

MINUTES

MAY 18, 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, Jr., Vice President
- Thomas R. Clark, Commissioner
- Thomas L. Mehaffie III, Commissioner
- Ronald J. Paul, Manager/Secretary
- Peter R. Henninger, Township Solicitor
- Jean R. Arroyo, Recording Secretary

Excused:

- Robert L. Loych, Commissioner
- HRG, Township Engineer

Residents and visitors in attendance:

- Ed Ward (Penn Waste)
- Linda Mehaffie (921 Ebenezer Rd.)
- Peg Stoops, Tom Williams (Bryn Gweled Subdivision)
- Jim Lewis (Press & Journal)
- Jon & Julie Wilt (1257 Longview Dr.)
- Phyllis Zimmerman (Patriot-News)

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

PUBLIC COMMENTS: None

PENN WASTE DISPOSAL: RATE INCREASE REQUEST APPROVED

President Linn reported that Ed Ward, Penn Waste Disposal, is here this evening to present the hauler's request for a rate increase. Mr. Ward explained that the Harrisburg Authority notified the haulers of a CPI increase to be effective June 1. The increase is approximately 2½%. As a result, Penn Waste is requesting a rate increase to the Township's residential customers, effective 7/1/2011, to cover the last two quarters of its contract with Lower Swatara Township (the current contract expires at the end of 2011). The billing would increase from \$54.80 a quarter to \$55.07 a quarter.

Vice President Leonard inquired if Penn Waste was approaching its other municipal contracts with this request. Mr. Ward explained that the other municipalities it services, which include Susquehanna Township, East Hanover Township, South Hanover Township, and Middletown Borough, will also receive a rate increase effective July 1. These municipalities, however, handle their contracts a little differently than Lower Swatara Township. They consider the CPI as a pass-thru expense. He explained that while he still provides these municipalities with documentation and justification for the rate increases, he is not required to automatically appear before their boards to present the request for formal approval. Mr. Paul inquired if the Board would like to change this procedure in its next contract specifications. Commissioner Mehaffie stated that he is happy with that way it is handled now. President Linn agreed.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve a rate increase to Penn Waste Disposal effective the July 1 billing. The new residential customer billing will be \$55.07/quarter. The motion was unanimously approved.

Commissioner Mehaffie asked if the Township should expect to see yearly CPI increases from the Harrisburg Incinerator. Mr. Ward concurred that this is very likely, and explained it is allowable under the Incinerator's agreement with Dauphin County

APPROVAL OF MINUTES:

A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve the Minutes of the April 20, 2011 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve the Minutes of the May 4, 2011 Public Hearing (Airport District Overlay). The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve the Minutes of the May 4, 2011 Public Hearing (Wireless Telecommunications Towers & Antennas). The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to approve the Minutes of the May 4, 2011 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the Payment of Bills as presented on Warrant No. 2011-4. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Vice President Leonard, seconded by Commissioner Clark, to approve the Treasurer's Report for April 2011. The motion was unanimously approved.

SOLICITOR'S REPORT:

Solicitor Henninger referenced correspondence from the Solicitor for the Dauphin County Board of Assessment Appeals regarding a tax assessment appeal for Prologis, located at 600 Hunter Lane. The assessment appeal was filed last summer, and argued that the fair market value of that warehouse should be \$29.15 per square foot as opposed to \$39.72 per square foot. The Board of Assessment Appeals lowered it to \$37.00 a square foot. That was then appealed to the Court. Based on negotiations, the settlement proposed is \$35.00 per square foot as the market value of that property. This is the same square foot rate that was agreed upon for another warehouse property at 300 Hunter Lane; this appeal had been before the Board last year. The Board of Assessment Appeals and the Middletown Area School District are recommending approval of this settlement. Solicitor Henninger added that he asked Marylou Rittner, the Township's Financial Administrator, to run some calculations, and the impact of this reassessment to the Township's real estate taxes will

