

## MINUTES

### NON-LEGISLATIVE MEETING

FEBRUARY 2, 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
- Robert L. Loych, Commissioner
- Thomas L. Mehaffie III, Commissioner
- Ronald J. Paul, Manager
- Peter R. Henninger, Township Solicitor
- Steve Anderson, Public Works Director
- Richard T. Wiley, Police Chief
- Jean R. Arroyo, Recording Secretary

Absent:

- Thomas R. Clark, Commissioner
- HRG, Township Engineer

Residents and visitors in attendance:

- Julie Wilt (Township Treasurer/Tax Collector)
- Jon Wilt (1257 Longview Dr.)
- Joe Gelati (Whitehouse Lane)
- Chris DeHart (LST Fire Dept.)

President Linn welcomed the visitors to the meeting, and reminded everyone that the Board had advertised its 2011 meetings to allow for any pertinent business to be voted on at workshop meetings, when necessary. He then opened the floor for public comments.

PUBLIC COMMENTS:

Joe Gelati, Whitehouse Lane, stated that he is here to get any updates on his access issue. Mr. Paul explained that this has to do with a common access or right-of-way along two properties on Mr. Gelati's property that serves access to one property in the back. The courts recently ruled that it also serves access to one of the adjoining properties. Mr. Paul noted that there is a 30-day appeal process from when that order was issued. Mr. Gelati confirmed that he is appealing this decision. Mr. Paul further explained that if that appeal results in a follow-up order from the court requiring the Township to hold off on issuing any building permits, it will do so. If there is no follow-up order, the Township will be obligated to meet its requirements as far as issuing the permits. President Linn inquired if Mr. Gelati will be notified of any such order. Mr. Paul explained that this is actually being done through Mr. Gelati's own counsel, since he is the one that is pursuing the equivalent to an appeal. Mr. Gelati added that the appeal is already in the process.

Vice President Leonard asked for more background on this situation. Mr. Paul explained that there is a right of way on Mr. Gelati's property off Whitehouse Lane. Mr. Gelati's house sits in the back. There is also a homestead of top of the hill, previously owned by the Mayhews. In addition, there is a property in the back which was subdivided back in the 50's or 60's. When that deed was done, it reflected that there was access across the lane which was on the adjoining property. In the 70s or 80s, there was a subdivision off of that property, and there is currently a ranch house here. Its side property line abuts this access although the lot has total frontage on Whitehouse Lane. The subdivision was based on the fact that it fronted Whitehouse Lane. It set undeveloped for many years (10 or so), but was eventually purchased. When the new owner read the deed, it referred to that lot also having access from that private right of way. The owner is now trying to seek permission to use that access to build another garage in the back with access off this private lane. This is the issue at hand.

Mr. Paul asked Mr. Gelati if he had anything to add. Mr. Gelati agreed that this is basically the situation. He stated that one of the main reasons he is appealing the decision is that it would result in three property owners using that small driveway going out onto Whitehouse Lane. He stated that pulling out onto Whitehouse Lane is dangerous enough coming off of his driveway, and having excess traffic coming in and out of that lane would create a very bad situation. Solicitor Henninger reported that he hadn't had ample time to review this, but had observed that the order was issued January 21, and there is a 30-day appeal period. Therefore, he had advised Mr. Paul that

the Township should not issue any building permits until a minimum of 30 days has expired to see if there are any additional rulings. Solicitor Henninger added that Mr. Gelati's legal counsel is free to contact him with any questions.

FIRE DEPARTMENT REPORT:

Chief DeHart reported that there were 45 calls for January. A CPR training course is set for February 21, and TMI is holding a training class this Saturday at Lancaster County Fire School. A roast beef dinner is scheduled for February 20, and will begin at 11:00 A.M.

The Fire Department is ready for the 2010-2011 budget review with the representatives of the Board. Chief DeHart inquired if February 9, at 7:15 P.M., would work since this date is convenient for the Fire Department's Treasurer. Commissioner Mehaffie stated that he is not available that day. He also inquired if the Fire Department could still email this document to the review committee prior to the meeting. Chief DeHart confirmed that this will be done.

Chief DeHart stated that there is no update on the Rescue Grant, since Dauphin County has not awarded the Casino grants yet. The Department will be having a pre-build conference for the new engine. It will also be applying for a state 2% loan for this purchase. The State has awarded the Fire Department an equipment grant in the amount of \$11,892.00.

Chief DeHart reported that the Department also received funds (\$2,700.00) from the hazmat call that it responded to several weeks ago on Route 322 by the Clarks Ferry Bridge. He concluded his report by thanking Steve Anderson and the Public Works Department for taking care of the fire station during the recent snow and ice events.

