

MINUTES

NON-LEGISLATIVE MEETING ---JUNE 6, 2018

The June 6, 2018 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
- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner
- Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Erin Letavic, Engineer
- Ann Hursh, Planning & Zoning Coordinator

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

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

PUBLIC COMMENTS:

Kori Weikle, President of the Woodridge Homeowner's Association, stated that she and her neighbors are here regarding the potential development going into Woodridge. She asked if it is true that this will be a rental development. Solicitor Henninger confirmed that this is what is being proposed. Ms. Weikle expressed concern with how this new development will impact the already established Woodridge HOA. She asked if this will be developed under a separate HOA. Solicitor Henninger explained he does not believe there is an HOA proposed, since there will be a single property owner. Ms. Weikle asked then, if that means it will be part of the established HOA. Solicitor Henninger replied that he doesn't believe so, unless it is already part of it, and he doesn't believe that land is part of the HOA. He noted this original PRD plan was proposed back in 1987, but his recollection and review of records indicate that nothing calls for this entire development to be under a single HOA. Ms. Weikle stated that this new development will be in

the center of single family homes and townhomes, and yet may not have to abide by the same rules of the existing HOA. This could result in decreased property values. She noted that as President of the HOA, 90% of the current complaints she receives are due to the two rental properties on Maplewood. They simply do not follow the established rules to keep the development clean, safe, and attractive. Ms. Weikle also asked for confirmation that Maplewood Drive will not be turned over to the Township or brought up to Township standards. Solicitor Henninger confirmed this is correct; it is proposed as a driveway to service that complex of buildings. Ms. Weikle asked why the Board would entertain taking on such a potential problem. Solicitor Henninger explained that it was never intended to be a public road. Ms. Weikle stated that while she is relatively new to the neighborhood and loves her home, many of these residents here tonight are the original home owners, and were lied to and told something different by the Messicks. The Township issued occupancy permits to these homes, yet some have decks that are falling apart due to being built with improper wood. Some of these people cannot afford to have them fixed. It is just not fair to these residents. Ms. Weikle added that there is no money in the HOA for them to hire an attorney. This development will mean 32 units with one entrance and one exit, and a potential 64 vehicles or more on Overlook Road. The established HOA pays for things like the entrance way and the lighting for the entrance way. This separate development will be in the middle of the area; it will not pay for anything but will receive all the same benefits. She asked that the Board please think carefully before approving the plans.

Vice President Truntz asked the stage of the plan. Ms. Hursh explained the plan went before the Planning Commission on May 24 and was recommended for approval with conditions from staff, HRG, and the Fire Department. Tomorrow is actually the deadline for the revised plans to be submitted to the Township in order for it to be on the Board's June 20 agenda. Solicitor Henninger explained the Board of Commissioners has not seen the plan yet. The plan has only been before the Planning Commission, which is just a recommending body. Based on its review, and review by the staff, engineer, County Planning Commission, and his review as solicitor, it was recommended for approval with conditions. Solicitor Henninger added that he does not see any legal issues with the plan; when this PRD was originally proposed, it was proposed for a variety of residential uses. Apartments are permitted under the PRD ordinance. In response to a question from Ms. Weikle, Solicitor Henninger explained that what is being proposed is rental units, not an apartment.

Fire Chief John Weikle stated that when the Fire Department looked at the plan, it did express concern about the absence of fire hydrants, and was told this would be addressed. He asked that the Board strongly discourage a cul-de-sac here due to access/safety concerns they create with fire apparatus.

In response to a question from Commissioner DeHart, Solicitor Henninger confirmed that the developer, Triple Crown, has agreed to do the final paving of Overlook and Maplewood. While they are in there doing the paving, they have agreed to offer to pave the driveways at a reasonable rate. If the plans meet the rest of requirements of the ordinance, there is not much the Board can do. Vice President Truntz questioned if the Board has any legal say over them being rental units. Solicitor Henninger stated it does not, since rental units are permitted under the PRD ordinance. He also referenced comments that come up about possible Section 8 housing, and explained that federal law states that there can be no discrimination against Section 8 housing.

