

MINUTES

NON-LEGISLATIVE MEETING – APRIL 5, 2023

The April 5, 2023 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.

The following officials were 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
- Michael McAuliffe Miller, Eckert Seamans, Solicitor
- Scott Washinger, Director of Public Works
- Don Fure, Director of Codes and Planning
- Ronald Burkholder, Jr., Construction Code Official
- Brian Davis, MS4 Coordinator
- Dominic Visconti, Chief of Police

Residents and visitors in attendance: Please see attached sign-in sheet

President Wilt welcomed everyone to the meeting and opened the floor for public comments.

PUBLIC COMMENT

Jeff Shank, Constable of Ward 3 in Middletown Borough, reported that the district justice had recently presented him with an eviction notice to serve a resident in Lower Swatara. This particular incident had the potential of being high-risk to himself, the defendant, and the surrounding property owners. He decided to speak to Chief Visconti, who listened to his concerns and came up with a plan to handle the situation, which included reaching out to the Dauphin County Crisis Response Team (CRT) for assistance. Mr. Shank stated that it was Chief Visconti's planning, as well as the dedication and professionalism of the Police Department, which made this operation a success. He publicly thanked Chief Visconti and the members of the Lower Swatara Police Department and the Dauphin County CRT for an outstanding job that allowed everyone to come home safely. The Board also conveyed thanks to all involved.

APPROVAL OF MINUTES

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Minutes of the March 15, 2023 Legislative Meeting. The motion was unanimously approved.

ALLOCATION TO FIRE DEPT. FOR ROOF REPAIRS

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve the additional allocation of \$15,426 to the Lower Swatara Fire Department for repairs made to the roof at the fire station. The motion was unanimously approved.

ADVERTISEMENT OF PROPOSED ORDINANCE RE: SOLAR ENERGY SYSTEMS

Solicitor Miller recommended the Board table advertisement of a proposed ordinance relative to solar energy systems until May in order for comments from the staff, Planning Commission, and the Board to be incorporated into a final document. A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to table advertisement of a proposed ordinance amending Part 20 (General Regulations) of Chapter 27 (Zoning) of the Code of Ordinances to provide use regulations regarding accessory and principal solar energy systems. The motion was unanimously approved.

JEDNOTA SOUTH

The Board discussed approval of Jednota South, PC file 2021-04, for a new warehouse located on Rosedale Avenue (Planning Commission approval on 8-23-21 and 10-28-21 and Board of Commissioners approval on 11-3-21). The Plan needs action since 90 days expired between Board of Commissioner approval and plan recording. Solicitor Miller explained this is a formality. There was incorporation of a roadway approval that was a separate document, so the time period needs restarted. This is the parcel across from Rosedale from the DHK parcel; DHK owns it but kept the Jednota name on the plan. Solicitor Miller recommended approval of the plan. A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Jednota South, PC file 2021-04, for a new warehouse located on Rosedale Avenue. The motion was unanimously approved.

Commissioner Paul asked Mr. Fabian if the road plan had been thoroughly reviewed. Mr. Fabian explained the road plan had been reincorporated into the land development set, so there is no separate road plan now. He confirmed that they did review through the resubmitted plan. Comments are administrative in nature. Staff is coming up with the final punch list items prior to recording the plan. Commissioner Paul questioned the culvert crossing. Mr. Fabian responded that there was quite a bit of extension work. In response to a question from Commissioner DeHart, Mr. Fabian confirmed the sidewalk is still there and will go through the entirety of it. The financial security is being revised and should be finalized this week.

TIME EXTENSION FOR FOX SUBDIVISION

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve a time extension for the Fox Subdivision, PC file 2022-11, Planning Commission approval February 23, 2023 to create a new single family dwelling lot. On behalf of the property owner(s), the surveyor, Burget & Associates, Inc., has requested an Indefinite Time Extension. The motion was unanimously approved.

