

MINUTES

NON-LEGISLATIVE MEETING – JUNE 3, 2020

The June 3, 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 via Zoom.

The following officials were in attendance:

- Jon G. Wilt, 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
- Lester Lanman, Public Works Director
- Daniel Tingle, Acting Chief

Absent: Todd F. Truntz, Vice President

Residents and visitors in attendance through Zoom or by phone:

*(**Access links/phone numbers were listed on the Township's website prior to this meeting, and the names listed below are as they appeared on the conferencing service)*

Ron Secary, Mark Stanley, Tim Kinsley, Charles Courtney, Craig Mellott, D. Goode, 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 Davies, seconded by Commissioner Paul, to approve the Minutes of the May 20, 2020 Legislative Meeting. The motion was unanimously approved.

PLANNING AND ZONING DEPARTMENT REPORT:

Ms. Hursh reported that Rick Jenakovich' last day is this Friday, and advertisement for Construction Code Official will run to June 4, with resumes being accepted until June 5.

Construction continues on Campus Heights III, Buddy's Run (2nd permit issued), and 1011 Rosedale, which is the site for D&H. The demolition of the existing single family home on the D&H site is complete. However, there is an issue with asbestos in the printing building that is being worked through.

The Zoning Hearing Board had received one new application for a variance for building height for a proposed new warehouse at the old Mumma Quarry N. Union St. site. The application was submitted by Byler Quarries LLC. Due to the need to hold the meeting through Zoom, the hearing was moved to June 24. They have also submitted a land development plan for that project which will go to the Planning Commission on June 25.

Ms. Hursh reported that the detention basis conversion for Morgan's Run has begun. There was a pre-inspection meeting today with Brian Morgan and HRG to go over what needs done prior to paving.

UPS update:

An update was provided on the UPS Regional Hub Project. Ms. Hursh reported that the easement agreements were received for Kreider as well as the check which is for reimbursement for the easement from Kreider. All the improvement guarantee amounts have been set for the pump station, the roadway improvement plans, and the main project itself. They do have their NPDES permit. Solicitor Henninger added the O&M Agreement was also approved. Ms. Hursh noted the Development Agreement, which is on this evening's agenda, is the big item. The plan was previously approved with conditions. Commissioner DeHart asked if the approvals tonight will mean the plan can be recorded. Solicitor Henninger explained that once the improvement guarantees are actually received and the Community Benefits' Agreement is approved, the plan can be recorded and full blown construction can proceed. Commissioner Paul asked Solicitor Henninger if the Community Benefits' Agreement automatically includes the Municipal Authority escrow and the onsite construction improvements. Solicitor Henninger confirmed that it does. Commissioner Paul explained his question is whether only taking action on the Community Benefits' Agreement will result in everything else falling into place. Solicitor Henninger explained

it will. The Municipal Authority has already approved the O&M Agreement and the financial security which includes the on-site/off-site improvements and the building of the pump station.

D&H Warehouse update:

Ms. Hursh provided an update on the D&H Warehouse Project. Approval of the Development Agreement is on tonight's agenda. There are several improvement guarantee amounts that have been approved with HRG. Official approval of the O&M will be on the June 22 agenda of the Municipal Authority. The NPDES permit was received. A preconstruction meeting was held with the Dauphin County Conservation District on May 27.

Ms. Hursh added that Mr. Fabian had sent her an email around 6 PM this evening concerning a question with the yellow flashing signal at Meade Avenue. She noted she had sent this to Solicitor Henninger, but doesn't know if he has even seen it yet. Mr. Fabian explained that he had received an email from the transportation team at HRG who reviewed the Development Agreement and had a question on the timing of the installation of those yellow signals. They recommend that the yellow signals at Route 230 and Meade Avenue and also at Route 230 and Whitehouse Lane be installed now and not part of the monitoring agreement with the Township.

