

MINUTES

JULY 1, 2015 WORKSHOP MEETING

LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The July 1, 2015 Workshop Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 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
- Jon G. Wilt, Vice President
- Laddie J. Springer, Secretary
- Michael J. Davies, Assistant Secretary
- Dominic D. DiFrancesco II, Commissioner
- Samuel D. Monticello, Township Manager
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, Engineer
- Robert S. Greene, Planning and Zoning Coordinator
- Richard D. Brandt, Police Chief
- Daniel L. Wagner, Public Works Superintendent
- Jean R. Arroyo, Recording Secretary

Residents and visitors in attendance:

PLEASE SEE ATTACHED SIGN-IN SHEET

President Mehaffie welcomed the visitors to the meeting and opened the floor for public comments.

PUBLIC COMMENTS:

Bonnie Kiner, 544 N. Wood Street, reminded the Board that she had attended the last meeting to ask that Penn State not use privacy fencing around its temporary soccer field on Dauphin Street. Installation of the fencing started today, and she was told that it will be privacy fencing. Ms. Kiner informed the Board that she had spoken to her neighbors, and none were opposed to the idea of having a fence that could actually be seen through. They agreed that they would prefer to be able to view the cemetery, the sunsets and the soccer games rather than feel

boxed in. Ms. Kiner stated that she would like to formally request that Penn State be asked to change the plans for fencing, and make it a type that can be seen through. She also informed the Board that she has concerns with drainage, as there is now more water continually coming into her yard due to the moat around the soccer field. She noted that while she understands the work is not yet done, she is still concerned. Ms. Letavic agreed to look at the drainage plans again to check the grading. In response to a question from Ms. Kiner, Solicitor Henninger explained that the storm water regulations state that the post development flows in both volume and rate cannot exceed the pre development flows. If this is not the case, it will need to be addressed.

President Mehaffie asked if the Board had any problem with asking Penn State not to use the privacy-type fencing. Commissioner DiFrancesco stated that he does not doubt Ms. Kiner's word, but feels that the Township staff has an obligation to talk to a few neighbors and verify that they do indeed feel this way. President Mehaffie asked Mr. Greene to speak to the neighbors and then the developer tomorrow. Mr. Greene reported that Ms. Kiner had phoned the office about both issues, and he did visit the site today to look at the progress. The storm water management concern is being addressed, and the post development runoff will be less. President Mehaffie agreed that when this plan is complete, drainage should be much better. He also suggested Ms. Kiner take some photos of the water issues. Ms. Kiner responded that she had already done so, and will provide these to the staff. Mr. Greene added that he had also spoken to the developer and Penn State about the fence issue. They agreed to consider the use of an open-type fence, but did not confirm this yet.

DEPARTMENT REPORTS:

Fire Department – Chief DeHart – reported that the calls for the month of June totaled 48, which brings the total for the year so far to 299 calls. Utility 59 is now in service, and is parked out front for anyone wanting to see it. The boat is being painted and should be here in August. Eleven members just completed a water rescue class. A boat operator class is scheduled next. A roast beef dinner will be held on July 19 at 11 A.M. until sold out. Chief DeHart referenced several charts and graphs he had provided to the Board designating incidents by district, incident type summary by district, and type of alarm. 61% of the calls are in Lower Swatara Township, with the Borough of Middletown next, and the most common type of alarm is Fire Alarm – Commercial.

Police Department – Chief Brandt –referenced the monthly report and reviewed call and crime statistics for the month of June, which was another good month. There were 650 total calls for service. There were 27 criminal cases, 14 arrests, 1 DUI, 42 traffic citations, 3 non-traffic citations, and 68 warnings. President Mehaffie requested the Board meet with Chief Brandt in executive session immediately after tonight’s meeting in order to discuss contractual and employee matters.

