

MINUTES

NON-LEGISLATIVE MEETING --- MARCH 7, 2018

The March 7, 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
- Frank Lynch, Interim Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Erin Letavic, Engineer
- Ann Hursh, Planning & Zoning Coordinator
- Lester Lanman, Public Works Director
- Scott A. Young, Officer in Charge

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:

Fire Chief Weikle updated the Board on happenings at the Fire Department. The Fire Department took delivery of its new tanker, and was able to sell its old one for the asking price of \$60,000. Other than the mortgage and this tanker, the Fire Department is debt free except for the \$9,000 owed to the Relief Association, which is basically themselves. It appears the Department will go ahead and pay that off as well. The Department has been working diligently with its house committee, which does the rentals. The social hall wasn't being utilized enough to generate money and offset costs. Chief Weikle explained his wife has taken over that responsibility, and so far this year has booked \$14,800 just in hall rentals; the annual budget was \$5,000.

Dennis Fausey, 1781 Mountainview Road, expressed his gratitude for the outstanding job of Chief Weikle and the Fire Department volunteers, and asked the audience for a round of applause for them.

Dennis Haunstein of the Woodridge development asked if there was any further movement on the decision regarding the paving of the two roads. Solicitor Henninger confirmed that a meeting was held with the Messicks, and there is a conference call to be held this Friday with a potential purchaser of Section 9. Movement towards a resolution is continuing.

Jason Wagner, 521 Constitution Drive, stated that he is here representing the Lower Swatara Athletic Association and would like to discuss the possibility of placing a concession stand at the Shope Gardens park. This is one of the oldest Township parks, and is used heavily, especially for baseball games. The lack of a concession stand is resulting in the loss of a revenue opportunity. In the past, the Athletic Association used a private field at the Glad Tidings Church. The Association has a shed building there, which is outfitted as a concession stand. It is sitting dormant, and could perhaps be relocated to the Shope Gardens park, provided that an electrical connection can be provided by PPL. The location of the shed would depend on where this pole/connection would be. Mr. Wagner provided the Board members with a packet of information pertinent to the shed and its dimensions. Commissioner Paul asked if the Association also sees the need for public water. Mr. Wagner explained that while they would like to have it, they realize this is really not feasible. A portable concession sink may be purchased, similar to the one used at the park in Woodridge. He added this stand will have very basic concessions: a hot dog warmer, a cooler for drinks, candy bars, chips, etc. If electricity can't be provided, the idea will be dropped. Vice President Truntz stated that the Athletic Association could greatly benefit from this source of income, and he would support it, after the Board sees final approval of the location. Mr. Wagner confirmed that that the Association will be working with Mr. Fure and Mr. Lanman on the location and code requirements. The Board agreed that the Athletic Association should follow the normal procedure for securing permits and approvals, but it would waive the fees for said permits. A motion was made by Commissioner Davies, seconded by Commissioner Paul, to authorize the Lower Swatara Athletic Association to work with Township staff in its plans to relocate a shed/concession stand to the Shope Gardens park, and to waive the permit fees for this project. The motion was unanimously approved.

APPROVAL OF MINUTES:

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve the Minutes of the February 21, 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. Upcoming projects include the Phoenix Contact warehouse addition and interior alterations for ALS at 301 Fulling Mill Road. Inspections were done for Soccer Shots at 1020 Eisenhower Blvd., interior renovations/rehab addition at the Middletown Home, Select Medical-office/hangar, and a single family home at 2094 Powderhorn Road. Upcoming projects near completion include the Middletown Home Interior renovations and the Linden Center Hotel. Complaints were addressed for violations for tree limbs over roads. This was done to assist the Public Works Department, which had problems with the limbs during plowing.

