

MINUTES
LEGISLATIVE MEETING – DECEMBER 18, 2019

The December 18, 2019 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 by President Jon G. Wilt.

The following officials were in attendance:

- 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
- Ann Hursh, Planning & Zoning Coordinator
- Jeff Vargo, Chief of Police
- Shawn Fabian, HRG

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:

Jim Rodgers, 181 Highland Street, addressed the bridge closure on Highland Street; the bridge has been closed since March 3, 2016. He provided the Commissioners with a handout of the timetable of events occurring since his last visit before this Board. Mr. Rodgers explained that he had asked the Township about negotiating a construction easement for this bridge, and was contacted about signing a permanent construction easement for the ground necessary to do the construction. He added that he is desperately looking forward to this work being completed. On August 5, the Township rejected his initial counteroffer to sign the easement for either certain services performed, such as replacing the mailbox which has been wiped out several times, tree removal, landscaping, etc., and/or an equivalent value. No counterproposal was offered. On August 19, an agreement was reached with the Township Solicitor, in principle, on the details of the easement. The amount of just compensation was not agreed to at that time. On September 7, he reported a homeless person camping adjacent to his property in the road closure area on

Highland Street. The Lower Swatara and Swatara police departments both responded, and handled the matter with professionalism and compassion. On September 12, he contacted one of the other neighboring properties to ask them to sign an easement for this project so it could move forward. On October 30, in order to avoid condemnation proceedings, he emailed Solicitor Henninger that he would be willing to sign an easement agreement indicating he would be compensated in-kind to the other properties that were being served with condemnation proceedings, as determined at the hearing. On November 20, he reported unauthorized access to his property to perform a construction stake-out survey of the proposed easement. Mr. Rodgers stated that he was never contacted by the contractor or the Township in advance of this unauthorized access; he did not grant access permission. This was the second occurrence of unauthorized access. On November 26, he contacted the Township to report a large excavator mobilized to the Highland Street location. The Township agreed to look into it, but he received no response regarding this equipment. On December 5, he contacted the Township about the damaged road closure sign on Highland Street and the Township promptly addressed this the same day. On December 10 and 11, construction materials – sandbags, concrete forms, staking, etc. -- were deposited on his property beyond the legal right of way and also outside of the proposed construction easement and clearly between two visible “No Trespassing” signs. These items were removed on December 12 and relocated to the closed area of Highland Street. On December 12, he contacted the Township with an offer to sign an easement agreement with acceptable terms and compensation and was told he would have a reply to his offer by December 16. Mr. Rodgers stated that he has received no reply or communication from the Township. He observed that it appears work on the bridge is about to proceed, but there is still no easement in place.

Mr. Rodgers stated that while he does not want to delay this project, it is necessary that the Township operate under the law. He noted that he has a constitutional right to just compensation and has been clear with the Township that permission has not yet been granted to access his property. Mr. Rodgers stated that he does not fault the contractor as much as feels there is a problem with communication. He added that from his professional experience, he feels it is irregular to wait until a project is bid and awarded to then begin right of way negotiation. Mr. Rodgers stated he has done his best to support and work with the Township on this effort for four years, while enduring inconvenience and criminal activity. Again, no offer has been

received from the Township greater than one dollar. The Township has taken the other affected properties to condemnation proceedings, which he took steps to avoid in hopes of speeding the process and also saving the Township and its citizens' money. He noted these proceedings will result in a figure greater than one dollar, along with the additional time and expense by both parties. He asked the Board how it feels he should proceed in this matter.

Vice President Truntz asked why the contractor was on the property. Solicitor Henninger stated he cannot answer that; even with the condemnations, there is a 30-day waiting period before they can access the property. Ms. McBride referenced correspondence from the contractor to HRG apologizing for this error. Vice President Truntz also asked if there is a fair market value appraisal of the parcel. Solicitor Henninger stated there is not, and the other properties have failed to communicate despite repeated contacts. He agreed that these will need to be done at some point, but the Township was hopeful the condemnation notices would spur cooperation since this bridge replacement will benefit these property owners as opposed to having a permanent dead-end there. Vice President Truntz stated his opinion is either determine a fair market value or determine what is being paid to everyone else and pay Mr. Rodgers in-kind. Mr. Rodgers agreed this is his goal too. Solicitor Henninger referenced the statement made by Mr. Rodgers about the contract being awarded before easement negotiations and stated this is not entirely true. This process was started back in the summertime with all the parties. The opinion of the Township is that the bridge replacement is a benefit to these properties that outweighs the value of the slivers of land that are being acquired. Mr. Rodgers also pointed out his understanding that residents are entitled to certain reimbursement of expenses in a condemnation proceeding, statutorily up to \$4,000. Solicitor Henninger confirmed that is correct. Vice President Truntz observed an email stating payment of \$2500 will get this resolved. Mr. Rodgers agreed this was the offer made last Friday, and he has the paperwork here tonight for signature. Ms. McBride asked if the offer is strictly a \$2,500 compensation. Mr. Rodgers explained there are also a number of stipulations that were agreed to in principle back in September. These involved communication, schedules, etc. This is all in the existing draft. Solicitor Henninger noted the Board will need an opportunity to discuss this first.

