

MINUTES

NON-LEGISLATIVE MEETING – AUGUST 4, 2021

The August 4, 2021 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
- 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
- Scott Washinger, Public Works Manager
- Dominic Visconti, Police Chief
- Brian Davis, MS4 Coordinator

Residents and visitors in attendance (sign-in sheet attached)

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

PUBLIC COMMENTS:

Brandon Conrad – The Pond

Brandon Conrad, Vistablock, introduced himself as one of the buyers of The Pond. Closing will be August 16. This is already a fully approved plan of 86 townhomes in a section zoned Commercial-Neighborhood. A few months ago, they were here to discuss with the Board potentially increasing the density on that plot of land in order to make it financially feasible. The idea is to go from 86 townhomes to 75, but then also build two apartment buildings with covered parking and three floors. This will all be 55+ housing. Mr. Conrad explained their attorney has prepared the required text amendment to the ordinance for the Commercial-Neighborhood zone. There are only three undeveloped Commercial-Neighborhood zones in the Township: this tract, one where student housing is on the Penn State campus, and one across from the Middletown Area High School. By doing a text amendment, they will not need to go through the Zoning

Hearing Board, but rather submit the text amendment to the Board for approval. The current restriction is 8 units per acre. The benchmark state-wide for this type of housing is usually about 15 units per acre. Mr. Conrad stated they are asking for 12 units per acre.

Mr. Conrad showed the Board and public some photos of what is envisioned for the site as well as an overview sketch plan (see attachment). He noted Lots 1 thru 4 at the front will not be discussed much tonight. That will have commercial in the front. The apartment building in the back that was discussed last time presented concerns from the Board due to its height and the fact that it would be bordering the Twelve Oaks development. This was replaced with a parking lot and some townhomes, as well as a tree buffer. Mr. Conrad added that there is huge unmet need for this type of 55+ housing. Commissioner DeHart asked if they have all this land now. Mr. Conrad explained they are under agreement for the front portion and expect to close in February 2022. However, they want to get Lot 5 approved and going before they close on Lots 1 – 4. Commissioner DeHart asked what is envisioned for Lots 1 – 4 if they do purchase them. He asked if the concept discussed last time is still envisioned or has been changed. Mr. Conrad explained that at the bottom are buildings C, D, and E. The ground floor of building C will be all commercial, possibly a coffee shop. Building D will have a glass front and will be commercial, perhaps something like a boutique, gym, restaurant. Building E is also envisioned to have a long window front and have several thriving businesses. Commissioner DeHart noted the original concept for these lots was to have commercial on the ground floor and apartments upstairs. He asked if this still holds true. Mr. Conrad confirmed that it does.

Commissioner DeHart explained that 80% of this community must be 55+, and recalled discussion about keeping the younger age on the Fulling Mill Road side. Mr. Conrad agreed and had also previously questioned if Lot 5 is all 55+, is there the potential to make the front general occupancy. He stated this is a bridge they prefer not to cross at this point in time. Again, market studies do support 55+ rental housing needs in this demographic. Commissioner DeHart added it is also in the Township's comp plan. President Wilt remarked that previous owners of this land did come back to the Board and request changes to the 55+ age requirement. It was not met well by the public. Again, this project would have never been approved without that age restriction. Vice President Truntz stated that last time they were here, there was discussion about the possibility of reducing the maximum of 80% to be 55+. Now this does not appear to be the case. Mr. Conrad agreed. Vice President Truntz stressed for those in attendance tonight that legally,

80% is the maximum. The Township cannot require 100% to be 55+. President Wilt asked how the Township can be assured this age requirement is met. Mr. Conrad explained that it will be documented, perhaps with a spreadsheet listing all the units. He added that according to market studies, there will likely be 98% of residents meeting the 55+ age. Younger families will not be attracted to a 55+ community.

Commissioner Davies asked if Mr. Conrad could again define the usage of buildings C, D, and E. Mr. Conrad explained that Building E is about 300 feet and will be a glass front and consist of about three to four units of commercial space. In the back, because of the way it is graded, the commercial space goes into a basement. There will be two to three stories of residential on top of the commercial. Building D will have commercial and three residential units. Building C is where the club house/café is envisioned. Mr. Conrad explained that they are also exploring the most efficient space for package deliveries for the community, perhaps in Building C or maybe one in each building.

