

MINUTES

LEGISLATIVE MEETING – MARCH 19, 2014

The March 19, 2014 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Thomas L. Mehaffie III.

The following officials were in attendance:

- Thomas L. Mehaffie III, President
- Jon G. Wilt, Vice President
- Laddie J. Springer, Secretary
- Michael J. Davies, Commissioner
- Dominic D. DiFrancesco II, Commissioner
- Samuel Monticello, Manager
- Peter R. Henninger, Solicitor
- Erin Letavic, HRG, Engineer
- Jean R. Arroyo, Recording Secretary

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

President Mehaffie welcomed everyone to the meeting, and opened the floor for public comment.

PUBLIC COMMENTS

Melody Wilson, 1335 Overlook Road, addressed the recent Zoning Hearing on a sign variance requested by the Middletown Area School District for its new high school. She commended the Township's Zoning Hearing Board for its decision to allow the size of the proposed "Raider" logos on the building to be only 200 sq. ft., not the 320 sq. ft. requested. She noted that the cost of the original larger logo is about \$55,000 each. The smaller logo approved will cost around \$30,000 - \$35,000 each. Ms. Wilson stated that this decision will save money for both the School District and the taxpayers.

APPROVAL OF MINUTES:

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the Minutes of the February 19, 2014 Legislative Meeting. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to approve the Minutes of the March 5, 2014 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Commissioner DiFrancesco, to approve the payment of bills as presented on Warrant No. 2014-2. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the Treasurer's Report for February 2014. The motion was unanimously approved.

ENGINEER'S REPORT:

Ms. Letavic reported that most of the items she is dealing with are part of tonight's agenda. She added that the Greenfield well testing is scheduled to be performed the week of April 14, weather permitting. There will be two zoning hearings on April 9. One is for MRP, which is the Church tract at 140 Fulling Mill Road. MRP presented its plan to the Board at the last workshop meeting. The other variance request is for the Capital Valley LP, located on Kreider Drive. There is another building planned, and several variances will be requested. One variance pertains to the radius of the driveway curb, and the other two variances are relative to landscaping.

SOLICITOR'S REPORT:

Solicitor Henninger stated that the Commissioners have been provided with copies of the recent Zoning Hearing Board decision relative to the sign variances requested by the Middletown Area School District. The Zoning Hearing Board did not grant everything

requested. There were limitations put on the changeable message sign, and also a reduction of the size of some of the signage. While there is a 30-day appeal period which started March 12, Solicitor Henninger stated that his opinion is that the decision rendered is acceptable.

Solicitor Henninger also referenced a Memo of Understanding with the Dauphin County Conservation District that will be in front of the Board for next month's meeting. This has to do with erosion and sedimentation control reviews, the West Nile Virus Program, etc. HRG and the staff have also reviewed it, and it will be forwarded to the Board when finalized. Solicitor Henninger added that HRG has provided a draft of the proposed stormwater management changes that have been discussed. The proposed ordinance will be drafted for the Planning Commission's review next week, and then will be in front of the Board at its April workshop meeting for action to advertise it.

The Dauphin County Tax Collection Committee is meeting tonight to consider extending Keystone Collections Group's contract for another five years. Keystone will continue receiving a commission of 1.45% but in addition has agreed to pay for the cost of the internal control audits. Therefore, what is being proposed is a better contract than the existing one. The Tax Collection Committee is asking for feedback from municipalities on this extension. Solicitor Henninger stated that he is unaware of any issues or problems with Keystone. While a decision is going to be made anyway tonight, he suggested the Board consider a motion to recommend this renewal. A motion was made by Vice President Wilt, seconded by Commissioner Davies, to recommend to the Dauphin County Tax Collection Committee the renewal of a five year contract with Keystone Collections Group, including the provision that fees for internal control audits will be paid by Keystone. The motion was unanimously approved.

