

## MINUTES

### NON-LEGISLATIVE MEETING --- FEBRUARY 7, 2018

The February 7, 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
- Frank Lynch, Interim Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Erin Letavic, Engineer
- Ann Hursh, Planning & Zoning Coordinator
- Lester Lanman, Public Works Director
- Scott A. 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 comment.

#### PUBLIC COMMENTS:

Kori Weikle, 1264 Overlook Road, stated that she is the President of the Woodridge Homeowners' Association and is here to discuss the ongoing paving issue with regard to Overlook Road. As the Board is aware, this is an undedicated road which is costing the HOA thousands of dollars each year in snow removal fees. This, in part, has forced the HOA to raise the fee charged to its residents. The road was constructed many years ago, and still has no topcoat on it. The Township is responsible for allowing the improvement guarantee bond to expire. She added her understanding that Commissioner Paul was Township Manager and Planning & Zoning Director at this time. The original developer whose plans were approved by this body has since passed away. The company was quickly dissolved, and the property that is left to be developed was transferred to the son for \$1.00. The developer has left the HOA a mess

with this issue, as well as several other issues that will continue to cause financial burden on the HOA. Maplewood Lane is not complete and has manholes that are sticking out into the roadway. The builder also sold property with only a basecoat for driveways, with the promise at the time of sale that they would be completed when Maplewood Lane was completed. These driveways are now crumbling. Ms. Weikle added that interior lumber was used for parts of the decking on some of the older townhomes, and asked how they could have even passed inspection. She requested that this spring, the Township complete the paving of Overlook Road and then take dedication of it. She suggested putting a lien on the property owned by Joe Messick for this work. Ms. Weikle also suggested the driveways on Maplewood Lane be finished. She recommended that before any other new building is proposed on that plot of land, the builder be required to give a guarantee for any damage to that roadway during construction. Ms. Weikle added that at a previous Board meeting when this subject was approached, the Township Solicitor suggested the HOA hire an attorney. With only \$7,000 in the HOA account, this is not possible. If the HOA didn't have to pay for snow removal, these funds would be higher. On behalf of the HOA, she respectfully requested the Township admit to its responsibility for fixing these issues.

Solicitor Henninger explained that last spring, he did write to Messick Construction about these issues and had heard from their attorney, who promised to get back to him and schedule a meeting. That fell through the cracks, but there is a meeting scheduled for next Tuesday with representatives of Messick Construction, Inc. Since the passing of Mylin Messick, this is now Dorothy Messick according to the records at the state. The corporation has not been dissolved, and that portion of Overlook Road is still in the corporation's name, despite what the HOA is being told. Solicitor Henninger stated that the Township does have options to help resolve this, and an update will be provided at the next meeting, if not sooner. Ms. Weikle asked how the improvement guarantee bond was ever allowed to expire. Solicitor Henninger explained that typically, a bond posted for improvements is in place for a one year period and then automatically renews for another year unless the bonding company (a bank or financial institution) states that they will not renew it. At the end of the second year, they automatically expire with no notice requirement; this one automatically expired. While many of these institutions do provide notification of expiration, there is no requirement to do so. Commissioner Paul added that the Township never had a situation before where a bonding company did not



provide notification of expiration. He recommended that the Board look at the letter of credit and make sure that the wording or the agreement that goes with it is very clear as to the notification requirements. He added that typically, after the two year period, notice is given that the bond will not be extended, and the lending institution asks for the return of the original letter of credit. In this case, that original letter of credit was not asked for until 2016, which is seven or eight years after it expired. Vice President Truntz explained that these bonds are put in place to be a guarantee that the party will follow through with its legal obligations. The absence of the bond does not relieve the developer of this responsibility.