Commissioner Paul asked how many units are in building A and B. Mr. Conrad explained there are 75 townhomes and a total of 192 units which means there are another 117 units between building A and building B. He stated there are about 67 units in A and 50 in B. Commissioner Paul asked the number of residential units being considered for the front in the commercial area. Mr. Conrad estimated 80 units on top. In response to a question from Commissioner Davies, Mr. Conrad confirmed that all the townhouses will be rentals. Commissioner Paul asked the acreage of the parcel. Mr. Conrad stated the total is about 25 acres; Lot 5 is about 17 acres. The density they are proposing is 11.5 units per acre, which is why they are exploring the text amendment for 12 units per acre. He added that all townhouses will be grouped in either four or six. End units will have two car garages with two parking spots in the driveway. Middle units will have one car garages and one parking spot.

Vice President Truntz stated that as a resident of Twelve Oaks, he would like to thank Mr. Conrad for running a brush hog through there to knock down the weeds. He stated he would like to see the pile of debris and hay bale at the corner of Fulling Mill and Nissley removed. Mr. Conrad agreed this is on their list.

Commissioner Paul asked if two parking spots per unit is planned. Mr. Conrad responded that this would depend on the Township's reaction to the text amendment for density. They are going to ask for a text amendment to the parking to provide for 1.5 spaces per unit.

Two spaces can fit but will take away green space and pond space with a parking lot. President Wilt and Vice President Truntz both commented that this makes them nervous. In response to a question from Commissioner DeHart, Mr. Conrad explained the market average for 55+ housing is one space per unit. He noted the townhomes will actually have four spaces, but the garages cannot be technically counted. He anticipated that the townhomes will not be using street parking. The extra ground lot is planned to be around the apartment building. Again, extra spots can be built but will take away green space and trees. Commissioner DeHart asked the difference in spaces between 1.5 spaces versus 2 spaces. Mr. Conrad estimated about 80 - 90 more spaces. President Wilt expressed concern about the residents having guests over to visit and no available parking. Vice President Truntz agreed that parking issues create problems between neighbors. Mr. Conrad clarified that for the underground parking, every unit comes with an assigned covered parking spot. There are another 80 parking spaces for 117 units, so 47 residents would not have a second spot at all times in this plan. Commissioner DeHart noted parking can also be provided in the front area in the future. Mr. Conrad agreed there is ample parking on the plot as a whole when considering the addition of Lots 1 through 4.

Commissioner DeHart asked Solicitor Henninger how this text change could impact other areas. Solicitor Henninger stated it could have an impact on the Commercial-Neighborhood spot across from the High School, but he does not feel this will happen due to the uniqueness of the property. Commissioner Davies stated he is interested in seeing the proposed text amendment as soon as it is available. Mr. Conrad agreed to provide it next week. Solicitor Henninger added that the text amendment should be presented to the Board for review first, because it will also need to go before the Township Planning Commission and the County Planning Commission. He also suggested Mr. Conrad provide the Board with the industry standards on parking as quoted tonight.

Randy Miller – water issue at 217 Delmont Ave.

Randy Miller, 217 Delmont Ave., explained he is following up on the water situation coming from 217 and 215 Delmont Ave. Behind his house is a swale and behind that is light industrial building – Balfour Credit Union is in there – with a 9' standpipe. That pipe is damaged underneath, and the water flows from that swale over to another swale behind the property at 213 and 215. At that point, the pipe that goes from behind his house to over there is completely clogged up and fills up 8'. It then overflows into 215 Delmont, which has a storm

drain in the yard. There is very likely some type of spring here. The water flows overtop of this hill, clogs up that drain into his yard, and his house basically becomes an island. This past rain resulted in 3" of water backing up into his laundry area.

Mr. Miller explained this is a three-pronged problem: the swale behind his house is broken and the pipe completely destroyed, the pipe going over to 215 and 213 is clogged, and the water coming from Balfour and Glen Gery Brick all flows into that swale which fills up 6' or 7' and looks like a waterfall. This flows into his yard and washes out his landscaping timbers, decorative stone, etc. into the street. The Township did televise the pipe, which was found to be destroyed. Mr. Miller noted he was provided a schematic about a year ago of what will be done. He stated the plan does not make sense to him. There is a drain in front of his house which is sinking, despite the culvert being replaced inside. He had Mike's Concrete come out to run a tape through a hole by his mailbox out into the street and they hit nothing – no stone, soil, etc. There is obviously an underground cavern there. Mr. Miller stated that when the Township starts digging this up, it may be in for a rude awakening. However, his problem tonight is the water from a small 1" rain that surrounded his house.

