

MINUTES

NON-LEGISLATIVE MEETING – FEBRUARY 1, 2023

The February 1, 2023 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
- Michael J. Davies, Commissioner
- Ronald J. Paul, Assistant Secretary
- Christopher DeHart, Commissioner
- Zachary Border, Manager
- Jean R. Arroyo, Secretary
- Michael McAuliffe Miller, Eckert Seamans, Solicitor
- Scott Washinger, Director of Public Works
- Don Fure, Director of Codes and Planning
- Brian Davis, MS4 Coordinator
- Dominic Visconti, 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 COMMENT

Presentation by Middletown Area School District

Chelton Hunter, Superintendent of the Middletown Area School District, explained that School District representatives are here tonight to present the elementary school project, K-3, that the District is proposing to build on the High School campus. He introduced Bill Meiser, Director of Operations, and Scott Cousin from Crabtree Rohrbaugh Architects.

Mr. Cousin stated this is not a formal plan submission, but rather a discussion on what is envisioned and the high-level design ideas. The existing campus consists of the High School, Reid, and the Middle School. The District owns all the way back to the west of that property, which is the proposed location for the new K-3 elementary school. This project has been looked at for about five years now. Two factors play into this proposed project: the condition of the two existing elementary schools and enrollment and capacity of the existing buildings. This is

the direction that the School Board chose to proceed with, and will consolidate all the K-3 students into this building. Kunkel and Fink will be closed, and Reid will become a 4-5 building. All students will be on one campus, which will help with operations and security. The School District's Administrative Offices are also proposed to be relocated on this site, and an Operations Building is also planned for this site.

Mr. Cousin again explained this is very preliminary; meetings have been held with Township staff as well as the Municipal Authority on various topics which must be worked out. He noted the traffic study has not yet been completed. Mr. Cousin referenced the sketch plan showing the proposed primary entrance, and stated that with the building at the end of the campus, there has been a lot of thought on how to evacuate the building in the event of an emergency. The thought is to do a potential connector road to the Township park to the cul-de-sac. Once the traffic study is completed, a better idea will be had of what improvements will need to be made to 441. The actual building for the K-3 with the Administrative Offices is approximately 175,000 sq. ft., 11 classrooms per grade and is sized for future capacity. The design capacity will be about 1,100 students; current enrollment is around 700. The existing driveway which dead ends into a parking lot will be completed around the building in order to provide full access around the building for emergency vehicles and for parent drop off ease. The School District is currently working on the timing of when each school starts in order to stagger times and prevent traffic flow issues.

Mr. Cousin also showed the parking lots provided on this plan, as well as student play areas and areas for potential stormwater management. The connector road referenced earlier will be gated and only used in the event of an emergency. The proposed maintenance building is a 13,000 sq. ft. one-story building with vehicle bays, some office space, shops for the district to maintain their properties, and some parking. Commissioner DeHart asked if there will be parking for the district's vans and a lock-area to store things. Mr. Meiser confirmed there will be.

Commissioner DeHart stated that many of his questions have been touched on tonight, but he is concerned about the dead-end with Route 283 on one side and the Turnpike on the other. He agreed that traffic counts will be very important. Greenfield has some bad site distance which is a big problem. Sewer issues will also need to be resolved, which will take time. Mr. Cousin agreed this is critical, and meetings have been held with the Municipal

Authority. Mr. Meiser added that pump stations are also being evaluated to determine capacity, and requests are in for flow tests. Commissioner DeHart asked if Kunkel will then be sold. Dr. Hunter responded that the School Board has not decided on this yet. Commissioner DeHart explained he is wondering how a potential sale of that property could impact the Township.

President Wilt asked when they expect to begin this project. Mr. Cousin responded that they hope to be out to bid towards the end of the year, but this may be unrealistic with the sewer timeline. There was discussion with DEP to make the approvals run parallel; in other words, to have them review the sewer planning module at the same time they are reviewing the upgrades to the plant. Mr. Cousin added he would never advise the School District to go under contract without all the approvals in place. Commissioner DeHart asked if the pumping station in Middletown does not have capacity. Mr. Cousin explained there are some issues with the size of the lines. The pump station that is located on-site at the Middle School is owned by the Township, and there will be some upgrades required there. Mr. Meiser stated that at the meetings held, there was a comment that they would not be ready until 2024/2025 if everything goes well. This is scary to the School District. DEP has stated there is no capacity right now for anyone to add until that line is addressed. Mr. Cousin commented that there is going to be at least a 20-month construction process, which means finishing in the spring. Since a school would not be open in the spring, it would probably open the following year. Mr. Meiser stated that August 2026 is the projected opening.

