

MINUTES

NON-LEGISLATIVE MEETING

JUNE 6, 2012

The Non-Legislative Meeting of the Lower Swatara Township Board of Commissioners, held at the Lower Swatara Township Municipal Building, was called to order at 7:00 P.M. by Vice President William L. Leonard.

The following officials were in attendance:

- William L. Leonard, Vice President
- Michael J. Davies, Secretary
- Thomas L. Mehaffie III, Commissioner
- Jon G. Wilt, Commissioner
- Peter R. Henninger, Solicitor
- Brenda K. Wick, Planning and Zoning Director
- Richard T. Wiley, Police Chief
- Steven W. Anderson, Public Works Director
- Jean R. Arroyo, Recording Secretary

Excused:

- Frank Linn, Sr., President
- Harry N. Krot, Manager
- HRG, Township Engineer

Residents and visitors in attendance:

- Chris DeHart, Fire Chief (Lower Swatara Fire Dept.)
- Paul Navarro (Navarro & Wright Engineers)
- Mark Will (Fulling Road LLC)
- Bobbie Van Buskirk & John Tierney (GreenWorks Development)
- Rod Kiner (544 N. Wood St.)
- Michelle & Isaiah Keeney (Eagle Heights)
- Ronald Keeney (Eagle Heights)

PUBLIC COMMENT:

Rod Kiner, 544 N. Wood Street, questioned what the future plans are for the Penn State student housing. He stated that GreenWorks Development has backed out of at least one agreement already – the one it made with him to purchase his home as part of Phase 2 of this project. Mr. Kiner surmised that GreenWorks will back out of other agreements too; he suggested that the agreements were made with the residents as a smoke screen to get the project started without opposition. He was told that GreenWorks does not have the money to purchase his home and doesn't expect the project to extend to his area.

Mr. Kiner stated that he would not have supported the project without that agreement. Solicitor Henninger explained that as far as he knows, there is nothing in the approved plans contingent upon purchasing adjacent properties for this part of the project. This is basically a private matter between the residents and GreenWorks Development. Mr. Kiner stated that he feels GreenWorks should have acquired all the properties first. It is trying to make this a college-type setting, and it is simply not good to have residential homes in this mix. In response to a question from Commissioner Mehaffie, Ms. Wick stated that the Township has not received anything from the developer for Phase 2 of the project. Vice President Leonard questioned if there was any timing stipulated for Phase 2. Mr. Kiner stated that he had been told ground breaking for this phase would begin September of this year. Vice President Leonard suggested the Board ask Mr. Krot to speak to the developer regarding plans for this project and get back to Mr. Kiner.

POLICE DEPARTMENT REPORT:

Richard Wiley, Police Chief, provided call statistics for the month of May: 16 Part I Crimes, 52 Part II Crimes, 714 service calls, 46 total cases, 30 arrests, 15 suspects, 35 victims, 4 DUI arrests, 61 traffic citations, 18 non-traffic citations, 25 warnings. He also reported the following statistics year-to-date: 79 Part I Crimes, 276 Part II Crimes, 3459 service calls, 234 total cases, 126 arrests, 51 suspects, 194 victims, 24 DUI's, 359 traffic citations, 59 non-traffic citations, 205 warnings .

Chief Wiley reported on the homicide in the Township, and noted the investigation is on-going.

FIRE DEPARTMENT REPORT:

Vice President Leonard stated that he is pleased to introduce the new Fire Chief, Chris DeHart, who was elected to this position by the Fire Department last Monday. He will be replacing retiring Chief Furlong. Chief DeHart has served as Assistant Chief for several years and is very familiar with the Township. Chief DeHart was congratulated on his new position.

Chief DeHart reported that there were 42 calls in May, bringing the yearly total to 200 calls thus far. Thankfully, it has been a slower year than 2011. He and Vice President Leonard attended the Dauphin County briefing regarding the closest dispatch issue. This process will be long and involved, and will include such matters as assuring that the appropriate apparatus responds to a particular call. This issue will come to the Board for approval, since Board authorization will be necessary in order for the Fire Department to go in that direction. Every municipality in Dauphin County will be asked to endorse this, and it is hoped that 100% of them will do so.

The Fire Department recently toured the GreenWorks student housing project, and will also be doing so for the KGH student housing project. It will also tour the Kreider Poultry Farm later this summer to review its expansion. Issues at Kreider include the fact that there is no water out there – the Fire Department would have to bring water in via tankers.