Mr. Fabian remarked that the issue with the clogged pipe in the industrial park can be followed up with as part of the BMP inspections for the MS4 compliance program. He noted the Township did design a plan to replace the failing infrastructure through there. Commissioner DeHart agreed this is one of the 2021 drainage improvement projects. Mr. Fabian stated he was unaware that there was erosion through that sand pipe and clogging in that pipe on the basin outfall. This was not incorporated into the design. Mr. Miller stated cleaning that pipe will help but will not resolve the problem. Mr. Fabian added one of the other issues is the design of the inlet. There was an issue with obtaining an easement from the former owner at 215 Delmont, so instead of taking it all the way to the end to replace this structure and tie it in, the plan was tied in where the easement actually exists and replaces everything from there to the road. If the current property owner can provide an easement to allow for replacement of this whole run, it would be beneficial. Commissioner Paul agreed that if this is not taken care of now, the Township is basically just chasing its tail.

President Wilt suggested contact be made with the owners of the Industrial Park to correct the problem on their end, and the Township will do the same on its end. Commissioner Paul agreed that the Industrial Park owners need to take care of the pond, the swale. But from

that swale there is no outlet. There are pipes in there that may need to be upgraded. Vice President Truntz also suggested that replacing the grate may provide some temporary relief.

Commissioner DeHart asked Mr. Fabian if this project is ready to be placed for bid. Mr. Fabian explained the bid is live right now, but it can be amended or change ordered after the fact. This project was targeted to be a spring 2022 build so there is time to make revisions. Commissioner Davies asked the best process to do these revisions. Mr. Fabian suggested the most advantageous price wise is make changes before procurement of any structures. Commissioner Davies noted his concern is that he does not want to see this turn into a three-year project.

Commissioner Paul asked Mr. Fabian if the plan is to go back only to the inlet or beyond that to the swale; this needs to be evaluated. Mr. Fabian stated he is unsure whether this was videoed. He suggested this section be evaluated up to the swale as part of the project. The current owner of 215 Delmont will probably be agreeable to signing an easement.

Mr. Miller thanked the Board for its time.

AUDIT PRESENTATION: RKL

Jill Gilbert, RKL, presented the audit of the Township for 2020 and provided the Board with a copy of the audited financial statements as well as the required communications' letter. She explained an audit is the highest level of service that can be received. RKL issued the Township an unmodified opinion.

Ms. Gilbert briefly highlighted several of the pages. Page 13 shows the overall net position. The ending fund balance is about 35.2 million dollars. The fund balance consists of governmental activities and business activities. The total net position increased about 4.2 million dollars.

The balance sheet for the governmental funds only shows a total fund balance of 17.2 million. Excess of revenues over expenditures of the governmental funds is about 1.8 million.

The sewer revenue fund and stormwater fund have a net position of about 12 million: 11.4 for sewer revenue and \$476,000 for stormwater. The increase in the net position is almost 1.5 million.

The fiduciary funds, mostly pension funds, net position is about 18 million, and includes 9 million in the non-uniformed fund and 8.7 in the police pension fund. The total investment income was a healthy 2.7 million dollar.

Ms. Gilbert highlighted the notes to the audit. In these notes it states that capital assets include land, buildings, etc. and corresponding accumulated depreciation. Long term debt is also shown. Post-retirement benefits and related scheduled were also referenced.

Ms. Gilbert concluded that there were no management issues. There were no material weaknesses or significant deficiencies to report. The Township staff, as always, was very helpful during the process.

Commissioner DeHart questioned the procedure for annual depreciation of assets. Depreciation of assets is usually done at the end of the year. He asked if some municipalities put that depreciation in a separate fund to replace the depreciated items so it is available for replacement. Ms. Gilbert explained that some may put money into a capital reserve fund for this, but she is not aware of anyone that does it strategically. However, this is valid and prudent to plan for.

In response to a question from Commissioner Davies, Ms. Gilbert confirmed there were no audit findings.

APPROVAL OF MINUTES:

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the Minutes of the July 21, 2021 Legislative Meeting. The motion was unanimously approved.

RESOLUTION NO. 2021-R-4 ACCEPTING MORGAN DRIVE

The Board tabled Resolution No. 2021-R-4 accepting Morgan Drive from Craig Morgan and Brian Morgan for dedication to the Township.

PRELIMINARY PLAN FOR KINSLEY RESIDENTIAL DEVELOPMENT

The Board tabled the Preliminary Plan for Kinsley Residential Development, PC#2021-02, 72.2 acres for 103 single-family lots located in the Residential Urban District, submitted by

Snyder, Secary & Associates for DHK Residential, LLC. Project is located north of the turnpike and east of Stoner Drive.

