MINUTES

LEGISLATIVE MEETING – JUNE 17, 2015

The June 17, 2015 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:16 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 Superintendent
- 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 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.

President Mehaffie then opened the floor for public comment.

PUBLIC COMMENTS:

Tom Williams referenced the agenda item pertinent to approval of members to the Comprehensive Plan Review Committee, and asked that when this item comes up, the members stand up and be recognized so that the audience can see that they are here and are interested in what the comprehensive plan review will entail. President Mehaffie explained that these

individuals were not asked to be present tonight; at this point, the list of suggested candidates is for discussion purposes.

APPROVAL OF MINUTES:

A motion was made by Commissioner Springer, seconded by Commissioner DiFrancesco, to approve the Minutes of the May 20, 2015 Workshop Meeting. The motion was unanimously approved.

A motion was made by Commissioner DiFrancesco, seconded by Commissioner Springer, to approve the Minutes of the June 3, 2015 Special Meeting. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner DiFrancesco, to approve the Minutes of the June 3, 2015 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Commissioner Springer, to approve the payment of bills as presented on Warrant No. 2015-05. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

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

ENGINEER'S REPORT:

Erin Letavic, HRG, Township Engineer, referenced the monthly Engineer's Report. The MS4 (Municipal Separate Storm Sewer System) Annual Report will be submitted to PA DEP at the end of the month; a staff meeting to finalize things will be held next week. The land survey

for the Richardson Road bridge project is complete. Preliminary design to facilitate the UGI project and the detour plan is underway. The DCNR grant for the Old Reliance and Shope Gardens Park was submitted on April 16 and includes new playground equipment, picnic tables, rain gardens, ADA walkways, and benches. Notice of award is anticipated at the end of 2015. The Township received comments back on the grant application to ease their review, and the information will be resubmitted by June 19.

The final inspection for the Greenfield Well and Irrigation project is scheduled for Monday. Warranty information on the equipment, as requested by the Board, is forthcoming from the contractor and will be obtained prior to contract closeout. An update was provided on the Fulling Mill Road and Union Street traffic signal. Afternoon peak timings are to be addressed next. Ms. Letavic noted that HRG provided grant program information to staff regarding flood mitigation, parks, and storm water project opportunities. Grant information on traffic signals was also provided to Mr. Wagner.

Commissioner DiFrancesco stated that he is getting excited about the idea of adding rain gardens into the culture of this Township. When the Township looks at any project, even a road project, it would be good to consider options for this, perhaps using grant funding. He suggested that the Township be proactive and practice good stewardship. Ms. Letavic agreed, and stated that with the MS4 program, this will become more and more of a focus. President Mehaffie stated that he agrees wholeheartedly, and noted that these rain gardens can be implemented in parking lots, additions, and new projects. An example is the School Board's plans to redo its parking lot at Kunkel. There may be a way to implement something there. He added that the Township needs to help with these things. President Mehaffie reported that Ruth Hocker from the City of Lancaster may be willing to attend another meeting to discuss what can be done with parking lots and small alleys. Commissioner DiFrancesco suggested that the Township could include an article in the next newsletter on what residents can do on their own properties to help with the MS4 efforts. President Mehaffie agreed that this type of information will be placed in the newsletter/map guide which is under production. He also suggested the idea of devoting an entire MS4 section to the Township website. Residents can also be kept informed through the Township's Facebook and mass email list. Ms. Letavic informed the Board that Ms. Hocker will be providing a tour next Friday in order for municipalities to see some of the retrofit work that the City of Lancaster is doing. Several

Township staff members will be there, as well as representatives from the Borough of Middletown, Londonderry Township, and Derry Township. Commissioner Davies asked if there are incentives that can be put in place. He stated that while he is interested in seeing these things carried through, he would prefer to see it happen with private, rather than public, money. He suggested adding building incentives into the planning and zoning and permitting structure to encourage those that are building and creating large imperious surfaces to make allowances for creating rain gardens and other best management practices. Ms. Letavic agreed that starting with the Stormwater Authority, this can be fairly simple by giving incentives to over manage storm water and lower fees. Without that, the Township could also look at lowering permit fees to incentivize. It could even look at sewer and water bills. She noted, however, that sometimes the zoning and subdivision and land development rules have to be bent to the extent that the staff can get ahead of projects before they are formally submitted in order to install low impact development concepts in them. Once a project is submitted as a land development plan, it is frankly too late. President Mehaffie referenced the two parks that the Township plans to improve. The City of Lancaster has done a lot of underground drainage in its parks to take the rainwater away. He asked if it is too late to do this here. Ms. Letavic explained that there is drainage proposed for underneath the playgrounds, but rain gardens are proposed for the impervious areas.

