

## MINUTES

### LEGISLATIVE MEETING – JANUARY 18, 2017

The January 18, 2017 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:14 P.M. by President Jon G. Wilt. President Wilt noted that the pledge of allegiance and roll call had already been conducted at the 6:00 P.M. Special Joint Meeting with the Municipal Authority.

The following officials were 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, Public Safety Director/Assistant Manager
- Jean R. Arroyo, Secretary
- Robert S. Greene, Planning and Zoning Coordinator
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, Engineer

Absent:

- Terry L. Kauffman, Interim Manager

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

President Wilt welcomed everyone to the meeting and asked Solicitor Henninger to report on the executive session. Solicitor Henninger announced that the Board of Commissioners and Municipal Authority had met in a joint executive session on Tuesday, January 10, 2017 at 7:00 P.M. to discuss significant intermunicipal agreement issues. No action was taken before, during or after the executive session. The Municipal Authority, at its meeting next Wednesday evening, will make a similar announcement.

President Wilt then opened the floor for public comments.

#### PUBLIC COMMENTS:

Chris DeHart, Old Reliance Farms, stated that he is here as a taxpayer. He noted that last month, the Board paid off the loan on the Fire Chief's vehicle. Presently, the Fire Department's debt loan is about 1.5 million dollars with all its outstanding loans. He asked why the Fire

Department would want to purchase a new vehicle for \$300,000 and go into debt again for almost 2.3 million. He asked why not wait for a new tanker truck. He also inquired if there was a risk assessment done, as things change. For example, it was learned two weeks ago that the water company will be extending the water line the whole way down Strites Road which will reduce the amount of areas without hydrants and require less tanker protection. In addition, the new vehicle they want to purchase has less capability than what it has today. Mr. DeHart explained that he understands the Department wants to replace the older vehicles, but feels it makes more sense to replace the engine only instead of both. Let the tanker run until it cannot be repaired any more. He added that the tanker is a mutual aid piece, and 90% of its calls are outside the Township. He questioned the decision to incur more debt and noted that while he wants the Fire Department to succeed, he is concerned that things are not being thought through. Mr. Williamson explained that the Township is awaiting word back on a gaming grant to pay off the debt on the Ferrara engine. The tanker is at a point where it is too old, and the replacement parts are not immediately available. It is also questionable when it can go into service with the pump on it. While no new needs assessment has been completed, there has been discussion with the Fire Chief about servicing the areas without hydrants; the Fire Department does not have the manpower to get three pieces of apparatus out let alone four – two engines, a rescue and a tanker. The tanker does not allow all fire fighters to air pack up. It can only take two people with it and can be used as a first-out vehicle. Mr. DeHart clarified that in reality, it will have less capability since the new engine/tanker has no foam system. The engine would still need to be used at chemical fires. Mr. Williamson explained that the bottom line is that this is a Fire Department decision, and it is funding its own debt on this. The Board supported the Department in assisting with the Chief's vehicle debt, and the Department is also getting gaming grant money. The sale of the other two pieces will go towards the debt service remaining on the rescue. The Department will still have outstanding debt on the new piece. Mr. DeHart cautioned that the gaming grant money has not yet been received and the Department will not even know if it will be approved until March. Mr. Williamson agreed this is true, but stressed that the Fire Department is a separate entity from the Township. Mr. DeHart stated this is true, but the Township takes care of the Fire Department's vehicle maintenance. In reality, if something happens, the Township will be the entity to pick things back up. President Wilt reminded Mr. DeHart that the Township also worked with him when he was Fire Chief. Mr. DeHart

agreed that while this is true, he tried to space out purchases longer in order to pay down the debt first.

#### APPROVAL OF MINUTES:

A motion was made by Commissioner Hall, seconded by Commissioner Davies, to approve the Minutes of the December 21, 2016 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Hall, seconded by Commissioner Truntz, to approve the Minutes of the January 4, 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. 2016-12. The motion was unanimously approved.

