

## MINUTES

### OCTOBER 3, 2012 WORKSHOP MEETING

#### LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The October 3, 2012 Workshop Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by Vice President William L. Leonard, Jr. Vice President Leonard called for the pledge of allegiance followed by a moment of silence, and asked that everyone keep Officer Steve Sassani in their thoughts, as his wife recently passed away very unexpectedly.

Roll call was then taken with the following officials in attendance:

- William L. Leonard, Jr., Vice President
- Michael J. Davies, Secretary
- Thomas L. Mehaffie III, Commissioner
- Jon G. Wilt, Commissioner
- Harry N. Krot, Township Manager
- Brenda K. Wick, Planning & Zoning Director
- Richard Brandt, Acting Police Chief
- Steven W. Anderson, Public Works Director
- Peter R. Henninger, Solicitor
- Jean R. Arroyo, Recording Secretary

Absent:

- Frank Linn, Sr., President

Residents and visitors in attendance:

- Ruth & Ron Helwig (341 W. High St.)
- Peggy Ginnovan (535 N. Lawrence St.)
- Keeneys (310 Dauphin St.)
- Chris DeHart (Lower Swatara Fire Dept.)
- Noelle Barrett (Press & Journal)

#### PUBLIC COMMENTS:

Ruth Helwig, 341 W. High Street, again expressed concern about the students from the student housing projects walking in the middle of the street. She stated that the neighbors are getting a little tired of this. She suggested that the Township consider putting on another police officer during evenings and weekends, even if only on a part-time basis. She explained that it gets very bad up in this area at those times. Ms. Helwig explained that one of her tenants had to

call the police last Saturday at 1:30 A.M. to report a large group congregated up there. It took the police forty-five minutes to respond to the call since they were already responding to another call. Ms. Helwig stated that she understands the police are busy, but she stressed that the Township needs to do something about these students.

Peggy Ginnovan, 535 N. Lawrence Street, agreed with Ms. Helwig that the students are bold and rude, and refuse to move out of the street for an approaching vehicle. Last weekend, her son-in-law encountered a car running a stop sign; the license plate number of the vehicle was called in to the police. Also, there was a large group of students across the road and they refused to move for him. Her son-in-law stopped his car and asked them to move, and they had “choice” words for him. This was the second call she had to make to the police that weekend. Around 10:15 P.M., her house was egged in retaliation. The police were called, and responded. The next evening, her home was egged once again. Ms. Ginnovan stated that for the first time in forty-three years, she is afraid in her own home at night. She added that she did pay someone to install a large street light in front of her home, and this does make her feel a bit safer. Ms. Ginnovan noted that a stop sign has been installed at the end of Wood Street and W. High Street. More barrels have also been placed at the emergency access exit, but she surmised they will eventually be moved by the students. Ms. Ginnovan stated that this has become the worst development in the Township, and the residents here need police protection. She suggested that the two developers of these student housing projects also use their own security to patrol this area, especially during weekends and nights. During the planning stages of these projects, both developers made promises to provide their own security. Ms. Ginnovan noted that she did receive an offer from GreenWorks to purchase her home, but this probably will not occur until next summer.

Ms. Helwig remarked that everyone keeps telling the residents to call the police, but they are all afraid of retaliation. She added that the students are also driving up W. High Street and going right through that grassy area. She suggested that GreenWorks install lights on N. Lawrence Street since it is extremely dark up there.

Michelle Keeney, 310 Dauphin Street, stated that she had heard about a sexual assault down the street from her. She asked for more information about this. Acting Police Chief Brandt concurred that a campus student did report a sexual assault. It allegedly occurred in the Township, but was not anywhere near Ms. Keeney’s area. The young lady who reported the

assault is not being cooperative, so the incident is not under any further investigation.

Ms. Keeney stated her other concern is noise at all hours, especially on weekends. She also noted that middle school students stand at High Street to catch the school bus. It is dark there, and the Penn State students are speeding by. Ms. Keeney stated that she does not understand the need for these student housing developments anyway. The rural atmosphere in Eagle Heights is now gone. She expressed hope that the Board does not approve more of these student housing projects or any more zoning changes.

Mr. Krot stated that there are several items for formal action tonight.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Wilt, to approve Resolution No. 2012-R-4. This resolution authorizes and directs the President to sign the Agreement to Authorize Electronic Access to PennDOT Systems, and authorizes and directs the Secretary to attest and seal the same. This is required for the Business Partner agreement with PennDOT which was authorized at a previous meeting. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to approve authorization of payment for the Middletown Borough Authority Waste Water Treatment Plant BNR construction upgrades, Requisition 29-A, in the amount of \$10,211.00 to Middletown Borough Authority. The motion was unanimously approved.

The Board acknowledged two letters of support for Dauphin County project awards: a letter to HRG for the Meade Avenue project, and a letter to GreenWorks Development for Nittany Village.