The breakfast this month will be on June 24, from 7 A.M to 11 A.M, and the monthly Sunday dinner will be baked chicken on June 17 at 11 A.M. Vice President Leonard added that there will be a breast cancer ride in conjunction with the biker breakfast. Chief DeHart verified that the ride starts at 11:00 A.M.

Commissioner Davies questioned if the Kreider facility is a multiple-story facility. Chief DeHart stated that the new facility is probably double the size of the old facility. Commissioner Davies stated that he realizes that zoning requirements are different for agricultural buildings, but questioned if these buildings will be sprinklered. Chief DeHart stated that it will probably be a dry-system. This will be reviewed with the Fire Marshal, Glenn Snavely. Commissioner Davies also inquired if there is a tanker. Chief DeHart responded that at this time there is; the closest available tankers are pulled when needed.

PUBLIC WORKS DEPARTMENT REPORT:

Steve Anderson, Public Works Director, reported that the Department is in the middle of the Shopes Gardens Paving Project. Milling road surfaces and inlet and manhole adjustments are in progress. The summer parks maintenance program is underway. A second application of weed control was applied to the ball fields, the Market Street Park (Rosedale Park) is completed, and routine mowing and trimming is ongoing.

SEALCO recently sealed and re-marked the Township parking lot and driveways. Crack sealing has been performed in the Old Reliance Farms development. Residents have expressed concern with the appearance of this repair work, but it does save the roads for a period of time. Upcoming projects include milling/paving preparation in Shopes Gardens (June 4 – 15) and paving in Shopes Gardens (July 9 – 20). Residents have received notices, and no parking signs have been placed. The dumpster will be available to Township residents on July 7, from 8:00 to noon.

Commissioner Mehaffie stated that several months ago, the Board had discussed the possibility of purchasing a ball field groomer. Now that revenues are in, he asked Commissioner Davis if he had an opportunity to review numbers to see if this equipment is obtainable. Commissioner Davies responded that the numbers have not been thoroughly reviewed at this time, but stated that this can be done.

CODES/PLANNING AND ZONING DEPARMTENT REPORT:

Brenda Wick, Planning and Zoning Director reported that in the Codes Department, there were thirteen residential building inspections made. The Department is reviewing a new permit for a five-unit townhouse. Twelve properties were investigated for code violations. A summary court hearing was held pertinent to some citations that were not addressed; the defendant was found guilty and a small fine was set. There were forty-nine commercial inspections, and the department issued a total of twenty-eight building and zoning permits.

Ms. Wick noted that on the planning side, the Turnpike Highspire Service Plaza plan will be in front of the Board on June 20. The plan was moved forward by the Planning Commission. The Phoenix Contact Land Development Plan will most likely be before the Board in July.

Ms. Wick informed the Board that due to timing issues, there has been some discussion about the possibility of closing Lawrence Street prior to the new Lawrence Street being opened.

There were representatives in attendance this evening to informally discuss this with the Board. Bobbi Van Buskirk, GreenWorks Development, first asked to address the concerns of Mr. Kiner. She explained that GreenWorks had to slow down some of its plans for Phase 2 due to delays with the State moving forward with the Highway Occupancy Permit (HOP). Since some of the agreements with residents were expiring, they were not renewed. Ms. Van Burskirk stated, however, that as things move forward, GreenWorks may be back later to speak to some of these residents about entering into new agreements.

Ms. Van Buskirk provided the Board with diagrams of the relocated Lawrence Street Plan. She explained that they are in the final approval stages for the HOP required for the relocated Lawrence Street. As part of the Penn DOT review process, the street is required to have a longer turning lane than anticipated. This turning lane and change in the curb-line extends down past the location of the existing Lawrence Street. Therefore, there have been discussions about the possibility of closing Lawrence Street prior to the new Lawrence Street being opened, basically because of the sequencing of construction. Ms. Van Buskirk added that they had talked to the Fire Department on May 21. The Department indicated that its emergency apparatus uses Wood Street. It can not use Lawrence Street anyway because its equipment “bottoms out” on this street. One of the major concerns of GreenWorks has always been allowing access for the school buses to get through this neighborhood. Today was the last day of school for the Middletown Area School District.

Ms. Van Buskirk noted that this seems to be the best and safest time to close the street and get the work completed.

Vice President Leonard asked the length of time the street would be closed prior to the new street being open and available for use. Ms. Van Buskirk estimated about sixty days, and confirmed that the residents in this area would have to use Wood Street during the interim.

