

## MINUTES

### LEGISLATIVE MEETING – MARCH 18, 2015

The March 18, 2015 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:06 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
- Samuel D. Monticello, Manager
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, Engineer
- Robert S. Greene, Planning and Zoning Coordinator
- Richard Brandt, Police Chief
- Daniel L. Wagner, Public Works Director
- Jean R. Arroyo, Recording Secretary

Absent:

- Dominic D. DiFrancesco, Commissioner

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

President Mehaffie opened the floor for public comment.

PUBLIC COMMENTS: None

#### APPROVAL OF MINUTES:

A motion was made by Commissioner Springer, seconded by Commissioner Davies, to approve the Minutes of the February 18, 2015 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve the Minutes of the March 4, 2015 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Springer, seconded by Commissioner Davies, to approve the payment of bills as presented on Warrant No. 2015-02. 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 February 2015. The motion was unanimously approved.

ENGINEER'S REPORT:

Ms. Letavic referenced her monthly report, and noted that the concrete and paving work for the Riverview Drive Storm and Sewer Replacement Project remains to be completed. The substantial completion date is April 3, 2015 with final payment due before May 1, 2015. A schedule was received via email today from the contractor indicating that they intend to meet the substantial completion date.

Work on the Municipal Separate Storm Sewer Systems (MS4) continues. A street sweeping collection area concept is being explored. HRG is researching funding for a rain barrel workshop. The planning/zoning procedure will be updated to include encouragement of low impact development concepts during the preliminary planning process.

Execution of the Greenways, Trails and Recreation Park Grant which will be used to upgrade the Old Reliance Farms and Shopes Gardens Parks is on hold until it is verified that additional funding is a good option for the total project. A meeting was held today with DCNR, and it was confirmed that there is an opportunity to explore additional grant funding to expand the project in both parks. The application deadline is April 16. Staff will look to expand the scope of the project, probably with respect to additional playground equipment purchases and a stormwater BMP in both parks which can then be credited back to the MS4 program. President Mehaffie asked for additional details on this funding. Ms. Letavic explained that the intention is to pair the existing grant that the Township has with the DCNR funding. The Township was informed that if it desires to use the existing funding as a local match, it would be difficult to expand the scope outside of those two existing parks. The Township would be able to do more than what was originally planned, but would have to keep the improvements at these same two

parks. Commissioner Davies referenced mention of the drainage improvements that would count towards the MS4 program. Ms. Letavic stated that a proposal will be in front of the Board on April 8. One idea is to address the pavilion at Old Reliance Farms which has no gutter on the roofline. A gutter could be installed to direct the roof water to a small rain garden, and a small sign could be placed there. If the Public Works Department indicates that it does not wish to maintain this, another option would be to put in a stone pit underground, and again have a sign installed there. Either option would count toward the MS4 program.

Ms. Letavic noted that with respect to the Richardson Road Bridge, the gaming grant is in place. The DCIB loan is pending. She added that Solicitor Henninger may have an update with respect to the closing on this loan. Solicitor Henninger agreed that he will address this under this report. Ms. Letavic reported that HRG's scope of work is forthcoming and will mostly likely be on the April 8 agenda.

An update was provided on the Greenfield Well & Irrigation project. The pump is running, and the leakage test will be held tomorrow. Training will be scheduled with the Public Works Department on operation of the pump. In response to a question from Commissioner Davies, Ms. Letavic stated that this project is also on schedule; she estimated it is 95% of the way there.

#### SOLICITOR'S REPORT:

Solicitor Henninger followed up on the Richardson Road bridge DCIB loan program. As the Board will recall, the Township was approved for a \$500,000 very low interest loan through DCIB. In front of the Board this evening is a proposal from Eckert Seamans, which is also the Township's special counsel for civil service matters. This proposal is for the legal work necessary to move the loan process along, which is rather intricate, and is in the amount of \$5,000 plus expenses (filing fees, advertising fees, etc.). Solicitor Henninger noted that Eckert Seamans has a well regarded municipal finance department, and a 1% fee on a matter like this is very reasonable. He recommended the Board approve the proposal. A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve the proposal from Eckert Seamans in the amount of \$5,000 plus costs, to provide legal representation for the DCIB and DCED application process. The motion was unanimously approved.

Solicitor Henninger also reported that the proposed ordinance which was presented for comment at this evening's Public Hearing will appear later on the agenda for formal action.

