

MINUTES
LEGISLATIVE MEETING – DECEMBER 19, 2018

The December 19, 2018 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Jon G. Wilt.

The following officials were in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Michael J. Davies, Commissioner
- Ronald J. Paul, Assistant Secretary
- Christopher DeHart, Commissioner
- Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Jamie Eberl, HRG

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

President Wilt welcomed everyone to the meeting.

PUBLIC COMMENTS:

Carolyn Lutz, Woodridge Drive, remarked that there has been some discussion on Facebook about the new trash hauler. She stated it was her understanding that nothing had changed when the Township went from Penn Waste to the current hauler, and that once a week residents could put out one large item, whether it be washer, dryer, etc. She stated apparently someone then called the Township, and staff said this is not true, and that these items have to be taken to a recycling center. She asked for clarification. Ms. McBride responded that she had received several calls about this, and had asked the new hauler, Waste Industries, to define what is on and what is off from the items that were previously collected. The Commissioners expressed concern about this, and Solicitor Henninger clarified that the bulk item pick up has not changed. He agreed this will be looked into. He explained that with the recent transfer of Lebanon Farms to Waste Industries, there have been a few bumps in the road that still need to be worked out.

APPROVAL OF MINUTES:

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve the Minutes of the December 3, 2018 Special MS4 Meeting. The motion was unanimously approved.

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve the Minutes of the December 5, 2018 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the payment of bills as presented on Warrant No. 2018-011. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the Treasurer's Report for November 2018. The motion was unanimously approved.

PUBLIC SAFETY REPORT:

Sergeant Dan Tingle presented the statistics for the Police, Fire, and EMS for the month and year-to-date. In response to a question from Vice President Truntz, Sergeant Tingle explained that when an arrest is cleared, it means an arrest has been made. The judicial process still needs to move forward.

ENGINEER'S REPORT:

Jamie Eberl, HRG, referenced the Mariner East II grant. The Township has been awarded \$180,000 for the Greenfield Park basin retrofit and tree planting project. Some preliminary documents need to be completed with DEP to get the grant contract finalized. She, along with Ms. McBride, Ms. Hursh, and Mr. Lanman, participated in a conference call with the grant administrator, and everything is in order. After some minor revisions, the documentation should be submitted this week, and a final grant contract is anticipated in early February.

SOLICITOR'S REPORT: None

MANAGER'S REPORT:

Ms. McBride reported that as part of the EIP, the Township should be entitled to some funding to input what the EIP suggests. One of these suggestions is a computer upgrade including a new software package, a project manager to study it, etc. Ms. McBride noted that the figure she came up with is about \$218,000, and she has been in contact with Marita Kelly at DCED about this. They will not pay for the entire amount, but hopefully 50% or more. Ms. McBride stated she will be submitting something formal to Ms. Kelly in the next few days. She added that at some point, she will need formal action from the Board. Commissioner DeHart noted there were 21 recommendations in the report. He stated that he realizes they cannot all be done, but asked how many of these Ms. McBride has gotten to. Ms. McBride stated one of the recommendations is to come up with job descriptions; she is about 2/3 through with that. She noted that she does not have salary ranges attached to those job descriptions. The report also suggests getting some continuity in the Township Manager's office, and she has been here seven months now. Commissioner DeHart stated that it is important that the Board is moving forward with these. Ms. McBride agreed, and added that she will email the list of recommendations to the Board, as well as the progress she has made or the schedule she envisions the items to be addressed. Solicitor Henninger asked if the \$218,000 estimate includes the \$111,000 proposed for the Dallas Data software on tonight's agenda. She confirmed that it does. He recommended that she make sure it is eligible for reimbursement if the expenditure has already been made. Ms. McBride agreed to do so.

