

MINUTES

JANUARY 19, 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
- Peter R. Henninger, Township Solicitor
- Jean R. Arroyo, Recording Secretary

Excused:

- HRG, Township Engineer

Residents and visitors in attendance:

- Phyllis Zimmerman (Patriot-News)
- Ed Dankanich (Penn State Harrisburg)
- John Hartman (Hartman Dev.)
- State Representative John D. Payne
- Janis Creason (Dauphin County Treasurer's Office)
- Julie Wilt (Township Treasurer/Tax Collector)
- Marylou Rittner (Township Financial Administrator)
- Tracey Bechtel (Township Receptionist)
- Jon Wilt, resident

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

PUBLIC COMMENTS: None

President Linn acknowledged State Representative John Payne. He noted that Representative Payne has been a loyal advocate to the Township and is in constant contact with the staff and Board, as well as the residents. Representative Payne thanked President Linn for the kind comments. He explained that every other year, he presents the Township with an American Flag and State Flag. He passed these on to President Linn. Representative Payne stated he would also like to compliment Mr. Paul for his quick actions in working with his office on a new grant application that was suddenly made available. As a result, Lower Swatara Township was the first municipality to have its paperwork filed and submitted for the program. Several programs are active for 2011, including a Police Department program, a Fire Department program, and a Township program. Representative Payne noted they will have to wait and see how funding for these work out during the budget process. He also reported on the ongoing road projects. There is a lot of behind the scenes activity going on at the Linden Centre. This should be an excellent economic project for the Township. The new road will also be a great asset.

Vice President Leonard stated that he also appreciates the assistance that Representative Payne provides to the Fire Department. Representative Payne lauded the volunteer fire departments, and stated that he cannot imagine the financial impact on municipalities if these were paid fire departments.

President Linn thanked Representative Payne for his attendance this evening and welcomed him back anytime.

MS4 STORMWATER PROGRAM UPDATE:

Mr. Paul introduced Brandon Meyers, environmental scientist at HRG, who is here to make the yearly presentation and update to the Board and public on the MS4 Stormwater Program. This is year eight of the permit, which has recently been extended to nine years. Mr. Meyers reviewed how each of the six minimum control measures are being addressed: (1) Public Education and Outreach, (2) Public Participation/Involvement, (3) Illicit Discharge Detection and Elimination, (4) Construction Site Runoff Control, (5) Post-Construction Runoff Control (6) Pollution Prevention/Good Housekeeping. He stated that there is really nothing new to report; Lower Swatara Township continues to meet the requirements of the program.

President Linn thanked Mr. Meyers for providing the update to the Board.

JANIS CREASON, DAUPHIN COUNTY TREASURER:

Mr. Paul introduced Janis Creason, Dauphin County Treasurer, to the Board and visitors. Ms. Creason is here to discuss the County's appointment as Collector of the Real Estate Taxes for the Township and County for year 2011.

Ms. Creason thanked the Board for giving her the opportunity to discuss this concept. She explained that the untimely resignation of the Township's tax collector presented the dilemma of how to collect the 2011 taxes. She had spoken to Solicitor Henninger and indicated that the County would be interested in assisting with the collection of these taxes. The County first had experience with this in 2008 in the Borough of Millersburg, when its tax collector resigned abruptly. The County came forward to collect the taxes mostly out of a necessity to do so. However, it worked out so well that the Borough decided to enter into an agreement with the County to collect the taxes on a permanent basis. The Borough of Millersburg basically has a "name-only" tax collector – this individual does not participate in the actual tax collection process. Word got around about this arrangement, and when Susquehanna Township didn't have anyone run for the position of tax collector, the County also came in and took over its collections. Subsequently, the boroughs of Penbrook and Pillow also used this service.

Ms. Creason explained the County has established a good pattern of remittance and has sophisticated tax collection software. It remits to the taxing district on a weekly basis; every Monday there is a deposit in the account for funds received from the prior week. This is extremely efficient. The turn around of tax dollars is escalated due to the County's manpower and computerization. Therefore, this procedure is economically advantageous for all parties involved. Ms. Creason added that when Lower Swatara Township elects a tax collector for year 2012, a decision will need to be made if this individual desires to assume the actual collection of tax funds. If that is the case, the County stands ready to assist this individual with training as well as making the software available.

She showed the Board a copy of the bill for 2011. Since there is no space on the actual bill, she also recommended that a notice be sent out to all taxpayers, at the minimum the non-escrowed accounts, regarding this new system of collection. She stated the biggest hindrance has been the response of taxpayers who want to pay in person instead of remitting payment to the County Treasurer's Office. They could, of course, pay in person at the County Treasurer's Office.

