

## MINUTES

### LEGISLATIVE MEETING –AUGUST 16, 2017

The August 16, 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 P. 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:

Bruce Harter, 1134 Strites Road, stated that he understands the request from UPS has not reached this Board yet, and must still be reviewed by the Planning Commission. However, he feels the need to provide some food for thought in the meantime, and has also provided a letter to the Planning Commission about these thoughts. At the UPS presentation, citizens brought up some very good concerns. One of the biggest concerns was the geology/hydrology of the site and the potential for sinkholes. Mr. Harter stated that this is a request by a global corporation and if the site does not turn out to be suitable, they will most assuredly back out. Another concern is traffic. That one-mile stretch of roadway is in the corner of the Township and sits

back where few residents even know it is there, but just assume it is part of the quarry, which it is not. That one mile of stretch will be a commercial corridor. There were concerns expressed about the potential truck traffic on Route 441 and Fulling Mill Route and Route 441 and Route 230. However, everyone must keep in mind that these are traffic routes developed as collector routes to aid in promoting commerce and thereby the economy. Mr. Harter agreed that this Board will have a tough decision on its hands and will have to look at everything and not just the vocal few. He stated that he fully supports what is being proposed by UPS. E-commerce is growing and everyone expects their deliveries to be made on time, but nobody wants to see the trucks. As Mr. Leonard stated at a previous meeting, UPS needs a facility in this area. If they cannot build it here, they will build it in another municipality and Lower Swatara Township will be losing out on a gift as far as taxes and growth of the economy. He added his understanding that UPS is setting aside \$20,000,000 for infrastructure improvement. The project would benefit both the Township and the School District. Mr. Harter stated that he would like to go on record stating that he is still opposed, however, to spending Township dollars for a 32-acre park.

John Weikle, 1264 Overlook Road, stated that he was on google earth looking at the plot of land that UPS is interested in, which is zoned Mineral Recovery. However, when looking at the aerial view and the abandoned part of the quarry, you will see what the Township will be left with if it continues in this manner -- a huge lake that will never be filled in. When Pennsy is done, he assumed that this is what the Township will be stuck with again. With all the talk about beautification of Lower Swatara Township and keeping the farmland, he stated he doesn't feel the need for any more Mineral Recovery that results in the Township looking like this. Mr. Weikle added that he came here from Swatara Township, and knows that a large part of Paxton Street is wasted because of Mineral rights recovery. There are very large quarries that people lose lives in, and it is undevelopable land. Mr. Weikle stated that he feels rezoning is the direction the Township needs to go. It will help the taxpayers and prevent the Township from looking like a bomb went off when the quarrying work is done. When the quarrying is completed, the operation will walk away. There will be no recovery, no fill, and no trees planted -- just an empty rock quarry.

Mr. Weikle noted he has another request to present this evening. His wife is President of the Woodridge Homeowners' Association, but could not be in attendance tonight. The Association is asking the Township's consideration to put up a single basketball hoop at the

Woodridge park. He explained that the kids are currently using portable hoops on Maplewood, which is an alley behind the townhouses. The problem is that they end up playing basketball in the street. President Wilt agreed that the Board will look into this request.

Marjie Hartz, 2142 North Union Street, stated that she would like to correct some of the statements just made. The “abandoned quarry” is not abandoned -- there is still stone to be mined. It will be up for Sherriff’s auction on October 19. In regards to quarries, every road, bridge, house, church, and building has stone. There is a Mineral Recovery District for a reason. She addressed the comment about an open hole being left in the ground, and stated that DEP does require reclamation when the mining is exhausted.

Larry Shope, 1251 Longview Drive, referenced the Dickerson property and asked why the Board would oppose a motel along Route 283. Solicitor Henninger explained that not much can be discussed about this situation, since it is in litigation and a decision is being awaited from the Court of Common Pleas. Basically, the Board had taken a position that based on the location with houses around it, public input and other input, the property should be developed in accordance with the current zoning. Mr. Dickerson, on behalf of himself and some of the adjacent property owners, requested a variance. The variance was not granted by the Zoning Hearing Board. Mr. Dickerson appealed this decision, and the Zoning Hearing Board and Solicitor Henninger, on behalf of the Board of Commissioners, asked the judge to uphold the decision of the Zoning Hearing Board. Not much more can be said since it is now in litigation. Mr. Shope stated that it just seems better suited to put something like a motel along noisy Route 283 than a development for residential use. He asked Solicitor Henninger if the taxpayers are paying for these legal services and time spent in court for the litigation. Solicitor Henninger confirmed they are paying for it, but he cannot provide a figure off the top of his head.