SOLICITOR'S REPORT:

Solicitor Henninger reported that the Board had met in executive session at 6:30 P.M. this evening with the police and non-uniformed pension boards. As required by the Municipal Pension Plan Fund Standard and Recovery Act, there is a process whereby the municipality obtains bids to manage the pension funds. The Township hired an outside consultant for this, and the process is ongoing. The purpose of the executive session was to update the Board and pension board members on this process.

As discussed at the June workshop meeting, Dan Cohen of the Cohen Law Group was asked to speak to the Board at its July 1 meeting on a proposal with regards to updating the wireless facilities act (cell towers) and the Township right-of-ways and public utilities, including the Sunoco pipelines issue. If Mr. Cohen cannot make it in person, he will participate via

telephone. Details will be forthcoming.

Solicitor Henninger noted that he will be attending the PSATC (Pennsylvania State Association of Township Commissioners) annual educational conference this weekend, and will bring back information to the Board.

Commissioner Davies stated that since Sunoco Pipeline is doubling the amount of pipeline it is putting through and doubling the capacity, he would expect it to contribute more to the fees it pays to traverse Township owned land. Solicitor Henninger confirmed that discussion on this is ongoing.

MANAGER'S REPORT:

Mr. Monticello referenced the executive session held earlier this evening, and the discussion about bringing in another firm for an interview. While discussion went back and forth, there was no true guidance provided. He asked if the Board would let him know over the next several days if he should set up an interview with that firm and if so, when. Mr. Monticello also commented that the two employees recently hired in the accounting department are doing an outstanding job.

President Mehaffie referenced the list of future meetings and events, and noted that Family Outdoor Movie Night ("Annie") at Shope Gardens Park will be held this Saturday. The June Planning Commission Meeting has been cancelled.

COMMITTEE REPORTS:

Police Committee -- Vice President Wilt – (Commissioner DiFrancesco temporarily filling in) – no report

Public Safety – Commissioner Springer -- no report

Budget and Finance – Commissioner Davies –no report

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

Public Works – President Mehaffie – asked if Mr. Wagner had any updates for the Board. Mr. Wagner stated that the street sweepings were tested in order to know how to dispose of them properly in accordance with EPA and DEP regulations. The findings were favorable and found

to be non-conclusive. Now it is just a matter of finding the appropriate way to get rid of them. President Mehaffie asked if this means they will not need to be taken to a landfill. Ms. Letavic explained that this is still to be determined. The primary way that DEP wants municipalities to get rid of street sweepings is by disposal to a landfill. However, the laboratory analysis that the Township had done found the sweepings to be limestone grit, which is exactly what is purchased in the wintertime for roadway maintenance. The sweepings apparently did not pick up oil or grease. She explained that the staff hopes to work with DEP within existing regulations and obtain approval to manage them as a waste, but one that can be re-used as a "co-product". In response to a question from President Mehaffie, Mr. Wagner agreed that this will involve a screening process. All of this is brand new, so much thought will need to go into the process.

UNFINISHED BUSINESS:

A motion was made by Commissioner Davies, seconded by Commissioner DiFrancesco, to grant a 90-day time extension, as requested by the developer, on 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. The plan is due to expire on July 8, 2015. Upon approval of this time extension, the plan will expire on October 6, 2015. In response to a question from Vice President Wilt about movement on the plan, President Mehaffie reported that he had talked to Mayor Hoerner of Highspire Borough today. The developer is working with Highspire to get the Lumber Street connection done; there is a grant for this. Solicitor Henninger added that there is a deadline for use of those grant funds. He noted that his opinion is that the developer should be

informed that whenever a time extension is requested, a personal appearance will be required before this Board. President Mehaffie observed that this plan does not expire until July 8, 2015. Since the Board meets again on July 1, he recommended that action on the plan be tabled tonight. He asked that Mr. Monticello contact the developer and convey this request for attendance at the July 1 meeting. The Board agreed, and Commissioner Davies withdrew his motion to grant the time extension, with Commissioner DiFrancesco withdrawing his second. The request for a time extension was tabled.