Planning and Zoning/Codes Department – Mr. Greene updated the Board on the Final Land Development for Penn State University, Student Enrichment Center, PSU Campus, File #2014-03. Staff continues to work with PSU on receiving the O&M Agreement. The security agreement was received late this afternoon. Word was also received that the Letters of Credit for sanitary sewer and site improvements will be released once the security agreement is signed. There will be no Planning Commission meeting in July. There was no Zoning Hearing held in June. Staff met again with Michael Peters from General Code Company to review and discuss his latest proposal for Codification Services and to update the Township’s Code of Ordinances. Mr. Greene explained that he had put together a summary of the services that General Code will provide for keeping the Code of Ordinances up-to-date including a recommendation for a complete revision to the Code of Ordinances. The Township’s current Code of Ordinances has not been updated since 2012. This proposal will bring the Township current up to the beginning of 2015 which is included in the base project summary that also includes the premium e-Code 360 Search aspect. Future services that include optional post-project editorial and legal analysis will be reviewed later and could be included in the upcoming year’s budget proposal. If the Board approves this, it will take another six months to get this developed and put into place. Mr. Monticello, Mr. Fure, and Mr. Greene met with HIA representatives regarding the proposed Marriot Hotel project. Submission of the land development plan is scheduled for later this year. The project site will be located just to the west of the existing parking garage. Staff has begun working with Michelle Brummer, Gannett Fleming, on the implementation of the Comprehensive Plan. There was a kick-off meeting on June 10 to set things into motion. Assignments were given to collect data and information necessary before meeting with the advisory committee. Mr. Greene reported that he met yesterday with Brian Morgan of the Morgan’s Run development to work out a tentative schedule for completing site improvements which includes paving of streets. They have sold the remainder of the building lots to one builder and are committed to completing development improvements by the end of this year.

The staff continues to work on the MS4 requirements. Jeff Mather, the Township's intern, has been working to assist in efforts in research and data collection to include the Minimum Control Measures and Post-Construction Stormwater Management (MCM#5) on the working spreadsheet. This is an important part of the MS4 plan which identifies each property, number and types of Best Management Practices (BMP's) per site, inspections and required maintenance by the property owner. Work is on-going to complete this task. Mr. Greene noted that Jeff is performing his duties and tasks very well and has gained considerable knowledge and understanding of local government operations. He has made considerable progress over the short period of time that he has been working with staff. Mr. Greene introduced Jeff to the Board. Jeff explained that he is a student at Penn State Harrisburg, majoring in Public Policy. He highlighted the requirements of his internship and his work here so far. Jeff thanked the Board and staff for this opportunity and for working with his schedule. He stated that he hopes to absorb as much information as he can here during his 150-hour internship.

Mr. Greene concluded his report by asking for a recommendation on the codification services. He stated that it does not need to be tonight, but he would ask for consideration very soon. In response to a question from President Mehaffie, Mr. Greene agreed that the cost of \$1,935 would get things up to date and also provide the 360 search tool. Solicitor Henninger explained that codifications do not need to happen every year, but 18 ordinances were passed since the last codification. This makes it burdensome for staff, since it basically requires stuffing the new ordinances into the ordinance book. He added that the e-Code 360 Search aspect is a great tool. The Board discussed the base proposal and the additional options and associated pricing, including the annual e-Code 360 maintenance after the first year. Commissioner Davies stated that in order to get this item rolling, he would be open to granting approval tonight. A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve the expenditure of \$1,935 to General Code Company for Codification Services and update of the Township's Code of Ordinances. The motion was unanimously approved.

