

MINUTES

NON-LEGISLATIVE MEETING

MAY 2, 2012

The Non-Legislative Meeting of the Lower Swatara Township Board of Commissioners, held at the Lower Swatara Township Municipal Building, 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, Vice President
- Thomas L. Mehaffie III, Commissioner
- Michael J. Davies, Secretary
- Jon G. Wilt, Commissioner
- Harry N. Krot, Manager
- Peter R. Henninger, Solicitor
- Richard T. Wiley, Police Chief
- Steven W. Anderson, Public Works Director
- Brenda K. Wick, Planning & Zoning Director
- Jean R. Arroyo, Recording Secretary

Excused:

- HRG, Township Engineer

Residents and visitors in attendance:

- Chris DeHart (Lower Swatara Fire Dept.)
- Pastor Al Nydes, Carl Adkins, Peter Brooks (DaySpring Ministries)
- Linda Mehaffie, Dale Phillips, Bonnie Baker, Julie Wilt (residents)
- Ron Burkholder (Old Reliance Farms Subdivision)

President Linn welcomed the residents and visitors to the Board. He noted that before going into the workshop meeting tonight, the Board will be taking action on several items.

The first item for formal action is to approve/reject authorization to prepare and advertise an ordinance that would prohibit parking at the corner of Nissley Drive and Spring Garden Drive, as per a request by DaySpring Ministries. President Linn stated that he had told Pastor Ash months ago that he would not be in favor of this request. After doing more research, he noted that he feels even more strongly about his position. The Township's Planning Commission goes through all plans for development, and puts a lot of thought into this process. He explained that due to the review of the Planning Commission, this particular street was designed to be wider than any other street in the area, in part due to the two churches being located here and the need for overflow parking. President Linn made a motion to reject the request of the church to prepare and advertise an ordinance that would prohibit parking at the corner of Nissley Drive and Spring Garden Drive. Vice President Leonard inquired if the motion would die if not seconded. Solicitor Henninger confirmed this is correct. Commissioner Davies inquired if it is necessary to take any specific action whatsoever. President Linn stated that a request has been made, so his motion is to reject the request. Commissioner Davies stated that he agrees with President Linn's position on the request, although he is not sure he agrees tactically with the way he wants to go about it. He noted, however, that he will second the motion to reject the request.

Commissioner Mehaffie reported that as requested by the Board, input from the committees -- Fire, Police, and Public Safety -- was received. He and Commissioner Wilt, as liaisons to the Public Safety Committee, went to reach out to the individual who owns the vehicles parked here. This individual, Mr. Phillips, was not at home when they arrived, but he did call them back within minutes to discuss the situation. Mr. Phillips explained that he has several cars, and it is just easier to park on the side street. He also indicated that he does park back from the stop sign. Commissioner Mehaffie added that he and Commissioner Wilt had taken a good look at the area in question, and he really did not see a whole lot of problems with parking here. Commissioner Mehaffie agreed that this area was developed the way it was for a reason, and Mr. Phillips is parking here within his legal rights.

Vice President Leonard, liaison to the Police Department and Fire Department, noted that the Police Department had indicated that it didn't feel the parking created a safety or emergency issue, and Chief DeHart from the Fire Department didn't feel the parking was an issue from an emergency standpoint. He added that he had personally driven emergency vehicles in this area with no problem.

President Linn called for a roll call vote on his motion to reject preparation and advertisement of the ordinance. Commissioner Mehaffie asked if this was a roll call vote or just a yes or no. President Linn stated it is a roll call vote. Commissioner Wilt asked if this was necessary. Solicitor Henninger explained that it is the President's prerogative on how to call for the vote. Commissioner Wilt stated that before he casts his vote, he would like to say that he also did not see any safety issue or concerns. A roll call vote with then taken with the following ballot tabulation: Commissioner Wilt – aye, Commissioner Mehaffie – aye, Commissioner Davies – aye, Vice President Leonard – aye, President Linn – aye. The motion to reject the request was approved by a 5 – 0 margin. Vice President Leonard stated the answer was not the one that DaySpring was looking for, but at least the Board did investigate the request thoroughly before making its decision.

