

MINUTES

NON-LEGISLATIVE MEETING – APRIL 1, 2020

The April 1, 2020 Non-Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Jon G. Wilt via Zoom.

The following officials were in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner
- Betsy McBride, Township Manager
- Jean R. Arroyo, Township Secretary
- Peter R. Henninger, Solicitor
- Shawn Fabian, HRG
- Ann Hursh, Planning & Zoning Coordinator
- Don Fure, Director of Codes & Planning
- Daniel Tingle, Sergeant

Residents and visitors in attendance through Zoom or by phone:

Laura Hayes (Press & Journal), Jim Rodgers, Dale Messick

President Wilt welcomed everyone to the meeting, and reported that it was being held through the Zoom computer program. The public can also participate tonight through the program or by phoning-in. He noted that a test run of the Zoom program was held earlier this afternoon at 1:00 P.M. Participants included all Commissioners with the exception of Commissioner DeHart, as well as Ms. McBride and Ms. Arroyo. No Township business was discussed.

Laura Hayes with the Press & Journal advised the Board that she is recording this meeting on her phone. Solicitor Henninger stated this is permissible under the law.

PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the Minutes of the March 18, 2020 Legislative Meeting. The motion was unanimously approved.

RESOLUTION NO. 2020-R-4:

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve Resolution No. 2020-R-4 authorizing an amendment to the articles of incorporation of the Municipal Authority of the Township of Lower Swatara, Dauphin County, Pennsylvania, extending the existence of the Authority for a period of fifty (50) years from the date of filing of the Articles of Amendment. The motion was unanimously approved.

ORDINANCE NO. 592

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Ordinance No. 592, an ordinance codification for Lower Swatara Township, providing for the continuation of previous provisions; repealing and saving from repeal certain ordinances not included therein; adopting certain changes made to previously adopted ordinances; and providing for the proper maintenance of the Code; and to provide penalties for the violation of the code or chapters thereof. Solicitor Henninger noted a roll call vote is necessary, unless the Board has questions prior to the vote.

Vice President Truntz stated that he just received the hard copy today and had not had a chance to review it. Commissioner Paul agreed. Ms. Hursh explained the copies provided shows what changes were made. Basically, it addresses typos and inconsistencies and revises fines. Vice President Truntz asked if the Board is under a deadline to act on the ordinance tonight. Solicitor Henninger explained that the ordinance was advertised for consideration tonight, but action could be continued until a future date, which could be the next meeting. He highlighted some of changes in this proposed recodification, such as elimination of references to the Shade Tree Commission, which has not been active for at least 30 years. Another change is that submission of subdivision and land development plans must be 28 days prior to a meeting as opposed to the current 14 days. It also requires that plans be submitted in digital format. Solicitor Henninger stated that it addresses inconsistencies, and is a clean-up job more than

anything else. Ms. Hursh explained that it does not address anything with the sign ordinance or the setback issues as a result of the Star Barn project. This is just a recodification, and does not include any major changes which need to be made to the ordinance. Both Solicitor Henninger and Ms. Hursh agreed that they are comfortable with the proposed ordinance.

Commissioner Paul asked if there are any municipal planning code updates. Solicitor Henninger stated there is one: the addition of a definition of No-Impact Home Based Business. Ms. Hursh added that Chapter 21 in reference to streets had some additions as far as street cut permits and clarifications.

With the motion and second already on the floor, President Wilt called for a roll call vote: Commissioner Davies – aye, Commissioner DeHart – aye, Commissioner Paul – aye, Vice President Truntz – aye, President Wilt – aye. Ordinance No. 592 was approved by a 5 – 0 margin.

RESIGNATION OF CHIEF OF POLICE VARGO

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to accept the resignation of Jeffrey Vargo as Chief of Police effective April 1, 2020. The motion was unanimously approved.

APPOINTMENT OF ACTING CHIEF OF POLICE

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the appointment of Daniel Tingle as Acting Chief for the Lower Swatara Township Police Department. The motion was unanimously approved. Acting Chief Tingle was congratulated.

PLANNING AND ZONING DEPARTMENT REPORT:

Ms. Hursh reported that permits have slowed down due to the shutdown of construction. The Hershey Creamery project has been shut down due to Governor Wolf's directive. Mr. Fure had asked UPS to shut down today, pending them providing the appropriate waiver letter.

