

## MINUTES

### LEGISLATIVE MEETING – APRIL 19, 2017

The April 19, 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
- Terry L. Kauffman, Interim Manager
- Frank E. Williamson, Public Safety Director/Assistant Manager
- Jean R. Arroyo, Secretary
- Robert S. Greene, Planning and Zoning Coordinator
- Daniel L. Wagner, Public Works Superintendent
- 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. He added that prior to public comment, the Board will be hearing an update regarding the Sunoco Pipeline work.

#### UPDATE ON SUNOCO PIPELINE WORK:

Mr. Williamson reported that representatives from Sunoco are here tonight to answer any questions the Board may have about its upcoming work in the Township. He, along with Ms. Letavic and staff members, recently met with Sunoco Pipeline regarding bonding of the Township roads that will be used to move the equipment necessary for this pipeline work. Ms. Letavic has prepared a bonding schedule. Solicitor Henninger reported that he had reviewed the roadway use agreement and after a few insertions, it is now in order. He also reviewed the form of the bond. Everything is okay with the proposed agreement and bond from a legal aspect. Ms. Letavic has worked on the actual numbers aspect of it. Ms. Letavic stated that she has one suggestion. The term is for 36 months from the date of execution or until Sunoco has completed

its use of the roads, whichever comes first. Because the bond is really for the maintenance, she recommended there be a correction period where the bond would not expire until an 18-month period after completion. Solicitor Henninger agreed, and Sunoco confirmed that it would not have a problem with this revision. Commissioner Truntz commented that the agreement does not seem to include standard contractual provisions, such as a consolidation clause or successor liability. He suggested these be included in order to protect the Township. Solicitor Henninger agreed that this can be included.

Ms. Letavic explained that the maintenance agreement is for purpose of the two pipelines that are impacting two Township properties. This impact includes hauling and travel on state and Township roads, driveway accesses, road bores that go horizontally underneath several Township streets, and horizontal directional drilling which is the method that will be used under Whitehouse Lane and under the Swatara Park Road property. The maintenance agreement will include security in the form of a bond, which is estimated at \$3,087,000. The intent is to cover the full replacement costs of the full paved width for six Township roads and also right of way restoration to the unpaved width that is still within the right of way. The intent is not to have Sunoco pave every street, but to bond for the replacement of any streets that are significantly damaged as a result of the work. Maps of the work and lists of the trucks and their weights were provided to the Township. Ms. Letavic noted that the impacted roads include North Union Street, Greenfield Drive, Stoner Drive, Rosedale Avenue, and Whitehouse Lane.

Mr. Williamson explained that traffic on North Union Street will be limited to the Sunoco related trucks, but there will be weight restrictions on anything over 100,000 pounds. There will be a total repair on North Union Street, as needed. Appropriate signage will be posted.

In response to a question from Solicitor Henninger, Brad Bonner, Construction Manager for Sunoco, stated he would like to start work Monday if possible. Solicitor Henninger noted the Board may need to pass some type of temporary resolution with regards to signage such as local deliveries only. If need to, this can be put in place at the next meeting. Steve Kratz, Community Affairs Representation for Sunoco, added that he will work with the Township as far as scheduling notifications and also notify the police department during times that heavy equipment is being moved into the Township. Commissioner Hall agreed this is essential, and encouraged Sunoco to keep open communications with the staff. Mr. Kratz confirmed that he will be available anytime questions or issues arise. A motion was made by Commissioner Truntz,

seconded by Commissioner Davies, to approve the proposed Road Use and Excess Maintenance Agreement with Sunoco Pipeline, subject to final review by the staff, engineer, and solicitor and the modifications as articulated by the solicitor. The motion was unanimously approved

PUBLIC COMMENT:

Bruce Harter, 1134 Strites Road, stated that at past meetings, he has commented on the purchase of the Shireman tract for recreational use, and during the process was accused of not caring about kids and wanting to stay stagnant and not move forward. Mr. Harter clarified that he does care about the kids and what we are leaving them by building additional spending into the budget. He noted that the Township's population is about 8,700 and the Borough of Middletown's is about 9,100. While pretty close in population, the two are far apart in size and tax base. Lower Swatara Township is carrying the School District because of the industry here. Money was just borrowed to build a new High School; now the Township is looking at spending money for a park. He stated his understanding that Sunoco's agreements with the Township are said to bring \$100,000 into the Recreation Fund. Mr. Harter asked why this money can't be put into the General Fund to help keep up with other issues such as road maintenance and infrastructure. Signage has been posted on various roads to reduce weight, speeds and limit traffic to basically defer maintenance on those roadways. There is not a potential plan in place to address these issues. He added that \$100,000 would go a long way to address some of the drainage issues. It could also be used to make improvements at the existing parks. Mr. Harter added that he has heard that 50% - 70% of students in the School District are on the Assisted Lunch Program. That gives an idea of what the tax base is and where the support is needed. He added that he never did hear the specifics attached to the DCNR grant, and questioned how many years will be permitted for the project to be completed and what additional money the Township will need to come up with to meet those terms.