Commissioner Davies commented that he understands everything isn't worked out yet, but there is a tight use of space. He asked how many employees would be on that site. Mr. Cousin stated he doesn't believe the number is finalized, but thinks the range is about 100 staff for the elementary school, 20 for the district office and 6 for the maintenance building. Commissioner Davies asked the projected parking capacity. Mr. Cousin stated the majority of the parking is in the front lot. The total parking count for the elementary school is about 247 and the maintenance building is about 35. Mr. Cousin noted they have been working with Mr. Fure on getting an interpretation of the ordinance pertinent to parking counts.

President Wilt asked if the Administrative Office on 55 W. Water will then be closed. Mr. Meiser confirmed that is correct. Mr. Cousin explained that basically, all of the district will be operating on this one campus. Commissioner DeHart asked what will happen if this new facility is developed, the other ones are sold, and growth happens again maxing out this site.

Mr. Cousin explained that no other full buildings could be put on this site. However, the Reid building and the High School are already set up for additions if space is needed. Dr. Hunter noted all these questions will be decisions the School Board will have to make once the plan moves ahead. Commissioner DeHart agreed that these are important considerations as there is a strong possibility of a growth spurt in the Township. President Wilt commented that it may be worthwhile for the School District to hold onto the Kunkel property for a while. Dr. Hunter agreed this will be considered, and noted the Fink property is also attached to the stadium so there could be some issues with selling that. These are all conversations for the School Board.

Vice President Truntz agreed with Commissioner DeHart that Greenfield Drive has always been a concern from the homeowners due to speeding and volume of traffic. This definitely needs some consideration. Mr. Cousin explained that more details can be discussed once the traffic study is finalized. Commissioner Paul commented that traffic will definitely be the biggest problem, especially opposite the middle school building. The number of vehicles coming in and out of the one-way will be a concern. Mr. Cousin stated the intention of staggering the school times will prevent the influx of everyone at one time. These times can be fine-tuned once the traffic study information is received.

The Board thanked the School District representatives for their presentation.

Dale Messick, Greenfield Drive, commented that on that original pumping station there is reserve capacity for EDUS for Greenfield in that corner of the Township. He asked that this not get lost in the calculations for the capacity for that pumping station.

APPROVAL OF MINUTES

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve the Minutes of the January 18, 2022 Legislative Meeting. The motion was unanimously approved.

ORDINANCE NO. 606 AMENDING NONUNIFORMED PENSION PLAN

Solicitor Miller addressed proposed Ordinance No. 606 which would change normal retirement age requirements for the position of Township Manager. He explained to the public that this moves the vesting age from eight years to twelve years; it actually changes it back to where it originally was. A motion was made by Commissioner DeHart, seconded by Commissioner Davies,

to approve Ordinance 606 amending the Code of Ordinances No 448, as amended and supplemented, Chapter 1, Administration and Government, Part 6, Nonuniformed Pension Plan and Pension Fund, in order to change normal retirement age requirements for the position of Township Manager hired on or after January 23, 2023. 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. 606 was approved by a 5 – 0 margin.

RESOLUTION NO. 2023-R-2 EXECUTING VERIZON CABLE FRANCHISE AGREEMENT.

Solicitor Miller addressed proposed Resolution No. 2023-R-2 authoring execution of a cable franchising agreement with Verizon. He explained that he had thoroughly reviewed the agreement. It is a renegotiated contract that needs to be reaffirmed. The main point is the 5% franchise fee that the Township collects on all gross revenue remains unchanged. The Township continues to have audit capabilities, which is important. The termination provision has changed favorably so that there must be a decrease in subscribers before Verizon can terminate the agreement. Customer service standards have been updated based on recent FCC recommendations. Most significantly, they are required to end the free service to public buildings following FCC restrictions which has to be offset by the 5% franchise fee that the Township receives. This is on appeal so Verizon has agreed, while that appeal is pending, to provide basic service to the municipal buildings. Solicitor Miller stated Attorney Cohen has done a nice job on this document.

Commissioner Paul commented that this agreement was actually executed a few years ago, and apparently had to be re-executed since Verizon needed original signatures. He asked if the changes just mentioned are revisions to the agreement executed last time. Solicitor Miller confirmed that this is a renegotiation of that agreement from two years ago. It is still a ten-year agreement, and the expiration date has not changed.

