

MINUTES

NON-LEGISLATIVE MEETING – AUGUST 3, 2022

The August 3, 2022 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
- Jean R. Arroyo, Township Secretary
- Michael McAuliffe Miller, Eckert Seamans, Solicitor
- Shawn Fabian, HRG
- Scott Washinger, Public Works Manager
- Don Fure, Director of Codes and Planning
- Dominic Visconti, Chief of Police

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

PUBLIC COMMENT:

Laurie Castagna, 1901 Scarlett Lane, stated she had previously filed several complaints about The Pond regarding high weeds. Someone did come out to the property to take care of this. They were making good progress, but the weeds were so high in the back that they ran the bobcat into the creek and it became stuck. Ms. Castagna stated that as far as she knows, the bobcat is still there, and the weeds are not cut in the back. She asked if anyone had contact with them and asked what their plans are. Mr. Fure explained the potential buyer for the back residential property is also going to be buying the front commercial property. They do not, however, own it yet. Their goal is to submit a land development/subdivision plan for the September meeting. In the meantime, they were asked to cut just the right of way areas on both properties. Ms. Castagna agreed they did, at least, cut the corner so people can now walk on the sidewalks. She again asked if the Township has any information on the plans. Solicitor Miller explained no plans have been submitted yet. When they are, they will go through the normal review process, including review by the Planning Commission.

Planning & Zoning/Codes Department Report

President Wilt noted that Mr. Fure needs to perform an inspection this evening, so he has asked to address the Planning & Zoning/Codes Department report at this time.

Mr. Fure referenced the UPS project and reported Phase 1 of the project is wrapping up. The emergency light re-test is being performed this evening. Commissioner DeHart remarked that the Fire Department has been responding to alarms there. He asked Mr. Fure if he knows why this is occurring. Mr. Fure responded that two of these resulted from the cleaners pulling the alarm while cleaning them. Mr. Fure reported that as far as the Hersey Creamery plan goes, the sewer plant is still at a standstill due to backordered items. The Fiddler's Elbow Warehouse at 2070 N. Union has potential tenants, but they will probably not come in until the sewer plant is completed. 250 Fulling Mill Road also has a tenant; the interior is almost complete and should be done by next month. The work on the addition to Phillips at 501 Fulling Mill Road has begun, and footers for Stoneridge Lot 5 are now in.

The Zoning Hearing Board is scheduled to meet on August 24 for a proposed Wawa next to CVS in the old Jamesway Plaza. Mr. Fure added the variance request also includes plans for a fast-food restaurant on the corner. They are basically combining three lots into two lots.

The Codes Department reports the following statistics: 3 commercial permits, 4 residential permits, 5 zoning permits, 3 street cut permits, and 2 sewer permits.

Mr. Fure noted the August legislative agenda will include approval of a commitment letter to Veolia for Penn Preserve hydrants.

Commissioner Davies asked how the N. Union St. pump station is progressing. Mr. Fure responded things are going well. It is scheduled for a September 15 completion.

Commissioner DeHart referenced Penn Preserve and asked if they are putting in two accesses and if this will require Board approval or support. Mr. Fure explained that PennDOT only wanted them to put in one driveway. A letter was provided from the Fire Department, and the Township also needs to draft a letter of support for the two driveways.

APPROVAL OF MINUTES

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the Minutes of the July 20, 2022 Legislative Meeting. The motion was unanimously approved.

ADVERTISEMENT OF PROPOSED ORDINANCE ADDING SPEED LIMITS ON N. UNION

The Board discussed the proposed advertisement of an ordinance amending the Code of Ordinances to add maximum speed limits on North Union Street. Mr. Fabian explained this is a follow-up item to the speed study that was discussed last meeting; it was never formally approved or pulled into the ordinance. Vice President Truntz recalled that the speed limit is currently 25 mph the entire length. He expressed hopes that it doesn't become a speedway. President Wilt clarified that the 35-mph limit will only be on a certain section of the road. Commissioner DeHart added that this ordinance will allow the Police Department to legally enforce the speed limits.

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve preparation and advertisement of an ordinance amending the Code of Ordinances to add maximum speed limits on North Union Street. The motion was unanimously approved.

AGREEMENT W/SWATARA TWP. RE YARD WASTE COLLECTED BY REPUBLIC

Solicitor Miller reported that the agreement with Swatara Township for yard waste disposal is not yet complete. A motion was made by Vice President Truntz to table an Agreement with Swatara Township to accept yard waste collected in Lower Swatara Township by Republic Services. The motion was unanimously approved.

REVISION TO FIRE DEPT. REQUEST FOR SUPPORT OF LOCAL SHARE GRANT

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve the revision to a previously approved letter of support for a Local Share Grant for the Lower Swatara Fire Department. The original request was for \$62,400; the Fire Department is now requesting \$75,000. The motion was unanimously approved.

Commissioner Paul added that late this afternoon, the staff also received a call from Penn State Harrisburg regarding their intent to apply for a Local Share Grant. Since they did not meet the deadline, they will lose points. The legislative agenda will include a motion to provide them with a letter of support.