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, 201, October 15, 2015, January 21, 2015 and May 18, 2015. The plan is due to expire on August 19, 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. The Board granted a 93-day time extension on January 21, 2015 to May 20, 2015 and a 91-day time extension on May 20, 2015 until August 19, 2015.

NEW BUSINESS

President Mehaffie stated the next agenda item is approval of members to the Lower Swatara Township Comprehensive Plan Review Committee. He stated that he would like to table this item until responses are received from all of the potential candidates. The list as currently submitted is:

- Chauncey Knopp (Planning Commission)
- Eric Breon (Planning Commission)
- Christopher DeHart (Planning Commission)
- Paul Wagner (Planning Commission)
- Kimber Latsha (Planning Commission)
- Leah Eppinger (Tri County Regional Planning Commissioner)
- Dan Magaro
- John Strite
- Lori Yeich
- Kathy Gutshall
- Jim Gingrich
- Ron Burkholder
- Jim Kazakavage
- BOC Representative

President Mehaffie added that resident Steve Artman has requested to be placed on this list. Ms. Letavic noted that Leah Eppinger of the Tri-County Regional Planning Commission will be in attendance of most of these meetings as a consultant, so she will not need to be on the list of committee members. Commissioner Springer stated that the spelling of "John" Strite should be corrected to "Jon". The Board discussed the possibility of having a commissioner appointed to this committee, as well as an alternate commissioner. Another option discussed was rotating commissioners based on their availability. Mr. Monticello explained that a commissioner does not really need to be appointed, since they have the ability to attend these meetings at their convenience. The Board agreed to table action on this list, and directed it be placed on the July 1 workshop meeting for formal action.

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the Improvement Guarantee Reduction request from Richard Deichert in the amount of $1,400.00 for the Colonel Burd Estate, Phase II, Section 2-B, Lot 32 for sidewalk improvements. This reduction from the current balance of the Escrow Account in the amount of $3,922.26 will leave a balance of $2,522.26 plus posted interest. The motion was unanimously approved.

A motion was made by Commissioner DiFrancesco, seconded by Commissioner Davies, to approve the DCED Local Government Internship Program Grant Agreement between the Pennsylvania State Association of Township Supervisors, which is administering the DCED Local Government Internship Program on behalf of the Pennsylvania Department of Community and Economic Development's Governor's Center for Local Government Services, and Lower Swatara Township. President Mehaffie noted that there is no financial obligation to the Township through this program. Commissioner Davies asked about the possibility of meeting the intern that was selected for this program. President Mehaffie suggested that since the purpose of this program is to expose young people to local government, the intern should attend at least one of the Board's monthly meetings in order for him to observe how local government works. The motion was unanimously approved.

Commissioner DiFrancesco stated that there is a vacancy on the Municipal Authority. In the interim, until a candidate is found and in order to conduct business, he made a motion to appoint Tom Mehaffie to serve on the Municipal Authority. The motion was seconded by Vice President Wilt. Solicitor Henninger stated that Don Martino, the member who recently resigned, was a great asset to the Municipal Authority for many years. With his resignation, there was a concern about having a quorum. The appointment of President Mehaffie will address this concern. Solicitor Henninger added that this is perfectly legal; the majority of municipalities do have a commissioner on their Authority. President Mehaffie stated that he will be glad to serve in this role. As liaison to the Municipal Authority, he already attends 90% of the meetings. The motion was approved by a 4 – 0 margin, with President Mehaffie abstaining.

ADJOURN:

With no further business to discuss, a motion was made by Commissioner DiFrancesco, seconded by Vice President Wilt, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 7:59 P.M.

ATTEST:

Jean R. Arroyo

Jean R. Arroyo, Recording Secretary

PLEASE PRINT NAME CLEARLY

Board of Commissioners Legislative Meeting – June 17, 2015

NAME	ORGANIZATION (IF APPLICABLE) OR ADDRESS
Michelle Wagner	644 Longview Dr., M-town 17057
Eric Wise	
Tom Williams	