#### APPROVAL OF MINUTES:

A motion was made by Vice President Springer, seconded by Commissioner Hall, to approve the Minutes of the July 19, 2017 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Truntz, seconded by Commissioner Davies, to approve the Minutes of the August 2, 2017 Public Hearing. The motion was unanimously approved.

A motion was made by Commissioner Hall, seconded by Vice President Springer, to approve the Minutes of the August 2, 2017 Workshop Meeting. The motion was unanimously approved.

**APPROVAL OF BILLS:**

A motion was made by Commissioner Davies, seconded by Commissioner Truntz, to approve the payment of bills as presented on Warrant No. 2017-07. 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 July 2017. The motion was unanimously approved.

**PUBLIC SAFETY REPORT:**

Officer in Charge (OIC) Scott Young read aloud the statistics for the month of July:

***LOWER SWATARA POLICE DEPARTMENT:***

<b>Part I Crimes</b>	<b>This Month</b>	<b>This YTD</b>	<b>This month last year</b>	<b>YTD last year</b>	<b>Change</b>
Murder				1	-1
Rape				1	-1
Robbery					0
Aggravated Assault		4			4
Burglary	1	2	1	7	-5
Larceny	1	10		43	-33
Vehicle Theft					0
Arson					0
TOTALS	2	16	1	52	-36
<b>Part II Crimes</b>	<b>This Month</b>	<b>This YTD</b>	<b>This month last year</b>	<b>YTD last year</b>	<b>Change</b>
Assaults, Other	5	22	1	26	-4
Forgery	1	2		1	1
Fraud	1	2		16	-14
Embezzlement				3	-3
Stolen Property	1	1			1

Vandalism		3		14	-11
Weapons		4			4
Prostitution					0
Sex Offenses	2	3		5	-2
Drugs	1	6		2	4
Gambling					0
Family Offenses		2	2	2	0
DUI	5	28	2	18	10
Liquor Violations	1	4		16	-12
Drunkenness		2	4	4	-2
Disorderly Conduct	3	18	3	16	2
Vagrancy					0
All Other	3	33		12	21
<b>TOTALS</b>	<b>23</b>	<b>130</b>	<b>12</b>	<b>1235</b>	<b>5</b>
<b>TOTAL CRIME</b>	<b>25</b>	<b>146</b>	<b>13</b>	<b>187</b>	<b>-41</b>
Calls for Service	653	2174	636	4100	-1926
Total Cases	49	158	38	223	-65
Total Arrests	22	84	19	119	-35
Traffic Citations	51	225	28	295	-70
Non Traffic Citations	10	22	4	51	-29
Warnings	47	212	49	342	-130

**LOWER SWATARA FIRE DEPARTMENT:**

Call Volume	This Month	This YTD
Total Calls (many due to the flash flooding)	75	333
Personnel Responding	545	2593
Average Personnel per response	7	8
<b>Incident Breakdowns</b>		
Fire Incidents	7	27
Rescue Incidents	15	71
Hazardous Conditions	6	27
Service Calls	5	27
Good Intent Calls	16	109
False Alarms	8	52

***Life Lion EMS (MICU 4-1):***

<b>Call Volume</b>	<b>This Month</b>	<b>This YTD</b>
Total Activity	149	901
<b>9-1-1 Responses</b>		
Lower Swatara Twp.	103	622
Middletown	13	88
Highspire	5	34
Royalton		5
Londonderry Twp.	1	11
PA Turnpike		13
Fairview Twp.		3
Harrisburg City	3	8
Swatara Twp.	1	18
Steelton	1	14
Life Lion Aeromedical		0
Other mics. Calls in LLEMS area	52	92

OIC Young added that the average class 1 response time in Lower Swatara Township was 4 minutes, and the average class 3 response time in the Township was 6.5 minutes. He noted that there were also seven overdose calls for the month of July.

Commissioner Davies complimented the Police Department for the reduction in crime rates. OIC Young agreed that it seems to be down from this point in time last year.

**ENGINEER'S REPORT:**

Erin Letavic, HRG, updated the Board on the Shireman acquisition funded through DCNR. The Phase 1 Environmental Site Assessment is 90% complete. There is a survey that needs to be completed and signed off on by the Board. Draft settlement paperwork has been sent to DCNR for review.

