

MINUTES

LEGISLATIVE MEETING – JULY 21, 2021

The July 7, 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.

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
- Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Don Fure, Director of Codes and Planning
- Kaylee Justice, Planning and Zoning Coordinator
- Dominic Visconti, Chief of Police
- Shawn Fabian, HRG

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

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

PUBLIC COMMENTS:

Alan Vargo, 2075 Lexington Avenue, asked why the parking spaces in front of his townhouses are not being redone, while others nearby are. Mr. Fabian explained that originally, the Township was planning to mill and repave the spaces that were being used for either construction storage or were directly impacted by the construction work. Evaluation is now being done of these other spots since some are in poor condition. There are about 74 spots with 3,400 square yards of material in addition to the original contract. In response to a question from Mr. Vargo, Mr. Fabian explained the main difference is private property versus right of way. The rear of a vehicle in one of these parking spots is sitting in the right of way while the front of the vehicle is sitting on private property. Ms. McBride commented that Mr. Vargo is speaking to sympathetic ears at this table. Vice President Truntz stated he feels it is incumbent upon the

Township to make things the same as before the construction work. He stated that he is advocating that position, but there is the legal issue that permissions must be obtained to work in private property. Mr. Fabian agreed, and explained that easements were already obtained where necessary from the properties that were paved due to being storage areas or being directly impacted. As stated earlier, some of these other parking areas are in bad shape, so now there is brand new pavement abutting very poor-quality pavement. The concern is what this may do to the edge of the new pavement. Mr. Vargo asked when the residents will know if this paving will be done. Ms. McBride stated residents are free to call her within the next several days for a status update.

Stefanie Habecker, 2086 Lexington Avenue, expressed concerns with the entire project, including the inconvenience of parking as well as the car repair costs because of the potholes at the bottom of the street. She also expressed concern about her parking spot being dug out by Suez. While the claim is that they didn't go any further because this is private property, they had no problem putting a concrete structure on her private property without permission. Once that was moved, the area that was damaged from Suez got even worse. She stated it is only fair that these residents get their parking spaces paved too. If they are not, it could also be a liability issue for the Township. Mr. Fabian clarified that the Suez work was separate and not associated with the Township itself. He agreed, however, that there should not have been a concrete structure stored there as part of the storm sewer work without a temporary construction easement. Ms. Habecker added the company had also left large, round plastic pipes on the sidewalk that she had to navigate through to get to her vehicle.

Doris Vargo, 2075 Lexington Avenue, expressed concern with damage to her driveway, the sidewalk, and the lack of swale stabilization. She noted it is just an ugly mess here. Vice President Truntz agreed that the lack of communication to the residents has been a big issue. Commissioner Paul asked if Suez will be contributing towards the paving and restoration work. Mr. Fabian confirmed they will be. The only places that they are not is where the Township is planning on doing trench restoration only, which would be east of Hanover Street. Commissioner Paul stated that he drives down there daily, and it looks like there are a lot of parking spots that have water valve replacements with caps on them, and it appears this is outside of the right of way. Solicitor Henninger noted he is sure Suez has their own easements for this work. Mr. Fabian added the contributions discussed with Suez were for the main road.

Commissioner Davies noted that part of the problem is the overlapping jurisdictions and overlapping easements for different utilities. He agreed that he has concerns about some of the work and noted when the entire project was bid and financed, it was probably done so without the scope of the project including all these little bits and pieces, or oversights that are still part of the puzzle. The Township is trying to determine the costs of this extra work and is doing so as expeditiously as possible. He added the Board is very appreciative of the patience of the residents.

Gina Knaub, 1 Mountainview Road, stated her sidewalk was cracked out and replaced. Her driveway was also cracked, and temporary stone was placed there. The cracks are now going up her driveway. She expressed hopes that they are coming back to correct this. There is also a cut out on the sidewalk near her yard that has not been filled in yet. Vice President Truntz stated this has been there for weeks and is a hazard. Ms. Knaub added there seems to be a lot of confusion in her area regarding whether these parking spaces are public or private. They are indeed private and are to be maintained by the homeowner. Homeowners in this area are not maintaining them. Now that the Township will be making these spaces look nice, she asked how it will make sure the property owners do maintain them the way they should have been all along. She added sidewalk in her area has been bad for years, and Market St. Ext. going into Highspire is particularly bad. Ms. McBride agreed to pursue this with the Code Enforcement office. Ms. Knaub added that there have been water line leaks in the neighborhood resulting in water on the sidewalk, parking spaces, and the road which freezes during the winter. She was told to call the water company when she contacted the Township. Ms. Knaub explained that she would just like her neighborhood to look nice again.

