

## MINUTES

### LEGISLATIVE MEETING – DECEMBER 15, 2021

The December 15, 2021 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
- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner
- Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Michael McAuliffe Miller, Eckert Seamans, Solicitor
- Shawn Fabian, HRG
- Dominic Visconti, Chief of Police
- Rebecca McClain, Accounting Manager
- Don Fure, Director of Codes and Planning
- Kaylee Justice, Planning and Zoning Coordinator (via Zoom)

Residents and visitors in attendance: (see attached sign in sheet)

#### Amendment to agenda

Solicitor Miller stated his understanding that there is a potential amendment to the agenda this evening. Commissioner Davies agreed that he would like to amend the agenda to consider utilizing American Recovery Act funds provided by the federal government to give a bonus to the full time employees in recognition of their service on the front line during the COVID pandemic. Solicitor Miller asked if Commissioner Davies agrees with the addition of the following two motions under any other New Business, which is 14G: (1) authorization for the solicitor to negotiate a side agreement with the Teamsters' Local 776 to provide all covered uniformed and non-uniformed employees who are employed as of this payroll a one-time COVID bonus (which shall not be rolled into base salary) in the gross amount of \$1,500 for front line workers using American Recovery Act funds and (2) approval to pay all non-union employees who are employed as of this payroll a one-time COVID bonus (which shall not be rolled into base salary) in the gross amount of \$1,500 for front line workers using American

Recovery Act funds. Commissioner Davies agreed this is correct. A motion was made by Commissioner Davies, seconded by Commissioner Paul, to add the aforesaid two motions to tonight's agenda under "Any Other New Business", 14G. The motion to amend the agenda was unanimously approved.

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

#### PUBLIC COMMENTS:

Linda Raphael, 62 Wayne Avenue, observed the agenda mentions FEMA Funds for possible buyouts. She asked if the Township is getting closer to making this happen. Ms. McBride explained she was made aware of federal funds becoming available, and has sent in the letter of intent that Lower Swatara Township would like to apply for these funds. Hopefully the Township will hear back in the near future. Ms. McBride agreed that this is a big step in the right direction, but there is still a long way to go. She added that Ms. Raphael's address was one of those mentioned for a buy-out. Ms. Raphael thanked Ms. McBride for her time.

#### APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Minutes of the December 1, 2021 Workshop Meeting. The motion was unanimously approved.

#### PAYMENT OF BILLS:

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the Payment of Bills – Warrant No. 2021-11. The motion was unanimously approved.

#### TREASURER'S REPORT:

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the Treasurer's Report for November 2021. The motion was unanimously approved.

## PUBLIC SAFETY REPORTS:

### Police Department

Chief Visconti provided a summary of the monthly statistics for November. There were 25 Part I offenses, 28 Part II offenses, 383 calls for service, 1 DUI arrest, 42 traffic citations, 4 non-traffic citations, and 54 warnings. There were 17 motor vehicle accidents including one fatality involving a pedestrian on Harrisburg Pike, 7,223 patrol miles driven, and 1,246 foot patrol minutes. There were 251 overtime hours, and 144 hours dedicated to training, most of which included finishing up the department firearms' training for the year.

Commissioner DeHart asked for an update on the body cameras. Chief Visconti explained they have been installed and configured to upload data and videos to the cloud-based evidence library. He explained that he is now awaiting a version of the department policy that regulates the use of the body cameras. This policy will need to be formally approved by the Board and then published in the records' management database with regards to department policies. Most of the officers have completed the required training; once the policy is received, reviewed, and signed-off on, the department can go operational with the body cameras. Solicitor Miller added he needs to finalize his review of the draft policy, and anticipated it will be before the Board for approval in early January. Solicitor Miller remarked that he also expects some post-adoption tweaking will be necessary, as is common with these types of policies. Commissioner DeHart stated his goal is to get these body cameras on-line as soon as possible. Ms. McBride added the body cameras have resulted in the need for her to authorize an increase in the Township's Comcast speed.