John Weikle, 1264 Overlook Road, referenced Maplewood Lane and stated that the plans were approved by the Township, and that road was approved to be put there by the Township. Although he knows that Maplewood Lane was never intended to be a public road since it doesn't meet Township specifications, he feels there is some inherent responsibility of the Township to make sure the job is completed by the contractor. Some residents have spent thousands of dollars getting their driveways put back together, and others have decks which are sagging. Solicitor Henninger assured Mr. Weikle that both Overlook Road and Maplewood Lane will be topics of discussion at next week's meetings. Commissioner Paul added that there are notes on the plans that are supposed to protect the residents, including notes about these private right of ways which should not have been turned over to the homeowners until they were basically complete. Mr. Weikle stated that he is not sure that they were turned over to the HOA, but the HOA is being told it is their responsibility. He added that Mr. Messick even mentioned charging the Woodridge residents a special assessment to finish the paving on Overlook and Maplewood, which is making for some very unhappy residents.

Dennis Hauenstein stated that he owns property at 1292 and 1296 Overlook Road, and thanked the Board and staff for answering many of the questions he came here to ask. He added that he looks forward to hearing the response at the next meeting.

Joe Rovak, 365 Hollywood Drive, questioned the discussion about stormwater fees and asked for more information regarding their implementation. He added that he had asked this at the recent Municipal Authority meeting, but was directed to come to this Board for answers. Ms. Letavic explained that HRG had done a feasibility study looking at the potential of a stormwater fee, but it has not been discussed past staff at this point. There is no real plan for any fee at this point in time. Mr. Rovak asked for an estimated start of the fee – he asked if it would

be this calendar year or next. Ms. Letavic explained that while it is too early to say, it typically takes 12 – 18 months to put together a new utility fee. There will be a significant amount of public input in this. Vice President Truntz added that nobody likes to hear the possibility of these fees, but federal regulations are thrust on municipalities, which must then figure out how to pay for them. Mr. Rovak also referenced this past Sunday's sleet and snow, and asked why there was nothing at all done with the roads in his area as of midnight. President Wilt surmised that the snow may have been left to provide some traction for the icing that was forecast. Mr. Rovak stated that he understands this, but was surprised that the roads were not even salted. Commissioner Paul explained that the Township does have a lot of rookie employees that are still learning the ropes; it should continue to get better.

Bruce Harter, Strites Road, again suggested the Township really think about its infrastructure needs and come up with some long term planning. He had looked at the posted budget, and observed that there is more budgeted for park maintenance than highway maintenance. The budget doesn't seem to include a plan to hire any temporary or seasonal help this year. He noted that a contractor was used to replace a collapsed pipe last year. Money was borrowed to replace two bridges, which was a necessary expense, but will mean more fixed expenses for several years. Borrowing is anticipated for two more structure, which will again increase the fixed expenses. The Township is delaying spending funds on aging infrastructure, and it will be caught under the eight ball at some point. He added that \$10,000 was spent on a computerized analysis of the highway system to provide a report that the Township staff should have been capable of providing. The Township needs to start training its newer staff and become more efficient with the money it has. Vice President Truntz questioned how the Township is being inefficient. Mr. Harter remarked that the Township should provide as much training as possible to the employees to avoid using contractors; there are free training classes through PSATS. He added that the state also provides winter maintenance training through LTAP. Commissioner Davies reminded Mr. Harter that the primary function of the Public Works crew is not road construction, and they are needed to perform their routine jobs rather than attend road construction courses. He stated it is not always the best choice to have every type of job done in-house. The Township does attempt to use its staff to perform as many of the projects as possible. Commissioner Paul added that he has spoken to Mr. Lanman, and it is anticipated that more in-house work will be occurring. Goals are to use staff as efficiently as possible.



Ralph Vignati, 1041 Woodridge Dire, expressed concern that the issues with Woodridge have been going on for over eight years. He asked for assurance that the Board will make speedy resolution of these problems a priority. President Wilt stated the Board should know more after next week's meeting, but will work on resolution as quickly as possible.