Deb Corney, 2102 Lexington Avenue, asked if anyone had any calls or reports about water pressure issues or foul odors since this construction work started. Commissioner DeHart stated the pressure change might be due to the new water lines. Commissioner Paul and Commissioner DeHart both suggested that pouring water in the floor drains may help with the odor problem.

Ms. Knaub asked if trash cans can be left on the sidewalks. Mr. Fure explained that ordinance states they cannot be placed out more than 24 hours prior to pick up and must be out of the front building setback, which is 25 feet in this area.

Lois Cochran, 3 Mountainview Road, asked what can be done about her neighbors allowing their cats to run lose in the neighborhood. Chief Visconti stated there is no real statues that specifically apply to cats, only dogs. He agreed to look into this further.

Solicitor Henninger explained the Board desires to take some action tonight to resolve the paving issues in Rosedale. If the Board does move to authorize the paving, he suggested there be some type of waiver of liability requirement, since this would be on private property. In addition, the funds to do the work would not be part of the contract since the work is outside the scope of the project. Ms. McBride suggested a streamline motion, whereby the Board will approve authorization of up to \$175,000 to take care of the issues expressed here tonight, for the sole purpose of making the paving that is being done now strong, and to do as promised to restore these properties to the condition they were in before the project. President Wilt also suggested Mr. Fabian pursue with Suez the improvements that they should be paying for. A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve an expenditure up to \$175,000 to take care of this work. The floor was then opened for public comment on this item. There was no public comment offered. Commissioner Davies asked if the motion should include designating the fund that will be utilized for this expenditure. Solicitor Henninger responded that this will require a budgetary adjustment, but no decision on this needs to be made tonight. The motion was unanimously approved.

Commissioner Paul stressed that this paving does not negate the fact that it is the homeowners' responsibility to take care of those parking spaces after this paving is done. Ms. Knaub noted there is always confusion over who owns the parking spaces and who can park there. Commissioner Paul agreed this has been a problem for many years and is why this type of parking design is no longer used. Ms. Knaub added it may be beneficial for the homeowners to paint their house numbers on their spaces.

APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the Minutes of the July 7, 201 Public Hearing. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the Minutes of the July 7, 2021 Workshop Meeting. The motion was unanimously approved.

PAYMENT OF BILLS:

A motion was made by Commissioner DeHart, seconded by Vice President Truntz, to approve the Payment of Bills – Warrant No. 2021-06. The motion was unanimously approved.

TREASURER’S REPORT:

A motion was made by Vice President Truntz, seconded by Commissioner Davies, to approve the Treasurer’s Report for June 2021. The motion was unanimously approved.

PUBLIC SAFETY REPORTS:

Police Department

Activity Report for June 2021

Chief Visconti provided a summary of the monthly statistics for June. There were 10 Part I crimes, 22 Part II crimes, 422 calls for service, 1 DUI arrest, 48 traffic citations, 2 non-traffic citations, and 37 warnings. There were 19 motor vehicle accidents, 10,484 patrol miles driven, and 25 foot patrol minutes.

Commissioner DeHart asked for an update on National Night Out. Chief Visconti explained this event will be held on Tuesday, August 3 from 6 PM to 9 PM. The Lower Swatara Fire Department will be hosting the event, and everyone is encouraged to come out and participate. Commissioner DeHart added that he has contacted MARA about the event. Chief Visconti noted he has reached out to the churches, the Harrisburg Christian Performing Arts, Lions Club, Sheriff’s Department, etc. Commissioner Davies asked that Chief Visconti forward this information to Ms. Arroyo for inclusion on the Township’s website.

Fire Department

Ms. McBride presented Chief Weikle’s monthly statistics’ report. During the month of June, there were 44 calls and 31 responders with an average of 6 personnel per response. There were approximately 29 hours of time in service. There were 10 fire incidents, 1 Overpressure rupture/explosion/overheat – no fire, 8 Rescue and EMS incidents, 3 hazardous condition incidents, 4 service calls, 10 good intent calls, 7 false alarms, and 1 severe weather and natural disaster call. Mutual aid was provided to East Donegal Township (1), HIA (1), Highspire Borough (4), Middletown Borough (4), Mount Joy Township (1), PA Turnpike (1), Paxtang Borough (1), Steelton Borough (2), and Swatara Twp. (2).