HGR has been working with the Public Works Department on the emergency permits requested of DEP relative to the aftermath of the July 23 flash flood event. Only one of the locations has been approved for an emergency permit; there were three sites requested. The Public Works Director is working on getting quotes for the repairs for that location. Once that scope is finalized, the Township will have to apply for an actual DEP general permit for that

same repair. As mentioned in earlier, the Township may look at the system at the Rosedale culvert to make sure the pipe is the proper size so the general permit is acquired for what is actually needed.

An update was provided on the two park projects. As mentioned previously, there is still funding available for stormwater Best Management Practices (BMPs) that were originally proposed for the parks at Old Reliance and Shope Gardens. A bid document was put together and will be in front of DCNR. Ms. Letavic anticipated advertising for the construction of those BMPs as early as next week, and asked Board authorization to advertise for bids next week, conditioned upon DCNR's blessing of the bid documents. A motion was made by Commissioner Hall, seconded by Commissioner Davies, to approve advertisement for bids, conditioned upon bid document approval by DCNR. The motion was unanimously approved.

Commissioner Davies asked which of the emergency permits were approved and which were declined. Ms. Letavic explained that DEP approved the one at Rosedale where the concrete barrier was installed. The other two which were not approved include the one for Greenwood Drive and Lumber Street and the one for the Summit Ridge culvert.

SOLICITOR'S REPORT: No report

MANAGER'S REPORT:

Mr. Lynch reported that the Township's longtime IT vendor is winding down his business; at the Board's direction, Mr. Lynch has put together an RFP for IT services in order to assure that things are kept up and running. He requested a motion to approve issuance of that RFP and also to appoint a committee to help with that issuance and to make recommendations to the Board. A motion was made by Commissioner Truntz, seconded by Commissioner Davies, to approve issuance of the RFP for IT services for the Township, subject to the modifications suggested by Solicitor Henninger. The motion was unanimously approved. President Wilt noted that the IT committee will consist of Commissioner Davies, Commissioner Truntz, Frank Lynch, Jean Arroyo, Dan Tingle, Lester Lanman, and Julie Wilt. Solicitor Henninger added that since this is a professional service, it does not have to go through the formal bidding process, but RFPs will be sent out to multiple vendors for review.

Mr. Lynch updated the Board on the Early Invention Program through DCED. The consultant from the Pennsylvania Economy League has met with most of the department heads at this point. The purpose of this plan is to find ways to maximize efficiency within the Township in order to make it run as smoothly as possible. Mr. Lynch added that he had attended one of the department meetings with Ms. Arroyo, and was very impressed with the way the consultant handled things. Feedback from other staff members confirmed that it was a very positive experience.

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

August 23	7 PM	Municipal Authority Meeting
August 24	7 PM	Planning Commission Meeting
September 6	6 PM	Recreation Board Meeting
September 6	7 PM	Board of Commissioners Workshop Meeting
September 20	7 PM	Board of Commissioners Legislative Meeting
September 27	7 PM	Municipal Authority Meeting
September 28	7 PM	Planning Commission Meeting

#### COMMITTEE REPORTS:

Public Safety Committee – Vice President Springer – no report

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

Public Works Committee – Commissioner Truntz – stated that it is his understanding that the Shope Gardens playground is now open, subject to some minor landscaping. The park at Old Reliance is anticipated to be open this week. He again apologized for the delay. Upcoming projects include striping the lines and crosswalks in preparation for the upcoming school year. The Department also continues to be busy with mowing.

Community Development --- Commissioner Hall – no report

Personnel Committee – President Wilt – reported that there were recently interviews held with six candidates for the laborer position in the Public Works Department. There was a consensus on the ranking of the candidates; an announcement will be made in the near future after the offer has been made and accepted. The Board continues to work on filling the other vacancies.



### UNFINISHED BUSINESS:

President Wilt stated that before the Board this evening is a 90-day time extension request for 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 and May 17, 2017. The plan is due to expire on August 16, 2017. Lou Vogel, representing the Middletown Home, explained that the plan is sitting in order to look at the options for transformation of the entire campus, including the possibility of market-rate cottages. He stated that they would like to keep this plan on file, but may need longer time extensions in the future, since there will probably not be much movement in the next 90-days. A motion was made by Commissioner Davies, seconded by Commissioner Hall, to grant a 90-day time extension, as requested by the developer, on 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, a 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, April 5, 2017 and July 19, 2017. The plan is due to expire on October 18, 2017.

