

## MINUTES

### NON-LEGISLATIVE MEETING – JULY 7, 2021

The July 7, 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.

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
- Betsy McBride, Township Manager
- Jean R. Arroyo, Township Secretary
- Peter R. Henninger, Solicitor
- Shawn Fabian, HRG
- Dominic Visconti, Police Chief
- Brian Davis, MS4 Coordinator

Residents and visitors in attendance (sign-in sheet attached)

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

#### PUBLIC COMMENTS:

Barry Potteiger, 1780 Brentwood Court, reported that on July 4, at 9:15 P.M., a rocket-type firework came through his back yard and scared his 10-week old puppy. The puppy has not been the same since. Mr. Potteiger added he then had to guard his property for the next two hours. The church next door was also hit by one of these fireworks, and other neighbors had similar issues. Mr. Potteiger stated he did ask those setting them off to stop, but they seemed to make a joke out of his request. He then called the police, but no officers responded. He added he did talk to a police officer he saw in the church parking lot the next day, and that officer agreed to talk to those who were launching the fireworks. Mr. Potteiger urged the Board to do something to stop this before someone is seriously injured. He noted other municipalities have outlawed these types of fireworks.

Mr. Potteiger also stated that Rosedale Avenue was posted in February to be closed 3 – 4 months. It is now month 5. He stated this lack of access is infringing on the rights of the citizens in this area. He asked what is being done to address the delay. Mr. Fabian noted he believes the 3 – 4 months started in April. There are some paving crews out there now near the warehouse. There were quite a few utility conflicts that delayed some of the paving in the first phase. Mr. Potteiger suggested they work 24/7 to get this road reopened.

Vice President Truntz stated he is sorry to hear about the fireworks' incident, and agreed it is becoming more and more of an issue. The Board will have to put this on its radar screen and address it.

#### APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Minutes of the June 16, 2021 Legislative Meeting. The motion was unanimously approved.

#### RESOLUTION NO. 2021-R-4 ACCEPTING MORGAN DRIVE

Mr. Fabian reported that the Township has been working with Mr. Morgan on the checklist for the final dedication of Morgan Drive. Most issues have been addressed, but there are still a few rim repairs that need to be made on the sanitary sewer manholes in order for them to pass the vacuum test. He recommended the Board table this item. 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

Mr. Fabian reported on a meeting held earlier today regarding the Preliminary Plan for the Kinsley Residential Development and concerns about the separation of the two access points into the subdivision, improvements along Stoner Drive, and some other issues. They are going to take these back into their design considerations and come back to the Township with some proposed options for improvement of the plan. Mr. Fabian recommending tabling the plan until the revised design can be reviewed. 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.

IMPROVEMENT GUARANTEE REDUCTION #1 FOR DHK WAREHOUSE

A motion was made by Vice President Truntz, seconded by Commissioner Paul, to approve Improvement Guarantee Reduction #1 for DHK Warehouse in the amount of \$6,016,931.00, leaving a balance of \$1,511,409.00. The motion was unanimously approved.

ORDINANCE NO. 596 RE: WIRELESS COMMUNICATION FACILITIES

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve Ordinance No. 596 providing for the amendment of the Code of Lower Swatara Township, as codified in Chapter 27 “Zoning”, Part 20 “General Regulations”, Section 27-2016 “Wireless Communications Facilities” of the Municipal Code; Providing for purposes and findings of fact related to the adoption of the amendment; providing for definitions; establishing certain general and specific standards relating to the location, placement, construction, maintenance, operation, and removal of tower-based wireless communications facilities, non-tower wireless communications facilities, and small wireless communications facilities; providing further for the regulation of such facilities within the public rights-of-way and outside the public rights-of-way; providing for the enforcement of said regulations, and providing for an effective date. A roll call vote was taken with the following ballot tabulation: Commissioner DeHart – aye, Commissioner Paul – aye, Commissioner Davies – aye, Vice President Truntz – aye, President Wilt – aye. Ordinance No. 596 was approved by a 5 – 0 margin.

