

## MINUTES

### LEGISLATIVE MEETING – OCTOBER 17, 2012

The October 17, 2012 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Frank Linn, Sr.

Roll call was 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
- Peter R. Henninger, Solicitor
- Jean R. Arroyo, Recording Secretary
- Richard D. Brandt, Acting Police Chief
- Mike Smith, District Justice

Residents and visitors in attendance:

- Ruth & Ron Helwig (341 W. High St.)
- Peggy Ginnovan (535 N. Lawrence St.)
- Lin Coble (400 Young Ave.)
- Bobbie Van Buskirk & Matt Tunnell (GreenWorks Development)
- Sonja Miller (506 N. Lawrence St.)
- Noelle Barrett (Press & Journal)
- Mike McKillip (Lower Swatara Fire Dept.)
- Chris DeHart (Fire Chief, Lower Swatara Fire Dept.)

### APPOINTMENT AND SWEARING-IN OF POLICE CHIEF RICHARD D. BRANDT

A motion was made by Vice President Leonard, seconded by Commissioner Wilt, to approve the appointment of Richard D. Brandt to the position of Police Chief. The motion was unanimously approved. President Linn asked Chief Brandt to come forward in order to be sworn-in by District Justice Mike Smith. Judge Smith stated that he has known Rich Brandt since childhood, and is confident that he will do an excellent job for the Township in his new position. The oath of office was then presented to Chief Brandt. Chief Brandt stated that he is

honored to have been sworn-in by Judge Smith. He thanked his family for always being supportive of his career in law enforcement, thanked his fellow officers who have been there to support him, and thanked the Board for the confidence it has shown in him.

The Board congratulated Chief Brandt.

PUBLIC COMMENTS:

Ruth Helwig, 341 W. High Street, stated that she is here once again to complain about the noise from the students who live in the new student housing projects. The students are often making noise after midnight. Ms. Helwig also stressed that there is a need for lighting on the new section of N. Lawrence Street. She recently observed a biker nearly getting hit because of the lack of lighting. Ms. Helwig stated that the students are using Lawrence Street as a speedway and not stopping at any of the stop signs. She urged the Township and/or developers to provide security in this area.

Peggy Ginnovan, 535 N. Lawrence Street, stated that she is now finding trash in her yard on a daily basis. Her home has not been egged again, but this is most likely due to the large outdoor street light that her son placed in front of her home. This light is also a blessing for the students, because it does provide some light at the end of this street, which is extremely dark. Ms. Ginnovan informed the Board that the sign for the emergency access is knocked down and on the ground. Monday morning, she also found all four of the barrels knocked over. One of the police officers did come and place them back up. Ms. Ginnovan stated that she is scared to live here since her home was egged. She suggested the Township consider closing off this emergency access totally and putting the fence that used to be there back in place. This would give the students no reason to walk on that part of Lawrence Street, especially since GreenWorks installed a very nice sidewalk that exits right onto the campus.

Commissioner Mehaffie stated that the last time the residents were here, he had promised to speak to KGH and GreenWorks, which he did. Both developers agreed to send emails/letters to their tenants about these issues; Bobbie Van Buskirk at GreenWorks also agreed to mention this in an upcoming meeting with the tenants. Commissioner Mehaffie added that the KGH emails went out yesterday and included a warning that offenders would be cited. Ms. Van Buskirk confirmed that GreenWorks sent out its email today. Commissioner Mehaffie added that Matt Genesio and Tim Sipe of KGH are also willing to provide their cell phone

numbers for direct contact when these neighbors observe problems. It is obviously difficult to differentiate which students belong to which housing project, but it is still important to make them aware of these issues.

APPROVAL OF MINUTES:

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the Minutes of the September 19, 2012 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to approve the Minutes of the October 3, 2012 Workshop 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. 2012-9. 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 2012. The motion was unanimously approved.

ENGINEER'S REPORT:     None

SOLICITOR'S REPORT:

Solicitor Henninger reported that he and Mr. Knoche have been working with PEMA and FEMA on the flood hazard mitigation buy-outs in preparation for receipt of the funds. Letters and releases have been sent out to the involved property owners. They have been very cooperative, as they are obviously just as anxious as the Township to expedite this process.

