

MINUTES

NON-LEGISLATIVE MEETING – MARCH 1, 2023

The March 1, 2023 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 were in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Christopher DeHart, Commissioner
- Zachary Border, Manager
- Jean R. Arroyo, Secretary
- Brett Flower, Eckert Seamans, Solicitor
- Scott Washinger, Director of Public Works
- Don Fure, Director of Codes and Planning
- Ronald Burkholder Jr., Construction Code Official
- Brian Davis, MS4 Coordinator
- Dominic Visconti, Chief of Police

Absent: Michael J. Davies, Commissioner

Residents and visitors in attendance: Please see attached sign-in sheet

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

PUBLIC COMMENT

Laurie Castagna, 1901 Scarlett Lane, referenced plans which will be before the Board in the upcoming months for a new development called Aberdeen, on the farm behind Twelve Oaks. Ms. Castagna stated that none of the neighbors she has talked to are opposed to the development, which is proposed to be 26 homes on 19 acres; it looks to be a very nice development. The concern from the neighborhood is the fact that the cul-de-sac at the end of Bonnie Blue, which has been a cul-de-sac for 38 years, is planned to be opened up and will connect this new development to Twelve Oaks. This will basically create a thoroughfare through Twelve Oaks and make it a racetrack. Ms. Castagna noted this is not a continuation of Twelve Oaks but rather an entirely separate subdivision. This new subdivision, Aberdeen, will have sidewalks as

opposed to Twelve Oaks, which has none. There are a lot of walkers in Twelve Oaks, and the huge amount of leaves in the fall often make the roads one-lane at best. Ms. Castagna stated it is just not a good idea to open that cul-de-sac. While it was always a temporary cul-de-sac, the people that live in that cul-de-sac bought their homes with the understanding that it was a cul-de-sac; they were not told when they purchased their homes that it was temporary and would be opened at some point. Ms. Castagna stated she hopes that when the plan comes before the Board, it will consider not opening up the Bonnie Blue cul-de-sac but rather making the Aberdeen development its own cul-de-sac. This will prevent Twelve Oaks from becoming a throughfare, especially when the Williams farm get developed in the next couple years, which will probably be a housing development with a few hundred homes. She anticipated that one of the roads that will go into that new development will be a continuation of Scarlett.

Tom Fisher, 1517 Farmhouse Lane, asked if the Board is aware of the court case ruling that stormwater is a tax and not a fee. He asked if any entity has approached the Township about this yet, and what the Board's stance will be. Solicitor Flower stated that she is familiar with the case. It is a bit different because it pertains to West Chester University which is a subdivision of the Commonwealth of PA, making it exempt and immune from taxation. West Chester actually had its own self-contained stormwater MS4 system, so the issue there was the Borough was not providing them any benefit. No stormwater on the campus was going through the Borough's system. This is a bit different than the general stormwater fee that the Township adopted. Mr. Fisher explained he is curious about this, as he goes to a church in Swatara Township. This information was presented at their conference, and they are pushing them to go to Swatara Township and ask for relief from the fee, as well as any money that was already paid in for this. Solicitor Flower stated this will be an interesting issue; the Borough has already appealed to the Supreme Court. There will be no resolution until the Supreme Court provides direction. Vice President Truntz remarked that all these MS4 regulations are mandated by the federal and state government, and the Township is forced to comply with them. This includes projects like rehabilitating streams and basins, etc. Somehow there must be a way to pay for these projects. If it is deemed a tax rather than a fee, large tax exempt properties such as the School District, Penn State, and HIA would not have to contribute. This would mean that the taxpayers would pay even more.

APPROVAL OF MINUTES

A motion was made by Commissioner DeHart, seconded by Commissioner Paul, to approve the Minutes of the February 15, 2023 Legislative Meeting. The motion was unanimously approved.

REPOSITORY PROPERTY OFFER FOR 36-000-010

The Board discussed a repository property offer of \$1,000.00 by David Hazard, 5064 Irene Dr., Harrisburg PA 17112 for unmapped property known as 36-000-010. This item was previously tabled, since the location of this unmapped property could not be determined. Solicitor Flower clarified that the reason the Township is getting this is because statutorily, this Board as a taxing body has to approve the purchase. A property sold at repository sale gets everything divested, such as liens. She stated that she had done a lien search on this property; the Township has no liens on it nor does the Township own it. Under the same statute, the Board could require Mr. Hazard to come in person before the Board to certify he is not delinquent on any property taxes and has not been delinquent recently, and generally require him to answer questions. Commissioner DeHart asked why the Township would even want to take action since no one can tell the Board the location. Vice President suggested it sounds like the ownership and location is a title issue, and he is not sure the Board should get involved in a title issue. He stated his concern is that if the Board approves this, it could somehow come back on the Township.

