

MINUTES

LEGISLATIVE MEETING – OCTOBER 16, 2013

The October 16, 2013 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:06 P.M. by Vice President William L. Leonard, Jr.

The following officials in attendance:

- William L. Leonard, Jr., Vice President
- Michael J. Davies, Secretary
- Thomas L. Mehaffie III, Commissioner
- Jon G. Wilt, Commissioner
- Dominic D. DiFrancesco II, Commissioner
- Brenda K. Wick, Planning and Zoning Director
- Peter R. Henninger, Solicitor
- Jean R. Arroyo, Recording Secretary

Residents and visitors in attendance: PLEASE SEE ATTACHED SIGN-IN SHEET

Vice President Leonard opened the floor for public comment.

PUBLIC COMMENTS: None

ROUTE 230 UPDATE:

Commissioner Mehaffie reported that Mr. Genesisio was unable to attend tonight's meeting but did provide an update. The paving has started and everything appears to be on schedule, even after the excessive rains. Basically, everything is going well with the work. Solicitor Henninger recognized Ambrose Heinz, counsel for the developer, and asked if he had anything to add. Attorney Heinz agreed that the project is progressing on schedule, and noted that a lot of paving was completed this week, and most of the curbing is complete. PPL is moving a light pole at the base of Lawrence Street which was set too close to the road. Commissioner Davies inquired if the paving will involve both the binder and the finish. Attorney Heinz agreed that it will.

APPROVAL OF MINUTES:

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the Minutes of the September 18, 2013 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Mehaffie, to approve the Minutes of the October 2, 2013 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Wilt, seconded by Commissioner Davies, to approve the payment of bills as presented on Warrant No. 2013-9. 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 September 2013. The motion was unanimously approved.

ENGINEER'S REPORT: None

SOLICITOR'S REPORT:

Solicitor Henninger reported that he has been involved in the review of the Campus Heights II Plan. He and Ms. Wick, along with Attorney Heinz, have been discussing issues pertinent to road vacations, private roads, etc. He and Ms. Wick will be meeting next week with the developers and their counsel in order to take a look at time lines for the project. The Board will be updated on this at the November workshop meeting.

MANAGER'S REPORT:

Commissioner Mehaffie reported that the Township has received a request from Kimberly Vajda of Greenfield Drive for the placement of speed bumps on the upper end of Greenfield Drive, which is near the soccer fields. He noted that Ms. Vajda was under the impression that this was actually intended for an emergency access only. Vice President

Leonard stated that from his recollection, this is open to public use. Commissioner Mehaffie added that the staff did review this request and is not recommending the placement of speed bumps. Chief Brandt has informed Ms. Vajda that the Township will conduct traffic detail at this location and will also contact the School District regarding the issue with school buses. The buses will be encouraged to use Raider Lane when possible. Solicitor Henninger agreed that he would strongly recommend against speed bumps, as they are a maintenance nightmare and have consistently shown to be an ineffective speed control device. He noted that having the police out there makes a lot more sense. If that does not work, the Board can then look at other options. The Board agreed to have increased police detail in this area and to monitor the situation.

Commissioner Mehaffie stated he had been receiving questions about the status of the extension of Powderhorn Road, and asked Ms. Wick for an update on Section 18B of Old Reliance Farms. Ms. Wick explained that the plan for Section 18B Plan was conditionally approved. She is presently waiting for paperwork from Ron Burkholder, the developer, to get the improvement guarantees in place. Mr. Burkholder has placed the project out for bid, and is waiting for additional bidders to get the information back to him before he starts the clock on the letter of credit with the bank. He should have information back from the contractors within the next couple of weeks and can then decide, based on what the weather looks like, whether to start the project this fall or this spring.

During the October workshop meeting, the Board had discussed expanding the scope of work for the well project in order to provide water to the entire Greenfield soccer complex. The estimated cost by HRG for this additional scope of work is \$3,700. This figure will be less if they do not have to cross the pipeline. The Board acknowledged the authorization to sign this expanded scope of work.

The Tri County Regional Planning Commission is requesting that Lower Swatara Township submit the names of two nominees to its Planning Commission. The current representatives from the Township's region, which is the Dauphin Southwest region, are Bill Hawk from Lower Paxton Township and Denny Beaver from Paxtang Borough. Commissioner Mehaffie noted that the nominations must be submitted by December 6, so the Board has time to think about potential nominees. This can be discussed further at the November workshop meeting.

