaffie, Ms. Wick noted that while it is legal to make a right at the signal on Wood Street, it is extremely dangerous.

Commissioner Mehaffie inquired if Penn State would have to vote on allowing the access. Don Holtzman, representing Penn State, explained that as long as it is an emergency access only, approval can be handled locally. However, if the temporary emergency access would be turned into an actual road that would accommodate traffic, approval would have to go through University Park. He noted this would take time, and he could not guarantee the outcome of this request.

Commissioner Davies asked how this emergency access will be controlled. Vice President Leonard stated that the location of the access may have been selected because it is right next to the police station. Ms. Van Buskirk added that they are looking into the placement of signage indicating this is a temporary emergency access only. In addition, break-away bollards are being looked into. These would break away and fall when struck by an emergency vehicle.

Hearing no other discussion on this matter, a motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to approve the closing of Lawrence Street, contingent and concurrent with a temporary emergency access drive being opened onto the Susquehanna Building parking area. The motion was unanimously approved. Commissioner Mehaffie urged GreenWorks to continue pursuing the issue with the signal, and asked that the Commissioners be kept in the loop regarding this issue.

The Final item for discussion was a request by Navarro & Wright Engineers for a letter of support from Lower Swatara Township to DCED (Department of Community and Economic Development) for financial assistance for off-site improvements to its plan on Fulling Mill Road.

Paul Navarro introduced Dan Lispi, DRL Consulting, who is helping him with the applications for grants for infrastructure improvements. Mr. Lispi explained that the development of this parcel would add to sewage flows, and it was previously determined and understood that improvements would have to be made to the Lumber Street interceptor at two different locations and at significant cost. There would also be some road improvements that would have to occur, as well as traffic signal improvements, all of which would be borne by the developers. Since these costs are an added financial burden to the project, it was decided to explore the idea of applying for grants to fund some or all of the infrastructure improvements. The draft letters before the Board this evening are to DCED and are letters of support for the project. The possibility of using gaming grant funds is also being explored. However, this option would require the Township to be the actual applicant for the grant.

Mr. Lispi explained that after the Board workshop, they became aware that there are some other issues with zoning for the project, and this needs to be resolved prior to moving forward with the request for funding assistance. He explained the project being proposed is a new office building for Navarro & Wright. The firm's current headquarters in New Cumberland is at capacity. This new office building would provide space and allow for future growth. The site is physically compatible with the proposed office building, and the building would not be out of character with the development and other buildings in this area. In addition, it would not detract from the other development proposed for the site, which is a residential retirement community. It would, in fact, provide significant benefits to the Township via taxes, sewer fees, etc. It should not burden the Township services, since it would be an office building where employees arrive in the morning and leave in the early evening. Making the necessary sewer improvements would not only benefit this

project, but all other future development occurring in this corridor. Mr. Lispi stated that they feel this project has merit; he asked the Board to consider amendments that would enable the zoning issues to be addressed. He suggested that since there is already an amendment request before the Board pertinent to the retirement community, it may be possible to also include an amendment to address this zoning request in the same amendment. That way, both amendment requests could be addressed at once.

Mr. Navarro stated that he had just become aware of the restriction of a maximum of 4000 square feet for a commercial building in the Commercial-Neighborhood (CN) District, which is the underlying district. He added that with the current market, it is difficult for the project to bear all the off-sight improvements that were initially accepted in good faith when the market was booming. When the estimate was done by HRG some time ago for the sewer upgrade, it was expected upgrading the two areas would cost approximately \$350,000. Mr. Navarro explained that this is why they are looking at two funding sources to help with this large expense. One source would be through Dauphin County Economic Development (DCED). Navarro and Wright would be the applicant along with Fulling Road LLC, which is the owner of the property. In this application, they are simply asking for a letter of support from the Township. The other source would be a gaming grant through Dauphin County. Since this grant is only available to municipalities, Lower Swatara Township would be asked to take on the role of applicant. Mr. Navarro added that the addition of this 22,000 square foot office building could actually be the catalyst to spur development of the commercial buildings along the frontage of this site.

Solicitor Henninger explained the intent of the Commercial-Neighborhood District. Since this district is adjacent to a residential neighborhood, the commercial uses that are permitted are uses that are more of a transition from commercial to residential. These would be smaller commercial uses, perhaps businesses used by the residents living in this neighborhood.

Vice President Leonard stated that there are three issues really being discussed here: (1) the sewer interceptor improvements and the request for a letter of support (2) the size of the building planned by Navarro & Wright (22,000 square feet) versus what is permitted (4000 square feet) and (3) a request to remove the 55 age requirement from the residential retirement community to make it age targeted. While there are three separate issues, they are all closely linked.

Commissioner Mehaffie asked the procedure required for these amendments, and asked if they will need to go before the Zoning Hearing Board. Solicitor Henninger explained they will not.

The original amendment requested is a change from age restricted to age targeted, and now an amendment is being sought to allow a building of 22,000 square feet in the C-N District.

Ms. Wick added that the uses allowed with a special exception in the residential retirement community do not include professional offices. That is the underlying zone, the C-N District. The ancillary uses that are in the residential retirement community are to support that community and none of them included professional offices, except for doctors, dentists, and other medical related uses. There is no size restriction on those offices.

Solicitor Henninger stated that the wording in the ordinance itself is confusing, since it refers to each use not being more than 4000 square foot. It could be interpreted that a 50,000 square foot building would be permitted, as long as none of the uses are more than 4000 square feet. Regardless, the building would not be allowed in the overlay district. The Board would have to agree to amend the overlay district to allow that use and expand that use. Solicitor Henninger stated that in all honestly, he feels the language needs to be amended anyway in order to clarify the intention.

