

## MINUTES

### NON-LEGISLATIVE MEETING --- OCTOBER 3, 2018

The October 3, 2018 Non-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
- Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Jamie Eberl, HRG
- Ann Hursh, Planning & Zoning Officer
- Lester Lanman, Public Works Director

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

President Wilt welcomed everyone to the meeting.

#### PRESENTATION BY D&H DISTRIBUTING COMPANY:

Charles Courtney of McNees Wallace & Nurick, representing D&H Distributing Company, reported on the possibility of the company establishing a location within Lower Swatara Township. Mr. Courtney explained that D&H is a locally owned, family-run technology distributor headquartered in Harrisburg with about 1,100 employees and 4 billion dollars in annual revenue. D&H is growing out of its distribution facility in Harrisburg and has entered into an agreement to purchase the Jednota site to construct a new facility. The property extends on both sides of the PA Turnpike, so D&H would be acquiring the entirety of the property, since Jednota wishes to sell the entire property. The portion of the Jednota site that is to the south of the Turnpike has a mix of zoning classifications: Industrial, Residential, and Office. In order to accommodate the facility, D&H would like to rezone a portion of the southern land to an

industrial classification, likely Industrial Park. Remaining residential would be the entirety of the Jednota site to the north of the Turnpike, and also a portion of the Jednota site south of the Turnpike that is a wooded area along Stoner Drive and can serve as a kind of buffer. D&H is in the process of preparing an application for the amendment and will be submitting it in the near future. Mr. Courtney explained his purpose tonight is not to talk about the details of the amendment, since they are still being worked out. Rather, he would like to make the Township and residents aware that they will be holding a public information and comment meeting on November 1, at 6:00 P.M., at the Lower Swatara Fire Department. Township representatives and the public will hear about D&H and its plans for the Jednota site, and be able to provide feedback. A notice flyer has been prepared for the meeting, and the Township is being asked to post it on its website and Facebook page. D&H will also be placing an ad in the Press & Journal.

Solicitor Henninger referenced the statement about purchasing the entirety of the Jednota property. He asked if the idea is to develop the facility between Rosedale and the Turnpike where the old printery sat and soccer fields used to be. Mr. Courtney confirmed that is correct. The area south of the Turnpike and into Rosedale and even south of Rosedale is the area that would be subject to the zoning amendment.

Commissioner Davies asked if this includes the preexisting office building on Rosedale Avenue and if this office building will be maintained in its present configuration. Mr. Courtney confirmed it is included, and they are still evaluating that. In response to a question from Commissioner Paul, Mr. Courtney confirmed that they are also still evaluating the printery building.

Vice President Truntz asked if there would be a warehouse built on the property, and how many trucks would be coming in and out of the site. Mr. Courtney confirmed that D&H is looking to build a distribution facility here. D&H operations are unlike most distribution facilities/warehouses, where there is a significant number of trucks. It is a low truck generation site, with a very limited number of trucks that come into the site each day. He stated that he does not have the numbers right now, but will be able to provide them at the meeting.

Commissioner DeHart asked what will happen to the monuments on the Jednota site. Mr. Courtney explained they will remain, as that was part of the arrangement with Jednota.

#### PRESENTATION BY PFM REGARDING PERFORMANCE OF PENSION FUNDS:

Mark Yasenchak, PFM, distributed a mid-year update, as of June 30, 2018, on the Township's Police Pension Fund and the Non-Uniform Pension Fund. As of the June 30 date, total plan performance was up just shy of 1%. He explained the benchmarks and investment policy, and how the fluctuations occur. He noted that .92% over the year doesn't sound overly good, but the last three months have been much better (July through September). The market has done very well in that time frame. Overall, it has been a pretty good market run for the past nine years. He noted that he always cautions clients about the expectations going forward, because the market has been quite good over the past years. Commissioner Davies stated his question is the obvious one: it has been a good market year, yet the year-to-date returns are not reflecting this. Mr. Yasenchak explained the beginning of the year was pretty poor, so this quarter made up for that. The last three months have been pretty good.

