

MINUTES
LEGISLATIVE MEETING – SEPTEMBER 19, 2018

The September 19, 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
- Michael J. Davies, Commissioner
- Ronald J. Paul, Assistant Secretary
- Christopher DeHart, Commissioner
- M. Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Randy Watts, HRG
- Scott Young, Officer in Charge
- Ann Hursh, Planning & Zoning Coordinator

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

PRESENTATION BY SCOTT BUCHLE, PENN STATE LIFE LION EMS:

Scott Buchle, representing the Milton S. Hershey Medical Center, stated that Life Lion EMS has been the EMS provider for the Township since 2004. The current five-year contract is up for renewal, and the proposed contract in front of the Board this evening will maintain the same cost that the Township has been paying for the last five years, while continuing to provide the same level of service. The service that is provided is a 24/7 mobile intensive care unit with a paramedic and EMT on board. They have been consistently able to keep a decent response time. The national average that EMS services strive for is under 9 minutes. Life Lions EMS has been able to keep its Class 1 dispatch here to an average of about 4 – 5 minutes. Class 3, which is non-emergency, is at the 7 – 8 minute mark on average. Mr. Buchle noted that the recent move of the EMS from the maintenance shed at the Township Building to the Fire Department has worked out extremely well. He remarked that the interaction and relationships they have developed with the EMA, Police Department, and Fire Department are wonderful.

Commissioner DeHart asked if the EMS could include providing rehab to the firefighters in this contract. Mr. Buchle agreed this service is provided, and they would have no problem making this amendment. In response to a question from Commissioner DeHart, Mr. Buchle confirmed that the EMS does provide classes to some of the staff and volunteers, such as CPR and blood-borne pathogen training. Mr. Buchle also confirmed that the EMS does have, and pay for, separate lines at the fire house for its computer, phones, fax, etc. Commissioner DeHart questioned the user fees paid for utilities such as electric, water, sewage, heating and cooling. He asked Chief Weikle if the Fire Department pays for these. Chief Weikle agreed that they do. He explained that the Fire Department acquired the lease agreement from the Township, which states the EMS will not be charged for these utilities. The agreement did show a charge of \$1.00/month, since the legal department at Hershey Medical Center required a dollar amount. Solicitor Henninger noted the agreement should be amended to state that the Township, through its volunteer Fire Department, agrees to pay user fees for those services, or just delete that section. The Board briefly discussed the current contract versus the proposed one, and Solicitor Henninger noted that there are a few minor additions, including clarification in regards to mutual aid, provisions for public education programs and events, and stand-by services. He stated they are good additions to the contract. Commissioner Paul asked if the termination requires a 90-day notice. Mr. Buchle agreed this is pretty much a standard EMS provision.

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve renewal of an agreement for service between Lower Swatara Township and Penn State Milton S. Hershey Medical Center for five years, October 1, 2018 thru September 30, 2023, subject to the revision of paragraph 8 by either deletion of subparagraph A or amendment of subparagraph A to indicate that those user fees will be covered by the Lower Swatara Fire Department. The motion was unanimously approved.

PUBLIC COMMENTS:

Fire Chief John Weikle agreed that the EMS move to the fire station has been fantastic for both crews, and the Fire Department even picked up some new members. He also asked that the Board mark their calendars for the Fire Department Open House on October 11, 6 PM to 9 PM, and added that the Township is also welcome to have a table there.

Dr. George Sloan, former owner of Tender Loving Care in Baltimore, praised both the EMS and the Fire Department for all they do for the community. This partnership has undoubtedly saved lives.

