

MINUTES

MAY 1, 2013 WORKSHOP MEETING

LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The May 1, 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
- Peter R. Henninger, Solicitor
- Brenda K. Wick, Planning and Zoning Director
- Richard D. Brandt, Police Chief
- Steven W. Anderson, Public Works Director
- Alan Knoche, EMA Director
- Jean R. Arroyo, Recording Secretary

Residents and visitors in attendance:

- Michelle Keeney, Ronald Keeney, Isaiah Rogers (310 Dauphin St.)
- Chris DeHart (LST Fire Department)
- Noelle Barrett (Press & Journal)

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

PUBLIC COMMENT:

Michelle Keeney, 310 Dauphin Street, informed the Board that on April 15, three young men came up from Wood Street and set off some type of smoke bombs in the field across from her home. A police report was filed. Also, she noted that GreenWorks put in barbeque pits behind the residential housing. There is no water source or fire extinguishers nearby. This is a concern, especially since the students decided to use this small pit to build a huge bonfire. Ms. Keeney also quoted information stating that the enrollment at Penn State is down 9%. In

response to a question from Commissioner Mehaffie, Ms. Keeney stated that this percentage is for all of Penn State, not just the Harrisburg campus. Ms. Keeney also reported that she has new neighbors that are permitting their dog to dig under her fence, and use her yard for a restroom. She referenced the leash law, and stated this dog is never on leash. President Linn stated that the Township can send this individual a notice.

Ron Keeney, 310 Dauphin Street, stated that with the weather breaking, there is no reason that KGH and GreenWorks should not working at the bottom of Route 230. He suggested that the Township not allow these developers to build anything else until they get this work done. He also stated that before KGH is permitted to build closer to his house, the Township should insist that Lawrence Street come straight up and extend to Dauphin Street. If future development across the street occurs as anticipated, it is unfair and ridiculous that the people that live up there will have to drive through a parking lot to get to the new part of Lawrence Street. Vice President Leonard noted that an update on this work will be discussed as part of tonight's agenda. Mr. Keeney also expressed his ongoing concerns with the traffic signal on Wood Street, and the fact that pedestrians should not be crossing here, since there are signs on the poles prohibiting it. He strongly suggested that this be investigated before somebody is seriously injured.

DEPARTMENT REPORTS:

Fire Department Report – Chief DeHart – stated that there were approximately 35 calls for the month of April. Upcoming fundraisers include the May 21 ham dinner, and the May 26 breakfast. He noted that there were 209 in attendance of last month's breakfast. The Fire Department's budget review with the Board still needs to be scheduled. Chief DeHart asked that the Board members involved with this provide him some tentative dates for the review. Chief DeHart referenced a memo that he had provided to the Board requesting the Fire Department be permitted to train at some of the flood properties to be demolished by the Township. There would be no burning of the structure involved, just search and rescue type training. Solicitor Henninger stated that this has been done in other municipalities, such as Londonderry Township. The Police Department may also want to use the properties for training purposes. He added that the surrounding property owners should be notified prior to training, so they are not alarmed. Chief DeHart agreed, and stated that this would all be done in coordination with Alan Knoche,

EMA Director. A motion was made by Vice President Leonard, seconded by Commissioner Wilt, authorizing the Township's Emergency Services to utilize the buildings that the Township has acquired through the hazard mitigation program, and as submitted on a list approved by Alan Knoche. The motion was unanimously approved.

Police Department – Chief Brandt – distributed the monthly report, and noted that there were 659 total calls handled. Part 1 crimes were up, and assaults were higher than ordinary. There was an attempted murder in the Township. Chief Brandt updated the Board on this incident, and stated that the suspect tried to run over his girlfriend. An arrest warrant was issued, and charges will be made. Part 2 crimes were also up a bit, and include forgery. There was some counter-fit money passed in the Township; the Secret Service is also involved in this. The Department has had a complaint about trucks on North Union Street, and is running frequent truck and speed detail in this area. Chief Brandt noted that he did look at the truck signage when the complaint was received. The signage on Route 283 headed south is excellent. However, there is just one small sign going north from Middletown on North Union Street. He suggested the Township consider getting a bigger sign or adding an additional sign on the other side of the road. Chief Brandt also informed the Board of a recent incident with the “Harrisburg Hershey Hash House Harriers”, a group comprised of drinkers who like to run cross country. They communicate through a website; there is no fixed address, and everyone uses aliases. Last month, this group ran through the old Weatherby property on Highland Avenue. The gentleman who lives there now has it well posted and was quite upset. Although this group is basically benign, it does not seem to obey private property or no trespassing signs. Chief Brandt stated that he did try to contact them by email, and put them on notice that any further homeowner complaints will result in a citation. Chief Brandt also updated the Board on the hiring process which is now in the Board's hands. Vice President Leonard added that the Commissioners have been provided confidential background information on the individual candidates. Interviews will be held on May 14, beginning at 5:00 P.M. Chief Brandt noted that in the last contract of the Police Department, a DROP (Deferred Retirement Option Plan) was put into the pension plan. He will be the first to take advantage of this option. He has submitted a letter to Marylou Rittner, Financial Administrator, stating that he will be entering into the plan on July 1. This will allow him to work no more than five years from that date, which means his retirement date is projected to be June 30, 2018. Commissioner Davies referenced the recent firearm thefts from unlocked

