

## MINUTES

### LEGISLATIVE MEETING – AUGUST 19, 2015

The August 19, 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. Following the pledge of allegiance and moment of silence, roll call was taken with the following officials in attendance:

- Thomas L. Mehaffie III, President
- Jon G. Wilt, Vice President (via telephone)
- Laddie J. Springer, Secretary
- Michael J. Davies , Assistant Secretary
- Samuel D. Monticello, Manager
- Robert S. Greene, Planning and Zoning Coordinator
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, Engineer
- Richard Brandt, Police Chief
- Jean R. Arroyo, Recording Secretary

Absent:

- Dominic D. DiFrancesco, Commissioner

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

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

#### PUBLIC COMMENTS:

Dawn Duffins, 2119 Market Street Extended, stated that she has been a resident here since 1971. She expressed concern with neighbors leaving their trash cans on their front porches, which is unsightly. She added that she is also concerned with the flyers that end up on the front porch, storm door, or the driveway. With people on vacation this time of year, these flyers are a sure sign that nobody is home and makes it attractive to home invaders. She suggested that since most people have storm doors, these flyers could be placed between the door

and storm door. Ms. Duffins added that she has attended meetings here over the past 46 years, and is surprised that the Township still does not have chairs with arms on them. She explained that the style of chairs here are not easy on senior citizens like herself (President Mehaffie brought in an armed chair from the lobby for her). Ms. Duffins also expressed concern that the newer blue recycling containers are heavy and difficult for senior citizens to even take out to the curb. President Mehaffie noted that the red recycling containers are still available for those residents wishing to exchange the blue container for a smaller, lighter container. He stated that he will also have Mr. Greene check into whether there is an ordinance that addresses clutter on the front porch. He agreed that the Township has received complaints about newspaper type publications being thrown onto driveways. Solicitor Henninger stated that the only real option to prevent publications such as the Merchandiser from being thrown onto driveway is to call them directly and request delivery be stopped. As far as flyers, there are solicitation ordinances in place. The Code Department should be able to provide information on this. Vice President Wilt added that the Shopper is actually delivered by the post office. President Mehaffie suggested that Ms. Duffins' concerns about home evasion can be eased by requesting a house check from the Police Department. He asked if perhaps the police could pick up any excess build-up of flyers when they are doing the house check. Chief Brandt stated that this could be a legal concern; Solicitor Henninger agreed. Ms. Duffins also suggested that the Township look into changing the shape of its next recycling container. Square or rectangular ones would not blow over and roll down the street on windy days. President Mehaffie explained that when the Township bids out its next waste and recycling contract, it will look into the idea of square, wheeled totters, which are used by many of the neighboring municipalities. President Mehaffie thanked Ms. Duffins for her comments this evening.

#### APPROVAL OF MINUTES:

A motion was made by Commissioner Springer, seconded by Commissioner Davies, to approve the Minutes of the July 15, 2015 Legislative Meeting. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the Minutes of the August 5, 2015 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve the payment of bills as presented on Warrant No. 2015-07. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

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

President Mehaffie recommended that with  $\frac{3}{4}$  of the year almost complete, the Board go over the financial report at its next workshop meeting.

ENGINEER'S REPORT:

Erin Letavic, HRG, reported that a new grant has been announced by DEP for MS4-related BMPs. The application is due at the end of October and has a value of up to \$200,000. This is being looked into, and more details will be reported in September. The Richardson Road Bridge continues to be under design. A site visit at the Fulling Mill Road and Union Street Traffic Signal was completed to address afternoon timings and a letter was sent to Penn DOT regarding a request to revise afternoon peak timings. A response has not yet been received. Survey for the Strites Road Drainage project is tentatively scheduled for the end of August. Letters will be sent to the impacted residents in advance of this.

SOLICITOR'S REPORT:

Solicitor Henninger referenced a request from Helping A Hero Association, a program for wounded veterans, for tax relief on the property at 524 Morgan Drive which was built for Dennis Leonard. He reminded the Board that it had granted building permit fee relief during the construction of this home. Solicitor Henninger added that the application for tax relief was also filed with the School District and County, who have both already approved exoneration. A motion was made by Commissioner Springer, seconded by Commissioner Davies, to exonerate the 2014 interim real estate taxes in the amount of \$288.53, the 2014 real estate taxes in the amount of \$1,372.31, the 2015 real estate taxes in the amount of \$1,372.31 plus penalties to date

of \$303.32 for the property known as 524 Morgan Drive, Tax Parcel No. 36-018-083, for the benefit of Dennis Leonard. The motion was unanimously approved.

