

MINUTES

LEGISLATIVE MEETING – FEBRUARY 18, 2015

The February 18, 2015 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:20 P.M. by President Thomas L. Mehaffie III. President Mehaffie called for the pledge of allegiance followed by a moment of silence.

Roll call was taken with the following officials in attendance:

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

Absent:

- Jon G. Wilt, Vice President
- Michael J. Davies, Commissioner
- Peter R. Henninger, Solicitor

Residents and visitors in attendance: (PLEASE SEE ATTACHED SIGN-IN SHEET)

President Mehaffie opened the floor for public comment.

PUBLIC COMMENTS:

Andrea Hoerner, 43 Shirley Drive, stated that she works for Penn State Harrisburg, and her daughter attends the day care on the campus. She noted that she is here tonight to express safety concerns with Meade Avenue. With the construction of the new road, Meade Avenue is no longer a University road but a Township road. Ms. Hoerner noted that her concerns focus on the blind curve and the speeding which is particularly dangerous for drivers pulling out on Alumni Drive and making either a right or left turn. It could just be a matter of time before a tragedy occurs here. With construction of the new facilities back there, the problems will only

increase. Ms. Hoerner added that she is not quite sure what can be done to improve this situation, but any help from the Township would be appreciated. She stated that she would be willing to assist in any way, and has also brought these concerns to Penn State Harrisburg. Ms. Hoerner noted that in addition to her concerns with speeding by both cars and trucks on that blind turn, she is also concerned with deer crossing over the path. She suggested the possibility of putting up deer warning signs for those that are unaware of their presence in this area.

Commissioner DiFrancesco stated that he did not realize that Meade Avenue is now a Township Road, and thought the campus police patrolled it. Chief Brandt explained that this was the case until Meade Avenue was redone; Meade Avenue up to Hunter Lane then became a Township road.

President Mehaffie asked Ms. Hoerner if she feels that many students use that road, or instead use University Drive. Ms. Hoerner responded that she observes many students exiting here, but is not sure if they are entering this way. President Mehaffie informed Ms. Hoerner that when the Board received her concerns via email, it did direct Chief Brandt to take a look at this situation. Speeding controls are difficult to set up right now due to weather conditions, but will be used when possible. It is hoped that the police presence and enforcement helps. If not, other alternatives will be looked into. Chief Brandt added that the deer signage is a cautionary type sign, and would simply require authorization from the Board to install. Ms. Hoerner thanked the Board for its time this evening.

APPROVAL OF MINUTES:

A motion was made by Commissioner DiFrancesco, seconded by Commissioner Springer, to approve the Minutes of the January 21, 2015 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Springer, seconded by Commissioner DiFrancesco, to approve the Minutes of the February 4, 2015 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner DiFrancesco, seconded by Commissioner Springer, to approve the payment of bills as presented on Warrant No. 2015-01. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner Springer, seconded by Commissioner DiFrancesco, to approve the Treasurer's Report for January 2015. The motion was unanimously approved.

ENGINEER'S REPORT:

Ms. Letavic referenced her monthly report, and reported on the zoning map update. Solicitor Henninger recently meet with Tom Librandi and received some historic documentation with respect to the zoning boundaries; this was forwarded to the Middletown Borough Solicitor for consideration. She reminded the Board that HRG updated the zoning map this year to reflect previously approved zoning changes to the original map which had not been updated for some time. When this was done, HRG used County information to utilize base mapping, since it was a cheaper alternative. Unfortunately, in doing that there were some errors found in the municipal boundaries, etc. Work is being done with Middletown Borough to determine the correct boundaries. This information will then be passed on to the County so that it may update its data, ensuring everyone has the correct information.

An update was provided on the MS4. HRG attended PADEP training on February 10 which provided additional guidance that will be implemented in the Township, especially with respect to outfall mapping and inspections, and operations and maintenance protocols. In addition, she and Mr. Monticello will be meeting with Penn State this week to discuss a potential MS4 project opportunity. In the next week or two, the staff and HRG will also be meeting to keep the MS4 program moving forward.

The Greenways, Trails, and Recreation Program grant execution is ongoing. HRG and staff met with a supplier/installer of a poured-in-place rubber product to discuss pricing and longevity. The grant scope will be broken out in terms of short term needs and long term needs for planning and implementation purposes.