The Planning Commission met on February 22 and reorganized at that time. Chauncey Knopp was elected Chairman, Eric Breon Vice Chairman, and Tonya Condran Recording Secretary. The Planning Commission reviewed the application for Stoneridge Lot 1 – Final Land Development Plan to construct a 24,000 sf warehouse/office and associated site facilities on a 3.25 acre lot. The plan was again tabled. The Planning Commission recommended a Special Exception for Campus Heights III to allow student housing located on properties of the newly rezoned Commercial Neighborhood (C-N) Zone. The Zoning Hearing Board then met on February 28 to review this request for the Special Exception and Variance for Campus Heights Associates III; approval was granted. The Zoning Hearing Board also heard a request for a variance from Shaner Airport Hotel LP, for property at One Terminal Drive. The applicant requested a Variance to §27-2304.G.1 to allow a sign larger than 100 sf. The Zoning Hearing Board granted the variance to allow a digital sign of 444 sf. In response to a question from Commissioner DeHart, Ms. Hursh explained that the sign will not flash, and it will not be facing any of the Township's public roads. The hardship claimed for the larger sign was that since the hotel sits low, it cannot be seen from the public roads. Chief Weikle noted that the contractors doing work near the entrance of the hotel have on occasion blocked the fire department connections. Ms. Hursh agreed to address this with Mr. Fure.

PUBLIC WORKS DEPARTMENT REPORT:

Mr. Lanman reported on the sinkhole remediation and outfall repair at 2000 N. Union Street. Swanson Health reported a sinkhole just behind the curb at their address. The existing concrete pipe was removed and a stone drain was installed per County conservation district recommendations. A new SLCPP pipe was installed and the outfall reconstructed to better the flow characteristics into the existing pond.

Mr. Lanman updated the Board on the catch basin cleaning and gathering of GIS data for the stormwater Capital Improvements Plan. A lot of problems are being discovered, including disintegrating cinder blocks which were used as spacers. Mr. Lanman distributed photos of a catch basin on Heritage Square in Old Reliance which has these issues. There are many inlets which need fixed. So far, there were 20 found just in the Old Reliance development that need addressed, and there also problems in Woodridge. There is an inlet off Stoner Drive which is collapsing, and will be a priority to fix. These problems need to be corrected sooner rather than later, which is why staff is trying to get together a stormwater capital plan to attack these issues. These are all things that need to be considered when moving forward with MS4 and stormwater.

The new Elgin street sweeper will be delivered next week. The Municibid auction of the old street sweeper is over, and the winning bid was A & H Equipment in the amount of \$54,100. There was an issue with the Municibid auction of the John Deere backhoe – the auction winner defaulted. The backhoe was then relisted and the high bid was \$16,900 from Coldsmith Roofing. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to accept the bid of \$16,900 from Coldsmith Roofing for the John Deere backhoe, and to accept the bid of \$54,100 from A & H Equipment for the Elgin street sweeper. The motion was unanimously approved.

MANAGER'S REPORT:

Mr. Lynch stated that in order to facilitate the joint National Night Out event with Middletown Borough, staff would like to establish a joint bank account with the Borough specifically for this event. The account would be used for contributions received as well as to pay event expenses. Borough Manager Ken Klinepeter was agreeable to the request, and had the Borough's solicitor draft an agreement between the two municipalities. The draft has been submitted to Solicitor Henninger for his review, and he is in agreement with it. A copy of the

agreement has been provided to the Board for its approval this evening. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve an intergovernmental agreement of cooperation with the Borough of Middletown to establish a joint bank account specifically for National Night Out. A roll call vote was taken with the following ballot tabulation: Commissioner DeHart – aye, Commissioner Paul – aye, Commissioner Davies – aye, Vice President Truntz – aye, President Wilt – aye. The motion was approved by a 5 – 0 margin. Vice President Truntz recognized Fire Chief Weikle and the Fire Department volunteers who also put a lot of work in the National Night Out.

Mr. Lynch reported on possible upgrade of the Township building security system and also the consideration of a heating and cooling system upgrade recommended in a recently completed study by Moore Engineering. If the board is in agreement, staff would like to explore a menu of options to enhance safety/security and upgrade the aging HVAC equipment, with an eye towards possibly implementing some upgrades over a couple of years depending on cost and options deemed most necessary. A motion was made by Commissioner Davies, seconded by Commissioner Paul, to authorize staff to proceed with exploring options to upgrade the building's security system and the HVAC. The motion was unanimously approved. Vice President Truntz added that he knows Commissioner DeHart has experience with security systems, and may be able to provide assistance.

