

MINUTES

LEGISLATIVE MEETING – AUGUST 20, 2014

The August 20, 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 then taken.

The following officials were in attendance:

- Thomas L. Mehaffie III, President
- Jon G. Wilt, Vice President
- Laddie J. Springer, Secretary
- Michael J. Davies, Commissioner
- Samuel D. Monticello, Manager
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, Engineer
- Jean R. Arroyo, Recording Secretary

Absent:

- Dominic D. DiFrancesco II, Commissioner
- Robert S. Greene, Planning and Zoning Coordinator

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 Vice President Wilt, seconded by Commissioner Davies, to approve the Minutes of the July 16, 2014 Legislative Meeting. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve the Minutes of the August 6, 2014 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Commissioner Springer, to approve the payment of bills as presented on Warrant No. 2014-7. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve the Treasurer's Report for July 2014. The motion was unanimously approved.

ENGINEER'S REPORT:

Erin Letavic, HRG, reported that the Greenfield Park Well Irrigation Project has been advertised with the intent to award to occur on October 1, 2014. An update was provided on the Richardson Road Bridge funding. A Local Share Municipal Grant (Gaming Grant) application will be sent to Dauphin County by September 2, 2014. A requirement of the submission is to approve a resolution and provide a non-contingency certification; these two items are on tonight's agenda for formal action. Also on tonight's agenda is a resolution of this Board in regards to the Stoner/Post Run Flood Mitigation – SARAA Airport Drainage, Phase 2, HIA.

Ms. Letavic provided the Board with the proposed schedule for the Riverview Drive Drainage Project. Final completion of this project is anticipated by December 31 of this year. The Route 230 Highway Occupancy Permit (HOP) relative to Campus Heights I/Nittany Village was referenced. An update on the construction schedule has been requested of Matt Genesio of KGH. KGH will work with the Township staff to execute an administrative extension of the HOP.

The Fire Chief has expressed interest in obtaining the stormwater GIS data for inclusion in the Fire Department's diligence regarding hazardous spills, firefighting runoff, etc. HRG's GIS department is looking into the ability to share live versus static data. Once technical logistics are determined, a motion by the Commissioners and Authority may be necessary to acknowledge the data sharing and any conditions of the use of the data. President Mehaffie agreed that this should also be discussed with the Municipal Authority Board members and its staff, since security is a big issue. Ms. Letavic added that one concept discussed was doing a download of the static data to share with the Fire Department. This would not require the Fire

Department to log into the system. The downside is that the data provided would not be constantly updated.

Ms. Letavic noted that the Board had, upon the recommendation of Police Chief Brandt, requested a proposal for a weight limit study on North Union Street from Fulling Mill Road south to Oberlin Road. A proposal will be presented at the September workshop meeting for consideration.

HRG has proceeded with updating the zoning map. During the process, it was discovered that the County's data is not accurate with the current Township zoning map. A question regarding a municipal boundary change related to Librandi's Machine Shop on Airport Drive has arisen. HRG is working with the Solicitor on a resolution to the boundary issue so that the new map will be accurate, and the County GIS database can be appropriately updated. Solicitor Henninger explained that there seems to be discrepancy between the maps of Lower Swatara Township and the Middletown Borough around the area of Librandi's Machine Shop, which is located on the Airport property and is leased from the Airport. Middletown Borough shows this property to be in Lower Swatara Township, and Lower Swatara Township shows it to be in Middletown Borough. It was noted that the tax parcel number, taxes, electric services, etc. all come from the Borough of Middletown. Solicitor Henninger stated that it has always been his understanding that the property is in the Borough. President Mehaffie suggested contact be made with Tom or Todd Librandi to see if they can shed any light on this issue.

SOLICITOR'S REPORT:

Solicitor Henninger stated that he will discuss pertinent items as they appear on the agenda.

MANAGER'S REPORT:

Mr. Monticello reported that he had sent the Board members an email last week regarding a Community Meeting of the Hillwood Investment Properties on August 26 at Harmony Hall. They are asking for a headcount of the public officials who plan to attend. President Mehaffie, Vice President Wilt, Commissioner Davies, and Commissioner Springer all stated that they plan to be in attendance.

