

The Swatara Township Board of Commissioners held the Regular Meeting I on Wednesday, February 4, 2015, at the Swatara Township Administration Building, 599 Eisenhower Blvd., Swatara, PA 17111. President Moyer called the Meeting to order at 7:00 PM.

Members of the Board present were: Commissioners Varner, Connolly, Spandler, Chiavetta, Troxell, Milakovic, Weikle, Moyer, and Boudier. Also present: Administrator Cornell, Assistant Administrator Zimmerman, Solicitor Wion, Chief Umberger, Tax Collector Donato, and Secretary Rubinic.

1. Motion to Approve Agenda: Commissioner Weikle moved to approve tonight's agenda, seconded by Commissioner Spandler.
Commissioner Troxell moved to remove Item 9, Consideration of Reapportionment Ordinance, stating there was never a motion to publish or spend the money and advertise this Ordinance. Commissioner Chiavetta seconded the motion. A roll call vote was taken on Commissioner Troxell's motion and the motion failed 4-5 with Commissioners Varner, Spandler, Milakovic, Weikle, and Moyer voting no. A roll call vote was then taken on Commissioner Weikle's motion to approve tonight's agenda; the motion carried 5-4 with Commissioners Connolly, Chiavetta, Troxell, and Boudier voting no.
2. Consideration of Minutes:
 - A. Special Meeting/Reapportionment - January 13, 2015: Commissioner Weikle made a correction to Page 1, Item 2, Line 5 where "Commissioner Varner" should be inserted in place of "cv". Commissioner Troxell corrected Page 4, Paragraph 5 naming "Keith Flynn" instead of "Keith Glenn". Commissioner Weikle moved to approve these minutes as corrected. Commissioner Varner seconded the motion and the motion carried unanimously.
 - B. Agenda Review/Regular Meeting II - January 14, 2015: Commissioner Weikle moved to approve these minutes as presented. Commissioner Spandler seconded the motion and the motion carried unanimously.
 - C. Special Meeting/Reapportionment - January 27, 2015: Commissioner Connolly made a correction to Page 1, the last sentence to read "except one ward" instead of "except Ward 1". Commissioner Weikle moved to approve these minutes as corrected. Commissioner Milakovic seconded the motion and the motion carried unanimously.
3. Visitors' Requests & Comments Regarding Agenda Items:
Mary Klaus, 447 Pritchard Court - suggested tabling Item 9 tonight. She urged the Board to listen to the citizens and since no agreement seems in sight, let the courts work it out.

Russell Gross, 3857 Derry Street - said what he really wants to know is what is this going to cost the taxpayers.

Phyllis Bennett, 902 Hamilton Circle - said she feels this needs to be tabled because the judge today did not give license to go forward even though there was no injunctive ruling. He did appoint three commissioners to report back to him on reapportionment by February 17. President Moyer said the judge said you will not offend me if you vote tonight. He said this is a legislative action. Under the law the judge was required to appoint 3 commissioners, because reapportionment action was not taken within a year of the census. Ms. Bennett said the judge further stated he will not be offended if you do not carry through your vote tonight. She felt this should have been put on the ballot for a vote. President Moyer said that the Board's job is to look at this matter, evaluate it, keep informed, and make a decision for the people. If the people don't like the decisions made, you can vote them out. Ms. Bennett thinks the Board is doing this in self-preservation, not in the best interest of the people. She asked for a list of names of those who are in favor of doing away with the 9 wards. She does not see the need to rush this through.

Elizabeth Jones, 3878 DawnMar Street - agrees the item should be tabled and wait til the commissioners who were assigned by the judge come back with their recommendation. She also asked what this is going to cost. President Moyer said reapportionment will cost \$30,000-50,000 in engineering alone to set the new ward boundaries. To go at large, we already have the meets and boundaries of the Township and just have to plug them in. Ms. Jones is the Committeewoman for her ward, and all the people she has talked to have said they want to keep the 9 wards.

