

MINUTES

NON-LEGISLATIVE MEETING – FEBRUARY 6, 2019

The February 6, 2019 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
- Andrew Kenworthy, HRG
- Lester Lanman, Public Works Director
- Ann Hursh, Planning & Zoning Officer
- Jeff Vargo, Chief of Police

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:

Denny Gallagher introduced himself, and stated that he served as a volunteer for the Township Fire Department for many years, and also grew up in the Eagle Heights area. He referenced recent articles on the water mitigation issue at North Wood Street and West Main Street, and noted that when he lived here, the soccer field was a corn or wheat field. Even back then, heavy rains caused water to come down North Wood Street. Mr. Gallagher provided a bit of history of the area, which always had water issues, and distributed a photo of the Zugay residence from the June 1972 flooding. He stated part of the issue now is there is a soccer field and a lot of hard surface coming off North Wood Street.

John Weikle, Lower Swatara Fire Chief, referenced an article in the Press and Journal about the Middletown Fire Department reaching a certification standard. He added that he would like to bring to the Board's attention that the Lower Swatara Township Fire Department has been certified for a number of years now. It is in the 75 percentile, which is extremely high, and has a plan in place to shoot for a 100% goal. He explained this certificate doesn't mean much to the public, except to tell them that their fire department is highly trained: 75% of the roster is Firefighter 1 or Firefighter 2.

SARAA UPDATE:

Bill Leonard, the Township's representative on the Susquehanna Area Regional Airport Authority, provided the Board with two handouts: a project summary and an update of 2018 performance. He reviewed the projects, including runway rehab and rehab of Airport Drive. Also reviewed were projects in the design or bidding phase, including an expanded cargo apron at HIA. Mr. Leonard highlighted the 2018 HIA marketing and enplanement statistics, and summarized that the Airport is doing well and good things are happening there. Commissioner DeHart asked how the new hotel is doing. Mr. Leonard responded that the hotel on the property is exceeding expectations from a capacity standpoint. Commissioner DeHart remarked that back in 2017, SARAA put in for a RACP grant for \$10,000,000. He asked the status of the grant. Mr. Leonard agreed to check into this. In response to a question from Ms. McBride, Mr. Leonard confirmed that the summer months and December, when Penn State goes to a bowl game, seem to be the busiest times. Commissioner Davies referenced concerns with drainage, and added it appears there will be renovations done around the dike. Mr. Leonard explained the rehab of the cargo area on the east side will include looking at the existing drainage there and bringing it up to standards.

Chief Weikle reported that he and Don Fure have had some issues at the Airport with the knox boxes. They are putting knox boxes for the Lower Swatara Fire Department on the buildings, which means the Airport cannot get into these boxes to obtain the keys. Chief Weikle explained there was discussion on whether there will be dual knox boxes. As the airport property continues to be developed, the Township may need to look at having a memo of understanding to deal with knox box keys and response. He explained that while the Airport does have its own fire protection, the Township code department requires them to put a knox box

in like any other Township business. Chief Weikle suggested the Township may want to relax this requirement, or come up with an understanding of being able to switch keys. He explained that he has been called in twice now to the UPS packing facility for fire alarms, as they needed to get into the knox box. He stated this just doesn't seem prudent. He added that he hopes to schedule a meeting with the chief there to coordinate how to handle a warehouse or hotel fire on that property. Commissioner DeHart suggested a meeting be scheduled with the airport manager and both fire chiefs to iron this out. Commissioner DeHart added that last week, there was a call at Phoenix Contact, and the signal was very poor in there. He had contacted the Vice President of Phoenix Contact, and he is open to putting in a booster. Commissioner DeHart stated that had emailed the County for some paperwork, and will call Chief Weikle when it comes through. Chief Weikle agreed it has gotten worse with the addition.

APPROVAL OF MINUTES:

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the Minutes of the January 16, 2019 Legislative Meeting. The motion was unanimously approved.

