

MINUTES

LEGISLATIVE MEETING – FEBRUARY 16, 2022

The February 16, 2022 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Jon G. Wilt.

Roll call was taken, with the following officials in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner (via Zoom)
- Elizabeth McBride, Manager
- Michael McAuliffe Miller, Eckert Seamans, Solicitor
- Shawn Fabian, HRG
- Don Fure, Director of Codes and Planning (via Zoom)
- Kaylee Justice, Planning and Zoning Coordinator (via Zoom)
- Dominic Visconti, Chief of Police

Absent: Jean R. Arroyo, Secretary

Residents and visitors in attendance: (see attached sign in sheet)

PRESENTATION OF SKETCH PLAN: THE COLONY AT OLD RELIANCE

Ben Heisey, R.J. Fisher & Associates, engineer for the Sketch Plan of The Colony at Old Reliance, presented an overview of the plan. The property is located off the southside of Longview Drive. Proposed are 82 single family lots and 42 duplex lots. Associated with the plan will be six local streets with two access points onto Longview Drive. A number of stormwater infiltration basins will be scattered throughout on either side of the stream that runs through the property. Because the property slopes to the middle from both sides, there will have to be a pumping station located toward the center of the property. This will move the sewage to a force main to the development to the west and tie-in at Pheasant Run Road. Mr. Heisey noted that there has already been some discussion with Ms. Justice on zoning questions, as well as coordination with PPL on the two major transmission lines that run through the center of the property. Mr. Heisey asked if the Board had any questions on the sketch plan.

Commissioner Davies asked who the engineer is representing. Mr. Heisey explained they are representing Ron Burkholder, the owner of the property. Commissioner Davies asked if he is

also the developer of the property. Mr. Heisey responded he is not. The developer will be Keystone Custom Homes.

Mr. Heisey added that he failed to mention something that the Planning Commission had brought up. There is a curve on Longview Drive on the northwestern corner of the property that has a pretty tight radius and has been a concern with accidents in the past. This plan will propose to make a wider radius around that to make it less hazardous. Commissioner Paul asked if these improvements will be made as part of this plan and whether they will extend and connect with the other development (Old Reliance Farm). Mr. Heisey explained he is not sure they are going down the whole way. There is a specific section of right of way as part of the development to the west that was widened already. The plan is to provide a wider right of way that connects to that seamlessly, and then provide the improvement to the point of that wider right of way. He stated he does not believe it extends that entire length to their other entrance. In response to a question from Commissioner Paul, Mr. Heisey explained he believes it will be a full width construction through the curve that will be reconstructed, and probably more of improving a half width along the frontage of the site along the street. Commissioner Paul stated he assumes that these units will be facing the interior roadway. He asked if there will be some type of screening or protection on the backside of those properties next to Longview Drive. Mr. Heisey stated he will need to look into the zoning to see what is required. There is already going to be a 30' strip.

Commissioner Davies questioned the northeast corner of the property, and something labeled Commercial SPFD lots. He asked Mr. Heisey to elaborate on what those lots will be designated and contain, and what the parking circumstances will be for those particular lots. Mr. Heisey explained this is one of the requirements within the ordinance for the Traditional Neighborhood design. A certain percentage is proposed as a commercial/single family dwelling lot. Probably the ultimate use of those lots will be just a single-family dwelling but the way it is set up allows for the potential for someone with an in-home business to set up on one of those lots.

Vice President Truntz asked if the roads will be dedicated to the Township. Mr. Heisey confirmed that is the intent. He also asked if off-street parking will be provided. Mr. Heisey stated there will be room within the driveways for the required parking. Ms. McBride asked if there will be room for two cars, bumper to bumper. Mr. Heisey responded there will not be.

Typically, a two-car requirement would be one in the garage and one in the driveway. A two-car garage would be over and beyond that.

Commissioner Davies referenced the cul-de-sacs designated on the sketch and asked if they will be adequate for the use of emergency vehicles. Mr. Heisey explained this is something they will need to review. A truck turning analysis will be performed and sent to the Fire Chief for his review.

Commissioner DeHart asked if the water line will be brought from Strites all the way up Longview Drive. Mr. Heisey noted he has not yet reviewed the waterline connection in detail, although Suez was contacted to confirm its ability to service the property. Commissioner DeHart also asked about the widths of the interior roads. Mr. Heisey responded that he believes the interior roads are 32' wide. Commissioner DeHart asked if there are circles planned to place the snow during snow removal. Mr. Heisey agreed this will be reviewed, including a possible snow easement off those cul-de-sacs.

