

MINUTES

NON-LEGISLATIVE MEETING --- NOVEMBER 7, 2018

The November 7, 2018 Non-Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:04 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
- Andrew Kenworthy, HRG
- Ann Hursh, Planning & Zoning Officer

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

President Wilt welcomed everyone to the meeting.

PUBLIC COMMENTS:

Ed Halpern, 804 Nissley Drive, asked that before the Board vote, it look at the entire picture, not just revenues, and consider the traffic, noise, road maintenance, pollution, and safety. He stated that at the last meeting, he believes the attorney for UPS was asked by a Commissioner if the condition of the roads could be improved or tweaked after the project starts. Mr. Halpern stated he believes the response was that it is difficult to do that after the project start; he questioned if the roads should be improved before the project starts.

Nancy Avolese, 1451 North Union Street, stated she would like to publicly thank UPS for its professionalism. She noted that she has been at almost every meeting UPS attended, and the representatives have always been polite and cooperative during the process.

Marjie Hartz, 2142 North Union Street, stated that she knows the UPS plan will be voted through tonight, but hopes the Board has given it a lot of thought because it will change the complex of the entire Township and with it, a lot of people's lives. She questioned if the money gained is worth the impact on the Township. She again asked the Board to give this some thought.

INTRODUCTION OF CHANCELLOR JOHN MASON, PENN STATE HARRISBURG:

President Wilt introduced John Mason, the new chancellor at Penn State Harrisburg. Dr. Mason shared a bit about his background, including the fact that he was a student at this campus. He stated that he is looking forward to future collaboration with the Board.

EMERGENCY OPERATION PLAN REVIEW BY ROBERT FURLONG, LOWER SWATARA EMA DIRECTOR:

Robert Furlong, EMA Director, reported the Township's Emergency Operation Plan is due by the end of the year. He suggested it would be beneficial for the Township to adopt the Dauphin County Emergency Operation Plan, as most other municipalities do. The plans are about 99.9% the same, but the change will enable the Township to follow the County's plan 100%. The advantage would be that the County plan is kept up-to-date as new regulations pass. This is more difficult for the Township EMA to do, since it only part-time. Mr. Furlong introduced Bob Stout and Chris Fisher from the County who explained the basics of the County plan. In response to a question from Commissioner DeHart, Mr. Stout explained that of the 40 municipalities in Dauphin County, all but 7 are using the County's plan as their own. He added that every two years, the municipality would need to promulgate the plan and approve it as its own. Vice President Truntz asked if there would be any cost to the Township. Mr. Stout stated there would not be. Solicitor Henninger recommended that the Board, if it decides to go in this direction, do so by resolution. The Board agreed this would be a win-win solution, and directed Solicitor Henninger to work with Mr. Furlong and the County in drafting the resolution. Solicitor Henninger stated this should be ready for Board action in two weeks.

APPROVAL OF MINUTES:

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the Minutes of the October 17, 2018 Legislative Meeting. The motion was unanimously approved.

PLANNING AND ZONING DEPARTMENT REPORT:

Preliminary/Final Land Development Plan for UPS Northeast Regional Hub

Ms. Hursh stated that the UPS plan was tabled last week. Representatives are here again this evening to seek approval on the Preliminary/Final Land Development Plan for UPS Northeast Regional Hub, File #PC2018-05, with a time deadline of November 21, 2018. Property is located east of N. Union Street at the northern Township boundary, zoned Mineral Recovery and Conservation and is 192 acres, proposed 775,033 sf parcel delivery distribution hub, maintenance garage, truck wash, employee training center and other required site improvements. It is owned by SP Middletown Holdings, LP, submitted by Snyder, Secary & Associates, LLC. The Planning Commission recommended approval of the four waivers and the sidewalk deferral. It recommended approval of the plan contingent upon receiving the subdivision plan, the developer giving due consideration to the Hartz's request for a fence and buffer, and all staff and engineering comments. Waivers were requested of the following: §22-404 Preliminary Plan; §22-602 Monuments and Markers; §22-607 Sidewalks (Deferral); §26-118 Volume Controls; and §26-126.2.H Dewatering Time.

Ron Secary of Snyder, Secary and Associates, stated that the outstanding comments from staff and engineer are really administrative in nature, so there was no real need to revise the plans themselves. However, since the last meeting, progress was made on other fronts. UPS met with the Municipal Authority and came to a resolution on the manner on which to serve the property and reconstruct the pump station for the Township on North Union Street. A meeting was also held concerning the roadway improvements on North Union Street pertinent to the reconstruction from Fulling Mill Road to the site. UPS submitted progress plans to the engineer and staff for review, and received some minor comments back. Mr. Secary stated at this point, they've done all they can on the site. The other associated items are moving along. He asked for Board action on the plan this evening.