RESOLUTION NO. 2021-R-6 RE: FEES FOR WIRELESS COMMUNICATION FACILITIES

Solicitor Henninger reported that proposed Resolution No. 2021-R-6 establishes the fees for wireless communication facilities: tower-based facilities would be \$2,500, non-tower facilities \$1,000, and for the small wireless facilities (collocated) \$500 for up to five (5) Small WCFs in single application and \$100 for each Small WCF thereafter in the same application. The fee for the small wireless communication facilities requiring new wireless support structures would be \$1,000 and annual fees for small wireless facilities inside right of ways would be \$270. These are maximum fees permitted by law. A motion was made by Commissioner DeHart, seconded by

Commissioner Davies, to approve Resolution No. 2021-R-6 establishing fees for Wireless Communication Facilities (WCF) both inside and outside the public right-of-ways. The motion was unanimously approved.

#### LIFTING OF DECLARATION OF DISASTER EMERGENCY 2021-1

Ms. McBride noted the Board had declared a Disaster Emergency last spring with the condition that it would be lifted when the Governor lifted it. That has happened, so this action by the Board tonight is more of a formality. A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve lifting of the Declaration of Disaster Emergency 2020-1. The motion was unanimously approved.

#### DEPARTMENT REPORTS:

##### EMS

Eric Zaney, Program Manager of the Life Lion EMS in Dauphin County and Lebanon County, and Keith McMinn, Director of Life Lion EMS and Critical Care Transport, presented a call volume report and updated the Board on its activities. Mr. McMinn explained that Life Lion has gone through a reorganization as far as its leadership. Historically, it was always under emergency department management at Hershey Medical Center. With the rapid growth of Penn State health services, leadership decided to make it a service line and hired a director and managers.

Mr. Zaney stated monthly reports are provided to Ms. McBride. In January, about 100 responses were handled in the Township, with the Life Lion unit handling about 95 of those and mutual aid handling the others. That has drastically increased. This month, the number will probably reach 200 responses. In addition, statistics show that 60% of the Township is calling 911 for higher priority responses. Commissioner DeHart asked how this will be addressed. Mr. Zaney explained the nice thing is that with this unit being an intensive care unit, there is advanced life support right here within the Township. He explained that when that unit moves out of Lower Swatara, one of their additional units moves in a little closer. Commissioner DeHart asked the arrival time for Class 1 calls. Mr. Zaney reported the average response time just to get out the door is 52 seconds. Median response time is 8 minutes. Average time for just Class 1 responses is 7 minutes. Total tasks on hand – from dispatch to hospital to back in service – is right around 60 minutes.

Commissioner DeHart referenced the increasing numbers, and asked if a second unit is being considered. Mr. Zaney noted there was discussion about the possible relocation of a unit. Commissioner DeHart asked if there are the same amount of units now as there were last year. Mr. Zaney responded that there are more now. Additional basic life support crews were added; advanced life support crews have all remained the same. Commissioner DeHart asked if these increasing needs are being seen in other municipalities. Mr. Zaney confirmed they are, especially with the situation with covid. During the covid peak, people were delaying calling 911. Now a lot of those who are calling are much sicker. Commissioner DeHart asked if this unit still does transports. Mr. Zaney explained that 51% of its responses are advanced life support, 41% basic life support, and 8% non emergency response. Commissioner DeHart explained his concern is that for a while, this unit was being bussed out to do transports since it was the farthest one out. Mr. McMinn explained that getting EMTs has always been a challenge, and Hershey Medical Center is looking at having its own training program. He added that two weeks ago, there were 120 people in the ER at Hershey Medical Center, and no beds to put them in. One thing that Life Lion has to provide is non emergency transports out of Hershey Medical Center to homes, rehabilitation centers, etc. in order to empty out the hospital and provide for the additional beds. This is also a challenge.

Commissioner Davies asked if a box grid is used for responses. Mr. Zaney confirmed that units are dispatched from the County based on a box response dispatch. This is reviewed yearly.