#### APPROVAL OF MINUTES:

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve the Minutes of the January 17, 2018 Public Hearing. The motion was unanimously approved.

A motion was made by Commissioner Paul, seconded by Vice President Truntz, to approve the Minutes of the January 17, 2018 Legislative Meeting. The motion was unanimously approved.

#### PLANNING AND ZONING DEPARTMENT REPORT:

Ms. Hursh reported that she has one item for formal action tonight, which is a time extension on a plan that will expire on February 14. A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve a time extension for the Land Development Plan for Stoneridge Lot 1, File #2017-06. The time extension grants an additional 120 days until June 28, 2018. The motion was unanimously approved.

Ms. Hursh referenced the reports provided for permit activity during the month. Ongoing projects including Enterprise Holding, Phoenix Contact, demolition of five retail spaces behind CVS, and the 300 Capital Lane warehouse project. Final inspections were done on Select Medical, IWI, and Mattress by Appointment. Upcoming projects close to completion include Middletown Home Interior renovations, Linden Center Hotel, and Soccer Shots.

The January meetings of both the Planning Commission and Zoning Hearing Board were cancelled since there were no new submissions. Stoneridge Lot 1 and a Special Exception for Campus Heights 3 will be discussed at the February Planning Commission meeting. A Special Exception for Campus Heights 3 #2018-01, and Airport hotel sign #2018-02 have been submitted for the February Zoning Hearing Board meeting.

Commissioner DeHart questioned IWI, 1441 Stoneridge Drive, which has received approval for 9' fencing around the building, and has installed an automatic sensory keypad in the driveway. He stated that he assumes the gates will be closed at nighttime, and asked if they will have a knock box on the outside of the gate. Fire Chief Weikle added that he knows the knock box was approved, but agreed it won't do the Fire Department much good if it is on the other side of the gate. Ms. Hursh agreed to address this with Mr. Fure.

#### PUBLIC WORKS DEPARTMENT REPORT:

Mr. Lanman reported that he is asking the Board's approval of a resolution that is being requested from the leasing company of the new street sweeper. He added that he was able to secure a better rate -- \$59,000 -- for the same five year term. Solicitor Henninger stated that he had reviewed the lease/purchase agreement and resolution; it is ready for Board action. Vice President Truntz thanked Mr. Lanman for his efforts in obtaining the lower rate. A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve Resolution No. 2018-R-4, which authorizes the purchase of new street sweeper with financing through the Republic First National Corp. The motion was unanimously approved.

Mr. Lanman reported on a small diesel fuel spill by the EMS crew; a spill kit was used and the Township will invoice the EMS for a new kit. Mr. Lanman added this report was passed on to Ms. Hursh, and noted the MS4 system is working quite well right now.

The Public Works crew continues its winter road maintenance training. All of the new drivers are comfortable with their primary routes and have now moved on to secondary routes. Commissioner DeHart thanked the crew for doing a good job.

Mr. Lanman reported that the old John Deere backhoe was sold through auction on Municibid. A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the sale of a 1997 John Deere backhoe to the high bidder in the amount of \$17,333.00, upon receipt of a certified check, money order, or cash. The motion was unanimously approved.

Commissioner DeHart stated that he passes the road crew daily, and thanked them for their work on North Union Street, which is a bad area. He added that he realizes the new crew members are still getting used to plowing the snow and pushing it back, but feels they are doing their best and appreciates that. Mr. Lanman agreed that he is very pleased with their progress.



## MANAGER'S REPORT:

Mr. Lynch reported that the Township is preparing to dispose of three old AED units that have been sitting in storage for some time. An employee had asked if the units could be donated to his child's township-based day care center. The facility is required to have AEDs on hand, and while the cost of new units is high, they have the funds necessary to rehab these old units and equip them with new batteries and pads. Staff requests that the board authorize the donation and approve a liability release. Commissioner Davies stated his only question is whether one day care really needs all three units or would another organization benefit from having one of them. Mr. Lynch agreed this is a fair question, but is not sure the Township wants to get in the business of shopping used AEDs. Commissioner Davies agreed and expressed his support for this donation. A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to authorize the donation of three AED units to Discovery Kids Child Care Center, 1963 Oberlin Road, and to approve a liability release as drafted. The motion was unanimously approved. President Wilt commended Solicitor Henninger for graciously volunteering to prepare this release free of charge.

