

MINUTES

MAY 7, 2014 WORKSHOP MEETING

LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The May 7, 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 called for the pledge of allegiance followed by a moment of silence.

Roll call was taken with the following officials 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 Monticello, Township Manager
- Peter R. Henninger, Solicitor
- Richard D. Brandt, Police Chief
- Robert S. Greene, Planning and Zoning Coordinator
- Jeffrey D. Sipe, Acting Public Works Director
- 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 recognized Mark Moyer, a Derry Township Supervisor. He then opened the floor for public comment.

PUBLIC COMMENTS:

John Fernback, 1831 Blacklatch Lane, stated that when the sewer line was put through his development last fall, it came through his property. Unfortunately, the seeding was done late and very little of the grass germinated. The contractor came back later and put more down, but none of that germinated. This is resulting in gullies and stone wash-out. Mr. Fernback asked if they could come back out and do some landscaping. President Mehaffie asked Mr. Sipe, who also worked on this project, the status. Mr. Sipe explained that as a result of other complaints, a

letter was sent to the contractor. It is anticipated that the contractor will be back within the next few weeks to correct this situation. Solicitor Henninger added that at the Municipal Authority's recent meeting, there were concerns expressed by residents about the need for the contractor to return and address the landscaping issues. There is an 18-month maintenance bond in the contract, so the contractor will have to come back as many times as necessary to make it right. Mr. Fernback also noted that while Farmhouse Lane and some other roads in Old Reliance were resurfaced several years ago, Blacklatch Lane was not. He asked if there are any plans to resurface this road, which is the worst street in the development and is basically a series of six patches. Daniel Wagner, Road Foreman, stated that this road is on schedule to be addressed in about two years.

PRESENTATION BY PENN STATE HARRISBURG:

Dr. Donald Holtzman, Senior Director of Student Services and Special Projects, gave a PowerPoint presentation on the growth of Penn State Harrisburg and plans for the Student Enrichment Center. The presentation also showed the history and growth over the years and touched on academics, athletics, and economic impacts. The campus opened its doors in October 1966 with 8 faculty members and 18 students. Things have changed, and Penn State Harrisburg now graduates over 700 students, with the majority being full time students. The campus has a real economic impact in the area. A study published by an outside agency back in 2008 showed that the students put about 20 million dollars a year into the economy. When the faculty, staff and visitors were added, that number increased to 51 million.

Dr. Holtzman then reviewed both the strategic and master plans for the campus. Several projects were highlighted, including the freshmen housing, a fitness center, the new road to keep the truck traffic out of the campus, biotechnology initiatives, and the Educational Activities Building (EAB) addition which is under construction now. In addition, the Student Enrichment Center is planned to be done by the fall of 2016. While there are no formal plans, other projects that are envisioned include renovations to the Swatara Building, installation of pathways throughout the campus, additional athletic fields, and a new campus entrance which may include a new Amtrak Station pedestrian bridge. Dr. Holtzman explained they are also exploring a total Route 230 corridor concept which would extend the ADA accessible walkway from the train station down to the Sheetz in order to give a consistent appearance to the entire area.

Commissioner DiFrancesco stated that it is amazing to see what the campus has been able to accomplish and what its presence means to the region. It is impressive that Penn State has invested so much and has grown that campus into its second largest campus in such a short amount of time. He stated that he is proud to have Penn State Harrisburg in the Township, and loves working with the people there, as they always do a first class job. From an economic development standpoint, this means so much to the entire region. Commissioner DiFrancesco thanked Penn State for its efforts, and stated he looks forward to a continued partnership with them.

President Mehaffie thanked Dr. Holtzman for taking the time to provide this presentation to the Board and visitors.

PRESENTATION ON VARIANCE REQUEST FOR FEDEX GROUND:

Betsy Davison, H. Edward Black & Associates, explained that her firm prepared the land development plans for the FedEx Ground site which is under construction along Fulling Mill Road. She is here to brief the Board on an application to the Zoning Hearing Board for a sound barrier on this site. This is being done to address concerns expressed last fall by individuals living on the other side of the creek regarding the noise from these ongoing construction activities. Scannell Properties, developer of the site, and FedEx decided to have a sound study done of both current construction conditions and how that may change during operation. The recommendation that came back was for the installation of a sound wall. The wall will be 1300' long and 12' feet high, with the possibility of a maximum future height of 24'. This is permitted under ordinance. However, the sound barrier wall will be extending into the rear yard setback approximately 35'. This is what will require the variance, and is the purpose of the May 28 zoning hearing. In response to a question from Commissioner Davies, Ms. Davison agreed that besides the Church property, which has been sold, the nearest residential property to the side of the property proposed for the sound walls is several hundred yards across the creek.

Mark Moyer stated that he is a resident of that community across the creek – Stone Creek – and also a Derry Township Supervisor. He expressed his sincere appreciation to everyone involved in this sound barrier project, and stated that it will be a tremendous benefit in reducing the sound that has emitted from that property at night, on weekends, with tractor trailers backing up, etc. He noted that the noise is significant most times. The Derry Township Board of

Supervisors and the members of the Stone Creek community are immensely appreciative of the Township's attention to this issue and beseech a favorable ruling on this variance request.

