

MINUTES

NOVEMBER 5, 2014 WORKSHOP MEETING

LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The November 5, 2014 Workshop 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 noted that the Board just adjourned from its Special Budget Meeting, so it would forego the pledge of allegiance and roll call.

The following officials were in attendance:

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

Residents and visitors in attendance:

PLEASE SEE ATTACHED SIGN-IN SHEET

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

PUBLIC COMMENTS:

Spencer Bevins, Hickory Lane, commented on this evening's Special Budget Meeting. He noted that he had sat through many budget meetings, and very rarely saw a balanced budget presented. He congratulated the Board on the good job in preparing this document. President Mehaffie thanked Mr. Bevins, and also the staff for doing an excellent job in preparing this draft budget which will keep the Township moving ahead as a first-class municipality.

PRESENTATION BY CAMPUS HEIGHTS TO THE FIRE DEPT. AND POLICE DEPT.

Tim Sipe, Campus Heights, presented a check in the amount of \$2500 to both the Lower Swatara Police Department and the Lower Swatara Volunteer Fire Department. He remarked that Campus Heights, which owns student housing facilities in the Township, would like to make this donation on an annual basis as a small token of appreciation for the services both entities provide them. The Board thanked Mr. Sipe and Campus Heights for their generosity.

DEPARTMENT REPORTS:

Police Department – Chief Brandt –referenced the monthly report, and noted that there has been an issue again with thefts, including thefts from unlocked vehicles. In fact, two handguns were stolen from vehicles. Chief Brandt stated that in every one of the recent thefts from vehicles, the doors had been left unlocked. He urged citizens to always keep their vehicles locked. Commissioner DiFrancesco asked if there is a liability to a gun owner that keeps a gun in an unlocked vehicle. Chief Brandt agreed that there could be if the gun would be used in a crime. Commissioner DiFrancesco asked if the perpetrators are usually locals. Chief Brandt confirmed that the last arrests were individuals from the local area. Chief Brandt referenced previous discussion about the possibility of PennDOT making road improvements to the part of Route 230 that narrows down to one lane near Avis Rent-A-Car. PennDOT has set up a meeting on November 24 with Representative Payne, the owner of Avis, and Township staff to further discuss what can be done. Chief Brandt also reported that the Lower Swatara Township Community Policing Advisory Committee along with the Lower Swatara Township Police Department will be presenting the PA Attorney General’s Office “Senior Crime Prevention University” here at the Township Building on November 18 at 6:30 P.M. This program will cover topics that will make senior citizens aware of the threat of fraud and scams used against the elder community.

Fire Department – Chief DeHart -- informed the Board that as a result of contributions from its assistance with the forestry functions, the Fire Department was able to purchase new uniforms. Commissioner Davies stated that the new uniforms look great. Call statistics for the month were reviewed. There were 48 calls in October, with a year-to-date total of 477 calls. The old 1975 Mack rescue truck has been put out of service for good. The new Ferrara rescue is being mounted with the equipment from the old rescue and should be done in about 3 weeks. The new

special unit, a Ford 550, has been ordered with delivery in about 15 weeks. Solicitor Henninger noted that a simple letter agreement will be prepared in regards to the Fire Department being responsible for payment of any amount over the grant award. The boat specs have been sent out for bid. The pre-bid conference for the purchase of the boat was held Monday; no vendors were in attendance. Chief DeHart also reported that the Fire Department's fund drive will be in mailboxes soon. The Fire Department's budget should be finished by mid December.

Commissioner Davies and Commissioner DiFrancesco agreed to again serve as part of the Township's review committee. President Mehaffie requested that the Fire Department also provide a copy of the draft budget to Mr. Monticello for distribution to the entire Board.

