

MINUTES

NON-LEGISLATIVE MEETING

APRIL 6, 2011

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 R. Clark, Commissioner
- Thomas L. Mehaffie III, Commissioner
- Ronald J. Paul, Manager
- Peter R. Henninger, Solicitor
- Ryan Hostetter, HRG, Township Engineer
- Steve Anderson, Public Works Director
- Richard T. Wiley, Police Chief
- Jean R. Arroyo, Recording Secretary

Excused:

- Robert L. Loych, Commissioner

Residents and visitors in attendance:

- Chris DeHart (LST Fire Dept.)

PUBLIC COMMENTS: None

FIRE DEPARTMENT REPORT:

Chief DeHart reported that March was another busy month with 54 calls, for a total of 162 calls thus far in 2011. It has been a very active first quarter of the year, with a record number of calls. The majority, over 50%, are still in Lower Swatara Township.

The Department is in the process of reviewing its Standard Operating Guidelines. It is also working on establishing some type of criteria to ascertain that firefighters returning from a call are in satisfactory medical condition and receive any necessary medical attention.

The new engine design will be finalized in the next few weeks, and work on the rescue project will be started after the engine paperwork is complete. The next dinner, a turkey dinner, will be held on April 17. The Summer Breakfast Series will run from May 22 thru September 25.

Chief DeHart noted that the Fire Department will be participating in the Township's TMI drill next week. He also added that a group has rented the Fire Department for Zumba classes on Thursdays evenings, beginning tomorrow, from 5:30 P.M. to 6:30 P.M.

PUBLIC WORKS DEPARTMENT:

Steve Anderson, Public Works Director, reported that the Department is gradually switching its equipment from winter mode to spring/summer mode. Street sweeping has been completed in the Township, and drainage issues and litter pick-up is being addressed. The Department is pulling road shoulders throughout the Township to improve drainage; this should be finished by April 9. It is also in the process of inspecting, cleaning and repairing the 18 storm drains on Rosedale Avenue, and the five storm drains on Spring Garden Drive/Turnpike Industrial Drive, for the summer paving season.

Work on the baseball fields is finished, and the fields are in very good shape for Opening Day, which is April 23. Scott Dintiman of the Athletic Association had indicated that he received numerous compliments on the fields, and had informed the public that the Public Works Department was responsible for the work. Mr. Anderson reported that he had spoken to Mr. Dintiman about the possibility of the Athletic Association purchasing a Little Rascal, which is a ball field groomer. This would help keep the fields in better shape. The leaking roof on the large concession stand at Memorial Field will be repaired as soon as the weather cooperates. The team benches at both the Shopes Gardens and Memorial fields have been secured. As per the email to the Board, the Department will pick up and deliver two loads of Diamond Tex for the Lower Swatara Athletic Association for the ball field at Glad Tidings Church. This will be done when weather permits.

Troy White has started to upgrade the sign maintenance program using the SIMS program. Mr. Anderson stated this is a computer program that will allow the Township to meet the

requirements to inventory signs. A sample page from the program was provided. The program will allow the Department to track, sort and manage Township signs much more efficiently. It was noted that this is a federally mandated program, and the criteria and standards seem to be constantly changing. The Township is presently replacing signs as necessary with high intensity prismatic signs, which are far more reflective. Commissioner Clark added that the intention is to make signage user-friendly to drivers with vision problems. Commissioner Clark also stated that there is a requirement that the reflectivity of the signs be tested. This requires a special gun to shoot the sign to test its reflectivity. If it doesn't meet the required reflectivity, the municipality is supposed to change the sign. Commissioner Clark stated that renting this equipment even for a day is extremely expensive, so a recommendation was made on how to visually check the reflectivity. This, of course, is subjective. Vice President Leonard asked if these requirements will be enforced. Mr. Anderson agreed that he also questions if every sign in the Township will be checked for compliance. Commissioner Clark stated that he had read that there are some municipalities challenging these regulations, especially those that have antique or decorative street signs. Mr. Anderson noted the Township will continue to comply as best it can. Right now, it is a big investment in time. Some of the Township's stop signs are presently being replaced, as they are required to be 30" by 30", and quite a few in the Township are 24", which isn't legal. Mr. Anderson will keep the Board updated on the sign replacement project.

Mr. Anderson reported that he, along with Rick Fox and Carl Fricchione, had attended a free training session today on spring road maintenance. Some of the topics included selection and correct use of the right products and techniques for various projects. Included in the discussion was the topic of warm mix, which is being implemented due to EPA requirements. It has shown to work as well or better than hot mix and the life of the material is considerably longer. Mr. Anderson stated that the Township may be required to switch to this in the future.

The dumpster will be available for use by Township residents on Saturday, May 7 from 8:00 A.M. to Noon.

POLICE DEPARTMENT REPORT:

Chief Wiley reported that in the last thirty days, three area police officers have committed suicide. He personally thanked Richard Malwitz, who was activated as a member of the PA Critical Incident Stress Management Task Force, all three times. One of these suicides occurred in the

Township, and Mr. Malwitz's presence had a significant impact on what happened that evening. Chief Wiley stated that the complexion of the scene could have been very different if Mr. Malwitz had not been involved.