Mr. Harter also addressed the comment that he wants to stand still. Again, the Township has basically posted signage to control speeds and reduce traffic in attempts to defer maintenance on the roadways. It needs to come up with some type of schedule to see where the needs are. The paving proposal that is before the Board tonight is a computerized analyzation that costs \$60,000. He asked why the Township cannot just do a visual field inspection and use that money elsewhere. Mr. Harter stated that his suggestions and comments do not seem to be

making any impact, but he will continue to come to these Board meetings to voice his opinion.

Commissioner Truntz commented that Mr. Harter has had a lot to say, and asked if he would be willing to serve on one of the Township's boards or committees. Mr. Harter explained that he is not able to lock himself into the commitment of attending regular monthly meetings, but would be willing to serve in an advisory position.

Scott Lampry, 1513 Farmhouse Lane, stated he is curious about the status of the grant application for the DCNR grant. He noted that it had been stated by a former Board President that it was already granted. Ms. Letavic explained that the grant that was awarded is for the acquisition of the 32-acre Shireman tract. What was applied for last week is another grant through DCNR for planning to go through a comprehensive park planning process and determine the needs of the Township and whether they can be applied directly to the Shireman tract. The application is also for funding to put together a master plan for the Shireman tract so the Township can see whether or not it is feasible to put there what the comprehensive plan determines is needed. Ms. Letavic explained these are two separate grants: one was awarded and one is just an application submitted a week ago.

#### APPROVAL OF MINUTES:

A motion was made by Vice President Springer, seconded by Commissioner Hall, to approve the Minutes of the March 15, 2017 Legislative Meeting. The motion was unanimously approved.

A motion was made by Commissioner Truntz, seconded by Vice President Springer, to approve the Minutes of the April 5, 2017 Workshop Meeting. The motion was unanimously approved.

#### APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Commissioner Hall, to approve the payment of bills as presented on Warrant No. 2017-03. The motion was unanimously approved.

#### APPROVAL OF TREASURER'S REPORT:

A motion was made by Vice President Springer, seconded by Commissioner Davies, to approve the Treasurer's Report for March 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 March, the Police Department responded to 11 Part 1 crimes (34 year to date which is an increase of 15 over last year). There were 29 Part 2 crimes (74 year to date which is an increase of 16 over last year). There was a total of 108 crimes reported so far this year, which is an increase of 31 over last year. For the month of March, the Police Department responded to 549 calls for service (1,630 year to date which is an increase of 71 over last year). There were 48 investigations, 27 total arrests, 55 traffic citations, 4 non traffic citations and 51 warnings.

In March, the Fire Department ran 45 calls for service (126 year to date) with 407 personnel responding, which is an average of 10 per call. Incidents for the month were as follows: 1 fire incidents, 9 rescues, 5 hazardous conditions, 2 service calls, 22 good intent calls, and 6 false alarms.

Life Lion EMS responded to 132 calls in March (375 year to date); 90 of those were in the Township (257 year to date in the Township).

#### ENGINEER'S REPORT:

Ms. Letavic reported that the Richardson Road Bridge should be open tomorrow, with a final walkthrough on the project scheduled for next week.

Before the Board is a Proposal for Engineering Services for a Salt Storage Shed Evaluation. Cost of the proposal is \$2,800. The idea is to do quick walk-through and determine if there are any recommended repairs. Should the preliminary costs associated with those repairs exceed the value of the structure, the recommendation will be to buy new structure. Budget level costs for this would be provided. Vice President Springer asked the cost to build a new storage shed, if the evaluation shows that is necessary. Mr. Kauffman stated his recent experience in another Township with a similar structure was a cost in the neighborhood of \$200,000. He explained that the Township staff is concerned about the stability of the shed, which is nearly 20 years old. A motion was made by Commissioner Davies, seconded by Commissioner Hall, to

approve a Proposal for Engineering for a Salt Storage Shed Evaluation. The motion was unanimously approved.

