

MINUTES
LEGISLATIVE MEETING – DECEMBER 16, 2020

The December 16, 2020 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Jon G. Wilt via Zoom.

The following officials were in attendance (Zoom):

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Michael J. Davies, Commissioner
- Ronald J. Paul, Assistant Secretary
- Christopher DeHart, Commissioner
- Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Domini Visconti, Chief of Police
- Shawn Fabian, HRG

Residents and visitors in attendance through Zoom:

Dan Cohen, Cohen Law Group
Robert Furlong, EMA Coordinator
Dale Messick, resident

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

PUBLIC COMMENTS: None

PRESENTATION BY COHEN LAW GROUP ON VERIZON FRANCHISE AGREEMENT:

Dan Cohen, Cohen Law Group, provided the Board with the proposed new Verizon Franchise Agreement. He added that it was a pretty spirited negotiation. An executive summary was also provided, as well as a bullet-point comparison of the new agreement, the current agreement, and the Comcast Franchise Agreement. Mr. Cohen discussed some of the highlights. He explained that the cable world has changed dramatically in the last decade or so. The biggest change is the migration to video streaming as opposed to cable television service. The Township

cannot collect franchise fees on video streaming or franchise any video streaming company. The FCC finds that internet service, even internet service over the cable system, is not a cable service. Also, there is much greater competition today for cable companies. As opposed to Comcast, Verizon has two sides: a wired fiber system called FiOS and a wireless system. There is also a migration to the wireless system, which has a greater profit margin to Verizon. Another big change is the FCC order which came out last year, resulting in the agreement not including free service to municipal buildings, public libraries, etc. That decision is on appeal. Mr. Cohen stated he would be happy to answer any questions.

Ms. McBride observed that the term of the agreement went from ten years to five years. Mr. Cohen explained that in the past these companies wanted long terms, but this is not necessarily true now. Verizon has not agreed to any renewal agreement nationwide that is more than five years. He surmised the reason is there a chance that Verizon will get out of the cable business altogether. There is a unilateral termination provision in the agreement. Commissioner Davies asked what would happen if Verizon does decide to leave the cable business – will they still be obligated to this five-year agreement or can they sell out to another entity or close shop. Mr. Cohen explained they do not have to wait the entire five years. Prior to termination, the new agreement requires there to be a decrease by at least 6% of Verizon subscribers in the Township over a 12-month period; that 12-month period cannot start until the effective date of the agreement. Verizon must then give a separate 12-months' notice to the Township of its plans to terminate its cable services. Basically, this means Verizon would need to provide two years before termination.

Ms. McBride referenced the order prohibiting free service to the public buildings, which pertains to both Verizon and Comcast. Mr. Cohen explained that included in both agreements is the understanding that if the FCC order is overturned on appeal, which is quite possible, they will have to provide the free service.

Vice President Truntz asked the status of preparation of an ordinance regarding mini cell towers. Mr. Cohen reported that Attorney Joel Winston, who is putting this together, indicates that he expects to have a draft in two weeks. The Board should be seeing this draft very soon.

RESOLUTION NO. 2020-R-18 RE: VERIZON FRANCHISE AGREEMENT

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve Resolution No. 2020-R-18 authorizing execution of a cable franchise agreement between the Township and Verizon Pennsylvania LLC. The motion was unanimously approved.

APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the Minutes of the December 2, 2020 Workshop Meeting. The motion was unanimously approved.

PAYMENT OF BILLS:

A motion was made by Commissioner Paul, seconded by Vice President Truntz, to approve the Payment of Bills – Warrant No. 2020-11. The motion was unanimously approved.

TREASURER’S REPORT:

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the Treasurer’s Report for November 2020. The motion was unanimously approved.

PUBLIC SAFETY REPORTS:

Police Department

Activity Report for November 2020

Chief Visconti provided a summary of the monthly statistics for November. There were 11 Part I crimes, 16 Part II crimes, 353 calls for service, 25 cases, 8 arrestees, 1 DUI arrest, 31 traffic citations, 2 non-traffic citations, and 16 warnings. There were 6 accidents, 7,218 patrol miles driven, and 937 foot patrol minutes.

Civil Service Commission update

The Civil Service Commission met on December 15. One of the items on their agenda was to certify the list of candidates for police officer. Three candidates were passed on to the certified list. Interviews for the candidates are scheduled for Sunday, December 20 beginning at 6:30 P.M.