PLANNING AND ZONING DEPARTMENT REPORT:

Ms. Hursh referenced copies of the permit and inspection reports for the month. Final inspections included Phoenix Contact (temporary certificate of occupancy) and the AvFlight New Hanger (temporary certificate of occupancy). Continuing projects include Woodridge.

Mr. Fure is working on the ISO (Insurance Services Office) Report. The meeting with the representative is scheduled for February 7. Rick Jenakovich received his Residential Energy Inspector/Plan Reviewer certification on January 25.

The Planning Commission met on January 24. Plans reviewed included the Preliminary/Final Subdivision/Land Development Plan for Star Barn Duplex Units which was tabled. Ms. Hursh noted that the Engineer has indicated revisions will be submitted for the February Planning Commission meeting. Also reviewed was the Preliminary/Final Lot Add-On Plan for The Pennsylvania State University – Harrisburg. This plan was recommended for approval and will appear on the Board of Commissioner's February 20 legislative meeting.

The Zoning Hearing Board met on January 23 and reviewed a variance request for Wix, Wenger & Weidner on behalf of Schoolhouse Partners, L.P. Property is located at the Northwest corner of Longview Drive and Oberlin Road, Middletown. The applicant was requesting a Variance to §27-2402.15 to allow a reduction in the number of required off-street parking spaces. The variance was granted.

Ms. Hursh updated the Board and public on projects. Hershey Creamery has submitted revisions for review at the legislative meeting. Numerous improvement guarantee reductions have been submitted and will be on the legislative meeting agenda. A Public Hearing for D&H (Jednota property) rezoning is scheduled for February 20 at 6:30 P.M., and a Public Hearing for Campus Heights' street vacations is scheduled for March 6 at 6:30 P.M. Ms. Hursh reported that the Vista School is interested in the property at 659 Spring Garden Drive. Solicitor Henninger added that this is an approved use within that zoning district. Commissioner Davies referenced the add-on plan for Penn State and asked if this plan includes any additional methodology for addressing run-off. Ms. Hursh stated it does not, since the plan is simply a lot line change.

PUBLIC WORKS DEPARTMENT REPORT:

Mr. Lanman reported on recently completed jobs, which included installation of several deer warning signs on Meade Avenue near the campus after reports of several near-misses with deer. A speed limit sign on Whitehouse Lane near Lake Drive was replaced after being struck by a vehicle. The property maintenance company was notified that their sign for Lake Drive has been damaged and is still down. The installation of the access control system is underway, and includes wiring all doors and installing card readers and new locks. The department was busy with snow removal last month. Over 300 hours of overtime was spent, and just over 600 tons of salt utilized for the four separate storms in January.

Mr. Lanman reported the department is working with Penn State Harrisburg after a meeting was held with them, the police, and PennDot regarding some truck warning signs for their entrance off Route 230 onto Front Street. They have a lot of tractor trailers that go through that road to the campus and get stuck in their upper parking lot while trying to access the Capital Logistics Center. Penn State went to PennDot to try to remedy that and to direct the trucks. PennDot is allowing installation of "NO TRUCKS" signs 450' on either side of the entrance.

Mr. Lanman explained that it is a significant safety concern when trucks get stuck in the upper parking lot and try to turn around with students walking in that area. Penn State dropped off the signs, and the Township will be helping out with the installation and the PA One Calls, since they will be within the Township right of way on Route 230. In response to a question from Commissioner Paul, Mr. Lanman explained that the Township will be assisting Penn State with installation of the signs. Penn State purchased the signs, and the Township will be taking over the maintenance of the signs and putting them into its GIS system. Mr. Lanman added that the Township has a very good working relationship with Penn State, which has helped the Township out with MS4 response, winter maintenance storage issues, etc.

Mr. Lanman noted he received an email from McBride about some “NO TRUCKS” signs for Nissley Drive and Spring Garden Drive with weight restrictions, as well as some other signage for private roads. He has asked Chief Vargo to help him locate some of these traffic studies for Nissley Drive and, if there is one, for Spring Garden Drive. He stated the Township definitely does not want trucks traveling Spring Garden and Lumber Street, so weight restrictions there would make sense. Mr. Lanman stated that he hopes to find this was done in the past; if not, he will be recommending it.