RESOLUTION NO. 2021-R-7 LOCAL SHARE MUNICIPAL GRANT REQUEST

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve Resolution No. 2021-R-7 authorizing the filing of an application for a Local Share Municipal Grant Request of \$198,631 to be used for 2015 Dauphin County Infrastructure Bank debt service payments, 2017 Dauphin County Infrastructure Bank debt service payments, PennVest 1 debt payments, laptops, and cyber insurance. The motion was unanimously approved.

ADDITIONAL PAVING COSTS FOR ROSEDALE PROJECT

The Board discussed additional paving costs for the Rosedale Project: Market St. Ext. -- \$84,810 + \$27,940. Vice President Truntz asked what this will cover. Mr. Fabian explained that it will cover additional paving going east on Market St. Ext. from Hanover going west on Market St. Ext. from Mountainview and between Mountainview and Rosedale on Hanover. The first section going east on Market St. Ext. was only planned for restoration of the trenching for the storm sewer through that section. However, evaluation showed a number of existing issues that should be corrected while the paving crew is mobilized on the site. On the western section of Market St. Ext., west of Mountainview, what will be addressed is a small section from the edge of the current project to the Township line. The northern portion is above where the Township project is installing the storm sewer on Hanover. Since the rest of Hanover is being resurfaced, this will be included.

Vice President Truntz asked if this includes any of the parking space paving. Mr. Fabian responded it does not; this is separate from that and is in addition to what was approved at the last meeting. Commissioner Davies added that he was personally involved in a walkthrough of the area, and agreed it makes a lot of sense to refresh the pavement adjacent to the project area that was not included in the project scope. He added some of it was probably due to assumptions of what the water company would reimburse for, and some due to the fact that the rest of these areas are in really rough condition. Ms. McBride added there are emails from a year or two ago with the water company stating that they can see a reimbursement of up to \$46,000. Staff is trying to reach this person to confirm that understanding.

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve the additional paving costs for the Rosedale Project: Market St. Ext. -- \$84,810 + \$27,940, with continued efforts by staff to seek as much reimbursement as possible from Suez. The motion was unanimously approved.

MIDDLETOWN/HUMMELSTOWN RAILROAD REQUEST TO USE TWP. PROPERTY

The Board discussed a request by Middletown & Hummelstown Railroad to use Township property during October 6 thru 29 and November 22 thru December 25. Wendell Dillinger explained this is a yearly request in October for a pumpkin patch maze event and in December for lighted Christmas displays.

Vice President Truntz agreed that the Township has always granted this request to be a good neighbor. He stated his concern is past reports of the Public Works crew needing access to something like a pipe or outfall that required crossing railroad property. Employees were apparently given a hard time by the railroad. Recently, the Township was in the process of establishing a stormwater easement along the creek which again required the Township to access railroad property. The Township was required pay for a \$5,000 insurance policy, a \$400 right of entry fee by the Municipal Authority, and a \$2,700 flagman fee for two days. Vice President Truntz stated he realizes the Township should be responsible for insurance and flagman fees, but these costs seem excessive. Mr. Dillinger agreed the policy cost was overcharged and should have not been above \$1,500. He suggested the Township ask for an invoice from the insurance company. Solicitor Henninger added that a \$2,700 flagman fee is also expensive for a line with no activity. Mr. Dillinger explained this is pretty much a standard fee, but he would have intervened if he had known this was charged to Lower Swatara Township. President Wilt stated the total charge of \$8,100 is excessive.

Ms. McBride asked if the railroad makes money from the October and December events. Mr. Dillinger agreed they do sell tickets to these events and would be amiable to the Township charging the railroad \$100 - \$200 for each event for use of its land. President Wilt stated he would prefer Mr. Dillinger intervene with the railroad and get some of the overcharged funds reimbursed. Mr. Dillinger agreed to pursue the \$2,700 charge but stated he really cannot do anything about the \$5,000 insurance fee unless the Board wants him to contact the insurance company on its behalf.

In response to a question from Commissioner Davies, Solicitor Henninger explained that the railroad does traditionally provides a certificate of insurance when they use Township property for these two events.

Commissioner DeHart stated that while Mr. Dillinger is here tonight, he would like to bring up the question regarding the use of the at-grade crossing at the Fulling Mill Road boat launch site. Mr. Dillinger stated that there was mention that the railroad would like to see a fence there since there is concern about people walking across the tracks to take a shortcut to the boat launch. Mr. Fabian stated that signage was agreed to be installed, but a fence is not permitted by DEP.

The Board asked Mr. Dillinger to pursue reimbursement of some of these expenditures. The Board tabled the request by Middletown & Hummelstown Railroad to use township property during October 6 thru 29 and November 22 thru December 25.

