

## MINUTES

### NON-LEGISLATIVE MEETING – DECEMBER 4, 2019

The December 4, 2019 Non-Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 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
- Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Shawn Fabian, HRG
- Ann Hursh, Planning and Zoning Coordinator
- Lester Lanman, Public Works Director
- Jeff Vargo, Chief of Police

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:

Elizabeth Malpass, 2047 Market St. Ext., referenced her ongoing water issues, and reported that the storm drain pipe was recently replaced. The work crew commented that there was absolutely no water running through the old storm drain. The storm drain was looked at in 2014 and it was obvious that it was blocked then. The crew also indicated it was a difficult job; the dirt at this point is clay and is not absorbing water. There has not been a significant rain since this pipe was replaced. However, the smaller rains are still resulting in water coming into her Florida room and basement, because the water runoff issue cannot be addressed for another six months or so. The work crew also told her that there was extensive water damage to her home as a result of these issues. Ms. Malpass asked if the Board seriously considered her previous request to purchase this property. She explained that she is in the process of getting a

new inspection done to remedy all the issues caused by the water problems. The unofficial inspection that she had in 2014 quoted approximately \$10,000 to fix the problems that were being caused by the water. However, it was decided not to fix these until the issues outside of the home had been corrected by the Township. Ms. Malpass added that she is also asking for a mold survey due to the water literally pouring into the house. She noted this is a big safety concern.

Ms. McBride explained to the Board that she had indicated in her email to Ms. Malpass that she does not feel the Board can make any promises right now, and she does not see any future purchase of the property by the Township. Vice President Truntz stated that he is unsure that the Township would be able to legally purchase it. Ms. Malpass agreed this may be true, since she feels it is uninhabitable at this point and may be condemned upon the inspection. Solicitor Henninger added that the purchase probably cannot be authorized under the First Class Township Code. Vice President Truntz questioned the earlier comment that water is still coming into the home. Ms. Malpass explained they are still dealing with runoff from the rest of the neighborhood. That will not be fully addressed for another six months or so, per the plans. The spring that runs behind the property is now actually going through the new storm drain that was put in. The contractor did advise her that he is concerned because the old storm drain was full of dirt, roots, etc. There was absolutely nothing running through that pipeline. There is now water constantly running through. She stated this was probably the cause of the river running through her yard. Again, the contractor for this work told her there is a lot of damage to her property as a result of all this. Ms. Malpass added that she can stick her entire arm under her shed from the water damage.

Commissioner DeHart asked Mr. Fabian if there was a swale back there years ago to direct the water. Mr. Fabian explained that there is a swale that was directed to that manhole. However, he believes Ms. Malpass is referring to the pipe that is going to be flowable-filled and closed-off when the drainage around Lexington Ave. is routed around. That drainage is still coming down through the double inlet now. He agreed there is a pretty consistent flow coming through that. Commissioner DeHart referenced the swale, and asked if the Township maintains that or if the homeowner is responsible for it. Ms. Malpass explained the swale was up behind her property line and was considered to be on Township property because of the pass-thru. Commissioner Paul clarified this is actually a pedestrian easement for the people in the interior



units, and most likely is her property. He added that some of the problems that have occurred over many decades is as a result of homeowners not respecting their property lines; fences, sheds, etc. have gone up where they shouldn't. Ms. Malpass noted that they did get a permit from the Township for their shed. Vice President Truntz agreed this is a tricky problem when there is water flowing off of private property not managed by the Township. If landowners up above are not maintaining their swales or have built something that is redirecting water to someone else's property, it becomes a liability issue. Ms. Malpass agreed, but stressed that it has been five years now since there was a known issue here, and almost nine years since she started presenting these issues to the Township. Her real estate agent is now indicating that the house is not sellable at this point due to the damage and water issues. Commissioner DeHart added that it did take the Township several years to obtain permits to do anything here. Ms. McBride encouraged Ms. Malpass to continue letting the Township know what is going on with this issue and with her upcoming home inspection.