Mr. Lanman reported that after a quick review, he found there are about 23 private drives in the Township. He stated his opinion is private drives are private and the Township may not want to spend public money on replacement of signs for these drives. He noted that he is not sure what the Township did in the past as far as installation and maintenance. Commissioner Paul explained that installation was a requirement of the County 911 for fire and emergency response. All accesses must have names. Commissioner Paul added that the Township tried to use the term “lane” whenever possible to designate non-dedicated roads. Mr. Lanman stated his question is whether the Board wishes to see these private street signs maintained/repared by the Township or passed on to the property owner or developer. He questioned whether this expense, and the time associated for the crew to replace the signs, is something the Township should undertake. After some discussion on this, Solicitor Henninger suggested that if the Township installed the sign because the County required the road to be named, the Township should probably be the responsible party. However, signs in private developments done as part of a plan by the developer should be the responsibility of the developer. Vice President Truntz suggested this be looked into a bit further before making a decision. Commissioner Paul asked how big of

a deal it would be to replace private signs. Mr. Lanman responded that this is entirely up to the Board. The Township can take care of all private signs if that is the direction. Commissioner DeHart added that 23 signs is not a lot, and the Township should probably replace them. Commissioner DeHart added that on Sunday, he had emailed PennDot about the signs on Fulling Mill Road and they were fixed on Tuesday. He had also emailed them about potholes on Route 441 and Greenfield and near Kreider Drive. He received a response today that they will be on the list to be addressed when the weather break. Mr. Lanman noted that he was also in contact with PennDot about street signs and potholes

Commissioner DeHart asked Mr. Lanman to look into making some improvements to the basketball court in Shope Gardens, including resealing, repainting lines, and fixing the backboards. He also commended the crew for the good job on the snow removal. Commissioner DeHart stated that he had promised a neighbor that he would pass on a request to crack seal Hearthstone Lane this spring. Mr. Lanman confirmed that this road is on the roadway management plan for some type of surface treatment. This area is also on the list for storm inlet work. He added that Burd Road was rated the worst road in the Township, but storm problems there need to be fixed first, which will be quite costly. Rosedale Manor will also require a lot of paving when this project moves forward. Ms. McBride questioned how long roads could last if the Township simply put a coat on them. Mr. Lanman responded that it depends, but possibly 15 years. Don Wagner stated that with heavier trucks, more traffic, and faster speeds, the roads won't last long so this would be a waste of money. Commissioner Paul reminded everyone that not all roads are the same. In residential areas, there is not a need to put in a collector standard road due to the type of traffic there.

MANAGER'S REPORT:

Ms. McBride asked Chief Vargo to present information on two state grants he would like to pursue. Chief Vargo explained the grants are "Buckle-Up" and "Aggressive Driving". He highlighted the details of both grants, which are basically traffic safety initiatives to improve motorist safety. The grants would allow the officers to focus on these two issues. Solicitor Henninger explained that if the grants are accepted, the Township would need to run these traffic details in the timeframes specified. He noted the seatbelt policy would need to be 0% tolerance; Chief Varo will need to find out if the Township has such a policy and if not, enact one. Both

would basically fund 100% of the cost of the detail, although the Township would be required to give back 10% as in-kind services. Solicitor Henninger recommended that the representative for these programs attend a Board meeting prior to formal action to explain the specifics. In response to a question from Commissioner Davies, Chief Vargo explained the detail would be in addition to the existing shifts; the in-kind enforcement is pretty much already being done. The traffic details done through the grant, therefore, would be reimbursable overtime. The only real costs would be the costs to administer the grant. Ms. McBride noted she is not requesting action tonight, but will provide the Board with more information prior to vote. Commissioner Paul inquired when the two new police officers will be able to be out on their own. Chief Vargo responded that both are doing quite well, and he would anticipate this happening at the end of March/beginning of April. Commissioner Paul also inquired about the possibility of a truck detail officer. Chief Vargo noted that part of the Aggressive Driving grant does address truck traffic, and it is his goal to make sure the Department is out there doing motor carrier enforcement.