Future Meeting Dates

President Wilt read aloud the list of future meeting dates:

December 20	7 PM	Planning Commission Mtg.
December 25		Christmas Holiday – Township offices closed for business
January 1		New Year's Day Holiday – Township offices closed for business
January 2	7 PM	Board of Commissioners Workshop Mtg.
January 16	7 PM	Board of Commissioners Legislative Mtg.

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul suggested that as the new year moves forward, he would like to see, with the Board's blessing, establishment of a timeline to get things that need done with the MS4 program to bring it to a point of conclusion. He asked if the Manager, Public Works Director, or engineer could come up with a schedule of some ballpark dates. Hopefully, the Rosedale Manor right of way scenario is going to take place sometime in January. Again, he noted that targets would help get the process moving towards completion.

Budget and Finance Committee: Commissioner Davies stated that he has been working on the topic that touches on the MS4 issue that Commissioner Paul just mentioned. The Township does not have a timeline to put the MS4 revenue plan in position, so he has come up with a reasonable solution that takes some of the funding pressure off by having the Township essentially supplement the MS4 expenditures for the 2019 budget year. Commissioner Davies added that he will give full details when that agenda item is addressed.

Public Works Committee: Vice President Truntz reported that leaf collection concludes this week, as the Public Works Department will start preparing the equipment for the winter season.

Community Development: Commissioner DeHart reported that MARA recently held its first event this past weekend, "Breakfast with Santa" at the High School. It was a successful event, with a good turnout.

Personnel Committee: President Wilt announced that the Board had met in executive session for personnel reasons on Monday, December 10 at 6:00 P.M. As a result, the Board interviewed and is hiring two new police officers. More details will be forthcoming.

UNFINISHED BUSINESS:

Preliminary/Final Land Development Plan for Hershey Creamery

The Board tabled the Preliminary/Final Land Development Plan for Hershey Creamery, File #PC2018-06. The property is located at 1200 AIP Drive, zoned Industrial Park, Industrial Park Limited and Residential Agriculture, 106.27 acres, proposed 183,302 sf of building expansion involving a sanitary sewer pretreatment plant and associated site improvements. It is owned by Hershey Creamery Corporation and submitted by Rettew Associates, Inc. The Planning Commission recommended approval of the two waiver requests and approval of the plan subject to all staff and engineering comments. The waivers requested -- §22-404

Preliminary Plan and §22-606 Curbs – were approved by the Board of Commissioners at its November 20, 2018 legislative meeting. Ms. McBride added the Board had also approved a time extension at the November meeting, extending the plan until February 18, 2019.

NEW BUSINESS:

Time Extension for Star Barn Duplexes

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve a time extension for the Preliminary/Final Subdivision and Land Development Plan for Star Barn Duplexes, File #PC2018-03 with a time deadline of December 20, 2018. The time extension dated November 20, 2018 grants a time extension through April 18, 2019. The motion was unanimously approved.

Budget Amendment

Commissioner Davies stated that he has put together a budget amendment that has the advantage of getting the Township out from under the expectation that it will have a set amount of revenue available within the 2019 budget year from a stormwater fee that has not been put in place yet, a fee that is uncertain and with no timetable of when it will be put in place. He explained that it bothers him to put that kind of requirement in the budget and not have any of those details nailed down. This budget amendment shifts some things around and re-estimates some other revenue that is anticipated, and comes up with a solution that is actually \$80,000 lower than the advertised budget. The changes are not that significant, and Commissioner Davies stated that he would like to include those in the form of a motion. He moved that the 2019 budget, as advertised, be amended before final passage to account for the removal of anticipated revenue that would have been transferred in from the stormwater fund. The advertised budget revenue amendments include a decrease to other financing sources of \$260,450 and an increase to line 360, charges for service, of \$180,450. Commissioner Davies explained that the staff in the permitting and inspection department indicated that some of the original numbers had been deliberately estimated fairly low. The projects are on the books and are going to happen; revenue will be occurring. The permit review line 01.362.415 would be increased from \$175,000 to \$262,000. A change would also be made to line 01.362.425, permit inspections, from \$175,000 to \$262,000. Ms. McBride explained these are two different line items, with the same dollar amounts. Commissioner Davies added this would increase the charges for services to \$180,450. The expenditure for 470-80 miscellaneous,