DEPARTMENT REPORTS:

Planning and Zoning/Codes Department:

Mr. Fure referenced the indefinite time extension approved in the prior item, and stated this is how most of the extensions will be handled in the future. As mentioned earlier by Solicitor Miller, the proposed solar ordinance is being revised. He stated his goal is to have the revised document emailed to the Board this week.

There are no requests before the Zoning Hearing Board.

The Planning Commission met on March 23 and granted conditional approvals for the Final Land Development Plan of The Ponds on Fulling Mill Road and for Wawa. This month's Planning Commission agenda will include the Aberdeen plan.

Statistics for the month are as follows: 3 commercial permits, 5 residential permits, 5 sewer permits, 2 street cut permits, and 7 zoning permits.

Commissioner DeHart asked if The Pond plan will be coming to the Board in the next two weeks. Mr. Fure confirmed that this is their goal. Vice President Truntz stated he has received a lot of feedback from his neighbors who are opposed to the apartments there. Mr. Fure explained the

Township can only look at something as a unit; whether it is owner occupied or a rental unit cannot be defined. Vice President Truntz stated is still must be 80% 55+. Mr. Fure agreed that is correct. Through the special exception for that residential retirement district, it does allow independent residential dwelling units which is how they can have the apartment building. There is a federal law that only 80% can be limited to 55+, allowing 20% of the units to be rented to someone under age 55. Vice President Truntz asked if this runs with the land; can someone buy it and turn around and make it an apartment complex? Solicitor Miller stated they could get rid of the plan, but it would necessitate them coming back to the Township to restart the entire review and approval process.

Public Works Department:

Mr. Washinger reported that the Public Works Department was recently trained to replace mounds properly at the ball fields. Two mounds were replaced, all new bases were placed, and the crew was given direction on how to redo the home plate areas.

An update was provided on the fuel system pumps and underground tanks. The schedule for removing the pumps and switches and adding flow fill to the tanks is projected for mid-May.

Last week, several potholes were fixed with cold patch until hot patch can be obtained.

The tennis courts at the lower end of Memorial Park are being prepared for application of the marking tape for the pickleball court design. This is hoped to be completed next week.

Mr. Washinger reported that he is in the process of obtaining a quote from Maguire's Ford for a new pickup truck to replace the 1999 Chevy 250 and hopes to have this on the agenda of the Board's April legislative meeting. There is about \$65,000 in the budget for this purchase.

Next month, weather permitting, the guardrail will be placed on Longview. In addition, it is anticipated that the Shopes Garden basketball court will be paved sometime this month. This item was budgeted last year, but the contractor's equipment broke down.

President Wilt observed signs on Lumber Street regarding a road closure. Mr. Washinger explained that Penn Preserve will be shutting down a small section to do a sanitary manhole repair. It will be an easy detour.

Commissioner DeHart stated that he noticed there are "no left turn" arrows at Route 441 southbound, coming in from the Wilsbach area. He asked who put those up on the left-hand side of the road. Commissioner DeHart stated he didn't realize there was no left turn permitted at Longview Drive. Mr. Washinger stated he will have to contact PennDOT to question this.

Commissioner DeHart also suggested the Township put some blacktop or concrete at the trash dumpster area of the Fire Department. Vice President Truntz suggested contact be made with Bill Leonard or Bob Schortemeyer to take a look at this and determine costs. Commissioner Paul observed that the dumpsters are already on crushed stone, and asked why the stone can't simply be replaced. Commissioner DeHart stated the weight of the garbage trucks is the issue and stone still may not be sufficient. Mr. Washinger agreed to look at this. Commissioner DeHart added that he had also asked Mr. Washinger to take a look at the signs in front of the Fire Department which may need refreshed/updated.

Commissioner Davies stated that he saw on social media that residents on Market St. Ext. are concerned about the fact that the trash cans were pulled at the park and not replaced. Mr. Washinger explained they were pulled due to their condition. A replacement was placed there today while the concrete pad is being completed. Once that is done, the trash cans will be placed.

