

MINUTES

MARCH 6, 2013 WORKSHOP MEETING

LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The March 6, 2013 Workshop Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Frank Linn, Sr. President Linn called for the pledge of allegiance followed by a moment of silence.

Roll call was then taken with the following officials in attendance:

- Frank Linn, Sr., President
- William L. Leonard, Jr., Vice President
- Michael J. Davies, Secretary
- Thomas L. Mehaffie III, Commissioner
- Jon G. Wilt, Commissioner
- Harry N. Krot, Township Manager
- Peter R. Henninger, Solicitor
- Brenda K. Wick, Planning and Zoning Director
- Richard D. Brandt, Police Chief
- Steven W. Anderson, Public Works Director
- Jean R. Arroyo, Recording Secretary

Residents and visitors in attendance:

- (see attached Sign-In Sheet)

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

PUBLIC COMMENT: None

Mr. Krot stated that there is an item for formal action tonight regarding an easement agreement with CenturyLink. Solicitor Henninger explained that the Board had discussed this item in executive session after the February legislative meeting. United Telephone Company of Pennsylvania, doing business as CenturyLink, needs an additional 2' by 15' easement for an existing utility pole at Memorial Park in order to put up another guide wire. Ms. Wick went back to them with the Township's proposal, and they came back with an offer of \$1,000.

Solicitor Henninger explained that this would more than cover the cost of the time spent on this item by him and by the staff. The Board is under no obligation to make a decision this evening, but if it is in agreement with the proposal, it can move forward. Commissioner Wilt questioned what amount the Township had originally requested. Solicitor Henninger responded that the request was for \$2,500. A motion was made by Commissioner Davies, seconded by Vice President Leonard, to accept the \$1,000 proposal for the CenturyLink easement agreement. A roll call vote was taken with the following ballot tabulation: Commissioner Wilt – aye, Commissioner Mehaffie – aye, Commissioner Davies – aye, Vice President Leonard – aye, President Linn – aye. The motion was approved by a 5 – 0 margin.

SHEETZ PLAN:

Mr. Krot reported that representatives of the Sheetz plan had phoned Monday and asked to come before the Board tonight to address its proposed waiver requests. Ron Lucas, attorney for the plan, explained to the Board that back in December, the Planning Commission had recommended the plan, with a number of waivers. He would like to discuss the plan and the waiver requests with the Board. Attorney Lucas showed the Board a sketch plan of the new Sheetz, which will be located on the Airport's property on the north side of Route 230 across from the CVS on Meade Avenue. He noted the plan in front of the Board is not the current plan, but an earlier version. The proposed Sheetz will have seven pumps (14 fueling positions), indoor and outdoor seating areas, a car wash, and a convenience drive thru at which anything in the store can be purchased. Attorney Lucas stated that he believes the plan has addressed all the issues and review comments. Additional stormwater design was needed, and that was just completed.

Attorney Lucas then explained the waiver requests associated with the plan. The first is for a waiver of the preliminary plan. This will be a lease from SARAA; SARAA does not intend to sell any of its property, since any money from a sale would go to the FAA and would not benefit SARAA. This way, the Airport will obtain long term income through a ground lease. The second is for a waiver of the cartway width. While it is already paved, it is not the width of a full street. The next waiver is the requirement to create a lot. This is not necessary, since it is a lease. The Planning Commission recommended approval of this waiver request, subject to the Solicitor's review. Attorney Lucas noted that he and Solicitor Henninger did discuss this.