Ms. Letavic updated the Board on the Riverview Drive Storm and Sewer Replacement Project. Application #2 for payment for the last two weeks' worth of work was received. HRG has reviewed it and had to make some corrections. The recommendation is to approve payment to B.P. Paterson Inc. in the amount of \$91,803.77. That excludes 5% retainage on what has been completed and a balance to finish yet in the order of \$82,000. Ms. Letavic called attention to a breakdown on page 3 of the handout of this payment application regarding expenditures with respect to the Authority and the Township. The Authority's expenditure is around \$73,000 while the Township's expenditure is in the order of \$19,000; the majority of this is for the sewer work. A motion was made by Commissioner DiFrancesco, seconded by Commissioner Springer, to approve the payment of Application #2 to B.P. Paterson Inc. in the amount of \$91,803.77. The motion was unanimously approved. Ms. Letavic added that the work yet to be completed on this project is basically concrete related, and it is obviously too cold to do concrete work. A few ADA ramps need upgraded and concrete curbing needs to be replaced.

MANAGER'S REPORT:

Mr. Monticello reported that today, staff met with a representative involved in the right of way project for Sunoco Pipeline. This project is set to start in a few weeks in the Pittsburgh area, and is expected to be in Lower Swatara Township sometime in late spring or early summer. Along with that, the Township received a permanent easement agreement which was forwarded to Solicitor Henninger for review.

As mentioned by Ms. Letavic, a meeting is scheduled with the Assistant Student Affairs Director at Penn State University. Another topic discussed at that time will be the possibility of getting a recommendation for an intern to work with the Township on its MS4 program. More will be known after tomorrow's meeting.

COMMITTEE REPORTS:

Public Safety – Commissioner Springer – no report

Community and Economic Development – Commissioner DiFrancesco – stated that he had nothing new to report. President Mehaffie observed that there has been some movement on the new Sheetz site. Commissioner DiFrancesco expressed hopes that the new Sheetz will spur the location of other business to this site.

Public Works – President Mehaffie – reported that the Department has been very busy dealing with snow, ice, and drifting. He noted that the crew is doing a great job and has received numerous compliments. President Mehaffie added that more salt than cinders is being utilized this year due to the MS4 program requirements. Commissioner DiFrancesco agreed that the road crew is doing a nice job with the roads.

UNFINISHED BUSINESS:

The Board tabled the Final Land Development Plan of Residential Retirement Community, Phase 1, located along Fulling Mill Road at the intersection of Nissley Drive, prepared by Navarro & Wright, Inc. and submitted by Fulling Road LLC. The plan was recommended for approval by the Planning Commission on November 15, 2007 with stipulations. The plan was due to expire on February 20, 2008. 90-day time extensions were granted by the Board on February 20, 2008, May 21, 2008, August 20, 2008, November 19, 2008, February 18, 2009, May 20, 2009, August 19, 2009, November 18, 2009, February 17, 2010, May 19, 2010, August 18, 2010, November 17, 2010, February 16, 2011, May 18, 2011, August 17, 2011, October 19, 2011, January 18, 2012, April 18, 2012, July 18, 2012, October 17, 2012, January 16, 2013, April 17, 2013, July 17, 2013, October 16, 2013, December 18, 2013, March 19, 2014 and June 18, 2014, October 1, 2014, and December 17, 2014. The plan is due to expire on April 8, 2015.

The Board tabled the Final Land Development Plan for Middletown Home Access Driveway/Parking Revisions, prepared by Schlouch, Inc. and submitted by the Middletown Home. The initial Plan submitted was due to expire on May 29, 2013. 90-day time extensions were granted by the Board of Commissioners on May 15, 2013, August 21, 2013, November 20, 2013, February 19, 2014, May 21, 2014, August 20, 2014, October 15, 2014, and January 21, 2015. The plan is due to expire on May 17, 2015.

The Board tabled the Susquehanna Area Regional Airport Authority (SARAA) sewage planning module for the North 29 Area (land where Sheetz and other commercial properties are planned to be built) requesting that the sewage be sent to SARAA's treatment plant instead of Middletown Borough Authority as would be required according to their location within the sewage area. Lower Swatara Township Authority's agreement with the Middletown Borough Authority reads that sewage in the designated area shall be exclusively treated at Middletown

Borough's treatment plan. The Planning Commission approved the planning module, conditioned upon SARAA getting Middletown Borough to agree that the exclusivity can be waived in this instance or upon proof that the exclusivity portion of the agreement does not apply to SARAA because of established Authority statues. The burden of proof is on SARAA at this point. The planning module was due to expire on January 23, 2014. The Board of Commissioners granted a 90-day time extension on January 15, 2014, April 16, 2014 and July 2, 2014. The Board granted a 120-day time extension on October 1, 2014 and a 93-day time extension on January 21, 2015. The plan is due to expire on May 20, 2015.

NEW BUSINESS

A motion was made by Commissioner Springer, seconded by Commissioner DiFrancesco, to authorize advertisement of an ordinance which would amend the Lower Swatara Township Fire Prevention and Fire Protection Ordinance to better control open burning, fireworks, and maintenance of fire protection equipment. The motion was unanimously approved. President Mehaffie thanked the staff for the time and effort put into this draft ordinance.

