

## MINUTES

### LEGISLATIVE MEETING – APRIL 15, 2015

The April 15, 2015 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Thomas L. Mehaffie III.

The following officials were in attendance:

- Thomas L. Mehaffie III, President
- Jon G. Wilt, Vice President (via telephone)
- Laddie J. Springer, Secretary
- Michael J. Davies, Commissioner
- Dominic D. DiFrancesco, Commissioner
- Samuel D. Monticello, Manager
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, Engineer
- Richard Brandt, Police Chief
- Daniel L. Wagner, Public Works Director
- Jean R. Arroyo, Recording Secretary

Absent:

- Robert S. Greene, Planning and Zoning Coordinator

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

Solicitor Henninger stated that for the record, Vice President Wilt is participating by telephone this evening. He was phoned just prior to the opening of the meeting and confirmed the required password with Solicitor Henninger, as pursuant to Township resolution. President Mehaffie opened the floor for public comment.

#### PUBLIC COMMENTS:

Andy Moyer, a commissioner from Swatara Township, stated that he has been speaking with President Mehaffie about problems that his residents are experiencing as a result of truck traffic on 80<sup>th</sup> Street. One resident in particular has suffered property damage over the last several years as a result of this truck traffic. Swatara Township had reached out to Lower Swatara Township about this issue, and signage was improved at Chambers Hill Road and 80<sup>th</sup> Street and Union Street. Swatara Township increased police patrols and cited and prosecuted

offenders, and put in an engineering study. Swatara Township also reached out to the truck depots and businesses along that area to remind them that 80<sup>th</sup> Street is not an approved truck traffic route. These efforts have not been successful. There were concerns expressed from the property owner that there was not a sign at the Fulling Mill Road and North Union Street intersection showing the 441 truck route. Commissioner Moyer explained that he then discussed with President Mehaffie the idea of mutually sending a letter to Penn DOT. A Penn DOT engineer agreed that it was PennDOT's responsibility, and that there was to be signage there. PennDOT went out and verified that the signage was missing, and agreed to erect the proper signage. Commissioner Moyer thanked the Lower Swatara Township Board and staff for working with Swatara Township and expressed hopes that this will resolve the problem. President Mehaffie noted that he is very glad to have good working relationships with Swatara Township and other neighboring municipalities.

APPROVAL OF MINUTES:

A motion was made by Commissioner Davies, seconded by Commissioner Springer, to approve the Minutes of the March 18, 2015 Legislative Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Springer, seconded by Commissioner Davies, to approve the payment of bills as presented on Warrant No. 2015-03. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve the Treasurer's Report for March 2015. The motion was unanimously approved.

ENGINEER'S REPORT: No report

SOLICITOR'S REPORT: No report

MANAGER'S REPORT: No report

President Mehaffie referenced the list of future meeting dates. Solicitor Henninger noted that the April 23 Planning Commission has been cancelled.

COMMITTEE REPORTS:

Police Committee -- Vice President Wilt – asked if Chief Brandt had anything to report on this evening. Chief Brandt cautioned the public of the IRS scam, and noted that the IRS does not phone or email individuals asking for personal information.

Public Safety – Commissioner Springer – reported that the Lower Swatara Township Emergency Management Agency participated in the bi-annual TMI emergency exercise last evening. He thanked those that participated. Commissioner Davies, who also attended the exercise, stated that the federal evaluator was very positive about the drill. Everyone pulled together and did a good job. President Mehaffie expressed kudos to the Township's EMA team, particularly EMA Coordinator Alan Knoche who puts in a lot of hours, including personal time, to make sure this drill is successful.

Budget and Finance – Commissioner Davies – no report

Community and Economic Development --- Commissioner DiFrancesco – no report

Public Works – President Mehaffie – asked Mr. Wagner if he had anything to report on tonight. Mr. Wagner reported that the backstop at Shope Gardens was completed today. He also thanked Swatara Township for its good working relationship with Lower Swatara Township.

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, and March 18, 2015. Ms. Letavic noted that the agenda says the plan is due to expire on July 8, 2016; this is incorrect. Solicitor Henninger stated the date should be July 8, 2015. President Mehaffie asked Ms. Arroyo to make the correction.