Stanley Gruen, 1713 Boas Street - said he was at the court today, and would like to know the costs. He had questions about the \$6,500 paid to HRG for engineering the maps; this was not to set the legal meets and bounds. Mr. Gruen also asked who authorized expenditure to the Patriot-News to advertise. President Moyer explained this is part of the normal ordinance process. We put forth a motion to draft an ordinance which then is advertised; and then we receive the complete ordinance and act upon it.

Chris Fries, 3800 Brisban Street - said he's been coming to these meetings off and on for 25 years and this is the first time in 25 years that he's seen 4 Commissioners take something to court that the majority of the Board voted on. He doesn't understand worrying about cost when you're taking the rest of the Commissioners to court.

Allen Kennedy-Shaffer, 252 Verbeke Street - presented copies of an order by Judge Evans of Dauphin County Court of Common Pleas. A petition was granted to ask the County Court to take over the reapportionment process. The wards were found exceedingly disparate; and the Court to appointed three individuals to study

reapportionment and provide a report to the Court by February 17. The names are Mary Kraft, Royce Morris, and Jason Moffit.

4. Consideration of Purchase: Highway Trucks: Commissioner Milakovic moved to purchase two dump truck chassis from Five Star International at a cost of \$156,888; and to purchase the dump bodies, salt spreaders, snow plows, and installation from MJR Equipment at a cost of \$115,990 for a total purchase of \$272,870, under two COSTARS contracts. This is also under the amount budgeted for these two trucks. Commissioner Weikle seconded the motion and the motion carried unanimously.

5. Consideration of Project: Stabilization of Francis Cadden Parkway & Guiderail Repair: Commissioner Chiavetta outlined the need for repairs of guiderail and bank stabilization along Francis Cadden Parkway. The guiderail damage will be paid by the driver’s insurance. Bank stabilization is estimated at \$18,000 and various sources are being looked at. Commissioner Chiavetta moved to have HRG provide engineering services, and prepare and submit necessary DEP permitting at a cost of \$4,500. The cost to be absorbed by Highways-Engineering Services line item. Commissioner Weikle seconded the motion and the motion carried with Commissioner Milakovic abstaining because of conflict of interest. [Abstention Memo attached]

6. Consideration of Re-hiring Compost Facility Monitors: Commissioner Milakovic moved to rehire the following persons as Compost Facility Monitors for 2015 at the specified hourly rates:

Ray Chase	\$9.43
Rich Szekeres	\$9.25

Commissioner Spandler seconded the motion and the motion carried unanimously.

7. Ratification of Tax Collector Deputy Appointment: Commissioner Weikle moved to ratify Tax Collector Donato’s selection of Mary Catherine Schatt as Deputy Tax Collector. Commissioner Varner seconded the motion; carried unanimously.

8. Consideration of Letter of Support: Dauphin County Planning Commission: Commissioner Varner moved to provide a letter supporting the Dauphin County Planning Commission’s application for a Gaming Grant to update the County’s Comprehensive Plan. Commissioner Weikle seconded the motion and the motion carried unanimously.

9. Consideration of Ordinance-Reapportionment: Solicitor Wion reviewed the Ordinance for Reapportionment, stating the purpose and findings, the ward plan, boundary descriptions, elections schedule, provisions for retention of existing offices, and the effective date. Ordinance 2015-2 has been properly advertised and is now before the Board for consideration.

