

MINUTES

NON-LEGISLATIVE MEETING – NOVEMBER 1, 2017

The November 1, 2017 Non-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
- Laddie J. Springer, Vice President
- Michael J. Davies, Assistant Secretary
- Todd F. Truntz, Commissioner
- Benjamin C. Hall, Commissioner
- Frank Lynch, Interim Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, Engineer
- Ann Hursh, Planning and Zoning Coordinator
- Lester Lanman, Public Works Director
- Scott Young, Officer in Charge

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

President Wilt welcomed everyone to the meeting and opened the floor for public comments.

PUBLIC COMMENTS:

Ron Paul, Richard Avenue, asked to give some background information on his working employment contracts with the Township from 2006 through his retirement in 2012. He read aloud the introduction of his final agreement from January 1, 2011 through May 12, 2012 and stated that everything is in there as far as pay scale, vacation, pension, sick leave, etc. This was the last of the four agreements he had with the Township. He explained that why this occurred was because when he was asked to be the Township Manager in 1996, there had always been a Manager and a Planning and Zoning Director. He felt he could handle both jobs, and did for sixteen years until his retirement. After he retired, the Township went back to having two separate positions. Mr. Paul stated that he can say that due to the pro-active thinking of that Board and its working with him and understanding that he was getting close to that age of 62, the

Township saved close to a million dollars. The Board wanted to protect the Township. Solicitor Henninger interjected that the discussion is getting political with the upcoming election; this is a Township meeting and Mr. Paul's point has been made. Mr. Paul thanked the Board for its time, but did add that he would like everyone to know who voted on this contract. He read aloud the roll call vote of February 2, 2011: *Commissioner Mehaffie – aye, Commissioner Loych – aye, Vice President Leonard – aye, President Linn – aye. The motion was approved by a 4 – 0 margin.*

Kane High, 2096 Powderhorn Road, referenced the Board's vote on the UPS project and the discussion prior to the vote, specifically the dialogue between Commissioner Truntz and Solicitor Henninger. At that time, Solicitor Henninger stated he did not feel there was cause for concern relative to opening up the possibility of warehouses on Longview Drive. Mr. High stated that it seems that once an 18-wheeler friendly road is built out there, it will be desirable for that type of use. Mr. High also asked for verification that there is already litigation going on between the Township and a landowner about a change in zoning. Solicitor Henninger stated this is not true; there is no litigation going on regarding a change in zoning. Mr. High asked the status of the Dickerson litigation. Solicitor Henninger explained that Mr. Dickerson had requested a variance since the zoning did not permit what he wanted to use his land for. The Zoning Hearing Board unanimously denied the request, and Mr. Dickerson took it to County court. A decision is now being awaited. Mr. High stated that it strikes him that after the road is built, it will be very desirable to warehouse companies, which may fight to get the use in. His concern is that this will also open the door for ongoing litigation which will cripple the Township. Solicitor Henninger expressed his opinion that the recent change to that Mineral Recovery District will not impact the Agriculture area. These are two very different districts. However, someone could certainly come in and request a zoning change to that Agriculture zoning on Longview Drive. It would be up to the Board to make the decision. Solicitor Henninger added that if a rezoning request is denied, there is no right to appeal unless something is procedurally deficient under the law. A variance request, however, can be appealed.

Paul Navarro, Navarro & Wright Engineers, stated that he is representing "The Pond" retirement community on Fulling Mill Road. Mr. Navarro explained the project was approved some time ago through some zoning changes, and at the time it did call for private streets. The streets that are being constructed are being designed in accordance with specifications of public

streets. He asked that the Board consider the developer's offer to dedicate these streets to the Township as public streets once they are fully constructed and inspected. President Wilt called upon Ms. Hursh for comment. Ms. Hursh explained that the plan always listed these streets to be private. Also, in the ordinance change, they were labeled as private streets. Ms. Letavic agreed. While Township ordinance does require all private streets to be built to public standards, the plans do clearly delineate this as being a private community. The project was never reviewed from a public standpoint. In addition, winter maintenance could be an issue with the residential and commercial component to this development. Ms. Letavic noted that staff is not comfortable making a recommendation to the Board to accept these streets. Solicitor Henninger concurred that as previously stated, the roads were always shown to be private. He added that it is his understanding that there was a guardhouse proposed, but that was done away with.

Commissioner Truntz stated that if there are issues with the streets in this development in the future, it will all come back to the Township anyway. President Wilt stated he does not feel the Township should take on responsibilities that it is not obligated to take on. Mr. Lanman agreed that he would not be in favor of these being public streets, since it would mean more roads to plow. He expressed concern with the design of the development as shown on the plan, including the island at the entrance way, the guard shack, and also the retail side. Mr. Navarro asked if a meeting could be held with staff to discuss these concerns. Commissioner Davies suggested the Board take action on the request in order for staff to meet and look at the many angles associated with this request. The Board concurred.

Mark Cicak, organizer with Teamsters Local 776, stated that about a month ago, he had filed a petition for representation on behalf of the non-uniformed employees. He asked if the Board is aware of this; he has not been able to get in touch with Mike Miller, the Township's labor attorney, and needs clarification on some items. Solicitor Henninger stated that he will get in touch with Attorney Miller and pass on the request for a call-back.

