

MINUTES
LEGISLATIVE MEETING – APRIL 17, 2019

The April 17, 2019 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
- Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninge, Solicitor
- Jeff Vargo, Chief of Police
- Ann Hursh, Planning & Zoning Coordinator
- Andrew Kenworthy, HRG

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

PRESENTATION OF HEROISM AWARDS TO PATROLMAN RYAN LESKO:

Chief of Police Jeffrey Vargo stated he would like to take this opportunity to recognize Officer Ryan Lesko for his actions in two separate incidents. On July 23, 2017, during a rain event which resulted in flash flooding in the area, Officer Lesko was first on the scene at a vehicle stranded in the rising flood waters. There were two individuals trapped in the vehicle, and he was able to rescue both. On September 1, 2018, the Township was assisting Highspire at a structure fire. Officer Lesko was the first officer on the scene, and learned that there might be an infant still inside. Along with another family member, he entered the residence through the burning home and searched for the infant. Shortly thereafter, they learned that the child had already been located. Officer Lesko then grabbed the fire extinguisher from his patrol car and used it to attempt to control the fire. He continued his efforts until the Fire Department arrived. He was later treated for smoke inhalation. Chief Vargo stated that his actions in both incidents fit the description of a hero. He read aloud the Police Department's Award of Heroism, which is for acts of courage without regard of personal safety which places the officer in eminent physical danger in his or her efforts to effect a rescue or save a life. Chief Vargo presented Officer Lesko with two awards of heroism for these incidents.

Officer Lesko stated he appreciates the awards, but added that there are other members of the Police Department that deserve these awards for other instances that occurred. He expressed hopes that they also receive these in the future. Chief Vargo acknowledged the family members of Officer Lesko who were in attendance. President Wilt thanked Officer Lesko and those in attendance tonight to see this presentation.

PRESENTATION OF SKETCH PLAN FOR NEW SYNTHETIC TURF FIELD FOR MASD:

A PowerPoint presentation of the sketch plan for the new synthetic turf field and athletic amenities project for the Middletown Area School District was presented by David Horn from Architerra, Holly Evans from Evans Engineering, and Bill Meiser from the Middletown Area School District. Mr. Horn explained that it was determined that the School District is about nine athletic fields short of meeting the current needs of the District, both from a curricular and community use. The solution could be to get more use on a field by changing the surface from natural grass which wears out, to a synthetic surface. The Middletown Area School District is proposing to construct a new multi-use synthetic turf athletic field. Sports it will accommodate include soccer, field hockey, physical education classes, band practice, as well as youth football and non-varsity football. There may be some junior varsity or middle school football played on this field, but it is primarily for non-football type sports. The project includes a new grandstand (approximately 500 seats), LED field lighting, a bus drop-off loop, ADA parking, an athletic amenity support building (approximately 4,000 sf.) and associated stormwater management facilities. The proposed athletic field is located at the southeastern corner of the school's property near North Union Street (441) and the PA Turnpike. As per previous discussions with the Township staff, this project will ultimately be processed as a Stormwater Management Site Plan. All stormwater will be collected and managed under the field, and there will be no additional stormwater basins visible.

Commissioner DeHart recalled that in 2011, there was a wall of water coming down North Union Street which flooded the basement of the old High School. He asked how a synthetic field would handle copious amounts of water coming down North Union and jumping the curb. Mr. Horn explained the highest part of this immediate project area is the surface of the field. Water would have to run uphill to get to the surface of the field. If heavy rain comes down North Union, there will already be an improved swale designed to intercept it. Ms. Evans

explained all the existing basins that function will continue to function. The amount of flow to each will be slightly reduced while creating a whole new stormwater collection control system. It was noted the intent is not only to take care of the water associated with this project but also alleviate some of the existing issues on the campus. Mr. Horn reported that the intention is to have this project constructed and completed by August of 2020.

Commissioner Paul asked if engineers had verified that the existing pipes that go underneath those fields are structurally sound. Mr. Horn stated the pipe was looked at, and found to be okay. Commissioner Paul also asked for verification that the existing future sanitary sewer easement that was provided many years ago is still shown on the existing plan and didn't get lost in the shuffle.

Commissioner DeHart asked if staff had looked at the lighting plan for the field, since it could possibly impact nearby homes. Mr. Horn confirmed that a lighting plan will be submitted. Ms. Evan explained that this is just a sketch plan at this point.

In response to a question from Commissioner Davies, Mr. Horn confirmed that this plan does make allowances for restrooms.