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve Resolution No. 2023-R-2 authorizing execution of a cable franchise agreement between the Township and Verizon Pennsylvania LLC. The motion was unanimously approved.

WAIVER OF INTEREST ON DELINQUENT TAXES

Solicitor Miller explained that before the Board tonight is a proposed waiver of interest on delinquent taxes as requested by the Dauphin County Tax Claim Bureau in an effort to increase collections. Solicitor Miller explained that it costs the County more to mail out some of these notices than the tax they increase, so they give a 30-day window of grace to pay the taxes. He recommended approval. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the waiver of interest on delinquent taxes as requested by the Dauphin County Tax Claim Bureau. The motion was unanimously approved.

REPOSITORY PROPERTY OFFER FOR 23 JOSEPH DR.

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve the repository property offer of \$2,000.28 by The Crazy Nail LLC for property at 23 Joseph Drive, Middletown, PA, parcel 36-004-057-023-0367. Commissioner Davies asked if this is for both the structure and the lot or just the structure. Solicitor Miller stated he believes it is for the entire lot and what is on it. The motion was unanimously approved.

RESIGNATION OF ANDREW MENEAR

The Board accepted the resignation of Public Works laborer Andrew Menear effective January 27, 2023.

“PLAYING WITH PURPOSE” REQUEST TO USE PAVLION

The Board discussed a request from Aaron Murphy, representing “Playing with Purpose”, to use the small pavilion at the Lower Swatara Twp. Recreation Area (Memorial Park) on March 4, March 11, March 18, March 25, April 1, and April 8, contingent upon providing the appropriate proof of insurance. Commissioner Paul reminded the Board that last year, the Township dealt with numerous requests for park usage. These park rules and regulations need to be looked at and updated. This particular request does have some items that the ordinance does not specifically address. A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to table a request from Aaron Murphy, representing “Playing With Purpose”, to use the small pavilion at the Lower Swatara Twp. Recreation Area (Memorial Park) on March 4, March 11, March 18,

March 25, April 1, and April 8, contingent upon providing the appropriate proof of insurance. The motion was unanimously approved.

Commissioner DeHart recommended the Township start review on the current ordinance. Mr. Border stated he has been pulling information from other municipalities to see how they regulate their parks. In response to a question from Commissioner Davies, Ms. Arroyo stated this particular group is a for-profit organization. President Wilt stated he personally does not have an issue with non-profit groups like churches using the pavilion for free. However, this is a for-profit group using the facility for free. Commissioner DeHart recalled a small fee is charged for clean-up and asked if this fee is for each date or for the entire period used. Commissioner Paul explained that the fee is a deposit only, and the entire deposit is refunded when a resident reserves the pavilion. President Wilt stated this does not cover the clean-up for the Public Works to empty trash. The Board agreed this needs looked into further.

DEPARTMENT REPORTS:

Planning and Zoning/Codes Department:

Don Fure, Director of Codes and Planning reported that two projects were recently closed-out: Hershey Creamery and Stoneridge Lot 5. A zoning hearing was scheduled for the old Glen Geary building for an Application for Special Exception but was subsequently withdrawn by the applicant.

The Ponds on Fulling Mill was tabled by the Planning Commission, since quite a few items still need addressed, The Colony at Old Reliance was tabled by the developer, Aberdeen behind Souders was tabled by the developer, Capital Valley Business Park Lots 3 & 4 was tabled by the developer, Illuminated Integration Office and Trade Shop was approved with conditions, a small subdivision on 1725 Rosedale Ave. was approved with conditions, and another small subdivision known as the Fox Subdivision on Longview Drive was tabled due to a site distance problem.

Permits for the month were as follows: commercial – 1, residential – 3, sewer – 4, street cut – 4, zoning – 4, and sign – 1. As reported earlier, several meetings were held with the School District. Staff also met with Penn State. Yesterday a meeting was held with representative from Milton Hershey to discuss a potential school which would also be located behind Souders where the farmhouse is situated. They hope to submit plans in April. Labor & Industry contacted

the Code Department to set up the five-year accessibility audit. Information was provided and the Township is now awaiting a date.

