

## MINUTES

### MARCH 4, 2015 WORKSHOP MEETING

#### LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The March 4, 2015 Workshop Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Thomas L. Mehaffie III. President Mehaffie called for the pledge of allegiance followed by a moment of silence.

Roll call was taken with the following officials in attendance:

- Thomas L. Mehaffie III, President
- Laddie J. Springer, Secretary
- Michael J. Davies, Commissioner
- Samuel D. Monticello, Township Manager
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, Engineer
- Richard D. Brandt, Police Chief
- Robert S. Greene, Planning and Zoning Coordinator
- Daniel L. Wagner, Public Works Superintendent
- Jean R. Arroyo, Recording Secretary

Absent:

- Jon G. Wilt, Vice President
- Dominic D. DiFrancesco II, Commissioner

Residents and visitors in attendance:

PLEASE SEE ATTACHED SIGN-IN SHEET

President Mehaffie welcomed the visitors to the meeting and opened the floor for public comments.

PUBLIC COMMENTS: None

PENN STATE STUDENT ENRICHMENT CENTER:

President Mehaffie stated that there are representatives here tonight to discuss the Penn State Student Enrichment Center Plan; he asked that this item be moved ahead on the agenda. Mr. Greene reported on the revised Preliminary/Final Land Development Plan for the Penn State Student Enrichment Center, 777 W. Harrisburg Pike, submitted by the Pennsylvania State University and prepared by Raudenbush Engineering, Inc. The Planning Commission recommended approval of five waivers for this plan at its December 18, 2014 meeting:

- (1) § 22-404 - a waiver for preliminary plat with submission of a Final Land Development Plan ;
- (2) § 22-605.B.1 & 26-126.3.O – a waiver for inlets to meet PennDOT standards;
- (3) §22-407.A.2 & §26-132.2.A.7 – a waiver for the overall tract boundary lines and street right-of-ways should be added to the Campus Key Plan; (4) §22-407.A.3 & §22-602 – a waiver that the location and description of all existing survey monuments and markers should be shown on the plan; and (5) §22-407.A.15 – a waiver requesting the adjoining property owner information be added to the Campus Key Plan. Mr. Greene reported that the Planning

Commission recommended approval of the plan on January 22, 2015 with conditions. The following conditions are under the Subdivision & Land Development regulations:

- (1) § 22-406.4 & § 26-146.1 – A financial security agreement along with Letter of Credit (LOC) or Bond in the amount of \$665,738.15 shall be posted with the Township prior to plan approval;
- (2) § 22-407.A.5 – The owner’s certification statement shall be signed and notarized prior to plan approval; (3) § 22-407.A.15 – Provide evidence of E&S/NPDES approval prior to plan approval; and (4) §22-407.A.9 – The lighting plan shall include a complete legend. It should also be clarified if lighting will be provided on the new sidewalk. The following conditions are

under the Stormwater Management regulations: (1) §26-132.2.B.6 – The following inconsistencies between the plan/profile drawings and the SWM Report must be resolved prior to plan approval: The orifice at inlet 361.00 in the Outlet Control Structure varies in diameter from 12”-13”. The detail on page 1 of Appendix G should be adjusted to show the correct diameter for orifice #2, and Volume Control Worksheet 5 in Appendix D should be revised to reflect the changes made to Infiltration Trench C as noted on pages of Appendix D; (2) §26-148.1 – An executed Operation and Maintenance (O&M) Agreement will be required prior to plan approval and it must be recorded with the plan; and (3) §26-148.1 – A note should be added to the detail stating that the proposed cleanouts for Infiltration Trenches A through C must be equipped with

a cap and a cap added to the cleanout detail. Inspection, maintenance and/or replacement of the caps should be included in the Operation and Maintenance plan. Mr. Greene added that there are other comments that need to be addressed. The Site Accessibility features including walkways, curbs and ramps shall comply with the PA Uniform Construction Code (UCC), ICC A117.1-2009 Accessibility Code. The Municipal Authority Engineer, HRG, Plan Review No.2 comments of January 19, 2015 must be addressed to the satisfaction of the Municipal Authority Engineer prior to plan approval. It is necessary to resolve landscaping/infrastructure conflicts to the satisfaction of Township and Authority staff. In addition, all plan sheets shall be recorded. The Dauphin County Courthouse recording fees will be determined and a check from the applicant to cover the recording fees shall be required prior to Township recording of plans.