Ed Halpern, 804 Nissley Drive, referenced item C under New Business, and asked that before it proceed, the Board look at the whole picture and the impact of traffic, and then weigh that against the economic impact. He added that he was at the public information meeting that UPS held for the citizens at the Fire Department last year, which was cut short because the UPS representatives needed to catch a plane back to Pittsburgh. He stated he was perturbed by the fact that this large corporation couldn't just provide hotel accommodations for these representatives that evening. Mr. Halpern also referenced the Kunkel Elementary School. He read comments in the Press and Journal that said the President of the School Board commented that she is realtor and does not represent the Williams' farm, but stated this property would be a good thing to tie in with the Williams' farm. Mr. Halpern asked how Kunkel is zoned and what could happen there if the school is torn down. He asked if the zoning could be changed. Commissioner Paul stated he believes it to be Residential-Agriculture zoning, and noted all zoning districts can be changed. Lastly, Mr. Halpern addressed Vice President Truntz. He stated he does not mean to be disrespectful and may be off-base, but asked him if he is familiar with Michael Baker. He asked if he works for them, or if they are a client of his. He added that Michael Baker is an engineering company that is doing work with UPS. Vice President Truntz replied that he is not familiar with that name or company.

APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the Minutes of the September 5, 2018 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the payment of bills as presented on Warrant No. 2018-08. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

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

PUBLIC SAFETY REPORT:

Officer in Charge (OIC) Young presented the statistics for the Police, Fire, and EMS for the month of August and year-to-date and compared them to figures from last year.

The Police Department will be participating in the Fire Department's Open House. A Chief of Police meeting was held earlier today, at which time Trick-or-Treat was scheduled for Thursday, October 25 from 6 PM to 8 PM. The Department is moving forward with the records' management system upgrades and scheduling the new portable and mobile radios to be converted. The Pumpkin Fest at the Middletown Home on September 16 went very well, with officers Malott, Rios, and Gonzalez working and participating in the event. Firearms training is scheduled for next month, and OIC Young just completed active shooter training for TE Connectivity. Three officers are presently participating in active shooter response training. Eight applications for police officer were received and are being reviewed. OIC Young will be working with the Civil Service Commission on this; the next meeting of the Commission is October 7. New traffic detail will be set up based on the information gathered from use of the speed sign. He noted the sign has been shown to impact behavior.

Chief Weikle and Chief Young discussed requirements of the radio upgrade replacement program and the very high costs associated with these radios. Dr. Sloan stressed that there are grant programs associated with this, and it is important to keep applying for these grants, even if turned down. He suggested the Township get aggressive and hire a grant writer, and then apply over and over again.

ENGINEER'S REPORT:

Randy Watts, HRG, reported that the fourth of six MS4 Advisory Committee meetings was held last evening. He added that HRG is assisting with finishing the annual MS4 report in preparation for the September 30, 2018 deadline. Ms. McBride noted that there may be more than six MS4 Advisory Committee meetings, as it was determined last night that they will probably continue into spring. President Wilt stated that he thought the idea was to wrap these

up by the end of the year so the fee could be in place by January. Solicitor Henninger commented that this was an aggressive schedule, and it is not a simple process. He added that he will be in attendance of future meetings to start working towards getting this fee implemented. Commissioner DeHart agreed that it is a work in progress, and efforts are being made to educate everyone and be fair to them.

Commissioner Paul referenced the Greenways, Trails, and Recreation Park Grant for the Old Reliance and Shope Gardens Parks. Since the bids came in higher than anticipated, the Township had applied for additional grant monies. Until then, the projects have been put on hold. He asked if there is money in the Recreation Fund to come up with the \$34,000 to complete the projects. He questioned whether the Township can move ahead with this project without jeopardizing the possibility of the second grant, and whether the Township can be reimbursed after the fact. Commissioner Davies stated the budget does appear to have a significant allotment for special projects under the parks category. Ms. McBride confirmed that there is money in the budget, but she has not yet gotten an answer on how tied the Township's hands are by using it. Solicitor Henninger added that there is about \$250,000 in the Recreation Fund, and this work would be an appropriate expenditure from this fund. He recommended staff first get an answer from DCNR on moving forward with the project prior to formal approval of this second grant.

SOLICITOR'S REPORT:

Solicitor Henninger requested the Board convene in executive session immediately upon conclusion of this evening's meeting in order to discuss a real estate matter.

MANAGER'S REPORT:

Ms. McBride informed the Board that PFM, which invests the Township's pension funds, will be in attendance of the next meeting to give a report regarding performance of these funds. She added that she hopes to schedule meetings of both the Police and Non-Uniformed Pension Boards in the next few weeks.

