

MINUTES

LEGISLATIVE MEETING – DECEMBER 20, 2023

The December 20, 2023 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
- Zachary Border, Manager
- Jean R. Arroyo, Secretary
- Michael McAuliffe Miller, Solicitor
- Shawn Fabian, HRG
- Richard Snyder, Planning and Zoning Coordinator
- Officer Jordan Thomas

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

Solicitor Miller announced that just prior to this meeting, the Board had met in a short executive session to discuss matters of labor and employment as permitted under the Sunshine Act.

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

PUBLIC COMMENT:

Joe Shumaker, 2702 Fulling Mill Road, stated that he and his wife had applied for a zoning variance for their property, and it is being contested. He explained their intention is to basically build a pole barn in the back part of their property to house their vehicles and other items. Mr. Shumaker remarked that he has heard there were concerns about him starting an auto repair business; this is untrue. He expressed hope that this issue can be resolved so he can move forward with his plans.

Eric McClune, 780 Fulling Mill Road, requested the Board agree to have a letter sent to PennDOT to have a traffic study implemented on Fulling Mill Road. He added that he also

understands that the speed limit sign on Fulling Mill Road can be moved by the Township without PennDOT involvement since it meets the requirement of being 30 MPH or under. Mr. McClune urged the Board to act on both these requests as soon as possible to make Fulling Mill Road safer. Mr. Border stated that with Board authorization, he will be glad to draft the letter. Vice President Truntz commented that he had a conversation with Representative Mehaffie about this issue. Mr. Border added that he had also spoken to Representative Meahffie. Apparently, there is another concern from a constituent regarding the Spring Garden Drive and 283 connector and how it is constructed. The individual is hoping for a red light or traffic circle. Representative Mehaffie suggested the Township could also include this request in the letter to PennDOT, since this is also a state road. All costs would be covered by PennDOT. Mr. Border agreed with Mr. McClune that PennDOT also informed him that the speed limit sign can be moved closer to the intersection. Vice President Truntz suggested leaving the current sign in place and adding the additional sign requested by Mr. McClune.

Brad Erickson, 790 Fulling Mill Road, stated that he supports the traffic study and would ask that the letter to PennDOT include asking for some type of brake assist signage to prevent jake brakes. This is also a very big problem here, and it will only get worse.

Gary Weidner, 770 Fulling Mill Road, stated that truck traffic on Fulling Mill Road has grown immensely. These trucks won't slow down, even with additional signage. He stated that conversations with FedEx have been useless since they claim they do not have any control over the drivers since they are not employed by them. Vice President Truntz suggested it is time for staff, including the Police Chief, to meet again with FedEx to discuss these concerns.

APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the Minutes of the December 6, 2023 Workshop Meeting. The motion was unanimously approved.

TREASURER'S REPORT:

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the Treasurer's Report for November 2023. The motion was unanimously approved.

PAYMENT OF BILLS:

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve the Payment of Bills – Warrant No. 2023-11. The motion was unanimously approved.

PUBLIC SAFETY REPORTS:

Police Department

Activity Report

Officer Thomas presented the summary of the monthly statistics for November. There were 27 Part I crimes, 16 Part II crimes, 610 calls for service, 2 DUI arrests, 108 traffic citations, 3 non-traffic citations, and 143 warnings. There were 21 total vehicle accidents, 6,051 patrol miles driven, 50 foot patrol minutes, and 41 foot patrol minutes on School District property. Co-responder stats included 5 new contacts, 1 repeat contact, and 2 mental health commits.

Fire Department

Chief Phillips presented the Fire Department's monthly statistics. During the month of November there were 58 total calls. Mutual aid was provided to Conoy Twp. (2), Highspire Borough (2), Hummelstown Borough (1), Londonderry Twp. (2), Middletown Borough (2), PA Turnpike (3), Steelton Borough (2), and Swatara Twp. (19). Commissioner DeHart stated that so far this year, there have been 128 mutual aid calls to Swatara Township due to their rescue being out of service. Commissioner Davies asked when it will be back from repairs. Chief Phillips explained that the vehicle was actually totaled, and it is four years now for build time. Swatara Township is presently looking at other options.