Commissioner DeHart noted that UPS is exempt from this. Solicitor Henninger explained that UPS was relying on a letter from in-house counsel in Georgia that they were exempt and allowed to move forward. The only non-residential construction that is authorized to move forward under the Governor's Order, as amended, is for health care facilities. UPS feels that because they are

transportation/delivery and are exempt, construction of the facility would also be exempt. This is not the opinion of the UPS local counsel or this staff. They did agree to shut down operations today and secure the site, but will probably pursue a waiver from DCED. Solicitor Henninger added there is legislation being proposed to state that residential and nonresidential construction is essential. However, right now a waiver is necessary for these contractors. Commissioner DeHart noted that he has seen a lot of waivers from the Governor's Office in the Township. Mr. Fure added the site will be secured properly, and the Township will await receipt of the exemption paperwork from DCED. He added that as far as the UPS plans, there was only a footer foundation permit that was submitted and will be held up as of now.

Commissioner Paul asked if the staff had received the highway design plans and the final plans. Ms. Hursh agreed that the revised plans for North Union Street had been reviewed, and there will be letters of credit necessary as well as comments to address. Mr. Fabian added that the financial security has been reviewed, and a letter will be forthcoming. Ms. Hursh stated there are a lot of conditions to be met on the plan yet before it can be recorded and work can as start. The pump station location has not yet been determined or an easement obtained. Solicitor Henninger reported that he talked to their counsel this afternoon after they had received the stop work order. He had previously informed them that there was little appetite from this Board to allow them to pour footers or do additional work without the recording of the plans, the signing of the agreement, posting of financial security, buttoning up of the sewer pump station issues, etc. Solicitor Henninger added his understanding that HRG did finish its review of the sanitary sewer and pump station plans and has some comments. He had advised UPS counsel that the Municipal Authority has a special meeting on April 9. Comments from HRG should be addressed so the Authority can review the plans at that meeting and possibility sign off on them if UPS wants approval from the Board of Commissioners on April 15. Ms. Hursh agreed that until the plan is recorded, the only work that can be done is what was approved in the early site work agreement. Commissioner Paul stated he would like to see the North Union Street plans and the pump station plans. Ms. Hursh stated that she has the plans at her home right now, but will be in the office next Tuesday.

Ms. Hursh reported that Holly Evans of Evans Engineering is preparing the Wilsbach plan for submission to the Township for recording. Solicitor Henninger noted the Recorder of Deeds office is still accepting documents for recording, but this must be done through mail. In response to a question from Commissioner DeHart, Mr. Fure reported that D&H will be dropping off a full set

of building permit plans for review. Commissioner Paul asked if there is anything that needs to be done to the Jamesway Pumping Station with regards to the additional flows from D&H. Mr. Fabian agreed to have his colleagues at HRG look into this.

PUBLIC WORKS DEPARTMENT REPORT:

Ms. McBride reported that the public works crew is currently working with part time crews, and is attempting to keep employees distanced and separated, but is continuing its normal springtime work. Some of the previously planned jobs, such as working on culverts, cannot be done at this time. The playground equipment and basketball hoops were covered up today to prevent use, as there were concerns expressed from residents about properly cleaning and disinfecting of equipment. Unfortunately, the kids are already removing some of the barriers. President Wilt noted that some municipalities are actually removing the equipment to prevent gathering in these types of areas. He suggested the Township may need to consider doing this.

MANAGER'S REPORT:

Investment Rates

Ms. McBride reported that the CD that matured several weeks ago is in a checking account and is currently earning .75% interest. Since a six-month CD would earn .6% interest, the money will be left in the checking account for now.

COVID-19

As a result of COVID-19, the Township Building is closed to the public. However, people occasionally do come in. Efforts are being made to sanitize as much as possible. Ms. McBride reported that an employee in the Public Works' Department may have the virus, and was tested. Results will be forthcoming, possibly as early as tomorrow, and the Board will be kept posted. Everyone who works in the building on a normal basis seems to be maintaining their health.

ENGINEER'S REPORT:

Shawn Fabian, HRG, referenced his written report and provided updates. He noted that HRG did apply for, and receive, a waiver since it provides support to some emergency services and essential businesses.

The contractor for the Highland Street and Lumber Street/Greenwood Drive project is considered a non-essential business and informed staff that they must comply with the Governor's order and will not be able to complete additional fieldwork until that is lifted or they receive a waiver. There may be a schedule adjustment after the order is lifted. Highland Street had all culvert backfill completed; pavement is on hold till PennDOT allows it on April 15, 2020. The Lumber Street box culvert was poured and backfill is mostly complete. Additional backfill and rock energy dissipaters need to be completed yet and then this site will be ready for pavement. The pump-around has been completed and flow has been restored. The detour is still in place.

The contractor for the Greenfield Park Basin Retrofit and Riparian Buffer – Mariner East II (MEII) Pipeline project also had to stop work, as well as the contractor for the Rosedale Manor Stormwater project. Again, there will most likely be schedule adjustments after the order is lifted.

The Township is still awaiting formal approval from PEMA to move around some grant funds for the additional funding sought for the Bradford Avenue Residential Home Demolition Assistance contract.

