

MINUTES

LEGISLATIVE MEETING – JUNE 21, 2017

Solicitor Henninger announced that Vice President Springer will be participating by telephone this evening. He phoned Vice President Springer, who identified himself by confirming the required password, as pursuant to Township resolution.

President Wilt then 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 (via telephone)
- Michael J. Davies, Assistant Secretary
- Todd F. Truntz, Commissioner
- Benjamin C. Hall, Commissioner
- Jean R. Arroyo, Secretary
- Robert S. Greene, Planning and Zoning Coordinator
- Ann Hursh, Planning and Zoning Coordinator
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, Engineer

Excused:

- Frank E. Williamson, Township Manager/Public Safety Director

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

President Wilt welcomed everyone to the meeting and stated that prior to public comment, representatives from McNees Wallace and Nurick will be making a presentation regarding a potential economic development site in the Township.

PRESENTATION RE: ECONOMIC DEVELOPMENT PROJECT SITE: MCNEES WALLACE AND NURICK:

Solicitor Henninger stated that prior to getting started, it needs to be disclosed that McNees Wallace and Nurick had acted as bond counsel for the Board of Commissioners on a bond refinancing last fall. In discussions with Mark Stanley of the firm, it was determined that it would be proper to have a Waiver of Conflict letter signed between McNees Wallace and Nurick and Lower Swatara Township. A letter dated June 15, 2017, and signed by Donna Kreiser from McNees Wallace and Nurick, was received requesting this waiver agreement. The understanding is that the waiver granted by the Township is subject to the agreement that the firm will not use any information gained in its current or prior representation of the Township to the detriment of the Township or any of its affiliates. Solicitor Henninger explained that this is standard procedure and has been done in the past; in his opinion, this conflict waiver is proper. A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to waive the conflict. The motion was unanimously approved.

Mark Stanley, partner with McNees Wallace and Nurick, stated the firm is here tonight representing UPS. He thanked the Board for giving them the opportunity to present a potential economic development project within the Township. This presentation will be done through PowerPoint. He introduced several representatives from UPS, and then turned the floor over to Steve Slifer.

Steve Slifer stated that he is responsible for global real estate for UPS. UPS is looking at establishing a new transportation hub and would like to share its thoughts on establishing this new hub in Lower Swatara Township. This would be a regional hub and would service the northeast corner of the United States. Mr. Slifer explained that the site evaluation process uses a number of factors to determine the suitability of a site for a UPS operation. These factors include employment base, transportation infrastructure, projected package volume growth for that region, and community support. Through this process, there was a location identified in Lower Swatara Township which, with the Township's support, was felt would meet these operating needs. This site is at 2134 North Union Street, which is the northeast corner of the Township, behind the quarry. Mr. Slifer explained that an important factor in making the decision where to locate the hub will be how quickly it can go live. Time is of the essence and UPS is highly motivated to begin work on this project.

Mr. Slifer explained that the operation would be a significant one. Over a six-year period, UPS would anticipate 250 full time and 1000 part time employees hired at this location. These are good paying jobs, with a stable, American company. Full time hourly employees earn on average \$31/hour and part time hourly employees earn on average \$15/hour. UPS is the largest employer of Teamsters in the world, so most of these jobs would be union jobs. As mentioned above, there would be a significant number of part time employees which are important assets to the company. Today, 50% of the full time employees started as part time employees. Mr. Slifer explained that UPS offers great benefits to its part time employees which includes health care, vacation, tuition reimbursement, and hourly schedules that accommodate the lifestyles of these employees. He explained that operating hours for this northeast operational hub would most likely have four separate sorts, primarily staffed by part time workers:

4 AM – 9 AM	sunrise sort
1 PM – 4 PM	day sort
7 PM – 10 PM	twilight sort
12 AM – 3 AM	night sort

He noted that most of these hours are outside of peak traffic hours.

