

## MINUTES

### JUNE 5, 2013 WORKSHOP MEETING

#### LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The June 5, 2013 Workshop Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Frank Linn, Sr. President Linn called for the pledge of allegiance followed by a moment of silence.

Roll call was then 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
- Peter R. Henninger, Solicitor
- Brenda K. Wick, Planning and Zoning Director
- Richard D. Brandt, Police Chief
- Steven W. Anderson, Public Works Director
- Jean R. Arroyo, Recording Secretary

Excused:

- Thomas L. Mehaffie III, Commissioner

Residents and visitors in attendance:

- Chris DeHart (LST Fire Department)
- Matt Tunnell (GreenWorks Development)
- Ed Black (H. Edward Black Associates)
- Phyllis Zimmerman (Patriot-News)
- Michael Yingling (SARAA)
- Betsy Davison (H. Edward Black Associates)

President Linn welcomed the visitors to the meeting and opened the floor for public comment.

President Linn reported that he had been contacted by the Chamber of Commerce and asked to provide some time this evening for the Chamber to present its program to the Board. A volunteer from the Chamber of Commerce stated that he was asked to simply stop in to make introductions and pass on information provided by Larissa Bailey, who is the Government

Relations Manager at the Chamber. Ms. Bailey had hoped to set up a time to speak to the Board about the government relations committees and subcommittees. The volunteer apologized for the confusion, but agreed to contact Ms. Bailey and ask that she attend a future meeting. Solicitor Henninger suggested the August workshop might be a good time for the presentation.

PUBLIC COMMENTS: None

President Linn requested the Board convene in executive session immediately upon conclusion of this evening's meeting in order to discuss a personnel matter.

DEPARTMENT REPORTS:

Fire Department Report – Chief DeHart – stated that there were approximately 30 calls for the month of May. A meeting was held with Hershey EMS last week regarding the rehab of firefighters on the scene. This rehab includes rehydrating the firefighter, checking his/her vital signs, etc. A policy is now in effect. Chief DeHart stated that he realizes that the Board plans to look into other emergency medical service providers, as the Township's current contract will be expiring soon. He suggested that any provider interviewed be asked if it has a firefighter rehab policy in place. Chief DeHart also informed the Board that all hoses were tested yesterday. Doing this yearly testing keeps the fire rating low, which results in better fire insurance rates. He also noted that the boy scouts are working on the painting of fire hydrants. The color depends on how much water flows out of that particular hydrant. Upcoming fundraisers include the June 16 baked chicken dinner, and the June 23 breakfast. The new engine is back after being out for warranty repair. Commissioner Davies remarked that the Board and Fire Department still need to meet for the annual review of the Fire Department budget. He and Commissioner Mehaffie are the Commissioner representatives for this review. He suggested the meeting be held an hour before the June 19 legislative meeting. This tentative date will need to be confirmed with Commissioner Mehaffie and Dale Rider, the Fire Department Treasurer.

President Linn noted that the new Sheetz will be on property owned and controlled by SARAA, and stated that this could be confusing as far as which entity will provide fire protection services. He asked for clarification on this. Chief DeHart stated that this question was asked, and SARAA has verbally agreed that Lower Swatara Fire Department will handle fire

calls at Sheetz. He explained that when SARAA comes off the airport to respond to a fire, the Airport basically shuts down – planes cannot fly. Chief DeHart added that they are working towards getting a written policy drafted on this understanding. President Linn asked how this impacts police calls at Sheetz, and stated his understanding is that SARAA will handle police calls on that piece of property. Chief Brandt agreed that SARAA has its own police department, and he believes it will handle any police matters that occur at Sheetz. The Lower Swatara Police Department would, however, assist when necessary. Michael Yingling, representing SARAA, stated that he agrees with the fire department response by the Township, but is not 100% certain about the police response on that property. After further discussion, it was concluded that these arrangements for emergency response should be solidified by both parties. Mr. Yingling and Vice President Leonard agreed to coordinate a meeting with representatives of SARAA, the Board, and police and fire services to discuss this situation.

Police Department – Chief Brandt – distributed the monthly report, and noted that this was a calmer month, with 649 total calls for service. He referenced a request for signage at the new daycare facility on Route 441 and Longview Drive. After looking into this request, it was found that it was legal to place signs on Longview Drive, so this was done. Placing signs on Route 441, however, is a different matter since it involves a state road. A written request has been submitted to PennDOT, with no response as of yet. Chief Brandt added that it is believed that PennDOT will agree to this, since the request is for non-enforceable signage that will basically ask that drivers watch out for children. The Police Department had a mock assessment for its accreditation process on May 31. There were no major problems experienced, so it is anticipated that the assessment on June 24 and 25 will go smoothly. This process must be done every three years to retain the accreditation. Chief Brandt reported that one item that needs to be addressed is the passing of a resolution appointing him, as Police Chief, as the Right to Know Officer for the Police Department. Solicitor Henninger agreed to draft this document for Board consideration. Vice President Leonard added that once the Board hires a new Township Manager, a resolution will also need to be passed appointing that individual as the Township's Right to Know Officer. Chief Brandt reported that the new police officers began their employment with the Department on Monday. They will be sworn in on Friday at 2:00 P.M. by Judge Smith. President Linn reminded the Police Department to be on the lookout for residents throwing grass onto the roadways, as this is illegal and clogs the storm sewers. Chief Brandt

agreed that offenders are given a copy of the Township ordinance pertinent to this violation. Subsequent violations may result in a citation.

