

SWATARA TOWNSHIP

REGULAR MEETING II

BOARD OF COMMISSIONERS

MARCH 8, 2017

1. Call to Order: The Regular Meeting II of the Swatara Township Board of Commissioners was held on Wednesday, March 8, 2017 at the Township Administration Building, 599 Eisenhower Boulevard, Swatara, PA 17111. President Troxell called the Meeting to order at 7PM.
2. Pledge of Allegiance: President Troxell led the Pledge of Allegiance.
3. Invocation: President Troxell gave the invocation.
4. Roll Call: Commissioners Varner, Connolly, Chiavetta, Milakovic, Troxell, Moyer and Boudier were present. Also present: Manager LeBlanc, Assistant Manager Kaufman, Solicitor Wyland, Police Chief and Sgt.-at. Arms Umberger, Zoning Officer Hardman, Fire Marshall Ibberson, Treasurer Fosselman, Highway Department Superintendent Webb, Township Engineer Kenworthy and Assistant Secretary Echterling.
5. Announce Executive Session: President Troxell announced an executive session was held prior to tonight's meeting to discuss legal and contractual issues.
6. Motion to Approve Agenda: Commissioner Chiavetta made a motion to approve the agenda as presented. Commissioner Connolly seconded the motion. Motion carried unanimously.
7. Motion to Approve Consent Agenda: Items G and H were added to the consent agenda. Commissioner Boudier made a motion to approve the consent agenda. Commissioner Connolly seconded the motion. Motion carried unanimously.
8. Motion to Approve Consent Agenda items as Listed Below:
Commissioner Boudier made a motion to approve the following items on the Consent Agenda. Commissioner Connolly seconded the motion. Motion carried unanimously.
 - A. Monthly Departmental Reports
 - B. Committee Reports
 - C. Manager's Report
 - D. OLDS Report
 - E. Request for OLDS Extension - 611 South 61st Street
 - F. Request for Police Interns - Martinez, Eminagic and Cassel
 - G. Approve two budgeted positions for Police Officers
 - H. Resolution R-2017-12 - special purpose parking, 548 Yale Street
9. Consideration of Minutes - March 1, 2017: Commissioner Chiavetta made a motion to approve the minutes from the March 1, 2017 meeting. Commissioner Varner seconded the motion. Motion carried unanimously.
10. Hearing - Driveway Setbacks - Ordinance 2017-02: Solicitor Wyland stated this hearing is for Ordinance 2017-02 which would amend the Code of Ordinances of Swatara Township, Chapter 253, "Subdivision and Land Development, Article VI, Design Standards §253-16.F(1). He stated language was added stating "Driveways shall be no closer than three feet to the point of the intersection of two property lines at any corner measured along the property line, and shall not extend across such extended property line." He asked if there are any public comments. There were no public comments offered. He closed the hearing and told the Board this ordinance was ready for action.

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Commissioner Connolly made a motion to approve Ordinance 2017-02, amending the Code of Ordinances of Swatara Township, Chapter 253, "Subdivision and Land Development, Article VI, Design Standards §253-16.F(1). Commissioner Boudier seconded the motion. Motion carried unanimously.

11. Hearing - Medical Marijuana - Ordinance 2017-03: Solicitor Wyland stated this hearing is for Ordinance 2017-03 which would amend the Code of Ordinances of Swatara Township, Chapter 295, "Zoning" known as the Swatara Township Zoning Ordinance, providing for the regulation of medical marijuana facilities. He stated this is a standard written ordinance being used through Dauphin County. He asked if there are any public comments. There were no comments offered. He closed the hearing and told the Board this ordinance was ready for action.

Commissioner Varner made a motion to approve Ordinance 2017-03 amending the Code of Ordinances of Swatara Township, Chapter 295, "Zoning" known as the Swatara Township Zoning Ordinance, providing for the regulation of medical marijuana facilities. Commissioner Connolly seconded the motion. Motion carried unanimously.

