

MINUTES
LEGISLATIVE MEETING – JULY 18, 2018

The July 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
- M. Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Erin Letavic, HRG
- Scott Young, Officer in Charge
- Ann Hursh, Planning & Zoning Coordinator

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

President Wilt opened the floor for public comments.

PUBLIC COMMENTS:

Melody Wilson, 1335 Overlook Road, recalled there was some question at the last Board meeting as to what part of Overlook Road is already paved and plowed by the Township. She distributed a Google Earth map hand-out to the Board on which she marked the pavement line for 1305 Overlook Road, showing where the snow plowing line stops. She also noted property right above this is listed as owned by the Homeowner's Association and questioned if the proposed plans to be voted on tonight will make that a drainage area. If that will be the case, there will be no place to put a basketball court or tot lot. Ms. Wilson stated that she just wanted to make sure the Board sees how this area looks from an overview.

APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the Minutes of the June 20, 2018 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the payment of bills as presented on Warrant No. 2018-06. 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 June 2018. The motion was unanimously approved. Commissioner DeHart stated the Board had previously talked about doing some mid-year budgetary adjustments, and asked if these were included in this report. Ms. McBride responded that they were not, but should be ready for the August 1 meeting.

CODES, PLANNING & ZONING REPORT:

Ms. Hursh referenced the reports provided for permit activity during the month. The Department has been issuing a lot of building and zoning permits for additions, pools, fences, sheds, etc.

The results of the Labor and Industry (L&I) Accessibility Audit were very good. The Lower Swatara Township Codes will remain in satisfactory standing with L&I and remain on a five year audit schedule. The Dauphin County Board of Elections also did an inspection recently to make sure the accessibility for the polling places is adequate

The Planning Commission met on June 28 and discussed four plans. The Final Land Development Plan for Stoneridge Lot 1 was tabled, as was Campus Heights Village III, LP and the Preliminary/Final Subdivision/Land Development Plan for Star Barn Duplex Units. The Final Land Development Plan for Woodridge Phase II, Section 9, located on Overlook Drive, was recommended for approval with staff, HRG and Fire Department conditions.

There was no Zoning Hearing Board meeting in June, since there were no new applications. The July meeting has also been cancelled.

Ms. Hursh provided project updates. UPS is proposing to submit plans for the August Planning Commission meeting. Work at 300 Capitol Lane is progressing; the Township has been notified that First Street will be closed during some construction. Police, Fire and EMS have been notified, and access will be available at all times for emergency responders.

The Township continues to address stormwater concerns.

PUBLIC WORKS REPORT:

Ms. Hursh noted that Lester Lanman, Public Works Director, could not be here tonight, but asked that she highlight some of the items from his report.

A storm pipe repair is in the process at Messick Drive. Mr. Lanman is working with Phoenix Contact to investigate moving the outfall to a new area that will prevent the sheet flow of storm water over the Phoenix walking path. This will include new, larger inlets in Messick Drive that will help alleviate the ponding and flooding. Stewart and Tate will be returning to make repairs to an area of the micro surfacing on North Union Street that peeled up. It was also requested that the surface treatment be extended further south past the turn. The Township is still waiting on a timeframe for these repairs. A sinkhole was reported at 350 Lumber Street yesterday; it was found to be a Suez issue, and is being addressed.

Commissioner DeHart asked if Mr. Lanman could report back on how long it will take for the lines to be repainted when the micro-surfacing work is done on North Union Street. This is a dangerous situation out there right now, especially with dump trucks traveling on both sides of the road. He also asked that Mr. Lanman be informed that Fulling Mill Road, in the area of the 655 – 700 block, on the north side of the highway, needs trimmed back.

Commissioner Davies asked about the micro-surfacing process. Ms. Letavic explained that it is a paving technique that basically improves the skid resistance, making it less slippery when wet.

President Wilt also commented that he had asked about trimming back the area at Fulling Mill Road and Longview Drive. It looks like someone did cut it back, but visibility is still obstructed at the intersection. He suggested it be trimmed back a bit more.

PUBLIC SAFETY REPORT:

Officer in Charge (OIC) Young presented the statistics for the Police, Fire, and EMS for the month and year-to-date.

Preparation for National Night Out is moving along, and the Township has secured volunteers and generous donations from the businesses. OIC Young reported that he has been approached to provide active shooter training at several Township businesses/organizations.

Speed details are being conducted on Route 441; it appears that truck traffic is actually slowing down the other traffic. Speeds were slower than anticipated.