#### APPROVAL OF MINUTES:

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the Minutes of the November 20, 2019 Legislative Meeting. The motion was unanimously approved.

#### PLANNING AND ZONING DEPARTMENT REPORT:

Ms. Hursh referenced the listing of inspections and permits, and provided updates on current projects. The process of recodification review is continuing. Review of the final draft has been completed and submitted back to General Code. Staff continues to work on gathering the necessary information for the Dallas Data/Caselle Systems Permit Program.

An update was provided on the Campus Heights project. Permits were issued for the entire project and daily inspections are being completed. Daily inspections are also being completed for the Hershey Creamery project. The first building permit for Buddy's Run is under review. Ms. Hursh added that Tim Clouser is going back to his contractor who mistakenly removed all the trees out there. She has provided Mr. Clouser with minutes from the Planning Commission meeting that referenced comments about preserving these trees. A building permit for a new home on Butter Churn is also under review.

Forty-five “tree limb over roadway” notices were sent, and over half of these were brought into compliance.

The Zoning Hearing Board met on November 13 and approved a Variance request for Campus Heights III requesting a revision to the previously granted Variance for minimum yard setback. The setback is one foot from the property line, not including the triangular portion of land that was deleted from the plan. The building will be approximately 26’ from the vacated Lawrence Street. The Zoning Hearing Board will also meet on December 11 to hear two requests. DHK, Harrisburg, LLC is requesting a Special Exception to exceed building height of 40’, and a Variance to reduce the required number of parking spaces on the site. In response to a question from Commissioner DeHart, Ms. Hursh explained they are requesting to exceed the building height from 40’ to 50’. Commissioner DeHart asked if this requires FAA approval. Solicitor Henninger responded it does not, since they are outside the limit. Ms. Hursh added that she received a similar request today from Wilsbach Distributors. The second request to be heard at the December 11 Zoning Hearing is from James Rowell, 135 Cockley Road, to allow an accessory apartment dwelling in the Residential-Agriculture zone and a Variance to allow the dwelling to be more than 30% of the total floor area and greater than 400 sf. Commissioner DeHart asked if this could set a precedent down the road. Solicitor Henninger explained this is a huge lot, and there are special circumstances there that made the Planning Commission agree to recommend it.

The Planning Commission met on November 21 and recommended to the Zoning Hearing Board the Special Exception request for DHK (D&H Jednota property) for a height Special Exception, to exceed maximum building height of 40 feet. The Special Exception request for James Rowell, 135 Cockley Road, to allow an accessory apartment dwelling in the R-A zone was also recommended for approval to the Zoning Hearing Board. A sketch plan was presented by Dauphin Engineering and Ron Burkholder for the Colony of Old Reliance.

The NPDES Permit for UPS was approved. The Township also received a request from Kinsley Construction for possible night work and Sunday work. They are requesting to work from 6:30 A.M. to 5:00 P.M. and then 5:00 P.M. to 2:00 A.M. This would be for earthmoving. There would be no blasting in the middle of the night. The request is for the end of December to the end of January -- about a month. Commissioner DeHart suggested permission could be given unless complaints come in. This should not impact Lower Swatara Township residents, but could impact residents across the creek. Commissioner Paul stated it would make more sense to stop operations



around 10:00 P.M. rather than 2:00 in the morning, and perhaps extend the time frame to 45 days instead of 30 days. Ms. Hursh agreed this idea makes sense. She added that they do not really have formal plans to do this, but are making this request so if necessary they can proceed and already have permission. The Board concurred with Commissioner Paul's suggestions, and asked Ms. Hursh to convey this to UPS, with the understanding that a stop work order will be issued if there are numerous complaints. Solicitor Henninger referenced the UPS project, and reported that draft sewage easements were received for review along with an O&M Agreement. Commissioner DeHart asked if the end agreement is done yet. Solicitor Henninger explained it is done but not executed. Commissioner Paul asked if it would make sense for them to put up construction entrance signs now for safety purposes and awareness. Ms. Hursh agreed to present this request to UPS.