Ms. Creason recommended the Board also set up some daytime/evening hours where she could come down to the Township Building and receive payments in person. She noted that there have been some disgruntled taxpayers in these other municipalities who were not happy that there wasn't a physical presence of a tax collector in their municipality. Solicitor Henninger stated that by law, there needs to be a required presence of a tax collector during the last two weeks of the discount period. Ms. Creason explained that this is actually fulfilled by the fact that the residents can pay their taxes in person at the Court House. She again offered, however, to be available at the Township Building during this time frame. There would also be the option of deputizing a Township staff member to collect the taxes. The residents would then be given an acknowledgement of payment rather than an actual receipt. The payment would then be delivered to the County. There would be concern, however, of how to deliver any cash payments securely from point A to point B. President Linn noted that as always, the Board relies on the staff, so he would like to hear its comments on this too. Julie Wilt, the Township's newly appointed tax collector, explained that by law, the liability sets on the shoulder of the tax collector. Solicitor Henninger agreed that she is the one that would have to answer if there are any discrepancies. Ms. Wilt explained that this is why her preference is for only the County to be involved in the collection process.

Commissioner Loych questioned if there is any additional costs incurred by the Township to have the County collect the taxes. Ms. Creason explained there would be no additional costs, since there would be no compensation being paid to the tax collector. Commissioner Loych inquired how this would impact the County as far as manpower if other municipalities also wanted to save money by having the County collect these taxes. Ms. Creason stressed that this opportunity only presents itself because there is a willingness by the municipality and the tax collector to do this. If there is a vacancy in the tax collector's office, the County would step forward and offer the services. However, it is ultimately the tax collector's right to collect taxes. Lower Swatara Township is basically using the County's services this year due to the timing of the resignation of the previous tax collector. Solicitor Henninger agreed that this should only be a one-year arrangement.

Ms. Creason distributed a draft of an informational sheet that could be sent out from the County to those taxpayers who don't have their taxes escrowed. She stressed that providing information will ward off a lot of problems.

President Linn stated that his main concern is the residents, particularly senior citizens, who still like to pay in person with cash. He stated it would be probably be difficult for them to drive up to the County Court House to do so. Ms. Creason suggested several options. She stated that she has limited hours at Susquehanna Township, so residents could travel there instead of having to drive into the City of Harrisburg. Another option would be for her to be available here at the Township at designated times. The other alternative would be to have Marylou Rittner, Financial Administrator, deputized to collect tax payments. Solicitor Henninger stated that he feels Ms. Creason being here on certain dates and times would be the best option; too many hands in collection could create issues. The dates and times could be placed on the Township's website and in the next newsletter. Commissioner Mehaffie also suggested the possibility of having a secure deposit box for taxes (checks or money orders) here at the Township building. Ms. Creason agreed this could be done if the Township establishes a way for these payments to be delivered to the County. President Linn stated that residents will still want a receipt or acknowledgement immediately. Ms. Creason again advised the Board that should the staff agree to accept payments, the taxpayer would not get an official receipt. The staff should not mark the taxes "paid", but it could provide an acknowledgement of receipt of payment. Once the County receives the payment, it can then mail the taxpayer the official receipt.

Mr. Paul referenced comments about cash payments, and inquired if the Township can say "cash will not be accepted." Ms. Creason agreed this would certainly be preferable, and has been debated as far as legality. Solicitor Henninger responded that he doesn't believe that it is legal to deny cash payments. However, wording such as "payment via check or money order is encouraged" could be used. Ms. Creason added that the County can incorporate credit card payments into this process, although there is a surcharge (3%) that goes to the taxpayer from the credit card processing company.

Ms. Creason strongly suggested the communication regarding these changes be sent to residents before the tax bills hit the mailboxes on February 1. The County will do the mailing; the Board simply needs to review and approve the notice. Solicitor Henninger agreed to review the draft notice and tweak it; Ms. Wilt will also review it. Mr. Paul noted that Marylou Rittner, the Township's Financial Administrator, will also have questions and suggested Ms. Creason continue working with her.

Ms. Wilt inquired as to the status of the actual agreement with the County. Ms. Creason explained that the County Commissioners didn't have a quorum today, so the agreement has not yet been signed. This will give the opportunity to amend the agreement with the recent changes to some of the wording. Solicitor Henninger interjected that he'd like to update the Board on this. Ms. Wilt did seek counsel before signing the agreement, as is her legal right. As a result, there were some additional changes made, although nothing of any substance. For example, by signing the agreement, Ms. Wilt is waiving rights to compensation. However, if she has any actual "real" and related expenses, the Township would agree to compensate her for these. Reimbursement for training fees would be picked-up by the Township, although no such fees are anticipated. Ms. Creason stated she will be more than happy to provide training to Ms. Wilt at no charge. She added that other than expense for the counsel she sought on this agreement, which was wise on her part, Ms. Wilt is not expected to incur a single expense as a result of this process. Solicitor Henninger agreed, and stated that the minor clean-up of language in the agreement is just to protect Ms. Wilt's interests. He stated that while the County will collect the taxes, the buck still stops at the Township tax collector. If the Township must reimburse her for some minor legal fees, that is still reasonable compared to what it would pay her for collection compensation. In addition, the Township will be better off due to cash flow being improved.

The Board thanked Ms. Creason for her presentation this evening.