#### APPROVAL OF TREASURER'S REPORT:

A motion was made by Vice President Springer, seconded by Commissioner Hall, to approve the Treasurer's Report for December 2016. 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 December, the Police Department responded to 435 calls for service for a year end total of 6,701. In December, there were 30 investigations, 13 criminal arrests, 30 traffic citations, 4 non-traffic citations and 35 traffic warnings. For 2016, there were 423 investigations, 207 criminal arrests, 472 traffic citations, and 76 non traffic citations. For the month of December, there were 10 Part 1 crimes (mainly thefts from vehicles), and 1 burglary for a total of 118 for the year. There were 26 Part 2 crimes in December, and 247 for the year. Total UCR investigations for 2016 was 365.

In December, the Fire Department ran 46 calls for service with a year-end total of 514 calls. For the month, the Department had 344 people overall responding (average of

8 personnel per call), with a year-end total of 3,192 (average of 7 personnel per call). In December, there was 1 fire incident, 3 rescues, 7 hazardous conditions, 5 service calls, 16 good intent calls, and 4 false alarms.

On the ambulance side, there were 119 responses during the month; 85 of those were in the Township. There were 747 responses for the year, 455 of which were in the Township.

Mr. Williamson reported that there was a significant incident here last week with an individual that had some explosive devices on him. Fortunately, they were very crude devices and did not pose a major public threat. However, the state police bomb squad did come in to safely remove the devices. This occurred in front of TE Connectivity; an evacuation was not deemed to be necessary. Commissioner Truntz gave kudos to the Police Department, and especially to Officer Thomas who apprehended the subject.

#### ENGINEER'S REPORT:

Ms. Letavic updated the Board on the Richardson Road Bridge project. The project is on schedule with bridge demolition, culvert installation, and about 90% of the sewer work complete to date. The bridge is still closed and will likely be opened in the spring.

An update was also provided on the Capital Improvement Plan – PENNVEST Funding for Stormwater Projects. PADEP permits were submitted for the Georgetown and Rosedale project areas in December 2016. Staff and HRG attended a workshop meeting at DEP to be provided further guidance on PENNVEST funding for all types of eligible projects. HRG is working with Township staff on the design reviews, the consideration and feasibility of replacing curbing, and NPDES/E&S permit submittals.

Ms. Letavic reported that once the DCNR grant agreements are in place for the Shireman Farm Parcel, HRG can assist with the next steps as requested. Also being looked at is a scope to submit a DCNR Grant in April 2017 for the planning/development of the property. In the event that the Township closes on the property this year, it might want to at least get prepared for planning, not necessarily construction. If the property ends up being a significant park for the Township, there should also be a study of the connectivity of the park to other parks within the Township. Vice President Springer asked what would be required to get bathrooms at the existing parks – Greenfield Park, Little Hollywood, etc. Ms. Letavic responded that she would need to talk to Matt Cichy at HRG about the feasibility of extending sewer to them. If there is no

local sewer, the Township would have to do a planning module to put in a specific system for the sites. In response to a question from Vice President Springer, Ms. Letavic confirmed there is grant money for the development of this. If this is a particular interest of the Board, it could pivot the attention from the development of the Shireman parcel to getting sanitary sewer service to some locations. Vice President Springer stated that he feels it is great to be able to acquire the Shireman property, but the Township needs to fine tune what it already has. Not having restroom facilities at a premiere park is unacceptable. Mr. Williamson added that the staff has discussed having an overall master plan for the Township parks. He agreed that if the Shireman park ends up being a destination park, the Township needs to think about how to connect trails to that in order to get connectivity among the parks. He noted that he would like to see the parking increased at Memorial Park through the use of stormwater BMPS. Otherwise, people will continue to park on the grass. Ms. Letavic agreed there is certainly no rush to do the planning on the Shireman project. It is simply a logical next step, and DCNR is willing to pay for it, if that is where the Board's interest is. If the Board has more of a short-term interest in improving the existing parks, she would like to hear more about this so focus can be placed on the appropriate funding. Ms. Letavic added that these programs are yearly, so funding can be applied for each year.