MS4/Stormwater Department:

Mr. Davis reported that the WREP Advisory Board held its second meeting on March 22 at which time HRG gave a presentation about various stormwater concerns and funding issues faced by all members. It specifically focused on the level of nutrients (especially Nitrogen) in the Commonwealth's waters bodies. Although sediment levels within downstream receiving waters have decreased, it appears that other pollutants are not decreasing as readily as anticipated. Because of this, it is possible that future MS4 permit cycles may adjust to specifically target removing these nutrients. However, the exact requirements from DEP are still unclear at this point. A representative from the Lancaster Clean Water Friends Program also gave a presentation at the meeting. The LCWF is a program for Lancaster County similar to WREP. The presentation focused on issues the county faced and how the Dauphin County municipalities might learn from those problems. The date of the next meeting has not been set yet but will occur on or around May 2 with Derry Township serving as host. Mr. Davis added that he would like to offer the Township Building to host one of the upcoming meetings.

The proposed changes to Lower Swatara's PRP (Pollutant Reduction Plan) which have been available for public comment for over 30 days have received no feedback from residents. As such, the addendum was able to be finalized and sent to DEP without any revisions. The document was submitted on Monday, March 27 and is currently in the review process.

Mr. Davis reported that he received a call today from a resident on N. Union St., specifically the lower section of North Union between 283 and the School District. One of the caller's main concerns was the way stormwater is handled on that section, which he feels is less than ideal. The water washes off the road and onto his property which has created some basement damage in the past. Mr. Davis stated he has received similar complaints in the past from residents on this section of road. There have been conversations about how to possibly upgrade N. Union so this is something to keep in mind if and when this is being considered. Commissioner DeHart agreed that he has observed large amounts of water coming off that hill when it rains. There is also a stream in the 1320 area that undermines the road. Mr. Fabian added that this is in the vicinity where other complaints were received during some of the higher storm events. Commissioner DeHart recalled a basement collapse at 1739 N. Union during a heavy storm. He noted this is all good information for the engineer to know. Mr. Fabian agreed, especially since there is a planned waterline upgrade coming up through there sometime this year. One of the issues with that road is there is really nowhere to push water where the homes aren't.

MANAGER'S REPORT:

Mr. Border reported that the Township has received a \$225,000 grant to replace the current salt shed. The grant only covers the actual structure so there will be other costs associated with preparing the ground.

Information has been provided to the Board regarding the CodeRED emergency notification system. Mr. Border explained that he has used the system in the past and thought the Board might be interested. Commissioner DeHart asked how CodeRED would acquire the information to notify residents. Mr. Border explained they get their information based off the landlines. Text messages or cell phone information would have to be obtained by the Township sending out an email, placing a sign-up option on the website, etc. Commissioner DeHart asked if the system can geofence to provide information to particular areas. Mr. Border confirmed it can. Commissioner DeHart asked how this could be done if residents sign up with their cell phone. Mr. Border explained that residents would need to provide their address during sign-up. Commissioner DeHart stated there would need to be a protocol as to when this would be used so it is not overused. Mr. Border agreed this would be for emergencies so it would need to be

determined what constitutes an emergency. Total cost for a three-year commitment is approximately \$11,000. Commissioner DeHart stated that he is supportive of this program. However, if the Board decides to do this, it will need to be pushed, perhaps by going back to a semiannual newsletter. It will not be worthwhile if the residents don't use it. President Wilt asked Ms. Arroyo if the Township already has something similar in place. Ms. Arroyo stated there is an email notification system for those who sign-up. Vice President Truntz added that the Township also maintains a FaceBook page. Mr. Border explained that the advantage of CodeRed is that it would be tailored to provide relevant information to a particular area, not the whole Township.

Mr. Border noted that President Wilt had received a complaint from a resident regarding the condition of Sylvia St. He asked the Board for direction on how staff should handle this. Mr. Fabian agreed the street was evaluated and is in disrepair. One of the challenges in Jednota Flats is that there is nowhere to push stormwater, resulting in destruction of the roadway over time. In response to a question from Commissioner DeHart, Mr. Fabian explained that there are not many homes on that section of street, but it is one of the main connectors off Route 230. Mr. Fabian added the entire Jednota Flats area is experiencing these water problems. Mr. Border stated that options include a complete rebuild, an overlay, or a temporary patch. Commissioner Paul suggested something be done to hold it together for now until the Township decides what will be paved. Mr. Washinger stated that there is a company that does an asphalt zipper process and has agreed to do this section as a demonstration for the Township. This involves rotating all of the milling that is in there and putting it back on the road. Commissioner Paul stated it is also very important to get a current paving plan in place.

