

MINUTES

LEGISLATIVE MEETING –OCTOBER 18, 2017

The October 18, 2017 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Jon G. Wilt.

President Wilt called for the pledge of allegiance and a moment of silence.

Roll call was taken with the following officials in attendance:

- Jon G. Wilt, President
- Laddie J. Springer, Vice President
- Michael J. Davies, Assistant Secretary
- Todd F. Truntz, Commissioner
- Benjamin C. Hall, Commissioner
- Frank Lynch, Interim Manager
- Jean R. Arroyo, Secretary
- Ann Hursh, Planning and Zoning Coordinator
- Scott Young, Officer-in-Charge
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, Engineer

Residents and visitors in attendance: (PLEASE SEE ATTACHED SIGN-IN SHEET)

President Wilt welcomed everyone to the meeting and opened the floor for public comments.

PUBLIC COMMENTS:

Steve Artman, 1012 Clearview Court, referenced a comment in the Press and Journal from UPS stating that the proposed change is consistent with the update of the Township Comprehensive Plan that was completed in 2017. He stated that he was a member of the steering committee for the plan, and this is not true. The committee did not recommend any changes to the Mineral Recovery District.

APPROVAL OF MINUTES:

A motion was made by Vice President Springer, seconded by Commissioner Hall, to approve the Minutes of the September 20, 2017 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to approve the Minutes of the October 4, 2017 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Vice President Springer, to approve the payment of bills as presented on Warrant No. 2017-09. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to approve the Treasurer's Report for September 2017. The motion was unanimously approved.

ENGINEER'S REPORT:

Erin Letavic, HRG, reported that HRG surveyors are in the area putting together permitting documents for the culverts that are being looked at and also the additional area of the Rosedale Manor scope of work for stormwater and roadway improvements for possible funding through PennVest.

Staff review of the stormwater feasibility study is underway, and a meeting has been scheduled with the Public Works Committee at the end of this month to discuss the content.

Ms. Letavic noted that it turns out that the traffic counters that were questioned by the Board last month were a result of HRG's pavement management plan work. All that data has been delivered to HRG, and the pavement work plan was just sent to the Public Works Director. A microsurfacing or tar and chip type program might be something to look into with some of the Liquid Fuels budget for next year. Mr. Lanman will be asked to provide his feedback on this. Ms. Letavic explained that one of the problems is that the model states that in 2018, roads that need addressed include North Union Street, Lumber Street, and Whitehouse Lane. These streets

are impacted by infrastructure projects right now. Therefore, it will take some human interaction with the model to come up with a good work plan. The intent is to review this with staff first, and then discuss it in more detail at the November workshop meeting.

Commissioner Hall asked if the Township is tracking roads that are impacted by the work of contractors. Ms. Letavic stated that if this is in reference to the Sunoco project, the answer is yes. Staff had driven all Township roads that were anticipated to be impacted by the Sunoco work. As a result, all of those roads have been bonded for a significant amount of improvement. Sunoco had indicated that it will make repairs that the Township staff deem to be necessary as a result of the project. She noted for the record that HRG is doing inspections on a weekly basis to document the progress.

PUBLIC SAFETY REPORT:

Officer in Charge Scott Young referenced the monthly statistics for the Police Department, Fire Department and MICU 4-1 (Life Lion EMS).

SOLICITOR'S REPORT:

Solicitor Henninger announced that the Board had met in executive session at 6:30 P.M. this evening in order to discuss personnel matters. He and the Manager were also present.

As the Board will recall, the Township was approved for a very low-interest loan from the County for the Highland Street Bridge and the Summit Ridge Culvert. Today, Solicitor Henninger received a letter from the County regarding this loan. Since it will be a 20-year payout, it will be structured a bit differently; the County will be doing a bond issue.

Eckert Seamans serves as counsel for the underwriter on this bond issue. Since Eckert Seamans also serves as labor counsel for the Township, there is a request that the Township waive any conflict. Solicitor Henninger added that both he and Eckert Seaman agree there is no conflict. A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to agree to the waiver of any conflict with Eckert Seamans, specifically for them to act in the capacity as counsel to the underwriter on this issue. The motion was unanimously approved.

MANAGER'S REPORT:

Mr. Lynch reported that staff is seeking Board authorization to prepare a request for proposals and to solicit bids for auditing services for 2018. The bidders list will include the current auditor. A motion was made Commissioner Davies, seconded by Vice President Springer, to authorize preparation of a request for proposals for auditing services for 2018. The motion was unanimously approved.