Commissioner Davies questioned a permit which was issued for Longview Drive referred to as a “manure pit” and asked if this is in compliance with municipal and state regulations. Mr. Fure explained that Dauphin County Conservation District has signed-off at where they are at this point with the project. The Township is still waiting on some clarity from the building owners pertinent to zoning and how the property is being used. This was to be submitted two weeks ago but apparently the owners are out of the country right now. Commissioner Davies asked the size and volume of the manure pit. Mr. Fure responded it will be 12 x 30, and there are some regulations they must meet with the county pertinent to the amount of storage. Commissioner DeHart stated that in the springtime when the weather gets warm, they will need to spray to keep down the population of flies. Mr. Fure agreed that the county or state will regulate this depending on the volume. Vice President Truntz stated his concern is that this abuts a lot of residential areas and will result in complaints. Mr. Fure agreed that there are always problems when residential developments are built around a farm. Potentially this could be developed into a whole farm since it is a permitted use. Commissioner Davies asked if this manure pit will be lined with concrete or a fabric. Mr. Fure explained it will be full-concrete and will look like a retaining wall towards the back of that building. Mr. Davis will also be involved with stormwater regulations, and state approvals will be needed for the NPDES.

Commissioner DeHart questioned signage on the empty lots on Kreider Drive which state “available”. Once those are built on, a lot of those places leave those signs up forever. Mr. Fure stated the Codes Department will pursue these.

Public Works Department:

Mr. Washinger referenced the small nuisance storm on January 25, and reported that approximately 100 ton of salt was used. He reported that he was also out with the crew plowing, due to being shorthanded as a result of the recent resignation of Andrew Menear.

Three quotes were received for the proposed guardrail on Longview Drive. Chemung Supply Corp. submitted the lowest bid at \$15,581.85. This price does not include traffic control. L.S.Lee, Inc. came in at \$15,675.00 and their bid does include traffic control. Green Acres Contracting submitted a bid of \$19,075.00. Mr. Washinger stated the recommendation is to use

L.S. Lee since it does include traffic control. He asked if the Board would like to pursue this for inclusion on the February 15 agenda. Commissioner DeHart asked the length of the guardrail. Mr. Washinger responded the length is about 275'-285'. Commissioner DeHart stated four trees were hit out there the other week. Vice President Truntz asked if there are any right of way issues involved or can the guardrail simply be installed. Mr. Washinger responded there should be no problem putting it in the existing right of way. Commissioner Paul commented that if the road ever gets corrected, that guardrail can be removed and reused elsewhere. Vice President Truntz added that he recently received an email from Mrs. Snyder that yet another car had gone off the road in that area, and into someone's yard. He stated his opinion that this should be placed on the next agenda for formal approval. President Wilt agreed.

Over the past two weeks, when weather permitted, the Public Works Department has been cleaning out the storm grates. At this point about 75 cubic yards of debris has been removed. During the rainy days, all the boardroom lights have been changed out to LED fixtures.

Commissioner Davies observed that one of the homes on Stoner which is probably part of Buddy's Run, has a serious drainage issue. He asked if this will be addressed by augmenting the paving. Mr. Washinger stated he is unsure how long it will be for the paving to be done but agreed this does need to be addressed. Vice President Truntz asked if the developer should be responsible for that. Mr. Washinger commented the developer should have been, but it is now too late now.

Commissioner DeHart questioned the guardrail on Eisenhower and Fulling Mill on the left side and asked if this is the Township's or PennDOT's. Mr. Washinger stated it is PennDOT's, and they were supposed to put that guard rail in two years ago. Commissioner DeHart stated he may put in a citizen complaint on the PennDOT website, since it is very bad out there.

MS4/Stormwater Department:

Mr. Davis reported that now that the Dauphin County's Water Resource and Enhancement Program (WREP) has been officially approved by the Dauphin County Commissioners, the Township has reached out to Steve Deck from the Tri-County Planning Commission to discuss the next steps. A meeting is currently planned for February 22 to discuss potential future projects and possible tiers of service. The Board will be kept updated on this.

The other partnership is the PennDOT project which has been discussed and tabled at several legislative meetings. Mr. Davis noted he is scheduled to have a meeting with RES,

the engineers who are doing the design work for the project, this Friday to get an update on where the design process is and get information to update the Township's PRP (Pollution Reduction Plan). He added that he will attempt to get some type of timeline of when this work will occur. If the commissioners have any other questions they would like answered, he asked that they present or email them to him.

