

MINUTES

LEGISLATIVE MEETING – APRIL 18, 2018

The April 18, 2018 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
- Frank Lynch, Interim Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Erin Letavic, Engineer
- Ann Hursh, Planning & Zoning Coordinator
- Scott A. Young, Officer in Charge

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

President Wilt opened the floor for public comments.

PUBLIC COMMENTS:

Dennis Haunstein, owner of property at 1292 and 1296 Overlook Road, asked if there is any movement in the discussion relative to repairs on Overlook Road and Maplewood Drive. Solicitor Henninger responded that there is; confirmation was received today that there is a signed agreement of sale with the developer for the purchase of that final section from the Messicks. The Township has been involved in the negotiations, and as part of those negotiations, the new developer will take ownership of Overlook Road and will finish Maplewood and the parking areas on Maplewood. Any undone driveways, however, will be a property owner issue. Solicitor Henninger stated the Township is hopeful that the deal will go through, as this is a reputable, known builder.

APPROVAL OF MINUTES:

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve the Minutes of the April 4, 2018 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the payment of bills as presented on Warrant No. 2018-03. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the Treasurer's Report for March 2018. The motion was unanimously approved.

PUBLIC SAFETY REPORT:

Acting Chief Young read aloud the statistics for the Police, Fire, and EMS for the month of March and year-to-date, and compared them to stats from last year.

Commissioner DeHart stated that this week alone, he saw two disabled tractor trailers, one on Route 441 and Longview Drive, and the other on Fulling Mill Road and North Union Street. He stated that he knows the Police Department uses a local towing company for vehicles, but asked if they also have a deal worked out with a company for these larger trucks. AC Young explained that they do not have an agreement, but normally use H & S Towing. Commissioner DeHart explained his concern is the trucks sitting there for hours, waiting for a third party to get to them. AC Young stated that if the trucks are blocking the roadway or are a hazard, the Police Department will call a towing company rather than wait for the driver to call the company of their choice.

Cameras have now been installed in the police vehicles, and officer training will be provided. The cameras should go live the first week of May. The Department is still updating its policies and writing new ones to bring them in compliance for the accreditation. The Department will also be working on its firearms qualifications over the next several weeks. Monetary donations are coming in for the National Night Out. About \$900 has been donated so

far, and there will be other donations of items such as food. AC Young reported that he recently provided active shooter training for EMKA, a local business on Fulling Mill Road. He will be doing another one next month at the Fire Department for CoinWrap, and anticipates providing a refresher training for the Township employees.

AC Young advised the Board that he will be tendering his resignation to CRT (Dauphin County Crisis Response Team) effective May 30.

Interviews with the two police officer candidates were held this past Monday, and both went very well. Conditional offers of employment were extended, conditioned on passing the necessary psychological, vision and medical exams. It is hoped that both will be on board by mid-May.

Commissioner Davies questioned the seemingly large number of accidents on Route 283, and asked if there are steps being taking to improve the circumstances. AC Young responded that the one in particular that Commissioner Davies is referencing was not in Lower Swatara Township, so he does not know the details but will try to find out more. He agreed that he did receive a comment from a Township resident that the signs are confusing in this jurisdiction. Commissioner Davies observed that the construction projects have led to a change in the pattern of truck traffic to some of the larger businesses.

Vice President referenced AC Young's report, and questioned the \$1,488 repair to the 2011 Charger. AC Young explained that this is actually the vehicle he drives, and the repair is relative to a fuel pump issue. He added that the vehicle has over 71,000 miles on it.

Commissioner DeHart reported that on Vine Street, heading south towards the Turnpike from Route 283, there is a piece of land that is Lower Swatara Township. There was a turning lane put in to go into the new development off Woodland Avenue; there should probably be a signing saying "right end lanes – merge left". He explained that drivers are flying down Vine Street and don't realize they need to get into the left lane, since the right lane is a turning lane. AC Young agreed to look into this and contact the Borough of Middletown if necessary.

President Wilt asked if the double batteries which were put in the newer police vehicles are helping. AC Young confirmed that they are working out well.

