

MINUTES

LEGISLATIVE MEETING – MAY 16, 2012

LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The May 16, 2012 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Linn.

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
- Brenda K. Wick, Planning & Zoning Director
- Peter R. Henninger, Solicitor
- Jean R. Arroyo, Recording Secretary

Residents and visitors in attendance:

- Bobbie Van Buskirk, John Tierney (Lawrence Street Partners)
- Ron Burkholder (Old Reliance Farms Subdivision)
- Mike Williams (Bryn Gweled Subdivision)
- Ed Davis (Forino)
- Matt Genesio (Campus Heights)
- Ed Ward (Penn Waste)
- Phyllis Zimmerman (Patriot-News)

President Linn welcomed the public to the meeting, and opened the floor for public comments.

PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

A motion was made by Vice President Leonard, seconded by Commissioner Wilt, to approve the Minutes of the April 18, 2012 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the Minutes of the May 2, 2012 Non-Legislative Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Vice President Leonard, to approve the payment of bills as presented on Warrant No. 2012-4. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to approve the Treasurer's Report for April 2012. The motion was unanimously approved.

ENGINEER'S REPORT: None

SOLICITOR'S REPORT: None

MANAGER'S REPORT:

Mr. Krot reported that he and Ms. Wick had recently met with officials from DEP regarding the Old Reliance Farms wetland issues. As a result of the meeting, DEP had asked the Township to take a look at three options. Ms. Wick has submitted a written response to DEP regarding these suggested options. Mr. Krot offered to provide a copy of this letter to any Board member wishing to see it. Vice President Leonard asked for a summary of what DEP is proposing. Ms. Wick explained that DEP had asked the Township to look at three different roadway alignment changes to the intersection of Longview Drive at Strites Road, where Powderhorn Road will go through. All three of these options would create fairly significant safety issues in order to avoid some of the impact to the wetlands that are there. Ms. Wick explained that the letter she submitted to DEP was not in support of any of the three options because they would change the angles of the intersection or else create offset intersections where there is not a safety issue now. Vice President Leonard asked if the intent is to align Powderhorn Road with Strites Road. Ms. Wick confirmed that this is the intent; a four-way, 90

degree intersection has been planned since 2000 when the preliminary plan was submitted.

Mr. Krot also requested permission to be excused from the June 6 workshop meeting in order to attend his daughter's 5th grade promotion.

COMMITTEE REPORTS:

Police Committee – Vice President Leonard – reported that the Police Department's budget is tracking according to plan. Crime is holding steady with no increase. The Police Department participated in training exercises with the District Attorney's office. Vice President Leonard reported that the Fire Department is still working on getting its new engine on the road. Members are being trained on its use, and it is expected to be on-line early to mid-June. The final touches are also being done on the bid specifications for the new Rescue truck. This document will then come back to the Township for review by the Solicitor and Manager.

Public Safety - Commissioner Wilt --- no report.

Public Works – Commissioner Mehaffie – reported that the Public Works Department has been doing crack sealing and working at the parks. The park at Rosedale has been graded, seeded, and strawed, and new fencing is being put around it. The park at Little Hollywood has been seeded and strawed. The Department has also been mowing and street sweeping. Some repair work was done at 15 James Street, as well as storm drain work at Lakeside Drive and Hanover Street. Commissioner Mehaffie reported that the inlet work continues in anticipation of the Shopes Gardens paving project, which will happen shortly.

Budget and Finance – Commissioner Davies – reported cash receipts for the month of April totaled \$902,086.13 and were primarily from real estate taxes. Cash expenditures totaled \$545,656.99 and were mostly from transfers to the payroll account, as well as expenses related to the Meade Avenue project. Investments totaled \$521,620.87 with an average annual yield of 0.5%.

