The Swatara Township Board of Commissioners held the Agenda Review Meeting on Wednesday, December 14, 2011, at the Swatara Township Administration Building, 599 Eisenhower Boulevard, Swatara, PA 17111.

Members of the Board present were: Commissioners Zalek, Goff, Spandler, Sidella, Berard, Milakovic, Spagnolo, Moyer, and Bouder. Also present: Administrator Cornell, Solicitor Wion, and Secretary Rubinic. President Berard called the Meeting to order at 7 PM.

- 1. <u>Budget Discussion</u>: President Berard announced that because of the changes made to the budget at last week's meeting, the Ordinance will have to be readvertised and the budget cannot be adopted tonight. A Special Meeting will be advertised for Thursday, December 29, at 6 PM, which is the earliest any action can be taken.
- 2. <u>Committee Assignments</u>: The two new Commissioners will be assigned as follows: Jeff Varner to Health and John Weikle to Emergency Services. Please let President Berard know if anyone wants to change committee assignments before the Special Meeting on the 29th.
- 3. <u>Announce Executive Session</u>: President Berard announced an Executive Session is needed on the following:
  - A. Legal Matter EPA
- 4. <u>Recess</u>: The Agenda Review was recessed at 7:05 PM to conduct an Executive Session.
- 5. <u>Executive Session</u>: An Executive Session was held from 7:05-7:30 PM to discuss two Legal Matters and a Personnel Matter.
- 6. <u>Changes to the Agenda</u>: The following items were deleted from the Agenda: Item 12. <u>Consideration of Resolution- Tax Discounts & Penalties</u>
  Item 20. <u>Consideration of Request-Use of Machine by Penbrook Borough</u>
- 7. <u>Recess</u>: The Agenda Review was recessed at 7:30 PM to conduct the Regular Meeting II.

Dolores M. Rubinic, Township Secretary

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- 1. <u>Call to Order</u>: President Berard reconvened the Regular Meeting II of the Swatara Township Board of Commissioners at 7:35 PM on Wednesday, December 14, 2011, at the Township Administration Building, 599 Eisenhower Boulevard, Swatara, PA 17111.
- 2. <u>Pledge of Allegiance</u>: President Berard led the Board and audience in the Pledge of Allegiance.
- 3. <u>Roll Call</u>: Commissioners Zalek, Goff, Spandler, Sidella, Berard, Milakovic, Spagnolo, Moyer, and Bouder were present. Also present: Administrator Cornell, Solicitor Wion, Secretary Rubinic, Treasurer Donato, Planning & Zoning Director Bertolette, Township Engineer Representative Kenworthy, Fire Services Director McKenna, and Police Chief and Sgt.-at-Arms Umberger.
- 4. <u>Announce Executive Session</u>: President Berard announced an Executive Session was held earlier this evening on the following:
  - A. Legal Matter
  - B. Legal Advice
  - C. Personnel Health Department
- 5. <u>Motion to Approve Agenda</u>: The Agenda was amended to delete Items 12 and 20. Commissioner Moyer moved to approve the agenda as amended at the Agenda Review. Commissioner Milakovic seconded the motion, and the motion carried unanimously.
- 6. <u>Consideration of Minutes</u>: President Berard asked for approval of the following minutes: Regular Meeting I- December 7, 2011
  Printed copies of the minutes were not distributed to the Board, so action was postponed until the December 29 Special Meeting.

## 7. <u>Reports</u>:

- A. <u>Treasurer's Report</u>: Treasurer Joseph Donato read the Treasurer's Report for November 2011. Commissioner Sidella moved to approve the Treasurer's Report for November 2011 as presented. Commissioner Spandler seconded the motion and the motion carried unanimously.
- B. <u>Monthly Departmental Reports</u>: The Monthly Departmental Reports are posted on the bulletin board in the lobby of the Township Building. Copies can also be obtained from the receptionist during working hours.
- C. Committee Reports: No Committee reports at this time.
- D. <u>Administrator's Report</u>: Administrator Cornell announced with pleasure that Swatara Township has received, for the 16<sup>th</sup> straight year, the Government Finance Officers Association Certificate of Achievement for Excellence in Finance Reporting.

obstacles noted.

Administrator Cornell reported on the stormwater drainage report from the engineer on the area of Lancaster and 44<sup>th</sup> Streets. Commissioner Spagnolo asked that a copy of the report be sent to Mr. Dan Colestock. Engineer Kenworthy commented on the chain of obstacles that need to be considered to avoid impact further downstream. Administrator Cornell said that a letter from Representative Payne regarding the Derry Street Bridge over Spring Creek was forwarded to

E. <u>OLDS Report</u>: Administrator Cornell noted an addition to the Enhanced OLDS report. The four properties listed under "Failed Properties" have been further investigated and were able to pass or be remediated.