RESIGNATION OF KAYLEE JUSTICE

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to accept, with regret, the resignation of Kaylee Justice, Planning and Zoning Coordinator, effective August 14, 2022. The motion was unanimously approved.

DEPARTMENT REPORTS:

Public Works Department:

Mr. Washinger updated the Board on the fuel tanks and reported that he has been in communication with a supervisor from the Commonwealth of PA Underground Storage Tank Indemnification Facility. The unleaded fuel is at approximately 200 gallons which is mostly sludge. The diesel fuel is at about 300 gallons. Once the tanks are down to about an inch, an out of service permit can be applied for and more estimates can be pursued for either the complete removal or update of the system itself. Mr. Washinger stated his recommendation is to look at the possibility of adding the new tanks next year, and this year focus on getting rid of the old system in order to avoid possible fines. Commissioner Paul reminded everyone that budget season is approaching, so the Board will need to know what the plans are for next year. Mr. Washinger added that a lot of the estimates he is getting are only good for one week to 30 days.

The elevator in the Township Building had to be put out of service when the new digital phones were installed. This was due to a change in the communication signal that went from analog to digital for the fire alarm to communicate properly. The part required took approximately nine weeks to arrive. The elevator service now needs to perform a full inspection and then bring the system back online.

Mr. Washinger reported that he had been working with Jason Wagner and John Ponnett of the Athletic Association at the Stepp and Cross ball fields for an event which happened this past weekend. Vice President Truntz asked that when Mr. Washinger gets wind of these events, he makes sure the Athletic Association notifies the Township. Mr. Washinger explained that he and Commissioner Paul did speak to Mr. Ponnett about this, and apparently this was a last-minute event. Commissioner Paul explained that Mr. Washinger also has a busy schedule and may be in the middle of something like paving. If the Athletic Association does not provide ample notice, the Township may have trouble assisting them. He added, however, that the Athletic Association is now aware of the importance of prior notification.

Over the past several weeks, the crew has been cleaning out inlets with the sweeper and parging areas around pipes where needed in the Old Reliance Development. This will continue as weather permits. The crew has also been flushing and inspecting storm pipes on Spring Garden and Longview. Some of the inlets in both areas have been buried for many years.

Mr. Washinger informed the Board that PERCS, the Township's traffic signal company, will be going out of business, probably by the end of next week. He has been in touch with several other signal companies and is also looking into contacting the state about requirements that the Township must abide by. In response to a comment from Commissioner DeHart, Mr. Washinger confirmed that he had called Telco but did not receive a response yet. Commissioner Davies questioned if this service is available through the Costars program, which would alleviate the need to place it out for bid. Mr. Washinger agreed he is looking into this. Solicitor Miller explained that a lot of contracts may or may not require bidding, dependent on service versus a quantity. He agreed to assist Mr. Washinger with any questions on this process.

A section of Hamilton Drive will be closed tomorrow in order to replace a 30' long pipe that has completely deteriorated. The only caveat is an 8" PUC water line that is in there. The crew will be very cautious while digging, and if something goes wrong Veolia is prepared to respond.

Commissioner DeHart referenced a situation with a damaged underground Verizon cable in the right of way. Mr. Washinger stated he will attempt to contact Verizon, but noted it is very difficult to get a response. Commissioner DeHart also asked about flow testing and the amount of pressure being used. He explained that some of his neighbors had issues. Mr. Washinger explained this is due to backpressure when it is being pulled back. Apparently the sanitary line is tied right into their bottom drains in their basements. Commissioner DeHart explained that his home is 20' up and 75' back, and even he experienced air bubbles. Mr. Washinger agreed the crew is aware of these concerns and is trying to be as careful as possible.

MS4/Stormwater Department:

Mr. Davis reported that all outstanding easement agreements have been signed and delivered to the Township for the 2021 Drainage Improvement Projects. The last remaining agreements will be taken to the courthouse within the next few weeks for recording.

The Township is currently updating its existing GIS for stormwater, sanitary, BMP, and various other infrastructure mapping. These changes will also come with integrated inspection forms for both Public Works crews as well as Stormwater BMP inspections. The updates should be

complete later this month. Following the completion of the GIS edits, a new round of Stormwater BMP inspections will be taking place in the fall. Inspection notices will hopefully be ready to send out later this month.

Mr. Davis stated his understanding that there are still some ongoing discussions regarding the WREP Agreement and potential DCIB loan. Solicitor Miller reported that he will update the Board on the discussions with the County during an executive session tonight. The WREP has been the subject of significant discussions between Middletown, Lower Swatara, and other communities. He noted he feels that if the form that was transmitted to the County a week ago and is currently with the County's legal council is acceptable to the County, it should be in a place where the Township can participate project by project instead of being locked into a longer-term. If this is approved, Solicitor Miller anticipated that both the DCIB grant paperwork in the packets and the WREP Agreement will be part of the August 17 legislative meeting. He added that he stressed to the County that to meet their self-imposed deadlines, the Township needs to have their approval of the WREP document before the legislative meeting. Solicitor Miller stated he is cautiously optimistic that both can be approved, getting the Township cheaper rates which will save taxpayer dollars while not obligating the Township to longer and more difficult issues. In response to a question from Commissioner Paul, Solicitor Miller confirmed that both approvals should be placed on the agenda for formal action.

