

MINUTES

JUNE 15, 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 Vice President William L. Leonard, Jr. Vice President Leonard called for the pledge of allegiance and moment of silence.

Roll call was then taken with the following officials in attendance:

- William L. Leonard, Jr., 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
- Ryan Hostetter, HRG, Township Engineer
- Jean R. Arroyo, Recording Secretary

Excused:

- Frank Linn, Sr., President

Residents and visitors in attendance:

- Jon Wilt (1257 Longview Dr.)
- Chris DeHart (LST Fire Dept.)
- Adam Keller (TeamAg, Inc.)
- Phyllis Zimmerman (Patriot-News)
- Dave Mease (Larson Design Group)

Vice President Leonard 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 Mehaffie, seconded by Commissioner Loych, to approve the Minutes of the May 18, 2011 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Loych, seconded by Commissioner Clark, to approve the Minutes of the June 1, 2011 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Mehaffie, seconded by Commissioner Loych, to approve the Payment of Bills as presented on Warrant No. 2011-5. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to approve the Treasurer's Report for May 2011. The motion was unanimously approved.

ENGINEER'S REPORT:

Ryan Hostetter, HRG, updated the Board on the Meade Avenue Project. Much of the curbing is in and the sub-base is prepared for the lower part of the project. Seven of the eight foundations for the signal poles are complete. The last one had some excavation issues, but it should also be completed by the end of the week. Hole placement and wiring will occur next. Work is being done on Route 230 to get rid of some of the existing medians and prepare for installation of the new medians for the proposed configuration. Other roadway drainage improvements are being done along Route 230. The box culverts are near completion, and paving is scheduled to occur tomorrow from the CVS driveway up to, and including, Rosedale Avenue.

Mr. Hostetter reminded the Board that the contractor has submitted a time extension request for the project. The initial submission was May 16, and from that date until now, HRG has been working with the contractor to get the justification needed for the time extension. This is required by Penn DOT, and must be in-depth and contain legitimate reasons in order for the time extension to be justifiable. An extension that Penn DOT should be satisfied with has been worked out and is being brought before the Board of Commissioners for its endorsement, contingent upon Leon

Wintermeyer, the contractor, revising its letter to provide the reasons for the time extension. This extension will change the completion date from June 24 to August 5. Mr. Hostetter explained that HRG has been asking the contractor to revise the letter and provide the necessary information to present to the Township this evening, to go along with Penn DOT approval. However, today a letter was received from the contractor actually requesting an additional time extension to the end of August for substantial completion of the project. This is four weeks past what was previously requested, and will extend construction into October. As noted in HRG's status report, HRG is recommending at this point that the Township move forward with concurrence on the initial time extension request, which is extending the project to August 5. This will give them time to review the contractor's latest submission and coordinate this with Penn Dot and the Township.

Mr. Paul stated that HRG is requesting action this evening on Board authorization to approve the time extension from June 24 to August 5. HRG can then analyze the additional request for more time and see if it is justified. Mr. Paul stated that no matter what the Township says, Penn Dot still has to justify it. Mr. Hostetter agreed that Penn DOT must justify the time extension request, but added that it cannot be executed without this Board's concurrence and execution. Penn Dot will have to concur with it, but the contract is actually with Lower Swatara Township, so the Board will have the ultimate say in this time extension request.

Commissioner Mehaffie asked why the time extension of August 24 is now being requested. He asked what is holding the project back. Mr. Hostetter explained that he cannot answer this question right now, since the justification for this additional request for time was literally just received this afternoon and still needs to be reviewed.

Solicitor Henninger stated that the motion to approve should be contingent upon receipt of the revised letter requesting the August 5 extension date. Mr. Hostetter agreed that the contractor has not yet provided the letter for the August 5 date, so Solicitor Henninger is correct. A motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to grant the request for the August 5 time extension on the Meade Avenue project, contingent upon receipt of the revised letter from the contractor. The motion was unanimously approved.