Michelle Keeney, 310 Dauphin Street, expressed concern that the proposed closing and moving of Lawrence Street is during the same time as the influx of 600 people moving into an area with only one road out. Additionally, the traffic signal timing only allows time for one car to get out. Ms. Van Buskirk explained this is not correct. She explained that the new road simply cannot be completed and the new curb line extended down Route 230, unless the old road is closed. Ms. Keeney stated that it is already difficult to get in and out of the development, particularly with ongoing construction. Having no other exit is a dangerous situation, especially should an

emergency occur. She suggested some other type of alternate access be provided, even if it is a dirt road. Commissioner Davies explained that this is a state highway, and it would not be legal to just cut entrances onto the road. Ms. Keeney also expressed concern with the traffic signal, and stated the timing does not seem to work correctly.

Solicitor Henninger stated that he can put one concern to rest. No one will be able to move into the housing developments until the Township issues an occupancy permit. Obviously, the Township will not do so until the new Lawrence Street is completed and open.

Commissioner Mehaffie asked if the last section of curbing could be delayed to the end of the project. Ms. Van Buskirk explained that unfortunately, it cannot. The curbing machine will come out and do all the curbing at one time.

Chief DeHart agreed that the Fire Department cannot use Lawrence Street because its apparatus scrapes bottom. However, he noted that originally, the Fire Department and Planning Commission had expected the road to actually extend back into Penn State. Apparently this is not happening now, which means all the traffic will be dumping onto Route 230. He asked that the Board be aware of this. Commissioner Mehaffie asked when this road concept had changed. Ms. Van Buskirk explained that this was discussed in the early planning stages, but was never a part of the actual Land Development Plan that went before the Planning Commission or this Board. There were issues related to an agreement with Penn State: it would have left the roadway very close to residences, and there was no clearance to get a roadway between the property onto the campus, etc. While there were numerous reasons that the idea of the road to the Campus was not pursued, it was never part of the Land Development submission. Ms. Van Buskirk also noted that it is the goal to have most students walking to classes. In addition, the traffic counts as part of the required traffic study were lower than anticipated due to the timing of the college classes.

Commissioner Davies asked if GreenWorks is asking for Board authorization tonight. Ms. Van Buskirk responded not necessarily tonight. She explained that she wanted to update the Board tonight and let it know that Lawrence Street will need to be closed. Commissioner Davies asked if the Board can further look into this over the next two weeks and address it at the legislative meeting. Ms. Van Buskirk confirmed that this is fine. Vice President Leonard stated that it sounds like the closing of Lawrence Street is inevitable in order to build out the new road, and the timing between now and the reopening of school is close. Ms. Van Buskirk agreed.

Mr. Kiner stated that it seems logical that if this road is being built for Penn State, it should also go into Penn State. This would allow the students to drive directly into the Campus. He added that in many circumstances, such as bad weather conditions, the students will want to drive, not walk. He also addressed Ms. Van Buskirk's remark about the possibility of getting back to the residents at a later time to enter into agreements. He stated he does not believe that. He would believe that if Mr. Tunnell had come to him and asked to delay the contract. The contract was not delayed; GreenWorks backed out of it and cancelled it.

Ms. Keeney stated that she had also heard that the idea of the road to the campus was now being dismissed. She remarked that she cannot understand why. Most of the students who live there now already drive, and drive very fast. The area is already difficult to get out of, and the idea of having a road straight into the campus just makes sense.

Ronald Keeney, 310 Dauphin Street, stated that he believes the road was dropped out of the plans because Penn State would not approve it. It should be put it, but will not be. He agreed that due to the construction associated with the other projects in this area, Wood Street is blocked off almost daily by heavy equipment. He stated that it is not an ideal situation to close Lawrence Street.

Commissioner Wilt asked if the road in question was supposed to lead directly into Penn State. Ms. Van Buskirk explained that what was initially discussed was a connector road going onto the campus. However, after engineering and compliance reviews, it turns out the road would not make sense, since it would be too close to residential properties. Commissioner Wilt stated that it sounds to him like the idea of this connector road would not be a bad idea.

Solicitor Henninger summarized that the relocation of Lawrence Street will actually be a big improvement. The curbing was not the idea of GreenWorks, but something that Penn DOT is requiring. Since this is a state road, Penn DOT calls the shots. It will not allow both the old and new Lawrence Street to be open at the same time since they are too close to each other. He suggested that within the next two weeks, the staff and developer look into what can be done to alleviate the safety concerns of residents but still let the project be completed prior to the reopening of school. Ms. Van Buskirk added that GreenWorks does have the HOP to close the existing Lawrence Street; it expires on July 26 of this year. It may be necessary to submit for renewal of the HOP if there is not a decision made by July 26.