Quotes for security cameras

Chief Visconti reported that he had submitted to the Board for review the final proposal for the security cameras. Also submitted was a quote for the intercom system for the Police Department, including a camera to be used by the department's Administrative Assistant. He referenced the quote for the security cameras, which includes a detailed list and locations on a map. Eight cameras are included in the quote, with the idea of the two existing cameras being relocated to an appropriate location. Commissioner DeHart asked if this is the same proposal which was submitted previously. Chief Visconti explained that additional cameras were added to include the rear of the public works building. Commissioner DeHart asked about the cameras inside the Police Department. Chief Visconti explained the two cameras currently inside the Police Department are going to be allocated for exterior coverage. Commissioner DeHart stated that he had previously suggested adding two more cameras to the quote and leaving the present ones in place. He had also suggested looking into a second intercom system for the front door of the municipal building. Ms. McBride recalled the conversation, and apologized for not looking into this. Chief Visconti stated the intercom system for the front door of the building would probably be identical to the one for the Police Department entrance. The quote for that was \$1,579.

Commissioner DeHart added that he is not sure how the other Board members feel, but maintains his opinion that the two cameras inside the Police Department should remain there, and that an intercom system should also be included for the front entrance of the municipal building. He suggested all this be done at one time rather than taking a piecemeal approach. Vice President Truntz agreed with Commissioner DeHart's recommendation to leave the security cameras in the interior of the Police Department. Chief Visconti agreed to contact the vendor to obtain updated quotes to include the two additional cameras (purchasing ten instead of eight) and the additional intercom system. He anticipated this can be obtained in time for the January workshop meeting. Ms. McBride stated she will work with Chief Visconti on this item. Commissioner DeHart reminded them that the intercom system for the front door will need to have multiple module locations in order to buzz-in the public when the staff out front are away from their desks or out of the office. Solicitor Henninger added that it important to be cognizant of the bidding limits of \$11,300. As of January 1, 2021, the limit will be raised to \$11,500. Commissioner DeHart noted he believes these are Costars bids. Solicitor Henninger agreed that

if they are Costars quotes, this would not apply. Commissioner DeHart suggested the vendor add the statement that the quote is a Costars' quote.

Ms. McBride asked Chief Visconti for clarification regarding the Civil Service list. She stated there are three or four on the list. If the Board decides to hire one, does it have to be the top one? Chief Visconti explained that after conversations with Attorney Mike Miller, it is his understanding that if any of the three top candidates on the list have military preference points, that individual would have to be hired. In response to a question from President Wilt, Chief Visconti explained that if something would come up in this candidate's background investigation that would make him/her inappropriate to hire or ineligible for some reason, that would be a disqualification.

Fire Department

Ms. McBride reported that Fire Chief Weikle had provided a monthly activity report. During November, there were 40 total calls, and 26 responders with an average of 7 personnel per response. Time in service was 15 hours, 22 minutes. There were 6 fire incidents, 1 overpressure rupture/explosion/overheat – no fire, 1 Rescue and EMS incident, 1 hazardous condition incident, 4 service calls, 11 good intent calls, and 16 false alarms. Mutual aid was provided to Conoy Twp. (1), East Hanover Twp. (1), Highspire Borough (3), Middle Paxton Twp. (1), Middletown Borough (4), PA Turnpike (1), Steelton Borough (1), and Swatara Twp. (2).

Commissioner Paul reminded the Board of his suggestion at a previous meeting for the need to take a look at the increasing number of false alarms. Chief Weikle had recommended the Board look at the fines associated with these. In response to a question from Commissioner DeHart, Solicitor Henninger confirmed that the Township does have penalty provisions in its codes. Commissioner DeHart suggested it might be good for the Fire Chief to give reports to the Code Department when these occur. Ms. McBride added that she and Mr. Fure have had conversations about this, and he is aware there is an issue. Commissioner DeHart stated it is important that the Fire Department do follow-up on these false alarms to determine what type of false alarm occurred. He added that the Fire Department is required to follow-up with a report to the Codes Department; otherwise, nothing can be enforced. Commissioner Paul added this might be something that can be discussed with the consultant hired to look at the Fire Department's operations. Solicitor Henninger also suggested the Board look at the fine

schedule, since the current fines for false alarms are quite low. Vice President Truntz agreed that paying the fines may actually be cheaper for the business than fixing the problem.

Commissioner DeHart added that he knows the Police Department has pursued penalties for false alarms in the past. He stressed that having a documented paper trail of these false alarms is essential. Solicitor Henninger suggested that the Fire Department let the Board know if there are any significant issues with a particular business or commercial operation. He also suggested the Board look into revising the penalty schedule, especially as it pertains to repeat offenders.

ENGINEER'S REPORT:

Shawn Fabian, HRG, referenced his monthly report, and noted most of his updates are actually agenda items. He did report that the wetland delineations were completed onsite at the area for the boating facility, and the good news is that the wetlands found are not within the project footprint.