Ms. Hursh addressed the concerns with the Fed Ex erosion at the end of Fulling Mill Road. A conference call was held with the new owners who indicated the problem will be addressed this spring.

As requested at the last Board meeting, a revision to the Zoning Ordinance to clear up building setback issues has been added to the "to do list". Commissioner DeHart asked for a timeframe. Solicitor Henninger explained it should not take long to get this draft together, probably 30 – 45 days at most. Ms. Hursh agreed there is already a section in the ordinance that address this pretty clearly; it just needs to be placed in all necessary areas. Solicitor Henninger noted that this will also have to go through both the Township Planning Commission and the County Planning Commission.

Commissioner DeHart asked if anything is going on at Penn State, as he was told there are some temporary classroom buildings up there. Ms. Hursh responded that they have a stormwater permit for their soccer field, but she is not aware of anything else.

Vice President Truntz stated that he did not want to bring this up during election season, but the Township's sign ordinance prohibits yard signs, which is clearly unconstitutional. Solicitor Henninger agreed the entire sign ordinance needs updated. Ms. Hursh explained the intent is to redo the sign ordinance after the recodification is complete. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to direct the Planning Commission to pursue the redoing of the sign ordinance. Commissioner Davies asked that the review be comprehensive, and also include commercial and temporary signage. The motion was unanimously approved.

## PUBLIC WORKS DEPARTMENT REPORT:

Mr. Lanman provided a brief recap of the year. The projects at Old Reliance and Shope Gardens parks are being closed-out by DCNR. The crew put a lot of time and effort into installation of benches, trash cans, signs posts, etc. Approximately 67 tons of street sweepings were removed and disposed of by Pruitt Trucking per the CAPCOG bid. All outlying properties have been winterized. A lot of inlet work was accomplished this year. Eight inlet tops in Old Reliance, mainly on Powderhorn Road, were replaced. Ten other inlets in the Old Reliance area were repaired. A pretty massive clearing of debris was undertaken at the Richardson Road culvert by Summit Ridge. Commissioner Paul asked if the Township was able to clear that pipe out. Mr. Lanman explained the pipe itself was not cleaned out. The headwall was cleaned out, upstream of the pipe. Commissioner Paul asked if there are plans to clean the pipe. Mr. Lanman noted there was talk about hydro-excavators coming in to work on this. There may be a GP permit needed to put equipment into the stream channel. In response to a question from Commissioner DeHart, Mr. Lanman explained this cannot be televised since it is always under water. He noted the bottom of the pipe cannot be seen, so it is unknown what is in there. Commissioner DeHart suggested this project be put on the radar. Commissioner Paul agreed. Mr. Lanman continued that several other drainage ditches throughout the Township are maintained throughout the year. These are in the areas of Stoner Drive, North Union Street, and Longview Drive. Three roads were crack sealed in full this year: Horseshoe Drive, Ebenezer Road, and Briarcreek Lane. Cockley Road was partially done, but work was stopped due to budget constraints. These are all roads that are on the roadway maintenance plan. Some of these are set for paving next year. Along with the contractor, areas were identified that will need some base repairs next year prior to the paving. Commissioner Paul asked if the six roads presented during the budget talks are still slated to be done: Cockley Road, Strites Road, Ebenezer Road, Greenfield Drive, Horseshoe Drive, and Davis Drive. Mr. Lanman confirmed they are. Commissioner Paul stated he feels it is very important to get both Cockley Road and Strites Road done. He asked if there is any other underground work that needs to be done first. Mr. Lanman explained televising was done, and everything should be good to go. Ebenezer Road and Cockley Road will have a fair amount of base repairs to be done.