Commissioner Troxell moved to table the Ordinance due to the court order and procedural defects. Commissioner Chiavetta seconded the Ordinance. A roll call vote was taken on Commissioner Troxell's motion and the motion failed 4-5 with Commissioners Varner, Spandler, Milakovic, Weikle, and Moyer voting no. Commissioner Varner moved to adopt Ordinance 2015-2 (full text available in Township Ordinance Book) so amending the Code of Ordinances regarding Reapportionment. Commissioner Weikle seconded the motion. Commissioner Connolly had questions about the wording under Section 65-4. Elections --using primary and general elections instead of municipal elections. Solicitor Wion said this Ordinance only applies to this Township's elections which are municipal elections; the term municipal does not have to be used to describe the primary and general elections. Commissioner Connolly would like to review the ordinances before action is taken so that any corrections can be made. He also noted a difference in the Township's hours of business as advertised. Commissioner Troxell noted that no copies of the final Ordinance were provided in the packets tonight. Commissioner Chiavetta asked why the boundary descriptions were not in the paper. Solicitor Wion said they were very lengthy and would probably triple the cost of advertising, so the Code provides for the advertisement of a summary. A copy of the full Ordinance was provided to the paper and was also recorded at the County Law Library.

Commissioner Connolly made a motion that a draft be prepared, be reviewed and corrected if necessary, then re-advertise it. Solicitor Wion said a motion should be made correcting the language, and then the corrected Ordinance would have to be re-advertised. Solicitor Wion added he believes the Ordinance is perfectly right the way it is advertised and the way it is before the Board.

President Moyer asked Solicitor Wion for clarification on which motion to act on. President Moyer asked Commissioner Varner if he would withdraw his motion to adopt the Ordinance; Commissioner Varner replied no. Commissioner Connolly was still insistent on correcting the Ordinance before approving it.

Commissioner Boudier also noted he would have liked to have a copy of the Ordinance in front of him instead of having the Solicitor read it to him.

Commissioner Troxell stated this Ordinance is not a reapportionment--reapportionment means portions, wards--this is one single body, an abolition of wards.

A roll call vote was then taken on Commissioner Varner's motion to adopt Ordinance 2015-2; the motion carried 5-4 with Commissioners Connolly, Chiavetta, Troxell, and Boudier voting no.

Solicitor Wion recommended the Board authorize him to file an appropriate action to have the Court recognize the reapportionment of the Township pursuant to Ordinance 2015-2 and to dissolve the reapportionment commissioners appointed by the Court Order of February 4, 2015. Commissioner Weikle so moved to authorize

Solicitor Wion take this action. Commissioner Spandler seconded the motion.

Solicitor Wion explained this is necessary so that there are not two reapportionment plans presented to the court; and that the courts generally defer to the reapportionment plan of the governing body. Commissioner Troxell voiced his opinion that this action is shameful.

A roll call vote was taken on Commissioner Weikle's motion to authorize the Solicitor's actions; the motion carried 5-4 with Commissioners Connolly, Chiavetta, Troxell, and Boudier voting no.

10. Appointments to Boards and Commissions:

Vacancy Board: Commissioner Boudier moved to reappoint Nicholas M. Dininni to a 1-year term on the Vacancy Board. Commissioner Weikle seconded the motion and the motion carried unanimously.

11. Investigation of Any Possible Stormwater Violations:

Tony Spagnolo, 291 N. 50th Street - had concerns about "Lake Lawnton" at 50th & Derry. Its level has remained stable, never going dry; and in periods of heavy rain it will flood. He would like to have the gates checked. Administrator Cornell said he will look into this tomorrow with Norfolk-Southern; they are now their own MS4, but it will be reported and a record will go into our file.

12. Visitors Requests & Comments Regarding General Matters:

Bryan Beistline, 545 Yale Street - asked if there is a plan for going forward if the Courts determine this has been done illegally or not in the right manner. President Moyer said he is not a lawyer, but what was very clear to him at court today was that the judge did not feel the need to stop this with an injunction; he felt it was a legislative action, meaning this Board had the right to do it. He felt he had to put three people on a commission under the letter of the law, because we had not taken action. President Moyer said he doesn't believe the Board has done anything wrong or overstepped the boundaries.

