

## MINUTES

### LEGISLATIVE MEETING – NOVEMBER 19, 2014

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

Absent:

- Dominic D. DiFrancesco II, 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 Vice President Wilt, to approve the Minutes of the October 15, 2014 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 November 5, 2014 Special Budget Meeting. The motion was unanimously approved.

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

APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve the payment of bills as presented on Warrant No. 2014-10. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner Springer, seconded by Commissioner Davies, to approve the Treasurer's Report for October 2014. The motion was unanimously approved.

PENN WASTE REQUEST FOR CONTRACT EXTENSION:

President Mehaffie asked that the Board move directly to agenda item 16D, which is consideration of a two-year contract extension (1/1/15 – 12/31/15 and 1/1/16 – 12/31/16) with Penn Waste, Inc. for residential municipal waste and recycling services. He explained that the current contract, which expires at the end of 2014, allows for negotiations for a two year extension. He thanked Mr. Monticello and Ed Ward for working on the proposal before the Board this evening. It proposes an increase of 80 cents/quarter in 2015 (taking the bill from \$53.51/quarter to \$54.31/quarter and another increase of 80 cents/quarter in 2016 (taking the bill from \$54.41/quarter to \$55.11/quarter). President Mehaffie explained that this service includes four bags of trash, recycling, one bulk item per week, and yard waste collection every other week for about six months of the year. He added that when looking at neighboring municipalities, the Township's rate during 2015 will still be the lowest around. Mr. Ward added that there will be no other disposal increases sought during those two years – the rate proposed for the next two years is set through 2016. Mr. Monticello stated that he has enjoyed working

with Penn Waste and Mr. Ward, and would be pleased to be able to retain their services. A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve a two-year contract extension (1/1/15 – 12/31/15 and 1/1/16 – 12/31/16) with Penn Waste, Inc. for residential municipal waste and recycling services. A roll call vote was taken with the following ballot tabulation: Commissioner Springer – aye, Commissioner Davies – aye, Vice President Wilt – aye, President Mehaffie – aye. The motion was approved by a 4 – 0 margin. President Mehaffie again thanked Mr. Ward for a good, responsible contract and for the fine work done by the Penn Waste collection staff. Vice President Wilt agreed that Penn Waste has been responsive on the occasions that he has had to contact them. Mr. Ward thanked the Board for its nice comments and for the extension. He noted that Penn Waste has been serving the Township since 2007 and looks forward to continuing this service.

#### ENGINEER'S REPORT:

Erin Letavic, HRG, referenced the monthly report. She noted that the Greenfield Park Well project is underway as anticipated. The insurance review is complete for the Riverview Drive Drainage project, and the contract documents are here tonight for signature, in accordance with a motion made by the Board at the last meeting. There is no update on the zoning map issue; it is still being looked into by the Middletown Borough solicitor. As previously discussed, the MS4 Mock EPA audit did happen Monday with Mr. Wagner and Mr. Greene. Ms. Letavic noted that they all do have some homework to do, but will get together an improvement plan in preparation for 2015.

Ms. Letavic called the Board's attention to the agenda item for consideration of a proposal for engineering services with respect to truck restriction studies on select roads in the Township. The handout provided includes a table of roadways as recommended by Chief Brandt for potential weight restriction studies that could be done, and what the expected results may be. President Mehaffie noted that the request for the proposal actually originated from the Board's desire to look into restricting truck traffic on North Union Street. He observed that both the section of North Union Street from PA 283 to PA 441 and the section of North Union Street from Fulling Mill Road to Fiddlers Elbow Road are depicted on the table as "restriction not likely". He asked why. Ms. Letavic explained that her colleague used a geometry perspective, and feels that neither segment will likely see a restriction. The next step would be to perform a