In terms of economic impact, the annual impact is expected to come in at just under \$3,000,000. As mentioned earlier, this is a long term investment for UPS and if you look out 25 years, the overall anticipated impact to the community is over \$5,000,000,000. Mr. Slifer explained that this is not some big box operation where the Township does not know who the owners, occupants or tenants are. UPS will be the owner, and this is a business that is over 110 years old and is committed to be a participating member of the community.

Mr. Slifer turned the floor over to Mr. Stanley who discussed the property tax impact. Mr. Stanley explained that they wanted to look at the potential property taxes that this type of facility would generate, and do it conservatively. They looked at a range of assessed value for the property between \$31,000,000 -- \$43,000,000 and then looked at the millage rates for both the Township and the School District. Based on these assumptions, the annual real estate taxes could range from \$1,000,000 to about \$1,500,000. From the School District's perspective, this means \$700,000 to \$1,000,000 in school taxes paid by this facility on an annual basis.

Mr. Slifer discussed UPS' status as a corporate citizen, and stated that it invests in the communities in which it lives and works, and has earned a reputation for doing so. It is very

active in volunteering and has been recognized as a top community minded company. For the last several years, UPS has been placed on the Civic 50 List.

Oudio Irizary, engineer, showed a conceptual site plan of what is envisioned as the site is developed. There will be two entrances leading up to the property. One will be coming in on the north side of the property off of North Union Street. This will be dedicated for the employees and the customers. There will be a second driveway entrance on the southern part of North Union Street which will be dedicated for the tractor trailers and package vehicles. All tractor trailer traffic and the vast majority of package car traffic will exit the facility and head south on North Union Street to PA 283. Some package delivery trucks will go north; these are basically trucks that deliver to residential areas on the north side of the property. Mr. Irizary reported that construction costs including land is projected to be about \$210,000,000, the fully automated sortation system about \$187,000,000, and infrastructure improvements which include mitigating any traffic concerns, roadway improvements and improvements to utilities is projected at \$20,000,000. The projected total capital investment is \$417,000,000.

Ms. Slifer commented that UPS is committed to pursuing this if the Township is interested and in favor of considering the opportunity. Mr. Stanley added that if the Township would like them to continue to advance this project, the next steps would be for them to work with the Township engineer and solicitor on preparation and submission of a text change. This facility cannot be built without a change to the zoning ordinance. The text change would consist of two parts. The first part would be for the use as just described to be made a permitted use within the Mineral Recovery District. The Township will not be asked to rezone the property from Mineral Recovery to Industrial. The second component would be to address the uniquely configured Conservation District that reigns the site. The text amendment, once submitted, would go through the public hearing process, which also includes review by the Township Planning Commission and the County Planning Commission. Mr. Slifer explained that they would like to start work with the Township engineer and solicitor to advance the traffic analysis that was done. It was looked at and the initial due diligence was done. However, considerable funds have been set aside to address some of the offsite improvements needed to undertake this project. Mr. Slifer stated that they are looking forward to cooperatively working with the Township and ultimately PennDOT on what is needed as the process moves forward. He asked the Board if it would like them to take these next steps.

President Wilt stated that he is interested in seeing what is proposed. Solicitor Henninger added that he understands this type of use might be a hot button issue here in Lower Swatara Township. What was proposed years ago by another company was much larger in scale, encompassing more land and more facilities. He stated that he is not sure what the Board's direction is, but the last developer went to the public first. Commissioner Truntz agreed that he would be in favor of a presentation to the public, perhaps at the Fire Department facilities. He asked Solicitor Henninger if getting the text amendment started would obligate the Board. Solicitor Henninger confirmed that it would not. He also referenced Mr. Stanley's comments about configuration of the Conservation District, and explained the current layout is rather strange, and this was actually looked at when addressing the discrepancies with the zoning map. There didn't seem to be any rhyme or reason to the configuration.

Mr. Stanley agreed that they would look favorably on making a public presentation at the Fire Department, and would work with the Township to coordinate the event. They will also work with the Township's professionals to start to advance the text amendment in order to keep the process moving.

