

MINUTES

NON-LEGISLATIVE MEETING – FEBRUARY 3, 2021

The February 3, 2021 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 via Zoom.

All officials were in attendance through Zoom:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner
- Betsy McBride, Township Manager
- Jean R. Arroyo, Township Secretary
- Peter R. Henninger, Solicitor
- Shawn Fabian, HRG
- Lester Lanman, Public Works Director
- Brian Davis, MS4 Coordinator
- Dominic Visconti, Police Chief

Residents and visitors participating through Zoom: Dale Messick

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

PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the Minutes of the January 20, 2021 Legislative Meeting. The motion was unanimously approved.

DEPARTMENT REPORTS:

Planning & Zoning/Codes Department

Ms. McBride referenced the Planning & Zoning and Codes monthly report, and highlighted the active projects. Two homes in Buddy's Run were completed and occupied, and two are under

construction. The Campus Heights III Plan was recorded, and work continues on the remaining buildings. The UPS Plan was recorded, and work continues. Complaints from Derry Township residents concerning noise and light spillage at night were addressed. Sound wall and retaining wall approvals are pending. The Hershey Creamery Plan was recorded, and building construction continues. The sanitary plant foundation was approved. The Wilsbach Distribution Facility Plan was recorded. Site work restarted after the Early Work Agreement had ended once the plan was recorded. The D&H Warehouse Plan was recorded and building and site work continue. Rosedale Avenue improvements will start February 8 and continue in four phases until July 30 with road closures and one-lane traffic. The Fiddler's Elbow Warehouse project on North Union Street had been conditionally approved, and most conditions have been addressed including the future gravity sewer line easement. Work continues to address the remaining conditions for plan recording. The 250 Fulling Mill Road (warehouse) Plan was initially reviewed and then reviewed two additional times to address comments prior to going back to the Planning Commission. Mr. Fabian added that the Planning Commission did recommend approval of this plan at its January 28 meeting. They also recommended deferment or approval of the three waivers requested. This plan will be before the Board of Commissioners at its February 17 meeting. The sketch plan for The Fulling Mill Retirement (The Pond Ph. 1) was presented at the December Board of Commissioners' meeting for possible revisions. No updates have been received from the applicant since that presentation.

Mr. Fabian provided updates on these plans, beginning with the UPS project. The final review was received for the retaining walls, and these were approved. Mr. Fure did receive the permits for the sound walls, and they are also being reviewed. In addition, retaining wall review plans were received from Wilsbach yesterday and are on the schedule to be reviewed. Mr. Fabian added that he also received an update from FedEx on its Land Development Plan. They were coming in for a stormwater permit to do a parking lot expansion that they were hoping to complete before their heavy season in 2020. They had not proceeded with that work but are moving forward with their full land development plan at this point and are scheduling a pre-application meeting next week. FedEx is agreeable to bringing in that sanitary easement that was discussed with Fiddler's Elbow Warehouse. That would give the Township two of the three landowners that it needs easements from for that future sanitary gravity easement. Mr. Fabian also addressed the pre-application meeting with Oberlin Road Townhomes, across the street from the High School. There was discussion with Triple Crown on their timing and proposed sketches. They are still developing

their site concepts and are moving forward with a presentation to their investors in order to be able to proceed with that project. There was also a pre-application meeting held regarding Jednota North, which is the Jednota parcel north of the Turnpike, right off Stoner Drive. Proposed is a 102 single family residential development.

The Zoning Hearing Board met on December 7 and approved a Special Exception for AT Properties LLC & Illuminated Integration LLC. The Special Exception is for a 21,200 square foot building on a 3.4 acre property located west of the Lower Swatara Township Fire Department on Fulling Mill Road. The proposed building is permitted to be used by the applicant as a showroom, storage space, and an office/design area for it audio, video, lighting, and rigging design and installation business. The land development plan has not been submitted. In addition, discussions at the meeting included continuation of a non-conforming use at 1201 S. Eisenhower Boulevard, along with discussions concerning height issues for a garage at 35 Davis Drive and a variance.

