

## MINUTES

### LEGISLATIVE MEETING – MARCH 20, 2024

The March 20, 2024 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
- Michael J. Davies, Commissioner
- Ronald J. Paul, Assistant Secretary
- Christopher DeHart, Commissioner
- Zachary Border, Manager
- Jean R. Arroyo, Secretary
- Laura Kurtz, Eckert Seamans, Solicitor
- Shawn Fabian, HRG
- Richard Snyder, Planning and Zoning Coordinator
- Daniel Tingle, Acting Chief of Police

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

President Wilt welcomed everyone to the meeting and announced that the Board had met in executive session this past Monday, March 11, for personnel reasons. He then opened the floor for public comment.

PUBLIC COMMENT: None

#### APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Minutes of the March 6, 2024 Workshop Meeting. The motion was unanimously approved.

#### PAYMENT OF BILLS:

A motion was made by Commissioner Paul, seconded by Vice President Truntz, to approve the Payment of Bills – Warrant No. 2024-2. The motion was unanimously approved.

## TREASURER'S REPORT:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Treasurer's Report for February 2024. The motion was unanimously approved.

## PUBLIC SAFETY REPORTS:

### Police Department

#### *Activity Report*

Acting Chief Tingle presented the summary of the monthly statistics for February. There were 10 total vehicle accidents, 5,396 patrol miles driven, and 0 foot patrol minutes. There was 379.50 total overtime hours and 8 training hours. Co-responder stats included 4 new contacts, 0 repeat contacts, 0 follow-up contacts, and 2 voluntary mental health commitments. There were 5 Part I crimes, 18 Part II crimes, 386 calls for service, 21 cases, 1 DUI arrest, 68 traffic citations, 6 non-traffic citations, and 106 warnings.

Commissioner DeHart asked when the Township plans to advertise for new police officers. Acting Chief Tingle explained that the current process needs to be concluded first. The Civil Service Commission is scheduled to meet April 2; the candidates will be presented to them for recommendation to the Board. Once that is done, there needs to be discussion between the Board and Union about sending candidates to the Academy to broaden the selection. At this point, the Township will probably miss the fall academy which starts in July. Commissioner DeHart asked if there is any way, in the meantime, to go there and recruit. Acting Chief Tingle agreed this may be a possibility.

Vice President Truntz commented, for the record, that the Board is still looking for a chief to replace former chief Dominic Visconti. There was a candidate who the Board offered the position to, but that candidate declined.

### Fire Department

Deputy Chief Taylor presented the Fire Department's monthly statistics. During the month of February there were 48 total calls with 22 responders, an average of 4 personnel per incident. Total time in service was approximately 23 hours. Incident breakdown is as follows: 9 fire incidents, 5 Rescue and EMS incidents, 1 service call, 20 good intent calls, and 8 false alarms. Mutual aid was provided to East Hanover Twp. (1), HIA (1), Highspire Borough (2), Hummelstown Borough (2), Londonderry Twp. (1), Lower Paxton Twp. (1), Middletown

Borough (4), South Hanover Twp. (1), Steelton Borough (3), and Swatara Twp. (13).

Commissioner Davies asked when Swatara Twp. will be fully equipped again. Deputy Chief Taylor explained the Chambers Hill engine is being outfitted. However, the high number of mutual aid calls is not due to the rescue being out of service, but because Lower Swatara is providing assistance, primarily in the Chambers Hill Area, on fire alarms. The response matrix has changed; Lower Swatara is responding to more mutual aid incidents.

Vice President Truntz reported that he and Commissioner DeHart have been working with the Fire Department over the last year on the lease relationship with the firehouse. Payments have been suspended; the Fire Department was paying the Township \$81,000/year to rent the firehouse. The Board agreed to dispense with that. The original lease provided that the firehouse would eventually revert to the Fire Department. That was changed so that the firehouse would be retained by the Township and be a Township-owned building; maintenance would be performed by the Township. A Memorandum of Understanding lays out the basic concept and amends the lease. Each side has tentatively agreed to it, and the document is now being reviewed by the Solicitor for subsequent review and approval by the Board. Commissioner DeHart added that the Board is also working on drafting an ordinance to provide some tax relief to emergency services volunteers who have homes or work/live in the Township. This is still in progress, but it is hoped to be in effect for next year.

#### ENGINEER'S REPORT:

Mr. Fabian updated the Board on the Rosedale Avenue Culvert Replacement Emergency Project. Due to the forecast, the contractor has attempted to accelerate the schedule in order to reopen the road as soon as possible. The guardrail is the last remaining piece that needs to be worked through; that work is tentatively scheduled for March 28.