Ms. McBride reported that a resident had called last week to ask if Life Lion EMS takes donations. Mr. Zaney confirmed that a gift fund is set up for any donations.

#### Planning & Zoning/Codes Department

Ms. McBride reported that for the month of June, the Code Department statistics read as follows: 4 new home single family homes, 9 zoning permits issued, 2 commercial building permits, 10 residential permits, 2 street cut permits, and 6 permits under review at preset time. Several Right to Know requests were received. A meeting was held with potential buyers of the Pond Development.

The next Zoning Hearing Board is scheduled for July 28 to hear a request for a special exception and variance. The Planning Commission met on June 24 and discussed the special exception. There will be a new employee in the department starting on July 19.

Active projects include Buddy's Run (ongoing construction), Campus Heights III (work completed, permits closed), UPS (site and building work continues and off-site improvements

are being coordinated with various departments, contractors), Hershey Creamery (temporary occupancy issued, several areas completing fixture setup, sanitary plant under roof and construction ongoing), Wilsbach Distribution Facility (ongoing progress on building and site work), D&H Warehouse (majority of work complete, conveyors and racking being installed), and Fiddler's Elbow Warehouse (plan recording and easements were recorded under new owners).

Commissioner Davies asked if Ms. McBride could check with Mr. Fure on when D&H will be reopening Rosedale Avenue. Mr. Fabian stated he did pull up the phasing plan, and it looks like he spoke incorrectly earlier tonight. They did start in February and are planning to finalize by the end of this month. The original plan had Phase 4 going from June 10 to July 30, and that was working on the resurfacing of the entire extent of construction. That is underway now and should be completed according to schedule.

#### MS4/Stormwater

Mr. Davis reported that Mr. Fabian was able to obtain trees for the Township through the Keystone 10 Million Tree Program. About fifty trees will be secured, and plans are to plant them along the Fulling Mill area designated in the Community Root Program. A fall planting is anticipated. Mr. Davis also mentioned that as part of the stormwater infrastructure upgrades on Delmont and Spring Garden, the Township has been pursuing the acquisition of rights of way. Solicitor Henninger has drafted the agreements that will need to be signed. Mr. Davis added that he did meet with all the property owners; they have seen the agreements and have no major issues with them. Solicitor Henninger asked Mr. Fabian the timeframe on these easements for the stormwater project on Spring Garden in front of the caterer, and on Delmont. Mr. Fabian stated the overall bid is delayed due to the additional projects being added. He suggested the easements be obtained in the next month or two. Mr. Fabian added that he would prioritize acquisition of the Spring Garden easement.

Commissioner Paul recalled there are two property owners involved in the Delmont upgrade. He also referenced the BMP in the Shopes Garden park and asked if it is possible to trim the inside to get the leaves away from the fence on the inside. Mr. Davis commented that this can be done, but he will be proposing to the Municipal Authority at their meeting on Monday a redesign of that. In the meantime, he agreed to mention this trimming to the Public Works Department. Commissioner Paul stated he observed the HRG crews at the intersection of Spring Garden.

Mr. Fabian explained they were obtaining additional survey information for the preliminary design. Commissioner Paul asked if this means the project could get bigger and perhaps not be included in the bid package for timing sake. Mr. Fabian agreed there is the potential for the project to increase, but since the end of the construction season is moving fast, he would like to prioritize in the bid the items that are in eminent failure over those that just need improved. He suggested his priority would be Swatara and Pennsylvania first, then Spring Garden, and then move through the others. That way if time runs out, the others projects like Delmont can be punted to the next year. Commissioner Paul noted the only issue with that is Delmont has been punted five years now. Mr. Fabian agreed, but added that at least there is now a plan in place. Commissioner Davies remarked that he appreciates the updates and efforts, but noted these processes seem to be so lengthy and drag on.