Ms. McBride noted that she had spoken with Mr. Yasenchak about scheduling meetings to speak to both the Police and Non-Uniform Pension Advisory Boards within the next several weeks.

#### PUBLIC COMMENTS:

John Weikle, Lower Swatara Fire Chief, reported that the ISO study results were just received this evening, and the rating has basically remained the same. This means that insurance rates that were established by the rating remain the same, so residents should not see an increase in their fire insurance.

Rodger Erickson, 235 Shady Lane, stated that he has ten acres of land, and has never participated in the Township's trash/recycling contract. He suddenly received a bill from the new hauler. He added that he does not use this service; he takes recyclables to sites at Highspire, burns paper in his wood-burning stove, and takes things to his neighbor's chickens. Mr. Erickson noted that he did call the trash hauler and the Township about this, and was told they would have to speak to the attorney. Solicitor Henninger explained that the Township ordinance and contract does require that all residents participate in the municipal contract. While the Board of Commissioners can grant a waiver, he would caution doing so, since the contract price is based on participation by all residents. Commissioner DeHart recalled there is the option to "pay per bag". Solicitor Henninger agreed that this might be the best option for Mr. Erickson. He stated, however, that he will first review the Township's contract to see if there is a minimum



number of bag tags which must be purchased. He asked that Mr. Erikson provide his contact information, and agreed to report back to him with available options after his review of the Township's contract.

Jim Rodgers, 181 Highland Street, stated that he would like to thank and commend the Police Department for its assistance with an issue on August 30, involving a naked prowler at his residence. He stated he was very pleased with the response from Officer Rios, and with Detective Appleby's professional handling of this incident. Mr. Rodgers commented that he would like to state publically that Lower Swatara Township has an excellent and professional Police Department. The audience and Board gave a round of applause. Mr. Rodgers added that part of the cause of this particular situation is that his home is in a secluded area, which will be greatly aided when the new bridge is constructed on Highland Street.

Bob Lighty, 1536 Heritage Square, explained that he wants to build a three-car garage which will exceed 1,000 square feet and exceed the 30% footprint, but doesn't understand all the procedures regarding variances and MS4. He asked how he can move forward with having his builder construct the garage, and what the bottom line cost will be with all the engineering required. Ms. Hursh suggested Mr. Lighty contact her, and she will run him through the entire process. Solicitor Henninger stated the Township can tell him the cost for the variance application and the permits. He stressed that the need to hire an engineer to do the stormwater management plan because of the proposed size of the garage is a state mandate. Commissioner Paul agreed that Mr. Lighty's first step should be to make an appointment with the Codes/Zoning office, who will walk him through the requirements and discuss fees.

Don Wagner, 912 Oberlin Road, stated he is here following up on his previous concerns about the Township's lack of maintenance and safety consideration. He noted that last meeting, he was told that staff would be in contact with PennDot about some of the concerns regarding the state right of ways. He asked for the status of this. Ms. McBride stated that PennDOT is not the most responsive, but efforts continue to make contact with them. Commissioner Paul noted that it did look like someone cut Fulling Mill Road and 441. Mr. Wagner agreed it looked like the state made an effort here. He continued that he has a list of concerns. Longview Drive, from the intersection of North Union Street to Strites Road, is horrible and falling apart. He asked if the UPS project will improve this. Solicitor Henninger responded there are no plans for this at present time. Mr. Wagner observed that he took a drive through Shopes Gardens, and none of the