Catherine Prince (Raudenbush Engineering) and Jason Morris (Bohlin, Cywinski and Jackson Architecture & Planning), gave a presentation of the project, including reviewing details of the site plan, building plan, and landscape plan. Mr. Morris explained that the primary goal of this project is to provide much needed activity space for student life on the Penn State Harrisburg campus. It is the first building at Penn State Harrisburg dedicated to this kind of space for the students; it does not contain any academic spaces. Ms. Prince also reviewed the reasoning for each of the five waivers requests. Don Holtzman, Penn State Harrisburg, noted that as the campus has continued to grow, the focus has been on classroom space. This building will be right in the heart of the campus and will be devoted entirely to student life. In response to a question from President Mehaffie, Mr. Holtzman stated that Penn State hopes to start this project on the 20<sup>th</sup> of this month, and desires to have it completed by July of 2016.

Ms. Letavic stated that if the Board is so inclined to grant a conditional approval on the plan tonight, she would recommend that Penn State come back to the Board once these conditions have been met. President Mehaffie asked that the Board first act on the waiver requests. A motion was made by Commissioner Davies, seconded by Commissioner Springer, to grant the five waiver requests as presented by Mr. Greene and outlined in the March 4, 2015 report. The motion was unanimously approved. A motion was then made by Commissioner Springer, seconded by Commissioner Davies, to grant a conditional approval on the revised Preliminary/Final Land Development Plan for the Penn State Student Enrichment Center, 777 W. Harrisburg Pike, submitted by the Pennsylvania State University and prepared by Raudenbush Engineering, Inc. The conditions include meeting all the outstanding staff, engineering and Municipal Authority

comments, and also the condition that Penn State comes back before the Board once these conditions have been met to confirm. The motion was unanimously approved.

DEPARTMENT REPORTS:

Planning and Zoning Report – Robert Greene – reported that the amended Fire Prevention and Fire Protection Ordinance is ready for Board action tonight. A motion was made by Commissioner Springer, seconded by Commissioner Davies, to approve Ordinance No. 558. This ordinance amends the Code of Ordinances of the Township of Lower Swatara, No. 448 as amended and supplemented, Chapter 7 – Fire Prevention and Fire Protection, replacing the existing Chapter 7, and enacting a new Chapter 7. A roll call vote was taken with the following ballot tabulation: Commissioner Springer – aye, Commissioner Davies – aye, President Mehaffie – aye. Ordinance No. 558 was approved by a 3 – 0 margin. Mr. Greene referenced the printouts of inspections and permits and highlighted plan reviews, job site visits, and completed jobs. He also noted that the Planning Commission, at its February 26 meeting, took action to recommend approval of two deferrals on the Final Land Development Plan for Allied Properties located at 2751 Spring Garden Drive, Industrial Warehouse addition. It also recommended approval for the plan with conditions. The plan will be presented to the Board at a later date for approval. There were no Zoning Hearings in the month of February. A Stormwater Management Plan Application was submitted for Mack Trucks, Inc. located at 2800 Commerce Drive. The proposed project includes parking expansion, storm water management facilities and temporary erosion and sediment control facilities. The O&M agreement will be forwarded to the Municipal Authority for review and approval prior to recording. Mr. Greene will be attending a Stormwater Management Training Workshop on March 3 at the South Middleton Township Municipal Office. Topic is on best practices and lessons learned along the roadways and watersheds. The Building Code Appeals Board conducted a hearing on February 17 on a request from Karen Taylor-Muro for Harmony Hall located at 1400 Fulling Mill Road regarding numerous building code issues relating to construction and change of Use and Occupancy. In response to a question from Solicitor Henninger, Mr. Greene confirmed that the Code Department was satisfied with the outcome of this hearing. Mr. Greene noted that he, along with Mr. Monticello and Mr. Fure, will be meeting again with Michael Peter of General Code Company to discuss options for updating the current Code of Ordinances and discussing cost

proposals. Further information and staff recommendations will be presented to the Board at a later time. Mr. Greene will attend the PASEO annual conference on March 9 and March 10; the conference will include one and a half days of educational workshop sessions to gain required SEO CE credits.