President Mehaffie noted that Navarro & Wright, Inc. had been requested to provide an update on its plan. Paul Navarro explained that there are three key items he would like to discuss. First of all, the Highway Occupancy Permit has been filed. Comments from Penn DOT required study of some intersections. Updated traffic counts were performed. Comments were also received from the engineer. The permit was uploaded to the Penn DOT site; acknowledgement was

received. That permit is now undergoing a second review by Penn DOT. Secondly, the NPDES permit has been approved at the County Conservation District level. One of the items which came back from DEP was the need to review and re-delineate the wetlands, which would then require approval from the Army Corp of Engineers. This was submitted to the Carlisle office, and word was received that it is on the “stack” for review. Mr. Navarro explained that he was told that an answer should be provided by the middle of July. Lastly, there is also a Supplemental Agreement for the sanitary sewer for the Lumber Street interceptor. This also accompanies a personal guarantee from all the developers. The agreement will be put into effect no later than July 8. Solicitor Henninger stated that he has not seen this agreement, and asked if it includes the Lower Swatara Township Municipal Authority. Mr. Navarro explained that this agreement is just between Highspire Borough and the developers and deals with the grant that was obtained for this project. He agreed to provide Solicitor Henninger with a copy. Mr. Navarro stated that he hopes to have everything in place for the project by October. Vice President Wilt asked when the actual project will start, and asked if the possibility of it starting this year is feasible. Mr. Navarro responded that there is the possibility that it could start this fall. A motion was made by Commissioner DiFrancesco, seconded by Vice President Wilt, to grant a 90-day time extension, as requested by the developer, on the Final Land Development Plan of Residential Retirement Community, Phase 1, File #2007-14, 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, June 18, 2014, October 1, 2014, December 17, 2014 and March 18, 2015. The plan is due to expire on July 8, 2015. Upon approval of the time extension, the plan will expire on October 6, 2015. The motion to grant the time extension was unanimously approved.

A motion was made by Commissioner Springer, seconded by Commissioner Davies, to approve the following members to the Lower Swatara Township Comprehensive Plan Review Committee:

Chauncey Knopp (Planning Commission)
Eric Breon (Planning Commission)
Christopher DeHart (Planning Commission)
Paul Wagner (Planning Commission)
Kimber Latsha (Planning Commission)
Board of Commissioner Representative
Dan Magaro
Jon Strite
Lori Yeich
Kathy Gutshall
Steve Artman
Jim Gingrich
Ron Burkholder
Jim Kazakavage

The motion was unanimously approved.

Public Works Department – Daniel Wagner – reported that current projects include straightening and replacing signs, mowing parks, repairing storm systems on Candlewycke Drive and Blacklatch Lane, repairing roads including two sinkholes, working on MS4, repairing lights at Memorial Field, painting curb, and painting the truck bed that was completely redone. A sewer project will take place on Blacklatch Lane sometime this year, so hopes are to have the utility work done by end of the summer. Mr. Wagner thanked the Middletown Fire Department for coming out with its truck to assist the Department in fixing two lights at Memorial Field. Township mechanic Rodger Mason spent considerable time and effort refabbing the bed of the oldest dump truck. Mr. Wagner noted that Mr. Monticello had provided him with a copy of the five-year winter maintenance agreement with Penn DOT; he will review this and address any minor concerns. Mr. Wagner stated that he would like to speak to the Board about the situation with Strites Road. The road is failing very quickly. In 2016, he desires to have in place a plan to put in a storm water system. There is no storm water system in 90% of that road, and it needs one badly. The next step would be to get a plan in place so that in 2016, with Board approval, the ball can get rolling. Mr. Wagner asked if the Board feels comfortable with giving HRG permission to design a scope of work for 2016. Ms. Letavic added that this project is intended to