Vice President Leonard reminded the Board that a year or so ago, there was discussion on the fact that the Turnpike elected to solicit other volunteer fire companies for fire and rescue services; Lower Swatara Fire Department no longer responds to calls on the Turnpike. Recently the Turnpike elected to contract with South Central EMS for ambulance services for the Turnpike. Chief DeHart added that this also includes ambulance services for the Turnpike Administration Building. Vice President Leonard noted that the South Central EMS is basically the old Paxtonia Fire Company, which has been expanded into ambulance services. The one that will be providing service to the Turnpike is located in Middletown, near Hoffer Park. Vice President Leonard stated that it seems to him that the ambulance service housed here in the Township shed is much closer to the Administration Building and the Turnpike. He stated that he just doesn't get the decision

making process, since it doesn't seem logical. He added that he isn't suggesting the Township do anything at this point. However, for the record, he would like to remind the Turnpike that they are getting services from beyond what seems to be reasonable distance. Chief DeHart agreed that South Central is probably the fourth closest ambulance service to the Turnpike.

#### POLICE DEPARTMENT REPORT:

Chief Wiley reported on the recent theft of \$20,000 worth of metal forms from a Township business. Surveillance was conducted of the business, which resulted in an arrest being made. Chief Wiley also reported that the Police Department continues to work on cases pertinent to thefts from automobiles, although some property has already been recovered.

The Police Department will be doing active shooter training this Monday for the School District. Sergeant Scott Young, who is also a member of the SWAT team, set this up. This training will also involve other surrounding jurisdictions, since it is imperative that everyone who responds to situations of this nature be on the same page.

Vice President Leonard noted that several weeks ago, the Board had discussed the possibility of having some type of police presence at both its workshop and legislative meetings, especially with some of the situations recently experienced in area municipalities. He asked the Board's feeling on this. Commissioner Mehaffie agreed that he would personally appreciate this. President Linn noted that since Chief Wiley already attends the workshop meetings, he would direct that either he or one of the other officers also attend the legislative meeting. Chief Wiley agreed that this would not be a problem.

Chief Wiley also thanked the Public Works Department for clearing/cindering the Police Department's parking area.

#### PUBLIC WORKS DEPARTMENT:

Steve Anderson, Public Works Director, reported that the Department's trucks are ready for the next winter storm. An additional 100 tons of salt should be delivered by Friday, February 4. There is an additional 200 tons of salt on order with a five-day delivery window. There have been a total of six snow/ice events so far this year, and the weather service is forecasting additional events for Saturday, February 5 and Tuesday, February 8.

The Department has finished the cleanup and reorganization of the old public works building. Current tasks include inventorying tools, organizing equipment, and general house cleaning. Mr. Anderson reminded the Board and residents that the dumpster will be available on Saturday, February 5, from 8:00 A.M. to Noon.

MANAGER'S REPORT:

Mr. Paul reported that the agenda of the February legislative meeting will include the previously tabled subdivision and land development plans, and there will be requests for time extensions on several of these plans, since they are due to expire. Also appearing will be an ordinance amending the Subdivision and Land Development Ordinance due to the recently approved Stormwater Management Ordinance. Mr. Paul noted that Solicitor Henninger was successful in communicating with Berkheimer Tax Administrator pertinent to collection of the Township's per capita and occupation taxes for calendar year 2011. Some type of agreement pertinent to this should be ready for Board action at the February legislative meeting. Solicitor Henninger added that while the firm had originally proposed a five year agreement, and then proposed a two year agreement, he had explained that the Township is seeking a one-year agreement since collection of these taxes is usually the responsibility of the Township Treasurer/Tax Collector. He subsequently received an email stating that Berkheimer is willing to accept a one year agreement at the same rate.

Mr. Paul stated there are several items that he would ask the Board to take formal action on this evening.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to approve the payment of Application for Payment #4, in the amount of \$56,883.25, to Leon E. Wintermeyer, for construction phase services related to the Meade Avenue Project. The motion was unanimously approved.

Mr. Paul stated the next item for action is an Agreement for the Dauphin County Treasurer to act as deputy tax collector and depository for Lower Swatara Township for the purpose of receiving and collecting all taxes levied upon real estate by the Township and County. Solicitor Henninger explained that as a result of Ms. Wilt seeking her own legal counsel, there was some minor additional language added. These additions were worked out with Ms. Wilt's legal counsel and the County's legal counsel. Rather than doing an amendment to the agreement, it was rewritten

into one new document. A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to approve an Agreement between Julie Ann Wilt, appointed Tax Collector/Treasurer for Lower Swatara Township; Janis Creason, elected Treasurer of Dauphin County; and Dauphin County whereby the Lower Swatara Township Treasurer appoints Dauphin County and the Dauphin County Treasurer to act as deputy tax collector and depository for Lower Swatara Township for the purpose of receiving and collecting all taxes levied upon real estate by the Township and County. The term of this agreement shall begin January 1, 2011 and extend through the first Monday in January, 2012. The motion was unanimously approved.

Vice President Leonard stated that he would also suggest the Board take action on the Agreement with the Township Manager. A motion was made by Vice President Leonard, seconded by Commissioner Loych, to approve an Agreement between the Township of Lower Swatara and Ronald J. Paul, Township Manager. A roll call vote was taken with the following ballot tabulation: Commissioner Mehaffie – aye, Commissioner Loych – aye, Vice President Leonard – aye, President Linn – aye. The motion was approved by a 4 – 0 margin.

President Linn requested the Board convene into executive session immediately upon conclusion of this evening’s meeting in order to discuss a personnel issue.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:31P.M.

ATTEST:

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Ronald J. Paul,  
Manager/Secretary