

MINUTES

NON-LEGISLATIVE MEETING – AUGUST 5, 2020

The August 5, 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. President Wilt announced that access to the meeting tonight is also available through 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 (not present at roll call, but arrived at 7:45 PM)
- Betsy McBride, Township Manager
- Jean R. Arroyo, Township Secretary
- Peter R. Henninger, Solicitor (via Zoom)
- Shawn Fabian, HRG (via Zoom)
- Don Fure, Director of Codes and Planning
- Bruce Henry, Construction Code Official
- Dominic Visconti, Chief of Police

Residents and visitors in attendance: (PLEASE SEE ATTACHED SIGN-IN SHEET)

Residents and visitors participating through Zoom: None

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

SWEARING-IN OF POLICE CHIEF:

The Honorable District Justice Mike Smith presented the oath of office to newly appointed Chief of Police Dominic Visconti. Chief Visconti thanked the Board of Commissioners for entrusting him with this opportunity, and stated that the field of law enforcement has changed significantly since he walked through the doors of the State Police Academy in 1988 as his first day as a cadet. Challenges that face this profession now include the ever present threat of COVID-19 exposure and elements with some facets of the society expressing animosity towards officers. Chief Visconti stated he feels the job has never been more difficult, but he is ready to meet the challenge head-on and is looking forward to leading

the department and see that it continues to provide the excellent level of police service that it has always provided to the citizens. The Board congratulated Chief Visconti.

PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the Minutes of the July 15, 2020 Legislative Meeting. The motion was unanimously approved.

RESOLUTION NO. 2020-R-10:

Solicitor Henninger referenced proposed Resolution No. 2020-R-10, authorizing the acquisition of temporary construction easements and permanent easements for the Spring Garden Drive Pipes Replacement Project. He reported that the owner of one of these properties, Peggy Cigic, has unfortunately passed away. Her daughter will take care of this once the estate is settled. The First Industrial easement is being reviewed by its legal team, and it looks like they will sign off on this. The third property owner is also expected to sign the easements. Solicitor Henninger recommended the Board still proceed with approval of this Resolution for these two properties due to a timing standpoint. If the Board waits two more weeks, that could cause issues with construction if these easements for some reason cannot be obtained. He anticipated, however, that everything should be in hand within the next ten days or so. Vice President Truntz asked if he had talked to Mr. Bragunier about his easement. Solicitor Henninger confirmed that he had, and expects that it will be taken care of.

A motion was made by Commissioner Davis, seconded by Commissioner Paul, to approve Resolution No. 2020-R-10, authorizing the acquisition of temporary construction easements and permanent easements for the Spring Garden Drive Pipes Replacement Project. The motion was unanimously approved.

PENNDOT WINTER MAINTENANCE AGREEMENT:

A motion was made by Commissioner Paul, seconded by Vice President Truntz, to approve the PennDOT Municipal Winter Traffic Services Agreement (years 2020/2021 through 2024/2025).

Ms. McBride noted it was reviewed by counsel and is typical of past agreements. Commissioner Davies asked the actual costs. Ms. McBride responded that the total for the four years comes to \$124,305.54. The motion was unanimously approved.

LOCAL SHARE MUNICIPAL GRANTS:

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the submission of a Local Share Municipal Grant Application for an amount up to \$188,418.68. The motion was unanimously approved.

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve support of Lower Swatara Township Volunteer Fire Department's request for funding from the Dauphin County Municipal Grant awards for an amount up to \$124,800. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve support of Penn State Harrisburg's request for funding from the Dauphin County Municipal Grant awards for an amount up to \$35,000. The motion was unanimously approved.

CIVIL SERVICE COMMISSION:

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve with regret the resignation of Nancy Avolese, effective July 21, 2020, as a member of the Civil Service Commission (term would have expired 12/31/2023). The motion was unanimously approved. Vice President Truntz conveyed the Board's thanks to Ms. Avolese for her service to the Township.