ENGINEER'S REPORT:

Ms. Letavic noted that tonight's agenda includes action on a scope of work to complete implementation of a stormwater utility through the Township's existing Authority. Impervious cover data is anticipated to be available in June 2018. Should the Township decide to authorize this scope of work, it is recommended to meet during the weeks of April 23 or April 30 to strategize on the steering committee members so that invitations can be sent and the committee meeting schedule can be set. She explained that the feasibility study concluded that a stormwater fee would be more cost effective for residential property owners than a stormwater tax, and this scope of work provides the steps to get this fee in place. Ms. Letavic added that Adrian Vicari and Howard Hodder from HRG are in attendance to answer any questions. Vice President Truntz questioned the \$64,000 scope, and asked if this is an hourly rate and how it is broken out. Ms. Vicari explained this amount is based upon the estimated number of hours spent when working with similar municipalities in implementing a fee. The Township's cost is actually lower than some of the others because it has already gone through the process of completing a feasibility study. She added that beyond this scope of services, there are optional services listed which are not part of this fee but might be beneficial at later date. The basic scope, however, does include facilitation of a Stakeholders Advisory Committee (SAC). Typically, this committee has six meetings, about 90 minutes in length. HRG would provide a PowerPoint presentation and facilitate the dialogue. Ms. Vicari also discussed with the Board the education strategy, which is extremely important.

Ms. Vicari added that the cost of this scope can be reimbursed by the stormwater fee revenue when generated. Ms. Letavic agreed, and noted that it is important to keep in mind, when looking at the fee schedule, that this is entirely a time and materials contract. While \$64,000 is estimated, it could be less. Ms. Vicari also reported that there is the potential for a regional initiative to come about, but unfortunately it is still formulating so she cannot provide specifics. If that would come to fruition, there would be cost savings since efforts would be scaled back. Solicitor Henninger commented that since many of the local municipalities already have their fees in place, regional participation may be limited.

Commissioner Davies asked if there are budget funds for this effort. Mr. Lynch responded that there is room in the budget for the expense, and these fees are recoverable when stormwater revenues start coming in. This is more of a loan to take care of the steps to have a

defensible stormwater program. Ms. Vicari explained there are deadlines to meet, and this will give the Township an opportunity to fund some of these urgent projects in an equitable manner. Vice President Truntz remarked that he gets concerned when he hears comments about expenses being paid with stormwater revenues that come in. Those dollars are as precious as tax dollars, and it is incumbent on this Board to keep front end costs as low as possible so the fees can actually be utilized to fix failing infrastructure. Commissioner Davies asked if the Township is facing any specific state or federally imposed deadlines. Ms. Letavic responded that there are deadlines on the MS4 side. The new permit term started about a month ago, which means the Township will have a five year period to put in the water quality best management practices that were discussed briefly, such as the riparian buffer for the Shireman tract. Projects, such as the pavement management plan, are sitting and waiting for the opportunity to be funded.

Ms. Vicari remarked that she feels it is possible to get the fee in place by January 2019, but public education and outreach will take time. She suggested the SAC be selected so they can start meeting by June. President Wilt asked if the fee must be in place by January of 2019. Ms. Vicari stated it does not. Commissioner DeHart commented that the infrastructure is not going to get any better, only worse. He also expressed concern that the \$64,000 estimate could go even higher and suggested it perhaps be approved as a “not to exceed” amount. Ms. Vicari agreed this could be done, or language could be added that once a certain dollar figure is reached, the Board would be notified. After further discussion, the Board agreed that it would feel more comfortable taking more time to look at the scope, and possibly reconsidering it at the May workshop. Commissioner Paul suggested in the interim, the Board and staff think about members for the SAC. President Wilt stated that he was contacted by a resident who has an impressive resume; he asked to submit this name as a member of the SAC.

