

MINUTES
LEGISLATIVE MEETING – JUNE 19, 2019

The June 19, 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
- Peter R. Henninger, Solicitor
- Ann Hursh, Planning & Zoning Coordinator
- Jeff Vargo, Chief of Police
- Andrew Kenworthy, HRG
- Tracey Bechtel, Recording Secretary

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

PRESENTATION BY CIVIC CMS ON DESIGN OF NEW WEBSITE:

Sal Urbano with Civic CMS presented an overview of his company and discussed options to design and maintain a new Township website. Civic CMS is owned by Civic Plus, which is a municipal design and software firm, specializing in servicing local governments. Mr. Urbano stated their list of clients include both Susquehanna and Swatara townships. Goals for Lower Swatara's new site would include making information easier to find and updating the design. Presently, staff cannot make changes to the website when outside of the office. In addition, the current website is not mobile friendly. The most important thing is to improve the user experience and also allow the staff to make it a communication tool to both submit and receive information. The approach typically taken is to make sure it is very easy for the staff to update the website, so there is full training and unlimited customer support. The real value of the software, which is called a Content Management System (CMS), is that it's designed for non-technical people and is simple to use for both staff and residents. Mr. Urbano showed examples of some of the websites designed for their municipal clients. He noted the two things that make the clients happy are that the software is very easy to use for staff, and there is unlimited customer support. The new website will be also be easy

for residents to use no matter what platform they are on -- computer, mobile device, or tablet. It will also be a source of pride for the Township.

Commissioner DeHart referenced the bill-pay, and asked how this software will interface. Mr. Urbano explained it is very easy – the user would click on a button that would go to the portal of whoever the Township is using for its on-line payments. Commissioner DeHart also asked how the website will provide warnings for things like weather events. Mr. Urbano explained there is an urgent alert function in the software which can put a banner on top of the website. He confirmed that these alerts can be put on the homepage or any of individual department pages.

Commissioner Davies asked if the software would reside on the Township's own server. Mr. Urbano explained that it will be on a cloud, so staff will be able to log-in anywhere to make changes. If the power is out and there is no internet access, the company's support will make the changes for the Township. In response to a question from Commissioner Davies about security, Mr. Urbano explained security software is included, and data is backed up daily. He confirmed that the in-house network would not be impacted should there be a website issue.

In response to a question from Commissioner DeHart, Mr. Urbano explained that a phone or tablet can be used to update the website. Commissioner DeHart asked about the cost structure. Mr. Urbano stated the upfront cost for the project in the proposal provided to Ms. McBride is \$10,000, and \$2,500 on an annual basis for maintenance. The Township can break this up over three years at no additional cost.

Mr. Urbano noted he can provide plenty of references. Commissioner DeHart stated that he had contacted Susquehanna Township and received a very positive reference. He asked Mr. Urbano how long it would take to re-do the website if approval was given this month. Mr. Urbano explained that it typically takes three months to do a website project. Not much work is done by staff other than attending meetings. The first mission would be to come up with a new homepage. Then a project manager would be assigned, all the context moved, and the website tested. All training and support would be provided prior to going live. Commissioner DeHart stated he would like to see an easily navigated website that would tie in with billing for sewer, and possibly billing for a future MS4 fee. Having customers pay electronically will result in savings for everyone, including the taxpayer.

ADDENDUM TO AGENDA: RESOLUTION NO. 2019-R-4 (PENNVEST)

President Wilt stated that there is an addendum to tonight's agenda. He turned the floor over to Solicitor Henninger. Solicitor Henninger explained that the addendum attached to the agenda is consideration of Resolution No. 2019-R-4 which declares official intent to reimburse the Township general funds used to construct improvements to its storm sewer system facilities with funds received from the Pennsylvania Infrastructure Investment Authority.

Erica Koser from McNees Wallace & Nurick explained that she is representing bond counsel in regards to the PennVest loan. At the Board's last meeting, the Commissioners approved the PennVest loan for approximately 5.5 million dollars to be used by the Township for a capital project to finance improvements to the storm sewer system. The resolution before the Board tonight authorizes the Township to use the proceeds from the PennVest loan to reimburse itself for any costs that it has already expended. It will also allow reimbursement for costs after this resolution and until the PennVest loan is received. Ms. Koser explained one of the time elements is that it can only reimburse for the 60 days prior to adoption of the resolution. The second time constraint really doesn't apply here, but does require making any reimbursement within 18 months of when that expenditure has been made or the project has been finished. The closing for this PennVest loan is anticipated to happen in the next couple of months, possibly in September. Ms. Koser also noted this resolution authorizes the Township to make reimbursement for these expenditures but does not obligate it to do so.

