

## MINUTES

### NON-LEGISLATIVE MEETING --- SEPTEMBER 5, 2018

The September 5, 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
- 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
- Lester Lanman, Public Works Director

Absent: Ronald J. Paul, Assistant Secretary

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

President Wilt welcomed everyone to the meeting and opened the floor for public comment.

#### PUBLIC COMMENTS:

Donald Wagner, 915 Oberlin Road, reported that he had met with the Township Manager recently to discuss his concerns with the neglect of shoulders and maintenance on the roadways. The Manager had agreed to look into it but, as of now, nothing has been done. He cited an example at the corner where the old fire house is located, where drivers must pull out at least a truck and ½ length past the stop sign to be able to see down the hill. Mr. Wagner stated he feels it is the Township's duty to make its roads safe for travel. He noted that he has lived here since 1979, and has never seen the roads look this bad. It was explained to him that it costs too much to maintain the roads. Mr. Wagner stated he does not accept this, nor the statement that it is the homeowner's responsibility. He added that the state also owns some of the shoulder

areas which needs maintained. Mr. Wagner stated that in the past, the Township always took care of maintaining these shoulders and asked why this has stopped. President Wilt stated that he feels some of this work probably should not have been done in the past. Vice President Truntz explained that the Township is working through the process of determining where the Township's responsibility begins and where it is the property owner's responsibility to cut the grass. He added that as a homeowner, he is responsible for cutting his own grass. The Township must be fair. President Wilt explained that shoulder areas along the state roads are Penn Dot's responsibility. Mr. Lanman reported that the Code Department did contact Penn Dot about multiple areas, and they put it back on the property owner. Solicitor Henninger explained that the Township's Code Department can enforce this with property owners who are not meeting the ordinance, but the Township cannot override PennDot. If it is a state road, the Township has no right to be mowing the right-of-ways unless there is a contract with the state to do so. He agreed that there were issues in the past with the Township spending tax dollars to mow areas that simply shouldn't not have been done. Mr. Wagner again stressed the need for the Township to find money in its budget to take care of this problem, from both a safety and appearance standpoint.

Carolyn Lutz, Woodridge Drive, stated that she is a regular customer at Sheetz, and has observed an automobile with flat tires sitting in its parking lot for about two months now. She asked if the Township has any jurisdiction over this. Acting Chief Young explained that this is actually Airport property. He asked to exchange more information with her after tonight's meeting.

#### APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Minutes of the August 15, 2018 Public Hearing. The motion was unanimously approved.

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve the Minutes of the August 15, 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. The department has been busy issuing permits and addressing grass and property maintenance complaints. A new project for review is Fed Ex, Olmstead Avenue at the Airport. Final inspections were done at the Fairfield Inn and at Enterprise. Ongoing projects include Phoenix Contact Warehouse, 300 Capital Lane Warehouse, AvFlight Hanger, and ALS interior renovations at 301 Fulling Mill Road.

There is a signed contract for the Codification of Ordinances, and the consultant will start the analysis period. Ms. Hursh noted that in December of 2017, the Board authorized the Building Department and Solicitor to update the Code of Ordinances due to the increasing number of conflicts between the UCC, the Building Code, Fire Prevention Code, Plumbing Code and Electrical Code. Timing is important due to the codification of the ordinance. On tonight's agenda is a request to authorize the advertisement of the proposed ordinance. In response to a question from Commissioner Davies, Ms. Hush confirmed that once these changes and updates are approved, the Code of Ordinances will be in digital format and kept up-to-date. Vice President Truntz stated that he realizes the UCC is an internationally recognized standard but asked if there is anything of substance that will be deleted from the current code. Commissioner DeHart stated that under the old codes, the Fire Department has more say in what goes on inside the buildings. He added that the 2015 version of the UCC (Uniform Construction Code) is what is being considered for adoption by the Township. Commissioner Davies asked about discussion by the legislature on a version of the code which required all new buildings, including residential, to have sprinklers. He asked if this would be included in the new ordinance. Solicitor Henninger stated it would not, since the legislature did not include this requirement in the standards. Solicitor Henninger explained that this new ordinance will basically clean up conflicting provisions between the Township's codes and the UCC and still keep certain provisions over and above the UCC to give the Board more power to protect its citizens. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve authorization to advertise an Ordinance of the Board of Commissioners of the Township of Lower Swatara, Dauphin County, Pennsylvania, amending the Code of Ordinances of the Township of Lower Swatara No. 448, Chapter 5, Code Enforcement, to delete Part 2, Building Code, Part 3, Fire Prevention Code, Part 4, Plumbing Code, Part 5, Electrical Code, deleting

portions of Part 1, Code Enforcement Code, and amending Part 6, Property Maintenance Code, Section 5-606. General Provisions. Subsection 1. Conflicting Provisions to provide that the International Property Maintenance Code 2009 edition take precedence over the Code Enforcement Ordinance [part 1]. The motion was unanimously approved. Solicitor Henninger noted that the proposed ordinance will be on the September 15 legislative agenda.