Commissioner Davies referenced the Development Agreement as it relates to sidewalk along Rosedale Avenue, specifically the language stating "The parties agree to cooperate reasonably and in the spirit of a public/private partnership in the pursuit of installation of such sidewalk along Rosedale Avenue." He asked if the phrase "in the spirit of a public/private partnership" can be excised. Mr. Courtney agreed they would be fine with deleting it. Solicitor Henninger noted that although the Municipal Authority will not be taking action on the O&M Agreement until June 22, the recommendations are there for approval. All the plan comments have been addressed, and the security agreement amounts have been approved by HRG and are now included in the Development Agreement. He added that he cannot speak to the flashing signal request, since he has not looked at it yet.

Wilsbach Distribution:

Ms. Hursh reported that Wilsbach Distribution has moved in machinery to do some initial site work to relocate the PPL poles. That will be the only work done at this point. They do anticipate that construction for the main building will begin late summer/early fall. This plan has not yet been recorded. Solicitor Henninger added they do have a bit of a delay due to their planning module. They had originally submitted for a waiver, but was rejected. Mr. Lanman noted it is his

understanding that Holly Evans of Evans Engineering has submitted everything. They did receive a comment regarding the ownership of the force main that is within the state right of way.

Mr. Lanman explained that, with the assistance of HRG, he had submitted a letter back to Ms. Evans yesterday clarifying that the Municipal Authority will own the portion of the force main that lies within state right of way. Solicitor Henninger added that an email was also received from Jim Rodgers who lives below the site. Mr. and Mrs. Rodgers seem to be pleased with the measures taken there so far.

UPS COMMUNITY BENEFITS' AGREEMENT:

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve a Community Benefits' Agreement for UPS Regional Hub Project, PC File #2018-05. The motion was unanimously approved.

DEVELOPMENT AGREEMENT FOR D&H PROPOSED WAREHOUSE:

A motion was made by Commissioner Davies to approve the Development Agreement for D&H Proposed Warehouse, PC File #2019-03, with the abridgement that removes the phrase "and in the spirit of a public/private partnership" on page 11, paragraph 6. Commissioner DeHart seconded the motion, and questioned if the recommendation about the flashing yellow lights should be in this agreement. Mr. Courtney addressed the flashing yellow signals and explained there are two intersections involved: Route 230 and Meade Avenue and Route 230 and Whitehouse Lane. The agreement contemplates that D&H would be monitoring those intersections and if warrants are met for the flashing yellow, D&H would install it. The comment was if it could be installed upfront. Obviously, it must meet warrants to install it. If there is a strong preference to install those two flashing yellows upfront and a signal permit can be issued because warrants are met, this can be done.

Commissioner DeHart asked if the lights would be on a diamond-sign or overhead and also asked which way they would be facing. Craig Mellott explained they would be at the eastbound approach of Route 230 when turning left from Route 230 onto either Whitehouse Lane or left from Route 230 onto Meade Avenue. The left turn arrow would be in a signal head mounted on the signal installation instead of the traditional signal head with five signals and then a green arrow. This is the current requirement of PennDOT District 8-0. Mr. Mellott added that

as far as monitoring goes, there is already a left turn phase with an arrow at Meade Avenue, so theoretically, that could probably go in today. Whitehouse Lane and Route 230 was just below the threshold, which is where the monitoring came in. It was felt it would be appropriate that once D&H is in and open, the counts could be done to collect all the data at one time rather than piece-meal it. However, as Mr. Courtney indicated, they would be willing to work with the Township if the preference is for the one to go in right now.

Commissioner Paul asked how the signage will be positioned over Rosedale Avenue. Mr. Mellott explained it will be a signal mast-arm and will be overhead. It will not be a truss that goes over the entire road and has foundations on both sides. Mr. Mellott noted they are proposing this in an effort to draw attention to the sign. If a truck driver is going the wrong way, this would draw attention to the fact that the driver needs to turn around. There is no standard that is requiring this. If the Township would not prefer something as large as overhead signs and would instead prefer signs along the side of the road on posts, that could certainly be done. Commissioner Paul explained his concern is long term maintenance, as he assumes the Township will be responsible if it were a truss-like setup. Commissioner DeHart suggested the maintenance of the mast-arm signage would likely be minimal and agreed that overhead signage would be more likely to attract the attention of truck drivers. He expressed his support for the overhead signage. Commissioner Davies agreed that people tend to blow-off the roadside signs. President Wilt also agreed that the overhead signage would be the best option.