#### SOLICITOR'S REPORT:

Solicitor Henninger reported that he will address items as necessary when they appear on the agenda.

#### MANAGER'S REPORT:

Mr. Williamson reported that air conditioning unit #1, which supplies the Police Department's administrative wing, went out a few weeks ago. The unit is old and cannot be repaired. The current HVAC maintenance company provided a quote but, at the Board's direction, additional quotes were also obtained. The four quotes, all similar in scope and nature, range from \$8,610 to \$11,197. While not a budgeted item, funds can be taken from the Capital Reserve Fund. A motion was made by Commissioner Hall, seconded by Vice President Springer, to approve a quote from D & T Mechanical, in the amount of \$8,610, for replacement of the unit, using funds from the Capital Reserve Fund. The motion was unanimously approved.

Mr. Williamson reported on the Request for Proposals received for the Early Intervention Plan (EIP), which is a program of the Department of Community and Economic Development (DCED) that would take a look at the Township's finances and processes to make sure things are moving in the right direction. He explained that the Township's finances are in great shape right now, and the Township wants to make sure they stay that way. The program's name is deceiving – the Township is not distressed. There were seven proposals received, and the next step is to review them. Mr. Williamson noted that while it is not required for a Board member to be part of the review, he would like to invite one or two of the Commissioners to be included on the review committee. Marita Kelley from DCED would like to participate in the review as well. Commissioner Davis stated that he would like to be part of the review committee.

Mr. Williamson reported that the Township was recently made aware that former Township Manager Anne Shambaugh is still listed as the Township's delegate to the Dauphin County Tax Committee. To correct this, the Board needs to take action at a public meeting to appoint the new delegate. The minutes of the meeting then need to be sent to the Tax Committee as verification of the appointment. Presently, Township Accountant Rebecca McClain is listed

as the alternate. A motion was made by Commissioner Hall, seconded by Commissioner Davies, to appoint Frank E. Williamson as the Township's delegate to the Dauphin County Tax Committee, and Rebecca McClain as the Township's alternate to the Dauphin County Tax Committee. The motion was unanimously approved.

Mr. Williamson discussed with the Board an email and sample letter from the PA Municipal League and the PA State Association of Township Commissioners pertinent to the possible elimination or cutting of funds for Community Development Block Grants (CDBG). Each municipality in PA that receives CDBG funds directly, through the Commonwealth or the County, is encouraged to advocate for the preservation of these funds at 2017 levels by submitting a letter to both the congressional and senatorial district offices closest to the municipality. The letter should provide examples of how CDBG funds have been used recently. Solicitor Henninger noted that while he cannot recall the Township receiving any CDBG funds, he would suggest the Manager contact the neighboring municipalities to obtain a list of the projects they completed using these funds. The letter could then be tweaked to speak for the entire community rather than just the Township. President Wilt directed Mr. Williamson to move forward on this item.

Mr. Williamson reported that he had just provided the Board with a copy of a Transportation Projects Update. Mr. Kauffman had received an email concerning two projects that had previously been applied for on the Harrisburg Area Transportation Study (HATS). They are reviewing the projects that have not been funded through the transportation program. The two projects are the realignment of the Oberlin Road intersection with Spring Garden Drive, and the Airport Connector access for construction of a new collector roadway and pedestrian bike system extending Meade Avenue. Mr. Kauffman noted that apparently in the past, the Township had asked that these projects be put on the Transportation Improvement Program. Since they are not on the twelve year plan, the question is whether the Board wants to keep them on the list. Mr. Kauffman suggested the Board keep them on the list if it is still interested in them. Commissioner Davies stated he is particularly supportive of anything that would provide for pedestrian and bike access to the Route 230 area. There is simply not appropriate pedestrian walkways along Route 230, and these improvements are important to the future of the Route 230 corridor. Mr. Kauffman added that if the Board desire to keep these projects on the list, it will need to do something to increase their profile

over the next two years in order to elevate them on the scale of this very competitive process. The Board agreed to keep both projects on the list.

Mr. Williamson noted that today, the Board was polled individually about an issue. During its water main work on Strites Road, Suez was going to go under one of the Township's stormwater pipes. However, the pipe was found to be in poor shape. EK Services is already on site, and submitted a proposal in the amount of \$8,360 to excavate and install 40' of 24" pipe across Strites Road. There are funds in the MS4 budget for this expense. While the Board had provided individual approvals, Mr. Williamson asked for ratification. A motion was made by Commissioner Davies, seconded by Commissioner Hall, to ratify the expenditure of \$8,360 to E K Services to replace a pipe on Strites Road. The motion was unanimously approved.