which was a transfer to the reserve of \$80,000, would be eliminated and the overall budget would be decreased by \$80,000, leaving the total figure for the budget at \$7,122,428. The original budget was \$7,202,428. Again, this has the benefit of not painting the Township in the corner by expecting revenues that aren't really put in place yet, and takes pressure off execution of an MS4 plan that is still being formulated. It also takes a bit of pressure this year off of the homeowners who would bear the cost of the impervious surface fee that is proposed to be levied. The motion was seconded by Vice President Truntz.

Commissioner DeHart referenced the remark about increased revenues from the permit department, and asked what happens if projects such as UPS stop. Commissioner Davies agreed that the Township would then be in a circumstance where it would need to make up the revenue. However, these are projects that are in the pipeline and are planned for execution in 2019. These are the codes' and permits' staff best estimates of revenue that will be received in 2019. Commissioner DeHart stated that he is leery of relying on future revenue that may not be generated. For example, the Township had expected a bakery expansion project last year which never occurred. With the recent market, things could change. President Wilt stated that since has been on the Board the last seven years, the Township has exceeded the projected revenues. The Township's budgetary trends show this, so it is a reasonable assumption. Commissioner Davies agreed that he would not have suggested this amendment without first consulting staff, including the finance person who admits that revenues were estimated low.

Commissioner DeHart asked what impact this amendment will have on the stormwater budget. Commissioner Davies stated that it will not have a negative impact, as the \$288,500 estimated for the MS4 projects is still included in this budget. Commissioner DeHart responded that this means the Township is shifting the burden of MS4 onto the residents' taxes instead of the bigger corporations and businesses. Commissioner Davies again explained that the MS4 fees have not yet been determined, and there is no timetable. The MS4 steering committee has not completed its deliberations. This seems to be the financially prudent decision for this budget year. Again, there are many questions about the stormwater fee – who may or may not be included, who will pay and who will challenge, etc. This amendment, on the other hand, includes changes that are more likely to occur. Commissioner Davies again stated he feels it would be unwise for the Township to paint itself into a corner and then have to impose a fee in 2019 just to cover expenses. He stated he feels it is best for the Township to supplement the stormwater projects this year. Commissioner

DeHart asked if this can be done the following year too. Commissioner Davies responded that will depend on what the numbers look like next year.

Vice President Truntz asked what would happen if the Township gets half way thru the year, and a reasonable and just stormwater fee is agreed upon. Commissioner Davies explained that if this happens, the money could be put into a fund that is earmarked for MS4 expenditures.

Commissioner DeHart asked the engineer if not having an MS4 fee will negatively impact future grants or PennVest loans. Ms. Eberl stated that she cannot provide a definite answer to this, but explained that DEP likes to see momentum in the MS4 program. The Township has been proactive and does have a robust program. Having a fee in place, of course, also helps put the Township in a better position. Commissioner Davies stressed that this amended budget does not remove any of the MS4 projects; in fact, the hiring of an employee to administer and deal with the MS4 projects was even retained in this amended budget. He again stated that this particular budget year, he doesn't feel the Township needs to paint itself into a corner with the fee. Commissioner Paul stated that he totally disagrees with this statement, and noted the Township is not painting itself into any corner. There is money in the budget – the same numbers that Commissioner Davies' is pulling out of each line item --- to use to pay that MS4 dollar amount regardless of whether the fee is implemented or not. Commissioner Paul stated that it almost sounds like the Board doesn't want to move forward with the MS4 project in 2019, and he feels that would be a shame. President Wilt added that he is concerned with relying on fees from the large property owners – the Turnpike Commission, Penn State, the Airport -- since the Township cannot depend on money from these entities until the details of the fee are ironed out. Commissioner Paul explained that what he is saying is that the money is there regardless, so the amendment is really not necessary. Budgetary adjustments can also be done later if necessary. The more important thing is to get the program up and running. The monies are here – different categories maybe, but they are here. He added that if there is so much money built into the budget, maybe the Board should take a closer look at this as it moves forward. There are also capital reserves for emergency reasons if things do not work out. Commissioner Paul agreed with Commissioner DeHart that there is no guarantee about building permit revenue, and he has heard rumblings that they may not be as good as originally thought.