Solicitor Henninger stated that Matt Genesio is here this evening to request some formal actions. Based upon approval of the Campus Height Phase II Land Development Plan and also the Developer's Agreement, the Lawrence Street relocation has been constructed to a stone base and inspected by HRG. Ms. Letavic noted that HRG concurs that the road has been constructed as required to begin the vacation process. Solicitor Henninger explained that as per the Developer's Agreement, the existing Dauphin Street and Lawrence Street spurs can be closed, and work can commence there. The Board of Commissioners, however, will need to confirm and direct that those two sections be closed and barricaded accordingly. The second action necessary is to move the road vacation process forward, because those will remain Township

roads until that process is completed. Procedurally, the Board needs to schedule a Public Hearing, with at least ten days written notice to the affected property owners (Campus Heights II, Penn State, and Lawrence Street Partners). The Public Hearing would be to allow comment on a proposed ordinance that would vacate those sections. The ordinance has been drafted and reviewed by HRG, and tweaked as recently as this afternoon. Ms. Letavic added that there was an Exhibit B provided. After checking bearings and distances, she discovered that one bearing distance is just a bit different than the recorded plan. She did email the engineer to confirm that this can be reconciled. While it is a technicality, it does need to be consistent. Therefore, one additional change may be necessary. Solicitor Henninger explained that Mr. Genesisio is asking for Board action on the ordinance at the April 2 workshop meeting. Therefore, there are three motions for consideration tonight. The first is to confirm the closure of those portions of Dauphin Street and Lawrence Street pursuant to the term of the Developer's Agreement. A motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to confirm the closure of those portions of Dauphin Street and Lawrence Street pursuant to the term of the Developer's Agreement. The motion was unanimously approved. The second motion is to schedule a Public Hearing. A motion was made by Vice President Wilt, seconded by Commissioner Springer, to schedule a Public Hearing on the road vacation petition for April 2 at 7:00 P.M. The motion was unanimously approved. The third motion is to authorize advertisement of the ordinance that would vacate Dauphin Street and Lawrence Street. A motion was made by Commissioner Springer, seconded by Vice President Wilt, to approve advertisement of an ordinance for formal action on April 2 that would potentially vacate those portions of Dauphin Street and Lawrence Street subject to final engineering review and confirmation of the legal description. The motion was unanimously approved.

Mr. Genesisio then provided a brief update on the project. As previously stated, the road is in a mud-free and passable stone base condition. Plans are to have the curb in and the binder course down the first full week of April. The project is actually three weeks ahead of what is required in the Developer's Agreement. Paving should be done the end of July. Ms. Letavic asked if Mr. Genesisio can confirm that the asphalt plants will be open the beginning of April. Mr. Genesisio explained that this is their expectation; they may have been opened this past Monday if it had not snowed. President Mehaffie observed that the construction vehicles have beaten up Wood Street and Dauphin Street pretty badly. Mr. Genesisio confirmed that they do

intend to repair anything that was damaged due to the horrible winter and construction vehicles. President Mehaffie also inquired if there was any luck with the Gina Lane extension. Mr. Genesio stated that he plans on meeting with Mr. Tunnell and Mr. Tierney in early April. They have indicated that they are on board with the idea in principle but need to iron out some of the design specifics. Mr. Genesio stated that they are all hopeful that it will happen. President Mehaffie stressed the importance of this going through, and offered the Board's assistance in making it happen.

Solicitor Henninger added that agreements relative to the Middletown Area School District may be on the agenda next meeting, since the numbers pertinent to sewer are almost finalized.

MANAGER'S REPORT:

Mr. Monticello stated that he would like to meet with the Board in executive session upon conclusion of tonight's meeting in order to discuss the potential hiring of two individuals for positions in the administrative department. He also reported that the Township continues to accept resumes/applications for the Planning and Zoning Coordinator position. The deadline for submission is this Friday at 4:00 P.M.

Vice President Mehaffie referenced the list of upcoming meetings. Ms. Letavic added that the Zoning Hearing Board will be meeting on April 9.

COMMITTEE REPORTS:

Police Committee – Vice President Wilt – stated that Chief Brandt would like to address the Board about a recent police pursuit. Chief Brandt detailed the pursuit, which ultimately resulted in the officer clipping a telephone pole. The suspect, who was in a stolen vehicle, also crashed not long after that, and was eventually caught, arrested, and returned to state prison. Fortunately, the officer was not injured but there was substantial damage to the left front end of the police cruiser. The insurance company inspected the vehicle, deemed it to be totaled, and made a fair offer. The paperwork has been compiled to obtain the payout. Chief Brandt reported that he checked with some of the local COSTARS dealers to get state pricing for another vehicle. The price of the new car, a 2014 vehicle, minus the insurance settlement for the 2011 vehicle, would be a difference of \$2,169.50. It was noted that the insurance company will

also pay the costs involved to take out the permanently installed equipment (lights, radios, cage, siren, etc.) from the old vehicle and install it in the new one. President Mehaffie requested that the final quote -- car purchase and installation costs -- be forwarded to Mr. Monticello and the Board; a formal decision can be made at the next meeting

