

## MINUTES

### NON-LEGISLATIVE MEETING

MARCH 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
- Thomas R. Clark, Commissioner
- Robert L. Loych, Commissioner
- Thomas L. Mehaffie III, Commissioner
- Ronald J. Paul, Manager
- Steve Anderson, Public Works Director
- Richard T. Wiley, Police Chief
- Jean R. Arroyo, Recording Secretary

Excused:

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

Residents and visitors in attendance:

- Corey Bray (Gannett Fleming, Inc.)
- John Herman (Middletown Management)
- Rik Longacre (Schlouch Inc./Family Care)
- Don Holtzman (Penn State Harrisburg)
- Mike Williams (Bryn Gweled Subdivision)
- Emily & Bill Botterbusch (880 Oberlin Rd.)
- Jon Wilt (1257 Longview Dr.)
- Julie Wilt (Township Treasurer/Tax Collector)
- Chris DeHart (LST Fire Dept.)

President Linn again reminded the public that the 2011 Board meetings were advertised to allow formal action to be taken at workshop meetings, when necessary. He stated that there are several items which require action this evening, and asked Mr. Paul to address these items.

Mr. Paul stated the first item for action is 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. Mr. Paul noted that on November 17, 2011, the Board had approved several waiver requests associated with this plan. All corrections to the plan have been made, and there has been acknowledgement from the lender that the improvement guarantees are in place; the letter of credit is just not in-hand. Mr. Paul suggested a conditional improvement would be in order. A motion was made by Commissioner Leonard, seconded by Commissioner Loych, to conditionally approve the Final Subdivision Plan and Final Land Development Plan of the Odd Fellows Home of Pennsylvania, Family Care Center Practice and Radiological/Lab Suite, pending receipt of the letter of credit. The motion was unanimously approved. President Linn inquired if the need for a traffic light on Rosedale Avenue had been addressed. Mr. Paul verified that it was reviewed through the process, and one is not required at this time.

A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve 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. Mr. Paul stated that the Board did approve a waiver request for a waiver of the Preliminary Plan on November 17, 2011. The motion was unanimously approved.

President Linn then opened the floor for public comments.

PUBLIC COMMENTS:

Mike Williams introduced his daughter and son-in-law, Emily and Bill Botterbusch, and stated that they will address the Board later in the meeting.

FIRE DEPARTMENT REPORT:

Chief DeHart reported that February was a very busy month with 61 calls. Total calls thus far in 2011 are 106. A committee will be formed at the next department meeting to review the training center rental contracts. Chief DeHart again thanked everyone that assisted the Department on the casino grant. After the agreement is processed by Dauphin County, the rescue project will begin. He noted that the Fire Chief's Association Grant has not yet been awarded. This past month, the Department's tanker responded to Grantville for a barn fire and the engine went to Grantville for a standby for over three hours. Chief DeHart noted that Lower Swatara Fire Department has not yet been rejected for the federal grant, so it is still in the running. Commissioner Loych questioned the monetary amount of this grant. Chief DeHart responded that it is in the amount of \$4,000 - \$6,000 and would be used for computers and apparatus. Chief DeHart concluded his report by informing everyone that a pork dinner will be held on March 20, beginning at 11 A.M.

Vice President Leonard stated that the Fire Department is doing a very good job of pursuing grants. He also noted the Board had talked about having a procedural audit done of the Fire Department. This would be in addition to the normal routine financial audit. The cost of the normal financial audit, which involves verifying numbers, is approximately \$2,500. The additional cost to have a procedural audit done by the same accounting firm is approximately \$2,000. Vice President Leonard stated that this figure -- \$4,500 --- is still under the \$5,000 that was budgeted. He asked if the Board desires to retain the current auditing firm to perform this procedural audit in addition to the routine audit, or bid out this procedural audit. Commissioner Loych stated that he is in favor of using the same accounting firm to perform both audits, especially since the price is within the budgeted numbers. The Board agreed to retain the firm for both audits.