DEPARTMENT REPORTS:

Fire Department – Chief DeHart – reported that there were 44 calls in April, with a total of 197 so far this year. Upcoming fundraisers include a Pork Dinner on May 18 and a Breakfast on May 25. The new rescue is still being prepared for service, which is expected to occur by mid-June. In addition, some warranty work will need to be done on the engine. An EVOC training class was held last month, and was attended by 23 individuals. Chief DeHart requested a brief executive session with the Board in order to discuss personnel matters. Commissioner DiFrancesco recalled that two Commissioners were asked to meet with the Fire Department to review its budget. He asked if this should be scheduled. Commissioner DiFrancesco and Commissioner Davies agreed to serve as the Commissioner representatives and will coordinate a meeting date with Chief DeHart. Vice President Wilt noted that he had not received a Fire Department report in his packet. Chief DeHart explained that there was no report provided, as it was just completed. President Mehaffie asked that, if possible, Chief DeHart email the monthly reports to Ms. Arroyo for distribution to the Board.

Police Department – Chief Brandt – referenced the monthly report, and noted that there were 895 total calls for service, 46 total crimes reported, 20 arrests made, 171 traffic citations written, 9 non-traffic citations written, and 87 warnings given. Overall, it was a good month. Chief Brandt reported that he had attended Local Government Day at the Middletown Borough Hall on April 28, and had talked about mutual aid between police departments. An update was provided on the replacement vehicles for those totaled in accidents as well as the two new ones purchased this year. By the end of next month, all vehicles should be fully equipped and in service. Chief Brandt reported on an incident that occurred at 1:30 A.M. this morning. Officer Thomas came upon an individual sleeping in his vehicle near the parking lot area at the Best Western on Eisenhower Boulevard. Upon inspection, it was found that the vehicle was being used as a meth lab. The driver was arrested, and the state police handled the meth lab, which is quite dangerous.

Public Works Department – Jeffrey Sipe -- reported that jobs to be completed in May include finishing the street sweeping, repairing inlets, straightening and repairing road signs, fertilizing and spraying weed control in the parks, painting speed lines for the Police Department, starting

road repairs where needed, and installing a AC unit in the superintendent's office. Jobs recently completed include repairing two sinkholes (one on Kreider Lane and one near the Star Barn), seeding the soccer fields, seeding the hazard mitigation lots, installing a new water line in the old firehouse, cleaning out a clogged culvert on Richardson Road, and preparing parks for Opening Day and for the season. Weekly mowing has begun taking place in the parks, and sign replacement and repairs has begun. Street sweeping is progressing. Two part-time employees have been hired for summer help. In addition, Roger Mason began his employment with the Department on Monday. The Department is still down one laborer position. The dumpster will be open for residents on June 7 from 8:00 to noon. Commissioner Davies referenced reports about someone doing doughnuts on the ball field at Memorial Park, and inquired about the possibility of using recreation funds to have complete fencing, perhaps with a gate access, installed around the fields to prevent this from happening again. Mr. Sipe agreed to look into this. Commissioner Springer stated that the Department did a great job getting the fields ready, and asked that this be conveyed to the crew. Vice President Wilt agreed that everything look great for opening day. Commissioner Davies added that he received many compliments on the condition of the fields.

Planning and Zoning Report – Robert Greene – stated that he is looking forward to serving the Board and community. He then referenced the monthly report and added that the building construction plans were received today for the new Sheetz store. There were no new submissions or current plan action needed by the Planning Commission this past month, so the April meeting was canceled. Since nothing has been submitted this month, and the filing deadline is tomorrow, it is also likely that the May meeting will be cancelled. The Zoning Hearing Board met on April 9 to hear variance requests from MRPI (140 Fulling Mill Road) and Capital Valley LP (corner of Fulling Mill Road and Oberlin Road). The Zoning Hearing Board also met on April 30 on a continuance of the MRPI variance request – all five variances were granted. The second hearing for that evening on a request originally received from Ron Condran and Lenora Pfautz for property at 546 Colony Drive was withdrawn by the applicant prior to the scheduled hearing. The Zoning Hearing Board will meet next on May 28 on a continuance of the Capital Valley LP request, and on a variance submitted for FedEx Ground Harrisburg East for a sound barrier wall.

MANAGER'S REPORT:

Mr. Monticello stated that there is one item that requires formal action tonight, and it pertains to the request for a reduction of improvement guarantees for Campus Heights Village II. In response to a question from Vice President Wilt, Solicitor Henninger confirmed that he had no objection to this request. A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve Improvement Guarantee Reduction #1, in the amount of \$153,460.00, for Campus Heights Village II. This will reduce the current amount of \$239,716.25 to a balance of \$86,256.25. The motion was unanimously approved.