Solicitor Henninger stated that in Commissioner Davies' motion, he noted that line 362.415 and 362.425 were going to go from \$175,000 to \$262,000. The revised budget in front of the Board shows these lines increase to \$265,225 and that equates to the \$180,450 in the motion. He

suggested Commissioner Davies' amend his original motion to state that line 362.415 and line 362.425 would increase to \$265,225 each. Commissioner Davies amended his motion as stated; the amended motion was seconded by Vice President Truntz. Vice President Truntz stated that he sees no harm in the budget amendment; if things get finalized with the fee later, the Township will have that money in the pot. The motion to approve the budgetary amendment was approved by a 5-0 margin.

Ordinance No. 584 (Budget Ordinance)

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve Ordinance No. 584, appropriating specific sums estimated to be required for the specific purposes of the municipal government during fiscal year 2019, with the following amendments: estimated receipts, line 360 charges for services would be amended from \$522,650 to \$703,100; line 390 other financing sources would be amended from \$1,130,777 to \$870,327; summary of appropriations – total appropriations would be amended from \$7,202,428 to \$7,122,428 and line item 470-80 miscellaneous would be amended from \$683,559 to \$603,559. Solicitor Henninger noted that since the changes decreased expenditures, it does not need to be reposted. A roll call vote was taken with the following ballot tabulation: Commissioner Davies – aye, Commissioner DeHart – aye, Commissioner Paul – aye, Vice President Truntz – aye, President Wilt – aye. Ordinance No. 584 was approved by a 5 – 0 margin.

Ordinance No. 585 (Tax Rate Ordinance)

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve Ordinance No. 585, fixing applicable tax rates for the year 2019. Mills on each dollar of assessed valuation is as follows: Tax Rate for General Township purposes: 3.25, Tax Rate for Capital Improvements: .54; Tax Rate for Fire Protection purposes: .49; Tax Rate for Fire Hydrant purposes: .096. Total: 4.376. The assessment rate for Street Light purposes: one dollar and seventy-five cents (\$1.75) per lineal front footage. A roll call vote was taken with the following ballot tabulation: Commissioner Davies – aye, Commissioner DeHart – aye, Commissioner Paul – aye, Vice President Truntz – aye, President Wilt – aye. Ordinance No. 585 was approved by a 5 – 0 margin.

Requests for Funding to the Dauphin County Infrastructure Bank

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the Request for Funding #7 in the amount of \$12,503.46 to the Dauphin County Infrastructure Bank for the Highland Street Bridge Replacement Project. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the request for Funding (DCIB 2015 loan) in the amount of \$3,527.80 to the Dauphin County Infrastructure Bank for the Lumber Street Culvert Replacement Project. The motion was unanimously approved.

2018 Year-end Budgetary Adjustments

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the 2018 year end budgetary adjustments. In response to a question from Commissioner Paul, Ms. McBride reported this includes adjustment to police overtime, vehicles, etc. Commissioner Paul stated the one in question is the \$65,000+ transfer from Capital Reserve to Capital Improvement. He added that he is okay with approval of these adjustments. The motion was unanimously approved.

Scope of Work for MS4 Services

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve a scope of work from HRG for MS4 services. The motion was unanimously approved.

