

MINUTES

LEGISLATIVE MEETING – JANUARY 18, 2023

The January 18, 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
- Jean R. Arroyo, Secretary
- Brett Flower, Eckert Seamans, Solicitor
- Shawn Fabian, HRG
- Dominic Visconti, Chief of Police
- Rich Snyder, Planning & Zoning Coordinator

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:

Jack Rudick, President of the Lower Swatara Lions Club, stated he is accompanied tonight by the Club's executive board. The moto of the Lions Club International is "we serve", and work is focused on serving those in need in the community and making the world a better place. The Lions Club recognizes individuals who work towards the betterment of the community. This past week was Law Enforcement Appreciation Week, and the Lions Club would like to recognize a dedicated officer within this community, Sergeant Scott Young. Sergeant Young has been with the Lower Swatara Police Department over 24 years and has served the residents with distinction. Residents know him as a reliable and fair officer. Sergeant Young also serves in a supervisory capacity as a member of the Dauphin Couty Crisis Response Team and is employed part time by the Shumaker Public Safety Center at Harrisburg Area Community College as an instructor for the municipal police officers' training academy. Mr. Rudick stated that it is his great honor to present Sergeant Young with the 2023 Lower Swatara Lions Club Police Officer of the Year Award. Mr. Rudick also thanked Chief Visconti

and the Board of Commissioners for their support. Sergeant Young expressed his appreciation for the award and for recognizing the police, since it is a team effort. He added his fellow officers work very hard, and it is nice to get this recognition. The Board and public congratulated Sergeant Young.

APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Minutes of the January 3, 2023 Workshop Meeting. The motion was unanimously approved.

PAYMENT OF BILLS:

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve the Payment of Bills – Warrant No. 2022-12. The motion was unanimously approved.

TREASURER'S REPORT:

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the Treasurer's Report for December 2022. The motion was unanimously approved.

PUBLIC SAFETY REPORTS:

Police Department

Activity Report

Chief Visconti provided a summary of the monthly statistics for December. There were 13 Part I crimes, 6 Part II crimes, 387 calls for service, 1 DUI arrest, 38 traffic citations, 3 non-traffic citations, and 25 warnings. There were 20 motor vehicle accidents, 5,158 patrol miles driven, 25 foot patrol minutes and 75 foot patrol minutes on the School District properties. There were 507.25 total overtime hours, and 20 total training hours. Co-responder stats included 6 new contacts, 6 follow-up contacts, and 5 mental health commits.

In September, there was a grant funding opportunity through the Pennsylvania Commission on Crime and Delinquency for a Local Law Enforcement Assistance Grant to assist with various projects. Chief Visconti reported that he had submitted the application and requested \$230,000. A tentative grant award was announced for a total of \$94,316. This

includes \$22,000 for new computers for the patrol cars, \$4,313 for warranties for those computers, \$44,000 for co-responder fees for participation in the county co-responder program for 2023 and 2024, \$18,000 for retention bonuses for the existing officer, and \$6,000 for police academy tuition fees. Again, these are tentative figures pending final approval by the Commission on Crime and Delinquency.

Commissioner DeHart questioned information gathered from the speed sign when it was placed on Longview. Chief Visconti explained he is compiling two reports for the workshop meeting. One is data collected for Longview and the other data collected for North Union. He added he has not put the sign on Stoner yet. Commissioner DeHart recalled there was discussion a few months ago about placing the sign at the intersection of Fulling Mill and 441 near the crest of Messick Drive and Oberlin Road. He asked if there are plans to do this soon. Chief Visconti agreed that it can be placed at this location and data collected.

Commissioner Davies thanked Chief Visconti for completing the grant application.

Fire Department

Vice President Truntz reviewed the Fire Department's monthly statistics for December, as well as yearly totals. During the month of December there were 50 total calls (522 for the year). Number of responders for the month was 28 (yearly average of 33). Average personnel per response was 6 for the month (average of 6 for the year). There were 5 fire incidents for the month (61 for the year), 1 overpressure/rupture/explosion (8 for the year), 9 rescue and EMS incidents (122 for the year), 2 hazardous condition incidents (30 for the year), 4 service calls (29 for the year), 18 good intent calls (153 for the year) and 11 false alarms (118 for the year). Mutual aid was provided to various municipalities in December, including Londonderry Twp. (3), Middletown Borough (3), Steelton Borough (2), and Swatara Twp. (5). Commissioner DeHart added that mutual aid was provided to Swatara Twp. last week to assist in a tractor trailer accident off 83. The tanker and rescue were there over three hours. He noted the service of the Lower Swatara Fire Department is very much appreciated.