The dead end of Fulling Mill Road has been a concern as a result of floating parties. This area has been placed on the business checklist and has been checked several times. There was discussion in this week's manager's meeting about contacting the Fish and Boat Commission to request some trash receptacles be placed out there. Commissioner DeHart stated the Township will have to address the parking down there, which is getting to be problematic.

OIC Young reported that he had received the police testing results and has started working towards the hiring process again; letters of interest were mailed out today.

The two probationary officers are doing well and hopefully will be able to go out on their own by the end of August. All firearms qualifications have been completed for the year. The car cameras are working well except for one, and this is being addressed.

In response to a question from President Wilt, OIC Young confirmed that the speed sign will be put out at different locations, weather permitting. President Wilt added that he has heard compliments about the use of the directional arrow sign. OIC Young stated he is not aware of such signage being put there, but will check into it.

Commissioner Davies asked if OIC Young could provide the Board with an estimate of overtime expenditures through the remainder of the year. OIC Young confirmed that he had worked on this, and had provided the figures to the Township's accountant, Rebecca McClain.

ENGINEER'S REPORT:

Eric Letavic, HRG, stated that some of the items on her report are agenda items, so she will address those as they appear.

An update was provided on the Mariner East II Pipeline/Growing Greener DEP Grant Funding. Improvements to the Greenfield Park basin and stream restoration on School District property were included in a \$784,700 grant application, submitted June 20, 2018. The projects, if constructed, would help the Township meet 20% of the Chesapeake Bay Pollutant Reduction Plan (MS4 requirement) sediment reduction goal.

Work on the stormwater authority fee implementation continues. Impervious cover data from the aerial flight has been received by HRG and is being processed. The Township will need to pull together a comprehensive capital improvement plan for the 2019-2024 planning horizon as part of the stormwater fee estimating effort. Two steering committee meetings have been held, primarily with the goal of educating the members on stormwater issues.

An update was also provided on the Dauphin County Infrastructure Bank (DCIB) Loan – Construction – Highland Street (\$533,750) and Summit Ridge [and Lumber Street/Greenwood Drive (\$695,225)]. The Highland Street survey is complete and design is underway. The Lumber Street culvert replacement scope is now funded and is on the agenda tonight for consideration by the Board of Commissioners.

As previously mentioned by Ms. Hursh, HRG and staff have met with representatives of the UPS team to go over engineering and planning items in regards to the UPS Land Development Plan. It is anticipated that the UPS land development plan and subdivision plan will be on the August Planning Commission agenda. North Union Street re-construction plans are anticipated to be received for review in August/September.

Ms. Letavic provided an update on the PennVest application for the Rosedale Manor stormwater projects, which was submitted on May 2. The PennVest Board met today and unfortunately did not offer Lower Swatara Township a grant, but rather a loan of about 5.5 million dollars, at County cap rates. The original analysis, after PennVest had looked at the last three years of audits for the Township, was that it would likely be eligible for 50% grant/50% loan. This was not approved, however. Ms. Letavic explained that the Township will receive an offer letter from PennVest with more details. The Board can then make a decision to how to proceed, perhaps by scaling back the project. President Wilt expressed his disappointment. He stated that it seems municipalities that are careless and go into debt have more of a chance of being approved for grants. Commissioner DeHart asked if the change was made in the process for an MS4 fee for more points. Ms. Letavic responded that this will likely be the case moving forward.

SOLICITOR'S REPORT: None

MANAGER'S REPORT:

Ms. McBride reported that the MS4 Advisory Committee had its second meeting on July 10. It is a very active committee, and the goal at this point is to have a uniform message to communicate with the public. This communication is anticipated to take place in August or September. The Township is working with HRG on this, perhaps through a post-card form. The next meeting of the group will be sometime in August.

President Wilt read aloud the future meetings/events:

July 23	7 PM	Municipal Authority Mtg.
July 25		Zoning Hearing Board CANCELLED (no submissions)
July 26	7 PM	Planning Commission Mtg.
August 1	7 PM	Board of Commissioners Workshop Mtg.
August 4	10 AM	Woodridge Homeowners' Association Mtg.

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul reported that he will attend the Olmsted Regional Recreation Board Meeting next Thursday, July 26. He suggested the Township should think about scheduling meetings of its pension advisory boards in the near future. He noted that he also has some citizen concerns, which he will discuss with Mr. Lanman.

Budget and Finance Committee: Commissioner Davies stated that he would like to meet with the Manager and finance department in August, perhaps the first or third week, to go over where the budget stands now and where it is headed for the coming year. He agreed with Commissioner Paul that the pension advisory boards should schedule a meeting soon, particularly to discuss changing the investment return assumptions that are being used, as this will have a bearing on the budget. Ms. McBride reported that she did ask the actuary to provide figures based on dropping the assumptions in ½ percent increments over the course of three increments. She noted that she had just received this information.