Representative Helm requesting replacement of this bridge which is one of the

F. <u>Chief of Police Report</u>: Chief Umberger reported on the police activities for November. Officers handled a total of 1,522 incidents. A breakdown is available in the monthly report posted in the lobby.

The police provided community services including tours of the Police Station, child fingerprinting, and career exploration day for high school students. The DUI taskforce continues with patrols through the holiday season. Under the Drive Safe Pa. Program, officers completed over 17 hours on that detail and issued 28 traffic citations. The Department is focusing its officers and resources in areas where we know crime is occurring; this is accomplished with help from the community. Chief Umberger urged community members to get involved—report suspicious activity and form Crime Watch groups. Contact Sgt. Zimmerman for information on forming Crime Watch groups.

The Comprehensive 2011 Annual Police Report will be provided to the Board sometime at the end of January.

# 8. Police Awards/Resident Recognition:

- A. Bud Miller- received the <u>Civilian Support Award</u> for his efforts following the flooding along Joyce Lane. He offered use of his property and business for drop-off and removal of appliances at no charge. He also donated to the Salvation Army who provided food and drinks to the residents and workers.
- B. Corporal Scott Neal

Officer Tim Bloss

Officer Adam Leitzell

Officer Chris Smith

Officer Scott Gibson

Each of these officers received the <u>Team Achievement Award</u> for their efforts at a recent fire. They alerted and helped evacuate residents and also rescued two pets.

- C. Officer Dennis Krahling
  Officer Jim Moyer
  Detective Tim Shatto
  These officers received the <u>Department Award of Merit</u> for their work in solving a case involving more than 50 vehicle break-ins in the Township.
- D. Detective Tim Shatto- was chosen as the <u>2011 Officer of the Year</u>. He is the epitome of a team player and develops rapport with the community. His efforts this year led to 127 arrests so far and recovery of thousands of dollars of personal property.

## 9. Recognition of Officials:

- A. <u>Donald Fure, Planning Commission</u>- was recognized for his 30 years on the Planning Commission, serving as President for 15 of those years. Commissioner Bouder said he had the privilege of serving on the Planning Commission with Don Fure and can attest to his dedication.
- B. <u>Commissioner Anthony Spagnolo</u> has served on the Board of Commissioners since January 1, 1976--35 years. He is a wealth of knowledge and will be missed. He was presented with a plaque and his Township badge. Commissioner Spagnolo said it's been a pleasure to serve; the years went by quickly. He will have a history lesson for the Board at the end of the meeting.
- C. <u>Commissioner Cyndie Zalek</u>- was recognized for four years of dedicated service to the residents of Swatara Township in Ward 1. She will also have some comments later.

# 10. <u>Visitor Requests & Comments Regarding Agenda Items:</u>

- Tom Connelly, 345 N. Harrisburg Street-had comments on the proposed budget and tax rate increase of 24% as noted in a news article. Why is a huge bridge repair expense budgeted the same year the budget has to be increased after 20 years with no tax increase? Can't this bridge be closed down? He noted cuts in recreation for the second year in a row. He asked if the budget can be posted on the Township website; he would be willing to look at it and make suggestions and probably others would as well. He asked the Board to take time to look and see what can be done to avoid such an increase in one year.
- 11. <u>Consideration of Proposed 2012 Budget & Tax Rates</u>: Solicitor Wion explained the process to develop the budget, advertise, and adopt it. Because substantial changes were made to the advertised budget, it must be readvertised. The revisions made to the budget will reduce the tax rate, so the Ordinance setting the 2012 Tax Rates also must be readvertised.

Commissioner Sidella moved to readvertise the 2012 Budget Ordinance and the 2012 Tax Rates to reflect the changes made. Commissioner Goff seconded the motion. Commissioner Spagnolo questioned the need to carry so much in capital reserve and moved to take \$250,000.00 from capital reserve and reduce the burden to the taxpayer. The motion failed for lack of a second. President Berard called for a vote on the motion to readvertise and the motion carried with Commissioner Spagnolo voting no. A Special Meeting will be advertised for Thursday, December 29, at 6 PM.