be coordinated with a project that the water company is planning for that area. The intent is to do the work and pave the road once. Mr. Wagner agreed that there could be some cost sharing for this storm water project. President Mehaffie asked Ms. Letavic to obtain a cost for this. He asked if there are grants available through Penn Vest for this work. Ms. Letavic confirmed that there are programs for storm water infrastructure. She suggested that the Township go through the process to see what funding strategies are offered. This will require the review of the budgets from the previous three years. Mr. Monticello agreed to check with the Township auditor to see if the 2014 audit is complete. Commissioner Davies asked if there are any other drainage projects adjacent to Strites Road that can be rolled into this. Mr. Wagner confirmed that there are. There are other storm water projects that need attention. If they are not addressed, there could be other situations similar to what was experienced with Riverview Drive. Mr. Wagner stated that he is actually putting together an extensive list of projects that can be undertaken if the Board so desires. He also stated that he would strongly encourage the Board to consider some type of street cutting fee. Mr. Wagner informed the Board that there seems to be some timing issues with the signal at North Union Street, southbound at Fulling Mill Road. Ms. Letavic agreed and noted that things will need to be tweaked. Mr. Wagner concluded his report by reminding residents that the dumpster will be open next Saturday, July 11, from 8 A.M. to noon. Vice President Wilt reported that the corn rows near his home are too close to the intersection, creating visibility problems. They need to be cut back for safety. Commissioner DiFrancesco agreed that there is a similar problem on Nissley Drive. Mr. Wagner will look into this. Commissioner DiFrancesco asked if Mr. Wagner would be addressing the octane issue at a future meeting. Mr. Wagner stated that he is getting more advice from the dealers themselves. In response to a question from President Mehaffie, Mr. Wagner explained that the irrigation equipment for the soccer fields has not been hooked up yet since the fields have not needed water due to the rains. President Mehaffie expressed concern with the warranty since final payment is on the agenda tonight. Ms. Letavic clarified that this is not the final payment. There is still retainage, with a balance of about \$8,200 on the contract. Mr. Wagner added that there was concern during the walk thru with settling of some of the walking paths. The contractor is planning to come back to address this. Commissioner Springer inquired about the hole in the one large soccer field. Mr. Wagner reported that it has been filled and seeded. President Mehaffie also thanked the Middletown Fire Department for helping the Township for many,

many years by bringing up its lift truck to assist with lighting repairs. He suggested the Township make a donation to the Middletown Fire Department. Approval of the donation will be placed on the July 15 agenda.

MANAGER'S REPORT:

Mr. Monticello reported that he had spoken to Gil Hirschel, Dauphin County Conservation District, about providing a MS4 presentation at a future Board workshop meeting. Mr. Hirschel has offered two potential workshop meeting dates: September 2 or October 7. These presentations may consist of either (1) understanding MS4 regulatory requirements or (2) homeowners' actions for managing storm water. Mr. Hirschel has also agreed to present at a meeting in the spring of 2016, at a date to be determined. Commissioner Davies asked about possible grant money for residential rain barrels. President Mehaffie agreed that this could be discussed during the presentation. The Board agreed to have Mr. Hirschel provide the presentation on October 7 on the topic of homeowners' actions for managing storm water. It was suggested that the presentation be videotaped and placed on the Township's website and Facebook page.

Mr. Monticello referenced a draft letter supporting the sponsorship of the Middletown Public Library in its quest to apply for a Local Share Municipal Grant application in the amount of \$14,240 to undertake improvements. The draft letter will be transposed on Township letterhead and signed by President Mehaffie should the Board be willing to approve this matter. President Mehaffie expressed concern that this could jeopardize the Township's own local share municipal grant application for the Richardson Road project. He asked Ms. Letavic if this is correct. Ms. Letavic agreed that the Township would basically be competing against itself. President Mehaffie also noted that Lower Swatara Township is part of the Dauphin County Library System; he is not sure how this would impact things. The Board agreed not to take action on this item.

Mr. Monticello reported that he submitted a grant application under the Automated Red Light Enforcement Program in the amount of \$51,622.60. Matching funds are not required and there is no application fee attached to the submission process. It will not cost the Township anything to apply. If approved, the Township will be able to address traffic signal improvements including preemption devices to aid emergency responders, as well as other upgrades at four

intersections. The second component of the application will involve the replacement and upgrade of existing signage within the Old Reliance Development to conform to the federal mandate to upgrade and replace the existing structure with new high intensity/reflectivity signs. If funded, the component will mark the Township's initial project to meet requirements of the mandate, and hopefully allow the Township to continue with this process throughout the Township as funding becomes available. A motion was made by Commissioner DiFrancesco, seconded by Commissioner Davies, to ratify the grant application submitted under the Automated Red Light Enforcement Program in the amount of \$51,622.60. The motion was unanimously approved.