Vice President Truntz stated that earlier this week, he had contacted Chief Visconti regarding traffic concerns with drivers being able to enter and exit the high school area on Route 441 and the development across the street. Chief Visconti explained he had met with school staff today. From their point of view, there is really no problem. At the beginning of the school year, a very good plan was developed to get the school parking lot emptied and the buses out of there as quickly as possible. Apparently the end result of this is a bit of a backup on Route 441. An initiative was just started to have patrol out there around 7:15 AM and again at 2:30 PM to monitor the traffic. In response to a question from Vice President Truntz, Chief Visconti confirmed that the officers will get out of their vehicles and direct traffic if necessary. Vice President Truntz asked Mr. Fabian if there will be a traffic signal installed there at some



point. Mr. Fabian stated he is unaware of this, but will look into it. Commissioner DeHart agreed there were previous discussions about a traffic signal being installed. Commissioner Paul added this development is completely in Middletown.

#### Fire Department

Ms. McBride presented the monthly statistics' report. During the month of November there were 40 calls and 33 responders with an average of 7 personnel per response. There were approximately 22 hours of time in service. There were 6 fire incidents, 1 overpressure rupture/explosion/overheat no fire, 4 Rescue and EMS incidents, 2 hazardous condition incidents, 1 service call, 16 good intent calls, and 10 false alarms. Mutual aid was provided to various neighboring municipalities, with the highest number going to Middletown Borough in the amount of 10.

#### ENGINEER'S REPORT:

Mr. Fabian stated he had no updates beyond his written report.

Commissioner DeHart recalled that last month, Mr. Fabian had mentioned using liquid fuels funds of about \$400,000 for one of the projects. He asked what project that is. Mr. Fabian explained that are two setups for liquid fuels. One is for the 2021 Drainage Improvements Project which is about \$460,000. Bryn Gweled was also discussed as another possibility for use of these funds. Commissioner DeHart asked why MS4 funds would not be used instead of liquid fuels funds which are historically used for paving. Mr. Fabian explained liquid fuels money will be used for the paving part of that project. Commissioner DeHart explained he wants to make sure MS4 funds are utilized before the paving funds are cut into.

Commissioner Davies questioned the unexpended Dauphin County Infrastructure Bank funds for stormwater related projects. One of the projects that was initially included was the Richardson Road culvert. He asked if these leftover funds from the loan can be utilized for that project. Mr. Fabian responded that there were discussions with the Infrastructure Bank about these remaining funds, which would be about enough for another box culvert. There were three box culverts discussed: one off of 80<sup>th</sup> Street, one on Rosedale Avenue, and then the Richardson Road culvert. All three have reasons for consideration for that investment, but no decision has been made at this point.

Commissioner Paul stated he is very interested in looking at the paving plan. Mr. Fabian stated he and Mr. Washinger have discussed the paving plan and will schedule another meeting to finalize what should be included. Commissioner Paul stated the sooner the better, since he hates to see more projects delayed.

#### MANAGER'S REPORT:

##### *FEMA funds for possible buy-out*

Ms. McBride stated that as mentioned earlier tonight, she became aware of federal funds to buy out homes that routinely flood. A letter of interest was submitted. Ms. McBride added that she did contact the State Senator to ask for any assistance he can provide. The Board will be kept updated as more information arrives.

#### Future Meeting Dates

President Wilt read aloud the list of future meeting dates:

December 16	7 PM	<b>CANCELLED:</b> Planning Commission Mtg.
December 20	7 PM	Municipal Authority Mtg.
December 23 – 24		Township Offices Closed
December 31		Township Offices Closed
January 3	7 PM	Board of Commissioners Reorganization Mtg.

Public Safety Committee: Commissioner Paul – no report

Budget and Finance Committee: Commissioner Davies reported that tonight is the night that the General Fund budget is wrapped up, as well as the ordinance setting the applicable tax rates for the coming year. He added that he is proud to report that no tax increases are proposed.

Public Works Committee – Vice President Truntz reported that leaf collection will be completed this week in order to equip the trucks for snow removal.

Community Development: Commissioner DeHart – no report

Personnel Committee: President Wilt – no report

#### Executive Session announced

Vice President Truntz announced that the Board had met in executive session at 6:30 P.M. this evening in order to discuss personnel issues.