Pastor Nydes stated that he would like to publicly thank the Board for considering the request for the parking restriction. He noted that to be heard is a privilege, and he appreciates the Board and staff's consideration and research on this issue. He added that it was the church's right to make the request and the Board's right to research and close the issue. Pastor Nydes stated that DaySpring had had tried its best to communicate with the individual parking here, which is why it came to the Township for help. He agreed, however, that the parking is being done legally. He again thanked the Township for its time.

Mr. Krot stated the next item for formal action is to act on Ordinance No. 541. This ordinance incurs nonelectoral debt to be evidenced by General Obligation Bonds, Series of 2012 in the aggregate principal amount of seven million one hundred thousand dollars (\$7,100,000) to advance refund a portion of the outstanding General Obligation Bonds, Series of 2009, and General Obligation Bonds, Series A of 2009, of this Township, and pay the costs of issuing the bonds; accepting a certain proposal for purchase of the refunding bonds; setting forth the terms and substantial form of the bonds; pledging the Township's full faith, credit and taxing power to secure the bonds; appointing a paying agent and a sinking fund depository; providing for the retirement of the refunded bonds; and authorizing related actions and documents. Daryl Peck, Concord Public Finance, explained that two months ago, the Board had authorized him to proceed with refinancing these two sewer-related bonds when a threshold of savings of \$250,000 or more could be met. He stated that today was a great day for Lower Swatara Township. Through an internet bond sale, the Township will be saving a little over \$400,000 through this refinance. Mr. Peck explained that five bidders were involved, with the low rate offered by PNC Capital Markets at a rate of about 2.7%.

Mr. Peck noted that without its strong credit rating, the Township probably wouldn't have realized savings. The bond market is more and more sensitive to these credit ratings. He congratulated the Board and staff on this excellent credit rating, which comes from strong fiscal responsibility. Dave Twadell from Rhoads & Sinon, the Township's bond counsel, referenced the accompanying ordinance that accepts this proposal from PNC. The copy before the Board this evening incorporates the schedules and dollar figures in the proposal. He also explained that this is for a refunding of two issues that were originally sewer revenue bonds. A number of years ago, the Township's bond counsel and financial advisors recommended that if the Township would be willing to issue General Obligation Bonds instead, it would actually get slightly lower interest rates. Attorney Twadell explained that in addition to approving bond-related documents, the Board will be approving the official statement. He asked the Commissioners to review this, as the Board will be approving the official statement as the issuer of municipal bonds, and it is important that it be accurate. Commissioner Wilt stated that his first name is misspelled on the certificate page. Mr. Twadell agreed to have this corrected. The revised version will be forwarded to the Board for signature. In response to a question from Commissioner Davies, Solicitor Henninger confirmed that he and staff have reviewed these documents and feel everything is in order for approval. A motion was made by Commissioner Davies, seconded by Vice President Leonard, to approve Ordinance No. 541. A roll call vote was taken with the following ballot tabulation: Commissioner Wilt – aye, Commissioner Mehaffie – aye, Commissioner Davies – aye, Vice President Leonard – aye, President Linn – aye. Ordinance No. 541 was approved by a 5 – 0 margin. Vice President Leonard thanked Mr. Peck for his efforts, and stated that over the last eight years or so, he and his co-workers have saved the Township hundreds of thousands of dollars.

PUBLIC COMMENT: None

POLICE DEPARTMENT REPORT:

Richard Wiley, Police Chief, provided call statistics for the month of April: 21 Part I Crimes, 56 Part II Crimes, 691 service calls, 52 total cases, 29 suspects, 41 victims, 66 traffic citations, 21 non-traffic citations, 40 warnings and 106 vehicle investigations. He noted the reference of a murder on the report, and stated this was actually an attempted murder. An arrest has been made and the gun recovered. Chief Wiley also reported the following statistics year-to-date:

61 Part I Crimes, 209 Part II Crimes, 2712 service calls, 180 total cases, 90 arrests, 38 suspects, 154 victims, 15 DUI's, 305 traffic citations, 41 non-traffic citations, 181 warnings and 486 vehicle investigations.