Mr. Lynch informed the Board that staff has requested a partial payment (\$4,000) of a \$10,000 grant from the Department of Conservation and Natural Resources in support of the Peer-to-Peer program. The Township serves as funding lead for the project, a cooperative effort of how best to meet the future parks and recreational needs of citizens served by Lower Swatara Township, Middletown and Royalton Boroughs, and the Middletown Area School District. So far, \$5,000 has been released by DCNR and an additional \$1,000 is being held pending completion of the study, which is expected soon. A meeting to discuss progress will be held October 30 at the High School.

Budget preparation continues with staff and the Finance Committee. Mr. Lynch thanked Commissioner Davies, President Wilt, Rebecca McClain, Alison Burke, and the entire staff for their efforts in preparing a draft document. He asked that the Board set and authorize the advertisement of a special meeting to present the 2018 spending plan for 6:00 P.M. on November 1, an hour before the Board's November workshop meeting. A motion was made by Commissioner Truntz, seconded by Commissioner Davies, to authorize the advertisement of a Special Budget Meeting on November 1 at 6:00 P.M. The motion was unanimously approved.

President Wilt read aloud the list of future meetings/events:

October 24	7 PM	Zoning Hearings (SARAA variance request and IWI Us Inc. variance request)
October 25	7 PM	Municipal Authority Mtg.
October 26	7 PM	Planning Commission Mtg.
October 26	6 PM to 8 PM	"Trick-or-Treat"
November 1	6 PM	Recreation Board Mtg.
November 1	7 PM	Board of Commissioners Workshop Mtg.
November 4	10 AM	Woodridge Homeowners' Association Mtg.
November 7		General Election Day – Township Offices Closed for Business
November 10		Veterans Day Holiday – Township Offices Closed for Business
November 15	7 PM	Board of Commissioners Legislative Mtg.
November 16	7 PM	Planning Commission Mtg.
November 21	6 PM	Greenwood Hills Homeowners' Association Mtg.

COMMITTEE REPORTS:

Public Safety Committee – Vice President Springer – asked OIC Young to update the Board on the hiring process for police officers. OIC Young explained that applications are still being accepted; the due date is October 25. The next step will be to set up interviews.

Budget and Finance Committee --- Commissioner Davies – as referenced by Mr. Lynch, meetings were held with staff to draft and review the budget. The budget looks to be in pretty good shape. He anticipated there will not be the need for increased revenues. The draft document does include a lot of equipment purchases as well as additional personnel.

Public Works Committee – Commissioner Truntz – stated that the Department is preparing for leaf collection. Right of ways have been mowed, and the crew is busy sprucing up the parks and preparing for the Halloween parade tomorrow night. Commissioner Truntz commended Lester Lanman for the great job he is doing, and added that he will make a great Public Works Director.

Community Development --- Commissioner Hall – reminded the public of the Lions Club Halloween Parade tomorrow evening. He added that he will have one additional item to present under New Business tonight.

Personnel Committee – President Wilt – reported that the three new laborers for the Public Works Department have started their employment. The Department is now fully staffed. It is anticipated that the vacant position in the Codes Department will be filled in the near future.

UNFINISHED BUSINESS:

The Board tabled the Final Land Development Plan for Middletown Home Access Driveway/Parking Revisions, File # 2013-01 prepared by Schlouch, Inc. and submitted by Middletown Home. The initial Plan submitted was due to expire on May 29, 2013. Time extensions were granted by the Board of Commissioners on May 15, 2013, August 21, 2013, November 20, 2013, February 19, 2014, May 21, 2014, October 15, 2014, January 21, 2015, May 18, 2015, August 19, 2015, November 18, 2015, February 17, 2016, May 18, 2016, August 17, 2016, November 16, 2016, February 15, 2017, May 17, 2017 and August 16, 2017. The Plan is due to expire on November 16, 2017.