Beverly Watts, 1080 Woodridge Drive, stated her home was part of the original “Home-a-Rama” homes. At the time of purchase, the original homeowners were assured that the development would be another Old Reliance. She added that she does not have a problem with the duplexes that came in shortly afterwards. However, she does have a problem with these rental townhomes that will face her property. She added that it is one thing for a family to move into this rental property, and another for a group of Penn State students to move into it. Ms. Watts explained that when considering the purchase of her home in 1998, she and her husband did come to the office to look at the master plan, and were comfortable with what was proposed. Her other concerns are the possibility of runoff into her yard from the new development, as well as kids cutting through her property.

Ralph Vignati, 1041 Woodridge Drive, asked that if this new development ends up being under a separate HOA, will this Board put into effect some type of agreement that the existing HOA gets what it is due for the new development’s share of the use of common property or will this be left to the current HOA to negotiate after the fact. Solicitor Henninger explained that his understanding is that this acreage is not in the current HOA, so it will have no responsibility to the existing HOA. Mr. Vignati explained that they will have to use the entranceway, which is in the HOA. These renters will probably also use the field and playground area.

Commissioner Paul clarified that the entranceway is a public access and is maintained by the Township. Likewise, the recreation area is owned and maintained by the Township.

JoAnn Alford, 989 Woodridge Drive, stated that she has heard there is an offer by the developer to do the driveways of the townhouses on Maplewood Road. She expressed frustration with her driveway crumbling and her deck falling down. She asked why, when this plan is approved and the paving is done, it can't also be required that these other driveways be redone. She stated this Board's job is to protect the citizens, so it should make that part of this deal. Ms. Alford stated that it will cost her \$3,100 to have her driveway paved and her deck redone. As a single parent, this is money she just doesn't have. She again asked why the other residents can't get the same deal. She urged the Commissioners to morally act to do the right thing. Solicitor Henninger explained that legally, the responsibility of the developer of this phase is to finish Overlook Road. There is no legal responsibility to do anything to Maplewood Drive or to the driveways. Those were always proposed to be private, and are issues between the property owners and whoever they bought the property from. The Township was able to get the issue with the paving of Overlook Road addressed, and Triple Crown was agreeable to do more than it was obligated to do. Ms. Alford again questioned why, then, these other driveways could not be made part of the proposal. Solicitor Henninger responded that the Township did ask for this possibility, but it was not agreed upon. Vice President Truntz explained that the Board simply has no legal authority to make the new developer do this work. The only recourse the residents have, as private home owners, is through the court system. President Wilt agreed, and added he would like to see the residents prevail.

Virginia Maidl, 1385 Overlook Road, stated she already has runoff problems and urged the Township to make sure this apartment development doesn't end up turning her backyard into a lake.

Lynn Klock, 1501 Woodridge Drive, asked if there is nothing the Township or homeowners can do to stop Triple Crown's plan if it meets the ordinance requirements. She asked if it is pretty much a "wait and see" process. Solicitor Henninger confirmed that is correct. The Board is now waiting for submission of the revised plan to review it and determine if all requirements are met. Ms. Klock asked for confirmation that these will be townhomes and not apartments. Solicitor Henninger responded that what is shown on the plan are townhome-like units which are proposed to be maintained in common ownership and rented out. Ms. Klock

suggested that Triple Crown be asked to make these new units blend into the existing community. Commissioner DeHart agreed the Township will do its best to encourage this, as well as proper buffering.

Chief Weikle commented that he knows the Board and staff have been working diligently to get to this point of having Overlook Road completed. This is four acres of taxable income for the Township. Unfortunately, the Township cannot do much regarding issues with private property, such as decks. He suggested to the HOA that it arrange a meeting with the developer to express its concerns and try to work things out with hopes of some solutions that will satisfy everyone.

APPROVAL OF MINUTES:

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve the Minutes of the May 16, 2018 Legislative Meeting. The motion was unanimously approved.

PLANNING AND ZONING DEPARTMENT REPORT:

Ms. Hursh referenced the reports provided for permit activity during the month. New projects for review include the AV Flight Hanger and various pools, decks, patios, and signs. Final inspections were done on the Comfort Inn and the Canopy and Rehab Addition at Middletown Home. The Life Storage project is near completion. Continuing projects include Phoenix Contact Warehouse and 300 Capital Lane.