The Board acknowledged the retirement of Glenn R. Snavely, effective November 1, 2012, from the position of Construction Code Official. The motion was unanimously approved.

The Board acknowledged the hiring of Donald A. Fure, effective October 22, 2012, to the position of Construction Code Official.

*Fire Department Report: Chief DeHart*

Chief DeHart reported that calls for the month of September totaled 45, with a grand total of 378 so far this year. He informed the Board that the issue regarding closest dispatch is now being discussed with the County. This will be a long process. The County has directed that the municipalities provide opinions on this issue, since they set who respond in their individual borough or township. He asked the Board to think about this, as the Fire Department will be asking for direction over the next several months. In response to a question from Solicitor Henninger, Chief DeHart clarified that the home company will always be dispatched, but if another company is closer, it would be dispatched too and may be the first to respond.

The Middletown VFW is donating \$5,700 to purchase new computers. Fire Prevention Week is next week, and is always a busy time for the department. The Fire Department will be traveling to all the schools and will also be on standby at two bonfires in the Township. The Fire Department's annual Open House will be held next Thursday, October 11, from 6 P.M. to 8:00 P.M. Chief DeHart encouraged the Board members to stop by. The drawing for the motorcycle was held last month during the Biker Breakfast; the Fire Department made \$3,000 from this fundraiser. The monthly dinner, held the third Sunday of the month, will be a stuffed chicken breast dinner.

Chief DeHart also updated the Board on the Rescue project. The good news is that the Department was able to get another reduction in the cost of this vehicle. As of today, the price sits at \$557,699.99. The Township was able to obtain a \$395,000 grant for this purchase, and \$5,000 was utilized for legal fees for this process. The Fire Department must now come up with the remaining \$162,669.99. Area businesses have been approached about donating towards this vehicle.

Vice President Leonard asked for an update on the purchase of airparks. Chief DeHart reported that on Monday, the Department approved the replacement of airparks which are approaching their life expectancy. There are 25 airparks which will expire early next year. It will cost approximately \$136,000 for the replacements. While this is an expensive purchase, it is required. It would present a huge liability if the airparks are expired and something would happen while using them. Commissioner Davies asked if the Fire Department had applied for a Volunteer Fire and Ambulance Grant this year. Chief DeHart confirmed that the Fire Department will submit an application for this grant, as it does every year.

*Police Department Report: Acting Chief Richard Brandt*

For the month of September, there were 651 service calls and 25 Part 1 offenses. There were 5 burglaries, and several of these were a result of windows being open or unlocked. Acting Chief Brandt urged residents to shut and lock both windows and doors. Thefts are up slightly, which seems to be the pattern for this time of year. There were 45 Part 2 offenses, 45 criminal cases, 19 criminal arrests, 5 DUI arrests, 33 traffic citations, 8 non-traffic citations, and 17 warnings.

An update was provided on the recent homicide arrest, which is now going through the proper hearing procedures.

As referenced by Ms. Keeney, there was a rape reported by a campus student. The campus did put out flyers regarding this incident. Although the Police Department did offer its services, the victim is not being cooperative.

Acting Chief Brandt addressed the comment from Ms. Helwig about the late response to her call for police assistance, and explained that the delay was due to the fact that the officers on duty were responding to a serious accident at that time. He stressed, however, that if the situation is an emergency, the individual requesting the assistance should advise the dispatcher. The police are doing the best they can, and will continue to patrol the area. Ms. Ginnovan explained that at this point, she is afraid to be seen talking to a police officer. Students walk by her home frequently, and may see this and retaliate. Acting Chief Brandt responded that the police officers understand such concerns. Residents should still call in concerns, and should advise the dispatcher of this need for privacy when reporting the problem. The officers will do their best to provide assistance while protecting the caller's identify.

Acting Chief Brandt stated that this is a very sad time in the Police Department. As the Board is aware, Dona Sassani, wife of Officer Steve Sassani, passed away very unexpectedly. Officer Sassani is not yet back to work and is doing as well as can be expected during this trying time.

*Public Works Department – Steve Anderson*

Mr. Anderson reported that the Department's summer parks' maintenance program is ongoing. Mowing and trimming in the parks is continuing weekly, and right of way mowing and trimming is in progress. The soccer fields are in the process of being aerated, composted and seeded. Pavement painting is in progress, as well as inlet repair work.

Several issues with traffic signals were addressed. The signal at the entrance to Meade Ave and Linden Center is now functioning properly. The contractor repaired the circuit board and grounded the poles and cabinet. The signal at Meade Avenue and Route 230 is also functioning properly after the camera was adjusted. The signal control was replaced on the signal at Route 230 and First Street.