Documentation has been found from 2000, when the Township approved a similar waiver for HIA Associates for the Emery Worldwide facility on the Airport property. The Township had approved a waiver which prevented them from having to do a lot there. This was also a long-term lease. Solicitor Henninger added that a subdivision would require a perimeter study, and this waiver would preclude the need for that. This is a unique circumstance due to FAA involvement. Based on the precedent set on the other leased parcel at the Airport, Solicitor Henninger stated that he would be okay with the recommendation to waive the subdivision requirements. The next waiver is to provide sidewalk along Meade Avenue near the Route 230 frontage. There is already sidewalk along Meade Avenue. However, due to the drainage ditch on Route 230, there is no room to place it along that side. Therefore, they have been looking at the concept of providing access from the crosswalk at Meade Avenue into the site. Plans show crosswalks in from the southwest corner, the southeast corner, and the northeast corner so that pedestrians can get to the site via sidewalks and then use the crosswalks to get to the convenience store building. The final waiver involves an inlet structure and existing pipe. Kris Raubenstine, K & W Engineers & Consultants, explained that the request is to tie the proposed storm drain into an existing concrete pipe. This is being proposed rather than putting in a junction box. In response to a question from President Linn, Attorney Lucas stated that the Planning Commission did recommend approval of all waiver requests, with the stipulation that the lease issue be subject to the solicitor's review since it is a legal issue.

President Linn asked Ms. Wick for her comments. Ms. Wick stated that these plans were updated and just received tonight. She does not disagree with any of the statements made, but she has not had a chance to open up and review the revised plans. She added that the sidewalk issue was discussed in length by the Planning Commission, and she feels that they did all they could to provide the best pedestrian access possible. Commissioner Wilt agreed that he had looked at this area himself, and sidewalk along Route 230 is not practical. He asked if sidewalk is on the CVS side, but not on the proposed Sheetz side. Mr. Raubenstine responded that there is existing sidewalk on both sides of Meade Avenue. Commissioner Wilt also asked the length of these leases. Attorney Lucas explained 15 years, and they go out to 29 years, 11 months.

Attorney Lucas confirmed that the engineer did just deliver the revised drawings today to the Township office, but if the Board feels comfortable with the waiver requests, he would ask that action be taken on these waiver requests tonight.

Commissioner Davies questioned the pedestrian access, and noted that there are now a large number of students living in the Township. Route 230 is becoming more and more utilized by pedestrians. He asked what access will be available for pedestrians at the southeast corner of the property closest to Route 230, since this is the corner closest to the student housing and where the largest number of pedestrians will be coming from. Mr. Raubenstine again stated that it is just not practical to put sidewalk here. Instead, they will use crosswalks that concentrate pedestrian traffic to the sidewalk and then to the crosswalks.

Michael Yingling, representing the Airport, stated that this is a concept plan, and as this concept plan develops, there will be sidewalk systems throughout the area. Commissioner Davies stated that while he appreciates the forethought, until this is complete, the natural path of the wondering student will be to follow Route 230 until Sheetz is reached, and to enter through the southeast corner. Attorney Lucas stated there is simply no space to put sidewalk at that location. Commissioner Davies stated that he understands this dilemma, but knows that it will be impossible to stop people from walking along Route 230. Commissioner Wilt observed that students may also come from Rosedale Avenue to the site, due to the location of the campus.

Commissioner Mehaffie asked Mr. Raubenstine to explain why they want to tie into the pipe. Mr. Raubenstine explained that it just seems easier to tie into the pipe rather than remove an entire area and put in a junction box to connect the two.

Vice President Leonard stated that the update tonight is much appreciated, but the normal protocol is to put such requests on the legislative agenda. Based on Ms. Wick's comments that she needs to review the plan, he suggested the waiver requests be considered at the legislative meeting. President Linn added that he would also ask that an updated plan be brought along. Commissioner Wilt asked if the Board members would be provided a plan. Ms. Wick stated that she has plans available for the Board to review. Attorney Lucas also offered to provide each Commissioner with a copy of the plan, if so desired.