PUBLIC WORKS DEPARTMENT:

Steve Anderson, Public Works Director, reported that all but one of the Department's trucks is ready for the next winter storm. Truck 5a is having its plow welded; it should be ready by the end of the week. There have been a total of ten snow/ice events so far this year. Fortunately, the weather service is forecasting mild, rainy weather for the next ten days.

Other recent jobs of the Department include inventorying tools and organizing equipment in the garage, sweeping excess cinders, repairing minor sod damage, cold patching the roads, and addressing sign issues and litter throughout the Township.

Mr. Anderson noted that Township Mechanic Bill Walker received approximately 24 training hours from Mason's Garage (George Mason) while the garage was working on truck 6, in conjunction with the semiannual inspection. This training enhanced Mr. Walker's knowledge and expertise of the larger trucks, and reduced the cost of repairs to the Township. This was quite a kind gesture by Mason's Garage.

Department employees Rick Fox and Dan Wagner attended a training seminar on Turf Management on February 18. This will be utilized to improve the soccer fields and parks. In addition, Rick Fox and Jeff Sipe attended the Professional Pest Manager's school on March 1 for right-of-ways and parks and schools, and earned these two employees eight credits towards their license requirements.

The dumpster will be available for use by Township residents on Saturday, February 5, from 8:00 A.M. to Noon.

Mr. Anderson informed the Board that he had spoken to Mr. Paul and Commissioner Clark about the possibility of future use of anti-icing and de-icing equipment for the Township trucks. There is the potential for significant savings to the Township by using these types of agents. Mr. Anderson explained that he will make a presentation before the Board when he gathers more information about this item.

Vice President Leonard stated that he works with people who travel through Lower Swatara Township on their way to work, and he has heard many compliments about the condition of the roads during the recent bad weather conditions.

Commissioner Mehaffie referenced the training provided by Mason's Garage, and suggested the Township send a thank-you letter to Mr. Mason.

POLICE DEPARTMENT REPORT:

Chief Wiley reported that the Records Management System for Dauphin County is moving forward; the Cobra System which was selected will tie in eight counties. There will be a meeting tomorrow with District Attorney Ed Marsico to hammer out some of the details. Another item that appears to be moving forward is Centralized Booking. This would be a significant step forward for law enforcement in Dauphin County. Chief Wiley noted that he is also on this committee, and will be attending a meeting tomorrow with District Attorney Marsico to discuss this project.

February was a relatively quiet month, although there were some arrests made on the recent thefts. In response to a question from Commissioner Loych, Chief Wiley verified that most of these thefts are not a result of home burglaries or robberies.

Chief Wiley requested a brief executive session with the Board immediately upon conclusion of this evening's meeting.

President Linn reminded Chief Wiley and Chief DeHart to submit to the American Legion their selections for "Firefighter of the Year" and "Police Officer of the Year".

MANAGER'S REPORT:

Mr. Paul reported on plans recently reviewed by the Planning Commission, including the Botterbusch plan, which is located at 880 Oberlin Road. This is a five-acre tract in the Residential-Agriculture District. The plan, which was recommended for approval by the Planning Commission, is for a dog kennel in the area in the back portion of this property. Mr. Paul noted this plan will appear on the Board's March 16 agenda. Emily Botterbusch briefly explained that this would be a small family business, and would consist of 18 kennels. She distributed to the Board a draft brochure providing information on the kennel services. She stated that this is a service that she feels would be quite attractive to the residents.

Another plan being reviewed by the Planning Commission is the Kreider Poultry Farm plan. Kreider plans to redo all of its egg houses; the plan basically just replaces the units that are already there. There is no change to the actual location. Chris DeHart, who is also a member of the Planning Commission, stated the plans are quite impressive. Mr. Paul agreed, and stated that the renovations will also address some of the environmental issues, such as controlling flies.

