

MINUTES

LEGISLATIVE MEETING – SEPTEMBER 19, 2012

The September 19, 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. President Linn asked for a moment of silence in remembrance of Dick Fox, who was a former Lower Swatara Commissioner. Mr. Fox passed away over the weekend.

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
- Steven W. Anderson, Public Works Director
- Jean R. Arroyo, Recording Secretary

Residents and visitors in attendance:

- Ronald S. Keeney (310 Dauphin St.)
- Ruth Helwig (341 W. High St.)
- Lin Coble (400 Young Ave.)
- Noelle Barrett (Press & Journal)
- Phyllis Zimmerman (Patriot-News)
- Chris Dehart (Fire Chief, LST Fire Dept.)
- Richard Fox III (Public Works Dept.)
- Osman Kamara (Edinburgh Rd.)

PUBLIC COMMENTS:

Ron Keeney, 310 Dauphin Street, showed the Board a photograph of the large puddle at the bottom of Lawrence Street and estimated it to be close to a foot deep in the center. He stated that there is an obvious drainage problem, and asked why the two student housing developers have not addressed this by now. Mr. Keeney also referenced discussion about additional student housing projects in this area, and stated there is no need for more of this. He suggested that the developers of these projects will get their tax write-offs on the buildings and then sell out to companies who will make these units public housing. Mr. Keeney also advised the Board

that someone knocked one of the barriers down at the emergency vehicle only access. He remarked that the students at these housing projects have no common sense. They drive through stop signs, walk in the streets, etc. He cautioned the Board that someone is going to get seriously hurt. He questioned why GreenWorks did not use Ann Street, where the traffic signal is located, as an entrance and exit out of the student housing project. He again expressed frustration that he cannot even bring his camper up Lawrence Street now, but must instead use Wood Street.

Ruth Helwig, 341 W. High Street, stated that in addition to solo cups, the students are now throwing beer cans and bottles in the yards. Someone also tried to steal the concrete eagle she has in her yard. West High Street is supposed to be a private road, but the students are ignoring the road closed sign and driving right through the grass. She agreed with Mr. Keeney that the students simply will not use the sidewalks, but insist on walking out in the middle of the street. Ms. Helwig stated that she does see the police patrolling the area quite frequently during the day time hours, but does not see them at night. She explained that she has been woken up by the noise at 2 A.M. She asked if the Township has a noise ordinance. President Linn stated that the Township does have a noise ordinance, but stressed that it is extremely important for the residents to call the police immediately when this sort of disruption occurs. Mr. Helwig agreed to do so, but stated that the Board took away her nice quiet neighborhood when it approved these student housing plans.

Lyn Coble, 400 Young Avenue, agreed that the students walk in the middle of the road. She beeped her horn on one occasion, and was cursed at by a student. Many wear headphones and can't even hear the noise from an oncoming vehicle. Ms. Coble also noted that when she and her husband moved here seventeen years ago, her husband had questioned whether Young Avenue could be plowed. He was told that it could not be plowed by the Township until a street sign was in place. A street sign has been up here for several years now. She asked if Young Avenue can now be plowed. Steve Anderson, Public Works Director, explained that since this road is not a dedicated Township road, it cannot be plowed by the Township.

APPROVAL OF MINUTES:

A motion was made by Vice President Leonard, seconded by Commissioner Wilt, to approve the Minutes of the August 15, 2012 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve the Minutes of the September 5, 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. 2012-8. 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 August 2012. The motion was unanimously approved.

ENGINEER'S REPORT: None

SOLICITOR'S REPORT:

Solicitor Henninger reported that the applicant for the zoning amendment request to change Age Restricted to Age Targeted has indicated he will be withdrawing the request. As the Board had previously directed, Solicitor Henninger had already advertised the October 17 Public Hearing on this request. Since this ad was to appear twice, the second week will be pulled. He noted, however, that the applicant will be responsible for the cost of that first advertisement.

MANAGER'S REPORT:

Mr. Krot reported that he had recently attended a risk management conference that was put on by the Township's workers compensation carrier, Penn Prime. There was a session regarding the impact of Act 46 of 2011, which is a law designating cancer as an occupational disease for firefighters. The potential impact to municipalities and/or fire companies is unknown

as this time, but it is expected to be staggering. Premium contributions could easily double. Under the law, the responsibility to provide workers compensation coverage still remains with the municipality. In the future, however, underwriters will write those directly to the fire companies in order to keep other municipal classifications separated from the risk of increasing premium costs. Mr. Krot reported that he and Ms. Rittner have been working with the insurance carrier on this issue and will keep the Board updated as more information is provided.

The Municipal Authority has advertised for bids to add a grinder to the Jamesway Pumping Station.

The Township is gearing up for the 2013 budget process, and meetings will be held with department heads to draft a first cut of the budget for the committees to review. Mr. Krot noted that he will be contacting the respective Commissioner liaisons to meet with him and the department heads to discuss budgetary needs.

