

MINUTES

NON-LEGISLATIVE MEETING – MARCH 3, 2021

The March 3, 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 via Zoom.

All officials were in attendance through Zoom:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner
- Betsy McBride, Township Manager
- Jean R. Arroyo, Township Secretary
- Peter R. Henninger, Solicitor
- Shawn Fabian, HRG
- Ann Hursh, Planning & Zoning Coordinator
- Lester Lanman, Public Works Director
- Brian Davis, MS4 Coordinator
- Dominic Visconti, Police Chief

Residents and visitors participating through Zoom: 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 DeHart, seconded by Vice President Truntz, to approve the Minutes of the February 17, 2021 Legislative Meeting. The motion was unanimously approved.

DEPARTMENT REPORTS:

Planning & Zoning/Codes Department

Ann Hursh, Planning & Zoning Coordinator, referenced her written report and provided some updates, beginning with ongoing projects. The owner of the Buddy's Run Plan anticipates

having the final coat put on the road this year, and will contact the Township and HRG in April to schedule a pre-paving inspection. Final inspections on the remaining buildings for the Campus Heights III Plan are expected to occur within the next few months. The UPS project is ongoing, and Mr. Fure is out there almost daily. Mr. Lanman will be providing more details on the road work associated with this project. Work continues on the Hershey Creamery Plan, the Wilsbach Distribution Facility Plan, and the D&H Warehouse Plan. There was a conditional approval on the Fiddlers Elbow Warehouse Plan (2070 N. Union), and work is being done to address the remaining conditions for plan recording. Ms. Hursh noted this plan will be brought back to the Board on March 17 for some minor revisions. The 250 Fulling Mill Road (warehouse) Plan was conditionally approved, and work is being done to meet the conditions of approval.

There were several pre-application meetings held. Ms. Hursh reported she had received two new variance requests. Both are garages or pole buildings, and are for variances on height. There are two new plans that will come before the Planning Commission: a Revised Land Development Plan for Fed Ex Ground which provides for increased parking, and the Kinsley residential project which is north of the D&H plan. Ms. Hursh reported that the contractor for the Rosedale Avenue construction recently provided flyers to the residents in the area, resulting in some phone calls to the Township offices. The flyer was primarily explaining their general plans, not providing specific detour information. The Code Department is very busy performing daily inspections, especially on these larger projects.

Commissioner Davies referenced an item on the report regarding denial of a zoning permit to The Bubble Club, 2285 W. Harrisburg Pike, due to lack of information. Ms. Hursh explained this is, or was, a crab place, but they are doing other things that prompted the Township to ask them to obtain the correct permits. They came in with the concept of "The Bubble Club" which would be a place that could be rented for weddings, bar mitzvahs, etc. The renter would need to bring their own tables, chairs and alcohol. They also mentioned having tattoo parties. Ms. Hursh noted she did not feel this would be a permitted use. President Wilt asked if they own the business or rent it. Ms. Hursh responded they rent it; the business is located in the strip mall area across from McDonald's. She added there is also concern about parking. None of this information was provided when they submitted the application, so the application was denied. If they come in with more detailed information, it will be further reviewed.

Commissioner DeHart referenced the FedEx Plan, 111 Fulling Mill Road, and plans for additional parking. He asked how many spaces are being planned. Ms. Hursh noted she does not recall offhand. Commissioner DeHart stated his concern is whether additional parking for additional people will result in them still meeting their EDU on the sewage. Ms. Hursh explained this is for parking that they need now. Commissioner DeHart stated he just wants to make sure they are paying for what they are supposed to be paying for. Ms. Hursh agreed to check on this. Solicitor Henninger explained that they are an industrial customer and billed off their water usage. This can be pursued if there is an issue. He noted Ms. Bechtel keeps a very good eye on this.

MS4/Stormwater Department

Brian Davis, MS4 Coordinator, referenced information he had provided the Board regarding a new tree planting initiative, "The Community Roots Program". With the assistance of Mr. Lanman, Mr. Fabian, and Ms. McBride, he came up with three possible planting sites to get the process started. If the Board concurs with the areas, formal approval will be sought at the March 17 legislative meeting. Diagrams of the three sites have been provided to the Board. Mr. Davis visually walked the Board through the sites.