Solicitor Henninger stated this would be the time for any questions or comments from the public on the proposed resolution. There were no comments or questions offered. Commissioner Davies noted that this project necessitated obtaining a number of right of way easements, which included a large amount of hours for legal work. He asked if these hours were prior to this 60 day period. Solicitor Henninger stated that the larger amount of legal hours were expended within the 60 day period. This is why the resolution was added as an addendum tonight; there is some urgency on approval.

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Resolution No. 2019-R-4 declaring official intent to reimburse the Township general funds used to construct improvements to its storm sewer system facilities with funds received from the Pennsylvania Infrastructure Investment Authority. The motion was unanimously approved. Vice President Truntz questioned if the language in the resolution is broad enough to

include things such as legal fees. Solicitor Henninger and Ms. Koser verified that they are comfortable with the language.

PUBLIC COMMENTS:

Jim Rodgers, 181 Highland Street, stated that as the Board is aware, his property is near the road closure because of the bridge being out since spring of 2016. Last Monday evening, a motorist drove down his long driveway and tried to turn around by his garage, then continued back into the woods and crashed her vehicle. The driver was found to be intoxicated.

Mr. Rodgers commended the officers that responded, particularly Lower Swatara Township officers Jordan Thomas and Ryan Lesko. He noted that he has unfortunately had the opportunity to work with the officers in the past, since this remote location has experienced such issues as a naked prowler, illegal dumping, parking rendezvous, etc. Each situation was handled with professionalism by the Township police. Mr. Rodgers stated that he knows construction is upcoming later this year and suggested the Township take additional precautions with the construction site to protect the contractors and wayward motorists. He added that he has been patient and cooperative throughout this lengthy process, but feels the Township is being derelict in the delay. This closure is creating dangerous situations and adding time and distance to the response time for emergency responders. It is time to bid the project, get the work done, and open the bridge. He asked when it will be bid and when it will be constructed.

Mr. Kenworthy, HRG, reported that his report does address this. The project is scheduled to be bid in August. There were design and permitting approvals to receive, but the schedule has been fairly consistent. Mr. Rodgers stated that he takes issue with this statement; the last meeting he attended, the schedule for bids was to be May of this year with bid opening in August and possible construction before the end of this construction season. It is now four years into this closure. Mr. Kenworthy explained there are two bridges associated with this. There is the Lumber Street bridge as well. They were on different timelines; the Lumber Street bridge was the earlier one. They have been made coincident at this time, with an August bidding.

Mr. Rodgers also recalled that there was an effort to move funding from this project to other projects in the Township which didn't happen because he stood up and told the Board not to do this. Again, he stated it is far past time to address this, as infrastructure improvements are the responsibility of this Township. In response to a question from Vice President Truntz,

Mr. Rodgers confirmed that his home is the only one on Highland Street that is in Lower Swatara Township. Other homeowners on this street are also frustrated with this, but they are in Swatara Township. For example, the school bus that picks up students here has to backup to get the students since this is the only way for the bus to get in and out of Highland Street

APPROVAL OF MINUTES:

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve the Minutes of the June 5, 2019 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. 2019-05. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the Treasurer's Report for May 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 May. There were 682 calls for service, which included 50 cases investigated. There was a total of 28 arrests, which included 2 DUI arrests. There were 81 traffic citations issued, 7 non-traffic citations, and 106 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 12 motor carrier enforcement details. In addition, there was a total of over 10 ½ hours of bike patrol conducted and over 60 ½ hours of foot patrol.

Chief Vargo updated the Board on some initiatives. The first is an on-line registry for cameras. The Police Department is asking residents and businesses to register their exterior cameras by filling out a simple form available on the PA CRIMEWATCH site. The goal is to

deter crime and enlist the community's help in doing so. Detectives will now know who has cameras in particular neighborhoods, and these can be a useful resource when a crime is committed. Vacation house checks is another service offered. PA CRIMEWATCH provides a form that residents can fill out, and the Township police will then visually drive by during their patrol to make sure things appear normal. In addition, the third wave of the Aggressive Driving detail will begin July 8 and run through August 25.

Vice President Truntz commented that the "Coffee with a Cop" program was a nice event. Chief Vargo agreed it was very successful, and more are planned throughout the year.

Fire Department

Fire Chief John Weikle stated that he works at DGS in the procurement division. Costars has now added stormwater and sewer into their contracts, so there will be a list of state bids that can be utilized. He forwarded this information to Mr. Kenworthy.