UNFINISHED BUSINESS:

Resolution No. 2021-R-4 accepting Morgan Drive

The Board discussed the dedication of Morgan Drive to the Township. Mr. Fabian and Solicitor Miller both agreed everything is in order for approval this evening. A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve Resolution No. 2021-R-4 accepting Morgan Drive from Craig Morgan and Brian Morgan for dedication to the Township. The motion was unanimously approved.

Commissioner Paul recalled a note on the plan for Lot #1 indicating that the barn would be removed. He asked for an update on this. Mr. Morgan agreed that was the original plan, but he believes the owner did some remodeling of the barn. He stated he unsure what the owner's plans are at this point.

Preliminary Plan for Kinsley Residential Development

The Board addressed the Preliminary Plan for Kinsley Residential Development, PC#2021-02, 72.2 acres for 106 single-family lots located in the Residential Urban District, submitted by Snyder, Secary & Associates for DHK Residential, LLC. Project is located north of the turnpike and east of Stoner Drive. The Planning Commission granted a 90-day time extension on the plan on July 22, 2021. The plan was due to expire October 20, 2021. The Board of Commissioners granted a 60-day extension on October 20, 2021. The plan is due to expire on December 19, 2021. The applicant is requesting the following waivers:

(1) §22-405.1.A – Plan size and (2) §22-502.6 –Horizontal and Vertical Curves. The Planning Commission has requested that a tot lot or other recreation facility be considered on the site in addition to the recreation fees. The Planning Commission recommended approval contingent upon all outstanding comments on the HRG Review Letter #2, relocation of one and addition of an additional fire hydrant per fire company comments and the HRG Municipal Authority Review #2.

Mr. Fabian added that HRG has since submitted an additional review via Review Letter #3. Items that needed to be taken care of in order to recommend conditional approval of this Preliminary Plan have been addressed. The remaining comments are items that have to be addressed in the final plan. Solicitor Miller added the Board will first need to act on the two waiver requests and address the Planning Commission's request that a tot-lot be considered.

Commissioner Paul asked Judd Dayton from Snyder, Secary & Associates to briefly explain for the benefit of the audience some of the improvements that will occur on Stoner Drive and the general layout of this project. Mr. Dayton presented a sketch of the project, and explained there will be two access points. There are 106 homes proposed, and these will be looped around a series of drainage paths and wetlands. They are intended to be constructed in three phases, the first phase of which will include the two access points off Stoner Drive. There is a lot of earthwork involved with this project, so the bulk of the infrastructure that goes with it will be constructed as part of Phase 1. This will include all the stormwater management basins and road widening along the property frontage on Stoner Drive.

Vice President Truntz asked for confirmation that these streets will be dedicated to the Township and built to Township specs. Mr. Dayton confirmed that is correct. In response to a question from Commissioner DeHart, Mr. Dayton explained that there will be around 1,400' – 1,600' of total frontage, with widening from the center to get a full 11' travel lane on the property frontage side of the road and an additional 2' shoulder. Commissioner DeHart asked if the shoulder will be considered a walkway, or if there is sidewalk planned. Mr. Dayton responded there is not a sidewalk planned for Stoner Drive. Sidewalk will be completely in the interior of the development and will connect at Riverview to the residential development across the street. Commissioner DeHart referenced the request for waiver on the horizontal and vertical curves and asked what will be used instead. Mr. Dayton explained they proposed 150' as a minimum centerline curve for the internal roadway which works well for a residential development.

Commissioner Davies asked Mr. Dayton the average size of the lots and average square footage of the proposed buildings. Mr. Dayton responded the minimum size lot is 10,000 square feet, and the range is up to about 18,000. He noted he does not know the size of the homes.

Commissioner Paul asked the status of the recommendation for a tot lot. Mr. Dayton agreed there has been extensive discussion about a tot lot. At this point, if a tot lot is going to be installed, the plan will probably need to be reduced from 106 lots to 105 lots with a tot lot. He asked if this is still the Board's preference. Commissioner DeHart stated this would be his preference, since this is a very isolated area with no recreation facilities. Commissioner Davies agreed that with that many homes and no walkable recreation facilities, it seems good to have some type of recreational facilities for young children. President Wilt suggested the tot lot not



be along the street or on one of the small corner lots, but rather be centrally located for the safety of the children. Mr. Dayton asked if the Township would be interested in owning and operating the tot lot. Commissioner Paul stated he feels this is doable.