Steve Anderson referenced concerns expressed about the timing of the traffic signal at this location. Since the signal is in the Borough of Middletown, he suggested the developer contact the

Borough to see if it would request that Penn DOT make a temporary change in the signal's cycle. Penn DOT could also confirm that there is not a problem with the signal or loop detector.

Mr. Anderson also noted that he failed to mention in his report that the issue with the traffic signal at Meade Avenue and Route 230 been resolved. The wiring problem has been corrected, and the signal now functions properly with the cameras.

Ms. Wick reported that she had another issue to address with the Board. During the flooding, there was damage at Greenwood Circle. There was a sinkhole that was filled in under an emergency contract. The direction given to the contractor during the emergency was to install an inlet on the slope down to Burd Run. The inlet was installed as directed and as normal construction practices specify, but the downstream side of the inlet is exposed due to the slope of the earth. Whenever the ground settled, it pushed the top three feet of the inlet box about ten inches toward the stream. This needs to be reset by the contractor, who has submitted a price of \$3,600 to repair the inlet box. Ms. Wick added that she did check to see if this could be added to the storm damage, and FEMA's answer was most likely not. In response to a question from Vice President Leonard, Ms. Wick confirmed that the recommendation is to go forward with this repair. She stated that she feels it is a fair cost; there is no profit included in this cost. If the work had not been done under an emergency permit, it would have included a warranty. However, the Township did not have a contract with the contractor since the situation was of an urgent nature and needed addressed. She added that the contractor did install it correctly. A motion was made by Commissioner Davies to approve the repair of the inlet box at a cost of \$3,600. Commissioner Mehaffie seconded the motion for discussion purposes. He asked if the Township is okay financially to address this repair, or if this is another emergency situation that absolutely needs to be addressed immediately. Ms. Wick stated that she feels this is a stable situation right now, but should be corrected. Commissioner Wilt asked if the repair work would be under warranty this time, so this does not happen again. Ms. Wick explained there is no contract with this contractor, and therefore there is no warranty. Commissioner Davies stated that his concern is the problem could get worse if not addressed. Commissioner Mehaffie asked if formal action on this could wait until the legislative meeting in two weeks. He stated that this is a workshop meeting. Since the Board was just briefed about this item, and it is not an emergency, he suggested the Board be given a little time to look into it. Ms. Wick stated that she doesn't have a problem with this; she has been to the site and it is not moving, but it does need to be reset. Vice President Leonard asked what will change in two weeks:

the repair work will still need done and the price will not change. Commissioner Wilt asked if Ms. Wick would speak to the contractor to discuss the possibility of warranting this repair work. Ms. Wick agreed to do so. Commissioner Davies withdrew his motion to approve the repair work, and the Board agreed to formally address this item at the June legislative meeting.

Vice President Leonard referenced the upcoming overhead bridge replacement project at Nissley Drive. Mr. Krot has provided the Board with a copy of a letter to the Turnpike Commission, under President Linn's signature, asking for its consideration to include a pedestrian walkway into the design of that bridge.

Vice President Leonard also referenced Invoice #2 requesting payment in the amount of \$1,116.61 for legal advertising and legal services in accordance with the Dauphin County Local Share Gaming Grant Agreement for the new Heavy Rescue Truck. Mr. Krot has indicated the Board should formally approve submission for payment of this invoice to the County. A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve submission for payment of Invoice #2, in the amount of \$1,116.61, in accordance with the Dauphin County Local Share Gaming Grant Agreement for the new Heavy Rescue Truck. The motion was unanimously approved.

Vice President Leonard acknowledged Mark Will, Fulling Road LLC, who was here to speak to the Board regarding a request to change the age requirement for the proposed residential retirement community. Mr. Will stated that he was told this would require a change to the zoning ordinance. He then submitted the application and paid the fees for an amendment to the zoning ordinance. He explained that he was informed by the Township, however, that there was not enough information provided on his application. There was no definition in the previous ordinance for "age targeted". Mr. Will stated that he has since submitted the definition for age targeted, as well as a rewrite of Section 2. Ms. Wick confirmed that she just received the paperwork this afternoon; she distributed copies to the Board.

Solicitor Henninger explained that the application for an amendment to the zoning ordinance was filed on May 17 by Fulling Road LLC to change the language to allow the retirement community to be an "age targeted" one. The Township is required to have a Public Hearing within 60 days of the submission of the application. Prior to this Public Hearing, the application must be reviewed by both the Township and County Planning Commissions. It was noted that the County Planning Commission did review the application on June 4, and is not recommending approval.