Planting Site #1, The Flats, is a group of properties east of Lisa Lake that were recently obtained by the Township. This land is prone to flooding and provides little development value. The main goal of planting here is to reduce the maintenance costs, as the area must be routinely mowed by the Public Works personnel. Planting Site #2, Fulling Mill Road Park, is the site of the upcoming Fulling Mill Road boat launch and park. The idea is not to take up any of the usable park space, but instead create a visual barrier between the park and the neighboring commercial properties. Densely packed trees, like rows of arborvitae, are envisioned. Planting Site #3, Swatara Shores, is a group of three parcels at the northern end of Swatara Park Road which was bought by the Township after flooding issues. The properties have no permanent dwellings or structures, but there is a problem with someone appearing to use this as a storage site for scrap metal. The Code Department is working on getting the land cleared. Planting trees and shrubs at this site should prevent excessive dumping, serve as a riparian buffer to mitigate future flooding and erosion, and help with maintenance/mowing by the Public Works crew.

Commissioner Davies asked Mr. Lanman if the Township can get some signage for that Swatara Park Road site, perhaps stating that illegal dumping will result in fines. Mr. Lanman

agreed he can pursue this with the Code Department during the clean-up process, but noted the problem is the property is very remote. Solicitor Henninger added that since this is Township property, the Township has the right to haul away the scrap metal and sell it. Mr. Lanman added there is a huge amount of scrap metal on the site. Mr. Davis noted this site will be more of a back-burner planting area since it will need cleaned-up prior to the plantings.

Commissioner DeHart suggested that another planting site could be the area along the creek, around the Vine Street bridge that goes all the way down to the Turnpike Bridge. Mr. Davis stated that he had not looked at this, but agreed to take a look at this area and determine if it is a viable location.

Mr. Davis reported that these locations will also be posted on the website.

Public Works Department

Mr. Lanman referenced his written report, and noted he would like to focus his report on a meeting held today with Kinsley Construction and Pennsy about the UPS project, specifically the Township-owned portion of the North Union Street upgrade project. There are actually three different projects that are going to happen as part of this, other than what has already happened on the site. Hempt Brothers will do the upgrade to the roads that are state-owned – between Fulling Mill Road and the 283 Interchange on North Union Street. That project is slated to start on March 15 with off-road work, such as signs. The majority of the roadwork for that is planned to occur between 6 P.M. on Fridays and 6 A.M. on Monday, and will be weekend-type work where they will probably shut down the entire intersection. The second portion of that project is the road improvements for the Township portion of North Union Street from the entrance of UPS all the way down to the FedEx area on North Union. There is another section of that which is now involved due to Suez needing to serve water to that site from a different direction. This is going to come down from 80th Street, and will add over 5,000' of water main that is going to come down 80th Street and head south on North Union Street to the UPS parcel. Kinsley will be doing this work as well. The third portion of what will occur for the UPS project will include the installation of the pump station on the north side of the creek. Final design for that is still waiting to be approved.

Another issue is that the bridge on North Union Street that crosses the Swatara Creek is slated to be replaced this year. This may help with traffic control on North Union Street, but will most likely push that traffic to 80th Street. A lot of the conversations at today's meeting revolved

around Kinsley trying to work with Pennsy, also taking into account Byler Quarries and Kreider Farms as well as school busses and emergency vehicles.

Mr. Lanman noted he had requested the Kinsley project manager to come back to the Township with a list of options for road closures. There are two leading options at this point. They were very interested in the ability to use Longview as a detour, but were told that in order to do that, they would have to bond the road similar to how Sunoco pipeline did. There would also need to be flagging on the road on 441 due to the turn. Tractor trailers needed by Pennsy to bring in supplies and equipment for the 80th St. project might not be able to make that 90 degree turn down towards 441 on Longview. This is very problematic. The other option is to close North Union Street between the Flyers Club at the existing pump station and Longview; it would be closed to traffic other than Pennsy, Byler, and Kreider trucks. Kinsley could make the road available to them by leaving it as stone. Mr. Lanman explained that the area between the Flyers Club and Longview is the worst part of this project. The sewer is the deepest there, and it is all rock. Blasting will be necessary. The manhole that is the biggest problem is 6' off the centerline of the road and is 18' deep. They need to dig a hole 18' deep to install a manhole that is wide enough, and there is simply no way to safely work in that road and allow a single lane of traffic. Mr. Lanman noted more details about the preferred option should be in-hand by the next Board meeting. Right now, the initial thought is a full closure from 6 P.M. to 6 A.M. Then from 6 A.M. to 6 P.M., there would be a partial opening for the Pennsy, Byler and Kreider trucks. Mr. Lanman noted they were made aware that they will need to provide notices to the residents regarding the blasting and road construction. He added that they were asked to provide a signalization plan for the temporary traffic signals as well as an extensive detour plan. Mr. Lanman explained there should also be some type of contingency plan for Pennsy, Kreider, Byler, emergency services, etc. to use Longview in the event that something bad happens on North Union Street where it cannot be opened up to them.