be a loss of \$1,026.22. He asked if the Board would prefer to address this amount now or ask that it be pushed into next year's budget. Mr. Paul recommended it be addressed this year. The Board concurred. Commissioner Mehaffie inquired if this would mean a refund to Prologis of \$1,026.22. Solicitor Henninger clarified that this is for 2011 taxes. He is uncertain whether Prologis has even paid the taxes yet, since they were in litigation. If Prologis has not paid them, it would simply mean a reduction in its tax bill. A motion was made by Vice President Leonard, seconded by Commissioner Clark, to approve this Stipulation and Joint Motion for Agreed Upon Order between Prologis/Keystone CBC, LP, Appellant, and Dauphin County Board of Assessment Appeals, Appellee, and the affected taxing bodies (Middletown Area School District, Lower Swatara Township, and the County of Dauphin) regarding the parcel of real estate which is subject of the instant appeal (Parcel No. 36-013-105), commonly known as 600 Hunter Lane. The motion was unanimously approved. President Linn reminded the Board that each time one of these reassessments is reduced, so is the Township's budgetary funds. He stated that this is a real concern. Solicitor Henninger agreed, and commented that unfortunately, this is a sign of the times due to the current economy. He surmised there may be more reassessments in the future.

MANAGER'S REPORT:

Mr. Paul referenced correspondence regarding a request by Kreider Poultry Farms pertaining to its delivery of feed. This request was brought before the Board last year, but since the farm was in the process of updating its plant, it was put on hold. The discussion has now been reopened. The request is for them to bring in larger, heavier weighted vehicles with more feed per day which will actually reduce the number of trips needed by about 18% a day. They would need to get the proper permitting from the state and also have the Township's blessing. The Township's Police Department did look into the request. The actual weight per axle wheel load is actually less per wheel than it would be the traditional way they deliver their feed. Therefore, the Police Department does not have a problem with it. Mr. Paul added that the trucks would travel from Route 283 down North Union, to Longview Drive and then into the entrance to the Kreider Poultry Farm.

President Linn stated his concern is heavy trucks using that portion of Longview Drive. Mr. Paul stated he believes Longview Drive was upgraded a number of years ago when it was widened and improved to the entrance of the Kreider Farms. The Public Works Department doesn't have a

concern about the weight load on the road, at least to the entrance. President Linn asked if the Township would have an agreement with Kreider Farms, in the event that its trucks damage the road. Mr. Paul stated the Board could ask for an agreement if it so desires, but it would be pretty difficult to prove those trucks were the ones that damaged the roadway.

Commissioner Mehaffie asked how increasing tonnage but decreasing traffic will impact the roadway. Mr. Paul explained that while more weight is harder on the roadways, this weight will be distributed better due to the type of truck that will be utilized. In this case, it should have less of an impact on the roadway. President Linn stated he is still concerned that the truck drivers will carry overweight loads. Mr. Paul explained that this permit will be issued yearly, which will allow the Township more control over the arrangement. A motion was made by Commissioner Mehaffie, seconded by Commissioner Clark, to approve a one-year permit for delivery trucks with overweight permits to be allowed to travel on North Union Street from the Rt. 283 exit, turn off of North Union Street onto Longview Drive, and travel for 3/10 (0.3) miles to the Kreider Farm complex entrance to deliver feed to its animals. The motion was unanimously approved.

Mr. Paul asked the Board's direction on the Township logo – would it like to keep the current one or pursue a new design? President Linn suggested the Board wait until fall when the school reopens and approach an art student about the design. Commissioner Mehaffie stated this would hold up the website, since the homepage of the new website will have the logo on it. He stated that Ms. Arroyo had emailed the Board a few sample logos, and noted that whoever designs the logo will need some direction from the Board as to what it would like on the logo. He reported that a professional can do the design for a few hundred dollars, and suggested this would be his recommendation. Vice President Leonard suggested the website be done without the logo for the time-being; it could always be added later. He agreed that its time to change the logo, but stressed that the Board will first need to determine what it wants on the design. President Linn again suggested that instead of spending money for the design, the Board should come up with some ideas of what it wants and take that to the High School art department. Commissioner Clark asked if the Board is referring to a logo or the Township seal. Mr. Paul agreed that is a good question. After a brief discussion, the Board concurred to have the new website designed without inclusion of the logo. In the meantime, the Board members will get ideas on a new design.

COMMITTEE REPORTS:

Police Committee – Chairman Clark – reported that the COG has met Monday night. A presentation was provided on the use of emergency generators and how some of the load can be shifted to the generators during hot summer days in order to save money. Commissioner Clark asked Mr. Paul if the Township has an emergency generator that runs the entire facility. Mr. Paul explained that it does have an emergency generator, but only essential offices are serviced by the generator; it doesn't service 100% of the facilities/buildings. Basically, it provides service to essential offices and operations during emergency situations. Commissioner Clark stated this would not work then.