12. Hearing - Off Street Parking - Ordinance 2017-04: Solicitor Wyland stated this hearing is for Ordinance 2017-04 which would amend the Code of Ordinances of Swatara Township, Chapter 295, "Zoning, Article VI, Off Street Parking and Loading § 295-106.D and §295-106.E. He discussed the setback requirement for residential driveways and how parking on the grass would be prohibited. He asked for public comment. Mr. Joe Donato asked if temporary parking on grass would be allowed for an event/party. Mrs. Hardman stated it would be open for interpretation. There were no other public comments. Solicitor Wyland closed the hearing and stated the ordinance was ready for action by the Board.

Commissioner Connolly made a motion to approve Ordinance 2017-04 amending the Code of Ordinances of Swatara Township, Chapter 295, "Zoning, Article VI, Off Street Parking and Loading § 295-106.D and §295-106.E. Commissioner Chiavetta seconded the motion. Motion carried unanimously.

13. Hearing - Firewood Storage - Ordinance 2017-05: Solicitor Wyland stated this hearing is for Ordinance 2017-05 which would amend the Code of Ordinances of Swatara Township, Chapter 295, "Zoning, Article VIII, Additional Regulations". He discussed the six requirements added to Chapter 295-127 for residential areas. He asked for public comment. Commissioner Moyer asked where this came from. Mrs. Hardman stated it came from the Planning Commission. There were no other public comments. Solicitor Wyland closed the hearing and stated the ordinance is ready for action by the Board.

Commissioner Chiavetta made a motion to approve Ordinance 2017-05 an ordinance amending the code of the ordinances of Swatara Township, Chapter 295, "Zoning, Article VIII, Additional Regulations". Commissioner Connolly seconded the motion. Motion carried unanimously.

14. Presentation of Awards

A. 2016 Officer of the Year - Officer Michael F. Bowser: Chief Umberger stated Officer Michael Bowser was voted 2016 Officer of the Year. He stated Officer Bowser works researching warrant files and serving warrants. He served 270 outstanding warrants this year.

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He also serves as a deputy with the US Marshalls and works closely with other agencies working on warrants and arrests. He spoke about his attitude and character while going through some personal things this past year.

B. Retirement Award - Detective George E. Haney: Chief Umberger discussed the retirement of Detective George "Ed" Haney. He stated he is one of the bravest policemen he has ever worked with in his career. He spoke about his work on the Dauphin County Drug Task Force. He spoke about the different assignments he had including spearheading elderly scams. He wished him well in his retirement and spoke about how the department would miss him.

15. Visitors Requests and Comments: Mr. Joe Donato, Harrisburg Street, spoke about an elderly couple who complained about the truck traffic near Chambers Hill Road. He explained to them that JB Hunt just bought the bowling alley and the truck traffic would get worse. He spoke about PennDOT offering to reroute PA 441 and how it makes sense. He asked if it could be revisited with PennDOT and maybe try and keep the truck traffic out of the residential area. Commissioner Connolly spoke about the increased JB Hunt truck traffic he has witnessed. President Troxell asked if Police could look at the traffic.

16. Reports:

A. Treasurer's Report: Treasurer Fosselman read the Treasurer's report for February 2017. Commissioner Chiavetta made a motion to approve the Treasurer's report as presented. Commissioner Connolly seconded the motion. Motion passed unanimously.

B. Solicitor's Report: Solicitor Wyland stated there wasn't a Solicitor's report but could answer any questions the Board may have.

C. Fire Services Report: Fire Marshall Ibberson reported the calls for service during the month of February (with average personnel turnout per incident).

Station	Avg Turnout	
Bressler	35	(4)
Lawnton	60	(4)
Rutherford	37	(8)
Swatara	64	(6)
Chambers Hill	35	(5)

A copy of the detailed report is posted in the in the lobby. He spoke about a financial award of approximately \$89,000 through Dauphin County Gaming. He spoke about traveling to Wisconsin for the ladder truck which should be delivered in October.