NEW BUSINESS:

President Wilt stated the first item under New Business is consideration of Ordinance No. 572. This ordinance amends the Code of Ordinances of the Township of Lower Swatara, Dauphin County, PA, No 448, as amended and supplemented, Chapter 27, Zoning, to define and permit parcel delivery distribution facilities in a certain zoning district, subject to specific use criteria, and to rezone a portion of the properties identified as Tax Parcels Nos. 36-003-009 and 36-006-001. Solicitor Henninger stated that the matter is on the agenda because the Township has completed the requirements under the MPC to get to this point. It was properly advertised, a public hearing was held, and the ordinance is ready for Board consideration, if it is so inclined. A motion was made by Commissioner Davies to approve Ordinance No. 572. Commissioner Truntz stated that he would second it procedurally to put the motion on the floor for debate. Vice President Springer asked Solicitor Henninger if approving this text amendment will open the door for other businesses out there. Solicitor Henninger explained that the text amendment is very narrowly drafted and adds the parcel delivery distribution facility use as a permitted use in the Mineral Recovery District. The definition is as follows: *Parcel Delivery Distribution Facility -- A use engaged in the sorting and distribution of parcels to be transported to different locations and the loading and unloading of such parcels, which is operated by a single entity as part of a comprehensive operation in connection with a parcel delivery service provider, and not as a truck terminal....* Solicitor Henninger explained that perhaps another parcel delivery distribution facility could go in there, if it meets the criteria. However, it could not be put in across the street in the Agriculture area. Again, this text amendment only adds this very specific use to the purple zone as shown on the map. Commissioner Truntz asked if there is any way someone could use that language to support the development of warehouses in the Agriculture area along Longview Drive. Solicitor Henninger stated they could not. That would require a zoning change. Commissioner Davies commented that responsible development is essential to keeping the Township financially healthy. This year, the aggregate value of real estate in the Township is slipping. Only by growing the aggregate value of property can the Township keep the increasing tax burden off homeowners. Commissioner Davies agreed that no one wants increased traffic, but this project is one of the best options the Township has had in years. Tax revenue will be provided for many, many years from an organization that is very reliable and has a reputation as a good corporate neighbor.

Commissioner Davies expressed his support of the ordinance. President Wilt called for a roll call vote. Commissioner Hall vote aye. Commissioner Truntz stated this is a tough decision that has weighed heavily on him since he is not a fan of industrial development and did not like the project when he first heard of it. He stated that he empathizes with those who are personally impacted by it. However, he stated that he represents all the people in the Township, and realizes that taxes are a burden to many. The land in question is not zoned Agriculture; there is a quarry there already, so many of the concerns about UPS are already present. Commissioner Truntz explained that he weighed the positives and negatives and listened to the public. He expressed hope that the public can respect the decision the Board has to make. Commissioner Truntz vote aye. Commissioner Davies voted aye. Vice President Springer agreed it was a tough decision. He explained that since he lives on North Union Street, he is probably not in favor of it personally. However, he represents all the constituents and many are for it. Vice President Springer voted yes. President Wilt stated that while he understands there are concerns with traffic issues, he feels the benefits of the project, including keeping taxes where they are, will far outweigh this. President Wilt voted aye. Ordinance No. 572 was approved by a 5 – 0 vote.

A motion was made by Vice President Springer, seconded by Commissioner Truntz, to approve Resolution No. 2017-R-22. This resolution appoints Frank Lynch, Interim Township Manager, as the Township's Alternate Open Records Officer and Kendra Riley, Police Secretary, as the Police Department's Alternate Open Records Officer. The motion was unanimously approved.

A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to approve the appointment of Steven Severin to the Lower Swatara Township Non-Uniform Pension Advisory Board. Mr. Severin will fill the vacancy created by the resignation of Daniel Wagner (term expiration 12/31/17). The motion was unanimously approved.

A motion was made by Commissioner Hall, seconded by Commissioner Davies, to approve the elevation of Ryan Lesko, probationary police officer, to permanent status effective September 26, 2017, the first year anniversary date of his employment. The motion was unanimously approved. The Board congratulated Officer Lesko.

A motion was made by Vice President Springer, seconded by Commissioner Truntz, to approve a partial refund of \$1,068.12 for 2016 and 2017 real estate taxes to Phillips Real Estate Investment Partnerships, 501 Fulling Mill Road, Middletown, PA. The motion was unanimously approved.

A motion was made by Commissioner Truntz, seconded by Commissioner Davies, to approve the Improvement Guarantee reduction request from Brian Morgan for Morgan's Run Subdivision #2004-13, Lot 21 for sidewalk installation in the amount of \$2,800.00. This reduces the current Letter of Credit from \$58,386.93 to \$55,586.93. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Springer, to approve Improvement Guarantee Reduction #1 for the Penn State Harrisburg – New Parking Lot in amount of \$180,300 from the current amount of \$180,300, contingent upon the establishment of a maintenance guarantee in the amount of \$21,900. The motion was unanimously approved.