Bob Radosevic, 44 N. 46th Street - asked Solicitor Wion how many Ordinances had to be advertised last year. Solicitor Wion replied he didn't know the number but they all had to be advertised. He then asked Commissioners Troxell and Connolly why they didn't question any action taken on those ordinances over the course of a year. Why they didn't question the procedure--it's advertised, it comes before you, and you vote on it? Commissioner Connolly didn't feel this followed the same procedure as other ordinances. Solicitor Wion said this is the normal course of operation--no one ever authorized him to advertise or pay for advertising--it's his obligation to legally advertise it. Everything that has happened with this Ordinance tonight is consistent with the way this Board has always done it.

Mr. Radosevic's question to the four Commissioners opposing was why in the past two years didn't one of them bring this up or discuss it? Commissioner Troxell

responded and outlined the timetable of discussion or Board action on this matter. One of his goals when elected was to look at reapportionment--which he thought wouldn't happen until after the next census. But now there's going to be a change, and that's a good thing. It's not his preference of plans, but something needed to be done. The judge did not grant an injunction to prevent action from taking place tonight; all of this is also confusing to Commissioner Connolly as he is not a lawyer either.

Phyllis Bennett, 902 Hamilton Circle - said she is a retired administrative law judge and is astounded that the solicitor would advise to overrule a judge. She feels this is total arrogance and total disregard for the constituents of the Township and the Judge.

Allen Kennedy-Shaffer, 252 Verbeke Street - spoke as the pro bono lawyer for 4 of the Commissioners and said he was honored to represent them in this process to work for equal representation of the 9 wards. Judge Evans has said that this petition has merit and standing and that Section 904 is the proper procedure to guide reapportionment. He felt it an affront to Judge Evans and the court to abolish the ward system when the Court has taken over the reapportionment process. The law matters and the Court matters.

Stanley Gruen, 1750 Boas Street - questioned Solicitor Wion about the definition of a draft. He also wondered how an ordinance like this for a key moment in Swatara Township's history escapes what he considers due process.

Brian Faleshock, 966 Lark Drive - also has businesses at 4500 Derry Street and 182 Pleasantview Road. He wanted to thank the Commissioners, and especially the Highway Committee, they are second to none for snow removal and the condition of our roads compared to the people around us. He appreciates what goes into the budget process and thanks all for their efforts.

Chris Fries, 3800 Brisban Street - spoke to some of the earlier speakers' statements and to Commissioner Troxell addressing President Moyer as Chairman all night. If you want to parse words, there's a lot to parse he said.

Shane Steele, #206 600 Yale - said he's a firm believer in change and in the legislative process. He has concerns about respect and disrespect of the public and Commissioners over one issue. Change is good and if the voters don't like it they'll speak at the election. The five stood up and made the hard decision and sometimes that's what you have to do.

13. Commissioners Requests & Comments:

Commissioner Connolly - said the work of the Highway Department throughout the storms was great. He thanked Todd Webb for his quick response on a situation.

A lot of people are impressed with our Highways work. Once you leave Swatara Township during a storm you're facing a lot worse road. So thanks to the Highway crews.

He thanked those who came out for the Martin Luther King Day of Service; cleaning up along Eisenhower Boulevard and Rt. 283. The next planned event will be for Earth Day in April; more information will be coming out and everyone is welcome. He thanked everyone who came out on the reapportionment issue. We're not sure where this is headed, but the majority of the Board voted tonight. He wants people to know that as much as we seem dug in and fighting on this one issue, there's a whole lot of local government that we get along and we try to work together and do the best thing for the people we represent.

Commissioner Chiavetta - echoed the compliments to Highways.

Commissioner Milakovic - said the accolades for the Highway Department belong to the leadership of Todd Webb and the efforts of the fellows who work there--they must compete to see who can do the best job.

He recently attended the PMRS (Pa. Municipal Retirement System) Board Meeting and reported on important actions taken. They elected a money manager consultant, Dahab Associates; and looked at updates for the administrative system that runs their investment programs. They broke \$2 billion in assets this year. This is the retirement system for our non-uniformed employees.