D. Chief of Police Report: Police Chief Umberger reported on the police activities for the month of February. Officers handled 1,531 calls for service. A breakdown of calls is shown on the monthly report posted in the lobby. He spoke about new initiatives for dealing with the heroin overdoses which included a proactive approach. He spoke about the foot patrols for February and the presence of the officers in the school with school lunches and educational programs. He spoke about the bike units, working on accreditation, interns, TEAM, and other such monthly activities of the department during the month.

17. Presentation of GIS Functionality of Street Sweepers: Highway Superintendent Webb spoke about complaints he has received regarding street cleaning. He stated with the new GIS system they can track every minute of the day and locations of the street sweepers. He

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brought up an example on the screen to show the Board how the system works. He stated if a sweeper idles more than 15 minutes, he receives a text about it. The system can also report if the sweeper goes over the speed limit, idles for a long period, and calculates miles per gallon based on their runs. He spoke about the connection through black boxes with Verizon and the monthly cost of \$17-\$18 per month with the box cost of \$60. The data from the runs is stored for two years. Discussion ensued. President Troxell believes it is a great tool and would be great to put on the website.

18. Consideration of Request to Lease Bobcat: Commissioner Milakovic made a motion to approve the leasing of the 2017 Bobcat 5600 ToolCat based on the recommendation of the Highway Committee. Commissioner Chiavetta seconded the motion. Motion carried unanimously.
19. Consideration of JRS Partnership Assessment Appeal Request for Fees: Solicitor Wyland discussed the JRS Partnership appeal of their tax assessment with Dauphin County. He stated they are asking the county, township and school to share in the cost of an expert witness to testify in the tax appeal case. The Township's portion would be \$972.40. Commissioner Milakovic made a motion to agree to pay for the pro-rated share of the expert witness for the JRS Partnership tax assessment appeal. Commissioner Varner seconded the motion. Motion carried unanimously.
20. Authorization to Set Hearing Date for Proposed Text Amendment: Zoning Director Hardman stated the proposed text amendment to the zoning ordinance would allow warehousing as conditional use in a general commercial zone. Commissioner Chiavetta made a motion to set a hearing date for the proposed text amendment. Commissioner Connolly seconded the motion. Motion carried unanimously. Solicitor Wyland stated the hearing can be held on May 3rd.
21. Acceptance of Resignation: Samantha Everett, Director of Code Enforcement: Commissioner Boudier made a motion to accept the resignation of Samantha Everett effective March 21, 2017. Commissioner Milakovic seconded the motion. Motion carried unanimously.
22. Authorization to Advertise Director of Code Enforcement Position: Commissioner Boudier made a motion to authorize advertisement for the position of Director of Code Enforcement. Commissioner Milakovic seconded the motion. Commissioner Moyer asked if the job description would be updated. Manager LeBlanc stated the Personnel Committee will be looking at the job description and all the duties and possibly refresh the job description before going to press. Commissioner Moyer thinks the revised job description should be seen by the Board prior to advertising. Manager LeBlanc stated the Board would see the revised job description. Motion carried unanimously.
23. Consideration of Offer of Employment to Henry Good, Jr.: Commissioner Boudier made a motion to extend an offer of employment to Mr. Henry Good, Jr for the position of Codes Inspector. Commissioner Milakovic seconded the motion. Commissioner Connolly asked about arrangements for training. Manager LeBlanc spoke about the training with Mrs. Everett prior to her leaving. Commissioner Moyer asked about Paxtang. Manager LeBlanc stated they have been notified. Motion carried unanimously.