Public Works Department – Daniel Wagner –reported that the updated school sign on Lumber Street is up. As recently requested by a concerned resident, the Department did look at the tree on Stoner Drive. Two quotes were obtained, and the tree should be down in a week or two. The water pump went out on one of the leaf vacuums today. Hopefully it will be fixed this week. In addition, the backhoe will be out of service for at least a week for major repairs. Mr. Wagner noted that he had spoken to Todd Webb at Swatara Township about assisting if there is an emergency need for a backhoe during this period. Mr. Wagner updated the Board on projects currently being worked on, which include bagging leaves at the parks, leaf collection, winterizing buildings and equipment, painting speed lines for the Police Department, televising storm pipes and inlets for 2015 paving projects, splitting the Tiger mower to put in a new clutch, and restoration of several big truck beds. Mr. Wagner reported that he had met with PennDOT in regards to the winter maintenance agreement, and also met with COG regarding the MS4 permit. Two employees attended training on PA One calls. Cameras were installed on the two leaf trucks and are helping with visibility. President Mehaffie thanked Commissioner Davies for making this recommendation. The dumpster will be open again on December 6, from 8:00 A.M. to Noon. Mr. Wagner asked to address the Board on the MS4 Program. He reported that he had recently attended a meeting at Lemoyne Borough regarding the MS4 permit and where the process is going. He noted that with Ms. Letavic's input, he would like to stress the importance of the permit and what it means not only to the Public Works Department, but to all Township departments. He stated that he feels it will take a different mindset when it comes to putting the budget together in the near future due to these requirements, which include significant documentation. Ms. Letavic stated that she is happy to see that the Township has

made a commitment to the MS4 program already, as evidenced in the 2015 draft budget. She agreed with Mr. Wagner that fundamental changes will need to happen in order to achieve regulatory compliance. She added that the fact of the matter is that the Township cannot hire an engineer to do this. It comes down to every single staff member having enough awareness of the program requirements to document things when it is incumbent to do so. Ms. Letavic noted that as a result of the meeting referenced, the staff feels it is a good idea to sit down and do a less intense mock audit, particularly with the Public Work Department and Planning Department so that specific procedures can be put in place or tweaked. Mr. Wagner added that it is also very important that the residents be educated about this, and the impact of such simple things as blowing grass out onto the streets. He reported that on December 3, another meeting will be held regarding how to prepare for an MS4 audit. He will attend, along with Mr. Monticello. Ms. Letavic added that she will also be in attendance of this CAP COG event. President Mehaffie asked Ms. Letavic to explain the MS4 program to those in the audience. Ms. Letavic explained that Municipal Separate Storm Sewer Systems, commonly known as MS4, is a program that was put together by the US EPA and then issued down to the state level in terms of permits which then go down to the municipal level, since it is a municipal storm sewer permit. It is through the NPDES program, and the current initiative is to meet the Chesapeake Bay Pollution Reduction Goals, or TDML's (total daily maximum loads). The big federal issue is that the Chesapeake Bay is not meeting its goals. Any state that drains to the Bay is part of the problem or part of the solution. Stormwater is becoming the next regulatory focus. Commissioner DiFrancesco asked if the Township is on record opposing the more onerous provisions of these requirements. Solicitor Henninger explained that it is through its involvement with the Pennsylvania State Association of Township Commissioners (PSATC), which is on the frontline of opposing the unfunded mandates that eventually fall back on the taxpayers. Ms. Letavic referenced a copy of an email she had provided to the Board regarding its request to have representation on the committee that will be formed to provide feedback on the new initiatives under the Chesapeake Bay Plan agreement. The Township will be added to the list of those interested. Mr. Wagner added that changes will include the disposal of the cleanings from street sweeping, which will need to be done in a manner that the Department is not used to. With the addition of the extra MS4 requirements, even paving will be a challenge this year. Solicitor Henninger agreed that salting and cindering will also be impacted by the MS4 requirements. He stated that it is

important to get ahead of the program requirements, so as not to get into a position like some other municipalities which have been fined significantly. Commissioner DiFrancesco stressed the importance of making sure the Township is tracking and documenting its cost, so that this information can be shared with the appropriate officials when the time comes. Solicitor Henninger agreed, and added that in the future, the Township may need to look into some type of independent funding source, which will make this easier to track. Commissioner Davies asked if the Township has a vacuum system for the stormwater drainage basins. Mr. Wagner stated that the Department uses a street sweeper; if it is really deep, an employee is sent down to clean it out manually. Ms. Letavic noted that there are companies that can be contracted to do this for problem areas. Mr. Wagner added that there inserts that can be purchased for storm drains. The inserts catch the oils, but the cost is about \$1800 - \$2,000 each. President Mehaffie stated that with about 2600 storm drains, the cost would be outrageous. Ms. Letavic explained that they would only be put in certain hot spot locations, not every location. She added, however, that they are high maintenance and can clog.