### NEW BUSINESS:

The Board discussed the Preliminary/Final Land Development Plan for Enterprise Holdings, File No. 2017-03 for the construction of a new rental car processing facility and expansion of paving for storage of vehicles along with associated improvements. The Planning Commission took action on July 27, 2017 to recommend approval of the plan with conditions and with waiver requests and a deferral:

Waiver Requests:

1. §22-404 & 22-405- Preliminary Plat Application- The applicant is requesting that the requirement to submit a Preliminary Plan be waived and all requirements be shown on the Final Plan.
2. §22-406 – Final Plat – Procedure and §22-407- Final Plat; Specifications, The applicant is seeking relief of the requirement of these sections solely with respect to the preparation/approval of a Subdivision Plan for the proposed lease area.

Deferral:

1. §22-607 – Sidewalks – Relief of this requirement is sought with respect to the installation of sidewalks along Route 230 and Rosedale Avenue.

Zoning:

1. Provide cut sheets to indicate that full cut-off fixtures are being proposed §27-2012.D.
2. Document that light is shielded from Rosedale Avenue. §27-2403.9.B.

Subdivision and Land Development:

1. §22-406.4.A – The required Financial Security Agreements, in the amounts determined by the Township Engineer, shall be submitted prior to plan recording.
2. §22-406.5 & §26-146.1 – The Financial Security for Site Improvements shall be posted in the form of a Bonding, Irrevocable Letter of Credit (LOC) or Escrow Account and submitted to the township prior to plan recording.
3. §22-204.11 – The Financial Security for Sanitary Sewer Improvements, in the amount determined by the LSTMA Engineer, shall be posted with the township prior to recording of the plan.
4. § 22-407.A.5 – The owner certification statement of ownership shall be signed and notarized prior to plan recording.
5. § 22-407.A.17 – A Soil Erosion and Sedimentation Control Plan and NPDES Permit approval letter from the DCCD shall be provide prior to plan recording.
6. §22-407.A.19.d – Provide certification of agreement letter from applicable utility companies for provided services.
7. §22-407.A.19. f – The PA DEP Sewage Planning Module approval letter shall be provided prior to plan recording.
8. §22-801 – The applicant shall pay to the Township all fees associated with this plan prior to approval and recording of the plan.

Stormwater Management

1. §26-132.2.C (1) – An O&M Agreement shall be submitted for review & approval prior to plan recording.

Jeff Shyk, K & W Engineers, explained that they are seeking a conditional approval this evening for this plan, which is a 13,000 square foot pre-delivery inspection center. He noted there will be no renting of vehicles from the lot. It is simply a processing and holding center. He added that this is probably a perfect use for this tract, as it suits the needs perfectly. In response to a question from Commissioner Truntz, Mr. Shyk confirmed that there will be no direct car sales from this facility.

Ms. Hursh and Ms. Letavic reviewed the waiver requests and deferral for the sidewalks, and the outstanding comments, including a lighting issue. Ms. Letavic added that staff had talked with the development team about this being a brand new type of use for this area, and they had provided a minor traffic report identifying how they anticipate the property to operate. The problem is that it is difficult to predict how those traffic patterns may or may not conflict with the existing traffic patterns. There will be a Developer's Agreement that will incorporate the traffic impact parameters, and there will also be some dollars tied to the improvement guarantee that will be released once it is under operation. Ms. Letavic noted that there were a number of Municipal Authority comments, including one regarding a planning mailer that has not yet been sent out. Solicitor Henninger remarked that some issues with the sewer have been resolved. It was agreed that there are no major comments, and the plan is in a position for conditional approval.

A motion was made by Commissioner Truntz, seconded by Vice President Springer, to grant the waiver request for §22-404 & 22-405- Preliminary Plat Application and §22-406 – Final Plat – Procedure and a waiver request for §22-407- Final Plat; Specifications. The motion was unanimously approved.

A motion was made by Commissioner Hall, seconded by Commissioner Truntz, to approve the deferral of §22-607 – Sidewalks. The motion was unanimously approved.

With the waiver requests and deferral granted, a motion was then made by Commissioner Truntz, seconded by Vice President Springer, to conditionally approve the Preliminary/Final Land Development Plan for Enterprise Holdings, File No. 2017-03, subject to all outstanding comments being addressed. The motion was unanimously approved.