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 18, 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 statutes. 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

The first item under New Business was the consideration of Ordinance No. 560, which authorizes the incurrence of Nonelectoral Debt evidenced by its Guaranteed Revenue Note, Series of 2015 (Dauphin County Infrastructure Bank) in the maximum principal amount of

\$500,000 for the purpose of providing funds to be applied for and toward funding all or a portion of the cost of a certain transportation related Capital Project within the Township and to pay all or a portion of the costs of issuance of the 2015 Note. Scott Mehok, from Eckert Seamans, explained that this loan will be used to repair and replace the Richardson Road Bridge, relocate a sanitary sewer line, and possibly add or repair guiderail in the area. The loan is through the Dauphin County Infrastructure Bank. It is a 0.5% ten-year loan with a May 15 settlement date. Payments are due every year on January 1, through the year 2025. Security for the loan is liquid fuels revenues. It also asks for a general obligation to pledge full faith credit and taxing power in case those revenues are not sufficient. This will allow the loan to be paid out of general revenues as well if necessary. Solicitor Henninger reported that he had also reviewed the ordinance, note, and other related documents, and feels action is appropriate this evening. A motion was made by Commissioner Davies, seconded by Commissioner Springer, to approve Ordinance No. 560. A roll call vote was taken with the following ballot tabulation: Commissioner DiFrancesco – aye, Commissioner Springer – aye, Commissioner Davies – aye, Vice President Wilt – aye, President Mehaffie – aye. Ordinance No. 560 was approved by a 5 – 0 margin.

The Board discussed the execution of a resolution for a DCNR grant application for the Park Rehabilitation and Development Program and authorization of signature of the grant agreement for improvements to be made at Old Reliance and Shope Gardens Parks. Ms. Letavic noted that at the last meeting, the Board discussed the existing grant already in place for some park improvements in Old Reliance and Shope Gardens. The bulk of the existing grant would be devoted to poured-in-place rubber matting and wood fiber mulch. In discussion with DCNR, it was discovered that the existing grant funding could be used as match funding for a DCNR grant. Basically, the Township could put the existing grant project on hold until it applies for additional funding to do even more with the money. This additional work would include upgrades to the playground equipment and swings at both parks and an ADA walking path. There will also be water quality BMPS added to both parks to support the MS4 program. In front of the Board tonight are sketches and cost estimates. The additional grant request would be approximately \$110,000. Ms. Letavic recommended to the Board that as the Township looks at additional grant funding, it provide an opportunity for the Recreation Board, Athletic Association, and neighborhoods impacted by these projects to become engaged in the planning

process so that people feel good about these projects. A motion was made by Commissioner DiFrancesco, seconded by Commissioner Davies, to approve execution of a resolution for a DCNR grant application for the Park Rehabilitation and Development Program and authorize signature of the grant agreement for improvements to be made at Old Reliance and Shope Gardens Parks. The motion was unanimously approved.

A motion was made by Commissioner DiFrancesco, seconded by Commissioner Springer, to approve payment to B.P. Paterson Inc. for Pay Application #3, dated April 2, 2015, for the Riverview Project in the amount of \$60,261.90 (\$44,021.65 to the Township, and \$16,240.25 to the Authority). The motion was unanimously approved.

A motion was made by Commissioner DiFrancesco, seconded by Commissioner Davies, to table the payment to B.P. Paterson Inc. for Final Pay Application, dated April 2, 2015 for the Riverview Project in the amount of \$10,824.71 (split equally by Township and Authority). Ms. Letavic stated that she is recommending this action since grass stabilization still needs to occur and several reports are required from the contractor. The motion was unanimously approved.

Ms. Letavic referenced the Greenfield Well and Irrigation Project, and noted that the final completion date was intended to be today. Because of the weather, the contractor could not get the grass seed in and therefore submitted a letter requesting an extension on the contract. They do anticipate that everything will be wrapped up by the end of the month. Ms. Letavic recommended the Board grant a 60-day extension for final completion, which will include the grass being established and completion of a punch list of items. Commissioner Springer stated that one of the items refers to the field needing to dry out. He noted that he is out there on a regular basis, and the fields seem pretty well dried out. He stressed that with the upcoming soccer season, the sooner it gets seeded and roped off, the better. Solicitor Henninger added that the Board can put a time frame on the seeding, such as approving the 60-day extension contingent upon seeding being performed within a certain number of days. A motion was made by Commissioner DiFrancesco, seconded by Commissioner Davies, to grant a 60-day time extension to Rogele Inc. on the contract for the Greenfield Well and Irrigation Project, contingent upon seeding being performed within 10 days. The motion was unanimously approved.

President Mehaffie called the Board's attention to a copy of a letter from Scott and Tina Wiestling, 300 Gina Lane. The letter was addressed to County Commissioner Hartwick and copied to President Mehaffie, and is relative to concerns about the student housing projects in this area. Solicitor Henninger stated that unfortunately, this is a private lane so many of these issues are private property issues and not really Township issues. Commissioner DiFrancesco stated that neighbor's conflict/resolution is definitely a Township issue, and the Township does need to become involved. President Mehaffie agreed, and suggested that Mr. Monticello set up a meeting with the Mr. and Mrs. Wiestling and the property owners to discuss these issues.

FINAL COMMENTS:

Commissioner Springer informed the Board that he will not in attendance of the May 6 workshop meeting.

President Mehaffie requested an executive session immediately upon conclusion of this evening's meeting for personnel reasons.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, a motion was made by Vice President Wilt, seconded by Commissioner Davies, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:42 P.M.

ATTEST:

  
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Jean R. Arroyo, Recording Secretary