Public Works Committee: Vice President Truntz reported that the baseball association brought to his attention that the fields are being overgrown with weeds. The Township no longer has an employee licensed to use the herbicide chemicals to spray, so the spraying was not done this year. Public Works employee Paul Potts is in the process of obtaining his spraying license, but it is a time-consuming process. The estimated cost for a contractor to spray all the fields would be between \$500 -- \$1,000. Solicitor Henninger confirmed that a vote should be taken to approve

this expenditure. A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve an expenditure not to exceed \$1,200 for spraying the fields. The motion was unanimously approved. Commissioner Paul suggested that staff may want to first look into the possibility of sharing services with another municipality that may have an employee certified to do the spraying. Commissioner Davies added that the School District may even be able to help out with this. Ms. McBride was asked to discuss this with Mr. Lanman.

Community Development: Commissioner DeHart reported that he will also be attending the Olmsted Regional Recreation Board Meeting. He reported that he had been unable to attend the last MS4 Steering Committee meeting, and thanked Commissioner Paul for filling in for him. He noted that he will not be in attendance of the August meeting. Commissioner DeHart stressed that MS4 is coming, and the Board is trying to get as much input as possible from the residents in order to be able to make good decisions.

Personnel Committee: President Wilt stated that he had nothing further to report, other than to reiterate OIC Young's comments about the police officer testing and potential hiring of another officer.

UNFINISHED BUSINESS:

The Board discussed the Final Land Development Plan for Woodridge Phase II, Section 9, located on Overlook Drive, one lot, 4.35 acres, 32 proposed townhomes, zoned Residential Urban, owned by Joseph and Dorothy Messick, submitted by Mellott Engineering, Planning Commission File # PC2018-02, with a time deadline of August 22, 2018. The Planning Commission recommended approval with the Developer's Agreement, and with all the stipulations that are made satisfactory to the staff, and the final reasonable approval by the Lower Swatara Fire Department. No waivers were requested. Tim Mellott of Mellott Engineering and Nic DeSanto of Triple Crown Corporation presented the plan to the Board and explained that once the plan gets to the next stage, Triple Crown will be purchasing the property from the Messicks. Mr. Mellott addressed the comment about landscaping. Although there is no landscaping requirement for the plan, they do plan to provide some with this project. The Developer's Agreement does state that as part of the project, they will be providing the overlay wearing course for the remaining portion of Overlook Road. Once that overlay is done, the Township can accept the dedication of the road and take over snow removal operations.

Solicitor Henninger added that the draft Developer's Agreement also includes the opportunity for those homeowners having driveways off Maplewood to contract to have them paved while the paving company is on-site.

Solicitor Henninger commented that there is one outstanding issue in regards to the Developer's Agreement, and that is how the Board wants to proceed relative to installation of a basketball court. As it stands now, the original proposal is payment in lieu of land dedication for recreation. Because of prior credits, they will need to provide the fee in lieu of for 25 units (the first 7 were already paid for in prior plans). At \$1,500 a unit, that would equate to \$37,500. What was done previously was a hybrid: the developer paid some fee in lieu of and also provided some recreation. Solicitor Henninger added that he knows there was an on-site meeting held last week, and the idea was to put some type of basketball facility on the existing recreation site in order to keep all the recreation together. The Board needs to make a decision in order to finalize the Developer's Agreement.

Ms. Letavic stated that a smaller basketball court could be placed on the side of the ballfield near the pitching cages, or on the opposite side of the parking lot. The Board needs to determine the layout, including the location and the size. The cost of a full size court is estimated at \$15,000. Compared to the \$37,500 recreation fee, the credit could be negotiated. Ms. Letavic questioned, however, if the Board and community wants a full-size court. Commissioner DeHart agreed that he is concerned that the neighbors who live there now have not had to deal with a basketball court, and this could result in too much noise. He suggested the question should be taken to the community. Vice President Truntz agreed that he would prefer holding off on this decision until feedback is received from the neighborhood. Solicitor Henninger suggested the Recreation Board may also have some input on this question. Mr. DeSanto clarified that as far as recreation, they are not looking to do a hybrid. They would propose either doing the basketball court or providing the fee in lieu of. Solicitor Henninger explained that the ordinance provides that they pay \$37,500. If they do not provide \$37,500 in recreation value, he cannot recommend this to the Board. Commissioner Paul agreed. Mr. DeSanto explained that he will need to know the exact size and location before he can put together a cost proposal. Ms. Wilson stated that she would not want to see it full-court, which will draw the big guys. What is needed is just half a court for the kids.