The Township Planning Commission has it on the agenda for review this month. Solicitor Henninger explained that because of the timing aspect of the Public Hearing, the advertising requirements, and the schedule of the Board members, the only scheduled meeting of the Board which would meet the required time frame would be July 11. The idea tonight is for the Board to authorize the advertisement of a Public Hearing on July 11; the request could then be formally voted on at the July 18 meeting. Mr. Will commented that he does not feel he will be ready to move forward on the application that soon. Solicitor Henninger explained that in this case, Mr. Will would need to agree to amend the application to extend the time frame for action and also possibly take into account the County comments. If it is not amended, the Board is required to proceed with the scheduling of a Public Hearing. Mr. Will responded that his goal is to work through this request with the Township, and agreed to amend the application. Since the County comments were just received, he would like to review these and come back to the Board to discuss them. Solicitor Henninger suggested that Mr. Will submit in writing his intentions to amend the application to address the County comments, and to also request an extension in time in which the Board must hold the initial Public Hearing on the zoning amendment request. Mr. Will agreed to submit a written request for a 60-day time extension in which to hold the Public Hearing, and noted he will come back to the Board next meeting to further discuss this request.

Vice President Leonard stated that in two weeks, Mr. Will will hear the following comments from him. When the Board went through the special exception process several years ago to put this residential retirement community into this residential area, it was not an easy vote – it was approved 3 – 2. At that time, concern was expressed by the residents of Twelve Oaks. The Board ultimately agreed to an age restricted community of 55 and up. If this age boundary is loosened, it is likely that the residents will have as many, or even more, concerns. The Township will again have to go through the review process, resulting in additional fees for solicitor review, advertising costs, etc. He expressed concern about these double costs. He noted that he is interested in reading the County's comments, and is glad the time extension will provide time to also hear the Township Planning Commission's comments. Vice President Leonard added that he understands the impact of the economy, but questioned what was used for the original research. By changing the request, it appears that they are saying the original research was fundamentally flawed or impacted by something. Mr. Will agreed to address each of these concerns in two weeks. Solicitor Henninger addressed Vice President Leonard's concerns about the review fees. He explained that there is a fee

required to be submitted with the zoning application, and the fee covers staff time and advertising costs. If advertising costs are more than anticipated, the fee can be adjusted upwards to recover these expenses.

Paul Navarro, Navarro & Wright Engineers, distributed to the Board information on potential development of one of the lots on this residential-retirement community subdivision. He explained that he would like to construct a new headquarters for Navarro & Wright Engineers on Lot #2. He noted that it is also anticipated that construction of this 2200 square foot building will trigger development of the residential retirement community. Mr. Navarro added that he had attended a pre-application meeting with DCED (Dauphin County Economic Development) to discuss obtaining a low interest loan with perhaps some assistance for various off-site improvements such as roadway improvements on Fulling Mill Road and upgrades to the Lumber Street interceptor. One of the main comments out of this meeting was that in order for DCED to consider funding these improvements, either totally or in-part, the municipality must support this. Mr. Navarro explained he would like feedback from Lower Swatara Township and Lower Swatara Municipal Authority regarding their interest in providing a letter of support for the project. He noted that he will be before the Board in two weeks to discuss this possibility.

Vice President Leonard stated that the Board's July workshop meeting is scheduled for July 4, which is a holiday. He asked if the Board would like to push back the workshop to July 11 and have a legislative meeting on July 18, or combine both meetings to either July 11 or July 18. After a brief discussion, the Board agreed to combine both meetings to July 18. Solicitor Henninger noted that the meetings have actually been advertised for July 11 (workshop) and July 18 (legislative). The Board, however, is only required to meet once a month. In response to a question from Ms. Arroyo, he noted that the cancellation of the July 11 meeting need not be advertised; a notice of cancelation can simply be posted on the door and the website.

FINAL COMMENTS:

Commissioner Mehaffie stated that since these workshop meetings are becoming voting meetings, he would like to see the Board be better prepared by having all information emailed from each and every department head, no matter what is going on, in a timely manner. This would give the Board background information on what is being discussed. For example, having background information on the inlet repair work could have alleviated the questions, and the vote could have

carried through. Commissioner Mehaffie also asked Ms. Wick to provide the Board members with all available information on Mr. Will's and Mr. Navarro's development, for the sheer fact that he, Commissioner Wilt, and Commissioner Davies were not on this Board during the preliminary discussions. He stated that this would help get them up to date on what is going on with the projects.

Commissioner Wilt agreed that he would appreciate more background information in order to be better informed for voting purposes.

ADJOURN:

Hearing no other business, a motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:23 P.M.

ATTEST:

Harry N. Krot, Jr.
Township Manager