Public Works Department – Mr. Anderson – reported that vehicle maintenance is ongoing.

Warranty repair work was done to the street sweeper lining. The new freightliner was delivered to Truck Mounts Unlimited, which will complete the installation of the dump body and the peripherals. The Department continues to maintain the Municipal Authority and Public Works right of ways, and is also mowing and marking manholes ahead of the GIS program. Work at the Township parks is also ongoing. Alpha Space Control applied double yellow and single white line markings on all Township roads. The Nissley Road paving project bids were opened on May 28, 2013 and are on this evening's agenda for formal approval. The bidders were asked to bid on two proposals. Mr. Anderson stated that he is recommending Proposal 1 be accepted. He added that there is always a question of what savings the Township would realize by doing all the work in-house. After running numbers, the bottom line is a savings of \$10,000 - \$12,000. This figure, however, would not include a road warranty and it does not include labor costs for the employees. Contracting the work out allows employees to do other jobs during that time period, such as the crack sealing. Mr. Anderson also informed the Board and residents that due to the July 4 holiday, the dumpster will be open on July 13, from 8:00 A.M. to noon. President Linn referenced remarks from some of the public regarding the lack of grass at the soccer fields. He noted that the soccer fields have come a long way and are improving every year. However, they are used often, which results in wear and tear. Mr. Anderson stated that if the well is approved, it will help out greatly, since it will provide a watering source for the fields.

Planning and Zoning Report – Ms. Wick – referenced the Codes, Planning, & Zoning Report for May, and updated the Board on items that will be appearing on the June 19 legislative agenda.

The Revised Final Land Development Plan for Stoneridge Lot 3 will appear, along with three waiver requests. The Final Subdivision Plan for Dauphin Street Partners will also be on the June 19 agenda; there is one waiver request associated with this plan. Ms. Wick reported that the Zoning Hearing Board met on May 22 to hear two requests. One was for a request for a Special Exception for the use of Student Housing in a Commercial Neighborhood District, submitted by Campus Heights Associates I. The Zoning Hearing Board approved this request. The second was a request from Sheetz, Inc. for a Variance for the construction of multiple signs which exceed the maximum dimensions allowed by the Zoning Ordinance. This request was also

approved. In response to a question from Commissioner Wilt, Ms. Wick explained that the zoning ordinance allows for one free standing sign and one affixed to the building. Sheetz has multiple signs, including a sign on the canopy and a sign saying “MTO”. Sheetz presented its entire project to the Zoning Hearing Board, and the request was granted. Ms. Wick added that due to the setback of Sheetz from Route 230, the Zoning Hearing Board felt the dimensional variance was okay.

#### SOLICITOR’S REPORT:

Solicitor Henninger updated the Board on the Flood Hazard Mitigation Grant Program. The buy-out process is down to the last property which is taking some time due to a mortgage issue. It is hoped that this issue will be resolved within three weeks. He added that demolition bids for the project are scheduled to be opened on July 1; demolition needs to be completed by September 1. Due to the tight schedule, HRG, which is working with the Township on this process, had felt it would be appropriate to award the bid on July 3, at the Board’s workshop meeting. Solicitor Henninger noted, however, that there has been some discussion about cancelling the July 3 workshop due to the proximity to the July 4 holiday. After a brief discussion, the Board agreed to cancel the July 3 workshop and advertise a Special Meeting for July 2, starting at 6:00 P.M., in order to act on the demolition bids. Solicitor Henninger agreed to take care of the advertisement.

#### ROUTE 230 UPDATE:

Vice President Leonard stated that in March, the developers of the student housing project had been asked to provide monthly updates at the Board workshop meetings on the progress of work at Route 230. No updates were provided in April or May, and now not in June. The developers were in attendance of the May legislative meeting because their presence was requested a second time via email. Now the Township has received a request for a reduction in the letter of credit. Vice President Leonard referenced a letter that Ms. Wick had sent to the developers on May 16, 2012, listing the Township’s expectations in order to make this construction project as efficient, timely, and effective as possible. The letter also listed eight items that were required from the developers before an occupancy certificate would be issued. The Board did give special consideration to allow occupancy of the student housing in order to help the developer and Penn State, and particularly the students who were relying on moving into

this housing. Items on this list, however, continue to remain unaddressed. Items not received yet include a construction schedule for Lawrence Street, a maintenance bond, construction plans relative to the relocation of stormwater management, plans, exhibits, rights of way, etc. Items that have been addressed and are in place include entrance points onto the property, emergency access, and fire hydrants. Vice President Leonard stated that he hates bringing this up every meeting, but is frustrated to have to keep asking for things on a project that is already late.