Public Safety – Commissioner Mehaffie – reported that TMI had an Appreciation Night which was attended by eight individuals from the Township. The County is hosting another Movie Night (“Shrek Forever After”) at the Lions Club on June 25. This was a big hit last year with approximately 200 in attendance. President Linn added that the Lions Club will again provide free hot dogs, soda and chips. Vice President Leonard stated this may be an opportunity to get some public input regarding design of a new logo. President Linn suggested the Board could also run a story in the newspaper about this project.

Budget and Finance – Vice President Leonard --- reported that cash receipts totaled \$1,258,241.65 for the month of April 2011. The 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 \$720,870.59 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), a \$50,000.00 reimbursement to the Lower Swatara Recreation Development Fund, expenses related to the Meade Avenue project, and all invoices due and payable. Investments totaled \$589,007.32 with an average annual yield of 0.5%. Relatively speaking, revenues and expenses are in line with the fact that the Township is 1/3 the way through the year. Vice President Leonard reminded everyone that the Fire Department's first Biker Breakfast of the year will be held this Sunday. He also noted that the Middletown Community Pool will finally be opening this season.

Community and Economic Development – President Linn – reported the Meade Avenue project is moving along fairly well, despite the rainy weather. Mr. Paul added that some paving was done on the upper portion of Meade Avenue.

UNFINISHED BUSINESS:

A motion was made by Commissioner Clark, seconded by Vice President Leonard, to table and grant a 90-day time extension, as requested by the developer, on 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, and February 16, 2011. The plan is due to expire on May 18, 2011. In response to a question from President Linn, Tom Williams agreed that there are still some sewer issues that need to be worked out with the Borough of Highspire. However, the primary reason for the time extension request is due to the current economic situation. The motion was unanimously approved.

A motion was made by Commissioner Clark, seconded by Commissioner Mehaffie, to table and grant a 90-day time extension on 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., and February 16, 2011. The plan is due to expire on May 18, 2011. The motion was unanimously approved.

A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, 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 Mehaffie, seconded by Vice President Leonard, 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. Mr. Paul explained that the perc tests were recently done, and the plan is getting closer to being in a position for approval. The motion was unanimously approved.

A motion was made by Vice President Leonard, seconded by Commissioner Clark, to table 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. The motion was unanimously approved.

NEW BUSINESS:

A motion was made by Vice President Leonard, seconded by Commissioner Clark, to approve Ordinance No. 531. This ordinance amends the Code of Ordinances of the Township of Lower Swatara, Dauphin County, PA, Ordinance No. 448, as amended, Chapter 27, Zoning, Part 20, General Regulations, Section 2014 Airport Controls and Regulations, by establishing an Airport District Overlay to include: Purposes of the District, Definitions, Airport Zones, Airport Zone Height Limitations, Permits Required, Use Restrictions; Nonconforming Uses, Variances, Conflicting Regulations; and Amending the Official Zoning Map by the adoption of an Official Supplementary Airport Overlay Zoning Map. Mr. Paul added that a Public Hearing had previously been held on this proposed ordinance. A roll call vote was taken with the following ballot tabulation: Commissioner Mehaffie – aye, Commissioner Clark – aye, Vice President Leonard – aye, President Linn – aye. Ordinance No. 531 was approved by a 4 – 0 margin.

A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve Ordinance No. 532. This ordinance amends the Code of Ordinances of the Township of Lower Swatara, Dauphin County, PA, Ordinance No. 448, as amended, Chapter 27, Zoning, Part 20 General Regulations, by including Section 2016 entitled “Wireless Telecommunications Towers and Antennas”, providing Definitions; providing Requirements for Permitted Uses, Accessory Uses,

and Conditional Uses; providing for Permits and Lease Agreements; providing for Severability, providing for Repealer; and providing for an Effective Date. Mr. Paul added that a Public Hearing had previously been held on this proposed ordinance. A roll call vote was taken with the following ballot tabulation: Commissioner Mehaffie – aye, Commissioner Clark – aye, Vice President Leonard – aye, President Linn – aye. Ordinance No. 532 was approved by a 4 – 0 margin.