The contractor for the Bryn Gweled Infrastructure Replacement Project is looking at the week after Easter to mobilize to the site and finish the paving. A preconstruction meeting for the 2023 Drainage Improvements Project (Nissley & Spring Garden, Woodridge Basin Tie-In Off of Spring Garden) is scheduled for this Friday. A schedule will be requested, and the timeline will be provided to the Board at the April workshop meeting. Preliminary designs continue to be advanced for the 2024 CIP Stormwater Improvement Project (Burd, Richard & Nissley Storm Sewer Replacement, Lumber St. Storm Sewer Replacement, Richardson Road Stream Restoration &



Lakeside Dr. Storm Sewer Replacement). The design of the stream restoration has been prioritized since it has the longest permitting timeline. On the agenda tonight is HRG's scope of work for services associated with the Hazard Mitigation Grant Program (home buyout through FEMA). These are services required of HRG to administer and execute this grant for the home demolition and site restoration work. It is anticipated that the Whitehouse Lane Weight Restriction Study will begin next week.

Commissioner DeHart asked if a fire hydrant was included in the bid for Shireman Park. Mr. Fabian responded it was not; there does need to be some logistics worked through as far as water and irrigation on the site. Commissioner DeHart stated that a fire hydrant is a necessity to water the fields and can perhaps be an add-on to the contract.

#### MANAGER'S REPORT:

##### *Phone System*

Mr. Border reported that staff has been having some issues with its fax machine and phone system and is looking into different systems. In response to a question from Commissioner DeHart, Mr. Border confirmed that he is reviewing the lease agreement on the current phone system.

##### Future Meetings/Events:

March 21	7 PM	Planning Commission Meeting
March 25	7 PM	Municipal Authority Meeting
March 27	7 PM	Zoning Hearing Board
March 29	7 PM	Good Friday Holiday – Twp. Offices Closed
April 2	2 PM	Civil Service Commission Meeting
April 3	7 PM	Board of Commissioners' Workshop Meeting

#### COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul – no report

Budget and Finance: Commissioner Davies – reported that both the Uniformed and Non-Uniformed pension boards met last evening to get an update from its professionals; everything appears to be going well.

Public Works Committee: Vice President Truntz reported that new carpeting was installed in the Police Department. The crew did some pothole filling on Stoner Drive, as well as prep work on the ballfields. The Township dumpster was open this past Saturday and was very busy.

Community Development: Commissioner DeHart – no report

Personnel Committee: President Wilt – no report

UNFINISHED BUSINESS: None

NEW BUSINESS:

McNaughton Properties, Inc. Application for Amendment to Zoning Map

Attorney Adam DeBernardis, McNees Wallace & Nurick, presented to the Board a request by McNaughton Properties, L.P. to forward its Application for Amendment to the Zoning Map to the Township Planning Commission and the Dauphin County Planning Commission. The amendment would rezone 235.8 acres of land situated off of Fulling Mill Road, north of Route 283 and south of Oberlin Road, to Residential Suburban and Residential Urban. Vice President Truntz asked if multi-family dwellings are permitted in the Residential Urban district. Attorney DeBernardis stated he is unsure of the specifics; tonight's request is simply an administrative step to forward this application to both planning commissions for review and recommendation. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve a request by McNaughton Properties, L.P. to forward its Application for Amendment to the Lower Swatara Township Zoning Map to the Lower Swatara Township Planning Commission and the Dauphin County Planning Commission. The motion was unanimously approved.

Preliminary/Final Subdivision Plan for LHT Highspire Terminals

Scott Aikens, Aikens Engineering, presented the Preliminary/Final Subdivision Plan for LHT Highspire Terminals. There are three waiver requests associated with the plan. The Planning Commission recommended approval of one waiver request (§22-404: Preliminary Plan), and deferral of two waiver requests (§22-606: Curbs and §22-607: Sidewalks). Mr. Aikens explained this is a fairly simple plan to consolidate the parcels owned by LHT on South Eisenhower Boulevard and then subdivide off the lower portion, about 3.8 acres, to be sold as a separate development. Commissioner Paul asked Mr. Aikens the proposed use. Mr. Aikens explained that there is no perspective buyer at this point. Vice President Truntz asked if they plan to put in any new infrastructure or tanks. Mr. Aikens responded they do not. Commissioner DeHart asked if there will still be access out of the back gate. Mr. Aikens



explained that will be gone. In response to a question from Commissioner Paul, Mr. Aikens stated this property is zoned Industrial.