Ron Paul, 2 Richard Avenue, asked if there would be any storage of damaged cars on the site. Mr. Shyk responded there would not. Mr. Paul referenced sidewalks for the Middletown Home plan, and asked if the Middletown Home would be submitting a revised plan or if there

would just be an extension of the plan that is now before the Board. He asked that the Board not lose sight of the fact that there is a sidewalk right next to the Odd Fellows property. The Board may want to defer that also when the time comes.

A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to approve Resolution No. 2017-R- 16 approving the adoption of the 2017 Update to the Lower Swatara Township Comprehensive Plan, including the provision that there be additional language to reflect the consistency with the 2017 Dauphin County plan, as opposed to the 2007 Dauphin County plan. Solicitor Henninger explained that at its last meeting, this Board voted to adopt the Plan submitted by the Planning Commission with the exception of the recommendation to rezone the property on the southeast quadrant of the North Union Street interchange with PA Route 283 to Commercial from Residential. The plan will also need to address the fact that the County readopted its own plan in 2017, since the draft plan refers to year 2007. Michelle Brommer, consultant from Gannet Fleming, will be provided the revised language for incorporation. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Hall, to approve Resolution No. 2017-R-17 supporting nuclear energy in Pennsylvania. Mr. Lynch explained that this is to support Clean Jobs for Pennsylvania in its efforts to do whatever possible to preserve jobs at nuclear plants. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Springer, to approve Ordinance No. 571. This ordinance amends the Code of Ordinances No. 448 as amended and supplemented, Chapter 1, Administration and Government, Part 6, Non-Uniformed Pension Plan and Pension Fund, in order to change normal retirement age requirements for participants hired on or after August 1, 2017. A roll call vote was taken with the following ballot tabulation: Commissioner Truntz – aye, Commissioner Hall – aye, Commissioner Davies – aye, Vice President Springer – aye, President Wilt – aye. Ordinance No. 571 was approved by a 5 – 0 margin.

A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to approve the expenditure of \$2,564.97 to purchase and install a projector and screen in the EOC/small conference room. \$2,000 of this purchase is anticipated to be reimbursed to the Township through the Act 147 Radiological Emergency Response Fund grant program. The

remaining \$564.97 would be taken from the major equipment category of the emergency management budget. The motion was unanimously approved.

A motion was made by Commissioner Hall, seconded by Commissioner Davies, to approve the appointment of Frank P. Lynch as the Township's delegate to the Capital Region Council of Governments. The motion was unanimously approved.

#### FINAL COMMENTS:

Commissioner Truntz thanked the public for coming out this evening, and requested a brief executive session in order to discuss a real estate matter on Powderhorn Road

Commissioner Hall thanked the public for its comments tonight, and welcomed Mr. Lynch to the position of Interim Manager. Commissioner Hall also thanked the staff in all the departments for their hard work, and expressed his appreciation for all they do. He thanked the Police Department for the tremendous job it does, especially with the opioid problem. Thanks were also given to the Fire Department and Chief Weikle.

Vice President Springer also thanked the public for coming out tonight, and requested the execution session tonight also include discussion of a personnel matter.

Commissioner Davies thanked the public for its attendance this evening, and for providing its opinions on the upcoming development issues. He also welcomed Mr. Lynch on board. He conveyed a big hats off to the Police Department, and stated it is impressive to see the statistically notable decrease in crime. He expressed hopes that it stays that way.

Vice President Wilt thanked the public for its comments and welcomed Mr. Lynch. He also thanked the Police Department for its work.

#### 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 8:35 P.M.

ATTEST:

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Jean R. Arroyo, Township Secretary

# PLEASE PRINT NAME CLEARLY

AUGUST 16, 2017 (7 PM) BOARD OF COMMISSIONERS LEGISLATIVE MTG.

Name/Organization	Address/Contact Information
Tim Sherry Santoro	Union St,
Jeff Shyk	K9N
Marjie Hartz	2142 N. Union St.
Ron Bell	Richard Ave
Nancy Avolesse	1451 N. Union St.
Ruth Shreiner	Longview
Larry Shyne	Longview
Ray Smith	890 Evansville Dr
Chris Nelson	old Robtville
Bruce + Joanne Harker	1134 Hilda Rd
John Weir	LSFD
Kate and Donna High	2090 Powderhorn
KATHY GOTTSALL	HEATHSTONE
NANCY POWDERGRASS	BRIAR CREEK
Carolyn Lutz	Woodridge Dr.
Gary Foy	Farber Drive
LOU VOEL	999 W. Harrisburg Rd