Mr. Hostetter noted the other issue brought up at the Board's last workshop meeting was payment to HRG for the supplements to construction phase services for the contract. HRG was directed to provide a revised supplement to be issued on a monthly basis for the next month's invoicing. This was provided to Mr. Paul. Along with that, the Board has been provided with two

invoicing schedule break-downs. The first one shows what was planned from the beginning of the project. Below that is a graphical representation of the invoicing schedule showing the anticipated burn rate over the life of the project. Commissioner Mehaffie stated the amount listed for August, September and October of 2011 is \$12,000. He asked if this is just an estimate. Mr. Hostetter agreed that this amount is the planned or theoretical amount. Commissioner Mehaffie inquired if the Township would be looking, then, at an additional \$12,000 in costs if the August 5 date is extended, as is being requested. Mr. Hostetter confirmed that this is correct, and added that these costs would be reimbursed through the construction fund as well.

Vice President Leonard asked what action HRG is looking for tonight. Mr. Hostetter explained that they are requesting approval for the supplement that they provided for the expended funds in May, and then what they anticipate in June. Mr. Paul noted that agenda items 15G and 15H actually pertain to these requests. Vice President Leonard suggested the Board wait and take action on these items as they appear on tonight's agenda.

SOLICITOR'S REPORT:

Solicitor Henninger noted that he will address one item later on the agenda.

MANAGER'S REPORT:

Mr. Paul referenced the list of meeting dates, and added that there will also be a Zoning Hearing Board meeting on July 6 at 6:00 P.M. at the request of Phoenix Contact.

COMMITTEE REPORTS:

Police Committee – Chairman Clark – reported that Chief Wiley had provided the Board with activity reports at the June workshop meeting. He also noted the COG will be meeting Monday evening.

Public Safety – Commissioner Mehaffie – reported that a full-scale TMI siren test will commence on June 23, at 12:15 P.M.

Public Works – Commissioner Loych – reported the Department is busy mowing grass and preparing for the upcoming paving projects. Commissioner Loych also reported that the reopening of the Middletown Community Pool has been a huge success, with large turnouts.

Budget and Finance –Vice President Leonard --- reported that cash receipts for the month of May totaled \$476,942.13. Major sources of revenues were from Real Estate Taxes (current and delinquent), grant reimbursements for the Meade Avenue project, and other miscellaneous receipts. Cash expenditures totaled \$593,511.88 and were comprised of the two transfers to the payroll account, the transfers to the various miscellaneous funds (such as the street light and hydrant funds), the quarterly payment to Hershey Medical for EMS services, expenses related to the Meade Avenue project, and all invoices due and payable. Investments totaled \$589,029.05 with an average annual yield of 0.5%. It should be kept in mind that the Meade Avenue project is obviously skewing both income and expenses. Vice President Leonard advised the Board that the Fire Department is seeking a low interest loan approval for the purchase of a new truck; the Board will also need to sign this document. Solicitor Henninger noted that he had been provided with a copy of this lease option document. The Township will need to execute a letter that basically confirms that it is approving the Fire Department moving forward with this loan. The letter also confirms that the Lower Swatara Volunteer Fire Department does provide firefighting services to Lower Swatara Township. There is no financial obligation to the Township by executing this letter. Commissioner Mehaffie inquired if this is a loan or a lease. Solicitor Henninger explained that it is actually a 15-year lease with the option to purchase. If the Fire Department makes all payments, it will own the truck. The loan can be prepaid. He suggested the Board act on this tonight in order for the Fire Department to meet the June 20 submission deadline. A motion was made by Commissioner Loych, seconded by Commissioner Clark, to approve the Letter of Approval and Written Agreement. The motion was unanimously approved.

Community and Economic Development – in the absence of President Linn, Commissioner Mehaffie -- -- reminded the Board and public of Dauphin County’s “Family Outdoor Movie Night” which will be held at the Shoppes Gardens Park on Saturday, June 25, beginning at 8:30 P.M. The movie presented will be “Shrek – Forever After”.

UNFINISHED BUSINESS:

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, 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 BW 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, February 16, 2011, and May 18, 2011. The plan is due to expire on August 17, 2011. The motion was unanimously approved.

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, 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, August 18, 2010, and November 17, 2010, February 16, 2011, and May 18, 2011. The plan is due to expire on August 17, 2011. The motion was unanimously approved.