intersections with handicapped sidewalks are painted anymore, nor the fire hydrant locations. Vacant, abandoned properties are a real problem and look horrible. He stated he continually hears this is being looked into. He added that he would like a copy of Article 20, Section 2070 of the First Class Township Code, dealing specifically with streets and highways and trees and obstructions. He stated that he feels this is a safety issue. Mr. Wagner noted the final topic he would like to address is the issue with truck traffic in residential areas. He added that he is not really objecting to the approval of the UPS project, which is probably the best possible use for that section of land. However, he noted that there is not enough being done to control the truck traffic, particularly the FedEx trucks. There is a section between AIP Drive and 441 with a lot of residences there, and these trucks continue to use this instead of the ramps. He asked if an ordinance could restrict tractor trailers on Fulling Mill Road. Commissioner Paul explained the Township cannot do this, since it is a state road. He added the way the Township has been developed over the past 50 years, Fulling Mill Road is recognized to be a major artery. Commissioner DeHart agreed, but suggested the Township could again send out letters asking that these trucking facilities avoid use of the roads. He added that the construction is enticing these truckers to use short-cuts. Commissioner DeHart expressed hopes that any improvements made by UPS to North Union Street at 283 helps with this problem. Solicitor Henninger stated the FedEx also uses independent contractors, which are harder to control. Mr. Wagner suggested the Police Department have its DOT inspector use scales out there, which trucks will try to avoid. In response to a question about noise from the trucks braking, Solicitor Henninger explained that there is no restriction of jake brakes on approved state truck routes. Mr. Wagner also expressed concern that there are no lines painted on Riverview Avenue. Mr. Lanman noted that lines are not required on that street due to the speed limit. Mr. Wagner again asked if the issue with the vacant properties will be addressed. Commissioner Davies stated it would be very helpful if Mr. Wagner provided a list of these properties. He stated it could be a judgement call as to whether a property is unsafe or just unsightly. Mr. Wagner remarked that he has discussed these properties with the Code Department on several occasions. He added that he is particularly concerned with the abandoned property on Route 441, near Doug Shope's home. Solicitor Henninger added that citations can be issued, but the process to tear down a home is dependent on whether or not it can be declared a threat to public safety. President Wilt asked Mr. Wagner

to forward a list of these concerns to Ms. McBride, who can then discuss them with the Code's Department.

#### APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the Minutes of the September 19, 2018 Legislative Meeting. The motion was unanimously approved.

#### PLANNING AND ZONING DEPARTMENT REPORT:

Ms. Hursh referenced the reports provided for permit activity during the month. New projects for review include The Townes at Woodridge. Final inspections are being completed for Enterprise. Property maintenance complaints and continued grass and tree complaints are being addressed. Continuing projects include Phoenix Contact Warehouse, 300 Capital Lane Warehouse, and AvFlight New Hanger.

The department is very busy with plan submissions. The revisions for the UPS Land Development Plan and the UPS Subdivision Plan came in today. The Developer's Agreement for Woodridge is ready for signature, and they have submitted their recreation fees in the amount of \$37,500. The O&M Agreement, letter of credit, and signed plans for recording were also received. The revised plans for Campus Heights, showing new stormwater drainage taken off Wood Street, were received but not yet reviewed. Solicitor Henninger noted that he had received a phone call today from their attorney asking if the Township had a copy of the plan of the original Eagle Heights, which may be relative to the proposed vacation of Dauphin Street. Ms. Hursh agreed to look through the records.

Buddy's Run has been submitting information to get plans recorded soon. Other active project include The Pond at Fulling Mill and Hershey Creamery. Commissioner DeHart asked if The Pond is up to date on its fees. Ms. Hursh confirmed that they did pay the sewer fees but there will be other fees due.

The Fairfield Inn second wall sign variance request will be heard at the October 24, 2018 Zoning Hearing Board meeting.

Ms. Hursh reported that the MS4 Annual report, which was over 400 pages, was delivered to DEP.



Commissioner Davies asked if there is any word on Overlook Road, considering this is the last month for paving. Ms. Hursh reported that they are trying to get everything done so the paving can be accomplished.

Commissioner Paul asked about the Star Barn Duplex Unit plan. Ms. Hush stated this was tabled, and she has not yet seen revisions. Solicitor Henninger added there were significant public concerns because of the one road in, and the proposed turn arounds. There are also concerns with the pond and stormwater. They were directed, to a great extent, to go back to the drawing board to provide better access and to take a good look at the stormwater issues.

Vice President Truntz thanked Ms. Hursh for all her hard work on the MS4 report. Ms. Hursh added that she had to bring in HRG at the last minute to assist with this.

