

## MINUTES

### LEGISLATIVE MEETING – MAY 17, 2017

The May 17, 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 E. Williamson, Township Manager/Public Safety Director
- Jean R. Arroyo, Secretary
- 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:

Laurie Castagna, 1901 Scarlett Lane, stated the past few weeks have been brutal in this Township due to the election, and social media has made it even worse. The “Lower Swatara Township Residents” Facebook page has been out of control, with members of the group showing no respect for each other. Members cannot debate anything without getting into arguments and surrogates of the candidates spouting off opinions. Ms. Castagna explained that she had made a suggestion that the Township’s official Facebook page post meeting reminders two days prior to the meeting, rather than the day of the meeting because people have lives and are busy. She added that she was basically attacked for the comment and told to put a reminder in her cell phone. Ms. Castagna suggested to the Board that there be a Commissioners’ Facebook page where residents could post questions and concerns and have them addressed directly by a Commissioner. This would stop the false information that is being fed to the public

through surrogates. As an example, somebody had posted this past weekend that if Ron Paul and Chris DeHart are elected, the field across the street from her (the Williams' Farm) would become Industrial. Ms. Castagna explained that she had went back and read past minutes and pulled the comprehensive plan. She did see in the comprehensive plan a comment about possibly rezoning the bottom third of the Williams' land to Commercial-Residential. She noted there is a big difference between Commercial-Residential and Industrial. Ms. Castagna added that she has lived here 27 years and loves the view. However, when she purchased her home, she knew what the zoning was and knew at some point she would probably lose that view because of the Residential-Agriculture zoning. Again, this is the kind of false information that is being put out there for residents to see. If a comment like that would have gone directly to a Commissioners' Facebook page, it could have been squashed immediately and prevented the bickering. Ms. Castagna stated that it would be nice for residents to have the ability to get information in a place besides these four walls. They should not have to be here the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays to get accurate information. It is 2017, and a social media society. Information should be available 24/7.

Bruce Harter, Strites Road, congratulated Vice President Springer and Commissioner Hall on the primary election wins. He again stated the Board needs to step back and reexamine its priorities. He added that some decisions made in the past are questionable. He noted that he did some more riding around to look at the infrastructure and observed that streets in the Bryn Gweled development, including Conway Drive and Angelsey Circle, need attention. There is also a lot of drainage work that needs done, yet the Township approved a \$60,000 expenditure on a computerized road survey. He added that he hopes that this was bid out rather than just selecting a company that was recommended. Mr. Harter again stated that he feels the 42 – 45 miles of Township roadway could have been visually inspected. He asked the Commissioners when they last drove all 45 miles of Township roads. Mr. Harter stated that the Board also borrowed money for the Richardson Road Bridge, and went with the cast-in-place, which is the most expensive version. Again, the Township needs to improve its drainage before worrying about road surfaces. He added that the crack sealing being done by the Public Works Department is a good step in terms of preservation. Now the Board is considering the purchase of 32 acres for a park. Mr. Harter stressed that he is not saying the Township does not need a park, and recalled that Jason Wagner of the Athletic Association commented at a Board meeting

that he may not need 32 acres, but does need two more ballfields. Mr. Harter noted that what he is saying is that this Board needs to look at all options and think about whether it is getting the biggest bang for its buck.

Commissioner Davies asked Ms. Letavic if the Richardson Road Bridge was cast-in-place or precast. Ms. Letavic clarified that it was bid both ways, but a pre-cast structure was installed because it was cheaper and able to be acquired to accommodate the schedule.

Commissioner Davies also commented that at the last meeting, the Public Works Director had been asked to come up with a full paving list for the year. Commissioner Davies added that while he wished it was in hand a bit sooner, he is looking forward to seeing what the needs are.

#### APPROVAL OF MINUTES:

A motion was made by Commissioner Truntz, seconded by Commissioner Davies, to approve the Minutes of the April 19, Legislative Meeting. The motion was unanimously approved.

A motion was made by Vice President Springer, seconded by Commissioner Hall, to approve the Minutes of the May 3, 2017 Workshop Meeting. The motion was unanimously approved.

#### APPROVAL OF BILLS:

A motion was made by Commissioner Truntz, seconded by Commissioner Davies, to approve the payment of bills as presented on Warrant No. 2017-04. The motion was unanimously approved.

#### APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner Davies, seconded by Vice President Springer, to approve the Treasurer's Report for April 2017. The motion was unanimously approved.

#### PUBLIC SAFETY DIRECTOR'S REPORT:

Frank Williamson, Public Safety Director, provided the Board with the monthly report. For the month of April, the Police Department responded to 1 Part 1 crime and 18 Part 2 crimes. There was a total of 127 crimes reported so far this year, which is an increase of 21 over last

year. For the month of April, the Police Department responded to 545 calls for service, 28 investigations, 15 total arrests, 46 traffic citations, 6 non traffic citations and 39 warnings.

In April, the Fire Department responded to 42 calls for service (168 year to date) with 338 personnel responding, which is an average of 9 per call. Incidents for the month were as follows: 5 fire incidents, 7 rescues, 2 hazardous conditions, 3 service calls, 13 good intent calls, and 7 false alarms.

Life Lion EMS responded to 116 calls in April. 82 of those were in the Township, 8 in Middletown, 5 in Highspire, 3 in Londonderry, 3 on the PA Turnpike, 1 in Fairview Township, 2 in Harrisburg City, 4 in Swatara Township, and 5 in Steelton. There have been 491 calls for service so far this year, with 339 of those in Lower Swatara Township. Average total 911 response time companywide is 7 minutes, with average class 1 response time in Lower Swatara Township 5 minutes.

#### ENGINEER'S REPORT:

Ms. Letavic stated that she has no major updates, but will address items as necessary tonight.

#### SOLICITOR'S REPORT:

Solicitor Henninger announced that the Board had met in executive session at 6:30 P.M. this evening to discuss an ongoing personnel issue and also a real estate intermunicipal matter. He noted that he will also comment on agenda items as necessary.

#### MANAGER'S REPORT:

Mr. Williamson reported on a PPL Right of way request. On May 9, he had met with PPL at the west end of Greenfield Park to discuss moving a utility pole in advance of the Mariner II pipeline project. The pole is in Sunoco's easement for the pipeline work and is currently sitting on Middletown Area School District property. PPL will be moving that pole and putting in two new utility poles and support poles. One of the new poles and its support pole will be on Township property at the far west end of Greenfield Park. At this location, there is a large grass covered dirt mound between the walking path and the Turnpike. A marked-up photo of the current pole and the proposed location for the 2 new poles was provided to the Board. The

Township will be asked to sign a “Grant of Right of Way” agreement to allow PPL to move forward with placing the new poles. The agreement has been reviewed by the Solicitor. Vice President Springer asked if the location for the new pole at Greenfield Park has been marked, as he would like to take a look at it first. He asked if action needed to be taken tonight. Solicitor Henninger responded that he feels it can wait another two weeks. Commissioner Hall agreed that he would also like to take a look at it. He inquired if he would be able to call PPL to discuss this. If the Township can utilize a little more of the park in the future, he would like to see that. Mr. Williamson agreed to provide him with the contact information. In response to a question from Commissioner Truntz, Mr. Williamson confirmed that there is no cost to the Township for this relocation. There will be no revenue received either.

Under New Business tonight is a resolution that was discussed at the May workshop. This supports the Municipal Authority application to the Commonwealth Financing Authority for an Act 537 grant. Sewage Facilities Plans, also known as Act 537 Plans, are required for all municipalities. The Township applied in 2016 but was not successful. This year, the Municipal Authority is making application for a \$100,000 grant towards the cost of upgrading the Act 537 Plan; the Township’s plan has not been updated since 1983. Mr. Williamson noted that the resolution supports the Municipal Authority’s application, but does not commit Township funds for the project.

As the Board is aware, the Township has submitted a loan application to the Dauphin County Infrastructure Bank in the amount of \$1,149,000 to replace the Highland Street and Summit Ridge bridges. In order to speed up the process of replacing these two bridges, staff recommends beginning the engineering and DEP permit application process. In order to ensure that the Township can submit for expenses incurred prior to the closing date, it must enact a resolution. As of this date, expenses are intended to be soft costs only. On the agenda under New Business is Resolution No. 2017-R-10, a resolution drafted by Solicitor Henninger in conjunction with legal advisors at the DCIB, allowing the Township to expend funds for the projects prior to the award of the loan. The Township, upon award and closing of the loan, would then be able to submit for any funds expended on the project prior to the loan closing date.