#### Public Works Department

Ms. McBride reported that the Public Works Department made a temporary repair to the wash out at Swatara Drive and Pennsylvania Ave. It has been determined that the entire line coming down from Swatara Dr. to Pennsylvania Ave. has failed. The sanitary line on Pennsylvania Ave is also failing. Pressure from the surface weight of the road has diminished the size of the pipe where the camera can no longer pass through. This project has been added to the list to bid out for the liquid fuels tax.

Seasonal mowing continues along. The crew has been cutting around the inlet boxes at Old Reliance, and there are replacement boxes for the old ones that are damaged. All the inlets will be brought up to the level of the paving in order to move forward with the Roadway Management Plan in that area. The Shopes Garden Playground basketball hoops and poles have arrived. These will be placed in prior to the resurfacing work, since the poles are removable. Plans are to do this project after completion of the replacement of the storm inlets at Old Reliance.

Speed limit signs were added to Powderhorn Road to slow traffic down coming off Longview. All curb painting and painting of walks has been placed on hold due to a shortage of paint. The repair on the traffic lights at the entrance of Penn State has been completed.

Commissioner Davies referenced mention on Mr. Washinger's report of a list to bid out for the liquid fuels tax. He asked if this information can be shared with the Board. Ms. McBride agreed to do so. Commissioner DeHart asked if there is the possibility to pave any of the roads this year; some are in pretty bad shape. Mr. Fabian stated he had talked to Mr. Washinger about plans

for crack sealing and preparation for pavement. Mr. Fabian added he had made some recommendations to Mr. Washinger on the roads he feel should be addressed. He and Mr. Fabian will need to finalize the list; they are scheduled to meet tomorrow.

#### MANAGER'S REPORT:

Ms. McBride reported the bonuses for the police will be issued this week in check form.

#### Policy and Administration Manual

Ms. McBride reported that she, along with Ms. McClain and Ms. Arroyo, met with Kathy McCool today to discuss the Policy and Administration Manual. This is a huge project which will take several months. The first focus will be procedures for policy changes.

#### Participation in Dauphin County Rapid Response Team

Several weeks ago, there was discussion about participation in the Rapid Response Team. Many municipalities participate in this. The drawback would be filling the shifts of these officers if they are out on the team. Commissioner DeHart referenced discussion about a MMU. Ms. McBride agreed this was obtained, changes made, and it was reviewed by Solicitor Henninger. Commissioner Davies noted there will obviously be some overtime or replacement costs involved when these individuals would be called to a Rapid Response Team situation. He noted he has no problem with that. President Wilt asked if the Township will limit participation to up to two officers. Ms. McBride agreed she feels two is sufficient due to the size of the Township. Solicitor Henninger suggested the next agenda include approval of the MMU with a limit of two officers participating.

#### ENGINEER'S REPORT:

Mr. Fabian referenced his written report and provided updates. The Rosedale Manor Stormwater project is progressing. Over the past two weeks. Doli has mobilized its paving crew. The paving foreman has been very responsive to all the punch list items. About 70% of the key punch list has been 100% addressed. Most of the big issues are being addressed, and they are now moving into the pavement part of the project. Mr. Fabian stated there are still additional concerns regarding communication with the residents. Apparently notification was given regarding the work on Hanover, but not for some of the additional concrete work on Market St. Extended. There were some comments on FaceBook from irate residents about this, and it will

be addressed with the contractor. Mr. Fabian stated there may be a non-conforming work order issued for this failure to communicate. He will be providing something to Solicitor Henninger for review and Board consideration. As the paving starts, the extent of the interruption will be much greater, although for a shorter period of time. The contractor will need to be extra vigilant with communication and door hangers so the residents are aware of this. There is also one resident with special medical concerns that must be provided daily access. In response to a question from Commissioner Paul, Mr. Fabian reported that whoever paved through the area where the park is on Market St. Ext only did one of the depressed curbs and not the return depressed curb for the pull through. That will need to be cut out and replaced since it was a mistake on their end. Commissioner Paul added there is also a big gauge in one of the curbs and a block of concrete missing. He asked if this will be replaced. Mr. Fabian agreed that it should be. Mr. Fabian added there are still some outstanding work orders for PPL for the street lights. No timeline has been provided yet, but this will continue to be pursued.