Fire Department – Chief DeHart – reported that the Fire Department has been busy, with 57 calls in January and 70 calls in February. A report will be provided breaking down the number of hours that the volunteers provide to the Fire Department. The special unit is being painted, and the light package for the boat has been ordered. The new rescue is working fine. Chief DeHart asked Solicitor Henninger if there is a new tenant at 140 Fulling Mill Road, and inquired about putting the cameras on the traffic signal. Ms. Letavic stated that she and Mr. Greene will review the document and forward it to Solicitor Henninger. Solicitor Henninger agreed that at last Thursday’s Planning Commission Meeting, he had promised a complete update at its next meeting. Chief DeHart suggested the possibility of putting a turn arrow on the signal at North Union Street and Fulling Mill Road for the westbound traffic. He asked to go on record with his concern that there is a problem down there with traffic flow traveling westbound in the morning and evening. Vehicles are cutting each other off, and it is just a matter of time before someone is T-boned there. This issue needs rectified.

Police Department – Chief Brandt –referenced the monthly report and reviewed call and crime statistics for the month of February. Overall, it was a very good month, with activity down as a result of the cold weather conditions. Calls for service in February were down in the high 500’s. There were 6 DUI arrests, 68 traffic citations written, 7 non-traffic citations written, and 37 warnings given.

Public Works Department – Daniel Wagner – stated that he would like to thank Alan Knoche, EMA Coordinator, for his efforts in helping obtain 50 ton of salt today. This will help the Township get through this next storm. Mr. Wagner referenced the issues with the traffic signal at Wood Street and Route 230 which is shared with the Borough of Middletown. Its loops have been exposed for years and are starting to short out and cause problems. The traffic at times is sitting on Route 230 too long. Mr. Wagner reported that he had met with Middletown’s Superintendent of Public Works about this issue. It will cost approximately \$4,000 to upgrade this to a camera system. Mr. Wagner stated he does not recommend putting loops back in there since PennDOT is looking to upgrade this intersection. He asked authorization to move on this

as soon as possible. Solicitor Henninger suggested that since this is a shared signal, a letter of agreement should be worked up with the Borough of Middletown. Mr. Wagner also updated the Board on the repair costs for the signal at Meade Avenue, which was damaged by mice chewing through the wiring. Telco faxed a quote of approximately \$1,100 -- \$1,200.

President Mehaffie asked Mr. Wagner to look into whether this expense could be covered by insurance, since damage was caused by mice. Due to a hit and run by a tractor trailer, the Township will need to absorb about \$2,700 to replace some guiderail on Meade Avenue.

Mr. Wagner stated that the Public Works Department would also like to move forward with removing the playground equipment at Shopes Gardens and Old Reliance Farms, since these two parks are scheduled to be renovated with grant funding. President Mehaffie explained that the Recreation Board met earlier tonight, and is asking that the equipment not be removed at this time. There is no pricing yet for the new equipment, and these parks are used heavily. Also, the Recreation Board would like to get word out to the community that this will be done.

Mr. Wagner reported that he will be attending a CDL supervisory class next week regarding some changes in the licensing requirements and a MS4 class the following week.

Commissioner Springer referenced the issues with the North Union Street traffic signal and stated that he is unhappy with the repair costs involved. He asked if there was any indication of what went wrong. Mr. Wagner responded that the bill was approximately \$340, and the issue was that the cameras on both signals were smudged and not detecting the traffic correctly.