DEPARTMENT REPORTS:

Planning & Zoning/Codes Department

Ms. McBride presented the Planning & Zoning/Codes Department monthly report. Active projects include the following: Buddy's Run (two house permits issued), UPS (site and building work continues, and off-site improvements are being coordinated with various departments and contractors), Hershey Creamery (temporary occupancy issued, several areas completing fixture setup, and sanitary plant under roof and construction ongoing), Wilsbach Distribution Facility (ongoing progress on building and site work), D&H Warehouse (temporary use and occupancy being issued), Fiddler's Elbow Warehouse on 2070 N. Union (plan was recorded and permit application and shell plans received), and 250 Fulling Mill Rd (a pre-construction meeting was held with HRG, DCCD and contractors). The Zoning Hearing set for July 28 was moved to August 11. Purpose is to hear a request for a special exception for a townhome development for Triple Crown Corporation. One application was withdrawn.

The Planning Commission met on July 22 and tabled the Kinsey Lot 2 Plan. A Subdivision /Land Development Plan was submitted for Jordan Pulgar, who lives off of Spring Garde Drive.

The Codes Department reported the following activity: 3 new home single family homes, 5 zoning permits issued, 2 commercial building permits, 3 residential permits, 2 street cut permits, and 4 sewer Permits. 4 permits are under review. Several Right to Know requests from organized labor are being compiled.

The road work on Rosedale in the Jednota area is slated to be done August 1. North Union Street, north of Fulling Mill Road, is open for one-lane traffic with traffic signals.

Vice President Truntz referenced the Right to Know requests and asked who they are from and what they pertain to. Ms. McBride explained that one from the Teamsters requested all information (costs, permits issued, etc.) since 2015 regarding the Shireman tract. There was another one from the Teamsters regarding money received from other permits since 2015. Ms. McBride added there were about seven Right to Know requests in the last few weeks received from the Teamsters. Vice President Truntz asked how much staff time these take to fulfill. Ms. McBride responded that several, like the Shireman Right to Know, take substantial staff time. Vice President Truntz asked if legal counsel is also involved. Ms. McBride confirmed that these are all sent to Attorney Miller, so there are legal costs involved. She added that the Teamsters has also submitted a Right to Know for Attorney Miller's costs since 2015.

MS4/Stormwater

Mr. Davis reported on a blackish discharge into the creek along Fulling Mill at the open lot owned by the Township. Investigation found it to be coming from the neighboring property which has a standing water issue. DEP came out, and it looks like the standing water has caused a bit of algae or some other type of microorganism to grow. Work is being done with the property owner to modify that basin slightly. Staff is waiting from feedback from DEP before it moves ahead, but this should not be a major issue.

Public Works Department

Mr. Washinger reported a meeting was recently held with Jason Wagner to discuss the plans to get the fields ready for the upcoming fall season. The electric issue will be addressed as well; there was a shed broken into. A hole continues to open just beyond the steel plate on Spring Garden Drive going down to Lumber Street. So far there have not been any other voids, and it will continue to be packed with stone.

The crew was able to clear out some of the debris blocking the stream at the Richardson Road culvert. This was done to alleviate possible future flooding. The Public Works crew also

completed the paving on Nissley just before Richard. The road was milled down to assist with smoothing out the area and then repaved. Hopes are that it will last until other paving is done in that area. Curb painting continues. The 10 gallon of paint that did finally come in was used within the week. There are still ten 5-gallon buckets of paint on order, with no timeline on when that will be shipped. Crack sealing is being considered for the end of August, if time permits. If not, Stewart and Tate may be utilized to assist with this.

Covid supplies are adequate, and more will be ordered in the event they become necessary again.

Vice President Truntz referenced the break-in at the shed at Little Hollywood and the comments about electric there. Mr. Washinger explained that installing motion detectors is probably the best approach. Vice President Truntz noted this was not the first break-in there, and there was also one at the Woodridge shed. He asked Chief Visconti to have the officers patrol both areas.

In response to a request from Commissioner DeHart, Mr. Washinger updated the Board on the microsurfacing issues on Kreider and Ebenezer. Stewart Tate will fix Kreider at no cost since it is under warranty. The contractor drove Ebenezer and could not understand why it is starting to ripple. Mr. Washinger stated his opinion is that the base underneath was never addressed, so the coating just maintained the same ripple that was originally there.

