

MINUTES

LEGISLATIVE MEETING – DECEMBER 21, 2022

The December 21, 2022 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by Vice President Todd F. Truntz.

Roll call was taken, with the following officials in attendance:

- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner
- Jean R. Arroyo, Secretary
- Michael McAuliffe Miller, Eckert Seamans, Solicitor
- Shawn Fabian, HRG
- Dominic Visconti, Chief of Police
- Rich Snyder, Planning & Zoning Coordinator

Absent: Jon G. Wilt, President

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

Vice President Truntz welcomed everyone to the meeting and opened the floor for public comment.

PUBLIC COMMENT:

Ron Burkholder, 1403 Farmhouse Lane, stated he would like to discuss sewage for his project along Longview Drive, adjacent to Old Reliance Farms. There was a project twelve years ago that was approved and had close to 200 edus. This did not account for an assisted living up on the hill and a 100-bed unit, but it was not known how many edus would be needed for that. Mr. Burkholder explained this is why he bought as many edus that he did at that time. That plan never came to fruition, and now another plan is going through the approval process. There was a pump station designed for it that has a total of 124 edus which is considerably less than what was originally proposed. Mr. Burkholder explained that it was brought to his attention that the Municipal Authority would rather have a gravity line than a pump station, which is understandable. The idea of running a line across Kreider's ground and tying into a line that he had put in over fifteen years ago was examined by his engineer. Mr. Burkholder noted he contacted Mr. Kreider to discuss the possibility of running the sewer line across his property.

Mr. Kreider stated that he isn't interested in this idea, since it provides no benefit to him. He also signed an affidavit that he did not want it, which was presented to the Municipal Authority. Mr. Burkholder stated he understands the Municipal Authority still wants to contact Mr. Kreider to see if they can persuade him. He added that he was at their meeting two evenings ago, and the engineer from HRG recommended that the pump station be put in. Mr. Burkholder stated he knows this Board has the final word, and to keep his project moving forward, he would like a decision on whether to pursue the gravity line or put in the pump station. He added that if the pump station is put in, perhaps there is some type of fee that could be paid to the Municipal Authority since they are concerned with potential breakdowns of the pump station. He again asked the Board's direction on this.

Commissioner Davies asked what type of delays Mr. Burkholder expects to face as a result of this decision. Mr. Burkholder explained that he would like to put in the pump station for two reasons: the cross-country gravity line will be a lot more expensive than the pump station and putting in the pump station will keep the project moving.

Commissioner Paul asked if Mr. Burkholder would be willing to consider some kind of fee in lieu of for maintenance of the pump station, as long-term maintenance is a concern of the Township. Commissioner DeHart added that putting in a gravity line would be more expensive than a pump station, but the pump station would cost more long-term due to maintenance. If the pump station is the chosen option, he suggested a sewage right of way be established from the pump station towards Kreider's property in case, in the future, there is the possibility to tie-in. Mr. Burkholder agreed that makes sense. Commissioner Paul stated this needs to be discussed between the Board and Municipal Authority before any recommendation is made. He added it is encouraging to hear that a fee in lieu of would be considered. Legal counsel would need to provide some guidance on this. Solicitor Miller stated he would like to hear from both the engineer and Solicitor Diamond on these options before making a recommendation. He added, however, that he does understand Mr. Burkholder's desire to get the project moving.

Commissioner Davies asked if the piece of property where the owner is unwilling to provide the land could be condemned by the Township. Solicitor Miller explained that eminent domain is one option; a fair market value would be determined for the cost of the right of way. It is always better, however, to get the land by agreement if possible. Vice President Truntz stated his concern about a pump station is that it is something that probably cannot be owned by a

homeowners' association because years from now, homeowners will be upset that their tax money is not being used to make the needed repairs to the pump station. He stated he would be in favor of the Township owning it but also realizes this could set a precedent with future developers. He agreed it is a dilemma, but assured Mr. Burkholder that the Board will move on making a decision quickly.

Joel McNaughton, McNaughton Properties LP, 4400 Deerpath Road, Harrisburg, informed the Board that they have under agreement a piece of property in the Township known as the Williams Farm. Under agreement is about 200 acres of the farm and one of the pieces to the south. Plans are to do residential development of the property. Work has started on sketch plans, concept plans and looking at issues relative to sanitary sewer and roadway access that come with development of a large piece of property. Mr. McNaughton stated he does not have a lot of details at this point, as there will be significant time and effort to put this plan together. They may be needing to have some meetings with the Township staff and professionals. Vice President Truntz thanked Mr. McNaughton for this update and stated there will be a lot of public participation and interest in this project as neighbors in the area are concerned about what is being planned. He added that he did like the statement that this will be residential, not warehouses.

APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Minutes of the December 7, 2022 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. 2022-11. The motion was unanimously approved.

TREASURER'S REPORT:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Treasurer's Report for November 2022. The motion was unanimously approved.

PUBLIC SAFETY REPORTS:

Police Department

Activity Report

Chief Visconti provided a summary of the monthly statistics for November. There were 14 Part I crimes, 22 Part II crimes, 364 calls for service, 0 DUI arrests, 28 traffic citations, 6 non-traffic citations, and 24 warnings. There were 22 motor vehicle accidents, 5,245 patrol miles driven, 24 foot patrol minutes and 53 foot patrol minutes on the School District properties. There were 474.5 total overtime hours, and 16 total training hours. Co-responder stats included 8 new contacts, 6 follow-up contacts, and 5 mental health commits.

Directed patrol has been conducted in various area in response to concerns expressed by residents: the stop intersection at Donald Ave., truck traffic on Rosedale Ave. and Whitehouse Ln., and speeding on Longview Dr. and Whitehouse Ln. Five speed details were conducted on North Union St. in the area where the traffic study was done; it appears that most drivers are obeying the speed limits. Commissioner DeHart stated he would be interested in seeing the traffic data collected from the sign during the detail done on Longview. This will be helpful to determine how much traffic has increased out there. Chief Visconti agreed it will also be useful as the Township considers putting up guardrail in this area. Mr. Fabian added they are also looking at the traffic impact study for The Colony, so this will be useful for that. Chief Visconti informed the Board that there were also some complaints about dirt bikes at the end of Blue Raider Lane; there were details done but no offenders were discovered, probably due to colder weather. Numerous details were also conducted in response to potential squatters at The Pond; nothing was discovered.

Commissioner Davies observed another state uses impediments in the roads, such as speed tables in neighborhoods. He asked if Chief Visconti considers them to be effective. Chief Visconti stated he is not familiar with their use on public roads. Mr. Fabian added that he has only seen them in areas such as school zones where they are also things like flashing signs; they are classified as traffic calming devices. Commissioner DeHart added the School District has three of these and they are a little excessive. There is also one in Sage Blvd. in Middletown. They must be marked clearly to prevent someone hitting them and going airborne.

Chief Visconti, on behalf of the Lower Swatara Township Police Department, wished the Board, staff and residents a safe and happy holiday.

Fire Department

Vice President Truntz reviewed the Fire Department's monthly statistics' report. During the month of November there were 56 total calls and 27 responders with an average of 6 personnel per response. There were 9 fire incidents, 13 rescue and EMS incidents, 2 hazardous condition incidents, 1 service call, 13 good intent calls and 18 false alarms. Vice President Truntz suggested the number of false alarms should be investigated again; a lot of these are probably from warehouses and private businesses. Mutual aid was provided to Highspire Borough (4), Londonderry Twp. (1), Middletown Borough (5), Royalton Borough (1), Steelton Borough (5), and Swatara Twp. (2).

Commissioner DeHart added that he was notified by President Leonard that there is another issue with a leak on the roof of the fire station.

ENGINEER'S REPORT:

Mr. Fabian updated the Board on the 2021 drainage improvements. HRG did finalize its recommendation for substantial completion checklist and final punch list and sent them to Mr. Washinger for his review. HRG is also reviewing their next application for payment against that punch list; approval will be sought at a future Board meeting.

The paving project punch list values and substantial completion recommendation is being finalized. Their next application for payment is also being reviewed for future recommendation to the Board.

The production of the project manual for the Hanover and Meade project is underway in preparation for bid for that site. The permit is still in review with DEP.

A kick-off meeting was held with design staff for the Shireman Park design. Preliminary thoughts are being pulled together from the various public meetings that were held over the last several years. A schedule is still being pulled together for this and should be ready by the next meeting.

On tonight's agenda is a supplement for the Fiddler's Elow Box Culvert for some additional subsurface utility engineering. Commissioner DeHart added that the guardrail down there at the bottom of the hill has been damaged.

An update was provided on the Hazard Mitigation Grant Program (home buyout of flood prone properties). PEMA has indicated that it is still in the decision review process, and they do not expect any type of decisions until potentially the second quarter of 2023.