Apparently snow is harder on the cameras than rain. Commissioner Davies referenced Mr. Wagner's written report, and questioned the potential large expense for the disposal of street sweeping debris. Mr. Wagner explained that as part of the MS4 requirements, the street sweepings must be disposed of as hazardous waste, as there may be oil in the sweepings and DEP and EPA considers this hazardous waste. He noted that there are other options that the staff is looking into to save money. Commissioner Davies asked if the sweepings could be used for other purposes, such as fill. Ms. Letavic explained that this would not meet DEP regulations. She added that one of her clients is going through the process with DEP to test the street sweepings. The reality is that this is a relatively new DEP interpretation. Mr. Wagner added that he did contact Penn Waste about disposal, and they also discussed doing a testing analysis to determine the severity of the contamination. Again, the staff is investigating less expensive options, but they will have to get the blessing of DEP. Mr. Wagner noted that the state roads are

probably the source of the most contaminated sweepings, and he will be contacting PennDOT to see if the Township is responsible for these sweepings. Solicitor Henninger stated that Mr. Wagner raised an interesting question about the state rods. He added that he cannot recall in looking at the agreement in which the Township plows the state roads for compensation any requirement that the Township must also sweep up the debris. This is worth investigating. Mr. Wagner explained that he had been told in the past that the Township is responsible for any curbed areas of the state road, but he has not found this in the agreement. President Mehaffie added that he had spoken to the President of the PSATC about the costs involved with disposing of the street sweepings; this issue will be taken to the state association level to attempt to find affordable solutions.

#### MANAGER'S REPORT:

Mr. Monticello called the Board's attention to a letter relative to the Township's intent to participate in a CDBG-NDRC (Community Development Block Grant National Disaster Resilience Competition) Partnership Agreement with Dauphin County. This would be contingent upon the award of funds from the United States Department of Housing and Urban Development to carry out eligible activities as provided in the Dauphin County DCBG-NDRC application. It would not commit the Township, but rather get it on board in hopes that this funding is awarded. A motion was made by Commissioner Davies, seconded by Commissioner Springer, to approve Intent to Participate in the CDBG-NDRC Partnership Agreement. The motion was unanimously approved.

#### ENGINEER'S REPORT:

Erin Letavic, HRG, updated the Board on the Riverview Drive Storm and Sewer Replacement Project. Concrete and paving work remains to be completed. The substantial completion date is April 3, 2015 with final payment due before May 1, 2015. These dates will be monitored closely in the event that an extension is needed due to the weather.

Work on the Municipal Separate Storm Sewer System (MS4) program continues. Ms. Letavic noted that for the purpose of education, the Commissioners should consider instituting the Township newsletter again as an additional outlet for stormwater education. Commissioner Davies asked if the communication has to be in the form of print. Ms. Letavic

explained that the regulatory agencies want to see that the municipality is reaching out to the largest audience possible. The Township website and public meetings are the current outreach methods utilized. The intent of a newsletter would be to engage an audience that does not utilize computers. President Mehaffie suggested that instead of a newsletter, the Township pursue a map/information guide. Local businesses would advertise in this to help defray the costs and make it more cost effective for the Township. He stated that it has been some time since the Township did one of these. Ms. Letavic agreed that the MS4 education could also be placed in this guide. President Mehaffie asked Ms. Arroyo to obtain the contract/agreement for this project. This will be forwarded to Solicitor Henninger for review and placed on the March 18 legislative agenda for formal approval.

HRG and Township staff met to kick off execution of the Greenways, Trails, and Recreation Park Grant. This grant, in the amount of \$190,000, will be focused on improvements to Old Reliance Farms and Shopes Gardens parks. The Recreation Board met earlier this evening to discuss this project. The softball field backstop in Shope Gardens is tentatively scheduled to be completed in March. President Mehaffie noted that the Recreation Board asked if this could be coordinated with the baseball teams, which start practice this month. Mr. Wagner agreed that this is being done.