Ron Paul asked if the Township has actually acquired the Shireman tract. He stated that he keeps hearing the word "possibly" but has never heard the Board say it is going to go after the tract. He added that in 2016, none of the four Board members here tonight that served on the Board seemed to be in favor of acquiring the property because of all the restrictions on it. Mr. Paul stated he is curious when the decision was made that the Township had to have the property. He noted there is already an 11-acre tract of undeveloped recreation area at the end of Fulling Mill Road. Ms. Letavic agreed this is true, but noted that the parcel is restricted since it is in the flood plain. Mr. Paul suggested that with some engineering technology, it could be used for softball fields. He again stated that nowhere did he hear the purchase of the Shireman tract was a "go". Mr. Williamson explained that the grant money for the purchase was awarded, but the acquisition has not been closed. Mr. Paul asked if the Board is coming up with \$185,000 of Township funds to purchase this tract. Solicitor Henning responded that it can use Recreation Funds toward this. Mr. Paul asked if this would all come from recreation funds and if there is enough in this account to cover the entire purchase. Solicitor Henninger responded that he does

not know the balance in the account. Mr. Paul stated the balance is not enough. He explained his point is whether the Board is sure it wants to spend the money on the tract when there are other options. He asked them to keep in mind that when large residential developments come into the Township, they can be required to dedicate land for the development of parks. President Wilt agreed the Board is aware of this, but some developers would rather provide a fee in lieu of land dedication. Mr. Paul clarified that the Board does have some say in that. He stated that when looking at the Shireman parcel sitting on the corner and seeing the issues with it, including the exuberant costs of grading the property to get it to work, he would question the purchase; he stated he would respectfully ask the Board to think about this.

Ms. Letavic updated the Board on the zoning map update. Corrections and data for consideration/interpretation by the zoning officer and solicitor were provided for review.

#### SOLICITOR'S REPORT:

Solicitor Henninger reported that the Zoning Hearing Board will meet on January 26 at 6:00 P.M. at which time it will render its decision on the Dickerson request.

#### MANAGER'S REPORT:

Mr. Williamson reported on an alert message received from the Cohen Law Group, which represents municipalities in areas concerning cable franchises and the wireless industry. In order to increase efficiency in the delivery of wireless broadband services, the industry has taken to developing a "distributed antenna system", or DAS. These are basically small cell tower structures that are built in the public right of way. The alert contains possible legislation in the General Assembly that would strip municipalities of their right to control the construction and location of wireless facilities in the public right of way and effectively eliminate the right of municipalities to assess fees for such facilities. Mr. Williams noted that he had also spoken with Don Fure and Bob Greene in the Codes and Planning Departments. The Township currently has a right of way ordinance, but does not have completed amendments regarding the construction of these structures in the right of way. Mr. Williamson noted that he had already sent a copy of the alert to State Representative Mehaffie for his review and feels it would be beneficial for the Township to draft a letter to Representative Mehaffie stating its position on this matter. Solicitor Henninger added that he is confident that the PA State Association of Township



Commissioners and other municipal organizations will vigorously fight this proposal from the wireless providers. The Township does have a draft ordinance that has been going back and forth. There were some final comments from Mr. Greene that were include and were forwarded to the Cohen Law Group. The Township has an existing cell tower ordinance that has been updated several times over the years. The current update that Cohen Law Group was retained to do would include specific language with regards to these DAS.

Mr. Williamson reported that he had received a phone call today from State Representative Mehaffie that the Township will be getting a letter from DCED informing it of an award of \$50,000 towards the Early Intervention Plan, Phase 1.

President Wilt read aloud the list of future meetings:

January 25	7 PM	Municipal Authority Mtg.
January 26	6 PM	Zoning Hearing Board (Dickerson continuance)
January 26	7 PM	Planning Commission Meeting
February 1	7 PM	Board of Commissioners Workshop

#### COMMITTEE REPORTS:

Public Safety Committee – Vice President Springer -- reported that the Police Department will be reviewed by the Pennsylvania Law Enforcement Accreditation Commission on January 31. This is the final step in the reaccreditation process. Discussions continue on moving the Life Lion Medic Unit from the Township garage to the Firehouse.

Budget and Finance Committee --- Commissioner Davies – reported that both pension plans were successfully migrated to a new service provider.

Public Works Committee – Commissioner Truntz -- reported that although the weather has been mild, the Department has been keeping busy with various tasks. These include cleaning out storm inlets, inputting sign data into the GIS system, performing interior building maintenance, and replacing signs.

Community Development --- Commissioner Hall – reported that he and Vice President Springer will be attending the Olmsted Recreation Board Meeting at the end of the month. Earlier tonight, the Township Engineer had provided a presentation on the MS4 program.