Planning and Zoning Report – Robert Greene – referenced the monthly permit and inspection reports and asked if the format provided was suitable for the Board. The Board agreed that the reports provided are fine. Mr. Greene reported that the Planning Commission took action on October 23 to table the Preliminary/Final Land Development Plan for Penn State University, Student Enrichment Center project located at 777 W. Harrisburg Pike. The plan will probably not be back until the December agenda. There will be an application coming in for a special exception that will need to come to the Planning Commission for a recommendation and then go before the Zoning Hearing Board. There were no applications submitted and no hearings held by the Zoning Hearing Board in October. Mr. Greene reported that he, Mr. Monticello, and Mr. Fure met again with David Sizer from 3rd Element Consulting Group to further review needs to create a Document Management System Program. Options were discussed for selecting a vendor to scan the files and to decide on what software program to consider purchasing. A proposal from 3rd ECG was executed which includes the layout of goals, establishing the scope of services, assisting in selecting a scanning service vendor and help on deciding what software system is best suited for digitizing the Township's records. Mr. Greene reported that he, along with Ms. Letavic and Mr. Fure, attended a meeting on-site at FedEx Ground with Rich Snyder, DCCD, Eyre Price and Bill Lynch from Liberty Excavating and representatives from FedEx

Ground to discuss storm water management issues and the remediation process of numerous sinkholes that have developed in their storm water retention area. Mr. Greene provided a status report on the Comprehensive Plan update. RFP's have been sent out to a number of engineering companies with November 14 as the deadline date for receiving the proposals. He and Mr. Monticello had the opportunity to meet with a few of the firm's representatives to go over the Township's outline of services and discuss various issues. After receiving the proposals, they will be reviewed and the recommendation presented to the Board of Commissioners for approval. Mr. Greene noted that he, Mr. Fure, and Mr. Knoche attended the two and a half day PennBOC Annual Conference October 29-31, at the Holiday Inn, Grantville. The conference provided the opportunity to attend a variety of code training seminars and workshops giving each of the staff needed credit hours for code recertification. Capital Valley Business Park, Building (C) Final LD Plan File #2014-01 ground breaking has begun for the construction of a new building on Kreider Drive. Staff recently attended a one hour webinar on a revision of the International Residential Code (IRC) requiring fire protection of floors in single family homes in place of fire sprinkler system. This is a new product by Weyerhaeuser, Truss Joist, which gives an outer membrane protection "Flak Jacket" fire protection for pre-engineered truss joist (TJI's). Recording of the plan for the Sheetz Store, Final LD Plan File #2012-06, is expected soon, along with the issuance of the building permit. Construction is scheduled to begin in February 2015. Mr. Greene updated the Board on the Mini-Cell Towers/Zoning Ordinance issue. He and Mr. Monticello had a conference call meeting with Dan Cohen and Natausha Horton from the Cohen Law Group to discuss the current zoning ordinance regarding regulations and permitting of the new Mini-Cell Tower industry. Mr. Cohen will submit a proposal for cost of services that will include outlining the updated revisions to the current zoning ordinance. Mr. Fure and Mr. Greene recently attended a meeting with SARA at the HIA. The presentation included an overview of the former and new terminal, marketing campaign and redevelopment efforts for the airside access sites and a site tour of the former terminal site and control tower.

MANAGER'S REPORT:

Mr. Monticello reported that both the Township's pension plans need amended in order to be in compliance with recent changes in current laws. He asked for Board authorization to prepare and advertise the proposed ordinances to do so. Solicitor Henninger elaborated that this

is 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”. Commissioner Davies stated that he would reluctantly make the motion to approve authorization to prepare and advertise an ordinance amending the Police Pension Plan and an ordinance amending the Non-Uniformed Pension Plan. He stated that it is unfortunate that the Township has to change contract language for circumstances like this. The motion was seconded by Vice President Wilt, and unanimously approved.

ENGINEER’S REPORT:

Ms. Letavic reported that there is one item for formal action tonight, which is to approve execution of the contract for the Riverview Drive project. A motion was made by Vice President Wilt, seconded by Commissioner DiFrancesco, to approve execution of an “Agreement Between Owner (Lower Swatara Township) and Contractor (BP Paterson)” for the Riverview Drive Sewer and Drainage Improvements Project. The motion was unanimously approved. In response to a question by President Mehaffie, Ms. Letavic stated that final completion is estimated by May 1, 2015.

