

MINUTES

FEBRUARY 16, 2011

LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

The regular monthly 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. President Linn called for the pledge of allegiance and moment of silence.

Roll call was taken with the following officials in attendance:

- Frank Linn, Sr., President
- William L. Leonard, Vice President
- Thomas R. Clark, Commissioner
- Robert L. Loych, Commissioner
- Thomas L. Mehaffie III, Commissioner
- Ronald J. Paul, Manager/Secretary
- Jean R. Arroyo, Recording Secretary

Excused:

- Peter R. Henninger, Township Solicitor
- HRG, Township Engineer

Residents and visitors in attendance:

- Phyllis Zimmerman (Patriot-News)
- Mike Williams (Bryn Gweled Subdivision)
- Julie Wilt (Township Treasurer/Tax Collector)
- Jon Wilt, resident

President Linn welcomed the visitors to the meeting and opened the floor for public comments.

PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

A motion was made by Commissioner Clark, seconded by Commissioner Loych, to approve the Minutes of the January 19, 2011 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to approve the Minutes of the February 2, 2011 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Vice President Leonard, seconded by Commissioner Loych, to approve the Payment of Bills as presented on Warrant No. 2011-1. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the Treasurer's Report for January 2011. The motion was unanimously approved.

ENGINEER'S REPORT:

Mr. Paul reported the Engineer will attend the next Board workshop meeting to provide an update on the Meade Avenue project.

SOLICITOR'S REPORT:

In the absence of Solicitor Henninger, Mr. Paul noted that the Township needs to update its codification of ordinances pertinent to attorney fees and interest associated with the Township claiming liens (such as sewer liens). The attorney fees that are in the present ordinance are \$100/hour, which obviously need updated. He asked the Board to take action on preparing and advertising this ordinance. A motion was made by Vice President Leonard, seconded by Commissioner Loych, to authorize the preparation and advertisement of an ordinance pertinent to the recovery of attorney fees. The motion was unanimously approved.

Mr. Paul also reported that as previously discussed, the agreement with the newly appointed Tax Collector did have a stipulation that the Township would pay fees to review this particular agreement. The invoice for these legal fees is in the amount of \$350.00. A motion was made by

Commissioner Loych, seconded by Commissioner Mehaffie, to approve payment of the legal fees incurred by Julie Wilt, Tax Collector, in the amount of \$350.00. The motion was unanimously approved.

MANAGER'S REPORT:

Mr. Paul referenced a list of future meeting dates. He also called the Board's attention to a summary of quotes from Glenn Snively for the new sound system for the Board room. The low bidder was B&B Communications in the amount of \$7,596. If the Board would prefer to include the hearing assistance option for the hearing disabled, this would be an additional \$977. Even with this additional option, B&B Communications is still the low bidder. Commissioner Mehaffie stated that he had not had an opportunity to review the bid specifications, and asked if this item could be voted on at the next meeting. President Linn stated that since Mr. Snively had reviewed the bids thoroughly, he feels comfortable taking action this evening. A motion was made by Commissioner Loych, seconded by Vice President Leonard, to approve the low bid of \$7,596 as submitted by B&B Communication, and the \$977 option for hearing assistance. The motion was unanimously approved.

Mr. Paul requested an executive session immediately upon conclusion of this evening's meeting in order to discuss a personnel matter.

COMMITTEE REPORTS:

Police Committee – Chairman Clark – no report

Public Safety – Commissioner Mehaffie – referenced the TMI emergency responder training exercise on February 5 at the Lancaster County Public Safety Training Center in Manheim. The Township's Police Department and the Center of Safe Schools recently did a presentation with the EMA at the Middletown Area High School and Middle School. Commissioner Mehaffie noted that anyone living along the Susquehanna River is being alerted by the National Weather Service about the possibility of ice jams.

Public Works – Commissioner Loych – reported that the Department has been busy with snow removal and also dealing with drainage issues, where water is running across the road and refreezing on the surface. Other jobs include cold patching and sweeping. Commissioner Loych also informed the Board that one of the Township's large trucks is being repaired at Roger Mason's

Garage, and Mr. Mason is actually allowing Township mechanic Bill Walker to work on the truck at his garage while providing him on the job training. He stated that this is a very generous thing for Mr. Mason to do.

Budget and Finance – Vice President Leonard – reported that it was a typical January finance-wise; tax revenues should start coming in soon. There is nothing outstanding to report from a finance standpoint. Vice President Leonard stated that he had some good news to report from the Fire Department: the Department was awarded \$400,000 towards the purchase of a new rescue truck. This grant award was due to a lot of hard work from the Fire Department leadership, and support by the Board, Representative Payne, Senator Piccola, and Congressman Holden. A great presentation was put together by everyone involved. The Fire Department is in need of two vehicles: a new engine and a new rescue truck. Without this grant, it is unlikely that it would have been able to purchase both vehicles. Vice President Leonard stated this grant award is terrific news for the Fire Department, the Township, and everyone that goes through the Township on a daily basis.