Ms. Hursh reported that the Planning Commission met on August 23, 2018 and discussed several plans. Campus Heights Village III, LP, was recommended for approval with contingencies. The Star Barn Duplex Units plan was tabled. The UPS Northeast Regional Hub was recommended for approval with conditions. UPS is proposing to submit the subdivision plan for the piece on the east side of North Union Street for the September Planning Commission meeting. Ms. Hursh added that she had been questioned about plans for North Union Street, and commented that these plans have not yet been submitted. The Hershey Creamery plan was also recommended for approval, with HRG and staff comments.

The Zoning Hearing Board application for the Fairfield Inn second wall sign variance has been withdrawn and has not been resubmitted yet. Therefore, there will be no Zoning Hearing Board meeting in September.

Buddy's Run has been submitting information to get plans recorded soon.

Ms. Hursh noted that she has been spending significant hours on preparation of the MS4 Annual report, which is due to DEP at the end of this month.

Commissioner DeHart referenced The Pond, and asked if they had paid their recreation fees yet. Ms. Hursh confirmed they had not yet paid them for Phase 2, because the plan has not yet been recorded. They were told they could not do any clearing or work before it is recorded. They did pay the Municipal Authority fee of \$35,000. She noted there seems to be no real movement on the plan. Commissioner DeHart also noted that last fall, the Board approved an addition to the bakery in the Turnpike Industrial Park. He observed that nothing has been done yet. Ms. Hursh agreed, and stated she has not heard anything further from them.

#### PUBLIC WORKS DEPARTMENT REPORT:

Mr. Lanman asked for Board action tonight to accept the high bid for auction of a 2003 Chevy 2500 with utility bed. Authorization to sell this vehicle through Municibid auction was previously approved by the Board, and the bid actually came in higher than anticipated. A

motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve acceptance of the high bid of \$4,802 for the sale of a 2003 Chevy 2500 with utility bed, and to authorize Lester Lanman to be the signatory for the title transfer. The motion was unanimously approved.

Mr. Lanman reported that the paving repairs on Rosedale Avenue, just east of Stoner Drive, were completed today. Over the next week or so, sealing will be done around all the patching. Efforts continue to straighten some trees at the planting site on Fulling Mill Road. Volunteers helped out on August 25, but were not able to straighten all trees. Additional stakes will need to be ordered. Culvert repairs are being made at the tree planting site on Fulling Mill. Multiple trees were downed during the floods, and the culvert once again diverted itself around the culvert pipe and has to be repaired.

The Department has been busy with inlet repairs and stormwater-type work, as well as grass mowing.

#### MANAGER'S REPORT:

Ms. McBride asked the Board to accept the resignation of former Public Works employee Charles Kline, who resigned last month. A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to accept the resignation of Charles Kline effective August 17, 2018 with thanks for his service to the Township. The motion was unanimously approved.

#### ENGINEER'S REPORT:

Andrew Kenworthy, HGR, reported that the Highland Street bridge design and the Lumber Street culvert design are both progressing along in the design process in accordance with the proposed schedules.

Funding is in place for the stormwater projects for Rosedale Manor. Prior to the start of the project, HRG and staff will be working with Solicitor Henninger to secure easements on the 70+ properties benefitting from the project, and then working through the PennVest closing process. Solicitor Henninger added that he will be participating in a teleconference regarding this process. There are 73 easements that need to be acquired, although most are very minor in nature.

Mr. Kenworthy referenced the Greenways, Trails and Recreation Park Grant and DCNR Grant Execution for the Old Reliance and Shope Gardens Park. As previously reported, the low base bid came in higher than anticipated, and the Township is still waiting on a response from DCNR about its request for additional funding prior to proceeding with the project.

SOLICITOR'S REPORT:

Solicitor Henninger requested an executive session immediately upon conclusion of this evening's meeting in order to discuss a litigation matter involving the Borough of Highspire, and to discuss another real estate matter.

FINAL COMMENTS:

Commissioner DeHart reported that he had attended another meeting of the MS4 citizens' advisory group. The process is moving along, and he anticipated the committee will be in a position to provide a recommendation to the Board by the end of the year.

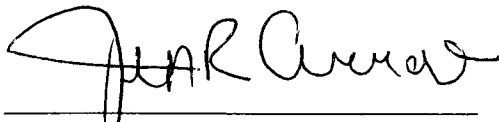
Commissioner Davies reported that he had met with the Manager, Finance Director, and Accountant last month to take a look at how to proceed with preparation of the 2019 budget.

Vice President Truntz and President Wilt thanked the public for coming out tonight and providing input.

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 7:35.

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**  
**SEPTEMBER 5, 2018 WORKSHOP MTG. – 7:00 P.M.**

[illegible]