pavement study and take core samples. However, due to the relatively good pavement condition, this is not expected to work in the Township's favor either. There are three other roadways – Stoner Drive, Nissley Drive, and Donald Avenue – that do appear to be favorable for a complete restriction without too much of an investment. President Mehaffie observed that weight restrictions on Stoner Drive, Nissley Drive, and Donald Avenue would not require core testing and would therefore be relatively inexpensive – less than \$5,000. Commissioner Davies expressed concern with following through with the study on North Union Street, and the strong possibility that it cannot be weight restricted. An official study documenting the condition of the road as not being able to be restricted might be a piece of information that can be used against the Township at some point rather than being beneficial. President Mehaffie referenced the study conducted by HRG for Swatara Township, and asked what it had shown. Ms. Letavic explained that its study was all geometry based, but Swatara Township was not looking at weight restrictions on North Union Street. It was looking at certain intersections along 80th Street, Strites Road, and Cockley Road, where trucks could not make the turn without impeding the other lane of traffic. Commissioner Springer stated that he still feels something needs to be done on North Union Street. Chief Brandt confirmed that there are “No Trucks” signs on North Union Street. Citations for offending trucks are based on fines for disobeying a sign. However, the fine for disobeying a sign is not significant, while the fine for disobeying a weight restriction increases drastically. He noted that he and other Township staff will be meeting Monday with the PennDOT District 8 engineer on another matter. He offered to speak to PennDOT about this issue too and possibly get some direction. Vice President Wilt stated that if the study will not provide the desired result, it would seem senseless to spend the money to do it. Solicitor Henninger explained that the Township can post “No Truck” signs, but cannot post a weight restriction without a supporting study. He noted, however, that the Township does need to tweak its current ordinance and also look into raising the “No Truck” sign violation fines to the \$300 maximum. Mr. Wagner added that a traffic study does not really need to be done on the entire length of North Union Street. What is necessary is a study of the section of North Union Street from 283 to the High School. This is the problem area. President Mehaffie explained that the other section is also a concern, since Swatara Township is having a problem with trucks traveling this area to its restricted streets and then trying to turn around. Mr. Wagner suggested that the Township would simply need to adopt the Swatara Township

studies to prevent this from occurring. He stated that the Township would still need to perform a traffic study on the north end of North Union Street. President Mehaffie explained that the idea would be to keep the trucks from going anywhere further than Fulling Mill Road. Chief Brandt noted that there are warning signs at both Fulling Mill Road and the Swatara Township line. After further discussion, the Board asked Chief Brandt to talk to PennDOT about the issues with truck enforcement on North Union Street during the Monday meeting. Action on authorizing the study for the other three streets can be done at a later time. President Mehaffie suggested that it would be beneficial to get as much information as possible before taking action. It is important that any studies performed work for the Township, not against it. The Board tabled the proposal for engineering services with respect to truck restriction studies on select roads in the Township.

SOLICITOR'S REPORT:

Solicitor Henninger stated that he will address agenda items when necessary.

MANAGER'S REPORT:

Mr. Monticello asked for action on execution of the Greenways, Trails and Recreation Program commitment letter and grant agreement. A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve the execution of the Greenways, Trails and Recreation Program commitment letter and grant agreement in the amount of \$190,000. The motion was unanimously approved.

Mr. Monticello called the Board's attention to a handout he had compiled regarding the fire hydrant tax levy. He noted that he had discussed this with the Board several months ago and explained what is being proposed. In 2014, the tax rate for fire hydrant purposes was .136 mills on each dollar of assessed valuation. For 2015, the proposed estimated value of properties for fire hydrant purposes is \$584,039,300. Therefore, for 2015, the estimated fire hydrant tax levy based on .136 mills would generate \$79,430. What is being proposed for 2015 and forward is to split the fire hydrant tax rate. The split would make the fire hydrant tax rate .096 mills and the capital improvement tax rate would thereby change to .54 mills. The 2015 estimated fire hydrant levy based on the .096 mills would generate \$56,068 and the estimated capital improvement tax levy based on the .04 mills would generate \$23,362. The purpose of this split

is to put more punch into the capital improvements fund in order to address much needed improvements to the 40 miles of Township roadway. Also, there is an additional 20 miles of state roads that the Township maintains in various ways including mowing along the roadways, plowing, etc. Mr. Monticello noted that this split is included in the proposed 2015 budget.

A preconstruction meeting was held this afternoon with BP Paterson, the contractor awarded the Riverview Drive project. A signed notice to proceed was issued, and the contractor plans to mobilize its equipment on site next week. They anticipate initiating operations the week following the Thanksgiving holiday.