Solicitor Henninger requested a brief executive session immediately upon conclusion of tonight's meeting in order to discuss a personnel contract matter.

## MANAGER'S REPORT:

Mr. Krot reported that the Township is in the thick of budget preparation. Commissioner Davies, Budget and Finance Chairman, will discuss this in more detail during his report.

## COMMITTEE REPORTS:

Police Committee – Vice President Leonard –congratulated Chief Brandt on his new position.

As everyone is aware, the incident with the gun at the Middletown Area High School was dealt with quickly and efficiently. Having the School Resource Officer on site was beneficial. There was also an incident involving inappropriate texting from a male adult to an underage female.

The person has been identified and apprehended. Officer Steve Sassani is back to work after his recent personal loss. Vice President Leonard congratulated Chief DeHart and Mr. McKillip on a very successful Fire Prevention Open House. He also noted that he had seen on the news that the Governor has signed an extension of the Emergency Services Grant Program to 2013.

Public Safety - Commissioner Wilt – also congratulated Chief Brandt and stated the Board anticipates great things from him and his department.

Public Works – Commissioner Mehaffie – congratulated Chief Brandt. He reminded the Board and residents that the fall leaf collection will be starting soon. He encouraged residents to check out the schedule on the Township website, since it has been changed this year. The vacant Director's position at the Olmsted Regional Recreation Board has not yet been officially filled, as they are waiting to see where things are going with the budget.

Budget and Finance – Commissioner Davies – also congratulated Chief Brandt. He reported that the Budget Committee met last week and has a proposed budget document to which all Committee heads have contributed. It shows a projected deficit of \$309,573, although numbers are still being fine-tuned. Pension obligations have skyrocketed as a result of poor investment returns, some changes from the actuary, and necessary re-calculations. Commissioner Davies noted that approximately \$100,000 - \$132,000 may be able to be shaved off the proposed budget without too great of an impact. That, however, doesn't fill the \$309,000 hole. The Township does have some reserves available -- approximately \$490,000. However, it is recommended that the Township maintain approximately two months of revenue in reserves, and this figure is running close to that suggested minimum requirement. Another challenge is the fact that the Fire Department is looking for an increase in funding. Presently, \$160,000 comes from the

0.27 mill fire tax. There are increased operating expenses and the need for essential equipment such as very expensive air packs. In addition, the Fire Department is facing a potential serious increase in its workers compensation costs due to new state law requiring that fire departments be covered for exposure to carcinogenic substances while fighting fires. Commissioner Davies asked the committee chairmen to sharpen their pencils and look at what can be trimmed without jeopardizing public services, particularly public safety services. The Chesapeake Bay and MS4 Program that the Township engineer suggested be planned for was budgeted for \$50,000, but can perhaps be reduced to \$25,000. The Board may want to consider foregoing some other hires and certain equipment replacement. There is some equipment, however, that definitely needs to be replaced. The Board may have to look at finding new revenue; a \$390,000 deficit equates to about ½ mill in the hole. Unfortunately, a lot of these increased budget costs are unexpected and unavoidable. Commissioner Davies suggested the Board designate its November 7 workshop to the extensive discussion of budget matters, with the anticipation that advertisement of a preliminary budget can be approved at the November 21 meeting. Commissioner Mehaffie inquired if these budget discussions would take place during the actual meeting or prior to that meeting. Solicitor Henninger stated that if a meeting were to be scheduled prior to the November 7 workshop meeting, it would have to be advertised. Commissioner Davies commented that he would prefer not to have to pay for any additional advertising costs. The Board agreed to hold its budget discussions at the November 7 meeting. Commissioner Davies then presented the monthly finance report. Cash receipts for the month of September totaled \$470,320.25. The major sources of revenues were from the Act 511 taxes—including per capita, occupation, earned income taxes and real estate transfer taxes, etc. Cash expenditures totaled \$468,636.70 and were comprised of the two transfers to the payroll account, the release of the allocation to the Fire Relief Association, various invoices related to the new server, and all invoices due and payable. Investments totaled \$521,664.87 with an average annual yield of 0.5%.