MANAGER'S REPORT:

Mr. Monticello reported on the Pension Plans RFP Services, and noted that there were eight responses received as of the due date of March 13. They are currently being reviewed in depth, and an executive summary will be presented to the Board within the next two weeks. The intent is to narrow down the number of proposals to a manageable number to interview.

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

President Mehaffie reviewed the list of upcoming meetings and reported that the Planning Commission Meeting of March 26 has been cancelled. He also noted that the Board's April workshop meeting is scheduled for April 1. He asked if the Board would be agreeable to rescheduling the meeting to April 8. There were no objections offered. A motion was made by Commissioner Davies, seconded by Commissioner Springer, to advertise the rescheduling of the April 1 workshop meeting to April 8. The motion was unanimously approved.

COMMITTEE REPORTS:

Police Committee -- Vice President Wilt – no report

Public Safety – Commissioner Springer – reported that on March 31, representatives of the Dauphin County EMA will be providing training to the Township's EMA staff as a type of refresher/update course in preparation for the biannual TMI exercise in April.

Budget and Finance – Commissioner Davies – no report

Public Works – President Mehaffie – asked Mr. Wagner if he had anything to report on tonight. Mr. Wagner stated that he had would like to update the Board on two items. The salt situation has not been resolved; the Township is still waiting on salt. Yesterday, a tree fell on a shed at the soccer fields. This shed is the same structure that houses the irrigation equipment. No damage was done to the equipment, only the shed. The adjuster was out this afternoon to assess the damage. Commissioner Davies asked if the shed is large enough to house the irrigation equipment. Mr. Wagner confirmed that it is. While the reel is not in there yet, there will be sufficient space for it.

UNFINISHED BUSINESS:

A motion was made by Commissioner Davies, seconded by Commissioner Springer, 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. The plan is due to expire on April 8, 2015. The motion to grant the time extension was unanimously approved.

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, 2014, August 20, 2014, October 15, 2014, and January 21, 2015. The plan is due to expire on May 17, 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 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 and a 93-day time extension on January 21, 2015. The plan is due to expire on May 20, 2015.

#### NEW BUSINESS

A motion was made by Commissioner Springer, seconded by Commissioner Davies, to approved Ordinance No. 559. This ordinance amends the Code of Ordinances, No. 448 as amended and supplemented, Chapter 27, Zoning, Part 23, Signs, §2303 Incidental Signs, to add a new part “O” for regulating and permitting recreational facility signs, banners and logos. A roll call vote was taken with the following ballot tabulation: Commissioner Springer – aye, Commissioner Davies – aye, Vice President Wilt – aye, President Mehaffie – aye. Ordinance No. 559 was approved by a 4 – 0 margin.

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve the Improvement Guarantee Reduction #1 in the amount of \$1,100,806.30 for MRPI Fulling Mill, L.P., Final Land Development Plan, File #2014-02. This reduction from the current balance of \$1,399,214.52 for site improvements will leave a remaining balance of \$298,809.35. The motion was unanimously approved.

The Board discussed a proposed agreement with Municipal Publications for publication of a Lower Swatara Township Municipal Map & Information Guide. Solicitor Henninger stated that he had reviewed the proposal. While it is a rather thin one, the Township and other local municipalities have had very positive experiences with this company in the past. There would be staff time involved with determining what will be included in the guide and map. The only financial obligation to the Township, however, would be the postage for the mailing. A motion was made by Commissioner Springer, seconded by Commissioner Davies, to approve an agreement with Municipal Publications for publication of a Lower Swatara Township Municipal Map & Information Guide. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Springer, to approve the Improvement Guarantee Reduction request in the amount of \$2,485.00 for Colonel Burd Estate, Lot #35. This reduction from the current Escrow Account balance of \$6,407.26 will

leave a remaining balance of \$3,922.26 plus posted interest. The motion was unanimously approved.