ENGINEER'S REPORT:

Mr. Fabian stated the final relocation plans were received from Veolia Water for Lumber Street, Bryen Gweled, and the Nissley and Spring Garden conflicts. There is still a gas line conflict for Nissley and Spring Garden that is being worked through. The project manual and bidding

materials are being pulled together for Hanover and Meade. The project manual and bid materials are also being prepared for Bryn Gweled, as the permit was approved and received on January 4.

A letter was received from the Office of the Budget regarding The Richard L. Shireman Park stating they have set a reviewer. A preliminary design has been completed and will be worked through with the Bored and staff to finalize the concept for the park development. The next step will be to pull together final grading and layout of that site and advance it into permit submission. Commissioner DeHart recalled that last year, the Township applied for a grant for playground equipment. He asked if this equipment will go on this site. Mr. Fabian explained that the Township did receive notice of approval of the Community Development Block Grant for \$50,000. That will cover a play structure at Shireman as well as ADA swing sets for the other parks. However, they are not processing that grant until the Township finalizes that design and tells them exactly where the structure will go on the Shireman Park.

MANAGER'S REPORT:

Commissioner Paul requested the Board convene in executive session immediately upon conclusion of this evening's meeting for personnel matters.

Future Meetings/Events:

January 23	7 PM	Municipal Authority Meeting
January 26	7 PM	Planning Commission Meeting
January 30	7 PM	Zoning Hearing Board
February 1	7 PM	Board of Commissioners' Workshop

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul – no report

Budget and Finance Committee: Commissioner Davies no report

Public Works Committee: Vice President Truntz reported that the mild weather has permitted the department to do tasks such as storm sewer cleaning, sign replacement, and trash pickup.

Community Development: Commissioner DeHart reported that MARA will be meeting the third week in February.

Personnel Committee: President Wilt – no report

UNFINISHED BUSINESS:

Resolution No. 2023-R-2 re: participation in Statewide Contract for Chesapeake Bay Watershed

Solicitor Flower addressed proposed Resolution No. 2023-R-2 authorizing the participation in the Statewide Contract for the Chesapeake Bay Watershed. This pertains to the packet of information the Board received in October for the stream restoration off Rosedale Avenue that goes to Whitehouse Lane. This is a sediment reduction credit opportunity under the NPDES permit. Solicitor Flower added it is her understanding that the Township has already satisfied its permit reduction credit for this current permit cycle which has been extended to 2025. These new credits would be bankable and could be applied to the next permit cycle. The Board has been looking for some certainty that they would be able to be used. However, since DEP has not come out with the permit requirements for the next cycle, there is a risk involved that something else besides sediment could be required. Solicitor Flower explained that this resolution is for \$230,000 for approximately 120,000 pounds of sediment. Estimated price is \$1.95 per pound of sediment, but this is not guaranteed figure. This is an approximate number. The contractor expects to do the work in spring of this year.

Commissioner Davies asked when this \$230,000 participation will be required to be paid. Solicitor Flower explained that the state prefers the Township pay the contractor directly, so payment would be needed this spring, which is when the work is expected to be completed. Commissioner Paul noted this means the Township would be paying for credits which won't apply for two more years. He asked if these credits are guaranteed. Solicitor Flowers replied not necessarily. Commissioner Davies added that on the other hand, costs per pound of sediment reduction will likely go up significantly. Commissioner DeHart added this stream is in the Township, and that stream does have issues and floods. He asked if HRG has any insight. Mr. Fabian explained that meetings are being held to look at the next permit term. Right now, the guarantees issued from DEP are that as long as everything stays the same with the sediment requirements, those pounds in excess of what is required will carry over. However, if they change those requirements and add nitrogen, phosphorus or other requirements, this will need to be looked at to determine impacts. He agreed that this project will provide a lot of potential flood mitigation and is beneficial.

Commissioner DeHart asked if MS4 funds will be used for this. Commissioner Davies noted that his understanding. Solicitor Flower added that it is her understanding that PennDOT is doing this project regardless of whether Lower Swatara participates. Commissioner Davies remarked that

Mr. Davis had commented that any credits towards future years is a good thing. Mr. Fabian added that his guess is sediment will still be a major focus in the next permit period. Commissioner Paul asked if there is a timeline for the Board to act on this resolution. Solicitor Flower explained that if the Board desires to table it tonight, she will confirm with the contractor when the work will start, since that is the deadline.

A motion was made by Commissioner Paul, seconded by Vice President Truntz, to table Resolution No. 2023-R-2 authorizing the participation in the Statewide Contract for the Chesapeake Bay Watershed. The motion 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. Staff is still working through this, and it will be presented to the Planning Commission. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, 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.

