

MINUTES
LEGISLATIVE MEETING – FEBRUARY 17, 2021

The February 17, 2021 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Jon G. Wilt via Zoom. President Wilt asked that everyone keep the Frank Linn family in their prayers; Frank passed last Thursday. Frank served as a Lower Swatara Township Commissioner as well as Board President for many years.

All officials were in attendance through Zoom:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Michael J. Davies, Commissioner (not present at roll call; arrived 7:20 P.M.)
- Ronald J. Paul, Assistant Secretary
- Christopher DeHart, Commissioner
- Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Ann Hursh, Planning & Zoning Coordinator
- Dominic Visconti, Chief of Police
- Shawn Fabian, HRG

Residents and visitors in attendance through Zoom:

Zack Yearick, Nick DeSanto, Chris DeSanto – Triple Crown
Tim Hortsmann -- McNees Wallace & Nurick
Adam Davis -- BL Companies
Sherry Webb -- Harrisburg Christian Performing Arts Center

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

PUBLIC COMMENTS:

Sherry Webb, Executive Director of the Harrisburg Christian Performing Arts Center on Eisenhower Boulevard, briefly explained the function of the Center. The Center is not only about performing arts but is also focused on helping at-risk kids, especially now with the isolation issues. One way to raise funds to continue to help these kids is through the

“Dancing with the Stars” fundraiser. Due to covid, this year the “star” (the youth) will be dancing with someone in their own circle (mom, dad, etc.). The event will be held on April 10 at 6:30 P.M. and there are ten teams participating this year. Commissioners and mayors across Dauphin County will be judges for the event. Ms. Webb asked if a Lower Swatara commissioner would be interested in serving as one of the judges. President Wilt stated he does not have any commitments that evening, and will get back to Ms. Webb to confirm his participation.

Sketch Plan presentation by Triple Crown

Nick DeSanto, Triple Crown, explained that Triple Crown is exploring development opportunities for a piece of ground just north of the Blue Raider Campus on Oberlin Road. A sketch plan had been provided to the Board in their meeting packets. The zoning on this parcel is presently Commercial-Neighborhood (C-N). Mr. DeSanto explained that Triple Crown feels townhouses might be a good use of this property, given the numerous restraints that exist here, including many utility easements. In order to get townhouses approved, some type of text amendment or rezoning would need to happen; townhouses are not permitted in the C-N zoning. A text amendment seems the best route. Meetings were held with Township staff and a presentation was also held before the Planning Commission to get their feedback. The Planning Commission seemed favorable to the idea of townhouses being a good fit for that location. Mr. DeSanto asked if the Board is also favorable to this concept before Triple Crown pursues application for a text amendment. Chris DeSanto, Triple Crown, added that the reason they feel a text amendment makes a lot of sense is that this zone does allow for residential uses by special exception – retirement communities and/or student housing. A text amendment also gives the Township a lot of control over conditions for approval.

Vice President Truntz asked if Triple Crown plans to rent these units. Mr. DeSanto confirmed they do, and will model them after their very successful Woodridge rentals. In response to a question from President Wilt, Mr. DeSanto explained the layout of the plan, and noted the sketch shows two routes in and out for egress, with plans to align with Blue Raider Lane. Both accesses come out to Oberlin Road. Penn Dot will be involved in what is allowed and warranted there.

Mr. DeSanto stated that permitting this as a special exception would only impact two parcels: this one, and the one along Fulling Mill Road near the fire station. As discussed with the Planning Commission, there is already a development approved for that Fulling Mill Road area. Therefore, in all reality it should affect only this parcel.

Commissioner DeHart stated he does have concerns about a text amendment. While there is only one area that appears to be impacted, the Board does not know what may happen in the future. He asked what zoning change would be necessary for these townhomes. Mr. DeSanto explained their concern is that a zoning change here could open up the Township to the possibility of a suit over spot zoning. Ms. Hursh agreed that the only real concern of the Planning Commission was taking this parcel away from the possibility of a commercial use, since the comprehensive plan does mention the need to increase commercial. Commissioner DeHart explained he is not opposed to the rental townhome use, but is concerned that making the change could affect something on the site on Fulling Mill Road. Mr. DeSanto suggested there could be restraints put into the special exception. This parcel is about 25 acres, so wording could state that this would be permissible for only parcels that are 20 acres or more.