Changes to the draft lease between Life Lion and the Fire Department have been made by both parties, and the draft lease is now back with Hershey for review.

A request was received from Londonderry Township to use the services of the Lower Swatara fire police. The Township will need to approve allowing them to go out of the Township for functions due to liability reasons. This authorization will appear on the June 7 agenda.

Mr. Williamson reported that the Township is nearing the end of its term with Constellation Energy for electric generation. Currently, the rate being paid is 6.36 cents per kilowatt hour. The Township is being inundated with offers from other companies, and getting some very attractive prices. It looks like the Township may be able to get a fixed rate of 5.6 cents per kilowatt hour for four years; this will be discussed at the June 7 workshop meeting, and the Board will have to wait and see what the rates are and lock in a rate on that date.

Mr. Williamson noted that a list of the suppliers and the rates will be provided to the Board.

An email was received today from the Valley Baptist Church to again use two of the Township' playgrounds for one week for its summer youth program. Approval of this request will also appear on the June 7 workshop agenda.

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

May 24	7:00 PM	Municipal Authority Mtg.
May 25	7:00 PM	Planning Commission Mtg.
May 29	MEMORIAL DAY – TOWNSHIP OFFICES CLOSED	
June 7	7:00 PM	Board of Commissioners Workshop
June 17	8:30 PM	Family Outdoor Movie Night at Shope Gardens Park ("The Little Rascals")
June 21	7:00 PM	Board of Commissioners Legislative Mtg.
June 22	7:00 PM	Planning Commission
June 28	7:00 PM	Municipal Authority Mtg.

#### COMMITTEE REPORTS:

Public Safety Committee – Vice President Springer – no report

Budget and Finance Committee --- Commissioner Davies – no report

Public Works Committee – Commissioner Truntz – reported the Department has been busy with mowing, and is doing some crack sealing.

Community Development --- Commissioner Hall – reported that he is looking forward to hearing about the Peer-to-Peer Study findings on June 21.

Personnel Committee – President Wilt – stated that there are several personnel items for action under New Business.

#### UNFINISHED BUSINESS:

The Board addressed 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 and February 15, 2017. The plan is due to expire on May 17, 2017. The Township has received a written request to extend the time limit to expire on August 16, 2017. In response to a question from Commissioner Truntz, President Wilt stated this plan has been on the agenda since 2013. Solicitor Henninger remarked that the Middletown Home had been asked to come before this Board a year or so ago to provide a status update. He suggested they be asked to come back before the Board in the next several months with another update. A motion was made by Commissioner Truntz, seconded by Vice President Springer, to grant a time extension to expire on August 16, 2017, as requested by the developer, for the Final Land Development Plan for Middletown Home Access Driveway/Parking Revisions. The motion was unanimously approved.

The Board tabled the Final Subdivision Plan for William's Manor, File #2016-01, 26 lot subdivision located along Lumber Street for Rhodes Development Group, Inc., submitted by R.J. Fisher Engineering & Assoc., Inc. The plan was recommended for approval by the Planning Commission on April 28, 2016 with conditions. Time extensions were granted by the Board of Commissioners on July 20, 2016, October 19, 2016, January 18, 2017, and April 5, 2017. The plan is due to expire on July 19, 2017.

#### NEW BUSINESS:

The Board addressed the Final Subdivision Plan for Capital Valley Business Park, File #2017-02, a 4-lot subdivision located at Kreider Drive, Oberlin Road and Fulling Mill Road. The plan was recommended for approval by the Planning Commission on April 27, 2017 with

conditions. There are also 3 waiver requests associated with the plan. David Koratich, LSC Design, asked if the Board had any questions about the plan. Solicitor Henninger asked how sidewalks are being handled. Mr. Koratich explained that sidewalks are currently installed on the south side of Kreider Drive. With the development of any of the two remaining unoccupied lots, sidewalks will be installed at that time. A motion was made by Commissioner Davis, seconded by Commissioner Truntz, to grant the following three waiver requests: (1) waiver of Existing and Proposed Contours - §22-407.A.14; (2) waiver of Monuments (Partial Waiver) - §22-602.1; and (3) waiver of Preliminary Plan Requirements - §22-403.A.1. The motion was unanimously approved. With the waiver requests approved, a motion was made by Commissioner Truntz, seconded by Commissioner Davies, to conditionally approve the Final Subdivision Plan for Capital Valley Business Park, subject to the condition that all Township fees shall be paid prior to recording of plan and that property deeds shall make reference to all easements. The motion was unanimously approved.