Community and Economic Development – President Linn ---reported that the new student housing projects are developing nicely. He also noted that Sharp Shopper submitted its plans today for a larger store; he is very pleased with what is being proposed. President Linn referenced an email from Mr. Krot regarding an item currently being discussed by the COG. President Linn explained that he had asked Mr. Krot to further research this item concerning participation in a compliance review of Verizon. Mr. Krot explained this was spurred by some

issues with Verizon, including blackouts of certain stations because of contract negotiations, subscribers having their channels cut off, etc. A month or so ago, a technical glitch resulted in several stations being out for about a week. The Capital Region COG, which is comprised of about 40 municipalities, has been discussing these issues and the possibility of having a compliance review of Verizon conducted. COG is proposing to enlist the services of Cohen Law Group, from Pittsburgh, which deals in these sorts of issues. A study would be conducted to look at the customer complaints, ascertain that Verizon is paying the correct amounts, make sure that residents are being billed to the correct municipalities, etc. The COG is asking municipalities if they would like to participate in this study. The charge is based on the population of the municipality. Municipalities which have a population of 5,000 or over, as is the case for Lower Swatara Township, would pay a flat fee of \$3,900.

Mr. Krot explained that Ms. Rittner, Financial Administrator, had pulled some numbers pertaining to the Township's franchise fees. The Township receives about \$130,000 from the franchise fees, and rough \$13,800 of this amount comes from Verizon. It appears that the Verizon subscriptions here in Lower Swatara Township are very low.

President Linn recommended that the Township not participate in this study, since the \$3900 was not budgeted. Vice President Leonard stated that \$13,800 of \$130,000 means Verizon constitutes only about 10% of the Township's franchise fees. He stated that spending \$4000 against the \$13,800 doesn't seem to make a lot sense. A motion was made by Vice President Leonard, seconded by Commissioner Wilt, to decline participation in the compliance review. The motion was unanimously approved. President Linn noted that he will advise the COG of the Board's decision.

UNFINISHED BUSINESS:

Mr. Krot stated that no action is necessary on the first plan under Unfinished Business, the Final Subdivision Plan of Bryn Gweled East (26 lots), located along Lumber Street, immediately south of PA 283, prepared by Dauphin Engineering Co. and submitted by BW Partnership. The plan was recommended for approval by the Planning Commission on May 24, 2007. 90-day time extensions were granted by the Board on July 18, 2007, November 21, 2007, 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, July 21,

2010, November 17, 2010, February 16, 2011, May 18, 2011, August 17, 2011, October 19, 2011, and January 18, 2012. The plan was due to expire on April 18, 2012. A one-year time extension was granted by the Board on April 4, 2012. The plan is due to expire on April 18, 2013.

No action is necessary on the Final Land Development Plan of Residential Retirement Community, Phase 1, located along Fulling Mill Road at the intersection of Nissley Drive, prepared by Navarro & Wright, Inc. and submitted by Fulling Road LLC. 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, and April 18, 2012. The plan is due to expire on July 18, 2012.

Mr. Krot stated that there is a request for a 90-day time extension, as submitted by the developer, on the Final Subdivision Plan of Old Reliance Farms, Section 18-B (9 lots) prepared by Dauphin Engineering, Inc. and submitted by Old Reliance Partnership. The plan was recommended for approval by the Planning Commission on May 27, 2010. A 90-day time extension was granted by the Board on April 21, 2010. A one-year time extension was granted by the Board on July 21, 2010. Additional 90-day time extensions were granted by the Board on July 20, 2011, October 19, 2011, and January 18, 2012. The plan is due to expire on May 21, 2012. A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the request for a 90-day time extension on the Final Subdivision Plan of Old Reliance Farms, Section 18-B (9 lots). The motion was unanimously approved.

Mr. Krot stated that no action is required on the Revised Five Oaks Village (Mobile Home Park) Plans located on Swatara Park Road, prepared by Dauphin Engineering Co. and submitted by Thomas A. Farr on behalf of Shirley J. Farr, owner. The plan was recommended for approval by the Planning Commission on June 23, 2011 with stipulations.