The statistics for May were reviewed. There were 46 calls with 36 responders. The average personnel per response was 8. Time in service was 20 hours, 17 minutes and 47 seconds. There were 3 fire incidents, 10 Rescue and EMS incidents, 5 hazardous conditions, 4 service calls, 14 good intent calls and 10 false alarms. Mutual aid calls were as follows: Derry – 1; Highspire – 4; Hummelstown – 2; Londonderry – 2; Lower Paxton – 1; Middletown – 2; PA Turnpike – 1; Steelton – 4; and Swatara 2. Chief Weikle noted this report does not account for the hours members spend in training. This Saturday, members will complete the National Vehicle Rescue Operations class.

Chief Weikle reported that there are always questions about what insurance covers and does not cover, so he and Fire Department President Mike McKillip recently met with some insurance people to evaluate the insurance. It was discovered that they were underinsured in some areas. They were able to update the insurance, increase the coverage substantially, and still save \$5,000 on the annual premium. He also thanked Ms. McBride for her assistance in working with him to look at the life insurance for the volunteers. Chief Weikle also noted that while the Township insures the fire house, there is concern that if something devastating like a fire happened and it was destroyed, the Township's insurance company would cover it but through mitigation could come after the Fire Department to recoup the costs. The Fire Department is looking into having the ability to cover itself if this should occur.

ENGINEER'S REPORT:

Andrew Kenworthy, HGR, referenced his written report and provided updates to the items listed.

The Greenfield Park Basin Retrofit and Riparian Buffer is moving forward. The current effort is to develop a specific scope. Paperwork should be before the Board for approval in July.

Schedules for the Highland Street and Lumber Street/Greenwood Drive were provided, as well as the anticipated schedule for the Rosedale Manor Stormwater project.

The BMP work for the Old Reliance Park is essentially complete. There are some issues that remain with the project at the Shope Gardens Park. The rain garden is holding water at this time. HRG is working with Madison Smith, the Township's MS4 Supervisor, to explore options. An evaluation of options for this rain garden has been provided to the Township for review and will be provided to the contractor for pricing once an option has been selected. Mr. Kenworthy stated he feels the issue is essentially some undefined parameters, particularly in the soil, and obviously the recent heavy rains. Hopefully there will be more information to present to the Board by the next meeting regarding how to remedy this as soon as possible. Commissioner DeHart stated that he was out to take a look at this issue, and asked if HRG had done a final inspection after the contractor was done. Mr. Kenworthy stated that HRG has been doing intermittent inspections all along, but the project is not done so they have not done a final inspection. Commissioner DeHart asked if there is an inspection payment due. Ms. McBride responded that there is payment due to Mid-State Paving for work completed to date. She agreed that the question will come down to who will pay to remedy this problem. Commissioner DeHart remarked that while he is not an engineer, having the drainage pipe going towards the rain garden instead of away from it doesn't make sense and shouldn't pass any inspection. He also questioned if a soil perc was done prior to digging. Mr. Kenworthy explained there was not a field test done. Essentially, as the procedure moved forward with the standard design parameters along with the best management practices guidelines, the soil indications were acceptable. One of the unforeseen conditions is that the soil there may not have been what the information available indicated. Commissioner DeHart asked if there is the possibility that the contractor did not dig the ground correctly. Mr. Kenworthy stated that HRG was there when this was being done, and the contractor did construct it properly. Commissioner DeHart stated he is unhappy with this, and added that the rain garden installed in Old Reliance drains perfectly.

Mr. Kenworthy assured him that both rain gardens were designed in the same manner. Commissioner Paul questioned the difference in the amount of fall from the inlet to the outlet. He asked if this is where the problem lies. Mr. Kenworthy agreed this is probably a good part of it.

Mr. Kenworthy referenced information provided on a stormwater utility implementation and the expected next steps for the process. In reference to MS4, as the Township continues to do projects to address the Chesapeake Bay Pollutant Reduction Plan (PRP), funding from outside sources will continue to be a focus.

Efforts continue to move along with the recreation and park open space plan. More definition will need to be added to the scope and effort associated with that. Mr. Kenworthy clarified that the grant money and the effort identified with these dollars is to do a planning effort that does not include the Shireman parcel. The intent was to have the planning done, and then seek additional funding for a master plan of that parcel. Commissioner DeHart observed that according to the engineer's report, a committee should be formed to work on this.

Mr. Kenworthy agreed that there will be a full process working through that, including putting together a committee to get different input as planning moves along from conception to goals.

Mr. Kenworthy reported that HRG has been working with Mr. Lanman on the roads as far as the capital improvement plan. Tied to this, however, is identifying some underground piping that should be addressed prior to doing these road projects.