SOLICITOR'S REPORT:

Solicitor Henninger reported that the Board's next agenda will include action on a proposed tenant's agreement with the Lower Swatara Fire Department. This is in regards to the sub-lease agreements with Penn State Milton Hershey Medical Center and with the Lottery Commission. In accordance with the lease/purchase agreement with the Fire Department, any subleases or any other uses of the property need to be by written agreement. Although these were verbally acknowledged, they need to be put in writing. Solicitor Henninger explained he does have a consent agreement prepared, but was unable to forward it to the Board due to problems with the Township's email.

MANAGER'S REPORT:

Ms. McBride reported that in this year's budget – the 2020 budget --- was the movement of \$350,000 from the General Fund to the Recreation Fund. This was done last week, but formal approval is being sought. Ms. McBride also suggested that going into the future, efforts be made to move money into the Recreation Fund when available. A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve the moving of \$350,000 from the General Fund to the Recreation Fund. The motion was unanimously approved. Commissioner Paul

added that he feels if the Real Estate Transfer Taxes are excessive in a year, that fund can be used to transfer money from. He stated the Township will need money in the Recreation Fund to develop the Shireman Park.

Ms. McBride thanked the Board for approving Covid testing for the employees. About 2/3 of the tests results have come back to her.

Ms. McBride announced that two executive sessions were recently held. One was held on December 8 for personnel reasons, and one was held on December 14 for legal reasons.

Future Meeting Dates:

President Wilt read aloud the list of future meeting dates:

December 17	7 PM	Planning Commission Mtg. – CANCELLED
December 21	7 PM	Municipal Authority Mtg.
December 24		Christmas Eve – Twp. Offices closed
December 25		Christmas Day – Twp. Offices closed
January 1		New Year's Day – Twp. Offices closed
January 6	7 PM	Board of Commissioners' Workshop Mtg.

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul expressed his hopes that everyone has a safe holiday.

Budget and Finance Committee: Commissioner Davies stated that the budget ordinance and the tax ordinance, which contains no tax increase, will appear later on tonight's agenda.

Public Works Committee: Vice President Truntz reported that the Public Works crew has been busy plowing snow.

Community Development: Commissioner DeHart reported that MARA has been unable to meet due to Covid, but hopes to meet in the near future to discuss the hiring of a new director. He also reported that he and Vice President Truntz will be engaging with the consultant for the Fire Department study, probably in January. He thanked the Board for approving this expenditure.

Personnel Committee: President Wilt reported that as mentioned earlier, the Board will be interviewing for the police officer position on December 20.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 593 – budget

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve Ordinance No. 593, which approves specific sums to be estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during fiscal year 2021. Commissioner Davies added that the 2021 budget is a balanced budget with \$7,143,143 budgeted for revenues and expenses. The 2021 budget does include \$916,848 of unassigned fund balance from prior years. For comparison, the 2020 budget was also a balanced budget with \$7,729,631 budgeted for revenues and expenses. The 2020 budget included \$320,327 of excess fund balance from 2019. As of the end of November this year, revenues have exceeded the budget while expenditures are less than what was budgeted. The November 30, 2020 net revenues over expenditures is \$1,631,823. A roll call vote was taken with the following tabulation: Commissioner DeHart – aye, Commissioner Paul – aye, Commissioner Davies – aye, Vice President Truntz – aye, President Wilt – aye. Ordinance No. 593 was approved by a 5 – 0 margin.

Ordinance No. 594 – tax rates

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve Ordinance No. 594, which fixes applicable tax rates for the year 2021. A roll call vote was taken with the following tabulation: Commissioner DeHart – aye, Commissioner Paul – aye, Commissioner Davies – aye, Vice President Truntz – aye, President Wilt – aye. Ordinance No. 594 was approved by a 5 – 0 margin.

Change Order No. 2 to the Spring Garden Drive Replacement Project

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve Change Order No. 2 to the Spring Garden Drive Replacement Project, in the amount of \$9,243.25 to H&K Group, Inc. for the additional work associated with the manhole installation in the intersection with Lumber Street. The motion was unanimously approved.

Application for Payment No. 2 for the Spring Garden Drive Replacement Project

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve Application for Payment No. 2, in the amount of \$111,597.31, to H&K Group, Inc. for

the Spring Garden Drive Pipe Replacement Project, contingent upon approval of Change Order No. 2 by the Lower Swatara Township Municipal Authority. The motion was unanimously approved.