Mr. Lynch noted that he, along with recreation liaisons Commissioner Paul and Commissioner DeHart, met with other representatives of the Peer-to-Peer study group to finalize an inter-municipal agreement and bylaws for the new Middletown Area Recreation Alliance, or MARA. The revised documents have been forwarded to Solicitor Henninger for final review, and it is anticipated that Board approval of the agreement will be on the February 21 meeting agenda. MARA will replace the Olmsted Regional Recreation Board to coordinate and enhance recreational opportunities for residents of Lower Swatara Township, Middletown and Royalton. Funding support for MARA will be proportional based on population, and this year's Lower Swatara Township contribution is expected to be \$8,681.40 (a reduction from the \$10,000 annual contribution previously made to Olmsted). Mr. Lynch noted his understanding that Royalton Borough and the Middletown Area School District have already approved the agreement. Upon approval by all four entities, the agreement will become effective July 1, 2018 and run for five years to June 30, 2023. Solicitor Henninger noted that he had reviewed the proposed agreement, and his comments were mostly typographical and editorial in nature. One question he had was based on contributions, and whether \$39,000 would be enough to run the program and pay people. He was called by one of the School Directors today, who informed him that there would

be grant money to pay for the individual who runs the program. In response to a question from Commissioner Davies regarding future yearly contributions, Solicitor Henninger explained they will be determined through an annual budgeting basis based on population. Each municipality will have one member to the MARA Advisory Board, and the Middletown Area School District will have two. The Director will be a non-voting member. Commissioner Davies added that he was curious whether the amount would be fixed, but it sounds like it will vary from year to year. Solicitor Henninger confirmed that it will, depending on programming costs and grants received. Vice President Truntz asked if there would be a monetary cap on the amount. Mr. Lynch explained that approval of the contribution is ultimately up to the liaisons and this Board who will vote on anything presented by MARA in terms of budgeting. Commissioner DeHart added while it is a huge undertaking, it should prove to be beneficial to all the communities.

The Township's Civil Service Commission (CSC) is again fully constituted, with the swearing-in last week of Nancy Avolesse to a six-year term as a full member and Cord Holiday to a six-year term as alternate. The CSC will have a busy year in 2018, both to approve required amendments to rules and regulations being drafted by the Township's labor attorney Mike Miller, and to play a role in the hiring of new officers.

Mr. Lynch stated that he has enjoyed his time here as interim manager, serving as a bridge between the former manager and the next manager, but the search to hire a permanent manager is on. Ads were placed in the Sunday Patriot-News as well as on the Capital Region Council of Governments site and the Municipal Jobs Junction, a service of the Pennsylvania Municipal League. Vice President Truntz stated that he had hoped Mr. Lynch would stick around but understands retirement is calling. With the two new commissioners now on board, the search is full-steam ahead.

Mr. Lynch referenced a letter of resignation from police officer Scott Flowers. A motion was made by Commissioner Paul, seconded by Commissioner Davies, to accept the resignation of Scott Flowers effective January 19, 2018 with thanks for his years of service. The motion was unanimously approved. Solicitor Henninger added that with this resignation, the Township will now be pursuing the hiring of three police officers.

Mr. Lynch welcomed the new reporter for the Press & Journal, Laura Hayes.



## ENGINEER'S REPORT:

Ms. Letavic updated the Board on the UPS Land Development Plan. The plan is slowly progressing, and an official late winter/early spring submittal is anticipated. A staff-level sewage planning meeting did occur to discuss where the proposed sewage flows will go and related improvements.