In response to a question from Commissioner DeHart, Mr. Fabian confirmed that work is done for now on the Fulling Mill Road boat launch due to the winter season. Commissioner DeHart asked if they will charge for remobilization in the spring. Mr. Fabian stated that was not the intent, because they are already coming back to do the HOP work. Commissioner Paul asked if there will be any improvement to the dead-end signs at the end of Fulling Mill Road. Mr. Fabian confirmed this is PennDOT's responsibility. He and Mr. Washinger did look at it, and it appears the orange and white placarding does need replaced. There are a few other things that they need to talk to District 8 about, and this will be added to the list. Commissioner Paul added the dead-end barrier there is also not good. Commissioner DeHart inquired what signs are included within the bid. Mr. Fabian stated he does not recall but will obtain this information.

MANAGER'S REPORT:

Commissioner Paul stated that he had nothing to report but would request an executive session immediately upon conclusion of this meeting for personnel matters.

Future Meetings/Events:

December 23, 26		Christmas Holiday – Twp. offices closed
January 4	7 PM	Board of Commissioners' Workshop Mtg.
January 10	2 PM	Civil Service Commission
January 18	7 PM	Board of Commissioner's Legislative Mtg.
January 23	7 PM	Municipal Authority Mtg.
January 25	7 PM	Zoning Hearing Board
January 26	7 PM	Planning Commission Mtg.

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul – no report

Budget and Finance Committee: Commissioner Davies stated the Board will be acting on the budget later this evening.

Public Works Committee: Vice President Truntz reported that leaf collection is complete with 152 tons of leaves collected. The street sweeper was run through the Township to clean up any debris. Trucks were converted over for snow removal; plenty of salt is in stock. Last week's weather event went smoothly.

Community Development: Commissioner DeHart reported that there will be an extension to the original MARA grant due to Covid. This is in the process now. MARA made money this past year and is finally starting to fund itself. Next year, the Township should probably review the contract to reevaluate its contribution. The goal is for MARA to be self-sustaining.

Commissioner DeHart reported that he and President Wilt had recently met with Hershey EMS and asked for reports; the latest was included in the Board packets. In November, Hershey EMS handled 90 calls in Lower Swatara, and 24 calls were handled by other units other than Hershey. There were 114 EMS calls just in Lower Swatara Township. So far this year, there were 952 calls handled by Hershey EMS and 191 handled by other units, for a total of 1,143 calls in Lower Swatara Township. The Township has an older population and numbers are increasing. Commissioner DeHart suggested that next year, the Township should probably meet with Hershey EMA to discuss the agreement and perhaps obtain some other pricing.

UNFINISHED BUSINESS:

Resolution authorizing participation in Statewide Contract for Chesapeake Bay Watershed

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to table a resolution authorizing the participation in the Statewide Contract for the Chesapeake Bay Watershed. This action is being recommended by the solicitor in order to get some clarity on the transfer of credits. The motion was unanimously approved.

Authorization to advertise ordinance amending Zoning Ordinance

Solicitor Miller recommended the Board also table advertising an ordinance that would amend the Township Zoning Ordinance to adopt standards for large scale solar facilities in the Township. Staff is still working through this. A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to table authorization to advertise an ordinance amending the Township Zoning Ordinance to adopt standards for large scale solar facilities in the Township. The motion was unanimously approved.

Mr. Fabian stated he did find an answer to Commissioner DeHart's question about the two signs included in the bid. They include a stop sign and a parking sign.

NEW BUSINESS:

Time Extension Requests

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve a request for Time Extension (until June 14, 2023) from the Plan Designer, Warehaus, on behalf of the Developer, Capital Valley, L.P., for Capital Valley Business Park Lot 3 & Lot 4. The Preliminary/Final Land Development Plan was submitted 11/17/2022. The decision was due 03/17/2023 and would now be extended to 06/14/2023. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve a request for a 180-Day Time Extension from the Developer, Triple Crown Corporation, for Union Knoll. The Preliminary/Final Land Development Plan was submitted on 06/30/2022. The Planning Commission decision was made on 09/22/2022, with the final decision due 12/21/2022, and would now extend to 06/19/2023. The motion was unanimously approved.

UGI Utilities Preliminary/Final Plan Drawings

The Board discussed the Preliminary/Final Plan Drawings for PC#2021-08 UGI Utilities, Inc. – Harrisburg CNG Facility, located along Harrisport Court. Preliminary/Final Plan Drawings were submitted 09/08/2021. The Zoning Hearing Board approved a Special Exception (Private) on 11/15/2021, and another Special Exception (Public) on 02/23/2022. Planning Commission approved on 02/24/2022. Board of Commissioners on approved 03/16/2022. Plan Drawings were revised to allow third parties (public) to use the CNG fueling stations, and the revisions resulted in minor changes being made to the Plan Drawings since the 03/16/2022 Board of Commissioners' approval. Department staff recommends approval.