Mr. Fabian referenced zoning permits which were issued as well as stormwater permit follow-up. There was discussion with PSU regarding their Soccer Field for the letter of credit release and closing out the project. There was a question from one of the commissioners several months ago regarding the temporary field north of Campus Heights (the Dauphin Street Soccer Field). Ms. Hursh did look into the agreements made during the zoning process and will follow up on this temporary field to get a timeline for decommissioning of that field. The MASD Turf Field is in the construction phase. 135 Cockley Road received its letter of credit release, and the close out is complete. The 181 Fulling Mill Road project is on hold. The 193 Special Operations' Wing at HIA review is in the construction phase at this point. As mentioned earlier, the FedEx Parking Expansion is on hold for the full land development plan. Commissioner DeHart asked Mr. Fabian what will be done with this parking area. Mr. Fabian explained they are expanding the parking at a number of locations on the western side of the building to try to improve some of the truck flow, provide some additional parking areas, and make adjustments for the flow of traffic for safety. A lot of this was to be handled under a stormwater application. Due to Covid and weather delays, they were not able to complete it in time for their busy season, so they decided to delay the project and just loop this into the overall land development project. Commissioner DeHart reminded Mr. Fabian and Mr. Davis that there are swales being maintained there that need fixed. If not, water will run down and cause problems once again at the end of Fulling Mill Road. Mr. Fabian

explained that he and Ms. Hursh had a pre-application meeting on site with the design engineer and the land owner representative to discuss this. He added this will definitely be an item of concern under his review.

Commissioner Paul questioned the Oberlin Road Townhouse project, and asked if there are zoning issues with that as far as land use. Solicitor Henninger explained this is zoned Commercial-Neighborhood and has been for a long time. They would need a text change of some sort. This was done for student housing and the residential retirement community. He explained that there really is not any other undeveloped Commercial-Neighborhood property in the Township at this point. The Planning Commission's position is that they have no objection to this. Solicitor Henninger noted this property is crisscrossed with all types of easements, pipelines, etc. This limits a lot of what they can put in there. What has been provided to the Board is just a sketch; they have not done any field work yet. The Planning Commission did discuss road aligning and widening which would be necessary, as well as the possibility of a traffic light there. Commissioner DeHart asked if what is being proposed is townhouses or like Woodridge: townhouses/rentals. Solicitor Henninger explained their intention is not to subdivide it off, but maintain ownership and rent it out like they are doing in Woodridge. Again, marketing it as Commercial-Neighborhood has limitations due to all the easements. Commissioner Paul asked if they will be looking for a rezoning. Solicitor Henninger explained he believes they will be looking for an add-on, overlay or conditional use. Commissioner Paul stated this is already in that ordinance by special exception. Solicitor Henninger agreed they would be looking to do something like that as opposed to rezoning. The initial concern of the Planning Commission was this would open up the rest of the Commercial-Neighborhood districts; the flip-side is that there really aren't any. Commissioner Paul suggested the Planning Commission and Municipal Authority give some thought on how they want that sanitary sewer line to come up to that site. Mr. Lanman stated this was discussed, and he believes there is Middletown sewer to the east of there on North Union Street. Solicitor Henninger added the Township will also need to review its agreement with Middletown with regards to that area. Again, the developer is just looking for some feedback at this time before pursuing the project. It was also suggested they provide a similar presentation to the Board of Commissioners.

Solicitor Henninger remarked that it appears that D&H is proposing to start the Rosedale Avenue improvements next Monday. He had emailed their counsel last week because there are two easements they need from private property owners up there that would be in the name of the

Township. These had not been obtained at that point, so it is important make sure they do not start working in front of those properties.

Commissioner Davies referenced the Rosedale/D&H detour phasing plans. He asked for a specific timeframe, and noted it looks like it will be closed down from both directions. Mr. Fabian agreed they have some pretty broad construction timelines, and he had asked for some specificity as well as what hours they will be working. Commissioner DeHart added there is an office building going up, so there will need to be access to that. Mr. Fabian explained the eastern entrance is shown to be open in Phase 1. When they move into Phase 2, it looks like they will open the western entrance to that office building. It appears this was taken into consideration. Commissioner DeHart remarked that the issue will be when tractor trailer deliveries need to go to that building from Meade Avenue up Whitehouse Lane. This needs to be thought out.