PUBLIC COMMENTS:

Laurie Castagna, 1901 Scarlett Lane, again expressed her opposition to any potential rezoning of the Williams' farm. She added that if the Township has \$12,000,000 sitting around, this would be the perfect location for the community park that has been discussed for years. Ms. Castagna stated that at the Board's April 3 meeting, several Twelve Oaks' residents presented their concerns with a rezoning. They were told at that time that on March 28, there was a meeting held between NorthPoint and the Township's zoning staff. It was reportedly a very informal meeting, with NorthPoint primarily asking questions about the process. Ms. Castagna expressed her surprise when only 48 hours later, she viewed an article on the on-line version of the Press & Journal that said a bit more about this meeting. Apparently there were some diagrams presented, because the article said there are two buildings being proposed to the north side of Fulling Mill Road, and one to the south side of Fulling Mill Road. There is also a quote in the article that says "it looks like warehouse light industrial." Ms. Castagna stated that she is concerned at this point about transparency and what other information is being withheld from the residents. The residents were told that there were no plans submitted yet, and that

nobody has requested rezoning. She questioned if backdoor meetings are being held. President Wilt responded that not that the Board is aware of; Ms. Hursh met with them and can answer any questions. Ms. Castagna added that she had also posted her concerns on Facebook, and one resident suggested they need to trust the Board. Her response was that this is not a multi-tiered system of government. This is one layer, and the people have oversight and must monitor what goes on with the Board to ensure that it is doing what is in the best interest of the residents. She asked that the Commissioners keep these questions in mind: Who do you represent in this Township? Who are you accountable to? Can we trust you as our elected officials to do what is in the best interest of the taxpayers and residents? She stated that she knows the answer to this question: Who must provide the checks and balances for what the Board does in their capacity as Commissioners? The answer is we the people. She again noted that when Northpoint signs that contract to purchase the property, things will move quickly. The residents want to make sure they are apprised of these plans.

Vice President Truntz stated that he read that article and had the same questions. Ms. McBride apologized, and stated she wasn't keeping anything from anyone. Yes, NorthPoint did show the staff a drawing with two buildings on one side and one building on the other. They took the drawing back; nothing was submitted. Had they given her a drawing with beautiful homes on one-acre lots, she would have put as much weight on that drawing as she does on the drawing with warehouses. Ms. McBride stated they drew it, and they took it back. Nothing was submitted formally. Commissioner Paul clarified that when Ms. McBride refers to "us" or "we" it does not involve the five Commissioners. The meeting was held with staff. Not one Commissioner was at the meeting and quite frankly what they talked about doesn't mean a thing to the Board until it is formally submitted.

Ms. Hursh stated that she has not heard anything from NorthPoint since that meeting. Staff had recommended that NorthPoint have its own meeting with the public, and provided them with contact information for the Fire Department for use of their facilities. Chief Weikle confirmed that NorthPoint had contacted his wife, who is in charge of the hall rentals, to inquire about use of the facilities. It has been three weeks now, and they have not heard back from them. President Wilt stated he has a feeling they have not heard back because NorthPoint has gotten the feeling that people here, including commissioners, are not in favor of what they may be looking for. He stated that the Township may never hear from them again, but will have to wait and see.

Vice President Truntz again stated that he has lived in Twelve Oaks for 15 years, and President Wilt has lived on his property near the Williams' farm for 36 years, so they are also concerned as both commissioners and residents.

Lois Wald, 1855 Lakeside Drive, expressed concern about property management companies buying some of the properties in her neighborhood. One has become a Penn State student house. She asked how a property manager can allow more people on a rental agreement than there are parking spaces. Since two spaces are provided, how can four people be on a lease? Solicitor Henninger explained that the overflow spaces are public. The Township cannot limit how many vehicles someone has or prevent homes from being placed out for rent. He agreed there is no easy answer. Ms. Wald stated she anticipated this would be the response, but is still very disappointed. Commissioner Davies offered his experience with the permit system for street parking. However, this would result in everyone having to get a permit, which becomes a burden in the cost of permitting and also an enforcement nightmare. Ms. Wald stated she had hoped the Township could regulate the number of people on a lease, which would cut down on the number of cars. Commissioner Davies agreed that staff could certainly look into how other municipalities deal with this.

Ed Fox, 760 Longview Drive, voiced concern about the sale of property involving a zoning variance. He expressed hopes that the Board approach this as WHY it should be approved. There was a great amount of work and effort put into the Township's zoning and codes, and changes should be made sparingly. He questioned what benefits would be accrued by the seller, the Township, and its residents. The seller would benefit from receiving more revenue if it was zoned to light industrial. Mr. Fox stated that frankly, he doesn't see any benefits for the Township and its residents. There would be a loss to the people who live nearby. It is certainly not a selling point to be across the street from an industrial area, and it would result in a diminished quality of life. Mr. Fox stated that when all it considered, he would hope either the Zoning Hearing Board or Board of Commissioners say no and require the property to be developed under its current zoning and codes.