A motion was made by Vice President Truntz, seconded by President Wilt, to reject the repository property \$1,000.00 by David Hazard, 5064 Irene Dr., Harrisburg PA 17112 for unmapped property known as 36-000-010. The motion was unanimously approved.

QUOTE FOR DUCT CLEANING

Mr. Washinger presented a quote in the amount of \$18,615.00 from TJ&M Services for HVAC duct cleaning. He explained that it was brought to his attention that there is mold in some of the ceiling areas. The crew cleaned out the vent areas that they could get into, but there was a concern that the internal system should probably be cleaned out too. Mr. Washinger added he does not think this was ever done before. It may be possible to get a second bid, but this probably will not happen until the end of March. Vice President Truntz stated he does not recall this cleaning ever being performed during his time here. This is a concern with staff working here, and visitors in and out of the building. A motion was made by Vice President Truntz, seconded by Commissioner

DeHart, to approve a quote in the amount of \$18,615.00 from TJ&M Services for HVAC duct cleaning. Commissioner DeHart asked if this is a Costars quote. Mr. Washinger responded it is not; limited companies perform this work. Solicitor Flower remarked that the amount is under the threshold for bidding. Vice President Truntz added that this could also be deemed an emergency. The motion to approve the quote was unanimously approved.

CLOSURE OF FUEL TANKS

The Board discussed the agenda item for final closure of the fuel tanks and pumps by Keystone Petroleum with the estimated cost of \$35,564; all costs are estimated based on the timeline when the project can be done due to the price of concrete. President Wilt asked if there were other bids presented. Mr. Washinger confirmed there were. S&W Petroleum came in at a price of \$40,890.00 but would not provide a bid to have the tanks remain in place, just to remove the tanks. This would necessitate hiring a landscaping firm to replace the retaining wall behind the pumps. In addition to that, the Township would have to repave the area at its own cost. This could be an additional \$10,000 - \$15,000. Elk Environmental also provided a bid in the amount of \$58,555.00; this firm would not provide a bid to allow the tanks to remain in place. Mr. Washinger stated his recommendation is to approve the bid from Keystone Petroleum to finish the closure. The updated bid from them is now \$39,864 due to the increasing cost of concrete. Their bid allows the tanks to remain in place without affecting any of the retaining wall behind the pumps. Keystone Petroleum also handles all the processing through DEP. Mr. Border added that Marysville had a similar situation, and Keystone Petroleum was utilized since it was the only firm that would not require removal of the tanks.

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve the final closure of the fuel tanks and pumps by Keystone Petroleum with the estimated cost of \$39,864.00, with the understanding that all costs are estimated based on the timeline when the project can be done due to the price of concrete. The motion was unanimously approved.

APPOINTMENTS OF REPRESENTATIVES TO THE WREP ADVISORY BOARD

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to approve the appointment of Brian Davis, MS4 Coordinator, as Lower Swatara Township's Representative

on the Water Resource Enhancement Program (WREP) Advisory Board and Zach Border, Township Manager, as alternate for the same position. The motion was unanimously approved.

DEPARTMENT REPORTS:

Planning and Zoning/Codes Department:

Don Fure, Director of Codes and Planning, updated the Board on the Richard L. Shireman Park. Staff worked through the ADA bathrooms and the providing of sewer and water and also spoke to Labor and Industry to get their opinion on how they handle this for state parks and state-owned properties. Mr. Fure added their feedback was a little bit different than what CapCOG recommended.

Zoning Hearing Board Docket V#2023-02 for a variance for 145 Richardson Road was denied.

The Planning Commission met on February 23. The Ponds on Fulling Mill was tabled since they still need to revise some plans. The Colony at Old Reliance was tabled primarily due to lack of knowing where the sanitary sewer is going to go at this point – whether it be gravity flow or a pump station. Aberdeen on Oberlin Rd. was tabled since they need to get their HOP approval. Capital Valley Business Park on Kreider Drive, Lots 3 & 4, was approved with conditions. Illuminated Integration Office and Trade Shop is close to being recorded and approved; they may come before the Board at its March legislative meeting. Wawa is on hold until a few things can be worked out; they plan on attending the March 23 Planning Commission meeting. Also approved at the February 23 Planning Commission was a small single lot subdivision on Longview known as the Fox Subdivision.