Commissioner Davies asked how many units are planned for the Jednota North development. Mr. Fabian responded 102 are proposed.

Mr. Fabian reported there is a floodplain change request to FEMA for the homeowner at 538 Lumber Street that is pending. In addition, there was some coordination with the Middletown Area School District regarding plan differences in the tree requirement for what is left to close out their letter of credit. Ms. Hursh is doing some background research on this.

Public Works Department

Mr. Lanman addressed the previous discussions regarding signage for Longview Drive. Flags have been placed along the roadside where the proposed signs would go per the standard detail drawing HRG provided in response to the safety concerns expressed. These white signs are hard to see right now due to the snow. Many of these signs will interact with driveways and could cause pretty severe sight distance issues for the homes on the northern side of Longview. Mr. Lanman and Mr. Fabian are working to refine the locations and types of signs for this area based on the actual conditions present. The signs are on order, but will cost about \$840 plus the cost of break-aways and the posts. Some may need to be concreted due to the wind in this area. Mr. Lanman stated he expects the signs to be about 2 – 3 weeks out. A one-call will also be placed to install the sign bases once locations are finalized.

Mr. Lanman reported that an old plow that was no longer serviceable was taken to the scrapyard at Royalton Recycling. The \$174.00 received will go back into the Township accounts. All Public Works and Municipal Authority staff will receive flagger training tomorrow. This is

being provided by the insurance company at a very good rate and will be held in the boardroom. Mr. Lanman updated the Board on the recent storm. There were very little equipment issues, and the crew did a great job. They were also out most of today working on drifts, removing snow, and pushing back areas. Almost 300 ton of salt was used during this storm up until today. 350 ton of salt is on order.

Mr. Lanman reported on a conversation with the President of the Athletic Association regarding projects they would like to accomplish and what the Township staff can handle in-house. One of these projects is replacement of the stairs that go up to the press box at Little Hollywood. The materials are already on hand, so this can be done when the weather cooperates. There was coordination with Mr. Fure to make sure the stairs are up to current code. There are also plans to update a field from current dimensions to a more modern, little league style 50/70 field.

Vice President Truntz reported that Jason Wagner of the Athletic Association submitted a letter regarding potential funds needed for the Woodridge field project. Mr. Wagner thought the cost was \$5,000, but Vice President Truntz recalled discussions of it being in the \$3,000 - \$3,500 range. Mr. Lanman stated he does not have an exact cost of the clay bricks that have to go into the mound since it will need to be removed. He agreed the \$3,500 estimate seems pretty accurate. Commissioner Davies asked if there is a timeframe they are looking at. Mr. Lanman explained it will probably be weather dependent, since that field does not drain very well. Going in there when it is too wet will create more problems. When mother nature cooperates this can be done, hopefully before the busy season for the Public Works Department starts. Vice President Truntz noted that this is a benefit that can be used by many residents, and asked if this is an appropriate use of funds from the parks and recreation fund. Solicitor Henninger confirmed that this would certainly be a qualified use of recreation funds. Commissioner Paul stated that he realizes the field may be soggy, but asked if renting a sod remover and rolling up the sod would be easier than stripping the grass. Mr. Lanman stated it could be, but at least 4 inches of dirt does need to be excavated out to fill that with Diamond-Tex. Vice President Truntz asked if the Board can authorize tonight the use of parks and recreation funds for this work. The Commissioners agreed they do not have a problem with the authorization. Since it is an unbudgeted item and not on the agenda, Solicitor Henninger stated it may be best to place formal approval on the next agenda.

MS4/Stormwater Department

Brian Davis, MS4 Coordinator, referenced information he had provided the Board regarding a new tree planting initiative, "The Community Roots Program." This falls under the MS4 category. The Township occasionally receives donations of trees, and then it is often a mad scramble to determine where to plant them, how to get volunteers, etc. Time is limited, since seedlings need to be planted within 1 -2 weeks. The Community Roots Program is an initiative to coordinate future tree plantings in a proactive manner by creating a database of planned tree locations that can be approved by the Board prior to obtaining, either through purchase or donating, new seedlings. This would be done through a mapping, with pictures of the type and size of trees envisioned. The database and mapping would be provided to the Board at a monthly workshop meeting, and then voted on at the following legislative meeting.