Mr. Krot requested a brief executive session upon conclusion of tonight's meeting in order to discuss a personnel matter.

COMMITTEE REPORTS:

Police Committee – Vice President Leonard – reported that the Police Department's budget is on plan through the end of August. He noted that Acting Chief Brandt and Detective Tingle looked at the signage in the Eagle Heights area. An ordinance will be drafted and adopted in order to address all necessary signage in the Township at one time. The Police Department recently toured the new Campus Heights Apartments. Vice President Leonard noted that he had met with some of the Fire Department leadership to discuss the 2013 budget. He also attended a meeting of the Penn State Advisory Board earlier this evening. Vice President Leonard stated that he would like to add an item for discussion during this evening's executive session.

Public Safety - Commissioner Wilt – no report

Budget and Finance – Commissioner Davies – reported that cash receipts for the month of August totaled \$387,506.30. The major sources of revenues were from Act 511 Taxes—most significant of which were the receipts for the distributions of the Earned Income and Local Services Taxes, the quarterly remittances for franchise fees from Comcast and Verizon, Real Estate Taxes, and other miscellaneous receipts. Cash expenditures totaled \$531,853.94 and were comprised of the two transfers to the payroll account, and invoices related to the road project in

Shope's Garden. Investments totaled \$521,658.27 with an average annual yield of 0.5%. Commissioner Davies reported that he will attend a DCED (Dauphin County Economic Development) seminar next Thursday to hopefully gain some additional insight into methodologies to save money. He also reported that the Board will need to decide on how to proceed with the MMO (minimum municipal obligation) for pension funds. The Township does have an opportunity to make a small amount of savings by taking advantage of a state law that allows it to reduce the contributions. The Township will need to look at the budget and determine whether it needs to take advantage of this option or not. Both the Non-Uniformed and Police Pension Boards met earlier this evening with the actuary. The meetings were very informative, and discussion including funding levels and MMO circumstances. Investments for both plans are doing well. President Linn commended both pension boards and the staff for the wise management and protection of these funds.

Public Works – Commissioner Mehaffie – reported that Mr. Anderson is here this evening and can address any questions. Mr. Anderson asked to address some of the concerns expressed earlier tonight about Lawrence Street. He reported that the paving of Lawrence Street is scheduled to occur on or about September 26. The water problems will be addressed when the drainage is put in across Route 230. The Township does plan to make improvements to the bottom of Wood Street sometime next year after all this work is completed. Mr. Anderson also noted that previous concerns had been expressed about the West Nile Virus as a result of the standing water on Lawrence Street. He explained that he was trained in the West Nile eradication process, and the type of mosquito that carries this virus does not breed in that type of water. It breeds in such places as flower pots, garbage cans, old tires, etc. Ms. Helwig asked Mr. Anderson if the holes in West High Street would be fixed. Mr. Anderson anticipated they will be fixed by the contractor when the wearing course is put down. Ms. Helwig also stated that a part of the road that goes right into her driveway was cut when the water line was put in, and the patch job is not very good. Mr. Anderson stated that this should be repaired also, but asked Ms. Helwig to let the Township know if it is not.

Commissioner Mehaffie reported that as requested at the last meeting, he and staff met with GreenWorks and KGH to discuss the mutual goal of getting Lawrence Street done. After working with both companies and their respective engineers, it was agreed that wearing course would be placed on either September 26 or 27. This should help some of the situation.

Unfortunately, the bottom of the road that involves the HOP (highway occupancy permit) is still in the hands of the state, and PennDOT has not yet gotten back to the Township. Commissioner Mehaffie reported that all in all, communication is good and everyone is working together. Hopefully this will continue and work will be completed in a timely manner.

Commissioner Mehaffie noted that the group also discussed the idea of a maintenance agreement if the road is not dedicated prior to the winter season. He asked Solicitor Henninger's direction on how to proceed with this. Solicitor Henninger agreed that at its last meeting, the Board had discussed coming up with some type of winter maintenance agreement rather than leave it to the developer to plow and salt Lawrence Street. This arrangement would make the most sense from a safety standpoint; it would be better for the Township to maintain the road rather than rely on a private contractor. Solicitor Henninger explained that he would need the blessing of the Board to move forward with drafting an agreement, which would need to include a fee and payment schedule, in the event the contractor does not meet the October 15 paving deadline. He would also need to add some indemnification language to protect the Township. Solicitor Henninger further explained that he and Mr. Anderson will look into what is a reasonable fee for plowing and cindering. He cautioned that the Township does not want to create a dangerous precedent, but rather wants to give the developers incentive to finish their work.