PLANNING AND ZONING REPORT:

Ann Hursh, Planning and Zoning Coordinator, referenced the reports provided for permit activity during the month.

The Planning Commission met on October 26, 2017 and reviewed the application for the Campus Heights Associates 3, LLC Zoning Map Amendment -- consideration of an ordinance to

amend the Lower Swatara Township Zoning Map. The application was submitted by Stevens & Lee Lawyers & Consultants on behalf of Campus Heights Associates 3, LLC, and would rezone the remaining seven acres of land from Residential Urban to Commercial Neighborhood for property located east of Lawrence Street. The Planning Commission voted to send the request on to the Board of Commissioners with a recommendation for approval. Also discussed at the meeting was the Buddy's Run Subdivision Plan, which is an application for an 11-lot single-family detached dwelling subdivision plan to be located between Morgan Drive and Stoner Drive as submitted by BL Companies on behalf of Tim Clouser. The Planning Commission tabled the plan due to the number of review comments.

The Zoning Hearing Board met on October 24, 2017 and took action on the following: Docket #2017-05 – Susquehanna Area Regional Airport Authority, requesting a variance from Zoning Ordinance 27-§2304 to allow a 16' by 32' sign on the parking garage (the variance was approved); and Docket #2017-06 – IWI US, INC. for property at 1441 Stoneridge Drive, requesting a variance from Zoning Ordinance 27-§2008 to allow construction of a nine foot perimeter fence. (the variance was approved).

An update was provided on MS4 issues. Erosion issues from the July storm were investigated at Fed Ex on Fulling Mill Road and at Greenwood Hill. The Fed Ex area is listed as PennDOT responsibility and the Greenwood Hills issues are the responsibility of the Greenwood Hills Homeowners Association. Both parties will be notified in order to resolve the problems.

Ms. Hursh also informed the Board that Gannet Fleming has indicated that copies of the Comprehensive Plan will be here by Friday.

PUBLIC WORKS REPORT:

Lester Lanman, Public Works Director, reported on completed and current projects. The Department has received 100 tons of salt from the initial fill COSTARS contract. The Old Reliance park grading has been completed and grass has been established; construction fencing has now been removed. The Halloween parade preparation and clean-up is complete. All fields have been aerated. The Department is having some issues with the new seeder that was purchased earlier this year. It is a bit too large for the Township's tractors. He added that the School District is willing to lend its seeder, which does work with the Township's tractors. The WIFI project was completed by Point Solve in the municipal building and the Public Works

garage. The new plow was installed on truck 406 by Township mechanic Rodger Mason. Major fabrication was required on the front end of the truck to accept the new style plow mount and hydraulics.

Scheduled leaf collection began on October 23, and the Department is focused on that as well as keeping the storm drains cleared. A new exhaust fan is being installed in the Public Works building, which is a much needed item. Staff is working on correcting a stormwater right-of-way issue on Market Street Extended. There is an issue with the Township's emergency generator. A contractor is coming in tomorrow, and plans are to get the generator back on a service contract.

Mr. Lanman referenced an item under his report regarding approval of a schedule change with Stewart & Tate Construction for completion of the contracted microsurfacing work. The project, which was originally scheduled for 2017, will be completed at the beginning of the 2018 season at the 2017 contract price. Mr. Lanman explained that with the rainy weather, Stewart & Tate's schedule was pushed back, and therefore did not meet the PennDot October 15 deadline for this type of application. Solicitor Henninger suggested Mr. Lanman obtain a specific date for the work and get this in writing; the Board concurred, and tabled action on this item.

Commissioner Truntz observed additional items on Mr. Lanman's report including the creation of Standard Operating Procedures and training policies. He also observed that the right of ways have been mowed and the parks are finished. He thanked Mr. Lanman for his efforts over the past few weeks.

President Wilt asked how long it will take to restore the macadam in the area between the storage company and the Goodville House on Fulling Mill Road, just before Highspire Road. There appears to have been some work done here, and there is a dip in the road. Mr. Lanman stated that since it is a PennDOT road, the final application cannot be done until next year's paving window. The Township should have a street cut permit for this work; he agreed to contact them and request this be addressed with a temporary fix until then.

MANAGER'S REPORT:

Mr. Lynch noted that at the Special Budget Meeting earlier this evening at 6:00 P.M., Commissioner Davies had presented the 2018 Preliminary Budget. The draft had been completed by the Commissioners' Budget Committee and financial staff and is a balanced budget with

\$6,798,309 in expenditures matched by an equal amount in projected revenue. The spending plan calls for no tax increase. Mr. Lynch requested Board authorization to advertise intent to adopt the 2018 budget and tax ordinance at the Board's December 6 meeting, and to make the preliminary budget available for public inspection as required by law. A motion was made by Commissioner Davies, seconded by Commissioner Truntz, to approve authorization to advertise the proposed 2018 budget and tax ordinance. The motion was unanimously approved.