In response to a question from Commissioner DeHart, Mr. Lanman noted that in some places, it might be hard to make a solid priority list since it will depend on the type and size of the tree donated. There will need to be flexibility involved. Mr. Davis agreed that this an excellent point.

Commissioner Paul asked if this map of locations could perhaps be included in the packet provided as Appendix D. Mr. Davis explained the mapping is not yet fully developed. The goal tonight is to introduce the program to the Board and hopefully get approval to continue with developing the mapping at the legislative meeting. Mapping will definitely be pursued, as well as photos of the area. Mr. Davis added that he also hopes to post these locations on the website for the community to see and comment on in order to make this a Township-wide team effort.

Vice President Truntz commented that Mr. Davis has done an excellent job on the initiative and execution of this concept.

MANAGER'S REPORT:

Ms. McBride noted there was a lot of praise from citizens regarding the snow removal, and asked Mr. Lanman to pass that along to the crew.

Ms. McBride reported that she has been looking into treating the interior of the building for covid. A quote to spray weekly for about 12 weeks came in at \$1,100 a week. However, spraying does not really help if a person with covid walks in a few minutes later. President Wilt suggested the possibility of the Public Works crew doing some type of weekly disinfecting. Ms. McBride

stated she found something called hydroxyl that gets hooked up to the HVAC system for 12 hours. They come in every other week to do it, and cost is \$525. This is supposed to be more effective since it lasts longer than a spray. She stated she will be doing more search on these types of disinfections.

The Civil Service Commission has been meeting and has come up with another draft which was sent to all the Commissioners today. This will be discussed at future meetings, with the intent to come up with a final version for adoption.

ENGINEER'S REPORT:

Mr. Fabian referenced his written report and provided updates, beginning with the Rosedale Manor Stormwater project. The contractor is presently installing the stormsewer up Mountainview and is now on Brentwood. They did try to get some temporary paving done for the rougher areas, but the plant was unable to produce blacktop on Friday and now the snow will delay this paving for another week or so.

Work is starting on the 2021 Stormsewer Replacement Project which includes 217 Delmont Avenue, Scarlett Lane, and Spring Garden Drive near the catering business. Survey work was hoped to be done Monday and Tuesday but had to be delayed due to the snow. This has been tentatively rescheduled for next Monday and Tuesday. Mr. Fabian noted his understanding that Commissioner Paul has interest in planning a site visit to 217 Delmont when they are on site, so he will continue to provide updates as this unfolds.

Design work on the Cockley Road Culvert Replacement is progressing, with both preliminary design and hydraulics and hydrology analysis pulled together.

A preliminary layout of the Fulling Mill Road boat launch facility was drafted. A 40 space concept was designed with limited grading to allow for overflow parking from the gravel surface to the surrounding grass area during the peak season. Everything was kept to under one acre in order to avoid having to get a NPDES permit. There will need to be drainage improvements to the road to allow for basin discharge to flow toward the culvert pipes underneath the railroad. After that is complete, a concept for design will be provided to the staff for their input prior to presentation to the Board. Commissioner DeHart asked Mr. Fabian if he took into account the drainage from the property next door at 140 Fulling Mill Road. Mr. Fabian explained that several drainage options are being explored. Hopes are to do as little grading as possible since this is in a floodplain area.

The extension request for the RACP Grant for Richard L. Shireman Park Development was officially approved until August 5. Another six-month extension will be then be requested. These extensions have already been cleared with the Office of Budget.

SOLICITOR'S REPORT:

Mini cell-tower ordinance

Solicitor Henninger reported that he did receive last week a 42-page draft of the ordinance and has forwarded it to Ms. Hursh and Mr. Fure for their review too. This will actually be a complete re-write of the entire cell tower ordinance. Along with the draft is a design manual and fee schedule. This will be an amendment to the zoning ordinance, so once he and staff are satisfied with the draft, it will be forwarded to the Township Planning Commission and the County Planning Commission and then come back to this Board for scheduling of a Public Hearing prior to formal vote.