Ms. Letavic reviewed the proposed schedule for the Greenfield Park well project. The intent was to mobilize next week, although confirmation was not yet received. She will keep the Board and staff updated on this. The previously discussed changes to the Zoning Map were referenced. The Middletown Borough Solicitor is determining boundary corrections between the Borough and the Township for concurrence with Township staff prior to proposing the changes to the County. The County GIS department will be making the changes in its database. The Township zoning map will be updated upon County database update. Ms. Letavic noted that contact has been made with PADEP regarding the Township’s desire to offer municipal input in the new Chesapeake Bay initiatives.

Ms. Letavic reminded the Board that with respect to the student housing projects and the relocation of Lawrence Street, there was a turning lane added to Route 230. There were some issues with the installation of a couple of stormwater inlets in that area. They were not installed properly, so the Township was not comfortable with accepting them. The contractor has redone the work as of last week. HRG is comfortable with what was corrected, but would also like the staff to concur before PennDOT is requested to close out the HOP.

At previous meetings, the Board had been discussing the possibility of truck restriction studies. Ms. Letavic distributed to the Board a letter proposal from HRG. Since a study on North Union Street will necessitate taking pavement corings, a list of other areas that might benefit from truck restrictions was also compiled by Chief Brandt. Ms. Letavic noted that she is not asking for any decisions tonight, but would like the Board to review this for future consideration.

SOLICITOR'S REPORT:

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve a Standstill Agreement between the Susquehanna Area Regional Airport Authority (SARAA), Lower Swatara Township, and the Municipal Authority of Lower Swatara Township. This will allow the Sheetz project to move forward and is in accordance with a verbal agreement previously agreed upon by the parties involved. The motion was approved by a 4 – 0 margin with Commissioner DiFrancesco abstaining since he is also a member of the SARAA Board.

Solicitor Henninger reported that on September 24, the Governor signed Act 135 of 2014 which basically amends the municipal planning code. Under the subdivision and land development category, developers are required to dedicate land for public recreation. However, they also have the option of putting forth a fee in lieu of dedicating land. The funds collected, however, could only be used to purchase land for recreation or to purchase actual capital pieces of recreational equipment. Funds could not be used for maintenance or operating expenses. This act was recently amended to allow the funds to also be used for operating and maintaining these recreation areas. The act goes into effect on November 23 and also opens up the funds to be used Township wide. Under the old act, the interpretation was that funds should be used at recreation facilities close to the development. Solicitor Henninger stated that this new act is very beneficial to first class townships. He congratulated the Pennsylvania State Association of Township Commissioners, and particularly former President Russ Noll, for spearheading these changes. Ms. Letavic asked if this legislation is retroactive. Solicitor Henninger replied that it is not. It will go into effect on November 23, so only future funds can be utilized this way.

Solicitor Henninger informed the Board that the Municipal Authority, at its last meeting, had approved its participation in the Riverview Drive contract. He also noted that there is no sewer rate increase in the Authority's 2015 budget.

FINAL COMMENTS:

Ms. Letavic congratulated the Township on the grant for improvements to the parks, and stated that she is proud to be a part of this.

Commissioner DiFrancesco commended those in attendance who stood at the polls on Election Day to educate the voters on the potential warehouse project. He stated that this was a major commitment on their part, and thanked them for engaging the public on this issue in a positive way. Vice President Wilt agreed, and stated that this type of input is what helps the Board make good, sound decisions.

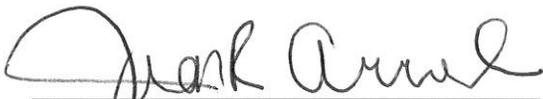
President Mehaffie requested a brief executive session immediately upon conclusion of the meeting in order to discuss personnel matters. He also referenced tonight's discussion on the MS4, and stated that this will be a priority topic for the PSATC.

President Mehaffie asked to address a few of the questions that were posed to him at the polls. First, he asked Mr. Greene when the Powderhorn Road connection would be complete. Mr. Greene noted that he cannot answer this. Mr. Wagner anticipated that something should be done by the end of the month, weather permitting. In response to a question from President Mehaffie, Mr. Wagner confirmed that the line painting is scheduled to be completed prior to the end of the month. President Mehaffie stated that the reoccurring concern he heard was speeding trucks on Route 441. Chief Brandt agreed that this will continue to be monitored.

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 8:10 P.M.

ATTEST:



Jean R. Arroyo, Recording Secretary