A motion was made by Vice President Leonard, seconded by Commissioner Clark, 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.

A motion was made by Vice President Leonard, seconded by Commissioner Mehaffie, to approve the payment of \$10,499.25 to HRG, Inc. for services rendered for the period March 28, 2011 through May 1, 2011, for construction phase services related to the Meade Avenue Project. The motion was unanimously approved.

Mr. Paul stated the next agenda item is for payment of Estimate No. 9 in the amount of \$18,257.47 to Navarro & Wright Consulting Engineers for construction phase services related to the Meade Avenue Project. He referenced a cover letter from HRG explaining that while the total amount of Estimate No. 9 is actually \$14,168.95, there was a discrepancy between invoice amounts and actual payments for Invoices Nos. 2, 3 and 5. The total outstanding balance is \$4,088.52. Therefore, the amount of payment due is \$18,257.47. A motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to approve the payment of Estimate No. 9 in the amount of \$18,257.47 to Navarro & Wright Consulting Engineers for construction phase services related to the Meade Avenue Project. The motion was unanimously approved.

FINAL COMMENTS:

Commissioner Mehaffie stated that residents are expressing concern about truck traffic on Route 441. He asked that the local businesses be encouraged to use the correct truck routes and avoid Route 441. President Linn suggested that Chief Wiley make contact with the local businesses to ask for their cooperation in keeping their trucks off these routes. President Linn added that he also received complaints about truck traffic on North Union Street. He suggested that he and Commissioner Mehaffie arrange a meeting with the Secretary of Transportation to once again

request that Route 441 be removed from the official truck route map, since this roadway is unsafe for large trucks. Commissioner Mehaffie agreed.

Vice President Leonard referenced the \$400,000 grant received by the Fire Department for a new rescue truck. The Department now has some opportunities to improve the debt load on some additional financing beyond that. It would like to split the \$400,000 into two \$200,000 loans to help pay for the rescue truck and also address the new engine. He added that the Fire Department actually has two vehicles which will be purchased over the next 18 – 24 months. Vice President Leonard explained that he does not personally have a problem with the Fire Department contacting the County and explaining that if it splits up the grant into two areas, it can receive a better interest rate on some other financing. However, he would like Board input.

President Linn stated that his concern is that when the Township applied for that grant, it was very specific about the purpose. Therefore, he feels it would be wrong for the Board to request that it be changed now. In response to question from Commissioner Clark, Mr. Paul noted that the grant is in the Township's name – the Board applied for the grant. Commissioner Clark stated that since the Township applied for the grant, asking for a change at this point in time could impact the Township's chances of getting a grant the next time it applies for one.

Vice President Leonard suggested the Fire Department come before the Board with a written proposal of what it would like to request. The Board could then decide whether or not it supports this request. Commissioner Clark stated that these grant are very competitive, and any rocking the boat could tip it over. Mr. Paul agreed that this is his concern.

Solicitor Henninger asked if there is concern that the Fire Department will not be successful in obtaining a grant for the second piece of apparatus. Vice President Leonard responded that there are other grants, both state and federal, that the Fire Department will most likely pursue. However, there is language in some of these grants stating that if grant money is received from one organization, it can't be received from another.

Vice President Leonard inquired if he should notify the Fire Department that the Board is reluctant to pursue this request to split the grant. If the Fire Department still feels compelled to pursue this, it can come before the Board with the request. President Linn maintained his position that he is opposed to splitting the grant and possibility jeopardizing future grants. Commissioner Clark agreed, and stated that he feels you make a plan and stick with it. Commissioner Mehaffie stated he had had thought the Department was going after both pieces of equipment in the grant, but

agreed that if the grant application was submitted based on one piece of equipment, it should be adhered to. Solicitor Henninger stated his concern is that this grant application is in the Township's name. Changing this grant could have a negative impact if the Township goes back to the Gaming Board for a different grant in the future. Mr. Paul added that he can pull out the grant application for clarity and re-read the language. If it is any different than this understanding, he will so advise the Board. Vice President Leonard agreed to notify the Fire Department of the Board's position.

Vice President Leonard requested a brief executive session immediately upon conclusion of tonight's meeting for personnel reasons.

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 7:53 P.M.

ATTEST:

Ronald J. Paul
Manager/Secretary