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the appointment of Cord Holliday as a member to the Civil Service Commission to fill an unexpired term ending 12/31/2022. It was noted that Mr. Holliday has been serving as an alternate on the Civil Service Commission. The motion was unanimously approved.

A motion was made by Commissioner Paul, seconded by Commissioner Davis, to approve the appointment of Paul Yoder as a member to the Civil Service Commission to fill an unexpired term ending 12/31/2023. It was noted that Mr. Yoder has been serving as an alternate on the Civil Service Commission. The motion was unanimously approved.

DEPARTMENT REPORTS:

Planning & Zoning/Codes Department

Mr. Fure reported that Bruce Henry started in his new position as Construction Code Official. In addition, Brian Davis began his new position as MS4 Coordinator.

Plan reviews include UPS where a building permit was issued for the foundation, and review of numerous buildings is being completed. A permit was just issued for D&H for its new build. Construction continues at 505 N. Lawrence St. for Campus Heights III. Daily inspections are being done for Hershey Creamery, Campus Heights, UPS (footers) and D&H (footers pending).

The Zoning Hearing Board met on July 2 and approved Byler Quarries, LLC (Fiddler's Elbow Warehouse) variance request to exceed its building height from 40' to 50' for a proposed new warehouse adjacent to 2090 N. Union Street. Also approved at the hearing was Hershey Creamery's variance request for an additional wall sign at 1200 AIP Drive, submitted by Kinsley Construction.

The Planning Commission met on July 23 and reviewed the Preliminary/Final Subdivision and Land Development Plan for Proposed Fiddlers Elbow Warehouse, located adjacent to 2090 N. Union Street. The property consists of approximately 109 acres from which an approximately 19 acre lot will be subdivided for a proposed warehouse. The plan was tabled at the June 25 Planning Commission meeting so that applicant could address numerous comments, which they did. This plan will be on the agenda of the Board of Commissioner's August 19 meeting agenda and will have few comments other than the standard administrative comments.

Ms. Hursh has been working on review and approval of zoning permits.

Inspection of Morgan's Run was completed on June 3 with the owner and HRG to determine any repairs needed prior to topcoat being completed. Approval was given, and paving the top coat will be completed this year.

UPS and D&H plans have both been recorded. There is no new submission of plans for the August 27 Planning Commission meeting. Review of new information continues for ongoing projects which include D&H Warehouse, Wilsbach Distribution Warehouse, UPS Regional Hub, Highspire Terminals, Fiddlers Elbow Warehouse, Morgan's Run, and various Improvement Guarantee releases. Work continues on the relocation of power poles at the Wilsbach Distribution Facility project site. They have a very aggressive schedule, with intentions to submit building plans by the end of August and hopefully have a building in place by this time next year.

Ms. McBride noted that the August 27 Planning Commission Meeting will be cancelled.

Commissioner Paul asked if it correct that Wilsbach cannot begin construction without planning module concurrence from DEP. He asked if the Township has this in hand. Mr. Fure responded he does not know the status, but agreed that the Township will not allow them to start building until this is approved. Mr. Fabian added that he had spoken to Holly Evans of Evans Engineering earlier today to get updates on outstanding items. They still need two more HOPS to complete the entrance and are still waiting on a part 2 sewer permit, which they hope to have finalized so they can have this before the Municipal Authority for approval at its October meeting. They are also waiting on their Chapter 105 Permit for wetland and stream impacts; they just addressed DEP comments and are resubmitting that and expect approval within the next month or so. They will also have to post the financial securities for the overall full construction and are working with Ms. Hursh on this.

Public Works Department

In the absence of Mr. Lanman, Ms. McBride provided the Public Works Department report. An update was provided on the storm pipe failure at Ebenezer and Old Reliance. The Public Works crew did repair the storm pipe, which ended up being a 15" pipe rather than a 12" pipe. This fix is temporary in nature due to the roadway being planned for paving in the coming weeks and the amount of work that will be required to make permanent repairs. However, the temporary fix is expected to last many years.