Two of the large truck plows were repaired in-house by mechanic Rodger Mason. As mentioned by Ms. Hursh, the Codes Department issued notices on behalf of the Public Works Department for trees in the right of way. Most of these have been remedied. He thanked the



Department for its assistance, since this will help with plowing, street sweeping, and leaf collection. Mr. Lanman added that as of December 2, the Public Works Department collected 95 tons of leaves that have been taken to Zeagers. At the end of this week, the large truck will be switched over for snow removal. The smaller dump truck will still pick up leaves next week, weather permitting.

The Suez water main replacement project in Rosedale continues. Hanover Street is near completion, and the company is now working on Market Street Ext. The Township website was updated to provide the Suez contact information for citizens having questions or concerns about this work. Commissioner Davies asked about the Suez water main repair at Spring Garden Drive and Lumber Street and the patch that was placed on the roadway. Mr. Lanman explained the full repair was planned for today, but could not be done due to the weather. He anticipated the paving restoration should be quick, and only take about a day.

Ms. McBride asked Mr. Lanman to update the Board on the new clean agent system that is being quoted for the server, file and the police evidence rooms. Mr. Lanman explained that these areas are presently sprinklered. Quotes were requested for a clean agent system; basically, you can stand in the room while the clean agent is going off. Commissioner DeHart asked the cost. Mr. Lanman recalled seeing a quote of \$30,000. He added this is just the cost of the clean agent system and doesn't include the door sweeps, HVAC, etc. Commissioner DeHart noted the Township does have a cloud back-up now to protect its electronic data. Mr. Lanman agreed, but noted this does not cover the paper documents and the evidence room. Ms. McBride stated it is expensive, but she feels the Township would be remiss if it does not at least look into it. Commissioner DeHart suggested the staff could look into fireproof and waterproof cabinets. Vice President Truntz added that if there are a lot of paper documents, staff may also want to look into a service to have these scanned and saved electronically. Mr. Lanman agreed that the goal of the staff is to go paperless as much as possible. Commissioner Davies asked if the necessary hardware is being put in place to digitize things. Ms. McBride confirmed steps are being taken to do this. Commissioner Paul noted that some things, like the original Minute books, still need to be kept safe. Solicitor Henninger agreed.

Commissioner DeHart referenced Kreider Drive and AIP Drive. There is a large pipe under AIP Drive between UGI and towards the new lot that was just flattened out. There are several tires and other debris right before the pipe. He added that he is unsure whether this is the Township's right of way or UGI property. Mr. Lanman agreed to take a look at it.

## MANAGER'S REPORT:

### Hiring of Laborers

Ms. McBride reported that there were several responses to the ad for the laborer's position. There are two vacancies for this position, and the Board has been provided resumes for the two final candidates. She asked for Board approval to hire these individuals, with a start date of this Monday. A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the hiring of Andrew Menear and David Gelabert with a possible start date of December 9. The motion was unanimously approved.

### Retirement of Stephen Severin

Ms. McBride reported that employee Stephen Severin, who has been employed with the Township since August of 1995, will be retiring. His last day here, using his accumulated time, will be Friday. His last official day will be January 3, 2020. A motion was made by Vice President Truntz to accept the retirement date of January 3, 2020 for Stephen Severin, with congratulations and thanks for his service to the Township. The motion was seconded by Commissioner DeHart, and unanimously approved. Commissioner DeHart thanked Mr. Severin for his years of dedicated service to Lower Swatara Township, and noted the Board appreciates all he's done for the Township.

### Automatic payments for utilities

Ms. McBride held up a stack of envelopes, and explained they are invoices the Township received from PPL just this past week. There are about forty each month. The Township's Accountant has expressed a desire to set up automatic payments for these bills. Apparently this was done in the past here, but there were some issues with the process. Ms. McBride explained that a process has been discussed, and she does not anticipate any issues. She asked the Board's approval to set up the PPL accounts to be payable through ACH. Commissioner Paul suggested it might be good to have a separate account for these payments to come out of. Ms. McBride agreed this could be done. Vice President Truntz noted the Board approves expenses. He asked if there would be a problem if the money is pulled out before the expense is actually approved. Solicitor Henninger noted that technically, the Board does not have to approve the warrants, although that has been the past procedure here. However, he agreed he is leery of automatic payments when dealing with both his personal and business accounts. He suggested that if the Township goes this route, he would concur with Commissioner Paul that a separate utility account be set up for both the Township and