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the waiver request for §22-404: Preliminary Plan and approve deferral of §22-606: Curbs and §22-607: Sidewalks. The motion was unanimously approved. With the waiver request and deferrals granted, a motion was then made by Commissioner DeHart, seconded by Commissioner Paul to approve the Preliminary/Final Subdivision Plan for PC#2023-10 LHT Highspire Terminals. The motion was unanimously approved.

#### Final Land Development Plan for Union Knoll

Nicholas DiSanto, Triple Crown, presented the Final Land Development Plan for PC#2023-08 Union Knoll. Approval is being sought tonight subject to the following three conditions: the applicant (1) addressing any, and all outstanding comments, (2) including a plan note regarding the lack of available sanitary sewer capacity, and (3) finalizing a Developer's Agreement, as approved by the Solicitor, acceptable to Lower Swatara Township. Mr. DiSanto stated that they have worked with the Township to get to this point and are in agreement with the conditions of approval, as previously stated.

Commissioner DeHart asked if this approval will allow them to start building. Mr. DiSanto explained that they came to an agreement that they will wait until the sewer project moves forward. Commissioner Davies asked if the frontage of the property will have curbing along Route 441. Mr. DiSanto confirmed that it will. Commissioner Davies asked if the sidewalk was deferred. Mr. DiSanto explained they ended up putting a path outside of the right of way that parallels and goes above the storm basin. It provides interconnectivity and keeps it off Oberlin Road so that pedestrian traffic is not right down along the hillcrest. Commissioner DeHart asked if there is a crosswalk provided. Mr. DiSanto confirmed that there is. Commissioner DeHart asked if there will be flashing lights at the crosswalk. Mr. DiSanto stated that was not part of the discussion with PennDOT or the School District. Commissioner Paul commented that as a previous Township Manager and on the Planning Commission for many years, he hates to see conditional approvals, especially when sewer is involved. He expressed hopes that legal counsel has things buttoned up to protect the Township. Solicitor Kurtz stated that she had spoken to Solicitor Diamond, and he is very comfortable with this conditional

approval. Mr. DiSanto added that Triple Crown has proven its commitment to work with the Township and will continue to do so.

Mr. Snyder addressed improvements along Route 441 and stated that the Township recently received the HOP which is currently under review by PennDOT, Township staff and the Township engineer. Improvements such as crosswalks, curbing, drainage, signalization, etc. will all be done as part of the HOP process. In turn, the HOP permit is required to be in-hand before the plan gets recorded at the courthouse. The plan has a note box on multiple pages regarding that. The Solicitor feels that as long as that note-box is in place stating that improvements along 441 will be done through a separate HOP plan, the Township has the right and ability to make a decision on the plan tonight without the HOP being completed yet.

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the Final Land Development Plan for PC#2023-08 Union Knoll, subject to the following three conditions: the applicant (1) addressing any, and all outstanding comments, (2) including a plan note regarding the lack of available sanitary sewer capacity, and (3) finalizing a Developer's Agreement, as approved by the Solicitor, acceptable to Lower Swatara Township. The motion was unanimously approved.

#### Financial Security Adjustment #2 for 250 Fulling Mill Road

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Financial Security Adjustment #2 for PC#2020-03 250 Fulling Mill Road, in the amount of \$14,705, leaving a zero balance. The motion was unanimously approved.

#### Application for Payment #1 for the Rosedale Ave. Culvert Replacement Project

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve Application for Payment #1 for the Rosedale Avenue Culvert Replacement Project to York Excavating Co., LLC. in the amount of \$72,119.61. The motion was unanimously approved.

#### Change Order #1 for the Rosedale Ave. Culvert Replacement Project

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve Change Order #1 for the Rosedale Avenue Culvert Replacement Project in the amount of \$4,498.73 for additional guardrail installation beyond what is currently scoped. This change order is under the 10% contingency amount. The motion was unanimously approved.



#### HRG Retainer Agreement for 2024 Hazard Mitigation Grant Program Award

Mr. Fabian presented a Retainer Agreement with HRG for 2024 Hazard Mitigation Grant Program Assistance in the estimated amount of \$56,400 plus reimbursables. These are services required for HRG to administer and execute the grant for the home demolition and site restoration work for five homes (four in Jednota Flats and one on Swatara Creek Road) that are part of the home demolition program through FEMA and administered by PEMA. There is approximately \$37,000 that has been set aside for coverage of some of these costs under the grant. Commissioner DeHart recommended that during the process, if any of the homes are cleared of asbestos, there be some discussion regarding their use for Fire Department training. A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve a Retainer Agreement with HRG for 2024 Hazard Mitigation Grant Program Assistance in the estimated amount of \$56,400 plus reimbursables. The motion was unanimously approved.