The next agenda item was consideration of the Final Land Development Plan for Allied Properties, located at 2751 Spring Garden Drive. Scott Aikens, Aikens Engineering, reported that he is here tonight seeking approval for this plan which involves some site improvements in order to bring a new business into a vacant building. One of these improvements is the connection of the two buildings with a 5,300 sq. ft. building addition. There will be an approximately 26,000 sq. ft. outdoor storage area with an overhead crane for the purpose of loading and unloading steel of various sizes and dimensions. The truck circulation area will need to be expanded a bit, which will push into the existing basin. A retaining wall will be put up in order to allow for that expansion. There have been improvements made to the overall stormwater system in order to accommodate any additional runoff. The Planning Commission did provide a recommendation for approval with some conditions. One of these conditions was to provide evidence of an access agreement at the western most access point. Mr. Aikens stated that since that recommendation was made, they did find an access agreement that allows for access across the neighboring property out to Spring Garden Drive. They are also still awaiting E&S approval and also need to put the letter of credit in place. Ms. Letavic stated that HRG did review the plan, and provided a comment letter which was in the Board's information packet. Zoning comment #1 was with respect to the access agreement. She noted that Solicitor Henninger did review the document provided, and had no further comment. Solicitor Henninger agreed that the access has been there more than 21 years, and he is comfortable that this is addressed as best as it can be. Ms. Letavic continued that there were two waiver requests associated with this plan, but the Planning Commission recommended deferrals instead. Also in front of the Board is a recommendation letter of the value for the financial security that needs to be posted. A signed O&M Agreement is outstanding as well. Ms. Letavic added that another comment is that the anticipated daily sewage flows shall be accepted by the Municipal Authority prior to plan approval. Mr. Aikens agreed that this was given to the Authority in order to look at the historical sewage flows compared to projected flows to determine if there is the need for additional EDUs. Solicitor Henninger noted that the Municipal Authority meets Monday evening and will most likely address this. This would, however, be part of any conditional approval tonight. Mr. Green added that the O&M Agreement Ms. Letavic referred to was previously approved by the Municipal Authority, so this is no longer

part of the conditions. President Mehaffie asked that the Board first act on the requests for deferrals. A motion was made by Commissioner Davies, seconded by Commissioner Springer, to approve deferral of: 1) §22-606, curbing; and 2) §22-607, sidewalks for the Final Land Development Plan for Allied Properties, located at 2751 Spring Garden Drive. The motion was unanimously approved. A motion was then made by Commissioner Springer, seconded by Commissioner Davies, to conditionally approve the Final Land Development Plan for Allied Properties, File #2015-01, located at 2751 Spring Garden Drive, prepared by Akens Engineering Associates, Inc. Said conditional approval is subject to all engineering and staff comments being met, and posting of the required improvement guarantees. The motion was unanimously approved

A motion was made by Commissioner Springer, seconded by Commissioner Davies, to approve the Maintenance Guarantee Release request in the amount of \$45,439.06 for Lawrence Street Partners, LP, Nittany Village Student Housing Complex, File #2011-07. The improvements have been installed and maintained for the required period of 18 months and recommended for release. The motion was unanimously approved.

#### FINAL COMMENTS:

President Mehaffie expressed concern with streets in the Township that are not completed and do not have the final wearing course installed. In cases such as this, the Township cannot plow the streets; they must be plowed by the developer. He inquired how long developers have to install the wearing course and dedicate the street to the Township. Mr. Greene stated that he will need to research what the conditions are. He noted that typically, the Township holds a bond or letter of credit for improvements for each of those streets. Solicitor Henninger added that there really is no time frame. The requirement under the municipal code is a mud-free, passable condition. A road that is never completed is never dedicated to the Township, and is therefore never the Township's responsibility. He agreed that it is a tricky situation. President Mehaffie explained that he has received complaints about unfinished roads in Woodridge and Greenwood Hills. He estimated that it has been at least ten years since Greenwood Hills has been in this state. This presents a problem with both plowing and manhole covers sticking up. He suggested that the Township start looking at this issue and speak to the developers. Solicitor Henninger asked if these particular streets are finished out. Mr. Greene responded that they are not. Solicitor Henninger explained that this is the issue –

developers do not want to install the wearing course and then have to tear it up during subsequent construction. President Mehaffie stated that he does understand this, but the Township also has an obligation to the residents who live on these streets. They also deserve to be taken care of. Mr. Wagner added that Morgan's Run is another street that is not yet completed. Mr. Greene reported that the staff did meet with Mr. Messick, the developer of Woodridge, back in the fall to get an update. He plans to address some of the issues this summer. However, as Solicitor Henninger indicated, one section there is yet to be developed, so he is somewhat reluctant to pave that section due to improvements that would be required. President Mehaffie suggested the staff look at all roads that have not been completed for a length of time, and perhaps provide a quarterly update to the Board. Sheryl Cyphert added that Candlewycke Drive also needs looked at. President Mehaffie noted this is a different situation since that road has been dedicated to the Township. He agreed, however, that it will also need to be addressed.

The Board and staff commented that it was nice to hear Vice President Wilt's voice again tonight. Vice President Wilt stated that he and Julie are thankful of all the prayers and thoughts during her transplant.

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 7:56 P.M.

ATTEST:

  
\_\_\_\_\_  
Jean R. Arroyo, Recording Secretary