Ms. Wick expanded on the request received from one of the developers for a reduction of improvement guarantees that were put in place for the relocation of Lawrence Street. HRG did review the improvements that were completed and is recommending approval of most of the requested reduction. Solicitor Henninger further clarified that the Municipal Planning Code is very specific about these improvement guarantees. It allows and requires the Board to accept the reduction of letters of credit as projects proceed. The Township has the duty to review and act on this request within 45 days, which is by July 4 in this case. Therefore, he recommended the Board accept the recommendation of the engineer for a reduction in the letter of credit. He added that both developers put up 50%, so it would be split. The original request was that it all come off one side, which is not acceptable. Commissioner Davies suggested that this item be added to the agenda of the July 2 Special Meeting, which would fall into the permitted time frame for action. Commissioner Wilt asked if contact should be made with both developers. Vice President Leonard agreed that it should be. He recommended that they be asked to attend the June 19 meeting to further discuss this request, which will be formally acted on at the July 2 Special Meeting. He added that four weeks between updates is too long, and suggested they also be asked to attend both the workshop and legislative meetings in the future. President Linn stated that he hopes these developers get their acts together, as he and the residents in that area are frustrated with the lack of progress. In response to a question from Vice President Leonard, Solicitor Henninger confirmed that KGH is the lead contractor for the Lawrence Street project.

Vice President Leonard stated that there are several items for formal action tonight.

A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to approve the award of Contract No. 2013-1 as follows: Cold in Place Recycling to Recon in the amount of \$55,183.28; milling to Recon in the amount of \$25,804.10; placing on Nissley Drive of the overlay to Handwerk in the amount of \$8,118.00; and placing on Scarlett Lane, Melanie

Lane, and O'Hara Lane of the overlay to Handwerk in the amount of \$12,987.50. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Wilt, to approve an Operation and Maintenance (O&M) Agreement for Stormwater Management facilities for Scannell Properties (FedEx Ground Harrisburg East). The motion was unanimously approved.

A motion was made by Commissioner Wilt, seconded by Vice President Leonard, to approve a Security Agreement with Scannell Properties (FedEx Ground Harrisburg East). The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Leonard, to approve an Operation and Maintenance (O&M) Agreement for Lloyd T. Byers. The motion was unanimously approved.

The Board discussed a "Termination of Easement" between Lower Swatara Township and SARAA. Ms. Wick explained that in 1983, before there was a SARAA and at which time PennDOT ran the Airport, there was an easement that gave the Township the rights and maintenance of the sanitary sewer facilities north of Route 230. SARAA owns the property called the North 29, where Sheetz will be, and there are sanitary sewer facilities there that have not been used recently. Since 1983, all flow that went through there and that pump station was re-directed to Middletown instead of going into the treatment plant on Airport property. Since SARAA is now interested in developing this site, it would like to direct the flow on this property to its existing plant. To do so, SARAA will have to make repairs to that property, abandon the existing pump station and build a new one, update the 537 plan to accept that flow, and add that territory to its plan that goes to DEP. Solicitor Henninger noted that he will need to tighten up the agreement, particularly as it pertains to the description of the facilities. The bottom line is that SARAA has the right to treat its own sewage. He added that the easement states that if the Township does not use it, it can be terminated. Therefore, what is being considered for approval is actually the termination of the easement agreement with SARAA, as amended, subject to the Municipal Authority concurrence. President Linn directed Solicitor Henninger to bring this item before the Municipal Authority and come back to the Board with a report for possible action at the July legislative meeting.

A motion was made by Commissioner Wilt, seconded by Commissioner Davies, to acknowledge close-out of the Meade Avenue Project, pending completion of the Single Audit. The motion was unanimously approved.

COMMISSIONER COMMENTS:

President Linn reminded the Board and residents of the Family Movie Night at Shopes Gardens Park on June 22. This event is sponsored by the Dauphin County Board of Commissioners, the Lower Swatara Township Board of Commissioners, and the Lower Swatara Lions Club. The Lions Club will provide free refreshments to those in attendance.

Vice President Leonard distributed a spreadsheet from this morning's staff meeting. He noted that the item pertinent to the CDL drug/alcohol testing has been completed. He informed Commissioner Wilt that he also has some additional information for him pertinent to the PennPrime audit. Vice President Leonard referenced discussion about the EMS contract, which will expire this year. The current EMS contract with Hershey Medical Center took effect October 1, 2008 and runs for five years. The contract allows for an extension of services for an additional four years; the cost five years ago did allow for a 3% inflation factor and this has been implemented. The contract requests a 60 day notice to discontinue, and asks that discussions for extension be done within a 180-day period. Vice President Leonard noted that considering the low price escalation, it looks like a good solid agreement to consider. He provided a copy of the current contract to Commissioner Wilt, who will head up this item.

Michael Yingling, representing SARAA, invited the Board, staff, and entire community to SARAA's Open House at HIA on July 27 from 9:00 A.M. to 2:00 P.M.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, 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 8:14.

ATTEST:

---