As previously stated, the Township does need to make some updates to its PRP. These updates are essential to officially getting stormwater credits for participation in the Conewago Creek Restoration Project. Unfortunately, this cannot happen until Londonderry Township's PRP change is first approved by DEP (as the Township is piggy backing off their revised project list). This will happen soon; meanwhile the Township is preemptively working with HRG to make the necessary changes to its plan so the official update process can begin as soon as it is possible. Mr. Davis noted he is hopeful the revisions to the plan will be done by the February legislative meeting and a motion to advertise the changes can be included on the agenda. This must be done before the PRP can be submitted to DEP. Commissioner Paul asked if there are a lot of revisions to the plan. Mr. Davis stated there is not; it is basically just stating that the Township is considering adding a list of possible sediment removal projects. Commissioner Paul asked that the Board be provided the revisions in time to review them, before formal approval is sought. Mr. Davis agreed that the revisions will be included in the Board packets or emailed if they are received earlier.

Commissioner Davies referenced a cooperative project with PennDOT and the Turnpike that was on the last agenda. He recalled there was a question about what point the Township must financially participate in this project. Solicitor Miller explained the Township has committed to the project but is not executing any documents or going any further until there are assurances that the credits will transfer as the Township expects them to transfer. Commissioner Paul added that he is concerned that no one can tell the Township when it will be billed for this. He suggested that if Mr. Border has available time, he participate in some of these meetings.

Mr. Davis reported that as mentioned to the Municipal Authority, the Dauphin County Conservation District is planning a series of riparian buffer plantings along the stream that passes through Dayspring Ministry's property. That stream is heavily eroded. While the Township is not participating in the project, it may see direct benefits from it as the plantings may help to stabilize the stream, reducing flow rates downstream to the culverts crossing under Lumber Street. Commissioner DeHart asked if the Township will be able to take any credit for this. Mr. Davis responded it will not be able to do so, since it is not participating in this project. Commissioner Davis asked the genesis of this project as this is the first time it has been presented to the Board. Mr. Davis stated his understanding is the Dauphin County Conservation District had several grants for improving stream quality throughout the county. They have been working with HRG to analyze some areas that are in need of some improvements. This project was one of them.

Commissioner Paul referenced the earlier report by the School District regarding its future plans, and asked if this will have any impact on MS4 projects in that particular area. Mr. Davis agreed the proposed construction is right next to one of the Township's original planned BMPs which is not being currently pursued. It is something that will need to be looked into.

MANAGER'S REPORT:

Mr. Border thanked the Board and staff for being so welcoming his first week. He reported that he is currently diving into the current policies and meeting people.

ENGINEER'S REPORT:

In the absence of Mr. Fabian, Commissioner Paul noted the Doli project is getting close to being finalized. However, there is still no acknowledgement from PPL about the \$8,000 payment it is responsible for making. Supposedly Doli has contacted them about this, but PPL has not returned calls. Nothing will be finalized until this confirmation is received. Commissioner Paul also reported that several of the commissioners were at the recent meeting of the Municipal Authority. There are some capacity issues that will impact some of these developments. More will be forthcoming on this.

GOOD AND WELFARE:

Commissioner DeHart thanked everyone for coming out. He stated it will be interesting to see how the School District's expansion/consolidation develops over the next years.

Commissioner Davies stated he appreciates the School District keeping the Township in the loop. He commented that it is a lot of plan for a small piece of turf.

Commissioner Paul advised Solicitor Miller that there should probably be a resolution adopted pertinent to the Civil Service regulation changes. An updated document was approved back in October 2022, but there was no resolution approved accepting this document. With a new amendment proposed by Chief Visconti and agreed to by the Board in executive session, this would be the ideal time to do that. This will be placed on the agenda of the February 15 meeting. Commissioner Paul also requested an executive session upon conclusion of this meeting for personnel reasons.

Vice President Truntz reported that he was approached this week by John Ponnett, President of the Athletic Association. Mr. Ponnett was contacted by a resident who would like to conduct a fundraising campaign for automatic defibrillators stationed at the concession stands at the baseball fields. While this sounds like a great idea, there are some legal and practical issues to be worked through. He asked if Mr. Border can discuss this with Solicitor Miller. Mr. Border agreed to do so. Vice President Truntz also expressed his gratitude to Commissioner Paul for taking the helm during the period when the Township was without a manager. The Board members agreed it was much appreciated and thanked Commissioner Paul.

President Wilt thanked everyone for their participation tonight, and congratulated Mr. Border on his new role.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner Davies, seconded by Commissioner DeHart, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:05 P.M.

ATTEST:


Jean R. Arroyo
Township Secretary

PLEASE PRINT NAME CLEARLY
BOARD OF COMMISSIONERS'
FEBRUARY 1, 2023 WORKSHOP MTG. -- 7 PM

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