Mr. Monticello requested an executive session immediately upon conclusion of this evening's meeting in order to discuss two contractual matters.

COMMITTEE REPORTS:

Police Committee – Vice President Wilt – reported that the Police Department recently applied for a Community Drug Abuse Prevention Grant. Through the Pennsylvania Attorney General's Office, the Township has been approved for a grant for two portable breath testers. There will be no cost to the Township. Vice President Wilt explained that these are commonly used in field testing to determine if an arrest should be made for alcohol offenses. President Mehaffie asked if Chief Brandt had any indication from District Attorney Marsico when the requirement to use blood testing would end. He stated that the blood testing is becoming very costly to the Township. Chief Brandt responded that District Attorney Marsico had expressed confidence that the blood testing requirement for Dauphin County would end by 2014. The change, however, must go through the court system. Chief Brandt added that the Township does get reimbursed for a portion of the costs of the blood tests at some point in the process. He added that the blood testing for drugs is even more expensive, and is a factor that just cannot be controlled. President Mehaffie suggested it might be beneficial to send a letter to District Attorney Marsico with the breakdown of what the Township is paying for blood testing versus the savings that would be realized through using breathalyzers. Chief Brandt noted that Attorney Marsico is well aware of the expenses involved but must await the court decision. President Mehaffie asked Chief Brandt to keep the Board abreast of this issue.

Public Safety – Commissioner Springer – reported that the HIA Open House will be held this Saturday from 9:00 A.M. to 2:00 P.M. He noted that he had attended this event last year, and highly recommends it for the entire family. Opening Day of Soccer will also be held this Saturday at Greenfield Park, with the ceremony beginning at 11:15 A.M.

Budget and Finance – Commissioner Davies – no report

Public Works – President Mehaffie – reported that the Public Works Department has been busy with mowing and preparing the soccer fields. He noted that he had attended Penn State Harrisburg's dedication of its new EAB (Educational Activities Building) today. He remarked that it is a beautiful building.

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. The plan is due to expire on October 10, 2014.

The Board tabled the Revised Land Development Plan for KGH Properties – Campus Heights Village Wood Street Access, prepared by Forino, Inc. and submitted by Campus Heights Associates I, LP. The initial Plan submittal was due to expire on December 26, 2012. A 90-day extension was approved by the Township on December 19, 2012. Additional 90-day time extensions were approved by the Township on March 20, 2013, June 19, 2013, September 18, 2013, December 18, 2013, March 19, 2014, and June 18, 2014. The plan will expire on September 17, 2014. This plan remains tabled by the Planning Commission.

A motion was made by Commissioner Davies, seconded by Commissioner Springer, to grant a 90-day time extension, as requested by the developer, on 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 and May 21, 2014. The plan is due to expire on August 22, 2014. The plan remains tabled by the Planning Commission. Upon acceptance of the 90-day time extension, the plan will expire on November 18, 2014. 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 plan is due to expire on October 20, 2014.

NEW BUSINESS:

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the Bill of Sale between the Township of Lower Swatara and the Lower Swatara Township Volunteer Firemen's Relief Association for the transfer of ownership of radio equipment. Commissioner Davies asked if this transfer would impact the equipment warranties. Solicitor Henninger explained that the warranties will travel with the radios. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve the Communications Proposal from Motorola Solutions for the purchase of radio equipment in the amount of \$23,273.60. President Mehaffie noted that the purchase of these twelve radios will allow the Public Works Department to communicate with the Police Department, EMS, County, and other municipal entities. Commissioner Springer inquired what would necessitate having twelve spare batteries on hand. Chief Brandt explained that due to the advanced technology of the radios, which are much like mini-computers, the batteries only last about eight hours. This could pose a problem during double shifts or long-term emergencies. Solicitor Henninger added that the recharge time on these is significant. He also informed the Board that this is a COSTARS purchase through state contract, and therefore was not required to be bid. The motion was unanimously approved.