IT Proposals

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve a proposal from Dallas Data Systems, Inc. for a new integrated software package, through the Costars program, in the amount of \$111,730, contingent on final approval of the revised language by the Solicitor. The motion was unanimously approved.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve a proposal from PointSolve Technology, Inc. for a new Township wide server in the amount of \$32,059.06. The motion was unanimously approved.

Police Chief Offer Letter

President Wilt called for a motion to approve the hiring of Jeffrey Vargo as the new Chief of Police, subject to terms and approval of a conditional employment offer letter, with a start date of January 2, 2019. Commissioner Paul stated that the terms and approval of the conditional employment letter were not discussed with the Board; he noted that he has two questions that he would like to discuss. He asked if the intention is to discuss this after the meeting in executive session. Solicitor Henning suggested the Board convene into executive session at this time, and then reconvene the meeting. The Board agreed.

CONVENE INTO EXECUTIVE SESSION:

The Board convened into executive session at 7:55 P.M.

RECONVENE:

The meeting was then reconvened at 8:12 P.M.

Police Chief Hired

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the hiring of Jeffrey Vargo as the new Chief of Police, subject to terms and approval of a conditional employment offer letter, with a start date of January 2, 2019. The motion was approved by a 4 – 1 margin, with Commissioner DeHart dissenting. Commissioner DeHart explained that his no vote is based on the fact that he would rather go internally. He addressed Mr. Vargo, and noted they had talked and he is more than willing to work with him to make things better. He stated that he feels Mr. Vargo will be a fine candidate. Commissioner Paul stated that he supports the hiring of Jeffrey Vargo as Chief.

Resignation Accepted

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to accept the resignation of police detective Ryan Gartland effective January 6, 2019, with thanks for his ten years of service. The motion was unanimously approved.

FINAL COMMENTS:

Commissioner DeHart commented that he has personally experienced some problems with his trash bill due to the transfer of trash haulers. He encouraged residents to challenge their bills if they feel there is an issue. Solicitor Henninger confirmed there have been some billing issues, which can be expected due to the learning curve. Commissioner DeHart also asked what the contract requirements are for picking up trash. Solicitor Henninger explained that the hauler must pick up trash and cannot terminate service for non-payment. Commissioner DeHart asked if the hauler must pick up extra trash placed out, and then back-bill the property owner. Solicitor Henninger explained that this is what should be done, but he is not sure the contract requires this. The hauler is probably obligated to take only what is required. Commissioner DeHart stated there seems to be an issue at 1810 Oberlin Road, where trash has been sitting outside for weeks.

Commissioner Davies welcomed Chief Vargo on board. He shared the concerns expressed about trash collection and billing. He thanked the Board for its consideration of the budget amendment which, while somewhat convoluted, does make him feel better about this spending plan. Commissioner Davies added that he looks forward to resolution of the MS4 issues, so the Township can be in compliance with DEP and EPA expectations.

Commissioner Paul stated that the Public Works Department is often thanked for their work, and agreed the crew does an outstanding job. He added that he would also like to thank the Police Department for the outstanding job it does, and continues to do, despite difficult circumstances including lack of manpower which this Board is working to improve.

Vice President Truntz echoed the comments about the Police Department and thanked all Township employees for their service. He wished Ryan Gartland well and thanked him for his service, and welcomed Chief Vargo on board.

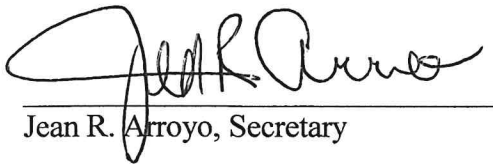
President Wilt congratulated Chief Vargo on his appointment, and wished Ryan Gartland well.

The Commissioners wished everyone a Merry Christmas.

ADJOURN:

Hearing no other comments, a motion was made by Vice President Truntz, seconded by Commissioner Davies, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:18 P.M.

ATTEST:



Jean R. Arroyo, Secretary

DECEMBER 17, 2018 LEGISLATIVE MEETING

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