Community and Economic Development – President Linn – reported that construction at Sharp Shopper continues.

UNFINISHED BUSINESS:

Mr. Krot stated that no action is required on agenda items A and E. A motion was made by Vice President Leonard, seconded by Commissioner Davies, to table the Final Subdivision Plan of Bryn Gweled East (26 lots), and the Revised Five Oaks Village (Mobile Home Park) Plans. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to accept a 90-day time extension, as submitted 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 and July 18, 2012. The plan is due to expire on October 17, 2012. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Wilt, to accept 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, January 18, 2012, May 16, 2012, and August 15, 2012. The plan is due to expire on November 21, 2012. The motion was unanimously approved. Vice President Leonard noted that back in June, DEP had provided a list of concerns; Mr. Burkholder did submit a document to DEP in July attempting to address all of these issues. DEP came back with two items that needed to be addressed. One was asking that the permit be updated, since it had unexpired. This was easily done. The second was asking for a deeper test bore of the wetland areas. This was also

accomplished. Hopefully this will get some positive movement from DEP and allow the ability to move Powderhorn Road through to the north.

NEW BUSINESS:

Mr. Krot reported that Lawrence Street Partners, LP, c/o GreenWorks Development, LLC, General Partner, has requested that the zoning classification be changed from R-U, Residential Urban, to C-N, Commercial Neighborhood for four properties at 505, 515, and 535 N. Lawrence Street, and at 412 Young Avenue. A Hearing is required within the next 60 days, and action on advertising the hearing is requested. The Hearing must be held by December 11, 2012. Regularly scheduled meeting dates are November 7, 21, and December 5. Solicitor Henninger clarified that according to the municipal planning code, any application for a zoning change must be forwarded to the Planning Commission for review thirty days in advance of the Public Hearing. In order to avoid a potential procedural issue, November 7 will not work. Historically, what this Board has done for zoning changes is to advertise the Public Hearing for one night with formal action on the change voted on during a subsequent meeting. The notice of the Public Hearing must be advertised twice, and the affected property must be posted. Commissioner Davies suggested the December 5 date be selected, since the Board will be busy with budget discussions in November. A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to schedule and advertise for a public hearing on the aforesaid zoning classification change request on December 5 at 6:30 P.M. The motion was unanimously approved.

The Board acknowledged receipt of the 2012 Foreign Casualty Insurance allocation for \$200,262.14 to be distributed to the Police Pension Plan as \$121,587.74 and to the Non-Uniform Pension Plan as \$78,674.40.

Mr. Krot reported that the next agenda item is to act on an Agreement with Campus Heights Associates and Lawrence Street Partners, LP, whereby Lower Swatara Township will perform snow and ice clearance together with the application of anti-skid and/or de-icing materials for the relocated portion of Lawrence Street during the Winter Season of 2012-2013, subject to payment by the developers. Solicitor Henninger noted that he had put a final draft of the Agreement in front of the Board this evening. It has also been reviewed by both developers. The document basically follows the PennDOT winter maintenance agreement with a few modifications. Basically, the fee associated with this winter maintenance will be \$270 per event, payable within thirty days of

invoicing. An event is defined as any calendar day in which the municipality plows, salts, de-ices or applies anti skid material to the relocated portion of Lawrence Street. The agreement also includes indemnification provisions to protect the Township. If the Township clips an inlet or curb, it will not be the Township's responsibility. If, however, a Township maintenance truck hits a vehicle on property not owned by the developer, the Township may be liable. If a Township vehicle causes personal injury to an individual, the Township may also be liable. These instances would be covered under the Township's insurance policy. A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve the Agreement with Campus Heights Associates and Lawrence Street Partners, LP for winter maintenance for the relocated portion of Lawrence Street during the Winter Season of 2012-201. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve the Application for Payment #25, in the amount of \$142,691.39, to Leon E. Wintermeyer Co., Inc. for construction phase services associated with the Meade Avenue Project. Mr. Krot noted that this is the final invoice for the project. The motion was unanimously approved.