Mr. Lanman summarized that this will be a coordination nightmare between whoever gets the bridge project, Hemp Brothers, and Kinsley. He added that if Kinsley gets the pump station project, this will preclude having yet another contractor involved.

Commissioner DeHart asked if Longview will be televised first in order to verify the current condition in the event that it will be used as a detour. He noted this will also be an issue for the residents here. Mr. Fabian agreed that they will need to bond the road, which will probably require pre-televising. Commissioner DeHart and Commissioner Paul both expressed concerns about the

existing poor condition of Longview. Mr. Fabian stated they were informed about this, as well as the problematic curves on this road which will be difficult for tractor trailers to navigate.

Commissioner Paul asked if a timeframe of how long the road will be closed was provided if option 2 is chosen. Mr. Fabian explained that they are working on these details now. He added that there seemed to be a good give-and-take between Kinsley and Pennsy as far as coordination and schedules.

Commissioner DeHart questioned the route of the water line. Mr. Lanman stated he has not seen the water line plans at all, but knows they will be boring underneath the culvert on 80th Street. Commissioner DeHart added the Township still needs to fix that culvert. He stated his major concern is the high pressure gas line that comes down through that area and runs to that quarry. He added it is important to make sure Fiddlers Elbow is not going to be destroyed, and asked the timeline on this. Mr. Fabian explained his understanding is that they want to start on this first, so work could start within a month. Commissioner DeHart added this could also impact the homeowners there who are on well water, and may be required to connect.

Vice President Truntz referenced the concerns previously expressed by residents about the dangerous curve on Longview Drive, and noted tractor trailers on this road will certainly be an issue. He suggested some type of notification be provided. He also referenced the wall at the bridge that Commissioner DeHart had discussed on several occasions, specifically its poor condition. He asked if the bridge replacement will address this. Mr. Lanman explained the bridge replacement is on the bridge that crosses the Swatara Creek. The one that is concern to the Township is the culvert on 80th Street. While it should definitely be replaced at some point, it is being monitored and does not seem to present any eminent danger as far as a collapse. Again, what is being replaced is a Dauphin County bridge that crosses the creek over to Derry Township. Commissioner DeHart asked when that project will start. Mr. Fabian responded plans are to start it this month. He reported that he and Mr. Lanman have spoken to Kinsley about the need to be proactive with communication so that it can be passed on to the public through the Township website and Facebook page. Vice President Truntz suggested information about the County bridge also be posted. Commissioner Paul agreed this bridge replacement is going to be a major problem for people just trying to get home. Commissioner DeHart added that the turnpike bridge by the High School is also scheduled for replacement.

Police Department

Update on body cameras

Chief Visconti reported that he has been working with WatchGuard on quotes for body cameras. Prior to the March legislative meeting, two proposals will be provided to the Board on how to implement this program. One will be a quote he received last October for purchase of a new server to support both the body cameras and the cameras in the cars, and purchase of the body cameras and all related software. The second proposal involves a program which is more of a pay-as-you-go with regards to billing. It involves significantly less startup costs, and there is no server to purchase. Everything is stored via cloud. Chief Visconti added that he hopes the vendor will be available to provide a presentation at the March 17 meeting as well as answer any questions. He added the initial quote from October for option 1 was \$24,000 - \$25,000. This new program, option 2, has a start-up cost of about \$10,000, with an \$8,000 annual cost after that and includes body cameras that are under warranty.

Chief Visconti requested an executive session immediately upon conclusion of this evening's meeting in order to address a legal issue as well as personnel issues.

MANAGER'S REPORT:

Ms. McBride reported that last year, the Township received just under \$299,000 in Liquid Fuels funds. This year, \$277,382 is expected. She noted that \$266,000 was budgeted, since staff was aware there would be a decrease.

The Board will be asked to take action at its March 17 meeting on a Polling Place Lease Agreement with Dauphin County. As previously reported, the County wants to make some improvements to the front of the Township parking area to make it ADA accessible. Solicitor Henninger has reviewed the agreement, and has asked the County to indemnify the Township with regards to the proposed construction.