A motion was made by Commissioner Springer, seconded by Vice President Wilt, to approve Resolution No. 2014-R-9 and a Certification of Non-Contingency authorizing the filing

of an application for a Local Share Municipal Grant Request for \$200,000 to be used for the Richardson Road Bridge Replacement Dauphin County Infrastructure Bank loan debt service. Commissioner Davies asked the meaning of “non contingency” in this context. Solicitor Henninger explained that this basically means there is no compensation contingent on this application or process. The motion was unanimously approved.

The Board addressed draft Resolution No. 2014-R-11, which would memorialize the partnership between SARAA, Lower Swatara Township, and Highspire Borough pertaining to Stoner/Post Run flood mitigation. Solicitor Henninger noted that he had reviewed the resolution and had provided the Board with an email suggesting the addition of three words. In paragraph 2, he suggested adding "if, how," prior to “when and why”. He explained that as currently written, it presupposes that the Stoner Run hydraulic connection was blocked in some way as to redirect to the airport. The Township does not agree with that assumption. In paragraph 4, he suggested adding "additional" before “open space.” A motion was made by Commissioner Springer, seconded by Vice President Wilt, to approve Resolution No. 2014-R-11 with the aforesaid changes. Commissioner Davies asked if this resolution binds the Township in any way to the findings of the study that HIA had performed by Urban Engineers. Ms. Letavic stated that it does not. It acknowledges the studies of both HRG and Urban Engineers, and memorializes the partnership between the Township and the Airport. The motion was unanimously approved.

The Board acknowledged the resignation of Brandt Coyne effective August 15, 2014. President Mehaffie thanked Mr. Coyne for his hard work with the Municipal Authority and wished him good luck in his future endeavors.

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve the appointment of Darlene Stoudt to the Community Policing Advisory Committee. Ms. Stoudt will fill the unexpired term of Fred Wahl (term of office to expire December 31, 2014). The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve Improvement Guarantee Reduction #1, in the amount of \$2,101,517.00, for site improvements to FedEx Ground East. This reduction from the current balance of \$2,722,079.80 will leave a remaining balance of \$620,562.80. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve Improvement Guarantee Reduction #1, in the amount of \$94,635.06, for site improvements to Penn State EAB Renovations & Addition. This reduction from the current balance of \$116,662.56 will leave a remaining balance of \$22,027.50. The motion was unanimously approved.

A motion was made by Commissioner Springer, seconded by Commissioner Davies, to approve the Security Agreement and Irrevocable Letter of Credit #50-00014016 from Peoples Bank, in the amount of \$310,610.96, for site improvements to Capital Valley Business Park Site "C". The motion was unanimously approved.

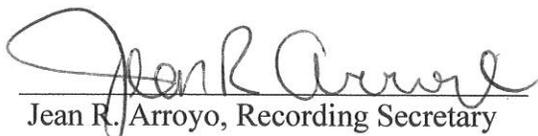
A motion was made by Commissioner Davies, seconded by Commissioner Springer, to approve Improvement Guarantee Reduction #2, in the amount of \$50,298.81, for improvements associated with the relocation to the Lawrence Street portion of Campus Heights Village II project, which holds a maintenance guarantee, in the amount of 15% of the original amount reduction, leaving a remaining balance of \$35,957.44 for a period of 18 months upon acceptance of Lawrence Street by the Township. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Davies, to approve Improvement Guarantee Reduction #2, in the amount of \$275,027.12, for site improvements to Campus Heights Village II, which holds a maintenance guarantee, in the amount of 15% of the original amount reduction, leaving a remaining balance of \$91,295.99 for a period of 18 months. The motion was unanimously approved. Matt Genesio and Tim Sipe offered the Board a tour of the facilities this Tuesday, from 9:00 A.M. to 11:00 A.M. President Mehaffie thanked them for the invitation, and also expressed his appreciation for the work on Gina Lane.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, a motion was made by Vice President Wilt, seconded by Commissioner Davies, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:41 P.M.

ATTEST:


Jean R. Arroyo, Recording Secretary