Public Safety – Commissioner Springer -- no report

Budget and Finance – Commissioner Davies – reported that cash receipts for the month of February totaled \$287,759.77. The major sources of revenues were from accounts receivable, Earned Income Taxes and Local Services Tax, and other miscellaneous receipts. Cash expenditures totaled \$520,579.14 and were comprised of the two transfers to the payroll account, periodic payments for the insurances (liability, etc.), the payment to the Municipal Authority from PEMA for damages from Flood Lee, and all invoices due and payable. Investments totaled \$921,890.11 with an average annual yield of 0.25%. Commissioner Davies noted that as alternate to the COG, he had attended the recent COG meeting, and was surprised to hear how few residential permits are being issued in all of Central Pennsylvania. Commercial development is really down too. Commissioner Davies also advised the Board that Senator Eichelberger, Chairman of the Senate Local Government Committee, gave a presentation on his rewrite of Act 111, which is bargaining legislation that governs police and firefighters. Attempts are being made to make it a little more balanced on both sides, so that a municipality could also claim unfair labor practices, not just the bargaining unit.

Community and Economic Development – Commissioner DiFrancesco -- no report

Public Works – President Mehaffie – referenced the updated report from the Public Works Department. The Department has been busy with snow removal, and the salt supply is low. Minor repairs were done on Wood Street. The Department is using its chipper to take care of tree debris from the recent storms. The dumpster will be available to residents on April 5, from 8:00 A.M. to noon. President Mehaffie stated that he had attended his first Penn State Advisory Board meeting. Penn State expressed its gratitude for the student housing development in the Township, which is helping with its expansion. Penn State Harrisburg is the number one growing campus for Penn State. One of its building expansion projects is almost complete, and the Board will be offered a tour once it is finished. President Mehaffie noted that he had invited Penn State to attend the April legislative meeting to discuss with the Board its upcoming plans for more expansion. He also called the Board's attention to information regarding the

Middletown American Legion Post 594 annual birthday celebration, at which time the Township's policeman of the year and fireman of the year will be acknowledged. Chief Brandt noted that he had submitted the name of the selected officer to Ms. Arroyo. Ms. Arroyo stated the Fire Department has not yet provided its selection.

UNFINISHED BUSINESS:

The Board addressed 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, and December 18, 2013. The plan is due to expire on April 13, 2014. The developer is requesting an additional 90-day time extension on this plan. A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve acceptance of 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. Upon acceptance of the 90-day time extension, the plan will expire on July 12, 2014. Commissioner DiFrancesco observed that these extensions have been granted since 2008, and inquired if the number of time extensions is an issue. Solicitor Henninger explained that there have been multiple lengthy discussions in the past about this plan and its status. Initially, the plan was hit by the economy. The developers then regrouped and went a different direction. They also pursued grants funds, which required public bidding and modification of their HOP. There is also a sewer line issue which has delayed this plan from moving forward. It is, however, now moving forward. President Mehaffie suggested that it might be beneficial for Mr. Monticello to send a letter to Navarro & Wright asking them to attend a future Board meeting in order to provide an update on the status

of this plan. The Board agreed. The motion to grant the 90-day time extension was unanimously approved.

President Mehaffie stated that a 90-day time extension is also being requested on the next agenda item, the Revised Land Development Plan for KGH Properties – Campus Heights Village Wood Street Access, prepared by Forino, Inc. and submitted by Campus Heights Associates I, LP. The initial Plan submittal was due to expire on December 26, 2012. A 90-day extension was approved by the Township on December 19, 2012. Additional 90-day time extensions were approved by the Township on March 20, 2013, June 19, 2013, September 18, 2013, and December 18, 2013. The plan is due to expire on March 21, 2014. This plan remains tabled by the Planning Commission. Ms. Letavic explained that the signal plan for that intersection needed updated; HRG has received the updated plan and it is under review. She anticipated that this will be the last time extension required. A motion was made by Commissioner DiFrancesco, seconded by Vice President Wilt, to approve the acceptance of a 90-day time extension, as requested by the developer, on the Revised Land Development Plan for KGH Properties – Campus Heights Village Wood Street Access, prepared by Forino, Inc. and submitted by Campus Heights Associates I, LP. Upon acceptance of the 90-day time extension, the plan will expire on June 19, 2014. The motion 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, and February 19, 2014. The plan is due to expire on May 24, 2014. The plan remains tabled by the Planning Commission.