Personnel Committee – President Wilt – noted there was nothing new to report regarding personnel.

#### 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 and November 16, 2016. The plan is due to expire on February 15, 2017.

A motion was made by Commissioner Davies, seconded by Vice President Springer, to grant a time extension to expire on April 15, 2017, as requested by the developer, on 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. The plan was due to expire on July 27, 2016. The Board granted a time extension on July 20, 2016 and on October 19, 2016. The plan is due to expire on January 18, 2017. The motion was unanimously approved.

#### NEW BUSINESS:

A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to approve Resolution 2017-R-4 for the sale of surplus Township equipment (lawn mower and police car) through auction. The motion was unanimously approved.

A motion was made by Commissioner Truntz, seconded by Vice President Springer, to accept the resignation of Benjamin Hall from the Code Hearing Board (term expires 12/31/17). The motion was approved by a 4 – 0 margin, with Commissioner Hall abstaining.

A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to approve Resolution No. 2017-R-3, a Resolution for Plan Revision for New Land Development for Shaner Corporation, Fairfield Inn & Suites Hotel located at HIA, a DEP Sewage Facilities Planning Module. The motion was unanimously approved.



Justin Kuhn, BL Companies, provided the Board with a presentation on the Final Land Development Plan for Select Medical Office and Airplane Hangar building located at HIA, File No. 2016-06, submitted by BL Companies. The Planning Commission took action on December 22, 2016 to recommend approval of requested waivers and approval of the plan with conditions. Mr. Kuhn explained that Select Medical plans to relocate from its existing location at the Airport and build a larger facility for the two new planes that it plans to lease. There will be a small office area in there for the administration, and it will lease some of the existing parking. The waiver requests are for §22-404 – Preliminary Plans; §22-407.A – Final Plan Specifications; and §26-126.1F – Seasonal High Groundwater elevation. Ms. Letavic added that all technical comments have been addressed. The outstanding comments are administrative in nature. She added that this is a redevelopment project that is occurring on Airport property and she is always happy to see these projects happen.

Solicitor Henninger suggested the Board first act on the three waiver requests. A motion was made by Vice President Springer, seconded by Commissioner Davies, to grant a request for a waiver of §22-404 – Preliminary Plans; §22-407.A – Final Plan Specifications; and §26-126.1F – Seasonal High Groundwater elevation, on the Final Land Development Plan for Select Medical Office and Airplane Hangar. The motion was approved by a 4- 0 margin with Commissioner Truntz abstaining due to the appearance of a conflict of interest. With the waiver requests granted, a motion was then made by Commissioner Hall, seconded by Commissioner Davies, to approve the Final Land Development Plan for Select Medical Office and Airplane Hangar building located at HIA, subject to the outstanding conditions listed in the January 12, 2017 memo from HRG. The motion was approved by a 4 – 0 margin with Commissioner Truntz abstaining due to the appearance of a conflict of interest.

Josh Hoffman of Snyder Secary & Associates provided a presentation on the Final Land Development Plan for Shaner Corporation, Fairfield Inn & Suites Hotel located at HIA, File No. 2016-07, submitted by Snyder Secary & Associates, LLC. The Planning Commission took action on December 22, 2016 to recommend approval of the requested waivers and approval of the plan with conditions. Mr. Hoffman explained that this is a four story, 123-room hotel. It will take an existing parking lot and convert it into this hotel site, with access off of South Terminal Drive. A gated access will be provided for hotel guests, as well as a circulation road for drop-offs. Additional sidewalk will be provided for airport employees to get through and into

the terminal. The waiver requests are: §22-404 – Preliminary plans; and §22-407 A (1-4) (13), (15), and (16) – Final Plat Specifications. Ms. Letavic stated that the outstanding comments on this plan are minor and administrative in nature.

