

## MINUTES

### LEGISLATIVE MEETING – FEBRUARY 15, 2023

The February 15, 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 (via Zoom)
- Zachary Border, Manager
- Jean R. Arroyo, Secretary
- Brett Flower, Eckert Seamans, Solicitor
- Shawn Fabian, HRG
- Brian Davis, MS4 Coordinator
- Dominic Visconti, Chief of Police

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

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

#### PUBLIC COMMENT:

Eric McClune, 780 Fulling Mill Road, stated he is following up on the concerns he expressed several meetings ago pertinent to speeding on Fulling Mill Road. There was a sign placed out there westbound to record speeds, and some enforcement conducted. Since then, it has now gone back to the normal bustle, including FedEx trucks speeding by. Mr. McClune added that he did email PennDOT, and received a response that basically puts it back in the Township's hands by suggesting a speed study be conducted. He noted he did forward that response to the email link on the Township website. He asked the Board what the next steps will be. Chief Visconti reported that the speed sign data indicated most of the speeds recorded out there were between 30 – 40 mph. The sign was placed on a 30 mph speed limit westbound on Fulling Mill Road, which is the first sign that reduces the speed limit from 40 mph to 30 mph westbound at that location. Several speed details were run in this area. This will continue for another week and then the sign will be put back at the same location to see if there was an

impression made. Mr. McClune added that rush hour is particularly bad. He commented that the sign is far off to the side and may be tough to see when the sensor is not up. Vice President Truntz asked if Chief Visconti could contact FedEx to report the issue with their trucks speeding in this area. Chief Visconti agreed to do so. Mr. McClune asked if the next step will be for the Township to do a speed study, since this seems to be the suggestion from PennDOT.

Commissioner Davies added the information obtained from the speed sign is not considered “official information” which is why a traffic study is requested from an actual traffic engineer. This is an expense that PennDOT obviously doesn’t want to pay. Commissioner Davies stated that once the Township receives confirmation that there is a problem, the Board can then decide on options to address it, be it moving or changing the speed limit sign, adjusting speed limits, etc. and of course, the first step of having a traffic study done. Commissioner Davies thanked Mr. McClune for coming to the meeting to update the Board on this problem.

Linda Raphael, 62 Wayne Avenue, asked if there is any update on the potential buyout of her home through PEMA and FEMA. Mr. Fabian explained there have been no further updates. Mr. Border advised Ms. Raphael that he had also reached out to Senator DeSanto’s office to see if they can assist the Township in getting some firm answers.

#### APPROVAL OF MINUTES:

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the Minutes of the February 1, 2023 Workshop Meeting. The motion was unanimously approved.

#### PAYMENT OF BILLS:

A motion was made by Commissioner Paul, seconded by Vice President Truntz, to approve the Payment of Bills – Warrant No. 2023-01. 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 January 2023. The motion was unanimously approved.



## PUBLIC SAFETY REPORTS:

### Police Department

#### *Activity Report*

Chief Visconti provided a summary of the monthly statistics for January. There were 14 Part I crimes, 14 Part II crimes, 391 calls for service, 2 DUI arrests, 34 traffic citations, 4 non-traffic citations, and 28 warnings. There were 18 motor vehicle accidents, 7,817 patrol miles driven, 185 foot patrol minutes and 236 foot patrol minutes on the School District properties. There were 224.25 total overtime hours, and 24 total training hours. Co-responder stats included 2 new contacts, 9 follow-up contacts, and 2 mental health commits.

Vice President Truntz stated the number of patrol miles driven jumps out at him every month; 7,800 miles is significant. He asked the condition of the vehicles. Chief Visconti explained the current police department fleet consists of 6 marked vehicles, 3 unmarked vehicles, and the purchase of a 2023 Chevy Tahoe which is currently being upfitted with all the necessary equipment. Of the existing fleet, all but 2 are of 2017 model year or older. The fleet is aging, so measures continue to upgrade the vehicles, including the latest purchase of the Tahoe. There is also money in this year's budget for the purchase of another vehicle; this will be revisited at a later time. Recently there have been some issues with reoccurring problems that are difficult to get fixed. For example, Monday morning the department was down to 2 patrol cars. The department was 4 cars down, 2 of which were at outside shops for repair. As of this morning, both are back in service. The other two remain out of service, one of which is at a dealership for transmission problems and the other one is being looked at by the Township mechanic.

President Wilt referenced the foot patrol minutes at the School District, and stated his understanding that the Township no longer has an SRO (School Resource Officer). Chief Visconti confirmed that is correct. However, at the request of the School District, he has directed the day-shift officers to visit the schools, do walk-throughs, and maintain a presence.