Solicitor Henninger agreed that spot zoning would be a significant concern if a Residential Multi-Family rezoning was pursued for this parcel. A text amendment would be the best option to accomplish Triple Crown's plan. This would be similar to how the retirement home and student housing was added to the C-N District. The Planning Commission did recognize that this tract has been zoned C-N for about 25 years, and for reasons pointed out earlier, crisscrossing these utility easements severely restricts the possibility of a commercial development being viable. Solicitor Henninger added that there are residential uses around this tract, so most of the surrounding residents would probably prefer to see townhouses as opposed to a commercial use. As mentioned by Mr. DeSanto, drafting the language for the special exception could be tailored to make it acceptable.

Ms. Hursh added that there is someone interested in revising the Fulling Mill Retirement Community/The Pond so she is unsure if a text amendment could also impact this plan. The Township has not had any recent updates from them. Commissioner Paul stated that how this text amendment is written is very important. Safeguards will need to be written into the text change to only allow this type of development to occur here. He asked Solicitor Henninger if this text change would permit anyone else in a C-N District to ask for this particular type of use

if it meets the parameters that are listed in the special exception. Solicitor Henninger confirmed this is correct. Commissioner Paul asked if someone having the residential-retirement use could come back later and revise it to meet this special exception. Solicitor Henninger confirmed they could, provided they meet the parameters of the special exception. They could also request a rezoning. There are always potential consequences.

Vice President Truntz stated it is his understanding that these easements that crisscross the property were imposed on the previous owner by eminent domain. Solicitor Henninger stated they are going by what is on the research documents. It will take actually getting into the development stages to know for sure. Some may be abandoned and can be removed. A lot of money and time is required to determine if these are still viable or if they can be removed. Vice President Truntz stated it appears to be a substantial hardship on the property owner to use it as it is zoned for. He asked if a variance can be approved. Solicitor Henninger stated he feels this is not an option, since there is nothing preventing a commercial use here. It is not financially feasible, but that is not a criteria for a variance.

Commissioner Paul asked if there are any concerns with extending public sewer and water to the site. Mr. DeSanto explained there is sewer availability, but they are still analyzing the best route. Commissioner Paul recalled some documentation on the plans for the middle school regarding sewer extension which may be helpful.

Mr. DeSanto thanked the Board for its time and feedback this evening.

APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the Minutes of the February 3, 2021 Workshop Meeting. The motion was unanimously approved.

PAYMENT OF BILLS:

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve the Payment of Bills – Warrant No. 2021-01. The motion was unanimously approved.

TREASURER'S REPORT:

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the Treasurer's Report for January 2020. The motion was unanimously approved.

PUBLIC SAFETY REPORTS:

Police Department

Activity Report for January 2020

Chief Visconti provided a summary of the monthly statistics for January. There were 7 Part I crimes, 13 Part II crimes, 235 calls for service, 2 DUI arrests, 4 traffic citations, 3 non-traffic citations, and 8 warnings. There were 11 accidents, 6,690 patrol miles driven, and 430 foot patrol minutes.

Fire Department

Ms. McBride referenced Fire Chief Weikle's monthly report. During the month of January, there were 39 total calls and 26 responders with an average of 7 personnel per response. There were over 19 hours of time in service. There were 7 fire incidents, 2 overpressure rupture/explosion/overheat – no fire, 8 Rescue and EMS incidents, 1 hazardous condition incident, 2 service calls, 14 good intent calls, and 5 false alarms. Mutual aid was provided to Highspire Borough (5), Londonderry Twp. (2), Middletown Borough (4), PA Turnpike (1), Steelton Borough (5), and Swatara Twp. (3).

ENGINEER'S REPORT:

Mr. Fabian referenced his monthly report and provided updates, beginning with the Rosedale Manor Stormwater project. He noted there had been some confusion by the public over notifications posted on this project versus the Rosedale Avenue widening for the D&H Warehouse project. These are two separate projects. A job conference was held today in regards to the stormwater project and utility conflicts. These were resolved with the exception of two PPL service lines that are being rerouted now. There are expected delays to the project as a result of covid and Monarch. Mr. Fabian explained he is working with the contractor to get finalized dates for substantial completion and final completion. These will be included in the next change order that comes before the Board. Based on their progress, he anticipated a substantial completion at the end of August/early September 2021 and a final completion before

the end of the paving season this year. There were a few issues with a Monarch-produced inlet down on Market Street Extended, resulting in some closures near the Mountainview Road intersection. This was corrected as of today. The contractor is now working on Brentwood Drive and plans to move to Lexington Drive next. Mr. Fabian added the contractor is doing a fairly good job alerting the residents to parking restrictions. The limited complaints are being addressed quickly. Commissioner Paul stated the ongoing complaint he has been receiving boils down to traffic control issues. Mr. Fabian agreed there has been some confusion among drivers as to what is open and what is closed, and where stone and equipment is staged and how these areas are coned-off. This was discussed with the contractor, and job conferences will continue to be held to resolve these issues.