Conan Dougherty, 704 Nissley Drive, agreed with the concerns expressed by Ms. Castagna and Mr. Fox. He noted that he had worked in York and had seen the impact of properties near areas that Northpoint developed. Residential homes became upside down in value and couldn't be sold. He also expressed concern with stormwater issues and the amount of

truck traffic in this area. He suggested the Board stick to its guns and not rezone this property. Leave the zoning as is, which will result in more people wanting to move to the area -- hardworking, taxpaying citizens that want to live here.

Mary Golab, 804 Nissley Drive, thanked the Township for the presence of the patrol car at the intersection of O'Hara and Nissley by the stop sign. She added that Nissley Drive is a main route of transportation for the Fire Department on Fulling Mill Road. If that road gets jammed up with warehouse traffic, it will impact how the Fire Department responds. She added that she realizes how quickly the Township plows Nissley Drive due to the need for the fire trucks to go back and forth.

Ed Halpern, 804 Nissley Drive, asked if the Borough of Middletown has a limit on how many students can live in a house. Solicitor Henninger stated that he does not know what Middletown has on the books. Mr. Halpern also questioned the sketch plans for the new High School field, and asked why there is lighting necessary for the fields and tennis courts. He stated this is a school, not a country club. He asked if this project is on a sinkhole. Ms. Evans responded that it is not on a sinkhole. Mr. Halpern referenced the sinkhole on North Union, and asked if the Township or UPS is responsible for that. Commissioner DeHart stated this is the responsibility of UPS.

APPROVAL OF MINUTES:

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the Minutes of the April 3, 2019 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the payment of bills as presented on Warrant No. 2019-03. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Treasurer's Report for March 2019. The motion was unanimously approved.

PUBLIC SAFETY REPORTS:

Police Department

Chief Vargo provided the summary of statistics for the Police Department for the month of March. There were 859 calls for service, which included 47 cases investigated. There were a total of 32 arrests, which included 8 DUI arrests. There were 158 traffic citations issued, 6 non-traffic citations, and 133 written warnings. In addition, officers investigated 19 total traffic accidents that occurred in the Township. The Township's motor carrier enforcement officer conducted a total of 21 motor carrier enforcement details. In response to a question from President Wilt, Chief Vargo noted that the department made a lot of traffic stops in conjunction with the Aggressive Driving campaign. The next initiative will be the Buckle-Up campaign, which will start very shortly.

Commissioner Davies referenced the parking issue expressed by Ms. Wald, and asked if Chief Vargo had any input. Chief Vargo stated that he does have previous experience where parking permits were utilized. He agreed to provide further information on this.

Fire Department

Fire Chief John Weikle presented statistics for the month of March, which included 52 calls with 35 responders. The average personnel per response was 7. Time in service was 20 hours, 43 minutes and 28 seconds. There were 4 fire incidents, 14 Rescue and EMS incidents, 2 hazardous conditions, 2 service calls, 22 good intent calls, and 8 false alarms. Mutual aid calls were as follows: Highspire – 13; Londonderry – 1; Middletown – 5; PA Turnpike – 1; Royalton – 1; Steelton – 3; Swatara – 4.

ENGINEER'S REPORT:

Andrew Kenworthy, HGR, referenced his written report which provide updates on the various projects.

The Township is still waiting for DEP to process the paperwork for the award of the MEII grant for the Greenfield Park basin retrofit and downstream riparian buffer.

Work on the stormwater utility implementation continues. The Township will need to approve a lease and a management agreement between the Authority and Township to formalize the fee.

A new closing date for the PENNVEST loan for the Rosedale Manor Stormwater project needs to be scheduled. Prior to the closing, all easements must be acquired. There are still quite a few outstanding. Solicitor Henninger agreed that the next step will be a second notice to those property owners who have not signed off on the easements.

The Highland Street culvert project remains on schedule. Mr. Kenworthy added that there was some discussion at a previous meeting about paving the roadway. He noted the Township's responsibility, if it decides to pursue the paving, would be to pave Route 441 to the bridge. The other side is essentially Swatara Township. If there is any consideration to address this, he recommended that the paving be done after the bridge is completed.