MANAGER'S REPORT:

Ms. McBride expressed her dissatisfaction with the new audiovisual system in this room, and asked permission to have it removed for a refund. It was installed at the end of June, but only half of the system was installed. The audio portion has not arrived yet. In response to a question from President Wilt, Ms. McBride stated the cost paid was between \$1,300 and \$1,500. In the alternative, Ms. McBride asked for authorization to hire someone to come to the next nine meetings and pay them \$300/meeting to handle this. President Wilt and Vice President Truntz commented that supply problems are common right now, and the Township did contract for this purchase. Ms. McBride again noted the vendor did not provide what was promised. The contract was for audio video, and they came in with video only. Commissioner DeHart asked for the contact information and agreed to pursue this with the vendor.

Cats are becoming an on ongoing problem due to the pandemic, and the fact that TNR (trap, neuter, return) was not working much of this period resulted in an abundance of kittens. Steelton Community Cats is also having a problem getting volunteers. The Humane Society will rescue cats, but the cost is \$139/cat.

As Mr. Washinger mentioned, the Township continues to monitor its covid supplies and is fairly well equipped. Ms. McBride added she does want to look at obtaining good quality masks for the police officers, since they are in close contact with others.

As the Board is aware, the award came down for the police department contract, and they received their bonus pays last pay. This bonus pay includes a percentage of the 2019 earnings and 2020 earnings. They will get their retro pay for 2021 this pay, which will be matched with retro expense, since the health deduction must be taken back to January. Most will be in the black, but a few will not get retro pay but will still owe health deductions. In one case, it is over \$500, which will be divided over the next several pays.

On Monday, a pre-bid meeting was held with haulers interested in bidding on the trash and recycling contract. Four haulers attended, and they posed several good questions which will need addressed.

Ms. McBride reported that PFM Management is the location where she recently put money from the American Recovery Act. The Township also has its pension plans with the PFM Asset Management Group. They were just sold out to US Bancorp, so pension funds will be held by US Bancorp going forward. Ms. McBride noted that they will be meeting with the pension board members in September to go over the second quarter pension review, so any questions can be addressed then. Solicitor Henninger added that there is a Consent to Deemed Assignment that will need to be formally approved by the Board. Ms. McBride confirmed that this will be on the agenda of the August 18 legislative meeting.

President Wilt referenced bids for the new trash contract and noted residents received new trash and recycling contracts with the last contract. He asked how this will be addressed in this new contract. Ms. McBride explained that the carts have the Township's name on them, and the question came up who owns these containers and whether the Township desires the winning hauler to supply containers. President Wilt stated he does not see the need for new containers and understands the Township does have a supply of extra ones. Ms. McBride explained the haulers did comment that they cannot simply order a few carts but will need to order in bulk. Solicitor

Henninger explained that the current contract states the carts will become property of the Township upon termination of the contract, and the current hauler has confirmed that they do not want them if they do not win the bid. The new contract will include the provision that the hauler provide trash and recycling carts when necessary.

Ms. McBride added that there are also residents who do not subscribe to quarterly billing, but rather pay a fee per tag. The haulers would like to see the Township require a minimum number of tags be purchased to prevent someone from buying one tag and then taking their trash elsewhere. Solicitor Henninger added there were 600 tags sold here at the Township in 2019. The Board agreed it would be receptive to requiring a minimum of twelve tags be purchased.

In response to a question from President Wilt, Solicitor Henninger stated that the current hauler reported that 25% of their Township customers are not paying their trash/recycling bill. This is significant, so the haulers would like to see a provision for them to terminate service for non-payment. Solicitor Henninger explained that he told the haulers this would not be acceptable to the Board, as this would mean trash sitting outside and blowing around the neighborhood.

Ms. McBride explained the hauler does have the option to take these customers to court. Vice President Truntz stated the haulers will bid accordingly due to this delinquency rate. Solicitor Henninger agreed. Commissioner Paul asked if this 25% delinquency rate is normal. Ms. McBride stated that when this was revealed at the pre-bid meeting, the other haulers looked surprised. Commissioner DeHart stated this may have been why Penn Waste had bid \$20 more a quarter during the last bid process; as the former hauler, they were already aware of the delinquency rate. Unfortunately, everyone is paying for those that do not pay.

Ms. McBride added that the haulers in attendance all expressed concern about their ability to get labor over the next several years, and then what that labor will cost them.

Ms. McBride read aloud some of the other questions from the pre-bid meeting. A question arose about how the Board would feel about yard waste collection on a Saturday. The Board expressed no objection to this. Another question was how the Board would feel about a yearly rate with annual increases set up front. Solicitor Henninger stated the Township has always done contracts based upon the same rate for three years, with two one-year extensions that could be negotiated. The Board agreed they would like to see this practice continued. Ms. McBride added they had also asked about an escalator clause for increased disposal costs. In the past, the haulers were required to come before the Board to ask for increases including an increase due to rising gas

prices; it was not automatic. The Board agreed that it would like to continue the practice of requiring the hauler to come in and ask for any increases when necessary.

