

## MINUTES

### NON-LEGISLATIVE MEETING

JUNE 1, 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
- Robert L. Loych, Commissioner
- Thomas L. Mehaffie III, Commissioner
- Ronald J. Paul, Manager
- Chris Bauer, HRG, Township Engineer
- Steve Anderson, Public Works Director
- Richard T. Wiley, Police Chief
- Jean R. Arroyo, Recording Secretary

Excused:

- Peter R. Henninger, Solicitor

Residents and visitors in attendance:

- Chris DeHart (LST Fire Dept.)
- John Wilt (1257 Longview Drive)
- Harry Schroll, Jr. (23 Theodore Ave.)
- Matt Genesio & Tim Sipe (KGH Properties)
- Blaine Deyle (MX Energy)

KGH PROPERTY UPDATE ON STUDENT HOUSING PROJECT:

Matt Genesio, KGH Properties, provided the Board with an update on the company's student housing project. Comment letters have been received back from the Township, the County, the Municipal Authority, and the Borough of Middletown; revisions were made to the plans based on these comment letters. The technical review is expected back from the Conservation District any day now, and it is anticipated that the E&S and NPDES permits will be back from them within a few weeks. Comments have also been received from Penn DOT on the scoping application which was submitted. The developer will be moving forward on submitting a HOP permit within the next several weeks as well. Mr. Genesio reported that KGH engineers met today with Charles Smith from HRG and Mr. Paul to address relocation of Lawrence Street and how it will affect this project as well as the GreenWorks Development project. Mr. Genesio added that the developer has also met with GreenWorks several times and has come to terms on an agreement, in principle, on the cost sharing and coordinated effort of that road and how it is going to work with both projects.

The game plan for KGH is to take its plan back before the Planning Commission at the end of this month, hopefully for the final time, and get a recommendation of approval of the Final Land Development Plan. The plan will then come before the Board of Commissioners in July. All agreements should be in place by that time, and the plan should be in a position for approval.

Mr. Genesio stated that KGH will be responsible for paying fees in lieu of land dedication for recreation purposes. This fee is \$1,500 per unit. He inquired if the Board would be willing to credit some of the off-sight improvements the developer will have to provide, such as improvements to Wood Street to address the stormwater issues, the Lawrence Street relocation, erection of a pedestrian lighted foot path, etc. He asked the Board to think about the possibility of allowing the developer to offset some of the sizable recreation fees with these off-site improvements.

Mr. Genesio explained the justification for this request is that it will be primarily a zero-impact development as far as infrastructure in the Township. Most of the tenants/occupants will live out of state and won't attend the local school system or frequent the Township parks and fields.

Vice President Leonard noted that many of the Township developments have residents who do not have children, are retired or part-time residents, or simply do not use the Township's recreational facilities. However, the Township is accountable to provide certain services, such as recreation and fire, to everyone. He stated that this is why he would lean towards not approving such an exception, although he would be open to hearing more details regarding this request. Vice

President Leonard also stated that it is rare to have two developers working on similar projects in the same area, and asked what they are doing to make sure that the entire section north of Main Street coordinates well. Mr. Genesio explained that right now, the two developers are only working on the coordination of roadway improvements and alignments. The infrastructure coordination hasn't been approached yet.

Tim Sipe, also with KGH Properties, explained that GreenWorks has not yet presented its plan before the Planning Commission. It is still in the sketch phase of the project. Therefore, its plan is subject to change based upon the recommendations of the Planning Commission. Vice President Leonard stated that even though the KGH plan is ahead of the GreenWorks plan, it might be useful for the KGH plan to be shared now so that both plans can be coordinated. Mr. Sipe agreed, and explained that KGH actually has shared its plans with GreenWorks. However, focus right now is on the legal and development issues associated with the plan. The aesthetics usually come later. Mr. Genesio added that if the Board looks at both sites, it will see that the developers are lining up their accesses, both in and out, to make a perfect intersection so that they aren't staggered. The overall sites will blend well. Any other specifics, such as building design, can't be coordinated this early in the process.

Commissioner Loych also referenced Mr. Genesio's comments about recreational usage by the tenants, and stated that some Lower Swatara residents have not used many of the services – police, fire, ambulance – the Township provides. These services, however, are available to them. This pertains to the student housing tenants too. Commissioner Loych inquired if KHG foresees any problems in working with the other developer, specifically problems that would hinder the cohesiveness of these two developments coming together. Mr. Sipe responded that he doesn't anticipate this.