An update was provided on the Spring Garden Drive road closure. Mr. Kenworthy first discussed the temporary road fix. HRG received three quotes for the temporary fix of Spring Garden Drive to open it to traffic as soon as possible. Quotes were received from Red Rock (\$9,400), Trilon (\$14,750) and Lobar (\$14,955). At the April 3 workshop, the Board had authorized an expenditure not to exceed \$18,000 for this temporary fix. Mr. Kenworthy asked authorization to proceed with the quote from Red Rock. The Board confirmed authorization to proceed. HRG has also prepared two proposals for the permanent repair of the failed underground stormwater conveyance system that currently requires the road to be closed. Adjacent culverts have been considered in the options. The proposal of April 9 excludes the Lumber Street culvert north of Spring Garden Drive, since it was deemed to be in decent shape.

Mr. Kenworthy reported that construction of the stormwater BMPs (rain gardens and asphalt walkways) for the Old Reliance and Shope Gardens parks is ongoing and should be wrapped up soon.

Commissioner Davies noted that it is his understanding that the DCNR C2P2 Planning Grant for a comprehensive study of the Township's parks and open space was approved. Mr. Kenworthy confirmed this is correct. Commissioner Davies stated this is very good news.

Vice President Truntz asked to go back to discussion on the Spring Garden Drive culvert proposals, and asked if there is a predictable lifespan on the third culvert. Eliminating it would result in a \$17,000 savings, but he questioned whether the Township would just have to go back and do it in five years or so anyway, at a higher cost. Mr. Kenworthy responded that there would certainly be a cost savings to do all three together. He stated that he does not know offhand the

life span of that third culvert, but can confirm that it is in fairly decent shape. He agreed to get more information on this if the Board desires. In response to a question from President Wilt, Mr. Kenworthy anticipated that if the Board approves the proposal, there would be a spring/summer of 2020 construction. Commissioner Davies stated his concern is actually the capacity of the Lumber Street culvert, not necessarily the condition. He expressed his interest in pursuing improvement to it as opposed to allowing it be overwhelmed with flooding waters on a regular basis. Commissioner Paul asked everyone to keep in mind that there may be a little bit more to the Lumber Street culvert than meets the eye, including possible sanitary sewer line replacement. This project could snowball. Solicitor Henninger asked if there would be an adverse impact on the two new culverts, when constructed, if this third culvert needs to be done at a later time. Mr. Kenworthy responded that he does not foresee any impact. After further discussion, the Board agreed to pursue doing the first two culverts at this time, as presented in the proposal of April 9. A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve the April 9 proposal from HRG for Engineering Services for the Spring Garden Pipe Replacement Project. The motion was unanimously approved.

SOLICITOR'S REPORT:

The Board will be holding a Public Hearing on May 1, at 6:45 P.M., just prior to its workshop, to receive public comment on the Verizon contract renewal.

Solicitor Henninger reported that he is about $\frac{3}{4}$ done with his review of a stormwater credit policy. This will be provided for the Board to look at, and the Board can then move on to review of the lease and a management agreement between the Authority and Township.

Solicitor Henninger reported that he had attended a meeting with staff to work on the recodification update. It was a very good meeting, with significant input from the staff.

MANAGER'S REPORT:

New sewer bill format and update on integrated software

Ms. McBride reported that the Township's sewer bill will soon have a new format, and will be mailed in an envelope rather than the usual post-card mailing. The goal is to have as many people pay electronically as possible, which can be done through a link on the Township's website. This is being done in conjunction with the new, integrated software upgrade.

Police cars

Ms. McBride informed the Board that one of the police vehicles will need to be replaced very soon.

Dumpster, first Saturday of each month

The Township dumpster program, which operates the first Saturday of each month, involves two employees each working a four-hour period. The Township is actually losing money on this program, so increased fees for this program may be necessary in the near future.

Street signage (Don Fure)

Mr. Fure addressed previous concerns over the location of the stop sign at Nissley Drive and Fulling Mill Road. The stop sign was actually placed on the street sign. He stated this was approved by PennDot, so there is not much the Township can do about this situation.

Commissioner DeHart questioned why this cannot be changed; if the sign is run over, it is the Township's responsibility. After further discussion, the Board agreed to have Mr. Lanman contact the PennDot District 8 engineer to discuss this.

Fire Hydrants (Don Fure)

Mr. Fure addressed previous discussion about the possibility of the Township painting the public fire hydrants to color-code them based on flow. According to Suez, the Township cannot do this.