### Fire Department

Vice President Truntz reviewed the Fire Department's monthly statistics for the month. During the month of January there were 32 total calls. Number of responders for the month was 27, with an average of 7 personnel per response. Time in service was approximately 20 hours. There were 5 fire incidents, 8 rescue and EMS incidents, 3 hazardous condition incidents, 2 service calls, 7 good intent calls and 7 false alarms. Mutual aid was provided to Highspire

Borough (2), Middletown Borough (1), PA Turnpike (1), Newberry Twp. (2), Steelton Borough (6), and Swatara Twp. (4).

ENGINEER'S REPORT:

Mr. Fabian updated the Board on the 2021 drainage projects. There is an application for payment on tonight's agenda. The last remaining punch list items were worked through relevant to landscaping. These are being buttoned up now, and this project should be in a position to be closed out within the next few months. The 2022 paving project has a few punch list items to be addressed when weather permits. There has been a lot of activity on the Bryn Gweled and the Hanover/Meade bid packages. Projects manuals are being compiled as well as bid schedules. Both will be contracted through the Municipal Authority, and approval for advertisement will be requested at their February meeting.

Mr. Fabian addressed the Rosedale Avenue stormwater project, under the PennVest loan. The Board will recall discussion a few months ago relative to a PPL letter for \$8,837.60 for relocation costs and damage to a light off of Brentwood. At that time, with the help of the solicitor, the Township issued a letter that if this was not resolved, there would be a short pay to the final invoice to the project. Now that the invoice is here, staff is working diligently to get this resolved through PPL. There have been a number of conversations with Doli to get this rectified, but Doli is having issues getting a response back from PPL. Doli has accepted the fact that they are responsible for the repair of the damages. They are simply trying to get a final bill from PPL to resolve this. Mr. Fabian explained that if the Township does end up in a short-pay situation, there would be an issue with closing out the PennVest loan. Right now, this loan has \$561,757.26 of unused funds. However, the Township has been paying debt service on the full loan amount. Until the project is closed out, that value cannot be returned. In response to a question from Vice President Truntz, Mr. Fabian noted the short pay would be \$8,837.60 of the \$116,612.50 requested. Vice President Truntz asked if there could perhaps be a side agreement with Doli. Mr. Fabian explained the problem is that acceptance of final payment also releases liability for both sides. Commissioner Davies asked about the possibility of simply removing the light. Mr. Fabian explained the light has been reinstalled and is functional. It was within the right of way, and the Township had to put infrastructure through that right of way, so there should clearly be no cost to the Township.



Commissioner DeHart asked about the possibility of contacting the state representative. Mr. Fabian agreed this is a good option, as both he and Doli have tried many times to make contact with PPL with no response. Commissioner DeHart stated he is sure PPL has a representative that works with the state. He again suggested staff contact the new state representative. Vice President Truntz stated it is important to make sure the Township is not spending more on the debt service than the payment for the pole. Commissioner Davies agreed that this is his concern. Mr. Fabian recommended that if the Board is not comfortable paying the invoice in full, it at least pay it with the short pay until this can be resolved. Commissioner Paul asked the unspent amount that the Township is still paying debt service on. Mr. Fabian responded the amount is \$561,757.26 on a \$4,000,000+ loan. Commissioner Paul suggested that in the future, pencils may need to be sharpened a bit on the money being borrowed. Mr. Fabian agreed that steps are being taken to cut in a bit better on final costs. However, there are always unknowns and contingencies. Commissioner Davies asked Commissioner Paul if the electricity that runs these streetlights is paid for by the Township through the street light fund, and if a check is sent to PPL on a regular basis. Commissioner Paul confirmed that is correct.

Dale Messick stated he is confused why there is an issue since Doli has admitted it is their responsibility to pay for this pole. Mr. Fabian explained that Doli has agreed that any costs for the damages to the pole are theirs to absorb through their insurance, not to pay outright. Mr. Fabian stated the problem with PennVest is that anytime a short payment is submitted, they consider it a liability that hasn't been addressed yet. Commissioner Paul suggested the Board contact the state representative and be prepared to discuss this at the next meeting.

Mr. Fabian reported that a meeting was held with Mr. Washinger to discuss the 2024 Capital Improvement Project and to look at Lumber to make sure the appropriate infrastructure will be replaced. There has been coordination with FEMA for grant support for Greenwood Circle, Hanover Street and Meade Avenue.

Commissioner Paul reminded the Board that it had supported Woodridge's application for a gaming grant for financial assistance for the extension of the culvert and the detention facility under Spring Garden. That job is not designed. He suggested this be kept on the front burner since the money may become available soon. Solicitor Flower agreed that the gaming board is in the process of awarding, so word should be received shortly. Mr. Fabian stated he does have a desktop-level schematic pulled together for the drainage improvements. Commissioner Davies asked if this

culvert is presently a piece of deteriorated galvanized steel that will be replaced with corrugated plastic pipe. Mr. Fabian confirmed that is correct.