Chief Vargo reported that he will be seeking Board approval at the February 20 meeting for the purchase of a computer software program called CLEAR. This is a single platform investigative tool that really cuts down on the time an investigator or officer spends conducting background checks. There is a 36-month commitment at a cost of \$200/month. He explained this is an invaluable tool that will save significant time on investigations and therefore reflect a savings on overtime. Commissioner DeHart asked how many users would be included in the \$200/month cost. Chief Vargo responded that it would allow 1 – 13 users. Commissioner Davies asked if there are funds available in the appropriate budget category. Ms. McBride explained that there is money available for this. Chief Vargo again explained this should result in cost savings thru reduced overtime costs and increased efficiency.

Don Wagner, 915 Oberlin Road, reported on an incident a few weeks ago regarding an unidentified individual in his neighborhood approaching a young girl who had just moved there. The police were notified, and he stated he has never seen more police concentration on his street than he has now. He expressed his appreciation to Chief Vargo and the officers for their support.

Ms. McBride commented that she is concerned about Facebook postings and the ramifications that could come from them. Since her arrival here, there have been Facebook issues including attacks on school board members, a state representative, and Township commissioners here at the table. She agreed Facebook is a wonderful tool for the exchange of information, but it

also affords an arena for bullying, and sometimes worse. She noted that she is not saying that negative comments about how an official voted are irresponsible. However, comments attacking an individual are not good and diminish freedom and replace it with safety concerns. Ms. McBride explained that last week, she was disparaged on Facebook. There was a posting between three communicators who were not happy with the lack of plowing by the Township on a private street, Morgan's Run. One of the posters came at Ms. McBride by title, and this individual did not provide a name in the post, but hid behind the moniker and offered advice to the other two posters on how to handle Ms. McBride, including not taking any grief from her. Ms. McBride stated this is bullying at best. The commenter who hid behind the moniker showed the inability to stand up and be counted and single-handedly created a hostile environment for her, making her out to be difficult to deal with. Ms. McBride explained that dealing with the public is a balancing act. She and the staff have to balance the wants of individuals with legal actions of the Township that were not defined by them, but rather defined by current and past Board of Commissioners and limited by laws and statutes of the Commonwealth. Most reasonable residents do realize this, and those who identify themselves can be contacted, as was done with one of the commenters. The two posters who identified themselves contribute to a healthy Lower Swatara Township, even though they were complaining. Ms. McBride added that she is convinced that each member of the Board of Commissioners feels they have the best interest of the Township at heart, and she feels the Board supports her efforts as Township Manager. Through her efforts, she has come to feel there is much talent in the management staff as well as at all levels and job functions. No employee should ever be singled out nor should they have to worry about their continued employment based upon results of an election, nor should they have to worry about their safety. Ms. McBride stated that she is happy that she took the job as Manager and hopes to stay quite a few years, but is growing increasingly concerned with possible ramifications of irresponsible use of social media and the undercurrent of unnecessary politics being played. For those commissioners that have her back and for all the Township employees who she feel the same way, she thanked them. She expressed hope that she does not have to address this issue again. In closing, Ms. McBride reminded the public that the Township operates a Facebook page, website and phone system that should be used to make it aware of issues or concerns. These freelance Facebook pages do not connect with the Township or help the staff help the residents. She urged the residents to call her, as Manager, or Jean Arroyo, as Township Secretary, to advise them of any issues.

Ms. McBride reported that she feels the Township should have a resolution establishing a policy relative to damage by Township plows to mailboxes, curbing, yards, vehicles. She noted that she has obtained a copy from a neighboring municipality, and will be sending it to the Board for review.