Commissioners Paul and Truntz and staff members recently met with HRG to explore implementation of a stormwater management fee. The discussion was built on a report presented in October by HRG as a way to equitably fund stormwater abatement obligations that could be as high as \$1.4 million a year for the next five years. Mr. Lanman addressed some of these needs earlier in his report; this is just the tip of the iceberg. Ms. Letavic will address this in more detail during her report.

ENGINEER'S REPORT:

Ms. Letavic reported on the Dauphin County Infrastructure Bank Loan for the construction of the two culverts. A kickoff meeting for Summit Ridge occurred today to get survey and permitting started. Requirements for the Highland Street project are still being reviewed to determine if a project swap can happen with the stream crossing at Lumber Street.

Work on the PennVest Funding for stormwater projects continues. A final design for Rosedale Manor has been submitted to the Conservation District for NPDES and E & S permitting. Next steps include a funding coordination meeting with PennVest since it has been a few years since the pre-application meeting was held. Ms. Letavic noted that the number of easements required for this project will take some significant leg work. Staff and the Public Works Committee met with HRG to discuss the status of the project, and it was determined that a public neighborhood meeting should be coordinated to discuss the project goals and objectives. Ms. Letavic added that something else was just learned on the PennVest funding side. In the future, municipalities may only be eligible for grants if they have a stormwater fee in place. She will keep the Board updated on this.

An update was provided on the MS4 program. DCNR funding will be applied for at the Dauphin County level through the Conservation District for riparian buffer installation (tree plantings). Lower Swatara's projects are recommended for inclusion in the funding application (Shireman tract and Church tract sites). There is anticipated to be a local match component; in-kind services are also a possibility.

Ms. Letavic addressed the Stormwater Feasibility study and potential fees. It appears to be better to implement a fee rather than a tax. She explained that such fees are not easy to put together if the intent is to put together a highly defensible stormwater fee. After meeting with staff and hearing the urgency to get projects started, contact was made with a few companies that do aerial flights. In front of the Board for consideration is a scope of work to perform an aerial flight to obtain impervious cover data to support a potential stormwater fee. The time frame to act on this work is short if it is to be done this spring. If not done soon, the next opportunity to develop impervious cover data will be fall of 2018. Consequently, there may not be enough information to implement a fair fee this year. President Wilt asked if there are grants available for this. Ms. Letavic explained that she is not aware of any grants that would help the Township establish a stormwater fee. However, any expenses in support of developing the fee can be reimbursed back to the Township through the fee itself. The scope in front of the Board tonight is from T3 Global Strategies and proposes a cost of \$125,450 to capture the impervious surface across the whole Township. Solicitor Henninger agreed that the key here is to implement a defensible fee. Flying will give this accuracy. A fee seems more equitable than a tax, since 1/3 of Township property is tax exempt and thus would not contribute. A fee would result in 100%

participation. In response to a question from Commissioner Davies, Mr. Lynch explained staff will have to identify where in the budget to draw for this expenditure, and how soon it can be replenished with the fees. As soon as the fees start coming in, these dollars can be paid back to that fund. Solicitor Henninger added that currently, first class townships are not allowed to implement a fee; only second class townships and authorities can do so at this point in time. Therefore, if the Board approves this expenditure tonight, it is technically loaning money to the Municipal Authority since it does not have a funding source. When the funding source is in place, the Authority will pay back the Township for the expenditures funded on its behalf. A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the T3 Global Strategies proposal dated March 5, 2018 in the amount of \$125,450 subject to identification of the funding stream within the budget and subject to reimbursement from the future stormwater fees. The motion was unanimously approved.

Ms. Letavic noted the Board has been considering the possibility of reapplying for a DCNR C2P2 Planning Grant application for the Township parks and the Richard L. Shireman Park. In light of recent discussions, it may not make sense to apply for a grant this year. The Board may want to put this on hold in case another opportunity becomes available to fund the comprehensive park and recreation plan or the site development plan for the Richard L. Shireman Park.

Ms. Letavic reported that a progress update meeting for the UPS Land Development Plan was originally scheduled to occur today, but has been rescheduled to March 21.

SOLICITOR'S REPORT:

Solicitor Henninger referenced the agenda item regarding the Other Post Employee Benefits (OPEB) Trust document, and handed out copies of the draft trust agreement. Last summer, former manager Frank Williamson came to the Board to discuss this account. Currently, there is about 1.4 million dollars in the account, but the potential liability is calculated at 1.5 million dollars. This account was established to pay for post employee benefits, but it is not restricted to exclusively pay for these benefits. As of now, the Township has not drawn from this account; the annual OPEB costs to the Township have been budgeted and paid for from the General Fund. The problem is that GASB (General Accounting Standard Board) is changing their regulations the end of this year. Without restricting the funds in the account, the Township

will have a significant unfunded liability, when in actuality there is \$1.4 million in the OPEB account. Again, it is being called underfunded because the money is not restricted for this use and could potentially be used for other things. Last summer, the Board made a motion to have the trust agreement prepared and to move in that direction in order to prevent the upcoming audit showing 1.5 million dollars in unfunded liability. With the resignation of Mr. Williamson, the agreement fell through the cracks. Solicitor Henninge again stressed that if the Board does go this route, it cannot pull the funds for anything other than post employee benefits, at least not until all obligations to future retirees who are entitled to these benefits are exhausted. He added that Police Department personnel hired after January 2015 and non-uniformed employees hired after January 1, 2016 are no longer eligible for post retirement benefits. The Board was asked to think about this for possible action at the March 21 legislative meeting. Vice President Truntz commented that this is the retirees' money, and he is inclined to support something like this that would keep these funds safe and sound.

Solicitor Henninger referenced a memo from HRG regarding the Municipal Authority's tapping fee. Back in November, a letter was received from the Derry Township Municipal Authority stating that effective July 1, it would be raising its user rent fees and also its capacity fees. Lower Swatara Township is basically a single commercial customer of Derry Township. The Township's Municipal Authority has drafted a resolution to increase the tapping fee to \$3,650 and is asking the Board's blessing on this. The Lower Swatara Municipal Authority is also authorizing the sending of a letter to the Derry Township Municipal Authority requesting some relief for the next two to three years. Vice President Truntz explained to the public that this is not a sewer bill, but a fee for a new connection. Solicitor Henninger agreed that this is not an expense on the current residents; it is an expense on new construction. A motion was made by Commissioner Paul, seconded by Commissioner Davies, to recommend the Municipal Authority raise its tapping fee to \$3,650 per EDU. The motion was unanimously approved.

Solicitor Henninger announced that on March 5, at 5:00 P.M., the Board held an executive session to discuss a real estate matter. In attendance were all Commissioners with the exception of Vice President Truntz, as well as Mr. Lynch, Ms. Letavic, and Solicitor Henninger. He also requested a brief executive session upon conclusion of tonight's meeting to discuss a real estate matter. Vice President Truntz added that he would also like to discuss a personnel matter during this session.

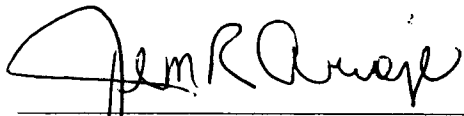
Commissioner DeHart noted that he had received a phone call over the weekend that the trash hauler missed an entire street in Old Reliance. He asked Mr. Lynch if he was aware of this. Mr. Lynch responded that he was not.

Vice President Truntz stated that there was a lot of technical information presented tonight, and he appreciates all the knowledge and information provided by the staff and professionals. Their input is invaluable and much appreciated.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Vice President Truntz, seconded by Commissioner DeHart, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:48.

ATTEST:

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

Jean R. Arroyo
Township Secretary

7:00 P.M.

[illegible]