ENGINEER'S REPORT:

Mr. Fabian referenced his written report and provided updates. There was already discussion on the Rosedale Manor Stormwater Project. Commissioner DeHart asked if there is a streetlight still waiting to be put back up. Mr. Fabian confirmed there is one on Brentwood and one on Mountainview; PPL has not provided any updates. Commissioner DeHart added residents are also expressing concern about the ADA ramps. Mr. Fabian explained the topcoat has not been put on yet. The contractor is continuing to complete hand concrete work at ADA ramps, mailbox resetting, topsoil restoration, driveway aprons and curb connections. He added that there was also an erosion issue where there were two drain downspouts that were left unconnected to a pipe on Hanover. This blew out all the sidewalk that was put there. A work order was given for that, so the contractor will have additional concrete work to perform during the next two weeks.

Commissioner Davies questioned the status of outfall concerns shared between Lower Swatara and the neighboring municipality. Mr. Fabian responded that he had a meeting in the field with DEP and a representative from Highspire Borough several weeks ago. DEP's stance was they did not have teeth within their Chapter 105 Program with wetlands and streams to really force any kind of resolution. The Chapter 102 side with erosion and sedimentation control with Dauphin County Conservation District may be a different scenario. Potential options are being explored to resolve the issues, but there was no discussion on who will be responsible for what. Mr. Fabian stated that he is preparing meeting minutes to document what was discussed. Right now, the outfall by the Market St. Ext. park is less concerning than the outfall by Hanover where the triple inlet is located. Mr. Fabian stated it would be nice to establish some type of positive drainage so it is not flooding out at the bottom portion of Hanover. The current setup is not the best scenario but was the best that could be done due to an easement issue and the limitations of working on the property the Township was authorized to work on.

Vice President Truntz recalled concern from residents at the last meeting regarding parking spaces, including a 3' section of driveway that was cut out. He stated it is incumbent

on the contractor to not just patch and seal it, but rather overcoat it to make it look as it did before the job. Mr. Fabian stated he has not received an update on this yet but will pursue it tomorrow. Commissioner Paul added he would like to know what occurred in this particular area, since there is a whole new sidewalk. He asked if the collection system was back behind the sidewalk. Mr. Fabian agreed to look into the background of this.

Ms. McBride questioned the 4" curb on Rosedale Avenue, west of the Airport Connector. Mr. Fabian explained that PennDot recently updated its RC standards, and the new standard for curb in front of the guiderail is a 4" reveal versus the former 8" reveal.

As mentioned previously, North Union Street is now reopen to one-way traffic. However, the Fiddlers Elbow Bridge is still closed. There has been no update on the date for the reopening.

Commissioner Paul asked if there is any movement on improvements to deal with the flooding on Greenwood Circle. Mr. Fabian stated it has been evaluated, but he has been unable to find internally the design plan from ten years ago. Commissioner Paul stated this needs to be addressed promptly, and he asked that whatever needs to be done be expedited. He questioned if there is any idea what happened – was it a failure underneath or just water over the top? Mr. Washinger stated that Mr. Davis was down there and took pictures. Mr. Fabian remarked that from his own evaluation, it appears overland flows started to erode where the inlet was. As soon as that slope gave way, water pushed the whole thing over.

The 2021 drainage improvements project is now out for bid. This includes 217 Delmont, Scarlett, Spring Garden by the caterer, Swatara, and Cockley. There were additional utility issues that need to be ironed out for the work at Spring Garden and Nissley before it can be included in the bid. This will either be included as an addendum or a change order depending on the timing of the finalization of design.

SOLICITOR'S REPORT: None

GOOD AND WELFARE:

Commissioner DeHart reported that MARA has hired a new Director who will attend a future Board meeting and will also visit staff to make introductions. Commissioner DeHart expressed his appreciation to everyone involved in National Night Out, and thanked Ms. McClain and Ms. McBride for the clean audit, with no findings.

Commissioner Davies also thanked Ms. McClain for her hard work on the audit. He also thanked those involved in National Night Out and expressed hopes that it can be publicized earlier next year in order to get even more community turnout. He stated he is glad to see the Township dealing with the issues in Rosedale.

Commissioner Paul echoed the previous comments from his fellow Commissioners and reminded the public of the antique car cruise this Saturday at 2:00 P.M., beginning at the Old Reliance Park.