The ordinance which will revise the recouping of attorney fees as they pertain to Township liens was prepared and advertised, and will be on the March legislative agenda. Mr. Paul noted that

Marylou Rittner, the Township's Financial Administrator, will be putting information in the local newspaper regarding the changes in this year's tax collection procedures. Mr. Paul and Solicitor Henninger continue to iron out details regarding the proposed agreement with Berkheimer for the collection of the Act 511 taxes.

Mr. Paul informed the Board that he anticipates that representatives from Greenworks Development and KGH Properties will be attending the next Board meeting to provide a presentation to the Board on plans for student housing in the Eagle Heights Area. He noted that Greenworks has sent out a flyer to residents in Eagle Heights about a meeting on March 10 at Penn State to discuss what it has in mind for the area. Mr. Paul added that Mr. Nardo will also be at the Board's March 16 legislative meeting to provide an update on progress at the Linden Centre. Township Engineer Chris Bauer will also be here that evening to bring the Board up to date on the Meade Avenue project.

Mr. Paul also added that KGH Properties will be requesting a special exception for student housing in the Commercial-Neighborhood District; the Zoning Hearing Board is expected to hear this request on March 30.

#### FINAL COMMENTS:

President Linn stated that he is concerned about the draft of the revised Manager's Ordinance, which needs to be advertised as soon as possible. He asked the Board to reconsider its intentions to not require the Township Manager to live in the Township. He suggested that the Manager be required to move into the Township, with the stipulation that the Board can provide the Manager an additional one-year (after the initial one-year time frame upon completion of the six-month probationary period) to establish residency. President Linn stated that he feels very strongly that as the chief executive officer of the Township, the Manager should be a tax-paying resident of Lower Swatara Township. He added, however, that he understands that with the economy, this individual may have difficulty selling his/her present home. He again asked the Board to consider this wording.

Mr. Paul agreed that this ordinance needs to be advertised, but noted that the Board will need to agree on the language by a majority vote. Commissioner Clark stated that he thought this wording represented the consensus of a majority of the Board at the last executive session. Commissioner Loych agreed, and stated that the Board consensus during the executive session was

that the Board preferred that the Manager become a resident within one year after the probationary period, but would not require residency if the Manager lives within a ten (10) mile radius of the Township Municipal Building. Vice President Leonard read aloud the draft ordinance that had been provided to the Board with the wording that was suggested at the last executive session. He stated that the wording is confusing and not what was agreed upon by the Board. Mr. Paul agreed that the wording still needs tweaked, and stated that the correct wording, as per the direction of the majority of the Board members at the executive session, should read “The Manager need not be a resident of Lower Swatara Township at the time of employment, but it is preferred that the Manager become a resident of the Township within one (1) year after successful completion of the probationary period. Residency in the Township is not required if the Manager lives within a ten (10) mile radius of the Township Municipal Building.” Vice President Leonard stated his feeling is that a successful candidate living far outside the area would obviously need to move. However, it is quite possible that a local person might be the best person for the job. If this person lives in a neighboring township, such as Swatara Township, is the Board going to force him or her to sell a home and move a few miles just to meet the residency requirement? He stated the Board may be overlooking some good candidates by doing so.

A motion was made by Commissioner Clark, seconded by Vice President Leonard, to approve advertisement of the Manager’s Ordinance with the aforesaid wording: “The Manager need not be a resident of Lower Swatara Township at the time of employment, but it is preferred that the Manager become a resident of the Township within one (1) year after successful completion of the probationary period. Residency in the Township is not required if the Manager lives within a ten (10) mile radius of the Township Municipal Building.” A roll call vote was taken with the following ballot tabulation: Commissioner Mehaffie – nay, Commissioner Loych – aye, Commissioner Clark – aye, Vice President Leonard – aye, and President Linn – nay. The motion was approved by a 3 – 2 margin.

Mr. Paul asked if the Board desires to make any further changes to the job description for the Township Manager. The Board agreed that the job description was satisfactory as presented.

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 7:40 P.M.

ATTEST:

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Ronald J. Paul,  
Manager/Secretary