In front of the Board tonight is a proposed Agreement with Susquehanna Group Advisors. Under federal law, municipalities that have issued bonds are required to take part in a "continuing disclosure" process that provides information to bond holders about the fiscal stability of the municipality. There are more than 14 items that need to be disclosed and posted on-line on an annual basis – audits, financial statements, significant events that relate to the borrowers' financial stability – and there is a timeline associated with each of those public postings. Staff proposes to engage SGA to post the required filings with regulatory agencies and assure compliance. Jay Wenger, SGA, highlighted the specifics of the Agreement, and noted that it is a year-to-year agreement. If the Township decides to take it back and perform it in-house, it can certainly do so. The annual cost of the service is \$1,500. A motion was made by Vice President Springer, seconded by Commissioner Hall, to approve a Disclosure Dissemination Agent Agreement with Susquehanna Group Advisors. The motion was unanimously approved.

ENGINEER'S REPORT:

Ms. Letavic reported that HRG surveyors have been in the Township the month of October to collect information at the three culvert locations that the Township is getting permits for in conjunction with the July storm. In addition, survey and designs are underway for the additional Rosedale Manor drainage needs.

The DCIB funding process for the Highland Street and Summit Ridge culverts is proceeding. Once the funding is secured, it would make sense to proceed with the design and permitting for those two projects.

The draft study for the Long-term Capital Improvement Funding Options – Stormwater Feasibility -- is under review by staff. A meeting with the Public Works committee will be scheduled to answer questions. In addition, the Pavement Management Plan draft study is

anticipated to be provided for staff review in a week or so, and a brief presentation will be held at an upcoming Board meeting. The Board agreed to schedule this for the December workshop meeting.

Ms. Letavic noted that the funding for the Shireman tract has been requested in advance of any settlement date. To her knowledge, those dollars have not yet been posted.

The bidding documents will be gotten together this winter to finalize construction in the spring at the Old Reliance and Shope Gardens Park and close those projects out.

SOLICITOR'S REPORT:

Solicitor Henninger stated that in front of the Board tonight is proposed Ordinance 573, which authorizes the incurrence of nonelectoral debt evidenced by its Guaranteed Revenue Note (Dauphin County Infrastructure Bank), Series of 2017, in the maximum principal amount of \$1,661,274.98. Scott Mihok of Eckert Seamans, special counsel, explained the specifics of the ordinance which will finance the Highland Street and Summit Ridge culvert replacement projects. In response to a question from Commissioner Davies, Attorney Mihok confirmed that this will be a better rate than if the Township did the borrowing on its own. A motion was made by Commissioner Davies, seconded by Commissioner Truntz, to approve Ordinance No. 573. A roll call vote was taken with the following ballot tabulation: Commissioner Hall – aye, Commissioner Truntz – aye, Commissioner Davies – aye, Vice President Springer – aye, and President Wilt – aye. Ordinance No. 573 was approved by a 5 – 0 margin.

Solicitor Henninger reported that the Board had met in executive session here at the Township Building on October 23 at 4:30 P.M. in order to discuss a personnel issue.

President Wilt referenced a letter stating that Jake Dohmen has met the requirements necessary to become a Fire Police officer and is now available to be sworn-in. A motion was made by Commissioner Hall, seconded by Vice President Springer, to approve the status of Jake Dolman as a Fire Police Officer for the Lower Swatara Fire Department. The motion was unanimously approved, and the Board agreed to swear-in Mr. Dolman at the November legislative meeting.

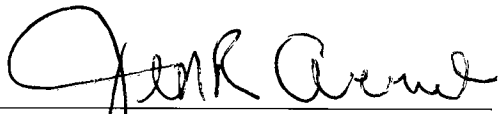
FINAL COMMENTS:

The Board thanked the public for coming out this evening, and thanked Commissioner Davies and the staff for their work on the budget.

ADJOURN:

Hearing no other business, a motion was made by Vice President Springer, seconded by Commissioner Hall, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned 7:50 P.M.

ATTEST:

A handwritten signature in black ink, appearing to read "Jean R. Arroyo", written over a horizontal line.

Jean R. Arroyo
Township Secretary

PLEASE PRINT NAME CLEARLY

November 1, 2017 -- Special Budget Meeting at 6:00 P.M. followed by Workshop Meeting

| Name/Organization | Address/Contact Information |
|------------------------|--------------------------------|
| Bill Leonard - LSVFD | FULLING MILL RD / FIRE STATION |
| Don Paul | 2 Richard Ave |
| Julia W. West | Longview Rd |
| Chris DePina | OLD ROCK BL |
| Mike Williams | |
| PAUL McNAMEE | MSC, YORK, PA |
| Tom Castaneda | Highspire / Sierras Glen |
| CHET & MARJIE HARTZ | 2142 N. UNION ST MIDDLETOWN |
| Nancy Andrese | North Union St |
| PAUL NAVARRO | NAVARRA & WRIGHT |
| KANE HIGH | 2096 Powderhorn |
| K. GOTTSALL | HEATHSTONE |
| W Pendergrass | BRIARWOOD |
| Timothy Sherry Santoro | IRON UNION |
| John Wriekie | FDL3 |
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