Commissioner Mehaffie inquired if this is the first time the Township has had such a large number of dwellings submitted at one time. Mr. Paul responded that this is the first time that the Township has two major developers working side by side, with the common ground being construction of a new roadway. Commissioner Mehaffie clarified that his question is whether this is the first time the Township has had a development with such a sizeable amount of recreation fees. Commissioner Loych stated that it is not, and referenced the Township's PRD. Mr. Paul advised the Board that as far as he can remember, the Township has never waived the recreation fees.

President Linn thanked Mr. Genesio and Mr. Sipe for the update this evening and stated that the Board will look forward to seeing the plan next month.

PUBLIC COMMENTS:

Harry Schroll, 23 Theodore Avenue, stated that there is an old cemetery in the Township across from Highspire Trailer Sales that is not being maintained – the grass is over a foot high and there is a wall falling in on the tombstones. Since it is along Route 230, this is a real eyesore. He added that this is a part of the Township’s history, with tombstones of veterans dating back to the 1800’s. Mr. Schroll asked if the Township could perhaps use some of its community service workers to cut the grass and weeds, mend the wall, and put the gates back up. President Linn explained that this is actually private property, owned by the Highspire Church. The church is also looking for someone to take this over. He had suggested that it contact the Vo-Tech to do some re-cementing of that wall. Steve Anderson, Public Works Director, added that this would also be an ideal Eagle Scout project or Senior Project. He agreed to speak to one of the scouts who had previously contacted him about performing a project. President Linn added that the stone work will need to be done by someone who is skilled in this area, particularly because the wall sits in a dangerous location. Commissioner Clark stated there is also another wall that needs looked at near Chief Wiley’s house. This was also to be a scouting project, but apparently fell through. Mr. Paul agreed, and added that there is also a wall along Strites Road that needs repaired. He stated that it would very helpful if a group would spearhead the initiative to do these private projects. Commissioner Mehaffie referenced the high grass at the cemetery, and asked if the Township could at least help out with this. Mr. Paul explained this is private property, and could present liability problems. He agreed to look into what can be done to address this.

PRESENTATION BY MX ELECTRIC:

Blaine Deyle, 320 Carriage House Road, explained that he is here this evening representing his employer, MX Energy. He had spoken to the Township’s Financial Administrator Marylou Rittner several months ago to advise her that PPL would be raising rates 40% this summer in an effort to try to push small business to use other energy suppliers that are part of the partnership for the de-regulation. Mr. Deyle distributed to the Board information he had gathered from the PPL website. He explained that staying with PPL will cost the Township an additional \$1078 more a

month for electric for the duration of the summer. Switching to one of the Choice Company energy supplies could bring that rate back down \$1160. This basically means the Township has the opportunity to save approximately \$6,000 for the remainder of the year.

Mr. Deyle explained that MX Energy has proven to be a very reputable energy company with satisfied customers; the Lower Swatara Fire Department is now one of these customers. Unfortunately, many people are still afraid of making the switch. Power is power, and signing up with MX would basically mean just signing up for cheaper rates. He explained that by making the switch, Lower Swatara Township would continue to be a PPL customer, have its lines serviced by PPL, etc. It would simply be purchasing its electric at a cheaper price. Lower Swatara Township could make the change tomorrow and it would start saving the Township \$35.00 a day for the duration of the summer. The rate for MX Energy is currently at \$8.99 per kilowatt while PPL is at \$13.028 per kilowatt.

Mr. Deyle explained it would take Ms. Rittner about two hours time to make the switch – it would simply involve phone call verification. Six weeks later, the Township would start being charged \$8.99 per kilowatt instead of \$13.028 per kilowatt. He added that there may be other energy companies that are even cheaper, but they don't employ a Township resident who continues to try to assist the Township businesses by recommending this change. He added that while he has been able to help quite a few, many are still just afraid to change. Chief DeHart agreed that the Fire Department was approached by Mr. Deyle and decided to give this company an opportunity to save the Department money. Mr. Deyle verified that the Fire Department should stand to save approximately \$2600 just this summer alone.