The 2020 Paving/ Liquid Fuels work is slated to start August 10. Roads planned for paving in 2020 include: Ebenezer Road from Longview Drive to Oberlin Road, Strites Road from Longview Drive to the Township line, Cockley Road from Longview Drive to the Township line, Davis Drive in whole, Horseshoe Drive in whole, Greenfield Drive, Kreider Drive, and Highland Street. Stormwater projects include 217 Delmont, Spring Garden Drive, and Twelve Oaks. Mr. Fabian noted he is preparing a proposal for all this and will seek approval to move forward with the design at the August 19 legislative meeting.

Retrofit work has begun for the 2019 LST MEII Water Quality Improvements Project. Custer is ready to start the major work. Greens Keeper landscaping completed the planting for the new buffer, and the Public Works will continue to water these trees until they are established.

The Public Works Department has been busy mowing, street sweeping, working on pipe repairs, and taking care of the baseball and soccer fields.

Mr. Lanman was having difficulty getting bids for the fencing at the rain garden at Shope Gardens Park. Fence contractors are struggling to obtain materials and make time in their schedules. He was finally able to secure a bid from Tyson Fence. Ms. McBride added she is hopeful this can be done this year.

Doli is waiting on structures from Monarch to begin work associated with the Rosedale Manor Stormwater project. Monarch was shut down for a period of time due to COVID-19, and the Township is still waiting for a revised construction schedule. Mr. Fabian commented that he expects them to mobilize early to late September.

Plexiglas window coverings have been installed at the lobby and at the Municipal Authority and Codes Department windows to prevent face to face interactions.

Vice President Truntz noted he would like to publicly thank Mr. Lanman and the Public Works Department for the work they did behind the Fire Department. There is an area back there where it dips down, and there is heavy brush and sumac there that needs to be knocked down annually by the Fire Department volunteers. The Public Works crew used the boom mower and made short work of this, which was very much appreciated by the Fire Department.

MANAGER'S REPORT:

Covid-19

Ms. McBride reported on the updated Covid number for Dauphin County. As of today, the number of positive cases is over 2,700, about double what it was 9 weeks ago.

Local Share Municipal Grant Application

As the Board is aware, there will likely be little money for this grant this year, perhaps only 1/3 of what it was in previous year. The Township has asked for help with three debt payments: the DCIB loan of 2017, the DCIB loan of 2015, and an estimated half of the PennVest loan for 2021. In addition, the Township is co-sponsoring one for the Fire Department for debt relief, and one for Penn State Harrisburg. When this grant application is submitted, the Township will need to prioritize what it is requesting. Ms. McBride asked the Board's input on this. She noted her initial thought is to put the Township's three requests first, followed by the Fire Department's request, and then Penn State's request. However, the Fire Department is struggling this year with fundraising and could be moved up if the Board so desires. President Wilt remarked that he agrees with the order Ms. McBride mentioned. Vice President Truntz commented that the Board heard a rather

sobering presentation by the Fire Department on its upcoming financial picture. Perhaps moving their request ahead would grant them some relief and delay anything the Township may have to kick-in in the future. Commissioner Paul added that it is his understanding from talking to Bill Leonard of the Fire Department that these kinds of requests, when granted, would be applied to the tail end of the debt, not what is due this year. Therefore, while they would get the money, it would not alleviate the pressure they are facing this year. Ms. McBride explained that she did get this question from the Fire Department months ago, and was told a check for this grant award would be paid to the bank where they have their loan. Commissioner Paul asked that this be verified, since this would definitely help the Fire Department. He added that in this case, he would support moving their request up. Ms. McBride suggested moving PennVest down to fourth on the list, and moving the Fire Department up to third on the list. Commissioner Davies agreed this was his thought. Vice President Truntz added that Representative Mehaffie has significant influence on the award of this money through his letter of support for this application as well as his interactions. He suggested someone reach out to him to ask for support. Ms. McBride commented that she had received an email today from his office with a letter of support for the Township request as well as a copy of a letter of support for the Fire Department request. Vice President Truntz thanked Representative Mehaffie for his assistance.