#### MANAGER'S REPORT:

Mr. Border reported that there was previous discuss about cleaning the HVAC system; there has only been one quote received so far. A second quote is being pursued, and hopefully action can be taken at the next meeting to get this process started.

Included in the Board packets was a draft park rental application for the Board to look at and provide comments. This will most likely require updating the fee schedule. Vice President Truntz asked that the solicitor also review and comment on the draft policy.

The personnel policy is also in need of updating. Mr. Border stated that he had contacted one company and had also reached out to the solicitor who is willing to undertake this project. This will be on next month's agenda for approval.

#### Future Meetings/Events:

February 22	7 PM	Zoning Hearing Board
February 23	7 PM	Planning Commission Meeting
February 27	7 PM	Municipal Authority Meeting
March 1	6 PM	Recreation Board Meeting
March 1	7 PM	Board of Commissioners Workshop Meeting

#### COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul – reported that with the Shireman Park project moving forward, there should be a meeting set up with the Recreation Boad and then with the public to share information.

Budget and Finance Committee: Commissioner Davies no report

Public Works Committee: Vice President Truntz reported that the crew has been taking advantage of the nice weather by cleaning parks, collecting the last of leaves, working on the tennis courts at Memorial Park including converting one of them to a pickle ball court, general pothole repair and storm sewer cleanup.

Community Development: Commissioner DeHart reported that Commissioner Paul will be attending the MARA meeting tomorrow evening.

Personnel Committee: President Wilt – no report



UNFINISHED BUSINESS:

Resolution No. 2023-R-5 re: participation in Statewide Contract for Chesapeake Bay Watershed

Brian Davis, MS4 Coordinator, updated the Board on the previously tabled resolution relative to participation in the Statewide Contract for the Chesapeake Bay Watershed. He explained this pertains to a partnership with PennDOT for the Rosedale project. A meeting was held with the designer from RES about this project, and it appears there are issues obtaining all the easements needed from the landowners. This is an ongoing and unanticipated delay. It delays the project longer than PennDOT can manage, since they also have their own MS4 requirements. PennDOT is now looking to do a project in Lancaster County. Mr. Davis stated the partnership seems to be dissolved, although the project may happen someday but not in this current form. He stated there is no real reason to approve this resolution. A motion was made by Commissioner Paul, seconded by Vice President Truntz, to withdraw Resolution No. 2023-R-2 authorizing the participation in the Statewide Contract for the Chesapeake Bay Watershed. In response to a question from Commissioner Davies, Mr. Davis explained that RES is an engineering firm that specializes in environmental improvements such as stream restorations. The motion to withdraw was unanimously approved.

Authorization to advertise ordinance amending Zoning Ordinance

Solicitor Flower recommended the Board table authorization to advertise an ordinance that would amend the Township Zoning Ordinance to adopt standards for large scale solar facilities in the Township. She explained that she had met with staff, and the revisions discussed are back with staff, will come back to her, and will then be presented to the Planning Commission. A motion was made by Vice President Truntz, 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.

Request for use of pavilion by Aaron Murphy, "Playing With Purpose"

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the 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 and with the understanding that this is a one-time approval due to the proposed revising of the park rental policy. The motion was unanimously approved.

## NEW BUSINESS:

### Time Extension Request – Vistablock LLC for The Pond

Solicitor Flower addressed a request for an Indefinite Time Extension from the engineer, ELA Group, Inc., on behalf of the applicant/equitable owner, Vistablock, LLC, for PC#2021-06, The Pond on Fulling Mill. The Final Subdivision & Land Development Plan was submitted 11/10/2022, and a decision is due 03/15/2023. She noted there was discussion at the last meeting about the granting of indefinite time extensions. Solicitor Diamond of Eckert Seamans does recommend these indefinite time extensions in order to prevent any danger of a deemed approval. They are actually beneficial to the Township. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve a written request for an Indefinite Time Extension from the engineer, ELA Group, Inc., on behalf of the applicant /equitable owner, Vistablock, LLC, for PC#2021-06 The Pond on Fulling Mill. The motion was unanimously approved.

### Application for Payment No. 6 to JVI Group

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve Application for Payment No. 6, in the amount of \$98,250.43, to JVI Group, Inc. for the 2021 Drainage Improvements Project. The motion was unanimously approved.