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24. Portable Restroom Contract to Tillet Toilets: Commissioner Connolly made a motion to award the portable restroom contract to Tillet Toilets. Commissioner Milakovic seconded the motion. Motion carried unanimously.
25. Consideration of Agreement: Bishop Farm Lease: President Troxell made a motion to approve the Bishop Farm Lease agreement. Commissioner Chiavetta seconded the motion. Commissioner Moyer asked if the farmer's overdue invoice has been settled. Manager LeBlanc stated it has been settled. Motion carried unanimously.
26. Visitors Requests and Comments:
A. Mary Klaus, Chambers Hill Fire Company: Announced the PA Department of State awarded Chambers Hill Fire Company a Keystone of Democracy special recognition for over fifty consecutive years as a polling place. She spoke about the community feeling they have at the Fire Company during the elections. She thanked the Board for attending the presentation and their support.
27. Any Possible Stormwater Violations: None noted. Highway Superintendent Webb spoke about the DEP permit and 44th street pipe.
28. Commissioners Requests and Comments:
Commissioner Moyer: He congratulated the officers honored tonight and the Chambers Hill Fire Company. He stated he isn't against leases, but would like to see a lease fund line item in the general fund. He spoke about upcoming issues in 2018-2022 and thinks the monies should be earmarked for the five years. Mr. Fosselman spoke about the leases as not being debt and the credit rating with S&P. He spoke about the monies being there and his theory on leases. Commissioner Moyer stated he would speak to Mr. Fosselman one on one about this.

Commissioner Boudier: Nothing to report.

Commissioner Connolly: Congratulated Chambers Hill Fire for their Keystone Democracy award. He thanked Mary for her newsletter article on Mr. Fosselman. He spoke about the closing of Red Crown Bowling tonight and their 37 years of business in the community. He read the proclamation given to them. He congratulated the police officers on their service.

Commissioner Connolly made a motion to appoint Kim Coleman to the Fire Services Board for the citizen spot on the Board. Commissioner Chiavetta seconded the motion. Motion carried unanimously.

Commissioner Connolly spoke about the Board's executive session on the issue of Wards versus at large. He stated a decision needs to be made about going to the PA Supreme Court. He stated the fees wouldn't be excessive as it has already gone through the court system and the exhibits are already prepared. He believes this should be taken to the Supreme Court. He also stated the courts have indicated there were two paths to go back to Wards for the Township and they took the wrong path. He stated he would like to take the correct path to get back to the Wards. He stated the majority of the Board and public want the Ward system for the Township.

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Commissioner Connolly made a motion to take the final steps to go to the PA Supreme Court for the wards versus at large case. Commissioner Chiavetta seconded the motion. President Troxell asked for a roll call vote:

Commissioner Moyer abstained as he doesn't have enough information about the fees.

Commissioner Boudier - yes, Commissioner Connolly - yes, President Troxell - yes

Commissioner Milakovic - abstained - not enough information, Commissioner Chiavetta - yes.

Commissioner Varner - abstained due to a conflict of interest.

Motion carried 4-0-3.

Commissioner Connolly made a motion to petition the court under the First-Class Township Code to turn the Board back to the Ward System. Commissioner Chiavetta seconded the motion. Commissioner Moyer asked what the procedure is for this and if it would include a posting for 30 days and come back for a vote like an ordinance. Solicitor Wyland stated he would have to check on the procedure and isn't sure a vote will come back. President Troxell asked for a roll call vote. Commissioner Moyer - no, Commissioner Boudier - yes, Commissioner Connolly - yes, President Troxell - yes, Commissioner Milakovic - no, Commissioner Chiavetta - yes. Commissioner Varner - no. Motion carried 4-3.

Commissioner Milakovic: Nothing at this time.

Commissioner Chiavetta: Nothing at this time.

Commissioner Varner: Nothing to report.

President Troxell: Thanked the Board for their work tonight and the officers for their service.

29. Adjournment: Commissioner Milakovic moved to adjourn the meeting. Commissioner Connolly seconded the motion. The motion carried unanimously. The meeting adjourned at 8:43 PM.

Julie A. Echterling

Julie Echterling, Assistant Township Secretary