

MINUTES

NON-LEGISLATIVE MEETING – JULY 1, 2020

The July 1, 2020 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. President Wilt announced that access to the meeting tonight is also available through Zoom.

The following officials were in attendance:

- 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
- Ann Hursh, Planning & Zoning Coordinator
- Daniel Tingle, Acting Chief

Residents and visitors in attendance: (PLEASE SEE ATTACHED SIGN-IN SHEET)

Residents and visitors in attendance through Zoom or by phone: None

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

PUBLIC COMMENTS:

Bill Leonard, 1401 Heritage Square, stated that he would like to go on record expressing his concern with the increased use of larger fireworks that are being set-off in his neighborhood, specifically the northeast corner of Heritage Square. This will most likely be an even bigger issue over the July 4th holiday weekend. Acting Chief Tingle commented that there will be police patrolling the neighborhoods this weekend in anticipation of this issue. Mr. Leonard agreed that the police have been very responsive when contacted. President Wilt, Vice President Truntz, and Commissioner DeHart acknowledged the use of these fireworks has become a problem.

APPROVAL OF MINUTES:

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve the Minutes of the June 17, 2020 Legislative Meeting. The motion was unanimously approved.

SPRING GARDEN DRIVE PIPES REPLACEMENT PROJECT:

The Board discussed award of the contract for the Spring Garden Drive Pipes Replacement Project, and issuance of a Notice of Intent to Award, to H&K Group in the unit bid price of \$219,923.00, subject to conditions. Mr. Fabian and Solicitor Henninger both expressed their recommendation to award the contract. Solicitor Henninger noted the only concern from a legal standpoint is the status of the easements that the Township still needs to do the project. If they are not in hand by the next meeting, there will be a resolution(s) on the agenda to authorize condemnation of properties in order to move forward with the project. In response to a question from Commissioner Paul, Solicitor Henninger stated he believes there are four permanent easements and four temporary easements, but only four different parties involved. Two may have been received already for the original project that was done in this area. Mr. Fabian added the Township does have the ability to award the contract and hold the notice to proceed until the easements are in hand. Solicitor Henninger explained that once those condemnations are filed and a sheriff serves the papers, the Township cannot move forward for another thirty days because the owner has thirty days to file an objection to the condemnation. Ms. McBride reported she has contacted these four property owners, and sent out a packet last week to all of them. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve award of the contract for the Spring Garden Drive Pipes Replacement Project, and issuance of a Notice of Intent to Award, to H&K Group in the unit bid price of \$219,923.00, subject to conditions. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the use of Liquid Fuels to partially fund the Spring Garden Drive Pipes Replacement Project. Total cost is \$219,923, and the portion requested from Liquid Fuels is \$166,723. Commissioner DeHart asked where the balance of funds will come from. Ms. McBride responded the balance will come from the Municipal Authority. Mr. Fabian explained the sanitary sewer replacement underneath those culverts that are being replaced totals \$53,200 and

would come from the Municipal Authority. Solicitor Henninger explained that similar to the one passed last month, there will be a short agreement with the Municipal Authority whereby they will make their contribution towards this project. The motion was unanimously approved.

COMPREHENSIVE RECREATION PARK AND OPEN SPACE PLAN:

The Board discussed submission of the Comprehensive Recreation, Park and Open Space (PROS) Plan to DCNR. Vice President Truntz asked if the Township will be bound by this document. Ms. McBride stated it is not binding, and noted there are a few items that she feels the Board should think strongly about, such as the graffiti wall. Commissioner Paul, Commissioner DeHart, and Vice President Truntz acknowledged this is a recommendation and not something that will bind the Township, but will probably be a ten-year plan going forward. It was acknowledged that at this point, the Township probably does not have the money to do all this, and may not have the money going forward. One area cited was at Fulling Mill Road down at the creek which is used heavily now. A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the submission of the Lower Swatara Township Comprehensive Recreation, Park and Open Space (PROS) Plan to DCNR. The motion was unanimously approved.

HIRING OF MS4 COORDINATOR:

A motion was made by Commissioner DeHart, seconded by Commissioner Truntz, to approve the hiring of Brian Davis to the position of MS4 Coordinator with a start date of July 20, 2020. The motion was unanimously approved. Ms. McBride added that Mr. Davis is a Township resident and has a background in hydrology. Mr. Davis initially applied for the opening in the Codes Department, and Mr. Fure felt he would be qualified for the MS4 Coordinator opening.

