

1. Call to Order: The Regular Meeting I of the Swatara Township Board of Commissioners was called to order by President Troxell at 7:00 PM on Wednesday, June 7, 2017, at the Township Administration Building, 599 Eisenhower Blvd., Swatara, PA 17111.
2. Pledge of Allegiance: President Troxell led the audience in the Pledge of Allegiance.
3. Invocation: President Troxell gave the invocation.
4. Moment of Silence: President Troxell called for a Moment of Silence in memory of former Commissioner Richard Murphy, who passed away over the weekend.
5. Roll Call: Commissioners Boudier, Chiavetta, Connolly, Milakovic, Moyer, Troxell and Varner were present. Also present: Township Manager LeBlanc, Assistant Manager Kaufman, Solicitor Wyland, Secretary Rubinic, Highway Superintendent Todd Webb, Fire Marshal Ibberson, Tax Collector Donato, and Sgt.-at-Arms and Police Chief Umberger.
6. Motion to Approve Agenda: Commissioner Chiavetta moved to approve tonight's agenda as amended, seconded by Commissioner Connolly and carried unanimously.
7. Request to Use Horner Park - Stop the Violence Ministry: Commissioner Connolly moved to approve use of Horner Park by Stop the Violence Ministry for their Annual Back-to-School Picnic on August 19, and to waive the park use fee as requested. Rev. Mim Harvey also invited Commissioners and Police to attend and requested McGruff appear if possible. Commissioner Boudier seconded the motion; carried unanimously.
8. Consideration of Minutes - Regular Meeting II - May 10, 2017: Commissioner Moyer moved to approve these minutes as presented. Commissioner Milakovic seconded the motion; carried unanimously.
9. Visitors' Requests & Comments: There were no comments from those present.
10. Consideration of Ordinance- PLGIT: Manager LeBlanc explained the agreement to join with other local governments to pool their funds for purchasing investments. Commissioner Chiavetta moved to adopt Ordinance 2017-6 (full text available in Township Ordinance Book) authorizing Swatara Township to join in the Pa. Local Government Investment Trust (PLGIT). Commissioner Connolly seconded the motion.
11. Status Report & Discussion-Grayson Road Pipe Cleaning Project: Highway Superintendent Todd Webb outlined the progress with cleaning of the concrete pipe under Norfolk-Southern Rail Yard from Grayson Road to Derry Street. He

presented pictures showing the proposed inlet box, and pictures of the deteriorating brick joining a square pipe and a round pipe. Unfortunately there has been a serious breakdown of the machine being used to clean out the pipe. There are 3 ½ days left on the time authorized to the contractor, Mr. Rehab, for the work. Commissioner Connolly moved to authorize Mr. Rehab to work 5 additional days if needed, seconded by Commissioner Chiavetta; carried unanimously.

12. Discussion of Maintaining Stormwater Pipes Crossing Private Property - Dawn-Mar and Lehigh Avenue: Highway Superintendent Webb outlined the stormwater issue on Dawn-Mar Street. The proposal is to add an inlet at Dawn-Mar and Elder, replace the existing inlet and install larger piping. There was lengthy discussion about easement for these types of stormwater issues. It was suggested to handle this on a case by case as needed basis. Commissioner Moyer suggested looking at this in conjunction with the MS4 work and having some kind of consistent framework in place for treating these cases. Manager LeBlanc said the next stormwater meeting will be on June 21. She also had a suggestion to brand this issue as "Stream Protection" which may be better understood than stormwater problems. Commissioner Chiavetta moved to authorize Solicitor Wyland to prepare easement agreements for stormwater pipes carrying water from Township property, where those pipes are located on private property. Commissioner Milakovic seconded the motion; carried unanimously.
13. Executive Session: President Troxell announced an Executive Session was held prior to tonight's meeting with Special Counsel on a Litigation Matter.
14. Consideration of Offer of Employment - Jennifer Reichwein: Commissioner Boudier moved to make an offer of employment to Jennifer Reichwein for a full-time position in the Business Privilege Office at an annual salary of \$37,000. Commissioner Connolly seconded the motion and the motion carried unanimously.
15. Acceptance of Letter of Resignation-Zoning Director Janet Hardman: Commissioner Chiavetta moved to accept the resignation of Zoning Director Janet Hardman, effective June 2, 2017. Commissioner Boudier seconded the motion and the motion carried unanimously.
16. Consideration of Agreement for Zoning Services with Janet Hardman: Commissioner Chiavetta moved to authorize the agreement for Zoning Services with Janet Hardman as presented. Commissioner Connolly seconded the motion and the motion carried unanimously.
17. Presentation of Proclamation to Police Chief Umberger: Commissioner Connolly read the Proclamation outlining Chief Umberger's history with the Police