Beth Malpass, 2047 Market St. Ext., wished everyone a Merry Christmas, and reported that she is in the process of working with an engineer to look at the foundation of her home. Hopefully at the next meeting she will have a ballpark estimate of what it will cost to repair her home.

APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the Minutes of the December 4, 2019 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the payment of bills as presented on Warrant No. 2019-11. The motion was unanimously approved.

APPROVAL OF TREASURER'S REPORT:

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve the Treasurer's Report for November 2019. The motion was unanimously approved.

PUBLIC SAFETY REPORTS:

Police Department

Chief Vargo provided the summary of statistics for the Police Department for the month of November. There were 503 calls for service, which included 24 cases investigated. There were 13 criminal arrests, which included 2 DUI arrests, 69 traffic citations issued, 6 non-traffic citations, and 69 written warnings. There were 20 accidents investigated. The Township's motor carrier enforcement officer conducted a total of 10 motor carrier enforcement details; 12 of these were Level III inspections. The officer also issued 3 citations and 9 warnings for various violations.

Chief Vargo added he is happy to report that Officer Shea was able to return to full duty on Friday. Today, at the Dauphin County Commissioners' Meeting, Officer Shea was presented the Craig Webb Memorial Award for police service. Of note, former police chief

Richard Malwitz received this award back in 2005. Commissioner DeHart added that Craig Webb ran with the Lower Swatara Fire Department and EMS, and was a very fine person.

Fire Department

Fire Chief John Weikle provided statistics for the month. There were 44 calls in November, bringing the total for the year to 509. There were 34 responders, with the average personnel per response at 8. There were 5 fire incidents, 7 Rescue and EMS incidents, 5 hazardous condition incidents, 18 good intent calls and 9 false alarms. Mutual aid calls were provided to HIA, Highspire, Londonderry, Middletown, South Hanover, Steelton and Swatara.

As requested by the Police Department, the Fire Department assisted with the visit to the area by President Trump and Vice President Pence.

Chief Weikle thanked the Board for allowing the Fire Department to use the buildings on Bradford Avenue for its state certified structural burn classes. These have provided invaluable experience for the members, and also education for the residents who have been watching and asking questions.

The Fire Department had a special meeting last night in regards to it computers, and the fact that they are all running on Windows 7. Some of the programs may not operate correctly if not upgraded. Costars was contacted, and a very attractive price was received from one vendor, with two other vendors also working on quotes. The Fire Department had budgeted about \$14,000 for this, and Dell came through with a quote of about \$6,300.

Chief Weikle reported that building improvements done over the past year include sealing and crack sealing of the entire parking lot. The social hall and entryway is being painted, and should be completed in early January.

ENGINEER'S REPORT

Shawn Fabian, HRG, referenced his report and provided project updates. The permits for the Bradford Avenue Residential Home Demolition are still in review with DEP, and should be received this week. A tentative bid schedule has been prepared in anticipation of their receipt.

Bid documents for the Greenfield Park Basin Retrofit and Riparian Buffer project were uploaded to PennBid, and a few general contractual questions were received and responded to. Bid opening is January 6, 2020.

The first approval for payment for the Rosedale Manor Stormwater project was received from Doli Construction. This is under review by HRG, and should be ready for the Board's approval at the January legislative meeting.

The permit for the Spring Garden Drive Arch Culvert Replacement is in technical review and should be completed between now and April of 2020.

An update was provided on the DCNR C2P2 Planning Grant – Township Comprehensive Recreation, Park and Open Space Plan. Two more meetings took place as part of this grant, and work is now being done to pull together all the final reporting.