- 12. <u>Consideration of Ordinance-Amending Police Pension Plan</u>: Solicitor Wion explained the need to amend the Code relating to the Police Pension Plan to comply with the Heroes Earning Assistance and Relief Tax Act (HEART) and Pension Protection Act 537 regarding treatment of severance compensation following a termination of employment. Commissioner Spandler moved to adopt <u>Ordinance 2011-11</u> (full text available in Township Ordinance Book) amending the Police Pension Plan. Commissioner Moyer seconded the motion and the motion carried unanimously.
- 13. <u>Consideration of Ordinance-Amending Business Privilege Annual License Fee</u>: Solicitor Wion reviewed the proposed Ordinance to increase the Business Privilege License Fee from \$20.00 to \$30.00. Commissioner Spagnolo objected to the increase as a burden on small business people such as himself who has to pay \$30.00 to send \$6.75 in taxes. Commissioner Goff moved to adopt <u>Ordinance 2011-12</u> (full text available in Township Ordinance Book). Commissioner Spandler seconded the motion and the motion carried with Commissioner Spagnolo voting no.
- 14. <u>Consideration of Resolution-Police Pension Contribution Rate</u>: Commissioner Spandler moved to adopt <u>Resolution R-2011-51</u> (full text available in Township Resolution Book) increasing the annual member contribution by the Swatara Township Police Force to the Swatara Township Police Pension for 2012 at 4.9% of the participant's monthly compensation. Commissioner Goff seconded the motion and the motion carried unanimously.
- 15. <u>Elimination of Special Purpose Parking -221 N. 67th Street-Donald Stevens</u>: President Berard moved to approve <u>Resolution R-2011-52</u> (full text available in Township Resolution Book) removing the special purpose parking zone of Donald Stevens at 221 N. 67th Street. Commissioner Moyer seconded the motion and the motion carried unanimously.
- 16. <u>Recommendation of Candidate to PMRS</u>: Commissioner Spagnolo has been the representative to Pa. Municipal Retirement System for 11 years. Commissioner Spandler thanked him for his service and expertise. Commissioner Spandler would like to recommend Commissioner George Milakovic as a candidate. Commissioner

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Spagnolo will work with him to answer any questions he may have on this appointment which must be confirmed by the Governor.

- 17. Appointment of Delegate/Alternate to Capital Region COG: Commissioner Spagnolo has also been the delegate to the Capital Region Council of Governments. Commissioner Spandler thanked him for his service and expertise. Commissioner Moyer moved to nominate Commissioner Spandler as delegate to Capital Region COG. Commissioner Goff seconded the motion and the motion carried unanimously. Commissioner Moyer nominated President Berard as alternate to Capital Region COG. Commissioner Goff seconded the motion and the motion carried unanimously.
- 18. Consideration of Additional Gaming Grant Work-Swatara Fire Station #1:
  Commissioner Goff moved to letter the Dauphin County Gaming Board to use residual funds for three additional projects--solar panels, floor refinishing, and back door installation. Commissioner Spandler seconded the motion and the motion carried unanimously.

## 19. Subdivision/Land Development Plans:

A. <u>Preliminary/Final Subdivision Plan-TAJ Realty Group, Candlewood Suites, TecPort-Ward 2</u>: Planning & Zoning Director Bertolette presented the plan for the Board's consideration. The previous plan similar to this one was withdrawn. The only change is the property line between the restaurant property and the proposed hotel. Because of the minor nature of the plan, a request has been made for waiver of separate preliminary plan submission. Commissioner Goff so moved to waive submission of a separate preliminary plan, seconded by Commissioner Spandler and carried unanimously.

This plan proposes to resubdivide two lots that were previously approved and develop a 4-story, 71-room hotel on Lot 7B. The restaurant will be done at a later time with a separate land development plan.

The developer has agreed to complete the walk-way at a later date to the Township's satisfaction.

The plan has been reviewed by the Dauphin County Planning Commission, the Swatara Township Planning Commission, the Township Engineer, and Township staff, and conditionally recommended for approval. All conditions and comments have been satisfied with the exception of posting of financial security in the amount of \$95,000.00. Commissioner Goff moved to adopt Resolution R-2011-53 (full text available in Township Resolution Book) approving the TAJ Realty Group subdivision plan for Candlewood Suites. Commissioner Sidella seconded the motion and the motion carried unanimously.

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### 20. <u>Visitors Requests & Comments Regarding General Matters</u>:

Tom Connelly, 345 N. Harrisburg Street-commented on granting TIF's to businesses when they come into the Township and then later on the business files for a reassessment and reduces the amount of tax money paid to the Township. He also commented on the Township doing snow maintenance on TecPort walkways. Commissioner Moyer noted that TecPort does pay for this under a contract with the Township. Mr. Connolly also has concerns about granting a TIF to Swatara Marketplace and having that turn around later.

## 21. <u>Commissioners Requests & Comments:</u>

<u>Commissioner Milakovic</u>-- thanked Commissioner Zalek, Commissioner Spagnolo, and Mr. Fure for their service to the Township. He also wished everyone a happy and safe holiday.

<u>Commissioner Zalek</u>-- thanked the constituents of the First Ward for allowing her to serve the community for the past four years. It has been an honor to serve with Tony Spagnolo and Richard Bouder. She thanked everyone for their patience and guidance and wished best of luck to Jeff Varner who will be the new Commissioner. Happy Holidays and a Happy New Year to everyone.