Authority so as little money as possible it at risk. Ms. McBride added that right now the Township uses “positive pay” with its checks. Whenever a check is written, the bank is advised. When the check gets presented for payment, the bank matches this on its computer. If something doesn’t match, the bank contacts the Township to see if it’s okay to clear the check. Ms. McBride surmised there is probably a similar feature for automatic payments. She agreed to look into this.

Vice President Truntz asked if PPL could just make some type of consolidated statement.

Ms. McBride explained the Township tried this a few months ago, and it was a nightmare since the payments were not being applied properly. Ms. McBride agreed to see if there is a positive-pay type feature for automatic payments and update the Board on her findings.

#### ENGINEER’S REPORT:

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

The chapter 106 permits for the Bradford Avenue home demolition are being reviewed by PADEP, which indicates a decision should be made this week on the permits. As soon as the permits are in hand, bidding can move forward for the demolition.

The Greenfield Park Basin Retrofit and Riparian Buffer Project was uploaded to PennBid and will also appear twice in the Press & Journal. Bid opening is scheduled for January 6.

As Mr. Lanman reported earlier, the Old Reliance and Shope Gardens Parks Stormwater BMPS projects were inspected by DCNR. Grant close-out paperwork has begun.

Work continues on the Rosedale Manor Stormwater project. Full construction is anticipated in the spring of 2020.

The GP-11 Permit for the Spring Garden Drive Arch Culvert Replacement is in review with DEP. Bidding will wait until the permit is issued. A preconstruction meeting was held on November 27 for the Highland Street and Lumber Street/Greenwood Drive culvert projects. Easements are secured for the Lumber Street site, but there are still two outstanding for the Highland Street site. Solicitor Henninger added the condemnations have been filed for these, and there is a 30-day waiting period after they are served. Commissioner Paul noted there will be a lot of work on Lumber Street, and stressed the importance of coordinating the work on Lumber Street and Spring Garden Drive so everything is not being done at the same time.

Progress is being made on the Stormwater Utility Implementation. There was a joint meeting of the Municipal Authority and the Board of Commissioners on November 25 to discuss

the stormwater fee, credit policy, quit claim deed to transfer stormwater infrastructure, and the schedule for implementation. Mr. Fabian noted he understands that Bruce Hulshizer of HRG did reprocess the budget based on the \$7.00 per EDU. Mr. Hulshizer has also provided Mr. Fabian the credit policy for review. Mr. Fabian explained he plans to finalize his comments and get them to the Board for its thoughts. He asked Solicitor Henninger if he would like to address the quick claim deed to transfer stormwater assets from the Township to Municipal Authority. Solicitor Henninger explained the deed is ready to go. Ms. McBride has been in contact with PennVest, which is reviewing what needs to be done in order to go ahead make the transfer. He anticipated action by the Municipal Authority on December 16 and action by the Board of Commissioners on December 18. If PennVest does not get back to the Township and say things are good to go, it may not happen until January. However, PennVest does understand the urgency of the matter. Commissioner DeHart referenced the comment about the recalculated budget, and noted he has not seen it yet. Mr. Fabian agreed to follow up on this.

Efforts also continue in the Municipal Separate Storm Sewer System (MS4) Program. HRG supported Ms. Smith, the Township's MS4 Supervisor, in the evaluation of the current pollutant reduction plan projects to verify that stream restoration BMP-5 is the best candidate to pursue a Growing Greener Grant application to offset the cost of that BMP. This item will appear later on the agenda.

An update was provided on the DCNR C2P2 Planning Grant – Township Comprehensive Recreation, Park and Open Space Plan. The Recreation Board met on November 26 to discuss Facilities and will meet again on December 9 to discuss Programming. After these steering committee meetings have been completed, a final report will be prepared for the Board's review and then DCNR's review. A Public Meeting for discussion on the plan is set for January 30, 2020.