President Linn responded that there is a lot of confusion regarding switching energy suppliers. Mr. Deyle again explained that the Township would not be giving up anything; it would remain a PPL customer but would simply be taking advantage of an opportunity to save. He encouraged the Board to take advantage of this opportunity and make a decision tonight. Commissioner Clark suggested the Board look into this further before making a decision. Mr. Deyle explained the problem with looking into it is that it is costing the Township \$35 a day. He again stated that it will take PPL approximately six weeks to transition the Township to the new supplier. President Linn asked if there are other local governments who have made this switch. Mr. Deyle responded that Lower Paxton Township has made the switch, and Swatara Township is presently comparing rates.

President Linn stated that he is turning this request over to the Budget & Finance Chairman, Vice President Leonard, for further review prior to taking any formal action. He thanked Mr. Deyle for the information, and stated someone will be contacting him in the near future.

PUBLIC WORKS DEPARTMENT:

Steve Anderson, Public Works Director, reported that the staff and HRG recently met at the Richardson Road Bridge to take a look at the possibility of bridge improvement or replacement. The Board has been provided the scope of work for engineering services from HRG. Mr. Paul noted the scope of work as outlined would cost \$3,200. This would just get the Township to the point of knowing what needs to be done and what costs are involved. The Township would then need to figure out how to fund this work. President Linn inquired if application could be made for an emergency gaming grant. Chris Bauer, HRG, confirmed that infrastructure projects are included in these grants. Mr. Paul noted that the bridge is very old and the alignment is horrible; at some point it should be replaced. President Linn agreed and stated the fact that there is a gas line on the bridge also concerns him. Mr. Paul reported that approval of the scope of work for engineering services will be placed on the agenda of the July legislative meeting.

Mr. Anderson stated that he has evaluated department needs and determined only one part time employee will be necessary to supplement the department for the 2011 summer mowing season. This need is due to the temporary loss of one of the full time employees. Once the Department is back at full staffing levels, any future part time help will be on an as needed or contingency basis.

Overall, the parks are in good shape. The Township recently had two incidents of vandalism at Little Hollywood. Two benches were broken and were subsequently repaired. Several trees were damaged during the recent storms and have been trimmed or removed. The Department is finishing the road preparation on Rosedale Avenue for paving. Due to weather and personnel issues, the paving has been moved back to a start date of June 20th, and should be completed by June 24th. Mr. Anderson noted that the cost of asphalt increased .58 cents per ton in June.

The Department is currently mowing the Township right-of-ways and has sprayed the guiderails and ball fields for seasonal weed control. There have been numerous sinkholes developing; the most serious one is in Greenwood Circle. These are being addressed as they occur.

A 6” silent pump was set up on Tuesday, April 19 at Lisa Lake to draw down the water level of the lake. This was done on behalf of the residents to prevent flooding. The pump was shut down this morning Wednesday, June 1st. The pump operated for 6 weeks (478 hours) and lowered the lake approximately 6 feet. Mr. Yingst, owner of this property, is paying for the costs, including the fuel costs, associated with the pump rental.

Mr. Anderson reminded the Board and residents that the dumpster will be available on Saturday, June 4th from 8:00 AM to Noon.

In response to a question from President Linn, Mr. Anderson stated that the Department will be placing “No Parking” signs under the bridges this summer.

Mr. Anderson also updated the Board on the Borough of Middletown’s woody waste site. The site currently uses swipe cards for entrance; this is the only way to enter the facility. The Fire Department has been provided a swipe card to enter in the event of a fire. Mr. Anderson noted the system seems to be working well. He will be meeting with Mr. Swartz to finalize correct information of the program for use by Lower Swatara Township residents. This information will then be provided to the residents. Mr. Anderson explained that one question he has is whether the \$40.00 yearly fee is a calendar year rate or is prorated based on when the swipe card is purchased. Commissioner Mehaffie stated that he can elaborate on this, since he just purchased a swipe card. He explained that the card is \$40.00 and allows access at anytime. The card is based on a calendar year – January 1 through December 31. There is no discount if you purchase the card later in the year. The card must be taken in and reactivated after the year is up.

Mr. Paul informed Mr. Anderson that the contract for the recreation area was received today. In response to a question from President Linn, Mr. Anderson explained this is for a grant to perform reconstruction work to the Market Street Park.

President Linn commended Mr. Anderson for his leadership in moving the Department forward.