Permit stats for the month were as follows: commercial – 3, residential – 3, sewer – 5, street cut – 2, zoning – 6.

Public Works Department:

Mr. Washinger reported that the crew completed the installation of a new window opening in the concession stand at Shopes field. Work on the backstop at Stepp was completed today. Information relative to lighting should be in-hand soon. Mr. Washinger explained that he had met with Horting Lighting today. They have an 80' lift that they can use to access those lights. If all lights are replaced at once, a three-year guarantee is provided as well as a 50% discount from a rebate that PPL is offering. Vice President Truntz asked if this is just bulb replacement.

Mr. Washinger confirmed that is correct. Vice President Truntz asked if there is any LED replacement involved. Mr. Washinger stated this would require changing the electrical system the whole way down to the base. He recalled the last bid to replace those lights with LED was \$390,000.

Mr. Washinger reported that he had spoken to John Ponnett today and informed him that the backstops and cages are all up except at Shopes which need addressed. Material has been ordered and is in place to get mounds and home plates done.

The crew is almost done cleaning out storm grates and is also cleaning the tennis courts at Memorial Park. Basketball courts will be done next. The pickleball court will also be set up. Commissioner DeHart asked if there is a padlock on the tennis courts. Mr. Washinger confirmed that there is. Commissioner DeHart asked if the backboards and nets can be fixed at Memorial Park this year. Mr. Washinger agreed to look into this.

Mr. Washinger informed the Board that a concrete pad is being set up at the Market St. Ext. Park so trash cans can be replaced; both are damaged and in terrible condition due to age and weather.

MS4/Stormwater Department:

Mr. Davis reported that the proposed changes to Lower Swatara's PRP have been posted on the Township's website, and an advertisement has been placed in the Patriot News inviting public comment. A physical copy of the proposed amendment is available at the Township building. At this time, no comments have been made, but the stormwater department will keep a record of any that are submitted.

The WREP Advisory Board held its kickoff meeting for the program on February 22 with representatives from the founding municipalities, Dauphin County, and HRG present. The meeting focused on introductions, and a roadmap was created for selecting the program's offerings and the future cost share formula. Finalization of these details is planned for the end of 2023 with implementation beginning in 2024. Mr. Davis noted his understanding that the Township will then have the opportunity to back out if it is not fully on board with what is being offered. Also discussed at this meeting were known stormwater issues in the community. Middletown Borough and Lower Swatara discussed the potential stream restoration previously proposed for a PRP on the Middletown School District's property. Middletown indicated it may be interested in participating if this project is undertaken. Mr. Davis added that these meetings

will be held monthly on the 4th Wednesday of every month. The location for these meetings will be set on rotation, allowing each municipality to act as host. Commissioner DeHart asked that Mr. Davis keep the Board informed as things proceed.

MANAGER'S REPORT:

Mr. Border reported that he and Mr. Washinger have been working with the insurance company to reestablish the Township's Safety Committee. A risk assessment will also be undertaken to see what improvements can be made.

CapCOG has formed a quarterly work group for code officials to discuss things that are going on and to exchange information. Mr. Border added he is working with PennDOT to see if the Township can do its own CDL testing here as far as the written portion in order to save money. Vice President Truntz had previously asked about renaming a park after someone. All that is required to do so is passing of a resolution. Vice President Truntz clarified that it would be a t-ball field, not a park itself. He asked the temperature of the Board to name the field after Dennis Fausey. The Board expressed no objection to this request. Vice President Truntz stated he will talk to Mr. Ponnett of the Athletic Association to get more details on this.

Vice President Truntz informed the Board that a legal opinion has been received on the proposal to put AEDs (automated external defibrillators) at the park. While it is a good idea, it is unlike placing these units in a school or municipal building where there is personnel around and the ability to train them and perform maintenance. These would be in concession stands, some of which have power and some of which do not. This could potentially create liability for the Township and for the Athletic Association. Commissioner DeHart asked if the Police Department carries these. Chief Visconti responded they do not have these in the vehicles. Commissioner DeHart stated that the Township is already liable technically since the Fire Department has one in its hall, and that is a Township Building. Vice President Truntz stated the Fire Department is different than a concession stand which doesn't have heat, may not have electricity, and has untrained people and access issues. Commissioner DeHart questioned if this is covered under the Good Samaritan Law. Solicitor Flower explained the general standard is that the Good Samaritan Law applies. However, it only insulates the Township if the device is properly maintained regularly and the Township provides training for the anticipated users. The question is who would be identified as the anticipated users. Commissioner DeHart asked if the

coaches are required to take any kind of first aid training. Vice President Truntz responded he does not believe they are. Commissioner DeHart added he would be in favor of having the police vehicles equipped with AEDs since they are often first on the scene. He noted these units are fairly maintenance free, except for battery replacement, and are simple to use. In addition, there may be grants available for the purchase. Vice President Truntz agreed that he would be in favor of the police vehicles carrying these. Chief Visconti stated he will obtain some quotes. Commissioner DeHart suggested that if the Athletic Association wants AEDs at the concession stands, a good first step may be for them to get some training. Still, there could be a problem with the units getting cold. Vice President Truntz commented that the Athletic Association is only there from the end of March to mid-May. Again, there are a lot of variables which create concern.