Tonight's agenda includes a resolution pertinent to a PADEP Growing Greener Plus Application. This grant application is due December 20, 2019. The agenda also includes a resolution pertinent to the PFBC Boating Facility Grant Application. Mr. Fabian added that he does have a copy of the complete plans for this grant if anyone would like to see them in more detail.

Commissioner DeHart noted that several years ago, the roadways were televised for the roadway maintenance plan. This was about the same time the pipeline work was coming through. He asked if the pipeline work is complete, and noted his concern is that they repair all the damages they did. Ms. Hursh reported that staff actually met this morning with two representatives from the pipeline. Work is basically shut down right now. At the meeting, there was a review of their street cut permits and bonding. They will need approval again from DEP sometime after April; they do have to come back to do a section on Whitehouse Lane. In response to a question from Ms. Hursh, Commissioner DeHart noted his areas of concern include North Union Street, Route 441, Stoner Drive, and Rosedale. Ms. Hursh added there is an agreement with the pipeline for this restoration work.

Ms. Malpass stated she forgot to ask Mr. Fabian about the new fire hydrant which showed up at the base of her property. There is already one across the street. She asked if there is a date that these will be switched or will both remain in service. Mr. Fabian explained he will have to reach out to Suez, since this is their project. Ms. Malpass stated she will be glad to contact them and ask.

SOLICITOR'S REPORT:

Solicitor Henninger requested an executive session immediately upon conclusion of this evening's meeting in order to discuss a real estate matter and a personnel matter.

MANAGER'S REPORT:

MS4 update

Ms. McBride provided an update on MS4. A joint meeting was held last month, and both the Board of Commissioners and Municipal Authority seemed to be zeroing in on a \$7.00 per ERU fee. Staff has been in contact with PennVest to make the transfer. Once the transfer is complete, things can start moving ahead. Nothing can be done prior to this. Ms. McBride added she was hoping to hear back this week

Future Meetings/Events:

President Wilt reviewed the list of future meetings and events:

Future Meetings/Events:

December 19	7 PM	Planning Commission Mtg.
December 24 & 25		Christmas Holidays – Twp. Offices closed
January 1		New Year's Day Holiday – Twp. Offices closed
January 6	6 PM	Board of Commissioners Reorganization Mtg. followed by Workshop Mtg.
January 14	7 AM – 8PM	Special Election for 48 th Senatorial District
January 22	7 PM	Zoning Hearing Board
January 23	7 PM	Planning Commission Mtg.
January 27	7 PM	Municipal Authority Mtg.
January 30	7 PM	Public Meeting on Rec. Board Findings

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul – no report

Budget and Finance Committee: Commissioner Davies reported that tonight's agenda includes action on the 2020 budget ordinance and the 2020 tax rate ordinance, as well as some 2019 budgetary adjustments.

Public Works Committee: Vice President Truntz reported that this is the last week of leaf collection, since these trucks will need to be converted over for snow removal. He added that Public Works has informed him they will be making use of the new website to keep residents updated on projects, such as leaf collection.

Community Development: Commissioner DeHart -- no report

Personnel Committee: President Wilt – no report

UNFINISHED BUSINESS: None

NEW BUSINESS:

Final Lot Consolidated & Land Development Plan for Campus Heights III

Ms. Hursh addressed the first item under New Business, approval of the Final Lot Consolidation and Land Development Plan for Campus Heights III, PC #2018-01 showing the location of Building 20 after the Zoning Hearing Board granted Variance V2019-03. The plan was submitted by C2C Design Group for Campus Heights Associates III, L.P. She explained they had gone before the Zoning Hearing Board for a variance when the triangular pieces of property could not be added to the Campus Heights III project due to issues with the bank. The variance was granted to allow Building #20 to be one foot from the new property line. The actual location of the building has not changed; only the property line has changed for the time being with the triangular pieces not to be added. This revision is so that the plan can be re-recorded showing the new property line and the building location.

Ambrose Heinz, Stevens and Lee, explained this original location is actually a better plan. In response to a question from Vice President Truntz, Attorney Heinz confirmed that these triangular pieces are owned by Campus Heights and will still be a part of the other tract – the Campus Heights II project. Ultimately, once all of these buildings are built and developments go up, the idea is to refinance all three of these projects. At that time, it is likely the developer will come in and put these pieces back as part of this tract. This would be a minor subdivision adjustment on a plan. Solicitor Henninger asked if there was anyone there who had objected to the variance. Attorney Heinz responded there was not.