vehicles, and suggested that it might be beneficial to explore an effort to offer firearm owners some type of awareness program for the storage of firearms. He noted that the storage issue seems to be overlooked. Chief Brandt stated that while it is always important to lock vehicles, it is not a good idea to store a firearm in any vehicle, locked or not. He agreed to see if there are any programs or resources that the Township may be able to take advantage of.

Public Works Department – Mr. Anderson – referenced the comments from Mr. Keeney regarding the traffic signal at Wood Street. He agreed that it is a confusing intersection, since there is an actual pedestrian light that you can push a button to activate, yet there are also signs indicating no crossing. He stated that this is actually in the Borough of Middletown so the Township cannot do anything with it. The Borough would need to go to PennDOT to have any changes to the signal approved. Mr. Keeney stated that regardless of who controls this signal, someone better start taking a look at it before a serious injury occurs. Mr. Anderson then presented his monthly report. Vehicle maintenance is ongoing. Street sweeping is in progress, with the area north of Spring Garden Drive completed. Also ongoing is maintenance of the Municipal Authority and Public Works right of way and mowing and marking manholes ahead of GIS program. Inlets will also need to be counted; there are probably close to 1000 of these. The Department has been busy working at the parks. Tasks include grooming ballfields and mowing, trimming, and fertilizing the parks. Work on the Athletic Association's concession stand is complete, and the Association has been billed for materials. The area around the concession stand has been graded and landscaped, and the trash receptacles were painted for Opening Day. Certified playground wood carpet and black mulch has been placed at all parks, and improvements were made to the swale at Woodridge Park. Opening Day was held on April 27 at Memorial Field. PennDOT is still clearing the land and preparing to widen the road on Fulling Mill Road near the fire station. They have not been there for awhile now, and it is uncertain when they will be back to resume work. The advertisement for bid proposals for the road construction projects was prepared and reviewed by Solicitor Henninger. It will appear in the May 5 and May 12 editions of the Patriot-News. Mr. Anderson addressed the comment regarding the possibility of getting a larger truck sign for North Union Street and stated that he is not sure a bigger sign is available; something may have to be made. He also informed the Board that the current lift in the garage can only lift about 1/3 of the fleet. A new lift may need to be purchased this year or next year. Mr. Anderson reported that the dumpster will be available to

Township residents on May 4, from 8:00 A.M. to noon. President Linn stated that he had attended Opening Day and was very proud of the Athletic Association and how it praised the Public Works Department for its outstanding work. Vice President Leonard addressed the widening work being done by PennDOT on Fulling Mill Road near the fire station and Lottery Building. Although the goal is to have this completed in the July – August time period, there is no formal time frame, so the work will probably be intermittent in nature.

Planning & Zoning Department – Ms. Wick – referenced the monthly report provided, and stated there is no change to the codes portion of the report. She updated the Board on items discussed at the April 25 Planning Commission Meeting. The FedEx Plan, along with six waiver requests, will be appearing on the May 15 agenda of the Board of Commissioners. The Revised Final Land Development Plan for Stoneridge, Lot #3, will appear before the Board in either May or June. The Final Subdivision Plan for Dauphin Street Partners will most likely be before the Board in June. The Zoning Hearing Board will be hearing two requests on May 22. The first is a request for a Special Exception for the use of Student Housing in a Commercial Neighborhood Zoning District, and the second request is for a sign variance for Sheetz. Commissioner Wilt asked for more details about the sign variance. Ms. Wick explained that the Township’s sign ordinance allows only allows two business identification signs and has certain size requirements. Sheetz is proposing more and larger signs, and would like to discuss this proposal.