The Department has been busy addressing grass complaints and recently attended a CPR class offered to all staff.

The Planning Commission met on May 24 and discussed four plans. The Final Land Development Plan for Stoneridge Lot 1, and Campus Heights Village III, LP were both tabled. Time extensions for both will be on the June 20 agenda of the Board of Commissioners. As discussed earlier, the Final Land Development Plan for Woodridge Phase II, Section 9, located on Overlook Drive, was also discussed and the plan was recommended for approval with staff, HRG and Fire Department conditions. Ms. Hursh added that citizens are welcome to stop in next week to see if the revised plans were submitted. The Preliminary/Final Subdivision/Land Development Plan for Star Barn Duplex Units was also presented for review and tabled.

The Zoning Hearing Board met on May 23 and granted two variances, one on Brentwood Drive and one on Bonnie Blue Lane. Both were for variances of the rear yard setback; one was for expansion of the existing closed-in porch and the other for a garage addition.

Ms. Hursh updated the Board on current projects. Buddy's Run sent in revisions in preparing for recording of the plans. UPS submitted a plan for a preliminary review prior to a formal submission. Updates were also provided on the MS4 Program. Work is being done on the Mariner East II (MEII) Water Quality grant opportunity due June 20. The Stormwater Feasibility Authority meetings are starting. Technical Deficiencies for the Pollutant Reduction Plan were reviewed, addressed and submitted to PADEP on May 29. There was a hydraulic oil spill from a trash truck along Fulling Mill Road around 5:00 P.M. on May 29. This was documented for the MS4 report. Staff has received numerous complaints due to all of the rain. Ms. Hursh stated that after a two-day class, she is now a Certified Stormwater Inspector.

Vice President Truntz asked if the grass complaints were against the Township. Ms. Hursh stated that the complaints were from neighbors against other neighbors who haven't cut their grass. Vice President Truntz asked if some consideration was given due to all the rain. Ms. Hursh agreed there was. Many people who were contacted regarding violation simply had not had time to cut their grass between the heavy rains. The majority have now been taken care of. Commissioner Paul suggested the Township be sure to contact realtors responsible for properties with high grass, specifically the former Pizza Hut site. Commissioner Davies asked if anyone had submitted development plans for that property. Ms. Hursh stated they did not. She did caution property owners not to mow grass out into the streets, as this is an MS4 violation.

Vice President Truntz asked if there is any information about what is going on with the property going out Route 441 by the old Kitchen Castle, which is under contract. Ms. Hursh reported that she and Ms. Letavic had a meeting today with Conewago Contractors, which supposedly has an end buyer for that and would like to do a warehouse building. It is zoned Industrial, so this use would be permitted. Although they would not provide the name of the company, they did indicate that it is a well-known one.

PUBLIC WORKS DEPARTMENT REPORT:

In the absence of Mr. Lanman, Ms. McBride reported that the department has begun mowing right of ways along Township roads. Issues have been cropping up with areas where the Public Works Department historically cut grass that is privately owned, but that is being reduced and addressed. There have been many sinkholes, and the crew is working to patch them. The issues with Delmont Avenue haven't been addressed yet, but are on the schedule. Street sweeping is in full swing; about 70% of the Township roads have been completed. The School District properties are also on schedule to be swept. The infiltration trench at the new pathway at Little Hollywood will be completed this week and will remain fenced off until grass is established. Outfall repairs were completed at 2000 North Union Street. Londonderry Township has provided the Township with some deer repellent spray for the trees that were planted at the end of Fulling Mill Road. Ms. McBride noted that the Department is a bit behind on grass cutting because of the rain. There were some issues reported today with the bleachers at one of the baseball fields. They are very old and may need replaced.

MANAGER'S REPORT:

Ms. McBride reported that over the course of the past several months, the Pennsylvania Economy League has studied the Township through its "Early Intervention Program" – EIP. She added that despite the name of the program, the Township is financially strong. However, improvements can be always be made, and she expressed hope that the Board will adopt the report. Ms. McBride explained that the benefit of doing so, as she is told, is that once the report is adopted the Township becomes eligible to receive more grant money.