Vice President Truntz congratulated Chief Phillips on being re-elected for another term as Fire Chief.

ENGINEER'S REPORT:

Mr. Fabian reported on the Bryn Gweled Infrastructure project. A change order was submitted for final contract adjustments for cost and to extend the substantial and final completion dates to next spring. This will be before the Municipal Authority for approval.

An update was provided on the Rosedale Avenue Culvert Replacement Emergency Project (just east of Stoner Drive). Veolia's contractor has finalized the installation and testing of the new

water line and has temporarily backfilled the job. Staff continues to coordinate with York Excavating regarding procurement of the endwall structures which still have not arrived, delaying the reopening of the road. In response to a question from Commissioner DeHart, Mr. Fabian confirmed that the endwalls have been ordered, but procurement is not anticipated until mid to late January. Until those are in place, there can be no mobilization to do the rest of the work. Vice President Truntz stated he is getting complaints from residents since this is a major throughfare for the public. He stated he is aware that this was an emergency, but the Township should have some kind of policy that a street cannot be opened until all the equipment and supplies are lined up and ready to go. Mr. Fabian explained that there are problems when third-party utilities have to replace their assets before the Township can do any of its work. The Township does not have a lot of control over this. Mr. Fabian added that the unexpected collapse of the arch is a big issue here.

Commissioner DeHart observed that there were people moving the barricades. Mr. Fabian stated this is a big concern with the possibility of the pipe collapsing. Mr. Border added that Mr. Washinger placed some rocks there to prevent drivers from trying to get through. Commissioner Davies asked if there is the possibility of paying an additional fee for the supplier to expedite delivery of the endwalls. Mr. Fabian agreed to look into this. Dale Messick stated that since this is an emergency, perhaps the contractor can hand-form them and pour the concrete in place. Mr. Fabian stated this generally increases the price and decreases the lack of quality control, but he can investigate this option. President Wilt remarked that he is not supportive of spending additional money on this. Commissioner Paul commented that the rocks have been moved, just enough to get through. Mr. Border stated that perhaps a piece of equipment could be put there to prevent drivers going through. Commissioner Paul asked what responsibility the Township has if signage is in place, but motorists move the barricades and something catastrophic occurs. Solicitor Miller stated if there are barricades and signage, and they intentionally move the barricades, they would be assuming the risk of what happens next. He suggested the Township consider installing additional signage regarding penalties for moving these barricades.

Mr. Fabian reported that the NPDS permit was received for Richard L. Shireman Park and has been incorporated into the bid package for final staff review. Commissioner DeHart asked when the project will go out to bid. Mr. Fabian stated he will need to look at the schedule but feels this could happen within several weeks.

The bid for the 2023 Drainage Improvements Project (Nissley & Spring Garden, Woodridge Basin Tie-in off of Spring Garden) is currently live. Bid opening is scheduled for January 10.

Mr. Fabian updated the Board on the Fiddler's Elbow Box Culvert Replacement. The Board had requested that the plans be shared with McNaughton who will be doing a sanitary sewer project in this area. They were very appreciative of the outreach, but stated their design is not far enough along to have any recommendation. However, they did confirm that their work will not interfere. Commissioner Paul stated he has some concerns with the house that sits there on the south side of the creek and is on a holding tank. This needs to be kept in mind.

The proposal for the 2024 CIP Stormwater Improvement Project (Burd, Richard & Nissley Storm Sewer Replacement, Lumber St. Storm Sewer Replacement, Richardson Rd. Stream Restoration & Lakeside Dr. Storm Sewer Replacement) was approved by the Municipal Authority at its December 18 meeting.

In response to a question from Commissioner DeHart, Mr. Fabian reported that Mr. Washer has been coordinating with the architect for the new salt shed.