The final report for the DCNR C2P2 Planning Grant – Township Comprehensive Recreation, Park and Open Space Plan is near completion, and will soon be ready for internal QA/QC review. Plans are to have some type of concept draft for the Board to look at prior to the April 15 legislative meeting. After that, it will be submitted for DCNR's review.

The GP-11 Permit for the Spring Garden Drive Culvert Replacement project was approved by DEP. Mr. Fabian noted he did provide a potential bidding schedule. Solicitor Henninger asked if this work could be deemed emergency work in order to move this project forward. Mr. Fabian stated probably not, since any emergency concerns were addressed in the temporary fix. He suggested it might be good to have things ready so the project can move ahead as soon as these stop work orders are lifted. Commissioner Paul asked if Mr. Fabian is requesting to revise the schedule. Mr. Fabian agreed he is. The Board expressed no objection to this. Mr. Fabian stated he will revise the schedule for presentation at the April legislative meeting.

DCNR is asking that some of the previously submitted data to close-out paperwork for the Old Reliance and Shope Gardens playground BMPs be reorganized. He is working with Ms. McClain on this so that everything can be finalized and reimbursement received.

SOLICITOR'S REPORT:

Solicitor Henninger reported that he continues to work closely with Ms. McBride and staff to monitor the COVID-19 situation.

Quit-Claim Deed and Management Agreement between Township and Municipal Authority

Solicitor Henninger referenced the addendum to the agenda, as published. The target date for the closing with PennVest is April 17. This will transfer that loan obligation to the Municipal Authority. In anticipation of this closing, there needs to be approval of the quit-claim deed that will transfer the stormwater assets to the Municipal Authority, and approval of a Management Agreement between the Township and Municipal Authority. Approvals would be conditioned on approval of the PennVest loan transfer and approval by the Municipal Authority of the Management Agreement and the acceptance of the assets. The Authority has scheduled a Special Meeting next Thursday, April 9, at 6:00 P.M. to act on the Management Agreement as well as the fee resolution and credit policy manual.

A motion was made by Commissioner Davis, seconded by Commissioner DeHart, to conditionally approve the Transfer by Quit-Claim Deed of all Stormwater Management Assets to the Municipal Authority of the Township of Lower Swatara, contingent on acceptance by the Municipal Authority and the transfer of the PennVest loan to the Authority. The motion was unanimously approved.

A motion was made Commissioner Paul, seconded by Commissioner DeHart, to conditionally approve a Management Agreement By and Between the Township of Lower Swatara and the Municipal Authority of the Township of Lower Swatara, contingent on acceptance by the Municipal Authority and the transfer of the PennVest loan to the Authority. A roll call vote was taken with the following ballot tabulation: Commissioner Davies – aye, Commissioner DeHart – aye, Commissioner Paul – aye, Vice President Truntz – aye, and President Wilt – aye. The motion was approved by a 5 – 0 margin.

Solicitor Henninger reminded the Board that the original intention and budget actually anticipated this stormwater fee would go into effect on April 1. The Municipal Authority must pass a fee resolution in advance of the finance transfer. He suggested the Board provide the Municipal Authority with a recommended start date for the fee. President Wilt stated that with everything going on, he would suggest a July 1 date. Vice President Truntz remarked that may be too aggressive. Commissioner DeHart suggested a September 1 start date. Commissioner Davies

agreed. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to recommend a start date of September 1, 2020 for the stormwater fee. The motion was unanimously approved. Ms. McBride added that a start date of September 1 will mean it will appear on an October billing.

GOOD AND WELFARE:

Commissioner DeHart thanked the public for participating in tonight's Zoom meeting, and asked that everyone stay safe and shelter in place as the Governor directs.

Commissioner Davies also thanked those who participated, and thanked the staff for putting together this successful Zoom meeting since it is important right now to limit exposure.

Commissioner Paul expressed hopes that everyone stays safe.

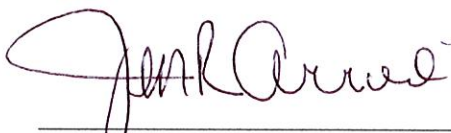
Vice President Truntz thanked the Township staff which cannot necessarily stay home and not do anything during the crisis. As a municipality, the show must go on regardless of the conditions out there. He expressed appreciation to the many who stepped up. He also thanked those who attended tonight, and expressed hopes that everyone stays well.

President Wilt also expressed his gratitude to the staff. He thanked those who attended tonight, and asked that everyone stay healthy and safe. He then requested the Board convene into executive session after this meeting for personnel reasons.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Commissioner Paul, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:59 P.M.

ATTEST:

A handwritten signature in dark ink, appearing to read "Jean R. Arroyo", written over a horizontal line.

Jean R. Arroyo
Township Secretary