Mr. Monticello called the Board's attention to a draft resolution supporting Senate Bill 1340 and House Bill 1272, enabling all municipal police to use the same motor vehicle speed-timing equipment as the Pennsylvania State Police. Mr. Monticello explained that this pertains to radar. In response to a question from President Mehaffie, Mr. Monticello recalled that this draft resolution was provided by the COG. Chief Brandt noted that the passing of this resolution would certainly make speed timing much easier for the Police Department, and also give the officers the ability to enforce speed limits at many more locations. Vice President Wilt stated that prior to formally voting on this item, he would like to see a break-down of all related cost factors involved including equipment costs, calibration/certification costs for this versus the current equipment, training, etc. Commissioner Davies asked if this would result in a manpower savings. Chief Brandt confirmed that it would since current speed detail requires a minimum of two officers, and radar can be set up with one officer. In response to a question from President Mehaffie, Chief Brandt estimated that the Township receives about \$12.50 of a \$25.00 fine. If the maximum fine of the speeding section is written, the Township receives about half of that -- \$50.00 of the \$100. He explained that while it depends on how the ticket is written, approximately half of the fine is received, not the actual ticket which includes other costs and fees that the Township never sees. President Mehaffie stated he just wants to ascertain that the public realizes that the Township does not receive a lot of money from these tickets. Chief Brandt agreed that they are not a moneymaker, but rather a way to enforce the speed limit. Solicitor Henninger added that having local radar has been a priority for the State Association of Township Commissioners and Supervisors' Association for years and years. The biggest concern has always been the potential abuse at the local level. There are limitations, so the Board should take a good look at these two bills before making its decision. Even if the law

passes and the Governor signs it, the Township does not need to do so. Commissioner DiFrancesco noted that while he is fully in favor of the right of local police to use radar, he would feel better passing this resolution if there were not specific bills highlighted, since the Board may or not be in favor of what those bills are saying. He added that he does, however, find it incomprehensible that local police, with all their extensive training, cannot use the same thing as the state police. Commissioner Davies noted that Senate Bill 1340 is sponsored by Senator Randy Vulakovich of Allegheny County who is a former local police officer, so the Board may want to pay particular attention to this bill.

Mr. Monticello updated the Board on the Richardson Road Bridge project. A meeting will be held with HRG next Wednesday to discuss a conceptual plan and a grant application to the Gaming Commission. Prior to submission of this application, the Township is required to meet with officials of the Gaming Commission to discuss the plan and get its blessing. This application should be ready for submission within two weeks.

Mr. Monticello also updated the Board on proposed improvements to the parks. The assistance of the Public Works Department has been enlisted to inventory the parks and playgrounds to determine needs. Focus will be on the parks at Woodridge, Shopes Gardens, and Old Reliance Farms. Staff and HRG will identify what needs done at these parks as far as equipment replacement, repairs to existing structures and apparatus, etc. Once this information is assembled, pursuit of grant funding will be explored.

The Public Works Department sustained some damage to its street sweeper during operations; it may have picked up a rock, resulting in damages leaving it inoperable. Mr. Monticello noted that an insurance claim was filed, and the Township received a check in the amount of \$2,210.66 which went towards the total bill of \$3,670. The sweeper has been repaired and is back in operation. In response to a question from Vice President Wilt, Mr. Monticello confirmed that the sweeper was sent out for the repairs.

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

ENGINEER'S REPORT:

In the absence of Ms. Letavic, President Mehaffie noted that the well testing has been complete, with a report expected by the end of May or early June.

SOLICITOR'S REPORT:

Solicitor Henninger reported that the May legislative agenda should include consideration of a resolution appointing Sam Monticello as the Township's Right to Know Officer. Also, since responses to these requests are required within five business days of receipt, he strongly suggested the Board also appoint an alternate Right to Know Officer.

As reported earlier by Mr. Greene, Sheetz did submit its building plans. There was an interim resolution with SARAA and the Borough of Middletown with regards to the Sheetz project being able to move forward with the sewage to be treated at the Middletown Treatment Plant and going through the Township's lines and the Jamesway pump station. There are a lot of sewer easements that need to be obtained, and drafts of some of those have already been received. Permits and approval from DEP and the Soil Conservation District were received, so the project should be able to move forward.

Solicitor Henninger stated that he would also like to request an executive session with the Board upon conclusion of tonight's meeting in order to provide an update on some litigation matters, include ongoing litigation with the Double M Development plan. He also advised the Board of a suit by a resident who had sustained some flood damage as a result of a broken water line. This case was dismissed by the individual's law firm, since the Township has no control over water; this is a public utility commission matter.

FINAL COMMENTS:

President Mehaffie reported that there is a lot of construction going on in the Township. Work on Section 18B in Old Reliance Farms, which will extend Powderhorn Road through to Strites Road, is progressing nicely. The KGH student housing project is also moving along swiftly. In response to a question from Vice President Wilt regarding the Gina Lane connection, Mr. Genesio stated that they submitted revised construction plans today and are working through some of the legal agreements with Nittany Towne Homes. There are plans to start this work on June 4, and it should be done in ten days. The Board thanked Mr. Genesio for his efforts.

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 8:13 P.M.

ATTEST:

Jean R. Arroyo, Recording Secretary