DEPARTMENT REPORTS:

Fire Department Report – Chief DeHart – reported that there were 45 calls in February. There will be a full scale HIA drill this year. The Department will be ordering ten sets of new turnout gear this month; it takes about two months to receive them. About \$13,000 worth of funds were received for some of the water damaged equipment. The total damage for the building itself is \$42,828.47. The total cost of the sprinkler repair is \$8,328.00. The Fire Department will be responsible for paying \$3,551.50 to make the repairs and adjustments so that this situation does not happen again in the future. Chief DeHart noted that Travelers, the Township's insurance carrier, was very helpful and prompt in its response and payment. The next dinner is a pork dinner on March 17, from 11:00 A.M. until sold out. The Sunday summer breakfast series resumes on April 28; hours are 7 AM to 11 A.M. Commissioner Mehaffie referenced the sprinkler repair work that the Fire Department is responsible for, and questioned whether this liability should actually fall back on the company that did the work. Chief DeHart explained that he turned this matter over to the insurance company for subrogation.

Police Department – Chief Brandt -- referenced the monthly crime stats, and stated that the call volume is about the same as last month, although serious crimes are down. He reported that he had met on February 20 with the new Police Chief of the Borough of Middletown, Steven Wheeler. Chief Brandt noted that Chief Wheeler has considerable experience in law enforcement. He anticipated that they will work well together. Chief Brandt updated the Board on the new judicial center in Swatara Township, which will serve as a booking center and night court. It is proposed to open on May 5, and will greatly streamline operations for the Township and all Dauphin County police departments. Chief Brandt also informed the Board that the hiring process is ongoing, with intensive background checks still being undertaken. He noted that the American Legion's Annual Birthday Dinner is coming up, and his nominee for the Policeman of the Year is Detective Bob Appleby. Detective Appleby did the work of two men last year, and has been instrumental in many arrests, including last year's homicide. Commissioner Mehaffie questioned the statistics provided, and asked what constitutes a "call". Chief Brandt explained that a call from another department for back-up is considered a call, as is helping to stop a motorist with directions, stopping vehicles for traffic citations, etc. To be a case, rather than a call, there must be a crime involved.

Public Works Department – Mr. Anderson – reported that the winter maintenance program is in progress. Winter snow events included events on February 2 and February 19. Ongoing maintenance of vehicles continues, as does building maintenance. General maintenance includes the repair of swales on North Union Street north of SSR 441 and Stoner Drive near Riverview, sign repair in numerous locations, maintaining Municipal Authority and Public Works Right of ways, and mowing and marking manholes ahead of the GIS program. Employees Rick Fox and Dan Wagner attended the annual KAFMO training for Turf and Vegetation. The dumpster will be open for residents on April 6, from 8:00 A.M. to noon. Commissioner Mehaffie questioned when the Department will address pot hole issues. Mr. Anderson responded that he has not had reports of potholes. Commissioner Mehaffie reported that Longview Drive, at the turn, seems to be a problem area. He added that Nissley Drive is also starting to come apart. Mr. Anderson explained that the problem with Nissley Drive is that it is not deep enough to do anything with; the material would come right out. The top layer of the road is disintegrating, and is on this year's schedule to be recycled and repaved. Commissioner Mehaffie asked if there could be some type of temporary fix done. Mr. Anderson agreed to look into this. Commissioner Davies added that Strites Road, where it borders Swatara Township, also appears to have some real problems. Mr. Anderson agreed to look at this roadway.

PLANNING AND ZONING AND CODES REPORT:

Ms. Wick referenced the monthly report of inspections and permits. The Planning Commission had five agenda items last month. The Revised Land Development Plan for Campus Heights Village-Wood Street Access was tabled due to a request to update the signal permit for the Wood Street signal. The Discussion of the Sketch Plan for a second phase of student housing, Campus Heights II, was also discussed at the meeting. The request for a Zoning Map Amendment submitted by Campus Heights Associates was tabled because a recommendation from Dauphin County Planning Commission was not available until after their meeting on March 4. Ms. Wick noted that the recommendation did come in yesterday, and was a positive one. The Preliminary/ Final Land Development Plan for the Middletown Home Access Driveways/Parking Revisions was tabled as was the Plans for FedEx Ground Harrisburg East. There were two Zoning Hearing Boards scheduled. The one for March 13 is a request for

the Susquehanna Conference of the United Methodist Church to permit the use of a place of worship in the Commercial Highway zoning district within the Yankee Plaza. The second zoning hearing request, submitted by Mr. and Mrs. Nick Farr, has since been withdrawn.