APPROVAL OF MINUTES:

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to approve the Minutes of the December 15, 2010 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve the Minutes of the January 5, 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. 2010-12. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Vice President Leonard, seconded by Commissioner Loych, to approve the Treasurer's Report for December 2010. The motion was unanimously approved.

ENGINEER'S REPORT:

None

SOLICITOR'S REPORT:

None

MANAGER'S REPORT:

Mr. Paul referenced a list of future meeting dates, including a Zoning Hearing Board Meeting on January 31 at 7:00 P.M. to hear a special exception request for student housing in the Commercial Neighborhood District.

COMMITTEE REPORTS:

Police Committee – Chairman Clark – no report

Public Safety – Commissioner Mehaffie – no report

Public Works – Commissioner Loych – reported that the Department has been busy with snow removal.

Budget and Finance – Vice President Leonard – reported that cash receipts for December totaled \$704,747.16. Major sources of revenues were from the first distribution from the state for the Meade Avenue project, a reimbursement to the General Fund from the Highway Aid Fund for road work, a contribution from United Water to assist in road work projects, and other miscellaneous receipts. Cash expenditures totaled \$800,538.34 and were comprised of the two transfers to the payroll account, a \$100,000 transfer to the Capital Reserve Fund, the expenses for the Meade Avenue project (paid by the funds mentioned above), and all invoices due and payable. Investments totaled \$788,934.46 with an average annual yield of 0.5%. Overall revenues were positive and expenditures were right on target. Some miscellaneous receipts are still coming in, but the budget for 2010 was a good one. President Linn congratulated the staff and management for an outstanding job of managing the money. Mr. Paul asked the Board to keep in mind that some of the

year end percentages are skewed because of the Meade Avenue Project, and the fact that everything went through the General Fund.

Community and Economic Development – President Linn – noted that the engineer had provided an excellent report last meeting regarding progress of the Meade Avenue project. He stated that he is very pleased with this progress. President Linn requested the Board convene in executive session immediately upon conclusion of this evening’s meeting in order to discuss a personnel issue.

UNFINISHED BUSINESS:

A motion was made by Commissioner Loych, seconded by Commissioner Clark, to table 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 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 Loych, seconded by Commissioner Clark, 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 Loych, seconded by Vice President Leonard, to approve a request for a 90-day time extension, as requested by the developer, on 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. The plan is due to expire on January 26, 2011. Mr. Paul noted that the plan is almost complete and may actually be ready within a month. John Hartman asked if there would be a chance for the Board to act on the plan at its February workshop meeting. Mr. Paul agreed this can be done if the plan is in a position for approval. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to approve a request for a 90-day time extension, as requested by the developer, on 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. The plan is due to expire on January 26, 2011. Again, this plan may be in a position for approval as early as the February workshop meeting. The motion was unanimously approved.

NEW BUSINESS:

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to approve Resolution No. 2011-R-2. This resolution adopts an Emergency Operations Plan for Lower Swatara Township. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve the authorization of payment for the Middletown Borough Authority Waste Water Treatment Plan BNR construction upgrades, Requisition No.10-A, in the amount of \$198,320.82 to Middletown Borough Authority. The motion was unanimously approved.

Mr. Paul noted that while it is not on the agenda, another requisition for payment has just been received. A motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to approve the authorization of payment for the Middletown Borough Authority Waste Water Treatment Plan BNR construction upgrades, Requisition No.11-A, in the amount of \$346,967.12 to Middletown Borough Authority. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Clark, to approve the following 2010 Personal Tax Exoneration Lists:

List 5: Full bill

Occupation	\$375.00	Per Capita	\$150.00	TOTAL: \$525.00
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List 5: Occupation

Occupation	\$850.00
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The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Vice President Leonard, to approve the payment of Application for Payment #3, in the amount of \$399,675.64 to Leon E. Wintermeyer, for construction phase services related to the Meade Avenue Project. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to approve the payment of Estimate #4, in the amount of \$15,514.65 to HRG, Inc. for services rendered for the period November 29, 2010 through December 31, 2010, 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 Loych, to approve the payment of \$5,514.65 to HRG, Inc. for services rendered for the period November 29, 2010 through December 31, 2010, 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 Estimate Number 4, in the amount of \$15,026.37 to Navarro & Wright Consulting Engineers for construction phase services related to the Meade Avenue Project. The motion was unanimously approved.

FINAL COMMENTS:

Commissioner Loych recognized the Public Works Department for its efforts during the recent ice/snow event. He explained that some of the snow was left on the road in order to give drivers a little more traction.

Commissioner Mehaffie thanked Penn State for the hospitality it offered he and President Linn during a recent meeting. President Linn agreed it was a very nice event, and they had the opportunity to meet the new chancellor. Commissioner Mehaffie also reported that he had attended a very preliminary meeting with Greenworks today regarding its proposed plans for the Eagle Heights area.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:07 P.M.

ATTEST:

Jean R. Arroyo
Recording Secretary