Solicitor Henninger suggested the Board first act on the two waiver requests. A motion was made by Commissioner Davies, seconded by Commissioner Truntz, to grant a request of a waiver of §22-404 – Preliminary plans and a waiver of §22-407 A (1-4) (13), (15), and (16) – Final Plat Specifications on the Final Land Development Plan for Shaner Corporation, Fairfield Inn & Suites Hotel located at HIA. The motion was unanimously approved. With the waiver requests granted, a motion was then made by Commissioner Truntz, seconded by Commissioner Davies, to approve the Final Land Development Plan for Shaner Corporation, Fairfield Inn & Suites Hotel located at HIA, File No. 2016-07, submitted by Snyder Secary & Associates, LLC, subject to the outstanding conditions outlined in the January 12, 2017 memo from HRG. The motion was unanimously approved.

Ms. Letavic referenced a waiver request for Uncle Bob's Self Storage Final Land Development Plan, File No. 2016-04, located at 3271 Fulling Mill Road, Stormwater Management Ordinance, Section 26-132.2.A(22)(e). It is a request to delete the standard statement and provide a specific note on the plan to "certify that there are no wetlands on the subject property and permits relating to wetlands are not required from the state or federal government." Ms. Letavic explained that the Board had already conditionally approved this plan last year. It is now at a point where it is ready for signature. However, the individual that did the wetland delineation on the property did not feel comfortable signing the standard statement required by ordinance because it specifically says the property will not negatively impact wetlands offsite. The position of the individual is how can this be proved or certified. Ms. Letavic added that she had never been questioned about this statement before, so she had contacted Solicitor Henninger. Solicitor Henninger stated that he is agreeable to this waiver request and does not feel it will set a dangerous precedent since there are no wetlands in site. A motion was made by Commissioner Hall, seconded by Vice President Springer, to approve a waiver request for Uncle Bob's Self Storage Final Land Development Plan, File No. 2016-04, located at 3271 Fulling Mill Road, Stormwater Management Ordinance, Section 26-132.2.A(22)(e): request to delete the standard statement and provide a specific note on the plan

to “certify that there are no wetlands on the subject property and permits relating to wetlands are not required from the state or federal government.” The motion was unanimously approved.

President Wilt reported that in 2016, the Township invested \$2,000,000 into a short term certificate of deposit with Mid Penn Bank. That investment is now coming due on January 25, 2017. This CD was invested for eight months at a 0.75% interest rate. In anticipation of this CD coming due, Mr. Williamson had asked David Martin of Mid Penn to provide some options. The Township would be able to get a rate of 1.00% by reinvesting the money for a 12 month period. Mr. Williamson stated that after speaking to Mr. Martin and looking at the changing financial landscape after the January 20 Presidential Inauguration, he would not recommend going longer than 12 months. In response to a question from Commissioner Truntz, Mr. Williamson stated that the finance department does not feel the Township will require these funds during the next twelve months. A motion was made by Commissioner Davies, seconded by Commissioner Truntz, to reinvest the certificate of deposit with Mid Penn Bank for 12 months. The motion was unanimously approved.

#### FINAL COMMENTS:

Mr. Paul observed that the long litany of plan waiver requests did not appear on the agenda tonight. He suggested it would be helpful for these to be included so the audience members can see them. Mr. Williamson agreed that he and Commissioner Davies were just discussing this, and confirmed this will be taken care of in the future

Ms. Letavic thanked everyone for their attention during the stormwater presentation, and expressed hopes that they feel a bit more educated. She asked that the Board feel free to let her know if further discussion is desired.

Commissioner Truntz thanked everyone for coming out tonight, and also thanked Mr. Paul for his input and experience that provides a perspective on things.

Commissioner Hall thanked everyone for coming out, and stated he hopes to see more residents attend meetings. This helps the Board govern better. He also thanked Mr. Paul for his comments.

Vice President Springer thanked everyone for coming out.

Commissioner Davies stated that he greatly appreciated the HRG presentation on MS4. The Township will need to figure out how to deal with this in the immediate future, and the presentation helped him see what the Township is facing in terms of funding these future projects

President Wilt also thanked everyone for coming out, and wished everyone a good evening.

ADJOURN:

Hearing no other business, a motion was made by Commissioner Truntz, seconded by Commissioner Hall, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:12 P.M.

ATTEST:

  
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Jean R. Arroyo, Township Secretary

PLEASE PRINT NAME CLEARLY

### January 18, 2017:

**Special Joint Meeting between Board and Municipal Authority: 6 PM**

**Board of Commissioners Legislative Mtg.: 7 PM**

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