NEW BUSINESS:

Mr. Krot stated the first item under New Business is a request from Penn Waste Disposal, Inc. for an increase of \$0.41 per quarter to the quarterly residential trash/recycling rate effective July 1, 2012 (new quarterly rate would be \$52.66). This request is a result of Harrisburg Incinerator's annual CPI Increase of \$1.73/ton effective June 1, 2012. Mr. Krot noted that Ed Ward, representing Penn Waste, is here to answer any questions regarding this requested increase.

Commissioner Mehaffie stated that when the new trash/recycling contract was signed back in December, the bidding process and tipping fees had been discussed. He added that this is the third year this request has been made since his time on the Board. Commissioner Mehaffie stated that he understands the need for rate increases, but asked why Penn Waste could not anticipate this. He explained that after looking back at his notes, it seems there has been about the same increase requested every year. He asked why this couldn't have been put in the bid, at least for the first year, to absorb this. Commissioner Mehaffie stated that the Township is not even five months into the contract, and Penn Waste is already asking for a rate increase.

Mr. Ward explained that Penn Waste could not anticipate the amount of the rate increase since there is a lot of uncertainty with the Harrisburg Incinerator. He added that this is the only cost item that Penn Waste cannot control. What is being requested is a straight pass-through expense; there is no markup. Mr. Ward stated that if Penn Waste had tried to assume what the rate increases would be, a high assumption would mean the residents would suffer. A low assumption would mean Penn Waste would suffer. This way, it is dollar for dollar. Commissioner Mehaffie stated that he had agreed with the increase over the last two years, but he simply can't support this rate increase, knowing that the Township just walked into a new contract. He noted that he does appreciate the good service of Penn Waste and understands the cost of business, but just cannot support this particular request.

Commissioner Davies asked for some history on the rate increase requests, and asked if it was customary to include estimated tipping fee increases without knowing the actual amount. President Linn stated that historically, the fee increases have been dealt with the same way they are being dealt with this evening. They are not estimated in the contract; the hauler must come before the Board and request the increase. Solicitor Henninger agreed that the last contract and the current contract both state that any changes must be made by mutual agreement of the

Township and hauler. During the contract discussions, Penn Waste had requested a provision be placed in the contract to take into account tipping fee increases so that it would not have to come before the Board and request them. Last year's Board, however, had decided not to include this provision.

Mr. Ward agreed with Commissioner Mehaffie's comments that the last few increases from the Incinerator were consistent in a CPI fashion (2 – 3%). However, the haulers are gunshy about anticipating increases, since past requests included one for \$10 as well as one for \$100 (which was challenged by the haulers and not approved). Commissioner Mehaffie also reminded the Board that Penn Waste came back with a lower bid this contract period than what residents had been paying the year prior. He questioned this, and surmised that if you add up the increases requested over the five years, it is probably the decrease in the rate Penn Waste just gave the Township in the bid. Mr. Ward explained that a lot of factors go into the bid; trash/recycling collection is a very competitive market.

Commissioner Wilt asked if the other haulers who had bid on the Township's contract were also aware of the understanding that they would be required to come before the Board for CPI increases. President Linn confirmed that they were. Commissioner Mehaffie remarked that there must be a mutual agreement between the hauler and the Township for increases.

Commissioner Davies stated that since this has been an established practice, he would move to reluctantly approve the request from Penn Waste Disposal, Inc. for an increase of \$0.41 per quarter to the quarterly residential trash/recycling rate effective July 1, 2012. The motion was seconded by Vice President Leonard. A roll call vote was taken with the following ballot tabulation: Commissioner Wilt – aye, Commissioner Mehaffie – nay, Commissioner Davies – aye, Vice President Leonard – aye, President Linn – aye. The motion was approved by a 4 – 1 margin, with Commissioner Mehaffie dissenting.