A motion was made by Commissioner DiFrancesco, seconded by Commissioner Springer, to approve the ordering of the light package for the boat for the Lower Swatara Fire Department. The motion was unanimously approved.

A motion was made by Commissioner Springer, seconded by Commissioner DiFrancesco, to approve Improvement Guarantee Reduction #2 in the amount of \$72,992.50 for site improvements for FedEx Ground, File #2013-02. This reduction from the current balance of \$432,586.80 will leave a remaining balance of \$359,594.30. Mr. Greene explained that there are many issues with sinkholes yet that have to be resolved. Ms. Letavic added that these sinkholes are in the detention basin. The motion was unanimously approved.

A motion was made by Commissioner DiFrancesco, seconded by Commissioner Springer, to approve Improvement Guarantee Reduction #1 in the amount of \$322,257.65 for site improvements for Phoenix Contact, File #2012-02. This reduction from the current balance of \$693,280.50 will leave a remaining balance of \$371,022.85. The motion was unanimously approved.

A motion was made by Commissioner Springer, seconded by Commissioner

DiFrancesco, to approve Improvement Guarantee Reduction #4 in the amount of \$3,360.00 for site improvements for KGH Properties, LP, Campus Heights Village, File #2011-03. This reduction from the current balance of \$10,928.96 will leave a remaining balance of \$7,568.96 which includes a 12% contingency of \$810.96. The motion was unanimously approved.

A motion was made by Commissioner Springer, seconded by Commissioner DiFrancesco, to authorize the advertisement of a public hearing and adoption of a zoning ordinance amendment for signage at the March 18, 2015 meeting, subject to Township and Dauphin County Planning Commission recommendations on February 26, 2015. The motion was unanimously approved.

President Mehaffie stated that he had one additional item to present to the Board under New Business. In front of the Board this evening is a copy of draft Resolution No. 2015-R-1, as prepared by Solicitor Henninger. This resolution sets forth regulations with regards to the participation by a member of any Board or Commission of the Township in a meeting by telephone or other electronic media. President Mehaffie explained that this would allow a quorum by providing absentee members a chance to participate in a meeting through phone or a media like Skype. There would be a password through the Solicitor (or the Manager if the Solicitor is not available) to identify the commissioner or member. This would take into consideration the Board of Commissioners, Planning Commission, Zoning Hearing Board, and Municipal Authority. Commissioner DiFrancesco stated that he is not sure if this is a good idea, and asked for a little background on this concept. President Mehaffie explained that this was brought forth by Vice President Wilt to Solicitor Henninger in order for him to participate in meetings if there was an extended time that he would be absent. This practice was utilized in Londonderry Township when an official was away for an extended period and could not physically be present at the meetings but could participate via phone. Fire Chief DeHart asked if the resolution states how many of the members of the same board/commission would be able to do this at the same time. He asked if there could be a situation where no members are actually present, but instead participate by phone. President Mehaffie responded that the resolution does not appear to address this. He asked Mr. Monticello if he had any experience with participation through phone or media in the other municipalities that he served. Mr. Monticello stated that he had. While it did work, it also caused some confusion among the audience in regards to hearing the absentee member. It was left to be used in emergency situations only. President Mehaffie

stressed that the Board does not need to feel obligated to act on this tonight. Commissioner DiFrancesco suggested that the Board hold action on this until it understands the full implications of the resolution. President Mehaffie agreed that it would be best to have Solicitor Henninger here to answer questions or concerns. After further discussion, the Board concluded to defer action on Resolution No. 2015-R-1 until the March workshop meeting.

FINAL COMMENTS:

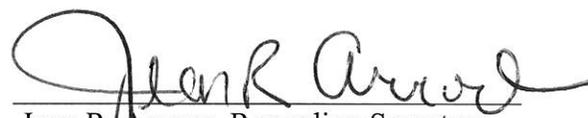
President Mehaffie reported that he had read in the paper that the County Commissioners approved a gaming grant for Lower Swatara Township in the amount of \$51,000 for bridge replacement debt for the Richardson Road Bridge Project. He thanked the County Commissioners and stated that the Township is very grateful for these grant opportunities.

Commissioner DiFrancesco noted that he will not be in attendance of the March workshop meeting.

ADJOURN:

With no further business to discuss, a motion was made by Commissioner DiFrancesco, seconded by Commissioner Springer, to adjourn. The motion was unanimously approved, and the meeting adjourned at 7:57 P.M.

ATTEST:


Jean R. Arroyo, Recording Secretary