The Board had previously discussed the possibility of having its meetings videoed and then posted for the public to view. Ms. McBride stated that Solicitor Henninger had commented that the Board must keep in mind that the approved written minutes are the official record of the meetings, and if something should happen where the videotape of the meeting somewhat disagrees with the written minutes, the Township could find itself in court. If the Board does decide to proceed with videotaping, it needs to come up with a retention policy. Solicitor Henninger agreed that if this is pursued, the Township should develop a policy on retention and disposal. Commissioner Davies reported that he was at a township commissioners' executive board meeting just this past weekend and had polled others about videotaping meetings. Of the 15 – 16 there, only one or two videotape their meetings, although they are not doing the taping themselves. In one, there is a third-party organization that functions as an access group with a cable outfit in western Pennsylvania. That is part of a franchise agreement they have. The other municipality, Aston Township, is a much larger township with a population of 15,000 – 16,000. It uses another group to do the production work and it is played back on a dedicated cable channel. He noted he believes they also have it on their own website as well. A number of other municipalities had videotaped their meetings at one time, but have stopped. One observation was that cameras make people talk much longer, not always a bad thing, but sometimes resulting in showboating at public meetings. Commissioner Davies stated that videotaping the meetings does not seem to be a common practice. President Wilt agreed that he was also at the conference and after speaking to others, found the general consensus is that it is an unnecessary expense which doesn't provide much benefit. The ones that are still doing it are not paying additional fees, since it is included in their franchise agreement. Ms. McBride added that she will continue to look into other options. Commissioner DeHart again stated he feels videotaping the meetings, and then posting them, would be beneficial to those who cannot attend the Board meetings and yet want to be involved. He added that the West Shore School District and Middletown Borough both videotape and post their meetings. Middletown Borough pays a one-time equipment cost of \$799 and then \$2,300 a year to live-stream them. He has not verified this, but was told that the West Shore School District pays \$600/year. Solicitor Henninger added

that legally, anyone can put their phone on a tripod and record and live-stream meetings at no cost to the Township, provided the taping is not intrusive to the meeting. Vice President Truntz questioned if these tapes would be subject to the Right to Know law. Solicitor Henninger agreed this is why the Township would need to enact a policy as a record of destruction of the tapes. He added that he can confirm that the Township already has, by far, the most detailed minutes he has ever come across, and these are posted on the website for the public. The minutes are the official record, and he would suggest that these would be the only records retained after a certain timeframe.

Ms. McBride referenced the hiring of an MS4 Coordinator, which was included in the budget. She asked if the Board is interested in proceeding with the hiring, since another municipality has recently filled its position and has forwarded to her some resumes of good candidates. President Wilt asked if an intern could be utilized. Solicitor Henninger explained that the position is probably too complex for an intern. Commissioner Paul stated that it seems the timing is off again with this. He remarked that there is a lot of work to do with the MS4 program until it gets to the point of needing to hire this position, yet there seems to be no movement at all with this work. He suggested the Board get serious about moving this process along. At the December meeting, there was talk about credits, which was laid back on Solicitor Henninger. Solicitor Henninger commented that he has not done anything more with this, since there was no further direction given. Commissioner Paul stated his recommendation would be that the Board decide a direction for the MS4 program prior to hiring a coordinator. He asked if a meeting date had been set yet with residents regarding the Rosedale Manor project. Solicitor Henninger explained that final dates are being nailed down. Commissioner Paul suggested everyone re-read the Minutes of the December 3 meeting which discusses MS4 in depth, and then be prepared to discuss this issue at the next meeting.

ENGINEER'S REPORT:

Andrew Kenworthy, HRG, clarified that he would like to make sure the Board is aware that the Township does have an MS4 permit and at the same time is working towards a stormwater utility fee, which is separate but can go towards meeting the requirements of the MS4. Commissioner Paul agreed that he understands this and is not saying a fee must be in place by a certain time. However, the Board is not doing the background work necessary to make that decision.