<u>Commissioner Bouder</u>— thanked Cyndie for her service and wished her good luck. To Tony—it's been a privilege having you on this Board. You're Mr. Swatara; you're a wealth of knowledge to this Township and will be sorely missed. I'm privileged to call you a friend; good luck to you.

<u>Commissioner Moyer</u>— asked about the action item on the Clown Park backstop. Administrator Cornell will give him a copy of the paperwork.

He thanked the Police Department and was happy to see the presentations tonight. Commissioner Moyer appreciates what Cyndie and Tony have done on the Board and wished them both good luck.

To address some concerns about the tax increase--remember the Board members are residents too. We have struggled with the Budget; revenues are down and things had to be given up. When residents are asked do you want to cut police or fire services, they say no. On the bridge project mentioned, the \$250,000 gets us \$850,000; so the investment makes sense before we are faced with emergency repairs. Twenty years of no tax raises was good, but we were dipping into the reserve the whole time. Now the reserve is at the threshold that to maintain good bond ratings, we shouldn't be dipping into that anymore.

On the TIF, we all look at the reduced taxes, but the back end with the ability to bring businesses in and sustain businesses, that value needs to be looked at.

<u>Commissioner Sidella</u>—commented on the Bonnymead Bridge, which is in his ward. If the work's not done now, we'll be forced to replace it. This is an opportunity to

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have it replaced through the County with the Township paying for the engineering and site development at a cost of a quarter of a million dollars. We cannot let his opportunity pass us by. The bridge is damaged by years of flooding. He noted police incidents in his neighborhood and is not comfortable with taking

He noted police incidents in his neighborhood and is not comfortable with taking police off the streets in times like this. It's been the toughest decision he has to make. Commissioner Sidella wished best of luck to Commissioner Spagnolo and Commissioner Zalek; it's been an honor to serve with you.

<u>Commissioner Spandler</u>—commented on the Police force and the work they are doing—over 1,500 calls last month. He is glad to be able to hire two officers to fill vacancies.

Commissioner Spandler asked Administrator Cornell to contact Norfolk-Southern and PennDOT regarding reflective paint or signs on Milroy Road bridge abutment. Commissioner Spandler thanked Cyndie for serving as his neighboring Commissioner. He thanked Tony and remembered how Tony shared his knowledge of the Township with incoming Commissioners.

<u>Commissioner Goff</u>-- thanked Don Fure for his years of service on the Planning Commission. Commissioner Goff noted he has appointed Frank Rubinic to serve on the Planning Commission.

Commissioner Goff thanked Chief Umberger for his excellent leadership in the past year in the Police Department.

He thanked Tony for serving the Township all these years and wished him a happy retirement. He also thanked Cyndie and has listened to and appreciated her woman's point of view.

<u>President Berard</u>— also thanked Cyndie and Tony for their service. He recalled the first time he met Tony with his heavy briefcase of old papers. He thanked Tony for his expertise and sharing of knowledge.

President Berard will address the budget concerns with a letter at the next meeting. He thanked the Board for the hard work on the budget; everyone was involved in the process and is very knowledgeable about it.

<u>Commissioner Spagnolo</u>—wanted to thank the Board, Township staff, and Solicitor Wion, who has been here longer than anyone. He thanked Don Fure for the personalized notes from the Planning Commission members and asked Jackie to convey his thanks back to them. He thanked Jackie and Samantha for the work they are doing.

He went through some documents in his suitcase, which he will be giving to john Weikle. They included Spring Creek studies, drainage studies, letters from Alexander Boyd and Union Deposit Corp., Gibson Boulevard study, Southeast Drainage Basin, the widening of Derry Street, reapportionment, a County solid

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waste plan, sedimentation in Spring Creek, the Greenway, and proposed development of the Smith land.

## 22. <u>Correspondence</u>:

- A. <u>Representative John Payne</u> letter received 12/13/11 regarding <u>Meeting with PennDOT</u>.
- 23. <u>Action Items</u>: The following Action Items were noted:
  - --Provide printed copies of December 7 Minutes to Board for approval at December 29 Special Meeting.
  - --Administrator Cornell- send copy of engineer's report to Mr. Dan Colestock.
  - --Post the revised Proposed 2012 Budget on the Township Website.
  - --Verify remaining gaming grant funds and put figures in letter to Gaming Board for additional work at Swatara Fire Station #1.
  - --Copies of paperwork on Clown Park backstop given to Commissioner Moyer.
  - --Administrator Cornell-contact Norfolk-Southern and PennDOT to paint Milroy Road Bridge abutments and sides with reflective paint.
- 24. <u>Adjournment</u>: Commissioner Spagnolo moved to adjourn, seconded by Commissioner Zalek and carried unanimously. The Regular Meeting II adjourned at 9:25 PM.

Dolores M. Rubinic, Township Secretary