On tonight's agenda are two ordinances: an ordinance regarding DCIB loan flexibility, and an ordinance amending the non-uniformed pension plan.

Following Board and staff comment and subsequent revision to the Middletown Area Recreation Alliance (MARA) inter-municipal agreement and bylaws, the final-form documents are now before the Board. MARA will coordinate and enhance recreational opportunities for residents of Lower Swatara Township, Middletown and Royalton boroughs. To date Middletown, Royalton and the Middletown Area School District have each approved the agreements. Staff seeks approval tonight to prepare an ordinance and advertisement of notice of intent to adopt said ordinance at the June legislative meeting. This approval is necessary for the

next phase, which is the hiring of a program supervisor (or circuit rider) and applying for a grant to fund the position. This item will appear later on the agenda.

As discussions continue towards a first collective bargaining agreement with non-uniformed employees, the police officers on May 24 likewise voted for Teamster representation. It is expected talks will begin soon.

Ms. McBride noted that she has requested that Frank Lynch be extended as Interim Manager for a period not to exceed 12 hours per month for approximately seven months.

Research is being done to get a computerized time tracking system installed. Ms. McBride explained that she feels there is not a sufficient audit trail for time. Since there is so much shift work and overtime, this would be beneficial.

An MS4 organizational meeting took place on May 30. HRG led discussions, which included the creation of a Stakeholder Advisory Committee, and the fee implementation tentative project schedule. This is a huge project, with significant education needed for all. The staff and committee will need to coordinate how that communication takes place.

Ms. McBride addressed agenda items for formal action tonight. She noted that Interim Manager Frank Lynch had served as delegate to the Capital Region Council of Governments (COG). With his departure, she asked Board approval to serve in that capacity. A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the appointment of Elizabeth McBride as the Lower Swatara Township delegate to the Capital Region COG. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Payment #1 in the amount of \$6,251.73 to the Dauphin County Infrastructure Bank for the Highland Street Bridge Replacement project. The motion was unanimously approved.

ENGINEER'S REPORT:

Ms. Letavic updated the Board on the Mariner East II Pipeline DEP Grant Funding. The application is due June 20. HRG is working with Township staff on the grant application for three project areas, two on School District property and one in the Greenfield Park basin, identified in the MS4 Chesapeake Bay Pollutant Reduction Plan. Site visits are being planned for next week. Commissioner Paul stated that he would be interested in that and asked for notification when the dates are scheduled.

An update was also provided on the Long-term Capital Improvement Funding Options – Stormwater Authority Implementation. Impervious cover data is anticipated to be available in mid-June 2018. This piece of data will be invaluable in determining the fee.

The Dauphin County Infrastructure Bank (DCIB) Loan – Construction – Highland Street and Summit Ridge [and Lumber Street/Greenwood Drive] was referenced. The Highland Street survey and design is underway. Summit Ridge design is on hold pending the DCIB loan scope change review by the County. The legal and technical reviews are complete and an ordinance change is required.

The bid opening for the construction of the stormwater BMPs and walkway project for the Old Reliance and Shope Gardens Park will be held tomorrow. Award should be made at the June legislative meeting, with construction to begin in the fall.

SOLICITOR'S REPORT:

A motion was made by Commissioner Paul, seconded by Vice President Truntz, to approve Ordinance No. 580. This ordinance amends the Code of Ordinances No. 448, as amended and supplemented, Chapter 1, Administration and Government, Part 6, Non-Uniformed Pension Plan and Pension Fund, in order to amend current vesting schedule provisions for the position of Township Manager, specific as to M. Elizabeth McBride. A roll call vote was taken with the following ballot tabulation: Commissioner DeHart – aye, Commissioner Davies – aye, Commissioner Paul – aye, Vice President Truntz – aye, President Wilt – nay. Ordinance No. 580 was approved by a 4 – 1 margin.