The DCIB loan has been approved for the Richardson Road Bridge project and will likely close soon. A gaming grant has been approved to assist the Township on its first payment on the DCIB loan, which will come down as soon as loan closing occurs.

The Greenfield Well & Irrigation Project is on hold for delivery and installation of the pump controller. Restoration (topsoil, seeding and asphalt), the water line pressure test and well start-up are anticipated to be completed by early April 2015. Ms. Letavic noted that this work will be coordinated with the soccer schedule.

Ms. Letavic reported that she has no real update on the zoning map issue. HRG continues to work with Middletown Borough's solicitor to finalize updates to municipal boundaries in County GIS. Solicitor Henninger obtained historical information from Tom Librandi; this has been forwarded to Middletown's solicitor for consideration. Solicitor Henninger added that when he met with Mr. Librandi about this issue, he had been provided a tour of his operations. He stated that it is a very impressive operation.

## SOLICITOR'S REPORT:

Solicitor Henninger reported that the Board had discussed a draft resolution at its last meeting regarding participation by a member of any board or commission of the Township in a meeting by telephone or other electronic media. Based on discussions, he distributed a revised copy of the resolution, which was tightened to include only the Board of Commissioners at this point in time. He noted that this is not creating something new; the Commonwealth Court already permits this type of participation by telephone. This resolution simply establishes a procedure to do so. Commissioner Springer asked if the resolution should perhaps limit the number of Commissioners who could participate in this manner to only one. He expressed concern that allowing more than one to do this might not be the best practice. Solicitor Henninger explained that while the resolution could be tailored to do this, the interpretation of the Commonwealth Court is that all five could participate by telephone. The bottom line is that while it is not a good practice, if all the Commissioners wanted to participate this way, they could do so regardless of what the resolution would state. Commissioner Davies stated that he could see the advantage of participation by more than one Board member during an emergency circumstance. A motion was made by Commissioner Davies, seconded by Commissioner Springer, to approve Resolution No. 2015-R-1. This resolution sets forth regulations with regards to the participation by a member of the Board of Commissioners in a meeting by telephone or other electronic media. The motion was unanimously approved.

Solicitor Henninger reminded the Board that the Public Hearing on the proposed sign ordinance is scheduled for March 18, at 7:00 P.M. The legislative meeting will immediately follow.

Solicitor Henninger noted that he had provided the Board via email with a proposed Stipulation and Joint Motion for Agreed Upon Order regarding the tax assessment appeal by PVI WIP CBC II, LP for property at 300 Hunter Lane. He reminded the Board that back in January, it authorized the expenditure of up to \$806.00 towards a county appraisal for this parcel. The School District and property owner have agreed to a new value of \$9.9 million and the County is agreeable. This would result in a reduction from the current assessment equating to approximately \$2,400.00 per year from the current tax of approximately \$34,000.00 per year to approximately \$31,500.00 per year. A motion was made by Commissioner Davies, seconded by Commissioner Springer, to approve the proposed Stipulation and Joint Motion for Agreed Upon Order regarding the tax assessment appeal by PVI WIP CBC II, LP, setting the value of the property at 300 Hunter Lane at \$9.9 million. The motion was unanimously approved.

Solicitor Henninger requested the Board convene into executive session immediately upon conclusion of this evening's meeting in order to discuss a real estate transaction matter.

FINAL COMMENTS:

President Mehaffie asked Mr. Wagner and Ms. Letavic to provide the Board with any speakers they may come in contact with during their MS4 training classes. He stated that he would like to provide more public presentations on this subject in the future. He also noted that he has been receiving questions about why the Township is waiting to update its comp plan. He explained that there is the possibility of obtaining a County grant for this project. It is hoped that an answer will be provided within a month or two. The grant, if approved, could potentially pay for 80% of the project and save tax dollars. Mr. Monticello added that everything is in place for the comp plan to move forward once the grant status is known.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, a motion was made by Commissioner Davies, seconded by Commissioner Springer, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:31 P.M.

ATTEST:

  
Jean R. Arroyo, Recording Secretary