Woodridge baseball field work

Solicitor Henninger stated that he was remiss earlier when the question was posed about whether the Board could vote on the expenditure for the field work. The answer is that the Board can add it to the agenda for vote after it opens it up for public comment. President Wilt asked if Dale Messick had any comment on this item. Mr. Messick stated he did not. A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve an expenditure not to exceed \$5,000 from the Recreation Fund to convert the Woodridge baseball field to a 50/70 dimension. The motion was unanimously approved.

Waiver of conflict

Solicitor Henninger reported that he had forwarded to the Board a request for a Waiver of Conflict from the Township's bond counsel, McNees Wallace & Nurick relative to their proposed representation of the McNaughton Company with regards to the possible development of the Williams farm. The Board had previously granted McNees waivers of conflict to represent both UPS and D&H. Solicitor Henninger added that the McNaughton Company did cost the Township a few thousand dollars since it did not sign easements the Township needed, resulting in the Township needing to file a condemnation. This is the Board's decision; it is under no obligation to grant the waiver.

Vice President Truntz remarked that he has no fundamental problem with granting the waiver of conflict, as these are fairly routine. However, he stressed for the record that this is the first he has heard about any interest in the Williams' farm. He asked Solicitor Henninger if it is correct that McNaughton is primarily a residential developer. Solicitor Henninger confirmed this is correct, and added that over the past ten years or so, the dozen or so attorneys and realtors he has heard from were always focused on warehousing or light industrial uses. The Board has not had an appetite for this. Solicitor Henninger added this is very preliminary, and he does not know if they have a contract or option to buy on the property. It is still in the Williams' name, so the property has not been sold at this point. He surmised they would be looking to do some type of residential mixed use with some commercial. Solicitor Henninger added that he had explained to counsel that the Board has not had any interest in a major rezoning to allow for anything close to an industrial use. The response was that McNaughton is primarily a residential developer. Commissioner Paul noted the letter that he was provided does not even reference the property or the property owner. Solicitor Henninger agreed that is correct, and he had told counsel the letter did not provide much information. He was then told it pertained to interest in the Williams' property. Commissioner DeHart stated for the record that this is also the first he is hearing about this.

Solicitor Henninger asked if the Board wants to take action on the waiver of conflict tonight, after again opening this item up for public comment. Vice President Truntz stated he would feel more comfortable having this on the agenda to provide advance notice on the vote. Everyone is aware that this is a sensitive issue, even though it is just a waiver of conflict. The Board members agreed. Solicitor Henninger added that he will advise McNees that they may want to be available for the February legislative meetings.

GOOD AND WELFARE:

Commissioner DeHart thanked the Public Works crew for the fine snow removal job. He also thanked Chief Visconti and the officers for their assistance in the chase on Route 283, and the Lower Swatara Fire Department and the assisting area fire departments for their efforts on the working fire today at an apartment complex in the Township.

Commissioner Paul thanked all the Township employees for working together and being team players through the past year and this last or month so.

Commissioner Davies also thanked the volunteers who came out to respond to the fire today that left quite a few people homeless. They are wonderful at what they do. He also thanked the Police Department for helping to successfully resolve that circumstance that was part of the vehicle chase, and thanked the Public Works Department for responding so well to the snow emergency. Thanks was also given to Mr. Davis for his tree planting plan, which was very well thought out and will be quite helpful to the work flow. Commissioner Davies referenced the detailed Planning and Zoning report this month, and noted it was quite informative and helpful.

Vice President Truntz echoed the previous thanks given to staff and volunteers by his fellow Commissioners. He also thanked Solicitor Henninger for pursuing the mini cell tower ordinance, as the last thing the Township needs are mini cell towers showing up in people's yards. Vice President Truntz requested an executive session immediately upon conclusion of this evening's meeting for personnel matters.

President Wilt also expressed his appreciation to the staff and volunteers for all their efforts.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner Paul, seconded by Commissioner DeHart, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:07 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