Commissioner Paul stated with all the open space, he assumes there is an HOP involved with this development. Mr. Heisey agreed there will be a Homeowners Association. Commissioner Paul asked if the HOP will also be responsible for the pump station. Mr. Heisey stated they have not gotten this far yet. It will depend on the direction of the Municipal Authority. The developer's first choice would be to dedicate it to the Township.

PUBLIC COMMENT:

Linda Raphael, 62 Wayne Avenue, stated she had received in today's mail the form to complete for FEMA regarding interest in a possible buyout. She has completed this form and assumes it is based on the paperwork Ms. McBride completed. Ms. McBride agreed this will all be submitted at one time; the end of the month is her deadline for submission. Ms. Raphael asked if there is anything else she needs to do to prepare for this. Ms. McBride responded not at this point. Nine people were contacted by mail, and she would like the forms sent back by next Monday. This is a completely voluntary commitment, and both the resident and Township can back out at any time.

Ms. Raphael also stated that last month, a representative from Republic Services was here. At that time, she had asked him a question about the need to call to request a large item pick-up. He had indicated no call was necessary. Ms. Raphael stated she has had a large item

sitting outside her home for almost a month now. Ms. McBride agreed to pass this on to the hauler. She suggested that in the future, it may be helpful to call them beforehand and alert them that an item is being placed out for bulk item collection.

Dale Messick, Greenfield Drive, presented an article he recently read in the Philadelphia Inquirer. The article states some road salt is making the PA streams saltier than the ocean. It is enough to kill wildlife and fish in the streams. Since the Township is very involved in the MS4 program, this article might be useful to staff. Vice President Truntz questioned the cost of using environmentally safe products, noting he just signed a check for \$15,500 for salt. Mr. Messick stated he is unsure. He noted it appears cinders are not mixed with the salt anymore, since everything looks white. Again, he suggested it might be something to look into.

APPROVAL OF MINUTES:

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the Minutes of the February 2, 2022 Workshop Meeting. The motion was unanimously approved.

PAYMENT OF BILLS:

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve the Payment of Bills – Warrant No. 2022-01. The motion was unanimously approved.

TREASURER'S REPORT:

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the Treasurer's Report for January 2022. The motion was unanimously approved.

PUBLIC SAFETY REPORTS:

Police Department

Chief Visconti provided a summary of the monthly statistics for January. There were 20 Part I crimes, 35 Part II crimes, 386 calls for service, 4 DUI arrests, 19 traffic citations, 2 non-traffic citations, and 53 warnings. There were 15 motor vehicle accidents, 7,441 patrol miles driven, and 2,182 foot patrol minutes. There were 261.5 total overtime hours, and 32 total

training hours. Vice President Truntz asked if the foot patrol is mostly done in the schools. Chief Visconti confirmed that is correct. President Wilt asked if there is a breakdown on foot patrol hours spent in the actual streets. Chief Visconti stated he can begin providing this information beginning with the February monthly report.

Fire Department

Chief Phillips presented the monthly statistics' report. During the month of January, there were 41 calls. There were approximately 27 hours of time in service. Mutual aid was provided to various neighboring municipalities, including Harrisburg City (3), Highspire Borough (4), Hummelstown Borough (1), Londonderry Township (1), Middletown Borough (2), Royaltown Borough (1), Steelton Borough (4), and Swatara Township (2).

MS4 Report:

DEP acceptance of Annual Report (Permit Year #3)

Ms. McBride reported that Brian Davis, MS4 Coordinator, had submitted the Annual MS Report during the summer months, and it has now been accepted by DEP.

ENGINEER'S REPORT:

Mr. Fabian updated the Board on the 2021 drainage improvement project. The SUE work on Spring Garden and Nissley was completed, and final design is being completed in order to add this to the change order package. The contractor hopes to start the project in March if all easements are obtained in time. A substantial completion walk through for the Rosedale Manor project is scheduled for this Friday to review the punch list of outstanding issues in order to issue the substantial completion certificate. The Township did receive comments from Rettew on the Highspire easement drawing. Most of them are clarification requests or additional stabilization requests. These should be easy to accommodate. Mr. Fabian explained his plan is to respond to those comments and have a revised drawing with those clarifications. Hopefully the easement can then be signed, and the outfall situation at the end of Hanover can be addressed. Some progress was made on reviewing and finalizing additional claims for the project. The substantial completion date in the contract was well before the actual completion date and final completion has not yet occurred. There is a liquidated damages clause within the contract; the contractor should be put on notice about that, and it can be included as part of the claim's negotiations.