Department and his outstanding service to the residents of Swatara Township since 1993. He was given heartfelt wishes for future success and happiness.

18. Appointment of Acting Police Chief - Deputy Chief Reider: Commissioner Connolly moved to appoint Deputy Chief Darrell Reider as the Acting Police Chief effective June 10, 2017. Commissioner Moyer seconded the motion; carried unanimously.
19. Consideration of Request for Additional Funding from HRG Subcontractor - Advantage Engineer: There was discussion of this unauthorized change order and a failed motion to approve a lower amount. After further discussion Commissioner Moyer moved to approve payment of \$759.00 to Advantage Engineers. Commissioner Varner seconded the motion and the motion carried with Commissioner Milakovic abstaining because of possible conflict of interest. [Abstention Memo attached].
20. Visitors' Requests & Comments:
Tony Spagnolo, 291 N. 50th Street--had comments about the drainage pipe from Grayson to Derry Street. He feels it belongs to the railroad and they should be responsible for it. Historically during heavy rains, if that pipe is draining the water will be in the basements of the 4900 block of Derry Street. He asked if the sinkhole that keeps forming in Chestnut Alley right over the stormwater pipe has ever been excavated or if fill just keeps being added. He also had comments about minimal maintenance of the stormwater detention facilities along Grayson Road; cleaning and maintenance of these facilities needs to be enforced.
Mr. Spagnolo also thanked and congratulated Chief Umberger on his future.
Joe Donato, 701 S. Harrisburg Street--also had questions about the pipe under the rail yard and how to hold the railroad responsible if it is found they are at fault. President Troxell said this is not the time for questions of administrative staff; questions should be for the Board and not administrative staff.
21. Investigation of Any Possible Stormwater Violations: None reported.
22. Commissioners Requests & Comments:
Commissioner Moyer - said he is greatly disappointed in the shameless exclusion of the people's involvement in the proposed petition to the Court, which I can't speak of due to the sensitive nature of it. In essence--so much for the people speaking; it only works one way.
Commissioner Boudier - Told Chief Umberger that it has been his privilege to work with him for the betterment of the citizens of Swatara Township. Chief Umberger has been a very valuable spokesperson and representative for this township who

has made us very proud. He and his family are wished Godspeed in their new endeavor.

Commissioner Connolly – thanked the Chief and Deputy Chief for providing coverage for Saturday’s Tour de Belt with 900 riders this year. He also thanked the Fire Police and especially recognized Ed Geary who did the crossing at Rt. 441. Commissioner Connolly also thanked the Police and Fire Departments for dealing with some major crime incidents and accidents in the Township recently. He wished Chief Umberger all the best and hopes to catch up with him in Florida at some time in the future. He will be missed, but wished him all the best; it was a pleasure spending time no matter what the circumstances.

Commissioner Milakovic – said he thanked the Chief last night for his services to the Township and the community. A lot of times when a leader leaves they don’t leave things in good shape, but with the Chief’s leadership the Police Department is in very good shape and we wish you well.

Commissioner Chiavetta – brought up what he called a smear campaign letter that he was the only one voting for the new Township building and spending \$20 million. Commissioner Chiavetta made a motion to stop everything that has to do with the Township building from here out--any aspects of it--designs, architects, engineers, whatever it is, comes to a complete halt. Commissioner Milakovic seconded the motion.

President Troxell commented that members of this Board operated in a fashion that was disingenuous to the public who attended the meetings feeling there would be a new municipal campus created. Members of the Board voted unanimously to move forward with this project. It is disappointing and deceptive.