Chief Wiley also thanked the Public Works Department for the spring cleaning and repair work of the Police Department offices.

Tremendous feedback was received on the active shooter training program. The last program was held on-scene at the schools, and the media was invited. Chief Wiley expressed his desire to do this on an annual basis.

Representative John Payne was thanked for his tenacity in the recent approval of a \$10,000 grant which will be used in part for in-car videos. This is a very good tool for police officers, especially when they go to court and also during internal affairs investigations.

Work on the grant for the new Record Management Systems, which will allow information sharing between police departments, continues. The Police Department has been going through in-service training. Training will also be held on the Employee Access Program, which is an important tool to help officers deal with the stress involved in police work. In addition, drug interdiction training will be held tomorrow through the PSP.

Chief Wiley reported on a recent significant arrest of a Manager at FedEx who was stealing items and selling them on E-bay. A sting operation was held, resulting in Detective Appleby getting a confession and recovering thousands of dollars worth of items from this individual's home.

ENGINEER'S REPORT:

Ryan Hostetter, HRG, Township Engineer, provided a status report on the Meade Avenue project. Construction continues to progress, and for the most part the storm drainage and pipes and inlets systems are complete. The sanitary force main construction should start April 11. Roadway construction will begin above Rosedale Avenue.

Mr. Hostetter stated that the Township has the possible opportunity to make some improvements to University Drive before construction begins. While the present design is sufficient and has been verified to provide the necessary strength to accommodate anticipated traffic, an entirely new roadway would inevitably require less future maintenance. The proposed change order would revise the current widening and overlay on portions of University Drive to a full depth reconstruction beginning approximately 600' north of Rosedale Avenue and extending 1750' to the

end of the project. President Linn noted that Mr. Paul had pointed out that 5th Street is not capable of handling the tractor trailer traffic that is proposed for Meade Avenue, and had suggested reconstructing this road. He agreed with Mr. Paul that this is a good idea. Mr. Hostetter stated that while he also supports the road reconstruction, the studies performed did indicate that the pavement structure should hold up to the traffic. In response to a question from Vice President Leonard, Mr. Hostetter stated that this road reconstruction would not negate any work that has already been done. Mr. Paul suggested this change order be approved. He explained the reason this work wasn't originally included in the bid package was due to the fact that Penn DOT was insisting on right sizing the project in order to save money. This road has not been improved nor have tractor trailers used it much in the past 35 years. If the money is now available and Penn Dot is in agreement with the change order, the reconstruction should be done at this time. Mr. Hostetter advised the Board that the change order to complete this work is anticipated to be within the range of \$160,000 to \$175,000. There is presently a \$500,000 surplus for the project, so a balance of approximately \$325,000 would still be left if this change order is approved. Mr. Hostetter advised the Board that he doesn't see any other major change orders occurring. In response to a question from President Linn, Mr. Hostetter explained that HRG is still waiting for the updated schedule from the contractor. Despite several requests, it still has not been submitted. A motion was made by Commissioner Clark, seconded by Vice President Leonard, to approve a change order for the reconstruction of University Drive. The motion was unanimously approved.

Mr. Hostetter also informed the Board that as a result of extended coordination efforts required, and the need for geotechnical support, HRG foresees the need for a supplement to provide the Construction Administrative Services through the remainder of this project. Based on the invoicing to date and the projected invoicing to complete the project, HRG anticipates the need to increase its budget by approximately \$15,000. The funding for this request would be covered through the current construction funding source. Commissioner Clark asked if Mr. Hostetter is simply advising the Board of this or is asking for the \$15,000 approval now. Mr. Hostetter explained he is advising the Board of what is expected to happen. It can be addressed now before it happens, or it can be addressed when the budgeted money runs out. Mr. Paul noted that Mr. Bauer did lay the groundwork for this request several months ago when he mentioned unforeseen expenses due to additional soils work that was required. Commissioner Clark stated that at this point in time,

he doesn't feel the Board should approve a change order of \$15,000 based on what HRG thinks it will need. Mr. Paul agreed, and stated the shortage will need to be documented.

MANAGER'S REPORT:

Mr. Paul recommended that the two draft ordinances – one pertaining to cell towers and one relative to an Airport Overlay District -- be scheduled for a Public Hearing on May 4, directly prior to the workshop meeting. Formal adoption of these ordinances can then take place at the May 18 legislative meeting. A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to schedule a Public Hearing on a draft ordinance pertaining to cell towers and a draft ordinance pertaining to an Airport Overlay District on May 4, at 7:00 P.M. The regularly scheduled workshop meeting will be held immediately upon conclusion of the Public Hearing.

Mr. Paul reported that both the personnel committee and the finance committee had met earlier this week. He requested the Board convene into executive session immediately upon conclusion of this evening's meeting in order to discuss a personnel issue.

Mr. Paul informed the Board that the Finance Committee and staff had recently discussed the possibility of switching banks from M&T Bank in Middletown to Mid-Penn Bank, which is located directly across the street from the Township Building. The staff is recommending this change with the support of the Finance Committee. Mr. Paul noted that the Township will still carry some current loans with M&T. The Board expressed no objections to this request.