Mr. Mellott asked the Board for conditional approval tonight, so they can start the process of securing the land. He added that the paving season ends mid-October. If they cannot get the infrastructure in to pave before the end of the year, then nothing will be able to get paved. Solicitor Henninger confirmed that banks will not usually do anything without a conditional approval. Mr. Mellott added that are willing to appear at the next meeting to provide an update. Vice President Truntz asked Solicitor Henninger to verify that the Township cannot legally say no to rental units, as this was a concern expressed at a previous meeting. Solicitor Henninger confirmed that this is correct. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to grant conditional approval of the Final Land Development Plan for Woodridge Phase II, Section 9, located on Overlook Drive, subject to meeting the outstanding conditions of staff and engineer, receipt of all outstanding permits and approvals, and execution of the Developer's Agreement that addresses all current issues with the addition of working out details regarding fees in lieu of recreation or providing a basketball court. The motion was unanimously approved. Commissioner DeHart stated that he realizes this project involves specific circumstances with paving, but he suggested the Board not make a practice of granting conditional approvals. Commissioner Paul agreed that his concern with conditional approvals is that they put all the pressure back on the staff to make sure everything is correct.

NEW BUSINESS:

Jason Gutshall, Navarro & Wright, presented to the Board the Final Land Development Plan for Fulling Mill Retirement Community Phase 2 (The Pond on Fulling Mill), Planning Commission File #PC2018-04, with a time limit deadline of September 26, 2018. The property is located on Fulling Mill Road, east of Nissley Drive, and is one lot, 16.6 acres, 58 units, zoned Residential Retirement Facilities District. It is owned by Sierra's Glen Partners V, LP, and plan was submitted by Navarro & Wright Consulting Engineers, Inc. The Planning Commission recommended approval with all conditions being addressed and the following waiver request: § Section 26.118.2A.1 - meeting water volume goals. The applicant requests the waiver because the volume reduction cannot be met due to soil conditions on the site. There is little to no infiltration on site and the potential for Karst geology on the site. DEP and DCCD have approved the proposed BMPs for nutrient removal. Mr. Gutshall explained that with the limited number of comments, he is requesting a conditional approval tonight.

Commissioner DeHart asked if they were up-to-date on all the fees for inspections for Phase 1. Ian Castaneira, Sierra's Glen, stated they are not, only because he had questions and wanted to understand what he was paying for. The invoices have now been submitted to the bank for payment and will be taken care of very shortly. Ms. Hursh added that there is another \$44,000 that has yet to be billed. Commissioner DeHart stated that the Township had also received a complaint from an individual who claimed to have put down a \$10,000 deposit on a home there and was concerned that there was no movement on the project. Mr. Castaneira responded that he is unaware of anyone putting a \$10,000 deposit down. There were \$1,000 refundable deposits taken to hold locations; this was handled through the realtor. Commissioner DeHart also questioned if it would be gated. Mr. Gutshall stated that from his understanding, gates are no longer proposed for the community.

Improvements and improvement guarantees associated with the project, including roadway improvements, were briefly discussed. Ms. Letavic stated that from her perspective, the outstanding comments on this plan are minor in nature. A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to grant a conditional approval on the Final Land Development Plan for Fulling Mill Retirement Community Phase 2 (The Pond on Fulling Mill), subject to meeting all outstanding review comments of the staff and engineer. Solicitor Henninger interjected that prior to acting on the plan, the Board should first take action on the waiver request. Commissioner DeHart withdrew his motion to approve, and Vice President Truntz withdrew his motion to second. A motion was then made by Commissioner Paul, seconded by Commissioner DeHart, to grant a waiver request of § Section 26.118.2A.1 - meeting water volume goals. The motion was unanimously approved. With the waiver request granted, a motion was made by Commissioner DeHart, seconded by Commissioner Paul, to grant a conditional approval of the Final Land Development Plan for Fulling Mill Retirement Community Phase 2 (The Pond on Fulling Mill), subject to meeting all outstanding comments of the staff and engineer. The motion was unanimously approved.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Improvement Guarantee reduction request #2 for Select Medical HIA Hanger Land Development Plan, File #2016-07, in the amount of \$15,075.00 leaving a balance of \$15,386.00 for site and Stormwater improvements. The motion was unanimously approved.