MANAGER'S REPORT:

Mr. Border reminded the Board that the Township received letters of interest from three residents who are willing to serve on the upcoming Planning Commission vacancy. He asked how the Board would like to handle this. Commissioner DeHart suggested the department head of the Planning Commission make a recommendation to the Board for formal approval and appointment at the January 2 Reorganization Meeting.

Mr. Border reported that on the Municipal Authority side, Lower Swatara received news of an award from CFA for \$401,000 (+15% match) for slip lining and 1.43 million (+50% match) for the Lumber Street project. Representative Mehaffie and Senator DiSanto were instrumental in pushing for these grants.

Future Meetings/Events:

December 21	7 PM	Planning Commission Meeting
December 25, 26		Christmas Holiday – Twp. Offices closed
January 1		New Year's Holiday – Twp. Offices closed
January 2	2 PM	Civil Service Commission
January 2	7 PM	Board of Commissioners' Reorganization/Workshop Mtg.
January 16	7 PM	Board of Commissioners Legislative Meeting

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul stated that he realizes it can be a hassle, but the public must be patient during the road projects.

Budget and Finance Committee: Commissioner Davies reported that the Board will be acting on the proposed budget this evening.

Public Works Committee: Vice President Truntz reported that the crew is finishing up leaf collection in order to prepare the trucks for winter road maintenance. They are also doing some patching in the Bryn Gweled area in preparation for final paving.

Community Development: Commissioner DeHart – no report

Personnel Committee: President Wilt – no report

UNFINISHED BUSINESS:

Proposal from Alwine Security for security cameras

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve a proposal from Alwine Security for the installation of two security cameras in the amount of \$2,865.00 at the Public Works Building at 800 Oberlin Road. The motion was unanimously approved.

Proposal from L.S. Lee Inc. for guardrail on Spring Garden Drive

Mr. Border explained that since L.S. Lee Inc. is not a Costars vendor, Mr. Washinger will be pursuing a proposal from a different company for installation and repair of the guardrail on Spring Garden Drive. A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to reject the installation and repair of the guardrail located on Spring Garden Drive between the intersections of Lumber Street and Nissley Drive in the amount of \$16,525.00 by L.S. Lee, Inc. The motion was unanimously approved.

Advertisement for Bids for Fiddler's Elbow Culvert Replacement Project

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve authorization to advertise for bids for the Fiddler's Elbow Culvert Replacement Project. The motion was unanimously approved.

Public Bidding for access control system

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the issuance for public bidding of a contract for the upgrade and replacement of the existing

Sonitrol access control system on Township buildings, the cost of which is estimated to exceed the required public bidding threshold. The motion was unanimously approved.

NEW BUSINESS:

Final Minor Subdivision Plan for Fox Subdivision

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Final Minor Subdivision Plan for the Fox Subdivision, which proposes to create a new 2.020 acre building lot. This is simply a re-approval so the plan can be recorded; the plan was originally approved on May 17, 2023. The motion was unanimously approved.

Letter of Support for Wilsbach Distributor's REAP Grant Application

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve support for Wilsbach Distributors' Application for a USDA Rural Energy for America Program (REAP) Grant and authorizing the President/Vice-President to sign the respective support letter. The motion was unanimously approved.

Financial Security Adjustment #1 for Jednota South Lot

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve Financial Security Adjustment #1 for Jednota South Lot PC#2021-04 in the amount of \$5,980,093, leaving a balance of \$1,618,766. The motion was unanimously approved.

Additional project authorization for bid from York Excavating

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve an additional project authorization of \$58,850 (additional \$45,065.53 cost and a \$13,784.47 contingency) for the bid from York Excavating for an emergency repair to the culvert failure on Rosedale Avenue. This covers the additional work for raising the road and the additional earthen fill that was added to the repair above and beyond the \$92,596.67 that was already authorized at the September 20, 2023, meeting. The motion was unanimously approved.