Rosedale Avenue lane closing

Ms. McBride reported that tomorrow, near 1101 Rosedale Avenue, one lane is going to be closed from 6 AM to 3 PM. There will be traffic control in place.

Dauphin County CARES Grant

Dauphin County CARES is a new grant program that is coming out that can help local municipalities with some of the cost of Covid. Ms. McBride added that she has been told by those administering this plan that the Township can submit the cost it has incurred for police salaries and benefits from March 1 to the estimate of the end of the year. She explained that she had questioned this since those numbers are budgeted, and one of the stipulations of the CARES grant is that the expenses cannot have been budgeted. However, she was assured that police salaries are okay to submit. Formal action will appear on the addendum to tonight's agenda.

Vice President Truntz asked if the replacement police vehicle was ordered. Ms. McBride confirmed that is actually here. She added that at the last meeting, she had mentioned that one of the other police cars needed a new transmission. At that point, her opinion was that it may not be

worth fixing. After speaking to Township mechanic Rodger Mason, she feels it is worth fixing this 2014 car. It has about 76,000 miles on it, and a transmission should cost about between \$3,000 and \$3,200. This is far less than \$40,000 for a new car, and Mr. Mason feel the Township should get quite a few more years out of it. Chief Visconti added that he had spoken to Mr. Mason, and he feels comfortable with this recommendation. The Board concurred with having Mr. Mason move forward with the repair. In response to a question from Commissioner Davies, Ms. McBride noted the totaled vehicle was replaced, and the insurance payment received.

ADDENDUM TO AGENDA:

Resolution No. 2020-R-12

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve Resolution No. 2020-R-12. This resolution authorizes and directs the President of the Board of Commissioners to sign the Winter Traffic Services Agreement with PennDOT, which was approved earlier tonight. The motion was unanimously approved.

Shope Gardens rain garden fencing

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve a Proposal/Contract from Tyson Fence Company, Inc. in the amount of \$5,487.89. The motion was unanimously approved.

Dauphin County CARES Grant

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve Lower Swatara Township's submission of a Dauphin County CARES Grant. This grant assists municipalities impacted by COVID-19. The motion was unanimously approved.

ENGINEER'S REPORT:

Shawn Fabian, HRG, referenced his written report and provided updates.

The contractor for the Greenfield Park Basin Retrofit and Riparian Buffer – Mariner East II (MEII) project continues work onsite, and installation of the basin retrofit is in progress. During excavation of the underdrain system, a suspected sinkhole developed at the inside toe of slope of the fill berm in the eastern end of the basin. Hillis-Carnes was contracted to provide a Professional Geologist to review the suspected sinkhole and to create a remediation plan. During excavation to determine where the throat of the sinkhole may exist, it was found that the true source of the soil

loss is an old terra cotta pipe that runs from the basin through the berm. As the pipe has no upslope pipe above the berm, the pipe was capped, and the damage to the berm was repaired. A change order notice was emailed from the contractor for the out-of-scope work, and the official change order value will be awaited on in order to process a contract amendment. The amendment is anticipated to be within the construction contingency available yet in the grant and is not anticipated to change the substantial completion date.

The Township Comprehensive Recreation, Park and Open Space (PROS) Plan is still in review with DCNR and should be completed by the end of this week. It is anticipated the Board will be able to vote on final approval of the plan at its August 19, 2020 legislative meeting.

An update was provided on the stormwater utility implementation. Per the Municipal Authority Meeting on July 27, HRG is now initiating the task of developing a stormwater credit specifically for agricultural uses. HRG is also assisting staff with the support of the billing system and data company in preparation for those bills to go out.

Mr. Fabian added that he received an email from DEP today pertinent to the electronic filing of the MS4 Annual Report. Apparently Dauphin County will be not be using a website based application for filing of the report, but will still be using pdf uploads. In the past, HRG has always burned the final pdf to a disk and dropped it off at the DEP southcentral regional office for their review. This year, a pdf will simply be uploaded to a website.