Draft resolution re: Records' Retention Policy

Ms. McBride reported that the Township has retained a lot of records that it does not legally need to keep. The March legislative meeting will include a resolution that would adopt a manual for a records' retention policy. For example, Statements of Financial Interest only need to be retained for five years, so 2015 statements and earlier can be destroyed. Insurance claims and policies only need to be retained for six years after settlement of the claims or expiration of the

policies, so records from 2014 and earlier can be destroyed. Liquid fuels tax records must be retained for seven years, so records from 2013 and earlier can be destroyed. Account distribution summaries (Treasurer's Reports), Accounts Payable and Accounts Receivable files and ledgers need to be retained for 7 years, so years 2013 and earlier can be destroyed. Ms. McBride stated she hopes that Board will give serious consideration to adopting this policy.

Solid Waste/Recycling Contract

The Township's solid waste/recycling contract expires at the end of this year, but does include a renewal option which must be agreed to by August. Ms. McBride explained that she will be seeking Board direction soon on whether it wishes to renew the contract or place it out for bid.

ENGINEER'S REPORT:

Mr. Fabian updated the Board on the Rosedale Manor Stormwater project. He and Mr. Lanman had a site visit today with the contractor, Doli, to review all of the pending curb and re-pavement areas and talk through potential conflicts with third party utilities. Presently, their main line is working on Lexington, and they are doubling back with an additional crew to do a lot of the cross drains. They are looking to have a potential two to three month extension from the covid and Monarch delays, which pushes substantial and final completion to a July/August/September timeframe. Doli has been asked to refine their schedule and resubmit it.

An update was provided on the 2021 Stormsewer Replacement Project, which includes 217 Delmont Avenue, Scarlett Lane, and Spring Garden Drive in front of the caterers. Survey has been completed, as well as the subterranean utility exploration work. Final design preparation should start soon.

Plans for the Cockley Road Culvert replacement have been finalized; a copy is in the Board packets.

Fulling Mill Road boat launch

Mr. Fabian reported that there was a meeting at 6:00 P.M. this evening with the Recreation Board to discuss the proposed plans for the Fulling Mill Road boat launch. The members in attendance felt that the original concerns expressed were addressed in this current design, and they felt comfortable forwarding it to the Board of Commissioners for final approval. Mr. Fabian highlighted some of the features of this plan for the boat launch, access drive, and parking areas. Due to restrictions associated with work in the floodplain area, they tried to be as much at-grade as

possible. What is proposed is a 15' wide concrete boat launch. There are some restrictions with the existing sanitary sewer going over to Derry Township Municipal Authority, so the contractor for this project will need some coordination with them. Mr. Fabian noted this design is very typical of what he sees for the kayak and canoe launches that the Fish and Boat Commission has installed on the Juniata and Susquehanna, so they should be pleased with the design, especially with the restrictions of the railroad parcels and the existing utilities around the boat launch area.

Mr. Fabian remarked that when he came before the Board several months ago with a conceptual drawing, 25 – 30 parking spaces were estimated. A portion of the parking area was able to be shortened and widened, allowing 40 cars to fit, including a grass median. There will be signage to encourage drivers to travel through in a clockwise motion. There will also be some signs on the back-end allowing offsite parking on the gravel surface during the heavy-use season.

Commissioner Paul referenced the force main that goes to Derry Township, and observed it is really close to the ramp. He asked if any problems are foreseen from Derry's perspective. Mr. Fabian responded he does not feel there will be concerns due to the fact that it is already eroding pretty badly. This work may actually stabilize a potential issue. Mr. Lanman added that he had spoken to Derry Township, and they did not express any concerns. He did tell them that they will be sent a copy of the design for their review once the Township had finalized it.

Commissioner Davies stated he has some questions about the at-grade rail crossing. How will be paving be dealt with at that at-grade crossing, and who bears responsibility for this – the Railroad or the Township? Mr. Fabian explained there is no change proposed to the at-grade rail crossing. Commissioner Davies asked if there will be any change to the signage that is now on the at-grade crossing. Mr. Fabian stated that right now, the only signage is for the aids to navigation during the construction of the boat launch. No changes are being proposed to the "Road Closed" sign where the covered bridge used to be, or anything else at this at-grade closing. Commissioner Davies stated his concern is that there appears to be very little notification that this is indeed a rail crossing. Mr. Lanman added he believes responsibility for that lies on the Railroad.