Commissioner Davies questioned the Hanover Street outlet work and whether it will be let out as a separate contract or will be part of the Doli contract. Mr. Fabian explained that depends on whether the Doli contract is still active at the time that work moves forward. If the Doli contract is wrapped up first, it will need to become a separate contract.

Commissioner DeHart asked the status of the playground at Market St. Ext. Mr. Fabian responded that besides the demobilization and the cleanup of the area for stabilization, there are a number of checklist items for them to attend to such as bench replacements. He has not received a timeline for this yet but will question that at the walk through this Friday. Commissioner DeHart commented that they destroyed the playground; this needs to be addressed.

Commissioner Paul asked if the drainage improvements at the end of Hanover are still incorporated into the original financing. Mr. Fabian explained that they have been paying for what has been installed in the fields, so anything that is done would be a revision to that active contract. Commissioner Paul asked if funding would come out of that PennVest loan. Mr. Fabian confirmed that is correct. Commissioner Davies questioned if the funding would come out of that regardless of who the contractor is. Mr. Fabian anticipated that would all depend on the timing. If the Doli contract closes and final completion is done and the Township is still months away from the Hanover work happening, there would need to be a decision made on whether to extend the contract to allow for that work to happen as a change order or to let it out separately.

Mr. Fabian reported that he and Mr. Washinger recently met to discuss the 2022 Paving Plan. Revised recommendations were made, and some review was done with Commissioner Paul. Those finalized recommendations were prepared a few days ago, but all commissioners have not had a chance to review those yet. This can be further discussed at the March workshop meeting. Solicitor Miller agreed the entire Board should review these prior to approval.

The boating facility grant application is progressing; the HOP and scope of services are on tonight's agenda for formal approval. HRG did reach out to PennDOT to schedule that scoping meeting in order to keep that project moving along.

There was some communication regarding the RACP Grant for Shireman Park with HRG's financial team and Ms. McBride to see what potential grants are out there, timing of the business plan development, and how to finalize the scope for actual design and permitting of that site.

Mr. Fabian reported he did follow up with HRG's transportation team regarding the North Union Street speed study. This is on schedule, and completion will be done by April 2, 2022.

Commissioner Paul referenced the Shireman Park and asked if the Township is delaying things by seeking additional grants. Mr. Fabian confirmed that is correct. From his understanding, once the Township starts putting the business plan together, it needs to have an idea on what the project is, where the funding sources from the project are coming from, and what the ask is from the RACP. The Township did, several months back, have additional requests on the line item that is already approved by the Office of Budget – a \$1,050,000 line item of which \$300,000 was awarded for the job -- just to see if they would release any additional funds for that. This is what is generating some of the extensions processes for preparation of that business plan. Ms. McBride added that because this project was estimated to be over \$2,000,000, in two parts, she is not sure if that is being held against the Township. She does not know if the \$300,000 is tied into a \$2,000,000+ project or tied into Phase 1 which is less than \$1,500,000.

Commissioner Davies questioned the Bryn Gweled infrastructure replacement design and permitting and asked if a rush could be put on this project. The longer it takes for this to be nailed down, the longer it will be before paving can be placed. Mr. Fabian stated he is about 90% complete on all the scoping and actual replacement strategy and permitting. He noted his intent is to have this available for the Municipal Authority's next meeting. Ms. McBride asked Mr. Fabian to request an estimate on how long it will take to get a permit. Mr. Fabian agreed to do so.

MANAGER'S REPORT:

Ms. McBride reported the complaints regarding the new trash collector are lessening but are still probably more than they should be seven weeks in. She noted she will wait a few more weeks to see if there is a drop-off. Ms. Arroyo had received a call today from a resident who called Republic about a bulk-pick up and was told by the call center that the pick-up would be scheduled for mid-April due to a truck shortage. The Township's contact at Republic confirmed that was completely false information and the pick-up was scheduled. Ms. McBride stated there seems to be some confusion with municipal contracts at the call-center. There is a clause in the contract that if the Township does not feel the hauler is performing satisfactorily, a meeting can be held to discuss this. Ms. McBride added that before accepting the contract with Republic, she did speak to references, including Hummelstown Borough, and they were well pleased with their services.

