

## MINUTES

### NON-LEGISLATIVE MEETING – DECEMBER 2, 2020

The December 2, 2020 Non-Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:18 P.M. by President Jon G. Wilt.

The following officials were in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner (via Zoom)
- Betsy McBride, Township Manager
- Jean R. Arroyo, Township Secretary (via Zoom)
- Peter R. Henninger, Solicitor (via Zoom)
- Shawn Fabian, HRG (via Zoom)
- Ann Hursh, Planning and Zoning Coordinator (via Zoom)
- Lester Lanman, Public Works Director (via Zoom)
- Don Fure, Director of Codes and Planning (via Zoom)
- Robert Furlong, EMA Director

Residents and visitors in attendance: Dale Messick

Residents and visitors participating through Zoom (names as they appeared on screen):  
Brian Szeles, Don Walker, Nick

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

#### PUBLIC COMMENTS:

Ms. Hursh introduced Brian Szeles, who is here to discuss the proposed retirement community on Fulling Mill Road, also known as The Ponds. Mr. Szeles explained that he would like to present an alternative use for that land in order to make it commercially viable and to move it forward in a timely fashion. This project is currently approved as a 55+ community but is pretty much stalled right now. The thought is to make it a regular community, perhaps with apartments and townhouses. There is the need for quality homes that are leased or provide an option to own in the future. Mr. Szeles showed a sketch plan of what is being looked at,

realizing that it would involve going through the land development and rezoning process. A lot of the roads would be proposed to be redone to Township specifications and then dedicated to the Township. The ponds would be redone so that they do hold water and be a part of the neighborhood and useable to the community. Instead of the single story, 55+ homes originally planned for the inside of the road, there would now be townhomes. These would not be done in a straight line, but would be placed in a manner to make them very aesthetically pleasing to the neighborhood. Apartment buildings would then be installed on the outside rather than the townhouse clusters originally planned.

Commissioner DeHart asked if the apartments will be single story or multi-story, and how many apartments there will be per building. Mr. Szeles responded the goal is to have multi-story apartments, with twenty per cluster. Commissioner DeHart asked how many are considered a cluster. Mr. Szeles explained the idea is to have two buildings, ten units per building.

Commissioner Davies asked if this is the appropriate venue for this presentation. President Wilt noted that the original plan was developed around the concept of a 55+ community. There would be a lot to consider if revisions are requested. Commissioner Paul recalled that the current project evolved around a special exception and a zoning amendment for that particular type of project. The existing ordinance that is in place speaks to this original design, so that would probably have to be looked at and amended. Solicitor Henninger added he did have a chance to look at this late this afternoon. This entire tract is zoned Commercial-Neighborhood and has been zoned that way. This particular project was proposed to keep the commercial zoning in the front and change the zoning in the back to Multi-Family. There was great opposition to this from residents, particularly the Twelve Oaks community. The compromise that came out of the process was a special exception to allow a 55+ community, requiring 80% of the units to be 55+. For this to become a multi-family community, there would need to be a rezoning of the tract to Residential-Multi Family or a text amendment for a special exception to allow a multi-family use in the Commercial-Neighborhood District. Solicitor Henninger added that it would also need to be determined if this is consistent with the Comprehensive Plan. He agreed there would be significant zoning changes to allow the tract to be developed in this manner. Solicitor Henninger responded to Commissioner Davies' question about the appropriate forum to discuss this. He explained the owner most likely wanted to get



the Board's feedback and appetite for this concept before spending a lot of money pursuing the change.

President Wilt stated he feels the prior approval would never have been given if things such as the age restriction and type of building were not in place. Vice President Truntz agreed that he received many comments during that time expressing concern about this development, and anticipated there will be more pushback if this is proposed to change. Solicitor Henninger added that the compromise of the 55+ community included the idea of there being less traffic and less burden on the school district. Commissioner DeHart stated that he was on the Planning Commission when this was originally approved. The neighbors did not like multi-family. However, there is an issue that the plan does not seem to be moving forward. The other owner did come back in about five to eight years into the project to try to get it rezoned due to problems with the financing. Commissioner DeHart stated there is an approved development just sitting there. He added that he is not in favor of apartments there, and suggested the possibility of the owner going back to the drawing board to come up with a different idea.

The Board thanked Mr. Szeles for the presentation.

#### APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Minutes of the November 18, 2020 Legislative Meeting. The motion was unanimously approved.