Don Fure, Building Code Official, has done extensive research on new code software that will increase efficiency. The ESRI Group was found to be the vendor that is most cost efficient. Coincidentally, the same firm is doing the Township's GIS. This software has an unlimited user rate and is web-based. The building inspectors will be able to use a computer tablet and a small printer to issue and print out permits right on-site. The cost of the software, if purchased this year, is \$3,796. Annual software updates will cost \$1,100 and will start the second year. It was noted that there will be a cost savings of about \$450.00 if the purchase is made before the end of this year; there is room within Mr. Fure's budget to support this purchase. Solicitor Henninger added that the idea is to go paperless, increase efficiency, and have the ability to connect to the GIS. Commissioner Mehaffie stated that no action is needed on this item tonight.

Commissioner Mehaffie noted that the Municipal Authority will be advertising for bids for a portable pump. He also referenced a request from Sunoco for acknowledgement of some pipeline work that it plans to conduct. Sunoco will be working within its existing right of way and is looking for acknowledgment for surveying purposes. Solicitor Henninger explained that utilities do have the right to go in and do their surveying work without municipal consent. However, their standard procedure is to request acknowledgement of the work in advance so that the Board and staff is aware of the work in the event that they receive questions from the residents. The Board acknowledged the request from Sunoco.

There have been ongoing staff discussions about prohibiting both legal and illegal fireworks in Township parks. The Township had received this request from a resident earlier this year, as a result of fireworks being set off in the Shopes Gardens Park. Commissioner Mehaffie asked if the Board has any interest in posting "no fireworks" in its public parks. Commissioner Wilt stated that since this is a safety issue, he feels prohibiting fireworks in parks would not be a bad thing. Vice President Leonard asked if there is a list of potential things that should also be posted as far as restrictions. Obviously, citizens should not be doing illegal things anywhere. Solicitor Henninger added that it may be possible to simply adopt rules and regulations in parks without making an ordinance change. These rules could be enumerated on signs in the parks. Commissioner Wilt noted that Chief Brandt's concern is that without being restricted by ordinance, the "no fireworks in parks" cannot be enforced. Commissioner Mehaffie agreed that the staff will look into this further.

Progress on the Sheetz Plan was discussed. Commissioner Mehaffie explained that there is a sewer issue with the plan. Solicitor Henninger reported that they are presently working on preparation of the proper documents to allow for the sanitary sewer hook-up. He added that based on his conversations with Attorney Heinz' office, he feels things are moving forward with this plan.

Commissioner Mehaffie requested an executive session upon conclusion of tonight's legislative meeting in order to discuss personnel matters.

Vice President Leonard referenced the list of upcoming meetings/events, and noted that the Township Offices will be closed on November 5 for General Election Day.

COMMITTEE REPORTS:

Police Committee – Vice President Leonard -- reported that all five of the new officers are now in a position to go out on their own. He also noted that the homicide case in Swatara Park has been closed, due in part to the efforts of the Township's detective staff, which worked closely with the District Attorney's office.

Public Safety – Commissioner Wilt – no report

Public Works – Commissioner Mehaffie – reported that it was a busy weekend with over ten inches of rain. He thanked the Public Works, Municipal Authority, Fire, and Police for their efforts during the flooding. Although scheduled leaf collection begins October 28, leaves are being collected as needed. The Municipal Authority is moving forward with the GIS, which is scheduled to start the end of this month.

Budget and Finance – Commissioner Davies – reported that cash receipts for the month of September totaled \$441,616.22 and consisted of Act 511 taxes, building permits, the 2013 allocation for the Fire Relief Association, and other miscellaneous receipts. Cash expenditures totaled \$708,207.60 and were comprised of the two transfers to the payroll accounts, the release of the allocation to the Fire Relief Association, a transfer to PLGIT, and invoices related to the major road project in the Twelve Oaks area, and all invoices due and payable. It was noted that road project invoices will be reimbursed to the General Fund from the Highway Aid Fund. Investments totaled \$921,718.25 with an average annual yield of 0.5%. Commissioner Davies stated that the budget meeting process is a bit behind schedule this year. He suggested that the Budget and Finance Committee schedule meetings with the department heads and their

Commissioner liaisons early next week to determine if any changes need to be made to the preliminary figures that were compiled last month. Commissioner Mehaffie agreed, and added that he would like to get copies of this preliminary budget to all the Commissioners by Friday at the latest. Vice President Leonard and Commissioner Davies, who serve as the Budget and Finance Committee, agreed to come up with some dates to provide to Commissioner Mehaffie so that he can coordinate dates and times with the staff. Vice President Leonard stated that typically, the Board votes to advertise the proposed budget at its November legislative meeting. There is then a thirty day public inspection period, with formal vote in December.