Mr. Monticello referenced the public works vehicles which have been included in the proposed 2015 budget. He asked Mr. Wagner to address this. Mr. Wagner explained that through the state's COSTAR'S program, the Ford F550 will increase in price by \$5,000 at the end of November/beginning of December. The Township could avoid this increase by ordering the truck now. No money would exchange hands, since it would take the truck several months to actually arrive after being ordered and equipped. Commissioner Davies asked if there is latitude in the 2014 budget if the money would be needed to pay for the truck. Mr. Monticello confirmed that there is. In response to a question by President Mehaffie, Mr. Wagner agreed that it would be beneficial to also order the other two vehicles included in the proposed 2015 budget at the same time. That way, all three would come from the same place and be very similar in nature. Again, payment would not be required until next year. A motion was made by Commissioner Springer, seconded by Vice President Wilt, to authorize Mr. Wagner to immediately proceed with ordering the three trucks that were included in the proposed 2015 budget. The motion was unanimously approved.

Commissioner Davies inquired about the split of the fire hydrant tax levy, and asked if this would be addressed when the proposed budget is advertised. Solicitor Henninger agreed that the draft ordinance prepared for advertisement would take this shift into consideration. The Board will also be authorizing advertisement of the tax ordinance tonight which will include this shift. The bottom line will not change as the millage rate remains unchanged. Commissioner Davies also inquired if, in terms of requirements of expenditures on fire hydrants, this shift would put the Township at any disadvantage financially. Mr. Monticello stated that it will not. President Mehaffie added that the Township looked carefully at expenditures, and there is a significant excess in this fund. Rather than have these funds sitting in the fire hydrant tax account, it is better to make

use of them. Mr. Monticello noted that the surplus in the fund is about \$250,000. The Township does not have to spend the money put aside, but it will be available if needed.

President Mehaffie referenced the list of future meetings and events, and noted that the Township offices will be closed on November 27 and 28 for the Thanksgiving Holiday. He also reminded the public that the PA Department of Health will be at the Township Building tomorrow, November 20, to distribute potassium iodide pills. Mr. Monticello added that the hours are from 2:00 P.M. to 7:00 P.M.

#### COMMITTEE REPORTS:

Police Committee – Vice President Wilt – reported that there was yet another handgun stolen yesterday from an unlocked vehicle. He stated that this type of crime is totally preventable; citizens are urged to lock their car doors. The “Senior University” was presented here last evening at the Township Building by the Attorney General’s Office. Vice President Wilt asked Chief Brandt to comment on this program. Chief Brandt stated that the program was very informative and went over common scams and frauds against the elderly. He added that there was a good turnout, and hopes are to offer other programs in the future.

Public Safety – Commissioner Springer – no report

Budget and Finance – Commissioner Davies – reported that action to advertise the budget appears later on this evening’s agenda. There were some minor changes made since it was presented at the special meeting. Commissioner Davies reviewed some of the changes. Under Charges for Services, General Government, line item 361.310 now shows estimated charges of \$55,000 for some engineering fees that will be reimbursed by developers. This is basically an in-and-out item, as it will also appear in the expenditure category 414.313. In the Highway and Streets Departmental Earnings category, earnings were zeroed out since there is no contract with the Campus Heights developers. In account 380.000, the refund expected from Benacon was raised from \$61,000 to \$75,000. The beginning cash balance is now estimated to be a bit lower. Basically, the total operating revenue is reflecting an increase of roughly 5.25%. Other notable changes are some minor ones in terms of salary adjustments and a reduction in the police budget’s Major Equipment and Machinery to forgo an investment in police cars this year. Under Protective Inspection, there was an increase in line 413.740 from \$6,000 to \$10,000 to provide for the document management system. Line item 414.740 was also increased from \$8,000 to

\$10,000 to allow for this document management system switch over to be done in one year rather than a longer window of time. Commissioner Davies summarized that the previous proposed budget reflected a total expenditure of \$5,490,000. The updated version which will be presented for advertisement reflects a total of \$5,405,500. Basically, this is about a 4.81% increase over the 2014 budget. President Mehaffie noted that there is also a change in the budget from the insurance side. The new Affordable Care Act has a cost to it. The cost is \$65 per person on the insurance, so the Township has to pay \$5,500 which was not in the budget. Public Works – President Mehaffie – reported that work at the new Sheetz is expected to start in February. He also noted that scheduled leaf collection ends December 5.

#### UNFINISHED BUSINESS:

The Board tabled 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, and October 1, 2014. The plan is due to expire on January 8, 2015.