#### DEPARTMENT REPORTS:

##### Emergency Management Agency

Robert Furlong, EMA Coordinator, called the Board's attention to a proposed resolution that would adopt the Dauphin County Emergency Operations Plan as the Emergency Operations Plan for Lower Swatara Township. Every two years, the Township must reapprove this plan. He recommended approval. A motion was made by Commissioner Paul, seconded by Vice President Truntz, to approve Resolution No. 2020-R-17, adopting the Dauphin County Emergency Operations Plan as the Emergency Operations Plan for Lower Swatara Township. The motion was unanimously approved. Vice President Truntz recognized Mr. Furlong for all the time and effort he devoted to the Township this year due to Covid.

Vice President Truntz added there has been some dialogue back and forth with Bill Leonard of the Fire Department pertinent to LifeLion's use of the Fire Department facilities. Apparently LifeLion has a sublease with the Fire Department, which is prohibited under the lease with the Township. What is probably needed is a consent from the Township acknowledging the sublease arrangement. Solicitor Henninger stated he would have to review the lease. Vice President Truntz asked that Solicitor Henninger discuss this with Mr. Leonard. Vice President Truntz added there has also been some discussion with the Fire Department about the value of the facility, or a portion thereof, that the EMS uses. The Fire Department feels that there is a rental value to that which they are not getting. This will need to be addressed at some point, perhaps during the review process by the consultant. Vice President Truntz explained that the arrangement with the EMS includes the requirement that the Township house the ambulance. The Fire Department would basically send a bill to the EMS, and the Township would have to pay that.

#### Planning & Zoning/Codes Department

Ms. Hursh referenced her written report and provided updates. Two new permits were completed for new homes in Buddy's Run. The building plans for Wilsbach Distribution came in the other day. Mr. Fure is reviewing these, as well as plans for outbuilding for UPS.

The Zoning Hearing Board is scheduled to meet on December 7 to hear a request from AT Properties, LLC & Illuminated Integration, LLC for property located west of the Fire Department on Fulling Mill Road, Middletown. The Planning Commission, at its November 19 meeting, did recommend approval of this Special Exception to the Zoning Hearing Board. At its November meeting, the Planning Commission also reviewed the Final Land Development Plan for 250 Fulling Mill Road. The Planning Commission tabled this plan due to the number of comments. New plans were submitted, so this will go back before the Planning Commission.

The owners of Morgan's Run are working on the deeds to get the streets dedicated to the Township, and hope to have this included on the Board's December 16 agenda.

Commissioner DeHart referenced the AT Properties plan and asked if they had submitted anything to show the location of the entrance. He noted this is a shared driveway. Ms. Hursh stated they are aware of the shared driveway, and have shown it as a connection there. She added that she thinks for now they are showing a driveway out onto Fulling Mill Road. They did not want to go too far into the design until they know if the special exception is approved. Commissioner Paul asked Commissioner DeHart if the expense for this shared driveway was paid for by the Fire



Department. Commissioner DeHart confirmed this is correct, with the understanding that the Fire Department would also maintain it. However, access was given to that other lot so that the driveway can be shared.

#### Public Works Department

Mr. Lanman referenced his written report and provided updates, beginning with the Spring Garden Drive Pipe Replacement project. H&K's culvert work is complete, and the temporary paving and guide rails are installed. The road should be reopened to traffic this evening or first thing tomorrow. Commissioner Paul confirmed that he came by that way this evening, and the road is now open. Mr. Lanman reported that Application for Payment No. 2 was received which includes Change Order No. 1 which was discussed at the last meeting. This will appear on the December 16 agenda for formal approval.

The roof top HVAC unit which serves the boardroom was replaced on November 18, and final installation work was completed yesterday. LED lighting upgrades have been completed in the Codes office and the Municipal Authority office. Due to the leaf collection winding down, truck 403 will be pulled out of service next week so the necessary repairs can be performed by Mr. Mason. One truck will be used for the remainder of the leaf collection. Doli, the contractor for the Rosedale Drainage Project, has started work at the south end of Hanover Street.

Commissioner DeHart asked the status of the 500 block of Longview Drive, where residents had expressed concern about accidents as a result of the dangerous curve there. Mr. Lanman responded that HRG's traffic division had looked at it, and their recommendation is to focus on some pavement markings and signage. Signs will cost a couple hundred dollars. Guardrails to just do the south side of Longview would be about \$10,000. Mr. Fabian agreed that installing additional signage is the core recommendation. Commissioner DeHart asked if, during the process for a recommendation, the Police Department was asked for input as far as the number of accidents that occurred in this area during the last ten years or so. Mr. Fabian noted this was not looked into. Commissioner DeHart stated that he can personally confirm that there have been a lot of crashes into the field over the last thirty year. He suggested it might be wise to do some more investigation with the Police Department to determine the volume of accidents. He stated that while guardrails are expensive, it is important that the right decision be made. Vice President Truntz agreed. Mr. Lanman agreed to pursue this with Chief Visconti and provide the numbers to HRG.