Commissioner Paul asked how long it will be before the sewer issue is resolved. Mr. Secary explained that some of this will be in the hands of the Municipal Authority, since there was discussion about reconstructing the North Union Street pump station on another site, possibly a companion site adjacent to where it is now. There were also talks about moving it up towards the UPS site on some private property. Either way, right of ways would be required to accomplish this, and the Authority was willing to advance that. Commissioner Paul asked if there were any drawings or sketches on how this will look. Mr. Secary noted the Authority has a schematic drawing showing a gravity sewer connection from the UPS site down to the presumably reconstructed pump station. Commissioner Paul asked for an explanation of where this is going. Mr. Secary explained the proposed new location would be pretty much on the other side of the existing driveway that already services the pump station, but a bit further back. It would be on the same side of the creek. In response to a question from Commissioner DeHart about his previous concerns with the box culvert and roadway flooding, Mr. Secary explained that at this point, they haven't received any technical review from the Township that indicates the necessity to replace it, although they have discussed this internally. He noted they do understand the issue. Commissioner Paul asked what the time frame would be to get more concrete plans on the pump station design and the road. Mr. Secary explained that based on the comments and discussion from the Township and Authority, there was some additional surveying required, which delayed this a few weeks. He explained that it will be the details that need to be worked out. Commissioner Paul stated that personally, he would feel more comfortable seeing something prior to acting on the plan. Mr. Secary stated they did provide plans for the roadway construction. Now it is just down to details on items such as drainage.

Vice President Truntz asked if there are plans on the interchange yet. Mr. Secary stated he knows there are preliminary plans. Michael Baker is the consultant on that end, and they have submitted the revised traffic study to PennDOT and are awaiting their comments. The Township engineer has also reviewed them.

Commissioner Paul again stated that he would like to see things finalized as far as the sanitary sewer design. Mr. Secary explained that UPS does not object to any of the locations that the Municipal Authority suggested, they are just out of their control. They will not affect materially any ability for UPS to serve their project. Either way, they are building pretty much the same pump station and have already committed to doing that. Commissioner Paul stated the

location is important, and he would feel more comfortable if the engineer says this is okay. Solicitor Henninger stated the Authority meets on November 19 and anticipates UPS will attend this meeting. Mr. Secary agreed they will attend. He again stated that the site plan and land development plan is as well-prepared as it can be, and UPS has been working in good faith with the Township on these outside issues. Commissioner Paul stated his concern is the possibility of the need for a third party approval for an easement or right of way. He asked if there would be another option if this cannot be obtained. Mr. Secary agreed there is; it is just not the preferred option. If the option to obtain right of way or permission to obtain land outside the current right of way is not gained, they would have to find a solution on the existing ground that the pump station is located on. Solicitor Henninger explained that this is just not the preferred option due to the depth and associated maintenance issues.

Commissioner DeHart stated that last month, he had posed the question of whether UPS would be willing to revisit the plan in a year or two to look at the traffic situation, especially as it relates to Longview Drive. Mark Stanley, McNees, Wallace & Nurich, explained that they would be in a position to commit to looking at the re-timing of Fulling Mill and North Union Street, perhaps a year after UPS is up and operating. They would agree to put this in the Developer's Agreement. However, with respect to Longview Drive, they cannot commit to say that they will do it since there are others that come into play and contribute to the situation. Mr. Stanley also updated the Board on discussions with the Hartz family. The Hartz's indicated that they preferred not to go with a berm proposed, but did agree that UPS could put landscaping on both sides of the property line at the expense of UPS. UPS would maintain this for one year, and then it would be the responsibility of the Hartz's to maintain the landscaping on their side. The other request from the Hartz's was for UPS to install a fence between the employee parking and the quarry; this was agreed upon.

Vice President Truntz asked when the Township could expect the PennDot review of the interchange. Mr. Stanley explained the traffic impact study is in its final review. Once that is approved, the final engineering will be done. Vice President Truntz also stressed the importance of UPS using the interchange rather than Fulling Mill Road and Route 441, and asked how they will monitor their drivers to make sure this is being done. Mr. Stanley explained they have a better control over their union drivers, and have committed to putting this in writing.

Ovidio Irizarry, engineer for UPS, explained there are telematics in the trucks which will allow

them to be monitored. Ms. Hartz expressed concern that the subcontracted drivers will use the shortest route to get to the rail yard. There is an issue with FedEx doing this now. Mr. Irizarry stated they will do their best to convey this message to these subcontractors, who are usually hired during the Thanksgiving – Christmas peak season.