The Stormsewer Replacement Project is progressing. Wetlands delineation was completed for 217 Delmont on January 12 and survey work was completed. Final designs are now being prepared, and it anticipated the final design and big package will be prepared by next month.

Preliminary designs for the Cockley Road Culvert Replacement project were finalized and reviewed with Township staff. Their comments are being incorporated into a final permit submission package for the GP-11 permit from PADEP.

An update was provided on the PFBC Boating Facility Grant Application. Preliminary designs for the boat launch and parking area were finalized and reviewed with Township staff. Their comments are being incorporated into a final design that will be made available for Board discussion, hopefully at the next meeting and prior to permit package finalization for the GP-2 permit from PADEP. Mr. Fabian added that he hopes the Board is as pleased with the plans and concept as he is. Commissioner DeHart asked if the design plans should also be presented to the Recreation Board. Ms. McBride agreed the Recreation Board should review these at their next meeting in early March.

SOLICITOR'S REPORT:

Updated cell tower ordinance

Solicitor Henninger reported that he has completed his review of the updated mini cell tower ordinance. It is now being reviewed by Ms. Hursh and Mr. Fure with hopes that it can be ready for review by the Township Planning Commission in March, and also the Dauphin

County Planning Commission. It will then come before the Board for the scheduling of a public hearing.

Records Retention Policy

The Township is overwhelmed with paper, and it was determined that a records' retention policy was never formally adopted. Next month, the Board will be asked to take action on a resolution to adopt a records' retention policy. This will require that a resolution authorizing the destruction of certain records be approved before records are destroyed

Waiver of Conflict with McNees Wallace and Nurick LLC

Solicitor Henninger referenced agenda item 15H, regarding the proposed Waiver of Conflict with McNees Wallace & Nurick, the Township's bond counsel. Tim Horstmann is in attendance tonight. Solicitor Henninger asked if the Board can take action on this item now. Solicitor Henninger explained that McNees has been requested to represent The McNaughton Company in regards to potential development in the Township, specifically the Williams' farm. This will require a waiver of conflict. Similar waivers were granted to McNees when they represented UPS and D&H. President Wilt asked that it be placed in the record that any approval of this Waiver of Conflict is no statement that there are any definite development plans. Everything would have to come before the Board. Solicitor Henninger agreed, and noted he does not believe there has been any specific discussion with staff at this point.

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve the Waiver of Conflict with McNees Wallace & Nurick, LLC, specifically for them to act in the capacity as counsel for The McNaughton Company, with the amendment that no conflicts are foreseen by the Township at this time and should any conflicts arise, they would need to be addressed at a later time. The motion was unanimously approved.

MANAGER'S REPORT:

PA Gaming Control Board Local Law Enforcement Grant Program

Ms. McBride reported that the Township has been made aware of a PA Gaming Control Board Local Law Enforcement Grant. Chief Visconti explained this is available to law enforcement agencies in the general proximity of a casino. This makes Lower Swatara eligible, so the Township will apply for funds from the grant to supplement the police budget for the purchase of equipment, training, etc.

Benacon grant

Benacon, who handles the Township's health insurance along with Capital Blue Cross, is offering a Wellness Grant of up to \$1,000. Ms. McBride suggested a good use would be two desk risers to allow employees to work while standing. Application deadline is March 1. President Wilt asked if there is a match of funds required. Ms. McBride responded her understanding is there is no match required. The Board expressed no objection to Ms. McBride making the application for the desk risers.

Covid

Ms. McBride reported that she is pleased to see employees wearing masks. Staff recently had the opportunity to obtain the first vaccine, although this was not mandatory.

Salt supply

Ms. McBride reported the salt supply has been replenished, and the Township has close to 600 tons at this point.

Sentinel

As a result of the computer issue the Township experienced two months ago, a recommendation was made to subscribe to Sentinel, a managed cyber security service. Ms. McBride noted she opted to go with this recommendation, at a cost of about \$5,600/year. This was recommended to the Township by the law firm that Travelers' insurance recommended the Township use, along with their mitigation expert who will do this monitoring. It was also recommended by the Township's IT company, PointSolve. Ms. McBride asked Solicitor Henninger if she needs ratification of the approval. He confirmed this would be proper. Vice President Truntz noted that while the insurance company covered all the losses, it was more than \$5,600 worth of headaches for Ms. McBride and the police department. A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to ratify approval of the subscription to Sentinel at a cost of \$5,600. The motion was unanimously approved.