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 and October 15, 2014. The plan is due to expire on February 16, 2015. The motion was unanimously approved.

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 plan is due to expire on February 17, 2015.

#### NEW BUSINESS:

A motion was made by Commissioner Davies, seconded by Vice President Wilt, to approve advertisement of the 2015 General Fund Budget. The motion was unanimously approved.

Commissioner Davies reluctantly made a motion to approve Ordinance No. 554. This ordinance amends the Code of Ordinances, No. 448, as amended, and supplemented, Chapter 1, Administration and Government, Part 7, Police Pension Plan Fund, in order to comply with the overturning of the Defense of Marriage Act, and response to the subsequent ruling that 23 PA. C. S. Sections 1102 and 1704 are unconstitutional with regards to the definition of "spouse". The motion was seconded by President Mehaffie, and a roll call vote was taken with the following ballot tabulation: Commissioner Springer – aye, Commissioner Davies – aye, Vice President Wilt – reluctantly aye, President Mehaffie – aye. Ordinance No. 554 was approved by a 4 – 0 margin.

A motion was made by Commissioner Davies, seconded by President Mehaffie, to approve Ordinance No. 555. This ordinance amends the Code of Ordinances, No. 448, as amended, and supplemented, Chapter 1, Administration and Government, Part 6, Non-Uniform Pension Plan Fund, in order to comply with the overturning of the Defense of Marriage Act, and response to the subsequent ruling that 23 PA. C. S. Sections 1102 and 1704 are unconstitutional

with regards to the definition of “spouse”. A roll call vote was taken with the following ballot tabulation: Commissioner Springer – aye, Commissioner Davies – aye, Vice President Wilt – reluctantly aye, President Mehaffie – aye. Ordinance No. 555 was approved by a 4 – 0 margin.

Solicitor Henninger requested Board authorization to advertise the ordinance fixing applicable tax rates for 2015 in accordance with the budget that is being considered for advertisement this evening. The total millage rate proposed remains unchanged at 4.376 mills. A motion was made by Commissioner Davies, seconded by Vice President Wilt, to authorize advertisement of the proposed ordinance fixing applicable tax rates for 2015. The motion was unanimously approved.

President Mehaffie noted that Derry Township has submitted an invitation for comments on a proposed amendment to its Comprehensive Plan in accordance with Section 302. (a) of the PA Municipalities Planning Code. The proposed amendment is to modify the Comprehensive Plan Future Land Use Plan by changing multiple parcels of land located along the west side of Middletown Road from Agricultural/Conservation (A/C) and Village Residential (VR) classifications to an Attached Residential (AR) classification. Comments are requested within 45 days from October 24, 2014. Mr. Greene explained that it is a formality and requirement of the municipal planning code that the municipality desiring to make amendments notify the adjoining municipalities and ask for any guidance or comments they may have on the proposed amendments. Mr. Greene noted that this particular amendment is just an extension of the surrounding zoning district, and he feels comfortable with it. The Board directed Mr. Greene to contact Derry Township and relay that the Township has no issues with the proposed amendment.

#### FINAL COMMENTS:

Commissioner Springer stated that at some point, he would like to look into the ordinance that would allow the baseball organization to place temporary signs on the outfield fence during the summertime. This would be for advertising/fundraising purposes. President Mehaffie asked Mr. Greene to look into this. He noted that the Township also needs to look into this sign ordinance as it pertains to digital signs. Mr. Greene agreed that he and Mr. Fure have been discussing the need to amend the sign ordinance, and realize that it is a priority. Solicitor Henninger agreed that the sign ordinance does need revamped, but suggested it might be best to

pursue the fence sign amendment before the entire ordinance is addressed, which may be a lengthy process. Mr. Greene agreed that they can tweak the language for this fence sign amendment and prepare it for Board review and future advertisement.

Commissioner Davies thanked everyone that worked on the budget this year. He noted that the process went smoothly, and resulted in a good product. President Mehaffie agreed, and noted that Mr. Monticello and Ms. Blymire did a great job on their first budget document. He also thanked the department heads for making cuts where necessary.

The Board members conveyed a Happy Thanksgiving to everyone.

ADJOURN:

With no further business to discuss, a motion was made by Vice President Wilt, seconded by Commissioner Springer, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:05 P.M.

ATTEST:

  
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Jean R. Arroyo, Recording Secretary