Commissioner Davies asked if it would be possible to push up the bid process, particularly on the Highland Street bridge replacement. Mr. Kenworthy agreed to look into this and provide information to the manager. Vice President Truntz referenced the engineer's report regarding the Highland Street and Lumber Street/Greenwood Drive projects, and the statement that utility conflict resolution continues to delay the initial schedule but not the final construction completion. He asked what this utility conflict is. Mr. Kenworthy explained that this pertains to Lumber Street, where there was some information on utilities that was not clear. There was a dig done to physically identify their location. There was a conflict identified which needed some adjustments; that is happening now. This is what pushed back the start date, particularly at Lumber Street, but the intent is to retain the end date. Vice President Truntz inquired how this impacts Highland Street. Mr. Kenworthy confirmed there is no utility conflict there, so he will

look into the possibility of moving this project ahead. Vice President Truntz agreed with Mr. Rodgers that the Highland Street work needs addressed as soon as possible.

Commissioner Paul referenced the stormwater utility implementation, and the need to schedule joint meetings between the Board and Authority to review some agreements and policies. Solicitor Henninger agreed the Board should provide some dates to coordinate with the Authority. Commissioner Paul suggested the Board attend an Authority meeting this time. The Board agreed to schedule a joint meeting with the Municipal Authority on July 22.

SOLICITOR'S REPORT:

Solicitor Henninger requested an executive session immediately upon conclusion of this evening's meeting in order to discuss real estate and personnel matters.

MANAGER'S REPORT:

Ms. McBride requested that item D under New Business, regarding a new copier, be removed from the agenda until further review with Solicitor Henninger.

Commissioner DeHart has been looking through the parks, and there is some extra mulch that will be ordered for under the swings, as well as some new mats for under them. This unbudgeted expense will be taken out of the fund used for diesel fuel, other fuels, etc.

Ms. McBride added this should not be a problem. Sometime in July, a review of the first six months' expenditures will be conducted.

Ms. McBride reported that she had recently met with Portnoff Associates, a law firm that specializes in municipal collections, specifically delinquent real estate taxes. She will first need to do some studies on the Township's delinquencies to determine the collection rate and whether this will be worthwhile to pursue. Solicitor Henninger suggested Ms. McBride coordinate this with Janis Creason, Dauphin County Treasurer, since she collects the Township's real estate taxes.

Commissioner DeHart referenced the website presentation tonight, and inquired what contract she was looking at, and where the funds would come from. Ms. McBride explained that some of the funds for the design of a new website were already budgeted. The Township is also installing the Caselle system through Dallas Data. She had met with Ms. Bechtel and Ms. McClain yesterday, and both expressed frustration with putting in the new system, which is anticipated to go live in the next week. Ms. McBride stated that for this reason, she may delay

the new website until this is ironed out. Vice President Truntz agreed that he doesn't want to overstress the staff with dealing with two new systems at once. Commissioner DeHart asked if the goal is to have a new website up and running before year's end. Ms. McBride confirmed this is correct. Commissioner DeHart asked Solicitor Henninger and Ms. McBride to review the agreement from Mr. Urbano and look into funding options for discussion at the next meeting. Vice President Truntz asked if there are any competitors for this item. Ms. McBride explained that staff had looked at two other companies, as well as PointSolve, which is the Township's IT provider. She explained that it is difficult to compare Civic CMS to PointSolve; pricing for PointSolve is a little less, but the Township would be charged every time it calls them for support. She noted she tends to favor the unlimited support provided by Civic CMS.

Ms. McBride agreed to prepare a chart with the prices for each company.

Future Meetings/Events:

June 22	8:30 PM	"Movie in the Park" at Shope Gardens Park
June 24	7 PM	Municipal Authority Meeting
June 26	7 PM	CANCELLED -- Zoning Hearing Board
June 27	7 PM	Planning Commission Mtg.
***Note: There will be no Board of Commissioner Workshop in July.		
July 4	Independence Day Holiday – Twp. Offices closed for business	
July 17	7 PM	Board of Commissioners' Legislative Meeting

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul reminded the Board that it has been provided with copies of the draft MS4 credit policy for review. He suggested any comments be submitted to Solicitor Henninger. The code department is going through the recodification process.

Documents were provided to the Board. The timing is very sensitive, and both the Municipal Authority and Planning Commission will also be presented with any suggested changes at their next meetings. Solicitor Henninger added that any decisions this Board needs to make will need to be made at the July 17 legislative meeting.

Budget and Finance Committee: Commissioner Davies asked Ms. McBride to provide him with the number budgeted for the website upgrade. Ms. McBride added that sometime after the fourth, she and Ms. McClain will meet to go over the first six months' of expenditures and will see if there is a time that fits Commissioner Davies' schedule.

