

## MINUTES

### SPECIAL MEETING – JULY 2, 2013

A Special Meeting of the Lower Swatara Township Board of Commissioners was called to order at 6:00 P.M. by President Frank Linn, Sr.

Roll call was taken with the following officials in attendance:

- Frank Linn, Sr., President
- William L. Leonard, Jr., Vice President
- Michael J. Davies, Secretary
- Jon G. Wilt, Commissioner
- Brenda K. Wick, Planning and Zoning Director
- Peter R. Henninger, Solicitor
- Alan Knoche, EMA Coordinator
- Erin Letavic, HRG
- Jean R. Arroyo, Recording Secretary

Excused: Thomas L. Mehaffie III, Commissioner

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

President Linn welcomed the visitors to the Special Meeting and opened the floor for public comments.

PUBLIC COMMENTS: None

#### REQUEST BY LIFE LION EMS FOR CONTRACT NEGOTIATIONS:

Prior to addressing the agenda items, Vice President Leonard acknowledged Scott Buchle, Program Manager for the Hershey Medical Center's Life Lion EMS. President Linn explained that Mr. Buchle had contacted him about attending tonight's meeting.

Mr. Buchle stated that he had provided a letter to the Board regarding the desire of Life Lion EMS to renew its contract with Lower Swatara Township, which expires in October. He noted that he is aware that the Board has discussed putting the contract out for bid, but he would ask for a meeting to discuss the possibility of a renewal. Mr. Buchle indicated that he had

spoken to Commissioner Mehaffie earlier today about the possibility of a meeting. Mr. Buchle explained that Life Lions EMS has been serving the Township for ten years now, and has an excellent relationship with the Township and its emergency service providers. He noted his understanding that the Township faces some fiscal restraints; Life Lion EMS is willing to work on a contract that meets the Township's needs. He asked if the Board had any questions. Commissioner Wilt stated that he had also spoken to Commissioner Mehaffie about the possibility of a committee meeting to discuss the contract, perhaps in a week or so. He suggested that would probably be the best time to present questions.

Vice President Leonard added that in the past, three member committees were formed to address contracts such as this. Typically, this would be the Township Manager, the EMS liaison and a member of the Finance Committee. He suggested that the three individuals who will serve on the EMS contract discussions be identified tonight by President Linn. He added that Commissioner Mehaffie had previously volunteered to serve on this committee. Commissioner Davies, Budget & Finance Chairman, agreed to serve on the committee. Commissioner Wilt, EMS liaison, also agreed to serve. President Linn stated that since there is no Township Manager, he could appoint Vice President Leonard as the third committee member. Commissioner Wilt agreed that he could do this, but noted that Commissioner Mehaffie had already expressed a desire to be part of this committee. President Linn appointed Commissioner Davies, Commissioner Wilt, and Commissioner Mehaffie to the EMS contract committee. He requested, however, that all Commissioners be kept informed of what is going on with these negotiations.

Mr. Buchle added that the current contract states that negotiations for renewal will commence no later than 180 days of expiration of the contract. He stated that he understands there are extenuating circumstances, with the vacancy in the Manager's position, and assured the Board that Life Lion will not just pull out and leave the Township without EMS services. Commissioner Wilt explained that this situation is not the fault of the Board. The previous Manager had been requested to begin this process in April, but it was never followed through with, and he subsequently resigned. Mr. Buchle again reassured the Board that they will work with the Township until the contract is renewed with Life Lion EMS, or another ambulance company is on board.

AWARD OF BID FOR HAZARD MITIGATION DEMOLITION WORK:

Alan Knoche, EMA Director, introduced Erin Letavic, HRG, who is coordinating the demolition process for the hazard mitigation grant program. He explained that the Township has purchased 13 of the 14 properties so far. Five bids were received yesterday for the demolition of the 13 homes. President Linn asked about those rejecting a buy-out. Mr. Knoche explained that everything that was able to be purchased through the program was indeed purchased. He then turned the floor over to Ms. Letavic.

Ms. Letavic explained that five bids were received for the demolition work. Bids ranged from \$120,000 -- \$200,000, and the lowest bid was approximately \$60,000 less than anticipated. The low bid was submitted by SDL Construction, LLC in the amount of \$120,118.00. Ms. Letavic stated that she feels SDL is a reputable company. SDL has been awarded the bid for two of the other municipalities she is working with. She recommended acceptance of this low bid, with conditions of insurance, bonding, and an executed agreement. Solicitor Henninger added that he had reviewed the bid documents, as well as the affidavits, insurance, and bonding. He concurred with the recommendation of HRG. A motion was made by Commissioner Wilt, seconded by Commissioner Davies, to award the bid for the demolition work associated with the thirteen flood properties involved in the hazard mitigation program to SDL Construction, LLC in the amount of \$120,118.00. The motion was unanimously approved.