A motion was made by Vice President Leonard, seconded by Commissioner Davies, to approve Ordinance No. 542. This ordinance amends Ordinance No. 540, in order to set forth August 2, 2012, as the effective date of the Township's Flood Plain Management Ordinance. 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. Ordinance No. 542 was approved by a 5 – 0 margin.

Mr. Krot stated there are representatives in the audience tonight to expand upon the next agenda item, which is a waiver request submitted by Forino Company for the Lawrence Street Relocation for a waiver from the requirement of SALDO §S22-502.9.A. requiring Minor Street to have a maximum grade of 10%. This request was recommended for approval by the Planning Commission on April 26, 2012. Ed Davis, engineer with Forino Company, explained that as a result of changes to the design, a grade of 11.34% is required, which is still within Penn DOT requirements. In response to a question from Commissioner Mehaffie, Mr. Davies explained that they do not anticipate this grade being a problem for large safety apparatus, fire trucks, etc. Vice President Leonard stated this should actually be an improvement. Mr. Davis agreed. Commissioner Davies noted the possibility of public transit buses using this road someday, and asked if this would pose a problem due to clearance issues. Mr. Davis stated it should not, especially since these buses must accommodate those with disabilities, and therefore have hydraulics incorporated into their design. In response to a question from President Linn, Ms. Wick stated that the staff is recommending this waiver request. A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the waiver request submitted by Forino Company for the Lawrence Street Relocation for a waiver from the requirement of SALDO §22-502.9.A. requiring Minor Street to have a maximum grade of 10% by allowing a maximum grade to 11.34% . The motion was unanimously approved.

The Board acknowledged the retirement of Darlene Stoudt, effective July 31, 2012, as Code Department Administrative Assistant.

Mr. Krot reported that he and Ms. Wick had conducted interviews for the replacement of the Code Department Administrative Assistant, and feel that Ms. Angela Yealy is the best fit for the Township based upon her experience and qualifications. The Board acknowledged the hiring Angela Yealy, effective June 25, 2012, as Code Department Administrative Assistant, at a salary of \$27,500 with benefits consistent with those of the other non-uniformed employees. Mr. Krot added that Ms. Yealy will have some overlap with Ms. Stoudt in order to learn her new role.

Mr. Krot also referenced a letter from Robert L. Furlong, Fire Chief of Lower Swatara Fire Department, advising the Board of his retirement from this position effective June 4, 2012. The Board acknowledged Mr. Furlong's retirement as Chief effective June 4, 2012. Vice President Leonard stated that this position is volunteer, and added Chief Furlong has done a great job during his years as Chief. During this time, the Fire Department has moved into its new building,

purchased new apparatus, started a live-in program, etc. Vice President Leonard suggested the Board write a thank-you letter to Chief Furlong for his service. Commissioner Mehaffie questioned whether a citation would be appropriate. Vice President Leonard agreed that would be an excellent idea. Mr. Krot was directed to take care of this. Commissioner Mehaffie also inquired who would fill this vacancy. Vice President Leonard explained that there are two existing assistant chiefs. It will be up to the Fire Department whether to have filled this position on an interim basis or hold a voting process in January and go through normal voting. He surmised that the Fire Department will most likely go through the election process to fill this position. He agreed to keep the Board posted.

Mr. Krot referenced a request from a resident asking to park a “Game Truck” (a video truck containing televisions and game systems) at Memorial Field for use for her son’s birthday party. Contact was made with Solicitor Henninger, the Township’s insurance carrier, and Mr. Anderson to discuss this. Permission will be granted with the understanding that the Game Trucks issues a certificate of insurance naming the Township second insured, and also with the understanding that the truck is parked on the pavement.

ADJOURN:

With no further business to discuss, a motion was made by Vice President Leonard, seconded by Commissioner Davies, to adjourn the Legislative Meeting. The motion was unanimously approved, and the meeting adjourned at 7:38 P.M.

ATTEST:

Harry N. Krot
Township Manager