The Board thanked UPS for the presentation.

President Wilt then opened the floor for public comments.

PUBLIC COMMENTS:

Bruce Harter, Strites Road, again reminded the Board that budget presentation is nearing, and there are federal cuts proposed as well as a state budget that is facing a shortfall. The grants the Board is depending on are ultimately paid through tax dollars; there are no free dollars. As he reported last meeting, Pennsylvania ranks number four in percentage of senior population. Mr. Harter stated that the DCNR website shows that the Township was awarded an \$187,000 matching grant to purchase 32 acres for a park. The Township also applied for a \$10,000 grant for a feasibility study for the entire park system, including this property; that grant has yet to be approved. Mr. Harter added that it appears the Township will have three years to develop that piece of property or show some movement towards development. At the same time, the Secretary of DCNR has sent a letter to all the representatives stating that the proposed cuts to the DCNR budget this year will amount to a 2.8 million dollar reduction. This could lead to the

potential for reduced hours for state parks, potential furloughs, and negative impacts on grant programs. Mr. Harter again stressed the Board needs to determine the difference between a want for a park and the needs for infrastructure.

Commissioner Truntz asked Ms. Letavic to clarify the statement about the three year requirement for the grant. He stated that it was his understanding that there is three years to use the grant, not develop the park. Ms. Letavic agreed that that Township has a three year time period to close on the property. It is not obligated to develop it at any time.

Dennis Fausey, Mountainview Road, stated that he is looking to the future generation by endorsing this park purchase. He added that frankly, he is not interested in ballfields in this new park, but would like to see recreation facilities that the Township does not have now. He stated that he, like most of the people he has talked to, is willing to help pay for that.

Mr. Harter referenced a mailer from State Representative Mehaffie talking about no tax increases and budget concerns moving forward. He asked that everyone take the time to read it. Commissioner Davies remarked that he does not think this particular mailer is from Representative Mehaffie, but is actually from an outfit called the Commonwealth Foundation.

Dave Klingaman, 241 Keystone Drive, stated that he had looked on the Township's website, but could not find a copy of the financial statements or the balance sheet. He asked Solicitor Henninger how much debt the Township is carrying. Solicitor Henninger responded that he cannot answer this, but suggested that Mr. Klingaman file a Right to Know request for the financial statements, which are public record.

APPROVAL OF MINUTES:

A motion was made by Commissioner Truntz, seconded by Commissioner Davies, to approve the Minutes of the May 17, 2017 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Hall, seconded by Commissioner Truntz, to approve the Minutes of the June 7, 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. 2017-05. 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 May 2017. The motion was unanimously approved.

PUBLIC SAFETY DIRECTOR'S REPORT:

Solicitor Henninger noted that while Mr. Williamson is not in attendance this evening, he had provided a written activity report to the Board.

ENGINEER'S REPORT:

Ms. Letavic reported that the Shope Gardens and Old Reliance playgrounds continue to be in a construction phase. It is anticipated that the poured in place rubber matting will be installed the week of July 4. The road scan project which the Board recently approved will also be performed soon, mostly likely the week of July 10.

Ms. Letavic referenced a quote provided by Bitting Recreation for the installation of benches at the two parks. At the last meeting, the Board had approved the quote at a price not to exceed \$5,000. Ms. Letavic explained that she had estimated the \$5,000, since the original quote did not include prevailing wages, which is required under the grant award. With inclusion of these prevailing wages, the quote actually came in at \$5,200. She requested a motion to amend the action at the last meeting in order to approve this updated quote. A motion was made by Commissioner Davies, seconded by Commissioner Hall, to amend the motion previously made by approving updated Quote #54312 from Bitting Equipment, in the amount of \$5,200. The motion was unanimously approved.