Commissioner DeHart asked the timeframe for this project. Eli Sekovic, UGI Utilities, responded that they hope to break ground in the spring. Commissioner DeHart asked if the CNG station will be inside and outside. Mr. Sekovic explained that the fueling station will be outside the gate and the equipment will be inside the fence. The units are pressurized. Commissioner DeHart noted that the sewer line that goes back there is not that deep and could create a flow issue. He asked that this be kept in mind. In response to a question from Commissioner Davies, Mr. Sekovic explained this will be a fast-feed facility; fueling will take about the same time as filling up a car.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Preliminary/Final Plan Drawings for PC#2021-08 UGI Utilities, Inc. – Harrisburg CNG Facility, located along Harrisport Court. The motion was un unanimously approved.

Change Order 1 to Flyway Excavating, Inc. for Fulling Mill Road boat launch

Mr. Fabian reported that on Monday, the Municipal Authority had approved Change Order 1 in the amount of \$13,371.00 to Flyway Excavating, Inc. for the Fulling Mill Road Boat Launch Improvements project. This was for adjustment of three manholes. Since this contract is in Lower Swatara Township's name, this should also be approved by the Board. A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve Change Order 1 in the amount of \$13,371.00 to Flyway Excavating, Inc. for the Fulling Mill Road Boat Launch Improvements project. The motion was unanimously approved.

Application for Payment #1 to Flyway Excavating, Inc. for the Fulling Mill Road boat launch

Mr. Fabian addressed Application for Payment #1 in the amount of \$81,809.85 to Flyway Excavating, Inc. for the Fulling Mill Road Boat Launch Improvements project. He explained the full payment is for \$95,180.85; \$13,371.00 of that is to be paid by the Municipal Authority.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Application for Payment #1 in the amount of \$81,809.85 to Flyway Excavating, Inc. for the Fulling Mill Road Boat Launch Improvements project. The motion was unanimously approved.

Supplement A to HRG Retainer Agreement for Fiddler's Elbow Culvert Replacement Project

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Supplement A for \$4,400.00 to the Retainer Agreement with HRG for the Fiddler's Elbow Culvert Replacement Project R000257.049, which includes additional subsurface engineering to identify where the gas line is for that culvert replacement. The motion was unanimously approved.

Ordinance No. 603: Budget Ordinance

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Ordinance No. 603, which appropriates specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during fiscal year 2023.

Commissioner Davies explained this 2023 budget is a balance budget with no tax increase. There have been no changes to the budget since the budget was approved for advertisement at the November 2 meeting. The total revenues and total expenditures are \$9,730,230 which is more than last year's budget which was \$6,715,324. The increase in

budgeted revenues and expenditures is attributed to ARAP (American Recovery Act Plan) funds being spent in 2023. \$423,525.00 of ARAP funds will be used to meet the Township's match for the Shireman Tact Grant. \$601,475.00 will be transferred to the General Fund to meet the rest of the Township's Shireman Tact Grant match and CDBG Grant match for ADA accessible playground equipment. \$1,500,000 of unassigned fund balance from prior years will be assigned in the 2023 audit. Unassigned funds are available for spending at the Township's discretion. The unassigned fund balance is generated when revenues exceed expenditures. The \$1,500,000 is not attributable to 2023 department budget expenditures. The \$1,500,000 is a transfer from the General Fund to the Recreation Development Fund and Capital Reserve Fund. In 2023 \$500,000 will be transferred to the Recreation Development Fund from prior year real estate transfer taxes. \$1,000,000 will be transferred to the Capital Reserve fund. In 2022 the Township used Capital Reserve funds to pay for change orders related to the Rosedale Stormwater Project. Transferring these funds now will help the Township fund future capital projects.

With the motion on the floor and seconded, a roll call vote was taken with the following ballot tabulation: Commissioner DeHart – aye, Commissioner Paul – aye, Commissioner Davies – aye, Vice President Truntz – aye. Ordinance No. 603 was approved by a 4 – 0 margin.

Ordinance No. 604: Tax rates for 2023

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve No. 604, which fixes applicable tax rates for the year 2023.