#### PUBLIC WORKS DEPARTMENT REPORT:

Mr. Lanman reported that Stewart and Tate has repaired the paving on N. Union Street and extended the micro surfacing south around the corner; the line painting contractor is scheduled to paint the lines back on this area on October 18. The leaf pickers have been prepped for use, and the leaf collection schedule has been posted on-line. It will also appear in the October 10 and November 14 editions of the Press & Journal. Collection will start October 22 and run through mid-December. The Township has contracted with J. Garber Inc. to spray weed killer at all baseball fields and playgrounds. More inlet box repairs were done in Woodridge. There are lots of stormwater repairs to do, as well as the headwall repair down at CVS.

Two quotes were received for the repair of the roof on the administrative building: one was just under \$22,000, and one was just under \$17,000. It was noted that a third bid was not able to be acquired, since firms are not responding. Due to the urgency, Solicitor Henninger stated the Board could approve the low quote, and suggested that a note be placed in the file naming the other firms that were contacted but did not respond. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve award of the contract for roof repair to Unlimited Commercial Roofing in the amount of \$16,857. The motion was unanimously approved.

Mr. Lanman noted that he is working with HRG on research and update of the paving plan. He has also met with Stanley Security and Probitas Security regarding quotes for building access controls. From the Municipal Authority end, the sanitary sewer capital improvement plan for 2018, which is broken up into two projects – meter station rework and pipelining, is going out for bid.

Commissioner Davies requested the paving plan be shared with the Board when completed. Mr. Lanman stated he can send the Board what he has now, with some added notes and clarifications.

Vice President Truntz referenced the right of way maintenance concerns, and reported that he had taken a ride with Mr. Lanman last week to look at these areas. What is being questioned are portions of the roadside that the Township has historically maintained, but has stopped. He explained that as a municipality, the Township is a government agency that must treat everyone equally. There may be good reasons why the Township should cut some areas, while not cutting others. Mr. Lanman has agreed to put together a PowerPoint of the areas in question, perhaps for the next meeting. The Board can then, on a yearly basis, look at each area and decide which should be addressed and which should not. Commissioner DeHart stated this is important, because as a first-class Township, the Board is required to maintain safe roadways. He added that it also important that when these right of ways are cut, proper safety procedures are in place to protect everyone.

Commissioner Paul stated that he is disturbed by the signs in the right of way, which are not taken down after events. He asked to discuss this at a future meeting.

MANAGER'S REPORT:      None

ENGINEER'S REPORT:

Jamie Eberl, HGR, updated the Board on the stormwater utility implementation. A capital improvement plan and budget for a stormwater management program has been developed, and analysis of impervious area data has been prepared. A rate model was developed, and a review made of the rate structure alternatives. The fourth MS4 Advisory Committee meeting was held on September 18, 2018, and discussion focused on public education, rate models, impervious area and possible rate structure. Future discussions will include continued consideration of the monthly fee structure and credit policy, as well as consideration of public outreach including a possible public meeting. Individual meetings are being arranged with larger customers. The next Advisory Committee meeting is scheduled for October 10, 2018.



Ms. Eberl updated the Board on the Capital Improvement Plan – PENNVEST Funding for Stormwater Projects – Rosedale Manor. A conference call with PENNVEST, Township staff, the Township Solicitor, and HRG was held on September 6, 2018 to discuss the anticipated schedule of the project. This was the initial call of a total of four calls that are customary throughout the PENNVEST loan closing process. An approximate closing date of June 4, 2019 was established, at which time construction contract award is to be complete and all easements are to be acquired. The next conference call is scheduled for March 21, 2019 after bids have been obtained for construction. Easement acquisition is the next item in the project sequence to commence and HRG, the Township Solicitor, and Township staff have been coordinating their identified responsibilities and are working towards scheduling a “Town Hall” meeting with the affected residents.