Commissioner DeHart asked, if the project would be approved tonight, when UPS would expect to break ground. Mr. Stanley noted it would not happen until spring or summer. However, approval tonight would give some finality and be another brick in the foundation. Commissioner Paul stated that since there is backup plan pertinent to the location of the pump station, he would be agreeable to a conditional approval tonight. He asked, however, that all the planning and paperwork be expedited. Mr. Kenworthy agreed that the physical items have been addressed, and the comments should be able to be addressed.

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the following waiver requests: §22-404 Preliminary Plan; §22-602 Monuments and Markers; §26-118 Volume Controls; and §26-126.2.H Dewatering Time. The motion was approved by a 4 – 0 margin, with Commissioner DeHart abstaining due to a potential conflict of interest. A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the request for deferral of §22-607 Sidewalks. The motion was approved by a 4 – 0 margin, with Commissioner DeHart abstaining. With the waivers and deferral granted, a motion was then made by Commissioner Paul, seconded by Commissioner Davies, to conditionally approve the Preliminary/Final Land Development Plan for UPS Northeast Regional Hub, with the condition that all staff and engineering comments be addressed, as well as submission of the Developer's Agreement and Community Benefits' Agreement and the sanitary sewer design. The motion was approved by a 4 – 0 margin, with Commissioner DeHart abstaining. Solicitor Henninger explained for the record that Commissioner DeHart works for UPS. Under the circumstances, he needed to abstain from the vote. If there was a tie vote, he would have been permitted to participate. Solicitor Henninger noted that Commissioner DeHart's abstention this evening is proper.

Application for Zoning Amendment for DHK Harrisburg

The Board addressed receipt of an application for a zoning amendment, as submitted by McNees, Wallace & Nurich on behalf of DHK Harrisburg. Ms. Hursh noted this is a request to change the Jednota property to an Industrial-Park zoning. Solicitor Henninger explained that the

next step in this process is for the Board to refer the application to the Township Planning Commission and the County Planning Commission for review and recommendation. Future steps would include a public hearing on the request. Solicitor Henninger added that due to the meeting schedule of the Dauphin County Planning Commission, he would anticipate the public hearing would be held sometime in the new year. Charles Courtney, representing DHK, agreed that they had anticipated this would be the schedule. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to refer an application for a zoning amendment, as submitted by McNees, Wallace & Nurich on behalf of DHK Harrisburg, to the Township Planning Commission and the Dauphin County Planning Commission. The motion was unanimously approved.

Proposal for purchase of 2019 Ford F-150 for the Codes Department

The Board discussed the potential purchase of a 2019 Ford F-150 for the Codes Department. Ms. Hursh explained that the current vehicle, a Durango, is old and probably not worth putting money into if repairs become necessary. Ms. McBride explained the original thought was to put it in the 2019 budget, but there are funds available to purchase it this year, if the Board so approves. Solicitor Henninger added he had reviewed the proposal, which is through the COSTAR'S program. Vice President Truntz stated that he is sensitive to the old vehicle the department is presently using. He added that he was told that upgrading to a F-250 with a snow plow package would only be a bit more expensive, and would allow the truck to be used for plowing by the Public Works Department if need be. He asked if this was worth exploring. Commissioner Davies stated this particular F-150 is available now, and he is in favor of moving this purchase to this year's budget to take pressure off next year's budget. Commissioner DeHart stated he is okay with this particular purchase, but suggested the Board stop waiting until the end of the year to make these purchases, especially specialized vehicles like those used by the Police Department, to ensure availability. Commissioner Davies agreed, but explained it is difficult to assess the financial condition of the Township until the last quarter of the year. Resident Donald Wagner interjected that he could not understand the reason the Code Department would need a truck with a plow, and added that the extra cost for an F-250 with plow would be substantially higher. Vice President Truntz explained it was just a thought, because the Public Works Department would then be able to use the vehicle if necessary. The Board is not going this route anyway. A motion was made by Commissioner Davies, seconded

by Vice President Truntz, to approve the expenditure of \$35,000 for the purchase of a 2019 Ford F-150 for the Codes Department. The motion was unanimously approved. Commissioner DeHart added that there is a \$12,860 savings realized by purchasing this vehicle through the state's COSTARS program.

MANAGER'S REPORT:

Budget Advertisement

The preliminary budget was discussed at a Special Meeting held earlier this evening at 6:15 P.M. Ms. McBride asked Board approval to advertise intent to adopt. A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve advertisement of intent to adopt the 2019 budget ordinance and tax ordinance, and to make the preliminary budget available for public inspection as required by law.