Ms. Letavic also called attention to two previously approved quotes from Bitting Recreation for site preparation and professional installation at the Shope Gardens Park and at the Old Reliance Park. She noted that after review, it was discovered that these quotes also failed to include prevailing wages. Again, this is a requirement of the grant. Addition of the prevailing

wages will increase each site by \$12,000. Ms. Letavic added that even with the increases, the Township is still within the grant budget. A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to amend the motion previously made by approving updated Quote #51916 in the amount of \$38,100 and updated Quote #53534 in the amount of \$38,100. The motion was unanimously approved.

SOLICITOR'S REPORT:

Solicitor Henninger reported that the Planning Commission is scheduled to meet tomorrow evening, and update of the mini cell tower ordinance will be on its agenda for review and discussion.

MANAGER'S REPORT: None

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

June 22	7 PM	Planning Commission Mtg.
June 27	7 PM	Zoning Hearing Board
June 28	7 PM	Municipal Authority Mtg.
July 4	Independence Day Holiday – Township Offices Closed	
July 5	7 PM	Board of Commissioners Workshop
July 8	8:30 PM	Rescheduled Family Outdoor Movie Night
July 19	7 PM	Board of Commissioners Legislative Mtg.
July 26	7 PM	Municipal Authority Mtg.
July 27	7 PM	Planning Commission Mtg.

COMMITTEE REPORTS:

Public Safety Committee – Vice President Springer – reported that the Fire Department has sold the 1998 Seagrave Engine to Williamstown Fire Company. The Police Department had the speed display sign at Greenfield Drive and on Fulling Mill Road. Vice President Springer reported that in 2016, the Police Department issued almost \$300,000 in commercial vehicle violations, mainly overweight vehicles on North Union Street. These usually resulted in a plea deal reducing the actual fine, and the operators were put on a payment plan. The Township will not realize this fine money in one lump sum, but over many years. Citations must be issued to the operator who failed to obey the signs; there is no place in the law that allows the Township to cite the owners or companies of the trucks.

Budget and Finance Committee --- Commissioner Davies – anticipated that preparation of the 2018 budget will begin in August.

Public Works Committee – Commissioner Truntz – reported the Department has been busy with mowing and various other projects, including repair of a sewer issue on Hanover Street as a result of PPL boring through the line. The Department is doing its best to keep up with things, despite being short-handed with the lack of summer part-time help. Commissioner Truntz informed the public that work on upgrading the two parks is moving as quickly as possible. He added that the Township is aware that the new basketball backboard at Old Reliance Park does not match the old one. The manufacturer has been contacted, and apparently that model was discontinued. Two matching ones will be secured.

Community Development --- Commissioner Hall – stated that a meeting date is still being determined for the Peer-to-Peer study with the School District. The Olmstead Recreation Board's programs, including the Summer Playground Program, are up and running. He added that the Township has been working on the annual MS4 report with the assistance of Ms. Hursh.

Personnel Committee – President Wilt – reported that at the last meeting, the Board had approved the hiring of two employees: Chad Huggins started his employment on June 1 to replace a retiring Municipal Authority employee, and Ann Hursh also started her employment with the Township on June 1. Ms. Hursh will replace Planning and Zoning Coordinator Robert Greene, who will be retiring next month.

UNFINISHED BUSINESS:

A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to table 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, 2015, October 15, 2015, 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. The motion was unanimously approved.

A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to table 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. The motion was unanimously approved.

NEW BUSINESS:

A motion was made by Commissioner Davies, seconded by Commissioner Hall, to approve Resolution No. 2017-R-11, authorizing the sale, through the Capital Region Council of Governments Auction, of certain Township property. The motion was unanimously approved.

A motion was made by Commissioner Hall, seconded by Commissioner Truntz, to approve Resolution No. 2017-R-12, authorizing the sale, through Municibid Auction, of certain Township property. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Truntz, to approve awarding the Early Intervention Plan (EIP) Phase 1 to Pennsylvania Economy League of Wilkes-Barre, PA at a cost of \$69,400.00. The motion was unanimously approved.