NEW BUSINESS:

Final Minor Subdivision Plan for 1725 Rosedale Avenue

The Board discussed the Final Minor Subdivision Plan for PC#2022-09, 1725 Rosedale Avenue, located at the intersection of Rosedale Avenue and Morgan Drive. The Final Minor Subdivision Plan was submitted 11/17/2022, and the Planning Commission approved with stipulations on 12/15/2022. Department staff recommends conditional approval.

Ben Heisey, RJ Fisher and Associates, explained this plan is two lots that exist on the corner of Rosedale Avenue and Morgan Drive. One has a dwelling on it and the other has a storage barn on it. This plan is to simply move the property line that bisects the two lots to make the storage barn part of the lot that the dwelling is currently on, and then to create a new lot to have a dwelling constructed upon it as the final piece of the Morgan Run Development. There are a handful of administrative comments remaining as well as waivers associated with sidewalk. The recommendation is to waive sidewalk along Rosedale and then to defer the sidewalk along Morgan Drive until that home is constructed. President Wilt suggested both be deferrals. Solicitor Flowers agreed that would be appropriate if the Board so desires.

Mr. Snyder explained there are four waivers requested: a waiver of Section 22-404 waiving the requirements for the Preliminary Plat submission, a waiver of Section 22-607 to waive sidewalks along Rosedale Ave., a waiver of Section 22-607 to defer sidewalk along Morgan Drive, and a waiver of Section 22-606 to waive curbing along Rosedale Ave. Commissioner Paul suggested that moving forward, all the waiver requests should be listed as separate items on the agenda, since they all require separate motions that need to be acted on.

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to waive the requirements for a Preliminary Plan submission. The motion was unanimously approved.

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to defer the requirements for curbing along 1725 Rosedale Avenue. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to defer the requirements for sidewalk along Rosedale and along Morgan Drive. The motion was unanimously approved.

Mr. Snyder stated that there four outstanding conditions on the plan: a final improvement estimate to be submitted to HRG for approval, posting of the necessary funds to put these improvements in, an executed financial security agreement, and an affidavit for proof of payment of the property taxes. A motion was made by Commissioner Paul, seconded by Vice President Truntz, to conditionally approve the Final Minor Subdivision Plan for PC#2022-09, 1725 Rosedale Avenue, based on the aforesaid conditions. The motion was unanimously approved.

Time Extension Requests

The Board discussed a request for an indefinite time extension from the plan designer, K&W, on behalf of the developer, Illuminated Integration, for PC#2022-08 Illuminated Integration Office & Trade Shop. Preliminary/Final Land Development Plan was submitted on 09/29/2022 with a decision due 03/15/2023. Commissioner DeHart stated the Board usually approves 90-day extensions. He asked if this is an unusual request. Solicitor Flower agreed the Board can absolutely approve a 90-day extension. She explained that Solicitor Diamond prefers the indefinite extension since it prevents blowing through a deadline. Mr. Fabain added this plan is on the Planning Commission agenda for next Thursday. Mr. Snyder stated that it appears most of the outstanding comments on this plan have been addressed so it is likely the plan will be moved forward conditionally. Commissioner DeHart stated he prefers to see 90-day extensions

in order to keep the plan active and prevent things from falling through the cracks. Vice President Truntz commented that it is his understanding that this is the developer granting the Township an extension. If the Township is not on top of this and a requested 90-day time frame would lapse, the plan would be deemed approved. This is the reason for the open-ended time request. He stated he would recommend this indefinite time request. Commissioner Paul commented this is why it is important to put submission, approval and time extension dates on the actual agenda; it helps track expiration dates. Mr. Snyder noted the question of whether the MPC would allow an indefinite time extension was posed to Solicitor Diamond who confirmed with Mr. Fure that an indefinite extension is allowable under the MPC. Commissioner Paul stated he would defer the decision to the Planning and Zoning Department, since they are the ones that have to deal with it.

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve a request for an indefinite time extension from the plan designer, K&W, on behalf of the developer, Illuminated Integration, for PC#2022-08 Illuminated Integration Office & Trade Shop. Preliminary/Final Land Development Plan was submitted 09/29/2022. Decision due 03/15/2023 and extended indefinitely. The motion was approved by a 4 -1 margin, with Commissioner DeHart dissenting.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve a request for a 90-day time extension from the plan designer, R. J. Fisher & Associates, Inc., on behalf of the developer, Ronald A. Burkholder, for PC#2022-01 Colony at Old Reliance. Preliminary Subdivision & Land Development Plan was submitted on 09/29/2022. Decision due 03/15/2023 and extended to 06/13/2023. The motion was unanimously approved.

Issuance of Certificates of Substantial Completion

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve issuing the Certificate of Substantial Completion for the 2021 Drainage Improvement Project, which includes the punch list of remaining items to be completed before Final Completion. The motion was unanimously approved.

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve issuing the Certificate of Substantial Completion for the 2022 Paving Project. The motion was unanimously approved.