Commissioner Milakovic said when the unanimous votes were made that was to go through planning. Through the planning and getting prices, the prices have become unsustainable for the Township. The price right now is just under \$20 million and could go higher; \$20 million for 50 years at 2% is \$53,000 a month. He thinks we all agreed that we wouldn’t do something that would raise the taxes for something like that.

Commissioner Boudier pointed out that Commissioner Milakovic in the past seconded motions to hire an architect and hire a landscape architect. Commissioner Milakovic said yes, we all voted unanimously.

Commissioner Connolly said he doesn’t know that he ever saw the financial package since he’s been on the Board. He understood there was some bond money available and there was the possible sale of this property. He has said before that he wasn’t for a massive tax increase or a big spending project that was unnecessary. Numbers are being thrown around and we’re told that it’s not possible; but if we govern that way we may never get a new piece of fire apparatus or pave a road. He

hopes this does not stop the park aspect of the project. The decision was made to buy those 60 acres by a previous Board to benefit the public. Now it's like sticker shock, but you negotiate and sell off property and in the end the amount you pay could end up being a reasonable payment. In the past there were four consecutive years with tax increases, and he doesn't know if he agrees with how the money was spent, but does feel the financial situation has been getting better and there should be some direct benefit to the residents because of that. The township has made progress -- upgraded highways, equipment, the Police fleet, and made improvements to the municipal building.

The project was moving forward with surveys, open houses, and meetings showing people we were attempting to provide them with a park, a better highway building to protect the equipment that sits out in the weather, or a roof over the Police cars. We need to regroup and look at what we have and what we can do for the benefit of the residents. Sometimes you must make a big decision that can benefit people for years and years. Commissioner Connolly said that for some reason -- probably the word is politics--we are really limiting our options.

Commissioner Moyer said that we've invested into upgrades in this building and not necessarily got the return on our money, our Police force has definitely outgrown their area, and that changes the landscape of what can we do, what should we do. The township received some proposals and we should look at them. But he is concerned because there wasn't a good look at what the spending could be or what the impact would be that were shared with the rest of the Board. There were some numbers presented by Mr. Donato and some generated by the Finance Office. He will echo Commissioner Connolly somewhat and say there are other activities going on that we need to look at and then see if the money that would be gained by selling this commercial property gains us benefits somewhere else. A roll call vote was taken and the motion carried 6-1 with Commissioner Moyer voting no.

Commissioner Varner - said he thinks it's sad how some of the Commissioners up here let politics sometimes cloud their ability to govern effectively. The resentment that is held is extremely childish. The fact that we can't even properly work together when we come in here with our colleagues is very saddening for the residents. He also said he spoke directly with the Chief and shared his good wishes and thanks.

President Troxell - added that Chief Umberger has done a great job and we are all extremely grateful for all that he's done.

President Troxell said since the Township's engineering services have not been competitively examined or changed since 1996; he would like to invoke the clause in the current contract to cancel their services and solicit other engineering services.

President Troxell moved to offer the 15-day notice of cancellation of services to our current engineer, HRG, and then look at and hire new engineers as a result. Commissioner Boudier seconded the motion.

Commissioner Moyer asked why we're severing the contract before we receive bids, because we could open ourselves up to having to renegotiate if we don't find something--unless, soliciting bids has possibly already occurred without the action of the Board. President Troxell replied that Commissioner Moyer was very perceptive. Commissioner Connolly asked if there was anything to keep the current engineering firm from bidding; and does this affect current projects in progress. Manager LeBlanc said two projects come to mind. President Troxell said the current projects would be closed out by HRG regardless of the 15-day notice.

A roll call vote was taken and the motion carried 4-2-1 with Commissioners Moyer and Varner voting no, and Commissioner Milakovic abstaining because of possible conflict of interest. [Abstention Memo attached].

- 23. Adjournment: Commissioner Connolly moved to adjourn, seconded by Commissioner Boudier and carried unanimously. The Regular Meeting I adjourned at 8:20 PM.



Dolores M. Rubinic, Township Secretary