A substantial completion certificate for the Spring Garden Drive Culvert Replacements was prepared and will be on the Board's July legislative agenda.

An Erosion and Sediment Control plan review for the PFBC Boating Facility Grant Application was requested from Dauphin County Conservation District on June 11, 2021 and that is in review right now. PennDOT may request a Minimum Use Driveway Permit for the access from the parcel onto Fulling Mill Road. Attempts are being made to verify with District 8-0 whether this can be grandfathered in as an existing entrance or if this permit is necessary before the project is built. Commissioner DeHart asked Mr. Fabian if he feels that the project will be done this year or next. Mr. Fabian stated he would like the project to be done this year.

DEP has finally given reimbursement approval for the Greenfield Park Basin Retrofit and Riperian Buffer project, and has approved the change to shift the leftover funds to the PRP BMP-6 fieldwork for the stream restoration near this site.

The recommendations' letter for the review of road damage caused during construction of the Sunoco Pipeline is being finalized prior to forwarding to Sunoco for processing. There were comments received from Mr. Fure regarding revisions to the final recommendation, and these are being worked through now for submission to Sunoco Pipeline.

Another six-month extension is due on the RACP Grant for Richard L. Shireman Park Development. The Township should be in a position to start talking budgetary numbers and begin moving forward with the business plan.

Commissioner DeHart referenced comments he and Commissioner Paul had made regarding the turning radius at Longview and North Union. He asked if any feedback had been given from Mr. Secary. Mr. Fabian stated there was discussion with Ron Secary, and he was to go back to UPS. So far, Mr. Secary has not received a response from them. Mr. Fabian noted that he took some photos, in addition to the video Commissioner DeHart had provided, to show the turning radiuses and the issues there. He anticipated this will be taken care of by UPS. Commissioner DeHart referenced an incident this week where he had to back up so that a truck could turn in. If UPS can make the curbing wider, he suggested the Township could perhaps take care of the paving between those wider areas if necessary.

Vice President Truntz asked if there was any progress on the boulder under the bridge on North Union. Mr. Fabian stated that Mr. Washinger did evaluate this along with Jason Jones, the coordinator/site supervisor for all the work on North Union. They have concerns about removal of the boulder creating instability within that wingwall, since it is already cracked. Ms. McBride agreed she has concerns too but is not sure this can wait. Action should probably be taken. Commissioner DeHart stated that wall has definitely moved. Mr. Fabian commented that Kinsley is probably concerned with being held liable for any damages to the wingwall should they touch the rock and something happen. Mr. Fabian agreed to discuss this with Mr. Washinger tomorrow.

#### SOLICITOR'S REPORT:

Solicitor Henninger reported that he had emailed the Board about Senate Bill 554 which will amend the Sunshine Act in regards to posting of agendas and taking action on items not on the agenda. Basically, the Township is already meeting these requirements. The biggest change come September is that if the Board has additional items to be added to the original posted agenda, the Board will have to vote to add it to an amended agenda before it can vote on that item. A revised agenda will then have to be posted upon 24-hours of conclusion of that meeting showing that something was added.

President Wilt announced that the Board will convene into executive session immediately upon conclusion of this evening's meeting in order to discuss personnel issues.

GOOD AND WELFARE:

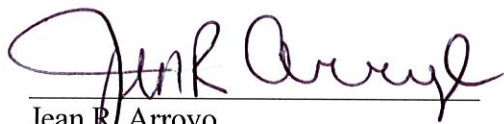
Commissioner Davies thanked Mr. Fabian for all his efforts to keep the projects rolling along.

Vice President Truntz and President Wilt thanked everyone for coming out tonight.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner Davies, seconded by Commissioner DeHart, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:10 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

**PRINT**

**JULY 7, 2021**

**PUBLIC HEARING -- 6:45 P.M.**

**WORKSHOP – 7:00 P.M.**

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