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, 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 Commissioner Mehaffie, to table the Land Development Plan for William O. and Emily R. Botterbusch for a proposed dog kennel use at 880 Oberlin Road, prepared by Act One Consultants, Inc., and submitted by William and Emily Botterbusch. The plan was recommended for approval by the Planning Commission on February 24, 2011. The plan was due to expire on April 27, 2011. A 90-day time extension was granted by the Board on April 20, 2011. The plan is due to expire on July 26, 2011. The motion was unanimously approved.

Mr. Paul stated the next plan for consideration is the Land Development Plan of Noah W. Kreider and Sons, LLP for a proposed poultry expansion of the Middletown Facility located at 301 Longview Drive, prepared and submitted by TeamAg Inc. The plan was recommended for

approval by the Planning Commission on February 24, 2011. The plan was due to expire on April 27, 2011. A 90-day time extension was granted by the Board of Commissioners on April 20, 2011. The plan is due to expire on July 26, 2011. Mr. Paul stated that this plan is ready for action. However, prior to taking action on the plan, the Board should act on the waiver request associated with the plan. A motion was made by Commissioner Clark, seconded by Commissioner Loych, to grant a request for an “Alteration of Requirements” for a waiver of the Preliminary Plan as required by Section 403 (Planning Commission recommended granting said waiver). The motion was unanimously approved. A motion was then made by Commissioner Clark, seconded by Commissioner Mehaffie, to approve the Land Development Plan of Noah W. Kreider and Sons, LLP for a proposed poultry expansion of the Middletown Facility located at 301 Longview Drive, prepared and submitted by TeamAg Inc. The motion was unanimously approved.

Dave Mease, representing the Larson Design Group, presented details on the Preliminary/Final Land Development Plan for Penn State Harrisburg Capital Union Building Addition, prepared by Larson Design Group and submitted by Penn State Harrisburg Campus. Proposed is a 6,000 – 7,000 square foot addition on the gym, which will consist of an exercise room, locker-rooms, bathrooms, etc. The parking lot will be cut in half and a nice landscape buffer will be provided between the new parking lot and the front of the building. The front of the building will have a nice glass facade on it, and will serve as a kind of focal point for the Campus. Mr. Mease added that the project will result in the reduction of approximately 1,200 square feet of impervious area. He noted that the plan is in order with the exception of receipt of the E&S approval from the Dauphin County Conservation District. In response to a question from Mr. Paul, Mr. Mease anticipated that the E&S approval should be in hand within the next week or two. A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to table the Preliminary/Final Land Development Plan for Penn State Harrisburg Capital Union Building Addition, prepared by Larson Design Group and submitted by Penn State Harrisburg Campus. The plan was recommended for approval by the Planning Commission on April 28, 2011. The plan is due to expire on July 27, 2011. The motion was unanimously approved.

NEW BUSINESS:

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to approve the Scope of Work for the Preliminary Analysis of Replacement of the Richardson Road Bridge, as submitted by HRG, in the amount of \$3,200 plus customary reimbursable expenses. 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.15-A, in the amount of \$67,920.71 to Middletown Borough Authority. The motion was unanimously approved.

A motion was made by Commissioner Loych, seconded by Commissioner Mehaffie, to approve authorization of payment for the Highspire Borough Authority Waste Water Treatment Plan BNR construction upgrades, Requisition No.17, in the amount of \$461,261.46 to the Highspire Borough Authority. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve Resolution No. 2011-R-9. This resolution adopts the Dauphin County Hazard Vulnerability Assessment and Mitigation Plan Update as the Hazard Vulnerability Assessment and Mitigation Plan for Lower Swatara Township. The motion was unanimously approved.

A motion was made by Commissioner Loych, seconded by Commissioner Clark, to approve the payment of Estimate No. 10 in the amount of \$21,059.13 to Navarro & Wright Consulting Engineers 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 Application for Payment #12 in the amount of \$93,665.20 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 Proposal for Engineering Services, Supplement No. 2, in the amount of \$8,500.00 to HRG, Inc. for construction phase services relative 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 \$4,587.04 to HRG, Inc. for services rendered for the period May 1, 2011 through May 29, 2011 for construction phase services relative to the Meade Avenue Project. The motion was unanimously approved.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Vice President Leonard reported that the Board had convened in executive session after the June 1 workshop meeting in order to discuss personnel matters. It will be doing so again this evening. 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 7:35 P.M.

ATTEST:

Ronald J. Paul
Manager/Secretary