Future Meeting Dates

April 19	Good Friday Holiday – Township Offices closed for business
April 22	7 PM Municipal Authority Meeting
April 25	7 PM Planning Commission Meeting
May 1	6 PM Recreation Board Meeting
May 1	6:45 P.M. Public Hearing on Verizon contract
May 1	7 PM Board of Commissioners Workshop Meeting
May 7	unannounced TMI Drill

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul – no report

Budget and Finance Committee: Commissioner Davies – no report

Public Works Committee: Vice President Truntz reported that this past Saturday's Opening Day was a very nice event. The Public Works crew did an excellent job, as always, in preparing the fields. The crew is also working on street sweeping at present time.

Community Development: Commissioner DeHart reported that the pension advisory boards recently met; meetings are anticipated to be held at least twice a year.

Personnel Committee: President Wilt – no report

UNFINISHED BUSINESS:

The Board tabled the Preliminary/Final Subdivision/Land Development Plan for Star Barn Duplex Units, Planning Commission File #PC2018-03, with a time deadline of July 17, 2019. Plan is located on Nissley Drive, south of I-283, one lot, 3.67 acres, 12 duplex units, zoned Residential Urban, owned by Star Barn Townhomes, LP, submitted by Navarro & Wright Consulting Engineers, Inc. There are two waiver requests for the plan: a waiver of Section 22-404: Preliminary Plan and a waiver of Section 22-606: Curbing.

NEW BUSINESS:

Requests for Funding

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Request for Funding (DCIB 2015 loan) in the amount of \$7,055.60 to the Dauphin County Infrastructure Bank for the Lumber Street Culvert Replacement. The motion was unanimously approved.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Request for Funding No.11 (DCIB 2017 loan) in the amount of \$15,004.16 to the Dauphin County Infrastructure Bank for the Highland Street Bridge Replacement. The motion was unanimously approved.

Hiring of Assistant Director of Public Works/MS4 Coordinator:

Ms. McBride requested that the agenda item regarding the hiring of an Assistant Director of Public Works/MS4 Coordinator be tabled. She requested an executive session immediately upon conclusion of this evening's meeting to discuss this item.

GOOD AND WELFARE:

Commissioner DeHart stated it was nice to see Officer Lesko congratulated for his acts of heroism. He added that the Township recently lost a fine resident and former Zoning Hearing Board member – Robert Breon.

Commissioner Davies agreed that the passing of Bob Breon is a very big loss to the community. He stated that he had served with him for many years on the Zoning Hearing Board, and can confirm that Bob Breon was a kind and considerate man, and a great example of a public servant. The Board conveyed its condolences to the Breon family. Commissioner Davies also congratulated Officer Lesko on his award, and thanked all those involved in last Saturday's Opening Day for baseball.

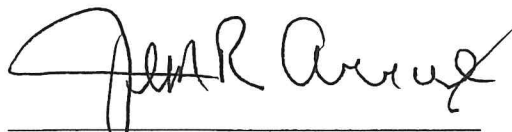
Vice President Truntz recalled that he sat-in on the interview when Officer Lesko was hired, and was impressed with him at that time. He also recently did a ride-along with him. Vice President Truntz noted that the heroism awards presented tonight just reinforce what a good officer the Township has in Officer Lesko.

President Wilt thanked the public for their attendance and input tonight. He agreed with Vice President Truntz that Officer Lesko was an excellent hire. He thanked the Public Works Department for the great job on the fields for Opening Day. President Wilt also expressed his condolences to Solicitor Henninger on the recent passing of his mother.

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 8:50 P.M.

ATTEST:

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

Jean R. Arroyo
Township Secretary

PLEASE **PRINT** NAME CLEARLY

APRIL 17, 2019 LEGISLATIVE MTG. - 7 PM

Name/Organization	Address/Contact Information
Holly Evans Evans Engineering	
DAVID HORN ARCHITERRA	205 N MAIN ST COOPERSBURG PA
LAURIE Castagna	1901 Scarlett
Tami Horn	408 Nissley Dr.
Tim & Sherry Santoro	1890 N. UNION
Mary M. Golds	804 Nissley Dr
Bruce & Joanne Hark	1134 Spide Rd
John Weikle	LSFD
Deb Cotton	1807 Bonnie Blue Lane
Linda Mettler	School Board
Ed Halpern	804 Nissley Dr.
Patty & Bill Pronuk	604 Willow Dr.
Laura Hays	PMSS & Journal
Tracey Bechtel	2 Berkeley Dr
Steve Seewen	465 Brunswick
Jeff Ash	5 Ray Rd
Ruth Shiffler	1822 Ottawa Ln
Gin Green	1819 Bonnie Blue Ln
Danay O'Brien	North Union
Lori Wolf	1855 Lakeside Drive

PLEASE PRINT NAME CLEARLY

APRIL 17, 2019 LEGISLATIVE MTG. – 7 PM

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