A motion was made by Commissioner Hall, seconded by Commissioner Truntz, to approve an expenditure not to exceed \$7,810 for installation of an exhaust fan for the main Public Works garage. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Truntz, to approve the expenditure of \$11,643.83 for emergency equipment for a new police car to 911 Rapid Response of Annville, PA. This is a COSTAR contract. The motion was unanimously approved.

A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to approve Release of the Maintenance Guarantee, Bond No. 105987016 in the amount of \$152,570.18 for site improvements for MRPI, 140 Fulling Mill Road, Final Land Development Plan File #2014-02. It is the recommendation by HRG to release the full amount of the bond. The motion was unanimously approved.

A motion was made by Commissioner Hall, seconded by Commissioner Davies, to approve the Improvement Guarantee Reduction Request #3 for Site Improvements, Letter Of Credit No. 572, Old Reliance Farms, Section 18-B, File #2010-01. HRG recommend a reduction of \$6,982.25 for sidewalk improvements from the current amount of \$74,011.03 designated for site improvements, having a balance of \$67,028.77 for site improvements, plus \$10,773.68 designated for sanitary sewer maintenance guarantee, leaving a total remaining balance of \$77,802.46 in the Letter of Credit. The motion was unanimously approved.

FINAL COMMENTS:

Commissioner Truntz thanked everyone for their input tonight and for the courtesy shown. He referenced the presentation by UPS, and assured everyone that the public will have opportunities to hear the plans and provide input during some type of open forum. This will not take place behind closed doors.

Commissioner Hall agreed that a public forum to discuss the UPS project will be provided. He thanked the Public Works Department for its hard work and encouraged the Department to continue with its safety training. Commissioner Hall also asked the public to start to pay attention to the youth in the community with regard to the opioid problem; the whole community needs to get involved. This is a disease and there is no cookie-cutter approach to the problem.

Commissioner Davies stated that he is looking forward to a full and public vetting of the UPS proposal. It is certainly something that bears close examination. While it will have a lot of benefits, it will also have a lot of repercussions. He also thanked the Board for support of the EIP award to the Pennsylvania Economy League, and anticipated their input and assistance will go a long way in the budget season to help the Township better utilize its resources.

Vice President Springer thanked the Board for allowing him to participate by telephone this evening. He agreed that it is imperative that the Township have a public forum to discuss the UPS project, one in which residents will be able to ask questions.

President Wilt also thanked everyone for coming out, and agreed that the public should be provided a chance to hear what UPS is proposing. He added that he feels this proposal is different than the one brought before the public last time; he stated that he does not feel putting warehouses all over the Township is a good thing. UPS, on the other hand, wants to be a partner here.

Commissioner Truntz requested a brief executive session to discuss a personnel issue.

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 8:15 P.M.

ATTEST:

Jean R. Arroyo
Township Secretary

PLEASE PRINT NAME CLEARLY

JUNE 21, 2017 (7 PM) BOARD OF COMMISSIONERS LEGISLATIVE MTG.

Name/Organization	Address/Contact Information
Tom LeBlanc / UPS	
Ovidio Irizarry / UPS	
Tom Healey / UPS	
MARK STANLEY / MCNEES - UPS	
Chris Bearden / UPS	
TAM MURPHY / UPS	
Nancy Quilley	1451 N. Union St.
JERRY FROSEY CITIZEN	1781 Mountain View Road
DAVID R. EDWARDS	
John Weikle	LSFD
Melinda Logan	N. Union St.
Maya Hartz	W. Union St
Chris Hartz	N. Union St.
Chet Hartz	" " "
BRUCE HARTER	STRITES RD.
RON PAUL	RICHARD AVE.
Ron Bockholder	K-B
Chad Nelson	OLD Nelson
Tom Nelson	
Norman Frye	
Paul Nelson	Bonguier Rd.
Carlye Lutz	Woodridge Dr

JUNE 21, 2017 (7 PM) BOARD OF COMMISSIONERS LEGISLATIVE MTG.

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