Mr. Krot reminded the Board that Glenn Snavely, Code Administrator, will be retiring on October 31. In addition to his code position, Mr. Snavely also serves as the Township's Fire Prevention Officer. Alan Knoche has agreed to accept the appointment to fill this position. A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve the appointment of Alan J. Knoche as Fire Prevention Officer effective November 1, 2012. The motion was unanimously approved.

Mr. Krot stated that there is an addendum to the agenda. The Personnel Committee is recommending a 2% increase for the non-uniform employees for 2012. A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve a 2% pay increase for the non-uniform employees for 2012, retroactive to January 1, 2012. The motion was unanimously approved.

Vice President Leonard, liaison to the Fire Department, updated the Board on the purchase of the new Rescue truck. The Fire Department has submitted a letter to the Township indicating that it has selected Ferrara as the manufacturer of this vehicle, which is being purchased through the state's COSTARS program. The cost of the vehicle, subject to any change orders, is \$557,699.99; a \$400,000 grant from the Gaming Commission will be used towards this purchase. After the additional expenses, such as legal fees, are deducted, this will leave \$162,699.99 for the Fire Department to come up with. Vice President Leonard explained that there is a certain sequence of

steps which must be taken, and enumerated these on the whiteboard: (1) The Board acknowledges receipt of the letter from the Fire Department stating that the Fire Department has selected a vendor, which is Ferrara, in the amount of \$557,699.99; (2) The Fire Department signs the purchase order/contract; (3) the signed contract is submitted to Ferrara, which then provides the performance bond to guarantee the construction of the vehicle as per specifications of the contract (4) The Board takes formal action at a public meeting requesting Dauphin County to release the gaming grant funds. Mr. Krot stated that the County will be also be asking for a copy of the check for the difference between the grant and the price of the vehicle. Vice President Leonard agreed that in the meantime, the Fire Department will be securing the \$162,699.99 in order to provide the proof of check(s). Once the funds are obtained for this balance, the County will release the \$400,000 grant funds. Solicitor Henninger added that the performance bond is required since the Fire Department will be pre-paying for this Rescue vehicle. This is being done in order to obtain a 15% pre-pay discount, which is a significant savings. He suggested the Board move this evening on acknowledging receipt of the letter from the Fire Department regarding its selection of a vendor and authorizing moving forward on the procedures as outlined by Vice President Leonard. A motion was made by Vice President Leonard, seconded by Commissioner Davies to acknowledge receipt of a letter from Chief DeHart, Lower Swatara Fire Department, regarding its selection of Ferrara for manufacturer of its Rescue truck and to authorize the steps as outlined to release funds and start the manufacturing process. Commissioner Wilt asked if this would obligate the Township monetarily in any way. Solicitor Henninger explained that it would not, since the contract is with the Fire Department. The Township is the agency that is obtaining the gaming grant on behalf of the Fire Department. However, before the vehicle is even completed, the funds will be in place and a performance bond will protect the Township. The motion was unanimously approved. In response to a question from Commissioner Davies, Chief DeHart stated that Rescue vehicle which is being replaced is a 1975 model. Commissioner Davies stated that this is a good long run for any piece of equipment.

#### FINAL COMMENTS:

Commissioner Mehaffie thanked the residents from the Eagle Heights area for coming to these Board meetings to express their concerns. He urged them to continue doing so, and stated that the complaints are not falling on deaf ears. The Board does care, and continues to work on

getting these issues resolved. He added that the developers of both housing projects are also sincere in wanting to help.

Commissioner Wilt agreed with Commissioner Mehaffie that the Board members do listen and discuss the concerns expressed by the residents in attempts to find solutions to the problems.

Commissioner Davies urged his fellow Commissioners to look at their budget line items and contact him with any comments. The Board needs to determine if additional revenue needs to be sought. He stated that while it would not be his choice to go there, the Board may not have that luxury.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:08 P.M.

ATTEST:

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Harry N. Krot  
Township Manager