Public Works Committee: Vice President Truntz reported that the Public Works Department is busy with mowing, park maintenance, etc. He added that a resident had expressed concern at the previous meeting about the stump at the Old Reliance Park; this has since been addressed by the Public Works Department.

Community Development: Commissioner DeHart reported that MARA will be meeting tomorrow night. Things are going well as it works through its first year. Olmsted Rec will soon be coming to a close. As Ms. McBride had mentioned earlier, he has been inspecting the parks as another set of eyes. Commissioner DeHart thanked Mr. Rodgers for his comments tonight, and asked if a sign would help at his entrance – perhaps a “Do Not Enter” or “Keep Out” sign. Mr. Rodgers confirmed there has been discussion with the townships involved about signage, which he feels is inadequate. He suggested that as construction approaches, there should be some hard thought about making sure there is compliance with typical construction site signage.

Personnel Committee: President Wilt reported there was a meeting with Penn State to discuss a few issues. They also want to have a Community Day for everyone to visit the campus.

UNFINISHED BUSINESS:

Preliminary/Final Subdivision/Land Development Plan for Star Barn Duplex Units

The first item under Unfinished Business was 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. The Planning Commission took action on February 28, 2019 to recommend approval of the plan with conditions and with two waiver. Waiver requested: (1) Section 22-404: Preliminary Plan and (2) Section 22-606: Curbing. Ms. Hursh stated there has been a request by the developer to table this plan. However, Jason Gutshall from Navarro & Wright is here to discuss the petition to vacate a portion of Nissley Drive, which is part of the plan. There is also a time extension request on this plan.

Mr. Gutshall explained that as part of the plan, there is a piece of the right of way from Nissley Drive that continues up and dead ends at the 283 right of way at the northern end of the project. The owner’s attorney filed a petition for that right of way to be vacated. He estimated it to be about 5,000 sq. ft. As part of the Land Development Plan, there is an easement provided

for snow removal. The size of the cul-de-sac (private) has been made larger. Commissioner DeHart asked if there was a water line run back there for fire hydrants. Mr. Gutshall confirmed there is a fire hydrant proposed on the plan. Commissioner Paul stated it would have been helpful if the exhibits in the petition had included the property descriptions. While the Township is not big on cul-de-sacs, sometimes they are needed. He suggested a cul-de-sac at the end of Nissley Drive consistent with Township standards. Mr. Gutshall added there is a “no outlet” sign there, but agreed to take this suggestion back for discussion. Vice President Truntz stated he is still concerned about pushing snow between houses if there is a bad winter. Employee Steve Severin agreed there is the possibility for a large amount of snow to be deposited on Nissley Drive.

Solicitor Henninger explained that procedurally, this petition to vacate will require a public hearing and then the passing of an ordinance. The Board has no duty to take action on the petition this evening. Mr. Gutshall asked if the Board is looking for additional right of way with a cul-de-sac. The Board agreed.

The Board tabled the Preliminary/Final Subdivision/Land Development Plan for Star Barn Duplex Unit and also tabled the Petition of Star Barn Townhouse, L.P. to vacate a portion of Nissley Drive at the current terminus at SR 283. A motion was then made by Commissioner Paul, seconded by Vice President Truntz, to approve granting a time extension for the Preliminary/Final Subdivision and Land Development Plan for Star Barn Duplex Units, File #PC2018-03 with a time deadline of July 17, 2019. The time extension dated June 13, 2019 grants a time extension through October 15, 2019. The motion was unanimously approved. Site Work & Utilities Agreement w/College Town Communities for Campus Heights III

Ms. Hursh reported that this agreement was presented to the Board two weeks ago. There was an issue with the amount of the letter of credit. A new estimate was given, and HRG will be reviewing that estimate tomorrow. Instead of a letter of credit for the entire site, this will be only for the work in the right of way. The agreement has been cleaned up and forwarded to the Board for its review.

Attorney Ambrose Heinz from Stevens and Lee stated they are looking for approval of the agreement tonight. They do not anticipate any problem when the engineer reviews the estimate, although the figure may need to be tweaked. Solicitor Henninger suggested that since the Board will not be meeting again for four weeks, it consider approval contingent upon

agreement of staff and professionals with regards to the proper amount of security required. Vice President Truntz asked if the last remaining homeowner has moved out. Attorney Heinz explained that the agreement was revised based on Commissioner Paul's comments regarding this. However, it is anticipated that the homeowner will be out of the home this Sunday. A motion was made by Commissioner Paul, seconded by Vice President Truntz, to approve a Site Work and Utilities Agreement with College Town Communities for Campus Heights III Site Work, contingent upon agreement of staff and professionals on the figures for the letter of credit. The motion was unanimously approved.