As the Board is aware, the Township's DCNR C2P2 Planning Grant application for the Township parks and the Richard L. Shireman Park was not selected. The application proposed an \$80,000 project (a 50/50 match) to draft a comprehensive recreation, park, and open space plan and deliver a master plan for the Richard L. Shireman Park. An application would be due in April this year if the Board wishes to again pursue grant funding for these two initiatives. HRG can review the application with the staff to enable them to complete the submittal process, or HRG can complete the application. Commissioner Paul asked what the comprehensive recreation, park and open space plan would provide. Ms. Letavic explained the idea is to do an analysis of all the existing parks and recreation spaces and determine what level of service should be invested in for the future, and determine if those uses fit on the Shireman property. In response to a question from Commissioner DeHart, Ms. Letavic confirmed the old Church property at the end of Fulling Mill Road would be included in this study. At the moment, the Township is getting MS4 credit for the trees that are planted down there, but there has been some discussion about using it for soccer practice fields or a general open recreation area for a bark park. Since it is in the flood plain, no permanent structures can be erected. Commissioner DeHart added that this would also be a good boating area and would also provide access for emergency services. Commissioner Paul stated that he would be interested in seeing the Township's current park and recreation plan. He also asked if the grant match would be covered through Recreation Funds. Solicitor Henninger confirmed that it could be. Commissioner Davies expressed his feeling that applying for this 50/50 grant would be a worthwhile undertaking, giving the Township guidance to do the right thing for the future before committing a lot of money for the development of a facility. Commissioner Paul stated that while he realizes the Township now owns the Shireman tract and is obligated to do something with that, he wonders if these studies can be done in-house rather than spending \$40,000 of recreation funds for just planning purposes. The Township will need that \$40,000 to develop the Shireman tract. He asked if this work can be accomplished in-house with a team effort. Ms. Letavic responded

that it can be considered, but she is unsure if anyone on staff has parks and recreation credentials. Perhaps the Township could use an advisor. Vice President Truntz asked if having the study done would put the Township in a more favorable position for future grants. Ms. Letavic confirmed it would, but added the Township could, in theory, use in-kind services as part of the match, if the Board wishes to pursue it that way. Commissioner Davies stated that trained engineers will likely be able to provide a better concept of what costs are involved. He would rather see the grant application submitted in a timely manner, putting the Township in a more favorable position for future grants. Commissioner Paul agreed that engineering will be involved anyway, but the Township may be able to get to that point with less money by using in-house resources. Commissioner DeHart added that the Peer to Peer report has statistics that can be useful for the staff during this study process. In response to a question from Vice President Truntz, Ms. Letavic confirmed that if the Township does apply for the grant and receives approval, there is typically a three-year period to use the funds. She added that in regards to the Shireman property, the Township is under no obligation to ever develop it. It is in conservation right now. Ms. Letavic agreed to pull a copy of the existing park and recreation plan for Board review. She suggested a decision be made on the submission of the grant application in March, at the latest. President Wilt asked if the Board could apply for the grant, and then decide not to accept it. Ms. Letavic responded that the Board should probably follow through with its commitment, but agreed that agencies are understanding if circumstances change.

A final design for Rosedale Manor is prepared for submission to the Conservation District for NPDES and E&S permitting. Next steps include a funding coordination meeting with PENNVEST since it has been a few years since the pre-application meeting was held, and a discussion with staff and the Public Works Committee regarding an approach to address easement acquisitions, as there will be a significant amount required. She requested that the meeting be scheduled this month if possible. This meeting could also address the previously mentioned stormwater fee feasibility study. Mr. Lynch asked Ms. Letavic to send him an email regarding this meeting.