Commissioner Paul asked if the radiuses where the new proposed road goes in and ties in to Stoner is on the design plans and has been looked at by Mr. Fabian. He stated it is important that the curbing reveal is along Stoner at some safe degree. Mr. Fabian noted it was reviewed by HRG with no comments, but he agreed to look at it.

Commissioner DeHart suggested to Mr. Dayton that once a lot is selected for the tot lot, the Recreation Board be involved with picking the spot for the recreation facility.

Solicitor Miller suggested the Board first take action on the two waiver requests, and then act on approval of the 105 single family lot development including one tot lot, along with compliance with HRG review letters #2 and #3.

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to grant the waiver requests for: (1) §22-405.1.A – Plan size and (2) §22-502.6 –Horizontal and Vertical Curves. Commissioner Paul requested the record reflect what these radiuses are (*\*\*\*150' road centerline instead of 167' radius of the northbound lane and 198' radius of the southbound lane; to provide road geometry typical of non-through streets in residential developments instead of criteria from the American Association of State Highway and Transportation Officials which considers "super elevated" cartways*). The motion was unanimously approved.

A motion was then made by Commissioner Paul, seconded by Commissioner DeHart, to approve the Preliminary Plan for Kinsley Residential Development, PC#2021-02, 72.2 acres for 105 single-family lots and one tot-lot, located in the Residential Urban District, submitted by Snyder, Secary & Associates for DHK Residential, LLC. Approval is contingent upon compliance with all outstanding comments from HRG Review Letter #2 and HRG Review Letter #3. The motion was unanimously approved.

#### NEW BUSINESS:

##### Budget Ordinance

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve Ordinance No. 597, which appropriates specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during fiscal year 2022.



Commissioner Davies asked to expand upon the details of the 2022 budget. Total expenditures are \$6,715,527 which is less than last year's budget of \$7,143,143. There will be no increase in Township taxes. Property taxes will be maintained at a total of 4.376 mills or .4376 cents on each one hundred dollars of assessed value. That includes tax rate for General Township Purposes of 3.25 mills, Capital Improvement of .54 mills, Fire Protection of .49 mills and Fire Hydrant Tax of .096 mills. It is a balanced budget plan which includes transfer of some funds from unassigned amounts from the previous year. Unknowns in this year's plan includes salaries for non-uniform Teamster employees due to ongoing contract negotiations. The budget does presently include an estimated increase for non-union, non-uniform employees. Real Estate Tax revenue is budgeted at a 98% collection rate to allow for expected delinquencies. Some pre-COVID tax revenues should begin to return, including the parking tax revenue which is dependent on airport traffic levels. Interest rate revenues are down due to the decrease in interest rates on savings and bank balances. Building permit revenues are expected to be lower based on expected upcoming construction projects. Notable expenditures include \$110,000 for improving or replacing the Township's in-ground fuel system. This number may be higher depending on what option is chosen. Police expenditures include two new vehicles as well as increased expenditures for police education. Some additional expenses involved with body camera costs are also budgeted.

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. Ordinance No. 597 was unanimously approved.

#### Tax Rate Ordinance

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve Ordinance No. 598, which fixes applicable tax rates for the year 2022. 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. Ordinance No. 598 was unanimously approved.

Resolution No. 2021-R-11 for sale of vehicles through Municibid

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve Resolution No. 2021-R-11 authorizing the sale, through Municibid Auction, of a 2005 Ford Expedition (VIN/1FMFU16537LA67767), 2011 Dodge Charger (VIN/ 2B3CL1CT4BH551919), and a 2014 Dodge Charger (VIN/2C3CDXAT3EH173506). The motion was unanimously approved.

Holding Tank Agreement w/UPS, Inc.

Mr. Fabian stated that there are representatives here tonight to address a Holding Tank Agreement with UPS, Inc., BT-NEWYO, and the Lower Swatara Township Municipal Authority for the installation of the temporary sanitary sewer holding tank. James Strong with McNees Wallace and Nurick explained that UPS is constructing a pump station in connection with its new distribution facility. They plan a phased opening of the distribution facility starting in March of next year. However, given the pandemic supply chain delay issues, the pump station may not be constructed until May of 2022. The solution is to install a temporary holding tank on the property to facilitate the opening of the facility under a temporary occupancy permit until the pump station is complete. Before the Board tonight is a temporary holding tank agreement that has been worked out with the Municipal Authority. That agreement is with the Municipal Authority, but there is a jointure that the Township is also requested to approve acknowledging the agreement and the temporary occupancy certificate which will be issued to allow the phased opening.