Mr. Williamson reported that the engine needs replaced in one of the cars which has 66,000 miles on it; cost of the repair is being looked into. Commissioner Truntz asked if one of the detectives could use this vehicle. Mr. Williamson agreed this could be a possibility.

Solicitor Henninger remarked that he had failed to announce during his report that the Board had met in executive session at 6:30 P.M. this evening in order to discuss a personnel issue.

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

April 20	6 P.M.	Lower Dauphin Area Republican Mtg.
April 21	12:00 P.M. – 3:00 P.M.	Tree Planting Project
April 22	12:00 P.M.	Opening Day at Memorial Park
April 26	7 P.M.	Municipal Authority Mtg.
April 27	7 P.M.	Planning Commission Mtg.
May 3	7 P.M.	Board of Commissioners Workshop Mtg.

#### COMMITTEE REPORTS:

Public Safety Committee – Vice President Springer – reported that the Board had previously authorized the purchase of a new Ford Police Utility vehicle (Explorer) and an F-150 pickup truck for front line patrol use. The pickup is in stock and is being outfitted with equipment. The Utility needed to be ordered. The resignation of Probationary Officer Artemus Tuisl has caused a budgeted vacancy. Police applications are being gathered from candidates on the list from the Dauphin County Police Testing Consortium created last September. The Lower Swatara



Township Fire Department has sold its old Mack pumper and also has an offer and is waiting to settle on the Seagrave pumper.

Budget and Finance Committee --- Commissioner Davies – reported that last week he, along with Mr. Williamson and Ms. Letavic, had attended a meeting with the Dauphin County Infrastructure Bank (DCIB) regarding financing of the Summit Ridge Bridge and the Highland Street Culvert for approximately 1.15 million dollars. The Board had initially expressed interest in a 15 year loan, but DCIB was more amiable to a 20 year loan. As it was pointed out, the loan can be paid off early. The financial commitment would be about \$78,000 a year in terms of payment for these two projects. Commissioner Davies noted that staff left the meeting with a good feeling of a favorable outcome.

Public Works Committee – Commissioner Truntz – reported the Department is finishing up street sweeping and is spending a lot of time working at the parks in preparation for the season and for the Athletic Association's 50<sup>th</sup> anniversary this Saturday. He noted that he had recently stopped by the public works building and had observed Township mechanic Rodger Mason working on a railing for a sewer pumping station. Commissioner Truntz stated that Mr. Mason is a great fabricator as well as mechanic, and has saved the Township a lot of money with his skills. Mr. Wagner informed the Board that the new flagpole will be installed in time for Opening Day.

Community Development --- Commissioner Hall – reported that this is a busy time for the community with the Tree Planting Project on Friday and LSTAA's Opening Day/50<sup>th</sup> Anniversary on Saturday. He added that the Athletic Association understands that there was a time capsule buried out at the park, but is uncertain of its exact location. If anyone knows its location, perhaps someone who was involved with Athletic Association since its inception, they are asked to contact the Township.

Personnel Committee – President Wilt – no report

#### UNFINISHED BUSINESS:

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

May 18, 2015, August 19, 2015, November 18, 2015, February 17, 2016, May 18, 2016, August 17, 2016, November 16, 2016 and February 15, 2017. The plan is due to expire on May 17, 2017.

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.

The Board discussed the possibility of having HRG perform a Stormwater Authority Feasibility Study at a cost not to exceed \$18,750. Ms. Letavic explained the idea is to do an analyses of all the budgetary items the Township can anticipate with respect to stormwater, and to determine whether or not it makes sense financially to use the Municipal Authority to fund the stormwater program. The Township may look at this versus increased taxes. A fee as opposed to a tax may be a more equitable way to pay for services. Ms. Letavic added there is a lot to work out on this issue, and this study is simply to look at the financing. In response to a question from Commissioner Davies, Mr. Kauffman confirmed that there is funding for this within the MS4 budget category. A motion was made by Commissioner Davies, seconded by Commissioner Hall, to approve the Stormwater Authority Feasibility Study by Herbert, Rowland and Grubic, Township Engineers. The motion was unanimously approved.

The Board agreed to table the Pavement Management Plan by Herbert, Rowland and Grubic, Township Engineers at a cost not to exceed \$60,650.00.