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve Ordinance No. 581. This ordinance enables the desired funding flexibility, in accordance with DCIB guidance, in funding a “three project approach” to use \$1.2 million in DCIB loan secured in December 2017, changing the scope of funded work from just the Summit and Highland projects as initially anticipated to also include needed stormwater improvements at Lumber and Greenwood. Solicitor Henninger added that this ordinance was prepared by Eckert Seamans, special counsel to DCIB. He has reviewed it, and it has been duly advertised and ready for consideration. A roll call vote was taken with the following ballot tabulation:

Commissioner DeHart – aye, Commissioner Davies – aye, Commissioner Paul – aye, Vice President Truntz – aye, President Wilt – aye. Ordinance No. 581 was approved by a 5 – 0 margin.

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve preparation and advertise of an ordinance, and intention to adopt the ordinance at the June 20 legislative meeting, enabling Township participation in the Middletown Area Recreation Alliance (MARA). Solicitor Henninger explained this is necessary, since intergovernmental agreements must be approved by ordinance. The agreement would be included as an attachment to the ordinance. The motion was unanimously approved.

FINAL COMMENTS:

Commissioner DeHart stated that MS4 is coming down the pike. The process, including meetings, have started. It will be a long process, but the Board will try to do what is best for everyone. Commissioner DeHart thanked Mr. Lynch for all his help and guidance over the last several months as Interim Manager.

Commissioner Paul referenced the MARA agreement ordinance, and asked if the constitution and by-laws would also need to be approved. Solicitor Henninger agreed this document will also be on the agenda. Commissioner Paul also thanked Mr. Lynch for doing a fine job of holding the Township together for a while, and stated he is to be commended for this.

Commissioner Davies thanked Mr. Lynch for his time here, and welcomed Ms. McBride. He addressed the residents who expressed concern about the development in Woodridge, and promised them that this Board will take a very detailed look at the plans and do its level best for the Township and citizens, while staying within the letter of the law.

Vice President Truntz reported that on the evening of May 30, the Board met in executive session to discuss personnel matters. He requested the Board meet in executive session immediately upon conclusion of this evening's meeting in order to discuss potential litigation, personnel matters, and a real estate matter. Vice President Truntz again thanked Mr. Lynch for his service to the Township. He also publicly acknowledged the generosity and public spirit of Phoenix Contact and its President Jack Nehlig for a six figure donation to the Middletown Area School District to cover the costs of a risk and vulnerability assessment of the schools. He

expressed a heartfelt thanks for this generous gift. Vice President Truntz also thanked the public for coming out tonight.

President Wilt thanked the public for their input tonight, and reiterated Commissioner Davies' comments that while the Board will carefully review the Woodridge plans, there are things the Commissioners can do and things they cannot do. He wished the residents well with any individual or private endeavors they may take to resolve the issues. President Wilt also thanked Mr. Lynch for all his help over the last year.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

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

ATTEST:

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

Jean R. Arroyo
Township Secretary

PLEASE PRINT NAME CLEARLY

JUNE 6, 2018 LEGISLATIVE MEETING

7:00 P.M.

Name/Organization	Address/Contact Information
CHET HARTZ	2142 N. UNION ST
Donna Winch	1060 Woodridge Dr.
Walt Winch	" "
Beverly Watts	1080 Woodridge Dr
Carol Overman	1160 Woodridge Dr
Carolyn Lutz	1350 Woodridge Dr.
VIRGINIA MAIDL	1385 OVERLOOK RD
SOCORRO KREWM	1378 Overlook Rd
DAVID ORRIS	890 Timber Lane
JoAnn Albord	989 Woodridge
Doug & Jill Challenger	890 Woodridge
Kori + John Weikle	1264 Overlook
Jewel + Joe Tunstall	1276 Overlook
Bruce + Joanne Harter	1134 Huter Rd
Melinda Purner	1481 Woodridge Dr
David Zimmerman	993 Woodridge Dr.
Ralph Wymate	1040 Woodridge Dr
Peggy Hummel	1270 Woodridge Dr.
Bobby Appleby	1491 Heriny Sq
Ben Wittington	934 Woodridge Dr

PLEASE PRINT NAME CLEARLY

JUNE 6, 2018 LEGISLATIVE MEETING

7:00 P.M.

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