Vice President Leonard reported that the police arbitration meeting originally scheduled for last Tuesday has been rescheduled. He also addressed concerns expressed about Township police officers conducting speed patrol on interstates/state highways. This issue was talked about at the Police Committee meeting. While it is a concern, the opinion is that it is being done in a balanced approach, and not extensively. He explained that the Township has a memo of understanding with the state police whereby the Township helps them and they help us – almost like the mutual aid arrangements between the local fire departments, and similar to the arrangement the Township has with Penn DOT, where the Township plows state roads. Commissioner Mehaffie asked if the Township is reimbursed for speed patrol on state roads. Vice President Leonard stated that it is not. Commissioner Mehaffie added that Penn DOT does reimburse the Township for plowing state roads.

PUBLIC WORKS DEPARTMENT REPORT:

Steve Anderson, Public Works Director, reported that the Greenwood Circle project is 99% complete. Work on the Shopes Garden paving project continues, and the Township's spring park maintenance program is complete. The Market Street playground equipment was installed and the park is open; the perimeter of the play area is fenced off. Mr. Anderson reported that on May 26 through May 28, SEALCO will seal and remark the Township parking lot and driveway. Half of the property will be sealed Saturday, the other half Sunday, weather permitting. Flyers will be distributed, and the EMS, Police, and Fire departments have all been notified. A reminder will also be sent prior to sealing. Mr. Anderson noted that no fuel will be available Saturday, May 26, so departments should plan accordingly. The Public Works Department is currently crack sealing in the Old Reliance Farms neighborhood. Some residents don't care for the way it looks, but this procedure does save the road and prevents more damage from occurring.

Upcoming projects:

- May 7 – 11 : Inlet repair Lakeview and Hanover St. and sewer line repair on James St
- May 14 – 31 : Right of Way mowing
- May 7 – 18 : Inlet work in Shopes Garden

Mr. Anderson reported that the dumpster will be available to Township residents this Saturday, from 8AM to Noon.

Commissioner Mehaffie added that all the Commissioners had attended Opening Day of baseball this past Saturday. He stated that the fields looked great, and asked that this be passed on to the Public Works crew. He also reported that the Recreation Board met earlier this evening and is focusing on resolving the water situation at the new soccer fields.

PLANNING AND ZONING REPORT:

Brenda Wick, Planning & Zoning Director, reported that two plans are before the Planning Commission. The first plan is the Highspire Service Plaza on the Turnpike. This plan was recommended for approval by the Planning Commission, and could be before the Board in two weeks, or possibly in June. The service plaza will be closed beginning the day after Labor Day in order to tear down the current building and begin building a brand new one. The second plan before the Planning Commission is a plan for Phoenix Contact for three new buildings on its current site. This will also include new parking and stormwater management areas. Also before the Board for formal action in two weeks will be a waiver request for the Lawrence Street Relocation Plan. Because of Penn DOT coordination with the HOP, there will be additional lane widening on Route 230, which changes the profile of the new Lawrence Street. Ms. Wick noted that nothing that affects the layout of Lawrence Street has changed. In response to a question from President Linn, Ms. Wick reported that there is no traffic light planned at this location at present time.

Ms. Wick reported that the code department has been involved with 21 construction inspections for residential sites, investigation of 39 code complaints, 68 commercial inspections, and issuance of 44 total new permits.

Commissioner Mehaffie questioned the waiver request, and asked what it would be changing. Ms. Wick explained this will change the slope of the road. The Township allows for a maximum slope of 10% for local roads. They are requesting it go up to 11.4%, although it would be gradual. Ms. Wick added that it would still be in compliance with Penn DOT recommendations for local roads, but is steeper than Township ordinance normally allows.