Ms. McBride reported that employee Kendra Riley, who has worked in the Police Department since 2005, has submitted her resignation. A motion was made by Vice President

Truntz, seconded by Commissioner Davies, to accept the resignation of Kendra Riley effective September 28, 2018, with thanks for her service to the Township. The motion was unanimously approved.

President Wilt read aloud the future meetings/events:

September 24	7 PM	Municipal Authority Mtg.
September 26	CANCELLED:	Zoning Hearing Board
September 27	7 PM	Planning Commission Mtg.
October 3	7 PM	Board of Commissioners Workshop Mtg.
October 17	7 PM	Board of Commissioners Legislative Mtg.

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul stated he had nothing of substance to report this evening.

Budget and Finance Committee: Commissioner Davies reported that action on the MMO (Minimum Municipal Obligation) for the Police and Non-Uniform Pension Plans will appear later on this evening's agenda. He noted that he did forward to the Board the information provided by Ms. Bride showing a historical perspective on how these obligations flux over the years. The state aid, which helps pay for this, is not yet determined but generally runs between \$211,000 -- \$240,000.

Public Works Committee: Vice President Truntz reported that the Department has been busy with inlet cleaning, fixing the trees and rebuilding the culvert at the end of Fulling Road, and getting the paving list ready for next year.

Community Development: Commissioner DeHart stated he had nothing to report.

Personnel Committee: President Wilt reported that interviews were held for entry-level positions in the Public Works Department. Finalists were notified, and the recommendations will be before the Board soon.

UNFINISHED BUSINESS:

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the Stoneridge Lot #3, File #2013-03 release of 18 month Maintenance Guarantee in the amount of \$3,671.90 leaving a balance of \$0 and closing out the project. The motion was unanimously approved.

NEW BUSINESS:

Chuck Frantz, C2C Design Group and Ambrose Heinz, legal counsel for the project, presented to the Board the Preliminary/Final Lot Consolidation and Land Development Plan for Campus Heights Village III, LP, File #PC2018-01, with a time deadline of September 19, 2018. The properties are generally south of Dauphin Street, west of N. Lawrence Street and east of the Borough of Middletown line, and are zoned Commercial Neighborhood. The plan will combine 32 parcels into one new parcel, vacate select existing streets, and construct 14 student housing buildings (84 units for a total of 336 bedrooms). It is owned by Campus Heights Associates I, L.P. and submitted by C2C Design Group. The Planning Commission recommended approval of the two waiver requests and approval of the plan with staff and engineering comments. Waivers requested include: §22-404 Preliminary Plan and §22-508.A Tree Preservation and Planting.

Ms. McBride observed that there are some street vacation documents associated with the plan. Attorney Heinz agreed that since there will no longer be any residences up there, there is a proposal to vacate the streets and utilize those vacated areas as part of the site area for the entire tract. There was a question raised by Spring Street Partners about a strip of land on the northern boundary. As a result of this, there will be a slight revision where that 5' strip will go back. This will require a minor revision to the property boundary, which affects these documents for street vacations. Attorney Heinz explained these will be tweaked and submitted to Solicitor Henninger. He stated that they feel a conditional approval is in order, pending these street vacations. Solicitor Henninger asked if this is agreeable to all the other parties, and if they will sign off on them. Attorney Heinz agreed it is, and they will. This will just require some minor revisions to the documentation. Solicitor Henninger asked if this change to the plan, which eliminates 5', will impact lot coverage, stormwater management calculations, etc. Mr. Frantz responded that preliminary calculations show that this should not create any issues. Attorney Heinz agreed that what is really affected is the legal description of the property, but not much else.