#### NEW BUSINESS:

A motion was made by Vice President Springer, seconded by Commissioner Davies, to approve Payment #13 to the Dauphin County Infrastructure Bank in the amount of \$19,065.00 for the Richardson Road bridge project. The motion was unanimously approved.

A motion was made by Commissioner Truntz, seconded by Vice President Springer, to approve the Release of the Maintenance Guarantee, LOC No. 10014518632 for Campus Heights Associates I, LP – Campus Heights Village II, Lawrence Street Relocation Land Development

Plan, (Lower Section), File #2011-08. It is the recommendation by HRG to release the full amount of \$20,693.91. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Hall, to approve the Release of the Maintenance Guarantee, LOC No. Doo5924 for Lawrence Street Partners LP – Campus Heights Village II, Lawrence Street Relocation Land Development Plan, (Lower Section), File #2011-08. It is the recommendation by HRG to release the full amount of \$20,693.91. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Hall, to approve the Release of the Maintenance Guarantee, LOC No. 68111432 for Allied Properties Inc. - Final Land Development Plan, File #2015.01 site improvements. It is the recommendation by HRG to release the full amount of \$14,616.75. The motion was unanimously approved.

A motion was made by Vice President Springer, seconded by Commissioner Davies, to approve the Improvement Guarantee Reduction Request #4, Bond No. 1084394 in the amount \$11,826.50 for site improvements for Scannell Properties, FedEx Ground, Final Land Development Plan, File #2013-02. This reduction from the current balance of \$359,594.30 will leave a remaining balance of \$347,767.80. The motion was unanimously approved.

A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to approve the Improvement Guarantee Reduction Request, Letter of Credit No. SB-003883 in the amount of \$20,000.00 for sanitary sewer improvements for Linden Centre Phase I & II, File #2007-15. This reduction from the current balance of \$25,000 will leave a new balance in the amount of \$5,000 as recommended by HRG. The motion was unanimously approved.

#### FINAL COMMENTS:

The Board thanked the public for coming out this evening, and also encouraged everyone to attend the Opening Day/50<sup>th</sup> Anniversary Celebration of the Athletic Association. Commissioner Davies added that he is glad the Board is moving forward with the stormwater feasibility study, since this is uncharted territory.

Solicitor Henninger stated that over the last month, he has received multiple inquiries from the public regarding signs on the Dickerson property on North Union Street advertising commercial land for sale. He explained that the actual size of the signs is fine, and they are permitted. However, the rezoning request by the owners to allow commercial development was not granted

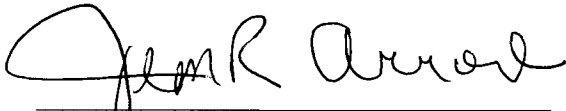
and is being appealed right now. Therefore, they do not have the right to put in commercial at this time; they would have to be successful in their appeal to do so.

Solicitor Henninger added that the Manager has requested a brief executive session immediately upon conclusion of this evening's meeting to discuss an inter-municipal agreement issue.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner Truntz, seconded by Commissioner Hall, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:21 P.M.

ATTEST:

  
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Jean R. Arroyo, Township Secretary

# PLEASE PRINT NAME CLEARLY

Board of Commissioners Legislative Meeting – April 19, 2017, 7:00 P.M.

Name	Address or Organization
BRAD BONNER	SXC
Steve Kratz	Sunoco Logistics
Shelly Hart	Sunoco
Mark McConnell	Sunoco
Ryan Papp	
Ron Paul	2 Richard Ave
Chad Zimmerman	401 Edinburgh Rd.
BRUCE HARTER	STRITES RD
Carolyn Letz	Woodridge
Nancy Avolese	1451 W Union
Michelle Wagner	644 Longview Drive
Heidi Appleby	1491 Heritage Sq.
Joe Tunstall	1226 Overlook Rd
Scott Lamprey	1513 Farmhouse Lane
NORMAN R Faye	
Nick Meluskey	Patrol - West / Kenton
Joe Crisler	Sunoco
K. Gottshall	Hearthstone Ln
N. PENDERGRASS	BRIARCREEK
R. Honeycutt	Dauphin St.
Tina & Sherry Senter	Union St.
CHRIS DEJAN	001 R Blaine
Kenneth Singh	130 Donald Ave
John Weikle	LSFA

**Board of Commissioners Legislative Meeting – April 19, 2017, 7:00 P.M.**

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