SOLICITOR’S REPORT:

Solicitor Henninger reminded the Board that at its May workshop meeting, it had moved to appoint Vice President Leonard as an interim uncompensated liaison between the Board of Commissioners and department heads. The term of this appointment was to expire on May 2. Solicitor Henninger inquired if it would like to consider extending this time period. A motion was made by Commissioner Davies, seconded by Commissioner Mehaffie, to extend Vice President Leonard’s position as the uncompensated liaison for an additional 60-days. The motion was approved by a 4 – 0 margin, with Vice President Leonard abstaining.

HAZARD MITIGATION GRANT UPDATE:

Alan Knoche, EMA Coordinator, updated the Board on the Hazard Mitigation Grant Program. There are thirteen houses and one apartment building in this program. The Township has purchased six of these so far, all in the Jednota Flats area. The homes in the Swatara Park region are more involved, since these are Frey Trust properties. Solicitor Henninger agreed these have been more complex. Just this afternoon he received the eight signed deeds from the Frey Trust, which had to sign off on them since it owned the land. Hopefully the acquisitions will be completed by the end of May. Mr. Knoche explained the next step is demolition. The demolition process requirements are simply beyond the capabilities of Township staff. Solicitor Henninger agreed, and noted that Derry Township Municipal Authority actually has a full time staff person working on this. These specs are extremely complicated. HRG is coordinating the demolition process for two adjacent municipalities, so it has already navigated the mine fields of regulations. It has put together a proposal for the Township. The cost of the proposal is \$37,000, which is the highest or worst case basis. Mr. Knoche added that he had spoken to the project officer from PEMA, who indicated that public assistance funds will be available to help pay for the engineering of this project. Mr. Knoche added that when he first approached the Board seeking approval to proceed with the buy-out program, the figure he presented was \$57,000. The Board had voted on proceeding at a cost not to exceed \$70,000. This number is now at \$40,000, well below the \$70,000 committed to back in July of 2012. In addition, other funds may be able to be applied to the demolition. Solicitor Henninger added that part of the \$37,000 proposal from HRG includes costs to pursue any funds that would pay for the contract costs. A motion was made by Vice President Leonard, seconded by Commissioner Davies, to approve a proposal by HRG, in an amount not to exceed \$37,000, to coordinate the demolition of the thirteen homes and one apartment building with the caveat that all possible funding reimbursement sources be applied for. The motion was unanimously approved.

N. J. HESS SCHEDULING:

Vice President Leonard referenced the vacancy in the manager's position, and stated that the Board has hired N.J. Hess, an outside human resource agency, to establish a baseline on what the Board would like to see from a Township Manager standpoint and also solicit help, if desired, to provide interim services in addition to the long term search. Working with Nancy

Hess on this assessment will be her associate Ray Rhodes, a former Lower Allen Township Manager who now resides in Florida. They plan to interview all five Board members as well as the prior two Township Managers. This fact finding mission will be followed up by two four-hour work sessions with the entire Board. These findings will then be consolidated and presented to the Board in about two to three weeks. The one-hour individual interviews will be held with Ms. Hess, with Mr. Rhodes involved via conference call. The two four-hour workshop sessions with the entire Board will be attended by both Ms. Hess and Mr. Rhodes. After discussion, the Board members agreed to schedule the individual one-hour sessions for May 13, and the two four-hour workshop sessions with the entire Board on May 28 and May 29, beginning at 3:00 P.M. Vice President Leonard anticipated that the Board should be getting something back in mid-June that will allow it to consider what its next steps should be, including development of an advertisement.

WOODRIDGE DRAINAGE STATUS UPDATE:

Vice President Leonard reported that the Board had requested a status update on the Woodridge drainage situation. He asked Ms. Wick to address this item. Ms. Wick stated that at the May workshop meeting, Don Canham of Evergreen Drive had presented issues with sediment. She spoke to the Conservation District, which confirmed that it had written nine reports to Messick Construction between 2006 and March of 2013. So far, Messick Construction has not been fined. DEP does have the authority to fine up to \$10,000 per incident. However, each time the Conservation District issues a report, the work is repaired. Ms. Wick stated there may be a permit change in the works that will allow them a little more leeway to fine or issue a legal requirement. Ms. Wick reported that she had also spoken to Doris Messick about the Hockenberry site and was told they had it on their schedule to address last Wednesday. It was too wet, however, so it was put back on the schedule for next Wednesday. Mrs. Messick indicated that they did speak to the Hockenberry's about the intent to address the problem. The issue with the pool in the detention area was also addressed. Mr. Knoche sent a letter to the property owners giving them 30 days to remove the pool. Commissioner Mehaffie inquired if the staff had contacted Mr. Canham to update him on these actions. Ms. Wick stated that she has not, but agreed to compile a memo detailing these findings. She will provide a copy of this to Canham.