Commissioner Paul expressed significant concern over the proposed drainage and the release of a 33" diameter pipe to the surface in the right of way, about 100' – 150' feet away from the intersection. He asked why it was designed this way and questioned if there isn't a better way to handle it. Mr. Frantz explained the intent is to try to capture it in a headwall at the top of the northern part of the site and convey that by-pass flow through the property and down to Wood Street. He noted that improvements were previously done to Wood Street and Main Street,

including designing a cut-in for the stormwater management. The area doesn't drain well, and the goal is to convey water as safely as possibly down to that discharge point and down through the pipes under Main Street. Commissioner Davis stated there is still a problem with water on Wood Street. Commissioner Paul explained that he feels this pipe will blow the whole intersection apart. He stated the water has to go to an inlet, or some other arrangement. He respectfully requested this be looked into, and the plan be tabled until the Township gets more feedback on how to better handle this situation. Vice President Truntz agreed, and noted that residents have often come to these Board meetings to express concerns with water and icing on Wood Street. The Board agreed to table the plan, and Attorney Heinz stated they will work with HRG on this. With the tabling of the plan, a time extension is necessary. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve a time extension for the Preliminary/Final Lot Consolidation and Land Development Plan for Campus Heights Village III, LP, File #PC2018-01 with a time deadline of September 19, 2018. The time extension dated September 10, 2018 grants a time extension through December 19, 2018. The motion was unanimously approved.

The Board tabled the Preliminary/Final Land Development Plan for UPS Northeast Regional Hub, File #PC2018-05, with a time deadline of November 21, 2018. Property is located east of N. Union Street at the northern Township boundary, zoned Mineral Recovery and Conservation and is 192 acres, proposed 775,033 square feet, parcel delivery distribution hub, maintenance garage, truck wash, employee training center and other required site improvements. It is owned by SP Middletown Holdings, LP, submitted by Snyder, Secary & Associates, LLC. The Planning Commission recommended approval of the four waivers and the sidewalk deferral, and recommended approval of the plan contingent upon receiving the subdivision plan, the developer giving due consideration to the Hartz's request for a fence and buffer, and all staff and engineering comments. Waivers requested include the following: §22-404 Preliminary Plan; §22-602 Monuments and Markers; §22-607 Sidewalks (Deferral); §26-118 Volume Controls; §26-126.2.H Dewatering Time. Solicitor Henninger explained the subdivision plan had just been submitted, and will appear on this month's Planning Commission meeting. It would be premature to approve the land development plan without this subdivision review by the Planning Commission. Also, some of the Commissioners had requested additional documentation. The Developers' Agreement is also still being worked out.

The Board tabled the Preliminary/Final Land Development Plan for Hershey Creamery, File #PC2018-06. Property is located at 1200 AIP Drive, zoned Industrial Park, Industrial Park Limited and Residential Agriculture. It is 106.27 acres, proposed 183,302 sf of building expansion involving a sanitary sewer pretreatment plant and associated site improvements. It is owned by Hershey Creamery Corporation and submitted by Rettew Associates, Inc. The Planning Commission recommended approval of the two waiver requests and approval of the plan subject to all staff and engineering comments. Waivers requested include the following: §22-404 Preliminary Plan; §22-606 Curbs.

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve Improvement Guarantee Reduction #1 for Linden Center Hotel Pad Site in the total amount of \$204,450.00, leaving a balance of \$0 and closing out the project. The motion was unanimously approved.

The Board discussed a request from Middletown & Hummelstown Railroad for the use of Township property for two seasonal activities. The Pumpkin Patch trains will operate October 6 through October 25, 2018 and the Santa trains will run from November 19 through December 30, 2018. Both activities will utilize an area approximately 50' x 100' north of Swatara Park. Dr. George Sloan, representing the M&H Railroad, stated this is a wonderful program and he hopes the Board doesn't table the request. Solicitor Henninger explained that this program has been approved historically with no issues. Vice President Truntz agreed, but added that the Township does need a certificate of insurance. Dr. Sloan confirmed this will be taken care of. Vice President Truntz noted that he does have one other concern. The Township owns a plot of land down by the creek on Fulling Mill Road. There are stormwater outflows and various other infrastructure that Public Works' staff must have access to, which requires them to cross the railroad easement. He has been told in the past that employees were given a hard time about trespassing against that easement. Vice President Truntz asked for cooperation in the future. Dr. Sloan promised that the Township will have access now and in the future, and he would be willing to provide this commitment in writing. A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the request from Middletown & Hummelstown Railroad for the use of Township property for these two seasonal activities, pending receipt of an insurance certificate naming Lower Swatara Township as additional insured. The motion was unanimously approved.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Ordinance No. 583, which amends the Code of Ordinances of the Township of Lower Swatara No. 448, Chapter 5, Code Enforcement, to delete Part 2, Building Code, Part 3, Fire Prevention Code, Part 4, Plumbing Code, Part 5, Electrical Code, deleting portions of Part 1, Code Enforcement Code, and amending Part 6, Property Maintenance Code, Section 5-606. General Provisions. Subsection 1. Conflicting Provisions to provide that the International Property Maintenance Code 2009 edition take precedence over the Code Enforcement Ordinance [part 1]. A roll call vote was taken with the following ballot tabulation: Commissioner DeHart – aye, Commissioner Paul – aye, Commissioner Davies – aye, Vice President Truntz – aye, President Wilt – aye. Ordinance No. 583 was approved by a 5 – 0 margin.