Vice President Truntz stated he was recently contacted by Bill Leonard of the Lower Swatara Antique and Classic Automobile Association. In the past, the group had a parade around the Township. This year, on Saturday June 24, they would like to have an informal car show where residents come and view these vehicles. A couple of food trucks would be on site. The proposed location is the Old Reliance Park. Vice President Truntz inquired if the park could be reserved for them on this date, knowing there would need to be discussion about the logistics. He asked if there is a special approval needed. Ms. Arroyo stated this park is not usually reserved but is a first-come first-served use. She asked if liability insurance will be required if this use is permitted, since this has been the procedure when other groups such as churches use the parks. Vice President Truntz agreed this should be looked into.

ENGINEER'S REPORT:

Update on Richard L. Shireman Park

Mr. Fabian reported that the Recreation Board met earlier tonight, at 6:00 P.M., to review the current design layout for the Richard L. Shireman Park. As Mr. Fure mentioned, there was coordination with CapCOG and the County Planning Commission for concurrence on the findings on how to best proceed with moving forward on the development plans. There were a number of comments received tonight that will be incorporated into the final design of the park. Comments have been received from staff, the Board of Commissioners, and now the Recreation Board. Much progress has been made in the past several weeks.

The 2021 drainage improvements project is being reviewed for close out. Coordination is being done pertinent to the final landscaping items that they need to address. In addition, the punch list for the 2022 Paving Project will need to be addressed before that contract can be closed out.

There has been a lot of activity on the Bryn Gweled Infrastructure Replacement Design and Permitting as it is being prepared for bid. It was identified that there are several manholes which should be replaced as part of that project. Other than that, the project manual and bid materials are prepared, and approval to go to bid was authorized by the Municipal Authority at its last meeting. Mr. Fabian added he does need to contact Veolia to find out its timeline for installation, which they had previously indicated would be this spring.

Approval to go out to bid for the Hanover Street/Meade Avenue Stormsewer Outfall Repairs project was also granted by the Municipal Authority, as soon as that package is ready.

As the Board will recall, there was approval for a short-pay for an invoice for the Rosedale Manor Stormwater Project. This was due to an issue with a PPL invoice for the light pole re-installation. There was finally contact made from a PPL representative, who requested photos. Mr. Fabian noted he will make another contact this week to see where this issue stands.

An update was provided on the Fiddler's Elbow Box Culvert Replacement. The permit submission was finalized and sent to Mr. Washinger for his review. Mr. Fabian noted his understanding is that the stone is starting to move a bit so it is good that this project is moving forward.

Mr. Fabian stated he understands that Woodridge did get approved for a grant for their stormwater project, so creation of a scope and fee for the design will need to be prioritized.

Comments and questions were received today on the FEMA grant for repairs on Greenwood Circle, Hanover Street, and Meade Avenue. Mr. Fabian reported that he has not had a chance to thoroughly review these yet but will respond in a timely fashion.

GOOD AND WELFARE:

Commissioner DeHart thanked Commissioner Paul, Mr. Fabian, and members of the audience who attended the Recreation Board Meeting tonight. There was good feedback and some reasonable changes made to help reduce cost and make improvements. There should be a new plan in the upcoming months for residents to view.

Commissioner Paul requested an executive session immediately upon conclusion of this meeting to discuss some personnel issues.


Vice President Truntz thanked everyone who came out and provided input tonight. He also thanked the staff for all its hard work and all the good things they do for the Township.

President Wilt also thanked everyone for coming out and thanked the department heads for their efforts.

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 7:45 P.M.

ATTEST:

A handwritten signature in dark ink, appearing to read "Jean R. Arroyo", written over a horizontal line.

Jean R. Arroyo
Township Secretary

PLEASE PRINT NAME CLEARLY
BOARD OF COMMISSIONERS'
MARCH 1, 2023 WORKSHOP MTG. -- 7 PM

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