Mr. Fabian reported that he is working with the Township's new MS4 coordinator, Brian Davis, and took him on a tour through most of the active and upcoming MS4 projects. The annual report is in good shape where Ms. Smith left it before her resignation, and Mr. Davis should be able to take it to the finish line, with any necessary support from HRG.

Mr. Fabian noted that with Mr. Lanman being out of the office, he was asked to coordinate the microsurfacing job for the paving contract with Stewart & Tate. All the remaining bonds and insurances were received to finalize the contract. They are looking to mobilize to the site and kick-off all the paving next Tuesday, weather pending. This should be about a month of work. Substantial completion is set for September 30, since they will need to have everything done by October 1.

Commissioner Paul referenced the report that the paving overlay for Cockley Road will be done to the Township line. He asked if there are still plans to do that culvert next year. Mr. Fabian agreed that the current plan is to do the box culvert. Commissioner Paul noted there is probably

about another 100 yards on the other side of that culvert, so it doesn't sound like the paving will be done to the Township line. He asked where the paving will stop on that project. Mr. Fabian stated that the last time he talked to Mr. Lanman, his understanding was that the replacement next year would not interfere with what he had planned for this paving contract.

SOLICITOR'S REPORT:

Solicitor Henninger reported that Ms. McBride has been working to coordinate a meeting with the three major stakeholders -- Penn State, Middletown Area School District and SARAA -- with regards to the stormwater fees. Hopefully this will occur over the next ten days.

Solicitor Henninger reported that he had received a draft of a proposed amendment to the Developer's Agreement for D&H pertinent to the signal warrants with regards to the Meade Avenue signals (230 and Meade Avenue going eastbound). He is reviewing this, and will be sending it to HRG for their review. It is anticipated that the proposed amendment to that agreement will be on the August 19 agenda for approval. He noted that he had also copied Commissioner Paul on the proposed amendment, due to his interest and knowledge in this and the fact that he was heavily involved in the original Meade Avenue Project.

In response to a question from Commissioner Davies, Solicitor Henninger stated he will probably be participating in-person at the next meeting.

FIRE DEPARTMENT MATTERS:

Vice President Truntz referenced Board discussion at the July legislative meeting regarding a volunteer firefighter tax credit. At that time, the commissioners had seemed to agree it would be a good program. This would be a two-step process: (1) an ordinance adopting the program which requires advertisement and a public hearing and (2) adoption of a resolution regarding the specifics of the credit. He asked that this be kept on the radar, as he has been getting questions from the volunteers on the status of this.

Vice President Truntz also reported that he and Commissioner DeHart had met a week ago with Rob Brady from Rob Consulting LLC. Mr. Brady is a fire department consultant. The Board is aware of the financial storms the Fire Department will be facing as far as future replacements and repairs. Vice President Truntz added that he had spoken to Ms. McBride about the possibility of having Mr. Mason take a look at the two fire chief's vehicles to verify that what the repairs shops

have told the Fire Department is legitimate, and also to see if the life of these vehicles can be extended in any way. Again, as Mr. Leonard suggested at his presentation several months ago, the Township is going to need to get more involved financially. Vice President Truntz suggested it would be prudent to have Rob Consulting come in and evaluate the finances and operations of the Fire Department and give some suggestions on what is needed. The proposal received was a cost not to exceed \$10,000 and would basically provide an overall financial evaluation. Mr. Brady indicated the actual cost will probably be less than this amount. Vice President Truntz noted a proposal will most likely be before the Board soon. Ms. McBride stated that this is a good idea, and added that Covid is also negatively impacting the Fire Department, so this could possibly be part of the grant. Commissioner Paul agreed that the Department's revenues have been drastically down due to the virus. President Wilt asked what this \$10,000 will include. Commissioner DeHart explained this will be in the proposal, but will provide ideas and follow up to think outside of the box. He added that \$5,000 was budgeted for an audit this year, so there is funding available for this. Ms. McBride asked if she can look for grant money and submit the application if there is a quick deadline. She added this may be able to be included in the Dauphin County CARES program. The Commissioners expressed no objection to Ms. McBride doing so. Vice President Truntz added that he feels it is inevitable that the Township will need to offer financial assistance to the Fire Department, and it makes sense to have an expert in the field look at their finances.