The Board next discussed the Final Land Development Plan for Soccer Shots New Headquarters building located at 1000 Eisenhower Boulevard, submitted by SYB Group, LLC, File #2017-01. The plan was recommended for approval by the Planning Commission on February 23, 2017 with a list of ten conditions. Ms. Letavic reported that there are also three waiver requests associated with the plan. She added that the time limit for this plan will expire on May 17, 2017 and if necessary, the Township has received a written request to extend the time limit to expire to August 16, 2017. Marc Kurowski, K& W Design, presented the plan to the Board and explained that the site is located along Eisenhower Boulevard at the existing Harrisburg Christian Performing Arts Center site. What is being proposed is a new, roughly 13,500 square foot professional office building which will house the corporate headquarters of Soccer Shots. Parking will be shared between both uses. A new detention basin is provided for stormwater management towards the front of the property. One somewhat unique component to this plan is that it is actually a condominium plan in that it is not a subdivision that would have a transfer of land but a condominium established whereby the new building and associated improvements are predominately contained within the unit of that condominium. The existing performing arts building would fall under its own condominium unit, which is essentially a lot. There will be a common area between the two that will be shared by both uses. Solicitor Henninger agreed that a plan such as this one is new to the Board, and falls under the Uniform



Condominium Act. Part of the review process included the review of the declarations that set up the condominium. Solicitor Henninger added that he also reviewed the rules and the by-laws and how the common elements such as parking lots and the driveway would be handled. The plan meets all the rules and regulations. While there are ten conditions for approval, most are basically administrative in nature. He asked, however, that an eleventh condition be added to require that a fully executed copy of the condominium declaration, bylaws, and rules and regulations substantially in the form previously reviewed and approved by the Township Solicitor be provided. In response to a question from Commissioner Hall, Ms. Letavic confirmed that everything has been relocated out of the stormwater easement and outside of the paved driveway and parking areas.

A motion was made by Vice President Springer, seconded by Commissioner Hall, to grant the following waiver requests: (1) Waiver of Preliminary Plan Application - §22-404 & §22-405; (2) Waiver of Wetland Certification Verbiage (Partial Waiver) - §26-132.2.A(22)(e); and (3) Waiver of Existing Features Survey (Partial Waiver) - §22-405.1.A.8. The motion was unanimously approved. With the waiver requests approved, a motion was made by Commissioner Truntz, seconded by Commissioner Davies, to conditionally approve the Final Land Development Plan for Soccer Shots New Headquarters, subject to the following conditions: (1) Submit the Financial Security Agreements for site and sanitary sewer improvements - §22-406.4.A; (2) Submit the Financial Security, Bond or Letter of Credit, for site improvements, in the amount determined by HRG - §22-406.5 & §26-146.1, (3) Submit the Financial Security, Bond or Letter of Credit, for sanitary sewer improvements, in the amount determined by HRG - §22-204.11; (4) The Certification Statement of Ownership shall be signed and notarized - §22-407.A.5; (5) The Dedicatory Statement shall be signed - §22-407.A.6; (6) Provide a copy of the E&S Control Plan approval letter and the NPDES permit – §22-407.A.17 & §26-132.2.C.4; (7) All Township fees shall be paid - §22-801; (8) Provide a copy of the utility HOP permit - §22-407.A.19.i; (9) An Operations and Maintenance (O&M) Agreement shall be submitted and approved - §26-132.2.C.1; (10) The maximum distance between the Public Fire Hydrants along Eisenhower Boulevard shall not exceed 400'. – §27-2015.3.B Table “A”; and (11) Provide a fully executed copy of the condominium declaration, bylaws, rules and regulations and assorted documents substantially in the format

that was previously reviewed and approved by the Township Solicitor. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Hall, to approve Payment #14 to the Dauphin County Infrastructure Bank in the amount of \$6,790.00 for the Richardson Road bridge project. The motion was unanimously approved.