Ms. Letavic explained that the second project is the Farr Apartment Building. It is under a separate grant agreement, so the two projects have to remain independent as far as bidding and demolition. There was a possibility of selecting a contractor without publicly bidding it, if the cost came in low enough. This would have saved on advertisement and administrative costs. She referenced an attachment of four quotes received for the demolition of the Farr Apartment Building. Unfortunately, the costs were not low enough to allow the Township to move forward without awarding a contract and publicly bidding it. Therefore, she asked for a motion to advertise and publicly bid this project. It is anticipated that the award of this bid will be ready for Board action at the August 7 workshop meeting. A motion as made by Commissioner Davies, seconded by Vice President Leonard, to approve the advertisement for bids for the demolition of the Farr Apartment Building. The motion was unanimously approved.

APPROVAL OF 90-DAY TIME EXTENSION FOR BRYN GWELED EAST SUBDIVISION:

A motion was made by Commissioner Wilt, seconded by Commissioner Davies, to approve the acceptance of a 90-day time extension, as requested by the developer, on the Final Subdivision Plan for Bryn Gweled East (26 lots), located along Lumber Street, immediately south of PA 283, prepared by Dauphin Engineering Co. and submitted by BW Partnership. The plan was recommended for approval by the Planning Commission on May 24, 2007. 90-day time extensions were granted by the Board on July 18, 2007, November 21, 2007, 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, July 21, 2010, November 17, 2010, February 16, 2011, May 18, 2011, August 17, 2011, October 19, 2011, and January 18, 2012. A one-year time extension was granted by the Board on April 4, 2012, and an additional 90-day extension was granted by the Board on March 20, 2013. The plan is due to expire on July 16, 2013. With acceptance of the 90-day time extension, the plan will expire on October 14, 2013. The motion was unanimously approved.

APPROVAL OF REDUCTION OF IMPROVEMENT GUARANTEES

The Board next addressed the request for a reduction of Improvement Guarantees for the Construction of Lawrence Street. A motion was made by Commissioner Wilt, seconded by Vice President Leonard, to approve the request for a reduction of Improvement Guarantees for the Construction of Lawrence Street from the current \$275,918.73 to \$23,657.26. The reduction will be distributed evenly between the two developers who posted the improvement guarantee, Lawrence Street Partners and Campus Heights Associates, I. President Linn stated that he will vote yes for the request but is not happy with the progress of the project. He stated that he will look more closely at things the next time he votes for something like this. He added, however, that he has been advised by both the engineer and the solicitor that there are additional bond funds available to cover the outstanding work associated with this project. Commissioner Wilt reported that KGH is moving along with the plans, and is ordering the materials now. There are two HOP's (Highway Occupancy Permits) for utilities in the works too. Vice President Leonard asked to provide an update to the Board after the vote has been taken on the request.

President Linn called for a roll call vote: Commissioner Wilt – aye, Commissioner Davies – aye, President Linn – aye, Vice President Leonard – aye. The motion was approved by a 4 – 0 margin.

Vice President Leonard provided an update on the work at 230. A meeting was held with all the involved parties (Lower Swatara Township, Borough of Middletown, PennDOT and the two developers) on June 27 at PennDOT. There was clarification provided of whether work on Lawrence Street could move independently of work on Wood Street. PennDOT had actually issued a permit on April 15 to allow that construction to continue. All parties at the meeting also wanted to know if there are any outstanding dependencies against each other that are holding up the whole project and whether infrastructure, such as pipe, can be ordered. There are some HOP's that have to be issued, and all parties agreed to push these forward as soon as possible. It appears there are really no significant hurdles. KGH agreed to order all the equipment necessary for the construction. When it arrives in about 6 – 8 weeks, the work can begin. In the meantime, approvals, reviews, engineering, agreements, HOPs, etc. will be finished. Everyone at the meeting agreed to a targeted completion date of October 1, with a “no later than” approval date by PennDOT of October 15. In response to question from President Linn, Vice President Leonard explained that the addressing of all the administrative issues and arrival of the equipment should be taken care of by August 15. Construction should occur between August 15 and October 1, so that PennDOT can approve it no later than October 15. In response to a question from Commissioner Davies, Ms. Letavic stated that PennDOT's construction season ends on October 15. Commissioner Davies stated that in this case, he hopes things go well and adhere to schedule. Ms. Letavic agreed, and stated that otherwise the project will be going into next year. President Linn remarked that this is what he does not want to see. He stated that this work should have been done months ago. He faulted the developers for dragging their feet because they did not want to spend the money. Commissioner Wilt disagreed, and stated that he does not believe this to be true.