February 9 executive session announced

Ms. McBride reported that on February 9, there was an executive session of the Board to discuss a Fire Department vehicle matter.

Sewer line issue

There is an issue in the Penn State area with the terracotta sewer line that has crumbled. There will be more details at the Municipal Authority meeting Monday, but this could be a major

issue. President Wilt asked the location. Ms. McBride explained it is on Meade Avenue around First Street. President Wilt asked if this is a Penn State issue or a Lower Swatara issue.

Ms. McBride explained that it is a Lower Swatara issue because the main runs along that road.

Solicitor Henninger confirmed it is the Township line, around 300 feet of it. The question comes down to how best to resolve it, as there are a lot of utilities, both known and unknown, there. He agreed that more should be known after Monday night. Ms. McBride added that slip lining, if it can even be done, is expected to cost around \$15,000 and replacing it upwards of \$75,000.

Future Meeting Dates:

President Wilt read aloud the list of future meeting dates:

February 22	7 PM	Municipal Authority Mtg.
February 24	7 PM	Zoning Hearing Board -- CANCELLED
February 25	7 PM	Planning Commission Mtg. -- CANCELLED
March 3	6 PM	Recreation Board Mtg.
	7 PM	Board of Commissioners Workshop

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul referenced an email from Ms. McBride regarding work on the Turnpike Bridge over Stoner Drive. Ms. McBride confirmed this is a bridge inspection and bridge work and will involve closing down to one lane, alternating lanes.

Commissioner Paul stated it would be good to know the schedule of some of these improvements on the Turnpike, including at Oberlin Road. He asked if there will be some type of bridge replacement on Stoner Drive down the road. Lumber Street also needs to be addressed.

Commissioner Paul suggested it might be good to try to get some questions answered so the Township can provide input. He explained his primary concern is that there will need to be road widening in certain areas where these bridges are. If they are on schedule to replace the bridges, obviously the Township's input would be helpful. Mr. Fabian agreed the Township does not want to be in a situation like it was with Baker Avenue, where it would have been nice to have a pedestrian raised portion. Commissioner Paul agreed that plans for this were in place for years, and the next thing he knew the bridge was built but the pedestrian portion was not. Mr. Fabian stated it is imperative to provide input early before the permit is issued. Vice President Truntz suggested it might be good to get Representative Mehaffie involved. Commissioner DeHart added that obviously it will be important to widen the roadway underneath if the bridges are replaced on Stoner and Lumber, but it is also important to take into consideration the work going

on in Rosedale and with the D&H project. There is the possibility of three sets of detours for construction going on at the same time. Coordination will be imperative. Commissioner Paul commented that the more awareness shared by the public through avenues such as the website and social media, the better. Vice President Truntz agreed the key is to be proactive.

Mr. Fabian noted he had worked with Ms. Arroyo to get information on the website and Facebook about the D&H work on Rosedale. Updates were requested from the contractor in order for the Township to share this information with the general public. Contact will also be made with UPS to request notifications.

Budget and Finance Committee: Commissioner Davies – no report

Public Works Committee: Vice President Truntz reported that the crew is preparing for the snow. Downtime has been spent on getting a head start on the parks. Vice President Truntz added he was able to stop over at the public works office on Monday and met the new Public Works Manager, Scott Washinger. Mr. Washinger is doing a great job, and was able to tackle some of the sewer emergencies without assistance from Mr. Lanman, giving Mr. Lanman some relief. Vice President Truntz welcomed Mr. Washinger on board and to the team.

Community Development: Commissioner DeHart reported that MARA hopes to meet next Thursday to discuss hiring a Director. A lot is dependent on the situation with covid.

Personnel Committee: President Wilt – reported that he has heard a lot of positive feedback about snow removal this year.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Preliminary/Final Land Development Plan for 250 Fulling Mill Road

The Board discussed the Preliminary/Final Land Development Plan for 250 Fulling Mill Road – File #PC2020-03, 9.08 acres for an 82,500 sf warehouse. The property is located in the Industrial Park zone, owned by Mountaineer Properties LLC, submitted by BL Companies. The applicant is requesting the following waivers: (1) §22-404 – Preliminary Plan, (2) §22-606 – Curbing, and (3) §22-607 – Sidewalks. The plan was recommended for approval by the Planning Commission, with the Waiver of the Preliminary Plan and the deferral of curbing along Fulling Mill Road and deferral of the sidewalk along Fulling Mill Road and conditioned upon the

Lower Swatara Township review #3 dated 1-15-21, HRG review #3 dated 1-14-21 and HRG review #1 dated 1-12-21 from the Municipal Authority.