Mr. Paul requested the Board address several items which require formal action this evening.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve/reject Resolution No. 2011-R-3. This resolution authorizes, empowers and directs the proper officers of the governing board to execute an Agreement with Berkheimer whereunder Berkheimer is retained as the exclusive Tax Collector for the collection of Occupation Assessment Tax for the term commencing January 31, 2011 and ending December 31, 2011, together with such extensions as may be agreed upon, said tax enactment having been adopted under and pursuant to the authority of the Pennsylvania Local Tax Enabling Act (Act 511, P.L. 1257). The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve Resolution No. 2011-R-4. This resolution authorizes, empowers and directs the proper officers of the governing body to execute an Agreement with Berkheimer whereunder Berkheimer is retained as the exclusive Tax Collector for the collection, administration, receipt and enforcement of the provisions of the respective tax enactment of the governing body levying and assessing the Per Capita Tax for the term January 31, 2011 and ending December 31, 2011, together with such extensions as may be agreed upon, said tax enactment having been adopted under and pursuant to the authority of the Pennsylvania Local Tax Enabling Act (Act 511, P.L. 1257). The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve/reject Resolution No. 2011-R-5. This resolution authorizes and empowers Lower Swatara Township's Local Tax Collector, Berkheimer, to impose and retain costs of collection on Delinquent Taxes. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve Resolution No. 2011-R-6. This resolution authorizes, empowers and directs the proper officers of the Governing Board to appoint Berkheimer as its Tax Hearing Officer under and pursuant to the Local Taxpayers Bill of Rights for the express purpose of adjudicating appeals thereunder. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve Resolution No. 2011-R-7. This resolution authorizes, empowers and directs the proper officers of the Governing Body to appoint a liaison between it and Berkheimer, the duly appointed collector of the Per Capita and Occupational Assessment Tax for the Township, for the express purpose of sharing confidential tax information with the Township for official purposes. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to approve Agreements with Berkheimer for the collection of the Occupation Assessment Tax and the Per Capita Tax for 2011 and any delinquencies. The motion was unanimously approved.

Mr. Paul reported the next item for action is the payment of Application for Payment #7 in the amount of \$48,327.71 to Leon E. Wintermeyer, for construction phase services related to the Meade Avenue Project. Vice President Leonard referenced the earlier comments from the Township Engineer that the contractor is not complying with continued requests to provide an

updated project schedule. He suggested that if no updated schedule is provided, payment should be delayed. Vice President Leonard stated that while the Township wants to provide timely payments for services provided, it should consider delaying payments if a contractor isn't providing something necessary to the Township. Mr. Paul advised the Board that these project payments are definitely not timely, since there is an approximate six week delay from Board action until the contractor actually receives the money. However, the point can certainly be made. A motion was made by Vice President Leonard, seconded by Commissioner Clark, to approve the payment of Application for Payment #7 in the amount of \$48,327.71 to Leon E. Wintermeyer, with the stipulation that the aforesaid concerns are addressed. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to approve the payment of Estimate No. 7 in the amount of \$14,229.50 to Navarro & Wright Consulting Engineers for construction phase services related to the Meade Avenue Project. The motion was unanimously approved.

SOLICITOR'S REPORT:

Solicitor Henninger reported that in last month's PSATC newsletter, there was a brief article on Act 93 of 1984. This is basically an authorization for local municipalities to enact a fire insurance escrow ordinance. Having such an ordinance in place requires fire insurance companies to send claim payments to the Township to cover delinquent taxes, assessments, user fees, sewer rents, etc and also to cover the cost of removing, repairing or securing fire damaged property in the Township. This is particularly useful in arson situations. There are only seven municipalities in Dauphin County that have this ordinance on the books. Solicitor Henninger stated that he had made a copy of Hampden Township's ordinance for Mr. Paul's review, and will see that the Board also gets this information for future consideration.

FINAL COMMENTS:

Commissioner Mehaffie reported that yesterday he had traveled to the Capitol with the State Association to express concerns as a state-wide organization about various municipal issues. The day went very well, and the legislators were receptive to most of the issues. Commissioner Mehaffie also reported that he received news today regarding actions in the Senate regarding two

issues: the Cancer Presumption Bill and sprinkler systems. He asked the Board to keep these items on its radar.

Commissioner Mehaffie stated that all Board members should have received an email showing a very preliminary layout of the Township's new website. He stated that he feels it looks very nice so far, although there has been concern about the Township's logo. He referenced the recent email exchanges regarding revision of the logo and asked the Board's input. President Linn remarked that several years ago, he had suggested getting a student from the High School to design the logo. The Board at that time, however, was not interested in pursuing this. President Linn added that if the Board desires to do this, it should at least give some direction to the students regarding what it would like to see on the logo. Commissioner Mehaffie suggested the Board think about how the logo can be modernized, and be prepared to discuss this further. He added that they may also want to look at the logos used by other municipalities.

Vice President Leonard asked that Chief Wiley and Chief DeHart stay for the executive session.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:55 P.M.

ATTEST:

Ronald J. Paul,
Manager/Secretary