Commissioner Davies noted there appears to be no signage indicting to individuals who are unfamiliar with this road that it does indeed end there. Commissioner Paul asked if the permanent barricade is still there. Commissioner DeHart confirmed that it is, although it is falling apart. This is PennDot's responsibility. Solicitor Henninger noted he assumes this is a Penn-Dot right of way,

and that they did not abandon it at the rail crossing. Commissioner DeHart added there is a "No Outlet" sign coming in from North Union Street.

Vice President Truntz agreed with Commissioner Davies' comments. The Township is improving that area and making it more attractive. Despite whoever is legally responsible, there needs to be proper signage. Solicitor Henninger agreed, but noted it would require PennDot approval. Mr. Fabian presented some current photos of the area, and noted there is a stop sign prior to the road crossing. Commissioner Davies asked if his understanding is correct that vehicles will be pulling right to the edge of this boat ramp to unload boats. Mr. Fabian agreed that he anticipates this will be the case. Commissioner Davies stated he feels there may also be the need for a sign prohibiting drivers from parking on the tracks. Again, some people may not be aware that this is an active, at-grade crossing. Commissioner DeHart agreed signage is always helpful.

Commissioner Paul suggested it might be good to run these improvements by the Railroad. Commissioner Davies agreed this is an excellent idea. Mr. Fabian stated he would have no problem doing so, and would also agree with putting up some additional signage on the Township portion of the property. Mr. Lanman remarked that it is also important to remember that overloading the area with signs may result in people not reading any of them. Staff can come up with some ideas on the signage.

The Board expressed no objection to the actual design of the proposed plan.

Commissioner Davies referenced the stormwater replacement project, specifically involving the issue on Spring Garden Drive and the sign there. He asked if there is any way to put a steel plate over the hole. The sign and cones have been there for many months, and residents are continually questioning this. Mr. Lanman stated he would not recommend opening traffic back up on it. If it is plated, more signage should be put around the plate. Mr. Fabian reported that now that the survey work is done, a final design should be prepared this month and then go out to bid. He anticipated the Township is about three to four months tops from having a final solution in place there. Mr. Lanman added this is not a simple pipe replacement or inlet replacement due to some complicating factors.

SOLICITOR'S REPORT:

Solicitor Henninger expanded on Ms. McBride's report regarding the Polling Place Lease. He noted that he had reviewed the revised County contract with regards to the polling place improvements here at the Township Building. The indemnification language was added. Basically, the Township will have a 90-day out and they will have a 30-day out, and the fee is \$75/year. The County will pay for the improvements, and the Township will be protected under that contract and lease.

The resolution referenced earlier relative to the destruction of records also includes the necessity for additional approvals by the Board prior to destruction of particular records. Records are not automatically destroyed if they meet the guidelines for disposal.

Solicitor Henninger asked Ms. McBride if the current waste hauler has indicated interest in the provision to extend the contract. Ms. McBride responded she believes they are interested. Solicitor Henninger informed the Board that he and Ms. McBride will discuss this, and have more details by the March 17 legislative meeting. If the Board decides to put this contract out for bid, the bid package will need to be prepared soon.

Solicitor Henninger also requested an executive session upon conclusion of this evening's meeting in order to update the Board on the Highspire litigation.

GOOD AND WELFARE:

Commissioner DeHart observed the Board's calendar shows a Planning Commission meeting on a Friday. Ms. Arroyo responded this was a mistake – the meeting is actually that Thursday. Commissioner DeHart also thanked the Public Works crew for the fine job on snow removal. He suggested Mr. Lanman consider the possibility of pursuing, perhaps through a grant, the purchase of a briner to make brine for the roads, especially with the increased truck traffic the Township will be experiencing. Mr. Lanman explained the system on the one truck is a pre-wetting system for salt, not a brining system. He agreed he could look into a system to create the brine and brine the roads. The location of the existing salt barn could be a possible location for the brine system.

Commissioner Davies agreed that the Public Works crew did an excellent job on snow removal this season. He also supported the idea of looking into the possibility of a brine system in the upcoming budget.

Vice President Truntz stated he had sent an exploratory text out this week asking if there was interest in resuming hybrid Zoom meetings at the Township Building. Those that want to come to the building to participate could, while those wanting to participate at home through Zoom could continue to do so.

President Wilt thanked everyone for their participation tonight, and echoed the compliments on the fine job the Public Works crew did with snow removal this season.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Commissioner Davies, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:33 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