A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to approve Improvement Guarantee Reduction #1 for the Penn State Walkway Improvement in the amount of \$65,300 from the current amount of \$65,300, contingent upon the establishment of a maintenance guarantee in the amount of \$7,800. The motion was unanimously approved.

A motion was made by Commissioner Truntz, seconded by Commissioner Davies, to approve a Maintenance Guarantee Release for the Penn State Student Enrichment Center in the amount of \$67,604.70 from the current amount of \$67,604.70, therefore closing out the project. The motion was unanimously approved.

A motion was made by Vice President Springer, seconded by Commissioner Truntz, to approve Improvement Guarantee Reduction #3 for the Penn State EAB Renovations and Addition in the amount of \$8,724.45 from the current amount of \$8,724.45, therefore closing out the project. The motion was unanimously approved.

Commissioner Hall stated that he has one additional item for action. In front of the Board is a draft pertinent to the presentation given a few months ago by Nancy Avolesse and Ruth Shireman regarding establishment of the Historical Preservation Society of Lower Swatara Township. He requested Board authorization for them to proceed. A motion was made by Commissioner Hall, seconded by Vice President, to grant Nancy Avolesse and Ruth Shireman

permission to proceed with establishing a Historical Preservation Society. The motion was unanimously approved.

FINAL COMMENTS:

Commissioner Truntz commented that it was a tough night and tough decision on the UPS project. He commented that it seemed like there was a lot of divisiveness with this issue, and it appeared some were afraid to express their viewpoints for fear of being humiliated, which is very disappointing. Commissioner Truntz thanked Commissioner Davies, President Wilt, Mr. Lynch, Ms. McClain and the rest of the staff for their work on the draft budget.

Commissioner Hall agreed that it has been a rough four months, but decisions have to be made. He added that while he is fine with opposing viewpoints, he is disappointed with the personal shots and intimidation. The Board hears things on a case by case basis and tries to do what is right for its 8000 residents. Commissioner Hall added that this is a great Township, and commended all the departments, staff, and volunteers.

Commissioner Davies stated that he had spoken to a lot of people about the issues concerning the UPS project, and heard both sides. He also looked at the financial realities of it, and hopes that it will be the best thing for the Township. Commissioner Davies added that overall, he feels that Lower Swatara Township will benefit from it, and that's one of the reasons he voted in support of the ordinance.

Vice President Springer stated that when he was elected four years ago, he promised the constituents that he would take things on a case by case basis and vote with the majority of the residents. He has kept that promise, and knows he made the right decision by voting yes tonight. Vice President Springer also thanked Chief Weikle for the excellent job at the Fire Department's recent open house and thanked the Public Works Department for the fabulous appearance of the soccer fields.

President Wilt stated he feels the overall benefit from the UPS project will be a positive thing. He added that he is also disappointed about the personal attacks that have taken place through social media. People can disagree on issues but to personally attack others is uncalled for. President Wilt also thanked Chief Weikle and his volunteers for assisting with the audio set up for Monday's Public Hearing at the Fire Department.

ADJOURN:

Hearing no other comments, a motion was made by Commissioner Truntz, seconded by Vice President Springer, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 7:55 P.M.

ATTEST:



Jean R. Arroyo, Township Secretary

PLEASE PRINT NAME CLEARLY

Name/Organization	Address/Contact Information
J Wiet	LST, 1257 Longview
Bill Leonard	1401 HERITAGE SQUARE
NORMAN FRYE	
Stephen Aitman	1012 Clearview CT
Joanne Aitman	1012 Clearview Ct.
Ronald L. Paul	Richard Ave.
Ruth Shuman	LONGVIEW DR.
Sheryl Cyphert	1435 Candlewyske
Chris & Shuli Hartz	N. Union St.
Joan DeHart Chris DeHart	Old Reliance
Tim & Susan Sonters	Union St
Margi Nant	2142 N. Union St
Jane Zuelke	231 Fiddlers Elbow Rd.
CHET HARTZ	2142 N. Union St
Nancy Avolese	1451 N. Union St.
Donna High	2096 Powderhorn Rd
Kae High	2096 Powderhorn Rd
Denise Yost	1111 Strides Rd
Ed Helgers	807 Nissley Drive
Patty & Jerome Buegg	129 Shirley DR.

PLEASE PRINT NAME CLEARLY

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