ENGINEER'S REPORT:

Mr. Fabian referenced his monthly report and provided updates. The design has been advanced for the Swatara and Pennsylvania Avenue repairs for storm sewer and sanitary sewer. The entire bid package is now being prepared for all the projects. Priorities for this year in this bid package are the repair of Swatara and Pennsylvania as well as Spring Garden Drive in front of the caterer.

A Substantial Completion Certificate for the Spring Garden Drive Culvert Replacements was prepared, containing a final punch list necessary for the Final Completion Certification. The punch list has been addressed, and HRG will complete the necessary certificate for final completion shortly. The Board is being asked to approve this substantial completion certificate tonight so it can be signed and returned to all parties. Mr. Fabian added that there was a severe storm event in the area on July 12 that caused several areas of washout for the newly completed project. The damage is being evaluated with the contractor to determine a restoration plan before the final completion certificate is issued. Vice President Truntz asked if there is any type of warranty on the work. Mr. Fabian explained there is, but it does exclude flood damage and other acts of nature. The good news is that the final payout for the project is about \$7,000 less than anticipated, and the proposed cost to fix these issues is a little over \$10,000. Vice President Truntz stated that he feels this is something that should have been anticipated during the improvement work, since this area floods frequently. In response to a question from Commissioner DeHart, Mr. Fabian stated he believes the project kept the same hydraulic flow but has a much different size pipe.

An update was given on the PFBC Boating Facility Grant Application. Approval was received today from the Dauphin County Conservation District, which was sent over to DEP. Now it is just down to PennDOT approval. PennDOT may request a Minimum Use Driveway Permit for the access from the parcel onto Fulling Mill Road. The Township is trying to verify with District 8-0 whether it can be grandfathered in as an existing entrance or if this permit is necessary before the project can be built. Commissioner DeHart and Commissioner Paul both agreed that the improvements to the parking at the site have definitely resulted in better organization down there.

There were several storm events causing washouts throughout the Township. Mr. Fabian noted he has been supporting Mr. Davis and Mr. Washinger to evaluate infrastructure failures and offer solutions to address the issues present. Commissioner Paul stated there was discussion

about the Greenwood cul-de-sac, which is in extremely bad shape. He noted there were improvements made to that by HRG about ten years ago, which failed. Ms. McBride asked Mr. Fabian to look for those design plans. Commissioner Paul asked if this could be deemed an emergency repair to expedite things. Solicitor Henninger agreed that he feels it can be. Mr. Fabian added there are funds available for this work under the stormwater repair category. Ms. McBride noted she will have Mr. Davis and Mr. Washinger look into this next week.

Commissioner DeHart observed the microsurfacing on Kreider Drive is splitting. He asked if there is a warranty on the work. Mr. Fabian stated Mr. Washinger had also expressed concern with the microsurfacing on Ebenezer Road. He agreed to pull the contract to look into the warranty information. Commissioner DeHart referenced the water issues off Farmhouse. Mr. Fabian reported that he, along with Mr. Davis and Mr. Washinger, had looked at this. He had offered some homeowner suggestions that they may be able to do on their private property for immediate relief, as well as options for the Shireman Tract. Estimates were pulled together and sent to Ms. McBride for consideration.

Vice President Truntz expressed hopes that development of the Shireman Park can be put back on the radar. The last plan presented was a bit more elaborate than the Board wanted to bite-off at the time. Vice President Truntz explained he envisions a couple of softball fields, parking areas, perhaps a walking trail. Ms. McBride explained that the earthmoving to prepare the site is the biggest portion. At the end of Phase 1, there should be a nice walking trail, some parking spaces, and maybe a playground. Ballfields would be later. Mr. Fabian explained that one field is actually being looked at for Phase 1. He explained that HRG is preparing the next six-month extension request from RACP. Within those six months, the Township expects to be solidified on the budget and will no longer have to ask for extensions. The Township will have to come up with the design and business plan for submission to RACP. Over the next several months, Mr. Fabian stated he would like to have a proposal together to finalize all the site designs. There have been enough Board and public comments to offer up a nice Phase 1. As previously discussed, this will be the last year that the site can be farmed, so this will now be a maintenance burden on the Township. Commissioner DeHart asked that the Board be provided an opportunity to review exactly what is included in this first phase prior to finalization. Ms. McBride added that she would like to include the swale on Farmhouse; her desire is to avoid having property owners on Farmhouse maintain it.