#### O&M with the LST Municipal Authority relative to the Richard Shireman Park project

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the entering into an Operation and Maintenance (O&M) Agreement with the LST Municipal Authority relative to the Richard Shireman Park project. The motion was unanimously approved.

#### Conditional Approval of Fiddlers Elbow Culvert Replacement Project

Commissioner Davies referenced the bids for the Fiddlers Elbow Culvert Replacement Project and observed that there are rather dramatic differences in amounts. Mr. Fabian stated that the majority are fairly close. HRG's wastewater group has worked a good deal with the low bidder on this project and spoke highly of them. Commissioner DeHart asked where the funds will come from for this project. Mr. Fabian stated that remaining funds from the 2017 DCIB loan, about \$412,934,000, will offset most of the costs. Commissioner DeHart asked if the additional expense will negatively impact other planned projects. Mr. Fabian stated he could do an additional review with Mr. Border, since several projects came in lower than the initial budgeted amounts. Commissioner Paul clarified that this project was already budgeted; there was always the understanding that the left-over grant money would not cover the entire cost. A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the Conditional Award of the Fiddlers Elbow Culvert Replacement Project to Ankiewicz Enterprises Inc., for the Total Base Bid amount of \$599,096.00. The motion was unanimously approved.



### Conditional Approval of Richard L. Shireman Park Project

Mr. Fabian reported on the bid opening for the Richard L. Shireman Park Project. In addition to the base bid, there were two alternates for both play structures. There were five bidders, with the lowest coming in under budget. The low bidder, Horst Excavating, has decades of history executing similar work. Commissioner DeHart stated his understanding that this includes two softball fields, a walking trail, meadow areas, a pickleball court, but no sound barrier yet. Mr. Fabian confirmed this is correct. It also includes stormwater management, parking, and an access drive. Commissioner DeHart again expressed concern that a hydrant was not part of the bid. Mr. Fabian explained this could be added through a change order. President Wilt commented that if this bid is under budget, there should be funds leftover for the hydrant. Mr. Fabian stated the full-build cost estimate was 2.5 million; the probable cost of the base bid was 2.2 million. With a 10% recommended contingency, it should be about a quarter of a million dollars under budget. Commissioner DeHart referenced Alternate 1 and Alternate 2 and asked which one is for the play structure. Mr. Fabian explained that both are for play structures, each tailored to a different age group. Commissioner DeHart recalled discussions about delaying the purchase of the structures in order to explore possible grants for them. Mr. Fabian agreed this was discussed, but it was felt that if the pricing came back favorably, it would be cost effective to do it through one package. This bid did come back at a good cost. Commissioner DeHart suggested the change order for the hydrant be added. Mr. Fabian stated there are discussions underway about the water situation. He reminded the Board that the American Recovery Act funds need to be committed by the end of this year.

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the Conditional Award of the Richard L. Shireman Park Project to Horst Excavating for the Total Base Bid, including Alternatives #1 & #2, in the amount of \$2,046,679.90. The motion was unanimously approved.

### Requests for Proposals for STMP

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve issuing Requests for Proposals for the STMP (Strategic Management Plan). Mr. Border added that a new access control system could be included in the grant application. The motion was unanimously approved.

Separation of Employment between Township and Tammy Carter

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the separation of employment between Lower Swatara Township and Tammy Carter effective March 5, 2024. The motion was unanimously approved.

EXECUTIVE SESSION REQUESTED:

Vice President Truntz requested an executive session for personnel matters immediately upon conclusion of this evening's meeting.

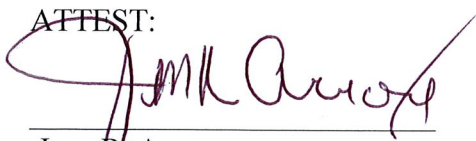
FINAL COMMENTS:

Commissioner DeHart thanked everyone for their efforts on the Shireman Project, which has been quite a lengthy process. Tax dollars did not fund this project. He stated he was glad to see the bid coming in under budget. Commissioner Davies also expressed his appreciation for everyone's work on this. He gave special thanks to Commissioner DeHart and Commissioner Paul for making sure this project was appropriately sized and streamlined in order to make it achievable. President Wilt added that he would also like to give HRG credit for their assistance during the process.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner Davies, seconded by Commissioner DeHart, to adjourn the meeting and convene into executive session. The meeting was adjourned at 7:53 P.M.

ATTEST:



Jean R. Arroyo  
Secretary



PLEASE **PRINT** NAME CLEARLY  
BOARD OF COMMISSIONERS  
MARCH 20, 2024 LEGISLATIVE MEETING (7:00 PM)

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