Ms. McBride stated she feels that Chief Visconti has handled the situation with the School District well. There are no reports yet from the investigation.

Future Meeting Dates

President Wilt read aloud the list of future meeting dates:

February 23	7 PM	Zoning Hearing Board Meeting
February 24	7 PM	Planning Commission Meeting
February 28	7 PM	Municipal Authority Meeting
March 2	7 PM	Board of Commissioners' Workshop Meeting

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul reported that the Lower Swatara Township Neighborhood Cruise is scheduled for May 7 beginning at 2:00 P.M. at the Old Reliance playground. It will conclude at the Lower Swatara Fire Department. This is a drive-around of classic/antique cars. President Wilt asked if there will be any food trucks at the fire station. Commissioner Paul stated he does not believe so but noted everyone is encouraged to get a bite just down the road at Angelina's.

Budget and Finance Committee: Commissioner Davies – no report

Public Works Committee – Vice President Truntz reported that the Township is well stocked on salt. The crew has been washing/waxing vehicles and equipment. Vice President Truntz stated he is pleased to see that the chair lifts on the commissioners' chairs are being replaced.

Community Development: Commissioner DeHart reported that MARA will be meeting next week. He will report back on what transpires.

Personnel Committee: President Wilt – no report

UNFINISHED BUSINESS: None

NEW BUSINESS:

Addendum to agenda: Resolution No. 2022-R-5

Solicitor Miller stated there is a potential amendment to the agenda: a motion to approve/reject/table Resolution No. 2022-R-5, HMGP Hazard Mitigation Planning Grant Attachment 1, Designation of Agent Resolution, authorizing Elizabeth McBride, Township Manager, and/or Shawn Fabian, HRG Engineering, to execute for and in behalf of Lower Swatara Township all required forms and documents for the purpose of obtaining financial

assistance for the Hazard Mitigation Grant Program (HMGP) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288 as amended by Public Law 100-707). Ms. McBride explained this is needed for the grant submission. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to amend the agenda to take action on Resolution No. 2022-R-5, with the acknowledgement that (1) this is a FEMA matter that has been on the radar screen for awhile now, and (2) this does not involve any expenditure of Township funds. The motion to amend the agenda was unanimously approved. Solicitor Miller stated this is the appropriate time for any audience member to comment on this additional agenda item. There were no comments offered. A motion was then made by Vice President Truntz, seconded by Commissioner Paul, to approve Resolution No. 2022-R-5 as previously read into the record. The motion was unanimously approved.

Financial Security Adjustment #3 for Buddy's Run

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve Financial Security Adjustment #3 for Buddy's Run (LST Plan 2017-05) in the amount of \$86,574.37 from the current amount of \$159,399.87, leaving a balance of \$72,825.50. The motion was unanimously approved.

Retainer Agreement w/HRG re: Fulling Mill Road Boat Launch Parking Area

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve a Retainer Agreement for HRG to perform traffic and transportation support, bidding, contract administration and construction observation services for the proposed Fulling Mill Road Boat Launch Parking Area for a lump sum fee of \$25,000. The motion was unanimously approved.

Application #8 to DOLI Construction

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve recommendation to Lower Swatara Township Municipal Authority to approve Application for Payment #8 in the amount of \$184,440.60 to DOLI Construction, Inc for the Rosedale Manor Drainage Improvement Project, based on the February 8, 2022 letter of recommendation from HRG. The motion was unanimously approved.

Ordinance No. 599

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve Ordinance No. 599. This ordinance amends Section 15-210 (Stop Intersections) of Part

2 (Traffic Regulations) of Chapter 15 (Motor Vehicles and Traffic) of the Code of Ordinances of Lower Swatara Township to add a stop intersection relating to the Morgan's Run Subdivision. A roll call vote was taken with the following ballot tabulation: Commissioner Davies -- aye, Commissioner Paul -- aye, Commissioner DeHart -- aye, Vice President Truntz -- aye, President Wilt -- aye. Ordinance No. 599 was unanimously approved.