SOLICITOR'S REPORT: None

MANAGER'S REPORT:

Ms. McBride informed the public that this coming weekend, North Union Street, north of Fulling Mill Road, will be one-lane, with flaggers.

This Saturday, from 10 A.M. to 2:00 P.M., the Lions Club will be hosting a Community Day at the Shopes Garden Park.

Ms. McBride reported the trash bid will be submitted for advertisement this week.

In response to a question from Commissioner Davies, Ms. McBride explained she had sent an email to Kinsley Construction regarding the schedule for the reopening of Rosedale Avenue. No response has been received to date. Mr. Fabian agreed to follow up on this and request a timeline. Commissioner DeHart asked if Mr. Fabian could explain the curbing there. Mr. Fabian noted Commissioner Paul had also questioned the wonky curbing as it connects into the Airport Connector area. He agreed to follow-up on this and report back to the Board.

Future Meeting Dates

President Wilt read aloud the list of future meeting dates:

July 22	7 PM	Planning Commission Meeting
July 26	7 PM	Municipal Authority Legislative Meeting
July 28	7 PM	Zoning Hearing Board
August 4	7 PM	Board of Commissioners' Workshop Meeting

COMMITTEE REPORTS:

Public Safety Committee: Commissioner Paul reported that the previously cancelled Lower Swatara Township Neighborhood Cruise has been rescheduled for August 7 at 2:00 P.M. The cruise starts at the Old Reliance park and ends at the Fire Department. Unfortunately, there are no food trucks available for the event.

Budget and Finance Committee: Commissioner Davies – no report

Public Works Committee – Vice President Truntz reported that the Department has been busy dealing with the issues caused by the storms. The inlet work in Old Reliance is complete, and work on Nissley will begin next. Mowing continues.

Community Development: Commissioner DeHart – no report

Personnel Committee: President Wilt – no report

UNFINISHED BUSINESS:

Resolution No. 2021-R-4 accepting Morgan Drive

The Board tabled Resolution No. 2021-R-4 accepting Morgan Drive from Craig Morgan and Brian Morgan for dedication to the Township.

PRELIMINARY PLAN FOR KINSLEY RESIDENTIAL DEVELOPMENT

The Board tabled the Preliminary Plan for Kinsley Residential Development, PC#2021-02, 72.2 acres for 103 single-family lots located in the Residential Urban District, submitted by Snyder, Secary & Associates for DHK Residential, LLC. Project is located north of the turnpike and east of Stoner Drive.

NEW BUSINESS:

Certificate of Substantial Completion for Spring Garden Drive Culvert Replacement

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve the issuance of a Certificate of Substantial Completion for the Spring Garden Culvert Replacement Project. The motion was unanimously approved.

Improvement Guarantee Reduction #1 for FedEx Ground Harrisburg East

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve Improvement Guarantee Reduction #1 for FedEx Ground Harrisburg East, LST Plan SW2020-02 in the amount of \$560,530 from \$626,648, leaving a balance of \$66,118. The motion was unanimously approved.

Municipal Memo of Understanding re: Dauphin County Rapid Response Team

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the Municipal Memo of Understanding for Lower Swatara Township to designate up to two police officers to participate in the Dauphin County Rapid Response Team. The motion was unanimously approved.

Kaylee Justice hired as Planning and Zoning Coordinator

Ms. McBride introduced Kaylee Justice, the newly hired Planning and Zoning Coordinator, to the Board and public. A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve the hiring of Kaylee Justice as Planning and Zoning Coordinator effective July 19, 2021. The motion was unanimously approved. The Board welcomed Ms. Justice to her new role.

FINAL COMMENTS:

Ms. McBride requested an executive session immediately upon conclusion of this evening's meeting for personnel reasons.

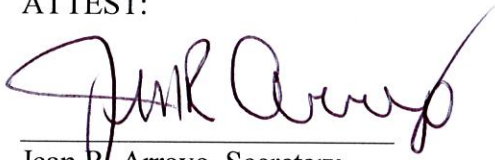
Commissioner Paul referenced the Kinsley Residential Development plan which was tabled, and asked if the plan will go back to the Planning Commission. Solicitor Henninger agreed he would think so.

The commissioners again welcomed Ms. Justice to her new position and thanked the residents for coming out tonight to express their concerns.

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 8:32 P.M.

ATTEST:



Jean R. Arroyo, Secretary

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Board of Commissioners Legislative Meeting -- July 21, 2021 – 7 PM

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