Ms. Eberl addressed the ongoing discussions pertinent to the Greenways, Trails, and Recreation Park Grant and DCNR Grant Execution – Old Reliance and Shope Gardens Parks. The playground installation is complete, but what remains of the project is the installation of pervious pavement walkways and stormwater BMPs, which will benefit the Township’s MS4 program and is a requirements of the DCNR grant. The bids came in higher than expected, and there is still a \$16,808 difference that is not covered by grant funding. Ms. Eberl confirmed that the Township had requested additional funds from DCNR, but was notified that the request was denied. Commissioner DeHart asked if the project could be completed before winter if funds were moved from the Recreation Fund. Ms. Eberl responded that she feels it could. However, the Township has 120 days from the bid opening to award the contract, and that 120 days is actually Friday. The low bidder has been contacted, and is agreeable to a 30-day extension for the intent to award, which will give HRG time to put the contract documents together. Commissioner DeHart asked if the parks would be required to be partially closed during the projects. Ms. Eberl explained that they would possibly need to be during the pavement walkway construction, but maybe not during the raingarden installation. This would be up to the contractor. A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the expenditure of \$16,808 from the Recreation Fund to complete the projects at the Old Reliance and Shope Gardens parks. The motion was unanimously approved. Ms. Eberl also suggested the Board take action on extending the award of the contract for this work. A motion

was made by Commissioner Davies, seconded by Commissioner DeHart, to approve a 30-day extension of intent to award to Mid-State Paving. The motion was unanimously approved.

As Ms. Hursh previously reported, the annual MS4 report was submitted by HRG. She noted the Township has a very good program, with components from all departments.

#### SOLICITOR'S REPORT:

Solicitor Henninger reported that he will be in attendance of the MS4 Advisory Committee meeting on October 10 and at subsequent meetings as need-be. Plans are to work towards ordinance preparation in order to adhere to the Board's original timeframe of having something in place by the end of the year.

#### FINAL COMMENTS:

Commissioner DeHart reported that as everyone is aware, the Olmsted Regional Recreation Board is slowly going away, and hopes are to have it closed out by the end of the year. Next meeting, the Board may be asked for approval to spend up to \$1,000 for finishing out any outstanding bills. He noted he will have a better handle on the final cost after their meeting tomorrow. MARA is working on getting up and running, and is in the process of hiring someone to run the program.

Commissioner Davies thanked Ms. Hursh for her hard work on the MS4 document and Mr. Lanman for the many jobs he performs, including assisting in resolving the issue of maintenance of right of ways.

Commissioner Paul stated that after the right of way presentation, he would like the Board to meet with Mr. Lanman to discuss the aesthetics of the Township. He agreed that he is also concerned with this issue.

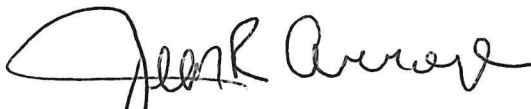
Vice President Truntz thanked everyone for coming out tonight, and stated it was nice to see the Public Works employees here. He also requested a brief executive session immediately upon conclusion of this evening's meeting for personnel reasons.

President Wilt reported that the background checks for two candidates for the Public Works Department have been complete, and offers of employment will be before these candidate by the beginning of next week. He also wished a happy birthday to Vice President Truntz.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner Davies, seconded by Vice President Truntz, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:30 P.M.

ATTEST:

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

Jean R. Arroyo  
Township Secretary



**PLEASE PRINT NAME CLEARLY**  
**OCTOBER 3, 2018 WORKSHOP MTG. — 7:00 P.M.**

Name/Organization	Address/Contact Information
Jim Rodgers	181 Highland St.
Dale Messick	101 Greenfield Drive
Bill Brown	1401 Heritage Square
Roger Erickson	235 SHADY LANE
Tom Wagner	915 Chardon Rd
John Winkler	LSFD
Timothy Santoro	N UNION
Steve Severin	405 BRUNSWICK
Jeff Ash	5 RAY RD.
Jeff Fultz	<del>Jeff</del> 8517 Spur Drive
Tracey Brechtel	<del>Jeff</del> P 2 Berkeley Dr
Mark Yasenchuk	PFMD
Chad Huggins	
Harold Mussen	
John Lewis	
Louis Yoder	
Laura Hayes	Pruss & Janai