TOWNSHIP FEE RESOLUTION UPDATE:

Ms. Wick updated the Board on the status of the Township Fee Resolution update. The process is ongoing, and she and Don Fure, Township Building Code Official, are looking into what other municipalities are doing and refining this information. Solicitor Henninger agreed that some of these numbers are all over the board, so they will need to speak to the municipalities to see how they are justifying them.

ROUTE 230 DRAINAGE PIPE UPDATE:

Ms. Wick also updated the Board on the Route 230 drainage pipe issue. She and Vice President Leonard had attended a meeting yesterday morning with PennDOT. In attendance were both of the developers, the traffic engineer, HRG, and PennDOT's consultant for drainage. There was discussion about the cross pipe at Wood Street. The pipe size was decided on and was approved by PennDOT after review by its consultant. The construction does require a modification to a parallel pipe that is on the south side of Route 230. Since it is in the Borough of Middletown, permission from Middletown will be required. Ms. Wick noted that Middletown is the one that will be responsible to maintain this parallel system. If the Borough gives its okay, the project will continue and everything will be ready to proceed. There is a gas line that needs to be modified on Route 230, and it may need to be changed in both the Wood Street crossing as well as the Lawrence Street crossing. A water line also needs to be moved. With these utility adjustments made, the contractors can continue the entire curb that goes along the KGH property and continue with the right turn lane and all drainage associated with this right turn lane. If the Borough of Middletown does not agree to the modification of the pipe, PennDOT will have to consider the possibility of having the two developers involved put aside an escrow account for that cross pipe to be addressed during future additional work. Commissioner Davies asked who is responsible for making this request to the Borough. Ms. Wick responded that KGH, which is in charge of the HOP and construction of the road, is the responsible party.

Vice President Leonard added that there was discussion about finishing Lawrence Street. There are no issues at all from PennDOT regarding finishing the right turn lane, finishing the curbing, and finishing any part of Lawrence Street. PennDOT is not holding anything up on Lawrence Street. As Ms. Wick stated, UGI does need to adjust its line at Lawrence Street. He stated that he is unsure that any of the developers have approached UGI to apply for that work to

get done. Ms. Wick stated that she believes they have spoken to UGI, but there has been no authorization to go ahead or understanding that someone will pay to relocate the line, which would prompt UGI to apply to PennDOT for the HOP. Vice President Leonard stated that the developer had previously stated that Lawrence Street would be done by May or June of this year. While possible, he does not see that happening. PennDOT has confirmed that the project can be phased, so Lawrence Street can be addressed independent of, but in coordination with, the Wood Street project work. He had hoped the developers would be here tonight to provide a monthly update, as requested. They were not in attendance at the April meeting either. Vice President Leonard noted that the parents that dropped off their students to live in these buildings back in August now get to come back again in May and see that there are no improvements to the road.

President Linn stated the Board needs to be hardnosed with the developers. If they cannot meet their obligations, they should not build. He added that he intends to hold this against them when they approach the Board with other projects.

Commissioner Mehaffie stated that it appears the only hold up now is Wood Street, and nothing really needs to get done on Wood Street to make this work on Lawrence Street happen. He asked if his understanding is correct. Ms. Wick confirmed that it is. Commissioner Mehaffie stated that in this case, he assumes things are moving forward as of yesterday to get this worked out. He inquired how the Township can follow through to make sure things are indeed proceeding forward. Vice President Leonard explained that the next step is for the KGH engineer to approach the Borough of Middletown, and then come back to the Township. Commissioner Mehaffie stated that this is irrelevant at this point, since the contractor can still finish the curbing and right turn lane on Lawrence Street. Vice President Leonard agreed that this work could have been done months ago. However, the next step is for KGH to go to Middletown in order to provide a better picture of the whole scenario. A schedule will then come out, and everyone agreed to meet together again so that there is a full understanding of what will happen, and when. Commissioner Mehaffie stated that he cannot understand why this would hinder them from moving forward now with what they can do. Ms. Wick explained the only issue is if the pipe size at Wood Street impacts the UGI pipe line there. If that is the case, then UGI prefers to do all the work under one HOP, at one time. If the pipe size requires no change there, then everything is a go with Lawrence Street. In response to a question from Solicitor Henninger, Ms. Wick explained that there is a new cross pipe at Lawrence Street in

conflict with the current gas line, so the gas line has to be moved. While UGI is in there, it needs to do all the work for both crossings, provided they are affected by both crossings.