### Contract Closeout Documents and Final Application for Payment No. 10F to DOLI

Mr. Fabian addressed the previously discussed Contract Closeout Documents and Final Application for Payment No. 10F in the amount of \$116,612.50, to DOLI Construction Corporation, for the Rosedale Drainage Improvement Project. As mentioned earlier, there is the option to short pay the application by \$8,837.60 which would put the payment at \$107,774.90. A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve Contract Closeout Documents and Final Application for Payment No. 10F, in the revised amount of \$107,774.90, to DOLI Construction Corporation, for the Rosedale Drainage Improvement Project. The motion was unanimously approved.

### Advertisement of updated PRP

Mr. Davis reported that he had provided the Board with a copy of the proposed updated PRP (Pollution Reduction Plan) which requires advertisement. In response to a question from Commissioner Davies, Mr. Fabian explained the blank pages are place savers for proof of publication dates, comments, etc. A motion was made by Vice President Truntz, seconded by



Commissioner DeHart, to approve advertisement of the updated PRP. The motion was unanimously approved.

#### Monthly transfers

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

#### Resolutions

A motion was made by Commissioner Paul, seconded by Vice President Truntz, to approve Resolution No. 2023-R-3 appointing Zachary Border, Township Manager, as Lower Swatara Township's Alternate Open Records Officer and Police Department Sergeants Daniel Tingle and David Frantz as the Police Department's Alternate Open Records Officers. The motion was unanimously approved.

Solicitor Flower addressed proposed Resolution No. 2023-R-4, adopting the Civil Service Rules and Regulations of the Township of Lower Swatara, updated February 15, 2023. She explained that the Civil Service Commission revised the rules, removing the Act 120 certification requirement. There were some inconsistencies with the previous document, so instead of adopting this amendment as a piecemeal, this proposed resolution will adopt the full set of rules and regulations. The only amendment to the last set of rules is removal of the Act 120 certification requirement for officers. In response to a question from Commissioner Davies, Chief Visconti explained that the Civil Service Commission had previously lowered the minimum passing score for both the oral and written examination from 85% to 75%. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Resolution No. 2023-R-4, adopting the Civil Service Rules and Regulations of the Township of Lower Swatara, updated February 15, 2023. The motion was approved by a 4 – 1 margin, with President Wilt dissenting.

#### Quote for Guardrail

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve acceptance of the quote from L.S. Lee, Inc., in the amount of \$15,675.00, for guardrail on a section of Longview Drive. The motion was unanimously approved.

Quote for air unit for server room

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve a proposed agreement for GR Sponaugle to perform work on the air unit for the server room at a cost of \$10,634.00. The motion was unanimously approved.

Appointment of COG delegate

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to appoint Zachary Border as the Township's delegate to the Capital Region Council of Governments (COG). The motion was unanimously approved.

Appointment of delegate to Dauphin Couty Tax Collection Committee

A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve the appointment of Zachary Border as the Township's delegate to the Dauphin Couty Tax Collection Committee. The motion was unanimously approved.

Repository property offer for 36-000-010

The Board discussed a repository property offer of \$1,000.00 by David Hazard, 5064 Irene Dr., Harrisburg PA 17112 for unmapped property known as 36-000-010. President Wilt asked the location of this property. Mr. Border responded that some research was done with the planning and zoning department and the county, and nothing could be found on the map. Apparently it used to be an old road. There is no actual parcel on the map. President Wilt stated he is not comfortable voting on this and recommended it be tabled. Commissioner DeHart agreed, and suggested contact be made with the potential buyer to request more information. A motion was made by Vice President Truntz, seconded by Commissioner Paul, to table the repository property offer of \$1,000.00 by David Hazard, 5064 Irene Dr., Harrisburg PA 17112 for unmapped property known as 36-000-010. The motion was unanimously approved.

Executive Session Requested

Commissioner Paul requested an executive session immediately upon conclusion of this evening's meeting for personnel and litigation reasons.

FINAL COMMENTS:

Commissioner Davies thanked the Mr. McClune for coming out tonight to keep the Board aware of the traffic issue on Fulling Mill Road.

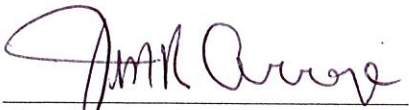


Vice President Truntz reported on an inquiry from John Ponnett, President of the Athletic Association. The Athletic Association would like to name the small t-ball field in the back at Memorial Park after Dennis Fausey. Vice President Truntz asked that staff look into this possibility. He also thanked those who came out and participated in tonight's meeting.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner Paul, seconded by Commissioner Davies, to adjourn the meeting and convene into executive session. The meeting adjourned at 7:59 P.M.

ATTEST:

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

Jean R. Arroyo  
Township Secretary

**PLEASE PRINT NAME CLEARLY**  
**BOARD OF COMMISSIONERS'**  
**FEBRUARY 15, 2023 LEGISLATIVE MTG. -- 7 PM**

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