Commissioner DeHart addressed discussion about the flashing yellow lights, and asked if the one at Meade Avenue could be put in now and the other could be done at a later time if the counts so warrant. Mr. Fabian agreed that this is the recommendation of HRG's traffic division. He apologized for the late email, but noted he only received it himself earlier this evening. Mr. Courtney explained the Agreement right now requires that both be monitored. As a condition of approval, the agreement could be revised so that the Route 230/Meade Avenue flashing yellow would go in now, and the Route 230/Whitehouse Lane one would be monitored. He stated this would be an easy change.

Commissioner Davies amended his motion to approve the Development Agreement to include language that would require the Route 230 and Meade Avenue flashing yellow signal be installed during construction, and that the other one at Route 230 and Whitehouse Lane continue

to be monitored for warranted installation. Commissioner DeHart amended his second to include the language. The motion was unanimously approved.

Mr. Courtney stated that as mentioned earlier, they will be before the Municipal Authority on June 22 to seek approval for the financial security amounts and the formal O&M Agreement. They anticipate that by next week all other conditions will be satisfied. D&H would like to begin site work in advance of that Authority meeting since it will need to move out of its current facility into the new facility, and there is always uncertainty now in terms of how construction schedules can be impacted by things beyond control, like pandemics.

Mr. Courtney asked if D&H can proceed with site work prior to Authority approval, provided all the conditions are met and security provided. Solicitor Henninger stated that he has no problem with this, provided no sanitary sewer work is done prior to Municipal Authority approval.

Ms. Hursh explained that this would only be for the E&S work, which is the construction entrance, silt fence, initial detention basin for the site work, etc. A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to grant approval for D&H to proceed with its E&S site work, provided they submit a fully executed Land Development Plan, fully executed financial security, and fully executed Developer's Agreement. The motion was unanimously approved.

PUBLIC WORKS DEPARTMENT REPORT:

Mr. Lanman reported that the PennBid for the paving project is set to close tomorrow. Base repairs were completed on Highland Street. Ebenezer Road and Cockley Road are next to be repaired. A pipe repair will be completed on Kreider Drive prior to paving. A cross bore was found on Kreider at IP. Comcast ended up having a cable bored through the Township's storm water pipe and has submitted a street cut application to complete those repairs. Another piece of pipe – about 30' – in front of the Americhem entrance on Kreider Drive will need fixed prior to paving.

Mr. Lanman reported that he and Mr. Fabian and Ms. Smith have discussed replacing a 50' section of failed 24" storm water pipe that runs across the intersection of Scarlett Lane and Butler Drive. This must be done prior to the UGI Get Gas project, which is slated for spring of next year. Staff will work with Mr. Fabian to get some numbers and address this project, which will need to be put out for bid.

Across the street on Spring Garden Drive, from C&J Caterers just east of the Woodridge development, there is a 4' diameter corrugated metal pipe that crosses under Spring Garden Drive. Part of it flows north and part of it flows south under the parking lot of C&J Caterers. There are three cones in the road there right now, as a hole opened up in the road from that failing pipe. Mr. Lanman stated his recommendation is to replace the pipe under the road and possibly do some type of trenchless repair to the 251' of that pipe that crosses under the parking lot for C&J. Ms. Smith is doing research to verify ownership and easements. More information will be forthcoming. This project, as well as the one in Twelve Oaks for the Get Gas, may have to be combined. If not, the one on Spring Garden may need to be pushed through as an emergency procurement for the part under the road. That portion will also include moving an inlet. The inlet on the north side of the road appears to have been put in about 3' too far to the center of the road. In order for the top inlet grate to match the curb line, they stacked six or seven frames up and offset them like a stair step. This inlet is very deep and difficult to get into with a ladder.