SOLICITOR'S REPORT:

Solicitor Henninger reported that he has prepared the advertisement of the April 3 Public Hearing for the Campus Heights zoning map amendment request. He will forward this to Ms. Wick in order for the appropriate public notices to be sent. The hearing is scheduled for 6:00 P.M., prior to the Board's April workshop meeting.

MANAGER'S REPORT:

Mr. Krot reported that the phone system software upgrade is underway. Phone service is expected to be down for about an hour on March 8. The system should be finished on March 13.

Mr. Krot referenced an email update on Lawrence Street from Matt Genesio, who could not be here this evening. Pricing from UGI has been received to relocate the gas line, and Horst will relocate the water line at the Lawrence Street inlet. Horst will coordinate work on both utilities, along with completing the balance of the construction. The ground has been probed at the Wood Street inlet, and it has been determined that there are clearances there, so it will not be necessary to relocate any utilities, if PennDOT finds those clearances acceptable. Mr. Genesio noted that they still have not heard back from PennDOT regarding the revised design of the cross pipe at the Wood Street inlet. They will continue to push PennDOT for a response.

Mr. Krot requested an executive session immediately upon conclusion of this evening's meeting to discuss a personnel matter. He asked that Solicitor Henninger also be in attendance.

FINAL COMMENTS:

Commissioner Mehaffie reported that there was a meeting with the Lower Swatara Recreation Board earlier tonight, and they are working on bids for a well at the soccer fields. The majority of the parks have been reviewed to assess needs, and there are plans to look at grants to do some updates to the parks, including the park at the Lions Club. He noted that he was unable to attend the recent meeting of the Olmsted Regional Recreation Board, but did

receive an email stating that it is still working on its budget because of the change in status of the Borough of Middletown. Commissioner Davies added that the Olmsted Regional Recreation Board is looking into hiring a manager for its pool, and does have an experienced candidate for this position. It is hoped that this will improve operations. Commissioner Davies also reported that the Township Recreation Board has expressed interest in having the scope of engineering guidelines for providing water at Greenfield Park include the possibility of making it potable water as opposed to simply irrigation water. Commissioner Davies also informed the Board that he will not be in attendance of the March 20 legislative meeting.

Vice President Leonard reported that he had attended the March 1 meeting of the Penn State Advisory Board. He provided a brief update. There were 4,376 registered students in the fall of 2012 and registration for the 2013 spring session is ahead of plan. This campus is the largest of its Commonwealth campuses, and it is targeted as a growth campus. Recent events here included a ribbon cutting for the new fitness center at the CUB building and a groundbreaking ceremony for its new EAB building. Vice President Leonard reported that there are plans by Penn State to upgrade its ten year master plan. With the right communication between Penn State and the Township, and the close proximity of Sheetz to the EAB building, there is a strong possibility that Penn State could put collector sidewalks to the rear of the Odd Fellows property and channel student traffic that way, and off of Route 230.

Vice President Leonard references past discussions by the Board regarding the concern that the three lane road at Route 441 and Fulling Mill Road goes down to two lanes in front of the Lottery Building. This design prevents anyone from accessing the fire station if there is a build up of traffic. The Board had met with PennDOT and Representative Payne in attempts to resolve this problem. Vice President Leonard reported that as of this week, it appears that work has started to add a lane to the south side of Fulling Mill Road so access to the fire station is not impeded by oncoming traffic. He anticipated that this work will be complete by mid-summer.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, a motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:02 P.M.

ATTEST:

Harry N. Krot
Township Manager