Mr. Anderson reported that training for Class A & C operators for the Township's fuel system operations is scheduled to be held on October 8. This is mandatory as per EPA and DEP requirements and due to the fact that the Township dispenses fuel. Vice President Leonard inquired if this would impact the Fire Department too. Mr. Anderson confirmed that it would, since anyone that dispenses fuel will have to be a Class C operator.

Mr. Anderson reminded the Board and residents that the dumpster will be available on October 6, from 8:00 A.M. to noon.

*Planning & Zoning Report: Brenda Wick*

Ms. Wick provided updated numbers pertinent to recent activity in the Code Department, and noted that there were 21 residential inspections and 39 commercial inspections. There are ongoing plan reviews for TE Connectivity, Avis Barbush Rentals, ORS Nasco, and MDT Cargo.

Ms. Wick referenced the Fine Line Home drainage issue in Greenwood Hills and reported that the permit was issued and picked up last Friday.

Three items were on the September 27 agenda of the Planning Commission meeting. Penn State had received a conditional variance from the Zoning Hearing Board on September 26 for a Special Exception for the maximum building height. At its September 27 meeting, the Planning Commission also gave a positive recommendation to the Special Exception. A minor subdivision plan was tabled at the meeting, as was the plan for the Wood Street Access for Campus Heights Village. Ms. Wick reported that she had anticipated that Penn State Harrisburg

and Sheetz would be on the September agenda, but believes they may both submit plans in October.

Two plans were presented to the Zoning Hearing Board. As referenced above, Penn State submitted for a Special Exception for the maximum building height. The second plan is a plan for FedEx on the Pickel Farm. Variances were requested to (1) have a building that exceeds the maximum height allowed by zoning, (2) allow parking in a side or rear yard setback, (3) allow grading to support a retaining wall within the Conservation Zone, and (4) construct 8'-high fences within the side and rear setback yards. Variances 1, 2, and 4 were granted. The request to construct a retaining wall in the Conservation Zone was withdrawn.

Commissioner Davies referenced the October calendar of meetings dates, and observed that the Zoning Hearing Board and Greenwood Hills are both scheduled to meet the same day. He inquired if Greenwood Hills is requesting a zoning change. Ms. Wick explained that Greenwood Hills is simply using the Township Building for meeting space. It does not have a zoning issue.

Commissioner Mehaffie referenced the Greenwood Hills drainage issue and asked if there were any complaints. Ms. Wick stated that there were two complaints from neighbors. These were submitted in a letter, which was forwarded to Fine Line Homes. Fine Line Homes provide a response to both the residents and to Ms. Wick.

#### SOLICITOR'S REPORT:

Solicitor Henninger stated that he had provided the Board with a draft of a winter maintenance agreement with Campus Heights Associates and Lawrence Street Partners for the winter maintenance of Lawrence Street. Ms. Wick had drafted this document using the standard PennDOT winter maintenance agreement, and Solicitor Henninger had included some indemnification language and language regarding payment for services. He asked if the Board would like to discuss this item now, or in executive session since it is a contract matter. The Board concurred that the agreement is straightforward, and asked that it be forwarded to the two developers for review, and placed on the October 17 meeting agenda for formal action.

MANAGER'S REPORT:

Mr. Krot reported that the Township has received approximately \$164,000 of its reimbursement for the flood damages. Roughly \$40,000 is still outstanding. The \$147,000 for the Jamesway pumping station is also outstanding; further information had been requested and submitted on this item, and the Township does anticipate payment.

Mr. Krot noted that he had met with Acting Chief Brandt and Public Works Director Steve Anderson regarding their respective budgets. These numbers were provided to Ms. Rittner, Financial Administrator, who will create a master spreadsheet. Meetings will be scheduled next week with the Commissioner-liaisons to these two departments. A draft will then be presented to the Budget and Finance Committee for its review.

The Municipal Authority will have a bid opening here at the Township Building on Thursday, October 18 at 1:00 for the grinder for the Jamesway pump station.

FINAL COMMENTS:

Vice President Leonard requested an executive session to discuss personnel issues.

Commissioner Mehaffie asked if Mr. Krot had any updates from Alan Knoche regarding the buy-out of homes in Jednota Flats. Mr. Krot reported that Mr. Knoche and Ms. Blymire had met with FEMA and PEMA representatives, who requested yet more documentation. A meeting will be scheduled with Solicitor Henninger regarding these documents. Solicitor Henninger added that some of the requested information includes old pipeline lease agreements. What they are looking for is mineral rights, but these are just pipeline easements. They also want to see old Frey Trust lease agreements. He explained that while the process is moving along, the Township cannot provide the residents with a timetable.

Commissioner Mehaffie questioned the status of the litigation on the Middletown waste water treatment plant. Solicitor Henninger responded that there have been no further updates provided.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

With no further business to discuss, a motion was made by Commissioner Davis, seconded by Commissioner Wilt, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:48 P.M.

ATTEST:

---

Harry N. Krot  
Township Manager