Commissioner DeHart asked if there has been any comments from DEP yet. Mr. Strong responded that he is unaware of any. He added that the next item on the agenda pertains to the modification of the planning module to recognize this temporary holding tank. This will need to be submitted to DEP as well. Commissioner DeHart explained his question is whether a conditional approval should be granted in the event that DEP has comments. Mr. Strong stated that could certainly be part of the motion, but obviously if DEP requires any other compliance, they will need to comply. Solicitor Miller noted this is already written into the agreement. Commissioner Paul added the agreement was not in his Board packet so he is uncertain of what it says. He asked if maintenance is also addressed in that agreement. Mr. Strong confirmed that it is.



A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the Holding Tank Agreement with UPS, Inc., BT-NEWYO, and the Lower Swatara Township Municipal Authority for the installation of the temporary sanitary sewer holding tank. The motion was unanimously approved.

Resolution No. 2021-R-12 for Sewage Facilities Planning Module of UPS

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve Resolution No. 2021-R-12 for Plan Revision for New Land Development for the Sewage Facilities Planning Module of the UPS Northeast Regional Hub. The motion was unanimously approved.

Financial Security Adjustment #15 for Morgan's Run, Lot #2, 504 Morgan Drive

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve Financial Security Adjustment #15 for Morgan's Run, Lot #2, 504 Morgan Drive (PC File #2004-13) in the amount of \$12,125 from the current amount of \$21,125, leaving a balance of \$9,000. Ms. McBride explained that this \$9,000 is to make sure the remaining sidewalks are completed. The motion was unanimously approved.

COVID payment to employees

Solicitor Miller noted the agenda was amended at the beginning of this evening's meeting to include the next two items.

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve authorization for the solicitor to negotiate a side agreement with the Teamsters' Local 776 to provide all covered uniformed and non-uniformed employees who are employed as of this payroll a one-time COVID bonus (which shall not be rolled into base salary) in the gross amount of \$1,500 for front line workers using American Recovery Act funds. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve paying all non-union employees who are employed as of this payroll a one-time COVID bonus (which shall not be rolled into base salary) in the gross amount of \$1,500 for front line workers using American Recovery Act funds. The motion was unanimously approved.

FINAL COMMENTS:

Commissioner DeHart thanked everyone for coming out this evening, and wished everyone a Merry Christmas next week.

Commissioner Davies agreed it was nice to see tonight's meeting well attended. He noted he is pleased to have the budget passed for next year, and is glad that the Board is able to show a little recognition for the Township's front line workers who have worked hard thru the pandemic by providing a bonus through use of American Recovery Act funds. He noted it is a defined usage that is possible for these funds, and he cannot think of a better way to start out using some of these funds than by recognizing the employees.

Commissioner Paul wished everyone Happy Holidays.

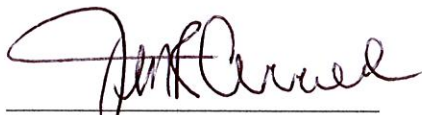
Vice President Truntz requested an executive session immediately upon conclusion of this evening's meeting for legal and personnel reasons. He thanked Ms. McClain, Ms. McBride, Commissioner Davies, and Commissioner Paul for all their hard work on the budget document. He wished everyone a Merry Christmas.

President Wilt thanked everyone for their participation tonight. He also thanked Ms. McBride, Ms. McClain, and the entire Township team for their hard work. President Wilt wished everyone a Merry Christmas and Happy New Year.

ADJOURN INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Vice President Truntz, seconded by Commissioner Paul, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:57 P.M.

ATTEST:

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

Jean R. Arroyo  
Township Secretary



**PLEASE PRINT NAME CLEARLY**

**DECEMBER 15, 2021 LEGISLATIVE MEETING – 7:00 P.M.**

[illegible]