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve authorization of the submission of a DCNR (Department of Conservation and Natural Resources) Application for the “MARA Recreation Programs Supervisor” Grant Project. The motion was unanimously approved.

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve Resolution No. 2018-R-12, authorizing the Township Manager to sign the Grant Agreement Signature Page for the DCNR Grant for the “MARA Recreation Programs Supervisor” Grant Project. The motion was unanimously approved. Commissioner DeHart explained for the benefit of the audience that the Township is sponsoring a grant for MARA for recreation between the communities of Middletown, Royalton, and Lower Swatara. This will help get the program up and running; the Township is basically sponsoring this as a pass-through to get grant money.

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve renewal of a contract with Zelenkofske Axelrod LLC for financial consulting services for 2019. The motion was unanimously approved. Vice President Truntz added that Township Accountant Rebecca McClain has really done a great job over the past few years in stepping up in the Finance Department, resulting in the need to use the financial consulting services less and less.

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Payment #4 in the amount of \$2,500.70 to the Dauphin County Infrastructure Bank for the Highland Street Bridge Replacement project. The motion was unanimously approved.

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the Minimum Municipal Obligation for the Police and Non-Uniform Pension Plans for 2019. The motion was unanimously approved.

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve Resolution No. 2018-R-13, authorizing closing out the Community Partnerships Grant Project (BRC-TAG-22-3). Solicitor Henninger noted this is the Peer to Peer Study, which is now completed. The motion was unanimously approved.

FINAL COMMENTS:

Commissioner DeHart referenced concerns expressed last meeting regarding the maintenance of right-of-ways in the Township, and suggested the Board take a closer look at this and put together a better plan for next year. He added that by cutting weeds, it does make the side of the roadway dryer. Not doing this cutting, especially along areas that stay wet and get muddy, can result in undermining of the side of the road. Therefore, while not maintaining the right of ways might save some money short-term, it could very well end up costing more if roadways are damaged. He suggested the Board look at which areas should be cut, especially areas that stay wet. If the Township decides not to cut an area that has been cut historically, staff should send out letters to the property owners rather than just stop with no explanation. Commissioner Dehart added that he did check around with other municipalities, and found that many cut the right of ways three or four times a year. Again, he suggested the Board discuss this and develop a better policy by springtime next year.

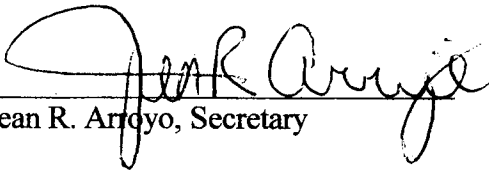
Commissioner Davies thanked Dr. Sloan for his input tonight, and Mr. Buchle for his presentation regarding EMS services.

Vice President Truntz addressed Mr. Halpern and his earlier question about his association with an engineering firm. He stated that he believes there is another gentlemen with the same first name and similar last name as his, but assured Mr. Halpern that he himself is not associated with the firm. Mr. Halpern apologized for the mix-up.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Vice President Truntz, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:51 P.M.

ATTEST:



Jean R. Arroyo, Secretary

PLEASE PRINT NAME CLEARLY

SEPTEMBER 19, 2018 LEGISLATIVE MTG. — 7:00 P.M.

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