EXECUTIVE SESSION ANNOUNCED:

President Wilt announced that the Board had met in executive session on July 27 for personnel reasons.

MANAGER'S REPORT:

DCIB Program for Conewago Creek Restoration Project

Commissioner Paul stated that this item was just discussed, so no further discussion is necessary. He also requested an executive session immediately upon conclusion of this evening's meeting to discuss pending litigation and personnel issues.

An aerial black fly suppression operation is scheduled to be performed on Thursday, August 4 on the Juniata River, Conewago Creek, Swatara Creek, Conodoguinet Creek, and Sherman Creek.

ENGINEER'S REPORT:

Mr. Fabian referenced his written report and provided updates, beginning with the 2022 Paving Project. The notice of award was sent out and signed copies were returned. This is still pending solicitor review, but paperwork should be ready for approval at the August 17 meeting. There were some additional design questions regarding the Bryn Gweled project that were answered, so that design can be wrapped up and the permit should be ready for submission in the next several weeks. A letter was received from PPL about a pole replacement issue which was part of the Rosedale Manor project. This was brought up with Doli earlier this year. Mr. Fabian noted that he had provided Commissioner Paul with his comments on this item. This can be discussed further in executive session, but basically there is an issue with relocation of the one pole and PPL is requesting reimbursement of that cost.

An update was provided on the Fish and Boat Commission grant for the Fulling Mill Road boat launch facility. Word was received that additional funding per the Township's request was approved. They will be helping offset the additional escalation in costs for this project by an additional 50/50 split on the grant. Yesterday, the final recorded version of the HOP was received, so this was added as Addendum #1 to the bid package that is live right now and will be opened next week. Vice President Truntz recognized Representative Mehaffie, who was instrumental in getting that additional funding from the Fish and Boat Commission.

Work continues on finalizing the business plan for the RACP Grant for the Shireman Park. Everything appears to be tracking on target to have submission ahead of the August 8 deadline. Mr. Fabian added that HRG surveyors are to get a timeline back to him soon on finalizing what additional information is needed for the park to move forward with full design and permitting. This can then be reviewed with staff and the Board.

Commissioner Davies referenced the other stormwater improvement projects referred to as BMP 5, 6 and 7 – the 2022 CIP Stormwater Improvement Project. He asked if these are on hold until the Township finds out what is happening under the WREP. Mr. Fabian agreed this is correct. He noted that he would like to review rescoping to see if it makes sense to still move forward with some of the non-pollutant reduction plan projects after some of these construction projects are wrapped up.

Commissioner Paul recalled that Dale Messick asked this question a few months ago -- when the Township has done other work to remove the silt in the streams, outside of what it is

buying into with this separate project, how does that translate as far as credits, future credits, etc.? He stated he would be interested in knowing how much was spent on what was already done before the Township agrees to spend money to do the Conewago improvement project. Mr. Fabian explained that his understanding is the Township currently has two raingardens (Shopes Garden and Old Reliance) and the Greenfield basin retrofit. Cost benefit analysis was looked at with Mr. Davis pertinent to what was spent to date and what was given as far as credits. There was a substantial cost savings over what was invested and paid for. Mr. Fabian added that these completed projects were factored in when considering the WREP payment. Commissioner DeHart asked if the Township will meet its permit requirements after the PennDOT/Turnpike project and the Conewago project are done. Mr. Fabian confirmed that it will. Commissioner DeHart also inquired if there is any information regarding what the new permit requirements will be. Mr. Fabian responded that no information has been released yet; it is anticipated that an extension of the permit may be given. Commissioner Paul asked if the PennDOT/Turnpike project is earmarked for the future, five-year permit. Mr. Fabian agreed that is correct. There is, in writing from the Department, a statement that anything the Township has in addition to what is required will be applied to future terms provided those BMPs are still in action and capable of providing that reduction.

GOOD AND WELFARE:

Commissioner Davies thanked everyone for their participation this evening.

Commissioner DeHart remarked that National Night Out was a very nice event with a good turnout. He thanked Chief Visconti, and also expressed appreciation for the mutual aid that was provided. Chief Visconti thanked Donna Leiss, the Department's administrative assistant, who was instrumental in preparing for the event.

Vice President Truntz also remarked that Chief Visconti really stepped-up the program this year, with more in attendance as well as more participation by organizations. He also thanked the Fire Department for offering its faculties. Vice President Truntz thanked Kaylee Justice for her service to the Township. He stated he is sad to see her leave but wishes her the best of luck in her future endeavors.

President Wilt also expressed his thanks to the Police Department and Fire Department for National Night Out, and thanked Kaylee Justice for her service to the Township.

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 7:40 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

PLEASE PRINT NAME CLEARLY

AUGUST 3, 2022 WORKSHOP MEETING -- 7:00 P.M.

[illegible]