#### POLICE DEPARTMENT REPORT:

Richard Wiley, Police Chief, reported that there has been focus on criminal activity in the Eisenhower Boulevard area, particularly with prostitution. After receiving complaints about prostitution, a sting operation was set up and arrests were made. This was a joint effort between Lower Swatara Township and Swatara Township.

The Police Department has also been busy with traffic details, including truck traffic detail on North Union Street. Several trucks were stopped and issued tickets; it is hoped that the word will spread among these truck drivers.

Progress continues with work on the South-central Task Force informing sharing grant, which is being sponsored by Lower Swatara Township. The Dauphin County IT Department is in the process of purchasing items for the new system, and a manager has been identified to work with the Township and the eight counties. The end result will allow all participants to communicate together.

Chief Wiley requested an executive session with the Board immediately upon conclusion of this evening's meeting in order to address personnel matters.

#### FIRE DEPARTMENT REPORT:

Chief DeHart reported that calls for May totaled 42, with a grand total of 267 calls thus far into 2011. Mr. Paul and Chief DeHart attended a meeting at Dauphin County with the Gaming Board to go over responsibilities associated with the grant received for the new Rescue. It is hoped that bids can be sent out by July or August. President Linn inquired if the Department had decided to drop the idea of asking that the grant award be split. Vice President Leonard confirmed that the Department had been informed of the Board's position on this matter, and the request will not be pursued.

The May Biker Breakfast had a record number of customers, with a total of 298; the nice weather was a big factor. It was noted that 28 volunteers from the community helped out with this event. The Department will be attending the HIA tabletop exercise this month. June 19 is a Baked Chicken Dinner, starting at 11:00 A.M. and continuing until sold out.

Chief DeHart conveyed thanks to the Public Works Department for helping the Fire Department this past month, including assisting with grass cutting. He also reported that there is a new person interested in the live-in program for fall. The Department's goal is to have eight live-ins in the station. The Department housed six new fire trucks last month; the vendor that is building the Fire Department's new engine asked if it could help them out with a place to store them overnight before the Fire Expo.

Chief DeHart referenced four charts highlighting calls by district, property use summary, incident response by day of week, and incident by alarm hour. He noted that 56% of calls are still in Lower Swatara Township.

Commissioner Mehaffie stated the banner looks great, and asked Chief DeHart if he had received any feedback on it. Chief DeHart confirmed that the citizens have given favorable feedback.

President Linn informed the public that the Board had convened in executive session at 6:00 P.M. this evening in order to discuss a personnel matter.

#### ENGINEER'S REPORT:

Chris Bauer, HRG, Township Engineer, provided a status report on the Meade Avenue project. August 5 is the new project completion date, since there was a time extension requested by the contractor. While the contractor, Leon Wintermeyer, must provide additional paperwork, both Penn DOT and HRG agree in principle with this request. Mr. Bauer briefly reviewed the progress pictures with the Board. Once the Rosedale intersection paving is complete, which will be very shortly, the contractor will route traffic up Rosedale Avenue in order to improve Meade Avenue from Alumni Drive up to Prologis. The contractor has been instructed to coordinate this job with Prologis, which operates the Capital Business Park. President Linn inquired if Rosedale Avenue will be a back road into the Linden Centre. Mr. Bauer confirmed that it may be; it is up to the contractor to determine if it is safe enough to provide access. Construction of the traffic signals continues. It is anticipated that both signals will be turned on July 6. They will then go into a thirty-day test period before they are deemed complete. This is the reason for the August 5 project completion date.

Mr. Paul stated there are several items pertinent to the Meade Avenue project that should be formally voted on this evening.

A motion was made by Commissioner Clark, seconded by Commissioner Loych, to approve the payment of Application for Payment #10 in the amount of \$61,577.13 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 Loych, to approve the payment of Application for Payment #11 in the amount of \$156,302.75 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 Mehaffie, seconded by Commissioner Loych, to approve the Application for Payment of \$32,034.95 to be reimbursed through the Township's Utility Grant. This is the gaming grant that the Township has with the County. These invoices will be paid through the Municipal Authority accounts and reimbursed through the County grant funds. The motion was unanimously approved.

Mr. Paul stated the final item for action is a Proposal for Engineering Services, Supplement No. 2, in the amount of \$26,000.00 to HRG, Inc. for construction phase services relative to the Meade Avenue Project. He asked Mr. Bauer to expand on the justification for this rather large increase. Mr. Bauer explained this amount is based on the current burn rate on the project; HRG took what was billed in the past and projected for the additional weeks. He noted that this won't be billed as a lump sum; only the amount needed will be billed. He reminded the Board that these costs are reimbursable through the federal project.