Preliminary/Final Subdivision/Land Development Plan for Wilsbach Distribution Facility

Ms. Hursh stated the next plan on the agenda is the Preliminary/Final Subdivision/Land Development Plan for Wilsbach Distribution Facility, Planning Commission File #PC2019-02, with a time deadline of June 26, 2019. Located at the SW corner of Oberlin Road and Longview Drive, 62.75 acre, zoned Industrial Park, equitable owner Wilsbach Distributors, Inc., submitted by Evans Engineering, Inc. The Planning Commission took action on April 25, 2019 to recommend approval of the plan with conditions and with the following waivers and deferral: Waiver requests: (1) §22-404 -Preliminary Plan and (2) §22-502.3.A -- Road widening along Longview Drive and Highland Street due to numerous utility easements. Deferral requests: (1) §22-606 – Curbing along adjoining roadways and (2) §22-607 – Sidewalks along adjoining roadways. The waiver request for the road widening from the end of the acceleration lane heading to the Longview Drive intersection is recommended for denial, unless PennDOT refuses to allow additional widening in that area. The Planning Commission also recommended the additional comments: (1) that Infiltration Basin #3 be fenced due to safety concerns of the vicinity to the Township Park and (2) that additional screening be provided adjacent to the residential area along Longview Drive in the areas of utility easements to the extent possible. Ms. Hursh noted that the developer is prepared to submit a written request for a 60 time extension should the plan not be approved tonight.

Dave Getz from Wix, Wenger and Weidner, stated they had been before the Board last August on a petition to transfer a liquor license from Susquehanna Township. He stated this facility will be a distributor, not a retail business. The Board approved that petition, and Wilsbach then came before the Zoning Hearing Board a few months ago to reduce the amount of parking. This was also approved. The plan has been before the Planning Commission, which

recommended approval with several recommendations, all of which were fine with Wilsbach. This plan is for a warehouse, and the property is zoned for warehouses. Most traffic will leave early in the morning, prior to 7 AM. The majority of these delivery trucks will be turning left, and then into Swatara Township and out to 283. Most of the inbound delivery trucks are expected to come in from 283, past WITF. Commissioner Paul asked if this is something that can be controlled with the drivers. Mr. Getz responded that they can control the delivery truck drivers, who are their employees. However, the trucks coming in from the beer wholesalers are not their employees. He agreed, however, that they can certainly talk to them about the preferred route and timing.

Vice President Truntz remarked that since this plan fits the current zoning, there was no rezoning required. Also the nature of the business is strictly wholesale. An individual cannot walk in off the street and buy a case of beer. Mr. Getz confirmed this is correct, but clarified the license does permit that. However, the practice is not to do this, because they want people to buy from their customers, who run the beer distributors. They don't want to compete against their own customers. In response to a question from Vice President Truntz, he confirmed that they will not be open to the public.

Judd Dayton, Evans Engineering, showed the overall plan view. He stated it has been a challenging site with respect to utilities. Commissioner DeHart asked if the Sunoco pipeline going through the site is still active. Mr. Dayton stated that it is their understanding that it is not, and they would prefer not to have to relocate it.

Commissioner Davies referenced the truck access off of Oberlin Road and asked if the turning lanes are maintained from the original plan. Mr. Dayton stated there was feedback from the Planning Commission regarding site distance concerns. As the roadway comes towards Longview Drive, it's a bit tough to see in that direction. As a result, the proposed plan continues the full shoulder widening the entire way to the intersection of Longview, so there is as much pavement as they feel PennDot will permit to be installed. The embankment will also be pulled back further from the road to allow better site distance for eastbound traffic. Commissioner DeHart asked the size of the shoulder. Mr. Getz stated he believes it is 8'. Commissioner DeHart also asked if they had heard back from PennDot yet. Mr. Getz reported they have approval of the traffic study from PennDot, but they have not seen the actual HOP plans at this point. Commissioner DeHart stated he would prefer it to be full width. Another concern is

Longview Drive, which needs improvement. The plan shows an emergency access, which is good, but it should at least be base-coat paved instead of just gravel.

Commissioner Paul noted the Township has in the past taken the position that due to maintenance issues, driveways should be paved when located in the right of way. He agreed that Longview Drive should be widened. The Township standards are 12' cartways and 4' shoulders. Wilsbach is asking for a deferral on the curbing. In lieu of that, there should be at least a 4' shoulder. Commissioner Paul noted that he understands there may be restraints because of existing utility poles but by providing a shoulder, you will better control drainage and stabilize the edge of that road. Mr. Getz stated they did look at this, but there are five or six standard utility poles that would be in the way as well as a fire hydrant that could potentially need to be relocated. The guidewires for some of the large overheard PPL poles where Longview Drive comes around makes all of this a bit more difficult than just adding 4' of pavement.