HRG Retainer Agreement for BMP-5 Field Evaluation

Mr. Fabian presented a retainer agreement with HRG in the amount of \$16,250 for the scope of work associated with the MEII Grant for BMP-6 Field Evaluation – P00257.0476, contingent on approval by PADEP to divert the remaining grant funds to fully cover this additional work. He explained this pertains to work that will be undertaken with the leftover funds from the original MEII Grant, and will be contingent upon DEP approval of the movement of the funds. Ms. McBride added that the Township is unsure when this approval may come, but would like to be in a position to move when/if approval is received. Commissioner DeHart asked if this retainer agreement is for HRG to do more planning. Mr. Fabian agreed that this is all field evaluation. Commissioner DeHart asked if this project will cost more down the pike. Mr. Fabian explained the rest of the project is currently budgeted with the overall PRP project for the pollutant reduction plans. Additional grant funding is being sought to fund some of these stream restoration projects but they are built into the budget for the stormwater fee for the pollution reduction plan requirements of the MS4 permit. Commissioner DeHart noted that it will be important to keep the appropriate costs associated with MS4 separate and in the MS4 budget. Mr. Fabian agreed that it will get messy at times as far as coordination with the Municipal Authority, but he and Caleb Krauter of HRG will continue to work together on this. In response to a question from Commissioner DeHart, Mr. Fabian explained this particular project will not require Municipal Authority approval, as it was all executed by the Township prior to the transfer. The grant is in the name of the Township. However, Authority approval will be needed for future ones.

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the retainer agreement with HRG in the amount of \$16,250 for the scope of work associated with the MEII Grant for BMP-6 Field Evaluation – P00257.0476, contingent on approval by PADEP to divert the remaining grant funds to fully cover this additional work. The motion was unanimously approved.

Resolution No. 2020-R-19 closing out Community Conservation Partnership Grant Project

A motion was made by Commissioner DeHart, seconded by President Wilt, to approve Resolution No. 2020-R-19 closing out Community Conservation Partnership Grant Project BRC-TAG-24-215 (Township Comprehensive Recreation, Park and Open Space Plan). The motion was unanimously approved.

Improvement Guarantee Reduction #2 for Penn State Harrisburg Soccer Field

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve Improvement Guarantee Reduction #2 for Penn State Harrisburg Soccer Competition and Practice Field SWMP (2019-01) in the amount of \$119,154, leaving a balance of 0 and closing out the project. The motion was unanimously approved

Commission and Committee Appointments

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the following list of appointments:

Ryan Lesko -- unexpired term (12/31/21) on the Police Pension Advisory Board
James Kazakavage – 3-year term on the Community Policing Advisory Committee
Darlene Stoudt – 3-year term on the Community Policing Advisory Committee
Dennis Fausey – 4-year term on the Planning Commission
Virginia Noll – 5-year term on the Recreation Board
Carl Dupes – 5-year term on the Recreation Board
Scott Spangler – 5-year term on the Municipal Authority

Commissioner DeHart asked if these candidates were contacted to see if they wished to be reappointed. Ms. Arroyo confirmed that they were. The motion was unanimously approved. President Wilt noted the two potential candidates to serve as Alternates on the Civil Service Commission need to be verified; action on these can be taken at the January workshop meeting.

Resolution No. 2020-R-20 appointing Zoning Hearing Board member

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Resolution No. 2020-R-20 appointing Stephen Artman to a five-year term on the Zoning Hearing Board. The motion was unanimously approved.

Any other New Business:

Commissioner Paul observed that while driving down the Rosedale Manor area where the sewer and drainage work is being done, he noticed the inlet tops for those have the vertical curb on the tops in areas where there is slanted curbing. He asked if this was intentional and how the transition will be made from the slanted curbing to the vertical curbing at the inlet top.

Mr. Fabian explained that there is a substantial amount of curbing replacement that will go with that vertical curbing, and there will also be tapering done.

FINAL COMMENTS:

Commissioner Paul again expressed hopes that everyone stays safe.

Commissioner Davies agreed that he hopes everyone stays safe and that there is some improvement in the public health realm in 2021. He thanked the Board and staff for their cooperation in the 2021 budget process, and anticipated that the Township should be in a good position for next year.

Commissioner DeHart stated 2020 was a tough year. He expressed appreciation to his fellow Commissioners for their work this year and expressed hopes that next year will be an easier one. He wished everyone a Merry Christmas and Happy New Year.

Vice President Truntz agreed with the previous comments, and expressed thanks to Ms. McBride and staff for stepping up to the challenges this year. Everyone did a good job in making 2020 the best it could be for the residents. Hopefully 2021 will be a better year. Vice President Truntz wished everyone a Merry Christmas and Happy New Year and stated that he looks forward to serving with everyone next year.

President Wilt agreed that it has been a very unusual year. He thanked the staff for all its hard work, and wished everyone a Merry Christmas and Happy New Year.

ADJOURN:

Hearing no other comments, a motion was made by Commissioner Davies, seconded by Commissioner DeHart, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:05 P.M.

ATTEST:

Jean R. Arroyo, Secretary