Commissioner Davies stated that if the Board has not even amended the zoning to permit this building, it seems that it would be putting the cart before the horse to request support for funding for the interceptor. Vice President Leonard stated that interceptor improvements will still be needed for the residential retirement community and other development in this area. Mr. Navarro added that they are still not receiving cooperation from the Highspire Authority for the right of way agreements needed. Solicitor Henninger suggested Mr. Navarro come to the Authority meeting Monday evening to address this issue. The Solicitor also agreed with the statement made by Commissioner Davies about the letters of support. He noted that the draft letters presented to the Board reference “age targeted”, and the Board has not even made the decision on this amendment yet.

Commissioner Mehaffie asked if these proposed upgrades are in Highspire or Lower Swatara. Solicitor Henninger explained they are in Highspire. The Borough is fine with the upgrades being done, and has signed off on this, as well as agreeing to assist in the acquisition of the rights of way. Commissioner Mehaffie stated that since it is Highspire’s land, it makes sense for Highspire to be the applicant. Solicitor Henninger explained that the projects that will benefit from these upgrades are physically located in Lower Swatara Township. The Borough itself does not need the upgrade. Commissioner Mehaffie suggested the possibility of a joint application.

Solicitor Henninger responded that Highspire may agree to provide a letter of support, but may not agree to a joint application.

Commissioner Davies again stated that is too early to agree to lend support when there are still decisions to be made about zoning changes. He added that he had been exposed to the concept of a residential retirement community at an early stage when the agreements were made and the special exception was granted. There was no building of that size in the plan, and there was very specific information in terms of the character of the community, which is being asked to change. Commissioner Davies stated that he would like to see these zoning issues put to bed first. He stressed that he is supportive of the sewer interceptor expansion, but feels these other issues should be dealt with first. Commissioner Mehaffie remarked that Commissioner Davies is exactly right with this thinking. If the zoning amendment is not granted, this could impact the requested funding.

In response to a question from Mr. Navarro, Solicitor Henninger stated that it is possible to include both amendment requests in the one application, since the application has to be amended anyway. Ms. Wick agreed that the proposed amendment for the residential retirement community has not been advertised yet, and a public hearing has yet to be held. Solicitor Henninger stated, however, that in order to permit the building envisioned by Mr. Navarro, there would have to be amendments to both the overlay district and the Commercial-Neighborhood District. Vice President Leonard remarked that amending the Commercial-Neighborhood District would impact every Commercial-Neighborhood District in the Township – not just this corner of land being discussed. He questioned why the developer would want to combine these two requests into one amendment. For example, the Board might agree that a 20,000 square foot building makes sense, but may not want to amend the special exception. Mr. Navarro has already indicated that he wants to put his office building here no matter what is decided regarding the residential retirement community. If these are combined, the Board would have to vote on both as one. He suggested that two separate zoning amendment applications makes more sense.

Vice President Leonard added that he also has some concerns with the potential support via a gaming grant. First of all, the money that is being requested will actually be put into the Borough of Highspire. Fundamentally, the request is to put funds into another municipality. Secondly, it is possible that the Township itself may require funds in the future from the gaming commission for its own major assets. He questioned how this could impact the Township's chances to get

additional grant monies. Vice President Leonard stated that he would like resolution of both these questions before agreeing to anything.

Commissioner Mehaffie stated that any grants being pursued for sewer improvements would benefit all the developers with proposed projects in this area, since all would be responsible for upgrading the sewer interceptor.

Commissioner Wilt stated that he is concerned about the Township requesting grants benefiting private enterprise. When the Board pursued gaming funds for the Rescue Truck for the fire department, it was for the betterment of the public. These are two distinct things. He added that he does not necessarily think the Township should be funding private projects. Vice President Leonard recalled a discussion with Mr. Will and some other individuals last year regarding a request of support from the Board for funding, and it was turned down by the Board for that very reason. Commissioner Mehaffie agreed that he remembered that discussion, and he recalled them asking the Township to actually pick up the tab to do the work through the Municipal Authority. This request, however, would be for the Township to be a grant applicant. Mr. Navarro explained that the interceptor needs to be upgraded anyway due to a consent order. Solicitor Henninger stated this is not correct. Required improvements were made, I & I issues were addressed, manhole problems were corrected, inspections were made, etc; the Township is no longer under a consent decree. The system is functional now, so the remedial measures have been successful. The problem is that on paper, the system is hydraulically overloaded. Therefore, no new development in this area can be approved unless the lines are expanded.

Commissioner Mehaffie asked if the Lower Swatara Township Municipal Authority can be sponsor for the grant. Solicitor Henninger said it probably can be, if it so agrees. Vice President Leonard stated that it would be nice if the Highspire Borough Authority and the Lower Swatara Township Municipal Authority pursued the grant funding together. Commissioner Mehaffie said it would be worth asking, since it is more of an Authority situation since it involves the interceptor. Solicitor Henninger agreed that this can be addressed with the Township's Municipal Authority. He added there is a slight amount of flow from Swatara Township that also goes through this line

Mr. Navarro agreed to present this request for funding support to both the Township and Borough Municipal Authority. He will also file a separate zoning application in order to allow his proposed new headquarters to be built on this site.

FINAL COMMENTS:

Commissioner Mehaffie referenced this evening's discussion on the Lawrence Street closing, and asked that while the emergency access is being prepared, the developer put signage in this area as soon as possible notifying the residents that the road will be closed, and the anticipated date of closure. Solicitor Henninger agreed, and suggested that the developer may even want to take it another step and notify the residents individually.

ADJOURN:

With no further business to discuss, a motion was made by Vice President Leonard, seconded by Commissioner Davies, to adjourn the Legislative Meeting. The motion was unanimously approved, and the meeting adjourned at 8:28 P.M.

ATTEST:

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Harry N. Krot  
Township Manager