Mr. Fabian referenced the addendum to the agenda, which includes two proposals for grants discussed at the last meeting: a Growing Greener Plus Grant for a stream restoration project and a Boating Facility Grant to rehabilitate the existing non-motorized boat launch at the eastern end of Fulling Mill Road. Commissioner DeHart referenced the Growing Greener Grant scope, and asked if grant money can be used to pay for this portion. Mr. Fabian explained the budget plans for a 50/50 split. Commissioner DeHart observed that the proposal for professional services is for \$9,000, and he asked if this means 50% from the Township and 50% from the other grant.



Mr. Fabian explained the match isn't clearly identified in the Growing Greener. The way they put it is the more match offered, the better the chances. Mr. Fabian noted a lot of grants do run on the 50/50 match, so this is the assumption being used for budgeting purposes. Vice President Truntz asked the chances of getting the grant. Mr. Fabian responded the chances are pretty good, since it is for a pollutant reduction plan, and stream restorations are being prioritized by the Department. Commissioner DeHart asked exactly how much money the Township is applying for. Mr. Fabian stated that \$400,000 is the ballpark figure right now.

Commissioner DeHart also asked for an explanation of the second grant for the boat launch. Mr. Fabian explained the Boating Facility Grant would rehabilitate the existing non-motorized boat launch at the eastern end of Fulling Mill Road and improve upon it by adding pervious parking, riparian forest buffer plantings, and floodplain planting enhancements. Mr. Fabian added that he feels this is a very good candidate for the grant program. Commissioner DeHart asked if this cost would come from the General Fund or Recreation Fund. Ms. McBride stated she is thinking the General Fund, since the Recreation Funds are pretty much claimed. Commissioner DeHart asked if this expense can be included in the grant. Mr. Fabian responded he did not see an exclusion from doing so.

Commissioner Davies asked for clarification that these expenses will occur in the 2020 budget year. Mr. Fabian explained the Growing Greener Grant is due December 20, and the Boating Facility Grant is due December 31. Both will have a resolution for commitment of funds that will be acted on at the next Board meeting.

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve a proposal for professional services in the amount of \$9,000 to prepare an application for the Growing Greener Plus Grant for a stream restoration project identified as Best Management Practice (BMP)-5, which is part of the Township's Chesapeake Bay Pollutant Reduction Plan. The motion was unanimously approved.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve a proposal for professional services in the amount of \$8,000 to prepare an application for the Boating Facility Grant to rehabilitate the existing non-motorized boat launch at the eastern end of Fulling Mill Road and improve upon it by adding: pervious parking, riparian forest buffer plantings, and floodplain planting enhancements. The motion was unanimously approved.

SOLICITOR'S REPORT:

Solicitor Henninger reported he had nothing to add. Commissioner Paul asked if the Board could take action tonight on any of the MS4 items, with the stipulation that concurrence is received from PennVest. Solicitor Henninger explained this will need to wait for the December 18 agenda.

GOOD AND WELFARE:

Commissioner DeHart thanked those that came out tonight and encouraged them to come back again in two weeks.

Commissioner Davies recognized Steve Severin on his retirement and congratulated him on his 25 years of service to the Township. He wished him the best.

Commissioner Paul echoed Commissioner Davies' comments about Steve Severin, and stated he feels this is another loss for the Township.

Vice President Truntz also extended his thanks to Mr. Severin and wished him the best of luck in the future. He thanked those that came out tonight. Vice President Truntz requested a brief executive session immediately upon conclusion of this evening's meeting in order to discuss a personnel matter.

President Wilt thanked the public for coming out tonight, and congratulated Mr. Severin on his retirement. He also congratulated Ms. McBride who was recently appointed to the Gaming Advisory Board by the Dauphin County Board of Commissioners.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Vice President Truntz, seconded by Commissioner Davies, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:26 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



[illegible]