ENGINEER'S REPORT:

As recommended by Ms. Letavic, a motion was made by Commissioner Springer, seconded by Commissioner Davies, to approve payment to Rogele, Inc. for Pay Application #3, dated June 24, 2015, for the Greenfield Park Well & Irrigation Project in the amount of \$33,194.70. The motion was unanimously approved.

Ms. Letavic updated the Board on the Municipal Separate Storm Sewer System (MS4). The annual report was submitted yesterday. The next draft permit is available for public comment. She referenced copies provided of an excerpt of the draft permit language indicating that adequate funding and staff coverage are required in accordance with permit conditions. There are 88 private sites that will require Township inspection or property owner self-inspection in accordance with the permit. This is a significant undertaking that has been deferred until now and needs to be addressed in the current permit term (by March 31, 2016). Ms. Letavic explained that she is working with staff to see if there is a property owner self inspection type process that can be used in lieu of staff time or paying HRG to inspect all the BMPs. The next permit in 2018 makes it very clear that municipalities can no longer say they cannot afford it and are doing the best they can. Commissioner Davies referenced the draft document, and observed that it has some interesting requirements in terms of rights of ingress and egress to private property. Ms. Letavic agreed. This is part of the O&M Agreement for newer projects. However, older sites with detention ponds may not have that right. It may be necessary to update the ordinance for this purpose. Ms. Letavic added that the draft language also states that DEP may require monitoring of storm water discharge as may be reasonable necessary in order

to characterize the nature, volume or other attributes of that discharges or its sources. This is also new; the Township never had to do that before for storm water. She will be commenting on this and suggesting it be placed in the individual permit and not in a general permit. Ms. Letavic also reported that Township staff joined Londonderry Township, Derry Township, and Middletown Borough on a guided tour in Lancaster City to see green infrastructure. There is no update on the Richardson Road Bridge (funded by DCIB Loan and Gaming Grant). Preliminary design to facilitate the UGI project and the detour plan is underway. The Greenways, Trails, and Recreation Park Grant Execution, DCNR Grant Review – Old Reliance and Shope Gardens Parks DCNR grant was submitted on April 16 for new playground equipment, picnic tables, rain gardens, ADA walkways, and benches. Notice of award is anticipated at the end of 2015. Comments for the grant application were addressed on June 19.

SOLICITOR'S REPORT:

Solicitor Henninger reported that Dan Cohen, Cohen Law Group, will be in attendance of the Board's July 15 meeting to discuss a proposal regarding update to the Wireless Communications Facilities ordinance. He has also put together a proposal with regards to right of way management services. Solicitor Henninger suggested that the Board may want to talk to Attorney Cohen about including street cuts in this proposal.

Solicitor Henninger reported that he had attended the annual educational conference of the PSATC. It was excellent, with some good programs. He added that there was discussion about the upcoming MS4 requirements; other municipalities have similar concerns.

FINAL COMMENTS:

President Mehaffie referenced a request in front of the Board this evening regarding use of the Rosedale playground by Valley Baptist Church. A motion was made by Commissioner Springer, seconded by Vice President Wilt, to approve the request by Valley Baptist Church to use the Rosedale Park for its children's program from August 10 to August 13, 6:00 P.M. to 8:30 P.M. The motion was unanimously approved. Mr. Wagner was asked to post a sign reserving the park for that particular period of time.

Commissioner DiFrancesco asked if the Clean Waters Act had passed. Ms. Kiner noted that she had just googled it, and it had. Commissioner DiFrancesco expressed concerns with the Act, and stated that he assumes it will be challenged.

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 8:53 P.M.

ATTEST:



Jean R. Arroyo, Recording Secretary