Vice President Truntz thanked Chief Visconti, the police officers and the firefighters for their participation in National Night Out. He thanked Ms. McClain and Ms. Bride for another successful audit. Vice President Truntz requested a brief executive session immediately upon conclusion of this meeting for personnel reasons.

President Wilt thanked everyone who participated in tonight's meeting, and thanked Ms. McClain for her excellent work on the audit.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Vice President Truntz, seconded by Commissioner Davies, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 9:35 P.M.

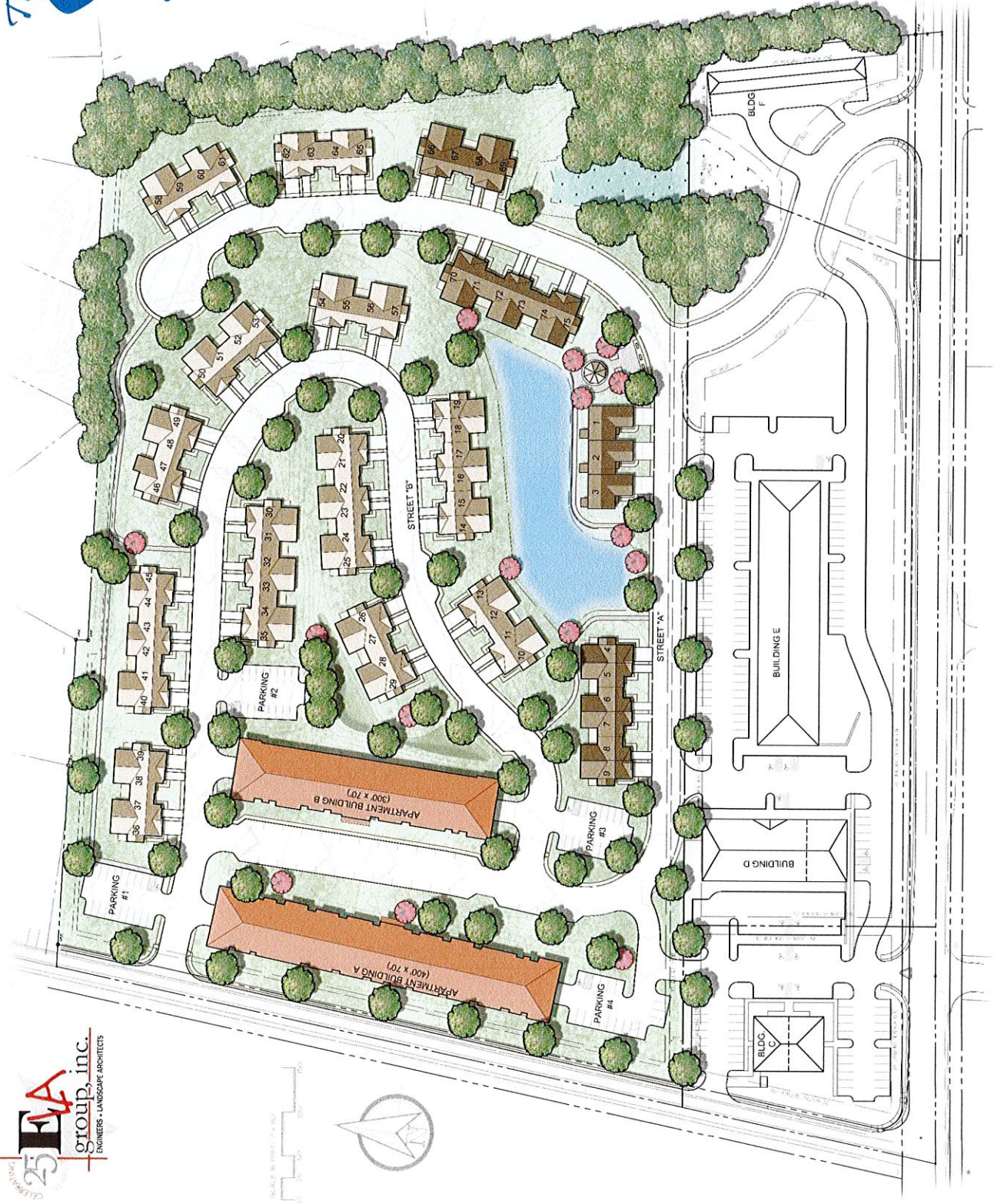
ATTEST:

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

Jean R. Arroyo
Township Secretary

The Pond

on Fulling Mill



PLEASE PRINT NAME CLEARLY
AUGUST 4, 2021 WORKSHOP MEETING – 7:00 P.M.

[illegible]