#### APPOINTMENT OF UNCOMPENSATED LIASON:

Vice President Leonard stated the last item for formal action is the appointment of an uncompensated liaison between the Board and staff; he had served in this capacity until June 30, 2013. Commissioner Wilt reported that Commissioner Mehaffie had expressed interest in

serving as liaison. A motion was made by Commissioner Wilt, seconded by Commissioner Davies, to approve the appointment of Commissioner Mehaffie as the uncompensated liaison between the Board and staff for a period of sixty days. The motion was unanimously approved.

STAFF UPDATE:

Vice President Leonard referenced the spreadsheet of recent activity by the staff and highlighted several items of interest. The new recycling bins will be delivered to the residents starting next week by the hauler, Penn Waste. The new sewer billing system is expected to go on-line July 9. Penn Prime conducted a loss control audit, and six deficiencies were determined. As a result of the hard work of staff members Tracey Bechtel, Steve Anderson, and Steve Severin during the last nine days, these deficiencies were addressed and the Township will again enjoy the benefits of a reduced insurance rate. These three individuals should be commended for stepping up and handling this. Vice President Leonard added that with the vacancy in the Manager's position, he appointed Steve Anderson as the management-level official on the Safety Committee until such time that a Township Manager is hired. Don Fure, Building Code Official, has been working on updating the Township's fee resolution. The Police Department recently passed its recertification process. As previously mentioned to the Board, the Public Works and Municipal Authority have been experiencing computer problems. The equipment failed more quickly than anticipated, so quotes were received and the equipment was ordered and has arrived. Three new complete systems were obtained at a very good price of \$2,400.

Vice President Leonard stated that he understands there were some personnel meetings held at last week's convention of the State Association, and inquired why he was not notified about those meetings. Commissioner Wilt responded that he thought Vice President Leonard stated that he would not be coming out to the convention. Vice President Leonard explained that he had indicated he would not be attending the convention, but would like to be notified of any such meetings in the event that he did not have any schedule conflicts and could make the short drive there. As a result of not being notified, he missed two meetings. Commissioner Wilt agreed that the first meeting was a definite one, but the second one was not known about until late Saturday night. The Commissioners did not schedule talks with this second individual until Saturday evening, when a third Commissioner showed up. With three Commissioners in attendance, they

felt they owed this individual some meeting time. Commissioner Wilt suggested that the Board could talk about this in executive session.

SOLICITOR'S REPORT:

Solicitor Henninger stated that he had reviewed and revised the draft resolution for the KOZ (Keystone Opportunity Zone), as presented to the Board last month by Skip Memmi and Shaun Donovan. This revised draft has been submitted back to them for review and should be ready for Board action at the July 17 legislative meeting. In response to a question from Commissioner Davies, Solicitor Henninger explained that these properties would only be relieved from real estate taxes. Presently, the Township is not receiving real estate taxes from these properties anyway, since they are either airport operations or vacant parts of airport operations. When private entity types of buildings are placed here and they are for nonessential airport operations, they do become taxable for real estate taxes. Commissioner Davies asked if parking taxes would be waived. Solicitor Henninger responded they will not. Mike Williams inquired if the Sheetz property will be taxable, since it is also on Airport property. Solicitor Henninger explained that it will be taxable, since Sheetz is not an Airport-essential operation. President Linn stressed that all businesses in the Township pay their fair share, although the Township does not have control of the Airport property.

Solicitor Henninger also reported that petitions for tax exemption for the thirteen properties that the Township recently acquired thorough the hazard mitigation grant program were filed and granted. When the final property is acquired, which should be very soon, a petition will also be filed for it.

Vice President Leonard stated that he will be in Gettysburg this weekend. He also wished Commissioner Wilt a happy birthday.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Davies, seconded by Commissioner Wilt, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 6:45 P.M.

ATTEST:

---

Jean R. Arroyo, Recording Secretary