Ordinance No. 611: Budget

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve Ordinance No. 611, which appropriates specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during fiscal year 2024. 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. 611 was approved by a 5 – 0 margin.

Ordinance No. 612: Tax Rates

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve Ordinance No. 612, which fixes applicable tax rates for the year 2024. 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. 612 was approved by a 5 – 0 margin. Commissioner Davies added that tax rates have not increased from the past year.

Agreement w/Susquehanna Accounting & Consulting Solutions, Inc.

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve an agreement with Susquehanna Accounting & Consulting Solutions, Inc. (SACS) for accounting and auditing services. This contract will be renewed automatically, until either party terminates the agreement. The motion was unanimously approved.

Appointment of Township Auditor

Mr. Border reported that requests for proposals were sent out for Township auditor; only one response was received. The current auditor did not respond. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the proposal from Zelenkofske Axelrod LLC to provide professional auditing services for the year ending December 31, 2023, 2024, and 2025. The motion was unanimously approved.

Selection of Township Logo

The Board discussed the latest revised version of the Township logo. Commissioner DeHart suggested the green color be replaced with gold to make it stand out more. The Board agreed to table action in order to compare the two versions. A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to table action on the updated Township Logo. The motion was unanimously approved.

PennDOT Winter Maintenance Agreement

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve Contract Exhibit A for Year 4 of a 5-year agreement (contract period 2020/2021 through 2024/2025) with PennDOT for Winter Municipal Snow Removal services for the winter season 2023 – 2024. The motion was unanimously approved.

Extension of collective bargaining agreement

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve a side agreement with the police union to extend the collective bargain agreement through December 31, 2024. The motion was unanimously approved.

Monthly transfers

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve the \$83,333.33 monthly transfer from the General Fund to the Capital Reserve Fund. The motion was unanimously approved.

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve the \$41,666.67 monthly transfer from the General Fund to the Recreation Development Fund. The motion was unanimously approved.

EXECUTIVE SESSION REQUESTED:

Solicitor Miller requested an executive session immediately upon conclusion of this evening's meeting to discuss legal matters.

FINAL COMMENTS:

Commissioner DeHart wished everyone a Merry Christmas and Happy New Year. He thanked the staff for their assistance over the past year, and stated things are moving ahead nicely into the new year.

Commissioner Davies thanked the public for its input this evening. He stated it was gratifying to be able to approve an agreement tonight with the police union to extend their agreement into the coming year.

Commissioner Paul remarked that while the Board of Commissioners makes decisions, there are 30 – 40 employees who implement them but are not often acknowledged. On behalf of the Board, Commissioner Paul expressed his appreciation to the Administrative Staff, the Codes/Planning/Zoning staff, the Municipal Authority and MS4 staff, the Public Works Department, and the Police Department.

Vice President Truntz agreed that the Township cannot operate smoothly without its great staff. He also thanked Officer Thomas for filling in for Chief Visconti tonight. Vice President Truntz referenced Mr. Shumaker's comments earlier this evening regarding a contested zoning

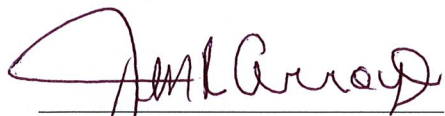
variance. He stated that the Board was not dismissing his concerns but cannot comment since it is in litigation. Vice President Truntz also thanked Representative Mehaffie for all his behind-the-scenes efforts in helping to acquire grants for the Township. He wished everyone a happy and healthy holiday season.

President Wilt agreed that he appreciates the efforts of all the staff who keep the Township running smoothly. He wished everyone a Merry Christmas and Happy New Year.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Commissioner Davies, to adjourn the meeting and convene into executive session. The meeting adjourned at 7:58 P.M.

ATTEST: _____

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

Jean R. Arroyo
Secretary

PLEASE PRINT NAME CLEARLY
BOARD OF COMMISSIONERS

DECEMBER 20, 2023 LEGISLATIVE MEETING (7:00 PM)

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