An update was also provided on the Greenways, Trails and Recreation Park Grant and DCNR Grant Execution for the Old Reliance and Shope Gardens Parks. HRG has drafted a project manual for the portion of the project to be publicly bid (stormwater BMP and pervious pavement path installation). Comments were received from DCNR regarding the submittal and



grant funding requirements, and plans are to resubmit the package for DCNR concurrence this month. Upon DCNR approval, plans are to advertise the project for construction bids in March of this year.

#### SOLICITOR'S REPORT:

Solicitor Henninger referenced a repository offer of \$500.00 by Brookside Mobile Home Park for 226 Brookside Drive, parcel 36-007-018-226-0226. This is basically a mobile home that hasn't paid taxes since 2011. It has gone to tax sale on multiple occasions but has not been purchased. While the Township would be giving up the right to \$348 in back taxes, acceptance of this offer would put the home back on the tax rolls. Solicitor Henninger recommended the Board grant approval. A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve a repository property offer of \$500.00 by Brookside Mobile Home Park for 226 Brookside Drive, parcel 36-007-018-226-0226. The motion was unanimously approved.

Last month, the Board passed an ordinance which would increase monthly sewer rates from \$44.75 per month per EDU to \$50.00 per month per EDU effective April 1 (the May 1 billing, since the Township bills in arrears). Beginning January 1, 2019, users will see a series of \$2.50 annual increases through year 2022, at which time the rate will be \$60.00. Staff has prepared a letter to customers to explain the need for the increased charges; the letter was reviewed by the Municipal Authority and sent to the Board of Commissioners for authorization to mail. Solicitor Henninger reported that he had received a suggestion that the letter add the statement that the rate study performed by the professional rate consultants actually recommended the rates be increased to \$60 immediately, based on the financial status of the Municipal Authority and the projects that need to be done. Vice President Truntz agreed that would be worth mentioning in the letter, so that residents realize the Board is also sensitive to the rate increase. Commissioner Davies stated his only concern is that adding another number in the letter may result in confusion about the rate. After a brief discussion, the Board agreed to authorize the mailing of the letter as already drafted.



FINAL COMMENTS:

The Board again thanked the Public Work Department for their efforts during the last few storms, and thanked the public for coming out tonight.

Commissioner Paul reported that during the recent meeting of the Peer to Peer group, it was requested that the Township come up with a name for the park at the end of Fulling Mill Road, as a name was needed for an exhibit. He and Commissioner DeHart had suggested the name of "Church Park"; he added this was only offered as a suggestion, and the Board can certainly change it.

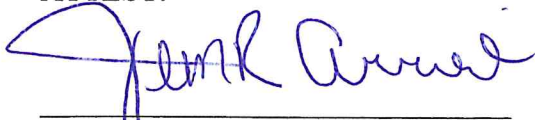
Commissioner Davies thanked the Municipal Authority and Solicitor for their work on the sewer rate notification letter that will be sent to customers.

Vice President Truntz requested an executive session immediately upon conclusion of this evening's meeting for personnel matters.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Vice President Truntz, seconded by Commissioner Paul, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:30 P.M.

ATTEST:



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Jean R. Arroyo  
Township Secretary

**PLEASE PRINT NAME CLEARLY**  
**FEBRUARY 7, 2018 WORKSHOP MEETING**  
**7:00 P.M.**

Name/Organization	Address/Contact Information
Don & Nikki Tetz	Evergreen Dr
Nancy Audise	1451 N. Union St.
Dennis Hauenslein	1292 Overlook Rd.
BRUCE HARTER	
DAVE ORRIS	WOODRIDGE
Joe Tunstall	Woodridge
Phyllis Zimmerman	Press And Journal
Kori Weikle	1264 Overlook Rd.
Donna Winch	1060 Woodridge Dr.
RALPH VIGORITE	1041 Woodridge Dr
John Weikle	1264 Overlook Rd
Joe Reuak	365 Hollywood Dr
LEE BOES	1800 G-HARA LN.
B. Riggler	841 Timber Ln
Lois Patrick	1234 Overlook Rd