### MANAGER'S REPORT:

Ms. McBride noted that at the last meeting, she had mentioned it was the open enrollment period for health insurance for employees. At that time, President Wilt had asked if employees' spouses and adult children are covered. Her response had been that the non-uniformed contract states that for those employees hired this year, spouses and adult children would not be covered if they have health insurance available to them elsewhere, including Medicare. President Wilt had indicated he thought this pertained to all employees. Ms. McBride explained that she is requesting some direction in the next week or so on how to proceed with this. She provided an example. If there is an employee with minor children, that employee's premium is the same to the Township as if that employee had himself/herself, minor children, and a spouse covered. Removing a spouse does not result in a cost savings when minor children are involved. Ms. McBride stated there are pros and cons, but the decision is up to the Board.

Ms. McBride reported that any leftover funds from Eagle Scout projects must go to the receiving institution. Scout Nathan Russo recently did his armed services memorial project at Memorial Field and had \$1,351.07 left, which has been turned over to the Township and will go into the General Fund. Vice President Truntz expressed hope that this money can be earmarked for something in the spirit of the project – perhaps park improvements. Commissioner DeHart asked if this money can be placed in the Recreation Fund. Ms. McBride agreed that it can probably be moved to the Recreation Fund, and be used to help maintain Memorial Park. President Wilt agreed this would be a good idea, and the Board granted permission for Ms. McBride to direct the funds to the Recreation Fund.

### ENGINEER'S REPORT:

Shawn Fabian, HRG, referenced his written report and provided updates.

Mr. Lanman had previously provide an update on the Rosedale Manor Stormwater project. Mr. Fabian added that the technical review letter was received from Dauphin County Conservation District for the new inlet run on Market Street Extended, so construction for that run is now approved.

Revised plan sets for the updated Township Comprehensive Recreation, Park and Open Space (PROS) Plan had been provided to the Board for review. If the Board is comfortable with



this being the final version, DCNR did request electronic and paper copies ahead of any final acceptance of the plan.

As previously reported, there are leftover funds from the Greenfield Park Basin Retrofit and Riparian Buffer grant. Mr. Fabian reported that he has finalized the scope and fee for the redirecting of funds for BMP-6 fieldwork for the stream restoration near this site. This has been forwarded to DEP for approval.

Mr. Fabian reported that he and Mr. Davis had attended the Middletown Area School District's Board meeting last night to discuss the partnership concept for BMPs 5 and 6 for the stream restorations on site. A lot of the questions and concerns from the School District were addressed, and they will now consider how to proceed with the partnership.

Mr. Fabian reported that he has developed the scope and fee for the engineering component of the PFBC Boating Facility project design. This was provided to Ms. McBride for review.

Commissioner DeHart asked Mr. Fabian if the Board needed to take a look at the PROS Plan and include it on the next agenda. Mr. Fabian explained that the Board will need to accept the plan and pass a resolution certifying that the project was completed in accordance with the grant agreement and all project expenses have been made and are in accordance with the grant.

#### SOLICITOR'S REPORT:

Solicitor Henninger announced that the Board had met in executive session to discuss a personnel matter on the evening of November 23.

Commissioner DeHart referenced an email from one of the state organizations about first-class township recodification rules and regulations. He asked if this had been passed. Solicitor Henninger responded that it was passed. He is awaiting the summary in order to provide the Board with notes of any specific changes that would impact Township operations. He anticipated this can be discussed at the January workshop.

Vice President Truntz asked if there is any update on the mini cell tower ordinance. Solicitor Henninger responded that he had spoken to Attorney Cohen about this and they are working on it now. He also reminded the Board that the December legislative agenda will include a resolution approving the Verizon franchise agreement. Mr. Cohen will be in attendance via Zoom to answer any questions. Solicitor Henninger added that Verizon insisted on only a five year

franchise agreement. Due to the changes in technology, they did not want to be locked into a ten-year agreement. That is the biggest change over the existing franchise agreement.

GOOD AND WELFARE:

Commissioner DeHart reported that MARA's meeting has been pushed back once again due to Covid; hopefully they will be able to meet the first part of the year.

Commissioner Davies urged the Commissioners and staff to review the budget document to make sure everything is as it should be and that all the provisions in it are true and to everyone's satisfaction.

Commissioner Paul suggested that in the early part of next year, the Board be provided an update on how the MS4 project is moving along as far as cooperation with payment of fees.

Vice President Truntz thanked everyone for their participation this evening.

President Wilt requested an executive session immediately upon conclusion of this evening's meeting for personnel reasons.

ADJOURN AND CONVENE 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 8:00 P.M.

ATTEST:

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

Jean R. Arroyo  
Township Secretary