The Board discussed a request from Wix, Wenger & Weidner on behalf of Wilsbach Distributors, Inc. requesting that it advertise and hold a public hearing to consider approving the intermunicipal transfer of the Liquor License from Susquehanna Township to Lower Swatara Township. Solicitor Henninger explained that Wilsbach Distributors is looking at building a new facility and moving its operations to the corner of Longview Drive and Route 441. He noted that Wilsbach is a wholesaler, as opposed to a local distributor. In order to allow this transfer, a Public Hearing would need to be held and action taken within 45 days of their request, and a resolution drafted to either accept or deny the application for transfer. If accepted by the Board of Commissioners, this would be included in their application to the state; it would still be up to the Liquor Control Board to approve the transfer. A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to authorize the Solicitor to schedule a Public Hearing for August 15 at 6:30 P.M. and to prepare a resolution that would accept or deny the application for transfer. The motion was unanimously approved.

Ms. Letavic addressed the next agenda item regarding approval of the low bid for the construction of the Lower Swatara Parks Stormwater BMPs. This project consists of constructing rain gardens, porous asphalt walkways, and a potential infiltration trench at Old Reliance Park and Shope Gardens Park. The low base bid was received from Mid-State Paving LLC, in the amount of \$89,500. Ms. Letavic noted the current grant budget can cover approximately \$55,000 of this amount. Apparently there are not enough contractors to do this BMP work right now, so contractors are pricing things accordingly. Staff has contacted DCNR to see if additional grant funds may be available for the project and have been encouraged to request additional funds. Depending on the additional funding received, the Township may be able to install more of the BMPS then just the base bid to get MS4 credit for the work. However, if it can only get enough funds to offset the base bid and the grant funding, then the recommendation will be to go only with the base bid. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to conditionally accept the low base bid from Mid-State Paving LLC, in the amount of \$89,500 for the construction of the Lower Swatara Parks Stormwater BMPs, conditioned on confirmation that additional funding is available for the project. The engineer and solicitor will not proceed with contract documents until an answer is received regarding additional funding. The motion was unanimously approved. In response to question from Commissioner Paul about where the Township's grant share could come from, Solicitor Henninger stated that he feels it could be 100%

recreation if the Township desires it to be, since it is a capital improvement in the park. It could also be taken from the MS4 category, depending on what funding sources are available.

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve Payment #2 in the amount of \$2,500.69 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 scope of work to complete engineering services for the Lumber Street culvert replacement project, funded through the Dauphin County Infrastructure Bank program. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the preparation and filing of Application for a Growing Greener Grant by HRG at a cost not to exceed \$1000.00. The grant, if awarded, would be used towards design portion of a stream restoration project in conjunction with Mariner II East grant application. The design is estimated to cost \$48,207. This grant would require a 15% township match. The grant would be \$40,974 + Township match of \$7,232 of which \$946 is proposed as in-kind Township services. Ms. Letavic explained this is a supplemental grant. The motion was unanimously approved.

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve the preparation and filing of Application for DCNR Grant by HRG at a cost not to exceed \$500.00. The grant, if awarded would be used towards the Old Reliance and Shopes Garden parks' stormwater facilities. As previously mentioned by Ms. Letavic, this request is the result of bids exceeding estimated costs by \$73,350.00 and would require a 50% match by the Township. The total cost of the additional funds are \$73,350; DCNR amended funds of \$36,675 + Township match of \$36,675. The motion was unanimously approved.

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve the appointment of M. Elizabeth McBride as the Township's delegate to the Dauphin County Tax Committee. The motion was unanimously approved.

The Board tabled action on the Lower Swatara Township Early Intervention Program (EIP) Report, since the Commissioners had not received a clean copy of the report yet. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve a repository property offer of \$500.00 by Stephany Danet Figueroa-Romero for property at 78 Mic Nan Drive, parcel 36-004-071-078-0126. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve a repository property offer of \$500.00 by Johana I. Galarza for property at 79 Mic Nan Drive, parcel 36-004-071-079-0040. The motion was unanimously approved.

FINAL COMMENTS:

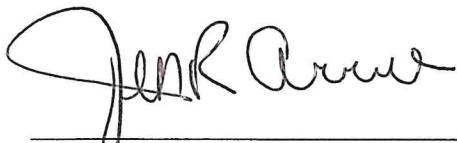
Commissioner Davies stated that he is happy to see the Township pursuing as much grant money as possible to address MS4 circumstances. Commissioner DeHart agreed that MS4 is a big deal, and the Township has no choice. He added that he hopes to see more grants done in-house to save money.

The Board thanked the public for their attendance and input this evening.

ADJOURN:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Vice President Truntz, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 9:15 P.M.

ATTEST:



Jean R. Arroyo, Secretary

PLEASE PRINT NAME CLEARLY

JULY 18, 2018 LEGISLATIVE MEETING

7:00 P.M.

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