FIRE DEPARTMENT REPORT:

Chief DeHart reported that calls for April totaled 54 with the total for the year at 151. Average personnel per call is seven. The Department held it first breakfast in April, with 121 in attendance. The next breakfast is scheduled for May 27, from 7 AM to 11 AM. A Ham Dinner will be held on May 20, starting at 11:00 AM until sold out. The Department will be meeting with two of the vendors on the Rescue tomorrow evening. The new engine is hoped to be in service mid-June. Chief DeHart noted that the hold up here was the fact that it took over four weeks to get the tags from Penn DOT. Apparently there is only one individual at Penn DOT who deals with emergency vehicle tags. Commissioner Davies suggested the Fire Department contact Representative Payne's office the next time this happens, since they have a division devoted to this.

President Linn noted that Board members had all received a letter of complaint from a resident in the Woodridge Development regarding a pool in a detention pond area. He asked if Ms. Wick could elaborate on this. Ms. Wick explained that she had not been personally involved, but understands that Mr. Knoche, Code Enforcement Officer, did respond to this complaint. The complaint regards a property on Evergreen Drive in the Woodridge PRD, which has a homeowners' association. Homeowners' associations regulate things like swimming pools. The Township usually doesn't get involved in regulations implemented by homeowners' associations. Therefore, Mr. Knoche had contacted the association and asked that it address the concern regarding the swimming pool. The resident who lodged the complaint also has a concern about the pool being in the detention basin, and possibly causing additional flooding because of the volume of water taken up by the pool. Ms. Wick noted, however, that this area did not suffer flooding during the last flood. President Linn stated that he is satisfied with Mr. Knoche's response to the complaint.

Commissioner Mehaffie inquired if it was legal for a swimming pool to be placed here. Ms. Wick explained that the Township didn't issue a permit, but the Township wouldn't put a pool in a detention basin. The swimming pool itself is a bigger violation than the flooding concern.

Commissioner Davies asked if retention ponds are the property of the homeowners' association. Ms. Wick stated that she believes in this particular development, each person whose lot backs on the detention basin owns it, and there is an overlying drainage easement on the basin. Commissioner Davies asked who bears the financial responsibility and liability for the maintenance

of the outlet of a retention basin. Ms. Wick stated if there is a homeowners' association, it is the responsibility of the association.

SOLICITOR'S REPORT:

Solicitor Henninger distributed a draft ordinance which should be advertised for consideration at the Board's May legislative meeting. This ordinance will revise the recently passed floodplain ordinance, Ordinance No. 539. The floodplain ordinance went through a multitude of reviews by FEMA and DCCD, and the Township was given the green light to approve it. Once it was approved, a certified copy was required to go back to them for another review. The Township is now being told that the ordinance doesn't include a specific effective date, which should be August 2, 2012. Therefore, the ordinance needs to be amended to reflect this. A motion was made by Commissioner Davies, seconded by Commissioner Wilt, to advertise an ordinance amending Ordinance No. 540 (floodplain ordinance), by setting forth the date of August 2, 2012 as the effective date of the Township's Flood Plain Management Ordinance. The motion was unanimously approved.

Solicitor Henninger requested the Board convene into executive session immediately upon conclusion of tonight's meeting in order to discuss a potential litigation matter.

MANAGER'S REPORT:

Mr. Krot reported that interviews continue for a candidate to replace the Code Department's Administrative Assistant, who will be retiring. It is anticipated there will be a candidate presented by the legislative meeting. As the Board is aware, the cleaning situation for the administrative offices has changed. Beth Orris, who has been cleaning the Police Department offices for several years now, has expressed interest in taking on this additional task. She will begin next Tuesday. Mr. Krot added that this is a budgeted item.

Mr. Krot also reported that he and Ms. Wick will be meeting with DEP to discuss matters related to the wetland issues in the Old Reliance Farms Development. Commissioner Mehaffie questioned if this would include the Army Corp of Engineers or just DEP. Mr. Krot responded that it would only be DEP, which actually requested the meeting.

FINAL COMMENTS:

Commissioner Davies echoed Commissioner Mehaffie's praise for the Public Works crew on the fine shape of the ballfields, and also expressed appreciation to Concord Public Finance which came through for the Township in a big way.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Vice President Leonard, seconded by Commissioner Davies, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:02 P.M.

ATTEST:

Harry N. Krot, Jr.
Township Manager