TRANSFER:

Ms. McBride reported the Township has money sitting in a checking account, and she would like to take \$1,000,000 - \$2,000,000 and buy a CD at Mid-Penn Bank until February, and then take another \$1,000,000 - \$2,000,000 and buy a CD at Mid-Penn Bank until May. She added that she had shopped rates, and found Mid-Penn to be the highest as of today – about .65%. The Board expressed no objection to this. Commissioner Davies asked if an investment in a CD would have FDIC protection. Solicitor Henninger stated the protection would be the same as if it were in the checking account. Ms. McBride added that these banks also collateralize public funds.

GOOD AND WELFARE:

Commissioner Davies reported that the Finance Committee, along with Ms. McBride and Ms. McClain, met with Mr. Lanman to discuss needs for the Public Works in the coming year.

Review of this year's budget was also discussed, including equipment purchases and whether to follow through with one rather significant piece of lawn mowing equipment. In three years, the Township will face the replacement of two other pieces of lawn maintenance equipment in this same category. There is also the question of whether an additional truck should be acquired in the coming year and what would be the most cost effective way to go about that. Commissioner Davies added there are additional budget meetings going on; there was one with Code Department and there will be one with the Police Department tomorrow.

Commissioner Paul reported that he and Commissioner DeHart were involved in the budget meeting with the Code Department. The Board needs to be aware that the revenue stream that the Township has gotten from building permits over the last few years will not continue. Beyond next year, there are not a lot of projects that the Township is aware of. Commissioner Paul also reported that the interview process has started for the Supervisor of Public Works. He suggested the Board still needs to talk about the job description to clarify exactly what is being looked at for this position.

Commissioner DeHart apologized for being late due to his work schedule. He asked for an update on the new flusher truck and whether it has been registered. Ms. McBride responded that she planned to have President Wilt accompany her to the notary to sign the paperwork. Commissioner DeHart thanked the Public Works for filling-in the hole on North Union Street in the 2000 block and for the pipe repair on Old Reliance Road. He congratulated Chief Visconti on his swearing-in this evening, and welcome Bruce Henry, who was in this audience, to his new position.

Vice President Truntz asked if there are any updates on the parking at the end of Fulling Mill Road. Mr. Fabian explained that the temporary parking is set up, but it seems everyone prefers to park directly under the trees on the eastern end of that lot. As more cars arrive, it could be more chaotic. Both of the trash bins are in place and appear to be utilized. The Township is still waiting on the final contract from the Fish and Boat Commission, and then the Board will need to decide how to match that grant to move forward with the full design.

Commissioner Davies commented that Lower Swatara is not the only township that suffers from an inundation of users at locations such as this. He ran into someone from Lower Allen Township who reported on similar parking issues, as tubing down creeks has become very popular. He also welcomed Chief Visconti and Bruce Henry onboard.

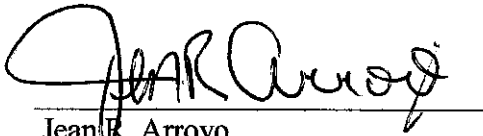
President Wilt extended his congratulations to Chief Visconti and Bruce Henry. As Commissioner Paul mentioned, there was an interview held for a position in the Public Works Department. President Wilt stated he personally feels the individual has some good qualifications and can bring something to the table once the specifics of the job description is finalized. He thanked those who came out this evening.

Vice President Truntz asked if the Township is doing National Night Out this year. Chief Visconti reported that it is not, at least not to his knowledge. Vice President Truntz asked that he call Middletown and Swatara to see how they are handling this.

ADJOURN:

Hearing no other comments, a motion was made by Vice President Truntz, seconded by Commissioner Davies, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:18 P.M.

ATTEST:

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

Jean R. Arroyo
Township Secretary

PLEASE PRINT NAME CLEARLY

August 5, 2020 Workshop Meeting -- 7:00 P.M.

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