Commissioner Mehaffie noted that if Chief DeHart can provide the Fire Department's budget, it can be looked at during this same time period. He reported that the Municipal Authority is also working on its budget. Commissioner Mehaffie also reminded the Board that last year, a separate meeting was held to discuss the budget. He asked if this should be done again this year. After a brief discussion, the Board agreed to begin its December 4 workshop meeting an hour early, at 6:00 P.M., to discuss the budget. Solicitor Henninger suggested that Ms. Arroyo advertise the meeting time change closer to the date. This can also be posted on the website. In response to a question from Commissioner Mehaffie, Solicitor Henninger agreed that once the advertisement of the proposed budget is authorized, it can also be posted on the Township's website.

Community and Economic Development – Commissioner DiFrancesco stated that he had an item to present under this category. He reported that he had attended a meeting at the Penn State campus on the new rail station and the development taking place in that area of the Township. It focused on campus activity, the amazing growth taking place, the amount of investment that will go into the train station being built and the development around it, and future considerations of the Airport with demolition of the old terminal. There is a tremendous amount of investment taking place right now in that corridor, and a renewed economic plan is being put in place.

Commissioner DiFrancesco noted that he had walked out of that meeting saying that if that level of investment was taking place anywhere else in the country, that region would be pretty excited and rallying around the area of change. He noted that the fact of the matter is that it needs to be acknowledged that this is now a college town, which brings great opportunities.

UNFINISHED BUSINESS:

A motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to approve the acceptance of a 90-day time extension, as requested by the developer, 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, April 18, 2012, July 18, 2012, October 17, 2012, January 16, 2013, April 17, 2013 and July 17, 2013. With acceptance of the time extension, the plan will expire on January 13, 2014. The motion was unanimously approved.

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, and September 18, 2013. The plan will expire on December 21, 2013. This plan remains tabled by the Planning Commission.

The Board tabled 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 and August 21, 2013. The plan is due to expire on November 25, 2013. The plan remains tabled by the Planning Commission.

NEW BUSINESS:

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve Ordinance No. 547. This ordinance amends the Code of Ordinances of the Township of Lower Swatara, No. 448, as amended and supplemented, Chapter 27, Zoning, Part 20. General

Regulations, §27-2008 Yard Regulations, §§D. Side Yards, to provide that in cases of corner lots, the side yard abutting any street shall have the width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this Chapter and renumbering additional subsections thereafter. A roll call vote was taken with the following ballot tabulation: Commissioner Mehaffie – aye, Commissioner Wilt – aye, Commissioner DiFrancesco – aye, Commissioner Davies – aye, Vice President Leonard – aye. Ordinance No. 547 was approved by a 5 – 0 margin.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve a contract with Myers Brothers Well Drilling, in the amount of \$10,841.87, to perform the test well for Greenfield Park. Ms. Wick explained that this work will determine whether a well can be drilled there that will have the capacity to irrigate the soccer fields. It will show whether the scope of work should move forward. The motion was unanimously approved.

The Board acknowledged receipt of the 2013 Foreign Casualty Insurance allocation for \$198,102.28 distributed to the Police Pension Plan as \$108,761.80 and to the Non-Uniform Pension Plan as \$89,340.48.

A motion was made by Commissioner Wilt, seconded by Commissioner Davies, to approve locking into a fixed electric rate with Constellation Energy of 6.3568 per kilowatt for a term of 48 months. Commissioner Mehaffie noted that this is an excellent rate, and he would highly recommend locking into this 48 month rate. A roll call vote was taken with the following ballot tabulation: Commissioner Mehaffie – aye, Commissioner Wilt – aye, Commissioner DiFrancesco – aye, Commissioner Davies – aye, Vice President Leonard – aye. The motion was approved by a 5 – 0 margin.

FINAL COMMENTS:

Solicitor Henninger stated that he would also like to discuss a matter with the Board in tonight's executive session. The matter involves pending litigation, which is the upcoming Zoning Hearing Board hearing.

Commissioner DiFrancesco expressed concern with door to door solicitation, and stated he would like to see something in the next newsletter about the Township's requirements for

door to door solicitors. If residents are aware of the requirements, they can comfortably respond to these solicitors. Commissioner Mehaffie agreed that this information can be placed on the website.

Commissioner Davies inquired if the issues with the Township phone system had been resolved. Commissioner Mehaffie confirmed that it had, and noted that he will be meeting with Premiere this Monday at 9:00 A.M. to further discuss these issues.

Vice President Leonard again welcomed Commissioner DiFrancesco to the Board. He referenced previous comments about the staff's response to the recent flooding, and added that Alan Knoche, EMA Coordinator, should also be lauded for his efforts. Mr. Knoche gave up a scheduled vacation to ensure that things were running smoothly and that proper channels of communication were open.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, a motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:54 P.M.

ATTEST:

Jean R. Arroyo, Recording Secretary