Mr. Kenworthy reported that last year, there was a lot of work done to set up numerous projects. He reviewed some of the grant work, which totals \$340,000 and includes three items. There is an \$180,000 Mariner East 2 grant for the Greenfield Park basin and riparian buffer. Work is being done with DEP on paperwork to get the project started. The Township had applied for another grant for that same project; the \$48,000 Growing Greener Grant was hoped to be used to do some additional work there, but it was denied. Work will begin in spring on the \$112,000 DCNR grant for the Old Reliance and Shope Gardens' playground work. The agreement for the DCNR C2P2 grant for the recreation/park/open space comprehensive plan in the amount of \$15,000 is being finalized for commencement at the beginning of the year. The Township also has two projects under DCIB funding: the Highland Street culvert and the Lumber Street culvert. They are going through design and permitting and are expected to be advertised in May, awarded in July, with construction completed by the beginning of next year. As was mentioned earlier, a meeting with the residents in Rosedale Manor is being scheduled in preparation of the project there, and work is also being done through the PennVest administration of that. HRG also continues to work with staff on the MS4 permit.

SOLICITOR'S REPORT:

Solicitor Henninger requested the Board convene in executive session this evening, immediately upon conclusion of the meeting, to discuss an intergovernmental issue.

GOOD AND WELFARE:

Commissioner DeHart noted that the construction season is quickly approaching, and work on Route 283 will again result in truck traffic on Fulling Mill Road and Route 441. He suggested letters be sent to the trucking companies, encouraging them to use Fulling Mill Road to Eisenhower Boulevard as an alternate to Route 441. President Wilt stated the problem is that the Township cannot restrict trucks on the state road. Commissioner DeHart agreed, but stated the Township can certainly discourage it, and could also call in the PUC for safety checks, which would delay the trucks and result in them avoiding use of the route. Commissioner Paul suggested a face-to-face meeting be held with the individual in charge of the trucking businesses, the Township Manager, the Chief of Police, and a commissioner. He stated that it is always better to meet in person to discuss issues and ask for cooperation.

Commissioner Davies thanked the Public Works Department for the fine job during the recent challenging snows. He also agreed with Commissioner Paul that a personal meeting with the trucking companies is a very good idea.

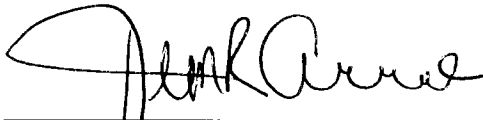
Commissioner Paul referenced the completion of Morgan's Run, and stated somewhere along the line the Township has to be a little more direct in telling the developer when it is expected to complete the project, rather than letting it linger on indefinitely. Morgan's Run is 75% completed and the other development will rely on that access. He stated it is time for them to get that road completed, and noted this is his opinion only. Solicitor Henninger agreed, and added that the Township does have the ability to call the bond to get the work done, if necessary. Ms. Hursh reviewed the files, and stated that since 2010, the Township has asked them when the roads will be started. At one point, they asked if the Township would do the work and bill them for it, but they were told no. She referenced a 2017 letter from McNees, Wallace and Nurick asking the Morgan brothers when they will complete the road, citing this was part of the agreement with people who recently purchased homes there. Ms. Hursh agreed that there is a letter of credit with enough money in there for construction of the roads. She explained, however, that the Buddy's Run Plan will also impact this. Commissioner Paul stated in that case, it may be better to wait until spring and that other section gets in a mud-free condition. However, if Buddy's Run takes as long as Morgan's Run to be completed, it will never get done. Solicitor Henninger reminded the Board that the Morgan's Run project is not completed, they are in a mud-free condition, and they are meeting all requirements of the law at this point. It is simply not the Township's road or duty to maintain right now. The road is legally the responsibility of the developer, and the residents should be aware of this. Commissioner Paul agreed this might be true legally, but the Township also needs to do the right thing to try to help the residents here, at least by providing a contact person when they receive calls. He stated that the planning office should have this information and should at least pass it on to these people who are taxpayers of the Township.

Vice President Truntz referenced a letter in front of the Board regarding some paving concerns in Woodridge and asked if Solicitor Henninger and Ms. McBride could look into this.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner Davies, seconded by Vice President Truntz, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 9:12 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

FEBRUARY 6, 2019 WORKSHOP MTG.[illegible]