DEPARTMENT REPORTS:

Planning & Zoning/Codes Department

Ms. Hursh reported that four interviews were recently conducted for the construction code official position. Plan reviews include 2110 N. Union Street for UPS (building permit issued) and 1011 Rosedale Ave. for D&H (new warehouse pending issuance). Construction continues at

505 N. Lawrence St. for the Campus Heights III pool. The second permit was issued for Buddy's Run. Inspections are being held on a daily basis at Hershey Creamery, Campus Heights, UPS (footers) and D&H (footers). Various property maintenance complaints were received.

The Zoning Hearing Board will meet on July 2 to hear a variance request from Byler Quarries, LLC to exceed the building height from 40' to 50' for a proposed new warehouse adjacent to 2090 N. Union Street. The Zoning Hearing Board will also hear a variance request for an additional wall sign at 1200 AIP Drive, submitted by Kinsley Construction.

The Planning Commission met on June 25 and reviewed the Preliminary/Final Subdivision and Land Development Plan for the proposed Fiddlers Elbow Warehouse, located adjacent to 2090 N. Union Street. There were quite a few comments, so the plan was tabled.

Ms. Hursh reported that there are a lot of zoning permits coming in, many for fences, sheds, and decks. Final inspection of the first home in Buddy's Run was completed as well as an inspection for Morgan's Run.

Wilsbach Distribution Facility will be doing a minor change to its plan in order to make a smaller building footprint. The site layout itself will not change. The plan is to be recorded as is, and then they will come back with that small change.

Vice President Truntz referenced the proposed Fiddlers Elbow Warehouse and stated his understanding that this area is already zoned Industrial and therefore this is a permitted use. Ms. Hursh confirmed that is correct, and added that at this point they do not have a tenant. This will be a spec building. Mr. Fabian agreed that the cut-off between the Mineral Recovery District and the Industrial zone is the stream.

Public Works Department

In the absence of Mr. Lanman, Ms. McBride provided the Public Works Department report. All work for the Suez Water Main Project is complete, with temporary paving in place in the portions that Doli will be working in and permanent restorations completed in areas Doli will not be working in.

As approved earlier, the low bid for the 2020 Paving/Liquid Fuels Project is Stewart & Tate. Doli, the contractor for the Rosedale Drainage Project, is waiting on structures from Monarch to begin their work. The firm alarm system installation is complete. The riparian buffer trees have

been planted for the 2019 LST MEII Water Quality Improvements Project. The Public Works Department has been busy with routine summer work including mowing and field maintenance. Mr. Lanman is still obtaining quotes for fencing for the Shopes Garden raingarden.

MANAGER'S REPORT:

Executive Sessions

Ms. McBride reported that the Board had met in executive sessions on Friday, June 19 and Monday, June 29, to discuss personnel issues.

Covid-19

Ms. McBride reported on the updated Covid number for Dauphin County, which is now over 2,000 cases. She noted she feels things are getting a little lax, and has asked that employees stay vigilant. She asked that everyone be cognizant that this is still growing and cases are still coming in.

Playground Update

Playgrounds are being sanitized daily, seven days a week. Ms. McBride stated she will ask the Board at an upcoming meeting if it wishes to continue this procedure. She noted that spraying only once a day may not be doing much good, but for now she would like to continue this for at least another two weeks until the July legislative meeting. The alternative is to post signs, as many surrounding municipalities have done, stating the public can use the equipment at its own risk and encouraging everyone to wipe things off and social distance. Solicitor Henninger added that a notice could be posted stating that equipment is sprayed at 9:00 A.M. but after users are doing so at their own risk. He noted municipalities cannot possibly be responsible to sanitize after each use. However, the Township needs to inform the public what it is doing and what the public's responsibilities are. He suggested Ms. McBride have a recommendation at the next meeting.

ENGINEER'S REPORT:

Shawn Fabian, HRG, referenced his written report and provided updates. As mentioned earlier, the Township is still waiting on a revised schedule for mobilization to the field to start construction for the Rosedale Manor Stormwater Project. It looks like the schedule will be late August or early September. They hope to get all the stormwater infrastructure in before

the end of the year and then when the winter weather breaks, do all the concrete, curbing, and ADA ramps by the substantial completion dates.

The buildings for the Bradford Avenue Residential Home Demolition Assistance project have been demolished. Coordination is now underway regarding sewer connection abandonment.

As mentioned previously, the contractor for the Greenfield Park Basin Retrofit and Riparian Buffer – Mariner East II (MEII) Pipeline project has completed the riparian forest buffer. They are also looking to mobilize to start the basin in the coming weeks and anticipate meeting their substantial completion date of August 17.

Tonight the Board approved submission of the final draft of the Township Comprehensive Recreation, Park and Open Space (PROS) Plan to DCNR. Mr. Fabian added that he will provide adjusted dates in his next report to the Board.

Final pay application for the Highland Street and Lumber Street/Greenwood Drive project was sent in and final closeout paperwork was included.