Mr. Bauer further explained that this request is due to the unforeseen extended coordination efforts required by HRG to provide the Construction Administrative Services through the remainder of this project, which is about ten more weeks. Mr. Paul expressed concern with the amount of the requested supplement, which is over 33%. He asked the status of the billings to date. Mr. Bauer explained that with the latest invoice to the Township, there is already a shortage of \$2,000. He added that HRG is doing all it can to keep the project costs down. However, the extensive amount of coordination has made this difficult. For example, just trying to get the project schedule and justification for the time extension from the contractor resulted in unanticipated time and effort by HRG.

In response to a question from Commissioner Clark, Mr. Bauer explained the calculation is for a \$7,000/month burn rate. Commissioner Clark stated that he doesn't feel comfortable with simply approving \$26,000 and putting it out on the table for the engineer to use if needed. He stated his preference would be to see the individual bills approved month to month, on a case to case basis. Mr. Paul agreed, and suggested that instead of making Supplement #2 for \$26,000, it could be made for whatever amount is presently over the original contract price. Supplement #3 would then be for

the following month, etc. As bills come in, the Board could approve them on a supplementary basis. Mr. Paul added that he had previously requested an accurate account of work authorizations and change orders. This will allow him to know in totality where this project stands. Mr. Bauer agreed this can be done. The Board concurred to approve these individual supplements on a monthly basis.

Commissioner Clark inquired if it would be possible for HRG or Penn DOT to also go after the contractor for liquidated damages, since it appears the contractor's lack of cooperation is increasing the time spent by the engineer on the project. Mr. Bauer stated this could be discussed with Penn DOT, but it would not be very likely. Commissioner Mehaffie asked Mr. Bauer if the time extension of the project is due to the weather conditions. Mr. Bauer explained that extensions cannot be granted for weather conditions. In this case, the extension is due to the extra coordination between utility companies, minor delays based on staging, etc. He agreed to provide the Board with a list of the specific reasons.

A motion was made by Commissioner Clark, seconded by Commissioner Loych, to approve the payment of any future bills from HRG for construction phase services related to the Mead Avenue Project, over the original amount budgeted, on a month to month basis and with the provision that supporting documentation be provided. The motion was unanimously approved.

#### FINAL COMMENTS:

Commissioner Mehaffie inquired if Chief Wiley had any success in contacting the area businesses about keeping their truck traffic off Route 441. Chief Wiley explained that he hadn't had the opportunity to do this yet.

Vice President Leonard reported that he and Commissioner Loych had attended the recent reopening of the Middletown Community Pool. He noted that Lower Swatara Township was the only municipality represented. He also referenced the presentation provided earlier this evening regarding the possibility of changing electric suppliers. According to the information he has, it does appear that MX Energy has routinely had one of the lowest rates of the service providers listed. Commissioner Loych inquired if the COG is participating in any type of energy program to secure cheaper rates. Commissioner Clark, the Township's representation to the COG, stated that he could not recall the COG offering such a program. There are, however, a number of consortiums that power can be purchased through. Mr. Paul added that the Board should keep in mind that the

Township's biggest expense in electric is the street lights, and they would not be covered under this program since they are not metered. Vice President Leonard agreed to research the electric choice issue in more detail, but added he will need help from the staff on specifics. Commissioner Mehaffie added that he is also willing to assist Vice President Leonard with this project.

President Linn stated the Township must look at the stagnant water in the holding pond on Whitehouse Lane which is a breeding ground for mosquitoes and is also hazardous to children. Commissioner Clark asked if the County had treated this pond. Mr. Paul stated that it has not, but he is more interested in a permanent fix. This holding pond was put in by a private developer, and has transferred ownership three times. It really needs to be modified. Mr. Paul explained that in order to do this, the Township needs permission from the Conservation District to change it, as well as the owner's permission to do so. Mr. Paul asked the Board keep in mind that as a result of the stormwater management ordinance enacted last December, the Township is going to end up with more small holding ponds (BMPs) throughout the Township. The problem is that the Township itself will end up with the responsibility of monitoring the ponds.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:28 P.M.

ATTEST:

---

Ronald J. Paul,  
Manager/Secretary