MANAGER'S REPORT:

Mr. Monticello reported on two submissions for grant funds. The first is through the Susquehanna Municipal Trust Safety Grant Program, and would enable the Township to get some much needed equipment and materials for the Public Works Department. Specifically, the Township hopes to acquire two sign stands at a total cost of \$364 and thirty-five ten pound traffic cones with duo collars at a cost of \$630 (grand total request of \$994). President Mehaffie noted that in the past, this grant was always a matching one. He asked if this is not the case here. Mr. Monticello explained that there is not a need to match the funds since it comes under the monetary limit.

Secondly, as mentioned at the workshop meeting, the Township will be applying for a Local Share Municipal Grant. This is for assistance to help pay back debt incurred from the Dauphin County Investment Bank Loan in the amount of \$500,000 for the Richardson Road Bridge Replacement Project. In response to a question from President Mehaffie, Mr. Monticello explained that this grant application is in the amount of \$200,000.

President Mehaffie referenced the list of future meeting dates, and asked Mr. Greene when the comprehensive plan committee will meet next. Mr. Greene stated that he will be contacting Michelle Brummer of Gannet Fleming about the date, but expects it to be the first week of September. President Mehaffie asked that this date be publicized so everyone is aware.

COMMITTEE REPORTS:

Police Committee -- Vice President Wilt -- no report

Public Safety -- Commissioner Springer -- reported that HIA will hold its Open House this Saturday from 9 A.M. to 2:00 P.M.

Budget and Finance -- Commissioner Davies -- noted that he will be meeting with Mr. Monticello, Ms. Mundis, and Ms. McClain to take a look at the budget and explore visions for next year.

Community and Economic Development --- Commissioner DiFrancesco -- (absent)

Public Works – President Mehaffie – reported that in the next week or two, stormwater pipe work will be done on Blacklatch Lane which will result in the road being closed for a day or two. A letter will be distributed to the residents on Blacklatch Lane informing them of the work. After that is complete, a contractor will be coming in to work on the sewer laterals. Road work will also be done on Pennsylvania Avenue in the next two to three weeks. This project will involve sewer lateral work and also water line work by United Water. Paving is also expected to occur within the next two to three weeks. Focus will be on Longview Drive, and will include skimming which is a temporary fix since this road is not scheduled to be addressed for several more years. President Mehaffie asked Chief Brandt to work with Mr. Wagner during the paving, as this road is dangerous due to its hilly nature. President Mehaffie also noted that the Township needs to update its ordinance to address signs that have recently been installed. He explained that they need to be included in the ordinance in order to make them enforceable. Solicitor Henninger reported that he had spoken to Mr. Wagner about this several months ago, and a partial list was comprised. He will review this with Mr. Wagner and Chief Brandt to make sure everything is in place. President Mehaffie stated that Mr. Greene may also assist in this process.

#### 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, and July 1, 2015. The plan is due to expire on October 6, 2015.

Bill Meister, architect and Lou Vogel, head administrator, updated the Board on the status of 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, 201, October 15, 2015, January 21, 2015 and May 18, 2015. The plan is due to expire on August 19, 2015. The Township has received a written request offering a time extension to November 18, 2015. Mr. Meister explained that the reason for the additional time extension request is that the Middletown Home is in negotiations with Penn State for the sale of land. He explained that the land development plan was submitted in order to allow the Middletown Home to add parking. After submission of the plan, these negotiations started to happen with Penn State. That process is in limbo right now. However, the Middletown Home is continuing to make changes and renovations to the facility. The time extension is being requested because while the Middletown Home will be back before the Board with a request, it cannot say right now whether it will be for a subdivision or an addition to its building. Again, this cannot be determined until negotiations with Penn State are complete. President Mehaffie asked for a time frame for this decision. Mr. Vogel responded that he expects clarity on this vision within the next three months. Solicitor Henninger recalled an issue with the access road, specifically where the property line is in relation to Rosedale Avenue. He asked if this has been resolved. Mr. Meister agreed that there are issues due to the configuration of the "paper road"; he does not believe the issue has been resolved, even in the land development plan that was submitted. Solicitor Henninger commented that this will need to be worked out. A motion was made by Commissioner Davies, seconded by Vice President Wilt, to grant a 90-day time extension for the Final Land Development Plan for Middletown Home Access Driveway/Parking Revisions, prepared by Schlouch, Inc. and submitted by the Middletown Home (plan would expire on November 18, 2015). The motion was unanimously approved. President Mehaffie thanked Mr. Meister and Mr. Vogel for updating the Board on the direction of this plan.