Financial Security Adjustments

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve Financial Security Adjustment #2 for Stoneridge Lot 1, Plan #2017-06, in the amount of \$57,037 from \$57,037, leaving a zero balance and releasing it in full. The motion was unanimously approved.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Financial Security Adjustment #2 for UPS Northeast Regional Hub in the amount of \$5,057,457 from \$5,095,957, leaving a balance of \$38,500. Mr. Fabian noted that January last year, there was a change in the procedure to withhold the 10% contingency. For the longest time, it was 10% of the initial work, but it is now 10% of the remaining work. The motion was unanimously approved. Commissioner Paul questioned when the post-dedication security bond will be posted for this. Mr. Fabian explained there are no dedicated quantities for the on-site work. There is a separate bond for the access road. Because there will be widening of the right of way on the road, some type of dedication will be necessary for that additional width of the right of way. This post-dedication security is usually taken when all the dedication paperwork is finalized.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Financial Security Adjustment #2 for UPS Northeast Regional Hub – N. Union Street Access Improvements, in the amount of \$607,493 from \$607,493, leaving a zero balance and releasing it in full. Mr. Fabian added there will be a 15% post-dedication security that will need to be posted as part of the dedication process; this amount will be \$528,262. The motion was unanimously approved.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Financial Security Adjustment #1 for Phillips Proposed Site Improvements, in the amount of \$12,112 from \$14,780, leaving a balance of \$2,668. The motion was unanimously approved.

Applications for Payment

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Application for Payment No. 2, in the amount of \$72,660.15, to Flyway Excavating for the Fulling Mill Road Boat Launch project. The motion was unanimously approved. In response to a question from Commissioner Davies about the driveway, Mr. Fabian explained that with the wet and warmer weather, it was difficult to complete the stonework. Recommendation was to address this in the spring as one remobilization. Commissioner Davies also asked if there is new signage

planned to warn people that the road ends. Mr. Fabian explained that these are PennDOT signs, and the Township will be working with them to install new barricade signs. Commissioner Paul stated this request was already put in by Mr. Washinger. Commissioner Paul also noted there was concern expressed by Mr. Washinger about the height of the one manhole. Mr. Fabian responded that this was brought to the attention of the Municipal Authority engineer and there was some discussion. This has not yet been resolved, but a recommendation will be sought from the Municipal Authority engineer.

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Application for Payment No. 3, in the amount of \$160,403.97, to New Enterprise Stone & Lime Co., Inc. for the 2022 Paving Project. Mr. Fabian added that right now, the balance to finish this is about \$113,000. It appears this job will be completed significantly under budget. The motion was unanimously approved.

Cash Escrow Release for Old Reliance Farms, Section 19

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the release of cash escrow in the full amount of \$5,306.88, leaving a zero balance, for Section 19 of Old Reliance Farm for sidewalks on lots 339 and 340, which are located on Heritage Square. The motion was unanimously approved.

Monthly transfers

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the \$83,333.33 monthly transfer from the General Fund to the Capital Reserve Fund. Commissioner Paul added this is a budgetary item and will appear on the agenda for several months. The motion was unanimously approved.

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

Advertisement of pension ordinance amendment

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve advertisement of a proposed ordinance amending the Code of Ordinances, No. 448 as amended and supplemented, Chapter 1, Administration and Government, Part 6, Nonuniformed Pension Plan and Pension Fund, pertinent to the retirement age requirements for the position of Township Manager. The motion was unanimously approved.

Hiring of Zachary Border as Township Manager

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the hiring of Zachary Border to the position of Township Manager with a starting date of January 23, 2023. The motion was unanimously approved. Commissioner Paul introduced the audience to Mr. Border, who was in attendance, and the Board congratulated him on his new position.

FINAL COMMENTS:

Commissioner Davies welcomed Mr. Border, and thanked everyone for their attendance tonight including the Lions Club who presented Sergeant Young with his award.

Commissioner Paul also thanked all who came out tonight.

Commissioner DeHart thanked everyone who attended tonight's meeting and thanked the Lions Club for recognizing the Police Department.


Vice President Truntz welcomed Mr. Border on board and thanked the Lions Club for the great work they do for the community. He also congratulated Sergeant Young on his award, and noted it was no surprise to hear Sergeant Young deflect credit away from himself and on to his fellow officers. Vice President Truntz stated this award was well deserved. Sergeant Young is a fine officer and a fine man.

President Wilt thanked everyone for their participation and the Lions Club for recognizing the Police Department. He congratulated Mr. Border on his new position.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Vice President Truntz, seconded by Commissioner DeHart, to adjourn the meeting and convene into executive session. The meeting adjourned at 8:00 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'
JANUARY 18, 2023 LEGISLATIVE MTG. – 7 PM

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