Public Works Laborers hired

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the hiring of Michael Hays and Scott Carlson, effective October 22, 2018, as laborers in the Public Works Department. The motion was unanimously approved.

Basketball court for Woodridge

Ms. McBride reported on the request from residents for installation of a basketball court in Woodridge, and stated the question is whether it should be a half court or full court. She referenced different communications from the Woodridge Homeowners' Association, which sometimes requested a full court, and other times requested a half court. She added there is also an option of adjustable poles for the baskets that would allow the younger kids to dunk. The cost of these adjustable backboards is not much more than the stationary ones. The question is how to proceed – full court or half court. Ms. McBride stated she would like to contact the homeowners who will border this court to get their input. Commissioner Paul stated that making the contact with these residents is key. He noted that putting in the full court will be close. The Board expressed concern with the liability and maintenance associated with adjustable backboards, and agreed standard ones would probably be best. Ms. McBride agreed to send letters to the adjoining property owners informing them that the Township is considering putting in a full-court, which will not have lighting. Commissioner DeHart suggested the sketch be included with the letter, as well as the comment that this basketball court is being requested by the Homeowners' Association.

Ms. McBride added she will also send a letter to the Homeowners' Association advising them that these residents are being asked for input.

ENGINEER'S REPORT:

Andrew Kenworthy, HRG, reported on the Mariner East II (MEII) Pipeline/Growing Greener DEP Grant Funding. The Township has been awarded \$180,000 for the Greenfield Park basin retrofit and downstream stream restoration project. The Township also applied for funding for the same project through the Growing Greener grant program. Status of this grant should be announced by the end of the year. Ms. Hursh explained the stream restoration project will count toward the Township's pollutant reduction plan. Commissioner Paul asked if some of this MS4 work can be done by the Township crews. Mr. Kenworthy responded that he is unsure about this specific project, but agreed that many times this is something that can be evaluated and considered.

Mr. Kenworthy also provided a status report on the Greenways, Trails, and Recreation Park Grant and DCNR Grant Execution – Old Reliance and Shope Gardens Parks. Playground installation is complete, but the stormwater BMPs (rain gardens and pervious asphalt walkways) will not be done until this spring.

SOLICITOR'S REPORT:

Solicitor Henninger referenced the contract with Mid-State Paving for the park improvements mentioned by Mr. Kenworthy. Last month, the Board approved the intent to award this project. The contract dates have obviously changed, so dates and substantial completion requirements needed to be revised. The contract documents are back and will be on the Board's November legislative agenda for action.

FINAL COMMENTS:

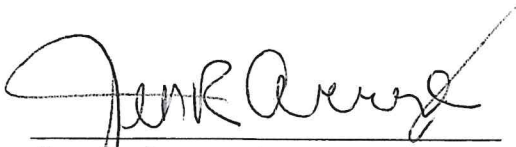
The Board thanked Ms. McClain and the staff for their work on the draft budget documents, and also thanked the public for their input this evening.

President Wilt reminded everyone that the November legislative meeting has been scheduled for **Tuesday**, November 20 due the Thanksgiving holiday.

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 8:20 P.M.

ATTEST:

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

Jean R. Arroyo
Township Secretary

PLEASE PRINT NAME CLEARLY

NOVEMBER 7, 2018 SPECIAL BUDGET MEETING – 6:15 P.M.

NOVEMBER 7, 2018 WORKSHOP MEETING – 7:00 P.M.

Name/Organization	Address/Contact Information
marjie Hartz	2142 N. Union St
Dr George Sloan/Cheryl	126 Sparrow Rd
Tracey Bechtel	2 Berkley Dr
Doc George Sloan	
Jeffrey Ash	5 Ray Rd
Nancy Avolese	N. Union St
Laura Hays	Press Journal
Dale Messick	101 Greenfield Dr
Debbie Hirsch	702 Melrose Lane
Kare Higgins	2096 Powderhorn
DM Wagner	915 Chalkin Rd
John Weikle	LSFD
Mark Stanley	MWN / UPS
Evin Rancine	NAI CPI
Thms Hays	" "
Tom LeBlanc	UPS
Ovidio Trizany	UPS
Don Secary	SSA
JOHN MASON	Pennstott Hamburg
GREG HOLZMAN	SSA

NOVEMBER 7, 2018 SPECIAL BUDGET MEETING – 6:15 P.M.
NOVEMBER 7, 2018 WORKSHOP MEETING – 7:00 P.M.

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