Commissioner Spandler - gave out information on towing rates for the Board to review before approving next week.

He asked Todd for information on salt usage so far, which is about 2,000 tons. There haven't been any big storms just small nuisance storms which cost money.

Commissioner Spandler will have a report for next week on the meetings this past week on Capitol Hill.

Commissioner Troxell - thanked everyone for coming out and said it was a little unfortunate to see these issues occur when we got to reapportionment.

He thanked Highways and the Police for their work; they're very much appreciated.

Commissioner Varner - had no comments at this time.

Commissioner Weikle - reported that the Fire Police vehicle lost its transmission last week and he would like to propose moving the Fire Marshal's vehicle to the Fire Police and going ahead with purchase of a new vehicle as planned. The bid is for a 2015 Ford Expedition from Hoffman Ford under the COSTARS contract. The vehicle cost is \$29,810 with an approximate upfit price of \$10,000. This is still under the budgeted amount. Commissioner Weikle moved to purchase this vehicle for the Fire

Marshal so his old vehicle can be passed on to the Fire Police. Commissioner Spandler seconded the motion; carried unanimously.

Commissioner Boudier – had no comments at this time.

President Moyer- thanked everyone for coming out tonight. You may think the actions we took were self-preserving, but there's an awful lot of flack flying around here. Thank you again.

14. Correspondence:

- A. Living Water Community Church letter received 1/20/15 regarding Thank You.
- B. North Central Highway Safety Network letter received 1/28/15 regarding Buckle Up PA Seat Belt Enforcement Program.
- C. Dauphin County Conservation District letter received 1/30/15 regarding ESPC and NPDES Activities.

15. Action Items: The following Action Items were noted:

-- Administrator Cornell - check Lake Lawnton drainage with Norfolk-Southern

16. Adjournment: Commissioner Spandler moved to adjourn, seconded by Commissioner Boudier and carried unanimously. The Regular Meeting I adjourned at 8:51 PM.



Dolores M. Rubinic, Township Secretary

ABSTENTION MEMO

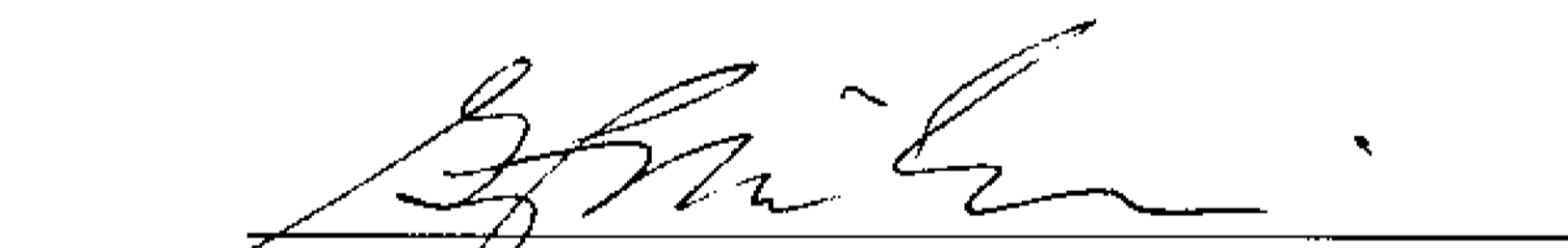
I, the undersigned, as a member of the Board of Commissioners of Swatara Township,
Dauphin County, Pennsylvania do hereby abstain from voting on the following matter:

ENGINEERING WORK ON FRANK'S CROSSLER'S
PARK WAY WORK BY HERBERT, ROUNLAND & GRUBIC

for the reason that I have a conflict of interest because:

I am an employee of Herbert, Roundland & Grubic
and as such have a direct pecuniary interest in
such contract.

Date: 2/4/15


Commissioner