Also before the Board tonight for approval is a Resolution to apply, letter of commitment, and budget breakout in regards to the Capital Improvement Plan – PENNVEST Funding for Stormwater Projects. The budget of approximately 5.5 million dollars includes soft costs already incurred (engineering) and consulting expenses that are anticipated to occur, including the stormwater fee implementation services and aerial flight by T3. PENNVEST has indicated that these services are eligible to be included in this application because there is the potential for future stormwater fee revenue to be used to payback any PENNVEST loan. Otherwise, there is not funding available to create a stormwater fee/authority. The last analysis PENNVEST

completed of the Township's financial audits concluded that the Township may be eligible for 50% grant/50% loan for the total project. Therefore, it is advantageous for the Township to include the stormwater authority-related expenses in the project budget in the event that the 50% grant eligibility stands. If the offer to the Township is for a low-interest loan only, the Township does not have to use the loan for these expenses – it will be optional at that point. The PENNVEST application is due on May 2. With the exception of preparing for and participation in a public meeting to discuss the project and the future need for easements, if the Township elects to complete that this summer, HRG will not proceed with further work within its scope until a decision is made by the PENNVEST board in July. Solicitor Henninger asked if the Township is okay on its borrowing base certification, since the School District and County borrowing also go into this calculation. The Board has also taken on Municipal Authority debt in order to get a lower rate, although the Authority is making the payments. He asked if perhaps this application can be through the Municipal Authority rather than the Township, in order to keep the Township borrowing ability as free as possible. Solicitor Henninger suggested this is a phone call worth making. Ms. Vicari indicated that a Township-lead application is typical for this type of project, since the infrastructure is owned by the Township. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve Resolution No. 2018-R-6 and a letter of responsibility for an application for financial assistance through the Pennsylvania Infrastructure Investment Authority (PENNVEST). The funding application scope is for stormwater infrastructure and roadway improvements for Rosedale Manor. The motion was unanimously approved.

Ms. Letavic called the Board's attention to a draft advertisement for bids for the remainder of the Old Reliance and Shope Gardens Parks construction projects. Project drawings are posted in the Board room for the public to see the locations of the stormwater BMPs and pervious pavement walkways. Notice to proceed for construction is the first day of school for the 2019 MASD school year. In response to a question from Commissioner Paul, Ms. Letavic explained this is about \$100,000 worth of work to be done, and was previously funded through two grants. A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve authorization to advertise the construction of and initiate bids for the stormwater BMPs and pervious pavement walkway for the Old Reliance and Shope Gardens Parks project, partially funded by a grant award through the Pennsylvania Department of Conservation and

Natural Resources (DCNR) Community Conservation Partnerships Program (C2P2), Keystone Recreation, Park and Conservation Fund. The motion was unanimously approved.

An update was provide on the Municipal Separate Storm Sewer System (MS4) Program. As mentioned earlier, the new permit year started March 16, 2018 and new compliance goals are in effect. HRG will be reviewing these new goals with staff in the next month to ensure that the Township is in compliance with the terms of the new permit. HRG will also continue to work on deferring some of the work it has done on behalf of the Township in the past to the staff.

SOLICITOR'S REPORT:

Solicitor Henninger reported that the Dickerson oral argument is scheduled for this coming Monday. This pertains to a Zoning Hearing Board land use appeal to the Court of Common Pleas. It is anticipated that a decision will be made within 30 days of the argument.

The Board has been provided with copies of a draft agreement between the Township and two property owners on Powderhorn Road regarding a damn. The agreements would grant access to the area so that Township Public Works staff can maintain and clear growth and debris for access to the dam, and allow HRG to inspect the dam. If the dam is deemed acceptable to the Township engineers and staff, the Township will move forward with transferring the ownership/responsibility of that damn to the Township. Solicitor Henninger expressed hopes that the agreements will be signed in the near future, and the cleanup work can begin.

MANAGER'S REPORT:

Mr. Lynch reported that Ms. McClain, Township Accountant, at the request of US Bank, seeks board approval for a housekeeping change in the Trust Agreement carried by US Bank for the Township pension plans. In short, it would set FIFO (first in-first out) as the method of selling securities as the standard for plan investment and management. Since PFM uses "FIFO" as the lot method in their reporting, USB should really be using the same, so that gains/losses are calculated consistently across all plan reporting. A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to authorize approval for U.S. Bank to change the cost method of selling securities from average costs to FIFO for both the non-uniform and police pension plans. This change will allow for both U.S. Bank and PFM to

account for the sale of securities using the same cost lot method. The motion was unanimously approved.