The Public Works Department has been mowing right of ways, working in parks, and street sweeping. The MS4 Rain Barrel Workshop was cancelled due to coronavirus restrictions. This workshop was in coordination with Dauphin County Conservation District, and will most likely be rescheduled.

Mr. Lanman noted he had provided the Board with photos of several options to fence in the rain garden at Shopes Garden Park. This will prevent entry into the garden while still retaining an aesthetically pleasing appearance. Basically, there are several options all of which would include fencing around the entire garden with gates on the ends for maintenance access and one of these options on the side that parallels the basketball court: (1) a picket fence backed up by a hedge row to prevent basketballs from entering the garden, (2) a split rail fence backed up with a hedge row, (3) a split rail fence backed up by chain link, or (4) a chain link fence with a vine that will cover the fence. Commissioner DeHart asked if prices were included in the information provided. Mr. Lanman stated he had not actually gotten pricing from a fence contractor, but has a book that estimates costs. Base cost for a chain link fence all around, plus two gates, would be around \$5,000. The options to add to this would include the use the vines, which would be the easiest and cheapest. Split rail fence and picket fence would probably be about \$1,500 for either option. In response to a question from Commissioner DeHart, Mr. Fabian confirmed there is no grant money left over from

the BMP project. Mr. Lanman agreed this would come out of the Public Works budget, but was not budgeted this year.

Ms. Hursh asked how high the fence will be. Mr. Lanman explained the one he priced is 5'. Ms. Hursh stated her concern is the possibility of a basketball bouncing in there. She agreed with Mr. Lanman that part of this project is the educational component. Mr. Fabian noted that he has seen similar raingardens in his area with split rail fences around them to sway people from walking in it but still allow easy viewing. However, they did not have the concern with the basketball issue as Lower Swatara does. Commissioner DeHart asked if the basketball court would be kept in the same direction. Mr. Lanman recalled that the plan is to keep it as is. Mr. Fabian confirmed that the flip was suggested but was shot down. Commissioner DeHart asked if there is room for a paddle ball court in the future. Mr. Fabian confirmed there is an entire section not used at this time. Commissioner DeHart asked Mr. Lanman to provide some cost estimates for further review. Mr. Lanman inquired if the Board is okay with a 5' fence. Mr. Fabian stated the taller the fence, the more risk could be involved if a ball ends in there and someone tries to scale the fence. He suggested a 5' fence seems reasonable. Ms. McBride asked if a 4' or 5' fence would be best. Commissioner Paul stated his suggestion would be a 4' fence with gates in order to access any basketballs that may end up there. Mr. Fabian stated this is a good idea. It also helps with the aesthetics there. Mr. Lanman agreed to secure quotes for 4' fencing to present to the Board at the next meeting.

Commissioner Davies added that he received input from a citizen concerned about the water and small children, even though the water is relatively shallow. Mr. Fabian reported that he was out yesterday to check the growth of the plantings and observed there is a bit of standing water toward the outlet there, on 1/3 of the bottom. He expressed hope that as additional plant growth occurs, this will continue to minimize. Commissioner Paul commented that there is constantly standing water in there. Mr. Fabian agreed, and added he and Ms. Smith have had numerous conversations on how best to resolve this or make it less of a nuisance.

Mr. Lanman reported the fire alarm system installation started today and will hopefully be completed in a few days.

MANAGER'S REPORT:

Covid-19

Ms. McBride reported on the updated Covid numbers for Dauphin County, which have doubled since May 1. She asked that everyone continue to be vigilant with social distancing and the wearing of masks and gloves.

Park Rentals

The Township has been receiving calls about park rentals and park usage. Ms. McBride noted her response is that the Township does not intend to open parks or take park reservations until Dauphin County goes into the green phase. The Board concurred with this.