President Linn stated that if a developer comes in and build homes but does not complete the road, the Township does not plow that road. He suggested it should be the same way for this road. Solicitor Henninger explained that the issue here is that to rely on a private contractor to plow/cinder this road, considering the access it needs to provide, is a big concern. Commissioner Mehaffie stated that both developers would like to enter into this agreement for the Township to do the winter maintenance at the developers' expense. President Linn suggested that these developers should have looked ahead. Commissioner Mehaffie agreed, but stated at this point, they are at the mercy of PennDOT. The drainage pipe at Wood Street is the problem because of the way the utilities run across Route 230. For the sake of the residents, it makes sense for the Township to take care of the winter maintenance needs for this road. Commissioner Mehaffie added that while the paving deadline is October 15, the engineer has applied for an additional two week extension. He referenced an extensive email from Ms. Wick summarizing the details of the meeting. Commissioner Mehaffie also noted that after the

meeting, he and Mr. Anderson had walked this area to evaluate things and take notes. KHG has verbally agreed to put a stop sign at the end of High Street.

In response to a question from Commissioner Davies, Solicitor Henninger agreed that he would like the Board to take action tonight on authorization to have him prepare an agreement to bring back before it in two weeks. President Linn asked if the contractors are willing to pay for Solicitor Henninger's legal fees to do this. Solicitor Henninger concurred that this would be part of his recommendation. A motion was made by Commissioner Mehaffie, seconded by Commissioner Davies, to authorize Solicitor Henninger to prepare an agreement between GreenWorks Development, KGH Developers, and Lower Swatara Township for winter maintenance of the new Lawrence Street until the street is adopted, conditioned upon GreenWorks Development and KGH Developers agreeing to bear the costs of the agreement. The motion was unanimously approved. President Linn again expressed concern with the contractors not looking ahead, and placing the blame on the Township.

Community and Economic Development – President Linn – reported that work at the new Sharp Shopper continues. Commissioner Davies asked about the developer of the former Jamesway Plaza and the condition of that property. He inquired if there is any chance of improving the visual aspect in the near future. President Linn explained that the developer's dream failed, and he has sold half of the shopping center. The individual who purchased part of it will be putting other buildings in there, which will be a big improvement. It is unknown, however, when the pile of dirt will be removed and that other part of the shopping center tore down.

Mr. Krot informed the Board that interviews for the Commercial Code Inspector, who will replace Glenn Snavely upon his retirement at the end of October, will be conducted early next week. It is anticipated that a candidate will be presented to the Board at the October workshop meeting.

UNFINISHED BUSINESS:

Mr. Krot stated that no action is required on agenda items A, B, C, and D. A motion was made by Vice President Leonard, seconded by Commissioner Davies, to table the Final Subdivision Plan of Bryn Gweled East (26 lots), the Final Land Development Plan of Residential Retirement Community (Phase 1), the Final Subdivision Plan of Old Reliance Farms

Section 18-B, and the Revised Five Oaks Village (Mobile Home Park) Plans. The motion was unanimously approved.

NEW BUSINESS:

Mr. Krot referenced Commissioner Davies' remarks regarding the minimum municipal obligation for the Township's pension programs. Every September, Marylou Rittner, the Township's Financial Administrator, follows a prescribed formula for determining what the estimated contribution will be from the Township. The actuary requires that the Board acknowledge these numbers. As Commissioner Davies had stated earlier, this year there are two sets of numbers to acknowledge. This is due to Act 44 provisions which allow the Township to decide before November 30 whether or not to take advantage of a reduction in its obligation. This would be for the next two years. The portion would be deferred until 2015, at which time the unpaid portion would have to be paid. The Board needs not decide this tonight; it only needs to acknowledge receipt of the figures. A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to acknowledge receipt of the 2013 Minimum Municipal Obligation. The motion was unanimously approved.

Mr. Krot referenced a memo from Mr. Anderson regarding purchase of materials for the recreation fields. As discussed at the September 5 workshop meeting, this would be done through a transfer of funds. Vice President Leonard agreed that historically, funds are moved around when necessary. He asked, however, if there are any risks of not getting other things done by moving this money around, or if it is a common sense thing to do. Mr. Anderson agreed that it is a common sense thing to do; he does not foresee any issues. A motion was made by Commissioner Wilt, seconded by Commissioner Mehaffie, to approve the reallocation of \$4,000 in funds from Materials & Supplies Highway (line item 438-244) to purchase the following materials for Greenfield Park soccer field maintenance:

- Grass seed \$ 2,200.00
- Compost \$ 1,000.00
- Dry Fertilizer 800.00
- \$ 4,000.00

The motion was unanimously approved.

FINAL COMMENTS:

Mr. Krot referenced receipt of a letter from the Public Works Department pertinent to wage requests for the upcoming year. The Board acknowledged receipt of the letter.

President Linn reminded the Board the importance of teaming up to make a clean budget and then living within it. He stated that he cannot see pulling money from other funds to pay for something else. If it is not needed, it should not be spent. President Linn stated this will be another tough year.

Commissioner Wilt reported that he had chatted with a gentleman tonight who was working on Longview Drive, putting in underground utilities for a T-Mobile cell tower. The worker wanted to express his gratitude to the Board for approving this underground work; apparently PPL would not allow them to hook up to the utility pole. The gentleman thanked the Board for the opportunity to work and put food on the table.

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 7:56 P.M.

ATTEST:

Harry N. Krot
Township Manager