Community and Economic Development – President Linn – reported that the contractor of the Meade Avenue project is experiencing some problems due to the weather, but is still moving along with the job. President Linn stated that he had represented the Township on January 31 at a meeting with Bob Casey. He had the opportunity to speak to him about a request the Township had put in for grant money for work on Route 441 and North Union Street. President Linn noted that he had also attended a February 15 event to meet the new legislators. The main topic of discussions was mandates and the importance of legislators really knowing about the issues when they vote on them. Commissioner Loych asked if they had talked about unfunded mandates. President Linn responded that discussion focused mainly on the mandates that are not desired by the municipalities or the school districts. He stated it is very important that these mandates be addressed with the new legislators. President Linn reminded the Board that they had all received an invitation to the Central Association meeting on April 29. Tom Corbett will be the speaker. Reservations should be forwarded to Marylou Rittner as soon as possible.

UNFINISHED BUSINESS:

A motion was made by Commissioner Loych, seconded by Commissioner Clark, to table and to grant a 90-day time extension, as requested by the developer, on the Final Subdivision Plan for Bryn Gweled East (26 lots), located along Lumber Street, immediately south of PA 283,

prepared by Dauphin Engineering Co. and submitted by B W Partnership. The plan was recommended for approval by the Planning Commission on May 24, 2007. 90-day time extensions were granted by the Board on July 18, 2007, November 21, 2007, 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, July 21, 2010, and November 17, 2010. The plan is due to expire on February 16, 2011. The motion was unanimously approved.

A motion was made by Commissioner Loych, seconded by Commissioner Clark, to table and to grant a 90-day time extension, as requested 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, and August 18, 2010 and November 17, 2010. The plan is due to expire on February 16, 2011. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Commissioner Loych, to table 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. The plan is due to expire on August 25, 2011. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Commissioner Loych, to table the Final Subdivision Plan and Final Land Development Plan of the Odd Fellows Home of Pennsylvania, Family Care Center Practice and Radiological/Lab Suite, located at the northeast corner of West Harrisburg Pike and Rosedale Avenue, prepared by Schlouch, Inc. and submitted by Middletown Management Associates, L.P. The plan was recommended for approval by the Planning Commission on October 28, 2010 and was due to expire on January 26, 2011. A 90-day time extension was granted by the Board on January 19, 2011; the plan is due to expire on April 26, 2011. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Commissioner Loych, to table the Preliminary/Final Land Development Plan for New Parking lot at The Penn State University – Harrisburg Campus, located at the northeast corner of College Avenue and University Drive, prepared by Gannett Fleming and submitted by Penn State University. The plan was recommended for approval by the Planning Commission on October 28, 2010 and was due to expire on January 26, 2011. A 90-day time extension was granted by the Board on January 19, 2011; the plan is due to expire on April 26, 2011. The motion was unanimously approved.

NEW BUSINESS:

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve Ordinance No. 528. This ordinance amends the Code of Ordinances of the Township of Lower Swatara, Dauphin County, Pennsylvania, Ordinance No. 448, as amended, Chapter 22, Subdivision and Land Development, Part 5, Design Standards and Part 6, Improvements and Construction Requirements, to include reference of newly adopted Stormwater Management Ordinance (Chapter 26). A roll call vote was taken with the following ballot tabulation: Commissioner Mehaffie – aye, Commissioner Loych – aye, Commissioner Clark – aye, Vice President Leonard – aye, President Linn – aye. Ordinance No. 528 was approved by a 5-0 margin.

A motion was made by Vice President Leonard, seconded by Commissioner Loych, to table the Agreement with Berkheimer Tax Administrator for collection of the Township’s per capita and occupation taxes for calendar year 2011. Mr. Paul explained that there are still some questions to be worked out with the agreement, including questions about the fee schedule and delinquent fee collection. He and Solicitor Henninger are in the process of addressing these items with Berkheimer Tax Administrator. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to approve the payment of Application for Payment #5 in the amount of \$63,912.67 to Leon E. Wintermeyer, for construction phase services related to the Meade Avenue Project. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the payment of \$7,031.42 to HRG, Inc. for services rendered for the period January 1, 2011 through January 30, 2011, for construction phase services related to the Meade Avenue Project. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve the payment of Estimate Number 5 in the amount of \$16,951.62 to Navarro & Wright Consulting Engineers for construction phase services related to the Meade Avenue Project. The motion was unanimously approved.

FINAL COMMENTS:

Commissioner Mehaffie reported that he did some additional research on the student housing project and the parking situation. He found out that The Pointe, Penn State, Altoona, has a 1-1 ratio of beds/parking spaces, with 641 beds and 680 parking spaces. University Gate at Penn State, which is in Erie, also has a 1-1 ratio, with 600 beds and 600 parking spaces. This information backs up what the Township did to address parking in its student housing criteria. Commissioner Loych agreed that having adequate parking is especially important during significant snowfalls, because when parking lots are plowed, some parking spaces are usually lost. President Linn stated he would now like the developer to come in to show the Board what it intends to construct.

President Linn also thanked all the individuals who were involved in the recent grant process for the Fire Department. There were many hands involved in this process.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:21 P.M.

ATTEST:

Jean R. Arroyo
Recording Secretary