Commissioner Davies noted this ordinance will maintain the current tax rates: the tax rate for General Township purposes, the rate of 3.25 mills on each dollar of assessed valuation, or the sum of .325 cents on each one hundred dollars (\$100) of assessed valuation; the tax rate for Capital Improvement purposes, the rate of .54 mills on each dollar of assessed valuation, or the sum of .054 cents on each one hundred dollar (\$100) of assessed valuation; the tax rate for Fire Protection purposes, the rate of .49 mills on each dollar of assessed valuation, or the sum of .049 cents on each one hundred dollars (\$100) of assessed valuation; the tax rate for Fire Hydrant purposes, the rate of .096 mills on each dollar of assessed valuation, or the sum of .0096 cents on each one hundred (\$100) dollars of assessed valuation. Total millage is 4.376.

With the motion on the floor and seconded, a roll call vote was taken with the following ballot tabulation: Commissioner DeHart – aye, Commissioner Paul – aye, Commissioner Davies – aye, Vice President Truntz – aye. Ordinance No. 604 was approved by a 4 – 0 margin.

Ordinance No. 605: adding stop intersection westbound on Buddy's Run

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve Ordinance No. 605, amending the Code of Ordinances, Chapter 15, Motor Vehicles and Traffic, Part 2, Traffic Regulations, Section 15-210, Stop Intersections, to add a stop intersection Westbound on Buddy's Run at the intersection of Morgan Drive. A roll call vote was taken with the following ballot tabulation: Commissioner DeHart – aye, Commissioner Paul – aye, Commissioner Davies – aye, Vice President Truntz – aye. Ordinance No. 605 was approved by a 4 – 0 margin.

2023 Municipal Domestic Animal Protective Service Agreement with Hbg. Area Humane Society

Ms. Arroyo noted that the Township is still waiting to receive the 2023 Agreement with the Humane Society. A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to table the 2023 Municipal Domestic Animal Protective Service Agreement with the Harrisburg Area Humane Society. The motion was unanimously approved.

Agreement with SACS for accounting and auditing services

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve an agreement with Susquehanna Accounting & Consulting Solutions, Inc. (SACS) for accounting and auditing services for the period January 1, 2023 thru December 31, 2023. The motion was unanimously approved.

Termination of payroll services with Paytime

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve terminating payroll services with Paytime due to ongoing issues. The motion was unanimously approved.

Use of Boardroom by Hershey Area Umpires Association

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the request by Hershey Area Umpires Association to use the Township's boardroom for meeting purposes on January 17 and February 16. The motion was unanimously approved.

Hiring of Public Works Laborer

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve the hiring of Public Works Laborer with a start date of January 9, 2023. The motion was unanimously approved.

Appointments/Reappointments

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve Resolution No. 2022-R-23 reappointing Joel Bechtel to a five-year term on the Zoning Hearing Board. The motion was unanimously approved.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the reappointment of Cord Holliday to a five-year term on the Civil Service Commission. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the reappointment of Frank Popp to five-year term on the Municipal Authority. The motion was unanimously approved.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the appointment of Howard Crawford to fill an unexpired term on the Planning Commission (term expires 12/31/2024). The motion was unanimously approved.

FINAL COMMENTS:

Commissioner Paul referenced the mention of no tax increase this year, and noted it is also worthy of mention that there will be no increase in sewer rates for the upcoming year, which is the first time this has happened in five years.

Commissioner DeHart thanked everyone for coming out tonight and wished everyone merry Christmas and happy new year.

Solicitor Miller and Mr. Fabian both wished everyone a happy holiday and new year.

Commissioner Davies thanked everyone on staff for their efforts in making this a successful year, and stated it was nice to approve another budget with no tax increase. He wished everyone a merry Christmas and happy new year.

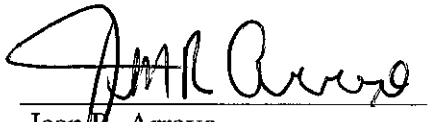
Commissioner Paul wished everyone a merry Christmas and happy new year.

Vice President Truntz thanked staff and everyone who contributes to this Township, including those who attend these meetings. He wished everyone a merry Christmas and happy new year and reminded the Commissioners that an executive session will be held upon conclusion of this meeting for personnel and litigation reasons.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Commissioner Paul, to adjourn the meeting and convene into executive session. The meeting adjourned at 8:00 P.M.

ATTEST:



Jean R. Arroyo
Township Secretary

PLEASE PRINT NAME CLEARLY
BOARD OF COMMISSIONERS'
DECEMBER 21, 2022 LEGISLATIVE MEETING – 7 PM

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