Ms. McBride added that she had also received a request for a street party. Neighbors want to bring in food trucks and block off the street. Ms. McBride stated she does not see a problem with this; Public Works will be asked to drop off a few barricades to block off the street. President Wilt expressed concern with the social distancing requirement. Commissioner DeHart added that it also depends on the location of the street, and impact on emergency access for police, fire and EMS. He suggested Ms. McBride run this by Acting Chief Tingle. Ms. McBride added the street in this particular request is O'Hara Lane. She added that she will also put something in writing to those requesting a street closure that they must maintain social distancing guidelines. Solicitor Henninger explained that historically when requests to close roads are received, the Board takes official action on the request and approves a particular section for closure --- for example, between O'Hara Lane and Scarlett Lane – and for a designated date and time frame. Practicing social distancing and adhering to state guidelines could also be part of the approval process.

ENGINEER'S REPORT:

Shawn Fabian, HRG, referenced his written report and provided updates. He added that he does have one item for action tonight, and is an addendum to the agenda.

At its February 19, 2020 meeting, the Board approved Change Order #1 to Doli for the Rosedale Manor Stormwater Project. Doli feels that the unit adjustment for the new storm sewer addition at 1999 Market Street will not fully cover the utilities coordination, landscape impacts and the new inlet tie-in after their evaluation of the change in the field. Therefore, they would like to renegotiate the change order. Mr. Fabian noted he plans to discuss this with Township staff this week and have a revised change order presented for Board reauthorization at the next legislative

session on June 17. He added that he does feel Doli's commentary is justified given the amount of utility issues that they encountered.

A change order to adjust the contract dates for the Bradford Avenue Residential Home Demolition project schedule is on this evening's agenda. The Greenfield Park Basin Retrofit and Riparian Buffer project also has a revised schedule; they are mobilizing this week.

All staff comments have been received for the Township Comprehensive Recreation, Park and Open Space (PROS) Plan and have been incorporated. Those will be finalized this week, and a final draft will be provided for Board review. The intent is to have this on the June 17 legislative meeting as a recommendation to send to DCNR.

There will be a bid opening tomorrow for the Spring Garden Drive Culvert Replacements project.

MS4 transition meetings have taken place over the past two weeks to ensure a smooth transition to operations in light of Ms. Smith's resignation on June 12. Review of the MS4 documentation shows that the Township is in good shape for the annual report, due on September 30, 2020.

The agreement for the PFBC Boating Facility Grant Application was received. Both Mr. Fabian and Solicitor Henninger have reviewed the document and requested minor revisions from Mr. Bollinger before it is presented at the next legislative meeting for Board approval. Several months ago, Commissioner DeHart had asked for specifics on the match to that grant, and the response was that they are using their own agency funds for it. Therefore, any match from private funds, grants, or in-kind services can be utilized for that match. This provides a lot of options to the Township, and can be discussed in more detail.

As approved by the Board at the last meeting, a second 6-month extension request was submitted for the RACP Grant for Richard L. Shireman Park Development due to the Covid-19 Pandemic, which would extend the new deadline to February 5, 2021 if approved. This extension allows Lower Swatara Township to seek additional project funding and allows more time to prepare a more complete project scoping and budget.

Commissioner DeHart referenced the Sunoco pipeline project, and asked if it is complete. He noted his concern is review of the roadways and the need for Sunoco to repair what they damaged. Mr. Lanman stated they are not done yet, and are working in areas not within the Township. He added he believes all the work within the Township itself is complete. All repairs to

roads will probably be done at one time after all areas are complete. Commissioner DeHart recalled a study was performed and the roads were scanned prior to the project. He inquired how the Township can make sure Sunoco's assessment and the Township's assessment match. Mr. Lanman explained that they still have a street cut permit for the roads, and bonding is in place. Once they are complete, they will have to re-video the roads, re-inspect them, and compare. Commissioner DeHart explained he just does not want this to get missed.