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve the Final Lot Consolidation and Land Development Plan for Campus Heights III, PC #2018-01 showing the location of Building 20 after the Zoning Hearing Board granted Variance V2019-03. The motion was unanimously approved.

Application for Highway Occupancy Permit for Wilsbach Distributors

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve the signing of two (2) Applicant's Authorization for Agent to apply for a Highway Occupancy Permit (HOP) for Wilsbach Distributors PC #2019-02. The forms identify Lower Swatara Township as the applicant and authorize Evans Engineering, Inc. to submit a HOP request on the Township's behalf. The two forms are for the (1) Longview Drive widening and the (2) Drainage Improvements along Oberlin Road. The motion was unanimously approved.

Resolutions re: grants

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve Resolution No. 2019-R-13, authorizing the filing of a Growing Greener Plus Grant, committing to a 25% match towards the cost of the project, and authorizing M. Elizabeth McBride, Township Manager to execute all documents and agreements relative to the grant. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Resolution No. 2019-R-14, authorizing the filing of a Pennsylvania Fish and Boat Commission (PFBC) Boating Facility Grant, committing to a 50% match towards the cost of the project, and authorizing M. Elizabeth McBride, Township Manager to execute all documents and agreements relative to the grant. The motion was unanimously approved.

Budgetary adjustments

Commissioner Davies read aloud a list of budgetary adjustments to accommodate purchasing two police vehicles with remaining 2019 funds and to cover under budgeted expenditures for leaf collection salary and park upgrades at Old Reliance and Shope Gardens. These adjustments do not change the approved revenue and expense totals.

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|--|-------------|
| • 01.409.740 Major Equipment & Machinery | (\$60,000) |
| 01.410.740 Major Equipment & Machinery | \$60,000 |
| 01.432.740 Equipment Major | (\$28,236) |
| 01.410.740 Major Equipment & Machinery | \$28,236 |
| • 01.431.141 Salary, Leaf Collection | \$18,000 |
| 01.432.740 Equipment Major | (\$18,000) |
| • 01.454.500 Special Projects | \$113,680 |
| • 01.432.740 Equipment Major | (\$113,680) |

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the list of 2019 year end budgetary adjustments. The motion was unanimously approved.

Budget Ordinances

A motion was made by Commissioner Davies to approve Ordinance No. 589, which appropriates specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during fiscal year 2020. Commissioner Davies reported that the Total Estimated Operating Receipts Available for Appropriations is reflected at \$7,409,304 and Total Appropriations from the General Fund is \$7,729,631. Commissioner Paul seconded the motion, but requested that the record reflect that the 2020 budget includes a roll forward of excess fund balance from 2019 of \$320,327. 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. 589 was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve Ordinance No. 590, which fixes applicable tax rates for the year 2020. Commissioner Davies noted that there will no change from the 2019 rates. 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. 590 was unanimously approved.

Sale of 2004 Chevy Tahoe

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to accept the high bid submitted by Joshua Fitting in the amount of \$4,100.00 for the sale of a 2004 Chevy Tahoe. The motion was unanimously approved.

GOOD AND WELFARE:

Commissioner DeHart thanked everyone for coming out tonight, and wished them a Merry Christmas and Happy New Year.

Commissioner Davies offered his best wishes for the New Year and also congratulated the Police Department for a job well done on its recent commendations.

Commissioner Paul also wished everyone happy holidays. He thanked the entire staff, Public Works Department and Police Department for a doing a good job and anticipated it will continue and hopefully get even better.

Vice President Truntz also thanked all staff and employees for a good, productive year in the Township. He again congratulated Tim Shea on his receipt of the Craig Webb Memorial Award, and added that Josh Malott was also an integral part of the situation. Vice President Truntz also wished everyone a Merry Christmas.

President Wilt also thanked all the Township departments and wished everyone a very Merry Christmas and Happy New Year.

ADJOURN:

Hearing no other comments, a motion was made by Vice President Truntz, seconded by Commissioner DeHart, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 7:52 P.M.

ATTEST:



Jean R. Arroyo
Township Secretary

PLEASE PRINT NAME CLEARLY
DECEMBER 18, 2019 LEGISLATIVE MTG. – 7 PM

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