Mr. Border reported that he has been meeting one on one with staff, and a recurring comment is concern with the IT company. He suggested bringing some other IT companies in for the Board to review. Commissioner DeHart stated he has no problem looking at other companies, but cautioned when problems happen, such as a hack, that company needs to be able to respond quickly to address the problem. Mr. Border stated he has looked at several companies that do have local government clients and good references from them. Vice President Truntz reminded everyone that there are local and nationwide labor issues, and the computer/IT world industry is no exception. The Township must be cautious and realistic with its expectations; all the vendors are having the same issues.

ENGINEER'S REPORT:

Mr. Fabian referenced the 2021 drainage improvement project and stated he has finalized his review of Application for Payment #7 and Change Order #4. These will be coming to the Board soon for action. The 2022 paving project is also near completion. A field meeting was held to review the ADA work that had issues and to schedule the necessary repairs. After that work is completed, a recommendation to close out the project will be before the Board for approval. The Bryn Gweled project is out for bid. Bid opening is April 19, and the bid opening for Hanover St. is April 20. The contractor for the Fulling Mill Road Boat Launch facility has remobilized to the site this week and hopes to be done by the end of next week with the remaining stone parking lot access drive and the required paving for the highway occupancy permit section of the project. A meeting was held with the consultant from the Office of the Budget for the RACP review for the Shireman Park. The status of the process was discussed along with how things are progressing with finalization of the design and anticipated permitting and construction of the project. Meeting minutes should be available for review within the next week or so. FEMA had requested some photo documentation pertinent to the Meade Ave. failure. Mr. Fabian noted these were submitted but he has not heard anything back at this point.

Commissioner Paul asked if there is a timeline for the work at the end of Hanover St. which can be shared with the affected property owner. Mr. Washinger noted he had already shared what information he has. Mr. Fabian added that Highspire Borough is also very interested in the timeline. Updates were provided to them as well. The substantial completion date in the contract is scheduled for August 31, with final completion by September 29. Once the contractor is selected, the Township can request that Hanover St. be addressed sooner in the contract.

Commissioner Paul observed inspectors checking the curb ramps that were redone with the paving. He asked if these are HRG personnel. Mr. Fabian stated these inspectors were most likely the contractor or subcontractor checking out the ADA ramps. If HRG does send out new engineers for field exposure/training exercises, the client is not billed for this expense.

Vice President Truntz commented that Mrs. Raphael regularly attends Board meetings to ask the status of the buyout of her home. He asked Mr. Fabian if this was on his radar. Mr. Border reported that the Township is working with a representative of PEMA; documentation was provided, and he is now waiting to hear back.

EXECUTIVE SESSION REQUESTED:

Solicitor Miller requested an executive session immediately upon conclusion of this evening's meeting for both personnel reasons and litigation involving SARAA.

GOOD AND WELFARE:

Commissioner Davies stated it was an interesting and educational meeting with the Municipal Authority this evening.

Vice President Truntz asked if the Board had received an invitation for Opening Day. Ms. Arroyo stated she had not seen anything yet. Vice President Truntz also thanked the Police Department and Chief Visconti for handling a situation that could have gotten out of control. He wished everyone a happy and safe Easter and Passover.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Commissioner Davies, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:50 P.M.

ATTEST:



Jean R. Arroyo
Township Secretary

PLEASE PRINT NAME CLEARLY
APRIL 5, 2023 JOINT MEETING OF MUNICIPAL AUTHORITY AND
BOARD OF COMMISSIONERS (6 PM) IMMEDIATELY FOLLOWED BY
BOARD WORKSHOP MTG.

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