Commissioner Paul stated he does realize this is a challenge, but thinks it should be looked at. He added that he feels driveways and shoulders that are referred to as being "stabilized" should be considered as being "paved." Commissioner Paul also expressed hope that the concerns from the neighboring homeowner, Jim Rodgers, have been addressed. Mr. Rodgers stated that he is satisfied with the plan as presented, but does have concerns about the construction phase of this project and the long term effects of perking that much water into the ground. Another concern, which the developer shares, is the 50 MPH speed limit on 441 which cannot be addressed to PennDot's satisfaction until this is constructed. He added the Township has very little land that is zoned Industrial for this type of development. Wilsbach is a local business that is committed to this community, wants to work with its neighbors, listens to their concerns, and is going to employ people locally. Mr. Rodgers stated that this is the third plan he's seen for this site, and feels it is the best plan and owner/operator.

Commissioner Paul referenced previous discussions by the Board about property owners cutting along the right of ways, and suggested a note be placed on the plan just to remind the owner that this is required and expected.

Commissioner DeHart stated that the Planning Commission had a few other comments, including one about fencing of an infiltration basin. Mr. Getz agreed this will be addressed. Ms. Hursh added there was another comment about additional screening along Longview Drive; this will be shown on the plan. Commissioner Paul expressed hopes that Wilsbach will work

with the Township if there are a few other items requested, like a tree added here or there. Mr. Getz agreed this is a long-time family business that has the reputation for being a good neighbor. Ms. Hursh stated there was also a request for the plan to include some type of additional vegetation to keep the snow from drifting onto Longview. She added the entrance drive, which used to meander a bit, was changed slightly to make it more of a straight shot. This would be better for emergency vehicles. Fire Chief Weikle has seen the plan. Ms. Hursh stated that all her comments have been addressed. They do need to provide documentation of the utility easements that are to be vacated. Accessible parking routes will be done at the time of the building permit, and there will be fire department review. The note regarding the right of way maintenance will be added to the plan. Mr. Kenworthy stated the engineer's comments are primarily administrative in nature including follow-up approvals, HOP, signing the plans, etc.

Solicitor Henninger stated that if the Board wishes to act on the plan tonight, the first step would be to take action on the waiver requests and deferral requests. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to grant the waiver request of §22-404 - Preliminary Plan. The motion was unanimously approved. A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to grant the waiver of §22-502.3.A for road widening along Highland Street. The motion was unanimously approved. A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the request for deferral of §22-606 – curbing along adjoining roadways and §22-607 – sidewalks along adjoining roadways. The motion was unanimously approved.

Regarding the waiver request for widening Longview Drive, Vice President Truntz stated he feels they should be in compliance with §22-502.3.A to the extent that it is feasible in light of existing utility poles, guidewires, etc. Commissioner Paul agreed that he is not advocating widening the travel lane, but feels they should provide a 4' stabilized shoulder wherever possible. A motion was made by Vice President Truntz, seconded by President Wilt, to grant the waiver request of §22-502.3.A for road widening along Longview Drive, conditioned upon the developer providing a stabilized paved shoulder to the maximum width possible along those areas, with a 4' maximum. The motion was unanimously approved.

Ms. Hursh stated the plan is ready for action, with the condition that staff and engineering comments are addressed, with the addition of the Planning Commission comment that Infiltration Basin #3 be fenced due to safety concerns, and with the condition that any additional

required approvals are received. A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to grant conditional approval of the Preliminary/Final Subdivision/Land Development Plan for Wilsbach Distribution Facility, subject to the aforesaid conditions. The motion was unanimously approved.

Commissioner Paul inquired if the basin areas were perked. Mr. Dayton confirmed they were, with favorable results.

Mr. Getz thanked the Township staff for being so helpful during the entire process.

NEW BUSINESS:

Requests for Funding

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Request for Funding No.12 (DCIB 2017 loan) in the amount of \$9,715.65 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.13 (DCIB 2017 loan) in the amount of \$13,899.96 to the Dauphin County Infrastructure Bank for the Highland Street Bridge Replacement. The motion was unanimously approved.