A motion was made by Vice President Springer, seconded by Commissioner Truntz, to approve Resolution No. 2017-R-9, a resolution of Support for the Lower Swatara Township Municipal Authority's application for a CFA Grant for Act 537 update. The motion was unanimously approved.

A motion was made by Vice President Springer, seconded by Commissioner Davies, to approve Resolution No. 2017-R-10, a resolution for reimbursement of DCIB 2017 Loan. The motion was unanimously approved.

A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to approve the hiring of Ann Hursh as Planning and Zoning Officer, pursuant to the terms and conditions of the offer letter currently under review by Labor Counsel. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Springer, to approve the hiring of Chad Huggins as a Laborer for the Municipal Authority pursuant to the terms and conditions of the offer letter currently under review by Labor Counsel and conditioned on review of a physical and drug screening. Solicitor Henninger explained that this additional condition is because there is a CDL requirement for the position, and the Township's insurance carrier requires these screenings for the position. The motion was unanimously approved.

Clyde Rabuck, North Union Street, stated that he would like to propose that the Township take over maintenance and ownership of the Ebenezer Cemetery on Ebenezer Road. There would be no public funds or tax money involved, since the association, which involves him and Bill Hoke, is self-sufficient and has about \$33,800 in a checking account and a \$10,000 certificate of deposit. Mr. Rabuck explained that he and Mr. Bill Hoch took over the cemetery in 2005 from the late Sam Demey and John Zell. Mr. Rabuck explained they are now concerned about the future upkeep of the cemetery. He added that it should not take much time for the Public Works Department to take care of the maintenance needs, and there are only 1 – 4 burials per year. Naturally, all funds would be turned over to the Township. Mr. Rabuck presented the

Board with a written proposal. Commissioner Truntz asked if the Ebenezer Church could possibly provide assistance. Mr. Rabuck explained that the church is not affiliated with the cemetery. The Board directed staff and Solicitor Henninger to look into this request.

FINAL COMMENTS:

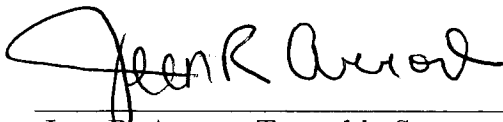
Commissioner Truntz requested a short executive session for personnel matters.

The Commissioners thanked the public for coming out and participating this evening. Commissioner Davies thanked the Manager for finding, in a relatively short order, a great individual to fill the Planning and Zoning position, which is a key one. President Wilt noted that he had also sat in on the interview, and agreed that he was quite impressed with Ms. Hursh's qualifications.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner Hall, seconded by Commissioner Truntz, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:04 P.M.

ATTEST:

A handwritten signature in black ink, appearing to read "Jean R. Arroyo", written over a horizontal line.

Jean R. Arroyo, Township Secretary

# PLEASE PRINT NAME CLEARLY

May 17, 2017 Board of Commissioners Legislative Mtg.

Name/Organization	Address/Contact Information
Bill & Lynda Bosnyak	1054 Westley CT. Hbg 17111
Bruce & Joanne Harter	1134 Nutter Rd - Middleville
Linda Mehaffie	921 Ebenezer Rd
Clyde Rebeck	1750 N. Union St.
Chad Zimmerman	401 Edinburgh Rd.
Patty & Jerome Buggy	129 Shirley Dr.
Laurie Castagna	1901 Scarlett
Donna High	2096 Powderhorn Rd
Norman R. Frye	
David Koratich	LSC Design
Randy Webb	HC PAC
DENNY FROSEY Citizen	1781 MTW. VIEW RD
Heidi Appleby	1491 Heritage Sq.
Phil Appleby	1491 Heritage Sq.
Ed & Bonnie Kiner	N Wood St
Chas DeNora	200 Rebeck
Pat Hard	AC PAC
John Weikle	LSFD
JOS HOOVER	81 CONDRAN, DR
Joe Well	Soccer Shots
Ruth Shugman	Longier
Nancy Aulisio	N. Union

**May 17, 2017 Board of Commissioners Legislative Mtg.**

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