An update was provided on the Municipal Separate Storm Sewer System (MS4) Program. Public Works training to comply with MCM 6 of the MS4 program was held on June 25. The preparation of the annual report for this permit year has begun. Mr. Fabian added he will be working with the new MS4 Coordinator that was hired this evening.

A final payment and project closeout letter for the Old Reliance and Shope Gardens Parks Stormwater BMPs was received from DCNR, and the final reimbursement of \$92,675 is authorized and should be forthcoming.

Commissioner DeHart expressed concern about a wall near Fiddlers Elbow which could collapse and fall into the stream. He suggested this be looked into before this happens. Mr. Fabian asked the nearest crossroad to it, so he could locate it. Commissioner DeHart stated that would be North Union Street. Mr. Fabian agreed to look at it.

SOLICITOR'S REPORT:

Solicitor Henninger followed up on Ms. Hursh's report. The UPS plans have been transmitted to the court house for recording, including the O&M Agreement. In addition, a letter was received regarding their transmission of \$50,000 pursuant to the Community Benefits' Agreement towards the Shireman Park development planning. All the paperwork is now finalized for the D&H project. However, they included the stormwater on the Township security agreement

when it should have been on the Municipal Authority's agreement. Those corrections were made and submitted to Ms. Hursh.

The Planning Commission did discuss the Fiddler's Elbow Quarry on the Mumma tract. The new owners were quite amenable to granting an easement for future gravity flow of the sewer down through their tract somewhere along the stream. An estimate was provided by HRG's sewer group in the \$8,000 - \$10,000 range for basically locating the best tract through the Fiddler's Elbow Quarry property and down along the railroad and across the FedEx property to link up down on Fulling Mill Road. The plan would be to ask the owner to foot that bill under the guise that if they had been here two years ago, they would be putting in gravity flow and would not have the benefit of the UPS upgrade to that pump station. The Township would not have allowed them to upgrade the pump station but required them to gravity flow to the creek. Even if the Authority would have to pay the \$8,000 - \$10,000 or do a 50/50 split, it makes sense to get this now. This is something that would never have been possible with the prior property owner without many years of litigation. Solicitor Henninger added that they are shoehorning in a warehouse in that area south of the creek in the Industrial zone. There was concern with some of the turning radiuses, but that is being addressed. In response to a question from Commissioner DeHart, Solicitor Henninger explained the warehouse is a spec warehouse at this point. No specific tenant is in mind at this time. It is a smaller building based on the geographic of the site, about half the size of the Sears Warehouse. Mr. Fabian added it is about 246,000 square feet. Solicitor Henninger remarked that they will design their exit a lot like D&H did; semi-tractor trailers will not be able to exit right on N. Union St. It will be designed so it is literally impossible to do so.

Ms. Hursh added that the Commissioners may have noticed if they drove up N. Union Street that PP&L moved those poles for UPS, and one sits between the UPS property and the Byler Quarry property. UPS had told the staff that PPL hadn't given them any indication that they would move the poles. Because it is the Township right of way, Mr. Lanman called, and they did agree to move the pole in about six weeks.

GOOD AND WELFARE:

Commissioner DeHart asked if the meeting set-up can be improved for future meetings. Ms. McBride explained that two weeks ago, she had contacted Zoom for suggestions but repeatedly received an automated reply saying they are extremely busy but will get back to her. She noted her

next step will be to contact Pointsolve, the Township's IT provider. Solicitor Henninger added the unfortunate thing is that nobody knows where things will be in two weeks. He agreed there has to be a better technology, but added this meeting was actually much better than the Planning Commission meeting last week. Ms. Hursh remarked that the Zoning Hearing Board meets tomorrow night, and it will be held in-person to avoid this problem.

Vice President Truntz expressed his sorrow regarding the end of operations for the Press & Journal, which did an excellent job of covering the Township. He also expressed his condolences to Municipal Authority member Scott Spangler and his family. Scott's wife Tina passed away this weekend.

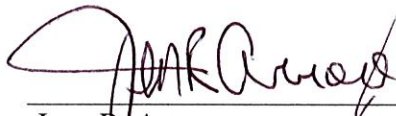
President Wilt suggested it may be necessary to go back to regular Zoom meetings, where the Commissioners are separated, to improve the sound quality. Solicitor Henninger added that the Commissioners also need to speak directly into the microphones to be heard better.

Vice President Truntz requested an executive session immediately upon conclusion of this evening's meeting for personnel matters.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Commissioner Paul, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 7:55 P.M.

ATTEST:



Jean R. Arroyo
Township Secretary

PLEASE PRINT NAME CLEARLY

July 1, 2020 Workshop Mtg – 7:00 P.M.

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