Mr. Lynch reported on the grant submission to the PA Department of Community and Economic Development for a Recreation Comprehensive Plan. The study is estimated to cost \$30,000 with a 50 percent (of \$15,000) match from the Township. If the grant succeeds, the resulting study will assess all existing Township recreational assets with an eye towards improvements that will make the parks more relevant and useful to residents. In addition, it will set the stage – utilizing public input gained from the recreational comprehensive plan, the Township's 2017 Comp Plan, as well as peer-to-peer data use for the Middletown Area Recreation Alliance, or MARA – for a recommendation for the highest and best recreational use of recently acquired sites at 130 Fulling Mill Road and the Shireman Tract. On this evening's agenda is a resolution designating the Township Manager as official contact for grant submission, follow-up and grant execution. Commissioner DeHart questioned why the estimated cost has decreased from \$80,000. Mr. Lynch explained there are two reasons: one is that a hybrid application is no longer accepted. Last year's grant, which failed, was for both a comprehensive plan and for master site development of the Shireman tract. Taking this out reduced the grant amount to \$40,000. Secondly, because the Township did the comprehensive plan update last year and the peer to peer study, some of that data was able to be applied, which brought down the grant another estimated \$10,000. In response to a question from Commissioner Paul, Mr. Lynch explained the idea is to then apply for an amendment through DCRN to add on the scope for the master site development of the Shireman tract. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve Resolution No. 2018-R-7 authorizing the Township Manager to submit a grant request to DCNR in the amount of \$15,000 (plus \$15,000 Township match, if successful) for a comprehensive recreation plan for the township. The motion was unanimously approved.

As discussed at prior meetings, the Township is applying to DCIB for the flexibility needed to move projects around and prioritize them. Projects on Highland Street, Summit Ridge, and Lumber/Greenwood need addressed, and there is a limited number of dollars to pay for them. Ms. Letavic has drafted a letter which will be submitted within the next several days.

Mr. Lynch reminded the public of the tree planting this Friday at the Fulling Mill Road site.

President Wilt read aloud the future meetings/events:

April 20	12 PM	Tree Planting at 130 Fulling Mill Road, with Manada Conservancy and Chesapeake Bay Foundation
April 21	11 AM	Opening Day for Baseball at Memorial Field
April 23	7 PM	Municipal Authority Mtg.
April 26	7 PM	Planning Commission Mtg.
May 2	7 PM	Board of Commissioners Workshop Mtg.

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul – no report

Budget and Finance Committee: Commissioner Davies – no report

Public Works Committee: Vice President Truntz reported the Public Works Department has been busy working at the Little Hollywood park, installing a retaining wall on the Stepp field side, and paving the road going back. He commended the Department for the nice job, and for always going the extra mile to prep the fields for Opening Day.

Community Development: Commissioner DeHart reported that the Olmsted Rec. Board will meet next week. Commissioner Paul added that he believes the meeting is Tuesday.

Commissioner DeHart also stated that he has some members in mind for the Stormwater Stakeholder Advisory Board, and asked other Board members having suggestions pass the names on to Mr. Lynch.

Personnel Committee: President Wilt reported the Board is getting to the final stages of selection of a manager, and anticipate this will happen soon. He also requested an executive session immediately upon conclusion of this evening's meeting for personnel reasons.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

FINAL COMMENTS:

Commissioner Davies announced that the Board had met in executive session Monday night to interview police candidates and discuss personnel matters afterwards.

Commissioner Paul agreed with Vice President Truntz that the fields here in Lower Swatara Township are top notch, and have been the envy of the area as long as he can remember.

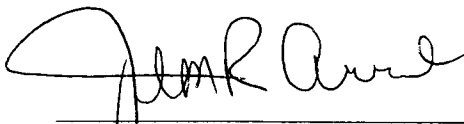
Commissioner DeHart expressed hopes that everyone shows up for the tree planting on Friday.

Vice President Truntz referenced AC Young's resignation from the Crisis Response Team, which is the equivalent of a SWAT Team here in Dauphin County. It is comprised of the most elite officers, and AC Young's involvement on this team was above and beyond his day-to-day duties here. He thanked AC Young for his many years of fine service on the team.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Commissioner Davies, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:45 P.M.

ATTEST:

A handwritten signature in black ink, appearing to read "Frank Lynch", written over a horizontal line.

Frank Lynch
Interim Manager

PLEASE PRINT NAME CLEARLY

APRIL 18, 2018 LEGISLATIVE MEETING

7:00 P.M.

[illegible]