Compensation to Lower Swatara Fire Dept. for housing ambulance and crew

The Board discussed compensation to Lower Swatara Township Fire Department for housing the ambulance and crew. Vice President Truntz explained that he and Commissioner DeHart are the Fire Department liaisons. They met with Fire Department President Leonard a few weeks ago to address an ongoing concern from the Fire Department pursuant to the Township's agreement with the Life Lion Penn State ambulance service. The Township is required to provide them housing as part of this agreement. Over the years, they were housed in the public works building, but eventually relocated to the Fire Department. This does seem to make more sense from an EMS perspective. However, it places a financial burden on the Fire Department as far as taking space, heating and cooling costs, general utilities, maintenance, etc. All this burden has been on the Fire Department itself. The Fire Department is already struggling with lack of volunteers and loss of revue due to covid. President Leonard had a consultation with a commercial realtor who was able to evaluate the space. The fair market value for that space was estimated at \$900/month. Vice President Truntz stated the Township's contract with Penn State is up in October of 2023, and there should be discussion then about assistance for this cost. In the meantime, it seems unfair for the Fire Department to carry this burden. He suggested the Township agree to a payment of \$1,000 a month.

President Wilt commented that he agrees with Vice President Truntz. However, he noted it should be up to the EMS to kick in funds since they were the ones who insisted they go to the Fire Department. He added that he had previously spoken to the EMS staff who were housed at the public works shed, and they were quite pleased with that facility. Vice President Truntz agreed the Township should contact the EMS to ask for a contribution. Commissioner DeHart stated that in some areas of this state, the EMS pays to take care of a separate area. This is something to think about.

A motion was made by President Wilt to pay the Fire Department \$12,000 a year to cover the lost rental revenue, maintenance, utility costs, etc. Ms. McBride asked if this is pro-rated or

will be a \$12,000 contribution for 2022. The Board agreed that the entire \$12,000 should be paid this year. Solicitor Miller asked if the Board's intent is to do a lump sum payment or monthly installments. President Leonard commented that it does not really matter to the Fire Department. Ms. McBride suggested a lump sum payment in March and September. Dale Messick asked who will contact Penn State and how that will be accounted for if they do kick in money. Solicitor Miller anticipated it will be a combination of he and Ms. McBride reaching out to Penn State. He added that Penn State will mostly likely want to wait and address this in the next agreement. Commissioner Davies stated he would be happy to make the second to the motion but questioned if there is a specific budget segment that these funds will be taken from. President Wilt surmised it will be from the General Fund. Ms. McBride stated she will look into this and report back at the next meeting. The motion was unanimously approved.

President Leonard stated the Fire Department sincerely appreciates this support, as the funds they ordinarily receive have gone down significantly over the last three years.

Retirement of Randall Richards

Ms. McBride stated that this evening's agenda includes a motion to approve the retirement of Randall Richards and application for DROP effective February 5, 2022. She explained that in June, Officer Richards had sent her an email stating he was going to retire in February and enter the DROP. In response to a question from Vice President Truntz, Ms. McBride explained DROP refers to Deferred Retirement Option Program. Solicitor Miller added that the DROP is a program that was negotiated with the police association. It gives the Township the opportunity to know the police officer's end of service date so a planned replacement can be sought. Essentially, entering the DROP allows an officer to start earning the pension payment that goes into an escrow account, but the officer continues working for the Township at the same time. It allows the officer to draw from the pension and allows the municipality to get a certain date of retirement. The program benefits both the officer and the Township.

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the retirement of officer Randall Richards and application for DROP effective February 5, 2022. The motion was unanimously approved.

Executive Session requested:

Ms. McBride requested an executive session immediately upon conclusion of this evening's meeting for personnel and legal issues.

FINAL COMMENTS:

Commissioner DeHart thanked the Board for its financial assistance to the Fire Department. While not a lot of money, it will help cover some of their costs. He thanked the Fire Department for its service.

Commissioner Davies also thanked the Fire Department for all it does, and noted the Board is happy to help out this way. He expressed appreciation to Officer Richards for his service. While the Board regrets accepting his retirement, it is good to know that he will be around for a few more years. Commissioner Davies added it will take some time to replace someone with his experience. Commissioner Paul agreed.

Vice President Truntz also thanked Randy Richards, a good and loyal officer to the Township. He added the Township is happy to help the Fire Department. The report from the study done of the Fire Department will soon be finalized and presented to the Board. He anticipated some financial changes will be necessary; more will be forthcoming.

President Wilt thanked everyone for their participation tonight and thanked both Officer Richards and the Fire Department for their service.

ADJOURN INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner Davies, seconded by Commissioner Paul, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:00 P.M.

ATTEST:

Ronald J. Paul
Assistant Secretary

PLEASE PRINT NAME CLEARLY

FEBRUARY 16, 2022 LEGISLATIVE MTG. – 7 PM

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