The Board agreed that it would like both developers to be in attendance of the Board's next meeting to provide an update on the progress made with Middletown and UGI. Vice President Leonard stated that he will send a request for them to be in attendance of the May 15 meeting.

Ron Keeney stated that a lot of this was discussed five months ago, and questioned why the developers did not get together with their plans. He stated that the developers have been tap dancing around the Board for months and will continue doing so for the next couple months.

Commissioner Mehaffie asked when the Borough of Middletown had fallen into the scheme of things, as he did not recall the Borough ever being involved. Ms. Wick stated that the Borough became involved when the developer's engineer proposed an alteration to the parallel pipe on the south side of Route 230 to PennDOT, since this is maintained by the Borough of Middletown. She noted that this was just brought to her attention yesterday.

PROPOSAL TO REPLACE RECYCLING CONTAINERS:

Vice President Leonard referenced the final agenda item regarding the possibility of replacement recycling containers to be provided by Penn Waste Disposal. Ed Ward of Penn Waste emailed the Township to ask that discussion on this be deferred until May 15, at which time he will be in attendance to answer questions. Vice President Leonard explained that a larger container is being proposed. Both the current recycling container and a sample of the proposed larger container were shown side by side. Commissioner Mehaffie asked if these containers would be for replacement purposes only, or would all residents be provided new containers at one time. Ms. Arroyo confirmed that all Penn Waste residential customers would be provided the newer containers. Commissioner Mehaffie stated that since these are larger and more cumbersome, a wheeled toter might be more convenient. He asked if the hauler could be asked if this is an option. He noted that these wheeled toters also have attached lids, which would help with the problem of recyclables blowing around on windy days.

COMMISSIONER COMMENTS:

Vice President Leonard requested an executive session immediately upon conclusion of tonight's meeting in order to discuss a personnel issue. He also distributed to the Board a spreadsheet of information from the Wednesday morning staff meetings. As interim liaison, Vice President Leonard meets with staff every Wednesday to discuss Board awareness items, work projects, and issues. He briefly reviewed some of the highlights on the spreadsheet, and explained that he will continue to compile these and provide them to the Board.

Commissioner Davies reported that the Recreation Board had met earlier tonight and had discussed well proposals for Greenfield Park in order to get water to the park for irrigation purposes. Proposals were received from two engineering firms, and the Recreation Board reviewed these and provided feedback and a recommendation. Commissioner Davies asked that acceptance of the proposal be included on an upcoming agenda. Commissioner Mehaffie suggested that Ms. Wick provide copies of both proposals to all Board members for their review and consideration at the next meeting. Solicitor Henninger will also be provided a copy for his review.

Commissioner Mehaffie reported that he was at the recent Municipal Authority meeting, at which time the GIS was discussed at length. Plans are to encompass this with the stormwater mapping. This will prevent the need to have someone go through the Township twice, and for the Township to have to pay twice for the work. The Municipal Authority plans to get pricing to do the GIS of its sewer lines, everything involved with the Authority, and its stormwater. While the need is not immediate, it makes no sense to do it twice; a lot of the work is manpower. The plan is for the Authority and Board to work together and come up with a solution to do this at one time. HRG will come back with some options, and will need direction on how much work the Township wants done. Solicitor Henninger explained that this information can be as comprehensive as the Township wants and can afford, and can include anything from mapping to permits to documentation of complaints and issues. He agreed that, at a minimum, the stormwater should be mapped at the same time. Jeff Sipe, Systems Operator, plans to designate one employee to work with this GIS. Commissioner Mehaffie added that Jeff Sipe has been here 27+ years and has a lot of knowledge about the location of the pipes. Since he plans to retire in a few years, it makes sense to move forward on this as soon as possible. Commissioner Davies reported that he had attended one of the presentations of the Authority, and got the impression

that the depth of data that can be included is variable. He expressed hopes that HRG can advise the Township on what is necessary to satisfy the MS4 requirements. In response to question from Commissioner Davies, Solicitor Henninger explained that the Municipal Authority does have the mapping portion in its budget this year.

Commissioner Davies congratulated the Public Works for their efforts on the fields, which looked great on Opening Day.

Vice President Leonard reminded the Board that any revisions to the spring/summer newsletter should be submitted to Ms. Arroyo by Friday morning.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, a motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:45.

ATTEST: