

MINUTES

NON-LEGISLATIVE MEETING – MAY 3, 2017

The May 3, 2017 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. Roll call was taken with the following officials in attendance:

- Jon G. Wilt, President
- Laddie J. Springer, Vice President
- Michael J. Davies, Assistant Secretary
- Todd F. Truntz, Commissioner
- Benjamin C. Hall, Commissioner
- Terry L. Kauffman, Interim Manager
- Frank E. Williamson, Public Safety Director/Assistant Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG
- Robert S. Greene, Planning and Zoning Coordinator
- Daniel L. Wagner, Public Works Director

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

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

PUBLIC COMMENTS:

Bruce Harter, Strites Road, stated that he has attended recent meetings to suggest that the Board step back and reassess its priorities. He added that he feels like the “Lone Ranger” at times, because not many others want to speak up. The way the Township has been dealing with infrastructure and trying to defer maintenance costs is not good. These issues should not be controlled by the use of stop signs and posting of weight limitations. In fact, federal regulations prohibit the use of stop and/or yield signs for speed control. Mr. Harter added that the Board is considering a Pavement Management Plan. He suggested the Township address drainage issues before buying software to survey roads. The MS4 program requires mapping of all drainage cross-pipes and structures. When this was done, there should have been inspections performed, giving the staff a good idea of what needs are out there as far as drainage. Mr. Harter noted that

you have to start from the bottom up. There is also discussion about borrowing money to replace two structures. While the interest rate may be good, the Board needs to consider how long it will take to pay off this debt. He stated the bottom line is that a decision to defer maintenance in lieu of purchasing land for a park should be reconsidered. He had previously challenged the Board to make this a ballot question, but it was not looked at favorably. Mr. Harter informed the Board that he and a few other people had spent some time speaking to the residents and put together an informal petition. The petition reads "We the undersigned citizens/tax payers of Lower Swatara Township wish to formally express our opposition to the expenditure of funds from any public accounts for the purchase of additional land which is to be used as recreational facilities. Available recreational funds could be put to better use if used to upgrade existing facilities and or convert properties currently owned by the Township to serve recreation purposes". Mr. Harter stated that each signature represents a household, with multiple voters in each household. This shows that he is not the Lone Ranger. He noted, however, that he is disappointed to see that none of these people are in attendance tonight. Mr. Harter asked to present the petition to the Board for the record. Vice President Springer asked how many signatures the petition contains. Mr. Harter estimated around 100.

Mr. Harter also addressed the discussion at the last meeting regarding Sunoco paying permit fees to use some of the roadways in order to accomplish a pipe project. From the discussion, it sounded like this money will be put into the recreation fund. Those permit fees are there to preserve infrastructure, and should be put back into the infrastructure. Solicitor Henninger clarified that the fees discussed at the meeting were fees that Sunoco paid for additional line rights along the soccer fields and an easement across the property along the creek. The \$100,000 received from Sunoco was not for the use of the roadway or for permit fees. He added that since some federal funds were involved, there are restrictions on how the fees can be used. Solicitor Henninger added, however, that there is bonding in place for Sunoco's work.

Mr. Harter added that there have been mass mailings recently about the upcoming election. He stressed that by buying land for additional parks, the Township is building additional spending into future budgets. He observed that the candidates seem to have a lot of experience on the recreation board and have done a very good job. However, when they take a seat on this Board, they represent a much broader spectrum of folks, not just those interested in recreation. Mr. Harter stated that the Board would have a hard time convincing him that it

makes a priority out of maintaining infrastructure, let alone upgrading it. He stated that he will continue to attend Board meetings to voice this opinion.

Ms. Letavic asked to address a few of Mr. Harter's comments. She referenced the comments about inspection of the infrastructure, and noted that several years ago, the Township had invested in GIS. The entire system is already mapped, and each structure and pipe was inspected. Mr. Harter asked what was found. Ms. Letavic agreed there were a lot of issues found, and HRG has worked with staff to put together some capital planning. There were million dollars' worth of infrastructure upgrades discussed, which require long term planning.

Ms. Letavic stated that in regards to Sunoco, there were also permit fees paid for the street crossings and driveway access points. As Solicitor Henninger mentioned, there is also bonding in place for full roadway replacement on the roads Sunoco will be using.

Ms. Letavic addressed the comment about using stop signs for speed control, and added that a few that were in question were looked at. If there is a sign that is a significant concern to a resident, she asked that the Township be informed. Mr. Harter asked why stop signs would be put on a thru-street and allow the intersecting road the right of way. Ms. Letavic agreed that this is not normal, and may not line up with today's standards.

Mr. Harter stated that when you look at the budget and see that more man-hours are spent on parks and maintenance than on highway maintenance, there is something wrong with this picture.

Commissioner Truntz stated that these infrastructure issues have been festering long before this Board was in control. The Board is now trying to deal with it in a methodological fashion using grants and low interest loans. The goal is not to have a big impact on the taxpayers, but there is no magic wand. Commissioner Truntz added that the money in the Recreation Fund cannot be used for infrastructure. Solicitor Henninger agreed this is correct. In fact, if it was from developers, there is also a time frame when it must be spent or it is required to be given back. Commissioner Truntz stressed that recreation is a legitimate need, and the Shireman farm is an anticipatory purchase. The price is good, and can be paid through grants as well as the fees from Sunoco. Mr. Harter stated there is Township property that could temporarily serve some of the needs for recreation, including the eleven acres at the end of Fulling Mill Road. Commissioner Truntz explained that this is FEMA land and has restrictions. Mr. Harter added that even the purchase of the FEMA properties results in additional

maintenance expenses such as mowing. He added that apparently the Township has not done a good job at that either, as residents had to call last year about getting the grass cut.

Commissioner Truntz remarked that the Board will again be discussing the paving survey later this evening; this Board is thinking about the roadways. Mr. Harter responded that a van with computerized software may be a good idea, but the Township has drainage issues that need attention first. Commissioner Davies stated that the Township is leaning towards a modern, digitalized manner to assess the roadways which will provide complete records. 18th century methodology is not cost effective or efficient. Vice President Wilt added that using a computerized assessment prioritizes what roads need done, and takes out any favoritism of which roads are addressed. Mr. Harter agreed this is true, but the Township is simply not in a place where it can use it yet. He observed that Commissioner Hall and Commissioner Truntz serve as the liaisons on the Township's highway maintenance committee. Before the Board approves this \$60,000 expenditure, he invited them to take a ride with him to let him convince them that there is a long way to go before the Township is ready for this investment.

Mr. Williamson noted that when this year's budget was put together, it was put in as a planning year. Staff is trying to come up with a ten year plan of which roads need addressed, but baseline information is necessary and he could not find that when he came here. Mr. Harter added that there is a lot of turnover, and the baby-boomers are retiring. The Board needs to consider the historical knowledge and experience that is being lost. Employees need to be trained. Contractors were paid to replace pipe last year, and again this year. Employees need to observe these jobs, and in-house resources should be utilized to the full extent possible, which does require training.

Commissioner Hall stated that the Township is working towards these things, but plans take time. Vice President Springer agreed, and stated a lot of these issues should have been addressed twenty years ago by previous management. This Board is trying to put together a Capital Improvement Plan to address these issues. Mr. Harter commented that the past is the past. This is the Board that is here today, and it needs to look at the future

Carolyn Lutz, Woodridge Drive, commended the Board for not raising taxes during the last four years, and observed that before this, there was never four years without a tax increase. She added that Lower Swatara Township has one of the highest tax rates in the County, making it difficult for those desiring to sell their homes. Ms. Lutz also questioned the large pile of rocks

at the corner of Spring Garden Drive and Route 441, and stated it is an eyesore. Mr. Williamson explained that the County Conservation District gave the permission for the rocks to be piled there. The rocks are mainly the ones that were used down along the creek while rebuilding the turnpike bridge. Commissioner Davies added that he is personally looking into this.

Scott Lamprey, Farmhouse Lane, stated that he also attended the last several Board meetings. There seems to be a big push for more baseball and soccer fields. He noted that at a previous meeting, it was stated that there were 288 kids registered for ball. The population of the Township is 8,500. Millions of dollars are needed for road repairs. The Board should keep in mind that 288 families are utilizing the fields, while 8,500 people are using the infrastructure. Mr. Lamprey also asked if a feasibility study had been done of the Shireman tract. Ms. Letavic responded the Township had applied for a DCNR grant in April to do planning to determine the feasibility of the usage of this property and all the parks. Notice of award is expected at the end of this year or early next year. Mr. Lamprey stated, then, that his expectation would be no purchase of the tract prior to results of the feasibility study. Ms. Letavic explained that is not necessarily true. The grant has time restrictions associated with the purchase, and the Township is working towards settlement on the property. Mr. Lamprey added that he had helped Mr. Harter circulate petitions, and there were quite a few strong responses in support of the petition. He also asked that the Board put out some type of formal polling of the residents regarding purchase of land for recreational usage. The Board would be doing the voters a disservice if it does not.

Tom Williams, Fulling Mill Road, asked the plans for the Swatara Creek property that the Township has acquired, and inquired if the activities planned for the Shireman tract could instead go there. Solicitor Henninger explained that this eleven-acre tract is in the flood plan, and there are significant limitations put on it, including the prohibition of any type of permanent structure. Once the comprehensive park study that Ms. Letavic just referenced is complete, there will be a better idea of how it can be used. Mr. Williams stated that a ballfield would seem a perfect fit. Commissioner Davies agreed that was his initial thoughts too, but found out that fencing and backstops would not be permitted, as they would be considered an impediment to drainage. Commissioner Truntz remarked that another concern is the large amount of truck traffic in the vicinity. President Wilt added that this property is helping the Township meet its MS4 requirements, and added that nearly 400 trees were planted there last Friday.

PERSONNEL COMMITTEE REPORT:

President Wilt noted that the Board has been involved in a search for a manager. Resumes were reviewed, interviews were held, and the Board has made a selection. A motion was made by Vice President Springer, seconded by Commissioner Davies, to hire Frank E. Williamson Jr. as Township Manager, effective May 1, 2017 in accordance with the terms of the proposed letter agreement dated today. The motion was unanimously approved, and the Board and public congratulated Mr. Williamson. Mr. Williamson thanked the Board, and stated he is honored and humbled by the appointment.

PLANNING AND ZONING REPORT:

Mr. Greene referenced the monthly reports on inspections and permits, and stated the Department is extremely busy right now. The Planning Commission met on April 27 and discussed the Final Subdivision Plan for Capital Valley Business Park, a 4-lot subdivision located on Kreider Drive, Oberlin Road and Fulling Mill Road. It recommended approval of three waiver requests and approval of the subdivision plan with conditions. The plan should be on the Board's May 17 agenda for formal action. The following subdivision and land development plans have been recorded recently: Land Development Plan for Maaco of Middletown, Body Shop Expansion, 1998 W. Harrisburg Pike; Land Development Plan for Fairfield Inn and Suites Hotel, Terminal Drive, HIA; Land Development Plan for Fulling Mill Road Retirement Community Phase 1, Fulling Mill Road. No Zoning Hearings have been scheduled at this time. Mr. Greene reported that he will be on vacation the week of May 15.

PUBLIC WORKS REPORT:

Mr. Wagner reported that the Department spent a lot of time and manpower preparing for Opening Day and for the tree planting project. The Department has also been busy with mowing and park maintenance, landscaping at the municipal building, and changing all the outside lighting on both garages to LED's. The storm pipe work on Strites Road was completed by E K Services. All but one of the lights on Memorial Field has been fixed, and thanks were given to Middletown Fire Department for helping with its ladder truck. Street sweeping of all Township roads has been completed; state roads will be addressed as time permits.

Trees were once again planted near the CVS waterway to meet permit requirements for DEP. The Township continues to have difficulties with the CVS landscaping company wiping them out. President Wilt expressed concern that this was discussed before with CVS, and there were to be consequences. Ms. Letavic agreed that Township staff had met with the CVS landscaping company last year to talk about this problem. Mr. Kauffman noted that this issue will be pursued with CVS.

The Department is preparing to start a project at Little Hollywood's lower entrance to the concession stand. Other upcoming jobs include road repairs, spraying guiderails, and mowing along the roadways. Four days of crack sealing is scheduled to begin May 15. The Township is also on the list for line painting.

Mr. Wagner and Mr. Lanman attended the recent PSATS Symposium and found it to be quite informative.

The Richardson Road Bridge is open, and staff is working with the contractor and HRG to make sure everything is in line before accepting the project. Staff is also looking into options to repair storm pipes. The installer from Bitting called today and reported that it plans to start work at the Shopes Gardens playground tomorrow morning.

Commissioner Davies stated that he knows Mr. Wagner is still developing the list, but would ask that he share this year's paving schedule with the Board in the near future.

Mr. Wagner noted the Board had approved the purchase of a new tire machine, and asked permission to put the old one out to bid on Municibid. Mr. Williamson explained that a resolution will be brought before the Board to authorize the sale of Township property, and this will include the tire machine and police vehicles.

The dumpster will be available for residents on Saturday May 6 from 8:00 to Noon.

Vice President Springer commended the crew on the great job on the fields for Opening Day. He stated they looked immaculate. Commissioner Truntz also thanked those who participate in the tree planting project.

MANAGER'S REPORT:

Mr. Kauffman reported on a possible Resolution of Support for the Municipal Authority's application for a CFA Grant for ACT 537 update. Last year, the Township had applied for a sewage facilities program grant application but was not successful. It is felt that chances this year may be

better. HRG is willing to resubmit the application if the Township agrees to do some of the grunt work. It is felt that it may be advantageous for the Municipal Authority to be the applicant, with the Township providing the letter of support. The Municipal Authority is in agreement with this concept. Mr. Kauffman added that this update is important, as it has not been done since 1983. If the Board has no objection, the Resolution of Support may be on the legislative agenda for action. In response to a question from Commissioner Davies, Mr. Kauffman explained that last year's cost projection for this project was about \$284,000. Some circumstances have changed though, including the fact that the Authority did some videoing of existing sewer lines. The grant would probably be for about \$100,000. Mr. Kauffman added that this really is something that needs done. If not, DEP may come knocking. He added that Lower Swatara Township is actually one of the few municipalities that does not have an on-lot disposal system ordinance. Mr. Kauffman again stressed that this update is good for the planning process, and a necessary process for some of the business decisions that the Municipal Authority may want to make in the coming years. Solicitor Henninger agreed this is absolutely necessary to be done. Commissioner Davies asked if there are many on-lot septic systems operating in the Township. Mr. Kauffman confirmed there are quite a few.

Mr. Williamson provided an update on the hiring of a Planning and Zoning Coordinator. Two candidates were interviewed, and consideration of the successful candidate may be on the legislative agenda. Interviews for the Municipal Authority Laborer's position will be held tomorrow, and there may also be a recommendation to hire for this position at the next Board meeting.

Mr. Williamson explained that last week, he had received an email from Jan LeBlanc, Manager at Swatara Township, indicating that there would be a 50 foot section on Highspire Road between the Swatara Township line and where Lower Swatara Township had stopped paving. This section of road was not in bad condition but would eventually be between two newly paved sections of the same road. The cost of the project will be \$2,800. An email was sent to the Board polling for approval of this paving and the Commissioners responded in favor; Ms. LeBlanc was given the go ahead to have the 50 foot section of Highspire Road paved. Mr. Williamson asked the Board to ratify this action tonight. A motion was made by Commissioner Truntz, seconded by Commissioner Hall, to ratify an expenditure by Lower Swatara Township, not to exceed \$2,851.44, for inclusion of a 50' section of Highspire Road in Swatara Township's paving program. The motion was unanimously approved.

Mr. Williamson reported that two weeks ago, the Township experienced a lot of trash complaints. Tonya Condran in the Codes' Department did an unannounced audit this week, and found no major issues. Her report was provided to the Board; everything seemed to be going well.

The Township audit is pretty much complete, although they are still waiting to get the pension audit from Conrad Siegel. Mr. Williamson added that the good thing is that there is no management letter this year. Ms. Burke and Ms. McClain worked very hard on the audit.

A committee will be reviewing the seven EIP proposals that were submitted in order to narrow them down and bring in a few.

Mr. Williamson and Sergeant Tingle will be attending training this Friday on the Community Alerting System that the Board recently approved.

As requested at the last meeting, an update was provided on the possibility of replacing the engine in Car 1803. The cost will be approximately \$4,300 for a new engine. Mr. Williamson asked the Board's direction on this. In response to a question from Commissioner Truntz, Mr. Williamson explained that this 2011 Dodge Charger has 66,000 miles on it, and is in overall decent shape. He stated that while it would probably not be a front-line car, it could perhaps be used a few years for investigations. A motion was made by Commissioner Hall, seconded by Commissioner Truntz, to move forward with the repair work. The motion was unanimously approved. Commissioner Truntz asked that if the mechanic finds more issues once he gets into the job, the Board be advised.

ENGINEER'S REPORT:

Ms. Letavic updated the Board on the Richardson Road Bridge project. The bridge was open to the public on April 20, although there are still a few sewer line issues being addressed. Final walkthrough is anticipated for mid-May with final completion due June 1. Ms. Letavic noted that she does anticipate a pay application for the May 17 agenda. Substantial completion paperwork will also be provided for action.

The MS4 annual report, a summary of activities that occurred during the permit year, is due at the end of June 2017 for activities between March 2016 and March 2017.

HRG is making progress on the Chesapeake Bay Pollutant Reduction Planning, which is required to be submitted and open for public comment prior to a September submittal deadline. HRG is identifying the pollutant load (sediment) associated with the urbanized area and locating

projects to be built over the next five years. Implementation of the plan is required and annual progress will be reported along with the Township's Minimum Control Measure (MCM) work.

An update was provided on the Greenways, Trails and Recreation Park Grant and DCNR Execution for the Old Reliance and Shope Gardens Park. The Rec Board had met earlier tonight and discussed this project. Because of the use of the two grant programs on the project and updated cost estimates from COSTARS contractors for the current project scope, the Township has approximately \$47,000 of grant funding not yet allocated to a particular component of the project. HRG's recommendation is to utilize that funding for additional stormwater improvements. Two rain gardens are currently planned. In order to further the Township's MS4 program, HRG is proposing to look at the two park sites and identify additional stormwater BMPS that would benefit the parks and provide additional education opportunities for park users. The intent is to bid out all stormwater BMPS in July in order to allow for time for the project to be completed by the end of the 2017 construction season. Any scope change also needs to be reviewed and approved by DCNR in advance. BMP siting and design preparation for staff review to be incorporated into bid documents can be completed for an amount not to exceed \$5,000. Mr. Williamson added that the Township is also working with Eagle Scouts for installation of educational signage. The Board expressed no objection to HRG getting started on looking at the parks and the possibilities.

At the Board's last meeting, a salt storage building structural assessment and a stormwater feasibility study had been approved. There will be kick-off meetings for both projects in the near future.

An update was provided on the Shireman Tract acquisition. HRG is coordinating the appraisal for the property. Once that and the updated title search are completed, HRG will complete the Phase 1 Environmental Assessment in preparation for closing.

Ms. Letavic addressed the Highland Street and Summit Ridge Culverts projects. The loan application for these projects was approved by the County Gaming Advisory Board for an amount not to exceed \$1.149 million dollars, on a time frame not to exceed 20 years. The County will be securing the funding this year. There is not yet a schedule for loan closing. Maintenance at the Summit Ridge Culvert is an ongoing issue for staff and cannot be completed satisfactorily without a DEP permit (General Permit 11). Should the Township want to accelerate the completion schedule, staff could get started on design and permit for the structures. If the Township decides to proceed with obtaining the GP-11 for the new structure, the same permit can be utilized for maintenance in

advance of replacing the structure. Again, the Township would be taking on the expense without yet having the actual loan funding. Commissioner Davies suggested giving the County a call to make sure this is permissible. Solicitor Henninger agreed to check into this between now and the legislative meeting.

HRG continues to work with Township staff on utility conflicts in regards to the Capital Improvement Plan – PENNVEST Funding for Stormwater Projects.

On the agenda is consideration of a Pavement Management Plan for the 43 miles of Township streets which have been identified. Cost is \$60,650 and has been included in the 2017 budget. This plan is a long term agenda for the deterioration rate of these roads. A mobile scanning company will be engaged for the data collection phase. HRG looked at contractors, and feels most comfortable with Transmap. Ms. Letavic added that what she likes about this program is that it provides unbiased data and is not subjective. However, it is only a good investment if the Township follows it. She noted that if the Township had staff physically walk the streets and analyze them, it would be time consuming and a big safety concern. It would also not provide the same in-depth information. Ms. Letavic recommended the Board proceed with this, using the firm of Transmap. A motion was made by Commissioner Davies, seconded by Commissioner Truntz, to approve moving forward with the Pavement Management Plan at a cost not to exceed \$60,650. The motion was unanimously approved.

SOLICITOR'S REPORT:

Solicitor Henninger reported that the Board had met in executive session at 6:30 P.M. this evening to discuss a possible intermunicipal agreement and personnel issues. The Board will also reconvene in executive session immediately upon conclusion of this evening's meeting in order to discuss additional personnel matters.

FINAL COMMENTS:

Mr. Williamson asked Board permission to begin a search for a new Public Safety Director. The Board expressed no objections.

The Commissioners thanked the public for coming out this evening, and agreed that it is always good to hear different opinions and thought processes.

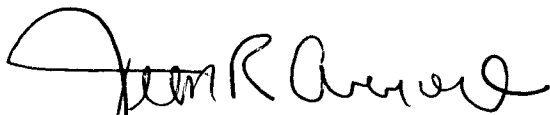
Vice President Springer urged all citizens to exercise their right to vote.

Commissioner Davies again thanked everyone involved in the tree planting project, which was very well organized. He also thanked Londonderry Township for supplying the trees and stated that he looks forward to more community cooperation projects in the future.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other business, a motion was made by Commissioner Davies, seconded by Commissioner Hall, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:50 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

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