Commissioner Davies referenced the Fish and Boating Commission grant and asked if, when this project is done, it will be strictly a Township facility and responsibility in terms of policing, maintenance, and rule enforcement. Mr. Fabian responded that he understands the police do keep an eye on things down there now, but it is jointly managed by the Swatara Watershed associations. They manage the overall water trail and try to manage the various events they offer. Mr. Fabian added that from his personal experience, he can report that most of it is not very labor intensive and includes things like trash pick-up. Once this grant is finalized, there is credit that will be given to the PA Fish and Boat and this will actually come under some of their regulations for how a boating facility operates. It will change after the grant is finalized, giving them some stewardship of the location. Mr. Fabian added that it is probably a good idea to have dialogue with the various agencies. He reported that he did ask for a letter of support from the Swatara Creek Watershed Association for this and will try to get a formal commitment from them.

SOLICITOR'S REPORT:

Solicitor Henninger noted that Ms. Arroyo will be notarizing easements for Mr. Kreider next week. They will then be circulated to the various Township officials for signature. He noted that one of the things in the UPS Community Benefits' Agreement is \$50,000 for the Shireman Park study and goes towards the Township's \$300,000 match on that grant. When it is received, the money will go into the Recreation Fund.

AGREEMENT WITH MUNICIPAL AUTHORITY FOR REIMBURSEMENT:

Solicitor Henninger referenced item 8 on the agenda which is the agreement between the Township and the Municipal Authority with regards to the Lumber Street culvert replacement part of the project. When that project was done, there was some existing sanitary sewer line that needed replaced which was done through a change order in the amount of \$25,368.03. Due to the fact that

grant dollars were received for the project, this needs to be done through an agreement between the Township and Municipal Authority whereby the Authority will reimburse the Township. A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve an intermunicipal agreement with the Lower Swatara Township Municipal Authority relative to sanitary sewer work performed as part of the Lumber Street culvert replacement project in the amount of \$25,368.03, contingent upon approval by the Municipal Authority. A roll call vote was taken with the following ballot tabulation: Commissioner DeHart – aye, Commissioner Davies – aye, Commissioner Paul – aye, President Wilt – aye. The motion was approved by a 4 – 0 margin.

ADDENDUM: CHANGE ORDER FOR BRADFORD AVE. DEMOLITION PROJECT

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve Change Order #1 to the Bradford Avenue Demolition Project. The change order is to extend the contract due to Covid19. The financial impact is zero. The motion was unanimously approved.

GOOD AND WELFARE:

Commissioner Davies congratulated all the graduates of the Middletown Area High School who are celebrating this evening. He stated he is glad the UPS Community Benefits' Agreement has been ironed out, as well as the Development Agreement for D&H.

Commissioner DeHart reported that he attended a meeting of MARA, which is unable to offer much right now due to the virus and the need to social distance. MARA is looking into having a summer program for the kids but is not sure of the interest, since it is so late in the year. Commissioner DeHart thanked Mr. Lanman for assisting a resident on Market Street Ext. who had an issue with his mailbox being hit during construction. With Mr. Lanman's assistance, the water company responded the next day and made the necessary repair.

Commissioner Paul announced that tomorrow at 12:15 P.M., Exelon will be sounding its sirens for Three Mile Island for about three minutes. He noted this is just a drill. Commissioner Paul acknowledged and thanked all those that worked the polls at the election. These folks spent long hours --- 15 + hours a day -- at the polling sites. Commissioner Paul also reported that the Township has a Safety Committee that meets monthly. Mr. Lanman is the Chairman and Ms. Bechtel is the Recording Secretary. He asked the Board to take a look at the minutes of the

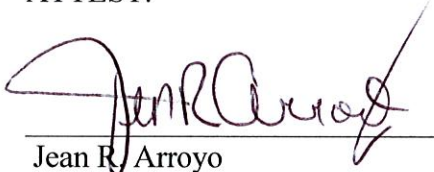
committee, particularly the April meeting minutes, which are very informative. He thanked the members of the Safety Committee for the fine job they do.

President Wilt thanked everyone for their hard work and their input this evening. He also acknowledged the elections, which are held twice a year, and are a very important function of society.

ADJOURN:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Commissioner Paul, to adjourn the meeting. The motion was unanimously approved, and the meeting adjourned at 8:20 P.M.

ATTEST:



Jean R. Arroyo
Township Secretary