Improvement Guarantee Reduction

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the Improvement Guarantee Reduction Request #3 for Uncle Bob's Self Storage/Life Storage, File #2016-04, Subdivision Improvements Performance Bond No. 242385. It is the recommendation by HRG that the improvement guarantee be reduced by the current amount of \$12,490.00, leaving a balance of \$0.00 thus closing out the project. The motion was unanimously approved.

Copiers

As requested earlier, Ms. McBride asked that agenda item D, approval of a copier lease, be removed. In addition, she asked that item E be removed, since it pertains to the termination of the current copier lease. Vice President Truntz asked if there is an automatic renewal clause. Ms. McBride responded that the termination deadline is two years from now.

Partial Real Estate Tax Refund

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve a partial refund of \$76.06 for 2018 real estate taxes to Geraldine Espenshade, 225 Oberlin Rd., Middletown, PA. The motion was unanimously approved.

School Resource Officer

Solicitor Henninger referenced the School Resource Memo of Understanding by and between Lower Swatara Township Police Department and Middletown Area School District. The original memo applied only to the middle school and the high school. This new one will include the primary school. The other changes are clerical in nature. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the School Resource Officer Memo of Understanding. The motion was unanimously approved.

Solicitor Henninger then referenced the School Resource Officer Agreement by and between Lower Swatara Township and Middletown Area School District. The biggest change from the prior agreement is the addition of some specific insurance information requirements, all of which are currently being met. Their insurer wanted to see the information in the agreement. There were also some deletions about absences, etc. Commissioner Paul asked if those costs are also covered by the School District. Solicitor Henninger agreed this is correct. A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the School Resource Officer Agreement.

Payment App. No. 1 and 2 to Mid-State Paving for BMP Work at Parks

The Board discussed a request to approve Payment Applications No. 1 and 2 in amounts of \$46,345.50 and \$26,391.25 to Mid-State Paving, LLC for the Lower Swatara Parks Stormwater BMP's project located in Old Reliance and Shope Gardens Parks, including work for pervious pavement and partial rain garden installation. These invoices will be partially reimbursed through a DCNR grant award. Commissioner DeHart stated he is wary about making payment right now, since the Shope Gardens' raingarden issue is not settled. He suggested the possibility of approving payment based on the manager being satisfied with resolution of this matter. Vice President Truntz suggested payment be made for only the undisputed amounts. Commissioner Paul stated the Board actually took action last month to approve Payment Application No. 1 for \$46,345.50. Therefore, the question should be whether to hold part of Payment Application No. 2 for \$26,391.25. Mr. Kenworthy explained the project

is not yet finished, and there are ongoing discussions about the remaining issues. As with any contractor, there is retainage on the work completed – 5%. The total contract was \$89,500. These two payments add up to \$72,700, so there is about \$17,000 still hanging out there. Mr. Kenworthy stated his recommendation is to pay Mid-State for what they have completed to date. Ms. McBride asked permission to separate the pervious pavement work from the rain garden portion of these invoices and pay them in full for the paving; this is about ¾ of the bill. Commissioner DeHart stated that the BMP work for Old Reliance was done correctly. Ms. McBride agreed this could be accounted for. Commissioner Paul asked if the invoices were broken down enough to do this. Ms. McBride agreed they are. A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve Payment Application No. 2 subject to recalculation and the holding of costs associated with the rain garden work at the Shope Gardens Park. The motion was unanimously approved.

GOOD AND WELFARE:

Commissioner DeHart thanked Chief Vargo for the Coffee with Cops initiative, which turned out well.

Commissioner Davies thanked Mr. Rodgers for letting the Board know his concerns with the Highland Street bridge project. He expressed hope that things can get moving prior to August. He also complimented Chief Vargo on his new initiatives.

Commissioner Paul asked Ms. McBride if staff knows when Overlook Road is scheduled to be paved. Ms. Hursh stated that it was to be done this past Monday, but she assumes it was not done due to the weather. It is pending. Commissioner Paul added that on Overlook Road, there is a low spot where water seems to lie between the inlets. Ms. Hursh stated that most of this was due to the recent heavy rains. Commissioner Paul stated he wants to make sure the elevations are correct so the water goes to where it should go. Ms. Hursh agreed that this should be resolved with the paving.

Vice President Truntz thanked Ms. Bechtel for filling in as recording secretary tonight, and thanked those who came out to participate in the process.

Commissioner DeHart recalled there was discussion about scheduling a special meeting to talk about the roads. The Board agreed to schedule a Special Meeting on July 17, at 6:00 P.M., to review the roads.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Commissioner Paul, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 9:10 P.M.

ATTEST:

Ronald J. Paul
Assistant Secretary

PLEASE **PRINT** NAME CLEARLY

June 19, 2019 LEGISLATIVE MEETING (7 PM)

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