President Mehaffie reported that the Township has also received a request for a time extension for 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 statuses. 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. The Board granted a 93-day time extension on January 21, 2015 to May 20, 2015. The Board granted a 91-day time extension on May 20, 2015 to August 19, 2015. Solicitor Henninger surmised that this will be the last time extension necessary, as resolution seems to be very close. A motion was made by Vice President Wilt, seconded by Commissioner Springer, to grant an additional 91 day time extension, as requested by the developer, on the Susquehanna Area Regional Airport Authority (SARAA) sewage planning module for the North 29 Area. The motion was unanimously approved.

#### NEW BUSINESS:

The Board discussed possible participation in the 2016 Dauphin County Gypsy Moth Suppression Program. Mr. Greene noted that he had researched properties in the Township which are 23 acres or greater; there are several. He did not, however, make contact with the individual property owners. Based on the past years, there is not a lot of activity with gypsy moths in the Township. Mr. Greene stated he is not sure if participation in this program is necessary. President Mehaffie asked if the Township is committing itself by participating in this program. Mr. Greene confirmed that the Township would be committing to a 50/50 financial contribution with interested, qualifying property owners. The property owners themselves would be required to file the application. After further discussion, the Board agreed to reject participation, since the Township has not received complaints from any property owner that would qualify under the acreage requirements. A motion was made by Commissioner Davies, seconded by Vice President Wilt, to reject participation in the 2016 Dauphin County Gypsy Moth Suppression Program. The motion was unanimously approved.

A motion was made by Commissioner Springer, seconded by Commissioner Davies, to approve a co-sponsorship of a Local Share Municipal Grant in the amount of \$350,000 for debt

reduction of the Lower Swatara Fire Department's 2012 Ferrara fire engine and its 2014 Ferrara rescue. President Mehaffie added that this will not hinder the Township's own grant application. The motion was unanimously approved.

President Mehaffie added that the Board had just received a request from Penn State Harrisburg asking the Board to support its request for a Local Share Municipal Grant to improve health, safety and security training needs. Solicitor Henninger stated the draft letter provided does not really have numbers in it as far as the amount being requested. However, Penn State is not asking the Township to be a co-sponsor of the grant, but rather to provide a letter of support for the application. Ms. Letavic added that if the Township does not provide its support, Penn State cannot apply for the grant. A motion was made by Commissioner Davies, seconded by Commissioner Springer, to approve a letter of support for Penn State Harrisburg's request for a Local Share Municipal Grant to improve the health, safety and security training needs. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve the Improvement Guarantee Reduction #1, Letter of Credit in the amount of \$515,118.75 for site improvements of the new Sheetz Store, Final Land Development Plan #2012-06. This reduction from the current amount of \$624,035.23 will leave a remaining balance of \$108,916.48. The motion was unanimously approved.

Mr. Greene informed the Board that late last week, the Township had received a proposal for a zoning map change. The property is approximately 30 acres located at the interchange of North Union Street and parallels the entry ramp on Route 283 heading eastward. With the request, the Township must follow formal proceedings. It must be reviewed by the Township Planning Commission and the County Planning Commission, and a public hearing must be scheduled by the Board. Adjoining property owners must be notified, the property posted, etc. Solicitor Henninger confirmed that the first step is to refer the proposal to the Township and County Planning Commissions. President Mehaffie asked how soon the proposal can be acted on, after the public hearing. Solicitor Henninger explained that it can be advertised for consideration the same evening of the public hearing, if the Board so desires. In response to a question from President Mehaffie, Mr. Greene confirmed that the applicant was informed that the Township's comprehensive plan update is underway. Solicitor Henninger added that at this preliminary stage, he would recommended that the Board make no comment on its feeling

towards the proposed amendment. A motion was made by Commissioner Davies, seconded by Vice President Wilt, to refer the proposed zoning map change to the Lower Swatara Township Planning Commission and the Dauphin County Planning Commission for review. The motion was unanimously approved.

FINAL COMMENTS:

Mr. Monticello requested an executive session immediately upon conclusion of the meeting in order to discuss a personnel matter.

Commissioner Springer extended an invitation to the Board to attend ORSA's Opening Day on August 29.

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 7:53 P.M.

ATTEST:

  
Jean R. Arroyo, Recording Secretary