Ms. Hursh noted that most of her comments have been addressed. She explained that this is the piece of property that has a private cul-de-sac between two FedEx buildings on Fulling Mill Road. Solicitor Henninger has reviewed the easement agreement. In response to a question from Commissioner DeHart, Solicitor Henninger confirmed that the circle will be maintained by them, and not plowed by the Township. Mr. Fabian added that HRG's comments are also administrative in nature.

Vice President Truntz asked for confirmation that this is a warehouse going into an area currently zoned for warehouse units, does not involve a zoning change and that candidly, the Township cannot do anything to stop this. Solicitor Henninger confirmed this is correct. The area is already zoned Industrial. This is actually a very small 82,500 square foot facility. In response to a question from Commissioner DeHart, Adam Davis, representing BL Companies, stated it will be a spec warehouse, with no particular tenant at this time. Commissioner Paul noted the sanitary sewer is connected to that private pump station that exists in the back, and asked if all the proper agreements are in place. Ms. Hursh added she has been researching information for the engineer on that pump station. They are working on what they need to do. Commissioner Paul stated his assumption that there is a note on the plan about cutting the grass out to the curb. Ms. Hursh agreed to confirm this.

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to grant the waiver of the Preliminary Plan and grant the deferral of curbing along Fulling Mill Road and the deferral of the sidewalk along Fulling Mill Road. The motion was unanimously approved.

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve the Preliminary/Final Land Development Plan for 250 Fulling Mill Road, subject to all outstanding comments and usual stipulations. The motion was unanimously approved.

Improvement Guarantee Reduction #3 for Enterprise Holdings – Pre-Delivery Inspection Center

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve Improvement Guarantee Reduction #3 for Enterprise Holdings – Pre-Delivery Inspection Center in the amount of \$8,458.00, leaving a balance of 0 and closing out the project. The motion was unanimously approved.

New hires and title changes

The Board reaffirmed the following new hires: Philip Mack to the position of Township police officer effective February 13, 2021; Travis A. Norton to the position of Township police officer effective February 13, 2021.

The Board reaffirmed the following job title changes occurring in 2020:
John Lewis, Systems Operator; Rebecca McClain, Accounting Manager.

Confirmation of mapping re: Community Roots Program

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve the continuation of mapping in conjunction with the Community Roots Program as presented by MS4 Coordinator Brian Davis at the February 3 workshop meeting. The motion was unanimously approved.

FINAL COMMENTS:

Commissioner DeHart thanked the public work crew for its great work over the last few snows, and added he is glad to see they are pretreating the roads now. He also acknowledged the passing of Frank Linn. He stated that he had worked with Frank for many years when he was Fire Chief, and Frank always gave a lot to the community.

Commissioner Paul echoed Commissioner DeHart's comments, and stated Frank Linn did a lot for this Township and was truly a public servant. Lower Swatara Township should be proud that he lived here.

Commissioner Davies expressed his deepest condolences to the family and friends of Frank Linn. He added that one of the reasons he became involved in local government was due to Frank's urging and guidance. He was a truly dynamic and interesting individual, and always had the best interests of the Township in his heart.

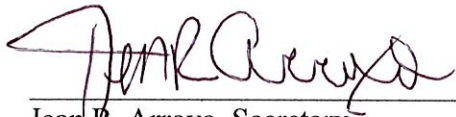
Vice President Truntz congratulated Officers Malott and Heckendorn for recognition received on their actions on January 31 regarding stopping a vehicle involved in a child abduction. He also expressed condolences to the Linn family on this great loss. When Frank resigned from the Board, Nick DiFrancesco filled the vacancy. When Commissioner DiFrancesco stepped down, Vice President Truntz ran for election and won. Vice President Truntz stated that these are some big shoes to fill, and he does not profess to have filled the shoes of Frank Linn – a legend here in Lower Swatara Township.

President Wilt also expressed his condolences, and agreed Frank truly loved the Township and being a commissioner, as well as being on the state board. He will be missed by all.

ADJOURN:

Hearing no other comments, a motion was made by Vice President Truntz, seconded by Commissioner DeHart, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:29 P.M.

ATTEST:



Jean R. Arroyo, Secretary