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. The plan will expire on April 23, 2014.

NEW BUSINESS:

A motion was made by Commissioner DiFrancesco, seconded by Commissioner Davies, to approve Resolution No. 2014-R-2. This resolution adopts procedures to govern the procurement of professional services contracts regarding the Uniformed and Non-Uniformed Employees Pension Plans. The motion was unanimously approved.

A motion was made by Commissioner Springer, seconded by Commissioner Davies, to approve the PADEP MS4 Chesapeake Bay Pollutant Reduction Plan and Minimum Control Measure plan procedures, as drafted by HRG, for submission to PADEP. The motion was unanimously approved. President Mehaffie commented that he observed that the Borough of Hummelstown has some type of wording – “No dumping – Chesapeake Bay” -- stenciled on its storm drains. He was told that this project was undertaken by the girl scouts, and the Borough was able to put this towards its MS4 program. Ms. Letavic agreed that municipalities often partner with groups such as scouts, churches, schools, and even other municipalities to undertake these projects. This type of partnership is highly encouraged as part of the MS4 process. Commissioner Davies added that Harrisburg also did this with its storm sewer inlets a number of years ago. He recalled that it was done by high school classes. Ms. Letavic stated that Penn State has an excellent environmental engineering department that could be a strong partner as far as stormwater initiatives. President Mehaffie asked Ms. Letavic to assist in reaching out to these groups.

A motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to approve authorization of payment for the Middletown Borough Authority Wastewater Treatment Plant Blatt & Myers, Inc. litigation, in the amount of \$1,079.14 and Blatt & Myers, Inc. settlement agreement in the amount of \$24,000 to Middletown Borough Authority. The motion was unanimously approved.

The Board acknowledged the resignation of Angela M. Yealy, Code Department Administrative Assistant, effective April 18, 2014. President Mehaffie added that Ms. Yealy has done a fantastic job for the Township and will be missed greatly.

FINAL COMMENTS:

Ms. Letavic stated that she has had the pleasure of working with Ms. Yealy over the last few months, and agreed with President Mehaffie that she is very helpful and will be missed.

Commissioner DiFrancesco stated that he was not at the last Board meeting to formally welcome Mr. Monticello to Lower Swatara Township, and would like to do so now.

Commissioner Springer announced that Opening Day for baseball is April 26. President Mehaffie asked that any Board member planning to attend the ceremonies should get back to Commissioner Springer.

Vice President Wilt reported that he had attended an Eagle Scout ceremony, held at the American Legion in Middletown, which honored several new Eagle Scouts including Township resident Joseph Tokar. As part of his Eagle Scout project, Joseph did an impressive project for the Lower Swatara Fire Department, which included the formation of an electronic spreadsheet of all its fire hydrants. Vice President Wilt also noted that the Lions Club Easter egg hunt will be held on April 19 at 10:00 A.M.

Commissioner Davies stated that the newly installed "School" sign on Lumber Street is one of the smallest signs he has ever seen posted, especially in comparison to the larger "Driveway" sign directly across the street from it designating a private residential driveway. President Mehaffie agreed, and stated that this will be addressed.

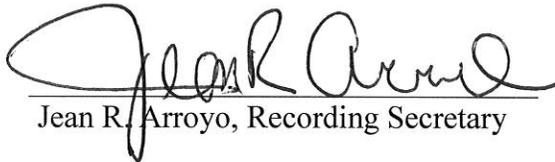
Solicitor Henninger noted that when speaking to developers in the Township, he was often told that both Ms. Yealy and Mr. Fure are extremely helpful and pleasant.

President Mehaffie thanked the Board for its trust in him during his extended term as interim liaison between the Board and staff. He also thanked the staff, and noted that it was good to be able to work closely with the employees and gain a true understanding of all aspects of their jobs. He also thanked Vice President Wilt for stepping in for him when he was unavailable, and Ms. Arroyo for her assistance with his questions. Mr. Monticello echoed President Mehaffie's comments about the staff. He stated that although he has been here only a short time, he is very impressed with how they work both individually and as a unit.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, a motion was made by Commissioner Davies, seconded by Vice President Wilt, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:09.

ATTEST:


Jean R. Arroyo, Recording Secretary

